

ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXVI.

An Act for embanking and draining certain Salt Marſhes and Low Lands within the ſeveral Pariſhes of *Spalding*, *Moulton*, *Whaplode*, *Holbech*, and *Gedney*, in the County of *Lincoln*; and for preventing the ſame Marſhes and Lands from being overflowed with the Sea; and for altering an Act paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for dividing and incloſing the Commons, Marſhes, Droves, Waſte Lands, and Grounds, in the Pariſh of* Gedney *and Hamlet thereof, called* Gedney Fen, *in the County of* Lincoln.

[3d *June* 1793.]

 WHEREAS

Preamble.



WHEREAS there are, within the Parishes of Moulton and Gedney in the County of Lincoln, certain Commonable Salt Marshes and unprofitable Grounds, and also in the said Parishes, and in the Parishes of Spalding, Whaplode, and Holbech, in the said County, certain Parcels of private Salt Marshes, belonging to the Right Honourable Frederick Lord Boston, the Right Honourable Sampson Lord Eardley in the Kingdom of Ireland, as Lessee under the Crown, the Heirs of the late Brice Fisher Esquire, the Right Honourable John Earl of Buckinghamshire, Nathaniel Garland Esquire a Minor, William Drake Esquire, Marmaduke Dayrell Esquire, John Storer, Messieurs Robert and William Freeman, and Coates, which said Commonable and Private Salt Marshes are at Spring Tides overflowed by the Sea, and are bounded towards the South, in an irregular Line, by the present Sea Bank, towards the North and North-west by the German Ocean, and by the Wash commonly called Fosdike Wash, and towards the South-east by a Part of the Salt Marshes belonging to Guy's Hospital, extending from the North-west Corner of Wragg Marsh Farm in the said Parish of Spalding, and including the same, to Boatmeer Creek, which divides the Commonable Salt Marsh in Gedney, from the Estate belonging to Guy's Hospital, and from thence to the present Sea Bank, and which Commonable and Private Salt Marshes contain in the Whole by Estimation about Four thousand five hundred Acres: And whereas the said Salt Marshes are now of little Value, and the embanking and draining thereof, and preventing the same from being overflowed with the Sea, will be of great Advantage to all Persons interested therein: And whereas it is necessary that an entire New Bank next the Sea should be made, for the Protection and Security as well of the said unembanked Salt Marshes, as of other Salt Marshes adjoining thereto; and that the said Bank should not only be constructed and extended in One continued Line, from the North-west Point or Corner of Wragg Marsh Farm, in the said Parish of Spalding, to the said Boatmeer Creek, and from thence to the present Sea Bank; but also, that Cross Banks should be constructed, and general Partitions of the Property made, for the Purposes herein-after mentioned; but the several Works aforesaid cannot be effected

without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Thomas Glover Ewen, of the City of Norwich, Gentleman; Edward Hare, of Castor in the County of Northampton, Gentleman; and George Maxwell, of Fletton in the County of Huntingdon, Gentleman; and their Successors to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for embanking and draining the aforesaid Commonable and Private Salt Marshes, and for carrying this Act into Execution; and any Two of the said Commissioners, or their Successors, are hereby fully authorized and empowered to act and to 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 Commissioners herein-before appointed, or their Successors, 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 said 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, and a Majority of the several Persons herein-after authorized to vote in the Election of a Commissioner, shall from Time to Time, and they are hereby authorized and required, by Writing under their Hands and Seals, within Thirty Days next after such Death or Neglect, Refusal or Incapacity to act shall happen or be known, or so soon after as Occasion shall require, to nominate and appoint another Commissioner or Commissioners not interested in the said intended Embankment, in the Stead and Place of every Commissioner dying, refusing, or neglecting to act, or becoming incapable of acting as aforesaid; and in case the surviving or remaining Commissioner or Commissioners, and such Majority of the several Persons so authorized as aforesaid to vote in the Election of a Commissioner, shall neglect or refuse to nominate and appoint such new Commissioner as aforesaid, in the Place or Stead of any Commissioner so dying, refusing, or neglecting to act, or becoming incapable of acting, for the Space of Thirty Days next after any such Commissioner or Commissioners shall die, In case of Death, new Commissioners to be appointed, and how.

die, refuse, or neglect to act, or become incapable of acting, or if all the Commissioners shall happen to die before any new Commissioner or Commissioners shall be appointed, then, and in every such Case, a new Commissioner not interested in the said intended Embankment shall be appointed in the Place or Stead of every Commissioner so dying, refusing, or neglecting to act, or becoming incapable of acting as aforesaid, by a Majority of the several Persons herein-after authorized to vote in the Election of a Commissioner or Commissioners, who shall be present at a Meeting to be specially appointed for that Purpose, as herein-after is mentioned; provided that every such Appointment of a new Commissioner be reduced into Writing, and signed by the Persons appointing or electing him; and such Appointment so signed shall be entered in the Minutes of the Proceedings of the said Commissioners, and be annexed to their Award hereinafter directed to be made, and shall be inrolled by the Clerk of the Peace for the Parts of Holland in the said County of Lincoln, or in One of His Majesty's Courts of Record at Westminster.

Moulton and *Gedney* Commoners to appoint Delegates to vote for Commissioners and Trustees, &c.

III. Provided always, and be it further enacted, That the Commoners or Persons severally interested in the Commonable Salt Marshes of Moulton and Gedney respectively, or in the Allotments that may be made thereof, under the Authority of any other Act or Acts of Parliament, either for an Estate of Freehold or Inheritance in Possession, or as Lessees under beneficial Leases, shall, and they or their Agents appointed in Writing are hereby impowered to hold a Meeting annually in the respective Parish Churches of Moulton and Gedney on Easter Monday in every Year; or in case of the Death, Neglect, Refusal, or Incapacity to act of any Commissioner for carrying this Act into Execution, happening before Easter Monday One thousand seven hundred and ninety-four, then it shall and may be lawful for the said Commoners or Persons severally interested as aforesaid, or their Agents appointed in Writing, to hold a like Meeting at any Time within Fourteen Days after such Death, Neglect, Refusal, or Incapacity to act, the same to be previous to any Meeting for electing a new Commissioner or Commissioners, and to be fixed by the surviving or continuing Commissioners or Commissioner in this Act named, who shall cause at least Ten Days previous Notice thereof to be given in the several Parish Churches of Moulton and Gedney, immediately after Divine Service on some Sunday; and in case no such Notice shall be given or Day fixed as aforesaid, then

it shall and may be lawful for the said Commoners or Persons interested as aforesaid, or their Agents, to hold a Meeting in their said several and respective Parish Churches of Moulton and Gedney aforesaid, on the Fourth Monday next after the Death, Neglect, Refusal, or Incapacity to act of the said Commissioner or Commissioners; and the said Commoners or Persons severally interested as aforesaid, or their Agents, who shall be present at such several Meetings as aforesaid, or the major Part of them there present, shall severally appoint, under their respective Hands, Two Persons as Delegates for each of the said Sets of Commoners or Persons interested as aforesaid; that is to say, Two Persons as Delegates for the said Commoners or Persons interested in the said Commonable Salt Marshes of Moulton, or in the Allotments that may be made thereof as aforesaid, and Two Persons as like Delegates for the Commoners or Persons interested in the said Commonable Salt Marshes of Gedney, or in the Allotments that may in like Manner be made thereof; and which said Delegates, or any of them so severally appointed as aforesaid, shall have full Power, and they are hereby authorized and required to vote in the Election of any new Commissioner or Commissioners, and also to act as Trustees, together with the other Trustees hereby appointed for the Purposes herein-after mentioned, together with the several other Persons authorized by this Act to vote and act on those Occasions; and in Default of such respective Appointments of Delegates for the several Commoners or Persons interested in the Commonable Salt Marshes of Moulton and Gedney as aforesaid, or in case of the Non-appearance of all or any of such Delegates to vote at such Elections of Commissioners respectively, the several other Persons authorized by this Act to vote, shall proceed to the Election of a new Commissioner or Commissioners; and such respective Elections shall be good and valid notwithstanding the Non-appointment or Non-appearance of all or any of such Delegates.

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

I *A. B.*

Commissioners Oath.

I *A. B.* do swear, 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 embanking and draining certain Salt Marshes and Low Lands within the several Parishes of* Spalding, Moulton, Whaplode, Holbech, *and* Gedney, *in the County of* Lincoln, *and for preventing the same Marshes and Lands from being overflowed with the Sea*, without Favour or Affection to any Person whomsoever.

So help me GOD.

Which Oath 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, so taken and subscribed by every Commissioner, shall be annexed to the Award to be made by the said Commissioners, and be enrolled therewith.

Commissioners empowered to examine Evidence on Oath.

V. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to call for and hear Evidence, and to administer an Oath (or, being of the People called Quakers, a solemn Affirmation), to such Person and 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 First and other Meetings.

VI. And be it further enacted, That the said Commissioners shall cause Notice to be given in the said Parish Churches of Spalding, Moulton, Whaplode, Holbech, and Gedney aforesaid, on some Sunday immediately after Divine Service, or otherwise in Writing upon the Doors of the said Churches respectively, and also in the Cambridge Chronicle, and Lincoln and Stamford Newspapers, 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 Ten Days before any such respective Meetings shall be held; and that it shall and may be lawful to and 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

journ such appointed Meeting to such Time and Place as he shall think most convenient, not exceeding Ten Days from the Time of making such Adjournment; in which Case, he is hereby required to give Notice, or cause Notice to be given, to the absent Commissioners, of the Time and Place to which he shall make such Adjournment.

