

fully and effectually to all intents and purposes, as if the same had been herein repeated, or expressly given to or vested in the Trustees of this Act for the purposes thereof, in words expressly applicable thereto.

Taxes paid to the Welland Commissioners, to be paid over.

And be it further Enacted, That the said Commissioners for executing the said Act of the Thirty-fourth year of His present Majesty, shall and they are hereby authorized and required, after deducting and retaining to themselves all such Costs, Charges and Expences, as they shall necessarily or reasonably incur in collecting, recovering, or receiving such Rates, Taxes and Assessments as aforesaid, from time to time to pay and apply the Net Proceeds of all such Monies as they shall receive for or on account of such Rates, Taxes and Assessments as aforesaid, together with the before-mentioned Balance of Nine hundred and Sixty-six Pounds Ten Shillings and Sixpence Halfpenny, in or towards discharging the Expences incurred by or incidental to the obtaining and passing this Act, with Interest for all Sums advanced for that purpose; and the Surplus of all such Monies (if any) as shall remain in the hands of the said Commissioners, after answering the purposes aforesaid, shall be paid to the Trustees of this Act or their Treasurer; and the Receipts of the said Trustees or their Treasurer, for the Monies so paid to them or him, shall be full and effectual Discharges to the same Commissioners for the Monies therein respectively acknowledged or expressed to be received.

New Cuts from the Reservoir to Fosdyke Bridge, confirmed.

And be it further Enacted, That the existing navigable Cut, forming part of the new Channel of the said River *Welland*, hereinbefore described to have been made from or below *The Reservoir*, to ~~the Fosdyke Inn, and to within about Ten Chains of Fosdyke Bridge,~~ and all the existing Banks and Forelands thereof, and also all the existing Cross Banks from the South Bank of the said navigable Cut, to the Sea Bank adjoining to the open Salt Marshes, and the several existing Sluices through the said Banks respectively, and each and every of them shall be, and the same are hereby allowed, established, ratified and confirmed, and shall, to all intents and purposes, be deemed and taken to be part of the Works, by the said Act of the Thirty-fourth year of His present Majesty, directed or authorized to be made by the said Commissioners.

Provided

Provided also, and be it further Enacted, That all the Commons and other Lands, including *Cowbit Wash*, that have been allotted under the said Act of the Forty-first year of His present Majesty, and both Banks of the said River *Welland*, and the South Bank of the River *Glenn*, for the space the said Banks respectively adjoin the said Rivers; and also the Herbage of the said Banks, and of One hundred and Twenty Feet of Land next the same; and also all Lands set out for Roads and Drains, together with the Banks and Forelands of such Drains, shall be held and be absolutely freed, exonerated, and discharged of and from the Payment of all Rates, Taxes and Assessments, charged thereon by the said recited Act of the Thirty-fourth year of His present Majesty.

Lands redeemed from Taxes, discharged therefrom.

Provided also, and be it further Enacted, That nothing hereinbefore contained shall extend, or be construed to extend, to exonerate or discharge from the Taxes, Rates or Assessments, of One Shilling an Acre, and Sixpence an Acre, respectively imposed thereon under or by virtue of the said Act of the Thirty-fourth year of His present Majesty, on any part of the said Commons, called *Deeping Common*, *Cowbit Common*, *Langtoft Common*, *Baston Common*, *Spalding Common*, and *Pinchbeck South Fen*, or the said Lands called *Cowbit Wash*, or the said *South Drove* and *North Drove* respectively, that have been sold and conveyed, or shall at any time hereafter be sold and conveyed, by the said General Commissioners; save and except the said One hundred and Twenty Feet of Land in breadth, next the Banks of the said Rivers *Welland* and *Glen*, and the Banks of the said Rivers respectively; nor any part of the said Common called *Crowland Common* otherwise *Goggushland*, nor the said Lands called *Crowland Wash* and *Fodder Lots*, except as to the One hundred and Twenty Feet of Land in breadth, next the Bank of the said River *Welland*, and the Bank of the said River heretofore part of the said *Crowland Common*.

Proviso, as to the Lands sold;

except 120 feet next Banks of Welland and Glen.

