ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. lxx.

An Act for inclosing, draining, and embanking Lands within the Parishes of *Ruskington* and *Dorrington*, and the Township or Hamlet of *North Kyme* in the Parish of *South Kyme*, all in the County of *Lincoln*. [1st *June* 1832.]

WHEREAS there are within the several Parishes of *Ruskington* and *Dorrington*, and within the Township or Hamlet of *North Kyme* in the Parish of *South Kyme*, in the County of *Lincoln*, certain Open and Common Fens, distinguished by the several Names of the *Common Fen*, the *North Fen*, the *Pingle* and *Kyme Pits*, containing or reputed to contain altogether Four hundred and sixty-two Acres or thereabouts, and which said several Open and Common Fens are now occupied and enjoyed as stinted Common Pastures by several Persons respectively having and exercising or claiming to have and exercise Rights of Common and Turbary, or other Rights and Interests, in, over, and upon the same respectively: And whereas there are also within the said Parishes of *Ruskington* and *Dorrington* and Township or Hamlet of *North Kyme* certain inclosed Low Lands or Grounds, containing in the whole Eight hundred and nineteen Acres or thereabouts, bounded on the East by the Lordships of *Digby* and *Billinghay* and the *Sleaford* and *Tattershall* Turnpike Road respectively; on the West, by the High Lands of *Ruskington* and *Dorrington* aforesaid, and of *Anwick*, in the said County of *Lincoln*; on

on the North, by the said Lordships of *Digby* and *Billinghay*; and on the South, by the Lordship of *Anwick* aforesaid and *North Kyme Praie* Grounds respectively; and which inclosed Low Lands or Grounds, as well as the said Open and Common Fens, are subject to be overflowed with Water, and otherwise annoyed, for Want of proper Banks, Drains, and Outfalls: And whereas the Right Honourable *George* Earl of *Winchelsea* and *Nottingham*, the Right Honourable *Dudley* Earl of *Harrowby*, *Charles Tempest* Esquire, *Henry Machin* Esquire, *William Burcham*, *Robert Thacker*, *Joseph Tomlinson*, *John Ball*, *Rowland Williams*, and several other Persons, are or claim to be the Owners and Proprietors of, or to have Rights of Common and Turbary or other Rights and Interests, in, over, and upon the said inclosed Low Lands or Grounds and Open and Common Fens respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas it would be advantageous to the several Persons interested in the said Open and Common Fens if the same were divided and inclosed, and specific Parts or Shares thereof allotted unto and amongst them, according to their several and respective Rights and Interests therein, and if the same Open and Common Fens, and also the said inclosed Low Lands and Grounds, were properly drained and embanked; but as the Purposes aforesaid cannot be effected without the 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 *Thomas Greetham* of *Fiskerton* in the said County of *Lincoln*, Gentleman, shall be and he is hereby appointed the Commissioner for setting out, dividing, allotting, and inclosing the said Open and Common Fens within the said respective Parishes of *Ruskington* and *Dorrington* and Township or Hamlet of *North Kyme* aforesaid, and for embanking and draining as well the same Open and Common Fens as also the said inclosed Low Lands or Grounds in the respective Parishes and Township aforesaid, and for otherwise carrying this Act and the said recited Acts into execution (save and except such Parts of the said recited Acts as are hereby varied or altered).

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Appointment of Commissioner.

Appointment of new Commissioner.

II. And be it further enacted, That if the said *Thomas Greetham* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers, Authorities, and Trusts respectively reposed in him shall be fully executed and performed, it shall be lawful for the major Part in Value (such Value to be ascertained by the Poor's Rate Assessment) of the Proprietors and Persons interested in the said Inclosure and Drainage, or their respective Agents or Attornies,

present at a Meeting to be holden for that Purpose as herein-after mentioned, by Writing under their respective Hands or the Hands of such Agents and Attornies as aforesaid, to nominate and appoint one other fit and proper Person, not interested in the said Inclosure and Drainage, to be a Commissioner in the Place of the said *Thomas Greetham*; provided that Fourteen Days Notice of the Time, Place, and Purpose of such Meeting shall be given by Two or more such Persons as aforesaid, or by the Clerk appointed by the said Commissioner as herein-after is mentioned, (such Notice any Two or more of such Persons interested as aforesaid, or the said Clerk, are or is hereby authorized and required to give by Writing under their or his Hands or Hand,) in like Manner as herein-after is directed with respect to the Sittings or Meetings of the said Commissioner; and such Meetings shall be held within the Parish of *New Sleaford* in the said County of *Lincoln*, or within Five Miles thereof; and if any Commissioner who shall be appointed in the Place and Stead of the said *Thomas Greetham* shall die, neglect, refuse, decline, or become incapable to act, such future Vacancy shall in like Manner be filled up by the Nomination and Appointment of the major Part in Value of such Proprietors and Persons interested in the said Inclosure and Drainage as aforesaid, and so on from Time to Time as and when any future or other such Vacancy shall occur; and every such new Commissioner shall, from and immediately after his Appointment, when he shall have taken the Oath prescribed by the said firstly-recited Act, have such and the like Powers and Authorities for putting this and the said recited Acts into execution as if he had been named and appointed a Commissioner in this Act.

What shall be deemed Neglect of the Commission.

III. And be it further enacted, That in case any Commissioner shall neglect to act in the Execution of the Powers of this Act for the Space of Fourteen Days or more next after Notice in Writing requiring him so to act, by any Person or Persons entitled to any Allotment or interested in the Drainage under this Act, shall have been given to him, or left at his last or most usual Place of Abode, such Neglect shall be deemed an absolute Refusal on the Part of such Commissioner to act within the Meaning of this Act.

Commissioner may appoint a Clerk.

IV. And be it further enacted, That the said Commissioner shall have the Power and he is hereby authorized to appoint some fit and proper Person to be his Clerk, to assist him in the Execution of this Act and the said recited Acts, and such Clerk from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed him in such Office, as to the said Commissioner shall seem fit; and every such Clerk shall be paid and allowed, out of the Monies which shall be raised for putting this Act into execution, such Sum or Sums of Money as herein-after mentioned, for his Trouble and Expences in the Assistance to be given by him as aforesaid.

Allowance to Commissioner and Clerk.

V. And be it further enacted, That out of the Money which shall be raised as herein-after is mentioned for defraying the Expences of obtaining, passing, and executing this Act, there shall be paid to the said Commissioner and his Clerk respectively the Sum of Three Pounds

Pounds and Three Shillings, and no more, for each Day they shall respectively actually attend and be employed as Commissioner or Clerk in the Execution of this Act, or shall necessarily travel from Home to attend any Meeting held for the Purposes of this Act, or when returning Home after having attended such Meeting during the first Three Years next after the passing of this Act; and from and after the Expiration of the said Three Years, until the Powers, Provisions, and Purposes of this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings each, and no more, for each Day they shall respectively actually attend and be employed as Commissioner or Clerk as aforesaid, or in travelling to or returning Home from any such Meeting as aforesaid, in full Satisfaction for their Trouble and Expences in carrying this Act and the said recited Acts into execution; and that as well the said Commissioner and Clerk as also the Surveyor under this Act, and all the said Proprietors and others who shall attend any of the Meetings of the said Commissioner to be held by virtue and in execution of this Act, shall in all Cases defray their own Expences respectively.

Commissioner, Surveyor, &c. to pay their own Expences.

Appointment of Surveyor.

VI. And be it further enacted, That *Richard Thew Blyth* of the City of *Lincoln*, Land Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this and the said recited Acts; and in case of the Death, Refusal, Neglect, or Incapacity of the said *Richard Thew Blyth* to act as such Surveyor whilst the Powers of this and the said recited Acts are carrying into execution, then the said Commissioner shall and he is hereby authorized from Time to Time to appoint another Surveyor in his Stead; but no Commissioner acting in the Execution of the Powers hereby given shall be employed to act as Surveyor in the Execution of this or the said recited Acts during the Time he shall so act as Commissioner.

Surveyor's Allowance.

VII. And be it further enacted, That it shall be lawful for the said Commissioner to allow the said Surveyor herein-before appointed, or any other Surveyor to be appointed by him as herein-before is directed, for his Time and Trouble, any Sum not exceeding One Shilling and Sixpence *per* Acre, for surveying, measuring, mapping, and planning the said Common Fens and inclosed Low Lands, and any other Lands or Grounds which he shall so survey, measure, map, or plan for the Execution of this Act; or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he shall be actually and wholly employed in the Business of the said Division, Allotment, Inclosure, and Drainage; and which said Sums of One Shilling and Sixpence *per* Acre, or Two Pounds and Two Shillings *per* Day, shall be in full Satisfaction for the Time, Trouble, and all the travelling and other Expences of such Surveyor in and about the Execution of this Act and the said recited Acts.

