



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 108.

An Act for rendering more effectual an Act of His present Majesty, for draining certain Low Lands lying on both Sides the River *Witham*, in the County of *Lincoln*, and for restoring the Navigation of the said River from the High Bridge in the City of *Lincoln* to the Sea. [18th June 1808.]

WHEREAS by an Act passed in the Second Year of the Reign 2 Geo. 3. of His present Majesty, intituled, *An Act for draining and preserving certain Low Lands called the Fens, lying on both Sides 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*, the Low Lands and Fens in the said Act comprised are divided into Six several Districts or Divisions, and certain Persons are appointed or directed to be elected General Commissioners for executing such of the Provisions of the said Act as relate to or concern the Drainage of the said Lands, with Power to rate and tax the same in Manner therein directed, and to borrow Money on such Rates and Taxes either by way of Annuity or on Mortgage, and certain other Persons are also appointed or directed to be elected Commissioners for executing such of the Provisions of the said Act as relate to

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or concern the Navigation of the said River *Witham*, with Power to impose Tolls and Duties, and to raise Money for executing the Works of Navigation in like Manner as in the said Act is directed concerning the Monies to be raised for the Purpose of Drainage: And whereas the said General Commissioners for Drainage have taxed and charged the Lands within the said several Districts to the Extent they were authorized by the said Act to tax and charge the same respectively, and borrowed and took up at Interest by way of Mortgage divers Sums of Money on the Credit of such Rates and Taxes; and the said Commissioners for Navigation have also borrowed Money in like Manner on the Tolls and Duties of the said Navigation; all which Monies so borrowed by the said respective Commissioners have been expended in defraying the Expences of obtaining the said Act, and in part Execution thereof; but by reason of the defective Provisions of the said Act, and the Incompetency of the said Rates and Taxes, Tolls and Duties, and of the Means prescribed for obtaining Money thereon, several Works both of Drainage and Navigation are yet unexecuted, in consequence whereof the Lands lying within the First, Third, and Fifth Districts remain liable to Injury from Floods, and the Commerce of the Country, by reason of the defective State of the said Navigation, is materially interrupted; it is therefore expedient that certain Provisions of the said Act should be repealed, and other Powers granted in lieu thereof, and that a further Rate or Tax should be charged on the said First, Third, and Fifth Districts, and the Tolls and Duties of the said Navigation regulated and increased; and it might also facilitate the raising of the Money intended to be charged on the Tolls and Duties of the said Navigation, if the said General Commissioners were empowered to obtain the same by a Transfer of such Tolls and Duties, upon the Terms, and subject to the Restrictions and Provisions herein contained; But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty, that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Provisos, Authorities, Matters and Things therein contained, save and except such as are hereby altered, varied, or repealed, or which militate against, or are repugnant to the Provisions and Purposes of this Act, shall be, remain, and continue in full Force and Effect, and shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if the same were repeated and enacted with Words to make the same applicable to the Purposes and Provisions herein contained.

Such Parts of the *Witham* Acts as are not repealed by this Act, to remain in force.

Certain Clauses and Provisions of the *Witham* Act repealed.

II. And be it further enacted, That when and as soon as the Sum of Seventy thousand Pounds, or any greater Sum shall have been obtained by the said General Commissioners upon the Credit or by the Transfer and Assignment of the Tolls and Duties imposed by the said recited Act and this Act, on Goods, Wares, Merchandize, or Commodities carried or conveyed through or upon the said Navigation, in exercise of the Power hereinafter vested in them in that Behalf, and all Monies that have already or shall at any Time hereafter be borrowed by the said Commissioners for Navigation, or that shall be due and owing from them to any Person or Persons whomsoever, shall have been paid off and discharged, and the Sum

of

of Thirty thousand Pounds hereinafter authorized to be raised by the said General Commissioners under the Provisions of the said recited Act, shall also have been obtained; that then and from thenceforth so much and such Parts of the same Act, and of the several Clauses and Provisions therein contained as respectively relate to or concern the Height or Surface of the Water in the said River *Witham*, the cleansing, scouring, widening, deepening, and embanking the said River from the Grand Sluice at *Boston* to *Lincoln* High Bridge, and executing the several Works directed or authorized to be done by the said General Commissioners within the said First, Third, and Fifth Districts, that shall not then have been made, done, and executed, or which relate to or concern the several Works of Navigation authorized to be made, done, and executed by the said Commissioners for Navigation, and so much of the said recited Act, as exonerates or discharges from the Stamp Duties any Mortgage, Assignment, Transfer, Security, or other Proceeding by any Commissioners or Commissioner for putting the said recited Act into Execution, that would otherwise be subject or liable to any such Duties, shall be and the same is and are hereby respectively repealed, and declared to be null and void to all Intents and Purposes whatsoever.

III. And be it further enacted, That the said General Commissioners or any Seven or more of them shall and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to make Cuts, and cleanse, scour out, widen, deepen, straighten, and embank the said River *Witham*, or cause such Cuts to be made and the said River to be cleansed, scoured out, widened deepened, straightened, and embanked from the said Grand Sluice to the High Bridge in *Lincoln*, in Manner and of the several Dimensions following; that is to say, from the said Grand Sluice to a Place called *Dorman's Dike* or *How Bridge Tunnel*, with a Bottom Fifty Feet wide, and from thence a new Cut to be formed in a straight Line to near *Tatershall* Bridge with a Bottom Forty Feet wide, from the End of the said Cut to *Stixwold Ferry*, the Bottom of the said River *Witham* to be Thirty-four Feet wide, from thence to *Horsley Deeps* Thirty Feet Wide, and another New Cut to be made in a straight Line with a Bottom of the said last-mentioned Width, from *Horsley Deeps* to join the said River again nearly opposite to the Woad Houses in the Parish of *Fisherton*, and from the End of the said Cut to the Lock intended to be erected in the Parish of *Washingborough*, the Bottom of the said River to be Twenty-eight Feet wide; the Dimensions of the said River and Cuts from *Dorman's Dike* or *How Bridge Tunnel* upwards, being diminished gradually, so as there may not be a less Water-way on the Average for the respective Distances aforesaid than of the several Dimensions before specified; and that the Bottom of the said River and Cuts from the Grand Sluice to the said Lock, shall be carried on a Level with the Sill of the said Grand Sluice, and that from the said Lock in the Parish of *Washingborough* to the present Lock at *Stamp End*, the said River *Witham* shall be not less than Twenty-four Feet wide at the Bottom, and the Bottom thereof deepened to Six Feet at the least below the Weir or Overfall adjoining or near to the said intended Lock in the Parish of *Washingborough*; the said River and Cuts to be formed with Slopes or Batters of Three Feet horizontal to One Foot perpendicular at the least, leaving a Foreland of not less than Twenty Feet on each Side thereof; and the Banks also formed with Slopes or Batters of Three Feet horizontal to One Foot perpendicular next the said River and Cuts, and Two Feet horizontal to One Foot perpendicular on the

Commissioners to deepen and embank the *Witham*, and make Cuts.

the Land Side thereof; and shall also scour out and deepen the said River *Witham* from *Stamp End* Lock to *Lincoln* High Bridge, in such Manner, and to such Extent, as in the Judgment of the said General Commissioners shall be deemed requisite or necessary for the Purposes of this Act, and shall form the Bank on the South Side of the said River *Witham*, with a Ten Feet Top, and puddle the same in the Middle, so as to make the said Bank as nearly watertight as may be, and gravel the Top thereof, and make Bridges across the several Drains communicating with the said River where necessary, for towing and haling with Horses and Men, or otherwise, Keels, Boats, Barges, and other Vessels passing through or upon the said Navigation; and shall likewise erect Bridges over the said New Cuts where necessary for preserving the Communication between the Lands and Estates that may be separated by the making of such Cuts, and set out necessary private Roads to communicate therewith, and cause Delphs of sufficient Capacity to be made at the Back of the said Navigation, from *Washingborough* Lock upwards, as far as is requisite for the Passage of the *Sincil Dike* and other Waters into the River *Witham* below the said Lock, that are now entitled to be discharged into the said River below *Stamp End* Lock, and shall also make sufficient Trenches and Passages for the Waters of the said River *Witham*, and the Streams communicating therewith, and divert and turn the same respectively into and through the Lands adjoining upon or lying contiguous to the said River, as Occasion shall require, for the making and executing the several Works herein directed, and effecting the Purposes of this Act.

Lock and
Sluices to be
built.

