

faid Trustees to let or fet the Herbage of the faid Banks and Forelands to any Person or Persons whomsoever, without first giving the Refusal thereof, for a Term of Three Years, to the several Owners of the Lands and Grounds fronting thereupon, in such Portions, and subject to such Restrictions as to the faid Trustees shall seem fit and expedient; and at the Expiration of the faid Three Years, it shall not be lawful for the faid Trustees to let the same at any Time then after, without first giving the like Preference to the faid Owners.

Private
Bridges may
be built.

XIV. And be it further enacted, That if by the making of the faid new River or Cut, any publick or private Road, or the Passage of any Person or Persons to or from his, her, or their Grounds, with Cattle or Carriages, shall be prevented or interrupted, the faid Commissioners shall, and they are hereby required to cause proper Roads to be set out over the Lands and Grounds adjoining to the faid new River or Cut, and proper Bridges to be made, erected, and set up, and to defray the Expences of making such Roads, and of erecting and making such Bridges, and also to make such Recompence for Damages as the faid Commissioners shall think fair and reasonable, out of the Money to be borrowed on the Credit of the Taxes to be levied by virtue of this Act; provided nevertheless, that no Carriage Bridges shall be made across the faid new River or Cut, other than such as are herein specially directed.

Commission-
ers to make a
Dam over the
Channel, at
the upper End
of the Cut.

XV. And be it further enacted, That the faid Commissioners shall, and they are hereby authorized and required to make, or cause to be made, a Dam or Bank, in or over the present Channel or Course of the faid Waters of the River *Welland*, at or near the Head or upper End of the faid new River or Cut, of such Height, Width, and other Dimensions, as in the Opinion of the faid Commissioners shall be sufficient to stem the Tides, and to resist, direct, and turn, the Land Floods into the faid new River or Cut; provided always, that the faid Dam or Bank shall not be made, nor shall the faid Waters be turned into the faid new River or Cut, until the Works for the Purposes of Navigation shall be completed as herein-after directed.

Commission-
ers to make
a navigable
Lock Staunch
across the
Welland
above the
Reservoir;

XVI. And be it further enacted, That for the Purposes of preserving the Navigation above the faid new River or Cut, the faid Commissioners shall, and they are hereby authorized and required to make and erect, or cause to be made and erected, a navigable Lock and Staunch, across the faid River *Welland*, in some convenient Place above the Sluice of *Vernatt's Drain*, with Eleven Openings or Doors; the middle Opening or Door to be not less than Eighteen Feet wide, and the other Openings or Doors to be of such Width as to the faid Commissioners shall seem fit and expedient, and the Floors thereof to be laid on an horizontal Level of Eleven Feet below the Six Feet Mark on *Spalding High Bridge*; and in case the present Sluice at the Bottom of the River *Glenn* shall not be sufficient in the Opinion of the Trustees herein first appointed, to preserve the Navigation of the faid River *Glenn*, the faid Commissioners shall cause the same to be made sufficient, or otherwise make and erect, or cause to be made and erected, a navigable Lock Staunch, across the faid River *Glenn*, in some convenient Place near the Reservoir Sluice, with Three Openings or Doors, the middle Opening or Door to be not less than Twelve Feet wide, and

and a naviga-
ble Lock
Staunch across
the *Glenn*.

and the other Openings or Doors to be of such Width as to the faid Commissioners shall seem fit and expedient, and the Floors thereof to be laid on the same Level with the Floors last above described.

XVII. And be it further enacted, That the Top of the Doors, Locks, or Staunches, which shall be made and erected across the faid River *Welland*, above the *Vernatt's Outfall*, shall not be less than Three Feet and Six Inches higher than the Sill or Threshold of the Doors at the *Vernatt's Sluice*, in order to keep up Water to that Height in the faid River, for the Purpose of Navigation; and that the Top of the Doors, Locks, or Staunches, which shall be made and erected across the faid River *Glenn*, shall not be less than Three Feet above the Sill or Threshold of the present Sluice at the Reservoir, in order that the Water in the faid River may be kept up to that Height, for the Purpose of Navigation.

Height of the
Top of cer-
tain Doors,
Locks, or
Staunches.

