Anno tertio

Georgii III. Regis.

An Act for making a Navigation from the River *Humber*, by a Canal or Cut, at or near *Tetney Haven*, to the River *Ludd*, in the Parish of *Alvingham*, in the County of *Lincoln*; and for continuing the said Navigation in or near the said River, from thence to or near the Town of *Louth*, in the said County.

WHEREAS the making a Canal or navigable Cut from the River Humber, at or near a Place called Tetney Haven, in the County of Lincoln, to the River Ludd, in the Parish of Alvingham, and the continuing the said Navigation in or near the said River, from thence to or near to the Town of Louth, in the said County, will be of publick Utility; 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 Right Honourable Sir John Cust, Speaker of the Honourable House of Commons; the Right Honour- Preamble. Commissioners Names.

able John Manners, commonly called Marquis of Granby; the Right Honourable Robert Bertie, commonly called Marquis of Lindsey; the Right Honourable George Sutton, commonly called Lord George Sutton; the Right Honourable Robert Manners, commonly called Lord Robert Manners; the Right Honourable Vere Bertie, commonly called Lord Vere Bertie; the Right Honourable Robert Bertie, commonly called Lord Robert Bertie; the Right Honourable Brownlow Bertie, commonly called Lord Brownlow Bertie; the Right Honourable George Lumley Sanderson, commonly called Lord Lumley; the Right Honourable Lord Luxborough in the Kingdom of Ireland, the Honourable John Monson, the Honourable Richard Lumley Sanderson, the Honourable Thomas Lumley Sanderson, the Honourable George Monson, the Honourable Charles Monson, the Right Honourable Sir Francis Dashwood, the Honourable George Hobart, the Honourable James Grenville, the Right Honourable Edward Weston, John Dymoke, the Honourable Thomas Noel, the Honourable and Reverend James Yorke Dean of Lincoln, Sir George Savile, Sir Rowland Winn, Sir John Thorold, Sir William Meredith, Sir Cecil Wray, Sir Christopher Hales, Sir Francis Whichcote, Sir John Nelthorpe, Sir Sampson Gideon, Baronets; Thomas Whichcot, Christopher Whichcote, Francis Whichcote, Charles Amcotts, Charles Anderson senior, William Anderson Clerk, Charles Anderson junior, David Atkinson, Samuel Ashurst, Marmaduke Allington Clerk, Mottram Andrews, Henry Andrews, John Andrews, Stephen Ashton Clerk, William Allenby, Hinman Allenby, Daniel Allenby, Ayscough Boucherett, Robert Banks Hodgkinson, John Bussiere, Carr Brackenbury, Thomas Brackenbury, Brackenbury Clerk, Langhorne Burton, Thomas Beaumont, Bentley Bennett, Henry Booth, Thomas Birch, James Birch Clerk, John Bennett, Edward Bennett, Anthony Bennett, John Bennett junior, John Bennett of Barton, Charles Beaty junior, Charles Beaty, William Beaty Clerk, Everard Buckworth, Bradley Clerk, Burton of Somerby, Henry Best Clerk, Richard Bewley, Theophilus Buckworth, John Chaplin, Brownlow Cust, Charles Chaplin, Maximilian Cerjat, Robert Cracroft, Robert Cracroft junior, John Cracroft, Gilbert Caldicot, Christopher Clayton, Charles Clarke D. D. Richard Chapman, Thorey Chapman, Robert Carter Clerk, William Dennison, Richard Dalton, Dalton, John Dymoke, Samuel Dashwood, Francis Dashwood, Charles Dashwood, Wharton Emerson, John Ely, Robert Epworth, West of Sollaby, Jonathan Fields, William Floyer, Lister Fitzwilliams, Samuel Fitzwilliams,

