ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. lxv.

An Act to consolidate the Drainage Trusts in *Deeping Fen* in the County of *Lincoln*, and for other Purposes relating to the said Fen.

[30th *June* 1856.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second, intituled *An Act for draining* 16 & 17 C. 2.
of the Fen called Deeping Fen, *and other Fens therein mentioned,* c. 11.
which Act has been amended and the Powers thereof have been varied and enlarged by the following Acts; namely, an Act passed in the Twenty-second Year of the same Reign, intituled *An Act for* 22 C. c. 2. 15.
settling the draining of the Fens in Lincolnshire *called* Deeping Fens; another Act passed in the Eleventh Year of the Reign of King *George* the Second, intituled *An Act to enable the Adventurers,* 11 G. 2. c. 39.
Owners, and Proprietors of the Taxable Lands and the Owners and Proprietors of the Free Lands in Deeping Fens *and other Fens in the County of* Lincoln *therein mentioned to raise a competent Sum of Money for the effectual draining and future Preservation of all the said Fens, according to their Agreement in that Behalf, and to carry the said Agreement into execution, and for other the Purposes therein mentioned;*

mentioned; also another Act passed in the Fourteenth Year of the
14 G. 3. c. 23. Reign of King *George* the Third, intituled *An Act for amending and rendering more effectual several Acts of Parliament of the Sixteenth and Seventeenth and Twenty-second Years of King* Charles *the Second, and of the Eleventh Year of His late Majesty, for draining and preserving certain Lands called* Deeping Fens *in the County of* Lincoln: And whereas an Act was passed in the Forty-first Year of the Reign of King *George* the Third (hereafter called the Act of
41 G. 3. c. cxxviii. One thousand eight hundred and one), 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, *certain Lands and Grounds in the Parishes of* Bourn *and* Thurlby *adjoining or lying contiguous to the North Bank of the River* Glen, *and certain enclosed 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 herein-before mentioned, or certain Parts thereof;* and another Act was passed in the Fourth Year of the Reign of King *George* the Fourth (herein-after called the Act of One thousand eight hundred
4 G. 4. c. lxxvi. and twenty-three) intituled *An Act for explaining, amending, and rendering more effectual an Act of His late Majesty for draining certain Commons and Fens lying between the Rivers* Glen *and* Welland *in the County of* Lincoln, *and for increasing the Rates thereby authorized, and imposing additional Rates for more effectually draining the said Lands:* And whereas the Lands and Grounds the Drainage of which is provided for or intended to be provided for under the Powers and Authorities in that Behalf contained in the said several herein-before recited Acts, some or one of them are situate and lying between the Banks of the Rivers *Glen* and *Welland* in the County of *Lincoln*, and comprise in the whole Twenty-seven thousand four hundred and sixty-eight Acres Three Roods and Ten Poles, or thereabouts, of which Ten thousand and thirty-six Acres belong to the Undertakers or Adventurers in the said first-recited Act mentioned, or their Assigns, who, in respect of their said Lands, are now exclusively liable to and charged and chargeable with the Maintenance of certain Works particularly mentioned or referred to in the said Acts of the Sixteenth and Seventeenth *Charles* the Second, and the Fourteenth *George* the Third, and the Act of One thousand eight hundred and one; and Power is given by the said Acts to the said Undertakers or Adventurers (who are herein-after called the Adventurers) to levy Taxes in manner therein mentioned upon the whole of their Lands for the Purposes of the said Acts; and the said Lands are herein-after called the Adveneurers Taxable Lands: And whereas by the said Act of One thousand eight hundred and one, the Proprietors and

Owners

Owners of the said Lands and Grounds (by which the said Twenty-seven thousand four hundred and sixty-eight Acres Three Roods and Ten Poles are meant, when so used in this Act) are authorized and empowered to elect in the Manner therein mentioned Eleven Trustees (who are herein-after called "the General Works Trustees") for putting in execution the Powers and Authorities thereby given to and vested in them for the Maintenance of the Works of Drainage therein directed to be made at the joint Expense of the said Adventurers and the Owners of the Residue of the said Lands and Grounds; and Power is given by the Act of One thousand eight hundred and one to the said General Works Trustees to tax the Occupiers of all the said Lands and Grounds with such annual and equal Acre Rate as should be necessary for draining and preserving the said Lands and Grounds; but so that such Rate should not in any Year exceed the Rate or Sum of One Shilling an Acre without the express Consent of the Owners and Proprietors interested in the said Lands and Grounds, to be ascertained as therein mentioned; and the said Act declares that it shall be lawful for the Tenant or Tenants to pay the said Rate, and to reimburse himself and themselves the same out of the next Rent to become due to his, her, or their Landlord or Landlords, and by the said Act of One thousand eight hundred and twenty-three, the said annual Tax is made chargeable on the Lands instead of the Occupier or Occupiers thereof: And whereas by virtue of the said Act of One thousand eight hundred and one certain Parts of the said Lands and Grounds have been divided into Districts, called the First, Second, Third, Fourth, Fifth, and Sixth Districts, for the Purpose of providing for the Maintenance of the interior Works required for the exclusive Drainage of the same, and the Owners of the Lands in such Districts are authorized to elect Trustees (herein-after called the District Trustees), who are empowered to levy an annual Rate not exceeding Two Shillings an Acre on the Land included in such District for the Purposes aforesaid; and the Herbage of the Banks of the Main Drains is vested in the District Trustees, and Power is given them to let such Herbage to be stocked with Sheep only, and to apply the Rents towards their Expenses: And whereas by the Act of One thousand eight hundred and twenty-three Part of the said Lands and Grounds lying between the *Counter Drain* and the River *Glen*, and the Lands draining exclusively by the *Gravel Drain*, containing altogether Two thousand three hundred and twenty-seven Acres and Eight Poles, including the Lands in the Fourth District, are made liable to an annual Rate of Sixpence an Acre only in lieu of the said annual Tax of One Shilling an Acre authorized by the said Act of One thousand eight hundred and one: And whereas the said Adventurers have acquired from Time to Time for the Purposes of their Works certain Lands and Hereditaments mentioned in the Schedule to this Act, from which they derive a considerable annual Income, and the said

Lands

Lands and Hereditaments are herein-after called the Adventurers Estate: And whereas it would be to the general Advantage of the Owners and Proprietors of the said Lands and Grounds if the Works necessary for the Drainage of the same were placed under the Order and Direction of the General Works Trustees, and that the whole of such Drainage Trusts (excepting that of the Fourth District, which possesses certain exclusive Works of Drainage) should become consolidated; but as the Maintenance of the Works and other Liabilities of the Adventurers would occasion a considerable Increase in the Expenses to which the said Lands and Grounds are now liable, it has been proposed and agreed by and on behalf of all Parties interested therein, that the said Ten thousand and thirty-six Acres constituting the Adventurers Taxable Lands shall be charged in perpetuity with an annual Rate of One Shilling and Sixpence an Acre, payable to the said General Works Trustees as herein-after mentioned, and that the Adventurers Estate mentioned in the Schedule to this Act should be and become absolutely vested in the General Works Trustees, and that the Amount of such annual Tax of One Shilling and Sixpence an Acre, and of the annual Rents of the said Lands and Hereditaments, should be applied by the said General Works Trustees in manner herein-after mentioned: And whereas the main Outfall of the Waters from the Lands and Grounds drained by virtue of the recited Acts is through *Vernatt's Drain* into the River *Welland* at a Place called "The *Reservoir*," in the Parishes of *Surfleet* and *Pinchbeck* in *Lincolnshire*, and some few Years since the Outfall Sluice of the said Drain was destroyed, and temporary Sluices were then made, in lieu of which it is now necessary for the Safety of the District that permanent Works should be constructed, and that a Part of *Vernatt's Drain* should be enlarged, and a Plan and Section of the proposed Works, with a Book of Reference to the Plan, have been deposited at the Office of the Clerk of the Peace for the Parts of *Holland* in *Lincolnshire*, and the estimated Expense thereof is Twenty thousand Pounds: And whereas great Want is felt by the Owners and Occupiers of Lands in *Deeping Fen* of Means of Communication within the same, and it is expedient that the General Works Trustees should have Power to set out Roads within *Deeping Fen*, and to provide for the Maintenance thereof as herein-after enacted: And whereas the said Twenty-seven thousand four hundred and sixty-eight Acres comprised within the Limits of the Act of One thousand eight hundred and one were formerly unenclosed and commonable to the several Parishes and Places mentioned in that Act, but a Church has been erected therein by the late Messrs. *William* and *Nicholas Clark Stevenson* of *Stamford*, at their sole Cost, who also liberally endowed the same, and it has been consecrated by the Name of *Deeping St. Nicholas*, and an Ecclesiastical District has been assigned to it: And whereas by the first-recited Act it is enacted, that all and every the Inhabitants that might

