

original Rent reserved by such Lease or Agreement would have been by Law recoverable; and in all Cases where any Sum or Sums of Money in the Gross, shall, by the said respective Special Commissioners, be ascertained as a Compensation to be paid by the Lessor, for determining such Lease or Agreement, the same shall be actually paid before such Lessors respectively are put into Possession of the respective Lands and Hereditaments and Right of Common, or of the Allotments in respect of such Tythes as aforesaid, so discharged from such Lease or Agreement; and in all Cases where such subsisting Leases or Agreements shall continue in force, as to the Whole or any Part or Parts of the Hereditaments therein comprized, it shall be lawful for the said Commissioners in like Manner to ascertain and declare whether any and what additional Rent or Rents ought to be paid by the Lessees or Tenants to the Lessors or Landlords, for or in respect of any Improvement in the Annual Value of the Hereditaments comprized in such Leases or Agreements respectively, upon Account of the same being exonerated from Tythes, and exchanged respectively, or by the said Commons, Drovers, and Wastes, being divided and inclosed by virtue of this Act; and such additional Rents so ascertained and declared as last aforesaid, shall commence at such Time or Times as the said Commissioners shall direct and appoint, and shall afterwards be payable and recoverable in like Manner as the Rents originally reserved, would have been payable and recoverable if this Act had not passed; and it shall be lawful for the said Commissioners, in like Manner to settle, ascertain, and declare the Course of Husbandry to be used by such Lessees or Tenants, during the Remainder of their subsisting Leases and Agreements, in all Cases where they shall deem it necessary or proper so to do; provided, that when any Leases or Agreements for Leases at Rack or extended Rents, or from Year to Year, shall be then subsisting, of any Lands, Tenements, or Hereditaments not intended to be exonerated from Tythes, or exchanged by virtue of this Act, for or in respect whereof such Lessees or Tenants hold or enjoy any Commonable Interest in any of the Lands and Grounds intended to be divided and inclosed, such Lessees or Tenants shall respectively be entitled to such and the like Right of Common in, over, and upon the parochial or general Allotment to be set out for the Parish or Place in which such Lands, Tenements, and Hereditaments are respectively situate, and which shall not be subdivided under the Authority of this Act, subject to the Regulations herein authorized, as such Lessees or Tenants had or enjoyed in respect of the said Lands or Hereditaments before the passing of this Act, in the said Lands and Grounds intended to be set out in any such parochial or general Allotment.

And

And it is hereby further Enacted and Declared, That the several Lands, Tenements, and Hereditaments, which shall be respectively allotted and exchanged by virtue of this Act, shall, upon the Allotment and Exchange thereof respectively, become and be of the same Tenure, and be held under the same Rents and Services, and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoes, Limitations, Conditions, Covenants, Debts, Charges, and Incumbrances, and Provisions of every Kind, and in the same Manner as the Hereditaments in respect whereof the same Lands, Tenements, and Hereditaments shall be respectively allotted and exchanged, would belong or stand, or be limited to or upon, or be subject unto, if such Allotment and Exchange thereof had not been made, or this Act had not been passed, except as to such Leases and Agreements at Rack Rent as shall be determined under this Act, or where any other Provisions of this Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon, as shall be made in pursuance of this Act.

Allotments to be of the same Tenures, and to go with the same Use, as the Estates in lieu of which they were made.

And be it further Enacted, That all and every of the Proprietors of the Allotments to be made by virtue of this Act, shall have full Power and Liberty, from Time to Time and at all Times after the setting out of such Allotments, to set up and continue any Fence or Fences, and Gate or Gates, in the same, in and across any Road or Roads (except Turnpike Roads and public Carriage Roads) to be made by virtue of this Act, through or against his, her, or their respective Allotments, for keeping out Cattle, and to prevent their destroying any Banks, Drains, Trees, Plants, Quicksets, or Fences, which shall be made or planted for fencing or inclosing any of the Lands and Grounds hereby directed to be divided and inclosed, so as no such Fence or Gate shall in anywise prevent or hinder any Person or Persons who shall have Right to pass upon any such Road, from passing and repassing thereon, and through such Gates respectively.

Gates may be erected across private Roads.

And be it further Enacted, That the said respective Special Commissioners shall, and they are hereby authorized and required, before they respectively subdivide any parochial or general Allotment under the Authority of this Act, to set out, ascertain, and appoint such public Horse Roads and Footways, and private Carriage and Drift Roads and Ways, and also such Banks, Ditches, Drains, Watercourses, Bridges, Gates, Stiles, and other Conveniences, in, over, and

Private Roads.

N

through



through such parochial or general Allotments so intended to be subdivided, as they shall think requisite, and the same shall respectively be made and erected, and at all Times thereafter repaired, cleansed, maintained, and kept in Repair, at such Times, and by such Person or Persons, Proprietor or Proprietors, and in such Manner, as the said respective Special Commissioners by their Award, when the same shall be executed, and in the mean Time and until the Execution thereof, by any Writing under their Hands, shall respectively order, direct, or appoint; and the Grass and Herbage growing or arising on any of the said private Ways or Roads to be set out as last aforesaid, shall at all Times be and remain for the Use and Benefit of such Person or Persons, and for such Purposes as the Special Commissioners setting out the same, shall, by their said Award, order and direct.