Allowance to Commissioners.

VII. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Two Pounds and Two Shillings, and no more, for every Day's Attendance of such Commissioners; 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 pay the Expences which they respectively shall incur by means of attending such Meetings.

Survey to be made.

VIII. And be it further enacted, That the said Commissioners, before they proceed to make the Embankment hereby directed to be made, shall cause a Survey, Admeasurement, and Map to be made and taken by some proper Person or Persons, of the Whole and every Part of the said Commonable and Private Salt Marshes intended to be embanked, with the ancient Divisions between Party and Party, and between the said Commonable Salt Marshes of Moulton and Gedney, and the Property of the Proprietor or Proprietors next adjoining to the same Marshes respectively; or if the said Commissioners, instead of a new Survey, Admeasurement, and Map, shall be satisfied with One that has been already made and taken by James Creasy of Clerkenwell, in the County of Middlesex, Surveyor, then, and in such Case, a new One shall not be made, but the said Survey, Admeasurement, and Map so already made and taken, shall be adopted, and the said Commissioners shall pay such Compensation for either of the said Surveys, Admeasurements, and Maps, as they shall think adequate: And such Survey, Admeasurement, and Map already made and taken, if the same shall be adopted, or if it shall not be adopted, then such new Survey, Admeasurement, and Map hereafter to be made, shall be laid before the said Commissioners at their several Meetings to be then after held in pursuance of this Act, and shall be verified on the Oath of the Person or Persons making or having made the same, which Oath any One of the said Commissioners is hereby empowered to administer; and such Surveyor or Surveyors, and also the said Commissioners, and every of them, together with their Servants or Persons employed by them, shall, and they hereby

have full and free Liberty and Power, at all Times after the passing this Act, and before the Execution of the said Award, and afterwards, if Occasion shall require, to enter into and upon the said Commonable and Private Salt Marshes intended to be embanked, to view, examine, admeasure, and embank the same and every Part thereof.

Commissioners to shorten the Divisions between Party and Party.

IX. And whereas the Ancient Divisions or Fences of the said Private Salt Marshes between Party and Party, and between the said Commonable Salt Marshes of Moulton and Gedney, and the Lands next adjoining to the same, are in a Variety of Instances irregular and uneven, by means whereof, a great Loss is sustained in such Divisions or Fences, the same being of greater Extent than necessary, besides the additional Expence necessary for maintaining the same Divisions or Fences: Be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, to alter, remove, shorten, or straighten such of the said Ancient Divisions or Fences, or cause new or other Divisions or Fences to be made of the said Private Salt Marshes, between Party and Party, and between the said Commonable Salt Marshes of Moulton and Gedney, and the Property of the Proprietor or Proprietors next adjoining the said Commonable Salt Marshes respectively, in such Places and Instances as to them shall seem most convenient, so as to preserve the Frontage of the Parties interested, in Manner herein-after provided for, and to make such Compensation to either Party, on or through whose Land such new or altered Division or Fence shall be made, as to them the said Commissioners shall seem just, either by way of Exchange of Land, or by such other Ways and Means as they shall order by their said Award.

As to new acquired Frontage to Proprietors of principal Salt Marshes.

X. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required to make such Parts of the Divisions before mentioned, as will abut upon the New Sea Bank herein directed to be made, in such Manner as to preserve straight Lines of One hundred Yards in Length, and as nearly parallel to each other as may be, upon the Marshes within the said New Sea Bank; and that all Claims to future Accretion of Salt Marsh shall, from and after the Execution of the Award of the said Commissioners hereinafter directed, be regulated by a Continuation of the said straight Lines across the said New Sea Bank, and into the Salt Marshes, to be from Time to Time for ever hereafter acquired from the Sea; so that no Person or

Persons

Persons shall be intitled to or have Right of Common upon any further Part of the said new acquired Salt Marshes, than shall have a Frontage on such of the Private or Commonable Salt Marshes within the said New Sea Bank, as belong to or as are enjoyed by the same Person or Persons so claiming to be intitled to such Accretion of Salt Marsh as aforesaid.

As to new acquired Frontage for *Moulton* and *Gedney*.

XI. Provided always, That all such future Accretions of Salt Marsh fronting the Two several Commonable Salt Marshes in the several Parishes of Moulton and Gedney (except so much as will become the Property of the said Earl of Buckinghamshire, as herein-after provided for), shall be, and are hereby vested in the several Persons intitled to Rights or Interests in the said several Commonable Salt Marshes herein directed to be embanked, in such and the same Proportions and Interests which such Persons now respectively have or enjoy in the said Commonable Salt Marshes herein directed to be embanked.

Commissioners not to exchange any Part of Mr. *Garland*'s Property without his Consent.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to vest in the said Commissioners named in this Act, or any Person or Persons whomsoever acting under the Authority of this Act, any Power of exchanging or taking away any Part of the Property of the said Nathaniel Garland, for any of the Purposes of this Act, without the Consent of the said Nathaniel Garland, his Heirs or Assigns, (save and except such Part and so much thereof as is necessary to be cut through and taken for forming the said intended Bank, and Cesses or Forelands thereof, for the Protection of the same Lands; and also save and except so much thereof as shall or may be necessary to be cut through, for forming the Parallel Lines of Division under the new Sea Bank herein-before provided for); any Thing herein contained to the contrary thereof in anywise notwithstanding.

Exchange between the Earl of *Buckinghamshire* and *Moulton* Commissioners.

XIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out and allot unto the said Earl of Buckinghamshire, his Heirs and Assigns, out of so much of the Commonable Salt Marsh of Moulton aforesaid as abuts upon the Creek called Holbech Creek, and upon the Creek running into the same, at or near Key Dam, as will give unto the said Earl, his Heirs and Assigns, a Frontage next the Sea of not less than Ten, or more than Fifteen Chains in Width, measuring Westward from the West Side of the said Creek called Holbech Creek, and to be continued as nearly as may be in a Line parallel with the said Creek called

called Holbech Creek, unto the other Creek running into the same Holbech Creek, at or near Key Dam, and in lieu of and Compensation for as well the said Land so to be set out and allotted unto the said Earl, his Heirs and Assigns, as the said Frontage to which the said Earl, his Heirs and Assigns, will be entitled under the Provisions herein-before made, they the said Commissioners shall, and they are hereby required to set out, allot, and annex unto the remaining Commonable Salt Marsh in Moulton, so much and such Part or Parts of the Private Salt Marsh belonging to the said Earl, as lieth between the Private Salt Marsh belonging to Brice Fisher Esquire, and the said Commonable Salt Marsh of Moulton; and in case such Lands so last described shall not, in the Judgement of the said Commissioners, Quantity, Quality, and Situation considered, be of equal Value with such Lands so to be allotted to the said Earl, his Heirs and Assigns, and Frontage as aforesaid, then the said Commissioners shall, and they are hereby required to ascertain and settle what Sum of Money will be equivalent to the Deficiency so to arise, which said Sum of Money shall be paid and applied by the said Earl, his Heirs or Assigns, for the Benefit of the several Persons interested in such Commonable Salt Marsh, in such Manner as the said Commissioners shall, by any Writing under their Hands, order and direct; and the Lands of the said Earl, so to be taken in Exchange, shall be and are hereby declared to be vested in the several Persons interested in the said Commonable Salt Marsh in Moulton aforesaid, and subject to the same Rights of Common, and other Rights and Interests, as the other and remaining Part of the same Commonable Salt Marsh is subject to.

Compensation to Mr. *Fydell* and Mr. *Elston* for certain Buildings.

XIV. And whereas Thomas Fydell Esquire, Under Lessee to the said Earl of Buckinghamshire, and Torry Elston, Tenant to Nathaniel Garland Esquire, have erected certain Buildings on their respective Lands so held by them respectively, which may become necessary to be taken down and removed; be it further enacted, That the said Commissioners shall, and they are hereby required, out of the General Fund herein-after directed to be raised, to well and truly pay, or cause to be paid, unto the said Thomas Fydell, his Executors, Administrators, or Assigns, the Sum of Two hundred Pounds, and unto the said Torry Elston, his Executors, Administrators, or Assigns, the Sum of Sixty Pounds, as and for a Compensation for the Inconvenience to arise to them respectively from the Execution of the said Embankment.

