

34 Geo III c. 102

1792

GEORGE III. REGIS

1792

And be it further enacted, That this Act shall be deemed, as to the Defendants, to have taken effect from the first day of January last, and shall be judicially taken notice of as such, by all Judges, Justices, and other Persons, who may be called upon to execute the same, without specially pleading the same.

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Bundle 381

late from Macaulay

ANNO REGNI

GEORGII III.

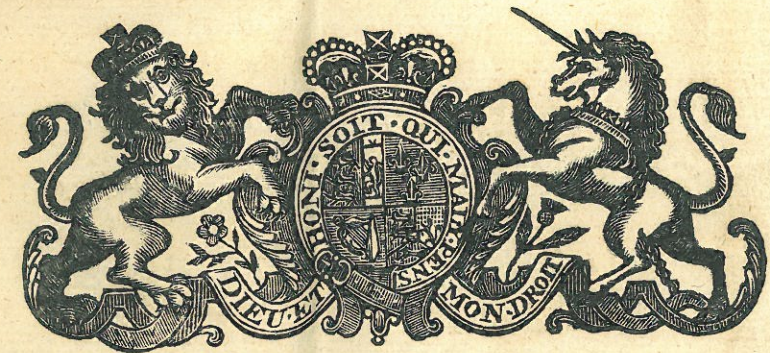
REGIS

Magnæ Britannia, Franciæ, & Hiberniæ,

TRICESIMO QUARTO.

At the Parliament begun and holden at *Westminster*, the Twenty-fifth Day of *November* Anno Domini 1790, in the Thirty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Twenty-first Day of *January* 1794; being the Fourth Session of the Seventeenth Parliament of *Great Britain*.



L O N D O N :

Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1794.

Let Mr. Mearns

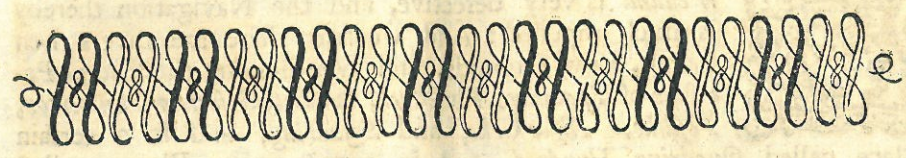
ANNO REGNI
GEORGI III.
REGIS

Magna Britannia, Francia, & Hibernia,
TRICESIMO QUARTO.

At the Parliament begun and holden at Westminster, the
Twenty-fifth Day of November Anno Domini 1794, in the
Thirty-fifth Year of the Reign of our Sovereign Lord
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tain, France, and Ireland, King, Defender of the Faith, &c.
And from thence continued by several Proclamations, to the Twenty-fifth
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L O N D O N :
Printed by CHARLES TYRRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1794.



ANNO TRICESIMO QUARTO

Georgii III. Regis.

C A P. CII.

An Act for improving the Outfall of the River *Well-land*, in the County of *Lincoln*, and for the better Drainage of the Fen Lands, Low Grounds, and Marshes, discharging their Waters through the same into the Sea; and for altering and improving the Navigation of the said River *Welland* by Means of a new Cut, to commence below a certain Place called *The Reservoir*, and to be carried from thence through the inclosed Marshes, and Open Salt Marshes into *Wyberton* Roads between the Port of *Boston* and a Place called *The Scalp*, and for disposing of the Bare or White Sands adjoining to the said River; and for building a Bridge over the said Cut.

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[23d May 1794.]

21 L 2

WHEREAS

Preamble.



