



ANNO QUINTO

# GEORGIIV. REGIS.



## Cap. xcvi.

An Act for explaining, amending, and rendering more effectual an Act of His late Majesty, for improving the Outfall of the River *Welland* in the County of *Lincoln*. [3d June 1824.]

**W**HEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Outfall of the River Welland in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Lands, and Marshes discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River Welland by means of a new Cut, to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes, into Wyberton Roads, between the Port of Boston and a Place called The Scalp, and for disposing of the Bare or White Sands adjoining to the said River, and for building a Bridge over the said Cut*: And whereas an Act was passed in the Forty-first Year of His said late Majesty's Reign, intituled *An Act for draining, dividing, allotting, and inclosing Deeping, Langtoft, Baston, Spalding, Pinchbeck, and Cowbit Commons, within the Parts of Kesteven and Holland, in the County of Lincoln, and also for draining Croyland Common, or Goggushland, and certain Lands and Grounds in the Parishes of Bourn and Thurlby adjoining or lying contiguous to the North Bank of the River Glen, and certain inclosed Lands in Deeping Fen, and in the Parishes of*

[Local.] 25 M Spalding

51 G. 3. c. 71.

Spalding and Pinchbeck, adjoining to the said Commons, and lying between the Rivers Glen and Welland, and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds, and Commons herein-before mentioned, or certain Parts thereof: And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act for repealing so much of an Act of His present Majesty as relates to making a Public Way over Fosdike Wash in the County of Lincoln, and for granting further Powers for building a Bridge over the said Wash*: And whereas the Commissioners under the said Act of the Thirty-fourth Year of His said late Majesty, commonly called "The Welland Commissioners," have, by and out of the Monies which were paid into their Hands by the general Commissioners for Drainage appointed by the said Act of the Forty-first Year of His said late Majesty, made a navigable Cut or Channel from the Reservoir in the Parish of *Surfleet* through the open Salt Marshes of *Surfleet* and *Algarkirk* to *Fosdike* Bridge in the Parish of *Fosdike*, and have turned the Waters of the said River *Welland* into the said new Cut or Channel by a Dam across the former Channel of the said River: And whereas, by means of the several Works which have been executed by the said *Welland* Commissioners between the Reservoir and *Fosdike* Bridge aforesaid, great Improvements have arisen to the Drainage of the Country, and to the Navigation and Trade of the River *Welland* from the Sea to the Town of *Spalding*; and it is expedient that the said Works so executed by the said *Welland* Commissioners as aforesaid should be improved, established, and rendered permanent and effectual for the Purposes of Drainage and Navigation; and it has become unnecessary to make and execute so much of the said navigable Cut as by the said first recited Act was directed to be made across the Sea Bank into and across the inclosed Marshes in the Parishes of *Algarkirk*, *Fosdike*, *Kirton*, *Frampton*, and *Wyberton* aforesaid, and other Works consequent thereupon; all which last-mentioned Cut and Works have been long since abandoned: And whereas it is also expedient that some further Powers should be granted for the Removal of Shoals in the Channel of the said River *Welland*, from and below the Staunch now fixed across the said River above the Town of *Spalding* aforesaid, and in and through the said Town to *Fosdike* Bridge aforesaid, and for training or directing the Passage of the Waters in and through *Fosdike* Wash aforesaid, and the Removal of Shoals and other Impediments to the Discharge of the said Waters therein; and that the said Act of the Thirty-fourth Year of His said late Majesty should in these and other respects be explained, amended, and rendered more effectual: 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 existing navigable Cut or Channel forming Part of the new Channel of the said River *Welland*, herein-before described to have been made from the Reservoir to *Fosdike* Bridge, and all the existing Banks and Forelands thereof, and the several existing Sluices through the said Banks respectively, and each and every

Declaring what Parts of the said Banks, &c. are authorized by the recited Act of 34G.3.c.102.

of them, shall be deemed and taken to be, and the same are hereby declared to be Parts of the Works by the said Act of the Thirty-fourth Year of His said late Majesty authorized to be made by the said Commissioners, and the same shall be accordingly maintained, supported, established, and improved.

II. And be it further enacted, That the said *Welland* Commissioners shall and they are hereby authorized and required, after deducting and retaining to themselves all such Costs, Charges, and Expences as they shall have incurred, or shall necessarily or reasonably incur in collecting, recovering, or receiving the Rates, Taxes, and Assessments now payable to or receivable by them under and by virtue of the said first recited Act, and which shall grow due up to and inclusive of the Twenty-fourth Day of *June*: One thousand eight hundred and twenty-four, and which they are hereby expressly authorized and required to collect, recover, and receive, with all reasonable Dispatch, from Time to Time to pay and apply the net Proceeds of all such Monies as they shall receive for or on account of such Rates, Taxes, and Assessments as aforesaid, together with all other Monies which now are or shall be in their Hands, or in the Hands of their Receiver, Treasurer, or other Officer or Agent, to the Trustees to be appointed in pursuance of this Act, as herein-after is provided or mentioned, or their Treasurer; and the Receipts of the said Trustees or their Treasurer, for the Monies so paid to them or him, shall be full and effectual Discharges to the same Commissioners for the Monies therein respectively acknowledged or expressed to be received.

Taxes, &c.  
paid to the  
*Welland*  
Commis-  
sioners to be  
paid over to  
the Trustees  
of this Act.

III. And be it further enacted, That all the Commons and other Lands, including *Cowbit Wash*, that have been allotted under the secondly before recited Act, and both Banks of the said River *Welland*, and the South Bank of the River *Glen*, for the Space the said Banks respectively adjoin the said Rivers, and also the Herbage of the said Banks, and of One hundred and twenty Feet of Land next the same, and also all Lands set out for Roads and Drains, together with the Banks and Forelands of such Drains, and also all the Lands lying North of the said River *Glen* in *Pinchbeck*, *Surfleet*, *Gosberton*, and *Quadring*, and all the Lands in *Sutterton*, *Algar-kirk*, and *Fosdike*, in the said County of *Lincoln*, shall be held and be absolutely freed, exonerated, and discharged of and from the Payment of all Rates, Taxes, and Assessments charged or chargeable thereon by the said first recited Act.

Certain  
Lands dis-  
charged from  
Taxes.

IV. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be construed to extend to exonerate or discharge from the Taxes, Rates, or Assessments of One Shilling an Acre, and Sixpence an Acre, respectively imposed thereon under or by virtue of the said first recited Act, any Part or Parts of the said Commons called *Deeping Common*, *Cowbit Common*, *Langtoft Common*, *Boston Common*, *Spalding Common*, and *Pinchbeck South Fen*, or the said Lands called *Cowbit Wash*, or the said *South Drove* and *North Drove* respectively, that have been respectively sold and conveyed by the general Commissioners of the said

Lands sold  
to remain  
charged.

said secondly recited Act, (save and except the said One hundred and Twenty Feet of Land in Breadth next the Banks of the said Rivers *Welland* and *Glen*, and the Banks of the said Rivers respectively), nor any Part of the said Common called *Croyland Common*, otherwise *Goggushland*, nor the said Lands called *Croyland Wash* and *Fodder Lots*, except as to the One hundred and twenty Feet of Land in Breadth next the Bank of the said River *Welland*, and the Bank of the said River, heretofore Part of the said *Croyland Common*.

Navigable  
Cut and  
other Works,  
with the  
Rates, vested  
in Trustees.

