

wise annoyed by Water, so as in their present State to be of inconsiderable Value; but if drained, divided, allotted, and inclosed, would materially benefit the Proprietors and Persons interested therein, and be of publick Utility, yet such beneficial Purposes cannot be effected without the Aid of Parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Common, Waste Ground, and Half-year's Land, shall be drained, set out, divided, and allotted by such Commissioners, and in such Manner, and under such Powers and Authorities, and subject to such Rules, Orders, and Directions, as are herein-after mentioned, appointed, and declared.

Lands to be drained and divided.

Commissioners appointed.

II. And be it further enacted, That *George Maxwell*, of *Fletton Lodge*, in the County of *Northampton*, Gentleman, and *Edward Hare*, of *Castor*, in the said County of *Northampton*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for putting this Act into Execution.

Power to appoint new Commissioners.

III. And be it further enacted, That if the said *George Maxwell* shall die, refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts hereby reposed in the said Commissioners shall be fully executed and performed, it shall be lawful for the said *Thomas Orby Hunter*, or the Lord or Lords of the said Manor of *Crowland* for the Time being, by Writing under his or their Hand or Hands, to nominate and appoint One other fit and proper Person, not interested in the Premises, to be a Commissioner in the Place of the said *George Maxwell*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *George Maxwell* shall die, refuse to act, or become incapable of acting as aforesaid, such future Vacancies shall be filled up in like Manner by the said *Thomas Orby Hunter*, or the Lord or Lords of the said Manor for the Time being; and if the said *Edward Hare* shall die, refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities, and Trusts aforesaid, shall be fully-executed and performed, it shall be lawful for the Majority in Number and Value of the Proprietors of Lands and Grounds, Commonable Messuages, and Toststeads, in the said Township of *Crowland*, interested in the said Division and Inclosure (except the said *Thomas Orby Hunter* and the Lord or Lords of the said Manor of *Crowland* for the Time being) or their respective Agents or Attornies, present at a Meeting to be held for that Purpose, by Writing under their respective Hands, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner in the Place of the said *Edward Hare*, provided that Fourteen Days Notice of the Time, Place, and Purpose of such Meeting shall be given by Five or more of the said Proprietors, in like Manner as herein-after directed with respect to the Meetings of the said Commissioners, and that such Meeting shall be held at *Crowland* aforesaid; and if any Commissioner or Commissioners, who shall be appointed in the Place of the said *Edward Hare*, shall die, refuse to act, or become incapable of acting as aforesaid, all such future Vacancies shall in like Manner be filled up by the Majority in Number and Value of the said Proprietors; and if
any

any Commissioner shall neglect to attend Three successive Meetings of the said Commissioners, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any such Vacancy in the Commission as aforesaid, shall not be filled up in the Manner herein-before directed, within the Space of Two Calendar Months next after the same shall respectively happen; it shall be lawful for the surviving or remaining Commissioner for the Time being, by Writing under his Hand, to nominate and appoint One other fit and proper Person (not interested in the Premises) to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be nominated and appointed a Commissioner in Manner aforesaid, shall have the like Powers and Authorities in the Execution of this Act, as if he had been appointed a Commissioner therein.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in appointing and giving Notice of the First Meeting of the said Commissioners, and in administering the Oath next herein-after mentioned), nor as a Surveyor for the Purposes of this Act, until he shall have taken and subscribed an Oath in the Form following; (that is to say)

Commissioners and Surveyor to take an Oath.

‘ I DO sincerely promise and swear, That I will act in the Execution of the
 ‘ Powers, Authorities, and Trusts reposed in me as a Commissioner [or,
 ‘ as a Surveyor, *as the Case may be*] by virtue or in pursuance of an Act,
 ‘ passed in the Forty-first Year of the Reign of King George the Third,
 ‘ intituled [*here set forth the Title of the Act*] truly, impartially, and
 ‘ honestly, according to the best of my Skill, Judgement, and Ability,
 ‘ without Favour or Affection, Prejudice, or Malice, to any Person or
 ‘ Persons whomsoever. So help me God.’

And either of the said Commissioners is hereby authorized to administer the said Oath; and the Oath, so taken and subscribed by such Commissioners and Surveyor, and also the Appointment of every such Commissioner and Surveyor in pursuance of this Act, shall be inrolled with the Award of the Commissioners herein-after directed to be made.

V. Provided always, and be it further enacted, That whenever the said Commissioners shall disagree or differ in Opinion as to any Matter or Thing to be by them done under and by virtue of this Act, it shall and may be lawful for the said Commissioners, at any of their Meetings, and they are hereby required, from Time to Time, to name a Third Person (not interested in the said Division and Inclosure) as Umpire, whose Determination thereupon shall be final and conclusive upon the said Commissioners; and all Persons interested therein; and the same shall be proceeded upon and awarded in like Manner, as if such Determination had been made by the said Commissioners.

Umpire to be made in case of Difference.

VI. And be it further enacted, That a true and distinct Survey shall be made of all the said Lands and Grounds intended by this Act to be divided and inclosed, embanked and drained respectively, on or before the First Day of *October* One thousand eight hundred and one, or as soon after as conveniently may be, by some skilful Surveyor or Surveyors, to be named and appointed for that Purpose by the said Commissioners, and such Survey

Survey to be made.

vey

vey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Lands and Grounds intended to be divided and inclosed, embanked, and drained respectively, and the Number of Acres, Roods, and Perches, contained in each Proprietor's known Property therein respectively, shall be therein specified and described; and such Survey shall be laid before the said Commissioners as soon after their Second Meeting, to be held in pursuance of this Act, as may be, and shall be kept by them for the Purposes of this Act.

Former Map
or Survey
may be used.

VII. Provided always, That if any Map or Survey already made or to be made, of the said Lands and Grounds, or any Part thereof, shall be tendered to the said Commissioners, and shall, to their Satisfaction, appear to be a just and true Map or Survey, and sufficient for the Purposes of this Act, it shall be lawful for the said Commissioners to use the same in the Execution of this Act, without any new Maps or Survey being made of such Part of the said Lands and Grounds as shall be comprised in any such approved Map or Plan.

Commission-
ers Meetings.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to cause a Notice in Writing under their Hands, specifying the Time and Place of their First Meeting for executing this Act, to be affixed on the principal Door of the Parish Church of *Crowland* aforesaid, on some *Sunday* before Divine Service, Seven Days at least before such Meeting; and also to cause the like Notice to be given of every subsequent Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners to adjourn their Meetings from Time to Time, as they shall see Occasion, for the due Execution of this Act; and if only One Commissioner shall be present at any Meeting, it shall be lawful for him to adjourn such Meeting from Time to Time, until both Commissioners shall be present; and the Commissioner making such Adjournment is hereby required forthwith to give Notice thereof to the absent Commissioner, but no Adjournment shall be made for a longer Space of Time than Fourteen Days.

