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For explaining, amending and rendering more effectual, an Act of his late Majesty, for draining certain Commons and Fens lying between the Rivers *Glen* and *Welland*, in the County of *Lincoln*, and for increasing the Rates thereby authorized, and imposing additional Rates for more effectually draining the said Lands.

[ROYAL ASSENT, 30 May 1823.]

WH E R E A S by an Act of Parliament, made and passed in the Forty-first year of the reign of his late Majesty King *George* the Third, intituled, "An Act for draining, dividing, allotting and inclosing *Deeping*, *Langtoft*, *Baoston*, *Spalding*, *Pinchbeck* and *Cowbit* Commons, within the parts of *Kesteven*, and *Holland*, in the County of *Lincoln*, and also for draining *Crowland* Common or *Goggushland*, certain Lands and Grounds in the Parishes of *Bourn* and *Thurlby*, adjoining or lying contiguous to the North bank of the River *Glen*, and certain inclosed Lands in *Deeping* Fen, and in the Parishes of *Spalding* and *Pinchbeck*, adjoining to the said Commons, and lying between the Rivers *Glen* and *Welland*; and also, for rendering more effectual several Acts of Parliament heretofore passed, for draining and preserving the several Lands Grounds and Commons hereinbefore mentioned, or certain parts thereof;" the general Commissioners therein appointed were thereby required, as soon as conveniently might be after the passing of the said Act, to cause the several general works of Drainage to be made, erected, done and executed as therein mentioned and described; and it was thereby enacted, that the several drains, bridges, tunnels and other works of Drainage last thereinbefore described and directed to be made and executed by the said general Commissioners, should be made by and at the expence of the

Recital of
Act of the
41st G. 3.

= Act of 1801

p: 66 of 1801 Act

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the owners and proprietors of taxable and free Lands in *Deeping* Fen, and the several owners and proprietors of messuages houses or toftsteads lands and hereditaments interested in such of the said Commons, including the said *Crowland* Common, as are situate betwixt the banks of the rivers *Welland* and *Glen*, in the shares and proportions therein mentioned, and the same main drains, engines, bridges and other works of Drainage directed to be done at such joint expence as aforesaid (except the herbage of the banks and forelands of the said main drains) should for ever after the making thereof, be and remain vested in certain Trustees for preserving such general works of drainage, but without prejudice to the right of the Adventurers to hills drain and the mills thereon; and in order that such banks, drains, engines and other works of Drainage as are therein directed to be done and executed at such joint expence as aforesaid, might be maintained supported and kept in repair, it was further enacted, that it should be lawful for all and every the proprietors and owners of the same Lands and Grounds so intended to be drained as therein mentioned, or his or their deputy or agent, present at a meeting to be held as therein mentioned, to vote for Trustees for the purposes aforesaid, in manner therein mentioned; and that the persons elected Trustees should continue to act in the execution of the said Act for the space of three years, or until the election of others in their stead, and no longer; and it was thereby further enacted, that it should be lawful for the said Trustees, and they were thereby authorized and required to meet on the day next after the last Thursday in April in every year, to tax and assess all and every the occupier or occupiers of all and every the said taxable and free inclosed lands in *Deeping* Fen, and the said Commons or Fens lying between the said rivers *Welland* and *Glen*, intended to be drained by virtue of the said Act, by such an equal and proportionable acre-rate or tax as should be necessary to pay and discharge the expences of maintaining supporting and using the said works for draining and preserving the same Lands and Grounds respectively, and the other expences therein referred to, and to appoint, under their hands, such days and places for the payment of such rates and taxes, half yearly, to the Collectors or Receivers thereof, as the said Trustees should think proper, provided that such rate or tax should not in any year exceed the rate or sum of one shilling an acre, without the express consent and approbation of the owners or proprietors interested in the said Lands so to be drained as aforesaid, to be ascertained as therein mentioned; and it was further enacted, that if the said general works of Drainage should be found insufficient or inadequate to drain the Lands and Grounds intended to be drained thereby, without the aid of engines or mills,

see
p: 67 of 1801 Act

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mills, to raise the water to a greater height than thereby provided, for the said general Commissioners or Trustees for executing the said general works of Drainage, should and might erect build and use such engine or engines, at or near the situation of the engines then discharging the waters from hills drain, into the Welland, as in their judgment should be requisite or necessary, for the purpose of raising the waters to such greater height as might be expedient for better effecting such Drainage:

