

H. F. Bain
Spalding

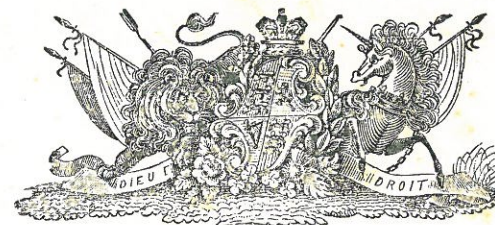
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A C T S
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1846.



ANNO TRICESIMO TERTIO
GEORGII III. REGIS.

CAP. 109.

An Act for draining, preserving, and improving certain Lands, lying in the several Parishes of *Spalding*, (including the Hamlets of *Cowbit* and *Peakill*,) *Weston*, *Moulton*, *Whaplode*, *Holbeck*, *Fleet*, *Gedney*, *Sutton Saint Mary*, and *Sutton Saint Nicholas*, otherwise *Lutton*, all in *South Holland*, in the County of *Lincoln*. [3d June, 1793.]

Preamble.

WHEREAS the low Lands, lying in the several Parishes of *Spalding*, (including the Hamlets of *Conbit* and *Peakill*,) *Weston*, *Moulton*, *Whaplode*, *Holbeck*, *Fleet*, *Gedney*, *Sutton Saint Mary*, and *Sutton Saint Nicholas*, otherwise *Lutton*, all in *South Holland*, in the County of *Lincoln*, contain by Estimation Nineteen thousand four hundred Acres, or thereabouts; and are situate and bounded as follows; (that is to say): In *Sutton Saint Nicholas*, otherwise *Lutton*, an Angle of Land, bounded on the North by the Drove, leading towards *Wanton's Clough*, from the House in the tenure of *Matthew Trollope*, and belonging to the Heirs of the late

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

the East by the above described Lands in *Moulton*, on the West by the Low Lands of *Spalding*, on the North by *Long Lane*, which runs from *Moulton Meer* to *Beggar's Bush*, at the Turnpike Road which leads from *Spalding* towards *Holbech*, and lying between the said Lane and the South Boundary of the Parish of *Weston*: In *Conbit*, all the Land that lies on the East Side of the *Welland*, including a small District called *Turpitts* and *Bellsmere*, at present drained by Water Engines: In *Spalding*, all the Lands bounded by the Turnpike Road leading from *Spalding High Bridge* to the South End of the Hamlet of *Peakill*, by the above described Lands in *Weston* and *Conbit*, the Low Road leading from *Spalding Church* unto the Turnpike Road towards *Holbech*, and by the said Turnpike Road: And whereas the Lands above described are much annoyed in the Winter Season with Water, for want of a proper Drainage and Outfall to Sea, and are thereby rendered, in a great Degree, unprofitable to the Owners thereof; and, although they are capable of being effectually drained and preserved, yet the same cannot be accomplished without the Aid and Authority of Parliament:

Commissioners.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Maxwell* of *Fletton*, in the County of *Huntingdon*, *Edward Hare* of *Castor*, in the County of *Northampton*, and *John Walker* of *Sutton Saint Mary*, in the County of *Lincoln*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for draining, preserving, and improving the Low Lands lying in *South Holland*, in the County of *Lincoln*, subject to the Directions in this Act contained; and any Two of the said Commissioners are hereby fully authorized and empowered to act, execute, do, and perform all and every, or any Matter or Thing, required and necessary to be done and performed by and in pursuance of this Act, as fully and

effectually, to all Intents and Purposes, as if all the said Commissioners herein-before appointed were present at, and executed, did and performed the same.

In case of Death, new Commissioners to be appointed.

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

Commissioners to be sworn.

III. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this

Act, (otherwise than for the Purpose of giving Notice as herein-after directed, of the First Meeting of the said Commissioners, and of administering the Oath or Affirmation herein-after mentioned to each other), until he shall have taken and subscribed the Oath or Affirmation to the Effect following:

Commissioners' Oath.

I *A. B.* do swear, [or, *being of the People called Quakers*, do affirm], that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Trusts reposed in me as a Commissioner, by virtue of an Act of Parliament, intituled, *An Act for draining, preserving, and improving certain Lands, lying in the several Parishes of Spalding, (including the Hamlets of Cowbit and Peakill), Weston, Moulton, Whaplode, Holbech, Fleet, Gedney, Sutton Saint Mary, and Sutton Saint Nicholas, otherwise Lutton, all in South Holland, in the County of Lincoln*, without Favour or Affection to any Person whomsoever.

‘ So help me GOD.’

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

To be taken out of Jurisdiction of Sewers.

IV. And whereas great Part of the Waters from the Lands, called *Deeping Fen*, is at present discharged under the River *Welland*, by means of a subterraneous Tunnel, into a certain Drain called *Lord's Drain*, and along the said Drain through great Part of the Lands in *South Holland*, to the great Prejudice and Annoyance of the said last mentioned Lands: Be it therefore further enacted, That for the more effectual Execution of this Act, the said subterraneous Tunnel shall,

from and immediately after the Commencement of this Act, be discontinued, and no longer used for discharging any Part of the Waters of and from *Deeping Fen*.

To be taken out of the Court of Sewers.

