

Present
Works of
Drainage in-
sufficient.

Further
Works of
Drainage
to be made.

Outfall of the said Drain, at or near a Place called *The Reservoir*, to a certain Place called *Shotbolts Bridge*, of the Dimensions, and in Manner in the same Act mentioned; and from the said Bridge Southwards, the said Adventurers are by the same Act required to scour out and cleanse the Bottom of the said *Vernatts Drain*, so as to continue the Level therein mentioned unto the Termination of the said Drain at *Spalding Common*: And whereas by reason of the Insufficiency of some of the present Works of Drainage, the Restriction the said Adventurers are subject to by an Interruption in draining the said Lands through *Pode Hole* Sluice, for a certain Number of Days in each Year, the imperfect Condition of the River *Glen*, and the Banks thereof, the defective State of the Outfall, and various other Causes, a very considerable Part both of the open and inclosed Lands intended to have been drained by and under the Authority of the said several Acts relating to the Drainage of *Deeping Fen*, are subject and liable to be inundated or annoyed by Water, as herein before mentioned: And whereas the said Owners and Proprietors of free Lands, and Persons interested in the said Commons lying between the Rivers *Welland* and *Glen*, although respectively entitled to be protected and indemnified against the Costs and Charges of such Works of Drainage, for draining and preserving their said Lands and Commons, as are required to be done and maintained by the said Adventurers, under the Authority of the said several Acts, some or One of them relating to the Drainage of *Deeping Fen*, yet notwithstanding such Exemption and Protection, the said free Land Owners and Commoners, together with the said Adventurers, and the Commissioners acting under the said Two Acts of the Fifth and Tenth Years of His present Majesty's Reign, commonly called *The Black Sluice Commissioners*, being desirous to obtain a better Drainage for all the said Lands, and more effectually to protect the same from Injury by a Breach in any of the Banks of the said Rivers, have for those Purposes agreed that the several Works of Drainage herein-after directed shall be made, erected, maintained, and supported by and at the Expence of the respective Trust Proprietors and Persons, and in the Proportions herein-after mentioned; be it therefore enacted, That as soon as the said *Welland* Commissioners shall have made or caused to be made so much of the navigable River or Cut required to be done by the said Act of the Thirty-fourth Year of His present Majesty, as extends from below a Place called *Shepherd's Hole*, at or near *Hootons Gibbet*, in the Parish of *Surfleet*, to, through, and over the open Salt Marshes in the same Parish, and from thence across the open Salt Marshes in the Parish of *Fosdike*, near to *Fosdike Inn*, there to fall into the present Course of the River *Welland*, and shall also have made or caused to be made a Dam or Bank across the present Channel of the said River *Welland*, between *Shepherd's Hole* and *Hootons Gibbet*, of such Width, Height, and other Dimensions, as in the Judgement of the Commissioners executing the said Works shall be sufficient to stem the Tides, and to resist and turn the Waters discharged thereby into the said new Cut; the said Adventurers, their Heirs and Assigns, shall, at their own proper Costs and Charges well and effectually enlarge, deepen, and scour out the said *Vernatts Drain*, from *Shotbolts Bridge* to *Pode Hole*, to the clear Width of Thirty Feet Bottom at least, upon the same Level as the Bottom of the said Drain from *Shotbolts Bridge* to the present Sluice, across the Outfall of the said Drain, at or near the Reservoir, and in such Manner as to preserve a Batter of at least Three Feet in every Foot of Height from the Bottom thereof, to the Surface of the adjoining Lands, and

Drainage
Works to be
made by the
Adventurers.