V. And be it further enacted, That from and immediately after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-four, the said navigable Cut or Channel, made from or below the Reservoir to *Fosdike* Bridge as aforesaid, and the Banks and Forelands thereof, and the several Sluices through the said Banks respectively, and all the Rates, Taxes, and Assessments, Tolls and Duties, and other Revenues payable under and by virtue of the said first recited Act and of this Act, shall vest in the Trustees of this Act for the Time being, and that all the Powers and Authorities which in and by the said first recited Act were vested in or exerciseable by the Commissioners and Trustees respectively under that Act, shall be vested in and be exerciseable by the Trustees of this Act, with the Powers and Authorities hereby granted to them for the Maintenance, Support, Preservation, and Protection of the said Cut or Channel, Banks, Forelands, and Sluices respectively, and for the Collection and Receipt of the said Taxes, Rates, and Assessments, Tolls and Duties respectively, as fully and effectually as if all such Powers and Authorities were herein repeated and re-enacted, and expressly given to or vested in the Trustees of this Act for those Purposes, in Words applicable thereto respectively, except the Powers and Authorities herein-before reserved to the Commissioners and Trustees of the said first recited Act for the Collection and Receipt of all Rates, Taxes, and Assessments to grow due under that Act, up to and inclusive of the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-four.

Rates and  
Taxes di-  
rected by  
first recited  
Act to be  
raised by  
Trustees of  
this Act.

VI. Provided always, and be it enacted, That the Rates and Taxes which by the said first recited Act were directed to be raised and levied by the Commissioners of Sewers, and to be by them paid into the Hands of the Commissioners and Trustees of the same Act, shall from and after the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-four be levied and raised in the same Manner as the other Rates and Taxes are by this Act authorized to be levied and raised in the first Instance by the Trustees of this Act, and the same shall thenceforth be charged and paid by and according to the Statute Acre, and so in proportion for any less Quantity than an Acre.

Trustees to  
take Earth  
and Mate-  
rials for  
Repairs of  
the Banks.

VII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time and at all Times hereafter, when and as Occasion shall require, and without making any Compensation in respect thereof, to enter into and upon the Lands and Grounds, not being old Inclosure, next adjoining and outside of the  
Banks

Banks of the said new Cut or Channel, within the Distance or Space of Twenty Feet from the Base of such Banks respectively, for the Purpose of digging, getting, and carrying away Sods, Earth, and other Materials for the Maintenance and Repair of the Banks and Forelands of the said new Cut or Channel; and in case of Emergency, or if there shall not be sufficient Sods and other Materials within the said Distance or Space of Twenty Feet, for the Purposes aforesaid, then and in such Case it shall be lawful for the said Trustees to enter into and upon the Lands and Grounds, not being old Inclosure, next adjoining the Banks of the said new Cut or Channel, to any Distance not exceeding Forty Feet from the Base of such Banks, for the Purposes aforesaid, but not so as to obstruct or prejudice the Road hereinafter directed to be set out over the Land next adjoining the Bank on the North Side of the said new Cut.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the Owners or Occupiers of the Lands and Grounds adjoining the said Banks, to plough, break up, or have in Tillage any Part of the said Lands and Grounds within the Distance or Space of Forty Feet from the Base of the said Banks, but the same Lands and Grounds for and within such Distance or Space shall be grazed or kept in Pasture or as Meadow Land.

Occupiers of Lands not to plough within Forty Feet from the Banks.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required to mark and set out, over and upon the uninclosed Lands and Grounds next adjoining the outer Side of the Banks of the said new Cut or Channel respectively, a Carriage, Horse, Drift and Foot Road or Path, of the Width of Fourteen Feet, to be measured from the Base of the outer Side of the said Banks respectively, extending along the whole Line of the North and South Banks of the said new Cut or Channel, upon the late open Marsh or Sands, for the Use of and to be maintained by the Owners and Occupiers of the said Lands and Grounds next adjoining the said Banks, and also all such other Roads, Ways, and Paths, upon, along, or across the Banks of the said new Cut or Channel, and the Lands lying between the same, and the Sea Banks on each Side of the said late open Marsh, (making such Compensation to the Owners of the Lands and Grounds over, along, and across which such last-mentioned Road or Roads may be set out as herein-after is mentioned), as shall be necessary to shew and preserve a free Communication to and from the Banks of the said new Cut or Channel and the said Sea Banks on each Side of the said late open Wash, between the Reservoir and Fosdike Bridge and Road, and to preserve and afford the Means of Communication with the said new Cut or Channel for the Purposes of loading or unloading any Vessel or Vessels therein.

Trustees to set out Occupation Roads.

X. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required, by and out of the Proceeds of the Tolls and Duties herein-after authorized to be taken and levied in respect of Goods, Matters, and Things carried or conveyed along any Part of the said new Cut or Channel, to pay and allow to the Owner or several Owners of the Lands lying between the Banks of

Satisfaction to be made for Land taken for Roads.

the said new Cut or Channel, and the said Sea Banks respectively, over or upon which Lands any such Road or Roads shall be set out as last mentioned, such annual Sum or Sums of Money as shall be a fit and due Compensation for the Land taken and used for the Purposes of such Road or Roads; the Amount of which Compensation, in case of Difference, shall be settled and determined in the Manner next herein-after provided for, touching the Rent of the Banks of the said new Cut or Channel.

Trustees to let Herbage of the Banks and Forelands to Occupiers of adjoining Lands.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required from Time to Time to let the Herbage of the said Banks and Forelands of the said new Cut or Channel, to be grazed with Sheep only, to each respective Owner or Occupier of Lands and Grounds next adjoining the said Banks who shall be willing or desirous to take the same, for such Term or Terms of Years as to the said Trustees shall seem fit and expedient, and at and for such annual Rent as shall be agreed upon by and between the said Trustees and the said respective Owners or Occupiers of the Lands and Grounds next adjoining the said Banks respectively; and in case the said Trustees and the said respective Owners or Occupiers of such Lands and Grounds, or any of them, shall not agree upon the Amount of such annual Rent, then the same shall be fixed and ascertained by Three Persons not interested in the Premises, to act as Commissioners therein, One of which Persons shall be nominated by the said Trustees, One other by such Owner or Occupier, or respective Owners or Occupiers of Lands and Grounds next adjoining the Banks of the said new Cut or Channel, the Amount of whose Rent shall be in dispute, and the Third by such Two Persons to be nominated as aforesaid, and the Determination in Writing of the said Commissioners, or any Two of them, shall be final and conclusive to all Parties; and in case the Rent so determined by the said Commissioners shall be equal to or greater in Amount than the Rent required by the said Trustees, the reasonable Costs and Charges of the said Commissioners shall be borne and discharged by the said Owner or Occupier, or respective Owners or Occupiers; but if the Amount of such Rent to be ascertained as last aforesaid shall be less than the Rent required by the said Trustees, such Costs and Charges shall be borne and defrayed by the said Trustees out of the Monies to come to their Hands under and by virtue of this Act; and in case the said respective Owners or Occupiers of Lands and Grounds respectively next adjoining the Banks of the said new Cut or Channel, or any of them, shall refuse to rent or hire the Herbage of the said Banks and Forelands, and shall signify their Refusal in Writing under their Hands respectively, to be delivered to the said Trustees or their Clerk, or if within One Calendar Month after Notice in Writing shall have been given by the said Trustees to the said respective Owners or Occupiers of their Readiness to treat for their letting the Herbage of the said Banks and Forelands, the said respective Owners or Occupiers, or any of them, shall neglect or refuse to enter into a Treaty for renting the same, then and from thenceforth it shall be lawful for the said Trustees to let the said Herbage of the said Banks and Forelands to any other Person or Persons who may be willing to rent or hire the same, for such

such Term or Terms of Years, at such annual Rent or Rents, and subject to such Regulations and Restrictions as to the said Trustees shall seem fit and expedient.

XII. Provided always, and be it further enacted, That such of the said Owners or Occupiers of Lands and Grounds next adjoining the Banks of the said new Cut or Channel as shall refuse to rent or hire the Herbage of the said Banks and Forelands respectively fronting upon his, her, and their Lands and Grounds respectively, shall make and maintain, and they are hereby respectively required, at his, her, or their own Costs and Charges, to make and maintain a good and sufficient Fence between his, her, or their Lands and Grounds next adjoining the said Banks, and the Base of the said Banks respectively, during so long Time as the Herbage of the said Banks and Forelands shall not be rented or occupied by such respective Owners.