IV. And be it further enacted, That the said General Commissioners shall, and they are hereby authorized and required, to erect and build, or cause to be erected and built, a good and substantial Lock in the said Parish of *Washingborough*, opposite or nearly so to the Drain running into the River *Witham*, and dividing the Parishes of *Greetwell* and *Cherry Willingham*, the Dimensions whereof shall be Eighty Feet in Length within the Gates, and Sixteen Feet and an Half wide at the least in the Chamber, and that adjoining or near to the said Lock, a Stone Weir or Overfall shall also be built and placed at the same Height above the Sill of the Grand Sluice, as the Gauge Mark at *Lincoln* High Bridge is now placed under the Authority of an Act of the Thirty-second Year of His present Majesty's Reign for improving the Navigation of the River *Bain* hereinafter recited, with Sluices of sufficient Capacity to draw off the Water in Times of Flood into the River below the same; provided that the said Sluices are placed at such a Distance from the Tail of the said Lock as to prevent the Scour of the Sluices, or the Overfall of the Water, from throwing up a Bank or Shoal so as to obstruct the Navigation of Barges or other Vessels entering into the said Lock; and the said Navigable Lock or Pen Sluice adjoining to the said Grand Sluice, shall, if necessary, be enlarged so as to make the same of corresponding Dimensions with the said intended Lock in the Parish of *Washingborough*; and that the present Locks in or across the said River *Witham* at *Barlings Kirkstead* and *Stamp End*, and the Stanches adjoining or near to the said respective Locks, shall be taken down and removed, and the Materials of which they consist disposed of or used for the Purposes of this Act.

Clauses in
the Horn-
castle Act
repealed.

V. And whereas by an Act passed in the Thirty-second Year of His present Majesty's Reign, intituled, *An Act for enlarging and improving the Canal* called

called Tatershall Canal from the River Witham to the Town of Tatershall, and extending the same into the River Bain, and for making the said River Bain navigable from thence to or into the Town of Horncastle, all in the County of Lincoln; and also for amending and rendering complete the navigable Communication between the said River Witham and the Fosdike Canal, through the High Bridge in the City of Lincoln; It was enacted, That the Works to be erected on the said River Witham between the said Bailey's Sluice and the said High Bridge, should not be constructed so as to prevent the Passage of the same or an equal Quantity of Water, nor suffer the Passage of a larger Quantity of Water than what was then uttered by the said River Witham in like Seasons, such Quantity of Water to be ascertained by the Calculation and Experience of Two able Engineers, one to be appointed by the said General Commissioners of Drainage, and one by the Proprietors of Estates lying on the West Side of the said City of Lincoln; and draining by the said River Witham, except that at all Times, in order to prevent as much as possible any injurious Accumulation of Water, whenever the Surface of the said River Witham should rise to the Height of Six Inches above the gauged Low Water Mark thereinbefore mentioned and limited, that then the Cloughs of the Stanch thereby intended to be erected should be drawn and should remain open, to utter such additional Quantity of Water as might be found could be received and passed to the Sea, without Danger to the Banks or Prejudice to the Drainage of the Low Lands lying East of the said Stanch; and for the Purpose of determining to what Period the said Cloughs might so remain open, a certain other Gauge Mark should be ascertained by the said Engineers, upon due Experience and Observation to be had and made by them, which said Gauge Mark last-mentioned should be fixed within Twelve Calendar Months after the Completion of the Works by the said Act directed to be done within the said City of Lincoln, at some proper or convenient Place to regulate the Passage of the said Water: Provided nevertheless, that the said Gauge Mark should not restrain the said General Commissioners of Drainage from suffering the Passage of any farther or larger Quantity of Water, whenever they judged it fit and expedient so to do; and provided that the said Cloughs should be again shut whenever the Surface of the said River Witham should be reduced to the said Gauge Low Water Mark first before described and limited, and that the said General Commissioners of Drainage should at all Times thereafter (subject to the Limitations therein-before mentioned) have and exercise the sole Controul over the same Works: Be it further enacted, That when and as soon as the said Lock and Sluice, and heightened or increased Weir at *Washingborough*, shall have been made, erected, and completed as herein directed, and the Weir at *Bargate Drain* also heightened and increased, and the Sluice or Sluices to be erected therein shall also have been put down and compleated, and the Drain made to *Bailey's Sluice*, that then and from thenceforth so much of the said Act of the Thirty-second Year of His present Majesty's Reign, shall be and the same is hereby repealed and declared to be null and void, to all Intents and Purposes whatsoever.

VI. And whereas, it is in the last recited Act of the Thirty-second Year of the Reign of His present Majesty provided and declared that no new Communication shall be made with the said River *Witham* to the

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West of the City of *Lincoln*, and the same River on the East Side of the same City, by any other Tunnel, Drain, or Work whatsoever. And whereas it is expedient that the same Proviso should be partially repealed, Be it further enacted, That nothing in the said recited Act contained shall restrain or prevent the making and maintaining of the Sluices and Drains authorized by this Act, for facilitating the Passage of the Flood Waters from the River *Witham* West of the City of *Lincoln*, into the said River below the same.

Height of
Weirs regu-
lated.

VII. Provided always and be it further enacted, That the said Weir at or near to *Washingborough Lock*, shall for the Space of Sixteen Feet only in the South Part thereof be made of the Height before mentioned and described, and that the farther or extended Width of such Weir shall be made of the greater or increased Height of Six Inches, and shall so remain and continue until the Sluice at or near to *Bargate Drain Weir* shall be put down, and the Drain from thence to *Bailey's Sluice* compleated as herein directed; and that immediately upon the Completion of the said last mentioned Works the said Sixteen Feet or lower Part of *Washingborough Weir* shall be raised to within One Inch of the higher Part thereof, and such higher Part for the Space of Four Feet be reduced or lowered One Inch, so that in the whole the said Weir, for the Space of Twenty Feet may be One Inch lower than the remaining Part of such Weir; and the said General Commissioners shall also, at the same Time, cause *Bargate Drain Weir* to be heightened and placed on the same Level as the higher Part of the said *Washingborough Weir*, allowing for the proper Declivity of the Water between the said respective Weirs; both which said Weirs shall from thenceforth be, continue, and remain of the several increased Heights aforesaid.

Works how
to be sup-
ported.

VIII. And be it further enacted, That from and after the said intended Lock and Stanch in the Parish of *Washingborough*, and the said Navigable or Pen Sluice adjoining the said Grand Sluice, and the said towing or haling Path, and the Bridges across the said Cuts, and also across the several Drains communicating with the said River *Witham* in the Line of the said haling Path, shall have been made and completed, and Milestones set down by the Side of the said Navigation as herein directed, the same shall from Time to Time for ever thereafter be repaired, supported, and maintained by the said Commissioners for Navigation, by and out of the Monies to arise and be received from the Tolls and Duties of the said Navigation; and that all other Works to be made, done, and executed by the said General Commissioners under the Authority of this Act (except the Bridges over the *Carr Dike Drain*, the Stanch in the said Drain, and the Weirs, Tunnels, and Drains in the said First District, which are herein directed to be a Charge upon the Occupiers of Lands within the said District) shall be supported, maintained, and repaired at the Costs and Charges of the said General Commissioners, by and out of the Drainage Funds from Time to Time to arise and be received under the Authority of the said recited Act, in like Manner as the Works of Drainage made and done by the said General Commissioners under the Authority of the same Act, are directed and required to be supported, maintained, and repaired.

Assignees of
Navigation
liable to Re-

IX. Provided always, and be it further enacted, That from the Time the Tolls and Duties of the said Navigation shall be transferred and assigned by the

the said General Commissioners, as herein authorized, and until the several Works for improving and enlarging the Passage for the Flood Waters from the said *Bargate Weir* through *Bargate Drain* to *Bailey's Sluice*, shall have been executed and completed as herein directed, the present Weirs at the said *Bargate* and *Little Gowt Drains*, and the scouring out of the same Drains, and of the said *Great Gowt Drain* and *Sincil Dike* and the *Culvert* under the said River *Witham* shall be respectively repaired and scoured out by and at the Costs and Charges of the Person or Persons to whom the said Tolls and Duties shall be transferred and assigned as aforesaid, in such and the like Manner, upon, under, and subject to the like Notice and Controul, and with such and the like Powers and Remedies on the Part of the Persons and Parties interested therein, to enforce the doing of such Repairs, and the scouring out such Drains, as could or might have been exercised for those Purposes respectively against the said Commissioners for Navigation, if such Transfer and Assignment had not been made, or this Act had not been passed.

pair of Weirs,
&c. West of
Lincoln.