and shall lay all the Earth to be taken out of the said Drain, together with so much of the present Banks as will be necessary to be removed, in order to complete such Drain in Bank-fashion, sloping the said Earth in Front at least Eighteen Inches for each Foot in Height, and leaving a Foreland or Cess of Fifteen Feet at the least between the Edge of each Bank, and the Side of the said Drain next adjoining thereto, and shall erect or cause to be erected good and sufficient Carriage, Draught, and Horse Bridges over the said Drain, in all such Situations where Bridges of those Descriptions now are, with a clear Water Way to each such Bridge of Thirty Feet at the least, and shall in like Manner enlarge, widen, deepen, and scour out a certain Drain in the said Parish of *Pinchbeck*, called *Blue Goat Drain*, from the East End thereof near to and above the Sluice across the River *Glen*, at its Outfall, to the Termination of the said *Blue Goat Drain* at or near the Turnpike Road, and from such Termination shall make another Drain extending therefrom in a Westward Direction, up to the *Dozens Bank*, of the several Dimensions following; (that is to say), from the East End of the said *Blue Goat Drain* to the Branch therefrom herein-after mentioned, at or near the Turnpike Road, of Ten Feet Bottom, and thence to the *Dozens Bank*, such other Drain to be gradually reduced, so as to be of the Width of Six Feet at the Bottom, at the Termination thereof at the said *Dozens Bank*; and that the Slopes of the said *Blue Goat Drain*, from the East End thereof up to *Stickwith Gowt*, shall not be less than Two Feet for each Foot in perpendicular Height, and the Forelands or Cesses between the said Drain, and the respective Banks thereof, for the Space aforesaid, shall be Ten Feet, the Earth taken out of the said Drain to be laid Bank-fashion, and the said Banks formed with a Slope of Eighteen Inches for each Foot in Height, on the Sides next the Drain up to the said *Stickwith Gowt*, and from thence the Slopes of the said Drain to be Eighteen Inches for every Foot of perpendicular Height, the Forelands or Cesses to be Six Feet in Width, and the Earth also to be laid in Bank-fashion, with Slopes next the Drain of One Foot to every Foot in Height, on an Average; and shall also make and erect a Sluice of Fourteen Feet clear Water Way at or near the Junction of the said *Blue Goat Drain* with the River *Glen*; and the said Adventurers shall also make a certain other Drain, branching from the said last described Drain, at or near the said Turnpike Road, and extending thence to the *Vernatts Drain*, and so much farther on the South Side of the said *Vernatts Drain*, as may be found expedient for the Purposes herein-after mentioned, with a clear Bottom of Six Feet at the least, on the same Level with the Bottom of the said *Vernatts Drain*, and shall also make a Culvert under the said *Vernatts Drain* of not less than Three Feet Diameter, the Cess between the last-mentioned Drain, and the respective Banks thereof, to be not less than Six Feet, the Batter of such Banks, and the precise Situation and Depth of such Culvert and Sluice, to be respectively ascertained and determined upon by the said General Commissioners, to the Intent the same Drain and Culvert may be so situate, and formed of such Width, Strength, Depth, and Capacity, as to drain so much of the Lands in the said Parishes of *Spalding* and *Pinchbeck*, lying between the *Westload Drain* and the River *Glen*, as are so situated as to discharge their Waters through the said *Blue Goat Drain* and Sluice into the said River; and shall also rebuild all such Bridges as shall be removed by enlarging the said *Blue Goat Drain*, as the same Commissioners shall deem necessary.

[Loc. & Per.]

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LXVIII. Pro-

Power for
Proprietors
of Lands in
Spalding, &c.
to erect Mills
for discharg-
ing the Waters
from such
Lands into
Vernatts Drain.

LXVIII. Provided always, That it shall and may be lawful to and for the Proprietors of Lands in *Spalding* and *Pinchbeck*, lying between the said *Vernatts* and *Westload Drains*, and West of the Two Plank Bridge, at their own Costs and Charges to make and erect any Mill or Mills, Engine or Engines, for discharging the Waters from such Lands only into the said *Vernatts Drain*, at the same perpendicular Height as is herein provided with respect to the other Mills herein authorized to be made and erected under the Authority of this Act, so that such Proprietors, or any of them, do not wilfully permit or suffer any other Lands than those last above described to be drained by means of such Mills or Engines.

Adventurers
to deepen,
&c. Parts of
the River
Welland.