might thereafter be upon any Part of the Lands denominated Free and Taxable Lands in *Deeping Fen*, and were not able to maintain themselves, should be maintained and kept by the said Adventurers, but it is expedient that in lieu thereof the Provisions herein-after contained should be made for the Maintenance of the Poor within *Deeping Fen*, and for the Repair of the Highways therein, and for constituting the same, exclusively of the Part situate in the Parish of *Crowland*, into a Parish for secular Purposes; and a Map has been deposited at the Office of the said Clerk of the Peace for the Parts of *Holland*, authenticated by the Signature of the Right Honourable Sir *John Trollope*, Baronet, showing the Boundaries of the Parish constituted by this Act, and comprising Fourteen thousand five hundred Acres, or thereabouts, which Map is herein-after called the Parish Map of *Deeping St. Nicholas*: And whereas it is also expedient that the other Provisions herein-after contained should be enacted; but inasmuch as the Authority of Parliament is necessary for all the Purposes aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Short Title. Interpretation of Terms.

I. In reciting this Act it shall be sufficient to use the Expression "The *Deeping Fen* Drainage Act, 1856;" and the Words "Drainage Works," when used therein, shall include Banks, Rivers, Bridges, Sluices, Tunnels, Engines, Drains, Cuts, Dikes, Waterworks, and Sewers, and all other Works which the said Adventurers are now by Law liable to make or maintain for the Purpose of diking, roding, scouring, and banking the said Rivers, and maintaining the Navigation thereof respectively.

After passing of Act Adventurers Powers, &c. to cease.

II. From and after the passing of this Act the Powers, Authorities, and Liabilities of the said Adventurers, granted or created under the herein-before recited Acts, or any of them, so far as the same relate to or concern the executing or maintaining Drainage Works, to which they as Adventurers are now exclusively liable, or of taking Land for such Works, or of imposing, levying, or recovering Rates or Taxes, shall cease; and the Adventurers Taxable Lands, and the Owners and Occupiers thereof, shall thenceforth be exempt and relieved from all Liability (other than the Liability imposed by this Act) of executing or maintaining the said Drainage Works, or defraying the Expenses thereof.

Transfer of Works of Drainage to General Works Trustees.

III. From and immediately upon the passing of this Act all Drainage Works which the said Adventurers are by Law now liable to make or maintain, together with all Ways, Roads, and Appurtenances, and all Lands, Rents, Tenements, Easements, Exemptions, Rights, Powers, and Privileges whatever connected therewith, and the Benefit of all

Contracts, Agreements, and Proceedings in any way relating thereto, and also all Right, Share, or Interest held by the said Adventurers jointly with any other Persons, Trustees, or Corporations, shall be transferred to, vest in, and thenceforth belong to the General Works Trustees, for the same Purposes, and subject to the same Liabilities, and with the same Quality of Estate and Tenure as before the passing of this Act affected the Drainage Works, Matters, and Things so transferred, and the General Works Trustees shall thenceforth support, maintain, and renew the same Drainage Works so transferred to them; and all the Powers vested in, and all Duties and Liabilities imposed upon the said Adventurers, or the said General Works Trustees, by the recited Acts, or any of them, or otherwise, for the making, Maintenance, or Renewal of Drainage Works, which by the said Acts are vested in or imposed upon the said Adventurers, or the said General Works Trustees, shall apply to the Drainage Works so hereby to be made and maintained by the said General Works Trustees as aforesaid.

Adventurers Estate to be transferred to General Works Trustees.

IV. From and immediately upon the passing of this Act the Adventurers Estate mentioned in the Schedule to this Act, and all the Rights, Easements, and Appurtenances belonging thereto, shall be and become vested in the said General Works Trustees, and the Rents, Issues, and Proceeds thereof shall be received and recoverable by the General Works Trustees, and be by them applied to the general Purposes of their Trust.

1st, 2d, 3d, 5th, and 6th District Trusts extinguished, and Powers vested in General Works Trustees.

V. From and upon the passing of this Act the Trustees of the First, Second, Third, Fifth, and Sixth Districts in *Deeping Fen*, constituted by the Commissioners appointed under the Powers of the Act of One thousand eight hundred and one, shall cease to act as such Trustees, and all the Powers and Drainage Works vested in them as such Trustees before the passing of this Act shall be vested in the General Works Trustees, in the same Manner and for the same Purposes as they are now vested in such District Trustees respectively, and the General Works Trustees shall thenceforth be bound to maintain and renew the said Works of internal Drainage as fully and effectually as before the passing of this Act the said District Trustees were bound to maintain and renew the same.

All Proceedings heretofore valid.

VI. Nevertheless all Acts heretofore lawfully done by the Adventurers and by the said District Trustees respectively, shall be as good, valid, and effectual as though this Act had not been passed.

Rights of Action saved.

VII. Nothing in this Act contained shall be held to prejudice or affect any Right or Cause of Action or Suit, Judgment or Decree, or any Remedy or Proceeding whatsoever, whether Civil or Criminal, which the Adventurers and District Trustees had or might have had against any Person, Trustees, or Corporation, or which any Person, Trustees,

Trustees, or Corporation had against them at the Time of the passing of this Act; but all such Rights, Causes, Remedies, and Proceedings whatsoever, Judgments and Decrees, may be enforced or prosecuted by or against the General Works Trustees, in like Manner and within the same Periods as the same might have been enforced or prosecuted by or against the Adventurers or District Trustees respectively if this Act had not been passed.

Books, &c. to be delivered up.

VIII. All Officers and Persons who, on the passing of this Act, shall have in their Possession or under their Control any Books, Documents, Papers, or Writings belonging to the Adventurers, and First, Second, Third, Fifth, and Sixth District Trustees respectively, shall deliver up the same to the General Works Trustees, or to such Person as they shall appoint to receive the same.

8 & 9 Vict. c. 18. incorporated.

IX. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Power to execute Works.

X. It shall be lawful for the General Works Trustees, and they are hereby required (subject to the Provisions in this Act contained, and in the Situation and upon the Lands delineated upon the Plan, and described in the Book of Reference deposited as aforesaid, and according to the Levels shown on the Section so deposited), to enlarge *Vernatt's Drain*, from the Outfall thereof at the Reservoir, in the Parishes of *Surfleet* and *Pinchbeck*, or One of them, to a Point about One Mile South-westward of the said Outfall in the said Parish of *Pinchbeck* (all which Places are in the County of *Lincoln*), and to erect, complete, and maintain a new Outfall Sluice, with an Outfall into the River *Welland* at or near the Site of the former Sluice at the Reservoir aforesaid, and generally to improve and deepen the said Drain; and it shall be lawful for the General Works Trustees to enter upon, take, and use such of the Lands delineated on the said Plans, and described in the said Books of Reference, as shall be necessary for the said Works, making full Compensation for the Value of the said Lands to the Owners and Occupiers thereof, and also Compensation for any Damage which the said Owners and Occupiers or other Parties may sustain by reason of the Exercise with respect to the said Lands of the Powers of this Act; and such Compensation shall be determined in the Manner prescribed by the "Lands Clauses Consolidation Act, 1845," for determining Questions of Compensation.

Errors and Omissions may be corrected by Justices, who shall certify the same.

XI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the Plan or Book of Reference deposited as aforesaid, it shall be lawful for the General Works Trustees, after giving Ten Days Notice to the Owners of the Lands

Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the said Clerk of the Peace for the Parts of *Holland*, and such Certificate shall be kept by the said Clerk of the Peace along with the other Documents to which the same relates, and thereupon the said Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the General Works Trustees to execute the Works in accordance with such Certificate.

