

so as to produce a gradual inclination or fall, at the rate of four inches per mile, from the upper end of Crowland High Wash to the River Welland, at the Locks, or Locks Mill, aforesaid ;

New outfall sluice to be erected.

And to erect near the Locks, or Locks Mill, aforesaid, a new outfall sluice for discharging the water of the said main drain into the river Welland, such sluice to be made with two openings or arches respectively, of the width of seven feet clear, and the sills to be at least three feet six inches below that of the present sluice, and such new sluice to be provided with two pairs of sliding doors, of the same width as the arches, to be so constructed as that when both doors are down a sufficient quantity of water shall be held up for the purpose of irrigation, without prejudice to the drainage, and so that one door may be drawn up level with the top of the arch ; the carriage way over the said sluice to be of the width of twelve feet at least, and the parapet wall next the river Welland, to be of a height, measuring from the sill, equal to the height or surface of the counter or wash bank herein provided for ;

Stanch near Brother House Bar to be erected.

And to build a stanch, with sliding door set in brickwork, near Brother House Bar, such door to be of the width of ten feet at least, and of such height from the sill as shall be requisite and suffice to provide for and secure to the lands in Postland and Moulton West Fen, and other neighbouring lands, respectively, a supply of water for irrigation through the tunnels called Brother House Tunnel, and Moulton Tunnel, respectively, equal to but not greater than that which such lands are by law or custom entitled to receive thereby respectively, and to be so constructed as to be capable of being drawn up whenever required for the purposes of drainage ;

Sliding doors to be fixed across Warehouse Lake.

And to erect, build, and put up, across Warehouse Lake, near Crowland Fen Bridge, in a line with the counter bank running parallel with and on the wash side of the river Welland, one pair of sliding doors, with a width of waterway of twelve feet at the least, the sill to be laid level with the

top of the present culvert under the said lake, near the town of Crowland, and one foot deeper than the bed of the river Welland, near thereto, and to be constructed in such manner as, when both doors are raised, to allow the passage of boats or lighters, such as are customarily navigated upon the said Warehouse Lake, into and from the said river and lake respectively, and to be also so constructed as that one of the doors may be drawn up above the other to form a stanch as high as the top or surface of the counter or wash bank next adjoining thereto, and also at a sufficient distance from the said sliding doors to erect, build, and put up in the said Warehouse Lake one other pair of sliding doors, so as to form with the first-mentioned sliding doors a pen sluice or navigation lock of sufficient capacity to contain two or more such boats or lighters for the use of such boats or lighters in passing to and from the said river, and for the purpose of preventing the escape of water from the said river ;

And to remove the culvert now being under the Warehouse Lake, and at each end thereof, in the line of the main drain, to erect and build a bridge, with a clear waterway of eight feet at the least, with stanch doors on each side of the arch or waterway, which stanch doors shall be raised only when required for the purpose of drainage, and at no other time ; and shall be always shut down when the doors of the said pen sluice or navigation lock are open ;

Culvert under Warehouse Lake to be removed, and a bridge to be built on site thereof.

And to form, make, or place, and for ever thereafter maintain and keep in good and proper repair and efficient condition a culvert under the channel and bed of the said main drain, so as to connect the present water channel or watercourse for the supply of water to a tunnel called Bell, otherwise Bell Dyke Tunnel, in the hamlet of Peakhill, in the said parish of Spalding, on the north side of the said drain, with the said water channel or watercourse on the south side of the said main drain, to provide for and secure to the lands in Spalding, Cowbit, and Peakhill aforesaid, and other neighbouring lands (if any) a supply of water for irrigation through the said Bell or Bell Dyke Tunnel equal to, but not

Culvert under main drain for passage of water to Bell Tunnel.

greater than that which such lands are by law or custom entitled to receive thereby, which culvert shall be at least of equal size and dimensions with the said tunnel;

And also to build such bridges and other communications over the said main drain, and such other stanches and other works as the said trustees may consider to be necessary and proper in consequence of the widening and deepening of the said main drain.