HEREAS the Outfall of the Waters of the River Welland is very defective, and the Navigation thereby is much impeded: And whereas there are divers Fen Lands, Low Grounds, and Marshes, in the several Parishes of Spalding, Pinchbeck, Surfleet, Gosberton, Sutterton, Fosdike, Algarkirke, and Quadring, and in a certain Place called Quadring Hundred, and in certain other Places called Deeping Inclosed Fen, Deeping Common, Crowland Common, (otherwise Gogusland), Cowbit Common, Langtoft Common, Baston Common, Spalding Common, and Pinchbeck Common; and also other Lands called Cowbit Wash, and Crowland Fodder Lotts and Wash, all in the said County of Lincoln: And whereas certain Parts of the said Fen Lands, Low Grounds, and Marshes, are subject to be overflowed by the Downfall of Rain thereon, and also by Upland Waters, and are greatly injured by the said Downfall and Upland Waters not having a proper Passage to the Sea: And whereas great Improvement might be made in the said Navigation and Drainage of the said Fen Lands, Low Grounds, and Marshes, by cleansing the present Channel of the said River Welland, from a certain Place called The Reservoir, unto a certain Place near thereto called Shepherd's Hole; and by making a Dam across the said Channel, and a new navigable River or Cut, to commence below the said Shepherd's Hole, and to continue from thence down to Wyberton Roads, between the Port of Boston and a certain Place called Boston Scalp; and in consequence of such Improvement, great Advantage would arise to those concerned in the said Navigation, and also to the Owners of, and Persons interested in, the said Fen Lands, Low Grounds, and Marshes, and to the Community at large: And whereas the Way or Passage over the Wash between Fosdike and Moulton, in the said County of Lincoln, is dangerous; and if a Bridge was built over the said Cut, it would be a great Security and Convenience to Passengers, and to the Country in general; and by making the said Cut, a large Tract of bare shifting Sands, called The White Sands, will be raised, and hereafter become capable of Cultivation; but the said several Improvements cannot be effected without the Aid 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 John Hudson of Kenwick Thorpe, in the County of Lincoln, George Maxwell of Fleiton, in the County of Huntingdon, and Edward Hare of Castor, in the County of Northampton, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for putting this Act in Execution, 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, and did and performed the same.

Commissioners.

II. And

II. And be it further enacted, That when and as often as any of the said Commissioners herein-before named, or to be appointed as herein-after is mentioned, shall die, or refuse or neglect to act, or become incapable of acting, then, and in every such Case, the surviving or remaining Commissioner or Commissioners, 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*, or any other Place in the said Town, for the Purpose of electing and choosing another Commissioner, not interested in the said intended Navigation and 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 said Trustees herein-after first 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 Place or Stead of him or them so dying, refusing, neglecting to act, or become 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 in Execution, as the Commissioner or Commissioners whom he or they shall so succeed, was and were invested with by virtue of this Act.

In case of Death new Commissioners to be appointed, and how.

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 an Oath or Affirmation to the Effect following:

Commissioners to be sworn.

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 improving the Outfall of the River Welland, in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Grounds, and Marshes, discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River Welland, by Means of a new Cut, to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes, and open Salt Marshes into Wyberton Roads, between the Port of Boston, and a Place called The Scalp, and for disposing of the Bare or White Sands, adjoining to the said River; and for building a Bridge over the said Cut, without Favour or Affection to any Person whomsoever.*

Commissioners Oath.

So help me G O D.

IV. And

21 M

Commission-
ers empowered
to examine E-
vidence on
Oath.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered 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.

Commission-
ers to give No-
tice of their
First and other
Meetings.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the *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
Commission-
ers.

VI. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Two Pounds Two Shillings, 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.

Commission-
ers to appoint
Officers.

who are to
give Security.

Collectors to
account upon
Oath.

Officers to
have Salaries.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby empowered, from Time to Time, by Writing under their Hands, to appoint such Person or Persons as they shall think fit to be Collector or Collectors, Receiver or Receivers, of the Taxes by this Act directed to be assessed, and of the Tolls to arise pursuant to this Act; and also such Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, as they shall think fit to employ in the Execution thereof; and the said Commissioners are hereby required to take such Security from such Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, as the said Commissioners shall think fit, and may administer an Oath to every such Receiver or Receivers, Collector or Collectors, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, for the faithful Execution of their respective Offices, (which Oath the said Commissioners are hereby empowered to administer); and the said Commissioners may direct the several Officers so to be appointed or named, to be paid out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said Commissioners shall think

think reasonable; and the said Commissioners may from Time to Time remove such Officers, or any of them, as they shall think proper.