Fitzwilliams, John Fowler, Fowler Clerk, Philips, Glover, John Greathead, Thomas Greathead, Langley Gace, Langley Gace junior, Joseph Gace, John Grundy, John Goodwin Clerk, Isle Grant, Alexander Gunnis, Friskney Gunnis, Andrew Goose, John Garmston, William Gildas, John Hewett, John Harrison, John Harrison junior, George Harrison, Thomas Hardy M. D. Richard Hardy M.D. Richard Hardwicke, Fitzwilliams Hodgson, Thomas Hutton, Thomas Hurst Clerk, John Holland Clerk, Hewson Clerk, John Harold, John Hudson, Theophilus Harnies, Francis Howson, William Hildyard, Edward Holgate, Ingram, George Jolland, John Inet, Thomas Robert Jenkinson, Johnson of Ashby, John King, William Kirk, the Warden and Justice of the Town of Louth for the time being, Bennett Langton, Bennett Langton junior, Peregrine Langton, Samuel Langton, Thomas Lister, Dimoke Lister, Bateman Lawley, Robert Lee, Joseph L'Oste Clerk, Frederick L'Oste, William Loft of Grainthorpe, William Loft of Marshchapel, John Ludlam, Matthew Lister, John Manwaring, William Burrell Massingberd, William Meux Massingberd, Samuel Martin, William Marshall, John Maddison, William Mackenzie, Laurence Monk, Metcalf, George Mason, George Maddison, Christopher Marshall, Christopher Neville, John Nelthorpe, Neville, Robert Newton, William Newton, Robert Neve, John Pindar, Thomas Pindar, Thomas Pownall, John Pownall, Richard Pilkington, Gilbert Pilkington, Charles Pilkington, William Pemberton Clerk, John Parkinson, Abraham Parkinson, Luke Robinson, William Rewcastle Clerk, Samuel Rolt Clerk, Samuel Roycroft, Rogers, Richard Read, Coningsby Sibthorpe, Humphrey Sibthorpe, Coningsby Sibthorpe junior, Gervaise Scrope, Thomas Scrope, Fretchville James Scroope, Erasmus Sanders D. D. John Sutton, John Somerscales, John Short, Theophilus Smith, John Scott, Nicholas Shaw, John Smeaton, Abel Smith, Edward Sharp, Thomas Sugar Clerk, William Stanley, George Stoven of Wythern, Frederick Scrope, John Smith, Edmund Turner, Edmund Turner junior, Jessop Thorold, Thorold Clerk, Percival Teal, John Turner, John Thorold, Cornwall Tathwell M. D. William Thorold, Robert Viner, Robert Viner junior, John Uppleby, John Uppleby junior, John Welby, William Earl Welby, Henry Willoughby, Richard Welby, Willoughby Wood, Joseph Wells, William Wilberton, Nicholas Wrigglesworth, Charles White, Cecil Willis D. D. Francis Willis M. D. Richard Willis Clerk, Samuel Welfit, John Wadeson Clerk, William Williamson,

son, Henry Walsh, Henry Welsh of Grimblethorpe, Saint John Wells, Middlemore Ward Clerk, Richard Wharfe, James Wigley, Charles Weston Clerk, and Charles Yarbrough, shall be, and they and their Successors, to be elected in Manner herein after mentioned, are hereby appointed Commissioners for making the said Canal or navigable Cut from the Humber, at or near a Place called Tetney Haven, in the County of Lincoln, to the River Ludd, in the Parish of Alvingham; and for continuing the said Navigation in or near the said River Ludd, from thence to or near to the Town of Louth, in the said County; and for putting the several Powers contained in this Act in Execution.

The Navigation not to damage the Bloe-Wells in *Tetney Common.*

Provided always, That in making the said Navigation over Tetney Common, the Commissioners shall so construct the same, that it shall extend Three hundred Yards at least to the North-ward from the Middle of a strait Line which will be formed betwixt the Bridge called Sheep Bridge, and the southermost End of the Drain called Cowkitt Dyke, Care being had that, in the Course of this Work no Damage or Injury may be done to the Springs or Bloewells in Tetney Common, called the New Delight Wells, and that the Commissioners shall make good such Damage or Injury, if any should arise thereto; and from thence to be carried across the small Drains close in a right Line from the said Corner of Cowkitt Dyke, to the Dyke which divides the said small Drains, Close, and Thoresby Fen, and in or near the Course of that Dyke; and by the Division Drain to North Coates Fleet, so as to leave the Four Closes called The Forth, on the West Side thereof; and from thence by or near the Division Drain to New Dyke.

