

ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxvi.

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.

[30th *May* 1823.]

WHEREAS by an Act of Parliament made and passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, 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 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 herein-before mentioned, or certain Parts thereof;* the General Commissioners therein appointed were thereby required, as soon as conveniently might be after the passing of the said Act, to cause the several general 41 G. 3. c. 128.

general Works of Drainage to be made, erected, done, and executed as therein mentioned and described; and it was thereby enacted, that the several Drains, Bridges, Tunnels, and other Works of Drainage last therein-before described and directed to be made and executed by the said General Commissioners, should be made by and at the Expence of the Owners and Proprietors of taxable and free Lands in *Deeping Fen*, and the several Owners and Proprietors of Messuages, Houses, or Toftsteads, Lands, and Hereditaments interested in such of the said Commons, including the said *Crowland Common*, as are situate betwixt the Banks of the Rivers *Welland* and *Glen*, in the Shares and Proportions therein mentioned, and the same Main Drains, Engines, Bridges, and other Works of Drainage directed to be done at such joint Expence as aforesaid (except the Herbage of the Banks and Forelands of the said Main Drains), should for ever after the making thereof be and remain vested in certain Trustees for preserving such general Works of Drainage, but without Prejudice to the Right of the Adventurers to *Hills Drain*, and the Mills thereon; and in order that such Banks, Drains, Engines, and other Works of Drainage as are therein directed to be done and executed at such joint Expence as aforesaid, might be maintained, supported, and kept in Repair, it was further enacted, that it should be lawful for all and every the Proprietors and Owners of the same Lands and Grounds so intended to be drained as therein mentioned, or his or their Deputy or Agent, present at a Meeting to be held as therein mentioned, to vote for Trustees for the Purposes aforesaid, in manner therein mentioned; and that the Persons elected Trustees should continue to act in the Execution of the said Act for the Space of Three Years, or until the Election of others in their Stead, and no longer; and it was thereby further enacted, that it should be lawful for the said Trustees, and they were thereby authorized and required to meet on the Day next after the last *Thursday* in *April* in every Year, to tax and assess all and every the Occupier or Occupiers of all and every the said taxable and free inclosed Lands in *Deeping Fen*, and the said Commons or Fens lying between the said Rivers *Welland* and *Glen*, intended to be drained by virtue of the said Act, by such an equal and proportionable Acre Rate or Tax as should be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the same Lands and Grounds respectively, and the other Expences therein referred to, 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 the said Trustees should think proper, provided that such Rate or Tax should not in any Year exceed the Rate or Sum of One Shilling an Acre, without the express Consent and Approbation of the Owners or Proprietors interested in the said Lands so to be drained as aforesaid, to be ascertained as therein mentioned; and it was further enacted, that if the said general Works of Drainage should be found insufficient or inadequate to drain the Lands and Grounds intended to be drained thereby, without the Aid of Engines or Mills, to raise the Water to a greater Height than thereby provided for, the said general Commissioners or Trustees for executing the said general Works of Drainage should and might erect, build, and use such Engine or Engines, at or near the Situation of the Engines then discharging the Waters from *Hills Drain* into the *Welland*, as in their Judgment should be requisite or necessary, for the Purpose of raising the Waters to such greater Height as might be expedient for better effecting such Drainage:

Drainage: And whereas the Works of Drainage executed under the Authority of the said recited Act have been found insufficient and inadequate to drain the said Lands and Grounds: And whereas it is necessary and expedient, for the Purpose of facilitating the Discharge of the Waters from the said Main Drains, that one or more Engine or Engines to be worked by Steam should be erected: And whereas it is necessary and expedient, that the annual Tax or Assessment authorized by the said recited Act, and the limited Tax intended to be imposed by virtue of this Act, should be charged and chargeable on the Lands and Grounds liable thereto, and that more ample Powers should be given to and vested in the said Trustees for the better collecting of the said annual Taxes, and the said limited Tax; and also for the more effectually maintaining, preserving, and using the said general Works of Drainage executed under the Authority of the said recited Act, and to be executed under the Authority of this Act; but such Purposes cannot be effected without the Aid and Authority 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 it shall and may be lawful to and for the said Trustees for the Time being elected or appointed and to be elected or appointed by virtue of the said recited Act, and they are hereby authorized and required, as soon as may be after the passing of this Act, to make, erect, and build, or cause to be made, erected, and built, at or near the Junction of the Drains called the *South Drove Drain* and *North Drove Drain*, at a certain Place called *Pode Hole*, one or more good and substantial Engine or Engines to be worked by Steam, with all proper Machinery, Houses, Sluices, Pits, and other necessary Works, and also to deepen and otherwise improve the said Drains, and also the Drain called *Cross Drain*, as in the Judgment of the Person to be appointed Civil Engineer of the Works directed to be executed by the said Trustees under the Authority of this Act shall be requisite or necessary for facilitating the Discharge of the Waters of the said Lands and Grounds, and effecting the Drainage thereof; and the same Engine and Engines, and other Works incidental thereto, shall, on the same being made, built, and erected as aforesaid, be for ever thereafter vested in and used, maintained, supported, and kept in Repair by the said Trustees for the Time being, out of the annual Rates and Assessments authorized by the said recited Act and this Act.

Power to erect Steam Engines at Pode Hole.

II. And be it further enacted, That the Person to be appointed Civil Engineer as aforesaid, shall and he is hereby authorized and required to make Provision for the Application of such Part or Proportion of the Power of the said Engines, as shall in his Judgment be necessary for the Purpose of relieving the Counter Drain, when the Water therein shall be penned or held up in the said Drain to the Height of Nine Feet on the Sill of the said Sluice, by the Working and Operation of the said Engine or Engines so to be erected as aforesaid.

Engines to relieve the Counter Drain.

III. And be it further enacted, That the said Trustees for the Time being shall and they are hereby authorized and required, from Time to Time as occasion shall arise, with the Consent and Approbation of the Owners or Proprietors of the Lands and Grounds chargeable with the Expence of the said Engines, to be ascertained in such way as the Votes of

Civil Engineer to be appointed by Trustees, with the Consent of Proprietors.

of the said Owners and Proprietors are required to be had in the Choice of Trustees, as directed by the said recited Act, to appoint a Civil Engineer to superintend the making and executing of the several Works particularly directed to be done and executed under the Authority of this Act; and such Civil Engineer so to be appointed as aforesaid, shall be and he is hereby authorized and empowered, on behalf of and with the Consent and Approbation of the said Trustees for the Time being, to contract with any Person or Persons for making, executing, or performing all or any of such Works, or any Part or Parts thereof.

Allowance to Engineer.

IV. And be it further enacted, That the Civil Engineer for the Time being acting in the Execution of the Powers and Trusts vested in him by this Act, shall be allowed and paid the Sum of Five Pounds and Five Shillings, and no more, for each Day he shall actually attend and be employed as a Civil Engineer, by the Authority and Direction of the said Trustees for the Time being, in the Execution of this Act, or shall necessarily travel from home to act as Civil Engineer, or when returning home after having acted as aforesaid, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Accounts of Engineer to be examined and allowed by the Trustees.