Surveyor to take an Oath.

VIII. And be it further enacted, That the said Surveyor hereby appointed, and every other Surveyor hereafter to be appointed, as herein-before is mentioned, shall, at the First Meeting of the said Commissioner, or before he shall proceed to act as Surveyor, take and subscribe an Oath, or, being one of the People called *Quakers*, an Affirmation, in the following Form of Words; (that is to say,)

'I

'I do sincerely promise and swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I will act 'in the Execution of the Powers, Authorities, and Trusts reposed 'in me as Surveyor by virtue of an Act passed in the Second Year 'of the Reign of King *William* the Fourth, intituled [*here insert the 'Title of this Act*], truly, impartially, and honestly, according to the 'best of my Skill, Judgment, and Ability, without Favour or Affection, 'Prejudice or Malice, to any Person or Persons whomsoever. Form of Oath.

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation the said Commissioner is hereby authorized to administer to the said Surveyor; and the Oath or Affirmation so taken and subscribed by such Surveyor shall be annexed to and enrolled with the Award of the said Commissioner.

IX. And for regulating the Duration of all Meetings or Sittings to be holden for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings or Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting or Sitting to be holden for the Purposes of this Act of less Duration than Eight or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and his Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the several Days on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioner and his Clerk at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Inclosure and Drainage, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all and every such Person and Persons shall and may take Copies of or Extracts from such Book, without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or pay himself or his said Clerk, out of any Monies to be received by him or over which he may have any Controul by virtue of this Act, any Sum or Sums of Money on account of the Allowances herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Enrolment of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Death of the said Commissioner or of the said Clerk before the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administra- For regulating the Duration of Meetings of the Commissioner.

Administrators of such deceased Commissioner or such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to them or either of them.

Notice of Meetings.

X. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given of the Time and Place of his First and every other Meeting for the Execution of this Act, by affixing a Notice in Writing under his Hand upon the principal outer Door of the respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, on some *Sunday* Morning before Divine Service, and also by causing the same to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulated in the County of *Lincoln*, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and the said Commissioner may adjourn any such Meeting from Time to Time and from Place to Place as he shall see Occasion: Provided always, that every such Meeting of the said Commissioner shall be held within one of the said Parishes of *Ruskington* or *Dorrington*, or within the Township or Hamlet of *North Kyme*, or within Eight Miles from the Boundaries thereof respectively; and if the said Commissioner shall not attend at any such Meeting, then it shall be lawful for his Clerk to adjourn such Meeting, and appoint the same to be held at the same Place, or any other Place in either of the aforesaid Parishes of *Ruskington* or *Dorrington* or Hamlet of *North Kyme*, or within Eight Miles of one of the said Places, on any future Day not exceeding Twenty-one Days from the Day of Adjournment, and shall give Notice thereof to the Commissioner.

Place of Meeting.

Other Notices how to be given.

XI. Provided always, and be it further enacted, That all other Notices necessary or expedient to be given by the said Commissioner, in pursuance and execution of this Act and the said recited Acts, shall be given as aforesaid by Advertisement in the *Lincoln, Rutland, and Stamford Mercury*, or some other Newspaper circulated in the said County of *Lincoln*, or by affixing such Notices upon the principal outer Doors of the said respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme*.

Proceedings of Commissioner to be entered in a Book.

XII. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioner at any of the Meetings to be held in pursuance of this Act shall be entered in a Book or Books to be provided and kept for that Purpose, and shall be signed by the said Commissioner, and being so signed shall be deemed and taken as Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, or other Proceedings touching any Matter or Thing done in relation to or in pursuance of this Act.

Commissioner to determine Differences.

XIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, Inclosure, and Drainage, touching and concerning any of the Rights, Interests, Shares, and Proportions which the said Parties or any of them shall have or claim to have in or over the Lands or Grounds hereby directed

to be divided, allotted, inclosed, and drained, or touching any other Matter relating to such Division, Allotment, Inclosure, and Drainage, it shall be lawful for the said Commissioner and he is hereby directed and required, as well by the Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer) as upon other proper and sufficient Evidence and Inquiry, to examine into, hear, and determine the same; and such Determination shall be binding and conclusive upon all Parties concerned: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

Persons summoned by the Commissioner, and refusing to give Evidence, to be punished.

XIV. And be it further enacted, That if any Person, having been summoned according to the Directions of the said recited Acts to testify the Truth upon Oath touching any Matter in difference between any of the Parties interested in the Premises, or otherwise relating to the Execution of the Powers given by the said recited Acts and this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioner, to defray the Charges of his or her Attendance, shall not appear before the said Commissioner pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to be examined and give Evidence touching the Premises, the said Commissioner, upon Proof thereof made before him upon Oath (which Oath the said Commissioner is hereby empowered to administer), shall and he is hereby authorized, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear or to be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be considered as Part of the Monies which are hereby directed to be raised for defraying the Costs and Expences of obtaining this Act, and carrying the said recited Acts and this Act into execution, and shall be applied accordingly: Provided always, that no Person summoned to attend the said Commissioner as a Witness shall be obliged to travel to any Place distant above Eight Miles from the said Parishes of *Ruskington* and *Dorrington*, or the Township or Hamlet of *North Kyme* aforesaid.

Power to assess Costs.

XV. And be it further enacted, That in case the said Commissioner shall, upon the hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to or made before him in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, upon Request made to him for that Purpose, to settle, assess, award, and order such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall have been made by the other Party or Parties; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the

the same, on Demand, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attendant on such Distress and Sale: Provided always, that in case the Person or Persons against whom the said Commissioner shall have determined shall cause an Action to be brought pursuant to this Act, and proceed to Trial, the Execution of the Warrant aforesaid shall be suspended until after the Trial of such Action; and in case such Person or Persons shall, upon the Trial of such Action, establish the Right against which the Commissioner shall have determined, such Person or Persons shall not be liable to the Payment of any such Costs as last aforesaid.

Allowing Parties to try their Rights by an Issue at Law.

XVI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Inclosure, or Drainage shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims of Common or other Rights or Interests in, over, upon, or out of the Lands and Grounds intended to be hereby divided, inclosed, and drained, or any Part or Parts thereof, or any Objection or Objections to such Claim or Claims, or any other Determination of the said Commissioner made in the Execution of this Act or the said recited Acts, it shall be lawful for the Person or Persons so dissatisfied to cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or to his, her, or their known Agent or Attorney; and thereupon the Person or Persons so dissatisfied shall proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, to be held for the said County of *Lincoln* after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept of One or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do; and that after such Verdict or Verdicts shall be obtained, and not set aside

aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced within such Three Calendar Months as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be binding, final, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the said Commissioner in the Execution of the Powers vested in him by this Act, but the Division, Inclosure, and Drainage hereby directed and authorized to be made, and all other Matters and Things to be done in pursuance of this Act and the said recited Acts, shall be proceeded in notwithstanding such Differences or Suits; and the Allotment or Allotments in respect of such litigated Property shall be had and taken by the Person or Persons who, upon the Determination of such Action or Actions, shall become entitled to the same.

If no Action, the Commissioner's Determination to be final.

Death of Parties not to stop Proceedings.

Suits not to delay Inclosure.

XVII. And be it further enacted, That if any of the Parties interested in the said Division, Inclosure, or Drainage shall die before the same shall be completed, the Powers and Authorities vested in the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers and Authorities vested in him in such Manner as he might have done in case such Parties had not died.

Death of Parties not to suspend the Execution of this Act.

XVIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for any Person or Persons who might have brought such Action or Actions against the Person or Persons so dying to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the said Commissioner or the Clerk with Process for commencing such Action or Actions, in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

How Actions may be brought after the Death of Parties.

Survey to be made.

XIX. And be it further enacted, That the said Commissioner may (if he shall think fit) cause a Survey and Admeasurement to be made and taken of all or any of the said open Common Fens and inclosed Low Lands intended to be embanked and drained, belonging to each Proprietor, as shall be used in forming and making any of the Banks, Drains, or other Works of Drainage to be made or done in pursuance of this Act, and of such of the same Lands the Contents whereof respectively are not stated in the Surveys and Plans herein-after referred to; and that a Map or Plan of the said Lands to be inclosed, and also Maps or Plans of the Lands to be embanked and drained, and the Number of Acres, Roods, and Perches in Statute Measure contained therein respectively, and of each Property in the same, shall be therein set forth and expressed, and shall be delivered to the said Commissioner for the Purposes in this Act expressed, and certified on the Oath or Oaths of the Person or Persons making the same, which Oath or Oaths the said Commissioner is hereby authorized and required to administer.