Power to contract for the necessary Works.

And be it enacted by the Authority aforesaid, That they the said Commissioners, or any Five or more of them, are hereby authorized and impowered to employ or contract with any Person or Persons for making the said Canal or Cut, and for making the said River navigable, or for the Performance of any Works which they the said Commissioners, or any Five or more of them, shall think necessary to be done in pursuance of this Act; such Contracts to be for such Time or Times, and under such Conditions, as they the said Commissioners, or any Five or more of them, shall think proper: And the said Commissioners, or any Five or more of them, or the Person or Persons employed or contracted with as aforesaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered in, upon, or through, the Lands and Grounds of any Person or Persons, Bo-

dies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, to dig, cut, trench, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the making, using, maintaining, and repairing the said Cut or Canal; and for making and keeping the said River navigable; and for making, maintaining, and repairing Towing-paths and Haling-ways on the Sides thereof; and for the making, using, maintaining, and repairing such Trenches, Passages, Gutters, and Watercourses, as shall be found necessary and proper; and also for the raising, strengthening, and supporting the Banks of the said intended Cut or Canal, or of the said River; and for the making of Weirs and convenient Places for discharging the Water; and for making of such Back-drains, Gutters, or Trenches, as shall be necessary or proper to prevent any Damage to the Lands or Grounds adjoining or lying near by the oozing or flowing of Water from or out of the same; and also to make, maintain, enlarge, open, or alter any Roads, Ways, Passages, Cuts, Locks, Trenches, Sluices, or other Conveniencies; and also to erect and make in or across the said Cut, or in or across the said River, or upon the Lands adjoining to the same, Cranes, Winches, Weighing-beams, and other Engines, Wharfs, Warehouses, Quays, and other Works; and also to make, maintain, and keep in Repair Towing-paths and Haling-ways upon the Banks of the said River, and Cut or Canal; and to make, maintain, repair, and alter any Bridges, Arches, or Passages over, under, or through the said River and Cut or Canal, or the said Trenches, Passages, Gutters, Water-courses, and Sluices respectively, which shall communicate therewith; and to make, set up, and maintain such Posts, Rails, Hedges, Ditches, Banks, and other Fences, on the Sides thereof, in such Places as shall be judged necessary for separating and dividing the Towing-paths and Haling-ways from the adjoining Lands; and also to place and lay any Earth, Stone, Materials, or Things necessary to be got or used in or upon Account of the several Matters and Works aforesaid, on the Lands or Grounds near to the Place or Places where such Works, or any of them, shall be making, erecting, altering, or repairing; and also to do and perform all such other Works, Matters, and Things, which they the said Commissioners, or any Five or more of them, shall from time to time judge proper or convenient for the Purposes of this Act, they the said Commissioners, or any Five or more of them, their Agents, Workmen, or Servants, first making Satisfaction in Manner herein after directed,

to

to the respective Owners of, and Persons interested in, such Lands, Grounds, Tenements, or Hereditaments, as shall be used, removed, or prejudiced, in or by the Execution of any of the Powers hereby granted.

Times and Places of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet on the Wednesday Three Weeks after the passing of this Act, at the House of James Allison, known by the Sign of The Blue Stone, in Louth aforesaid, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Seven or more of them, shall hold One General Meeting, on the Second Wednesday in April in every Year, in the said Town of Louth; and the said Commissioners, or any Seven or more of them, assembled at such First or at any subsequent Meeting, may from time to time adjourn and hold their Meetings, at such Time or Times, Place or Places, being within Two Miles of the said Navigation, as they, or any Seven or more of them, shall think most convenient for putting this Act into Execution: And if at any Time a sufficient Number of Commissioners shall not attend to adjourn, the Treasurer or Clerk to the said Commissioners shall adjourn the said Meeting to some other Day, to be held at the same Place where such Meeting was appointed to be held, giving such Notice as by this Act is directed; nor shall any Person act as a Commissioner in the Execution of this Act during the Time he shall hold any Place of Profit under this Act; but all such Commissioners as are Justices of the Peace for the Division of Lindsey, in the said County of Lincoln, may act as Justices of the Peace, in the Execution of this Act, for the said Division, notwithstanding their being Commissioners.