And whereas the works of Drainage executed under the authority of the said recited Act have been found insufficient and inadequate to drain the said Lands and Grounds:

And whereas it is necessary and expedient for the purpose of facilitating the discharge of the waters from the said main drains, that one or more engine or engines to be worked by steam should be erected:

And whereas it is necessary and expedient, that the annual tax or assessment authorized by the said recited Act, and the limited tax intended to be imposed by virtue of this Act, should be charged and chargeable on the Lands and Grounds liable thereto, and that more ample powers should be given to and vested in the said Trustees for the better collecting of the said annual taxes, and the said limited tax; and also for the more effectually maintaining preserving and using the said general works of Drainage executed under the authority of the said recited Act, and to be executed under the authority of this Act: But such purposes 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 it shall and may be lawful to and for the said Trustees for the time being elected or appointed, and to be elected or appointed by virtue of the said recited Act, and they are hereby authorized and required, as soon as may be after the passing of this Act, to make erect and build, or cause to be made erected and built, at or near the junction of the drains called the South Drove Drain, and North Drove Drain, at a certain place called Podge Hole, one or more good and substantial engine or engines, to be worked by steam, with all proper machinery, houses, sluices, pits and

Power to
erect Steam
Engines at
Podge Hole.

+ = Diff. Place
N.P. 24 25
to Counter Drain

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and other necessary works, and also to deepen and otherwise improve the said Drains, and also the Drain called Cross Drain, as in the judgment of the person to be appointed civil engineer of the works directed to be executed by the said Trustees under the authority of this Act, shall be requisite or necessary for facilitating the discharge of the waters of the said Lands and Grounds, and effecting the Drainage thereof, and the same engine and engines, and other works incidental thereto, shall on the same being made built and erected as aforesaid, be for ever thereafter vested in and used, maintained, supported and kept in repair by the said Trustees for the time being, out of the annual rates and assessments authorized by the said recited Act and this Act.

Engines to
relieve the
Counter
Drain.

And be it further Enacted, That the person to be appointed civil Engineer as aforesaid, shall and he is hereby authorized and required to make provision for the application of such part or proportion of the power of the said engines, as shall in his judgment be necessary for the purpose of relieving the Counter Drain, when the water therein shall be penned or held up in the said drain to the height of Nine feet on the sill of the said sluice, by the working and operation of the said engine or engines so to be erected as aforesaid.

Civil En-
gineer to be
appointed by
Trustees,
with the
consent of
Proprietors.

And be it further Enacted, That the said Trustees for the time being, shall and they are hereby authorized and required from time to time as occasion shall arise, with the consent and approbation of the owners or proprietors of the Lands and Grounds chargeable with the expence of the said engines, to be ascertained in such way as the votes of the said owners and proprietors are required to be had in the choice of Trustees, as directed by the said recited Act, to appoint a civil Engineer to superintend the making and executing of the several works particularly directed to be done and executed under the authority of this Act; and such civil Engineer so to be appointed as aforesaid, shall be and he is hereby authorized and empowered, on behalf of and with the consent and approbation of the said Trustees for the time being, to contract with any person or persons for making executing or performing all or any of such works, or any part or parts thereof.

Allowance to
Engineer.

And be it further Enacted, That the civil Engineer for the time being, acting in the execution of the powers and trusts vested in him by this Act, shall be allowed and paid the sum of Five Pounds and Five Shillings, and no more, for each day he shall actually attend and be employed as a civil Engineer, by the authority and direction of the said Trustees for the time being, in the execution of this Act,

Act, or shall necessarily travel from home to act as civil Engineer, or when returning home after having acted as aforesaid, in full satisfaction for his trouble and expences in the execution of this Act.