Owners of Lands, &c. adjoining the Channel who refuse to rent the Herbage shall fence their own Lands.

XIII. And be it further enacted, That on the Twenty-fourth Day of *June* in this present Year, on the last *Wednesday* in the Month of *April* in the Year of our Lord One thousand eight hundred and twenty-seven, and on the same Day in every successive Third Year, Trustees shall be elected, nominated, and appointed for the Maintenance, Support, and Improvement of the said new Cut or Channel, Banks, Sluices, and other Works, and the Drainage and Navigation thereby, and for executing the other Purposes of this Act, in manner following; (that is to say), Eleven of such Trustees by such Persons and in such Proportions and Manner as by the said secondly recited Act are directed, as to the Election and Appointment of the Trustees of the general or joint Works of Drainage executed under the Authority of that Act (except as to the Day of such Election), One other of such Trustees by the Mayor and Aldermen of the Borough of *Stamford* in the said County of *Lincoln*, and One other of such Trustees by the Owners of old inclosed Lands charged or to be charged to the Works of Drainage under or by virtue of this Act in each of the said Parishes of *Spalding* and *Pinchbeck* within which such old inclosed Lands are respectively situate; all of which last mentioned Trustees shall be elected by the Majority, according to the Number of Acres belonging to the Owners of such old inclosed Lands in each and every such Parish, present at a Meeting to be held in the common Vestry Room of each such Parish Church between the Hours of Ten and Twelve of the Clock in the Forenoon: Provided always, that in case any of the Persons, Bodies Politic or Corporate, having the Right of nominating any such Trustees or Trustee as aforesaid, shall fail or neglect so to do, such Failure or Neglect shall not prejudice or affect the Powers of the Trustees who shall have been duly elected: Provided also, that in case any of the Persons, Bodies Politic or Corporate, having such Right of nominating Trustees or a Trustee as aforesaid, shall, after having made such Nomination, neglect or decline at the Expiration of any Term of Three Years to renew such Nomination, it shall be lawful for every such last elected Trustee or Trustees, if then living, to continue to act in the Trust until some other Person or Persons shall be elected a Trustee or Trustees in his or their Place.

Appointment of Trustees.

XIV. And

How new Trustees shall be appointed.

XIV. And be it further enacted, That when and as often as any of the Trustees to be elected and appointed as herein-before is mentioned, or any Trustee or Trustees to be appointed in the Place and Stead of any of them, as herein-after mentioned, shall die, or refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the Person or Persons, Bodies Politic or Corporate, by whom the Trustee or Trustees so dying, or refusing or becoming incapable to act, was or were originally appointed, and in like Manner as herein-before is directed with respect to the original Appointment, on some convenient Day to be appointed for that Purpose by Advertisement to be published in the *Lincoln, Rutland, and Stamford Mercury*, or if that Newspaper shall not then be published, in some other Newspaper or Newspapers circulating in the County of *Lincoln*, Twenty-one Days previous to the Day of Meeting, specifying therein the Time, Place, and Purpose of such Meeting, to elect and appoint some fit and proper Person or Persons to be Trustee or Trustees in the Place and Stead of the said former Trustee or Trustees.

Seven Trustees may act.

XV. And be it further enacted, That all Acts, Matters, and Things hereby directed or authorized to be done by the said Trustees for the Time being, may be done and executed by any Seven or more of them, and that the same shall be as valid and effectual as if done and executed by all the said Trustees for the Time being.

Chairman to be appointed.

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

Trustees to be sworn.

XVII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (otherwise than for the Purpose of giving Notice of the First Meeting of the said Trustees, and of administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed an Oath or Affirmation to the Effect following :

Oath.

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do affirm*], That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, act in the Execution of the several Powers and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act.*]

‘ So help me GOD.’

Trustees Meetings.

XVIII. And be it further enacted, That the said Trustees shall cause Notice to be given in such Newspaper as aforesaid of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Fourteen Days before such respective Meetings shall be held, (Meetings by Adjournment only excepted); and all Acts and Proceedings of the said Trustees in the Execution of this Act, except in the Cases herein otherwise particularly directed, shall be done and had at Meetings held in pursuance of this Act; and it shall



shall be lawful for the said Trustees from Time to Time to appoint One of themselves to preside and act as Chairman at their Meetings during such Time or Times as they shall think fit; and it shall also be lawful for the said Trustees to adjourn their Meetings from Time to Time, as often as they shall see Occasion, for the more convenient Execution of this Act; and if at any Meeting appointed to be holden by the said Trustees it shall happen that Seven of the said Trustees shall not attend, the Trustees or Trustee present shall and may adjourn such appointed Meeting to such Time and Place as they or he shall think most convenient, not exceeding Thirty Days from the Time of making such Adjournment; and the Trustees or Trustee making such Adjournment as last mentioned are and is hereby required to cause Notice to be given in Writing to the absent Trustees of the Time and Place at which such adjourned Meeting is appointed to be held; and it shall also be lawful for the said Trustees from Time to Time, when and as often as they shall think fit, to convene General Meetings of the several Parties interested in any of the Purposes of this Act, of which last-mentioned Meetings the like Notice shall be given as is herein-before directed to be given of the original Meetings of the said Trustees.

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

No Orders to be altered unless by Nine Trustees.

XX. And be it further enacted, That a Majority of the said Trustees assembled at their annual Meeting to be held in pursuance of this Act, Notice being first given of the Intention and special Object of such Meeting by Advertisement in the Newspaper aforesaid, or some other Newspaper usually circulated in the said County of *Lincoln*, Twenty-one Days before such Meeting, shall from Time to Time have full Power and Authority, by virtue of this Act, to make Bye Laws, Orders, and Constitutions for the Purpose of preserving, using, or well-governing the said Works of Drainage and Navigation executed under the said first recited Act, or to be executed under this Act, and to impose and inflict such reasonable Fines and Forfeitures for the Breach of such Bye Laws, Orders, or Constitutions, as the said Trustees or a Majority of them shall think fit, so as no such Fines or Forfeitures shall exceed the Sum of Twenty Pounds on any One Person for any One Offence; which said Bye Laws, Orders, and Constitutions, being reduced into Writing under the Hands of a Majority of the said Trustees, and Copies thereof in legible Characters shall be painted on Boards and affixed in some conspicuous Place and Places at the Reservoir aforesaid, and renewed from Time to Time whenever the same shall be defaced, obliterated, or altered, shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who

Trustees may make Bye Laws.

[*Local.*]

shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred, so that such Bye-Laws, Orders, and Constitutions be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any Provision contained in the said first recited Act or this Act, and subject to appeal in Manner herein-after mentioned.

Penalty for defacing or destroying Boards.

XXI. And be it further enacted, That in case any Person or Persons shall wilfully destroy or injure any Board to be painted and affixed as lastly herein-before mentioned; or shall wilfully obliterate or deface any Inscription or Characters to be painted or marked thereon, he, she, or they shall, upon being convicted thereof before any Two Justices of the Peace acting in and for the Parts of *Holland* in the said County of *Lincoln*, by and upon the Oath of any One credible Witness, forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings.

Trustees to sue and be sued in the Name of their Clerk.

XXII. And be it further enacted, That the said Trustees for the Time being shall or may sue and be sued in any Action or Actions, Suit or Suits, to be commenced or prosecuted in respect of any Matter or Thing arising out of the said first recited Act or this Act, in the Name of the Clerk of the said Trustees; and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Trustees, or by reason of the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees; but the Proceedings in every such Action or Suit shall be carried on to Execution if necessary, in the Name of the Clerk, by or against whom such Action or Suit shall have been commenced.

Trustees may sue the Clerk or other Officers in their own Names.