Fees to Com-
missioners.

IX. And be it further enacted, That out of the Monies directed to be raised by Sale of Land as herein-after mentioned, there shall be paid to each of the said Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Guineas a Day for every Day he shall be employed in the Execution of this Act, and in travelling to and from his own Dwelling, for the Purposes of attending and returning from the several Meetings to be held under the Authority of the same; and that at all such Meetings the said Commissioners shall pay their own Expences.

Claims to be
delivered to
the Commis-
sioner.

X. And be it further enacted, That all and every Person and Persons, and every Body Politick and Corporate, claiming any Messuages, Houses, Toftsteads, Lands, Tenements, Hereditaments, Right of Common, or other Right or Interest whatsoever, for or in respect of which any Allotment or Compensation is directed or intended to be made by virtue of this Act, shall and they are hereby required to deliver to the said Commissioners, at or before their Second Meeting, or at such other Times as the said Commissioners shall appoint for that Purpose, an Account in Writing under their respective Hands, or the Hands of their respective Agents or Attornies, containing a true and particular Description of the Messuages,
Cottages,

Cottages, Lands, Tenements, Right of Common, or other Hereditaments for which any Allotment or Compensation is directed or intended to be made; and no such Account or Claim shall afterwards be received by the said Commissioners, except for some legal Disability or special Cause, to be allowed by the said Commissioners.

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors or Persons interested in any of the Lands or other Hereditaments intended to be affected by this Act, touching or concerning any of their Claims, Estates, Rights, or Interests therein, or any Allotment or Compensation to be made in lieu thereof, it shall be lawful for the said Commissioners, and they are hereby required, by the Examination of Witnesses upon Oath (which Oath either of the said Commissioners may administer), and by such other Enquiry, Information, Evidence, and Proof, as they shall think expedient, to hear, adjudge, and determine such Differences; provided that no such Difference or Suit shall impede or delay the Commissioners in the Execution of the Power vested in them by virtue of this Act, but the said Division and Inclosure shall be proceeded in, notwithstanding such Differences or Suits.

Commissioners to determine disputed Claims.

XII. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be, set out and appoint such publick Highways and Carriage Roads, in, through, over, and along the said Lands and Grounds intended to be divided and inclosed, as they shall think proper and convenient (none of which publick Highway and Carriage Roads shall be less than Forty Feet of Assize in Breadth between the Ditches); and shall also set out and appoint such common publick and private Horse and other Roads, Ways, Passages, and Bridges, and such Gates, Stiles, Hedges, Sewers, Drains, and Watercourses, in, over, upon, and through the said Lands and Grounds intended to be divided and inclosed, as they shall deem proper, useful, and convenient; and the same (except the said publick Carriage Roads) 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 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 order, direct, or appoint; and the Grass and Herbage growing or arising on any of the said Roads or Ways, shall at all Times be and remain for the Use and Benefit of such Person or Persons as the said Commissioners shall, by their said Award, order or direct.

Commissioners to set out publick Highways, &c.

XIII. Provided nevertheless, and be it further enacted, That as soon as conveniently may be after the said Commissioners shall have set out and appointed such publick Carriage Roads as aforesaid, they shall cause Notice thereof to be given by Advertisement in some Newspaper usually circulated in the County of *Lincoln*; and that it shall be lawful for any Person or Persons whomsoever, who shall think himself, herself, or themselves aggrieved by the setting out, Appointment, or Disposition of any of such publick Carriage Roads as aforesaid (on giving Notice in Writing to any One of the said Commissioners of his, her, or their Intention, within Twenty-eight Days after the Publication of such Advertisement, and within Fourteen Days after such Notice entering into a Recognizance before some Justice of the Peace for the Parts of *Holland*, in the said County of *Lincoln*,

Notice to be given of Roads being set out.

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with Two sufficient Sureties, in any Sum not exceeding Twenty Pounds, nor less than Ten Pounds, as such Justice shall think proper, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded against them, to appeal against all or any of such publick Carriage Roads to some General Quarter Sessions of the Peace to be held in and for the said Parts of *Holland* within Four Calendar Months next after the setting out, Appointment, or Disposition of the said Roads, and Notice thereof given as aforesaid, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses; and that the said Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, on hearing the Evidence and inspecting the Map, finally determine whether the said Roads so appealed against shall be made, or whether any other publick Carriage Roads shall be set out, and shall make and give such Orders and Directions touching the Matters before them, and award such Costs as to them as shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Notice shall be given to One of the said Commissioners as aforesaid, or such Appeal shall not be proceeded in as aforesaid, then such setting out, Appointment, and Disposition of the said publick Carriage Roads by the said Commissioners as aforesaid, shall be final and conclusive to all and every Person and Persons whomsoever.

Roads to be
formed at the
Expence of the
Proprietors.

XIV. And be it further enacted, That all such publick Carriage Roads as shall be set out and appointed in pursuance of this Act, shall be fenced on both Sides from the adjoining Lands by such of the said Proprietors, and in such Manner as the said Commissioners shall direct; and that it shall not be lawful for any Person to erect any Gate across any of the said publick Carriage Roads, or to plant any Trees in or near the Fences on the Sides of such publick Carriage Roads at a less Distance from each other than Fifty Yards; and the said Commissioners shall, and they are hereby authorized and required, to appoint a Surveyor or Surveyors (with such Salary or Salaries as to them shall seem proper and requisite) for the first forming and putting into good and sufficient Repair the publick Carriage Roads, in, upon, and over the Lands and Grounds hereby intended to be divided and inclosed, or any of them; and the Expence of such Salary or Salaries, and of forming and putting into good and sufficient Repair such Roads, which shall be incurred, over and above the Statute Duty, shall be raised and paid in like Manner as the Expences of obtaining and executing this Act are herein-after directed to be raised and paid, in proportion and according to the Intent that the Inhabitants of the said Parish (not being Proprietors or Owners of such Lands and Grounds) may not be charged or burthened with any Part of the Costs of first forming, making, and repairing such publick Carriage Roads (other than the Statute Duty), until the same Roads shall, by the said Surveyor or Surveyors, be certified before the Justices of the Peace for the said Parts of *Holland*, at their General Quarter Sessions, to be completely formed and made good; and that such publick Carriage Roads shall, from the Deli-

very of such Certificate to the said Justices, be repaired and kept in Repair in such Manner as the publick Highways in the said Township are by Law required and directed to be kept in Repair, which Certificate the said Surveyor or Surveyors shall, and he or they is and are hereby required, within Two Years from the signing the said Award, to deliver to the said Justices at their General Quarter Sessions, or give sufficient Reason, to the Satisfaction of the said Justices, for a further Allowance of Time (not exceeding One Year) for delivering the same, under a Penalty of Twenty Pounds, to be raised and levied by Distress and Sale of the Goods and Chattels of such Surveyor or Surveyors making Default as aforesaid, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the Parts of *Holland*, returning the Overplus (if any) to the said Surveyor or Surveyors, after deducting the reasonable Costs and Charges of such Distress and Sale, and to be applied towards the Repair of the said Roads.