And be it further Enacted, That the said Trustees for the time being, shall and they are hereby authorized and empowered from time to time, when and as they shall think fit, to examine and inspect the accounts of the said civil Engineer, and also the progress of the works hereby authorized; and the said civil Engineer shall once at least in Four months from the passing of this Act, until his accounts shall be finally allowed, make out a true and particular statement and account of all sums of money by him received from the said Trustees, and expended or due to him for his trouble or expences, which account with the vouchers relating thereto, shall be examined by the said Trustees for the time being, and the balance of such account shall be by them stated in the book of accounts to be kept in the Clerk's office; and no charge or item in such accounts shall be binding on the parties concerned, or valid in law, unless the same shall be duly allowed by the said Trustees for the time being, present at a meeting to be held under the authority of the said recited Act and this Act.

Accounts of
Engineer to
be examined
and allowed
by the
Trustees.

AND whereas by the said recited Act the general Commissioners thereby appointed were thereby required to deepen the King Street Dike as therein is mentioned, but the said Trustees are not enabled by the provisions in the said recited Act contained, to repair the same although such Dike is declared to form part of the work directed to be executed at the joint expence of the proprietors therein referred to; and it is necessary and expedient that such Dike should, to the extent therein mentioned, be vested by enactment in the said Trustees for the time being, and be maintained and supported by them as hereinafter is mentioned; BE it therefore Enacted, That the said King Street Dike, so far as the same extends by the side of the Parish of Greatford, and from the South end of the said Parish of Greatford, to the South end of the Hamlet of Stow, shall from and immediately after the passing of this Act, be and become vested in the said Trustees for the time being, and shall from time to time, and at all times, be by them scoured out, repaired, cleansed and kept of the same depth and dimensions as the same was made under the directions in the said recited Act, in that behalf contained, and shall be deemed and considered as part of the works of Drainage directed by the said recited Act to be maintained and supported by the said Trustees

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*As to Pinner Gates Bridges. Ditches.
Water courses N 1801 Act p. 30
= p 92*

King-street
Dike to be
supported by
the Trustees.

*p 65 p 1801 Act
= p 127
The Trustees*

Trustees by and out of the annual tax authorized by the said recited Act.

Trustees to
set out
Roads.

AND whereas by the said recited Act of the forty-first year of the reign of his said late Majesty, the General Commissioners thereby appointed were thereby required to set out the necessary communications between the Banks of the said Main Drains along the North and South Drove therein mentioned, and the inclosed lands in Deeping Fen, and by their award to order and direct by whom and in what manner such private roads ways and communications respectively, should be repaired maintained and supported: AND whereas the said General Commissioners did not set out such communications, and in consequence thereof several of the farms and lands comprized in the said inclosed lands in Deeping Fen have not any roads or communications thereto, except by the permission of the owners of the intervening lands; and it is just and expedient that the owners of the said inclosed lands should have occupation roads set out thereto as directed by the said Act; BE it therefore Enacted, That it shall and may be lawful to and for the said Trustees for the time being, and they are hereby authorized and required, on the request and at the costs and charges of the owner or owners of any of the said inclosed lands in Deeping Fen (such request to be in writing and signed by the party or parties making the same) to set out such private roads or ways to run parallel with and along, but on the outside of the Soke Dike of the South and North Drove Drains as shall or may be necessary to communicate between the said inclosed lands in Deeping Fen, and the road or roads which have been set out, in, through or over the lands and grounds divided and inclosed by virtue of the said recited Act, and such roads, ways and communications respectively shall, when set out as aforesaid for ever thereafter be maintained and supported by the owner or owners of such of the said inclosed lands, for the benefit of which the same shall be so set out, and the powers and authorities hereby given to the said Trustees to purchase lands, and the other powers incident thereto, shall extend and be deemed taken and construed to enable the said Trustees to effect the purposes hereinbefore mentioned.

Trustees
may execute
new works
of Drainage.

And be it further Enacted, That it shall and may be lawful for the said Trustees for the time being, with the consent and approbation of the owners or proprietors interested in the said Lands and Grounds so to be drained as aforesaid, and to be ascertained in such way as the votes of the said owners and proprietors are

are required to be had in the choice of Trustees, as directed by the said recited Act; and they are hereby authorized and empowered from time to time, as and when there shall seem to them to be a necessity and occasion for the same, to cause such new or other drains, engines, mills and works, to be from time to time made or erected within the said Lands and Grounds, as in their judgment shall be proper and necessary for the improvement of the said Drainage, and from time to time to pay and discharge the expences of making and executing such new and other drains, engines, mills and works, out of any monies applicable to the general purposes of the said recited Act and this Act.