X. Provided also, and be it further enacted, That if at any Time after the Sluice or Sluices shall be put down at the Head of the said *Bargate Drain*, as herein directed, the same shall by reason of any Accident or other Cause be out of Repair, whereby the Waters of the said River *Witham* shall pass through such Sluice or Sluices to the Prejudice of the *Fosdike* Navigation, and shall so continue for the Space of Thirty Days after Notice thereof given to the Clerk of the said General Commissioners of Drainage, by the Mayor of *Lincoln* for the Time being, or the Lessee or Lessees of the said *Fosdike* Navigation, or his or their Agent, that then and in such Case it shall and may be lawful to and for the said Mayor of *Lincoln* for the Time being, or the Lessee or Lessees of the said *Fosdike* Navigation, or his or their Agent, to cause such Sluice or Sluices to be well and sufficiently repaired; and the Expences thereby incurred shall be borne and defrayed by the said General Commissioners, and be recoverable by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XI. And whereas by an Act passed in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for embanking and draining certain Fens and Low Lands in the Parishes of Nocton and Potherhanworth in the County of Lincoln, and in the Parish of Branston, in the County of the City of Lincoln*; It was enacted, That the Commissioners therein named or to be appointed under the Authority of the said Act might, and they were thereby authorized and required, to make, erect, and support a Stanch in the lower Bank of *Carr Dike* near the South West Corner of *Nocton Fen*, for the Purpose of preserving the Waters issuing from a Beck near a Wood called *Nocton Wood*, into the said *Carr Dike*, so that the same might be taken into the said Fens and Low Lands intended by the now reciting Act to be embanked and drained by Means of Tunnels to be laid through the lower Bank of the said *Carr Dike* for the Use of Cattle in dry Seasons, but that no Stanch or Obstructions should be erected or placed in any Drain or Delph to be made on the outer Side of the several Banks thereinbefore mentioned and directed to be erected under the Authority of the now reciting Act Eastward of the East Bank of the said *Carr Dike*; be it further enacted, That so much of the said recited Act shall from and after the Works upon the *Carr Dike* have

Clause in
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bankment
Act repealed.

have been executed and completed, as herein directed, be and the same is hereby repealed and declared to be null and void to all Intents and Purposes whatsoever.

For providing Water in the First District for Cattle, and Fences.

XII. And whereas Doubts have arisen whether the deepening of the said River *Witham* may not prevent the accustomed Supply of Water being had therefrom, or from the Streams communicating therewith, for the Use of Cattle and for Fences in the said First District in dry Seasons; Be it therefore enacted, That the said General Commissioners shall and they are hereby empowered and required, before the said River *Witham* shall be deepened above *Kirkstead Lock* as herein directed, to cause the said *Carr Dike Drain* to be scoured out, deepened, and enlarged to the Width of Eight Feet at the least at the Bottom, and the said Drain and the Banks thereof formed of sufficient Height and Strength for the Protection of the said First District against the Flood Waters of the same Drain, with Slopes or Batters of Two Feet horizontal for each Foot in perpendicular Height, and shall also cause Weirs or Overfalls to be placed in the said *Carr Dike Drain* where necessary, and Tunnels laid through the lower Bank thereof, in such Situations, upon such Levels, (allowing for the proper Declivity of the Water in the said *Carr Dike* in dry Seasons,) and of such Dimensions, to be regulated by the Quantity of Land within the respective Embankments, as shall be requisite or necessary for supplying the Lands in the said First District with Water, in such Manner as that all the said Lands may have and receive the greatest possible Benefit and Advantage in the Use and Enjoyment of the Waters flowing into the said *Carr Dike Drain*; and that the said General Commissioners shall also cause a Dam or Stanch to be made in the said *Carr Dike Drain* at the Bank between *Timberland-Thorpe* and *Walcot Delph*, or in the Township of *Walcot*, as may be deemed most expedient, of a sufficient Height for diverting an adequate Supply of Water through the said Tunnels for the Purposes aforesaid; and shall likewise erect and build good and substantial Brick Bridges over the said *Carr Dike Drain* where necessary, for preserving the accustomed Communications across the same, and erect Weirs at the present Outlets of the same Drain, as well for preserving the Water therein in dry Seasons, as for uttering by means thereof the Surplus and Flood Waters into the respective Drains or Delphs through which they are now discharged into the said River *Witham*, which said several Weirs or Overfalls, Tunnels, and Stanches shall, from and after the making thereof respectively for ever thereafter be maintained, repaired, and supported by such Person or Persons, and in such and the like Manner, and under such and the like Trusts, Powers, and Authorities as the Works of Drainage in the Townships, Hamlets, and Parishes in which such Works shall be respectively situate are now liable to be repaired, supported, and maintained; and the said Bridges shall be repaired and supported by and at the Costs and Charges of the Person or Persons liable to repair and support the present Bridges.

Drain to be made to *Timberland Wharf*.

XIII. And be it further enacted, That it shall and may be lawful for the said General Commissioners, and they are hereby required, by and out of the Monies to arise and be received by them under the Authority of this Act, to make a Drain or Delph with Banks of adequate Dimensions from the present Cut in *Timberland* to *Timberland Wharf*, along the Side of the lower Bank of *Carr Dike Drain* to and from thence through the Land

Land called the *Willow Row*, of the same Dimensions as the said *Carr Dike* Drain is herein directed to be made, to be used for such and the like Purposes as the said last mentioned Drain in *Timberland* is now used, to the Intent that the whole of the Waters running into the same *Carr Dike* Drain may, if necessary, be more effectually appropriated in dry Seasons for the Benefit of the Lands in the said First District.

XIV. And be it further enacted, That the said General Commissioners shall, and they are hereby required, in the Erection of the said Weir at or near to *Wassingborough* Lock, to place a Trough or Tunnel, but so that the Top of the said Weir is not lowered thereby; of sufficient Dimensions on the South Part of the said Weir, and continue the said Tunnel across the Drain to be made for discharging the *Sinzel* Dike and other Waters into the said Navigation, and make another Drain or Delph from thence at the Back of the said Navigation Bank through the said first District, upon such Level and of such Dimensions as shall be requisite or necessary to convey Water into such of the Fens and Low Lands in the said First District for Cattle and Fences as shall not be sufficiently supplied therewith from the said *Carr Dike* or any other Source from whence such Supply hath been usually obtained before the passing of this Act, and shall also erect Weirs or Overfalls in the same Drain or Delph and put down Tunnels where necessary through the inner Bank thereof, and also under the main Drains between the respective Embankments for conveying Water into the said Fens and Low Lands for the Purposes aforesaid.

Further Directions for supplying the First District with Water.

XV. And be it further enacted, That the Trustees for the Time being for the Preservation of the Works of Drainage within such of the respective Embankments in the said First District as are interested in the Use of the Drain or Delph directed to be made at the Back of the South Bank of the said Navigation for the Purpose of conveying Water through the same, or any Five or more of such Trustees, shall and may, and they are hereby authorized and required, by and out of the Monies that may come into their Hands respectively as such Trustees as aforesaid, to maintain, support, and keep the said Drain or Delph, and the several Tunnels communicating therewith, in good and sufficient Repair, and also to put down Tunnels, if required, through the Bank separating the Fen from the Dale Lands in the respective Parishes, Townships, or Hamlets of *Blankney*, *Linwood*, *Martin*, *Timberland*, *Timberland-Thorpe* and *Walcot* aforesaid, and that the Costs and Charges of the said Repairs shall be borne and defrayed by an equal Acre Rate or Tax upon all the Lands within the said respective Embankments taking in Water from the said Drain or Delph; and if the Trustees for any of the said embanked Lands shall neglect or decline to concur in the doing of such Repairs, it shall be lawful for the Trustees of any other of the said embanked Lands from Time to Time to do the same, and to sue for and recover the Charges and Expences occasioned thereby after the Rate or Proportion aforesaid, against the respective Trustees so neglecting or declining, with Costs, by Action of Debt in one of His Majesty's Courts of Record at *Westminster*.

Delph and Tunnels at the Back of the Navigation Bank how repaired.

XVI. And be it further enacted, That the said General Commissioners shall and they are hereby empowered and required by and out of the Monies, Drains in the First and Third Dis-

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districts to be
deepened, &c.

nies to arise and be received under the Authority of this Act, to cause *Washingborough* Drain or Channel, and the several Drains, Channels, or Delphs extending from the said *Carr Dike* to the River *Witham*, between or adjoining upon the respective Embankments in the First District, and also the several Drains, Channels, or Delphs extending from the High Lands on the North Side of the River *Witham* through the said Third District that were directed to be scoured out and embanked by the said recited Act made in the Second Year of the Reign of His present Majesty, to be respectively scoured out, widened, deepened, and enlarged in proportion to the lowered Surface of the Water in the said River *Witham*, and also cause the Banks of all the said Drains, Channels, or Delphs in both the said Districts, to be increased to such Height, Strength, and Dimensions as shall be requisite or necessary for effectually protecting the Lands adjoining thereon respectively against Injury from Floods; and that if by reason of deepening any of the Drains, Channels, or Delphs, in either of the said Districts any Lands within the same shall be deprived of their accustomed Supply of Water for the Use of Cattle and for Fences in dry Seasons, and shall not obtain an adequate Supply by the Means hereinbefore provided, it shall be lawful for the Owners and Occupiers of such Lands, at their own proper Costs and Charges from Time to Time as Occasion shall require, to place moveable Shuttles in any of the said Drains, Channels or Delphs, and put down Tunnels through the respective Banks thereof, where necessary, to raise and divert the Waters through such Tunnels for the Purposes aforesaid, and that the said several Drains, Channels, or Delphs between or adjoining upon the respective Embankments in the said First District shall also be deepened to such Extent as will afford to the Owners and Occupiers of Lands adjoining thereon respectively such and the like Benefit in the Use thereof in every Respect as they now enjoy or are entitled to along the same Drains, Channels, or Delphs, to and from the River *Witham*.