Commissioner may use Surveys already made.

XX. Provided always, and be it further enacted, That in case any Person or Persons having in his, her, or their Custody any accurate Surveys, Maps, or Plans of the said open Common Fens and inclosed Low Lands, or any Part or Parts thereof, shall deliver such Surveys, Maps, or Plans to the said Commissioner at such Time as he may appoint, it shall be lawful for the said Commissioner to inquire into the Accuracy or Authenticity thereof, on the Oath or solemn Affirmation, as well of the Person or Persons producing and delivering such Surveys, Maps, or Plans respectively, as of any other Person or Persons (which Oath or Affirmation the said Commissioner is hereby authorized to administer), or by such other Means as he shall think proper; and in case the said Commissioner shall be satisfied that the same, or any or either of them, are or is accurate or authentic, and sufficient for answering the Purpose of new Surveys, Maps, or Plans, then it shall be lawful for the said Commissioner and he is hereby authorized to make use of the same as far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution; and the said Commissioner shall or may purchase the same, or make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Payment or Allowance for the same, or for the Production and Use of such Surveys, Maps, and Plans, out of the Monies to be raised for the general Purposes of this Act.

Commissioner, &c. to have Power to enter upon Lands.

XXI. And be it further enacted, That the said Commissioner and Surveyor, and their or either of their Officers or Workmen, and also the Trustees to be appointed as herein-after directed, and their Superintendents and Workmen, shall, from and immediately after the passing of this Act, and at all future Times, have full Power and Authority to enter upon all or any of the said Lands intended to be divided, inclosed, embanked, and drained respectively, for the Purpose of making the Survey, Levels, and Assessments, and also the Drains, Sluices, Bridges, Engines, Engineer's House, Buildings, and other Works herein directed to be made, and for other the Purposes of this

this Act, without the Hindrance or Interruption of any Person or Persons whomsoever.

For extinguishing and suspending Rights of Common before the Execution of the Award.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized, at any Time or Times before the Execution of his Award, by Notice in Writing under his Hand, to be fixed on the Outside of the principal Door of the respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, to order and direct all or any of the Rights of Common, Pasture, and Turbary, or other Rights in, over, or upon the Open Common Fens hereby intended to be inclosed and drained, or any of them, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights of Common, Pasture, and Turbary, or other Rights as the said Commissioner shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time expressed in such Notice cease, determine, and be extinguished, or the Exercise of the same suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Commissioner may stop up old Roads.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to stop up and discontinue or divert and turn any old or accustomed Road or Roads, Way or Ways, Path or Paths, passing or leading through or over any Part of the Common Fens by this Act directed to be divided, inclosed, and drained, or of the said inclosed Low Lands, and to set out and appoint any new Roads, Ways, or Paths through the said Common Fens and inclosed Low Lands, and to make such Order or Orders as to him shall seem proper for that Purpose; and the Provisions and Directions contained in the said first-recited Act, in regard to the setting out and Appointment of public common Roads and Highways, and the diverting, turning, and stopping up of Roads and Tracks, shall, so far as the same may be applicable, extend and apply to this Act, so far as it relates to the Roads, Ways, and Paths by this Act authorized to be stopped up, discontinued, diverted, turned, set out, and appointed: Provided nevertheless, that no Roads, Ways, or Paths leading into, through, or over any of the said inclosed Low Lands shall be stopped up, discontinued, diverted, or turned, in pursuance of this Act, without the Concurrence and Order of Two Justices of the Peace acting for the Parts of *Kesteven*, and not interested in the Repair thereof, which Order shall be subject to an Appeal to the Quarter Sessions for the said Parts of *Kesteven*, in manner mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the said Act to the stopping up of unnecessary Roads:* Provided further nevertheless, that no public Road, Way, or Path in the said Parishes and Township or Hamlet shall be stopped up or discon-

53 G. 3. c. 68.

None of the present Roads to be

stopped up until new ones made.

discontinued until the Roads, Ways, or Paths intended to be and remain public Roads, Ways, or Paths shall be properly formed and made fit for Use: Provided also, that all private Roads, Ways, and Paths which shall be set out and appointed by the said Commissioner shall be made by him, and for ever after be maintained and kept in repair by such Persons, and the Expence of such Repairs shall be paid, raised, and levied in such Manner, and by such Ways and Means, as the said Commissioner shall by his Award, or any Writing under his Hand, order, direct, or appoint.

General Allotment.

XXIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and award the said Open Common Fens hereby directed to be inclosed, divided, and allotted unto and amongst all and every the Person and Persons interested in or having Rights of Common, Pasture, or Turbary, or other Rights, in, over, or upon the said Open Common Fens respectively, in such Parts, Shares, and Proportions as the said Commissioner shall adjudge and determine to be proportionate to the Value of, and a just Compensation and Satisfaction to him, her, or them respectively for his, her, or their several and respective Parts, Shares, Rights, and Interests of, in, to, over, or upon the said several Open Common Fens or any Part thereof respectively.

Allotments to be fenced.

XXV. And be it further enacted, That the several Allotments to be made by virtue of this Act shall, as soon as conveniently may be after setting out the same, be inclosed, ditched, and fenced, at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, in such Manner and within such Time as the said Commissioner shall by his Award, or any Writing under his Hand, order or direct; and the Fences so to be made shall at all Times for ever afterwards be supported, maintained, and kept in repair by such Person or Persons as the said Commissioner shall by his Award order or direct.

Drains.

XXVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, by such Agents, Workmen, and Labourers as he shall think fit to employ, to scour out, cleanse, enlarge, straighten, make deeper, and embank any of the ancient Drains and Sewers already made in, over, or through any of the said open Common Fens and inclosed Low Lands intended to be embanked and drained as aforesaid; and particularly to deepen and enlarge the present Drain adjoining to the said Lordship of *Digby*, so that the same shall be made and for ever continue to be Five Feet deep and Thirty-five Feet wide; and to enlarge, raise, widen, or otherwise to alter and improve any of the Cloughs, Arches, Banks, Bridges, or other Works already made thereon; and also to make or cause to be made such Sluices or Cloughs in such Places as shall appear to the said Commissioner most proper and convenient, and of such Dimensions and Capacity, and in such Manner and Form in every respect, as shall be necessary and convenient for the Purpose of Drainage; and also to make or cause to be made any new Cuts,

Drains,

Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Windmills, Cloughs, Bridges, and other Buildings and Works which shall be needful, in, through, and upon any Part or Parts of the said Lands, so as to protect the same from ordinary Floods; and also to make or cause to be made any Ways, Roads, Cuts, or Drains within the said Common Fens and inclosed Low Lands as the said Commissioner shall from Time to Time think necessary or expedient; (provided always, that nothing herein contained shall authorize or empower the Erection of any Steam Engine or Mill to be worked by the Power of Steam;) and in and by his Award, or by any Writing under his Hand, in the meantime to appoint any Person or Persons, and to make such Orders and give such Directions for carrying on, effecting, and preserving such Works, and for maintaining, supporting, and keeping the same in good and sufficient Repair from thenceforth for ever thereafter, as the said Commissioner shall think proper, just, and equitable; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whomsoever, not only for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, entitled, or interested in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey, assign and surrender, unto the said Commissioner, or to such Person or Persons as he shall appoint, any Lands, Tenements, or Hereditaments for the Purpose aforesaid, and to make such Recompence and Satisfaction to any Person or Persons in whose Lands or Grounds, or over whose Allotment or Allotments, such Cuts Drains, Sewers, Sluices, and other Works shall be made, or who may be prejudiced thereby or by means or in consequence thereof, or for the Value of the Grounds to be used for the Purposes aforesaid, and all such other Damages as he, she, or they may thereby sustain, as shall or may be agreed upon between the said Commissioner and the Owner or Owners, or Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons who shall be prejudiced as aforesaid; and such Recompence and Satisfaction shall and may be raised in the same Manner as the other Expences for executing the said Works of Drainage, and shall be paid to such Person or Persons, and in such Shares or Proportion, as the said Commissioner shall think just and equitable, and shall accordingly order and direct, and shall be made and accepted in full Satisfaction for all such Damage as aforesaid; and if the said Commissioner, and such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjusted, and finally determined before such Justices of the Peace, or the major Part of them, as shall be assembled at any General Quarter Sessions of the Peace which shall be held for the Division of *Kesteven* aforesaid within Four Calendar Months after the said Damages shall have respectively accrued, Fourteen Days Notice in Writing being given

to the said Commissioner by the Person or Persons complaining of such Damage, that an Application will be made to such Quarter Sessions; and in case such Owner or Owners, or Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Persons prejudiced as aforesaid, shall make Oath that in his, her, or their Opinion or Judgment such Damage exceeds the Value of Ten Pounds, such Justices shall and they are hereby respectively authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and disinterested Men, to be then and there impannelled and returned by the proper Officer returning Jurors for such Court, without Fee or Reward, and cause them to be sworn, and truly on their Oaths to assess the Recompence to be made for such Damages, (which Oaths the said Justices are hereby respectively required to administer to the said Jurymen,) to which Jurymen the said Commissioner and the Parties complaining shall have their lawful Challenges; and the said Jury, being so charged and sworn as aforesaid, and after proper Evidence upon Oath to them given of the Nature of such Damages, shall by their Verdict assess the Damages and Recompence to be made for the same to such Owner or Owners or Persons prejudiced as aforesaid; and the Verdict of the Jury, and the Judgment of the Justices thereupon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties, Bodies Politic, Corporate, and Collegiate, and all other Persons whomsoever: Provided always, that such Justices shall and may adjourn such Appeal to any other Sessions of the Peace for the Division aforesaid, and finally determine the same at any of the said Sessions, and give Costs to either Party as they shall think reasonable.