Certificate to be deposited.

Power to set out Works.

XII. It shall be lawful for the General Works Trustees, and their Agents, Servants, and Workmen, to enter upon any Lands upon or through which the said Works are intended to be made or to pass, and also upon any adjoining Lands or Grounds, to examine and survey the same, and to ascertain and set out such Parts thereof as may be thought necessary or convenient for carrying into execution the Purposes of this Act, and also from Time to Time to construct and make all necessary Walls, Banks, Arches, Culverts, Ditches, Drains, and Fences, and to do and perform all other Matters and Things which shall be necessary or proper for the making, completing, amending, and maintaining the said Works, doing as little Damage as may be, and making full Satisfaction to the respective Owners and Occupiers of all Lands which shall be taken, used, prejudiced, or damaged in the Execution of the Powers hereby granted.

Trustees empowered to deviate from Plan to a certain Extent.

XIII. In making the Works by this Act authorized, the General Works Trustees shall have Power to deviate from the Line delineated on the Plan deposited as aforesaid, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated on the said Plan, nor to a greater Extent than One hundred Yards from the Centre Line delineated upon the said Plan, nor shall such Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner hereinbefore provided for in Cases of unintentional Errors in the said Book of Reference.

Certain Works hereby authorized vested

XIV. The new Outfall Sluice and Works hereby authorized, when completed, and certified as such by the Civil Engineer having the Direction of the same, shall be deemed to be Part of the Works of Drainage

Drainage authorized by the Acts of One thousand eight hundred and one and One thousand eight hundred and twenty-three, and the same shall then be vested in the General Works Trustees, and all the Powers and Authorities conferred by the same Acts on the General Works Trustees for the Maintenance and Protection of Works of Drainage already vested in them shall apply and extend to the said Sluice and all the Works hereby authorized. in General Works Trustees.

XV. The Powers of the General Works Trustees for the compulsory Purchase or taking of Lands for the Purpose of the said Outfall Sluice and Works shall not be exercised after the Expiration of Three Years from the passing of this Act, and the Powers hereby granted to the General Works Trustees for constructing the said Sluice, and for enlarging *Vernatt's Drain*, and for the Works connected therewith, shall be acted on with all convenient Speed, and shall cease after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases, and Time for Execution of Works, limited.

XVI. It shall be lawful for the General Works Trustees, and for the Trustees or other Persons for the Time being authorized to maintain and improve the River *Glen* or the Banks thereof, mutually to agree for the Execution of such Works as they may deem expedient for the deepening and improving of the said River, and for the Contribution out of the Funds which may come to the Hands of either of the said Parties, of such Sums of Money, whether annual or in gross, as may be necessary for the Execution of such Works. As to Improvement of River Glen.

XVII. It shall not be lawful for the Trustees mentioned in this Act, or any of them, or any other Person, to construct in, under, over, across, or through any tidal or navigable Water where the Tide flows and reflows any Work whatever without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constucted it shall not be lawful for the Trustees or any other Person at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the Works touching tidal Waters not to be executed without Consent of Admiralty.

said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition at the Cost and Charge of the Trustees or other Person so commencing, constructing, altering, or extending the same, and the Amount thereof shall be a Debt due from such Trustees or other Person to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may order local Survey at Expense Trustees.

XVIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works executed under the Powers of this Act in, over, or affecting any such tidal or navigable Water as aforesaid, or of the intended Site thereof, the General Works Trustees shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from such Trustees, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from such Trustees.

As the Removal of disused Works affecting tidal Waters.

XIX. If any Work to be constructed by the General Works Trustees in, under, over, through, or across any such tidal or navigable Water as aforesaid, or if any Portion of such Work which affects or may affect any such Water, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

Other Lands may be admitted by Agreement.

XX. It shall be lawful for the said General Works Trustees, and the Owners or the Trustees for the Drainage of any other Lands not comprised within the said Acts of One thousand eight hundred and one and One thousand eight hundred and twenty-three, mutually to agree for the Drainage of such Lands by the Works within the Drainage provided by the said Acts and this Act, upon the Payment of such Sum and Sums of Money, either in gross or annually, or both, and subject to such Stipulations, Conditions, and Regulations as shall be specified and mentioned in the Agreement which shall be entered into on that Behalf, and which Agreement shall be binding and conclusive on all Parties to the same, and it shall be lawful for the said General Works

Works Trustees, and such Owner or Trustees of other Lands where they shall have heretofore entered into any such Agreement, to ratify and confirm the same.

Tax on Adventurers Taxable Lands.

XXI. The Adventurers Taxable Lands shall be and the same are hereby charged and made chargeable for ever hereafter with the annual Tax or Rate of One Shilling and Sixpence for every Acre of such Lands, and so in proportion for a lesser Quantity than an Acre, and such Tax or Rate shall be paid and payable on the Tenth Day of *October* in every Year to the said General Works Trustees, or to the Person or Persons, and at the Place or Places, from Time to Time appointed by them for Payment thereof, and the First Payment shall be due and payable on the Tenth Day of *October* One thousand eight hundred and fifty-six, and the said Tax or Rate shall be applied by the General Works Trustees to the general Purposes of their Trust, and the said General Works Trustees shall and they are hereby authorized and required from Time to Time, and at all Times hereafter, to rate, tax, and assess all the Lands and Grounds which were liable under the said recited Act of One thousand eight hundred and twenty-three to be assessed and taxed with the limited Tax therein mentioned, including the said Adventurers Taxable Lands, with such further equal annual Acre Rate or Tax as shall from Time to Time be required or be necessary for the Making, Maintenance, and Renewal of Drainage Works, which by the said recited Acts, any or either of them, or this Act, either the said Adventurers or the said General Works Trustees are now liable to make, maintain, and renew, and also for the Purpose of enabling them the said General Works Trustees to duly discharge and perform all Duties and Liabilities now imposed upon the said Adventurers or the said General Works Trustees by the said recited Acts, or any of them, or which they the said General Works Trustees will become liable to undertake and perform by virtue of this Act.

Tax for enlarging Vernatt's Drain.

XXII. It shall be lawful for the said General Works Trustees to rate and tax all the said Lands and Grounds within the Limits of the said Act of One thousand eight hundred and one with an annual Acre Rate or Tax not exceeding the Sum of One Shilling an Acre for the Purpose of defraying the Expense of enlarging and improving *Vernatt's Drain* according to the Powers herein-before granted for that Purpose.

Tax for new Outfall Sluice.

XXIII. The said Adventurers shall pay to the said General Works Trustees within Six Months next after the passing of this Act the Sum of Three thousand six hundred and forty-eight Pounds Thirteen Shillings and Fourpence in gross, towards the Expense of constructing the new Outfall Sluice, and for the same Purpose the said General Works

Trustees

Trustees shall and they are hereby required to rate and tax upon the Adventurers Taxable Lands, an annual Acre Rate or Tax not exceeding the Sum of Two Shillings, and the said General Works Trustees shall and they are hereby required in like Manner to tax and rate upon all the other Lands and Grounds an annual Acre Tax or Rate of One Shilling an Acre towards the Expense of the said new Sluice: Provided also, that if the Adventurers shall out of any Moneys now in their Hands pay to the General Works Trustees a Sum exceeding the Sum of Three thousand six hundred and forty-eight Pounds Thirteen Shillings and Fourpence, in Liquidation of so much of their Share of the Cost of the said new Sluice, then the Tax so to be imposed on the Adventurers Taxable Lands shall be reduced accordingly in any One or more Years, by applying or considering the Difference as a Payment to that Extent on account of such annual Tax.

Commencement and Duration of Taxes.