Communica-
tion with
Barlings-Eau
preserved.

XVII. Whereas the deserting or abandoning the old Course or Channel of the said River *Witham*, by means or in consequence of the new Cut hereinbefore directed to be made from *Horsley-Deeps* to the Wood Houses in the Parish of *Fiskerton*, will injure the Outfall of *Barlings-Eau*, and prevent the Waters thereof from being discharged into the said River *Witham*; be it further enacted, That it shall and may be lawful to and for the said General Commissioners of Drainage, and they are hereby required, immediately after the said new Cut shall be made and completed, to scour and deepen the old Course or Channel of the said River *Witham* downward from *Barlings-Eau* to its Junction with the said New Cut, so as the Bottom of the said River *Witham* may be Twenty Feet wide and Six Feet below the Average Level of the taxable Lands adjoining thereon for the Space aforesaid: And the said General Commissioners shall and they are hereby required to embank the said old Course or Channel of the said River *Witham* to such Height and with Banks of such Strength and Dimensions, with proper Forelands as shall be requisite or necessary, and so as that the Waters of *Barlings-Eau* and the side Drains communicating therewith shall and may pass into the said River *Witham*, or proposed new Cut, at or near to *Horsley Deeps*.

XVIII. And

XVIII. And be it further enacted, That the cleansing, scouring, widening, deepening, and enlarging the said River *Witham*, and the several side Drains and Channels communicating therewith, and forming the Banks thereof respectively as herein directed, shall be proceeded upon from the Grand Sluice upwards progressively, to the Intent that no Part of the Lands adjoining upon or lying contiguous to the said River, Drains, or Cuts, may be endangered, prejudiced, or affected by the Execution of any Works in the upper Part of the said River, or above any such Drains or Cuts, before the Works upon the said River *Witham* below the same shall be in a State and Condition to admit the Passage of the Flood Waters along the same to and through the said Grand Sluice to the Sea.

Works to be executed progressively.

XIX. And be it further enacted, That if by making the said new Cuts in *Billingshay* Dales, and *Branston* Fen, any Lands adjoining upon or lying contiguous thereto or to the said River *Witham*, for the Space the said River shall be deserted for such Cuts, shall be prevented or hindered from draining by their accustomed Outfall, or shall be prejudiced in such Drainage, that then and in such Case the said General Commissioners shall and they are hereby required to make a Drain or Delph of sufficient Capacity along the Back of the said Navigation Bank, and place one or more Tunnel or Tunnels through the said Bank, in such Situation or Situations as will afford an effectual Drainage for such Lands into the said Navigation, or shall cause such Works of Drainage to be made, done, and executed, and the ancient Course of the said River *Witham* to be embanked to such Extent as will obtain for the said Lands the same or the like Protection and Benefit of Drainage as is now enjoyed by or shall be had and obtained by virtue of this Act, for the Lands from which they shall be separated by the making of the said Cuts; and the said General Commissioners shall also cause Tunnels where necessary, to be put down, through the Bank of the said Navigation, for affording a Supply of Water for Cattle and Fences in the Lands deprived thereof by the making of the said Cuts.

Drainage for Lands separated by Cuts.

XX. And be it further enacted That the Scite or Bed of the said River *Witham*, for the Space the same shall be departed from and deserted by reason of the making the said new Cuts or either of them, shall be, and the same is hereby vested in the said General Commissioners to be by them or any Five or more of them disposed of in such Manner as they shall think necessary and proper for the general Works of Drainage, and the better Execution of this Act.

Scite of the *Witham* where deserted, vested in General Commissioners.

XXI. Provided always, and be it further enacted, That the Controul over the Tunnel directed to be placed through the Navigation Bank at *Washingborough* Weir, shall be vested in the same Trustees, or Persons in whom the Power is hereby vested to cleanse and scour out the Delph extending therefrom at the Back of the Navigation Bank along the said First District, and the same Trustees or any Five or more of them, or their Agent thereunto lawfully authorized, are and is hereby empowered to open or shut the said Tunnel as Occasion shall require, as well for admitting Water through the same in dry Seasons, as for preventing the Waters of the said River *Witham* from passing into the said Delph in Times of Flood.

Controul over the Tunnel in *Washingborough* Weir.

XXII. And

For improv-
ing the Out-
fall from the
Witham,
West of
Lincoln.

XXII. And whereas the Outfall of the River *Witham* would be farther improved to the Benefit both of the Drainage and Navigation if an increased Passage was made for the Flood Waters of the said River from the West Side of the City of *Lincoln*, Be it therefore enacted, That it shall and may be lawful for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and required, (if the Funds to be raised under the Authority of this Act shall be found adequate to bear and defray the Expences attending the same, after the several other Works hereinbefore directed shall have been first executed and completed,) to cause the Weir in the East Bank of the River *Witham* at the Head of *Little Gowt* Drain to be taken down and removed, and the Weir in the same Bank at the Head of *Bargate* Drain enlarged to such Dimensions as shall be equal to the present Weir, and also to the Weir at the said *Little Gowt* Drain, and placed on the same Level as the increased or heightened Weir at or near the said intended Lock in the Parish of *Washingborough*, allowing for the Declivity of the Water between the said Weirs, and shall also put down One or more Sluice or Sluices in the said *Bargate* Drain Weir of such Dimensions as the said General Commissioners or any Seven or more of them shall deem proper, which Sluice or Sluices from and after the making and putting down the same shall forever thereafter be and continue under the sole Direction and Controul of the said General Commissioners; provided the Slackers of the said last-mentioned Sluice or Sluices are not drawn or suffered to remain open at any Time when the Surface of the Water in the said River *Witham* adjoining thereon shall be below the Top of the said Weir, nor suffered to remain shut when the Surface of the Water in the said River *Witham* shall be Three Inches above the Top of such Weir, without the Consent of the Mayor of the City of *Lincoln* for the Time being, and the Lessee or Lessees of the *Fosdike* Navigation, or of their Agent thereunto lawfully authorized; and in case the said Sluice or Sluices shall at any Time or Times be suffered to remain open or shut contrary to the Directions or Restrictions aforesaid, then and in either of the said Cases it shall and may be lawful to and for the said Mayor of the City of *Lincoln* for the Time being, and the Lessee or Lessees of the said *Fosdike* Navigation, or either of them, or their Agent thereunto lawfully authorized, to shut or open the same as the Case may require; and the said General Commissioners, or any Seven or more of them shall and may also take down and rebuild *Bargate* Bridge with a clear Waterway of Twenty Feet at the least, and scour out, deepen, widen, and enlarge the said *Bargate* Drain from its Commencement Westward to the Distance of Twelve Chains below the said *Bargate* Bridge, and from thence make a new Drain in a direct Line over certain Old Inclosures to or near to *Bailey's* Sluice with a Bottom of not less than Twenty Feet, and also enlarge, if necessary, the Delph at the Back of the Navigation Bank from *Bailey's* Sluice to below the said intended Lock in the Parish of *Washingborough*, and make another Drain from the End of the *Great Gowt* Drain at *Sincol* Dike, of the same Dimensions as the said *Great Gowt* Drain now is, to communicate with the Extension of the said *Bargate* Drain, and shall form the Earth that comes out of the said respective Drains into Banks, where necessary, with the like Slopes or Batters as are before directed respecting the Banks of the said River *Witham*.

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XXIII. And

XXIII. And be it further enacted, That such of the Powers and Provisions contained in the said recited Act of the Thirty-second Year of the Reign of His present Majesty, as relate to, concern, or regulate the Passage of the Waters of the said River *Witham*, over the Weir and through the present Sluices at *Stamp End* Lock, shall immediately upon the making and completing of the Weir at or near to the said intended Lock in the Parish of *Washingborough*, and putting down Sluices therein as herein directed, apply and be extended to the Lower or South Part of the said last-mentioned Weir, and to the Sluices in the same Weir, until the increased Passage for the Flood Waters of the River *Witham*, from *Bargate Drain* Weir to *Bailey's Sluice*, shall be effected, and the said Lower Part of *Washingborough* Weir increased or heightened as herein also directed, and that the several Persons and Parties in whom the Power and Controul over the present Sluices in *Stamp End* Weir is vested by the said Act, shall have and are hereby respectively invested during the Time aforesaid, with such and the like Power and Controul in every Respect over the said intended Sluices in *Washingborough* Weir, and that immediately upon the Completion of the said increased Passage, for the Flood Waters from *Bargate Drain* Weir to *Bailey's Sluice*, and the said Lower Part of *Washingborough* Weir shall have been increased or heightened as aforesaid, then and from thenceforth, and at all Times thereafter, the like Power and Controul over the Sluices in the said *Washingborough* Weir, with respect to the shutting down the same, whenever the Surface of the Water in the said River *Witham* shall be below the Top of the said last-mentioned increased or heightened Weir, shall vest in and be exercised by the Mayor of *Lincoln* for the Time being, and the Lessee or Lessees of the *Fosdike* Navigation, and his or their Agent as is hereinbefore given to and vested in him and them respectively, with respect to the shutting down the Sluices in the said *Bargate Drain* Weir, when the Surface of the Water in the said River *Witham* shall be below the Top of the said last-mentioned Weir, but that the sole Controul over such Sluices in the said *Washingborough* Weir, for the Purpose of regulating the Passage of the Flood Waters through the same, shall from and after the Completion of the said Works by *Bargate Drain* to *Bailey's Sluice* as hereinbefore mentioned, be and remain with the said General Commissioners.