LXIX. And be it further enacted, That the said Adventurers shall also well and sufficiently scour out and deepen the Bed of the said River *Welland* from *Spalding Locks* upwards, and apply the Earth taken out of the same in strengthening the North Bank of the said River, and shall also remove or cause to be removed the Buildings and Wharf belonging to *Francis Goodwin* Boatwright, and straighten the said River *Welland* in the Place where the same are now standing, making such Compensation to the said *Francis Goodwin* for the Value of such Buildings, as the said General Commissioners shall order and direct; provided that nothing herein contained shall be construed to give the said Adventurers any Power or Authority to continue the Land Doors or Upstream Doors of the Staunch across the said River *Welland*, at or near *Spalding Locks*, to the Prejudice of the Lands lying above the same, or to vary, alter, add to, or diminish the Powers now vested in the said Adventurers, relating to the said Doors.

Penalty on
causing Ob-
structions, *&c.*
in the River
Welland.

LXX. And be it further enacted, That if any Person or Persons shall throw or cast any Bricks, Tiles, Dirt, or Rubbish, into any Part of the River *Welland*, or moor any Boat, Barge, or other Vessel, in the Current of the Waters passing through the Town of *Spalding* by the same River in Times of Flood, or shall leave any Waggon, Cart, or other Carriage, or any Horse, Mare, Gelding, Ass, or Mule, tied or fastened for the Space of Half an Hour at any One Time, or shall shew any Stallion, or hold up or expose for Sale any Horse, Beast, or other Quadruped, on the Banks or Roads, or either of them, on the Side of the said River extending from *Spalding High Bridge* to the said Locks, called *Spalding Locks*, he, she, or they so offending shall, on Conviction before any One of His Majesty's Justices of the Peace for the said Parts of *Holland*, on the Evidence of One or more credible Witness or Witnesses, forfeit and pay the Sum of Thirty Shillings for every Boat, Barge, or other Vessel so moored, and Five Shillings for every such Waggon, Cart, or other Carriage, or Horse, Mare, Gelding, Ass, or Mule so tied or fastened, and for every Stallion shewn, or Horse, Beast, or other Quadruped so held up or exposed for Sale, and the Sum of Twenty Shillings for every such other Offence so committed; and the said Justices for the said Parts of *Holland*, or any of them, are and is hereby required to take Cognizance of such several Offences, and to proceed to Conviction accordingly, and on Non-payment of such Penalty, to commit the Offender to the House of Correction for the said Parts of *Holland*, for any Term not exceeding Two Months, unless such Penalty shall be sooner paid.

LXXI. Pro-

LXXI. Provided also, and it is hereby further enacted, That when and so soon as the said *Vernatts Drain* and *Blue Goat Drain* and *Sluice*, and the Drain extending from the said *Blue Goat Drain* to *Dozens Bank*, and also the said Branch from the said *Blue Goat Drain*, and the said Culvert under and several Bridges over the said Drains shall be respectively formed, erected, and completed, to the Satisfaction of the said *Welland* Commissioners for the Time being; and certified in such and the like Manner as the Satisfaction of the same Commissioners, respecting the Execution of the Works thereby directed to be done by the said Adventurers, is required to be certified under and by virtue of the said Act of the Thirty-fourth Year of His present Majesty, then and from thenceforth the said several Drains and Banks, except the said *Vernatts Drain*, and the Banks thereof, Culvert, Sluice, and Bridges, shall for ever thereafter be repaired, supported, and maintained by the several Dike Reeves for the Time being of the said Parishes of *Spalding* and *Pinchbeck*, in such and the like Manner, and by such Ways and Means as the several other Works of Drainage in the said respective Parishes, under the Management of the said Dike Reeves, are respectively repaired, supported, and maintained, and the Power vested in the Commissioners of Sewers by the said recited Act of the Fourteenth Year of His present Majesty's Reign, or by any other Act or Acts whatsoever, to shut down the Sluice Doors at *Pode Hole* for Twenty-eight Days in any One Year, to be reckoned from the First Day of *January* in One Year to the First Day of *January* in the succeeding Year, and also the Right of draining the said Land in *Spalding* and *Pinchbeck* into the said *Vernatts Drain*, by Means of the Tunnels now lying in or through either of the Banks thereof, or by any other Means whatsoever, shall from thenceforth cease and determine; and it shall not be lawful for the said Commissioners of Sewers, or any Person or Persons authorized by them, at any Time thereafter to stop the said Sluice and Doors set down at *Pode Hole* as aforesaid, except as herein-after mentioned; and that all Power, Jurisdiction, and Authority of the Court of Sewers, as well over the said *Vernatts Drain* and the Banks thereof (except such Power as is herein specially reserved) as over the said Sluice called *Pode Hole Sluice*, shall cease and be for ever extinguished; and the said *Vernatts Drain* so enlarged, deepened, and scoured out, together with the Banks thereof, and also the said *Pode Hole Sluice*, shall vest in the said Adventurers of *Deeping Fen*, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding, in as full and ample a Manner, to all Intents and Purposes, as such Drain and Sluice would have vested in the said Adventurers by and under the Authority of the said recited Act of the Thirty-fourth Year of His present Majesty, upon the Completion of the said *Vernatts Drain*, and the several other Works of Drainage by the said Act provided to be done between the said *Vernatts Drain* and the Outfall at *Wyberton Roads*, to such Satisfaction as aforesaid.