16
Pen sluices to be under charge of Welland Trustees.

Provided always, and be it further Enacted, That the pen sluices or navigation lock at Warehouse Lake shall be placed under the charge and direction of the river Welland trustees, saving always all existing rights as to the navigation of the said lake, and as to taking water from the same, or from the river Welland.

17
The bank of the river Welland next the washes to be raised.

And be it Enacted, That the trustees shall cause the counter bank on the east, or south-east, side of the river Welland, next to or adjoining the said washes and fodder lots, and other lands, to be raised, strengthened, enlarged, re-instated, and restored, to a uniform height along its whole extent, from its commencement, at or near to the Locks, or Locks Mill, in Spalding aforesaid, to its termination or upper end at or near to the place where the water of the Folly river or drain is discharged and falls into the said river Welland: Provided always, That such bank shall not be raised to a greater uniform height than is shown on the deposited section thereof, without the express authority and consent of a majority of the undertakers, adventurers, or participants. for the time being, for the drainage of Deeping Fen, being proprietors of two hundred and fifty acres each, present at their general annual meeting, or at a special meeting to be convened for that purpose.

18
Bank not to be raised at a less distance than forty feet from edge of river.

Provided always, That nothing in this Act contained shall authorise or empower the trustees to raise any part of the said counter bank at a less distance than forty feet from the edge of the river without the especial consent of the Lord High Admiral or Lords Commissioners for executing the office of Lord High Admiral for the time being for that purpose first given, nor shall any thing in this Act contained prevent the removal of the said counter bank when made and raised opposite to a place called Whitehouse Turn (and in or

adjoining the lands No. 135 in the parish of Crowland, and No. 2 in the extra-parochial place or lands called Deeping Fen or Deeping Fen Welland Washes, in the deposited plans), for the purpose of straightening or improving the navigation of the said river when required.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to authorise or empower the trustees to raise or heighten the said counter bank at any point between the bridge over the Folly River, called Peakirk Bridge, towards Crowland, and the tunnel called the old Borough Fen Tunnel.

19
Counter bank not to be raised between Peakirk Bridge and Borough Fen Tunnel.

And be it Enacted, That the trustees shall and may from time to time make and thenceforth, as occasion may require, support, maintain, amend, repair, and improve the sluices, bridges, tunnels, stanches, culverts, banks, and other works already or hereafter to be made in, upon, and through the said washes and fodder lots, and make, widen, deepen, lengthen, extend, alter, divert, improve, and cleanse, as occasion may require, as well the delph soke dike, or drain next to or adjoining the counter bank aforesaid, as also all other the drains, sewers, and watercourses already or hereafter to be made in and through the said washes and fodder lots respectively, for more effectually draining and preserving the same; and for such purposes or any of them to enter into and upon any part of the said several washes and fodder lots, and to take and use such lands and to dig and take earth and soil therefrom, and to cut through any part of the said lands, doing as little damage as may be, and making full compensation for all damage or injury which shall be occasioned to any person thereby; and the costs and expenses incident to or occasioned by such several works as last aforesaid shall be defrayed and discharged by the said trustees by and out of the funds and moneys to be from time to time raised by virtue and under the authority of this Act, in such manner as the said trustees shall think proper, and order and direct.

20
Miscellaneous works

Provided always, and be it Enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorise or empower the said trustees to alter, enlarge, lessen, or change the position of any of the tunnels in or through the said counter bank, whereby any water is drawn or issued from the said river Welland to

21
Trustees not to alter tunnels in counter bank.

or for the service of any of the lands on the other side of the said several washes and fodder lots, or to do or permit to be done any act whereby the quantity of water so drawn or issued from the said river for the use of such lands shall be augmented or increased.