XV. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out, sell, and dispose of so much, and such Part or Parts of the said Common, as shall be sufficient for the Purposes herein-after mentioned, by Auction, in One or more Lots, and at One and the same Time, or at different Times, to the best Bidder or Bidders, at some or One of the Meetings of the said Commissioners to be held in pursuance of this Act, of which they shall give publick Notice in some Newspaper usually circulated in the said County of *Lincoln*, at least Fourteen Days before such Sale or Sales shall be made, and shall apply the Money arising thereby in paying and defraying the Charges and Expences incident to and attending the obtaining and executing of this Act, and for surveying, dividing, and allotting the said Lands and Grounds, and in building any Engine or Engines, and making and executing the several Works of Drainage and Embankment herein respectively authorized, and the preparing and inrolling the said Award or Instrument, and of the Allowances to be paid to the said Commissioners, and of making Satisfaction for all Damages for which Recompences are by this Act authorized to be made, and of forming and putting into good and sufficient Repair the said publick Highways herein-before directed to be set out by the said Commissioners, together with lawful Interest upon all Monies advanced by any Person or Persons for any of the Purposes aforesaid, until such Sale or Sales shall be had, and the Monies so advanced repaid, and all other necessary Expences in, about, or concerning the Execution of this Act, or for or by reason of or preparatory to the said Division, Inclosure, and Drainage, except the future Support and Maintenance of the Works of Drainage which are herein-after provided for; and upon Payment of the full Purchase Money for such Lot or Lots to the said Commissioners, or as they shall by Writing under their Hands direct, the Land so sold shall be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or respective Purchasers thereof, and a Conveyance thereof by Lease and Release, made and executed by the said Commissioners, shall be valid and effectual in Law to vest the same in such Purchaser or respective Purchasers, his, her, and their Heirs and Assigns respectively.

Lands to be sold sufficient to defray the Expences of obtaining and executing this Act.

XVI. And be it further enacted, That the said Commissions shall, and they are hereby required, if they shall think it necessary or expedient so to do, but not otherwise, to set out, allot, and award unto and for the Trustees

Allotment of the Residue

tees to be appointed as herein-after directed, and their Successors for the Time being, One hundred and Twenty Feet of Land in Breadth, or such other Portion of the said Washes and Fodder Lots adjoining the River *Welland* on the North, for the Space such Lands respectively adjoin the said River; upon the Trusts and for the Purposes herein-after declared of and concerning the same; and shall in the next Place set out, allot, and award such of the Lands and Grounds intended by this Act to be divided and inclosed, as shall not be set out for the Purposes before-mentioned, unto and amongst the said *Thomas Orby Hunter*, *Samuel Greaves*, *John Whitfed*, and *William Whitehead*, and the several other Parties and Persons interested therein, in proportion and according to their several Shares, Rights, and Interests, in, over, and upon the same Lands, in such Manner as to the said Commissioners shall seem just and expedient.

Satisfaction for Damage to Allotments in Fodder Lots by Adventurers getting Soil.

XVII. And it is hereby further enacted, That if the Proprietor or Proprietors, Occupier or Occupiers, of any Allotment or Allotments to be set out and awarded in the said Washes or Fodder Lots, shall at any Time sustain Loss or Damage by reason of the said Adventurers of *Deeping Fen* taking Earth or Soil from any such Allotment or Allotments for the Repair of the North Bank of the said River *Welland*, pursuant to the Powers vested in them for that Purpose, and for which Compensation shall not be recoverable of the said Adventurers, the Trustees for the Execution of this Act for the Time being shall, and they are hereby required, by and out of the Rents and Profits of the Allotment, Banks, and Forelands, vested in them as herein directed, and also by and out of the Rates and Taxes to be raised under the Authority of this Act, make such Recompence and Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, sustaining such Loss or Damage, to be ascertained by such Ways and Means as the said Commissioners shall, in and by their Award, order or direct.

Where Allotments are to be set out.

XVIII. Provided always, and be it further enacted, That upon such Division and Inclosure, the Allotments of the several Proprietors in respect of their Lands, Rights, and Interests in the Fodder Lots and Washes, shall be set out in and be Part of the said Fodder Lots or Washes; and that the several Proprietors and Persons interested in the said Common and Waste Grounds shall in like Manner be compensated, in respect of such their Interests therein, by Allotments in the said Common or Waste Grounds, so far as the Sale of Lands herein directed will admit of.

The Lake across the Wash to be preserved.

XIX. Provided, and it is hereby enacted, That in setting out and allotting the said Land, called *The Washes*, the same or like Communications for the Passage of Water through the same from the River *Welland*, shall be set out and continued for the Use and Benefit of the said Parish of *Crowland*, in such and the like Manner, and for such and the like Purposes, as they have heretofore enjoyed the same.