And be it further Enacted, That it shall be lawful for the several and respective Owners and Proprietors of, or Persons interested in any of the Lands called *Deeping Severals*, or *Deeping inclosed Fen*; and the ancient inclosed Lands in the several Parishes and Places of *Spalding*, *Pinchbeck*, *Surfleet*, *Gosberton*, *Quadring* and *Fosdyke*, and in a certain place called *Quadring Hundred*; and the Allotments that have been made of or upon the said *Crowland Common* other-

Lands not redeemed from Commissioners Taxes, to be charged with Redemption Price.

wise



wise *Goggushland*, and the Lands called *Crowland Wash* and *Fodder Lots*; and the Lands that have been or shall be sold from all or any of the said Commons, including *Cowbit Wash*, and from *Crowland Wash* and *Fodder Lots*; and all other Lands not redeemed from the Rate, Tax or Assessment of One Shilling an Acre imposed thereon by the said Act of the Thirty-fourth year of His present Majesty, to redeem all or any part of their respective Lands from all or any part of the same Rate, Tax or Assessment, on payment of such gross sum or sums of Money as will be equal to the Purchase or Redemption of the said Rate, Tax or Assessment remaining charged thereupon as aforesaid, after the rate of \_\_\_\_\_ years purchase; and such Purchase Money or Redemption Price shall be paid to the Trustees of this Act, or their Treasurer, by such Instalments, and at such Times and Places, and in such manner, as the said Trustees shall by Writing under their hands direct or appoint; and such Purchase or Redemption Money shall be deemed and taken to be in lieu of, and a full Equivalent, Satisfaction and Compensation for such Annual Rate Tax or Assessment, or so much or such part or parts thereof as shall be redeemed as aforesaid.

Civil Engineer appointed Commissioner to execute the Works of Drainage and Navigation.

And be it further Enacted, That \_\_\_\_\_ of the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ shall be and he is hereby appointed Commissioner for the division and appropriation of the bare Shifting Sands, in the manner hereinafter mentioned, and for making and executing the Embankments and other Works, by this Act directed to be made and executed; and he is hereby authorized and empowered, on behalf of the Trustees hereinafter appointed or authorized to be appointed, to contract with any Person or Persons for making, executing, or performing all or any of such Works, or any part or parts thereof, and generally to execute, do and perform all such other Acts, Matters and Things, as he shall deem expedient or necessary to be done, executed and performed, for effecting the purposes aforesaid; subject nevertheless to the particular Directions and Restrictions contained in this Act.

Commissioners Oath.

Provided also, and be it further Enacted, That no Person shall be capable of acting as a Commissioner in the execution of this Act, until he shall have taken and subscribed an Oath in the form following, (that is to say;)

" I, A. B.

" I, A. B. do swear, That I will faithfully, impartially and honestly, according to the best of my skill and ability, execute and perform the Trusts, Powers and Authorities, vested and reposed in me as Commissioner by virtue of an Act, passed in the Fifty-fifth year of the reign of King George the Third, intituled, [*here set forth the Title of this Act*] without favour or affection, prejudice or partiality to any Person or Persons whomsoever."  
" So help me GOD."

Which Oath it shall be lawful for the said Trustees, or any or more of them, to administer; and they are hereby required to administer the same from time to time, as often as there shall be occasion, and every such Oath so taken and subscribed by every such Commissioner, shall be deposited in \_\_\_\_\_

And be it further Enacted, That it shall be lawful for the said Commissioner from time to time, during the execution of the Trusts hereby reposed in him, to appoint, retain, or employ any Persons he shall think fit, as Superintendent, Assistants, Surveyors, Agents or Servants, in or about the execution of the Powers and Trusts hereby reposed in him, and to allow them such Salaries or other Recompence for their Trouble and Services, and to remove any of them, and appoint others in their stead, as to the said Commissioner shall seem fit and convenient.

Commissioner to appoint Officers.

And be it hereby further Enacted, That in case the said \_\_\_\_\_ or any future Commissioner to be appointed in pursuance of this Act, shall die or refuse, or become incapable to act in the execution of the Powers and Trusts hereby reposed in the said Commissioner, before all such Powers and Trusts shall be fully executed and performed, then and in such case, and from time to time, as often as any such Vacancy in the Commission shall happen, it shall be lawful for any \_\_\_\_\_ or more of the Trustees of this Act, to appoint some fit and skilful Person to be the Commissioner, in the place or stead of the said \_\_\_\_\_ or any such future Commissioner as aforesaid; and every Person who shall be appointed a Commissioner in pursuance of this Act, after having taken the Oath hereinbefore prescribed in that behalf, shall have the same Powers and Authorities in the execution of this Act, as are hereby vested or reposed in the said \_\_\_\_\_

Appointment of new Commissioner.