22
Deposited
plans and
books of refer-
ence to be
open for in-
spection.

And whereas plans and sections, describing the course of the main drain proposed to be widened and improved, and the lands upon, through, and over which the said works are proposed to be made, with books of reference, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the clerks of the peace for the parts of Holland and Kesteven, in the county of Lincoln, and for the county of Northampton, and for the liberty or soke of Peterborough, in the said county of Northampton, Be it therefore Enacted, That the said clerks of the peace respectively shall allow all persons interested, at all seasonable times, to inspect such plans, sections, and books of reference, and to make copies of, or extracts from, the same respectively, in the like manner, and upon the same terms, and under the like penalty for default, as are provided by an Act passed in the first year of the reign of Her present Majesty, intituled, "An Act to compel Clerks of the Peace for Counties, and other persons, to take the custody of such documents as shall be deposited with them under the Standing Orders of either House of Parliament."

23
Errors and
omissions to
be corrected.

And, for the purpose of making provision for correcting any omission, mis-statement, or erroneous description of any land, or of the owners, lessees, or occupiers of any lands described in the said plans, or in the said books of reference, or in the Schedule hereto; Be it Enacted, That the correction of any such matters may be referred by the trustees to the determination of two justices; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described, and such certificate shall be deposited with the clerk of the peace for the said parts of Holland, in the county of Lincoln, and copies, or extracts thereof, with the clerks of the several parishes in which the lands affected thereby shall be situate; and such certificate, and such extracts or copies respectively, shall be kept by such clerk of the peace and clerks of

the parishes respectively, along with the documents to which they relate, and thereupon such documents shall be deemed to be corrected according to such certificate, and it shall be lawful for the said trustees to execute the said works in accordance with such certificate.

And be it Enacted, That true copies of such plans and books of reference, or of any correction thereof or extracts therefrom certified by any such clerk of the peace, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

And be it Enacted, That the trustees shall not take or injure any property of the following kinds without the consent in writing of the owners and occupiers thereof (that is to say): any house or building erected on or before the thirtieth day of November, one thousand eight hundred and forty-six, or any ground on or before that day enclosed or set apart and used as a garden, orchard, nursery ground, yard, paddock, plantation, planted walk, or avenue to a house, other than and except such as are specified in the schedule (A) to this Act annexed.

And be it Enacted, That all buildings, sluices, bridges, tunnels, culverts, cuts, sewers, drains, watercourses, dams, banks, headings, forelands, doors, outlets, and other works already made or now existing or hereby provided for and authorised to be made for the drainage of the said several washes and fodder lots respectively, and the right and property to and in the same, and the materials whereof any of them may consist, together also with the said counter-bank or wash-bank for the whole extent thereof, and also the delph soke dike, or drain lying next to and adjoining the said counter-bank shall be and are and is hereby vested in the said trustees.

And be it Enacted, That the various works hereby directed to be done shall be proceeded with with all practicable and convenient despatch, so that the same shall be completed within a period not exceeding four years from the passing of this Act.

And be it Enacted, That the several owners or occupiers of the several lands within the said several washes and fodder lots, for the better drainage of which provision is intended to be hereby made, shall at all times well and sufficiently cleanse, scour, deepen, widen, and re-

24
Copies to be
evidence.

25
Houses and
enclosed
grounds not
to be taken
without con-
sent of owners
in certain
cases.

26
Works vested
in trustees.

27
Limiting time
for complet-
ing works.

28
Dikes to be
kept open.

Penalty for neglect.

In default, trustees may repair.