XXIV. The said several Taxes for the Enlargement of *Vernatt's Drain* and for the Construction of the new Outfall Sluice shall commence and fall due on the Tenth Day of *October* of One thousand eight hundred and fifty-six, and on the same Day in each succeeding Year, and they shall not be imposed for a longer Period than Five Years, unless with the Consent and Approbation of a Majority of the Owners and Proprietors of the said Lands and Grounds present or represented by his, her, or their known Agent, or by his, her, or their Deputy or Proxy at a Meeting to be specially convened for that Purpose by the said General Works Trustees, by advertising the same in *The Lincoln, Rutland, and Stamford Mercury* and *Lincolnshire Chronicle* Newspapers, or some other Two Newspapers usually circulated in the said County of *Lincoln*, once a Week for Three successive Weeks immediately previous to the Day appointed for such Meeting, such Majority to consist of not less than Three Parts in Five of the Number of Acres represented at such Meeting; and such Taxes or either of them shall be continued and be paid and payable to the said General Works Trustees for a further Term, not exceeding Three Years beyond the said FiveYears, as shall be agreed upon and be determined by such Majority of the said Owners and Proprietors present as aforesaid.

Power to borrow on Credit of limited Taxes.

XXV. And whereas the said General Works Trustees may find it expedient to anticipate the Payment of the limited Taxes herein-before directed and authorized to be raised for the Purpose of more expeditiously making the several Works herein-before provided for or any of them: Be it therefore enacted, That it shall be lawful for the said Trustees for the Time being, and they are hereby authorized and empowered from Time to Time, or at any One Time, to borrow and take up at Interest upon the Credit of the said limited Taxes such Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds

Pounds, as they shall consider necessary and requisite for the Purposes aforesaid, which Money so to be borrowed shall be repaid to the Person or Persons lending or advancing the same, with such Interest as may be agreed upon, out of the Taxes so to be pledged as aforesaid; and it is hereby further declared, that the Receipt and Receipts of the said Trustees, or any Five or more of them, shall be sufficient Discharges for the Money borrowed under this present Provision, and that the Person advancing any such Money shall not be bound or concerned to see to the Application thereof, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be borrowed or raised for the Purposes aforesaid.

As to District Taxes.

XXVI. It shall also be lawful for the General Works Trustees to tax and rate the Lands comprised within the First, Second, Third, Fifth, and Sixth Districts respectively with such annual Acre Rate or Tax, never exceeding One Shilling an Acre in any One Year, as shall be necessary for making and maintaining the interior Drainage Works in the said District; and all the Powers heretofore exercised by the District Trustees shall be in like Manner exercised by the General Works Trustees for the assessing, levying, and recovering such District Taxes: Provided always, that the General Works Trustees shall keep separate Accounts of the Costs of such Works of interior Drainage in the said several Districts, and shall place to the Credit of each District in mitigation of the annual Acre Tax to be imposed upon the same District, the net Receipts on account of the Herbage of the Banks within the same District, to the Profits of which Herbage the District Trustees respectively are now entitled by virtue of the said Act of One thousand eight hundred and one.

Former Powers of Taxation preserved.

XXVII. Nothing in this Act contained shall take away or impair the Powers of Taxation and other Powers granted to and now lawfully exercised or exerciseable by the General Works Trustees under or by virtue of the recited Acts of One thousand eight hundred and one and One thousand eight hundred and twenty-three, but all the said Powers shall remain in and be exerciseable by the General Works Trustees as fully and effectually as though this Act had not been passed; nevertheless, the same shall be exercised and exerciseable by the said General Works Trustees for the Purpose of this Act as well as for the Purposes of the said recited Acts, and the Taxes hereby authorized shall be levied and recovered by all or any of the Means which the said Acts prescribe for the levying and Recovery of the Taxes and Rates thereby authorized or imposed.

Tenants may deduct Taxes, except in cer-

XXVIII. Every Occupier holding at a Rackrent, who shall pay any Taxes granted by this Act or the said Act of One thousand eight hundred

tain Cases, from their Rents.

hundred and one (other than the District Rate for interior Works), shall be entitled to deduct any Excess beyond the Sum of Two Shillings an Acre from his Rent: Provided always, that nothing in this Section contained shall affect any existing or future Contracts between Proprietors and Occupiers.

Annual Payment to be made to the Commissioners acting under 5 G. 3. c. 86.

XXIX. Whereas by an Act made and passed in the Fifth Year of the Reign of His Majesty King *George* the Third, 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, the said Adventurers were thereby directed and required, on being exonerated and discharged and indemnified of and from the upholding, amending, maintaining, and keeping in good and sufficient Repair the North Bank of the River *Glen* from *Gutheram Cote* to *Dove Hurn*, yearly and every Year on the Twenty-first Day of *December* to pay or cause to be paid to the Commissioners acting in the Execution of the said Act, or to such Person or Persons as they or any Seven or more of them should appoint to receive the same, the annual Sum of Eighteen Pounds, the first of such Payments to begin and be made on the Twenty-first Day of *December* then next; and the said Act provides such Exoneration, Discharge, and Indemnity accordingly: And whereas the said Sum of Eighteen Pounds and all Arrears thereof have been duly paid to the said Commissioners up to the Twenty-first Day of *December* last: Be it enacted, That from and after the passing of this Act the said General Works Trustees shall well and truly pay or cause to be paid yearly and every Year for ever hereafter on the Twenty-first Day of *December* to the said Commissioners, or to such Person or Persons as they or any Seven or or more of them shall appoint to receive the same, or to their Treasurer for the Time being, the said annual Sum of Eighteen Pounds, and do and shall make the First Payment of the same on the Twenty-first Day of *December* One thousand eight hundred and fifty-six.

Glen Rates to be paid by the Trustees.

XXX. And whereas by the said Act of One thousand eight hundred and one the Commissioners thereby appointed were authorized to provide for the Repairs, Support, and Maintenance of the Banks of the River *Glen*, and the Officers or other Persons having the Direction of the Repairs of such Banks were thereby empowered and required to make Rates upon the several Persons and Parties therein referred to for the Repairs and Preservation thereof: And whereas the Owners and Proprietors of Adventurers Taxable Lands are now liable to and have from Time to Time been rated towards such Repairs of the River *Glen* Banks in the Proportion fixed and declared by the Award of the said Commissioners: Be it enacted, That the said General Works Trustees shall pay to the Officers or other Person having, under the said last-mentioned Act and the said Award, the Direction of the Repairs of

of the Banks of the River *Glen*, such Sum and Sums of Money as the said Adventurers Lands shall from Time to Time be rated or made chargeable with by the said Officers or Persons acting under the Authority of the said last-mentioned Act and Award, for and towards the Repairs of the Banks of the said River *Glen*, and the Receipt in Writing of their Treasurer or Collector shall be a good Discharge to the said Trustees for the same.

As to the Indemnity of the Owners of the Adventurers Lands.

XXXI. The said General Works Trustees for the Time being shall from Time to Time and at all Times hereafter save harmless and keep indemnified the Owners and Proprietors of the Adventurers Taxable Lands, and each and every of them, of and from the Payment of the said annual Sum of Eighteen Pounds a Year, or any Part thereof, and also of and from such Sum and Sums of Money as the said Adventurers Taxable Lands shall from Time to Time be rated or made chargeable with by the said Officers or Persons having the Direction of the Repairs of the Banks of the River *Glen*, and also of, from, and against all Costs, Charges, Damages, or Expenses for or by reason of any Neglect or Default of the said General Works Trustees in respect of any Matter or Thing herein contained.

Drains to be roded, &c.

XXXII. The said General Works Trustees shall and they are hereby required from Time to Time to cause the several public Drains already made and used, and to be made and used for the draining of the said Lands and Grounds, or any of them, or Part thereof, to be well and sufficiently roded, scoured, and cleansed from Weeds and other Rubbish and Obstructions twice at least in each and every Year.

Boundary and Division Dikes to be kept in repair.