V. And be it further enacted, That the said Trustees for the Time being shall and they are hereby authorized and empowered from Time to Time, when and as they shall think fit, to examine and inspect the Accounts of the said Civil Engineer, and also the Progress of the Works hereby authorized; and the said Civil Engineer shall once at least in Four Months from the passing of this Act, until his Accounts shall be finally allowed, make out a true and particular Statement and Account of all Sums of Money by him received from the said Trustees, and expended or due to him for his Trouble or Expences, which Account, with the Vouchers relating thereto, shall be examined by the said Trustees for the Time being, and the Balance of such Account shall be by them stated in the Book of Accounts to be kept in the Clerk's Office; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said Trustees for the Time being, present at a Meeting to be held under the Authority of the said recited Act and this Act.

King Street Dike to be supported by the Trustees.

VI. And whereas by the said recited Act the General Commissioners thereby appointed were thereby required to deepen the *King Street Dike* as therein is mentioned, but the said Trustees are not enabled by the Provisions in the said recited Act contained to repair the same, although such Dike is declared to form Part of the Work directed to be executed at the joint Expence of the Proprietors therein referred to; and it is necessary and expedient that such Dike should, to the Extent therein mentioned, be vested by Enactment in the said Trustees for the Time being, and be maintained and supported by them as herein-after is mentioned; be it therefore enacted, That the said *King Street Dike*, so far as the same extends by the Side of the Parish of *Greatford*, and from the South End of the said Parish of *Greatford* to the South End of the Hamlet of *Stow*, shall, from and immediately after the passing of this Act, be and become vested in the said Trustees for the Time being, and shall from Time to Time and at all Times be by them scoured out, repaired, cleansed, and kept of the same Depth and Dimensions as the same was made under the Directions in

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the said recited Act in that Behalf contained, and shall be deemed and considered as Part of the Works of Drainage directed by the said recited Act to be maintained and supported by the said Trustees by and out of the annual Tax authorized by the said recited Act.

Trustees to set out Roads.

VII. And whereas by the said recited Act of the Forty-first Year of the Reign of His said late Majesty, the General Commissioners thereby appointed were thereby required to set out the necessary Communications between the Banks of the said Main Drains along the North and South Droves therein mentioned, and the inclosed Lands in *Deeping Fen*, and by their Award to order and direct by whom and in what manner such private Roads, Ways, and Communications respectively should be repaired, maintained, and supported: And whereas the said General Commissioners did not set out such Communications, and in consequence thereof several of the Farms and Lands comprized in the said inclosed Lands in *Deeping Fen* have not any Roads or Communications thereto, except by the Permission of the Owners of the intervening Lands; and it is just and expedient that the Owners of the said inclosed Lands should have Occupation Roads set out thereto as directed by the said Act; be it therefore enacted, That it shall and may be lawful to and for the said Trustees for the Time being, and they are hereby authorized and required, on the Request and at the Costs and Charges of the Owner or Owners of any of the said inclosed Lands in *Deeping Fen* (such Request to be in Writing, and signed by the Party or Parties making the same), to set out such private Roads or Ways to run parallel with and along, but on the Outside of the Soke Dike of the South and North Drove Drains as shall or may be necessary to communicate between the said inclosed Lands in *Deeping Fen*, and the Road or Roads which have been set out, in, through, or over the Lands and Grounds divided and inclosed by virtue of the said recited Act; and such Roads, Ways, and Communications respectively shall, when set out as aforesaid, for ever thereafter be maintained and supported by the Owner or Owners of such of the said inclosed Lands, for the Benefit of which the same shall be so set out; and the Powers and Authorities hereby given to the said Trustees to purchase Lands, and the other Powers incident thereto, shall extend and be deemed, taken, and construed to enable the said Trustees to effect the Purposes herein-before mentioned.

Trustees may execute new Works of Drainage.

VIII. And be it further enacted, That it shall and may be lawful for the said Trustees for the Time being, with the Consent and Approbation of the Owners or Proprietors interested in the said Lands and Grounds so to be drained as aforesaid, 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 directed by the said recited Act; and they are hereby authorized and empowered from Time to Time, as and when there shall seem to them to be a Necessity and Occasion for the same, to cause such new or other Drains, Engines, Mills and Works, to be from Time to Time made or erected within the said Lands and Grounds, as in their Judgment shall be proper and necessary for the Improvement of the said Drainage, and from Time to Time to pay and discharge the Expences of making and executing such new and other Drains, Engines, Mills, and Works, out of any Monies applicable to the general Purposes of the said recited Act and this Act.

Trustees to strengthen the Banks of Vernatt's Drain.

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, and they are hereby authorized and required, as soon as may be after the passing of this Act, to make or cause to be made so much of the Banks of the *Vernatt's Drain* as are situate between *Pode Hole* and *Shotbolt's Bridge*, of such sufficient Height and Strength as shall in the Judgment of the said Civil Engineer, and of the Person or Persons to be named as next herein-after mentioned, be necessary to prevent the Waters of the said Drains from forcing their way into or upon the Lands adjoining or lying contiguous thereto, so as to injure or damage the same, and for that Purpose to take Earth out of the Bed of the said Drain.

Directions of such Repairs to devolve upon Three Referees.

X. And to the End and Intent that the Banks of the said *Vernatt's Drain* may, throughout the whole Extent between *Pode Hole* and *Shotbolt's Bridge* above specified, be made of sufficient Height and Strength for the Purposes aforesaid, be it further enacted, That it shall be lawful for the major Part in Number of the Owners and Proprietors of Fifty Acres each of Land lying between the River *Glen* and the late *Westlode Drain*, or their known Agent or Agents, at a Meeting to be convened by Fourteen Days previous Notice in Writing, under the Hands of any Three of such Proprietors or their known Agent or Agents, to be affixed on the Church Doors of *Spalding* and *Pinchbeck*, on some *Sunday* before the Commencement of Divine Service, to nominate and appoint some fit and proper Person in their Judgment to superintend and approve the heightening, strengthening, and repairing of the said Banks, in conjunction with the Person to be appointed Engineer as aforesaid; and in case such Two Persons shall disagree, then it shall be lawful for them, and they are hereby authorized and required to submit the Matter in Difference to some Third Person, to be by them mutually and indifferently named, whose Judgment as to the Matter in Difference shall be conclusive; and when the said Banks on all the Parts thereof above-mentioned shall have been sufficiently heightened, strengthened, and repaired for the Space and in manner aforesaid, the same shall for ever thereafter be preserved, maintained and kept of such and the same improved Height and Strength aforesaid, by the Persons and Parties who are now by Law, Custom, Usage or otherwise liable to the Preservation, Maintenance, and Repairs thereof respectively; any thing in this present Act contained to the contrary thereof notwithstanding.

Referees to repair Banks in Default by Trustees.

XI. Provided always, and be it further enacted, That in case the said Trustees for the Time being shall at any Time after the Space of Three Months Notice in Writing to be given to them or their Clerk or Superintendent by any of the Owners or Proprietors of the Lands and Grounds adjoining to the said Banks of the said *Vernatt's Drain*, or their known Agent or Agents, neglect or omit to make the Banks thereof, for the Space aforesaid, of the Height and Strength necessary for the Protection and due Preservation of the said Lands, then and in such Case it shall and may be lawful to and for such Two Persons, to be named as aforesaid, and they are hereby authorized and required at any Time thereafter, to make or cause to be made so much of the said Banks for the Space aforesaid, of such sufficient Height and Strength as shall be deemed by them fully adequate to protect from Injury the same Lands; and the Expences so to be incurred by them or him in the heightening and strengthening

of such Banks shall be paid and payable by the said Trustees for the Time being on Demand, and shall be recovered and recoverable from them in Default of Payment by an Action at Law, in which Action the Plaintiffs shall be entitled to Double Costs.