Commissioner may contract for the Works.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized, if he shall think fit, to contract and agree with any Person or Persons for the scouring out, cleansing, enlarging, straightening, making deeper, and embanking any of the said ancient Drains and Sewers already made in, over, or through the said open Common Fens and inclosed Low Lands, or any of them, or any Part or Parts thereof, for enlarging, raising, widening, or otherwise altering and improving any of the Cloughs, Arches, Banks, Bridges, or other Works already made thereon, and also for making any new Cuts, Drains, Dams, Sewers, Ditches, Banks, Tunnels, Outlets, Engines, Cloughs, and Bridges, or for doing any other of the Works hereby authorized to be made or done by the said Commissioner, in such Manner, and for such Price or Prices, Sum or Sums of Money, and under such Regulations and Restrictions, as the said Commissioner shall think proper; which shall be and are hereby declared to be vested in the said Commissioner, as is herein mentioned; and all Contracts or Agreements in Writing for any of the Purposes aforesaid shall be good, binding, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Application of Compensation if amounting to 200*l.*

XXVIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first-recited Act of the Forty-first Year of the Reign of His late Majesty, or this Act, to be

paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or in behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioner, out of such Sum, to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall be charged upon the Lands, Tenements, or Hereditaments of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee, in possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made under their Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased

1 G. 4. c. 35.

chased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or other Government or Real Securities; and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

XXIX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons for the Time being who would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments (such Nomination to be approved by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

XXX. Pro-

Where under 20*l.*

XXX. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not making out Title, &c.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioner acting in the Execution of this Act, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioner to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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; 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 said 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 thereto, and to make such other 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, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

When Question shall arise touching the Title to Money to be paid, the Person who shall be in possession of the Land at the Time of

XXXII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to

such Purchase shall be deemed entitled.

to 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 at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; 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 to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or some Estate or Interest therein.

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

XXXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands, Tenements, or Hereditaments to be taken or used, or in respect of which any Compensation or Satisfaction shall be payable under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, 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 be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioner out of the Monies to be received by virtue of this Act, and the said Commissioner shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

This Act not to prejudice the Works of the River Witham, nor to exonerate the Fens and Lands hereby drained from the Payment of Drainage Taxes for the Purposes of the said River, under 2 G. 3. c. 32. & 52 G. 3. c. 108.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the Commissioner or Trustees acting by virtue thereof, or any of the Owners or Proprietors of the Lands and Grounds hereby intended to be drained, to invalidate, lessen, alter, or take away the Power of levying Drainage Rates for the Support and Purposes of the River *Witham*, nor any other of the Rights, Powers, or Authorities vested in all or any of the Commissioners acting under or by virtue of an Act passed in the Second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining and preserving certain Low Lands called the* Fens, *lying on both Sides of the River* Witham *in the County of* Lincoln, *and for restoring and maintaining the Navigation of the said River from the* High Bridge *in the City of* Lincoln, *through the Borough of* Boston, *to the Sea*, and under and by virtue of a certain other Act of Parliament made and passed in the Fifty-second Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River* Witham *in the County of* Lincoln, *and restoring the Navigation of the said River, and for repealing another Act of His present Majesty in relation to the said Drainage and Navi-*

gation, but that the same shall respectively be and continue in force as fully to all Intents and Purposes as if this Act had not been made; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to prejudice Drainage of adjoining Parishes.

XXXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioner, or any other Person or Persons, under the Authority of or by virtue of this Act, except as next herein-after is mentioned, to make or alter or cause to be made or altered any Cloughs, Sluices, Tunnels, Drains, Banks, Engines, or other Works, to prejudice, obstruct, or injure the Drainage of any Low Lands in any Parish, Township, Hamlet, or Place lying adjacent to the River *Witham*, and drained thereby, not included in the Limits and Boundaries of this Act; but the said Commissioner shall and he is hereby authorized, empowered, and directed to take up and remove the Clough or Staunch now standing and being upon the Division Drain between the said Parish of *Dorrington* and the said Lordship of *Digby*.

Commissioner to set out private Roads over Lands to be drained.

XXXVI. And be it further enacted, That the said Commissioner shall and he is hereby empowered and required, in order to obviate any Inconvenience that may arise to the Occupiers of the said open Common Fens and inclosed Low Lands intended to be embanked and drained as aforesaid, by reason of any of the present Communications being interrupted or stopped up by the Works of Drainage to be made and executed under the Authority of this Act, to set out and appoint such additional private Roads and Ways in, over, or through any of the same Lands, of such Width as the said Commissioner shall think necessary, useful, and convenient, the said Commissioner causing Satisfaction to be made, out of the Monies to be raised towards defraying the Expences of the Works of Drainage, to the Owner, Proprietor, and Occupier of such Lands through which any new Roads or Ways shall be made, for any Damages they may sustain thereby, as to the said Commissioner shall seem meet; and from and after the setting out of such additional Roads and Ways (if any) it shall not be lawful for any Person or Persons to make use of any other Roads or Ways in, over, or through the said Lands so intended to be embanked and drained, or any of them, either on Foot or with Horses, Cattle, Carts, or Carriages, other than such Roads and Ways as are now in being, and shall not be altered or stopped up by the said Commissioner, and also such additional Roads and Ways as shall be set out and appointed under or by virtue of this Act or the said recited Acts; and that such of the former Roads and Ways through the said Lands so intended to be embanked and drained which shall be altered or stopped up shall by the said Commissioner be awarded to the Person or Persons whose Lands shall be adjoining or contiguous thereto, he, she, or they making such Satisfaction for the same as the said Commissioner shall, in and by any Writing under his Hand, direct or appoint.

XXXVII. And

For preserving Watering Places for Cattle.

XXXVII. And be it further enacted, That if, by means of embanking and draining the said Common Fens and inclosed Low Lands, any Cattle which used to depasture in the Lands and Grounds adjacent to any of the Drains intended to be embanked shall be deprived of their accustomed or usual Watering Places, then and in every or any such Case the said Commissioner shall and he is hereby required, at the Costs and Charges of the Proprietors of such Lands and Grounds, to make such new Watering Places, and to lay such and so many Tunnels as shall be necessary through the Banks of such Drains, and to make Cuts therefrom to communicate with such Watering Places as aforesaid, or otherwise set out and provide proper and convenient Places in the said Drains whereby the said Cattle may be conveniently and properly supplied with Water.

Works of Drainage to be vested in Commissioner.

XXXVIII. And be it further enacted, That all Cuts, Drains, Ditches, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, Mills, Houses, Buildings, and other Works already made or erected, or which shall at any Time hereafter be making or erecting, or made, erected, supported, and maintained, by virtue of this Act, for the Purpose of draining and protecting the said Common Fens and inclosed Low Lands, or any of them, and the Rights and Property to and in the same, and the Materials of which the same shall consist, shall be and are hereby vested in the said Commissioner hereby nominated and appointed, and his Successor, until his and their Power and Authority in executing this Act shall cease, and until Trustees shall be appointed by virtue of this Act; and after such Appointment shall be certified as herein-after mentioned, then the said Works, and the Right and Property to and in the same, and the Materials of which the same shall consist, shall be and are hereby vested in the said Trustees; and the said Commissioner and Trustees is and are hereby respectively authorized to bring or cause to be brought any Action or Actions in their or his own Name or Names, or in the Name of any One of them, or to prefer or order and direct the preferring of Indictments or other Proceedings against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure any of them or any Part thereof, or the Materials of which the same shall be made, built, or consist.