LXXII. Provided always, and it is hereby further enacted, That it shall not be lawful for the said Adventurers to take away the said *Pode Hole Sluice*; and in case any Breach or Goole in the Bank, either of the said River *Welland* or *Glen*, shall happen, it shall be lawful for the said Commissioners of Sewers, and they are hereby authorized and required to shut down the Doors of the said *Pode Hole Sluice*, and keep the same shut down until the said Breach or Goole shall be stopped and made

Regulation
as to main-
taining
Drains, *&c.*
after certain
Works of
Drainage are
completed.

Adventurers
not to take
away *Pode
Hole Sluice.*

secure

secure to the Satisfaction of the said General Commissioners: Provided nevertheless, That as soon as the said River *Welland*, from *Spalding Locks* upwards, shall have been scoured and deepened as herein directed, and the said Buildings taken down and removed to the Satisfaction of the said *Welland* Commissioners, and certified by them as aforesaid, the Power so reserved to the said Commissioners of Sewers of shutting down the Doors of the said *Pode Hole Sluice*, in case of such Breach as aforesaid, shall be and the same is hereby annulled and made void; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power for
Dike Reeves,
etc. to repair
Breaches in
the Banks of
Vernatts
Drain.

LXXIII. Provided also, and it is hereby further enacted, That notwithstanding the Abolition of the Power of the Commissioners of Sewers over the said *Vernatts Drain* and *Pode Hole Sluice*, upon the Completion of the said Works, and such Notice thereof as herein directed, if any Goole or Gooles, Breach or Breaches, Overflowing or Overflows of Water, shall, after the said Drain and Sluice shall so vest in the said Adventurers, or at any other Time previous thereto, happen to be in, over, or through either of the Banks of the said *Vernatts Drain*, to the Annoyance of any of the Lands in the said Parishes of *Spalding* and *Pinchbeck*, or either of them, it shall and may be lawful to and for the Dike Reeves or Surveyors of Sewers for the Time being, of either of the said Parishes where the said Goole or Gooles, Breach or Breaches, Overflowing or Overflows of Water shall happen, forthwith to take and repair the same, and to levy and recover the Costs and Charges thereof in such and the like Manner as the said Dike Reeves or Surveyors, or any of them, are now entitled to levy and recover the Costs and Charges of repairing any Goole, Breach, or Overflowing, in, through, or over either the said *Dozens Bank*, or the Bank called *Hawthorn Bank*, under or by virtue of the said recited Act of the Sixteenth and Seventeenth Year of His said Majesty King *Charles* the Second, or of any other Act whatsoever; and if such Goole, Breach, or Overflowing cannot be effectually taken and amended by reason of the Height of the Water in the said *Vernatts Drain*, it shall in such Case, but on no other Account whatsoever, be lawful for the said Dike Reeves or Surveyors to make a complete Dam across the said *Vernatts Drain*, as near as may be to the Place where such Breach, Goole, or Overflowing shall happen, the better to enable them to take and repair, or prevent the same respectively, doing as little Damage, and removing such Dam as soon afterwards as may be; but the said Adventurers, their Heirs or Assigns, shall not be liable to answer for or make good any Damage or Loss that shall or may happen in or to the Lands or Grounds of any Person or Persons whomsoever, upon account of any Goole, Breach, or Overflowing, except as to the Costs and Charges of taking such Breach or Goole, or preventing such Overflowing in Manner aforesaid, and making and afterwards removing such Dams, and making Satisfaction for the Lands to be taken or cut for that Purpose: Provided always, That it shall be lawful for the said Adventurers to use the Foreland on the North Side of the said *Vernatts Drain*, as a haling Way for the Purpose only of using a Spade Machine through the same, and also to erect, support, and maintain proper Gates and Stiles across the said Foreland; and that if any Person or Persons shall plow, dig, or make any Grip through either of the Banks of the said *Vernatts Drain*, or the Forelands thereof,