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

XX. And it is hereby further enacted and declared, That the several Lands, Tenements, and Hereditaments which shall be respectively allotted and exchanged or partitioned by virtue of this Act, shall, upon the Allotment, Exchange, and Partition 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

same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Covenants, Debts, Charges, 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, exchanged, or partitioned, would belong or stand, or be limited to or upon, or be subject unto, if such Allotment, Exchange, or Partition thereof had not been made, or this Act had not been passed:

XXII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Right or Interest in the said Common and Waste Grounds, at any Time before the forming and drawing up of the Award of the said Commissioners, to sell and dispose of such his, her, or their Right or Interest therein, or in the Allotment or Allotments to be set out in lieu thereof, separate and apart from the Messuages, Houses, Toststeads, or Land, in respect of which he, she, or they shall be entitled to such Right or Interest; and it shall likewise be lawful for any Person or Persons entitled to any Right or Interest in the said Washes and Fodder Lots, within the like Time, to sell and dispose of such his, her, or their Right or Interest therein, or of the Allotment or Allotments to be set out in lieu thereof, together with, but not separately from the Messuage, House, Toststead, or Land, in respect whereof he, she, or they shall be so entitled as last aforesaid; and on a proper Conveyance or Surrender being made and executed, every such Sale being set forth and specified in the Award of the said Commissioners, shall be good, valid, and effectual in Law; and it shall also be lawful for any Customary or Copyhold Tenant of the said Manor of *Crowland*, at any Time after the Execution of the said Award, to sell and dispose of his or her Allotment or Allotments in the said Common, either together or in Parcels, separate from the Messuage, Lands, or Hereditaments, in respect whereof the same was or were set out and awarded, upon a Fine or Fines being paid for the Part or respective Parts so sold, apportioned to the entire or aggregate Fine such Allotment or Allotments would have been subject or liable to if alienated with the Messuages, Lands, or Hereditaments, to which the Right of Common appertained, in respect whereof the same was or were set out, allotted, and awarded.

Copyholders may sell Allotments in the Common.

Copyholders may sell their Allotments separate from the Lands in respect of which they are made.

XXIII. And be it further enacted, That until the Execution of the said Award, no Fine shall be taken by the Lord of the said Manor of *Crowland* of any of the Copyhold Tenants of the said Manor, for or in respect of any Copyhold Lands or Hereditaments intended to be allotted by virtue of this Act, exceeding the Fine or Fines heretofore taken for the same; nor shall any such greater Fine be taken of the Heir or Devisee, to whom any of the said Copyhold Lands or Hereditaments shall descend, or be devised or given, for or in respect of the first Admission of such Heir or Devisee, which shall happen, after the Execution of the said Award.

Fines on Admissions, not to be increased in certain Cases.

XXIV. And be it further enacted, That from and after such Time or Times as the said Commissioners shall appoint by any Writing under their Hand, to be affixed on the principal Door of the Church of *Crowland* aforesaid, on some *Sunday* during Divine Service, all Right of Common

Right of Common to cease.

[*Loc. & Per.*]

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in, over, and upon the Lands and Grounds comprised in such Notice, shall cease and be for ever extinguished; and the several Lands and Grounds so set out and allotted unto the several Persons who by virtue of this Act shall be entitled to the same, shall be and are hereby declared to be in full Bar, Satisfaction, and Compensation of and for all Right of Common and other Right whatsoever, in, over, and upon the Lands and Grounds so set out and allotted in pursuance of this Act.

General
Fencing.

XXV. And be it further enacted, That the several Allotments directed to be made by virtue of this Act, shall be fenced by and at the Expence of the several Proprietors to whom the same shall be allotted, and the Fences at all Times for ever thereafter repaired and maintained by and at the Expence of such Proprietors, and in such Proportion and Manner as the said Commissioners shall in and by their said Award, or any other Writing under their Hands, direct or appoint; and in case any Person or Persons to whom any Allotment or Allotments shall be set out as aforesaid, shall neglect or refuse to inclose the same within such Time and in such Manner as the said Commissioners shall so direct or appoint, then and in such Case it shall be lawful for the said Commissioners to enter into and upon, and to let and set to any Person or Persons whomsoever, the Land so to be allotted to such Person or Persons as shall have so refused or neglected to make such Fences thereon, and to hold and enjoy the same until they shall, out of the Rents and Profits thereof, or otherwise on Account thereof, have received and taken to themselves so much Money as shall be necessarily expended in and about inclosing such Land, and a reasonable Allowance for their Trouble, and all Charges attending the same.

Power to ex-
change.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, assign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Messuages, Buildings, inclosed Lands or Grounds, or other Hereditaments in the Township of *Crowland* aforesaid, in lieu of and in Exchange for any other Messuages, Buildings, Lands, or Hereditaments in the same Township, or in any other Township adjoining thereto, so that every such Exchange be set forth and ascertained by the Award of the said Commissioners; and so also that every such Exchange be made with the Consent of the respective Proprietors or Persons seized or entitled in Possession of or to the Hereditaments so to be exchanged, for any Life or Lives, or for Years determinable upon any Life or Lives, or for some Estate of Inheritance, or with the Consent of the Husbands, Guardians, Trustees, or Attornies of any such Proprietors, who shall at the Time of making such Exchange be Femes Covert, Infants, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; and that all such Consents as aforesaid be respectively signified by Writing under the Hands of the contenting Parties; and every Exchange which shall be so made and declared shall, as well in respect of the Hereditaments within the Township of *Crowland* aforesaid, as in respect of the Hereditaments within any other Township adjoining thereto, be for ever good, valid, and effectual in Law, to all Intents and Purposes, notwithstanding any such Disability or Incapacity as aforesaid, or any Want of Title in the Parties thereto, or any of them, or any Settlement, Limitation, Use, Trust, or Incumbrance, affecting the Hereditaments which shall be so exchanged,

or

or any Part thereof, provided that no Exchange shall be made of any Copyhold Lands or Hereditaments whereby any Land in the said Fodder Lots or Washes shall be held or enjoyed separate and apart from the Copyhold Messuage or Tenement to which the same is now attached, or with which such Land is now held, without the Licence and Consent in Writing of the said *Thomas Orby Hunter*, or the Lord of the said Manor of *Crowland*, first had and obtained for that Purpose.

XXVII. And be it further enacted, That within the Space of Six Commissioners to make an Award. Calendar Months next after the Division and Allotment of the said Lands and Grounds intended to be divided and inclosed, shall be made and finished, or so soon thereafter as conveniently may be, the said Commissioners shall and they are hereby required to form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches, contained in the several Lands and Grounds intended to be inclosed, embanked, and drained as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof set out and allotted by virtue of this Act, and a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and of such Lands as shall be exchanged by virtue of this Act; and proper Orders and Directions shall be therein inserted for and concerning the publick Roads, and the Breadth thereof, and the publick Drains, Bridges, and Tunnels, and Bridle and Footways, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the private Roads and Ways, and the Fences, Ditches, Dams, Drains, Banks, Bridges, Gates, Stiles, Tunnels, Engines, and other necessary Works, now being or hereafter to be appointed, made, or erected in, upon, or over the said Lands and Grounds hereby intended to be divided and inclosed, embanked, and drained respectively, and all such Orders, Regulations, and Determinations as are in or by this Act mentioned, directed, required, or authorized to be made and established, and such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters herein contained, which Award or Instrument shall be fairly ingrossed or written upon Parchment, and the Ingrossment of the said Award shall be read over by the said Commissioners in the Presence of such of the said Proprietors as shall attend at a Special General Meeting to be called for that Purpose, by a Notice specifying the Time, Place, and Purpose of such Meeting, to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, or if that Newspaper shall not then be published, in some other Newspaper published or generally circulated in the County of *Lincoln*, Fourteen Days at the least previous to such Meeting; and the said Award shall be executed by the said Commissioners in the Presence of the Proprietors at such last-mentioned Meeting, and the Execution of the said Award shall be proclaimed the following *Sunday* in the Parish Church of *Crowland* aforesaid, immediately after Divine Service; and from the Time of such Proclamation only, and not before, the said Award shall be considered as complete; and the said Award shall, within Six Calendar Months after the Execution thereof, be ingrossed with the Clerk of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, or in One of His Majesty's Courts of Record at *Westminster*,