No Commissioners to have any Place of Profit.

Justices for the Division of *Lindsey*, may act as Justices in that Division.

Commissioners not to act but at a publick Meeting.

And be it further enacted by the Authority aforesaid, That it shall not be lawful for the said Commissioners to act in the Execution of any of the Powers hereby given, but at a publick Meeting to be held in pursuance of this Act; and that no Meeting shall be held, unless Notice in Writing or in Print, under the Hand of the Clerk to the said Commissioners, of the Time and Place of holding every such Meeting, shall be affixed upon the Market Cross, or some other publick Place at Louth aforesaid, and at Horn Castle, Caistor, and Market Raisen, Ten Days at least before every such Meeting, (Meetings by Adjournment excepted.)

Commissioners may be appointed, in case of Death, &c.

And be it further enacted by the Authority aforesaid, That upon the Death or Refusal to act of any Commissioner hereby appointed, or hereafter to be elected, the surviving

surviving Commissioners, or any Nine or more of them, shall and may, from time to time, elect One other Commissioner in the Room of every such Commissioner deceased, or refusing to act; and every Person so elected shall have the same Authority as if he had been named a Commissioner in this Act.

Qualification of Commissioners.

And be it further enacted by the Authority aforesaid, That no Person shall act as a Commissioner in the Execution of any of the Powers hereby granted, except the Warden of Louth for the time being, unless he shall be in his own Right, or in Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Profits of Lands, Tenements, or other Hereditaments, of the yearly Value of Eighty Pounds above Reprizes; or be possessed of, or intitled unto, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Three Thousand Pounds (after Payment of all Debts) And if any Person, not being so qualified, shall act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit the Sum of One hundred Pounds to any Person or Persons who will sue for the same, to be recovered, with Double Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed: And the Person so prosecuted shall prove that he is qualified as above, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners to be sworn at a publick Meeting.

And be it further enacted by the Authority aforesaid, That no Person shall act as a Commissioner in pursuance of this Act, unless such Person shall take an Oath for the due and impartial Execution of his Office, before any One or more of the said Commissioners, at some publick Meeting held in pursuance of this Act (who is and are hereby authorized and required to administer the same) before he takes upon him to act as a Commissioner under this Act, or in the Execution of the Powers and Authorities hereby given.

May purchase Lands.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority to agree with the Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which the said Commissioners, or any Seven or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use

use of, for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premisses; And it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes covert, or other Person or Persons, and to and for all Femes covert who are or shall be seized or interested in their own Right, and to and for all and every other Person and Persons who are or shall be seised, possessed of, or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint, any Lands, Tenements, or Hereditaments, for the Purposes aforesaid, or to agree with the said Commissioners, or any Seven or more of them, for Recompence to be made for the Damage which may be done to any such Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all other Persons, are hereby indemnified for what they, or any of them, shall do in pursuance of this Act: But if it shall happen, that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or any Seven or more of them, or, by reason of Absence, shall be prevented from treating; then, and in every such

Bodies Politick, &c. may contract for the purchase of Lands.