Provisions relating to the Sluices in Stamp End Weir extended to the Sluices in Washingborough Weir.

XXIV. And in consideration of the Tolls and Duties intended to be hereby repealed, and of the great Charge and Expence which must be incurred in making and maintaining the Works hereby authorized to be made and maintained; Be it further enacted, That when and as soon as the Sum of Seventy thousand Pounds, or any greater Sum, shall have been obtained by the said General Commissioners by the Transfer and Assignment of the Tolls and Duties of the said Navigation as hereinafter mentioned, all and every the Tolls and Duties of the said Navigation that would have remained and continued due and payable to the said Commissioners for Navigation, if such Transfer or Assignment had not been made, shall from and immediately after the making and executing of the same, be and become due and payable to, and shall be had, received, taken, and enjoyed by or on the Account of, or for the Benefit of the Person or Persons to whom such Transfer or Assignment shall have been made

[Loc. & Per.]

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and

and executed upon the Schedule of Weights that now pass for a Ton on the said River *Witham*, until the several Works, Matters, and Things hereinbefore directed or authorized to be made, done, and executed, except the said Works for increasing the Passage for the Flood Waters from *Bargate Drain Weir* to *Bailey's Sluice* shall have been perfected and completed according to the Tenor and true Meaning of this Act; and that when and as soon as the said Works, Matters and Things shall have been completed and perfected as aforesaid, and shall be certified by Writing so to be, under the Hands of any Seven or more of the said General Commissioners, and advertised in some News-paper usually circulated in the said County of *Lincoln*, then and from thenceforth, and from Time to Time, and at all Times thereafter, in lieu of the present Tolls and Duties imposed by the said recited Act, or payable under the Authority thereof, which it is hereby declared shall then cease and determine, there shall be paid for the Tonnage of all Goods, Wares, Merchandize, or Commodities whatsoever carried or conveyed through or upon the Navigation of the said River *Witham*, except as after mentioned, the several Sums of Money following (that is to say);

For Goods, Wares, Merchandize, or Commodities carried or conveyed from any Place within one Mile of *Lincoln High Bridge* to within the like Distance of the Grand Sluice near to *Boston*, or from any Place within One Mile of the said Grand Sluice to within the like Distance of *Lincoln High Bridge*, the Sum of Three Shillings *per* Ton; and for any Distance upon the said Navigation not exceeding Twelve Miles, the Sum of One Shilling and Sixpence *per* Ton as and for a Gross Tonnage thereon :

And for Goods, Wares, Merchandize, or Commodities carried or conveyed any greater Distance than Twelve Miles upon the said Navigation, and not being subject to the Payment of the said Gross Tonnage of Three Shillings *per* Ton, the Sum of One Penny Halfpenny *per* Ton *per* Mile for whatever Distance the said Goods, Wares, Merchandize, or Commodities shall be carried or conveyed upon the said Navigation; provided the aggregate Toll or Duty after the Rate aforesaid shall not exceed the said Gross Tonnage of Three Shillings *per* Ton; and that in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass through or upon the said Navigation, such Fraction shall, in ascertaining the said Tolls and Duties, be deemed and considered as a Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Quarter of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated or to pass on the said Navigation, the same shall for the Purposes of this Act be deemed and taken to be a Quarter of a Ton.

Weight of
Goods, &c.
on which
Toll payable.

XXV. And be it further enacted, That all Goods, Wares, Merchandize, and Commodities on which a Toll or Duty shall become due or payable under the Authority of this Act shall, for the Purpose of ascertaining such Toll or Duty, be estimated and taken to be of the several Weights following, and be paid for accordingly, (that is to say);

2†

Coals

Quality.	Quantity.	Weight.	Quality.	Quantity.	Weight.
		Tons. Cwt.			
Coals - - -	One Chaldron	1 3	Five Feet and half		
Coak - - -	100 Strike -	1 —	Posts	90 - - -	1 —
Oats Malt or Bark	10 Quarters -	1 —	Single Deals -	Half hundred	1 —
Barley and Rape	7 Quarters -	1 —	Double Deals -	Quarter hund ^d .	1 —
Wheat, Beans,			Battens - - -	1 hundred	1 —
and Peas,	5 Quarters -	1 —	Thatch Reed -	5 hundred	
Whole Lime -	1 Chal. and $\frac{1}{2}$ -	1 —	Bunches - - -		1 —
Slacked Lime -	2 Chaldrons -	1 —	Groceries - -	2 Hogheads	1 —
Potatoes - -	130 Pecks -	1 —	Woad - - -	1 D ^o - - -	$\frac{3}{4}$ —
Timber, Oak,			Spetches - -	8 Packs - -	1 —
Ash, or Elm	40 Feet - -	1 —	Squares at 9 inches	250 - - -	1 —
Fir Timber -	50 Feet - -	1 —	Sheep - - -	20 - - -	1 —
Bricks - - -	5 hundred -	1 —	Porter - - -	6 Barrels -	1 —
Flat Tiles -	One thousand	1 —	Flour - - -	8 Sacks - -	1 —
Pan Tiles -	500 - - -	1 —	Seeds - - -	10 Quarters	1 —
Oil Cakes -	6 Pounds and		Glass - - -	12 whole Crates	1 —
	a half a Pair	1 —	Hemp Seed -	40 Strike	1 —
	one thousand		Posts 4 $\frac{1}{2}$ feet -	120 - - -	1 —
Other Oil Cakes			Pavement Bricks	300 - - -	1 —
in Proportion			Stone - - -	16 Cubic Feet	1 —
Wine - - -	2 Pipes - -	1 —	Paving Stone -	10 Superficial	} 1 —
Felloes - -	120 - - -	1 —	yards - - -		
Seven feet Posts	60 - - -	1 —	Pots - - -	6 Crates - -	1 —

All other Goods, Wares, Merchandizes, and Commodities, not mentioned in the above Schedule, to be estimated and paid for after the Rate of Two thousand Two hundred and Forty Pounds *per* Ton.

XXVI. Provided always, and be it further enacted, That no Toll or Duty shall be paid, taken, or demanded, for any Goods, Wares, Merchandize, or Commodities carried or conveyed from *Brayford Meer* through the High Bridge in the City of *Lincoln*, and which shall not pass upon or through any Part of the said River *Witham* lying Eastward of the Place where the old *Stamp End* Lock formerly stood, nor for any Goods, Wares, Merchandize, or Commodities carried or conveyed through or upon any Part of the said River *Witham* above the said Place where the said *Old Stamp End* Lock formerly stood through the High Bridge into *Brayford Meer*, nor shall any greater Toll or Duty be due or payable on the said Navigation upon Goods, Wares, Merchandize, or Commodities imported from the *Baltic* immediately into the Port of *Boston*, and which shall pass from thence into the said River *Witham*, nor for any Flint, Stone, Pig-iron, or Limestone carried or conveyed on the said River *Witham* than the Proportion of Two-thirds of the Toll due and payable under the Authority of this Act, for Goods, Wares, Merchandize, or Commodities of any other Sort or Description.

XXVII. Whereas by virtue of Two several Acts passed in the Thirty-second Year of the Reign of His present Majesty, the one intituled, *An Act for enlarging and improving the Canal called Tattershall Canal from the River Witham to the Town of Tattershall, and extending the same into the River Bain, and for making the said River Bain navigable from thence* to

Toll not paid for Goods that do not pass below Stamp End Lock, nor a greater Toll than two thirds on Baltic Goods, &c.
Toll upon Goods passing to and from Horn-castle or Sleaford Canals.

to or into the Town of Horncastle, all in the County of Lincoln; and also for amending and rendering complete the Navigable Communication between the said River Witham and the Foldsike Canal, through the High Bridge in the City of Lincoln; and the other of the said Acts, intituled, *An Act for making and maintaining a Navigation from Sleaford Castle Causeway through the Town of Sleaford in the County of Lincoln along the Course of Sleaford Stream and Kyme Eau, to the River Witham, at or near Chapel Hill in the same County, and for making necessary Cuts for better effecting the said Navigation*, all Goods, Wares, Merchandize, and Commodities paying a Toll or Duty upon either of the said Canals or Navigations are subject and liable to only One-half Part of the Toll or Duty payable under or by virtue of the said recited Act of the Second Year of His present Majesty's Reign; Be it therefore enacted, That from and after the Works herein directed shall have been completed, and the Tolls and Duties granted by this Act shall commence and become due and payable, all Goods, Wares, Merchandize, and Commodities liable to the Payment of a Toll or Duty upon the said *Horncastle and Sleaford Canals*, or either of them, shall be and remain subject or liable to the present Toll or Duty of Nine-pence *per Ton* if carried or conveyed through or upon any Part of the said River *Witham*, and also to a further or additional Toll or Duty of One-half the Amount of the Toll or Duty now paid for such Goods, Wares, Merchandize, and Commodities upon the same River, and that the Powers and Provisions in and by the said recited Acts respectively given and granted for preventing Frauds and Evasions in respect to the Payment of the Tolls and Duties that are due and payable upon the said River *Witham* under the said recited Acts, or either of them, shall extend to and may be used and exercised for preventing Frauds and Evasions in respect to the Tolls and Duties imposed by this Act.