Westminster, and a true Copy of the Map or Plan thereunto annexed, signed by the said Commissioners, shall be annexed to such Inrolment, to the End Recourse may be had to the same by any Person or Persons interested in the said Division, Inclosure, Embankment, and Drainage; and a Copy thereof, attested by the proper Officer, purporting the same to be a true Copy, shall from Time to Time be admitted in all Courts whatever as legal Evidence, which Copy the said Clerk of the Peace or his Deputy is hereby required to make and deliver to any Person or Persons desiring the same, he or they paying for such Copy after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons shall have Liberty to inspect and peruse the Inrolment of the said Award, paying for every such Inspection or Perusal One Shilling and no more; and that the several Allotments and Divisions, and all Orders, Directions, Regulations, and Determinations, so to be made as aforesaid, shall be binding and conclusive unto and upon all Parties interested therein; and the said original Award or Instrument, after the same shall be so inrolled as aforesaid, shall be lodged and kept in the Parish Church of *Crowland* aforesaid, or in such other safe and convenient Place as the said Commissioners shall appoint for the Use and Benefit of Parties interested in the said Division, Inclosure, and Drainage.

Draining
Powers.

XXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby empowered to drain, or cause to be drained, the Lands and Grounds intended by this Act to be divided and inclosed, and for that Purpose it shall be lawful for the said Commissioners, and their Agents, Workmen, and other Persons by them employed, and they are hereby authorized and empowered, from Time to Time, and at all Times hereafter, at their Wills and Pleasure, to enter into and upon any Lands or Grounds whatsoever, of or belonging to any Person or Persons, Bodies Politick, Corporate, or Collegiate, and to make, open, and cut therein, or in any Part thereof, any Banks, Ditches, Cuts, Passages, or Trenches, and to open, scour, and cleanse all such Drains, Ditches, Cuts, Passages, or Trenches, as now are or hereafter shall be made, opened, or cut therein, and to build, alter, remove, rebuild, or repair any Banks, Engines, Sluices, Flood Gates, Bridges, and other Works, in, upon, and through the said Lands and Grounds hereby intended to be drained, for the better conveying of the Waters therefrom into the River *Walland*, in the said County of *Lincoln*, or elsewhere, to their respective Outfalls, as shall be thought fit, necessary, and convenient by the said Commissioners; and the said Ditches, Cuts, Passages, or Trenches, Banks, Engines, Sluices, Flood Gates, and other Works which shall be so cut, made, or erected, shall from Time to Time be cleansed, supported, maintained, and repaired, worked, and used by such Person or Persons, and in such Manner as the said Commissioners, or the Trustees for the Time being herein-after directed to be appointed for putting this Act into Execution, shall, by Writing under their Hands, order, direct, and appoint.

Powers to dig
Lands for
Banks.

XXIX. And be it further enacted, That it shall be lawful for any Officer or Officers, who shall be appointed by the said Commissioners or the Trustees to be elected as herein-after directed, by virtue of a Warrant or Precept under the Hands of the said Commissioners and Trustees (which Warrants or Precepts the said Commissioners or Trustees respectively are hereby empowered from Time to Time to grant) to cut,
dig,

dig, take, and carry away, or cause to be cut, dug, taken, or carried away, any Quantity of Earth or Materials proper for the Purpose of embanking the Lands hereby intended to be drained, in, upon, out of, or from any of the Lands or Grounds, Part of the said Lands intended to be drained, of any Person or Persons whomsoever, where the same can be found; and such reasonable Satisfaction for the cutting, making, or erecting such Cuts, Drains, Banks, Tunnels, Trays, Stamps, Outlets, Works, or Engines, as shall be so made or erected in, through, or upon any of the said Lands, and for digging and taking of Earth or other Materials therefrom for the Purpose of embanking, or any other of the Purposes of this Act, shall be made to the Owner or Owners, Occupier or Occupiers of such Lands and Grounds; and if such Owner or Owners, Occupier or Occupiers, cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjudged, and finally determined by the Justices assembled at the next or some other General Quarter Sessions of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, to be held within Four Calendar Months next after such Disagreement as aforesaid, upon Complaint thereof made at such Quarter Sessions by such Owner or Owners, Occupier or Occupiers, Notice thereof in Writing being given by him, her, or them, to the said Commissioners or Trustees, Fourteen Days before such Complaint be made.

XXX. And be it further enacted, That if any Money shall be agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall Amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Commissioners or Trustees, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, and taken or used for the Purposes of this Act, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three

Directing the Application of Purchase Money exceeding 200 £.

Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Directing the Application of Purchase Money not exceeding 200*l.* nor less than 20*l.*

XXXI. Provided always, and be it further enacted, That if any Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Commissioners or Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Cases shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Directing the Application of Purchase Money under 20*l.*

XXXII. Provided also, and be it further enacted, That where such Money so agreed, adjudged, or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or Trustees shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Engines, etc. to be vested in the Commissioners.

XXXIII. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Banks, Forelands, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Mills, Engines, and other Works, which shall at any Time hereafter be making or erecting, or made, erected, supported, or maintained, in or upon the Lands and Grounds intended to be divided and inclosed under the Authority of this Act, for the Purpose of draining and preserving the same, and the Right and Property to and in such Engines, and the Materials of which the same shall consist, shall be and they are hereby vested in the said Commissioners and their Successors, until the Trustees herein-after directed to be chosen shall be appointed by virtue of this Act;

Act; and after such Appointment shall be certified as herein-after mentioned, then the said Works, and the Right and Property to and in the same, and the Materials of which the same shall consist, and also the Allotment to the said Trustees, shall be and are hereby vested in the said Trustees for the Time being, and the said Commissioners and Trustees respectively are hereby authorized and empowered to insure such Engines from Fire, and to bring or cause to be brought any Action or Actions in their own Names, or in the Name of any One of them, or to prefer, or order and direct the preferring of Indictments or other Prosecutions against any Person or Persons who shall dig up, break, or pull down, take, carry away, destroy, spoil, or injure any of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist; and the said Trustees are hereby also authorized to let the said Banks, Foreland, and Allotment respectively, from Time to Time as they shall deem expedient, and apply the Money arising thereby in supporting and maintaining the Works of Drainage, and making such Compensation for Damages as herein directed, in such and the like Manner as the Rates and Taxes to be raised under the Authority of this Act are required to be applied.