XXXIII. The several Owners and Occupiers of the said Lands and Grounds shall at all Times well and sufficiently rode, cleanse, deepen, widen, and repair the several Droveway Dikes, Outring or Partition Dike, Division Dikes, and Tunnels in and adjoining or belonging to their said respective Lands and Grounds, and put down such new Tunnels as shall appear to the said General Works Trustees to be necessary for the Purposes of the said Drainage, and shall at all Times keep and maintain the said Dikes and Tunnels, and every of them, of such sufficient Width and Dimensions as the said General Works Trustees shall at any of their Meetings direct or appoint, such Drains not exceeding Eight Feet wide at the Top and Four Feet wide at the Bottom, and at a sufficient Depth from the level Soil; and in case any such Owner or Occupier shall at any Time refuse or neglect so to rode, cleanse, deepen, widen, or repair any of the said Dikes adjoining or belonging to his said Lands and Grounds, or to keep and maintain the same of such Width and Depth as aforesaid, or to put down and maintain and keep in repair such Tunnels as aforesaid, for the Space of Twenty-one Days next after Notice in Writing under the Hands of the said

said General Works Trustees, or of their Clerk, given to such Owner or Occupier, or delivered to some Inmate at his usual Place of Abode for that Purpose, every such Owner or Occupier shall for every such Neglect forfeit and pay the Sum of One Shilling for every Rod of the Dike so neglected to be roded, cleansed, deepened, widened, or repaired as aforesaid, and any Sum not exceeding Ten Pounds for every Tunnel neglected to be put down or kept in repair as aforesaid; and it shall be lawful for the said General Works Trustees or their Surveyor or other Officer from Time to Time, after such Neglect as aforesaid, to cause such Dikes to be well and sufficiently roded, cleansed, deepened, widened, and repaired, and such Tunnels to be made or repaired, as the Case may be, at the Charge and Expense of such respective Owners or Occupiers; and by Warrant or Precept (which Warrant or Precept the said General Works Trustees or Two or more of them are hereby authorized and empowered from Time to Time to sign and give) to levy such Forfeitures, Charges, and Expenses upon such respective Owners or Occupiers by Distress and Sale of their respective Goods, Chattels, or Effects, rendering the Overplus of the Moneys which shall be thereby levied (if any there shall be) to such Owners or Occupiers respectively.

Trustees not to be personally liable.

XXXIV. Nothing in the said recited Acts or this Act, or in any Deed or Contract made by or on behalf of the General Works Trustees, shall extend to charge or affect the Persons of any of the said General Works Trustees, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of anything contained in any such Act, Deed, or Contract, or with or for any Costs, Charges, Damages, and Expenses in respect thereof; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Act, Deed, or Contract, or which any such General Works Trustees shall otherwise be put to by virtue of the said recited Acts or this Act, shall be discharged out of the Moneys to arise by virtue of the said recited Acts and this Act.

Executions against Trustees.

XXXV. Executions upon any Judgment or Decree against the General Works Trustees, or their Clerk, in any Action or Suit shall be executed only against the Property belonging to such General Works Trustees by virtue of their Office.

Indemnity to Trustees and their Clerk.

XXXVI. Every General Works Trustee or Clerk in whose Name such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the General Works Trustees, shall be reimbursed all Damages, Costs, and Charges to which any such General Works Trustee or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant, and no such

such General Works Trustee or Clerk shall be personally liable for the Payment of the same unless such Action or Suit shall have been brought or defended without the Order or Direction of the General Works Trustees.

Application of the Funds of the Trustees.

XXXVII. All the Rents, Rates, and Taxes, and all Penalties hereby directed to be paid to the General Works Trustees, and all Sums of Money which may be received by the General Works Trustees under the Provisions of this Act or the said recited Acts, except in Cases where an express Application of particular Monies, as herein directed to be made, shall be applied by them in the first place in Payment of the Expenses of this Act, and incidental thereto, and in the next place in executing, completing, and maintaining the several Works, Matters, and Things by this Act and the said recited Acts, or either of them, required or authorized to be made, done, executed, or maintained by the General Works Trustees, and for the general Purposes of carrying this Act and the said recited Acts into execution; and whatever Surplus Moneys there shall from Time to Time happen to be shall be invested in any of the Government or Public Stocks or Securities in the Names of any Four of the General Works Trustees (with Power to the General Works Trustees to supply Vacancies in such Trusteeship), in order to form a Contingency Fund to meet any casual or extraordinary Expenses; and whenever from Time to Time the said Contingency Fund shall in the Opinion of the General Works Trustees exceed a reasonable Amount to be kept for such Purposes, the Excess beyond that Amount shall go towards the current Expenses, and the Taxes shall be proportionably reduced; provided, that the Income arising from such Contingency Fund shall from Time to Time be applied as the General Taxes raised under this Act, or otherwise, in augmentation of the said Contingency Fund, as the said General Works Trustees may determine.

Notice of Meeting of Trustees.

Meetings may be held at Peterborough.

XXXVIII. Notice of every Meeting of the General Works Trustees, unless held by Adjournment (and of the Objects of such Meeting, when by the said recited Acts, or either of them, or this Act, it is required that the Objects of the Meeting should be stated), shall be advertised for Two successive Weeks previous to such Meeting, and Notice of such Meeting (and of the Objects thereof when required) may also be given by any such other Modes as the General Works Trustees may from Time to Time direct; and it shall be lawful for the said General Works Trustees from Time to Time to hold their Annual Meeting directed to be held by the said recited Act of One thousand eight hundred and one, and any other Meeting to be held under the said recited Acts or this Act, or for the Purposes of the same, at some House or public Place at or within the City of *Peterborough*, or elsewhere

where beyond the Boundary of the said Lands and Grounds, if they shall so think fit, anything in the said recited Acts, or either of them, to the contrary notwithstanding.

Trustees may appoint Deputies.

XXXIX. It shall be lawful for each and every of the General Works Trustees from Time to Time, by any Writing under his Hand, to appoint a Deputy, who as such Deputy shall in the Absence of such Trustee be authorized to act and vote at all Meetings of the said General Works Trustees held under the Authority of the said recited Acts or this Act, and this as fully and effectually as if such Trustee were actually present, and all Acts of such Deputy at any such Meeting shall have the same Force and Effect as if they were the Acts of the Trustee by whom he shall have been appointed, and as if he had been personally present, and such Deputy shall have and be entitled to the same Protection and Indemnity as Trustees are entitled to under or by virtue of this Act; and the Appointment of such Deputy shall be filed with the Clerk to the said General Works Trustees, and be of force only during the Time expressed in such Appointment, or until the same is revoked in Writing by the Trustee who shall have given the same.

Meetings may be adjourned.

XL. If at any Time and Place appointed for any Meeting of the General Works Trustees there shall not be present within One Hour after the Time so appointed Five Trustees, then the General Works Trustees present, or a Majority of them, or any One Trustee, if only One shall be present, or if no Trustee be present then the Clerk shall adjourn such Meeting to any other Time and Place, but so that such Adjournment shall not be for a Period exceeding One Month, nor less than Ten Days; and Notice of any such adjourned Meeting shall be given by the Clerk, by Letters to be addressed to the General Works Trustees at their usual Places of Abode, and to be sent by Post, and so that the posting of such Letters take place One Week at the least before the Time appointed for such Meeting.

Power to appoint Committee.

XLI. It shall be lawful for the General Works Trustees to appoint not fewer than Five of their Body to be a Committee for carrying into effect any of the Provisions of the said recited Acts and this Act, and to continue, alter, or discontinue any such Committee; but no such Committee shall be competent to act beyond the then next Annual Meeting of the Trustees, unless an Order for its Continuance shall be then made.

Quorum of Committee.

XLII. No Business shall be transacted at the Meeting of any Committee unlessThree Members of the Committee be present.

XLIII. It

Power to allow Expenses of the Committee.

XLIII. It shall be lawful for the General Works Trustees to allow and pay all the reasonable Charges and Expenses which shall from Time to Time be incurred by Committee in the Execution of the said recited Acts and this Act.

Power to the Trustees to lease their Estates, &c.

XLIV. It shall be lawful for the said General Works Trustees for the Time being to let or demise from Year to Year, or for a Term not exceeding Seven Years, the Lands and Hereditaments vested in them by virtue of this Act, as also the Herbage of the Banks and Forelands of the several Rivers and Drains under their Direction and Control, and the Right of Fishing in the same Drains, at such yearly Rent or Rents as can be reasonably had for the same, and subject to such Conditions and Agreements as the said Parties shall think proper: Provided always, that nothing in this Act contained shall be held, deemed, construed, or taken to confer any Right or Authority in the said General Works Trustees in or over the South Bank of the River *Welland*, or the Foreland thereof, extending from *Spalding High Bridge* to *Peakirk* in the County of *Northampton*, or the Herbage of the same.