pair, the several road or drove-way dikes, outring or partition dikes, and division dikes adjoining or belonging to their respective lands, and shall at all times keep and maintain the said dikes and every of them with proper and sufficient tunnels wherever necessary for the free current and passage of water in the course of and along such dikes, of such width, depth, and dimensions respectively as the trustees shall direct or require; and, in case any such owner or occupier shall at any time neglect or refuse so to cleanse, scour, widen, deepen, or repair any of the said dikes adjoining or belonging to his lands, or to place and lay down such tunnel or several tunnels as aforesaid, or to keep or maintain the same dikes and tunnels respectively of such sufficient width, depth, and dimensions as aforesaid, for the space of twenty-one days next after notice in writing so to do under the hands of three of the said trustees for the time being, or of their clerk, shall have been given to such owner or occupier, or left at his usual place of abode, he shall for every such neglect forfeit any sum not exceeding the sum of three shillings for every rod of the dike or dikes so neglected to be cleansed, scoured, deepened, widened, or repaired as aforesaid, and the sum of five pounds for every neglect or omission to place and lay down and maintain in an efficient state for the passage of water as aforesaid any and every such tunnel as aforesaid; and it shall be lawful for the trustees or their superintendent, or other officer, from time to time after such neglect or refusal as aforesaid, to cause such dikes to be cleansed, scoured, deepened, widened, and repaired, and such tunnel or tunnels respectively to be placed and laid down or repaired as the case may be, and the charges and expenses attending the same shall be reimbursed to the said trustees by such owner or occupier so neglecting or refusing as aforesaid.

29
Owners or occupiers of lands adjoining the counter or wash bank to keep up a fence between their land and the bank.

Penalty.

And be it Enacted, That the several owners or occupiers of lands adjoining the delph-soke-dike, or drain, of or next to the said counter or wash bank of the River Welland, shall and they are hereby required to keep up and maintain a sufficient fence upon their several lands where the same abut upon the said delph-soke-dike, or drain, to prevent all horses, swine, and cattle (except sheep), from depasturing on the said bank, or treading down the same, or damaging or impairing the said delph as a receptacle for the soakage water, and as a drain for carrying off and discharging such water; and, in case any such owner or occupier shall at any time refuse or neglect to erect, and put down, repair, and maintain such sufficient

fence for the space of twenty-one days next after notice in writing so to do, under the hands of three of the trustees for the time being, or of their clerk, shall have been given or left at his usual place of abode, he shall for every such neglect, forfeit any sum not exceeding five pounds; and also any further sum not exceeding ten shillings for every swine, and twenty shillings for every horse and head of cattle (except sheep), belonging to such owner or occupier which shall be found depasturing upon or treading down the said bank.

And be it further Enacted, That it shall and may be lawful for any person or persons whomsoever to drive any horse or horses, swine or cattle (except sheep), which shall be found upon the said counter bank, or upon any other of the banks, or the forelands thereof, within the purview of this Act, to the common pound or fold of the parish or other place where such horse or horses, swine or cattle (except sheep), shall be found; and, in case there be not any such common pound or fold there, then to the common pound or fold of any adjoining parish; and the pinder or foldkeeper of the said parish is hereby directed to impound and hold the same in his custody, and to feed them while they shall remain in his custody; and the same shall not be repleviable, but shall remain in the custody of the pinder or foldkeeper for the time being, until the owner or owners of such horse or horses, swine or cattle, shall have paid such penalty not exceeding the sum of ten shillings for each and every of such swine so impounded, and not exceeding one pound for each and every of such horses or other cattle so impounded, together with all such costs of taking and impounding, and also of feeding the same during the time they shall have been impounded, as a justice of the peace shall order and direct, and together also with all costs of feeding the same, from the time of the making an order by a justice until the payment of such penalty or penalties and costs; and if the penalty or penalties, together with such costs, shall not be paid within the space of seven days after an order has been made by a justice, it shall be lawful for the trustees, at any time thereafter, to sell or cause to be sold the horse or horses, swine or cattle, so impounded, by auction, at the market town nearest the pound where the same shall be impounded, on some market day, between the hours of twelve of the clock at noon, and two of the clock in the afternoon, and to apply the money arising by such sale, in payment of the penalty or penalties ordered to be paid, and of such costs and charges attending the taking, im-

All cattle but sheep found on banks may be impounded.

pounding, and feeding the said horse or horses, swine or cattle so impounded, and also all the costs and charges attending the sale and disposal thereof; and in case there shall be any surplus, the same shall be paid to and remain in the hands of the trustees, or their treasurer, to be by them or him returned or paid to the owner or owners of the said horse or horses, swine or cattle, so impounded, on demand.