XXXIV. And be it further enacted and declared, That from and immediately after the Election of Trustees for the Purpose of continuing and preserving the said Works of Drainage as hereafter mentioned, the several Powers and Authorities granted to the said Commissioners shall cease and determine, any Thing herein contained to the contrary notwithstanding.

Powers of Commissioners to cease upon Election of Trustees.

XXXV. And, in order that the several Banks, Drains, Engines, and Works necessary for the draining and preserving the Lands and Grounds intended to be divided and inclosed, may be maintained, supported, and kept in Repair, be it further enacted, That at any Time after the Expiration of Three Years from the Execution of the said Award or Instrument, or at such other Time as the said Commissioners shall by Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Crowland* aforesaid, declare the said Works of Drainage to be completed; and so at any Time after the End of every Three succeeding Years from the Time of every Election of Trustees as herein-after mentioned, it shall be lawful for the Lord of the said Manor, or for the Rector for the Time being of the said Parish of *Crowland*, or any Five or more Proprietors of Fifty Acres of Land or Ground in the Whole, intended to be drained by virtue of this Act, to cause publick Notice to be given in the Parish Church of *Crowland* aforesaid, some *Sunday* immediately after Divine Service, or otherwise by Writing affixed upon the principal Door of the said Church, immediately before Divine Service is begun, that the Proprietors of the Lands and Grounds intended to be drained as aforesaid, or their Deputies or Agents, to be appointed by Writing under their Hands, will meet at some Publick House in the said Parish of *Crowland*, or other convenient Place in the said Parish, the *Thursday* Three Weeks then next after such Notice, between the Hours of Ten and Twelve of the Clock in the Forenoon, then and there to make Choice of Three proper Persons to be Trustees for the further putting this Act into Execution; and it shall be lawful for all and every the Proprietors and Owners of the Lands and Grounds intended by this Act to be drained as aforesaid, or his, her, or their Deputy or Agent, present at such Meeting, to vote for every such Trustee, which said Trustees so to be elected shall continue to act in the Execution of this Act,

Trustees to be chosen for supporting the Works.

Act, until the Election of others in their Stead as herein mentioned, and no longer; and such Trustees as shall be from Time to Time so chosen by a Majority of such Votes, the same being certified by Writing under the Hands of the Persons so chusing them, in a Book to be kept in the Parish Church of *Crowland* aforesaid; and such Nomination (if any) annexed or affixed in the said Book, shall be and are hereby appointed Trustees for putting in Execution the Powers and Authorities hereby given to and vested in them, and they are hereby fully authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, all such Cuts, Tunnels, and Water Ways, through and under any Banks whatsoever, to be made upon or against the Lands or Grounds intended to be embanked, and drained by virtue of this Act; and to maintain and support the North Tunnel lying under or through the Bank of the said *Thomas Orby Hunter*, in the said Parish of *Crowland*, adjoining upon the said Washes and Fodder Lots; and also to scour out and keep in good and sufficient Repair the respective Drains leading as well to as from the Tunnel, called *The West Tunnel*, to the High Bridge in *Crowland* aforesaid, and thence to the South Tunnel or Dam in the same Township; and all such Cuts, Drains, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works, in, upon, through, and over the said Lands so intended to be divided and inclosed, as they shall think necessary for draining and preserving the same; and when any of the said Trustees shall die, become incapable, or refuse to act in the Execution of this Act, it shall be lawful for the said Proprietors or Owners, upon such Notice as aforesaid, to chuse a Trustee in the Stead of each such Trustee dying, becoming incapable, or refusing to act, in the same Manner as the first appointed Trustees are herein-before directed to be chosen; and such Trustee being so chosen and certified, and such Nomination as aforesaid (if any) being annexed or affixed in such Book as aforesaid, shall have the same Powers as the Trustee in the Stead of whom he shall be so chosen would have had by virtue of this Act; and that the respective Owners of any such Lands, being less than Ten Acres, shall, by uniting their Properties respectively until the same amount to Ten Acres, be entitled to One Vote in the Choice of Trustees in respect to such Property so united.

Annual Meeting of Trustees for laying a Rate to support the Works.

XXXVI. And, for the better and more effectual maintaining, supporting, repairing, cleansing, and using of the Engines, Drains, Dams, Banks, and other Works herein-before directed to be made for the Purpose of draining and preserving the said Lands and Grounds intended to be divided and inclosed, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required to meet on the First *Thursday* in *May* in every Year, at some convenient House within the said Parish of *Crowland*, and at all which Meetings their reasonable Expences only shall be allowed them; and the said Trustees shall then and there rate, tax, and assess all and every the Occupier or Occupiers of all and every the said Lands and Grounds intended to be drained by virtue of this Act, by such an equal and proportionable Acre Rate or Tax, as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the said Lands and Grounds hereby intended to be divided and inclosed, embanked, and drained respectively, and the reasonable Expences only of the said Trustees at their said yearly and other Meetings, and the Salary and Salaries of such Officer or Officers as shall be by them appointed for collecting

lecting or receiving such Rates or Taxes, and managing and taking Care of the said several Works and other Matters relating to the said Drainage, which said Rates and Taxes the said Trustees are hereby authorized and required to apply accordingly, and to appoint under their Hands such Days and Places for the Payment of such Rates and Taxes Half-yearly to the Collectors or Receivers thereof, as they the said Trustees shall think proper, provided that such Rate or Tax shall not in any Year exceed the Rate or Sum of Two Shillings an Acre, without the express Consent and Approbation in Number and Value of the Owners or Proprietors interested in the said Lands, at a Meeting to be convened for that Purpose, and to be ascertained in such Way as the Votes of the said Owners and Proprietors are required to be had in the Choice of Trustees as herein is directed.