Drains to be cleaned by the Officer managing the Works in case Proprietor neglect so to do.

XXXIX. And be it further enacted, That if any Proprietor or Proprietors, Occupier or Occupiers of any of the said Common Fens or inclosed Low Lands intended to be drained by virtue of this Act, or other Person or Persons who shall be declared liable to the cleansing, scouring, or deepening of the Drains and Sewers through the said Common Fens or inclosed Low Lands, shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dyke, or neglect to make and keep in repair any private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel, which shall be directed in and by the Award of the said Commissioner to be scoured, cleansed, made, or kept in repair by him, her, or them, in such Manner as shall be therein directed, after Fourteen Days Notice in Writing shall have been given

given to him, her, or them for that Purpose by the Officer or Officers for managing the Works of the said Drainage for the Time being, it shall be lawful for such Officer or Officers, and he and they is and are hereby authorized and required, to cause such Drain, Ditch, or Dyke to be cleansed and scoured, or such private Road or Way, Fence, Dam, Bank, Bridge, Gate, Stile, or Tunnel to be made and repaired in such Manner as shall be in the said Award directed; and the Proprietor or Proprietors, Occupier or Occupiers, so refusing or neglecting as aforesaid, shall reimburse and pay to such Officer or Officers all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making, and repairing of any Drain, Ditch, or Dyke as aforesaid, with reasonable Satisfaction to such Officer or Officers for his or their Time and Trouble therein; and in case such Proprietor or Proprietors, Occupier or Occupiers, shall (after Demand thereof made by such Officer or Officers) refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Party so refusing, by virtue of a Warrant or Precept under the Hand and Seal of the said Commissioner, or the Hands and Seals of the said Trustees for the Time being for putting this Act into execution.

Commissioner may borrow any Sum not exceeding 4,000*l.* on Mortgage of the Rates.

XL. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized from Time to Time to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money, not exceeding in the whole the Sum of Four thousand Pounds, as the said Commissioner shall think expedient, towards defraying the Charges and Expences of passing and executing the Powers of this Act, and the Interest thereof, until the same can be conveniently raised and repaid by and out of the Monies to be collected and raised by the several Rates and Assessments as aforesaid; which Sum and Sums of Money so to be borrowed by the said Commissioner shall be a Charge on the Credit of the said Rates and Assessments until the said Money so borrowed shall be repaid, with Interest for the same; and the said Commissioner is hereby authorized and empowered to raise the said Money upon Credit as aforesaid, and also to mortgage and charge the said Rates and Assessments to any Person or Persons who shall agree to advance and lend any Sum or Sums of Money thereon, with such Sum and Sums of Money as the said Commissioner shall so borrow as aforesaid, and which shall be repaid by and out of the Money that shall, after the Date and Execution of such Charge, be raised and levied by the said Rates and Assessments, or any of them, by virtue of this Act.

Rates to be chargeable with Money borrowed and Interest.

XLI. And be it further enacted, That the Rates by this Act directed to be raised and levied shall be charged and chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioner and the Interest thereof, and shall vest in the respective Creditors, upon default of Payment of such Principal and

Interest at the Time and Times to be appointed for Payment thereof, until the same and every Part thereof shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof.

Expences of the Act, and Charges of Drainage and Inclosure, to be paid in such Proportions and Manner as the Commissioner shall direct.

XLII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of surveying the Lands and Grounds comprised therein, both open and inclosed, and of dividing and allotting the said Open and Common Fens, and of setting out, forming, and making the public and private Roads and Ways, Banks, Bridges, Drains, Cloughs, and Watercourses in, upon, through, or over the same Common Fens and inclosed Low Lands, and of preparing and inrolling the Award of the said Commissioner, and the reasonable Charges and Expences of the said Commissioner and Clerk, and also of the said Surveyor, and other proper and necessary Expences in the Execution of this Act, and also the Expences of Lands purchased for the cutting of Drains and erecting Banks, and the Charges and Expences of making, erecting, supporting, and using the said Engine or Engines, and the other Works of Drainage, and all other Expences of embanking and draining the said Common Fens and inclosed Low Lands, shall from Time to Time, as the said Commissioner shall see Occasion, be borne and defrayed by the Owners and Proprietors of the said open Common Fens and inclosed Low Lands, in such Proportions and in such Manner as the said Commissioner shall, in and by any Writing made and signed by him previously to the Execution of his said Award, order, direct, and appoint; and in case any Proprietor or Owner shall refuse or neglect to pay his, her, or their Proportion of any such Costs, Charges, and Expences as aforesaid, within the Time or Times respectively for that Purpose to be limited by the said Commissioner, to such Person or Persons as the said Commissioner shall appoint to receive the same, then it shall be lawful for the said Commissioner, or any Person or Persons to be authorized by him, to enter into and upon the Lands so to be inclosed or drained respectively of such Person or Persons so refusing or neglecting, and to levy the same by Distress and Sale of his or their Goods and Chattels, rendering the Overplus, if any, on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise it shall and may be lawful to and for the said Commissioner, or any Person or Persons to be authorized by him, to enter into and upon the Lands so to be inclosed or drained respectively, and the Rents, Issues, and Profits thereof to receive and take, until thereby or otherwise his, her, or their said Share or Proportion of the said Costs, Charges, and Expences, together with all Costs, Charges, and Expences occasioned by and attending such Entry upon and Receipt of the Rents and Profits of the same Premises respectively, and also Interest for such Share and Proportion from the Time the same shall be made payable by the said Commissioner, shall be fully paid and satisfied.

Manner of charging the Lands.

XLIII. And be it further enacted, That the Costs and Charges herein directed to be paid by the Owners and Proprietors of the said open

open Common Fens and inclosed Low Lands intended to be embanked and drained by virtue of this Act shall be borne and defrayed in manner following; (that is to say,) the Owners and Proprietors of all the taxable Lands lying in the said Parishes of *Ruskington* and *Dorrington*, and the Township or Hamlet of *North Kyme* in the Parish of *South Kyme* aforesaid, shall, according to the proportionate improved annual Value (if any) which they shall respectively derive therefrom, bear and defray the Charges and Expences of making all such Cuts, Drains, Ditches, Dams, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, Mills, and other Works as are necessary and requisite for the said Drainage, and the reasonable Charges and Expences of the Commissioner, and of the Surveys to be made and taken within the same, and of the Award of the same, and all other proper and necessary Expences, in the Execution of this Act, in relation to the Drainage of the same Parishes and Township respectively; and that all such taxable Lands, the Owners and Proprietors whereof are hereby respectively charged with and made liable to the first making and executing the same, shall for ever thereafter remain subject and liable, in the like Proportions, to the Support, Maintenance, and Reparation thereof respectively.

Quantity and improved Value of Land liable to Expences to be ascertained, and Charges hereby incurred to be apportioned.

XLIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, as soon as conveniently may be after the passing of this Act, to ascertain the Quantity of Land within the respective Parishes and Township aforesaid which may be benefited by the said Drainage and Embankment, or comprised within the said Inclosure, and the estimated improved annual Value of the said Lands; and when and as soon as he shall have ascertained the same, then he shall apportion and charge the several Proprietors of the said Parishes and Township respectively with the Share and Proportion of the Costs and Charges of obtaining and passing this Act, and of executing the Works of Drainage, and other Works herein directed to be paid for and done and executed at the Expence of the Proprietors of the said Lands intended to be embanked and drained; and such shall be and be taken to be the Rule and Standard of the Quantity and annual Value of the said Lands and Grounds, for the Purpose of charging the several Proprietors of the said Parishes and Township respectively with the Costs and Charges herein directed to be paid and defrayed at the Expence of the said Parishes and Township, and also for the Purpose of charging the said Lands and Grounds, and the Owners and Proprietors thereof for the Time being, with all future Costs, Charges, and Expences for maintaining and supporting the said Works of Drainage, and other Things necessary thereto, to be made and supported at the Expence of the said Parishes and Township.