XV. And

XV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to direct and order the said Commonable and Private Salt Marshes to be embanked from the Sea in an effectual Manner, and for that Purpose to cause a good and substantial Bank to be made, beginning at the North-west Corner of Wragg-Marsh Farm, in the said Parish of Spalding, and extending all along against the said Wash and Sea, to the present Sea Bank at or near Boatmeer Creek aforesaid, taking in the Frontage Lands next the said Wash and Sea, save and except such Flood Gates, Tunnels, and Sluices as shall be necessary for conveying the Water through the same Banks as hereinafter mentioned; so that such Bank shall not be less in the lowest Parts of the Frontage of the unembanked Salt Marshes than Eleven Feet perpendicular Height, and Sixty-three Feet and a Half wide in the Base, with a Slope not less than Four Feet in each Foot of Height from the Top to the Foot, on the Side thereof next the said Wash and Sea, and Eighteen Inches in each Foot of Height on the Land Side thereof; and not less in the highest Parts of the Frontage of the said unembanked Salt Marshes than Eight Feet perpendicular Height, and Forty-seven Feet wide in the Base, with the same Slope of Four Feet in each Foot of Height on the Sea Side, and Eighteen Inches in each Foot of Height on the Land Side thereof; and in the intermediate Parts of the Frontage of the said unembanked Salt Marshes, of such respective Heights and Widths as shall preserve an horizontal Level on the Top of the said Bank, with the same Slope of Four Feet in each Foot of Height on the Sea Side, and Eighteen Inches in each Foot of Height on the Land Side thereof; and also cause to be made Cross Banks of the same horizontal Levels, and with a Slope on each Side thereof, of not less than Eighteen Inches in each Foot of Height in all such of the narrowest Parts of the said unembanked Salt Marshes, as to the said Commissioners shall appear necessary for preventing a general Inundation in case of a Breach in any Part of the said Boundary Bank; and also well and sufficiently flag the Slope of the said Bank on the Sea Side thereof with Sods not less than Two Inches and a Half thick; and also sow, or cause to be sowed, all the said Banks with Rye Grass, and set out such Private Roads and Foot Roads, and Bridges, across the said unembanked Salt Marshes, as to them shall seem necessary; and also make, or cause to be made, new Drains, in such Places on the said unembanked

Commissioners to embank,

Salt Marshes, and of such Dimensions and Depths as they shall think proper; and to vary or change the Course of the present Creeks; and also make, or cause to be made, such Sewers, Sluices, Tunnels, and other Works through the same Boundary Bank into the said Wash and Sea, for preserving, draining, and improving the said unembanked Salt Marshes, as they shall think requisite and necessary for discharging the Waters through the same, from the adjoining Salt Marshes which are already embanked; and 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.

and do other Works.

Owners of Estates adjoining the embanked Marshes may drain through them as before.

XVI. Provided always, and be it enacted, That the Owners and Proprietors of Estates adjoining to the Marshes by this Act intended to be embanked, shall have the same Right and Authority of draining such Estates through such newly embanked Marshes, and through the new Sluices hereby directed to be made, by virtue of this Act, as they had, before the passing thereof, through the old embanked Marshes and ancient Sluices adjoining thereto; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Trustees appointed.

XVII. And be it further enacted, That the Right Honourable Frederick Lord Boston, the Right Honourable Sampson Lord Eardley, or the Lessee for the Time being of that Part of the Crown Estate now held by him within the said Parish of Moulton, commonly called Moulton Marsh Farm, the Owner or Owners of the Estate within the said Salt Marshes so intended to be embanked, late of the aforesaid Brice Fisher deceased, the Right Honourable John Earl of Buckinghamshire, the Senior Bursar of Saint John's College in the University of Cambridge for the Time being, Nathaniel Garland Esquire, William Drake Esquire, Marmaduke Dayrell Esquire, John Storer, Messieurs Robert and William Freeman, and Coates, and such of the Heirs and Assigns of the said several Persons next herein-before named and described, as are Owners and Proprietors for the Time being of, and interested in the said Private and Commonable Salt Marshes, intended to be embanked, to the yearly Value respectively of Fifty Pounds or upwards, or of any Allotments to be made of the said Commonable Salt Marshes, by the Authority of any other Act or Acts of Parliament, either for an Estate of Freehold, or Inheritance in Possession, of the yearly Value of Twenty Pounds or upwards; and the said Four several Persons, who shall be chosen as Delegates

for the Commoners, or Persons interested in the said Commonable Salt Marshes of Gedney and Moulton, or in the Allotments that may be made thereof respectively as aforesaid, and their Successors, shall for ever be, and they are hereby appointed Trustees, for the Purposes herein-after mentioned.

Appointment of Superintendent.

XVIII. And be it further enacted, That the said Trustees, or their Successors, or such of them as shall think proper to meet, or the Agents of such of them as shall have been appointed in Writing in that Behalf, shall annually meet on Thursday in Easter Week, at the Chequer Inn in Holbech aforesaid, or at such other Place as the said Trustees, or the major Part of them, or their Committee to be appointed as herein-after mentioned, shall think proper; and the Majority of the said Trustees, who by themselves or their Agents shall attend such annual Meeting, shall then and there, by Writing under their Hands, appoint some fit and proper Person to be Superintendent of the said Embankment and other Works, with such Salary, not exceeding the Sum of Forty Pounds, as shall be mentioned in such Appointments; and after the said Banks, Drains, Creeks, Sewers, Sluices, Tunnels, and other Works, and the Bridge herein-after specially provided for, over the Drain in the said unembanked Salt Marshes, in the Parish of Moulton, shall be perfected by the Order of the said Commissioners, and they shall have made their Award as herein-after directed, the said Banks, with the Cess or Foreland on the Land Side thereof, and the said Creeks, Drains, Sewers, Sluices, Tunnels, and other Works, and also the said Bridge, shall be vested in the said Trustees for the Time being, as a Corporation in perpetual Succession, in Trust for the Purposes of this Act; and as well the said Banks so directed to be made, as the said Drains, Creeks, Sewers, Sluices, Tunnels, and other Works, and also the said Bridge herein-after specially provided for, 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 Superintendent for the Time being, and every Acre of the said Private Salt Marshes which shall be comprised within the said New Embankment, and every Acre of the said Commonable Salt Marshes within the same Embankment, after such Commonable Salt Marshes shall be allotted and divided by the Authority of any other Act or Acts of Parliament, and until the same shall be so allotted and divided, the respective Messuages, Tenements,

Banks, &c. vested in the Trustees, and put under the Care of the Superintendent.

nements, Lands, or Grounds, by which a Right of Common upon the said Commonable Salt Marshes shall belong, as the same are herein directed to be set forth and described in the Award of the Commissioners under this Act, shall be chargeable by the said Superintendent, from Time to Time, with such annual Tax or Rate as he shall think proper, not exceeding the Sum of One Shilling per Acre in any One Year, for every Acre of the Private and Commonable Salt Marshes comprised within the New Embankment, which said Tax or Rate shall be payable to the said Superintendent, on the Twenty-fourth Day of June in every Year, and shall be applied by him in retaining to himself the said Salary, and in the Maintenance, Repairing, and Support of the said New Banks, with the Cess or Foreland thereof, and of the Drains, Creeks, Sewers, Tunnels, and other Works, and the said Bridge; and the Surplus, if any, shall be paid over by him upon his going out of Office to his Successor; and the said Superintendent shall be, and he is hereby empowered and required, by Writing or Writings under his Hand, to call upon the several Persons, who have usually repaired the present Sea Bank, extending from the said Wragg Marsh Estate, and including the same unto or near the said Boatmeer Creek, severally requiring them to repair such Parts thereof, as they respectively have been used to repair, and as in his Judgement shall from Time to Time be in want of Repair; and the said several Persons are hereby required to make such Repairs of the said present Sea Bank accordingly; and in case of Neglect or Refusal to repair the same, for the Space of Two Calendar Months from the Day of the Delivery of the Notice or Notices in Writing so to be given as aforesaid, it shall and may be lawful for the said Superintendent to repair, or cause to be repaired, the said present Sea Bank, as mentioned in such respective Notices, and to demand the Expences thereof, of such Person or Persons as heretofore usually repaired the same, or of his and their known Agents, or of the Person or Persons who hereafter shall become liable to repair the same; and if the said Expence is not paid within Thirty Days after such Demand, (which is hereby required to be made in Writing, and left at the Dwelling House of such respective Person or Persons, or their known Agents respectively), the same shall be recoverable by an Action at Law on the Case, to be commenced in the Name of the Superintendent for the Time being.

who is to make an annual Rate,

and to repair Banks from *Wragg Marsh* to *Boatmeer Creek*.

XIX. Pro-

XIX. Provided always, and be it further enacted, That the several Sluices through the said present Sea Bank shall be repaired from Time to Time at the Expence of the several Persons who shall be Owners of Land draining through the same at the Time when the Repairs of the said several Sluices shall become necessary; and the said Superintendent for the Time being is hereby empowered and required to give the like Notice in Writing for repairing the same, as he is hereby empowered and required to give, in respect to the Repairs of the said present Sea Bank; and in case of Neglect or Refusal to repair on such Notice as aforesaid, the said Superintendent shall repair the same, and recover the Expences of such Repairs respectively against the several Owners of Lands draining through the said Sluices, by a like Action at Law on the Case, to be commenced in the Name of the said Superintendent for the Time being. For repairing the Sluices in the present Sea Bank.