Power for Trustees to purchase Lands.

XII. And whereas it is necessary and expedient that the same Powers and Authorities which are given by the said recited Act to the General Commissioners thereof, for enabling them to purchase Lands for the Purposes of the said Drainage, should be extended to and vested in the Trustees for the Time being of the said recited Act and this Act; be it therefore further enacted, That all Powers and Authorities vested in or given to the General Commissioners of the said recited Act, for enabling them to purchase Lands or Hereditaments for the Purposes of the said Drainage, and all Clauses and Provisions relating thereto, shall extend and be deemed, taken, and construed to all Intents and Purposes whatsoever, to extend to the said Trustees for the Time being, as if such Powers and Authorities had been originally granted to or vested in such Trustees, by the express Provisions of or Reference made to them in the said recited Act.

Directing how Monies to be paid in case of failure of Title, &c.

XIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, and Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, to 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 to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank of *England* as aforesaid.

Where any Question shall arise as to the Title to Money, the Person

XIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance

who shall be in Possession of the Lands, &c. to be deemed entitled thereto.

pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XV. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees to lay a Tax of 15*s.* per Acre, payable by annual Instalments.

XVI. And be it further enacted, That it shall be lawful for the said Trustees for the Time being to assess and tax all and every the Lands and Grounds, except as herein-after mentioned, now subject to and charged or chargeable with the said annual Rate or Assessment authorized by the said recited Act, with a Tax not exceeding the Sum of Fifteen Shillings an Acre, to be raised and paid to the said Trustees for the Time being, or their Receiver, Collector or Collectors, by Three equal annual Instalments, the First of such Instalments to be paid on the Eleventh Day of *October* next after the passing of this Act, and the Two subsequent Instalments to be paid on the same Day in each of the Two following Years.

Tenants on Lease to pay additional Rent.

XVII. And be it further enacted, That in all Cases where any of the Lands or Grounds which shall be assessed, taxed, or charged with the said limited Tax, are held on Lease or Agreement for any Term longer than Three Years, the annual Rent reserved by such Lease or Agreement shall be increased after the Rate of Five Pounds *per Centum* on the gross Amount of such limited Tax charged and chargeable on the same Lands or Grounds, and become payable from and after such Day or Days as the said Trustees shall in that Behalf declare and appoint.

XVIII. And

Power to Proprietors to charge the new limited Tax on their Estates.

XVIII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies for the Owners or Proprietors of any Part or Parts of the Lands and Grounds so charged and chargeable with the said limited Tax as aforesaid, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for every of them for the Time being, and to and for the said Owners or Proprietors being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, or being seised or entitled in Fee Simple, and to and for every of them respectively for the Time being, by Indenture or Indentures under their respective Hands and Seals, from Time to Time to charge the said Lands or Grounds belonging to such Owners or Proprietors respectively with any Sum or Sums of Money which shall or may be advanced or applied by him, her, or them respectively, in or towards Payment of the said limited Tax; and for securing the Repayment of such Sum or Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands and Grounds of any such Owner or Proprietor respectively, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee or for any Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or under an express Trust to be surrendered, in case and when the Sum or Sums of Money thereby to be secured, with lawful Interest for the same, shall be fully paid and satisfied, at a Time or Times to be appointed in that Behalf, and also with a Covenant to pay and keep down the Interest thereof, and so as every such Grant, Mortgage, Lease, or Demise, not being made by Tenant or Tenants in Fee Simple, do also contain a Proviso, that the Person or Persons entitled in Remainder or Reversion to the Lands or Grounds therein comprized shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest, than for Six Months preceding the Time that his, her, or their Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid, shall be good, valid, and effectual in the Law for the Purposes hereby intended.

Proprietors of other Lands may have Benefit of Drainage on Petition.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required, on the Petition in Writing signed by the Proprietors of Three Parts in Five in Quantity of certain Lands lying between the River *Glen* and the late *Westlode Drain*, and also of certain Lands lying between the Counter Drain and the said River *Glen*, and certain Lands now draining exclusively by a certain Drain called the *Gravel Drain* and the said Counter Drain, to take, comprize, and include such Lands, or any Part or Parts thereof respectively, within the Drainage intended to be provided by this Act, upon the Payment of such Sum or Sums of Money, either in gross or annually, or both, and upon conformity with and to such Regulations, Gauges, and Restrictions as the said Trustees and the said Parties petitioning shall agree upon as just and reasonable, so as such Petition be presented to the said Trustees or their Clerk, within Four Calendar Months from the Time of passing this Act, and on such Agreement being so made, such Proprietors shall have the Benefit of the said Works so directed to be made as aforesaid, in common with the other Proprietors of Lands within the said

Drainage, and subject to such Regulations, Gauges, and Restrictions aforesaid; and such Sum or Sums of Money as shall be so adjudged and agreed to be paid shall be received, and in Default of Payment thereof, recovered in the same Manner and by the like Ways and Means as the limited Tax hereby imposed, or the said annual Rate, Tax, or Assessment imposed or authorized by the said recited Act, are respectively directed to be received and recovered; and the Tenants of the Lands and Grounds so taken into the said Drainage on Petition as aforesaid, shall be liable to the same Increase of Rent in case of Leases or Agreements for more than Three Years as herein-before mentioned; and such Proprietors so petitioning and agreeing as aforesaid, shall have the like Power of raising and borrowing Money to defray such Sum or Sums as may be agreed to be paid (except such annual Tax) and by the same Ways and Means, and subject to the like Powers, Conditions, and Restrictions as are herein-before mentioned; and such Lands and Grounds as may be admitted to the Benefit of Drainage by this Act on Petition as aforesaid, and the Owners thereof, and all Works of Drainage already erected or to be erected thereon, shall from and after such Admission be and continue for ever afterwards subject to the Order, Controul, and Jurisdiction of the said Trustees and their Successors, and shall for ever afterwards be totally exempted from the Authority of the Court of Sewers, as fully as the Lands within the said recited Act; and the same are hereby made subject to the Order, Controul, and Jurisdiction of the said Trustees, and exempted from the Authority of the Court of Sewers as aforesaid.

Certain Lands to be exempted from limited Taxes.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to render liable to the said limited Taxes hereby authorized to be imposed the several Lands and Grounds lying between the Counter Drain and the River *Glen*, and the Lands and Grounds draining exclusively by the said Drain called the *Gravel Drain*, into the said Counter Drain.

Trustees to pay the Expences of this Act, and the Works of Drainage.

XXI. And be it further enacted, That the Trustees for the Time being shall pay and apply the limited Taxes to be assessed by them under the Power herein-before in that Behalf contained, in the first Place, in paying, satisfying, and discharging all and every the Expences incurred in applying for, preparing, and passing this Act, and then of making, erecting, and building the said Engine or Engines, and other Works connected therewith, or which may become necessary in consequence thereof, and in deepening and otherwise improving the several Drains called the *North Drove Drain*, the *South Drove Drain*, and *Cross Drain*, and in heightening and strengthening the Banks of the said *Vernatt's Drain*, as herein-before directed; and the Expence attending the Reference and Superintendence hereby required, and the Salary to the said Civil Engineer, and other Expences incident to the Execution of this Act, and shall lay out the Surplus thereof (if any) in further repairing the said Works of Drainage, or for any other of the general Purposes of the said recited Act or of this Act.

Power to raise further Monies by a Tax of 5*s.* per Acre.