thereof, or shall intermeddle with the said Banks, or either of them, except for the Purposes herein provided for, he, she, or they shall, on Conviction before any Justice of the Peace for the said Parts of *Holland*, forfeit for every such Offence not less than Ten Shillings or more than Twenty Shillings, at the Discretion of such Justice, the same to be recovered in like Manner as other Penalties incurred under this Act are herein directed to be recovered.

LXXIV. Provided, and it is hereby enacted, That the Grass and Herbage of the Banks and Forelands of the said *Vernatts Drain*, and of the several other Drains herein directed to be enlarged or made by the said Adventurers, through the inclosed Lands and Grounds in the said Parishes of *Spalding* and *Pinchbeck*, shall belong to and remain the Property of the respective Persons whose Lands adjoin upon the said Banks, for the Space such Lands adjoin thereon respectively.

Herbage of
Banks, etc.

LXXV. And be it further enacted, That if at any Time the Waters from such of the Lands in the Parishes of *Spalding* and *Pinchbeck*, lying between the *Westload Drain* and the River *Glen*, as are intended to drain through and by the said *Blue Goat Drain*, shall, by reason of the Height of the Water in the said *Vernatts Drain*, or at the Outfall thereof, be prevented or impeded in running from the said Lands into the said *Blue Goat Drain*, or from being discharged into the said River *Glen*, it shall be lawful for the Owners and Proprietors of the said Lands, or the major Part of them in Value, by Writing under their Hands, or the Hands of their known Agents, at a Meeting to be held in the Parish Church of *Pinchbeck*, on the *Wednesday* Three Weeks next after Notice shall be given upon One of the Doors of the said Parish Church, under the Hands of Seven or more Owners or Proprietors of Two hundred Acres of Land in the Whole, of holding such Meeting, to erect and build One or more Mill or Engine, Mills or Engines, for discharging the said Waters into the said River *Glen*, and to cut and make such Drain or Drains through the said Lands and Grounds as they shall think necessary or requisite for the free Passage of the Water to such Mill or Engine, Mills or Engines; and the Charges and Expences of making and executing the several Works of Drainage herein last authorized, and of using and supporting the same, shall, from Time to Time for ever thereafter, be borne, paid, and defrayed by an equal annual Acre Rate or Tax, to be charged upon the Owners and Proprietors of the Lands and Grounds in *Spalding* and *Pinchbeck* aforesaid, lying between the said *Westload Drain* and River *Glen*, and draining by the said *Blue Goat Drain*, and be recovered and received by such Officer or Officers, and by such Ways and Means, under the Authority of the said Court of Sewers, as the Dike Reeve Rates in respect of such Lands, shall from Time to Time be raised and levied; and that by and out of the Monies so to be recovered and received, all such Damages as shall be sustained by the Owners or Occupiers of Lands used in forming such Works of Drainage (in case the Parties interested cannot agree upon the Compensation to be made for the same), shall be assessed by a Jury, to be impannelled and sworn in like Manner as is herein provided for, respecting Damages to be incurred in the Execution of this Act.