VIII. And be it further enacted, That the said Treasurer or Treasurers shall fairly enter, in One or more Book or Books to be kept for that Purpose, an Account of all Monies by him or them received and disbursed, by virtue of and in pursuance of this Act, specifying the Times when, and the Persons from and to whom such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody, relating to the Execution of this Act, shall be delivered to the said Commissioners whenever the said Commissioners shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said Commissioners; and the said Commissioners are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said Commissioners shall also, at such Time or Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath, (which Oath or Oaths the said Commissioners are hereby empowered to administer), all or any such Treasurers, Collectors, Receivers, Clerks, Surveyors, Superintendants, and other Officers and Persons, employed in or entrusted with the Receipt or Expenditure of any of the Monies to be raised by the Taxes, Tolls, and Pontages, herein-after provided for; which said Treasurers, Collectors, Receivers, Clerks, Surveyors, Superintendants, and Persons employed or entrusted as aforesaid, shall render to the said Commissioners, from Time to Time, as often as they shall be thereunto required by the said Commissioners, a true and perfect Account, in Writing, of all Monies so by them respectively received and paid, with the Vouchers for such Payments, and also all Books and Papers in their Custody relating to the Execution of this Act; and in case any such Treasurer, Collector, Receiver, Clerk, Surveyor, Superintendant, or other Officer or Person, shall refuse to obey such Summons, or shall be found in Arrear, or refuse to account or pay the Money remaining in his or their Hands, according to the Direction of the said Commissioners; or if any such Officer or Person shall not, when required, deliver to the said Commissioners such Books or Papers in his Custody as aforesaid, then, and in every such Case, it shall and may be lawful for any Justice of the Peace, within the Division of *Holland*, in the said County of *Lincoln*, upon the Oath or Oaths of One or more of the said Commissioners, (all which Oaths such Justice is hereby empowered to administer), by Warrant or Warrants under his Hand and Seal, to commit such Treasurer, Officer, or Person so offending, to the Jail of the County or Place where he shall have made a true Account and Payment, and deliver such Books and Papers as aforesaid, or shall have compounded with, or satisfied the said Commissioners, which Composition the said Commissioners are hereby empowered to make.

Accounts to
be kept in a
Book,

requiring Of-
ficers to ac-
count.

Commission-
ers empowered
to compound
with Officers.

IX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, as soon as may be after the Passing of this Act, to cleanse and scour out, or cause to be cleansed and scoured

Commission-
ers to cleanse
the River
from the Re-
scoured

1888

ANNO REGNI TRICESIMO QUARTO Cap. 102.

servoir to
Shepherd's
Hole,

and to make a
new Cut from
thence to Wy-
berton Roads.

Forelands and
Banks.

Commission-
ers to build a
new Sea
Sluice,

and Pen
Sluice.

Restrictions as
to a Close of
Land number-
ed 120 in the
Plan.

Commission-
ers to remove
the Sluices

scoured out, in a good and effectual Manner, the present Channel of the River *Welland*, from the navigable Lock and Staunch herein directed to be made above the Sluice of the *Vernatt's* Drain, unto a certain Place in the said Parish of *Surfleet*, called *Shepherd's Hole*; and also to make, or cause to be made, a new navigable River or Cut, nearly in the Line described upon a Plan lodged with the Clerk of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, to commence below the said *Shepherd's Hole*, at or near *Hooton's Gibbet*, in the said Parish of *Surfleet*, and to continue from thence across the open Salt Marshes in the said Parish of *Surfleet*, and from thence across the open Salt Marshes in the Parish of *Algarkirke*, and from thence across the present Sea Bank, into and across the enclosed Marshes, in the several Parishes of *Algarkirke*, *Fosdyke*, *Kirton*, *Frampton*, and *Wyberton*, in the said County of *Lincoln*, and ending at *Wyberton Roads*, in or near the said Parish of *Wyberton*, and as near as conveniently may be to the publick Alehouse, known by the Sign of *The Ship*, in the said Parish of *Wyberton*; and that the Bottom of the said new River or Cut, at its Commencement near *Hooton's Gibbet*, shall not be less than Four Feet below the Pointings of the present Sluice, at the Outfall of *Vernatt's* Drain, and shall be continued from thence on an inclined Plane of at least Four Inches in a Mile to its Termination at *Wyberton Roads* aforesaid; and that the said new River or Cut shall be not less than Fifty Feet wide at the Bottom thereof, with a Batter of not less than Two Feet on each Side for every Foot in Depth; and that the Forelands on the North Side of the said New River or Cut shall not be less than Thirty Feet wide, and on the South Side thereof not less than Fifty Feet wide; and also to make, or cause to be made, the South Bank of the said New River or Cut, of not less Width than Sixty Feet at its Base or Seat, nor less than Thirty Feet wide at the Top, and Eleven Feet in perpendicular Height; and the North Bank thereof not less than Thirty Feet at its Base or Seat, nor less than Six Feet at the Top, and Eleven Feet in perpendicular Height; and also to build, or cause to be built, a new Sea Sluice, of Stone and Bricks, supported by dovetailed or grooved Piling, or by inverted Stone Arches, with Pointing Doors to Sea and Land, the Threshold thereof to be laid One Foot below Low-water Mark at the said *Wyberton Roads*; and the Waterway of such new Sea Sluice to be not less than Fifty Feet wide in the Clear; and also to make, or cause to be made, a navigable Lock, or Pen Sluice, Eighteen Feet wide in the Clear, and Sixty Feet long in the Clear by the Side of the said Sea Sluice, to contain Barges, Boats, or other Vessels, to pen through, with Two Pair of Pointing Doors at each End thereof.