And be it further Enacted, That it shall and may be lawful to and for the said Trustees for the time being, and they are hereby authorized and required, as soon as may be after the passing of this Act, to make or cause to be made so much of the banks of the Vernatt's Drain as are situate between Pode Hole and Shotbolt's Bridge, of such sufficient height and strength as shall in the judgment of the said civil Engineer and of the person or persons to be named, as next hereinafter mentioned, be necessary to prevent the waters of the said drains from forcing their way into or upon the Lands adjoining or lying contiguous thereto, so as to injure or damage the same, and for that purpose to take earth out of the bed of the said drain.

AND to the end and intent that the banks of the said Vernatt's drain may throughout the whole extent between Pode Hole and Shotbolt's Bridge above specified, be made of sufficient height and strength for the purposes aforesaid; BE it further Enacted, That it shall be lawful for the major part in number of the owners and proprietors of fifty acres each of land, lying between the river Glen and the late Westlode Drain, or their known agent or agents, at a meeting to be convened by Fourteen days previous notice in writing, under the hands of any Three of such proprietors or their known agent or agents, to be affixed on the church doors of Spalding and Pinchbeck, on some Sunday before the commencement of divine service, to nominate and appoint some fit and proper person in their judgment to superintend and approve the heightening strengthening and repairing of the said banks, in conjunction with the person to be appointed Engineer as aforesaid; and in case such two persons shall disagree, then it shall be lawful for them, and they are hereby authorized and required to submit the matter in difference to some third person, to be by them mutually and indifferently named, whose judgment as to the matter in

Trustees to strengthen the banks of Vernatt's Drain.

Directions of such Repairs to devolve upon Three Referees.

Westlode filled in before 1823.

Referees to repair banks in default by Trustees.

Power for Trustees to purchase Lands.

in difference, shall be conclusive; and when the said banks on all the parts thereof above-mentioned, shall have been sufficiently heightened strengthened and repaired for the space and in manner aforesaid, the same shall for ever thereafter be preserved maintained and kept of such and the same improved height and strength aforesaid, by the persons and parties who are now by law, custom, usage or otherwise, liable to the preservation maintenance and repairs thereof respectively; any thing in this present Act contained to the contrary thereof notwithstanding.

Provided always, and be it further Enacted, That in case the said Trustees for the time being, shall at any time after the space of Three months notice in writing to be given to them or their Clerk or Superintendent by any of the owners or proprietors of the Lands and Grounds adjoining to the said banks of the said Vernatt's drain, or their known agent or agents, neglect or omit to make the banks thereof for the space aforesaid, of the height and strength necessary for the protection and due preservation of the said Lands, then and in such case it shall and may be lawful to and for such two persons, to be named as aforesaid, and they are hereby authorized and required at any time thereafter, to make or cause to be made so much of the said banks for the space aforesaid, of such sufficient height and strength as shall be deemed by them fully adequate to protect from injury the same Lands; and the expences so to be incurred by them or him in the heightening and strengthening of such banks, shall be paid and payable by the said Trustees for the time being on demand, and shall be recovered and recoverable from them in default of payment by an action at law, in which action the plaintiffs shall be entitled to Double costs.

AND whereas it is necessary and expedient that the same powers and authorities which are given by the said recited Act to the general Commissioners thereof, for enabling them to purchase Lands for the purposes of the said drainage, should be extended to and vested in the Trustees for the time being of the said recited Act and this Act; BE it therefore further Enacted, That all powers and authorities vested in or given to the general Commissioners of the said recited Act, for enabling them to purchase lands or hereditaments for the purposes of the said Drainage, and all clauses and provisions relating thereto, shall extend and be deemed taken and construed to all intents and purposes whatsoever, to extend to the said Trustees for the time being, as if such powers and authorities had been originally granted to or vested in such Trustees,

Trustees, by the express provisions of or reference made to them in the said recited Act.