Proprietors in
Pinchbeck
may erect
Mills.

[Loc. & Per.]

27 G

LXXVI. And

General Commissioners may purchase Lands.

Bodies Politick may contract for the Sale of the Lands.

Persons refusing or neglecting to treat.

Commissioners may issue their Warrants to the Sheriff to summon a Jury.

LXXXVI. And be it further enacted, That the said General Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said General Commissioners shall judge necessary to be cut, dug, taken down, or otherwise made Use of for the Purposes of this Act, for the Purchase of such Lands, Tenements, or Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Females Covert, or other Person or Persons, and to and for all Females Covert who are or shall be seised of or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised of or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said General Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said General Commissioners for any Recompence or Compensation to be made for the Damage which may be done to any such Lands, Tenements, and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, or Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said General Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said General Commissioners are hereby empowered from Time to Time to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of *Lincoln*, or if such Sheriff should be immediately interested in such Matter, then to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return Twenty-four Men resident within the County of *Lincoln*, and qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*, to appear before the said Commissioners at such Time and Place as in

such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve may be sworn to enquire touching the Matters in question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenge against any of the said Jurymen; and the said General Commissioners are hereby empowered by Warrant or Warrants under their Hands and Seals, from Time to Time as Occasion may require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said General Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy, and such Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said General Commissioners or any One of them is and are hereby empowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for any Losses or Damages that shall or may be sustained as aforesaid, and to settle and ascertain in what Proportion the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said General Commissioners shall give Judgement for such Purchase Monies or Recompence so as aforesaid to be assessed by such Juries; which said Verdict and the Judgement thereupon pronounced by the said General Commissioners shall be final and conclusive to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever.

Jurors may be challenged.

Verdict of Jury, etc. to be final.

LXXXVII. Provided always, and be it further enacted, That if any such Sheriff or his Deputy, or the said Coroner, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds; and if any Person so summoned as aforesaid on such Jury shall not appear, or appearing refuse to be sworn or being sworn refuse to give his Verdict, or in any other Manner wilfully attempt to avoid or neglect his Duty, contrary to the true Intent and Meaning of this Act, and if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined or to give Evidence, or being of the People called *Quakers*, shall refuse to affirm or to be examined to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said General Commissioners, shall for every such Offence forfeit and pay such Sum as the said General Commissioners shall appoint, not exceeding the Sum of Five Pounds for every such Offence.

Penalty on Sheriff's Neglect.

LXXXVIII. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on Behalf of the said General Commissioners, before the summoning of any such Jury for or in respect of any of the Matters aforesaid, that then all the Expences of such Jury and the Witnesses attending in consequence thereof, and of taking such Inquisition, shall be paid by the said General Commissioners out of the Monies to arise

Expences of the Jury and Witnesses, by whom to be borne.

arise by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said General Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments and Premises, upon or in respect of which such Jury shall have been summoned.

Verdicts to be recorded.

LXXIX. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and all Determinations of the said General Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, being first signed by such of the said General Commissioners as shall be present at the making such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively, shall be transmitted to and kept by the Clerk of the Peace amongst the Records of the Quarter Sessions of the Peace for either of the said Parts of *Kesteven* or *Holland* aforesaid, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same or true Copies thereof respectively, attested by such Clerk of the Peace or his Deputy, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Two-pence, and so in Proportion for any Number of Words, and immediately on such Payment, and Entry of such Agreements, Contracts, Sales, and Conveyances, Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, all the Estate, Right, Title, Inheritance, Use, Trust, Property, Possession, Benefit, Claim, and Demand whatsoever, both at Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid in and to or out of the said Messuages, Lands, Tenements, and Hereditaments, shall vest in the said General Commissioners and Trustees herein-after provided to be chosen respectively for the Time being, who shall be deemed in Law to be in the actual Seisin or Possession thereof respectively, to all Intents and Purposes whatsoever, as fully and effectually as if all and every such Person and Persons having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seisin, Fine, Recovery, or any other legal Mode of Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand whatsoever, of the Person or Persons to whose Use such Payments shall be made, but also extend to, and be deemed and construed to bar the Dower or Dowers of the Wife and Wives of such Person and Persons, and his, her, and their Issue, and all Estates Tail in Reversion or Remainder, and all and every other Person and Persons whomsoever, as fully and effectually as a Fine and Recovery, or either of them, would do, if levied or suffered by all the proper Parties in due Form of Law.