XVIII. And be it further enacted, That it shall not be lawful for any Person or Persons, having the Care, Direction, or Management, of any Lock, Sluice, or Staunch, which may at any Time hereafter be erected or placed in or across the faid River or Cut, between the Reservoir and *Wyberton Roads* as aforesaid, or any other Person or Persons whomsoever, at any Time after the executing of the aforesaid Works, to hold or keep up the Water in the faid River or Cut, to any greater Height than to be on a Level with the Tops of the Sill or Threshold of the present Doors of the Sluice at the Outfall of *Vernatt's Drain*, (except by Means of Flash Boards as herein-after provided for), in order that the Drainage of the faid Fen Lands, Commons, and Low Grounds, may not be in any Manner whatever obstructed or prevented; any Thing herein contained to the contrary in anywise notwithstanding.

The Water in
the River or
Cut shall not
be kept up
higher than
level with the
Top of the
Sills at *Ver-
natt's Drain*.

XIX. And be it further enacted, That it shall and may be lawful to and for the faid Commissioners and Trustees respectively, hereby last appointed, and they are hereby respectively required in all dry Seasons (giving Three Days previous Notice in Writing to the Agent or Treasurer of the Adventurers of *Deeping Fen*) to put Flash Boards upon the Tops of the Land Doors at the faid Sluice to be erected at *Wyberton Roads*, of not more than Eighteen Inches in Height, to hold up the Water in such dry Seasons only, for the Purpose of Navigation and the Use of Cattle; and the faid Adventurers, or any Three or more of them, at any of their private Meetings, are hereby authorized and empowered to remove such Flash Boards whenever they shall deem it probable that the Drainage of the faid Fen Lands, Commons, and Low Grounds, shall be in Danger of being injured or interrupted; any Thing herein contained to the contrary thereof in anywise notwithstanding.

The Flash
Boards may
be put upon
the Tops of
the Land
Doors to be
erected at
*Wyberton
Roads* in dry
Seasons.

XX. And be it further enacted, That the faid Commissioners shall build, or cause to be built, a proper House at or near the faid Sea Sluice, for the Habitation of a Lock and Sluice Keeper; and also a proper House at or near the faid Reservoir, for the Habitation of a Lock and Staunch Keeper, and for the Stowage of Materials, necessary to be deposited for the Repairs of the faid Works.

Houses to be
provided for
Lock and
Staunch
Keepers.

XXI. And

ANNO REGNI TRICESIMO QUARTO Cap. 102.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required as soon as may be after the Passing of this Act, to tax, rate, and assess, all the Lands herein-after mentioned, with the following Yearly Rates and Taxes; (that is to say),

All the Lands in *Deeping* inclosed Fen aforesaid, as well those known by the Description of Taxable as of Free Lands, and all the Commons called or known by the several Names of *Deeping Common*, *Crowland Common*, otherwise *Goggusland*, *Cowbitt Common*, *Langtoft Common*, *Baf-ton Common*, *Spalding Common*, and *Pinchbeck South Fen*, with an Annual Sum not exceeding One Shilling *per Acre*, and so in Proportion for a less Quantity than an Acre:

All the inclosed Lands in *Spalding* and *Pinchbeck*, lying between the River *Glenn* and the *Westload*, with an Annual Sum not exceeding Sixpence *per Acre*, and so in Proportion for a less Quantity than an Acre:

All the Lands in *Pinchbeck* aforesaid, North of the River *Glenn*, excluding the Common called *Pinchbeck North Fen*, with an Annual Sum not exceeding Two-pence *per Acre*:

All the Lands in the said several Parishes of *Surfleet*, *Gosburton*, *Sutton*, and *Quadrang*, and in a certain Place called *Quadrang Hundred*, and in the said several Parishes of *Algarkirke* and *Fosdyke*, and draining by *Risegate Eau*, or by the Tunnel called *The Five Towns Tunnel*, with an Annual Sum not exceeding Two-pence *per Acre*:

And also all the Lands called *Cowbitt Wash*, and *Crowland Fodder Lots and Wash*, with a Sum not exceeding Sixpence *per Acre*, and so in Proportion for a less Quantity than an Acre.