And be it further Enacted, That in case the Person or Persons to whom any sum or sums of Money shall be awarded for the purchase of any lands tenements and hereditaments to be purchased taken or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good title to the premises, to the satisfaction of the said trustees, or in case the person or persons entitled to such lands tenements or hereditaments be not known or discovered, then and in such case it shall and may be lawful to and for the said trustees to order the said sum or sums of money so awarded as aforesaid, to be paid into the Bank of England, in the name and with the privity of the Accountant General of the High Court of Chancery, to be placed to his account to the credit of the parties interested in the said lands tenements or hereditaments (describing them) subject to the order control and disposition of the said Court of Chancery; which said Court, on the application of any person or persons making claim to such sum or sums of money, or any part thereof, by motion or petition, shall be and is hereby empowered in a summary way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the public funds, or to order distribution thereof or payment of the dividends thereof according to the respective estate or estates, title or interest of the person or persons making claim thereunto, and to make such order in the premises as to the said Court shall seem just and reasonable; and the cashier or cashiers of the Bank of England who shall receive such sum or sums of money, is and are hereby required to give a receipt or receipts for such sum or sums of money, mentioning and specifying for what and for whose use the same is or are received, to such person or persons as shall pay such sum or sums of money into the Bank of England as aforesaid.

Directing
how Monies
to be paid
in case of
failure of
Title, &c.

Provided always, and be it further Enacted, That where any question shall arise touching the title of any person or persons to any money to be paid into the Bank of England, in the name and with the privity of the Accountant General of the High Court of Chancery, in pursuance of this Act, for the purchase of any lands tenements or hereditaments, or of any estate right or interest therein, or to any Bank annuities to be purchased with any such money, or the dividends or interest of any such Bank annuities, the person or persons who shall have been in possession of such lands tenements or hereditaments in respect whereof such money shall

Where any
questions shall
arise as to
the title to
Money, the
Person who
shall be in
possession of
the Lands,
&c. to be
deemed en-
titled there-
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have

have been so paid at the time of passing this Act; and all persons claiming under such person or persons, shall be deemed and taken to have been lawfully entitled to such lands tenements or hereditaments, according to such possession, until the contrary shall be shewn to the satisfaction of the said Court of Chancery; and the dividends or interest of the Bank annuities to be purchased with such money, and also the capital of such Bank annuities shall be paid applied and disposed of accordingly, unless it shall be made appear to the said Court that such possession was a wrongful possession, or that some other person or persons was or were lawfully entitled to such lands tenements or hereditaments, or to some estate or interest therein.

The Court of
Chancery
may order
reasonable
expences of
Purchases to
be paid by
the Trustees.

Provided also and be it Enacted, That where by reason of any disability or incapacity of the person or persons, or corporation entitled to any lands tenements or hereditaments to be purchased under the authority of this Act, the purchase money for the same shall be required to be paid into the Court of Chancery, and to be applied in the purchase of other lands tenements or hereditaments to be settled to the like uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the expences of all purchases from time to time to be made in pursuance of this Act, or so much of such expences as the said Court shall deem reasonable, to be paid by the said trustees out of the monies to be received by virtue of this Act, who shall from time to time pay such sums of money for such purposes as the said Court shall direct.

And be it further Enacted, That it shall be lawful for the said Trustees for the time being, to assess and tax all and every the Lands and Grounds, except as hereinafter mentioned, now subject to and charged or chargeable with the said annual rate or assessment authorized by the said recited Act, with a tax not exceeding the sum of Fifteen Shillings an acre to be raised and paid to the said Trustees for the time being, or their Receiver, Collector or Collectors, by Three equal annual instalments, the first of such instalments to be paid on the Eleventh day of October next after the passing of this Act, and the Two subsequent instalments to be paid on the same day in each of the Two following years.

And be it further Enacted, That in all cases where any of the Lands or Grounds which shall be assessed taxed or charged with the said limited tax, are held on lease or agreement for any term longer than

See p: 80 of
1801 Act for
limited tax
p: 11
= limited tax
not exceeding 15 shillings
See p: 13 for explanation

Trustees to
lay a Tax
of 15 s.
per Acre,
payable by
annual In-
stalments.

Some Tenants on
Lease to pay
additional
rent.

p: 80
1801
p: 13
for
explanation