When the Proportion and estimated improved Value is declared, the Names of the Proprietors

XLV. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained and declared the Proportion in which the said Parishes and Township shall be respectively charged to this Act and the said Works of Drainage, the said Commissioner shall and he is hereby empowered and required to ascertain the estimated annual improved Value of the said Lands and Grounds, and the

to be ascertained and charged therewith.

the Names of the Proprietors thereof, and to apportion and charge the Proprietors of such Lands so to be drained in each Place with their respective Proportions of the said Expence, to be ascertained by the said Commissioner in manner aforesaid, as also with the Costs and Charges of the Works of Drainage to be exclusively borne and paid by the Proprietors of the said Parishes and Township respectively, and the annual Tax or Assessment herein-after authorized to be charged upon and paid in respect of the same Lands, for the Support and Preservation of the said Drainage, among and in proportion to the improved annual Value (if any) which the said Lands and Grounds shall respectively derive therefrom; and Particulars and Schedules thereof shall be fairly written or engrossed on Parchment, and enrolled with the Award of the said Commissioner; and the Determination of the said Commissioner shall be and be taken to be the Rule and Standard, both as to the Quantity and annual Value of the said Lands and Grounds, whereby all Taxes, Assessments, and Rates to be charged, raised, levied, and paid upon, for, or in respect of the said Lands and Grounds so to be embanked and drained in the said Parishes and Township respectively, as well for effecting such Embankment and Drainage as for preserving and maintaining the same, shall be respectively levied, taxed, charged, and proportioned.

Particulars of the Charges to be inrolled with the Award.

The Herbage and Pasturage of the Banks, &c. may be let.

XLVI. And be it further enacted, That the Trustees to be elected for the Purposes of this Act as herein-after mentioned shall and they are hereby authorized and required, at any Meeting to be holden by virtue of this Act, to let for any Period not exceeding Three Years, to the best Bidder or Bidders, the Herbage and Pasturage of the Banks, Roads, and Waste Lands lying and being within the Limits of this Act, such Banks, Roads, and Waste Lands to be grazed only with Sheep; and the Rents and Profits arising therefrom shall be applied by the said Trustees to the Purposes of the said Drainage or the Repairs of the said Roads, as they shall order and direct.

Exchanges may be made.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatever within the said Parishes and Township aforesaid in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the same Parishes and Township respectively, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid,

said, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Idiots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges, and Expences attending every such Exchange or Partition shall be borne and defrayed by the respective Parties making such Exchange and Partition, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioner shall order and direct.

Costs of Exchanges and Partition by whom to be paid.

XLVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to make void, alter, or annul any Will or Settlement of or concerning any of the Lands, Tenements, and Hereditaments which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interest in, to, or out of the same Lands, Tenements, and Hereditaments; but such Lands, Tenements, and Hereditaments so to be allotted or given in exchange shall, upon the Allotment and Exchange thereof respectively, become or be of the same Tenure, and be held under the same Rents and Services, and go and remain to the same Persons, for the same Estates and Interests, and to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisions, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the like Manner, as the Lands and Hereditaments in respect whereof the same shall be respectively allotted or exchanged are or would be held or go along, stand, or be limited to or upon or be subject to, if such Allotment or Exchange had not been made or this Act had not passed, except where any of the Provisions of the said recited Acts or this Act shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of the said recited Acts or this Act, or any of them.

This Act not to revoke Wills or Settlements.

XLIX. And be it further enacted, That if any Person or Persons hath or have sold or contracted or agreed to sell, or shall at any Time before the Execution of the said Award sell or contract or agree to sell, his, her, or their Right, Interest, or Property in, over, and upon the said Common Fens to be divided, allotted, and inclosed by virtue of this Act, or any of them, or any Part thereof respectively, or any Allotment or Allotments which shall have been set out in lieu

Proprietors may sell their Common Rights and Allotments before Execution of the Award.

or in respect thereof, to any Person or Persons whomsoever, and Notice shall have been given thereof in Writing by the Vendor or Vendors to the Commissioner, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, to make or award such Allotment or Allotments unto the Vendee or Purchaser in such Contract, Sale, or Agreement, or to his, her, or their Heirs or Assigns, for or in respect of such Right, Interest, or Property so sold as aforesaid; and all Sales, Conveyances, or Contracts for Sale of such Right or Allotments respectively shall be and are hereby declared to be valid and effectual, and the same Rights or Allotments may be granted and conveyed accordingly; and every such Sale, being specified and set forth in the Award of the said Commissioner, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Power of Commissioner to cease upon the Election of Trustees.

Commissioner may levy all the Taxes laid by him before his Powers cease.

L. Provided always, and be it further enacted, That from and immediately after the Election of Trustees for the Purposes of continuing and preserving the said Works of Drainage, as herein-after mentioned, the several Powers and Authorities granted to the said Commissioner shall cease and determine, any thing herein-before contained to the contrary notwithstanding: Provided nevertheless, that the said Commissioner shall have full Power and Authority by virtue of this Act, at any Time or Times after the Election of such Trustees, to levy, recover, and receive all such Rates, Taxes, Costs, Charges, and Sums of Money as before the Time of such Election shall have been rated, taxed, or charged by them upon any of the said Lands or Grounds hereby intended to be embanked and drained, and which shall then be in arrear and unpaid.

Money advanced by Proprietors to be repaid with Interest.

LI. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be allotted and inclosed, embanked and drained respectively, or any Person or Persons on his, her, or their Behalf, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same.

Commissioners Accounts.

LII. And be it further enacted, That once at least in each and every Three Calendar Months during the Execution of this Act, such Space of Time to be computed from the Day of the passing thereof, the said Commissioner shall and he is hereby required, by himself or by his Clerk, to make a just and true Statement or Account of all Sums of Money by him received and expended, or due to him and any Person to be employed by him in carrying this Act into execution, for their Trouble and Expences in the Execution of this Act; and in every such Account shall be stated and particularly specified the several Items and Articles for which each particular Sum has been disbursed or paid; and such Statements or Accounts, when so made, together with the Vouchers relating thereto, shall be by him laid before any One of His Majesty's Justices of the Peace for the Time being for the said County of *Lincoln* not interested in the

the Premises, to be by him examined and balanced; and such Balance shall be by such Justice stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioner; and an Abstract of such Account, so examined and balanced, shall from Time to Time, within Fourteen Days after the same shall be so examined and balanced, be published in some Newspaper circulated in the said County of *Lincoln;* and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Award. LIII. And be it further enacted, That within the Space of Six Calendar Months after the said Embankment and Drainage shall be completed the said Commissioner shall form and draw up or cause to be formed and drawn up an Award or Instrument in Writing in relation to the Matters of Drainage and Embankment in the said Parishes and Township respectively, which shall express the Quantity, in Statute Measure, of Acres, Roods, and Perches contained in each of the said Places so intended to be embanked and drained, and the Quantity and Contents of each Owner's Property therein, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleasing, and keeping in repair the Ditches, Drains, Dams, Banks, Tunnels, Engines, Buildings, and other necessary Works in, upon, and over or through the Lands so intended to be embanked and drained, and to ascertain and fix the greatest annual Sum proper or necessary to be raised and applied for those Purposes as herein-after mentioned, and all such Orders, Regulations, and Determinations as are in or by this Act mentioned, declared, required, or authorized to be made and established, and such other Orders and Regulations as shall be necessary or proper, conformable to the Tenor of this Act, together with a Map or Plan thereto annexed for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes respecting the Matters herein contained in relation to the said Embankment and Drainage; which Award or Instrument shall be fairly engrossed or written upon Parchment, and signed and sealed by the said Commissioner, and fair Maps or Plans of all the Lands intended to be embanked and drained, drawn upon Vellum, to be annexed to the same; and the said Award or Instrument, as also such Award or Instrument as the said Commissioner is authorized to make concerning the said Inclosure under the Authority of the said Act of the Forty-first Year of His Majesty King *George* the Third, shall, within the Space of Fourteen Days after the signing and sealing thereof, together with a Map or Plan thereto annexed, be enrolled with the Clerk of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, or in One of His Majesty's Courts of Record at *Westminster*, to the end that Recourse may be had to the said Award or Awards by any Person or Persons interested in the said Embankment, Drainage, and Inclosure; and the said Award or Awards, with the said Oaths, or a true Copy of the Enrolment thereof

thereof or any Part thereof respectively, certified by the proper Officer, shall be admitted in all Courts whatsoever as legal Evidence; which Copy or Copies the proper Officer for the Time being of the Court where such Enrolment shall be made is hereby required to make and deliver to any Person or Persons desiring the same, he, she, or they paying for such Copy after the Rate of Sixpence *per* Sheet, each Sheet containing One hundred Words; and any Person or Persons shall have Liberty to inspect and peruse the said Enrolment, paying for every such Inspection or Perusal One Shilling, and no more; and all Orders, Directions, Regulations, and Determinations so to be made as aforesaid shall be binding and conclusive unto and upon all Parties interested therein; and the said original Award or Instrument for the said Inclosure and Drainage after the same shall have been so enrolled as aforesaid, together with a Map or Plan thereto annexed, shall be deposited in a Chest within the Parish Church of *Ruskington* aforesaid; and a Copy thereof shall, if a Majority in Value of the Proprietors of the said taxable Lands in *Dorrington* and *North Kyme* aforesaid shall require the same, be deposited in a Chest within the respective Churches of *Dorrington* and *South Kyme* aforesaid, and shall remain amongst the Records of the said Parishes and Township respectively for the Inspection and Perusal of the Proprietors interested in the said Inclosure and Drainage to which they respectively relate.