Masters of
Boats to give
Account of
Lading.

XXVIII. And for the better ascertaining, and more easy, effectual, and just Collection of the said Tolls and Duties hereby directed to be paid upon the said Navigation, Be it further enacted, That the Master, Owner, or other Person having the Care of any Boat or other Vessel navigating upon the said Navigation or upon any Part or Parts thereof, shall give to the Collector or Collectors of the said Tolls and Duties, or to any other Officer to be appointed for such Purpose by the said Commissioners for Navigation, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat or other Vessel, of the Quantities and Weight of such Goods and other Things and of their Nature, Sort, or Kind which shall be embarked in or upon each such Boat or other Vessel, from whence brought and where the same is intended to be landed; but if the Goods or other Things contained in any such Boat or other Vessel shall be liable to the Payment of different Tolls or Duties, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each of the said Tolls or Duties, and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall with Intent to avoid the Payment of the said Tolls or Duties or any Part thereof, give a false Account, or deliver any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in that Account, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things (and so in

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proportion for any less Quantity than a Ton) which shall be in or be conveyed by such Boats or other Vessels respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid, as the Case shall happen to be, over and above the aforesaid respective Tolls or Duties which shall be payable for the same, to be recovered upon Conviction of the Person or Persons offending, before any Justice of the Peace for the County, City, Parts, Division, or Place adjoining, upon or in which the Offence shall be committed, by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of a sufficient Part of the Cargo or Lading of any such Boat or other Vessel, or any of the Goods and Chattels of such Offender or Offenders, under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus, if any, (the reasonable Charges being first deducted,) to such Offender or Offenders, and for want of sufficient Distress such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, nor less than One Month, or until such Penalty shall be paid.

XXIX. And be it further enacted, That as soon as conveniently may be after the said Works shall have been completed, the said General Commissioners shall cause the Extent of the said Navigation to be measured, and Stones, with proper Inscriptions, erected, and ever after maintained by the Side of the said Navigation at the Distance of One Mile from each other, and also measure, and by the like or other Means ascertain and denote the Distance of each Quarter of a Mile upon the said Navigation.

Milestones to be set down.

XXX. And be it further enacted, That the Lands and Grounds both open and inclosed, lying within the said First, Third, and Fifth Districts and which are now charged with and made liable to the Tax laid on the Lands within the said respective Districts, under or by virtue of the said recited Act, shall and they are hereby declared to consist of Four several Classes or Divisions, and to be respectively charged with and made subject to the several equal Yearly Rates and Taxes following, over and above the Rates and Taxes charged thereon respectively by virtue of the said recited Act; (that is to say) the Lands lying within the First and Third Districts that are now charged with the Payment of the Rate or Tax imposed by the said General Commissioners under the Authority of the said recited Act, and which are unembanked and liable to be overflowed by the Flood Waters of the River *Witham*, and also the Dale Lands lying within the Parishes, Hamlets, or Townships of *Blankney*, *Linwood* and *Martin*, that were embanked under the Authority of an Act passed in the Thirty-seventh Year of His present Majesty's Reign hereinafter recited, shall be taxed and charged with the Annual Rate or Tax of One Shilling and Sixpence *per Statute Acre*; that the Residue of the Lands lying within the said Parishes, Hamlets, or Townships of *Blankney*, *Linwood*, and *Martin*, and also the Lands in the Parishes of *Metheringham*, *Dunston*, *Nocton*, *Potterhanworth*, and *Branston*, respectively liable to the Tax charged by the same recited Act of the Second Year of His present Majesty's Reign, but which are embanked and protected from such Flood Waters, shall be taxed and charged with the Annual Rate or Tax of One

Tax charged on the 1st, 3d, and 5th Districts.

[*Loc. & Per.*]

24 B

Shilling.

General
Commissioners
may borrow
Money on
such Taxes.

Shilling *per* Statute Acre : that the Lands in the said Parishes, Townships or Hamlets of *Timberland, Timberland-Thorpe, Walcott, Billingham, and Dogdike*, in the said First District, and in the Parishes of *Kirkstead, and Tattershall* in the said Third District liable to the Tax imposed by the said recited Act, shall be taxed and charged with an Annual Rate or Tax of Sixpence *per* Statute Acre ; and the Lands lying within the said Fifth District, and liable to such Tax, shall be taxed and charged with an Annual Rate or Tax of Threepence *per* Statute Acre ; and that the said General Commissioners shall and may, and they are hereby empowered to borrow and obtain any Sum or Sums of Money, not exceeding Thirty thousand Pounds, upon the Credit of the said Rates or Taxes, imposed by this Act, by such and the like Means, and to grant such and the like Securities for the same, and at such Rate of Interest as the said General Commissioners were authorized and empowered to raise Money and grant Securities under or by virtue of the said recited Act ; and the Rates or Taxes imposed on such Lands by this Act shall and may be collected, levied, and recovered of such Person and Persons, and by such and the like Ways and Means as the Rates and Taxes charged thereon by virtue of the said recited Act, can or may be received, collected, levied, and recovered ; provided that no Security or Securities to be granted by the said General Commissioners upon the Rates and Taxes imposed by this Act, shall prejudice, lessen, invalidate, or affect any Security or Securities already granted or to be hereafter granted by the same Commissioners upon the Credit of the Rates and Taxes imposed by or under the Authority of the said recited Act of the Second Year of His present Majesty's Reign.

Lands not
taxed by the
Witham Act
exempted
from the Tax
imposed by
this Act.

XXXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to rate or charge with the Tax imposed by this Act, any Lands or Grounds within the said First, Third, and Fifth Districts, or any of them, which are exonerated or discharged from the Payment of the Rate or Tax imposed by the said recited Act.

Taxes may
be redeemed.

XXXII. And be it further enacted, That if the Owner or Owners, or other Person or Persons interested in any Lands or Commons within the said First, Third, or Fifth Districts shall be desirous of exonerating the same from the Rate or Tax charged thereon by this Act, it shall and may be lawful for the said General Commissioners for Drainage, and they are hereby authorized and directed to accept and take in Payment such Sum of Money *per* Statute Acre, not being less than Twenty Years Purchase, as in their Judgment shall be a full and proper Consideration for the Redemption and Discharge of such Lands from all or any Part of such Rates or Taxes ; and the Receipt or Receipts of the Treasurer of the said General Commissioners for Drainage for the Time being, shall be a good and sufficient Discharge and Discharges to the Person or Persons paying the same, and shall be allowed good Evidence of such Payment in any of His Majesty's Courts of Record at *Westminster* or elsewhere ; and the Lands or Commons in respect whereof such Payment shall be made as aforesaid, shall from thenceforth for ever thereafter be exonerated and discharged of and from the Rates and Taxes imposed by this Act, and which shall have been redeemed and compensated for as aforesaid.

XXXIII. Provided

XXXIII. Provided always, and be it further enacted, That when and as soon as any Money shall have been borrowed on the Credit of the Rates and Taxes charged by this Act upon the Lands in the said First, Third, and Fifth Districts, all and every Sum and Sums of Money which shall at any Time thereafter be paid to or received by the said General Commissioners, for or in respect of the Redemption and Discharge of any such Lands from the said Rates and Taxes, pursuant to the Power herein contained, shall be applied in satisfying and discharging the Monies so borrowed, either rateably or otherwise, as the said General Commissioners shall deem expedient, to the Intent that the Securities granted on the Credit of the said Rates and Taxes, may not be lessened, prejudiced, or diminished.

Money paid for Redemption of Taxes to be applied in Reduction of the Debt.