Fresh Water,
Provision for.

XXII. And whereas the Parishes bordering on the said new River or Cut, will be benefited by the making thereof, inasmuch as the same will be supplied therefrom with Fresh Water, in Manner herein-after provided for; be it therefore further enacted, That all Lands in the several Parishes, bordering on the said New River or Cut, not herein-before particularly directed to be charged with any Tax, but which shall, in the Opinion of the said Commissioners, be benefited by the taking in of Fresh Water from the said New River or Cut in Manner herein-after provided for, shall, as soon as may be after the passing of this Act, be taxed, rated, and assessed, by the said Commissioners, with the Annual Sum of Two-pence *per Acre*, and so in Proportion for any greater or less Quantity than an Acre.

Commission-
ers, after
Taxation, to
make out a
List of Names
of the Propri-
etors, and the
Quantity of
Land belong-
ing to each,
and cause a
sufficient
Number to be
printed.

XXIII. And be it further enacted, That the said Commissioners shall as soon as may be after they have finished the Taxation of the said Lands, make out, or cause to be made out, a List in Writing, of the Names of the Proprietors of the Lands so charged by them with any of the said Taxes, with the Quantity of Land belonging to each Proprietor, and cause the same to be printed, and a sufficient Number of Copies thereof left with the Clerk to the said Commissioners, who is hereby required to advertise a Notice in the *Lincoln*, *Rutland*, and *Stamford Mercury*, and *Cambridge Chronicle*, of such Lists being in his Possession, to the End that all

all Parties interested may have a Copy thereof, on Application for the same.

XXIV. And whereas there may be Lands within some of the said Parishes, or in some or One Place or Places, by this Act authorized to be charged as aforesaid, the Owners whereof may think themselves entitled to claim an Exemption from some of the said Taxes, apprehending that they will not derive any Benefit from the Works herein provided for; be it therefore further enacted, That if any Person or Persons being Owners or Lessees of any Lands and Grounds so rated or taxed as aforesaid, or if the several Persons entitled to a Majority of Common Rights over the said Commons respectively, shall think himself, herself, or themselves, not likely to derive Benefit from the Works herein provided for, such Person or Persons shall, within Two Months after the said Lists shall be advertised, deliver to the Clerk to the said Commissioners an Account in Writing of all such Lands, in respect whereof such Person or Persons shall think himself, herself, or themselves, entitled to an Exemption from any of the said Taxes; and Three Persons not interested in the Premises shall be nominated and appointed at a public Meeting of the said Commissioners, to view the said Lands, and to inquire into the State and Condition thereof; One of which Persons shall be nominated by the said Commissioners, One other by the Person or Persons claiming such Exemption, and the Third by such Two Persons to be chosen as aforesaid; all of whom shall be sworn well and truly, to view, examine into, and determine, whether such Lands and Grounds, or Commons respectively, will or will not be benefited by the Works herein provided for; and the said Commissioners shall have full Power to administer the Oath necessary to be taken for that Purpose; and the Determination in Writing of the said Referees, or any Two of them, shall be final and conclusive to all Parties; and the Costs and Charges of such Reference shall be borne by the said Commissioners, out of the Fund herein provided for, and the Person or Persons claiming such Reference as aforesaid, in such several Proportions as the said Referees, or any Two of them, shall determine.

XXV. Provided always, That in case of the Non-appointment or Refusal to act of such Referees, or any of them, it shall be lawful for the Court of Sewers, within the Division or Part in which the said Exemption shall be claimed, to appoint some fit and proper Person or Persons to act in the Premises, in the Place or Stead of such Referees respectively; and the said Person or Persons so appointed by the said Court of Sewers shall have the same Powers as are herein given to the said Referees respectively.

XXVI. And be it further enacted, That no Person interested in any Land comprized within the Purview of this Act, shall be entitled to claim an Exemption from the Payment of the said Tax so to be assessed by the said Commissioners, after the same having been once paid; but that such Payment shall be deemed and considered as Evidence of such Lands being for ever liable to the Payment of the said Tax; any Thing herein contained to the contrary thereof in anywise notwithstanding.