Not to stop up or turn any public Road.

Provided nevertheless, That nothing in this Act contained shall authorize the said respective Special Commissioners to turn, alter, stop up, or discontinue any public Road or public or private Communication, which shall be set out by the said General Commissioners as herein directed, in, over, or through any of the Lands and Grounds intended to be divided and inclosed.

Recital of former Acts for draining Deeping Fens, &c.

And whereas by virtue of Two Acts of Parliament, the One passed in the Sixteenth and Seventeenth, and the other in the Twenty-second Years of the Reign of King Charles the Second, and of Two several other Acts passed in the Eleventh Year of the Reign of King George the Second, and in the Fourteenth Year of the Reign of His present Majesty, certain Powers and Authorities were vested in the Adventurers and Persons in such Acts respectively named, for draining and preserving *Deeping Fen* and other Fens therein mentioned, and they were thereby required to drain and preserve the same in Manner therein directed, in which said Fens were included the said *Crowland Common* otherwise *Goggusland*, and all the Commons or Fens hereby intended to be divided and inclosed (except the said Drove and Waite Lands in the Parishes of *Spalding* and *Pinchbeck*): And whereas by and under the Direction of the Commissioners acting under Two several Acts of Parliament, the one passed in the Fifth Year of His present Majesty's Reign, intituled, "An Act for draining and improving certain Low Marsh and Fen Lands, lying between *Boston Haven* and *Bourn*, in the Parts of *Kesteven* and *Holland*, in the County of *Lincoln*," and the other passed in the Tenth Year of the same Reign, for amending and rendering the said former Act more effectual, the said *Pinchbeck North Fen*, although Part of the said Lands so required to be drained by the

Recital of Two Acts of 5th and 10th Geo. 3. for draining Pinchbeck North Fen, &c.

the said Adventurers, was included in the Drainage provided for by the said last-mentioned Acts: And whereas the said enclosed taxable and free Lands in *Deeping Fen*, being Part of the Fens so intended to have been drained, were in consequence of such Undertaking, and as a Recompence for carrying the said Works of Drainage into Execution, vested in the said Adventurers or Persons named in the said Act of the Sixteenth and Seventeenth of Charles the Second, immediately on the passing thereof, and the Adventurers or Owners of the said taxable Lands are liable, in respect of their said Lands, to make, support, and maintain certain Works of Drainage, by the said several Acts relating to the Drainage of *Deeping Fen*, some or one of them, required to be made, supported, and maintained: And whereas by the said Act, passed in the Thirty-fourth Year of His present Majesty's Reign, the said Adventurers are required to enlarge, deepen, and scour out a certain Drain called *The Vernatts Drain*, running from *Spalding Common* through the several Parishes of *Spalding* and *Pinchbeck*, from the Sluice across the 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 hereinbefore 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

That the Adventurers by the 34th Geo. 3. were required to deepen, &c. Vernatts Drain.

Present Works of Drainage insufficient.

Further Works of Drainage to be made by this Act.



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 hereinafter directed shall be made, erected, maintained, and supported by and at the Expence of the respective Trusts Proprietors and Persons, and in the Proportions hereinafter 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 *Shepherds 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 *Shepherds Hole* and *Hootons Gibbet*, of such Width, Height, and other Dimensions, as in the Judgment 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 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

Drainage  
Works to be  
made by the  
Adventurers.

It shall have  
made or caused to  
have made a  
navigable River  
or Cut

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 hereinafter 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 hereinafter 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

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such



such Bridges as shall be removed by enlarging the said *Blue Goat Drain*, as the same Commissioners shall deem necessary.

Power for  
Proprietors  
of Lands in  
Spalding,  
&c. to erect  
Mills for dis-  
charging the  
Waters from  
such Lands  
into Ver-  
natts Drain.

**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.

**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.

**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

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.

**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

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



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 hereinafter 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.

Adventurers  
not to take  
away *Pode*  
*Hole Sluice*.

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 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,  
&c. to repair  
Breaches in  
the Banks of  
*Vernatts*  
*Drain*.

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 Overflow-

ings

ings 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 *Pinckbeck*, 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 Overflowings 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, 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

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Discretion



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.

Herbage of  
Banks, &c.

**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.

Proprietors  
in Pinch-  
beck may  
erect Mills.

**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.

**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 Politic, 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, Femmes Covert, or other Person or Persons, and to and for all Femmes 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 Politic, 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 Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as

General  
Commission-  
ers may pur-  
chase Lands.

Bodies Politic  
may contract  
for the Sale  
of the Lands.

Persons re-  
fusing or neg-  
lecting to  
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