Commissioner to set out a Line of Division through the bare Sands.

And be it further Enacted, That it shall be lawful for the said Commissioner, and he is hereby required, as soon as may be after

to set out and ascertain by Stakes, Stones, or other sufficient Land Marks, a Line of Division through *Fosdyke Wash* aforesaid, commencing at the said Reservoir and extending lengthways through the said bare Sands, equidistant as near as conveniently may be from the score Edge of the high Marsh or Outmarsh, on both Sides of the said *Fosdyke Wash*, and terminating at *Fosdyke Bridge Road* aforesaid; and such Line of Demarcation shall for ever thereafter be deemed and taken to be the General Division of the said bare Sands, extending from the Reservoir to *Fosdyke Bridge* aforesaid, between the Proprietors thereof and Persons interested therein on the North Shore, and the Proprietors thereof and Persons interested therein on the South Shore respectively; and as soon as may be after the said general Line of Demarcation shall have been set out and ascertained, the said Commissioner shall also in like manner set out and ascertain several Lines of Division of the said bare Sands, between the respective Proprietors and Parties interested on each Side of the said general Line of Demarcation, whose Estates now front upon the said *Fosdyke Wash*, on each Shore thereof; and such several Lines of Division shall be final and conclusive, and shall for ever thereafter be deemed and taken to be the Limits and Boundaries of the said bare Sands, from the Reservoir to *Fosdyke Bridge Road* aforesaid, as between the several Proprietors and Parties interested, whose Estates now front thereupon.

The Sands to be valued by the Commissioner.

And be it further Enacted, That as soon as conveniently may be after the division of the said Sands among the Proprietors of, and Persons, Bodies Politic and Corporate, interested in the Frontage Lands adjoining thereto, the Value of the Fee Simple and Inheritance of the several and respective divided Parts or Shares thereof so set out as aforesaid, shall be ascertained and settled by the Commissioner for the time being of this Act; and the Particulars of such Valuations shall be reduced into writing, and signed by the Person or Persons making the same, and shall be submitted to the perusal and inspection of all Persons interested therein, at a General Meeting of the Proprietors of such Frontage Lands as aforesaid, to be convened for that purpose by the Commissioners for the time being of this Act, of the time, place and purpose of which Meeting at least days previous Notice shall be given by Advertisement to be inserted

in the or if that Newspaper shall not then be published, in some Newspaper printed or generally circulated in the said County of *Lincoln*; and all the Valuations which shall be made by the said Commissioner in pursuance of this Act, shall be deemed and taken to be the real and true Values of the several Divisions and Parts of the said Sands, for the purposes of this Act.

And be it further Enacted, That within calendar months after such Valuation shall be made of the said several Divisions or Parts of the said Sands as aforesaid, the respective Proprietors thereof, or Persons, or Bodies Politic or Corporate, interested therein, shall pay to the Trustees of this Act, or their Treasurer, such Sums of lawful Money of *Great Britain*, as shall be equal to one Moiety or Half-part of the Valuations of their said respective Divisions or Parts of the said Sands; and the Receipts of the said Trustees, or their Treasurer, shall be effectual Discharges for the Monies therein respectively acknowledged or expressed to be received.

Half of the Value of the Sands to be paid by the Owners of Frontage Lands to the Trustees:

And be it further Enacted and Declared, That from and immediately after the Division and Appropriation of the said Lands by the said Commissioner, and payment of such respective sums of Money by the respective Proprietors or Persons, Bodies Politic or Corporate interested, in pursuance of the Clause lastly hereinbefore contained, one undivided Moiety or equal Half-part of all the Divisions and Parts of the Lands which shall be set out and appropriated to the respective Proprietors of, or Persons, Bodies Politic or Corporate, interested in the said Frontage Lands, in pursuance of this Act, shall be and the same are hereby vested in the respective Proprietors or Persons, Bodies Politic or Corporate, to whom the same shall be set out and appropriated as aforesaid, for an absolute Estate of Freehold and Inheritance in Fee Simple, and the other Moiety thereof respectively shall be and the same are hereby vested in them respectively, to for and upon such and the same Estates, Uses, Trusts, Intents and Purposes, and subject and liable to such and the same Wills, Settlements, Limitations, Conditions, Charges and Incumbrances, as shall then affect the several Frontage Lands for or in respect of which the same Moiety or Half-part was respectively set out and appropriated as aforesaid.