No Land shall
be exempt
from Payment
of the Tax.

XXVII. And

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Courts of
Sewers to levy
Taxes.

ANNO REGNI TRICESIMO QUARTO Cap. 102.

XXVII. And be it further enacted, That it shall be lawful for all Commissioners of Sewers, within their respective Jurisdictions, and they are hereby authorized and required, by their usual and accustomed Mode of raising and levying Dyke-reeve Rates, to raise and levy for the Purposes of this Act, yearly and every Year, the said several Taxes so directed to be laid by the said Commissioners, within the Jurisdiction of the said Commissioners of Sewers; and the said Commissioners of Sewers shall raise and levy the same upon such Lands as they have usually assessed, to Works of Sewers and Expenditors Rates, so long as the same shall continue within the said Jurisdictions, and by such Quantities and Numbers of Acres as such Lands have been usually rated at; and the Money so to be raised shall, from Time to Time, be collected and levied by the said Commissioners of Sewers, or their respective Dyke Reeves, Expenditors, or Collectors, and be by them paid into the Hands of the Treasurer or other Officer for the Time being, of the said Commissioners under this Act, or the Trustees herein-after appointed, in order that the same may be applied to the general Purposes of this Act: Provided always, that in case the Commissioners of Sewers shall neglect or refuse to raise all or any of the Taxes last-mentioned, within Three Calendar Months after Application being made to them by the Treasurer or Superintendent herein directed to be appointed, then it shall be lawful for the Commissioners herein named, or the Trustees herein-after last appointed, from Time to Time, and by the same Ways and Means as are herein directed with respect to the Lands and Grounds not being within the Jurisdiction of the said Court of Sewers, to raise and levy such Rates or Taxes as the said Commissioners of Sewers are by this Act empowered to raise and levy; any Thing herein-before contained to the contrary notwithstanding.

XXVIII. And be it further enacted, That an Account of the several Lands, and Grounds, and Commons, not charged to any Court of Sewers, or not continuing within the Jurisdiction of the same, but nevertheless liable to be rated and taxed by virtue and within the Meaning of this Act, shall be given in by the several Owners thereof, and Persons interested therein, at such Time or Times as shall be directed by the said Commissioners under this Act, and shall be authenticated by some able and experienced Surveyor, to be approved of by the said Commissioners, at the Charge of the Parties entitled to, or Persons interested in, the said Lands and Grounds, and Commons respectively, to the said Commissioners, or to their Clerk or Clerks; and if any of the Owners or Proprietors of Lands and Grounds, or Persons interested in the said Commons respectively, shall neglect or refuse to give into the Hands of such Commissioners, or their Clerk or Clerks, a particular Account of the Number of Acres respectively; or, in case there shall be any Reason to suspect that the Number of Acres is not truly stated in such Account, it shall be lawful for the said Commissioners to order a Survey to be made of any of the said Lands and Grounds, or Commons respectively, by some able Surveyor, not being a Proprietor of any Lands, or interested in the said Commons so chargeable with any of the said Taxes; and the said Survey shall be verified upon Oath, (which Oath the said Commissioners are hereby empowered to administer), and any Survey which shall be so made shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantities of such Lands, and Grounds, and

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Cap. 102.

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and Commons respectively; and the Charges of surveying the Lands and Grounds of such Person or Persons as shall neglect or refuse to give in such Account, or shall deliver in a false Account, and also of surveying the said Commons, shall be paid by such Person or Persons respectively; and in case of Non-payment thereof, shall be recovered in such Manner as the Taxes are herein directed to be recovered: Provided nevertheless, that in case it shall appear upon any Survey, that the Number of Acres was truly stated in any Account so delivered in as aforesaid, the Charges of such Survey shall be defrayed out of the Monies arising by virtue of this Act.