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

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

VI. And be it further enacted, That all the Waters of *Deeping Fen*, and all other Waters on the West Side of the River *Welland*, (except the Waters of certain Lands bounded by *Hawthorn Bank*, the River *Welland*, and the *Westload*, as herein-after more particularly described, in case such Lands

shall be permitted to have the Benefit of this Act on Petition and Agreement, as herein-after provided for), shall, from and after the passing of this Act, be discharged, either along the Course of the River *Welland*, or through proper Drains on the West Side of the same River.

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

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

Commissioners may alter the Lord's Drain.

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

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

Commissioners may examine Evidence on Oath.

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

Commissioners to give Notice of their Meetings.

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

required to give Notice, or cause Notice to be given in Writing to the Absent Commissioners, of the Time and Place to which he shall make such Adjournment.

Allowance to Commissioners.

XI. And be it further enacted, That each of the said Commissioners shall be paid the sum of Two Guineas, and no more, for every Day's Attendance of such Commissioner; and that at all Meetings to be held in pursuance of this Act, the said Commissioners and the Proprietors, and their Attornies, Solicitors, or Agents, shall respectively pay the Expences which they respectively shall incur by means of attending such Meetings: Provided always, That no Commissioner shall be intitled to charge or receive any Thing for his Attendance in the Execution of this Act, on such Days as he shall attend as Commissioner to execute any other Act of Parliament.

Proprietors to give an Account of Lands.

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

Survey to be made.

XIII. And be it further enacted, That the said Commissioners shall cause a true and distinct Survey and Map to be made and taken, by some proper Person or Persons, as well

of the Lands so annoyed by the said *Lord's Drain*, as of the Whole and every Part of the Lands hereby intended to be drained and improved, which Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, of the Lands belonging to each Proprietor shall be therein specified and described, and also the Number of Acres, Roods, and Perches of the several open Commons of *Holbeck*, *Whaplode*, and *Fleet*, and such Survey shall be delivered and laid before the said Commissioners, at all or any of their Meetings to be held for the purposes of this Act, and shall be verified on the Oath or Affirmation of the Person or Persons who shall so make the same, which Oath or Affirmation any One of the said Commissioners is hereby impowered and required to administer.

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

XIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and impowered, as soon as may be after the passing of this Act, to direct and order the said Lands to be drained in an effectual Manner, and for that purpose to cause a good and effectual Main Cut or Drain to be made from Low Water Mark at *Peter's Point*, as near as may be, along the Line herein-after described, unto a certain place at *Wheatmeer Drain*, near the Hamlet of *Peakill*, and of the following Dimensions; to wit,

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

From the *Roman Bank*, along the Direction of the said

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

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

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

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

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

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

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

And also, that the said Commissioners shall, and they are hereby impowered and directed to repair, or cause to be repaired, those Parts of the *Welland Banks* where the said subterraneous Tunnel shall be taken up as aforesaid, in a good and effectual Manner, and to erect and build, or cause to be erected and built, a Sea Sluice of Three Arches of Stone, the middle Arch not to be less than Ten Feet in the Clear, and the Two Side Arches not less than Eight Feet each in the Clear, with Pointing Doors to Sea and Land, in or near the Line of the present Sea Bank, at or near *Peter's Point* aforesaid; and that the said Commissioners shall, in like Manner, erect and build, or cause to be erected and built, certain Bridges in the following Places, and of the Dimensions hereinafter mentioned, to wit: A Bridge of Bricks over *Dereham's Drain*, where the same crosses the *Wisbech* Turnpike Road, with a Water Way of Twenty-four Feet at the least; also another Bridge of Bricks over the said *Dereham's Drain*, where the said Drain crosses the Road leading from *Long Sutton* to *Tydd Saint Mary*, with a Water Way of Twenty-two Feet at the least; also another Bridge of Bricks over *Gedney Drove*, with a Water Way of Twenty Feet at the least; also Common Cart Bridges of Timber, with proper Water Ways at all such several and respective Places as they shall think proper; and also to erect or alter such other Bridges as the said Commissioners shall deem neces-

sary to be erected or altered for the Convenience of the Publick, and of the Proprietors of the said Low Lands, their Tenants, and Occupiers thereof; and to make such Contracts, and appoint such Officers for superintending the Execution of the said Works, as they, the said Commissioners, shall in their Discretion think fit and expedient.

Commissioners, &c., may enter upon Lands.

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

For raising the Money to be paid to the Adventurers.

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

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

Expenses of this Act and Drainage how to be raised.

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

afterwards taken into the said Main Cut or Drain by the said Commissioners, as herein-after provided for.

How to be applied.

XVIII. And be it further enacted, That the Money so last directed to be assessed and taxed, shall be applied by the said Commissioners, in the first Place, in reimbursing the Subscribers who have advanced Money for the procuring of this Act, and then in defraying the Expenses of obtaining and passing this Act, and of the Reports of the Engineers employed previous thereto, and of carrying on the Works of the said Drainage, and all other Expenses to be incurred in the Execution thereof.

Commissioners to determine what Lands shall be exempt from Tax.

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

Commissioners may borrow Money.

XX. And, as well for the Payment of the said One thousand five hundred Pounds, as for the more speedy executing the said Works, and defraying the Expenses before provided for, until such Assessments or Taxes can be collected, 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 or Sums of Money as they shall deem requisite and necessary, and that the Sum or Sums of Money that shall be so borrowed, together with the Interest that shall be agreed to be paid for the Loan thereof, shall be paid as soon as conveniently may be out of the Monies that shall be raised by virtue of this Act, and in the mean Time, and until such Payment shall be so made, that the Taxes which shall be