Case,

Case, the said Commissioners, or any Seven or more of them, are hereby impowered, from time to time, to issue out their Warrant or Warrants under their Hands and Seals, to the Sheriff of the said County of Lincoln; or if such Sheriff shall be immediately interested in such Matter, then to One of the Coroners of the said County of Lincoln, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner respectively is hereby required accordingly to impanel, summon, and return Eighteen sufficient Men, being resident within Twelve Miles of the said Navigation, and qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in his Majesty's Courts at Westminster, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of Twelve Men may be sworn, to inquire touching the Matters in question: And in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men, that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury, to the Number of Twelve; and all Persons concerned may have their lawful Challenges against any of the said Jurymen; and the said Commissioners, or any Seven or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said Commissioners, or any Seven or more of them, may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Controversy; which Jury (upon their Oaths, to be administered by the said Commissioners, or any One or more of them, which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any One or more of them, is and are hereby impowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportion the Sum or Sums so assessed shall be paid to the several Persons interested in the Premisses; and the said Commissioners, or any Seven or more of them, shall give Judgement for such Purchase-monies or Recompence so to be assessed by such Juries; Damages, &c.

Juries; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, or any Seven or more of them, shall be binding and conclusive, to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all other Persons.

Penalty on Sheriff, &c. neglecting to return a Jury.

Provided always, and be it enacted by the Authority aforesaid, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premisses, every such Person shall, for every Offence, forfeit the Sum of Five Pounds; and if any Person so summoned and returned as aforesaid on such Jury, shall not appear; or appearing, refuse to be sworn; or being sworn, refuse to give his Verdict; or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence, shall not appear, or appearing, refuse to be sworn or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Seven or more of them, shall, for every such Offence, forfeit and pay such Sum as the said Commissioners acting in the Premisses, or any Seven or more of them, shall appoint, not exceeding the Sum of Forty Shillings for any One Offence.

Agreements to be filed.

And be it further enacted by the Authority aforesaid, That all Verdicts and Judgements, which shall be made and given in relation to any such Lands, Tenements, and Hereditaments, as aforesaid (such Verdicts and Judgements being signed by Seven or more of the Commissioners who shall be present at the taking of such Inquest) shall be delivered to the Clerk of the Peace for the Division of Lindsey, in the County of Lincoln, and shall be filed with the Rolls of the said Division; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling; and for every such Copy, not exceeding One hundred Words, the Sum of Three Pence; and so in Proportion for any greater Number of Words.

Manner of paying for Lands, &c.

And be it further enacted by the Authority aforesaid, That upon Payment of such Sum or Sums of Money as shall be agreed upon between the said Commissioners, or any Seven or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury to such Party or Parties, or legal Tender thereof made to the principal Officer or Officers of any such Body Politick, Corporate, or Collegiate, or if he, the, or they, cannot be found, or shall refuse

fuse to accept such Money, upon Payment thereof to the Clerk of the Peace for the said Division of Lindsey, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively, the said Commissioners, and all Persons employed or authorized by them, or any Five or more of them, shall have full Power and Authority to enter upon the Lands, Tenements, and Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act; and they shall be and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate, whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, to or in the same.

Commissioners may treat with Lords of Manors for Purchase of Lands,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall have full Power and Authority to agree with any Lord or Lords of any Manor, for the Purchase of any Part of any Common or Waste Ground belonging to such Lord or Lords, which the said Commissioners, or any Five or more of them, shall think necessary to be cut, [illegible], or otherwise made use of for the Purposes of this Act; and such Lord or Lords is and are hereby authorized and required to sell the same in Manner prescribed by this Act; and such Sum or Sums of Money as shall be agreed for or assessed by any Jury, for the Purchase of such Part of such Common or Waste Ground, shall be paid One Fifteenth Part to the Use of the Lord or Lords of the Manor, and the remaining Fourteen Parts to the Dyke Reeve of the Parish wherein such Common or Waste Ground shall lie, to be applied by such Dyke Reeve in some publick Work for the Benefit of the said Parish, and if there shall be no such Officer as Dyke Reeve in any such Parish, then the said Fourteen Parts shall be paid to the Surveyor of the Highways of such Parish, to be applied as aforesaid.

may take a Survey.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out, any Lands, Tenements, or Hereditaments, which they the said Commissioners, or any Five or more of them, shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and making Satisfaction, as soon as may be, for

for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of One Shilling.

Expences of the Jury how to be paid.