XXIII. And be it further enacted, That the said Trustees shall and may sue and prosecute the Clerk, Treasurer, or other Officer to be by them appointed as aforesaid, in their own Names or in the Names of any Three or more of them, in respect of any Matter or Thing arising out of the said first recited Act or this Act, and that no such Action as last mentioned shall abate or be discontinued by reason of the total or partial Change of the said Trustees or any of them.

In all Proceedings, it shall be sufficient to state Property to belong to the Trustees.

XXIV. And be it further enacted, That in all Pleadings and Proceedings whatsoever, wherein it shall be necessary to state that any Articles, Materials, or Things are the Property of the Trustees of this Act, it shall be sufficient to state that all and every such Articles, Materials, and Things is and are the Property of the Trustees for the Improvement of the Outfall of the River *Welland*; without particularly stating or specifying the Names of the said Trustees.

Proceedings, &c. to be entered in a Book, and signed by the Chairman.

XXV. And be it further enacted, That the said Trustees shall cause proper Books to be provided and kept, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of the said first recited Act and this Act, and of the Names of all such Trustees as shall be present at their several

ral Meetings; and all Entries in such Books shall be signed by the Chairman at each Meeting, or by any Two or more of the Trustees present thereat; and all Entries so signed shall be deemed Originals; and the said Books shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and of all Persons Owners of Land charged to the said annual Taxes, Rates, or Assessments, or their Agents, without Fee or Reward.

XXVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money which shall be received, paid, laid out, and expended, in pursuance of the Powers and Provisions of the said first recited Act and this Act, by or for or on account of the said Trustees, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and of all Persons Owners of Land charged to the said annual Taxes, Rates, or Assessments, without Fee or Reward; and the said Trustees and such Persons charged as aforesaid, or any of them, shall and may take Copies of or Extracts from the said last mentioned Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Persons so charged as aforesaid, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Books of  
Account to  
be kept by  
the Clerk.

XXVII. And for the more convenient Performance of the Duties of the said Trustees, be it further enacted, That it shall be lawful for the said Trustees for the Time being, at any of their Meetings, to nominate and appoint any Person or Persons, not being a Trustee, to be a Treasurer or Treasurers of the Drainage Funds, and also of the Tonnage Rates or Navigation Duties, and that the Monies from Time to Time to be received by the Collector or Collectors, or other authorized Officer or Officers of the said Trustees, for or in respect of any Tax, Rate, or Assessment, or of the said Tolls or Duties charged or to be charged as aforesaid, shall be paid to such Treasurer or Treasurers; and also that it shall be lawful for the said Trustees for the Time being to nominate and appoint any Person to act as Clerk to the said Trustees; and also to nominate and appoint such Superintendant or Superintendants, Collector or Collectors, or other Officer or Officers, as they shall see fit; and from Time to Time to remove any such Treasurer or Treasurers, Clerk, Superintendant or Superintendants, Collector or Collectors, or other Officer or Officers, and in Cases of Removal or Death to nominate and appoint any other Person or Persons in his or their Room or Stead, and to grant to such Clerk, Superintendant or Superintendants, Collector or Collectors, or other Officers, (except Treasurer or Treasurers), such Salaries and

Trustees to  
appoint  
Treasurer  
and Clerk  
and other  
Officers.

Com-

Compensations as to the said Trustees for the Time being shall seem meet, by and out of the Monies to be received by virtue of any Tax, Rate, or Assessment, Toll or Duty, Taxes, Rates, or Assessments, Tolls or Duties, charged or to be charged as aforesaid.

Treasurer  
and Clerk  
not to be the  
same Person.

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

Treasurer  
and other  
Officers to  
give Security.

XXIX. And be it further enacted, That the said Trustees shall and they are hereby required to take such Security to the said Trustees, or any Seven or more of them, from the Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed by the said Trustees for the Purposes of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think necessary and sufficient.

Their Re-  
ceipts to be  
sufficient  
Discharges.

XXX. And be it further enacted, That the Receipt or Receipts of the Collector or Collectors, Treasurer or Treasurers, or other Officer or Officers authorized by the said Trustees in that Behalf, for any Monies which they shall respectively receive under or by virtue of the said recited Acts or either of them, or this Act, shall effectually discharge the Person or Persons paying the same from being obliged or concerned to see to the Application thereof, or from being answerable for the Nonapplication or Misapplication of the same.

Trustees to  
settle Ac-  
counts of  
Commission-  
ers.

XXXI. And be it further enacted, That the said Trustees for the Time being shall be and they are hereby authorized and required to settle,

settle, compound, and compromise all or any Accounts which are still subsisting between the Commissioners under the said first recited Act and any Person or Persons whomsoever, or between the Trustees by the same Act authorized and appointed to act, previously to the Execution of the Commissioners Award, and any Person or Persons whomsoever, and also to audit, conclude, settle, and sign all the Accounts of the Commissioners and Trustees of the first-recited Act which have not been already settled under the Powers of that Act.

XXXII. And be it further enacted, That on the Third *Monday* in the Month of *April* in the next and in every succeeding Year the Trustees for the Time being for carrying this Act into Execution shall meet at the Town Hall or some other convenient Place in the Town of *Spalding* aforesaid, at which Meeting the said Trustees shall produce an Account in Writing for the Year preceding of the several Sums received and paid by them in the Execution of their Trust, and the Vouchers for the same Account; and it shall be lawful for every Owner or Proprietor of Fifty Acres of Land charged or to be charged to the said Works of Drainage, or their respective Agents appointed by Writing under their respective Hands, to attend such Annual Meeting of the said Trustees; and it shall be lawful for the said Owners or their respective Agents present at such Meeting (not being Trustees or the Agents of Trustees), and they are hereby required to examine, settle, and allow the same Account, and that the Balance thereof shall be ascertained and certified by the Chairman of every such Annual Meeting.

Accounts of Trustees to be settled yearly by Proprietors.

XXXIII. And be it further enacted, That the said Trustees shall give Notice of every such Annual Meeting, to be held in pursuance of this Act for the Purposes last aforesaid, in the *Lincoln, Rutland, and Stamford Mercury*, or if that Newspaper shall not then be published in some other Newspaper or Newspapers circulating in the County of *Lincoln*, once a Week for Two successive Weeks immediately previous to the Day of Meeting, in which Advertisement it shall be expressly stated that the Accounts of the said Trustees for the Year preceding will be then audited and settled.

Meetings for settling Trustees Accounts to be advertised.

XXXIV. And whereas by reason of the said new Cut or Channel, and certain Cross Banks and other Works made and executed by the said Commissioners, several Tracts or Parcels of Land heretofore called, known, or described as the *Bare Sands* and the *Old Channel* of the said River *Welland*, have been acquired in front of the open Salt Marshes abutting upon or adjoining the said *Bare Sands* and Channel, and it is expedient that the said Tracts and Parcels of Land should be vested in the several Owners and Proprietors of the said Salt Marshes fronting upon and adjoining thereto; be it therefore further enacted, That from and immediately after the passing of this Act all and every the Lands called, known, or described as the late *Bare Sands* and *Old Channel* of the said River *Welland*, in the several Parishes of *Spalding, Surfleet, Fosdike, Algarkirke, and Moulton* respectively, lying between the Reservoir and *Fosdike* Bridge and Road, as well on the North as on the South Side of the said new Cut

Embanked Sands and old Channel of the River Welland vested in the Frontagers.

[Local.]