XXII. And be it further enacted, That in case the limited Tax of Fifteen Shillings *per* Acre, herein-before directed to be raised, shall prove insufficient for the Purposes to which the same is to be applied, as herein-before is mentioned, it shall be lawful for the said Trustees for the Time being, and they are hereby required to call a Special Meeting of the Owners

Owners and Proprietors of Lands charged and chargeable with the said limited Tax under this Act, by advertising the same in *The Lincoln, Rutland, and Stamford Mercury*, and *Stamford News* Newspapers, or some other Newspapers usually circulated in the said County of *Lincoln*, once a Week for at least Three successive Weeks immediately previous to the Day appointed for such Meeting, in order to take into Consideration the Propriety and Expediency of raising a further Sum of Money for the Purposes aforesaid; and if at such Meeting it shall be agreed by the Owners and Proprietors of Three Parts in Five of the Number of Acres then present in Person, or belonging to such as shall be represented by their known Agents, or by their Proxy or Deputies, appointed in Writing under their Hands, to invest the said Trustees with the Power to charge the said Lands and Grounds with a further Tax, it shall be lawful for the said Trustees for the Time being, and they are hereby required, to assess and tax the Lands and Grounds herein-before made liable to be charged with the said limited Tax of Fifteen Shillings an Acre, with such further Tax, not exceeding the Sum of Five Shillings an Acre, as shall or may be agreed upon at such Special Meeting to be called as aforesaid, the same to be raised by such annual Instalments, and payable to the said Trustees for the Time being, their Receiver, Collector or Collectors, at such Times as the said Trustees shall appoint and direct for that Purpose; and that the Trustees for the Time being shall apply the Money so to be assessed and taxed as last aforesaid, for the same Purposes and in the same Manner as is herein-before expressed with respect to the said limited Tax of Fifteen Shillings an Acre.

Notice of such additional Tax.

XXIII. And be it further enacted, That the said Trustees shall and they are hereby required to give or cause to be given Notice in Writing of their having assessed the said Lands and Grounds with the said additional Tax, by advertising the same in the said Newspapers, or some other Newspapers usually circulating in the County of *Lincoln*, once a Week for Three successive Weeks previous to the Time appointed for Payment of the First Instalment thereof.

Power for Trustees to borrow Money on Credit of the Taxes and Rates.

XXIV. And whereas the said Trustees may find it expedient to anticipate the Payments of the said limited Tax herein-before directed and authorized to be raised for the Purpose of more expeditiously making the several Works of Drainage 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, to borrow and take up at Interest, upon the Credit of the said limited Tax or Assessment, such Sum or Sums of Money as they shall in their Judgment deem necessary and requisite for the Purposes aforesaid; which Money so borrowed shall be repaid to the Person or Persons lending the same, with such Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, as may be agreed upon, out of the Monies that shall afterwards be received by the said Trustees for the Time being, under the Authority of this Act, in respect of the Tax or Assessment so to be pledged as aforesaid.

Annual Rate to be made on the Lands.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, to rate, tax, and assess the annual Rate, Tax, or Assessment authorized by the said recited Act and this

this Act, on the Lands chargeable therewith, instead of the Occupiers of such Lands, and to require Payment of the same from the Occupier or Occupiers of the Lands and Grounds charged and chargeable with the same annual Rate, Tax, or Assessment altogether, and at a stated Period in the Year, instead of Half-yearly as directed by the said Act; and to apply the same annual Rate, Tax, or Assessment, as well for the Purposes to which it is made applicable by the said recited Act, as also for defraying the Expences incident to the supporting, using, and managing of the said Engine or Engines directed to be erected by this Act, and in supporting and keeping the said *North* and *South Drove Drains* and the said *Cross Drain*, of such increased Dimensions as the same shall be made by virtue of this Act.

The annual Rate on Lands exempted from the limited Tax ascertained.

XXVI. And whereas it is necessary and expedient that the Amount of the annual Rate, Tax, or Assessment authorized by the said recited Act to be made by the said Trustees, should, so far as the same affects the Lands and Grounds lying between the said Counter Drain and the River *Glen*, and the Lands and Grounds draining exclusively by the said Drain called the *Gravel Drain* into the said Counter Drain, be fixed and determined, inasmuch as such Lands will not be benefited by the using and supporting of the said Engine or Engines herein-before directed to be made; be it therefore enacted, That the said Lands and Grounds lying between the said Counter Drain and the River *Glen*, and the said Lands and Grounds draining exclusively by the said Drain called the *Gravel Drain*, shall be annually charged and chargeable only by the said Trustees for the Time being with the Rate or Sum of Sixpence an Acre for and in respect of the said annual Rate, Tax, or Assessment, authorized by the said recited Act, and so in proportion for any lesser Quantity than an Acre.

Powers of Distress and Sale for Taxes and Rates.

XXVII. And be it further enacted, That if any Instalment of any Tax or Assessment charged or to be charged by virtue of this Act, or the said annual Taxes or Rates or any of them, shall not be paid and discharged at the Time appointed for Payment thereof respectively, 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 or Grounds so charged as aforesaid, of any Person or Persons refusing or neglecting to pay his, her, or their Share or Proportion of such Taxes, Rates, or Assessments respectively, or into and upon any Part or Parts of such Lands or Grounds, in the Name of the Whole, and to levy the Amount of the Share or Proportion of such Person or Persons so neglecting or refusing, by Distress and Sale of the Goods and Chattels which shall be found thereon, together with all Costs occasioned by such Non-payment, and attending such Entry, Distress, and Sale, and otherwise to act therein, according to the Laws now in being for distraining in Cases of Non-payment of Rent reserved on common Demises.

How Defendants in Replevin may avow or make Cognizance.

XXVIII. And be it further enacted, That in case and when and so often as any Distress which shall be made by the said 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 Act and this Act, or One of them, or in respect of Rent payable under and by virtue of the said recited Act and this Act, or one of them.

Power to let Lands for Payment of Taxes and Rates.

XXIX. Provided always, and be it further enacted, That if at any Time or Times no sufficient Distress can be found on any of the Lands and Grounds charged or to be charged as aforesaid, by reason of their being untenanted or unoccupied, or otherwise for levying any Tax, Rate, or Assessment so charged or to be charged as aforesaid, or any Share or Proportion thereof, then and in every such Case the Lands and Grounds charged with such Tax, Rate, or Assessment shall be and remain a Security for Payment thereof; and the said Trustees for the Time being are hereby authorized and empowered to enter into and upon, and let the said Lands and Premises from Year to Year at the best Rent that can be got for the same, and to take the Rents and Profits thereof until the said Tax, Rate, or Assessment, and all Arrears thereof, and all Expences occasioned by the Nonpayment thereof, shall be fully satisfied and paid, and the Residue (if any) shall be paid into the Hands of the Treasurer of the said Trustees, and shall be by him paid to the Owner or Owners of such Lands, or his, her, or their Agent or Agents, when demanded.

Taxes and Rates recoverable by Action of Debt.

XXX. And be it further enacted, That if any Tax, Rate, or Assessment so charged or to be charged as aforesaid, or any Share or Proportion thereof, shall not be paid within Thirty Days after the Time when the same respectively shall be payable, then and in every such Case and whenever it shall so happen, the same shall be recoverable with Costs of Suit, by the said Trustees for the Time being, by Action of Debt in any of His Majesty's Courts of Record at *Westminster* against the Owner or Owners, or Occupier or Occupiers of the Lands or Grounds charged with the same Tax, Rate, or Assessment, in which Action it shall be sufficient for the Plaintiffs to declare that the Defendant or Defendants at the Time of the Commencement thereof was or were indebted to such Plaintiffs in a Sum of Money to be specified in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments (as the Case may be) assessed or charged, or payable under the said recited Act or this Act, or some or one of them, and in which Action no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

At the annual Meeting of Trustees, Proprietors to settle Accounts of Trustees.