X. Provided always, and be it further enacted, That the said Commissioners shall be, and they are hereby restrained from taking from a certain Close or Parcel of Land lying in the Parish of *Wyberton*, in the County of *Lincoln*, the Property of *Samuel Barnard* Esquire, and numbered 120 in the Plan or Map lodged with the Clerk of the Peace for the Parts of *Holland*, more than as many Feet of the said Close or Parcel of Land in Length and Breadth, as shall be necessary for the Purpose of making the said New River or Cut, and laying the Earth and Soil on the Banks and Sides thereof, conformable with the Directions of this Act.

XI. And be it further enacted, That the said Commissioners shall remove, or cause to be removed, the several Sluices discharging the Waters

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Waters from the present Parish Drains, which will be intersected by the said new River or Cut, and to place the same in the North Bank, at or near the several Junctions of the said Drains with the said new River or Cut; and shall also build, or cause to be built, such new Sluices in the South Bank of the said new River or Cut, as to the said Commissioners shall appear necessary, for discharging the Waters from the Lands on the South Side thereof; and that the Floors of the said Sluices shall not be less than Four Feet from the Bottom of the said new River or Cut, at the several Parts thereof, communicating with the said Sluices respectively, the same to be determined by Marks or Gauges, to be affixed by the said Commissioners at the Time of making the said new River or Cut; and all the said Sluices shall be well and sufficiently finished and secured, to the Satisfaction of the Trustees herein first appointed, and the Expences thereof paid and defrayed out of the Monies to be borrowed on the Credit of the Taxes to be raised by virtue of this Act.

XII. And be it further enacted, That the said Commissioners shall make, or cause to be made, the following Carriage Bridges over the said new River or Cut, (exclusive of the Bridge herein-after directed to be made, at or near *Fosdyke* Inn); that is to say, One good and substantial Carriage Bridge at or near a House, in the Parish of *Frampton*, now or late in the Occupation of *Daniel Smith*; One other good and substantial Carriage Bridge at or near a House, in the said Parish of *Frampton*, called *The Shepherd's House*, now or late the Property of the Right Honourable Lord *Willoughby de Broke*; One other good and substantial Carriage Bridge at a certain Place called *Kirton Skell Dike*, in the said Parish of *Kirton*, near to a House, now or late in the Occupation of *Everson*; One other good and substantial Carriage Bridge at or near a Drove Way or Road, in the said Parish of *Kirton*, between Lands of *John Town* and *Thomas Knott*; One other good and substantial Carriage Bridge, at or near a Drove Way or Road, in the said Parish of *Fosdyke*, between Lands of the Heirs of *Martha Houghton* Widow, and the Heirs of *Thomas Trollope Brown*; One other good and substantial Carriage Bridge on the Estate of *John Milnes*, in the said Parish of *Fosdyke*, nearly opposite a House in the Tenure of *Smith*; and One other good and substantial Carriage Bridge at or near the Junction between the several Parishes of *Surfleet* and *Algarkirke*; and that such Bridges shall be for ever after maintained and kept in Repair by the Trustees herein-after last appointed, out of the Fund provided by this Act: Provided always, that the said Bridges shall be of a sufficient Span to admit of a Haling-way under the same, and also of sufficient Height to admit of being navigated under, by Vessels of the same Size that are now used on the said River *Welland*, when the Masts thereof are lowered.

XIII. And be it further enacted, That both Banks of the said new River or Cut shall be fenced off from the adjoining Lands, and the Herbage thereof shall be, and the same is hereby vested in the Trustees herein-after last appointed; and it shall be lawful for the said Commissioners, and they are hereby required to set out such Roads along the said Banks as to them shall seem fit and expedient with such Side-bars as they shall think necessary, to prevent the Evasion of the Tolls herein empowered to be taken at the Bridge to be erected at or near *Fosdyke* Inn, as herein-after provided for: Provided always, that it shall not be lawful for the

discharging
the Waters
from the Pa-
rish Drains.

Carriage
Bridges to be
built.

Banks to be
fenced off, and
Herbage
vested, and
Roads and
Side-bars to
be made, with
Proviso as to
letting the
Herbage.