XX. And whereas there are Two Publick Sluices erected for the Purpose of draining the Lands within the several Parishes of Moulton, Whaplode, and Holbech, and likewise several Private Sluices for draining the Lands adjoining to the Marshes by this Act intended to be embanked, and as it is necessary that such Drainages should be effectually preserved, be it further enacted, That the said Commissioners shall, and they are hereby required, out of the General Fund herein-after directed to be raised, to build or cause to be built a new Sluice, at or near the Mouth of the Holbech Creek, in the said Parish of Holbech, not less than Sixteen Feet wide, and to lay the Floor of the same Two Feet lower than the present Sea Sluice; and that the said Commissioners shall in like Manner build or cause to be built One other Sluice for the Drainage of the Lands within the Parish of Moulton, at or near the Mouth of Holbech Creek; and that such last mentioned Sluice shall be Ten Feet wide at the least, and the Floor thereof shall be laid at least Eighteen Inches lower than the present Sea Sluice: And that the said Commissioners shall in like Manner build, or cause to be built, One other Sluice at or near the Mouth of the Old Fleet Haven, in the said Parish of Holbech, for draining the several Marshes adjoining the same; and that such last mentioned Sluice shall be Eight Feet wide at the least, and that the Floor thereof shall be laid Eighteen Inches lower than any of the Sluices in the present Sea Bank: And that the said Commissioners shall in like Manner build, or cause to be built, One other Sluice at or near the Mouth of Dawsmeer Creek, For building certain new Sluices.

in the said Parish of Gedney, for draining the several Marshes adjoining thereto; and that such last mentioned Sluice shall be Five Feet wide at the least, and that the Floor thereof shall be laid Eighteen Inches lower than the Sluices in the present Sea Bank: And that the said Commissioners shall in like Manner build, or cause to be built, One other Sluice at or near Boatmeer Creek, in the said Parish of Gedney, for draining the Lands adjoining thereto; and that such last mentioned Sluice shall be Four Feet wide at the least, and that the Floor thereof shall be laid Twelve Inches lower than the present Sluice called Baker's Sluice: And the said Commissioners shall also build, or cause to be built, all such other Sluices as shall be by them thought necessary for effecting the Purposes of this Act; and shall also make Drains for Conveyance of the Water from the present Sluices to the several Sluices so directed to be built: And as well the said last mentioned Sluices as the said Drains so to be made, shall from thenceforth be considered as Part of the Works, to be from Time to Time repaired out of the said Rates, by the said Superintendent to be appointed as aforesaid: And upon Neglect in the said Superintendent, it shall be lawful for any Surveyor or Surveyors of the Works of Sewers, or other Person or Persons whomsoever interested in the Conveyance of the Water through the said Sluices, from Time to Time to cleanse and scour, or cause to be cleansed and scoured, the said Drains; and in case the Expence thereof is not paid within Fourteen Days after Demand made, the same shall be recoverable by an Action at Law against the said Superintendent, to be commenced in the Name or Names of the said Surveyor or Surveyors, or other the said Person or Persons who shall have so cleansed and scoured the said Drains, or caused the same to be cleansed and scoured as before mentioned, and the said Superintendent shall also pay all the Costs and Charges of the said Action.

If Superintendent neglects to open Sluices, Application may be made to a Justice.

XXI. Provided always, and be it further enacted, That if any Person or Persons interested in, or appointed from Time to Time to take Care of the Old Sluices through which the Waters drain from the Lands contiguous to the said Embankment, shall find any Neglect in the said Superintendent from Time to Time in the opening all or any of the said Sluices to be made by virtue of this Act, it shall and may be lawful for the said Person or Persons so interested in or appointed as aforesaid, to give Notice to the said Superintendent to open the said Sluices, or any of them; which Notice shall be given

given to the said Superintendent, or left at his Dwelling House in Writing; and if the said Sluices, or any of them, are not immediately opened upon such Notice, it shall and may be lawful for any Justice of the Peace for the Parts of Holland to take Cognizance of the same, on the Complaint of the Person or Persons having given Notice as aforesaid; and such Justice is hereby required to take Cognizance of the said Complaint, and to order any Person or Persons whomsoever to open all or any of the said Sluices, and to levy the Costs and Charges attending the same on the Goods and Chattels of the said Superintendent, who shall likewise forfeit and pay any Sum, at the Discretion of the said Justice, not exceeding Twenty Pounds, nor less than Forty Shillings; which said Penalty shall be recoverable in a summary Way by the said Justice, and shall be applied in Aid of the Poor's Rates of the Parish where the Cause of Complaint shall have arisen.

Directing what shall be done in case Trustees do not meet to appoint a Superintendent.

XXII. And be it further enacted, That in case it shall happen that the said Trustees, or Seven of them at the least, shall not think proper, or shall neglect to meet in any One Year, by themselves or their Agents, for the Purpose of electing a new Superintendent, by virtue of this Act; then, and in such Case, the Superintendent who shall have been elected and appointed at the next preceding Meeting, shall continue in his Office of Superintendent until the next Annual Day of Meeting appointed by this Act for electing a Superintendent, under the same Salary as in his Appointment mentioned: And in case the said Superintendent for the Time being shall be desirous of being discharged from his said Office, it shall and may be lawful for him to give Notice in Writing to all the said Trustees, or to Five or more of them, by leaving the same at their usual Places of Abode, One Calendar Month at least before the next Day of Election, of such his Intention or Desire; on which Annual Day for meeting the said Officer for the Time being shall be from thenceforth discharged.

XXIII. Provided always, That in case no such Annual Meeting of the Trustees shall be held next immediately after any such Superintendent shall have signified his Intention to resign, then, and in every such Case, it shall be lawful for any Seven or more of the said Trustees, although not assembled at any Meeting, by Writing under their Hands to appoint another Superintendent in the Room of the One so resigning; and such Appointment shall be as valid and effectual to all Intents

and

and Purposes as if made at an Annual Meeting held as aforesaid.

Trustees to settle the Officers Accounts,

and to remove him in case of Negligence.

XXIV. And be it further enacted, That the said Trustees, or the major Part of such of them as shall, by themselves or their Agents, attend the said Annual Meeting on the Thursday in Easter Week in every Year, shall settle the Accounts of the said Superintendent; and the said Trustees, or Ten or more of them, shall be, and they are hereby empowered, by themselves or their Agents, at any Time to remove the said Superintendent at their Pleasure, and to settle and allow his Account at the Time of his said Removal, and to appoint another in his Place or Stead before the Expiration of the Year for which he shall have been so elected as aforesaid, in case he shall, from Negligence or Misconduct, make it necessary in their Opinion, or in case he shall happen to die before the Expiration of the Year for which he shall have been elected; and the said Trustees, or any One or more of them, are and is hereby authorized and empowered to administer such Oath or Oaths to the said Superintendent touching his said Accounts, when he shall attend to pass the same, in order to the verifying the same, as the said Trustees, or any One or more of them, shall think proper; and his Surety and Sureties hereinafter directed to be taken, shall not be discharged from their Responsibility, until the said Officer shall have been duly discharged from his Office, and have passed his Accounts according to the Direction herein contained.

Tenants to pay Rates,

XXV. And be it further enacted, That all and every the Tenants and Occupiers of the Lands and Grounds which shall be assessed or rated by the said Superintendent for the Purpose aforesaid, or of any Messuages or Tenements, or Lands or Grounds, in respect of which a Right of Common shall be claimed over the Commonable Salt Marshes of Moulton and Gedney respectively, shall be and are hereby required and made liable to pay all and every such Sum and Sums of Money as shall be so assessed and rated upon the Lands and Grounds to be comprised within the said New Embankment as aforesaid; and in case of such Payment by any Tenant or Tenants, Occupier or Occupiers, who shall hold the Lands or Grounds or Right of Common by him, her, or them occupied at a Rack Rent, such Tenant or Tenants so holding shall be at Liberty, and he, she, and they is and are hereby impowered to deduct and retain out of his, her, or their Rent, all such Rates or Assessments, as shall be so respectively paid as aforesaid, and the respective Land-

lords or Owners of such Lands or Grounds and Right of Common, are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their said Rents; and all and every Tenant or Tenants, Occupier or Occupiers, so holding at a Back Rent, and paying such Assessment or Rate, shall be acquitted and discharged from and against his, her, or their Landlord or Landlords, of and from so much Money as the Assessments or Rates by him, her, or them, so paid as aforesaid shall amount unto, in as full and ample a Manner as if the same had been actually paid to his, her, or their Landlord or Landlords; but nothing herein contained respecting such Deduction and Retainer shall alter or destroy any Agreement or Covenant entered into between Landlord and Tenant.

except as to Tenants holding under Beneficial Leases.

XXVI. Provided always, and it is hereby enacted and declared, That no Lessee or Tenant of any Lands or Grounds, or Rights of Common, 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 of any other Beneficial Lease whatsoever, shall be entitled 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 said Lessee or Tenant so holding such Lands or Grounds under any such last mentioned Lease, any Thing herein-before contained to the contrary thereof notwithstanding.

Recovery of Rates.

XXVII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the respective Rate or Assessment, Rates or Assessments, which shall be rated, charged, or assessed upon him, her, or them, or upon or in respect of the Lands and Grounds, or Right of Common, in his, her, or their Possession or Occupation, by virtue of and under the Powers and Authorities of this Act, within Twenty Days next after the same shall become due and payable, and Demand made thereof by the said Superintendent, at the Lands or Grounds charged therewith, or the Dwelling House of the Tenant or Occupier thereof, or of the said Right of Common, it shall and may be lawful for the said Superintendent to enter into and upon the Lands or Grounds so rated or assessed as aforesaid, or into and upon the Messuage or Tenement, Lands or Grounds, in respect whereof such Right of Common is held in Possession of such Person or Persons so making Default in Payment as aforesaid, and to levy the Sum or Sums of Money by him, her,

of them payable for such Rate or Assessment, by Distress and Sale of the Goods and Chattels which shall be found on the Premises so entered upon as aforesaid, according to the Laws now in being for distraining in Cases of Nonpayment of Rent in Arrear.

Superintendent to give Security.

XXVIII. And be it further enacted, That no Person shall be capable of acting in the Capacity of Superintendent of the said Embankment and other Works, until he shall have given Security to the said Trustees, or to any Three or more of them, with sufficient Sureties for the Payment of such Sum of Money as to the said Trustees appointing the said Superintendent shall seem fit and reasonable, being not less than Five hundred Pounds, the same to be conditioned for the due Performance of the said Office of Superintendent, and also duly to account for and apply all Sum and Sums of Money which shall come to his Hands by virtue of such Office; and that in case any such Superintendent 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 Superintendent shall be continued for more than a Year at a Time, by reason of the Nonattendance of the said Trustees, to elect a new Superintendent, in which Case the Person or Persons who shall be Surety or Sureties for the said Superintendent 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 Superintendent, or until he shall be otherwise discharged at his own Desire in Manner aforesaid.