31
Penalty on
persons da-
maging
drains, &c.

And be it further Enacted, That if any person or persons shall, at any time or times hereafter, wilfully or designedly damage any bank, bridge, tunnel, culvert, flood-gate, stanch, or sluice, or any drain, watercourse, door, dam, or other work or works, already made or erected, or which shall at any time hereafter be made or erected, or in the course of being made or erected, for answering any of the purposes of this Act, all and every person and persons so offending, and being thereof convicted before two or more justices of the peace (having jurisdiction in the parish or place where any such offence shall have been committed, or where any person or persons so offending shall be found, and who are hereby authorised and required to hear and determine the same), on the oath of one or more credible witness or witnesses, or on the confession of the party offending, shall forfeit for every such offence any sum not exceeding twenty pounds, nor less than two pounds, as the said justices shall order and direct, to be paid to the trustees, or any three or more of them, to be applied for the purposes of this Act, or be liable to such other penalties as are provided for by the Commissioners Clauses Act, 1847.

32
Penalty on
persons caus-
ing obstruc-
tions.

And be it further Enacted, That if any person shall at any time hereafter set or place any fishing net, eel-trap, or eel-leap, or other device or thing in any drain, dike, water-channel, or water-course within the purview of this Act, whereby the free current and passage of the water shall or may be obstructed or prevented, every person so offending and being thereof convicted before any one justice of the peace having jurisdiction in the place where such offence shall have been committed, on the oath of one or more credible witness or witnesses, or on the confession of the person so offending, shall forfeit for every such offence any sum in the discretion of such justice, not exceeding five pounds, to be paid to the trustees, or any three of them, and applied to the purposes of this Act, or be liable to such other penalties as are provided for by the Commissioners Clauses Act, 1847.

And be it Enacted, That all taxes, rates, or assessments authorised by the said first and secondly recited Acts, or either of them, and already made by the trustees under the same Acts, or either of them, upon the lands within the drainage directed by the same Acts, or either of them; and also all taxes, rates, or assessments authorised by the said thirdly recited Act, and already made by the trustees under the same Act upon the lands lying within Cowbit Wash aforesaid (although the same taxes, rates, or assessments respectively may not have been made according to the forms directed in the said recited Acts respectively, or any or either of them), shall be deemed and taken to be good and valid (except that it shall be lawful for the trustees of this Act to correct any manifest errors therein), and that all arrears of the said taxes, rates, and assessments heretofore vested in, or payable to, the respective trustees of the said recited Acts, or any or either of them, shall be payable to the trustees of this Act, or their collector, or treasurer for the time being; and the said trustees of this Act shall cause notice to be given to the owner or occupier, owners or occupiers, of the several lands in respect whereof such arrears of taxes, rates, or assessments respectively are due, requiring that all such arrears shall be paid to the trustees of this Act, or their collector or treasurer, within two calendar months after such notice shall have been delivered to, or left at the dwelling-house or usual place of abode of such owner or occupier, owners or occupiers, as aforesaid; and that, after the expiration of the said two calendar months, the powers and remedies of distress, and entry, and action of debt hereinafter respectively provided, for compelling and enforcing the payment of the taxes and rates hereafter to be assessed by the trustees of this Act for the time being, and all the clauses and provisions relating thereto, shall extend and be construed to extend to the compelling and enforcing the payment of the arrears of the said taxes, rates, and assessments already assessed and made as aforesaid, and the same powers or remedies shall or may be exercised accordingly.

33
Arrears of
taxes, &c. to
be paid to
trustees of
this Act, and
to be re-
covered by
distress and
action of debt.

And, in order to raise money for carrying the several purposes of this Act into execution, Be it Enacted, That it shall be lawful for the said trustees, from time to time, as occasion shall require, to rate, assess, tax, and charge all the several lands within the said Crowland Washes and Fodder Lots, Deeping Fen Wash, and Cowbit Wash, in such equal sum or sums of money per acre, and so on in rateable

34
Power to levy
rates and
taxes.

See 37