For Appointment of Trustees.

LIV. And in order that the several Banks, Drains, and other Works necessary for draining and preserving the said Lands or Grounds may be maintained, supported, and kept in repair; be it further enacted, That at such Time, being within Three Years from the passing of this Act, as the said Commissioner shall, by Writing under his Hand, to be affixed on the principal Doors of the respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, declare the said Works of Drainage and Improvement to be completed, he the said Commissioner shall cause public Notice to be given in the said respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, on some *Sunday* during or immediately after Divine Service, that the Proprietors in the said respective Parishes of *Ruskington* and *Dorrington*, and in the Township or Hamlet of *North Kyme* aforesaid, or their Deputies or Agents, to be appointed in Writing under their Hands, will meet at the respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, on some Day to be named therein, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, at the Expiration of Fourteen Days from the Date of such Notice, then and there to make choice of Five Trustees, namely, Two Trustees for the Lands lying in the said Parish of *Ruskington*, being possessed of Fifteen Acres of Land there, Two for the Lands lying in the said Parish of *Dorrington*, and One for the Lands lying in the said Township or Hamlet of *North Kyme*, such Trustees for the said Lands in *Dorrington* and *North Kyme* aforesaid being possessed of Ten Acres of Land in the Place for which such Person shall be chosen for the further putting this Act into execution; and such Five Trustees so to be chosen as

aforesaid

aforesaid shall continue in Office for the Term of Three Years from the Time of their Election, and until new Trustees are appointed in manner herein-after mentioned; and at the Expiration of such Term of Three Years, and also at the Expiration of every succeeding Term of Three Years for ever thereafter, Five new Trustees, respectively qualified as herein-before mentioned, shall from Time to Time be in like Manner chosen by the Proprietors of Land in the said respective Parishes of *Ruskington* and *Dorrington*, and Hamlet or Township of *North Kyme* respectively, or their Deputies or Agents present at a Meeting to be for that Purpose from Time to Time holden in the said respective Parish Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid, after public Notice shall have been given of every such Meeting by the Clerk to the said Trustees, and affixed on the principal outer Door of each of the said Parish Churches, and also inserted in some public Newspaper printed and circulated in the said County of *Lincoln*; and at each and every such Meeting it shall be lawful for every Owner or Proprietor, or his, her, or their Deputy or Agent appointed as aforesaid, and present at such Meeting, to vote in the Choice and Election of Trustees; and such Five Trustees as shall so from Time to Time be chosen by a Majority in Value of such Proprietors as aforesaid (such Value to be ascertained as herein-before is mentioned), and certified in Writing under the Hands of the Persons so electing them in Books to be kept for that Purpose, shall be and are hereby declared to be Trustees for putting in execution the Powers and Authorities hereby given to and vested in them; and they or any Three or more of them so for the Time being chosen as aforesaid are hereby fully authorized and empowered to make, support, and alter and maintain, or cause to be made, supported, altered, and maintained, all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, Engines, Buildings, and other Works, in, through, and over the said Lands, as they shall think necessary for draining and preserving the same; and that in case any of the said Trustees shall die, or refuse to act, or become incapable of acting in the Execution of this Act, before the Expiration of the Term of Three Years for or during which he or they shall have been chosen or appointed to act, it shall and may be lawful for the Majority in Value of the said Proprietors who shall be assembled together at a Meeting or Vestry to be convened as aforesaid, upon the like Notice as aforesaid, to choose a Person or Persons qualified to act as aforesaid to act as a Trustee or Trustees during the Remainder of the said Term of Three Years in the Room and Stead of such Trustee or Trustees so dying, or refusing to act or becoming incapable of acting, in the same Manner in all respects as Trustees are directed to be chosen in the first instance; and that every such Trustee or Trustees, being so chosen and certified, shall, during the Remainder of the existing Term of Three Years, have the like Powers and Authorities whatsoever, to all Intents and Purposes, as the Trustee or Trustees in the Room or Stead of whom he or they shall be chosen would have had by virtue of this Act if in being and continuing to act in the Execution of the Trusts and Purposes herein-before mentioned: Provided always, that until such new Trustee or Trustees shall from Time to Time be elected in manner

herein-before directed, the Trustee or Trustee lastly elected shall have the like Powers and Authorities to all Intents and Purposes, and shall continue to act in the Execution of the Trusts and Purposes herein-before mentioned, as if the Period of their original Election had not expired.

Trustees to be sworn.

LV. And be it further enacted, That no Person shall be capable of acting as a Trustee (except it be in administering the Oath or Affirmation herein-after mentioned to any of the said Trustees) until he shall have taken the Oath following (or, being one of the People called *Quakers*, make Affirmation); that is to say,

'I do swear [*or, being one of the People called Quakers*, do solemnly affirm,] That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Trustee appointed in and by an Act made in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Which Oath or Affirmation it shall and may be lawful to and for any One of the said Trustees to administer, and such Trustee is hereby required to administer the same to the other Trustees.

Trustees empowered to assess Annual Taxes.

LVI. And for the better and more effectually maintaining, supporting, repairing, cleansing, and using the Engines, Drains, Dams, Banks, and other Works herein-before directed to be made for the Purpose of draining and preserving the said Common Fens and Low Lands, be it further enacted, That it shall be lawful for the said Trustees to be from Time to Time respectively appointed as herein-before mentioned, and they are hereby respectively authorized and required, from Time to Time as often as the same shall be requisite and necessary, to meet at some convenient House within the Distance of Eight Miles of the respective Parishes and Township aforesaid, Notice of such Meeting being given on the *Sunday* previously in the several Churches of *Ruskington*, *Dorrington*, and *South Kyme* aforesaid; and the said Trustees to be appointed for such Places respectively, or such of them as shall be then present, shall then and there rate, tax, and assess the Owner and Owners of all and every the Lands and Grounds intended to be drained by virtue of this Act by such Rate or Tax (to be proportioned as herein-before directed) as shall be necessary for the Purposes aforesaid, such Rate or Tax or Rates or Taxes not to exceed in any One Year the annual Sum herein-before directed to be fixed for that Purpose by the said Commissioner in his said Award, unless the said Owners, or the major Part of them present at a Meeting to be holden for that Purpose, pursuant to public Notice, in manner herein-before mentioned, shall consent to and expressly authorize a greater annual Sum to be at any Time raised; which said Rates and Taxes the said Trustees are hereby authorized and required to apply accordingly, and to appoint, under their Hands,

such certain Days and Places for the Payment of such Rates and Taxes to the Collectors or Receivers thereof as they the said Trustees shall respectively think proper.

Power to distrain for Taxes.

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

Power to appoint Officers.

LVIII. And be it further enacted, That the said Commissioner and Trustees, at any of their Meetings to be held in pursuance of this Act, or at any other Time or Times, by Writing under his or their Hand and Seal or Hands and Seals, shall have full Power and Authority to nominate and appoint One or more proper Person or Persons to be Collector or Collectors, Receiver or Receivers of the respective Taxes and Rates to be assessed and levied by virtue of this Act, and a Clerk or Clerks, or such other necessary Officer or Officers as they shall judge proper for the Management and keeping in repair of the said Drains, Banks and other Works of Drainage to be made by virtue of this Act, and to allow and appoint to be paid to such Officer or Officers, out of such Rates and Taxes, such yearly and other Salary or Wages, for their Trouble and Pains in executing such Offices, as the said Commissioner, Trustees or Trus-

Officers to give Security.