25 P

or

or Channel, shall immediately upon the passing of this Act vest in and for ever thereafter be deemed and taken to be the Property of the Bodies Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Trustees, or other Person and Persons, being Owners and Proprietors of or interested in the said Salt Marshes respectively fronting or abutting upon the said Bare Sands and old Channel respectively, freed and absolutely discharged of and from all and every the Powers, Provisions, Directions, Charges and Rents, and Arrears of Charges and Rents, and Authorities, given, limited, mentioned, and contained in the first recited Act, or any of them, touching and concerning the said Bare Sands and Channel respectively, or any of them, or any Part thereof, and that the Line of Division of the said embanked Sands and old Channel, as between the Proprietors on the North and South Shores respectively, and the several Divisions and Appropriations thereof among and to the several Owners thereof, or Bodies or Persons claiming to be entitled thereto, as the same have been lately marked out and agreed upon, and under or by virtue of which the same are now held and enjoyed, shall for ever thereafter be deemed to be the Boundary Lines of and for the said several Rights, Shares, and Properties in the said embanked Sands and old Channel.

Other Lands may be benefited by the Drainage, on Petition.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, at any Time after the passing of this Act, to take, comprize, and include any other Lands within the said Drainage, on a Petition in Writing to be delivered to them and signed by the Proprietors of Three Parts in Five in Quantity of the Lands comprized in the said Petition, and on previous Payment of such Sums of Money, and on the future Payment of such annual Sum and Sums of Money as shall be agreed upon for that Purpose; and also for the said Trustees to erect or cause to be erected any new Sluice or Sluices, or other Works that may be necessary for the Purpose of including all such last-mentioned Lands in the said Drainage.

Recovery of Taxes by Distress and Sale.

XXXVI. And be it further enacted, That if any annual or other Tax, Rate, or Assessment charged upon any Lands by virtue of the said first recited Act or of this Act, or any Part or Parts thereof, or the Rent of the said Banks and Forelands, shall not be paid for the Space of Twenty-one Days next after the same shall become payable, then and in every such Case the said Trustees or their Treasurer, or any other Person or Persons acting under the Authority of the said Trustees, are hereby empowered to enter upon the Lands so charged, or from which the said Rent shall issue, or any Part or Parts thereof, and to levy the Arrears so due and unpaid by Distress and Sale of the Goods and Chattels which shall be found thereon, with the Costs of making and keeping such Distress and Sale, and otherwise to act therein according to the Laws now in being in Cases of Distress for Nonpayment of Rent reserved in Common Demises.

How Defendants in Replevin may avow or make Cognizance.

XXXVII. And be it further enacted, That in case and when and so often as any Distress which shall be made by the said Trustees for the Time being, or by any Person or Persons to be appointed by them as aforesaid; under any of the Powers of this Act, shall be replevied,

it shall be sufficient for the Defendant or Defendants in any Action of Replevin to be thereupon commenced, to avow or make Cognizance (as the Case may be) that such Distress was made to recover a Sum to be specified (as the Case may be) in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments, before the Time of making such Distress assessed or changed under and by virtue of the said first recited Act and this Act, or One of them; or in respect of Rent payable under and by virtue of this Act.

XXXVIII. And be it further enacted, That if any annual or other Tax, Rate, or Assessment, or the Rent of the said Banks and Forelands, which shall be due or payable by virtue of this Act, or any Part or Parts thereof, shall not be paid within Thirty Days after the same shall become payable, then and in every such Case it shall be lawful for the said Trustees, or any other Person or Persons authorized to receive the same, to recover all Arrears of such Taxes, Rates, or Assessments, or Rent, with Costs of Suit, by Action to be brought in any of His Majesty's Courts of Record at *Westminster*, against the Person or Persons liable to pay the same. By Action.

XXXIX. And be it further enacted, That on every Occasion hereafter, when and as often as the said Trustees, not being less than Two-thirds in Number of all the said Trustees, shall deem it necessary or expedient to do or execute any Acts or Works below *Fosdike* Bridge Works below  
Fosdike  
Bridge. *Bridge* aforesaid, for the Purpose of removing Shoals or other Impediments in the Outfall of the Waters of the said River *Welland*, and training, leading, or directing the said River in a confined Channel towards the Sea, before the same falls into or unites with the Channel of the River *Witham*, they shall give Notice thereof (specifying the Works proposed to be done) to the Clerk to the Commissioners of Sewers usually acting in the Wapentake of *Kirton* in the Parts of *Holland* and County of *Lincoln*, and also to the Clerk to the Committee of Trustees of the *South Holland* Embankment, and shall appoint a Day and Time for a Meeting to be held in the Town of *Spalding* aforesaid, not sooner than Twenty-one Days after Publication of such Notice, at which Meeting the Trustees of this Act, and the said Commissioners of Sewers, and the said Committee of Trustees of the *South Holland* Embankment, or some Person or Persons to be respectively authorized and deputed by them in that Behalf, or such of them as shall think fit so to do, shall attend; and at such Meeting the said several Parties or Persons attending the same shall in Writing nominate and appoint a Civil Engineer for the Purposes herein-after mentioned; and in case the several Parties or Persons attending such Meeting shall not agree in such Nomination and Appointment, then the Names of the several Persons proposed for such Civil Engineer shall be transmitted by the Trustees of this Act to the Lord Lieutenant of the County of *Lincoln* for the Time being, who shall nominate and appoint some one of the Persons so proposed to be the Civil Engineer for the Purposes next herein-after mentioned, and so on from Time to Time when and as often as the said Trustees of this Act shall deem it expedient to execute any such Works below *Fosdike* Bridge as aforesaid.

XL. And

Works to be executed under the Superintendence of a Civil Engineer.

XL. And be it further enacted, That all and every the Works and Work proposed and desired to be made, done, and executed by the Trustees of this Act as last aforesaid, shall be so done under the Superintendence of the said Civil Engineer, who shall prescribe and order the Manner and Form in which the same shall be carried and executed, so as to avoid and prevent any Injury to the present Sea Banks on either Side of the said *Fosdike* Wash, and to preserve the Rights and Interests of the Persons respectively entitled to or beneficially interested in the Marshes and Sands on the North and South Sides or Shores of the said Wash respectively; and the said Trustees of this Act are hereby authorized and empowered, subject to the Provisions herein-before contained, by such Means as they shall be advised, and may from Time to Time be found or deemed to be practicable, to train, lead, and conduct, and as Occasion may require to embank the Channel of the said River *Welland* through *Fosdike* Wash aforesaid in a Direction towards the Sea, but so that the same shall not go beyond the Channel of the River *Witham*, or prejudice the Outfall of the Waters of that River.

Holland Embankment Commissioners, &c. not attending, Engineer to be nominated without them.

XLI. Provided always, and be it enacted, That if the said Commissioners of Sewers and Committee of Trustees of the said *South Holland* Embankment respectively, or either of them, shall neglect by themselves or such Agent or Deputy as aforesaid to attend the Meeting to be appointed as aforesaid, it shall be lawful for the Trustees of this Act alone, or in concurrence with such of the said other Parties as shall so attend (as the Case may happen to) be), to proceed in the Nomination of such Civil Engineer in the Manner herein-before directed, as if all the said several Parties by themselves or by their Agent or Deputy were present.

Allowance to Engineer.

XLII. And be it further enacted, That the Civil Engineer to be appointed as aforesaid shall be allowed and paid by the Trustees of this Act, out of the Funds or Revenues receivable by them as aforesaid, the Sum of Three Guineas and no more for every Day in which he shall be employed in the Superintendence and Direction of the aforesaid Works, or in which he shall be travelling from his usual Place of Abode, or returning thither; which said Allowance shall comprehend and include all his Expences.

Trustees may take Tonnage Rates.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at all Times from and after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-four, to ask, demand, take, and recover the several Rates, Tolls, or Duties herein-after mentioned, for and in respect of all Materials, Merchandize, and other Goods, Matters, and Things which shall be carried or conveyed along any Part of the said Cut or Channel already made or hereafter to be made below the said Reservoir; (that is to say,)

Rates.