XXXI. And be it further enacted, That the annual Meeting of the Trustees appointed to be held on the Day next after the last *Thursday* in *April* by the said recited Act, shall from and after the passing of this Act be held on the Second *Wednesday* in *April*, and at such annual Meeting the said Trustees for the Time being shall produce to the Owners and Proprietors of One hundred Acres each of the said Lands and Grounds charged with the said annual Tax, and to their Deputies or Agents present at such Meeting, an Account in Writing for the Year preceding of the several Sums received and paid by them under or by virtue of any of the Provisions or Directions in the said recited Act or this Act contained, and the Vouchers for the same Account; and that it

shall be lawful for the said Owners and Proprietors then present, or their Deputies or Agents, and they are hereby required to examine, settle, and allow the same Account, the Balance whereof shall be ascertained by the Chairman of every such annual Meeting.

Notice of annual Meetings to be published.

XXXII. And be it further enacted, That the said Trustees for the Time being shall give Notice of every annual Meeting of the Trustees to be held in pursuance of this Act in the said Newspapers, or if those Newspapers shall not then be published, then in some other Newspapers circulating in the County of *Lincoln*, once a Week for Three successive Weeks immediately previous to the Day of Meeting, in which Advertisement it shall be expressly stated that the Accounts of the said Trustees for the Year preceding will be then audited and settled.

Entries of Proceedings and Accounts to be kept open for Inspection, and to be Evidence.

XXXIII. And be it further enacted, That from and after the passing of this Act, fair and regular Entries shall be made in a Book or Books to be kept for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Trustees for the Time being under the said recited Act or this Act, relative to the Execution of the said recited Act and this Act, and of the Names of the Persons who shall be present at the respective Meetings; and that fair and regular Entries shall also be made in a Book or Books to be kept for that Purpose, of all Sums of Money received, paid, laid out, and expended in or about the Execution of the said recited Act and this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and the Entries which shall from Time to Time be made in such Book or Books as aforesaid, shall be signed by the Chairman present at such Meeting of the said Trustees, and that all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts and on all Occasions whatsoever; and all and every such Book and Books as aforesaid shall at all seasonable Times be open to the Inspection of the said Trustees, and to the said Owners and Proprietors for the Time being of the said Lands and Grounds or their Agents, and every or any of them, upon Payment for every such Inspection of the Sum of One Shilling; and the said Trustees, and the said Owners and Proprietors and their Agents, and every or any of them, shall and may take Copies of or Extracts from such Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit or shall not permit the said Trustees or the said Owners or Proprietors, or their Agents or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, the Person or Persons so refusing or neglecting shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds.

Any Seven of the Trustees may act.

XXXIV. And be it further enacted, That all Acts, Matters, and Things hereby or by the said recited Act directed and authorized to be done by the said Trustees for the Time being, may be done and executed by the Majority of the Trustees present at any Meeting to be held under the Authority of the said recited Act and this Act, the whole Number present not being less than Seven, and that the same shall be as valid and effectual as if done and executed by all the said Trustees for the Time being.

XXXV. And

Trustees not to act but at a Meeting held in pursuance of this Act.

XXXV. And be it further enacted, That no Trustee or Trustees under the said recited Act or this Act, shall act or be empowered to do any Act in the Execution of the Powers hereby given to them, except at the respective Meetings to be held in pursuance of the said recited Act and this Act, and attended by such Number as aforesaid.

Chairman to be appointed.

XXXVI. And be it further enacted, That a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of the said recited Act and this Act, who in case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote.

Meetings may be held on Emergencies.

XXXVII. And be it further enacted, That if at any Time it shall be thought necessary for the better Execution of the said recited Act and this Act, that the said Trustees should meet before the Time to which any Meeting may be adjourned, it shall and may be lawful for any Five or more of the said Trustees (or for the Clerk to the said Trustees) by an Order in Writing signed by any Five or more of them, to give Notice of such earlier Meeting by Advertisement in some Newspaper circulated in the said County of *Lincoln*, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time not being less than Three Days after Publication of the said Notice), and all the Orders and Determinations of the said Trustees at all such Meetings shall be as valid as if the same had been done at any other Meeting of Trustees held by virtue of the said recited Act or this Act: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting: Provided also, that the said Trustees shall at all their Meetings defray their own Expences.

Trustees to pay their own Expences.

No Orders to be altered unless by Trustees.

XXXVIII. And be it further enacted, That no Order which shall be made by a Majority of the said Trustees for the Time being at any of their Meetings, shall be altered, reversed, annulled, or made void at any subsequent Meeting, unless Seven or more of the said Trustees be present at such Meeting, and a Majority of the Trustees then present be consenting thereto, and unless Twenty-one Days Notice in Writing be given to each of the said Trustees, in which said Notice shall be expressed what Order or Orders are intended to be reversed or altered.

Trustees may make Bye-laws.

XXXIX. And be it further enacted, That a Majority of the said Trustees assembled at their annual Meeting to be held in pursuance of the said recited Act, Notice being first given of the Intention and special Object of such Meeting, by Advertisement in the Newspapers aforesaid, or some other Newspapers usually circulated in the said County of *Lincoln*, Fourteen Days before such Meeting, shall from Time to Time have full Power and Authority by virtue of this Act to make Bye-laws, Orders, and Constitutions, for the Purpose of preserving, using, or well-governing the said joint and general Works of Drainage executed under the said recited Act or to be executed under this Act, and to impose and inflict such reasonable Fines and Forfeitures for the Breach of such Bye-laws, Orders, or Constitutions, as the said Trustees or a Majority of them shall think fit, so as no such Fines or Forfeitures shall exceed the Sum of Twenty Pounds on any One Person for any One Offence, which said Bye-laws, Orders, and Constitutions, being reduced into Writing under the Hands of a Majority of

of the said Trustees, and Copies thereof in legible Characters shall be painted on Boards and affixed in some conspicuous Place and Places at *Pode Hole* aforesaid, and renewed from Time to Time whenever the same shall be defaced, obliterated, or altered, shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred, so that such Bye-laws, Orders, and Constitutions be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any Provision contained in the said recited Act or this Act, and subject to Appeal in Manner herein-after mentioned.

Power to remove Obstructions.

XL. And be it further enacted, That it shall be lawful for the said Trustees for the Time being, and they are hereby authorized from Time to Time to remove or cause to be removed all Impediments, Annoyances, and Obstructions whatsoever from Time to Time in the Main Drains and other Works vested in them by the said recited Act or this Act; and the said Trustees, their Agents, Officers, or Workmen, shall and may, and they are hereby authorized and empowered from Time to Time to remove and destroy, or cause to be removed and destroyed, any Nets, Fishing Wears, or Fish Garths, put down in the said Drains and other Works; and in case the Person or Persons who shall occasion any such Impediment, Annoyance, or Obstruction, shall refuse or neglect to remove the same in such Manner as the said Trustees or their Agents, Officers, or Workmen shall require, by the Space of Seven Days after Notice in Writing given for that Purpose, or shall again put down any Nets, Fishing Wears, or Fish Garths, every such Person so neglecting or offending, on Conviction before Two or more Justices of the Peace for the Division of *Kesteven* or *Holland*, in the said County of *Lincoln*, by the Oath or Oaths of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices; and for want of sufficient Distress such Offender or Offenders shall, by Warrant under the Hands and Seals of such Justices, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, nor less than Seven Days, or until such Penalty shall be paid.