And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by, or on the Behalf of, the said Commissioners, or any Seven or more of them, before the summoning of any such Jury for or in respect of any such Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the reasonable and necessary Expences of summoning such Jury, and of taking such Inquest, shall be defrayed by the said Commissioners, or any Seven or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more, or a less Sum, than shall have been so previously offered by or on the Behalf of the said Commissioners, or any Seven or more of them, then, and in every such Case, such Expences to be settled by the said Commissioners, or any Seven or more of them, shall be defrayed by the Owners of, or Persons interested in, the Lands, Tenements, or Hereditaments, in Question; and the Expences so ascertained, shall be deducted and taken out of the Monies so assessed and adjudged; and the Payment or Tender of the Remainder of such Monies shall be deemed within the Intent and Meaning of this Act, to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages respectively.

Commissioners to give Notice of their Intention to treat for the Purchase of Lands.

Provided always, and be it enacted by the Authority aforesaid, That every Owner or Proprietor of any Land or Ground that shall be judged by the said Commissioners, or any Seven or more of them, proper and necessary for the making, building, and erecting, upon such Land or Ground, any Wharf, Warehouse, or Quay for the Purposes of this Act, shall in the First Instance be applied to by the said Commissioners, or any Seven or more of them, by a written Notice signed by them, and delivered to such Owner or Proprietor, or left at his usual Place of Abode, by their Clerk, or some other Person authorized by him, under his Hand for that Purpose; particularly describing to such Owner or Proprietor the Place, Quantity, and Piece of Ground, that they the said Commissioners have pitched upon for the Purposes aforesaid, requiring such Owner or Proprietor immediately, or within Two Calendar Months, to return his Answer to the said Commissioners, by a Writing under his Hand directed to the Clerk to the said Commissioners, whether he will make, build, and erect, or cause to be made, built, and erected, by any other Person, within Twelve Calendar Months, such Wharf, Warehouse, and Quay, as they

shall require for the Uses aforesaid only; and if such Owner or Proprietor shall neglect to return a determinate Answer within the Time before limited, or shall neglect or refuse to make, build, and erect, upon such Land or Ground as shall in the said Notice be mentioned, or to cause to be made, built, and erected thereon by any other Person, such Wharf, Warehouse, and Quay, or if he undertakes to make, build, and erect such Wharf, Warehouse, and Quay, either by himself or some other Person, and the said Works are not finished within Twelve Calendar Months, unless such Delay shall be owing to some unavoidable Cause which shall be allowed of by the said Commissioners, or any Seven or more of them; then, and in such Case, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to agree with the said Owner or Proprietor of such Land or Ground as aforesaid, according to the Powers and Authorities given to the said Commissioners by this Act; provided that such Wharfs, Warehouses, or Quays, do not encroach upon, interfere with, or in any way obstruct the said Navigation, Towing-paths, or Haling-ways.

And be it further enacted by the Authority aforesaid, That at such Place and Places upon, or adjoining to, the the said River, Cut, or Canal, as the said Commissioners, or any Seven or more of them, shall, by any Instrument in Writing, under their Hands and Seals, appoint, there shall be paid to the Collector or Collectors, to be nominated as herein after is directed, by all and every Person and Persons who shall carry or convey any Goods, Wares, Merchandizes, or Commodities whatsoever, up or down the said River, Cut, or Canal, any Sum or Sums of Money, not exceeding, for the Liberty of Passage throughout the whole Navigation,

The Tolls.

For every Ton of Goods, Wares, Merchandizes, or Commodities whatsoever, except Groceries (a Chaldron of Coals, containing Forty eight Winchester Bushels, being esteemed and taken to be a Ton) the Sum of Four Shillings; and so in Proportion for any greater or less Weight than a Ton.

For every Ton of Groceries, the Sum of Eight Shillings; and so in Proportion for any greater or less Weight than a Ton.