Sands vested in the Owners of Frontage Lands.

And



Commissioners  
to describe on  
a Map the Di-  
vision of the  
Sands, and to  
make Orders  
for fencing the  
same, &c.

And be it further Enacted, That as soon as may be after the Division and Appropriation of the said Sands shall have been ascertained by the said Commissioner, he shall set forth and describe, or cause to be set forth and described upon a Map or Plan drawn and written upon Vellum, all the Divisions of the said Sands, and the number of Acres Roods and Perches severally contained therein, and also the Names of the respective Proprietors thereof, and such other Particulars as he shall think necessary for the better evidencing the Division and Appropriation of the said Sands, and effecting the other purposes of this Act; and the said Map or Plan shall be signed by the said Commissioner; and the said Commissioner shall also by any Deed or Instrument in writing, under his hand and seal, to be annexed to the said Map or Plan, order direct and appoint by whom, within what time, and in what manner the several Ditches Fences and other Works which the said Commissioner shall think necessary for the Division of the said Sands shall be made, and afterwards repaired and maintained; and all such Orders Directions and Appointments of the said Commissioner shall be binding on all Persons interested, and valid and effectual in the Law; and the said Commissioner shall make and sign a Duplicate of the said Map or Plan, and shall also make and execute a Duplicate of the said Deed or Instrument; and one part of such Map or Plan, and Deed or Instrument, shall be deposited in the Office of the Clerk of the Peace for the said Division of *Holland*, and the other part thereof respectively shall be deposited and kept by the Trustees of this Act.

Commission-  
ers to embark  
the Marsh  
South of the  
Road at Fos-  
dyke Bridge.

And be it further Enacted, That the said Commissioner shall and he is hereby authorized and required to make or cause to be made, in or upon the Lands now or heretofore part of the said Sands, a good and substantial Bank from the South side of *Fosdyke* Bridge aforesaid, to the termination of the South Bank of the said existing Cut or Channel hereby confirmed; such Bank to be of sufficient Dimensions to prevent the Flood Waters of the said River *Welland* from overflowing the Outmarsh and bare Sands lying between the two existing Banks across the said *Fosdyke Wash*; and also to build and erect, or cause to be built and erected, a Drainage Sluice for discharging the Waters from the said Outmarsh and bare Sands into the said navigable Cut or Channel West of *Fosdyke* Bridge aforesaid.

Residence to  
be provided  
for Collector.

And be it further Enacted, That it shall be lawful for the said Commissioner, and he is hereby required to inclose part of the said bare

bare Sands situate on West side of *Fosdyke* Bridge aforesaid, and as near thereto as conveniently may be, containing not less than Acres of Land, and to build or cause to be built on some convenient part of the said Land, a proper House for the Habitation of a Collector of the Rates Tolls and Duties by this Act imposed; and also convenient Buildings for the Stowage of Materials, to be deposited for repairing the said Cut or Channel, Banks, Sluices and other Works belonging thereto.

And be it further Enacted, That it shall be lawful for the said Trustees, from time to time and at all times from and after

Tonnage  
Rates.

to ask, demand, take and recover the several Rates, Tolls or Duties hereinafter mentioned, for the Tonnage of all Materials, Merchandize, and other Goods, Matters and Things, which shall be carried or conveyed along any part of the said Cut or Channel, below the said Reservoir; (that is to say)

FOR every Chaldron of Coals, the sum of  
For every Last of Oats or Malt, the sum of  
For every Half Last of Wheat, Rye, Barley, Barley Big, Beans, Peas, Cole, Linseed, Hemp Seed, or Mustard Seed, the sum of  
For every Ton of Iron, Salt, Lead, Rags, Tobacco Pipe Clay, Pebbles or Cobles, the sum of  
For every Ton of Reed, Sedge, Hay, Flax, Hemp, or Turves, the sum of  
For every Butt of Currants, Chaldron of Lime, and Chaldron of Grindstones, the sum of  
For every Two Pipes, Three Hogsheads or Puncheons, Eight Barrels or Half Hogsheads of Wine, or other Liquor, the sum of  
For every Eight Packs of Wool, reckoning Ten Todds to the Pack, the sum of  
For every Sixteen Kilderkins, Thirty-two Firkins, Quarter Barrels, and Bushels of Sand, the sum of  
For every Five hundred Pantiles or Paving Tiles, Five hundred Bricks, Twenty Feet of Stone, One Hundred of Battens, and Half a Hundred of Deals, the sum of  
And for all other Goods, Wares and Merchandize, the sum of per Ton:  
And also for every Fifty Feet of Fir Timber, and Forty Feet of all other Timber, Calliper Measure, the sum of whether floated carried or conveyed:

2.