Trustees to appoint Committee Men.

XXIX. And be it further enacted, That after the Execution of the Award of the said Commissioners, it shall and may be lawful for the said Trustees, or their Agents appointed in Writing, or such of them as shall attend, and they are hereby required at their said Annual Meeting, on Thursday in Easter Week annually, to elect and appoint out of their own Body, in case there shall be Five of them willing to be appointed, and if Five shall not be found willing, then to elect and appoint as many less than Five of their own Body, together with so many other Persons as they shall chuse, making together Five, and if none of their own Body shall be willing to be elected, then such Five other Persons as they shall think proper, such Appointment to be in Writing under their Hands, and such Five Committee Men are hereby authorized and empowered to meet whenever they shall see Occasion, or when any Case of Emergency shall require,

quire, at the said Chequer Inn at Holbech, or at such other Place as they shall from Time to Time agree upon; and any Three or more of the said Committee Men present at such Meeting shall have full Power and Authority, and they are hereby required to rate and assess all the said commonable and private Salt Marshes so intended to be embanked with such further Sum and Sums of Money, over and above the said Rate and Assessment, as to them shall seem fit and expedient, and to appoint One or more Collector or Collectors to receive the same, taking such Security as they shall think proper, and to order Payment thereof to the said Superintendent so to be appointed as aforesaid; and the said Rate or Assessment shall be signed by the Persons making the same, and shall be payable to the said Collector or Collectors, or the said Superintendent, at such Time and Place as shall be therein mentioned, and shall be recoverable by the said Committee Men, or any Three or more of them, or by their Collector or Collectors, or the said Superintendent of the several Tenants of the said private Salt Marshes, and of the several Persons holding Right of Common over the said Commonable Salt Marshes so intended to be embanked, with Power for the said several Tenants to set off the Payment thereof against their several Landlords, in like Manner and by the same Ways and Means as the before-mentioned Annual Rate or Assessment is herein made recoverable by the said Superintendent of or from the said several Tenants, and liable to be set off against the several Landlords, as herein-before mentioned and provided for; and any Three or more of the said Committee Men are hereby further authorized and empowered to order such Repairs to be done at any of the said new Banks, Cess or Foreland, Drains, Creeks, Bridge, Sewers, Sluices, and other Works, as to them shall seem fit and reasonable; and from Time to Time to order Payment of the same to be made out of the said Rate or Assessment so to be made by them the said Committee Men, and to sign Warrants of Distress for Recovery thereof, directed to any Person whomsoever, and to settle and allow the Account of, and make such Compensations as they shall think proper to the said Collector or Collectors, or the said Superintendent, to be by them appointed to receive the same Rates as aforesaid.

Committee Men may sue in their own Names.

XXX. And be it further enacted, That the said Committee Men may sue for or on Account of any Injury or Injuries done to the said Embankment, or other Works so hereby vested in the said Trustees, in the Name or Names of the said Committee Men, or any of them.

XXXI. And

For preserving the Publick Road across *Moulton* Salt Marsh, &c.

XXXI. And whereas the present publick Road and Drift Way will be necessary to be continued across the said unembanked commonable Salt Marsh in Moulton, and from thence over the said intended Bank towards Fosdyke Inn, and the said Commissioners may find it necessary to convey the Waters from the present Outfall belonging to the said Parish of Moulton, along the said unembanked commonable Salt Marshes, to join the Waters from the present Outfall belonging to the said Parish of Holbech; be it therefore enacted, That the said Commissioners shall, and they are hereby required, out of the General Fund herein-after directed to be raised, to build, or cause to be built over the Drain, which in such Case will be made a good and sufficient Bridge of Bricks and Lime, for preserving the said publick Road and Drift Way in such Part of the said Drain, as in the Judgement of the said Commissioners shall be most accessible to Passengers, Carriages, and Cattle, travelling to and from the said Fosdyke Inn; and the said Bridge shall from thenceforth be considered as Part of the Works to be from Time to Time repaired out of the said Rates by the said Superintendent so to be appointed as aforesaid; and the Surveyor or Surveyors of the Highways, in the said Parish of Moulton, shall be, and he and they are hereby for ever discharged and exonerated of and from the Expence of the Repairs of the said Bridge.

Allotment for getting Materials for Repair of Banks.

XXXII. And be it further enacted, That the said Commissioners shall (if they think necessary) set out and allot, by their said Award, One or more Piece or Parcel, Pieces or Parcels of Land or Ground, Part of the said Salt Marshes intended to be embanked within each of the said Parishes, not exceeding Two Acres in each Parish, and in such respective Situations as they shall think most convenient, to be for ever thereafter used for getting Materials for repairing the said New Banks herein directed to be made as aforesaid; and the same Lands or Grounds, so to be set out and allotted, are hereby vested in the said Trustees for the Time being, in the same Manner as the aforesaid Banks and Works are herein-before mentioned to be vested.

Commissioners to vacate Leases of the unembanked Salt Marshes, or to confirm them, &c.;

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, upon the Application of any Party interested in any Lease or Leases subsisting, of any Part of the said Lands so intended to be embanked, for any longer Term than One Year from the Commencement of this Act, to vacate the said Lease or Leases, in respect to the said private unembanked Salt-Marshes,

by

by Notice in Writing, under the Hands of the said Commissioners, to be delivered to the other Party interested in any such Lease or Leases; and to ascertain and determine what Abatement shall be made in the Rent reserved by such Lease or Leases, for the Remainder of the Term to come therein; or otherwise it shall be lawful for the said Commissioners, if they shall think proper, to confirm the said Lease and Leases; and in such last Case they are hereby required to ascertain and determine what Increase of Rent shall be paid, or allowed to the respective Lessors of such Lands so comprized within the said private unembanked Salt Marshes, for and during the Continuance of the Term or Terms then to come in such respective Leases; or what Compensation shall be made to any Lessee or Lessees of any Lands so intended to be embanked as aforesaid, whose Lease or whose Interest therein may be affected and prejudiced by such Embankment; and how such Compensation shall be raised and paid; and also to order and direct the Mode of Management which such Land comprized within the said New Embankment, and so to be held for the Remainder of the said Lease or Leases, shall respectively be subject to, with respect to the cultivating, plowing, sowing, feeding, tilling, cropping, fallowing, laying down, or continuing the same Lands, or any Part thereof, in Meadow or Pasture, for the Residue of the Lease or Leases respectively subsisting thereon; and any Lessee or Lessees, disobeying or neglecting any of the Orders and Directions of the said Commissioners in the Premises, shall altogether lose the Benefit of his Lease or Leases; and in that Case his Lease or Leases is and are hereby declared null and void, as well in respect to the said unembanked Salt Marshes as to the other Lands comprized in the said Leases; and the Landlord or Lessor shall immediately have Power to enter thereon, and eject the Lessee or Tenant therefrom, without any Notice whatsoever; and that such Advance or Increase of Rent, as the said Commissioners shall award to be paid by such Lessee or Lessees as aforesaid, shall be paid to and received by the respective Lessor or Lessors in the same Manner, and on the same Days and Times, with the same Powers for the Recovery thereof, as and whereon the several reserved Rents in such respective Lease or Leases are, or shall, or may be recovered, or reserved due and payable respectively, and by the like equal Proportions, during the Residue of the said Term or Terms of such respective Lease or Leases.

and may direct the Course of Husbandry.

Power to exchange, and to make Partition of estate held in Joint Tenancy.

XXXIV. And be it further enacted, That it shall and may be lawful to and for all, or any of the Proprietors of the said Lands so to be embanked as aforesaid, being Owners of any other Lands, Grounds, and Hereditaments within the said several Parishes of Spalding, Moulton, Whaplode, Holbech, and Gedney, or either of them, or in any adjoining Township or Place, to exchange or make Exchanges of such Lands, Grounds, and Hereditaments respectively, or any Part or Parcel thereof, for any other Lands or Grounds, Rents or Hereditaments, within any of the said Parishes respectively, or within any adjoining Parish, Township, or Place, or being Joint Tenants, or Tenants in Common, or otherwise seised of any undivided Shares or Interests in any Lands, Grounds, Rents, or Hereditaments, or having or holding any intermixed Lands, Grounds, Rents, or Hereditaments, with each other where their several Boundaries or Limits are not exactly known within any of the said Parishes respectively, or in any adjoining Parish, Township, or Place, to make Exchange, Partition, and Division thereof, so as all and every such Exchange or Exchanges, Partition or Partitions, and Divisions, be made by and with the Consent and Approbation of the said Commissioners, and be set forth, specified, and declared in their said Award, or by some other Act or Instrument to be inrolled with the said Award; and that all and every such Exchange or Exchanges, Partition or Partitions, and Divisions so to be made, 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: Provided always, That the Expences of the said Exchanges and Partitions shall be borne and paid by the several Persons interested therein.

No Exchange to be made of Crown Lands without the Consent of the Treasury, &c.

XXXV. 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 settle the Dispute as to Boundaries;

XXXVI. And be it further enacted, That if any Difference or Dispute shall arise between any of the said Proprietors interested in the said intended Embankment, touching the Frontage and Boundaries of their respective Properties therein, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required by Examination of Witnesses upon Oath, (which Oath the said Commissioners, or any One of them,

are

are or is hereby empowered to administer), and upon other proper and sufficient Evidence and Satisfaction, to hear and determine all such Differences and Disputes, and such Determination shall be binding, final, and conclusive, to all Parties.

but not to meddle with Titles.