For every Chaldron of Coals, the Sum of Two-pence:  
 For every Last of Oats or Malt, the Sum of Four-pence:  
 For every Half Last of Wheat, Rye, Barley, Barley Big, Beans, Peas, Cole, Linseed, Hemp Seed, or Mustard Seed, the Sum of Four-pence:

For



For every Ton of Iron, Salt, Lead, Rags, Tobacco, Pipeclay, Pebbles, Cobles, Reed, Sedge, Hay, Flax, Hemp or Turves, the Sum of Four-pence :

For every Butt of Currants, Chaldron of Lime, and Chaldron of Grindstones, the Sum of Four-pence :

For every Two Pipes, Three Hogsheads or Puncheons, Eight Barrels or Half Hogsheads of Wine or other Liqueur, the Sum of Four-pence :

For every Eight Packs of Wool, reckoning Ten Todds to the Pack, the Sum of Four-pence :

For every Sixteen Kilderkins, Thirty-two Firkins or Quarter Barrels and Bushels of Sand, the Sum of Four-pence :

For every Five hundred Pantiles or Paving Tiles, Five hundred Bricks, Twenty Feet of Stone, One hundred of Battens, and Half a hundred of Deals, the Sum of Four-pence :

And for all other Goods, Wares, and Merchandize, the Sum of Four-pence per Ton :

And also for every Fifty Feet of Fir Timber, and Forty Feet of all other Timber, Calliper Measure, the Sum of Four-pence, whether floated, carried, or conveyed :

And for every Hogshead of Soap, Tallow, Ashes, Barilla, and Whitening, the Sum of Two-pence :

And for every Two Puncheons of Molasses, Four Barrels of Rice, and Four Casks of Russia Tallow, the Sum of Two-pence :

And for any Quantity of Goods, Articles, or Things, less than the respective Quantities herein-before charged with any Rate, Toll, or Duty, there shall be demanded and taken a rateable Part or Proportion of the several Rates, Tolls, and Duties herein-before charged upon or made payable for the Whole of such respective Quantities thereof as are herein-before specified.

XLIV. And be it further enacted, That the several and respective Rates, Tolls, and Duties herein-before directed to be taken shall be respectively paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Trustees shall from Time to Time direct or appoint ; and in case of Refusal or Neglect of Payment of any such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, it shall be lawful for the said Trustees to sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*, or the said Trustees, or the Collector or Collectors, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Boat, Barge or other Vessel laden therewith, or returning from the Voyage, and detain the same until Payment thereof shall be made, with all reasonable Charges for such Seizure and Distress, and keeping the same ; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Recovery of  
Tonnage.

Disputes as  
to Tolls to  
be settled by  
Two Justices.

XLV. And be it further enacted, That if any Dispute shall happen or arise about the Amount of Tolls due, or the Charges of making, keeping, or selling any Distress made for Non-payment of any Tolls, it shall be lawful for the Collector or the Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may be, until the Amount of the Tolls due, and the Charges of making, keeping, and selling the Distress be ascertained by any Two Justices of the Peace for the County, Division, or Place wherein the Dispute shall happen or arise, who, upon Application made to them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, (which Oath such Justices are hereby authorized and empowered to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Houses  
may be  
erected.

XLVI. And be it also enacted, That for the Purpose of collecting and receiving such Rates, Tolls; and Duties, the said Trustees shall and may erect and build One or more fit and suitable House or Houses, Office or Offices, as near as conveniently may be to the said River, new Cut, or Channel, for the Residence or Use of the Collector or several Collectors of the said Rates, Tolls; or Duties.

Owners of  
Boats to have  
their Names  
and Weight  
of Lading  
marked  
thereon.

XLVII. And be it further enacted, That every Owner, Master, or Person having the Care of any Boat, Barge, or other Vessel passing upon the said Cut or Channel, or any Part thereof, shall cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel; to be entered with the Clerk to the said Trustees, or with some one of the said Collectors, and shall also cause such Name or Number to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches High at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge; or other Vessel, higher than the Place to which the same shall sink into the Water when full laden, and also shall fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, of such convenient Height, and under such Regulations as the said Trustees shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby clearly ascertained and shown, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed, or measured at the Expence of the said Trustees, whenever it shall be required by them, or any Person or Persons appointed by them for that Purpose, at such Place or Places on the said Cut or Channel as they shall appoint; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the same

Cut and Channel or any Part thereof; without having such Names, Figures; and Indexes thereon as are herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix any false Name, Figures, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

XLVIII. And for better ascertaining and more easy, effectual, and just Collection of the Rates, Tolls, and Duties hereby directed to be paid to the said Trustees, be it further enacted, That the Master or other Person having the Command or Care of every Boat, Barge, or other Vessel passing or navigating upon the said Cut and Channel below the Reservoir aforesaid, or any Part thereof, shall give to the Collector of the said Rates, Tolls, or Duties, or to any other Officer to be appointed by virtue of this Act, at the Place or Places where he shall attend for that Purpose, a just Account in Writing signed by the Person or Persons sending or consigning such Goods and other Things as shall be loaded or embarked in each such Boat, Barge, or other Vessel, or by his or their Clerk or Agent, which Account shall contain a Statement of the Quantities and Weight of all the Goods and other Things, and of their Nature, Sort, or Kind, which shall be loaded or embarked in each such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Account shall specify the Quantities liable to the Payment of each of the said Rates; and in case the Person having the Care of such Boat, Barge, or Vessel 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 wilfully or knowingly give a false Account, or deliver any Part of such Lading or Goods to any other Place or Places than the Place or Places mentioned in that Account, or shall wilfully do any other Act whereby the Payment of the said Rates, Tolls, or Duties, or any Part thereof, shall be avoided; or if the Person or Persons sending or consigning such Goods or Things, or his or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Ton of Goods or other Things, and so in proportion for any less Quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, over and above the ordinary Rates, Tolls, or Duties which shall be payable for the same by virtue of this Act.

Masters of Boats to give an Account of their Lading.

XLIX. And be it further enacted, That if any Difference shall arise between any Collector or Collectors of the said Rates, Tolls, and Duties, and the Master or other Person having the Care or Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Things loaded or embarked therein, concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein loaded, embarked, or contained, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh or gauge or cause to be weighed

Lading may be weighed.

or

or gauged such Boat, Barge, or other Vessel, and all such Goods, Wares and Merchandize, or other Matters or Things as shall be therein loaded, embarked, or contained; and in case the same shall, upon such weighing or gauging, appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, then it shall be lawful to and for the said Trustees, and they are hereby authorized to charge for such Goods and Things according to the Weight thereof declared by the Gauge of such Boat, Barge, or other Vessel, and the graduated Index thereon, and the Master, Owner, or other Person giving such Account shall pay the Costs and Charges of such weighing or gauging; and all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters and Things shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention; and in default of Payment thereof the same shall be recovered from the said Trustees by Action of Debt in any of His Majesty's Courts of Record.

Cut to be free  
on Payment  
of Rates.

L. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads and Ways vested in the Trustees of this Act, for the Purpose of conveying any Materials, Timber, or other Goods, Wares, Merchandizes, and Things to or from the said Cut and Channel, and every Part thereof, without paying any thing for the same, and also to navigate and pass upon and use the said Cut and Channel with any Boats, Barges, or Vessels, and also to use the Towing Paths with Men, or with Horses or other Cattle, for hauling and drawing such Boats, Barges, and Vessels, but for no other Purposes, upon Payment of such Rates as shall be demanded by the said Trustees, not exceeding the Sums herein-before mentioned.

Vessels to be  
moored not  
to obstruct  
Passage of  
Water;

LI. Provided always, and be it enacted, That for preventing Impediments to the Discharge of the Waters of the said River, Cut, and Channel in Times of Flood, it shall be lawful for the said Trustees, and they are hereby directed and required, in Writing under their Hands, to appoint some fit Person or Persons to regulate and order the Situation in which any Vessels lying in the said River, Cut, and Channel shall be moored, so as to offer the least Impediment or Obstruction the Case may admit of to the Course and Passage of the said Waters; and in case any Master or other Person having the Command or Care or Custody for the Time being of any Barge, Boat, or other Vessel, shall refuse or neglect to obey the Orders and Directions of the Person or Persons so to be appointed, he shall for every such Offence forfeit and pay to the said Trustees a Sum of Money not exceeding Twenty Pounds nor less than Five Pounds.