XXIX. And be it further enacted, That if any of the said Commis- sioners of Sewers, or any Person or Persons whose Lands and Grounds shall be taxed or assessed as aforesaid, shall refuse or neglect to pay such Tax for the Space of Twenty-one Days next after Demand thereof, then, and in every such Case, the said Commissioners or Trustees respectively herein-after last appointed, shall and may, and they are hereby autho- rized, by Warrant under their Hands and Seals, to empower their re- spective Collector or Collectors, from Time to Time, to levy the same by Distress and Sale of the Goods and Chattels which shall be found on the Lands and Grounds charged with such Taxes as aforesaid; and if the said Lands and Grounds shall be untenanted, or no sufficient Distress can be found for levying the said Taxes, the Lands and Grounds charged therewith shall remain a Security for Payment thereof; and the said Commissioners and Trustees respectively shall, in such Case, after Default of Payment for Three Months, (having given One Month's Notice in Writing to the Owner of such Lands, or his Agent), be, and they are hereby authorized and empowered to enter into and upon the said Lands and Grounds, and let the same from Year to Year, for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of recovering the same, shall have been fully paid and satisfied; and the Produce thereof shall be applied in the First Place towards dis- charging the said Taxes, and the Charges attending such Entry and Re- ceipt of the said Rents, and the Residue thereof, shall be paid by such Collector or Collectors to the Owner of such Lands, or his or her Agent, when demanded.

For Recovery
of Taxes.

XXX. And be it further enacted, That the Taxes to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Lands and Grounds charged with the same respectively; and such Tenants shall and may deduct the same out of the Rents payable to their respective Landlords, except when such Lands and Grounds are held on Lease, or otherwise, for a longer Term than One Year after the Execu- tion of the said new River or Cut.

Tenants to
pay Taxes,
and deduct
the same out
of their Rents.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and the Trustees herein-after last appointed respectively, from Time to Time, to inclose, or cause to be inclosed, such Quantity or Number of Acres of Land out of the several Commons, charged with any of the said Rates or Taxes, as they shall think sufficient to produce an Annual Rent, equal to the Tax hereby directed to be laid upon the said respective Commons and Lands called *Cowbit Wash* and *Crowland Wash* respectively, appertaining to the said several Commons, and also for

To inclose
Part of Com-
mons to pay
Tax.

for enabling them to borrow Money thereon, for the Purpose of making interior Drains on the said several Commons, and of defraying the Charge of making such Inclosures respectively; and the said Commissioners and Trustees respectively are hereby authorized and empowered to suspend all Right of Common over and upon the Lands so inclosed out of the said several Commons, and to hold the same in Severalty, and also by Indenture or Indentures, under their Hands and Seals, from Time to Time, as they find most convenient, to grant, mortgage, lease, or demise, unto any Person or Persons, all, or any Part of the Lands or Grounds so respectively to be inclosed in Fee, or for any Term or Number of Years, for securing the Re-payment of such principal Sum or Sums of Money, with Interest, as the said Commissioners or Trustees shall find necessary, from Time to Time, to borrow on Mortgage thereof; and also the Charges attending the borrowing the said Money, and preparing and executing the Deeds for securing the same, and the draining, inclosing, and fencing, of the said Lands and Grounds respectively, and such several and respective Charges and Expences shall be specified in the respective Securities, and be made a Part of the Considerations and principal Monies thereby to be secured; and such Indentures shall contain a Proviso for making the same void, on Payment of the Sum or Sums of Money to be respectively borrowed thereon, according to the Terms of this Act provided for Re-payment thereof; and it shall be lawful for the said Commissioners and Trustees respectively, from Time to Time, to let or set the Land so inclosed for One Year, and so on from Year to Year, for the best and most improved Rent that can be had; but in either Case the Occupier thereof, or of any Part or Parcel thereof, shall be restricted from ploughing or converting the said Lands to Tillage, or mowing the same for Hay; and the said Commissioners and Trustees respectively shall have the usual Powers belonging to Landlords to recover the Rents and Profits of the said Lands; and out of the Rents and Profits shall keep down the Interest of the said principal Monies so to be borrowed on Securities thereof as aforesaid, until such principal Money or Monies shall be paid off and discharged, and shall apply the Residue of the said Rent half-yearly, on *Old Michaelmas Day* and *Old Lady Day* in each Year, in Payment of the said Annual Tax, and in making interior Drains for the Improvement of the said several Commons, and for supporting the Fences that shall be made for inclosing the same as aforesaid; provided always, that the Lands to be inclosed out of the said Commons, called *Deeping Common*, *Langtoft Common*, *Basston Common*, and *Spalding and Pinchbeck South Fen*, for the Purposes aforesaid, shall be laid out so as to adjoin the present inclosed Lands in *Deeping Fen* aforesaid, and in such Proportions out of the several Parts of *Kesteven* and *Holland*, as the said Commissioners and Trustees respectively shall think fit and equitable, and so as not to interrupt the Passages through the several Drove called *The North Drove* and *The South Drove*, or any Road leading to the present inclosed Lands.