XXXVII. Provided always, That nothing herein contained shall authorize the said Commissioners to hear and determine any Differences or Disputes which may arise touching or concerning the Right or Title of any Person or Persons to any Property in the Lands or Grounds so to be embanked as aforesaid (except so far as relates to Boundaries), but that such Person or Persons may commence or prosecute such Suits at Law or Equity, for or concerning the same, as they shall think proper, so as no such Suits shall impede or delay the Commissioners in the Execution of this Act.

Not to affect Wills and Settlements.

XXXVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion or Debt, out of, in, to, upon or affecting the said Lands so to be embanked, exchanged, partitioned, or divided as aforesaid, or any Part or Parts thereof respectively, but that the same Lands so to be embanked and set out, and comprized in the said Award, shall, after the Embankment thereof, and setting out the same, be held and enjoyed to, for, and upon such and the same Uses, Trusts, Intents and Purposes, and subject to such and the same Wills, Settlements, Rights or Claims of Dower, Jointures, Portions, and Debts as they respectively at the Time of making the said Award shall be subject and liable to be charged with, or affected by; save only and except that the Messuages, Lands, Grounds, Parts or Shares, and Hereditaments to be given or parted with upon such Exchanges, Partitions, or Divisions, shall go and remain to, for, and upon such and the same Uses, Trusts, Intents and Purposes as the Hereditaments received or substituted in lieu thereof, shall at the said Time of making the said Award stand settled and limited, and subject to.

Costs and Charges how to be paid.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences which before the passing of this Act shall have accrued in the planning, surveying, making Reports, and other Steps taken in preparing for carrying the aforesaid intended Embankment into Execution, and all Costs, Charges, and Expences incident to and attending the preparing, obtaining, and passing this Act, and the Costs, Charges, and Expences of the said Commissioners

ſioners and the ſeveral Perſons to be employed by them, and of further ſurveying the ſaid Lands, if neceſſary, and of making the ſaid Banks, Creeks, Sewers, Sluices, Drains and other Works, and of the ſaid Bridge in Moulton Commonable Salt Marſh, and all other Expences of carrying this Act into Execution, (other than and except ſuch Expences as are herein directed to be otherwiſe paid in reſpect of the ſaid Commonable Salt Marſhes intended to be embanked or otherwiſe), ſhall be borne and paid by the ſeveral Perſons intereſted in the ſaid private Salt Marſhes, hereby directed and intended to be embanked as aforeſaid, in ſuch ſeveral Proportions as the ſaid Commiſſioners ſhall in and by their Award hereinafter directed to be made, aſcertain, order and direct.

Suſpending ſome of the Powers of the *Gedney* Incloſure Act.

XL. And whereas by an Act of Parliament, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, An Act for dividing and incloſing the Commons, Marſhes, Droves, Waſte Lands, and Grounds, in the Pariſh of *Gedney* and Hamlet thereof, called *Gedney Fen*, in the County of *Lincoln*; the Commiſſioners therein appointed were directed in certain Caſes therein mentioned to ſuſpend the allotting of ſuch Parts of the ſaid unembanked Commonable Salt Marſhes as are within the ſaid Pariſh of Gedney, until the Embankment herein provided for ſhould be carried into Execution; and the ſame Commiſſioners have accordingly ſuſpended the allotting of the ſame unembanked Commonable Salt Marſhes; be it further enacted, That the allotting of the ſaid Commonable Salt Marſhes by the Commiſſioners named in the ſaid recited Act ſhall remain ſuſpended until the ſaid Embankment herein directed to be made, ſhall be completed; and after the Completion thereof, the ſaid laſt-mentioned Commiſſioners ſhall have no Power or Authority whatſoever over ſuch Part of the ſaid new Bank and Ceſs or Foreland Drains and Sluices as under the Powers of this Act will be conſtructed within or upon the ſaid Commonable Salt Marſh in Gedney aforeſaid, nor beyond the ſaid Bank next the Sea, any Thing contained in the ſaid Incloſing Act in anywiſe notwithſtanding, but the ſame ſhall be veſted as herein-before mentioned.

Altering ſome of the Powers of the ſame Act.

XLI. And whereas the ſaid laſt mentioned Commiſſioners were by the ſaid Incloſing Act likewiſe empowered to fell ſuch Part of the ſaid Common Marſhes, Droves, Waſte Lands and Grounds in Gedney, as ſhould be neceſſary in their Opinion to raiſe Money ſufficient for paying all Expences to be incurred under the ſaid laſt mentioned Act and in the ſaid Embankment, be it enacted, That

That so much of the said Power lodged in the said last mentioned Commissioners, as relates to raising Money for defraying the Expences of the said Embankment, shall cease and be for ever extinguished; and the said Commissioners under this Act are hereby empowered and required, at any Time or Times after the passing this Act, to sell and dispose of so much of the said Commonable Salt Marsh in Gedney, as shall be necessary in their Judgement to raise a Sum sufficient for defraying such proportional Part of the Expences to be incurred in the Execution of this Act, as shall be assessed by the same Commissioners on the said Commonable Salt Marsh in Gedney aforesaid; and such Part of the Costs of the said Fencing as shall appertain to the said last mentioned Commonable Salt Marsh, together with the Costs and Charges attending such Sale; and for that Purpose, the said Commissioners under this Act shall and may sell the same Lands intire, or in convenient Parcels, as they shall think proper and expedient, to the best Bidder or Bidders, at some or One of their Meetings to be held in pursuance of this Act, of which Publick Notice shall be given by the same Commissioners in the Cambridge and Lincoln Papers, at least Twenty-one Days before such Sale shall be made, and under such Conditions of Sale as the said Commissioners in this Act shall exhibit at such Times of Sale; and the Purchaser or Purchasers of the said Lands shall pay their Purchase Monies for the same to the said Commissioners under this Act, whose Receipt shall be a sufficient Discharge for the same; and the Purchaser or Purchasers shall not be bound to see to the Application of the Purchase Money; and the same Commissioners shall apply the Money arising by such Sale or Sales, in discharging such proportional Part of the said Expences as shall be by them assessed on the said Commonable Salt Marshes in Gedney aforesaid, and such Parts of the said Costs of the said Fencing as shall appertain to the said last mentioned Commonable Salt Marsh, together with the Costs and Charges attending such Sale or Sales; and the Lands so sold shall be conveyed as Freehold of Inheritance in Fee Simple unto the respective Purchasers thereof, and a Conveyance thereof by Bargain and Sale, to be inrolled in the Court of King's Bench at Westminster, or by Lease and Release, or Feoffment, made and executed by the said Commissioners under this Act, shall be valid and effectual in the Law to vest the same in such respective Purchasers and their Heirs: Provided nevertheless, That if there shall be any Overplus remaining

of the Money arising by such Sale or Sales, the same shall be paid by the said Commissioners under this Act, to the said Commissioners under the said Inclosing Act for Gedney, and shall be applied by the last mentioned Commissioners towards the Expences of carrying the said Inclosing Act into Execution with regard to the said unembanked Commonable Salt Marshes in Gedney.

When the *Gedney* Commissioners may inclose.

XLII. And be it further enacted, That when and so soon as the Commissioners under this Act shall have completed so much of the said Embankment as shall abut upon Gedney Salt Marsh, and shall have paid the proportional Charge thereof, as herein-before directed to be paid, that then and from thenceforth it shall and may be lawful to and for the said Commissioners in the said recited Act to proceed to the Allotment and Division of so much as shall remain of the said Commonable Salt Marsh of Gedney aforesaid, after the above-mentioned Sale directed for the Purposes aforesaid, and otherwise to act in the Execution thereof pursuant to the Powers in the said recited Act contained.

For defraying the Expences of this Act with respect to *Moulton*.

XLIII. And be it further enacted, That unless an Act of Parliament shall be obtained in this present Session of Parliament for dividing and inclosing the Commonable Salt Marshes in Moulton, intended to be embanked by virtue of this Act, and the Proprietors interested therein, or the Commissioners therein named, shall by Means thereof, or unless the Proprietors shall by any other Means, raise Money sufficient to pay so much of the said Expences to be assessed by the said Commissioners under this Act, as appertains to the said Commonable Salt Marshes in Moulton, and shall pay such Proportion aforesaid, the said Commissioners under this Act shall, as soon as may be after the passing thereof, set out by Stakes, or other Metes and Bounds, so much of the said unembanked Commonable Salt Marsh in Moulton, or of the old embanked Commonable Salt Marsh in Moulton, adjoining thereto, as that the Fee Simple thereof shall in their Judgement be worth the Sum of Nine thousand Pounds, over and above the Expence of fencing the same; and the said Commissioners are hereby empowered 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 Land and Ground so set out 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 same 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 fencing the said Land and Ground so set out, and such Charges and Expences shall be specified in the said Security, and be made a Part of the Consideration and principal Money thereby to be secured; and such Indenture or Indentures shall contain a Proviso for making the same void, on Payment of the Sum or Sums of Money to be borrowed thereon, according to the Terms of this Act provided for Repayment thereof; and immediately after the Execution of the said Security or Securities, by the said Commissioners under this Act, it shall and may 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 Land and Ground comprized 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 Cases the Occupier thereof, or of any Part or Parcel thereof, shall be restricted from plowing or converting the said Land to Tillage, or mowing the same for Hay; and the said Person or Persons so lending Monies, on Security of the same Lands, or any Part thereof, shall have the usual 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 Money so to be borrowed on Security thereof as aforesaid, until such Principal shall be paid off and discharged, and shall pay the Surplus (if any) of the said Rent half-yearly, on Old Michaelmas and Old Lady Days, in each Year, to the said Superintendent 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 Assessment herein-before directed to be laid on the said unembanked Salt Marshes in Moulton; and as well the said Commoners of Moulton, as the said unembanked Salt Marshes in Moulton, and all and every the Lands, Tenements, and Hereditaments in Moulton aforesaid, are hereby discharged of so much of the said Annual Rate or Assessment as the said Surplus of the

said

said Rent shall from Time to Time amount to, and as shall be paid to the said Superintendent; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Receipt of the Commissioners to be a sufficient Discharge.