LXXX. And be it further enacted, That all the Lands and Grounds which shall be cut through and covered by such Works of Drainage herein provided to be made, by and at the Expence of the said Adventurers, within the old inclosed Lands in the several Parishes of *Spalding* and *Pinchbeck*, shall be paid for by the said Adventurers, their Heirs and

Payment for Land cut and covered by Works of the Adventurers.

and Assigns; and the Value of such Lands and Grounds shall be ascertained and recovered in like Manner as the Value of other old inclosed Lands and Grounds within any of the said Parishes, which have been cut through and covered by Works done by the said Adventurers, are provided to be ascertained and recovered by any of the said Acts relating to the Drainage of *Deeping Fen*.

LXXXI. Provided, and it is hereby enacted, That if after the Expiration of Two Years next after the said General Works of Drainage herein provided for are made and completed, it shall appear to the said General Commissioners that the several Mills and Engines that have been erected by the said Adventurers for the Purpose of Drainage, and are now standing, or any of them, and which are the Property of the said Adventurers, shall be found useful for the Purpose of throwing Water to such increased Height as is herein provided for, the same shall be used for that Purpose accordingly; and the said General Commissioners shall and they are hereby required, out of the Monies to be raised under the Authority of this Act, for the general Purpose of Drainage, to pay and allow unto the said Adventurers so much and such Sum and Sums of Money as the said Mills and Engines, or such of them as shall be so used for the Purpose of Drainage as aforesaid, shall, in the Judgement of Two disinterested Persons to be indifferently named by the said General Commissioners and Adventurers respectively, be valued at, fixed, and determined; and in case of their Disagreement therein, as shall be fixed and determined by a Third Person, to be named by the said Two Referees, whose Determination shall be final; and the Amount of such Valuation shall be paid within Six Months next after the same shall be so ascertained; but in case it shall appear to the said General Commissioners, at the Expiration of the Time aforesaid, that the said Mills or Engines are not useful or necessary for the Purpose of Drainage, (and in such Case they are hereby required to signify the same in Writing under their Hands, to be delivered to the said Adventurers, or their Treasurer for the Time being), it shall be lawful for the said Adventurers, at any Time or Times that they shall think proper, to take down and remove the same, or such of them as shall not be used for the Purpose of Drainage as aforesaid, and convert the Materials thereof to and for their own Use and Benefit; any Thing herein contained to the contrary in anywise notwithstanding.

Adventurers Mills to be allowed for or taken away.

LXXXII. And be it further enacted by the Authority aforesaid, That the General Commissioners herein appointed shall, and they are hereby required, as soon as conveniently may be after the passing of this Act, to cause the several general Works of Drainage to be made, erected, done, and executed as follows; (that is to say), One Main Drain or Cut, commencing at the said *Pode Hole*, and extending from thence to a Drain called *The Rampart Drain*, of the Depth of not less than Five Feet and Six Inches and of the Width of not less than Twenty-four Feet at the Bottom, and proceeding along the Course of the said *Rampart Drain*, and enlarging the same Drain to such Depth and Width as aforesaid, so as to become a Part of the same Main Drain or Cut, and from thence extending the said Main Drain of the same Depth and Width, in as direct a Course as may be to the East End of a certain Part of the said Commons, called *The South Drove*, and from the said East End along the Middle

Works of Drainage to be made at joint Expence.

[Loc. & Per.]

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of