XXXIV. Whereas by an Act passed in the Thirty-seventh Year of His present Majesty's Reign, intituled, *An Act to embank and drain the open and unembanked Lands and Grounds lying between the Dale's Head Dyke and the River Witham, in the several Townships or Hamlets and Parishes of Walcot, Timberland-Thorpe, Timberland, Martin, Linwood, and Blankney, all in the County of Lincoln*; It was enacted, That the Directions in the said Act contained for raising and defraying the Charges and Expences of making and erecting the Bank over the Low Lands along or near the Course of the River *Witham* should not preclude or prejudice the Owners or Proprietors of Lands respectively, by and at whose Expence the said Bank should be made and erected, their respective Heirs or Assigns from being reimbursed the said Charges and Expences, or such Share and Proportion thereof as the said General Commissioners at any of their Meetings to be held for executing the said Act should admit and allow to have been necessarily expended in making the same; Be it therefore enacted, That the Rate or Tax of Sixpence *per Acre* hereby imposed on the said Lands in *Timberland, Timberland-Thorpe, and Walcot Dales*, and the Rate or Tax of One Shilling and Sixpence *per Acre* hereby also imposed on the Lands in *Martin, Linwood, and Blankney Dales*, respectively embanked under the Authority of the said last recited Act, shall not, nor shall any Part of the said respective Rates or Taxes attach upon the said Lands or any of them, or accrue or become payable in respect thereof until so much and such Part of the Charges and Expences of making and erecting the Bank over the said Lands along or near the Course of the said River *Witham* shall be paid, satisfied, and discharged as the Owners or Proprietors of the said Lands for the Time being shall make appear to the Satisfaction of the said General Commissioners, or any five or more of them, was necessarily expended in making and erecting the said Bank, of the Dimensions and in Manner, in and by the said recited Act directed and required, and that all such Monies, after the Amount thereof shall have been so ascertained as aforesaid, shall be recoverable of the said General Commissioners by and out of the Monies to be raised under the Authority of this Act, by such and the like Ways and Means as other Monies due and owing from the said General Commissioners can or may be recovered.

Witham Bank over the Dales in Walcot, &c. to be paid for.

XXXV. Provided always and be it further enacted, That no Part of the Money herein authorized to be raised on the Credit of the Rates and Taxes charged upon the Lands in the said First, Third, and Fifth Districts shall be borrowed or obtained thereon, nor shall the said Lands or

Tax on Districts when to be raised.

any of them be subject or liable to the Payment of such Rates or Taxes or any Part thereof respectively, until the Sum of Thirty thousand Pounds shall have been first raised by the said General Commissioners under the Powers vested in them by the said recited Act, and applied in and towards the Execution of the Works required to be made, done, and executed under the Authority of this Act, and until the further Sum of Seventy thousand Pounds at the least shall have been also borrowed or obtained by the said General Commissioners under the Authority likewise vested in them by this Act, upon the Tolls and Duties hereby charged on Goods, Wares, Merchandizes, and Commodities carried or conveyed through or upon the said Navigation.

Monies raised under the Witham Act may be applied in executing Works directed by this Act.

XXXVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder the said General Commissioners for Drainage, or the said Commissioners for Navigation, from making, doing, or executing any of the Works required to be made, done and executed under the Authority of this Act, by and out of the Monies that may be raised or received, or come into their Hands for the Execution of the Trusts vested in them respectively by the said recited Act, and that any Monies so applied by the said General Commissioners, shall be deemed, considered, and taken as Part of the said Sum of Thirty thousand Pounds required to be raised by them as aforesaid, upon the Credit of the Taxes imposed by the same Act.

Power to execute Works.

XXXVII. And be it further enacted, That the said General Commissioners, or any Seven or more of them, shall be and they are hereby invested with such and the like Powers and Authorities in all Respects and to all Intents and Purposes for making and completing, repairing, supporting, and maintaining the several Works to be made, done, and executed, repaired, supported, and maintained by their Direction or under their Authority by virtue of this Act, as if such Works had been particularly mentioned and directed, or authorized to have been done by them under the Authority of the said recited Act, they the said General Commissioners, their Servants, Labourers, and Workmen, doing as little Damage as may be in the carrying of this Act into Execution, and making Satisfaction in the Manner mentioned in the said recited Act, for the Purchase of Lands used in the Execution of this Act, and for all such Damages as shall be sustained by the Owners or Proprietors of, or other Persons interested in the Lands, Tenements, and Hereditaments respectively, which shall be used, or prejudiced by the Orders and Directions of the said General Commissioners in the making and completing any such Works; and the said General Commissioners, their Servants, Workmen and Labourers, and all and every Person and Persons, Bodies Politic, Corporate and Collegiate, Corporations Aggregate and Sole, Tenants for Life, or in Fee Tail General or Special, Husbards, Guardians, Trustees, Feoffees in trust for charitable Uses and other Purposes, Committees, Executors, and Administrators, and all other Trustees and every other Person and Persons whomsoever shall have, and is, and are hereby invested with such and the like Authorities, Powers, Privileges, and Advantages, and shall be, and is, and are hereby made subject and liable to such and the like Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Controul, Payments, Penalties, Forfeitures, Punishments, and Benefit of Appeal in relation to the making and completing, repairing, supporting, and main-

maintaining of the several Works to be made and completed, repaired, supported, and maintained by and under the Authority of the said General Commissioners by virtue of this Act, as are mentioned, given, granted, prescribed, established, and inflicted in and by the said recited Act, in relation to the Works required to be done and executed under the Authority thereof; and the said Commissioners for Navigation are hereby in like Manner invested with the same Powers and Authorities for ascertaining, collecting, receiving, and recovering the Tolls and Duties charged by this Act upon the said Navigation, as they would have been entitled to use and exercise for the ascertaining, collecting, recovering and receiving the Tolls and Duties under the said recited Act, if this Act had not been passed.

XXXVIII. Whereas by reason of the Division and Inclosure of certain Commonable Lands, and the Enjoyment thereof in Severalty, the Rates and Taxes charged thereon by the said recited Act of the Second Year of His present Majesty's Reign have been increased, and a still farther Increase of the said Rates and Taxes may be expected to arise and be derived from the Division and Inclosure of other Commonable Lands, and the like Enjoyment thereof in Severalty, to an Extent in the whole that will enable the said General Commissioners to borrow and obtain on the Rates and Taxes imposed under the Authority of the said recited Act, the farther or additional Sum of Thirty thousand Pounds, which the said General Commissioners are desirous to obtain and apply in and towards the Execution of this Act as the best Means by which the Purposes of the said recited Act can be effected; be it therefore enacted, That it shall and may be lawful to and for the said General Commissioners, or any Seven or more of them, and they are hereby authorized and required to borrow and raise in one or more Sum or Sums of Money to the Amount in the whole of the Sum of Thirty thousand Pounds, by such and the like Means, and to grant such and the like Securities for the same, and at such Rate of Interest as the said General Commissioners would have been authorized and empowered to raise the same for the Purposes of the said recited Act; and they are hereby also required to apply the Monies so raised for and towards the Execution of this Act, in such and the like Manner as the Monies to be had and obtained on the Tolls and Duties of the said Navigation, or upon the Rates and Taxes hereby charged on the said First, Third, and Fifth Districts are directed and authorized to be applied.

General Commissioners to borrow and apply 30,000l. towards the Execution of the Act.

XXXIX. And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any Seven or more of them, to borrow or otherwise obtain on the Credit of the Tolls and Duties hereby charged on the said Navigation, the Sum of Seventy thousand Pounds, or such greater Sum as the said General Commissioners shall deem it expedient to raise on the said Tolls and Duties towards effecting the several Purposes of this Act, and to grant such and the like Securities for the Monies so to be borrowed or obtained as the said Commissioners for Navigation were authorized and empowered to grant for Monies advanced upon the Tolls and Duties charged on the said Navigation under or by virtue of the said recited Act; or otherwise it shall and may be lawful for the said General Commissioners, or any Ten or more of them, at a Special Meeting of the said General Commissioners, at which Fifteen Commissioners at the least shall be present, and of which Meeting One Month's previous

Commissioners may obtain Monies on Navigation Tolls.

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Notice

Notice shall be given in the *Lincoln* and *Stamford* Newspapers, or in such other Newspapers as may then be usually circulated in the County of *Lincoln*, (specifying the Purpose for which such Meeting shall be held,) to obtain and procure the said Sum of Seventy thousand Pounds, or such greater Sum as the said General Commissioners shall consent and agree to accept and take, as a Consideration for the Transfer and Assignment of the Tolls and Duties hereby imposed on the said Navigation, from any Person or Persons willing to advance the same; and upon Payment thereof to the said General Commissioners, at such Time or Times, and in such Manner as shall be then also agreed upon, it shall and may be lawful for the said General Commissioners, or any Ten or more of them, and they are hereby authorized and empowered to assign and transfer to the Person or Persons making such Payment the Tolls and Duties arising and to arise from the said Navigation by virtue of this Act, in the Form following; that is to say,

‘BY virtue of an Act made in the Forty-eighth Year of the Reign of King George the Third, intituled [*insert the Title of this Act*] We being of the General Commissioners named in or appointed by or under the Authority of an Act passed in the Second Year of the same Reign, intituled, An Act for [*insert the Title of Witham Act*] in consideration of the Sum of to us in hand paid by [*insert the Names and Additions of the Assignees*] Do hereby bargain, sell, assign, and transfer unto the said [*Names of the Assignees*] their Executors, Administrators, and Assigns, all and singular the Tolls and Duties arising by virtue of the Navigation of the River *Witham*, in the County of *Lincoln*, and all the Right, Title, and Interest, of, in, and to the same, to hold unto the said their Executors, Administrators, and Assigns, to and for their own proper and absolute Use and Benefit for ever. In witness whereof we have hereunto set our Hands and Seals, the Day of

And the Money so to be obtained, and also the Monies and Effects of the said Commissioners for Navigation that shall remain unappropriated after the Debts due and owing on the Credit of the said Tolls and Duties, and all other Debts and Demands outstanding against the said Commissioners for Navigation have been satisfied and discharged, shall be paid over to the said General Commissioners, and laid out and applied for and towards the making and completing the Works hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever.