XLIV. Provided also, 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 are not to be bound to see to the Application thereof, or any Part thereof.

Proprietors of *Moulton* to pay off the Mortgage.

XLV. And be it further enacted, That in case the Persons interested in the said Commonable Salt Marshes in Moulton aforesaid, 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 under this Act, the Person or Persons who shall lend the said Money under the Authority of this Act, his, her, and 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 Commonable Salt Marshes of Moulton aforesaid, at a Meeting of the said Commoners, or Persons interested, to be held in the Parish Church of Moulton aforesaid, on Notice thereof to be given on some Sunday immediately after Divine Service, at least Fourteen Days previous to such Meeting, 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 Land or Ground so set out by Stakes or other Metes and Bounds, shall immediately on such Payment being made, revert to the Use of the said Proprietors so interested in the said Commonable Salt Marshes in Moulton aforesaid, in the same Manner as they respectively would have been entitled thereto if this Act had not been made; and the said Person or Persons so to be nominated to give such Notice as aforesaid, shall at the same Time he or they shall give the aforesaid Notice to the Mortgagee or Mortgagees as above directed, or within Ten Days next after, give a like Notice 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 Land or Ground so to be set out by Stakes or other Metes and Bounds 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 Superintendent 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 Land and Ground shall again become Part of the said Commonable Salt Marshes; and when the said Superintendent 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 unembanked Salt Marshes in Moulton as aforesaid.

How the Money arising from the Mortgage is to be applied.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners under this Act, and they are hereby empowered and required, out of the principal Money so to be borrowed by them as aforesaid, to pay such proportional Parts of the Expences to be incurred in the Execution of this Act, and the Works hereby directed to be made and perfected, as shall be assessed on the said Commonable Salt Marsh in Moulton as aforesaid, and such Part of the Costs of the said Fencing as shall appertain to the said last-mentioned Commonable Salt Marsh, and the said Commissioners are hereby required to pay the Surplus (if any) of the said principal Money to the said Delegates, or either of them so to be appointed by the Commoners of Moulton as aforesaid; and the Receipt of the said Delegates, or either of them, shall be a legal Discharge to the said Commissioners for the Money so paid as aforesaid; and the said Delegates are hereby required to apply the said Surplus for the Benefit and Advantage of the said Commoners or Persons interested in the said Commonable Salt Marshes of Moulton aforesaid, in such Manner and Form as they the said Commoners or Persons interested as aforesaid shall, at a Meeting of themselves to be holden in the Parish Church of Moulton aforesaid, on Notice thereof to be given on some Sunday immediately after Divine Service at least Ten Days previous to such Meeting, or as the Majority of such of them as shall be then and there present, by Writing under their Hands, direct and appoint.

Commissioners to contract for Works.

XLVII. And be it further enacted, That the said Commissioners under this Act shall, and they are hereby empowered and required to contract with any Person or Persons whomsoever, for the doing and executing of such Part

of the said Banking, Fencing, and other Works respectively, and to pay for the same in such Manner, and at such Rate, as to the said Commissioners shall seem fit and reasonable.

Commissioners may call for Money on the Owners of the private Salt Marshes.

XLVIII. 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 Embankment shall be made and completed, and at any Time after the passing this Act, by Writing under their Hands, call upon the respective Owners and Proprietors of the said private unembanked Salt Marshes, for such Sums of Money as shall, in the Judgement of the same Commissioners, from Time to Time, be necessary for the Purpose of carrying on the said intended Embankment, in Proportion to the Value of the respective Estates of such Owners and Proprietors hereby directed to be embanked: 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 same 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 and may be lawful to and for the same Commissioners, and they are hereby authorized and required to borrow and take up at Interest such Sum or Sums of Money as shall be necessary and sufficient 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 the Share and Proportion of the said private unembanked Salt Marshes 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 same Money, with Interest thereon; and in the said Indenture or Indentures there shall be inserted a proper Proviso for Redemption of the said mortgaged Premises, and the Receipt or 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 last mentioned Security or Securities.

XLIX. And be it further enacted, That for defraying the Expences before provided for, until the several Proportions thereof can be paid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, as often as Occasion shall require, to take up and borrow at Interest, upon the Credit of this Act, such Sum and 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 the said Commissioners by virtue of this Act. Commissioners impowered to borrow Money.

L. And be it further enacted, That the said Commissioners under this Act shall, and they are hereby required to keep an Account in Writing of all Monies which they shall borrow or assess on the respective Proprietors for the Purpose of carrying into Execution this Act, or lay out in and about the said intended Embankment, and of all and every other Expenditure relating thereto; and shall, at all and every the Meetings to be held in pursuance of this Act, permit any of the Proprietors or Persons interested in the said Lands so to be embanked, to inspect such Accounts with the Vouchers for any Money therein charged to have been paid by the said Commissioners under this Act. Commissioners to account.

LI. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees or Attornies, or Persons acting as Guardians, Trustees, Committees or Attornies, for the Owners of the private Salt Marshes so intended to be embanked and drained by virtue of this Act, or any Part or Parts thereof, being under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for any of the said Owners or Proprietors, being Tenants in Tail or for Life only, Tenants in Tail after Possibility of Issue extinct, Tenants in Dower, and to 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 private Salt Marshes, or the Part, Share, or Proportion, of and in the private Salt Marshes so to be embanked, belonging to such Owners or Proprietors respectively, and that either before or after such Embankment, with any Sum or Sums of Money which shall be advanced Power for Husbands, Guardians, &c. to borrow Money.

advanced pursuant to any Calls made by the said Commissioners as aforesaid, or which shall be directed to be paid by the said 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 embanking and draining, inclosing and setting out the said unembanked private Salt Marshes, 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 or Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject, the said Lands and Grounds, or Part, Share, or Proportion therein belonging to such Owners or Proprietors respectively, of and in the said private Salt Marshes, 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 Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Mortgage, Lease, or Demise do also contain a Proviso, that the Person or Persons 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, her, or their 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 Grounds, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary.

Penalty on cutting Turf.

LII. And be it further enacted, That in case any Person or Persons shall, before the Time of making the Award herein-after directed to be made, cut, dig, or take up

up any Turf or Sods from any Part of the Lands so to be embanked, (unless by Order of the said Commissioners under this Act, in Writing made and given, or by the Order in Writing of the Commissioners for the Gedney Inclosure), every such Person or Persons so cutting, digging, or taking up any Turf or Sods from any Part of the said Lands so to be embanked, on Conviction thereof before any Justice of the Peace in and for the Parts of Holland, in the said County of Lincoln, by the Confession of the Party offending, or by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay any Sum or Sums of Money that such Justice shall order or appoint, not exceeding the Sum of Forty Shillings, to be levied, if not paid on Conviction, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and the said Penalty, when paid or levied, shall be paid to the said Commissioners under this Act, some or One of them, or to whom they shall direct, and shall be applied and disposed of for the Purposes of this Act; and, for Want of such Distress, such Offender or Offenders shall, by Warrant under the Hand of such Justice, be committed to the Common Gaol for the said Parts of Holland, there to be kept to hard Labour for One Month, unless the Penalty shall be sooner paid, with the Charges attending such Conviction, and carrying to Gaol the Party so offending.

Parties interested may be Witnesses.

LIII. And be it further enacted, That any Person or Persons, having any Interest, Estate, Right, or Title to any Part or Parcel of the said Lands or Grounds hereby directed to be embanked, shall be deemed and taken as a good Witness or Witnesses, to convict any Person or Persons of the Offence last above-mentioned.

Punishing Persons destroying Works.

LIV. And be it further enacted, That all and every Person or Persons whomsoever, who shall, at any Time or Times hereafter, wilfully and maliciously cut, break down, destroy, or damage any Bank, Bridge, Fence, Sluice, Drain, or any of the Tunnels, Flood-Gates, or other Works, which shall or may be erected or made for the fencing, embanking, or draining the said unembanked Salt Marshes, or any Part thereof, or take away or destroy any of the Tools or Materials employed in or about the same Works, and shall thereof be lawfully convicted, shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court, by and before whom such Person or Persons shall be tried, shall have Power and Authority to transport such Felon or Felons for Seven Years,

in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, or otherwise in Mitigation thereof may award such Punishment as the Law directs in Cases of Petit Larceny; and any the said Superintendents for the Time being, or any Person or Persons having any Interest, Estate, Right, or Title to any Part or Parcel of the said Salt Marshes so to be embanked, shall be deemed and taken as a good Witness or Witnesses to convict any Person or Persons of the Offence last above-mentioned.

Banks not to be fed for a limited Time.