Officers

XXXVII. And be it further enacted, That if any Person or Persons so rated, taxed, or assessed as aforesaid, shall refuse or neglect to pay the Money so rated, taxed, or assessed on him, her, or them respectively, within Twenty-one Days after the respective Times of Payment to be appointed as aforesaid, it shall be lawful for such Collector or Receiver, or such other Person or Persons authorized by virtue of a Warrant or Precept under the Hands and Seals of the said Trustees, which Warrant or Precept the said Trustees are hereby empowered and required from Time to Time to grant, as Occasion shall require, to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, if any, on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale, or otherwise it shall be lawful for the said Trustees from Time to Time to enter upon the Lands and Grounds so to be drained respectively, belonging to or occupied by such Person or Persons so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take, until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry or Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied; and the Tenant or Tenants of all and singular such Lands and Grounds so to be rated, taxed, or assessed, is and are hereby required and authorized to pay such Sum or Sums so assessed and rated thereon as the same shall become due; and it shall be lawful for such Tenant or Tenants to reimburse him, her, or themselves such Sum or Sums of Money out of the next Rent to become due to his, her, or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly.

Power to distress for Taxes.

XXXVIII. And be it further enacted, That the Trustees for the Time being for executing this Act, shall and they are hereby respectively required to keep Accounts in Writing of all Monies by them respectively received, laid out, and assessed on the Parties interested or concerned in the said Inclosure, Embankment, and Drainage, and shall permit any of the Proprietors interested therein, at any reasonable Time, to inspect the same; and the said Trustees respectively shall from Time to Time, at the

Trustees to account.

Election of Trustees to succeed them as aforesaid, or within Twenty-one Days next after, deliver in such Account, and make Payment of all the Monies arising by virtue of this Act, and then in their Hands, to the succeeding Trustees, which Money shall be by them laid out and disposed of for the Purposes of this Act.

Commissioners and Trustees to direct the Works of the Drainage, and to chuse Officers.

XXXIX. And be it further enacted, That the said Commissioners or Trustees at any Meeting to be held in pursuance of this Act, shall and they are hereby empowered to make Orders and give Directions for the better and more regular Management of the Works for draining and improving the said Lands hereby intended to be divided and inclosed, and also to appoint such Clerk, Collector, or Receiver, or such other Officer or Officers as they shall think needful for the superintending or carrying on of any such Works, and for collecting the Rates or Assessments which shall be made or assessed by virtue of this Act, and from Time to Time to remove, displace, or appoint all or any of them as often as they the said Commissioners or Trustees shall see cause; and all and every such Clerk, Collector, or Receiver, or such other Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners or Trustees for the due Execution of their respective Offices and Trusts, as the said Commissioners or Trustees shall in their Discretion think fit.

Officers to account.

XL. And be it further enacted, That every such Clerk, Receiver, or other Officer, and all other Persons who shall be employed in the Receipt or Expenditure of any of the Monies arising by virtue of this Act, shall, whenever thereunto required, give unto the said Commissioners or Trustees true and perfect Accounts in Writing under their respective Hands, of all Monies which shall have been by them respectively collected and received, and how and to what Uses the same have been paid and applied, together with proper Receipts and Vouchers of such Payments, and shall pay all such Monies as shall remain in their Hands to the said Commissioners or Trustees, or to such Person or Persons, or to such Uses and Purposes, as they the said Commissioners or Trustees shall direct and appoint; and that all such Officers and other Persons shall verify such Accounts upon Oath, if thereunto required by the said Commissioners or Trustees respectively (which Oath either of the said Commissioners or any One of the said Trustees is hereby empowered to administer); and if any of the said Officers, or any other Person, shall not give such Account, or shall refuse to verify the same in Manner as aforesaid, that then and in either or any of the said Cases it shall be lawful for any Two Justices of the Peace for the said Parts of *Holland*, or Place where such Officer or other Person shall reside, and such Justices are hereby authorized and required to make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer); and if any such Person shall be thereof convicted, such Justices shall commit the Party to the Common Gaol of the said County or Place, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account, and verify such Account in Manner as aforesaid; and in case any of the said Officers or other Persons shall refuse or neglect

to pay any Sum or Sums of Money which shall appear to remain in his or their Hands, it shall be lawful for any Two Justices of the Peace for the said County, Parts, or Place where such Person or Persons shall reside, to make Enquiry touching such Neglect or Refusal in a summary Way in Manner aforesaid, and by Warrant under their Hands and Seals to cause such Sums of Money as shall appear to them to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus, if any, after the Money remaining due, and the Charges of making such Distress and Sale shall be deducted; and if sufficient Distress cannot be found, then the said Justices, or any other Justices, shall commit such Person or Persons to the Common-Gaol of the said County, Parts, or Place, there to remain, without Bail or Mainprize, until he or they shall have paid over such Money in Manner as aforesaid, or compounded for the same, and paid such Composition Money to the said Commissioners or Trustees, or to such Person as they shall respectively appoint to receive the same, which Composition the said Commissioners or Trustees, at any Meeting assembled, are empowered to make:

XLI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, obstruct, prevent, or defeat any of the Works made or to be made in pursuance of an Act passed in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act for improving the Outfall of the River Welland, in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Grounds, and Marshes, discharging their Waters through the same into the Sea; and for altering and improving the Navigation of the said River Welland, by Means of a new Cut to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes into Wiberton Roads, between the Port of Boston and a Place called The Scalp, and for disposing of the bare or white Sands adjoining to the said Roads, and for building a Bridge over the said Cut; nor in pursuance of a certain other Act, passed in the present Session of Parliament, intituled, *An Act for draining, dividing, allotting, and inclosing Deeping, Langtoft, Baston, Spalding, Pinchbeck, and Cowbit Commons, within the Parts of Kesteven and Holland, in the County of Lincoln, and also for draining Crowland Common or Goggushland, and certain Lands and Grounds in the Parishes of Bourn and Thuriby, adjoining or lying contiguous to the North Bank of the River Glen, and certain inclosed Lands in Deeping Fen, and in the Parishes of Spalding and Pinchbeck, adjoining to the said Commons, and lying between the Rivers Glen and Welland; and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds, and Commons herebefore mentioned, or certain Parts thereof; nor any of the Works made or to be made by the Adventurers or Persons acting under the Authority of all or any of the Acts now in Force relating to the Drainage of the said Deeping Fen, or to empower the Commissioners or Trustees acting in virtue of this Act, or any Owners or Proprietors of the Lands and Grounds hereby intended to be drained, to invalidate, lessen, alter, or take away the Right of the said Adventurers to take Earth or Soil from the said Washes or Fodder Lots for the Repair of the North Bank of the said River Welland, pursuant to the Power vested in them for that Purpose, nor any of the Rights, Powers, and Authorities vested in all or any of the Commissioners, Trustees, or Persons acting under the said several Acts, or any of them, but that the same shall be and**