Rents how to be applied.

XLV. The Rent or Rents payable or to be payable for the Herbage of the said Banks and Forelands now vested in the said District Trustees shall be paid to and received by the General Works Trustees, and shall be applied by them from Time to Time for the same Purposes as are herein-before expressed or referred to, with respect to the Application of the Rate for interior Works of Drainage; and the Rents of the Residue of the said Lands and Hereditaments and Fishery shall be applied by them from Time to Time for the same Purposes as are herein-before expressed or referred to with respect to the Application of the annual Tax or Rate of One Shilling an Acre, under the said Acts of One thousand eight hundred and one and One thousand eight hundred and twenty-three.

Power of Distress and Sale for Rents and Taxes.

XLVI. If any Rent or Rents now payable or which may hereafter be payable to the said General Works Trustees for the said Lands and Hereditaments, and Herbage of Banks let or demised, or which may be let or demised under the Power herein-before contained, shall not be paid and discharged at the Time or Times at which the same respectively is, are, or shall be payable, it shall and may be lawful for the said Trustees for the Time being, or any Person or Persons appointed by them in Writing, and they and he are and is hereby empowered to enter into and upon the Lands and Hereditaments, or Banks or Forelands for which such Rent or Rents is, are, or shall be payable, or into and upon any Part or Parts of such Lands and Hereditaments, Banks, or Forelands, in the Name of the whole, and to levy such Rent or Rents by Distress and Sale of the Goods and Chattels

Chattels which shall be found thereon, together with all Costs occasioned by such Nonpayment, and attending such Entry, Distress, and Sale, and otherwise to act therein, according to the Laws now in being for distraining in Cases of Nonpayment of Rents reserved on common Demises.

How Defendants in Replevin may avow.

XLVII. In case and when and so often as any Distress which shall be made by the said General Works Trustees for the Time being, or by any Person or Persons to be appointed by them as aforesaid under any of the Powers of this Act, shall be replevied, it shall be sufficient for the Defendant or Defendants, in any Action of Replevin to be thereupon commenced, to avow or make cognizance (as the Case may be) that such Distress was made to recover a Sum to be specified (as the Case may be) in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments, before the Time of making such Distress, assessed or charged under and by virtue of the said recited Acts and this Act, or some or One of them, or in respect of Rent payable to the said Trustees under and by virtue of the said recited Acts and this Act, or some or One of them.

Cattle found on Banks, &c., may be impounded.

XLVIII. It shall and may be lawful for any Person or Persons whomsoever to drive any Horse or Horses, Swine or Cattle, except Sheep, which shall be found upon any of the said Banks or Forelands, to the nearest Common Pound or Fold where such Horse or Horses, Swine or Cattle shall be found, and the Pinder or Fold-keeper thereof is hereby directed to impound and hold the same in his Custody, and to feed them while they shall so remain in his Custody, and the same shall not be replevable, but shall remain in the Custody of the Pinder or Fold-keeper for the Time being, until he shall have been paid for each and every of such Swine so impounded the Penalty or Sum of Five Shillings, and for each and every of such Horses or other Cattle so impounded the Penalty or Sum not exceeding One Pound, together with all Costs of taking, impounding, and feeding the same during the Time they shall remain impounded; and if the Penalty or Penalties, together with such Costs, shall not be accordingly paid within the Space of Ten Days after the Time of the impounding, such Horse or Horses, Swine or Cattle, it shall be lawful for the said General Works Trustees for the Time being, at any Time thereafter, to sell or cause to be sold the Distress so impounded, by Auction, at the Market Town nearest the Common Pound, on some Market Day between the Hours of Twelve o'Clock at Noon and Two o'Clock in the Afternoon, and to apply the Money arising by such Sale in the first place in Payment of all Costs and Charges attending the impounding, detaining, keeping, and feeding the said Horse or Horses, or Swine or Cattle so impounded, and the Sale and Disposal thereof, and in the next place in Payment and Satisfaction of the said Penalty or

Penalties

Penalties incurred; and in case there shall be any Surplus the same shall be paid to and remain in the Hands of the said Trustees or their Treasurer, to be by them or him returned or paid to the Owner or Owners of the said Horse or Horses, Swine or Cattle so impounded, on Demand.

Penalty for keeping Rabbits or Geese on Banks.

XLIX. It shall not be lawful for any Person or Persons, whether a Tenant or Tenants, or Occupier or Occupiers of any Part or Parts of the said Lands, Hereditaments, or Forelands, or not, knowingly to permit or suffer any Rabbits or Geese to be upon the said Banks or Forelands, or any of them, and every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence, to be recovered and recoverable in the same Way and Manner as Penalties are made recoverable by the said recited Acts or this Act.

Lands subject to Repairs of Banks to remain subject thereto.

L. All the Lands and Grounds, and the Soil thereof, which now are liable to be dug or used for the Repairs of the Banks of the Rivers *Welland* and *Glen*, or either of them, or which are or shall be liable to pay any Sum or Sums of Money for or towards the Repairs thereof respectively, shall, notwithstanding this Act, remain liable to the same respectively as if this Act had not been passed.

As to Map of Parish.

LI. The Parish Map of *Deeping Saint Nicholas* so deposited at the Office of the Clerk of the Peace for the Parts of *Holland* shall be retained therein, and shall be open to the Inspection and Use of all Persons interested, in the same Manner and upon the same Conditions as are prescribed (touching the Documents therein referred to) by the Act passed in the First Year of the Reign of Her present Majesty, "to compel Clerks of the Peace for Counties and other Persons "to take the Custody of such Documents as shall be directed to be "deposited with them under the Standing Orders of either House of "Parliament."

Deeping Fen constituted a Parish for the Relief of the Poor.

LII. From and after the passing of this Act the Lands shown on the said Parish Map of *Deeping Saint Nicholas* shall form a Parish by the Name of *Deeping Saint Nicholas*, and shall be deemed to be altogether in the Parts of *Holland* in *Lincolnshire*, and the Laws for the Time being in force for the Relief and Employment of the Poor in *England* shall be executed and put in force within the said Parish in like Manner as in other Parishes in *England*, and all Inhabitants of and Occupiers of Lands or Houses within the said Parish are hereby declared to be subject to such Laws, in like Manner as such Inhabitants and Occupiers are subject thereto in other Parishes in *England*, and shall accordingly be liable to maintain and support the poor People in the said Parish, and be chargeable to all Payments, Charges, Expenses, and Orders in respect thereof, in like Manner as Inhabitants and Occupiers of Lands in any other Parish in

England are so liable or chargeable with respect to the Poor of that Parish; and the Adventurers and their Lands shall thenceforth be exempt from their separate Liability for the Maintenance of the said Poor, or incidental thereto, and shall contribute only to the said Maintenance as the other Inhabitants of the said Parish: Provided nevertheless, that the County Rate now payable in respect of the Lands shown on the said Plan shall continue to be paid and payable to the respective Treasurers of the said Rates for the Parts of *Kesteven* and *Holland* in the said County of *Lincoln* within which such Lands are situate.

Act not to touch Ecclesiastical Matters.

LIII. Provided always, That the Formation of the said Lands into a Parish by virtue of this Act shall not affect or be deemed to affect the Constitution of the Parish for Ecclesiastical Purposes.

Parish to maintain its own Highways, and for that Purpose be divided into Townships.