Penalty on driving Carriages on the Banks, or damaging Works.

XLI. And be it further enacted, That if any Person not authorized so to do shall drive any Wain, Waggon, Cart, or other Carriage on, over, or across any of the Banks, Cess, or Forelands and Backlands, to be maintained by virtue of the said recited Act or this Act, unless with the Consent of the said Trustees, or shall break down, damage, or destroy any Gate, Post, Rail, or Fence maintained as aforesaid, or shall pull down, deface, obliterate, or destroy any Board containing any Bye-law, Order, or Constitution, to be made under the Authority of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Twenty Shillings.

Banks may be used as Bridle and

XLII. And be it further enacted, That when and so soon as the several Works herein-before directed to be made for improving the Drainage of

the said Lands and Grounds shall have been completed, it shall and may be lawful to and for the said Trustees for the Time being, and they are hereby authorized and empowered, from Time to Time to license the using of the Banks and Back Lands of the said *North Drove Drain* and of the said *South Drove Drain*, or either of them, as private Bridle and Drift Ways to the several Farms and Lands adjoining the Banks of the said Drains respectively, subject nevertheless to such Conditions, Restrictions, and Power of Revocation as to them the said Trustees shall seem proper and expedient. Drift Ways to the Farms.

XLIII. And whereas it is expedient to make further Regulations for the Preservation of the said Works of Drainage, be it therefore further enacted, That 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 the Banks of the said Drains or the said River *Welland* vested in the said Trustees, to the nearest Common Pound or Fold to where such Horse or Horses, Swine or Cattle (except Sheep), shall be found, and the Pinder or Fold Keeper of the said Parish is hereby directed to impound and hold the same in his Custody, and to feed them while they so remain in his Custody, and the same shall not be repleviable, 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 Horses or other Cattle so impounded any Sum not exceeding Twenty Shillings, nor less than One Shilling, subject to the Approbation of any Two or more Justices of the Peace of the County, Division, or Place where the Offence shall have been committed, 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 distraining such Horse or Horses, Swine or Cattle, it shall be lawful for any Two or more Justices of the Peace of the County, Division, or Place, where the Offence shall have been committed, to sell or cause to be sold the Distress so impounded, by Auction, at the Market Town nearest to such Common Pound, on some Market Day between the Hours of Twelve at Noon and Three 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 incurred; and in case there shall be any Surplus, the same shall be paid to and remain in the Hands of the Superintendent, to be by him returned and paid to the Owner or Owners of the Horse or Horses, Swine or Cattle so impounded, on Demand. Banks not to be stocked otherwise than with Sheep.

XLIV. And be it further enacted, That the said Trustees for the Time being shall or may sue and be sued in any Action or Actions, Suit or Suits, to be commenced or prosecuted in respect of any Matter or Thing arising out of the said recited Act or this Act, in the Name of their Clerk; and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Trustees, or by reason of the Death or Removal of their Clerk, or by the Act of such Clerk, without the Consent of the said Trustees; but the Proceedings in any such Action or Suit shall Trustees to sue and be sued in the Name of their Clerk. Suits not to abate by Changes.

shall be carried on to execution, if necessary, in the Name of their Clerk, by or against whom such Action or Suit shall have been commenced.

Prohibiting the same Person from acting as Clerk and Treasurer.

XLV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Trustees may pay the Expences of Prosecutions.

XLVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act, under the Authority or by the Direction of the said Trustees or any of them, then and in every such Case the said Trustees shall, out of the Monies arising by virtue of the said recited Act or this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of Pocket for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of the said recited Act or this Act, under the Authority and by the Direction of the said Trustees.

The Appointments and other Matters of Form to stand admitted in Evidence, unless Notice given to produce them.

XLVII. And be it further enacted, That in any Action or Suit hereinafter to be brought by or against the said Trustees, or their Clerk for the Time being, or any of the Persons acting in the Execution of the said recited Act or this Act, for any Cause, Matter, or Thing arising out of the same Acts or either of them, the Appointments of Trustees, Clerk, Treasurers, Collectors, or other Officers, or Persons appointed or to be appointed by the said Trustees for the Time being, under the Authority of the said recited Act or this Act, the Books of Entries of the Proceedings of the said Trustees for the Time being, the Rates or Assessments made or to be made by the said Trustees for the Time being, and the Notices of any such Rate or Rates to be hereafter made, shall, upon the Trial of

any such Action or Suit, stand admitted in Evidence, unless the other Party or Parties shall, if Defendant or Defendants at or before the Time of pleading, or if Plaintiff or Plaintiffs before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Plaintiffs, Defendant or Defendants, that he, she, or they intend to dispute such Appointment or Appointments, or any Entry or Entries, Proceeding or Proceedings, Rate or Assessment, Rates or Assessments, Notice or Notices, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid; and where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall at the Trial prove the Matter or Matters required to be proved in and by such Notice, or any of them; or if the other Party or Parties shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial; and the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid; and such Costs shall, in case such Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be), to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict, be added to his or her Costs; and if the other Party or Parties shall obtain a Verdict, then such Costs shall be deducted from the Costs which the Party or Parties giving such Notice as aforesaid would otherwise be entitled to receive from the Person or Persons to whose Attorney such Notice shall have been given as aforesaid; and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person or Persons to whose Attorney such Notice shall have been given as aforesaid, shall be entitled to recover the Difference of the said Costs, in like manner as if Costs had been awarded to such last-mentioned Person or Persons.

Sufficient in Proceedings to state the Property to belong to the Trustees.

XLVIII. And be it further enacted, That in all Pleadings and Proceedings whatsoever, wherein it shall be necessary to state that any Articles, Materials, or Things is or are the Property of the said Trustees for the Time being acting under the said recited Act or this Act, it shall be sufficient to state that all and every such Articles, Materials, and Things is or are the Property of "the Trustees of the *Deeping Fen* General Works of Drainage," without particularly stating or specifying all and every the Names and Name of the said Trustees for the Time being.

Recovery of Penalties and Forfeitures.

XLIX. And be it further enacted, That all Penalties, Forfeitures and Fines, by this Act or by any Bye-law, Rule, or Order to be made by virtue of this Act as aforesaid, inflicted, or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Two or more Justices of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justices are in every Case hereby fully authorized to administer), be levied, together with the Costs attending

ing the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his or their Appearance before such Justices, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied, and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

If Penalties, &c. cannot be levied, the Offenders to be committed for any Time not exceeding Six Months.

Persons interested not on that account incompetent Witnesses.

L. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of the said recited Act or this Act, no Owner or Occupier, or other Person interested in the Lands and Grounds lying within the Purview of the same Acts, shall by reason of his or her Ownership, Occupancy, or Interest be deemed an incompetent Witness.

Power to give Informers Part of Penalties.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees for the Time being, whenever they shall see Cause, to direct any Part of such Penalty or Forfeiture, which they shall think reasonable, to be paid to or for the Use of any Informer or Informers, or any Person or Persons aiding or assisting in the Apprehension or in the Prosecution to Conviction of any Offender or Offenders.

Convictions.