LII. And

LII. And be it further enacted, That if any Person or Persons shall hereafter moor, stay, or fasten, or cause or procure to be moored, stayed, or fastened, any Barge, Boat, or other Vessel, within the Distance of Two hundred Yards from the Outfall Sluice of the said River *Glen*, or if any Person or Persons shall hereafter and contrary to any Order to be made by the said Trustees in that Behalf, force or keep open the Sea Doors of the said Sluice, so as to admit the Sea Water into the said River *Glen*, every Person so offending shall for every such Offence forfeit and pay to the said Trustees any Sum of Money not exceeding Twenty Pounds nor less than Five Pounds.

Nor within  
200 Yards  
from the  
Glen Outfall  
Sluice.

LIII. And be it further enacted, That for the Purpose of assisting the Navigation of the same River *Glen*, it shall and may be lawful to and for the said Trustees, at the Instance and Request in Writing of the Agent for the Time being of the Honourable Adventurers of *Deeping Fen*, and of the Dikereeves for the Time being of the several Parishes of *Gosberton*, *Surfleet*, and *Pinchbeck*, in the said County of *Lincoln*, or any of them, and at the Costs and Charges of the Person or Persons desiring the same, to make and place, or cause to be made and placed, Draw Doors in the Arches of or otherwise to be connected with the Outfall Sluice of the said River *Glen*, but the said Draw Doors shall be and remain under the Controul and Direction of the said Trustees, and be removable at their Discretion, in case it shall be found necessary or expedient to remove them.

Draw Doors  
may be  
placed in the  
River *Glen*.

LIV. And be it further enacted, That all the Lands comprized in the said first recited Act, and thereby made subject and liable to any Rate, Tax, or Assessment under the Authority thereof, and which are not exonerated and discharged therefrom by this Act, shall, from and after the Twenty-fourth Day of *June* succeeding the Expiration of Ten Years next after the passing of this Act, remain, continue, and be subject and liable to the Payment of One equal Moiety or Half Part only of the said Rate or Assessment charged thereon respectively in or by virtue of the said first recited Act, and which Moiety or Half Part of such Tax, Rate, or Assessment shall be collected and received in such and the like Manner, and be applied to and for such and the like Purposes as the entire Rate, Tax, or Assessment is hereby made applicable unto, immediately upon or after the passing of this Act.

Taxes to be  
reduced after  
Ten Years.

LV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and required, at any Time after such Reduction of the said Rates, Taxes, and Assessments shall have taken place as herein-before mentioned, and either at one and the same Time, or at several Times, upon the Agreement and Requisition of the Owners of Land charged with the said annual Rates, Taxes, or Assessments (such Agreement and Requisition to be made and testified in manner herein-after mentioned), to reduce all the said annual Rates, Taxes, and Assessments, and also the said Tolls and Duties, in such Proportion as they shall deem expedient and adequate for the Purposes to which

Taxes and  
Rates may  
be further  
reduced.

the same are applicable; and in order to such Reduction it shall be lawful for any Five Persons, being each an Owner of Fifty Acres charged or chargeable with the said Rates, Taxes, or Assessments, to give Notice, by Advertisement to be published for Three previous and successive Weeks in such Newspaper as aforesaid, of a Meeting of the respective Owners of Fifty Acres of Land so charged as aforesaid, to be held at some convenient Place in the Town of *Spalding* aforesaid on the *Monday* following the last Publication of such Notice, at Twelve of the Clock at Noon; and at such Meeting every such Owner attending, either personally or by an Agent or Proxy appointed by Writing under his Hand, shall have One Vote for and in respect of every entire Quantity of Fifty Acres of Land which he may have charged with such Rates, Taxes, and Assessments as aforesaid, and the Question shall be decided by the Majority of Votes to be given as aforesaid; and it shall be lawful for the Proprietors present at every such Meeting, or by their Agents or Proxies respectively, to agree and determine to what Extent the said Taxes, Rates, Tolls, and Duties shall be reduced as aforesaid; and such Agreement and Determination shall be expressed in Writing, signed by the Persons assenting thereto as aforesaid, and shall be forthwith delivered to the Clerk or Treasurer to the said Trustees, and the said Trustees shall thereupon order the said Taxes, Rates, Tolls, and Duties to be reduced accordingly.

Taxes and Rates may be advanced.

LVI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby also authorized and required, upon such Agreement and Requisition as lastly herein-before mentioned, to advance and increase the said Rates, Taxes, and Assessments, Tolls and Duties, from the Sum to which they shall have been reduced as aforesaid, to any other Sum not exceeding the Amount thereof payable under and by virtue of the said first recited Act and this Act, and again to reduce the same in manner and to the Extent herein-before provided, and so *toties quoties*, as often as the said Owners and Proprietors shall see Occasion.

Application of Monies.

LVII. And be it further enacted, That all Monies to arise by virtue of this Act shall be paid to the Trustees of this Act; and that the same, together with all Fines, pecuniary Penalties, and Forfeitures to be levied, recovered, or received by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be applied in the Order and Manner following; (that is to say), in the First Place, in paying all the Fees, Costs, Charges, and Expences which shall have been incurred in making Surveys and Reports, and otherwise preparatory to and in applying for, preparing, obtaining, and passing this Act, with lawful Interest upon all Monies which shall have been advanced by any Person or Persons for Payment of any such Expences; in the Second Place, in paying and defraying the Costs, Charges, and Expences which shall be incurred in carrying into Execution and perfecting the several Works hereby directed, or authorized to be made and executed by the said Trustees, and in removing Shoals, and clearing and deepening the Channel of the said River *Welland*, above, in, and through the Town of *Spalding*, and thence to *Fosdike* Bridge, and in placing Buoys and Beacons below *Fosdike* Bridge,

for marking out the navigable Channel, and guiding Vessels in their Passage to and from the said Bridge, and in supporting, maintaining, and improving the several Cuts, Channels, Banks, Sluices, Works, Matters, and Things hereby declared to be vested in the Trustees of this Act, and in carrying into Execution the several other Powers, Authorities, and Trusts reposed in the said Trustees by virtue of this Act; and lastly, in making, enlarging, extending, or otherwise improving such Cuts and other Works of Drainage or Navigation in, above, or below or communicating with the said Cut or Channel, as the said Trustees shall in their Discretion think fit: Provided always nevertheless, that the said Trustees shall not expend or apply any of the Rates, Taxes, or Assessments to be levied and received from any of the Lands draining by the said River, in and for any of the Works to be executed in the said River above the Reservoir aforesaid; but that such last mentioned Works shall be executed, and the Expences thereof be discharged by and out of the Tolls and Duties herein-before charged upon Vessels using or navigating the said River, and the Freights or Cargoes thereof.

Tonnage Rates alone applicable to Works above the Reservoir.

LVIII. And whereas it is necessary and expedient that the same Powers and Authorities which are given by the said first recited Act to the Commissioners thereof, for enabling them to purchase Lands for the Purposes of the said Drainage, should be extended to and vested in the Trustees for the Time being of this Act; be it therefore further enacted, That all Powers and Authorities vested in or given to the Commissioners of the said first recited Act, for enabling them to purchase Lands or Hereditaments for the Purposes of the said Drainage, save and except such as are varied, altered, or repealed, shall extend and be deemed, taken, and construed to all Intents and Purposes whatsoever to extend to the said Trustees for the Time being, as if such Powers and Authorities had been originally granted to or vested in such Trustees.

Power for Trustees to purchase Lands.