LIV. The Parish so formed shall be for the Purposes of this Act a Parish maintaining its own Highways, and the "General Highways Act" and all other Acts amending or extending that Act, and relating generally to Highways in *England*, shall, subject to the Provisions of this Act, be in force, and be executed in and with respect to the said Parish accordingly; and such Parish shall be divided into Four separate and distinct Townships, to be called or distinguished by the respective Names of the North Township, the Middle Township, the East Township and the South Township:

The North Township shall comprise all the Farms, Lands, and Roads in the said Parish which are situate between the River *Glen* and the *North Drove Drain*, and otherwise bounded by the Third and Fourth Districts of the late inclosed Commons on the Parts of *Holland*, and the Sixth District of the said Commons in the Parts of *Kesteven*:

The Middle Township shall comprise all the Farms, Lands, and Roads in the said Parish which are situated between the *North Drove Drain* and the *South Drove Drain*, and otherwise bounded by the Second District of the said late inclosed Commons in the said Parts of *Holland*, and by the Fifth and Sixth Districts of the said late inclosed Commons in the Parts of *Kesteven*:

The East Township shall comprise all the Farms, Lands, and Roads in the said Parish which are situate between the *South Drove Drain* and the River *Welland*, and otherwise bounded by the First District of the late inclosed Commons in the Parts of *Holland* and by Lands in the Parish of *Crowland*:

And the South Township shall comprise all the Farms, Lands, and Roads in the said Parish which are situate between the *South Drove Drain* and the River *Welland*, and otherwise bounded by Lands in the said Parish of *Crowland*, and by the Fifth District of the late inclosed Commons in the Parts of *Kesteven*.

LV. Each

Townships to maintain their own Highways.

LV. Each of the said Townships shall be, for the Purposes of this Act, a Parish or Township for maintaining its own Highways, and the General Highways Act, and all other Acts amending or extending that Act, and relating generally to Highways in *England*, shall, subject to the Provisions of this Act, be in force in and executed by the said General Works Trustees, and the Surveyor and Surveyors to be appointed by them in and with respect to such Townships accordingly, and each such Township shall be rated separately towards the Support and Maintenance of the present Roads and Highways within the same (if any), and towards the Expenses of setting out, making, and maintaining the Roads and Highways herein-after authorized to be set out, made, and maintained by the said General Works Trustees, and all Expenses incidental thereto.

Appointment of Surveyor of the Highways.

LVI. The said General Works Trustees shall yearly, at their Annual Meeting, elect and appoint One or more Persons of Skill and Experience to be Surveyor of the Highways and Roads in each of the said Townships, and shall fix such Salary for the Execution of such Office as they shall think fit, which Appointment shall be in Writing on Paper without Stamp, and signed by the Chairman of such Meeting, and such Surveyor, when so appointed, shall be invested with the same Powers and subject to the same Duties, Forfeitures, and Penalties as any Surveyor appointed under the Authority of the General Highway Act would have been, and such Salary shall be paid out of the Money raised for the making and maintaining the Highways of the said Township; and in case such Surveyor shall die or neglect to act or be dismissed from acting during his Year of Office, the said General Works Trustees shall and may appoint any Person whom they may think fit to be a Surveyor for such Township till the next Annual Meeting, and with or without a Salary, as to them shall seem fit and proper.

Surveyors to make Rates on Lands.

LVII. The Person from Time to Time appointed by the said General Works Trustees to be Surveyor of the Highways of each of the said Townships shall, in pursuance of his Office, from Time to Time make, assess, and levy on all the Lands in his Township a Rate sufficient to raise the Sum required for making and maintaining the Roads and Ways within the same.

Highway Rates, how to be made.

LVIII. The Highway Rate in each of the said Townships shall be rated and assessed by an equal Amount for every Acre on the Lands in the Township, to be borne and paid by the Occupiers of such Lands: Provided always, that such Rate shall not in any One Year exceed the Sum of Two Shillings and Sixpence *per* Acre.

LIX. Every

And to be Highway Rates.

LIX. Every such Rate shall be a Highway Rate, and shall be made, assessed, levied, signed, allowed, published, added to, enforced, and recovered, and be appealed against, and shall have all such other Incidents as if it were a Highway Rate under the "General Highway Act," and the Powers and Provisions of that Act, but subject to the Powers and Provisions of this Act, shall apply thereto accordingly.

Power to borrow on Mortgage of Highway Rates.

LX. The said General Works Trustees, with the Consent of the Owners of Three Fifths of the Number of Acres comprised in any of the said Townships, to be signified in manner herein-before mentioned, shall and may, for the Purpose of setting out, making, and forming any Roads within the same, and for the Purchase of Land required for that Purpose, borrow at Interest on the Security of Mortgage of the Highway Rates in such Township, any Sum or Sums not exceeding the aggregate Amount of a Highway Rate of Seven Shillings and Sixpence *per* Acre on all the Lands within that Township; and may and shall from Time to Time, by and out of the Highway Rates in such Township, pay and discharge the Amount necessary for the Repayment of the Money so borrowed and the Interest thereon, within Thirty Years from the Time of borrowing the same, and the Monies so from Time to Time to be borrowed and raised shall be applied for the Purposes for which they are so borrowed and raised respectively.

Accounts of Receipts and Disbursements to be kept.

LXI. The said Surveyors of Highways shall, in Books to be kept for that Purpose, cause true Entries to be made of all Monies received and expended by or on account of the said Highway Rates, and Monies borrowed on Credit of the same, and such Books and Accounts shall be produced to the said General Works Trustees whenever required by them, and be open at all seasonable Times to the Inspection of the Ratepayers.

Trustees to set out Róads.

LXII. It shall be lawful for the General Works Trustees, and they are hereby required from Time to Time, on the Request of the Owner and Owners of Three Parts in Five of the Number of Acres comprised in the said respective Townships (such Request to be in Writing and signed by the Party or Parties making the same), to set out such new or other public and private Carriage, Bridle, and Drift Roads or Ways within the said Township as shall be specified and described in such Requisition to the said General Works Trustees, and thereby declared to be necessary for the convenient Occupation of the Farms and Lands included in such Township, and the said Owners and Occupiers shall specify and declare in such Notice what Sum or Sums of Money *per* Acre the said General Works Trustees shall

shall be authorized to borrow and take up at Interest under the Powers herein-after contained in that Behalf, for the Purpose of enabling them to set out and make such Roads and Ways; and such Roads and Ways respectively shall, when set out as aforesaid, for ever thereafter be maintained and supported by the Owners and Occupiers of the Township within which the same shall be situate as herein-before mentioned, and the Powers and Authorities by this Act vested in the said General Works Trustees to purchase Lands, and the other Powers incident thereto, shall extend and be construed to enable the said General Works Trustees to effect the Purposes herein-before mentioned.

Powers of Trustees as to Roads.

LXIII. The said General Works Trustees shall and may, in setting out, making, and maintaining the said Roads and Ways herein-before directed to be set out, made, and maintained by them as aforesaid, act in such a Manner as they shall think best, and shall have full Power, Authority, and Jurisdiction for performing those Trusts, and may make and give for the Performance thereof all such Orders, Directions, and Determinations as they may think fit; and every such Order, Direction, and Determination, until it be revoked or altered by any such subsequent Order, Direction, or Determination, shall be valid and effectual to all Intents and Purposes, and shall justify the Surveyors and all other Persons in giving effect thereto: Provided always, that no Order, Direction, or Determination shall be revoked or altered to the Prejudice of any Person lawfully claiming any Benefit thereunder without his Consent.

Saving the Rights of the Commissioners of Sewers.

LXIV. Provided always, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect any of the Jurisdictions, Powers, Rights, or Privileges granted or belonging to any Commissioners of Sewers acting in and for the County of *Lincoln*, save so far as the same are by this Act expressly taken away, defeated, invalidated, lessened, altered, or affected.

Saving Rights of the Crown.

LXV. Nothing contained in this Act shall extend to authorize the said General Works Trustees to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or

Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

LXVI. The Expenses of obtaining this Act, and preparatory and incidental thereto, shall be paid by the General Works Trustees.

SCHE-

SCHEDULE

SPECIFYING

"THE ADVENTURERS ESTATE" transferred by this ACT to the GENERAL WORKS TRUSTEES, as the same are described in the DEED OF DECLARATION OF TRUST on behalf of the said ADVENTURERS, bearing date the 30th Day of May 1839.