LII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against the Provisions of the said recited Act or this Act, or against any Order of Sessions, or any other Matter or Thing done in the Execution of the said recited Act or this Act, the Form of Conviction may be in the Words or to the Effect following; (that is to say),

BE

'BE it remembered, That on this Day of
'in the Year of our Lord is convicted
'before Majesty's Justices of the Peace for
'the of having [*as the Offence shall be*], and we
'the said do adjudge him [her *or* them] to
'forfeit and pay for the same the Sum of . Given under
'our Hands and Seals the Day and Year aforesaid.' Form of Conviction.

LIII. And be it further enacted, That no Order or other Proceedings whatsoever relative to the Conviction of any Offender or Offenders against the Provisions of the said recited Act or this Act, or any other Matter or Thing done in the Execution of the said recited Act or this Act, shall be quashed or vacated for Want of Form only. Proceedings not to be quashed for Want of Form.

LIV. And be it further enacted, That when any Distress shall be made in pursuance of the said recited Act or this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall or may recover full Satisfaction for the Special Damage in an Action of Trespass on the Case. Distress not unlawful for Want of Form.

LV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, Body Corporate or Politic, for any thing done in execution or pursuance of the said recited Act or this Act (other than in an Action of Replevin), unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, and specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action as aforesaid, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; but on Proof of such Tender at any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made before Action brought, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover after Tender of Damages.

LVI. And be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any thing done by virtue or in pursuance of this Act (except in such Cases where the final Determination is Persons aggrieved may appeal to the Quarter Sessions.

is directed by this Act), and for which no particular Method of Relief hath been hereby appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the Parts of *Kesteven* or *Holland*, within Six Calendar Months after such Cause of Complaint shall have arisen, the Person appealing first giving or causing to be given Thirty Days Notice in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Respondent or Respondents, or to the Clerk to the said Trustees, in case such Appeal should be against any Act or Determination of the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Parts of *Kesteven* or *Holland*, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at the said Quarter Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and the Determination of the said Justices in their said Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Limitation of Actions.

LVII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, or Body Politic or Corporate, for any thing done in execution or pursuance of the said recited Act or this Act, after the Expiration of Six Calendar Months next after the Fact committed; and every such Action or Suit shall be tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, or may avow or make Cognizance as hereinbefore is provided, according to the Nature of the Case, and may give this Act and the Special Matter in Evidence at any Trial to be had in any such Action or Suit; and if the same shall appear to have been done in pursuance or under the Authority of the said recited Act or this Act, or that such Action or Suit shall have been brought before Twenty-one Days Notice (except in Replevin) shall have been given, or after a sufficient Satisfaction tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if the same shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Money advanced for obtaining this Act to be repaid with Interest.

LVIII. And be it further enacted, That the Money which shall be lent or advanced by any Person or Persons for the Purpose of defraying the Expences of applying for, obtaining, and passing this Act, shall be repaid with lawful Interest to the Person or Persons who shall have lent or advanced the same, his, her, or their Executors or Administrators, out of

the first Monies to be received by the said Trustees for the Time being, under the Authority of this Act.

Provisions of the recited Act to extend to this Act.

LIX. And be it further enacted, That the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third, and all and every the Powers, Authorities, Provisions, Regulations, Clauses, Articles, Matters, and Things therein contained, and now in force (save and except such Part and Parts thereof as is and are altered, varied, amended, or repealed), shall be and remain in full Force and Effect, and the same, as far as they are applicable, shall be good, valid, and effectual to all Intents and Purposes whatsoever, for carrying the said recited Act and this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Lands lying North of the Glen not to be taxed.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, taken, or construed to extend to charge or render liable to any Rate, Tax, or Assessment respectively, for the Purposes of the said recited Act or this Act, the Lands and Grounds in the Parishes of *Bourn*, and *Thurlby*, adjoining or lying contiguous to the North Bank of the River *Glen*.

Alterations in the Works of Drainage in the Districts may be made, as also new Works therein.

LXI. And whereas by the said recited Act it is enacted, that the Lands and Grounds to be divided under the Authority of the same Act, should be set out in such Number of Districts, for the better internal Drainage thereof, and that the interior Works of Drainage therein should be vested in such Number of Trustees respectively as the said Commissioners should by their Award declare to be necessary for preserving and maintaining the same: And whereas the said Lands and Grounds, divided under the Authority of the said recited Act, are by the Award of the said Commissioners set out in Six Districts, and Three Trustees for each District are also declared by the same Award to be necessary for maintaining and preserving the interior Works of Drainage in the said respective Districts: And whereas by the said recited Act, the several Powers and Authorities thereby given to the Trustees for general Works are extended to the Trustees for the Districts, and it is necessary to extend in like Manner the Powers herein-before given to the Trustees for general Works to the Trustees for Districts, and to enable the last-mentioned Trustees to make such Works for the better Drainage of the Districts as are herein-after mentioned; be it therefore further enacted, That it shall and may be lawful for the Trustees for such Districts, with the Consent and Approbation of the Owners or Proprietors of Three Parts in Five of the Number of Acres comprized in any such District, and they are hereby authorized and empowered from Time to Time, when need or occasion shall seem to them to require, to cause such Alterations to be made in the internal Works of Drainage within any of such Districts respectively, and also to cause such new or other Drains, Engines, Mills, and Works, to be from Time to Time made or executed within any of the said Districts respectively, and such Communications between the same or any of them, and the said Main Drains, and to remove the present Mill Dams now being across the said Main Drains, or to make such Sluice or Sluices in or through the same Mill Dams respectively, as in the Judgment of such Trustees for such Districts respectively as aforesaid may be deemed by them proper

and

and necessary for effecting the Drainage of any of such respective Districts, and for supplying the same in Times of Drought with fresh Water, and from Time to Time to pay and discharge the Expences of altering the said existing internal Works of Drainage, and of making and executing such new and other Drains, Engines, Mills, and Works, out of any Monies applicable to the general Purposes of such respective Districts by virtue of the said recited Act, and for such Purposes, and with such Consent of Proprietors as aforesaid, to increase the annual Acre Rate, Tax, or Assessment authorized by the said recited Act, for the Maintenance of the internal Works of Drainage comprized within any such Districts respectively, to any Sum not exceeding Five Shillings an Acre; any thing contained in the said recited Act to the contrary notwithstanding.

Further Power for the Recovery of District Acre Rates, and to remove Obstructions.

LXII. And be it further enacted, That the said Trustees for such Districts for the Time being shall have such and the like Powers and Authorities to levy, raise, and recover the District Acre Rate or Tax authorized to be raised and levied by the said recited Act; and also to sue and be sued in the Name of their respective Clerks, and to pay the Costs and Expences of Actions and Prosecutions brought or defended by them respectively, and to remove Obstructions and Annoyances within such respective Districts, as are herein-before given to the Trustees for the Time being of the said Act and this Act.

Officers of the River Glen may sue and be sued in the Name of their Clerk.

LXIII. And whereas by the said recited Act the Commissioners thereby appointed were authorized to provide for the Repair, Support, and Maintenance of the Banks of the River *Glen*, and the Officer and Officers or other Person or Persons for the Time being 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 Repair and Preservation thereof: And whereas the Powers and Remedies provided by the said recited Act are ineffectual for the Recovery of such Rates, and it is necessary to extend and give further Powers for the Recovery thereof, and for the Management of the Trust thereby created; be it therefore further enacted, That the Officer or Officers, or other Person or Persons for the Time being having the Direction of the Repairs of the Bank or Banks of the River *Glen*, under or by virtue of the said recited Act, shall have such and the like Powers and Authorities to levy, raise, and recover the Rate and Rates by the same Act authorized to be made, for the Repair and Preservation of the said respective Banks, and also to sue and be sued in the Name of their Clerk, and to pay the Costs and Expences of Actions and Prosecutions brought or defended by them respectively, as is herein-before given to the Trustees of general Works for the Time being, of the said recited Act and this Act.