LIX. And be it further enacted, That so much of the first recited Act as enacts that full Recompence and Satisfaction shall be made to the several Persons entitled or to be entitled to Tithes, whether Great or Small, arising or accruing out of the Lands which shall be dug out, taken, and carried away in making the said new River or Cut, according to the respective Interests therein of the several Persons so entitled as aforesaid, and that the said Tithes shall be estimated by the said Commissioners at the annual Value they were of in the Opinion of the said Commissioners immediately before the digging out, taking, and carrying away of the said Lands, and that the said annual Value of the said Tithes, and also all Chief Rents or annual Manorial Payments charged by and upon any of the Lands used in forming the said new River or Cut, shall be for ever paid and payable to the several Persons entitled thereto out of the annual Fund to arise from the said Taxes, Tolls, and Pontage, and shall be deducted at the Rate of Thirty Years Purchase out of the Consideration Money to be paid by the said Commissioners for the Purchase of the Lands and Grounds out of which the said Tithes or Payments were issuing and payable, shall be and the same is hereby repealed.

So much of 34 G. 3. c. 10 as provides Compensation for Tithes, repealed.

LX. And

Application  
of Compen-  
sation when  
amounting to  
200*l.*

1 G. 4. c. 35.

LX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act, of any Body Corporate, Ecclesiastical, or Civil, Corporation Aggregate or Sole, Feoffees or Releasees in Trust, Guardians, Committees, or any Trustees, or from any Femes Covert or other incapacitated Person or Persons, or of any Tenant or Tenants for Life or for any other particular Estate, 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 Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 or Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing charged therewith, and settled or assured to the same 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 Lands or Hereditaments, which shall be so conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited to, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents or Profits of the Lands and Hereditaments so to be purchased, in case such Purchase or Settlement were made.

Application  
when Money  
shall be less

LXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements  
or,



or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of 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 and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Trustees of this Act (such Nomination or Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

than 200*l.*  
but shall  
amount to  
20*l.*

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

Application  
when the  
Money is less  
than 20*l.*

LXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, and Hereditaments to be purchased, taken, or used by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in such Case it shall and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the

Directing  
how Monies  
to be paid in  
case of Fail-  
ure of Title;  
&c.

[*Local.*]

25 S

same

same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making claim thereunto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank of *England* as aforesaid.

Where any Question shall arise as to the Title, the Person in Possession shall be deemed entitled thereto.

LXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession; or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

Recovery of Penalties and Forfeitures.

LXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, or to be imposed by virtue of any Rule, Bye Law, or Order hereby authorized

rized to be made (the Manner of levying, recovering, and applying whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any Two Justices of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses, (which Oath such Justices are in every Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hands and Seals of such Justices (which Warrant such Justices are hereby empowered and required to grant), and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security; and which Security the said Justices are hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy such Penalties, Forfeitures, and Fines, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justices, upon the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalties, Forfeitures, or Fines, and such Costs as aforesaid, can be levied, were such Distress Warrant issued, such Justices shall not be required to issue the same, then it shall be lawful for any such Justices of the Peace as aforesaid, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Offender or Offenders to be committed to the House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of this Act.

LXVII. And for the more speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect; (that is to say,)

Convictions to be drawn according to the following Form.

BE

Form of  
Conviction.

to wit. } BE it remembered, That on [Time of Conviction] at  
[Place of Conviction] A. B. [Name of Offender] of [his  
Addition] was duly convicted before us, [Name and Style of con-  
victing Justices], for that the said A. B. [Name of Offender] on  
[Time of committing Offence] did [here state the Offence against this  
Act according to the Fact], contrary to the Form of the Statute  
made in the Fifth Year of the Reign of His Majesty King George  
the Fourth, intituled [here set forth the Title of this Act,] and we  
do therefore declare and adjudge that the said A. B. [Name of  
Offender] has forfeited for the said Offence the Sum of [Fine], or  
shall be committed to [Place of Imprisonment] for the Space of  
[Time of Imprisonment]. Given under our Hands and Seals the  
Day and Year first above written.'

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

LXVIII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Trustees, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned and contained, may, within Two Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the said Division of *Holland*, first giving Fourteen Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons against whom such Appeal is intended to be made, and to the Clerk to the said Trustees, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the said Division, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Appeal at such next General or Quarter Sessions, or, if they think proper, to adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for the said Division; and the said Justices may, if they see cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Appoint-  
ments and  
other Matters  
of Form to  
stand ad-  
mitted in  
Evidence,  
unless Notice  
given to pro-  
duce them.

LXIX. And be it further enacted, That in any Action or Suit hereafter to be brought by or against the said Trustees for the Time being, or any of the Persons acting in the Execution of this Act, for any Cause, Matter, or Thing arising out of the same, the Appointments of Trustees, Clerk, Treasurer, Collector, or other Officers or Persons acting in the Execution of this Act, the Books of Entries of the Proceedings of the Trustees for the Time being, the Rates or Assessments to be made by the said Trustees, and the  
Notices

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

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

Owners and Occupiers of Lands not incompetent Witnesses.

LXXI. And be it further enacted, That when any Distress shall be made in pursuance of the said first-recited Act or this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any of the Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties so dis-

Distress not unlawful for Want of Form.

training; but the Person or Persons aggrieved by such Irregularity shall or may recover full Satisfaction for the Special Damage in an Action of Trespass on the Case.

Plaintiff not  
to recover  
after Tender  
of Damages.

LXXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, Body Corporate or Politic, for any Thing done in execution or pursuance of the said first recited or this Act (other than in an Action of Replevin), unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, and specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action as aforesaid, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; but on Proof of such Tender at any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with Double Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made before such Action brought, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Trustees may  
pay the Ex-  
pences of  
Prosecutions.

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

Saving Rights  
of the Trus-  
tees of the  
Boston Har-  
bour Act.

LXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, impede, or defeat any Works made or executed or to be made or executed by the Mayor and Burgesses of the Borough of *Boston*, in pursuance of an Act made in the Fifty-second Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for improving the Port and Harbour of Boston in the*

52G.3.c.105.

*County of Lincoln, for fixing the Wharfage of Goods landed within the said Port and Harbour, and for better maintaining the Buoys, Beacons, and Sea Marks belonging thereto, or to empower the Trustees under this Act or their Successors to intermeddle with, or to invalidate, lessen, alter, or take away any of the Rights, Powers, or Authorities which by the said Act were vested in the said Mayor and Burgesses; but that the same shall be and continue as fully to all Intents and Purposes as if this Act had never been made; any thing herein contained to the contrary thereof in anywise notwithstanding.*

LXXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away any of the Rights, Tolls, Benefits, Privileges, Emoluments, Liberties, Franchises, or any former or other Jurisdiction which the Mayor and Burgesses of the said Borough of *Boston* were possessed of or had a Right unto by Charter, Prescription, Custom or otherwise howsoever, before the passing of this Act. Saving the Rights of the Corporation of Boston,

LXXVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, hinder, injure, or defeat a certain Bridge erected over the said Place called *Fosdike Wash*, or the Roads or Banks leading to and from the same, or any other Works made or executed or to be made or executed by the Company of Proprietors of the *Fosdike* Bridge, under the Powers and Authorities of an Act made in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing so much of an Act of His present Majesty as relates to making a public Way over Fosdike Wash in the County of Lincoln, and for granting further Powers for building a Bridge over the said Wash*, or to authorize or empower the said Trustees or their Successors to make, do, or execute any Works to the Prejudice or Injury of the said Bridge, or such other Works as aforesaid, or to defeat or lessen the Tolls, Rates, or Duties authorized to be taken thereat by the said Company of Proprietors and their Successors, but that the same Powers and Authorities, Tolls, Rates, and Duties, shall be preserved and continue as fully and effectually to all Intents and Purposes as if this Act had never been made, any thing herein contained to the contrary thereof in anywise notwithstanding. and of the Company of Proprietors of the Fosdike Bridge. 51 G. 3. c. 71.

LXXVII. 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.