Which respective Sum and Sums of Money, so appointed to be paid as aforesaid, shall and may be demanded and taken in the Name of or as a Toll, after the Rate of

One

One Twelfth of the said Sum per Mile, or of any other Sum which the Commissioners shall think proper to lay in pursuance of this Act; and the Monies, so to be raised, are hereby vested in the said Commissioners, and shall be applied and disposed of for the several Purposes of this Act in such Manner as the said Commissioners, or any Five or more of them, shall, from time to time, direct; and in case of Neglect or Denial of Payment, on Demand of such Tolls, or any Part thereof, such Collector or Collectors is and are hereby authorized and required to seize and detain any of the said Goods, Wares, Merchandizes, and Commodities, or the Boats or Vessels conveying the same: And in case such Tolls shall not be paid within the Space of Five Days next after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels; rendering the Overplus, if any, to the Owners, after the said Tolls, together with the reasonable Charges of such Seizure, Detention, and Sale, shall be satisfied and paid.

Commissioners may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Nine or more of them, from time time, to borrow any Sum or Sums of Money, and to assign over the said Tolls, or any Part thereof; the Costs and Charges of assigning the same to be paid out of such Tolls, as a Security for any Sum or Sums of Money to be borrowed, to such Person or Persons who shall advance the same; and all and every Person or Persons, to whom the said Commissioners, or any Nine or more of them, shall, at any Time, make such Assignment or Assignments, shall be equally intitled to their Proportion of the said Tolls, according the respective Sums in such Assignment mentioned to be advanced, to secure the Repayment thereof, without any Preference by reason of Priority of Assignment, or any other Account whatsoever; and the Money so borrowed shall be applied in such Manner as the said Tolls are directed to be applied, and to no other Use or Purpose whatsoever; and Entries or Memorials of every such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners; which said Book or Books shall and may be perused, at all seasonable Times, by all Persons without Fee or Reward: And all and every Person or Persons, to whom any such Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured,

Entries to be made of all Assignments.

Assignments may be transferred.

ſecured, may, from time to time, by proper Words of Aſſignment, to be indorſed on the Back of his, her, or their Security or Securities, under his, her, or their Hand and Seal, or Hands and Seals, duly executed in the Preſence of One or more credible Witneſs or Witneſſes, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any other Perſon or Perſons; which ſaid Transfer or Aſſignment ſhall, within Thirty Days after the Date thereof, be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments; for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence: And after ſuch Entry made, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, in like Manner, aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons, who ſhall have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any the Monies thereby due, or any Part thereof.

Notice to be given of borrowing Money.

And be it further enacted by the Authority aforeſaid, That no Sum or Sums of Money ſhall be borrowed for completing the ſaid Navigation, unleſs Notice thereof, ſigned by Five or more of the ſaid Commiſſioners, be affixed upon the Market Croſs, or other publick Place in Louth, Horncaſtle, Caiſter, and Market Raizen aforeſaid, and publiſhed in ſuch publick News Papers as the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, at leaſt Twenty Days before any Meeting ſhall be held for that Purpoſe.

Tolls may be leſſened and raiſed again.

And be it further enacted by the Authority aforeſaid, That when and as the Money advanced and lent, for the Purpoſe of the ſaid intended Navigation, on the Credit of the ſaid Tolls and Duties, or a competent Part thereof, ſhall be paid off and diſcharged, then the ſaid Commiſſioners, or any Nine or more of them, ſhall and may, and they are hereby authorized and impowered, with the Conſent of the major Part of the Creditors in Value of the ſaid Tolls, to reduce the ſaid Tolls and Duties; and they are hereby authorized and impowered to raiſe and in-

crease the same, from time to time, as Occasion shall require, and as to them, or any Nine or more of them, shall seem requisite and necessary for the Purposes of this Act, so as the same do not exceed the Tolls or Duties herein before granted.