Glen Rate to be paid out of District Rate.

LXIV. And be it further enacted, That the said Trustees for Districts for the Time being shall and they are hereby authorized and required to pay to the Officer or Officers, or other Person or Persons having the Direction of the Repairs of the Banks of the River *Glen*, such several Sum and Sums of Money as such several Districts shall be from Time to Time rated with, under the Authority of the said recited Act, for and towards the Repair and Preservation of the respective Banks of the River *Glen*, and for that Purpose to increase, when necessary, such Rate, Tax, or Assessment

ment on the Lands comprized within such Districts, to the Extent of the Payment required to be made in respect of such Lands, for the Repair and Preservation of the Banks of the said River as aforesaid.

Bank of the River Welland in James Deeping vested in Trustees.

LXV. And whereas the General Commissioners appointed by the said recited Act of the Forty-first Year of the Reign of His said late Majesty were thereby authorized and required to make or cause to be made so much of the Bank of the River *Welland* as adjoined to the Parish of *James Deeping* of such sufficient Heighth and Strength as they should think necessary to prevent the Water from breaking or overflowing the said Bank, and for that Purpose to take Earth out of the Bed of the said River *Welland*, and that the Costs, Charges, and Expences of executing the said Work, should be paid and borne in the way and manner therein directed, and the said Commissioners did in part execute the said Work, and in so doing possessed themselves of certain Frontage Lands called *Ives*, in the said Parish of *Deeping Saint James*, which were valued and estimated at the Sum of Six hundred Pounds, or thereabouts, and for which the Owners of such Lands have received no Compensation, and it is necessary that the said Works should be completed and Satisfaction made to the said Owners, and that such Bank should be vested as herein-after is mentioned; be it therefore enacted, That from and immediately after the passing of this Act, the said Bank shall be vested in the said Trustees for the Time being, and they are hereby authorized and required to make and complete the same, of such sufficient Heighth and Strength as they shall think necessary to prevent the Waters of the said River from breaking or overflowing the said Bank, and the said Trustees are hereby authorized to fence the same from the said Frontage Lands, if the same shall be deemed expedient; and that the Costs and Charges of executing the said Work, and of maintaining and keeping the same of such sufficient Heighth and Strength, shall be borne and paid by the several Persons and Parties, Bodies Politic and Corporate, now respectively liable to the Repairs of such Bank, in conjunction with the Owners of the said Lands and Grounds charged with the said limited Tax, in such Shares and Proportions as to the said Trustees for the Time being shall seem just and equitable, and as they shall by any Writing under their Hands order and appoint; and the said Trustees shall and they are hereby authorized and required to make Satisfaction to the Amount aforesaid for the said Frontage Land so taken by the said Commissioners as aforesaid, by and out of the Monies so to be raised as last aforesaid.

Provision for supplying ancient Tunnels in Thetford and Thurlby, with fresh Water from the Glen.

LXVI. And whereas by the said recited Act of the Forty-first Year of the Reign of His late Majesty, the General Commissioners thereby appointed were required to enlarge, deepen, and scour out the River *Glen* from *Kates Bridge* to the Reservoir, and the said Commissioners did enlarge, deepen, and scour out the said River, pursuant to the Directions in the same Act contained, and by so doing rendered useless and ineffectual Two certain ancient Tunnels, used for the Supply of fresh Water to certain Lands in the Parish of *Thurlby*, contiguous to the *Car Dike*, containing about Six hundred Acres, and to certain Lands called *Thetford*, in the Parish of *Baston*, the Property of *George Richards Denshire* Esquire: And whereas there are divers other ancient Tunnels now used for supplying the Parishes of *Thurlby*, *Pinchbeck*, and *Spalding*, and Lands in *Bourn North Fen*, and *Bourn South Fen*, and *Deeping Fen*, with fresh Water from the said River *Glen*; be it therefore enacted, That the Person so to be

be appointed Civil Engineer, as herein-before mentioned, shall and he is hereby authorized, empowered, and required, at the Costs and Charges of the Owners of the said Lands in the said Parish of *Thurlby*, and of the said *George Richards Denshire*, respectively to make and execute such Works as shall or may, in the Judgment of such Engineer, be deemed necessary and effectual for affording to the said Lands in *Thurlby* and *Thetford* respectively, such Supply of fresh Water from the said River, as the said Lands respectively were accustomed to have and receive previously to the deepening of the said River: Provided always, that the Tunnel, Aperture, or other Work to be made or laid out of the said River, or through the Banks thereof, or in the Bed or Side of the same, for supplying the said Lands in *Thurlby*, shall not exceed Ten Inches Square Waterway, and for supplying the said Lands called *Thetford*, shall not exceed Eight Inches Square Waterway: Provided also, that the said Civil Engineer, at the like Costs and Charges of the respective Parties aforesaid, shall and he is hereby authorized and required to adopt such Ways and Means as will prevent the Water which shall be supplied to the said Lands in *Thurlby* and *Thetford* aforesaid from being diverted or carried through such last-mentioned Lands or any Part thereof, into any other Lands, or to pass down any Dike or Drain to run to waste: Provided also, that no Dam, Staunch, Weir, or other Impediment in the Watercourse of the said River, from the *Fletland Mill* to the Outfall of the said River, shall be used, employed, or adopted for such Purposes aforesaid: Provided also, that in case it shall be found necessary to make any Work above the said Bridge called *Kates Bridge*, or the *King's Street Dike*, for supplying the said Lands in *Thurlby* and *Thetford*, or either of them, with fresh Water as aforesaid, that the same shall be made below the Surface of the adjoining Lands, and under the Bed of the several Dikes and Drains which it would or might otherwise necessarily intersect, so that thereby no Stoppage, Impediment, or other Obstacle to the Passage of the Flood and Drainage Waters of the Lands lying on the West Side of the *King's Street Dike* and of the said Bridge, be occasioned.

General Saving for Owners and Occupiers, to take Water out of the Glen as heretofore.

LXVII. Provided also, and be it further enacted by the Authority aforesaid, That this Act or any thing herein contained shall not prejudice or hinder the Proprietors or Occupiers of any Lands or Grounds near or adjoining to the said River *Glen* in *Thurlby*, *Thetford*, *Bourn South Fen*, *Bourn North Fen*, *Deeping Fen*, *Pinchbeck*, and *Spalding* aforesaid, from taking or running Water out of the said River *Glen* into such Lands or Grounds, in such Manner and by such Ways and Means as the said Proprietors and Occupiers, or either or any of them, have been used and accustomed to do, and as they severally might have done in case this Act or the said recited Act had not been passed.

General Saving.

LXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politic, Collegiate, and Corporate, his, her, and their Heirs, Successors, Administrators, and Assigns, all such Estate and Interest as they, every, or any of them had and enjoyed of, into, or out of, or in respect of the Lands and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, invalidate, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Adventurers and Proprietors of taxable and free Lands in *Deeping* old inclosed Fen, or of the Commissioners of Sewers for the County of *Lincoln*, or of the said Trustees for Districts for the Time being. Saving Clause to Commissioners of Sewers, Adventurers of Deeping Fen and other Districts.

LXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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