Rates and Taxes may be reduced.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the Trustees herein-after last appointed, assembled at a publick Meeting, from Time to Time, to lessen or reduce all or any of the Rates, Taxes, and Tonnage, by this Act granted, for such Time or Times as they shall think proper, and afterwards, from Time to Time, to advance all or any of the said Rates, Taxes, and Tonnage, so lessened or reduced, to any Sum or Sums of Money not exceeding the respective

Rates, Taxes, and Tonnage, by this Act granted; and such reduced Rates, Taxes, and Tonnage, shall and may be collected, levied, and applied, in such and the same Manner as the said Rates, Taxes, and Tonnage, are directed to be collected, levied, and applied by this Act; but no such Reduction shall be made unless the Person or Persons who shall be entitled to Four-fifth Parts of the Money which shall have been lent upon the Credit of the Rates, Taxes, and Tonnage, intended to be reduced, shall be consenting thereto, nor shall any Rates, Taxes, and Tonnage, be reduced, or when reduced, be again advanced, unless Notice shall be given of the Purpose of reducing or advancing such Rates, Taxes, and Tonnage, by affixing the same in Writing on the Market Cross or some other publick Place in the Towns of *Spalding* and *Boston*, and by publishing the same in some of the publick Papers usually circulated in the County of *Lincoln*, Three Months before the Meeting for such respective Purpose of Reduction or Advance, nor unless Five Trustees at such Meeting be consenting thereto.

XXXIII. And be it further enacted, That in case the Persons interested in any of the said several Commons shall, by Means of any Act of Parliament for inclosing the same, enable themselves to pay off the said Money so borrowed as aforesaid, by the said Commissioners or Trustees respectively, the Person or Persons who shall lend the said Money or Monies under the Authority of this Act, his, her, or their, respective Heirs, Executors, Administrators, and Assigns, shall, upon Six Calendar Months Notice in Writing, to be left at his, her, or their, usual Place or Places of Abode, signed by some Person or Persons to be nominated by the Commoners or Persons interested in the said several Commons, be obliged to receive such principal Monies as he, she, or they, shall have advanced on Mortgage of the Lands so to be inclosed as aforesaid, and all Arrears of Interest then due, and also any Costs which he, she, or they, may have been put unto; and the said commonable Lands and Grounds so inclosed, shall immediately, on such Payment or Payments being made, revert to the Use of the said Proprietors, so interested in the said respective Commons, in the same Manner as they respectively would have been entitled thereto if this Act had not been made; but the same, and every Part of the said several Commons within the Purview of such Act of Parliament as shall be obtained for inclosing the same, shall remain subject nevertheless to the said Annual Tax; and the said Commissioners and Trustees respectively shall have the same Power of levying the said Annual Tax upon each specifick Allotment thereof, as the said Commissioners and Trustees respectively have upon all other inclosed Lands and Grounds within the Purview of this Act; and the said Person or Persons so to be nominated to give such Notice or Notices as aforesaid, shall, at the same Time he, she, or they, give the aforesaid Notice or Notices to the Mortgagee or Mortgagees, as above directed, or within Fourteen Days after, give a like Notice or Notices in Writing, (to be served as the above Notice is directed to be served), to all and every the Tenant or Tenants, Occupier or Occupiers, of the said several Commons, Lands, or Grounds, so inclosed as aforesaid, to quit the same at the End of the then current Year of his, her, or their Term; and he, she, and they, is and are hereby directed to quit the same at the Expiration of the said Year; and the Superintendant of the said Commissioners or Trustees respectively, shall thenceforth receive the

Lands inclosed from Commoners to revert to Commoners on Payment of Money.