This Act not
not to affect
Works executed
under
the Authority
of other Acts.

continue as fully, to all Intents and Purposes, as if this Act had never been made, any Thing herein-before contained to the contrary notwithstanding, except in such Cases only where the same are respectively expressly altered, abridged, or taken away by virtue of this Act; nor shall the Commissioners or Trustees for the Time being, acting under the Authority of this Act, be entitled to discharge the Waters from any of the Lands and Grounds hereby intended to be drained, by Means of Engines or otherwise, into any Part of the Commons, or Fens directed to be set out under the said recited Act passed in the present Session of Parliament, in any other Course than into and along the Drain to be set out from the said *Crowland* Common into the Main Drain, required by the said recited Act to be set out and made along the South Drove therein mentioned; or along such other general Course of Drainage for the said Fens or Commons as shall be authorized under the same Act, provided that such Restriction, in regard to the Course of Drainage, shall not prejudice or affect the usual or accustomed Mode or Course of draining the said *Crowland* Common, until such Main Drains directed by the said Act of the present Session shall be made and completed.

Punishing
Persons de-
stroying
Works, &c.

XLII. And, for preventing the breaking down or damaging any of the Works which shall be erected or made in pursuance of this Act, or otherwise obstructing the Execution of the same, be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Division and Drainage, throw down, damage, or destroy any Banks, Engines, or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried, shall have Power and Authority to cause such Person to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment such Court may, if they they think fit, award such Sentence as the Law directs in Cases of Felony; and if any Person shall obstruct, hinder, or molest the said Commissioners, or any Surveyor, Workman, or other Person who shall be employed by or under them, or any of them, in the Execution of this Act, or do wilful Hurt or Mischief to prevent the carrying on, completing, or supporting and maintaining the said intended Division and Drainage, every such Person so offending, and being lawfully convicted, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, at the Discretion of the Magistrates by or before whom such Person shall be convicted, which Penalty shall be levied, recovered, and applied in like Manner as the Penalties on Persons summoned as Witnesses and not attending, are herein-before directed to be levied, recovered, and applied; provided, that after the Completion of the several Works of Drainage herein directed, all Right, Power, Authority, and Jurisdiction of the Commissioners of Sewers, in, over, upon, or through the Lands and Grounds intended to be drained by virtue of this Act, and in, over, and through, or along any of the Drains herein directed to be scoured out, cleansed, and supported by the said Trustees, shall cease, determine, and be for ever extinguished.

Commission-
ers to account:

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby required to keep, or cause to be kept, a just and true Account of all Sums of Money which shall be raised or received, and laid
out

but or expended by them, or any of them, or by their Order or for their Use, in the Execution of this Act, and shall truly and regularly enter all the Particulars of such Accounts in a Book or Books to be provided for that Purpose, or kept at the Office of their Clerk, open to the Inspection of any of the said Proprietors or their Agents, at all reasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed in Manner herein-after mentioned; and in case the said Commissioners, or any of them, or their said Clerk, shall refuse or neglect so to do, the Commissioner or Clerk so refusing or neglecting shall, for every such Refusal or Neglect, forfeit and pay to any Person who shall sue for the same, the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

XLIV. And be it further enacted, That all Monies which shall be raised or received by the said Commissioners, or any of them, or by their Order or for their Use, under and by virtue of this Act, shall, as often as the same amount unto the Sum of Fifty Pounds, be paid into the Hands of such Banker or Bankers, or other Person or Persons as shall be nominated by the said Commissioners, and approved by a Majority in Value of the said Proprietors present at the first Meeting of the said Commissioners, in the Notice of which Meeting shall be expressed their Intention of then appointing such Banker or Bankers, or other Person or Persons as aforesaid, and the Monies so paid in shall be placed to the Credit of the said Commissioners, and shall not afterwards be issued out of the Hands of such Banker, or other Person or Persons, without an Order under the Hands of the said Commissioners, specifying the Sum to be paid, the Person to whom the same is made payable, and the Service for which the same is due; and the said Commissioners shall not be answerable or responsible for the Acts, Receipts, Neglects, or Defaults of each other, nor for any Money paid in pursuance of any Order, unless they shall actually sign the Order for Payment thereof; and the Majority in Value of the Proprietors, or their respective Agents, present at the Meeting for executing the said Award, or at some other Meeting to be holden in pursuance of Notice for that Purpose, are hereby authorized finally to settle and allow all the Accounts of the Commissioners touching and concerning the Execution of this Act; and upon the final Settlement of the said Account, the Balance, if any, shall be immediately repaid to the Land Owners, in proportion to the Sums they respectively paid or contributed thereto.

And to pay over the Money received by them to a Banker.

XLV. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Act, Matter, or Thing done or to be done by virtue or in pursuance of this Act (other than and except such Orders or Determinations as are herein-before declared to be final and conclusive) it shall be lawful for such Person or Persons, within the Space of Four Months next after such Act, Matter, or Thing shall be done or ordered to be done, to complain or appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden for the said Parts of *Holland*, which said Justices so assembled in Sessions, are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, which Determination of the

[*Loc. & Per.*]

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said

said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving Lords
Rights.

XLVII. And it is hereby declared and enacted, That nothing hereinbefore contained shall in anywise prejudice, lessen, or defeat the Right, Title, or Interest of any Lord or Lords, Lady or Ladies, of any Manor or Manors, of, in, or to any Seignories or Royalties, or any Lands incident or belonging thereto, but that every such Lord or Lords, Lady or Ladies, of any Manor or Manors, shall and may at all Times hereafter hold and enjoy all Rents, Services, Fines, Courts, Courts Leet and Baron, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all Royalties and Privileges to the said Manor or Manors respectively incident, appendant, belonging, or appurtenant (other than and except such Common of Pasturage or Right of Common as can or may be claimed by or belonging to him, her, or them, as Lord or Lords, Lady or Ladies, of such Manor or Manors respectively, in, over, and upon the Whole of the said Lands and Grounds hereby intended to be drained, divided, and inclosed as aforesaid) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he, she, or they held and enjoyed the same before the passing of this Act; any Thing hereinbefore contained to the contrary thereof notwithstanding.

General Sav-
ing.

XLVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intents and Purposes of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act) all such Estates, Rights, and Interests, as they, every, or any of them had or enjoyed, of, in, and to or in respect of any of the Lands and Grounds hereby directed to be divided and inclosed, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act.

XLVIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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