Power of Commissioners for Navigation to cease on Tolls being assigned.

XL. Provided always, and be it further enacted, That if at any Time hereafter the Tolls and Duties imposed by this Act upon Goods, Wares, Merchandize, or Commodities carried or conveyed through or upon the said River *Witham*, shall be assigned or transferred by the said General Commissioners in exercise of and pursuant to the Power vested in them in that Behalf, then and immediately after the making and executing such Transfer or Assignment, and the same shall have been certified to the said Commissioners for Navigation, and advertised as herein directed, the Powers and Authorities of the said Commissioners for Navi-

Navigation shall cease and be for ever extinguished, and the same is and are hereby declared to be null and void to all Intents and Purposes whatsoever.

XLI. And be it further enacted, That if the said General Commissioners shall at any Time hereafter make and execute such Transfer or Assignment of the Tolls and Duties imposed by this Act upon the said Navigation, as is herein authorized, that then and from thenceforth the Person or Persons to whom such Transfer or Assignment shall be made, his or their Executors, Administrators, and Assigns, shall have and be entitled to use and exercise, and are hereby invested with such and the like Powers and Authorities for the ascertaining, collecting, recovering, and receiving the said Tolls and Duties so to be transferred or assigned, and for repairing, supporting, and maintaining the several Works hereinbefore directed to be repaired, supported and maintained by and out of the Tolls and Duties to arise and be received from the said Navigation, in as full and ample a Manner, to all Intents and Purposes whatsoever, as the said Commissioners for Navigation would have been entitled to use and exercise, or would have remained invested with for the Recovery of the same Tolls and Duties, or the Tolls and Duties charged upon the said Navigation, under or by virtue of the said recited Act, if such Transfer or Assignment had not been made, or this Act had not been passed.

XLII. And be it further enacted, That if at any Time after the said intended Lock and Stanch in the Parish of *Washingborough* and the said Navigable or Pen Sluice, and the said Haling Path, and the Bridges in the Line of the said Haling Path, and also over the said new Cuts shall have been respectively made and completed, and the Tolls and Duties of the said Navigation shall have been transferred or assigned by the said General Commissioners pursuant to the Power for that Purpose herein contained, the said several Works, or any of them, shall be out of Repair, or otherwise defective, and shall so continue after a reasonable Time given to the Collector or Collectors of the said Tolls and Duties, by Notice in Writing from the said General Commissioners, or any Five or more of them, to repair and restore the same, that then and in such Case it shall and may be lawful for the said General Commissioners, or any Five or more of them, to cause any of the said Works to be well and sufficiently repaired and restored, and the Expences occasioned thereby shall be borne, paid, and defrayed by the Assignee or Assignees of the said Tolls and Duties, his or their Executors, Administrators, and Assigns, in like Manner as if the same had been done by or under his or their Direction; and in default of Payment of such Expences to the said General Commissioners or their Surveyor, within Thirty Days next after Demand made thereof, it shall be lawful for the said General Commissioners, or any Five or more of them, by Warrant under their Hands and Seals, to appoint One or more Person or Persons to enter upon and receive the Tolls and Duties collected or paid upon the said Navigation, and apply the Monies so to be received, in discharge of such Expences, until the same, together with all Costs and Charges of receiving the said Tolls and Duties are fully paid and satisfied; and from and after Payment thereof, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the Expences so incurred by the said General Commissioners as aforesaid may be sued for and recovered by them against the Person or Persons liable to pay the same, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XLIII. And

For execu-
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Works, of
Navigation.

XLIII. And be it further enacted, That if after all and every the Works of Drainage and Navigation her einbefore directed to be made shall have been executed and completed, and the increased Passage for the Flood Waters of the said River *Witham* from the West Side of the City of *Lincoln* to *Bailey's Sluice*, below the said City, shall have been effected as herein authorized, there shall be and remain any Surplus of Monies raised under the Authority of this Act and the said recited Act, over and above what shall or may be necessary for the several Purposes aforesaid, that then and in such Case, the said General Commissioners for Drainage shall and they are hereby required forthwith to apply such Surplus Money for the Purpose of making, executing, and completing the said Navigation from the said Grand Sluice to the High Bridge in the City of *Lincoln*, or for so much and such Part of that Distance as lies between the proposed Lock to be erected in the Parish of *Washingborough* and the said High Bridge in the City of *Lincoln*, as can be executed by means of the said Surplus Money, in such Manner, and to such increased Extent, both in the Dimensions of the said Navigation, the Locks therein, and the Bridges over the same, as that Ships or Vessels of Eighty Tons Burthen entering the said Navigation from the Sea may navigate and pass along the same; and also in such further Extension of the Navigation of the said River *Witham* as could have been effected by the said Commissioners for Navigation, by virtue of the Powers and Provisions of the said recited Act of the Second Year of the Reign of His present Majesty; if this Act had not been passed; and after such Application as aforesaid, the Overplus, if any, shall and may be applied and disposed of for any other the Purposes of the said recited Act, made in the Second Year of the Reign of His present Majesty, and of this Act.

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

determined and capable of taking Effect; and in the mean time, or until such Purchase shall be made, the said Money shall, on the Order of the said General Commissioners, in Writing, signed by them, and without any Order of the Court of Chancery, 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; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then, and in all such Cases, the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of any Infancy or Lunacy, to be signified by Writing under their respective Hands,) be paid into the Bank, in the Name, and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed: or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said General Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Money may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then, and in such Case, 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, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLVII. And be it further enacted That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said General Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person

[Loc. & Per.]

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to be paid
into the
Bank,

subject to the
Order of the
Court of
Chancery, on
Motion or
Petition.

son or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case, it shall and may be lawful to and for the said General Commissioners, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such 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 of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
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&c.

XLVIII. Provided always, and be it further enacted, That where 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 Privy of the Accountant General of the Court of Chancery, 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 of this Act, or to any Bank Annuities to be purchased with any such Money, or 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, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court
of Chancery
may order
reasonable
Expences of
Purchasers
to be paid.
By the Com-
missioners.

XLIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for

for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said General Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

L. And be it further enacted, That until such Time as the Tolls and Duties of the said Navigation shall be transferred and assigned, and the said Sum of Thirty thousand Pounds obtained on the Credit of the Rates and Taxes imposed under or by virtue of the said recited Act of the second Year of the Reign of His present Majesty as herein directed, nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, alter, or take away any of the Rights, Powers or Authorities which by the said recited Act were vested in the said General Commissioners and Commissioners for Navigation respectively; nor shall any Thing herein contained at any Time hereafter extend, or be construed to extend to lessen, invalidate, alter, or take away any of the Rights, Powers, or Authorities that were vested in all or any of the Commissioners of Districts, appointed under or by virtue of the said recited Act, except so far as is requisite or necessary for the due Execution of this Act, but that the same shall respectively be, remain, and continue as fully to all Intents and Purposes as if this Act had not been made.

LI. Provided, and be it further enacted, That if at the Expiration of Ten Years from the Time of passing this Act, the Sum of Seventy thousand Pounds, or such greater Sum as aforesaid, authorized to be raised on the Credit of the Tolls and Duties hereby charged on the said Navigation, shall not have been borrowed or obtained by the said General Commissioners under any of the Powers or Provisions in this Act contained, and the said Sum of Thirty thousand Pounds required to be borrowed by the said General Commissioners upon the Credit of the Rates and Taxes charged on the said Six Districts by virtue of the said recited Act, shall not have been obtained, that then, and in such Case, no Part of the Money authorized to be raised on the Rates and Taxes hereby charged upon the Lands in the said First, Third, and Fifth Districts, shall be raised, nor shall the said Lands, or any of them, remain charged with, or liable to the Payment of such last mentioned Rates and Taxes, or any Part thereof, but that then and from thenceforth the several Works both of Drainage and Navigation authorized or required to be made, done, and executed by or under the Authority of this Act, and the Powers and Provisions herein contained in relation thereto, shall respectively cease and determine: and that all and every the Powers, Provisions, Clauses, Provisions, Matters, and Things contained in or enacted in and by the said recited Acts or any of them, shall from thenceforth be and remain in full Force and Effect in as ample a Manner to all Intents and Purposes as if this Act had not been made.

If Sum charged on Navigation Tolls, not raised in Ten Years, the Power of this Act is to cease.

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