ALL that Messuage or Tenement used as a Public Victualling House, and known by the Name or Sign of the Ship, with the Stables, Yards, Gardens, and Outhouses thereto belonging, situate and being in Surfleet in the said County of Lincoln, at or near to a Place there called the Reservoir, and then or lately in the Tenure or Occupation of George Read: And also all that Close or Parcel of Land containing Three Acres (more or less) in Surfleet aforesaid, on the North Side of and adjoining the River Glen, and near to the Outfall Sluice of the said River, and then or lately also in the Tenure or Occupation of the said George Read: Also all that other Close or Parcel of Land containing Two Acres One Rood Five Poles (more or less) in Surfleet aforesaid, or in Pinchbeck, in the said County of Lincoln, on the South Side of and adjoining the said River Glen, and near to the said Outfall Sluice, and then or lately also in the Tenure or Occupation of the said George Read: And also all that other Messuage or Tenement used as a Public Victualling House, and known by the Name of Pode Hole Inn, with the Stables, Yards, Gardens, and Outhouses thereto belonging, in the Tenure or Occupation of Henry Bugg, or of John Casebow his Under-tenant, situate and being in Spalding aforesaid, at or near to a Place there called Pode Hole, bounded by the Spalding and Bourn Turnpike Road towards the West, by the Vernatt's Drain Bank towards the South, by the Bank of the Fourth District Drain towards the North, and by Lands belonging to

towards the East: Also all that other Messuage or Tenement, with the Barn, Stable, Storehouse, and Yards and Gardens thereto belonging, containing together Three Roods and Twenty-seven Poles (more or less), situate and being in Spalding aforesaid, in a Place there called Little London, bounded by the Estate then or lately of James Tidswell towards the North-east; by the Bank of the River Welland in part, by the said Estate then or lately of James Tidswell in other Part, and by the Estate then or lately of Joseph Tidswell in further Part, towards the South-east; by the said Estate then or lately of Joseph Tidswell in part, and by the Estates then or lately of William Smith and John Andrew

respectively

respectively towards the South-west; and by Welland Cradge Bank Road towards the North-west, and then or lately in the Tenure of George Simson: Also, all those several small Parcels of Land in Spalding aforesaid lying in front of the said last-mentioned Messuage and adjoining Properties, and between the Road and the Channel of the said River Welland, and then or lately in the several Tenures or Occupations of John Andrew, White, John Middleton, Robert Noble, the Widow Noble, and Southwell and Dollman: Also, all that Close or Parcel of Arable Land, containing Two Acres Three Roods and One Pole (more or less), in Spalding aforesaid, and then also in the Tenure of the said George Simson, bounded by Hill's Drain towards the North, by Lands then or lately of William Beavor towards the East, and in part towards the South by Lands then or lately of William Johnson, the Trustees of Spalding Churchyard Almshouses, John Broughton, and George Booth respectively, on the Remainder of the South, and by the said Lands then or lately of George Booth towards the West: Also all those several small Parcels of Land or Garden Ground adjoining the said Hill's Drain in Spalding aforesaid, and constituting the Banks and Cess or Forelands of the said Drain, and then or lately in the several Tenures or Occupations of James Aitkin, John Andrew, John Beacon, Henry Branton, Burrell, Thomas Crampton, George Dallicoat, George Guttridge, John Gull, Hodgkinson, James Hayes, James Hastings, Thomas Hurrey, Leverett, William Mason, Ann Noble, James Norris, William Norris, Newton, Augustine Pridmore, Thomas Roberts, Henry Sudrey, Edward Skeath, Thomas Skeath, William Skeath, Ann Skeath, Joseph Shilcock, William Tidswell, York, and the Trustees of the Deeping Turnpike Road: Also all that other Close or Parcel of Land, containing Two Acres One Rood and Thirty Poles (more or less), in Spalding aforesaid, and in the Tenure or Occupation of William Plowright, being Part of the Bank and Foreland on the South or South-east Side of the Vernatt's Drain, and otherwise bounded by Lands of respectively: Also all that Close or Parcel of Arable Land, containing One Rood and Four Poles (more or less), called Chapel Green in Spalding aforesaid, and in the Tenure or Occupation of William Ward, bounded by the Lords Drain towards the North, by Lands of the Heirs of William Brereton, Esquire, towards the East and South, and by the End of a Lane called Hurst's Lane or Barrell's Lane towards the West: Also all that Close or Parcel of Land, containing Sixteen Acres One Rood and Twenty-five Poles (more or less), and then in the Tenure or Occupation of George Richards Denshire, Esquire, situate and being in the Parishes of Deeping Saint James, Langtoft, and Baston, some or one of them, or in the Extra-parochial Place called Deeping Fen, in the said County of Lincoln, bounded by the next described Land towards the

the East, by Lands in a Place called Baston Wash, belonging to towards the South, by a Place called Baston Hedge towards the West, and by the River Glen Bank towards the North: Also all that other Close or Parcel of Land, containing Fifteen Acres and Eighteen Poles (more or less), and then in the Tenure or Occupation of Joseph Woolley, situate and being in the said Parishes of Deeping Saint James, Langtoft, and Baston, some or one of them, or in Deeping Fen aforesaid, bounded by Lands of the Right Honourable Lord Carrington towards the East, by other Lands in Baston Wash belonging to towards the South, by the last described Lands towards the West, and by the said River Glen Bank towards the North: Also all that other Close or Parcel of Land, containing Fifty-four Acres and Seven Poles (more or less), and then in the Tenure or Occupation of Anthony Garratt and James Glen, situate and being in the Parishes of Spalding, Pinchbeck, and Cowbit, some or one of them, or in Deeping Fen aforesaid, bounded by Glen Cradge Bank Road towards the East and South, by Lands of Philip Duncombe Pannafort Duncombe, Esquire, (near to Gutheram Cote,) towards the West, and by the River Glen Bank towards the North: Also all that Close or Parcel of Land, containing Twenty-nine Acres One Rood Twenty-seven Poles (more or less), and then or lately in the Tenure or Occupation of William Wright, situate and being in the aforesaid Parish of Deeping Saint James, or in the aforesaid Place called Deeping Fen, bounded by Cradge Bank next Lands of the Right Honourable Lady Canning towards the East, by the Bank of the River Welland towards the South, by old inclosed Lands in Deeping Saint James aforesaid towards the West, and by new inclosed Lands in Deeping Saint James aforesaid in Part and by Crowland Road in other Part towards the North: Also all that Close or Parcel of Land, containing Thirty-eight Acres Two Roods and Eight Poles (more or less), and in the Tenure or Occupation of Henry Frisby, William Tooley, and Samuel Dodes, situate and being in the Parish of Crowland aforesaid, or in the aforesaid Place called Deeping Fen, bounded by old inclosed Lands of John Ullett towards the East, by the River Welland Bank towards the South, by Lands of

towards the West, and by the new inclosed Common belonging to the Parish of Crowland aforesaid towards the North: Also all that Close or Parcel of Land, containing Thirty-eight Acres and Twenty-six Poles (more or less), and then in the Tenure or Occupation of William Batterham, situate and being in the Parishes of Spalding and Cowbit aforesaid, or One of them, or in Deeping Fen aforesaid, bounded by the next described Lands towards the North, by the River Welland Bank towards the East and South, and by old inclosed Lands belonging to Charles Ashby in Part and Welland Cradge Bank Road in other Part towards the West: Also all that Close or Parcel of Land, containing Forty-five Acres One Rood and Nineteen

Poles (more or less), and then in the Tenure or Occupation of George Simson, situate and being in the Parishes of Spalding and Cowbit aforesaid, or One of them, or in Deeping Fen aforesaid, bounded by the next described Lands towards the North, by the River Welland Bank towards the East, by the last described Lands towards the South, and by Welland Cradge Bank Road towards the West: Also all that other Close or Parcel of Land, containing Fifteen Acres One Rood and Thirty-nine Poles (more or less), also in the Tenure or Occupation of the said George Simson, situate and being in Spalding and Cowbit aforesaid, or One of them, or in Deeping Fen aforesaid, bounded by the Lands in Little London herein-before referred to, and mentioned to belong to William Smith and John Andrew respectively towards the North, by the River Welland Bank towards the East, by the last described Lands towards the South, and by Welland Cradge Bank Road towards the West; together with the Rights, Members, and Appurtenances belonging to the several Premises.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.