LV. And be it further enacted, That neither the said Superintendent for the Time being, nor any of the Proprietors for the Time being, or their respective Tenants, or any Persons at present or hereafter to be anyway interested in the said intended Embankment, or any Persons acting in the Execution of this Act, shall let the Herbage of the said Bank so to be made for the embanking the said unembanked Salt Marshes, nor suffer nor permit the same to be trod or fed with Horses, Swine, or other Cattle except Sheep, at any Time or Times within the Space of Seven Years from the Execution of the Award by the Commissioners herein appointed; and in case any of the said Proprietors, or their respective Tenants, or Persons so interested therein, shall let the same within the said Space of Seven Years, or permit or suffer his, her, or their Horses, Swine, or other Cattle, except Sheep, within the Space of Seven Years aforesaid, to feed, depasture, or tread the said Bank so to be made for embanking the said Lands, such Person or Persons so letting or suffering the same to be trod or fed with Horses, Swine, or other Cattle, except Sheep, shall forfeit and pay the Sum of Fifty Pounds for every such Offence, the same to be recovered, levied, and applied in like Manner as the other Forfeitures and Penalties are herein-before directed to be levied and applied for the Purposes of this Act; and any Person or Persons shall have Liberty to drive such trespassing Horses, Swine, or other Cattle, to the Common Pound of the Parish where such Trespass shall be committed, there to be kept, until the Penalty aforesaid, and Costs of recovering the same, together with the Pindar's usual Fee, shall be fully paid and satisfied: Provided always, That after the Expiration of the said Seven Years, if any Person or Persons whomsoever shall suffer any Swine to depasture on the said Banks, the Swine so trespassing shall be impounded in the Common Pound of the Parish where the said Trespass shall be committed, and the Pindar of the said Parish is hereby required to impound and hold

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the same in his Custody, until the Owner or Owners of the said Swine so trespassing shall pay to the said Pindar the Sum of Two Shillings for each of the said Swine so trespassing as aforesaid, and shall also pay the Expence that shall have been incurred in keeping and feeding such Swine.

Rabbits not to be kept.

LVI. And be it further enacted, That it shall not be lawful for any Person or Persons, Owner or Owners, Occupier or Occupiers of the said Lands so to be embanked, at any Time knowingly to keep or suffer to be kept any Rabbit or Rabbits upon the said Grounds or Banks of the said intended new or old inclosed Lands; and every Person so offending shall forfeit and pay the Sum of Forty Shillings for every such Offence, after Notice given to him or them, by any One or more of the Commissioners under this Act, or Trustees so to be appointed as aforesaid.

Persons to cleanse Drains.

LVII. And be it further enacted, That if any Proprietor or Proprietors, Occupier or Occupiers, of any of the Lands intended to be embanked and drained by virtue of this Act, shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dyke, or to make and keep in Repair, any Private Road, or Way, Fence, Dam, Bank, Bridge, Gate, Stile or Tunnel, in the Manner directed in or by the said Award, to be scoured, cleansed, made, or kept in Repair, by him, her, or them, after Ten Days Notice in Writing shall have been given to him, her, or them, for that Purpose, by the said Superintendent for the Time being, for managing the Works of the said Embankment and Drainage, it shall and may be lawful to and for the said Superintendent, and he is hereby authorized and required to cause such Drain, Ditch, or Dyke, to be cleansed and scoured, or such Private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, to be made and repaired, in such Manner as shall be in the said Award directed; and the Proprietor or Proprietors, Occupier or Occupiers, so refusing or neglecting as aforesaid, shall reimburse and pay unto such Superintendent all such Costs, Charges and Expences as shall be incurred by the cleansing, scouring, making, and repairing the several Works aforesaid, so neglected or refused to be cleansed, scoured, made, or repaired, with such reasonable Satisfaction unto the said Superintendent for his Time and Trouble therein, as the Trustees or their Committee shall think proper; and in case such Proprietor or Proprietors, Occupier or Occupiers, shall, after Demand thereof made by such Superintendent as aforesaid,

said, refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction, then the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Party so refusing, by virtue of a Warrant or Precept, under the Hands and Seals of the said Committee, or any Two or more of them, for the Time being, so to be appointed as aforesaid, and the said Committee for the Time being, or any Two or more of them, is and are hereby authorized and empowered to hear and determine the same, and administer such Oath or Oaths to the Parties or their Witness or Witnesses, and receive their Testimony as they shall see Occasion.

Award. LVIII. And be it further enacted, That the said Commissioners under this Act shall, as soon as conveniently may be, after they shall have compleated the said intended Embankment and Drainage of the said Salt Marshes, pursuant to the Directions of this Act, 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 said Salt Marshes, in each of the said respective Parishes which shall be so embanked from the Sea, and the Quantity belonging to each Proprietor, in the said several Parishes of Spalding, Moulton, Gedney, Whaplode, and Holbech, being private Property, and the Quantity in each of the said respective Parishes of Moulton and Gedney, being Commonable Lands, with a Description of the respective Messes, Tenements, Lands, and Grounds entitled to Right of Common on the said Commonable Lands, and also a Description of the Situation, Abuttals, and Boundaries of the several and respective Parts and Shares aforesaid; and likewise such Orders and Directions for fencing and separating the same, in straight Lines, as near as the Nature and Circumstances thereof will admit, and for fencing and setting apart, as well the said Common Salt Marshes in Moulton and Gedney, from the Private Salt Marshes next adjoining thereto respectively, as setting apart and fencing the private Property of each Proprietor in Moulton and Gedney private Salt Marshes, and in the several other Parishes of Spalding, Whaplode, and Holbech, after the said Divisions shall be so shortened as herein-before directed, and for the future supporting, maintaining, and keeping such Hedges, Ditches, and Fences, in Repair, and for making, laying out, and maintaining proper private Roads, Ways, Passages, Banks, Drains, Inlets, Outlets, Tunnels, and Watercourses, upon, in, and

through the Whole of the said Salt Marshes so to be embanked, and for preventing any Damages to be done to the said Banks, by plowing or treading the same, and destroying all Rabbits and Vermin harbouring therein or thereon, and an Account of the several Sums of Money assessed by them in the Whole on the respective Proprietors of private Salt Marshes, and on the Commonable Salt Marshes in Gedney and Moulton respectively, and all such other Orders and Regulations concerning the Premises, as are by this Act directed, meant or mentioned and intended to be inserted in the said Award, and for the complete Embankment of the same Marshes, and future Protection, Preservation, due Order, and Care of the same, as they the said Commissioners under this Act shall judge proper and necessary to be inserted according to the true Intent and Meaning hereof, and shall cause Five Parts of the said Award or Instrument to be fairly ingrossed and written upon Parchment, with a Plan annexed to each and every Part thereof, describing the Boundaries of the Commonable Salt Marshes in Gedney and Moulton aforesaid, and of each Proprietor's or Owner's Part and Share in the private Salt Marshes within the several Parishes of Spalding, Moulton, Gedney, Whaplode, and Holbech, after the said Divisions shall be so shortened as herein-before directed, with the private Roads, Ways, Passages, Banks, Drains, Inlets, Outlets, Falls, Sluices, Watercourses, and Bridges, in, through, and over the same respectively; and shall duly sign and seal the said Five Parts of the said Award or Instrument; and the same 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 said Parts of Holland in the said County of Lincoln, or in One of His Majesty's Courts of Record at Westminster, and a Copy of the Enrolment thereof, 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 Enrolment 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 in pursuance of this Act, and all Orders, Directions, Regulations, and Determinations to be therein made as aforesaid, shall be binding and conclusive unto and upon all Parties interested therein; and that One Part of the said Award shall be kept in the Parish Chest of Spalding; One other Part kept in the Parish Chest of Moulton; One other Part kept in the Parish Chest of Holbech; One other Part kept in the Parish Chest of Whaplode; and the remaining Part kept in the Parish Chest of Gedney: And the said Commissioners are hereby directed and required to give such publick Notice of their having signed and executed their said Award, and where the said Engrossments are deposited, as they are herein-before directed to give of their First and other Meetings for executing this Act.

General Appeal.

LIX. And be it further enacted, That if any Person or Persons whomsoever, interested in the said Embankment or Drainage, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then, and in every such Case, (except where the Orders and Determinations of the said Commissioners under this Act, or the said Trustees, or the said Committee Men, or any Three or more of the said Committee Men, are declared to be final), such Person or Persons may appeal to the General Quarter Sessions of the Peace for the said Parts of Holland in the said County of Lincoln, within Six Calendar Months after the Cause of Complaint shall have arisen; and the Justices in such Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus, if any, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices in all such Cases shall be final and conclusive, and shall not be removed or removable by Certiorari, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere.

Reserving Manerial Rights.

LX. 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 Seigniories, Royalties, Rights, and Services incident and belonging to the respective Manors within the said Parishes of

Spalding, Moulton, Whaplode, Holbech and Gedney, 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 Courts, and all Profits of Courts, Waifs, Strays, 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.

General Saving of Rights.

LXI. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Court of Sewers, Bodies Politick and Corporate, his, her, and their Successors, Heirs, Executors, and Administrators, (other than and except the several Proprietors and Owners of the Lands so to be embanked; and all Persons claiming by, or from, or under any Feme Covert, or Person under Age, or under any of the Disabilities mentioned in this Act, and all other Persons whose Rights are expressed or intended to be barred in and by this Act, and their respective Heirs, Executors, Administrators and Assigns), all such Jurisdiction, Benefit, Right, and Advantage as they, every or any of them respectively had or enjoyed over, in, or out of the said Salt Marshes so to be embanked as aforesaid, before the passing of this Act, or could have exercised, had, and enjoyed, in case this Act had not been made.

So as not to impede the Execution of the Act.

LXII. Provided always, That such Jurisdiction, Benefit, Right, and Advantage so reserved, shall not be exercised so as to impede or otherwise interfere with the Execution of this Act.

Publick Act.

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

FINIS.