Trustee respectively, shall think reasonable; which said Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, shall, before they act in the Execution of their respective Offices, give such Security for the due Execution thereof as the said Commissioner, Trustees or Trustee respectively, or a Majority thereof, shall require; and all such Collectors, Receivers, Clerks, and other Officers, when thereto required by the said Commissioner, Trustees or Trustee respectively, shall give unto such Commissioner, Trustees or Trustee respectively, a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers, for all Monies which shall have been received and paid by them respectively by virtue of their said Offices to the Time of giving in such Account, and shall pay to the said Commissioner, Trustees or Trustee respectively, or to such Person or Persons as they shall, by Writing under their or his Hands or Hand, authorize to receive the same, all such Monies as shall, upon balancing the said Account, be adjudged by the said Commissioner, Trustees or Trustee respectively, to be due from such Officers, and deliver up the said Vouchers, and all Books and Writings relating to the said Offices, to the said Commissioner and Trustees or Trustee respectively; and in case any such Collector, Receiver, Clerk, or other Officer shall not give in and make such Account and Payment as aforesaid, or shall refuse or neglect to deliver up such Books and Writings to the said Commissioner and Trustees or Trustee respectively, or to such other Person or Persons as he or they shall order and direct to receive the same, then and in every of the said Cases it shall and may be lawful for any One or more Justice or Justices of the Peace for the Parts aforesaid to make Inquiry of such Default in a summary Way; and if such Officer or Officers shall be thereof convicted, either by Confession of the Party or by the Testimony of One or more credible Witness or Witnesses upon Oath, such Justice or Justices shall commit the Parties to the Common Gaol of the said County, to remain for any Time not exceeding Twelve Calendar Months, or until he shall have made a perfect Account and Payment as aforesaid, and delivered up all such Books and Writings in his Custody, or shall have compounded and agreed with the said Commissioner and Trustees or Trustee respectively; which Composition and Agreement the said Commissioner and Trustees or Trustee are hereby empowered to make.

Same Person not to be Clerk and Treasurer.

LIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioner to appoint the Person who may be appointed to act as his Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioner; and if any Person shall accept both the Offices of Clerk and Treasurer

Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioner other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept.

LX. And be it further enacted, That the said Commissioner shall and he is hereby required to order and direct a Book or Books to be provided and kept by the Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times, on giving One clear Day's Notice of the Intention to apply for an Inspection thereof, be open to the Inspection of all the Proprietors and Persons interested in the said Inclosure and Drainage, or any of them, without Fee or Reward, and such Person may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and if the said Commissioner or his Clerk having the Custody thereof shall not permit the Persons herein-before mentioned, or any of them, so to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, such Commissioner or Clerk shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for opening Cloughs and letting off the Water.

LXI. And be it further enacted, That if any Person or Persons other than such as are authorized by virtue of this Act shall at any Time or Times draw or open any of the Cloughs, Sluices, or Doors which shall be made under the Authority of this Act upon or in any of the said Drains, or shall wilfully and maliciously let off the Water of the said Drains, every such Person or Persons shall for every such Offence, on being thereof convicted, on the Oath of One or more credible Witness or Witnesses, before any One of His Majesty's Justices of the Peace acting for the said Division of *Kesteven*, forfeit and pay any Sum or Sums of Money not exceeding the Sum of Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels

of such Offender, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had; which Sum so forfeited shall be employed in and towards carrying on the Works to be done and executed under and in pursuance of this Act; and for Want of sufficient Distress such Offender shall by the said Justice be committed to the House of Correction for the said Parts where such Conviction shall take place for any Time not exceeding Six Calendar Months, unless he shall sooner pay the said Penalty and Costs of Conviction.

Persons destroying Works guilty of Felony.

LXII. And be it further enacted, That all and every Person or Persons whomsoever who shall at any Time or Times hereafter wilfully and maliciously cut, break down, or destroy or damage any Bank, Tunnel, Sluice, Mill, Engine, or any other of the Works which shall be erected and made for the draining and embanking the said Common Fens and inclosed Low Lands intended to be embanked and drained, or any Part thereof, and shall thereof be lawfully convicted, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Petit Larceny.

Power to borrow Money.

LXIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, and Attornies of any of the Proprietors of the Allotments or Owners of the said inclosed Low Lands to be set out, awarded, and drained respectively by virtue of this Act, who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, and also for such Proprietors and Owners respectively who shall be Trustees for charitable Uses, or the major Part of them, and for such Proprietors and Owners who shall be Tenants in Tail or Tenants for Life or Lives, or on any other Contingency, or otherwise interested in the Allotments to be set out and awarded, and the said Common Fens and inclosed Low Lands to be drained by virtue of this Act, to charge such Allotments or inclosed Low Lands of which they shall respectively be in possession or Receipt of the Rents and Profits, or any Part thereof, with any Sum or Sums of Money which the said Commissioner shall by his Award, or by any Writing or Writings under his Hand and Seal, either before or after the Execution of his Award, allow and declare to be necessary to pay and defray the respective Shares of such Proprietors and Owners of and in the Charges and Expences incidental to and attending the applying for and obtaining this Act, and carrying the same and the said recited Acts into execution, and of embanking, ditching, draining, and fencing the respective Allotments, and making necessary Subdivision Fences, and of draining the said Common Fens and inclosed Low Lands, and of charging the Allotments and inclosed Low Lands therewith, so that the Sum charged in every Case shall not exceed the Rate of Five Pounds for every Acre of such Allotments and inclosed Low Lands; and also by any Deed or Instrument in Writing to convey or demise, either in Fee or for a Term or Terms of Years, the Allotments and inclosed Low Lands to be so respectively charged to or in Trust for the Person or Persons respectively who shall advance

the Sum or Sums charged, for the Purpose of securing to such Person or Persons respectively, his, her, or their respective Executors, Administrators, and Assigns, the Repayment thereof respectively, by way of Mortgage, with Interest for the same in the meantime at any Rate not exceeding Five Pounds for every One hundred Pounds by the Year; and every Sum to be so advanced shall be applied by the said Commissioner to the Purposes for which such Sum shall have been raised; and the Receipt of the said Commissioner for every Sum to be so advanced shall be sufficient to discharge the Person or Persons paying the same from being answerable or accountable for the Misapplication or Nonapplication thereof, and from being obliged to see to the Application thereof; and in every Mortgage to be so made it shall be provided, that no Person or Persons afterwards becoming entitled in possession (subject to such Mortgage) to the Allotment or Allotments or inclosed Low Lands therein to be comprised shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when his, her, or their Title to such Possession shall have commenced.

Justices may proceed by Summons for the Recovery of Penalties.

LXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof or Admission of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Proceedings not to be quashed for Want of Form.

LXV. And be it further enacted, That no Order, Conviction, or other Proceeding to be made or had by or before any Justice or Justices of the Peace, by virtue of the Powers granted by this Act, shall be quashed or vacated for Want of Form only.

Form of Conviction.

LXVI. And be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or to the same Effect; (that is to say,)

' to wit. } BE it remembered, That on the Day of
A. B. is convicted before
' of His Majesty's Justices [*or* Justice] of the Peace for the County
' of *Lincoln*, by virtue of an Act passed in the Second Year of the
' Reign of His Majesty King *William* the Fourth, intituled [*here*
' *insert the Title of this Act, specifying the Offence, and the Time and*
' *Place when and where the same was committed, as the Case shall be.*]
' Given under our Hands and Seals [*or* my Hand and Seal] the Day
' and Year aforesaid.'

LXVII. And

Recovery and Application of Penalties and Forfeitures.

LXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or incurred under the Provisions or Directions thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice of the Peace for the said County of *Lincoln*, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offender shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the said County of *Lincoln*, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress (such Day or Days not being more than Eight Days from the taking of any such Security, and which Security any such Justice is 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 whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied (if a Warrant of Distress should be issued), such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to any Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law; and such Penalties and Forfeitures, when received, shall be paid by the Commissioner receiving the same to the Collector, Treasurer, or Receiver, to be applied for the general Purposes of the Drainage.

Power of Appeal.

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done by the said Commissioner in pursuance of this or the said recited Act, (other than and except such Orders and Determination of the said Commissioner as are by the said recited Acts or

or this Act directed to be final or conclusive, and except in Cases where an Issue at Law may be tried as is herein-before mentioned,) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the Parts or Division of *Kesteven* within Four Calendar Months next after the Cause of Complaint shall have arisen, giving to the said Commissioner and the Party or Parties concerned Ten Days Notice at the least, in Writing, of such Appeal, and of the Matter thereof, before such General Quarter Sessions, except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Day of the Inrolment of the said Award in manner aforesaid, on giving to the said Commissioner such Notice as last aforesaid; and the Justices not interested in the Premises, at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

Limitation of Actions.

LXIX. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities hereby given, every such Action, Suit, or Information shall be commenced or made within Six Calendar Months next after the Fact committed and not afterwards, and shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue Not Guilty, and if in Replevin may justify and avow by virtue of this Act as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the special Matters in Evidence, without specially pleading the same otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alleged to have been done was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall

find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if Judgment shall be given against him, her, or them upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover his, her, or their Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded.

General Saving.

LXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs and Successors, Executors and Administrators, (other than such as are intended to be barred and destroyed by virtue of this Act,) all such Right, Title, and Interest as they, every or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, inclosed, and drained, in case this Act had not been passed.

Public Act.

LXXI. 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.

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