E

And



And for any quantity of Goods, Articles or Things, less than the respective quantities hereinbefore charged with any Rate Toll or Duty, there shall be demanded and taken part or proportion of the several Rates, Tolls and Duties hereinbefore charged upon or made payable for the whole of such respective Quantities thereof, as are hereinbefore specified:

Recovery of Tonnage.

And be it further Enacted, That the several and respective Rates, Tolls and Duties hereinbefore directed to be taken, shall be respectively paid to such Person or Persons, at such Place or Places, in such manner, and under such Regulations, as the said Trustees shall from time to time direct or appoint; and in case of refusal or neglect of payment of any such Rates Tolls or Duties, or any part thereof, on demand, to the Person or Persons appointed to receive the same as aforesaid, it shall be lawful for the said Trustees to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at Westminster; or the said Trustees, or the Collector or Collectors, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain the Goods or other Things, for or in respect whereof any such Rates Tolls, or Duties ought to have been paid, or any part thereof, and the Boat, Barge, or other Vessel, laden therewith, or returning from the voyage, and detain the same until payment thereof shall be made, with all reasonable Charges for such Seizure and Distress, and keeping the same; and if such Distress shall not be redeemed within

days next after the taking thereof, the same shall be appraised and sold, as the Law directs in cases of Distress for Rent.

Annual Taxes on the Sands.

And be it further Enacted, That all the Lands, commonly called known or described by the Names or Descriptions of the Outmarshes and bare Sands in the Parishes of *Spalding*, *Surfleet*, *Gosberton*, *Fosdyke*, *Algarkirk*, and *Moulton* respectively, between the Reservoir and *Fosdyke Bridge* aforesaid, shall be, and the same are hereby charged with an Annual Tax of per Acre, to commence from the day of One thousand eight hundred and and to be and continue payable on the day of in every year for ever; which said Annual Taxes respectively, shall be payable and paid to the said Trustees or their Treasurer, or to such other Person or Persons as the said Trustees shall appoint to receive the same.

And

And be it further Enacted, That if any Annual or other Tax, Rate or Assessment, charged upon any Lands by virtue of this Act, or any part or parts thereof, shall not be paid for the space of days next after the same shall become payable, then and in every such Case, the said Trustees or their Treasurer, or any other Person or Persons acting under their authority, are hereby empowered to enter upon the Lands so charged, or any part or parts thereof, and to levy the Arrears so due and unpaid, by Distress and Sale of the Goods and Chattels which shall be found thereon, with the Costs of making and keeping such Distress and Sale; and otherwise to act therein according to the Laws now in being in cases of Distress for Nonpayment of Rent reserved in common Demises.

The Recovery of Taxes by Distress and Sale.

And be it further Enacted, That if any Annual or other Tax, Rate or Assessment, which shall be due or payable by virtue of this Act, or any part or parts thereof, shall not be paid within days after the same shall become payable, then and in every such Case, it shall be lawful for the said Trustees, or any other Person or Persons authorized to receive the same, to recover all Arrears of such Taxes Rates or Assessments, with Costs of Suit, by Action to be brought in any of His Majesty's Courts of Record at Westminster, against the Person or Persons liable to pay the same.

The like by Action.

And be it further Enacted, That no Person or Party interested in any Lands hereby charged with the Payment of any Annual Tax or Rate, shall be entitled to claim an Exemption from Payment thereof, after the same shall have been once paid; but that such Payment shall be deemed and considered as Evidence of such Lands being for ever liable thereto.

Taxes once paid, for ever chargeable.

And be it further Enacted, That it shall be lawful for the said Commissioner and Trustees respectively, at any time after the passing of this Act, to take, comprise, and include any other Lands within the said Drainage, on the Petition in writing to be delivered to them respectively, and signed by a majority of the Proprietors of such Lands comprised in the said Petition, and on previous Payment of such sums of Money in the gross, as shall be agreed upon for that purpose; and also for the said Commissioner and Trustees respectively, to erect or cause to be erected any new Sluice or Sluices, or other Works that may be necessary, for the purpose of including all such last-mentioned Lands in the said Drainage.

Other Lands may be benefited by the Drainage, by Petition and previous Payment.

And