Commissioners to appoint Officers,

And be it further enacted, That the said Commissioners, or any Nine or more of them, shall be, and they are hereby, impowered, from time to time, by Writing under their Hands and Seals, to appoint such Collector or Collectors of the said Tolls, and also such Treasurer or Treasurers, as they shall think fit to employ in the Execution of this Act; such Treasurer or Treasurers, and Collector or Collectors, giving Security to the Satisfaction of the said Commissioners, or any Nine or more of them; and such Collector or Collectors shall, at such Times as he or they shall be required by the said Commissioners, or any Five or more of them, by Writing under their Hands and Seals, pay, or cause to be paid, into the Hands of the said Treasurer or Treasurers, all and every the Sum and Sums of Money which such Collector or Collectors shall have received by virtue of this Act; and the said Commissioners, or any Nine or more of them, may also, by Writing under their Hands and Seals, appoint a Clerk or Clerks, and such other necessary Officers as they shall think fit to employ in the Execution of this Act; and all the Officers so to be appointed shall be paid, out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said Commissioners, or any Nine or more of them, shall think reasonable; and shall be, from time to time, removable at the Will and Pleasure of the said Commissioners, or any Nine or more of them.

and allow them Salaries.

Officers to account upon Oath.

And be it further enacted, That the said Treasurer or Treasurers shall fairly enter into One or more Book or Books to be kept for that Purpose, an account of all Monies by him or them received and disbursed, specifying the Times when, and the Persons from and to whom, such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody, relating to the Execution of this Act, shall be delivered to the said Commissioners, or any Five or more of them, at some publick Meeting, Twice at least in every Year, and from time to time, as often as the said Commissioners, or any Five or more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required

by the said Commissioners, or any Seven or more of them; and the said Commissioners, or any Seven or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said Commissioners, or any Seven or more of them, shall also, at such Time or Times as they shall think proper, summon before them, and, if they think fit, examine upon Oath (which Oath, as also the Oath or Oaths to the said Treasurer or Treasurers, the said Commissioners, or any One or more of them, is and are hereby impowered to administer) all or any such Collectors, Clerks, and Persons employed in, or intrusted with, the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and which Collectors, Clerks, and Persons employed in, or intrusted as aforesaid, shall render to the said Commissioners, or any Five or more of them, from time to time, as often as they shall be thereunto required by the said Commissioners, or any Five or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments; and also all Books and Papers in their Custody relating to the Execution of this Act; and in case any such Treasurer, Collector, Clerk, or other Officer or Person shall be found in Arrear, or refuse to account, or to pay the Money remaining in his Hands, according to the Directions of the said Commissioners, or any Five or more of them; or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid; in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, by Warrant or Warrants under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattles of such Officer or Officers so found in Arrear, or refusing to account and pay the Money due upon the Balance of such Account; and for want of sufficient Distress, to apprehend and carry, or cause to be apprehended and carried, every such Officer or Person before any Justice of the Peace for the Division of Lindsey, who is hereby impowered, by Warrant under his Hand and Seal, to commit every such Officer and Person to the Common Gaol of the County of Lincoln, there to remain without Bail or Mainprize until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with or satisfied the said Commissioners, or any Five or more of them; which Composition the said Commissioners, or any Five or more of them, are hereby impowered to make.

And

Tolls may be lett.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, from time to time, to lett or lease the said Tolls, or any Part thereof, for the best Sum or Sums of Money that can be procured for the same, for any Term not exceeding Seven Years, giving Twenty Days Notice of the Intention of their Meeting for that Purpose at Louth, Horncastle, Caister, and Market Raizen aforesaid; such Sum or Sums of Money to be applied as the Tolls are by this Act directed to be applied.

Reports to be made by Navigators.

And, for the more easy collecting the said Tolls, be it further enacted, That every Person having the Charge of any Boat or Vessel passing on the said River, Cut or Canal, shall give a true Report or Account in Writing, to the best of his Knowledge, signed by himself, to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the said Commissioners, or any Seven or more of them, of the Weight of the Goods, Wares, Merchandizes, and Commodities, which shall be in or belong to such Boat or Vessel; and also of the Weight of such Goods, Wares, Merchandizes, and Commodities, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof at the Place where such Account or Report is to be given, and also of the Name or Names of the Owner or Owners thereof; and in Failure of giving such Account or Report, or in case a false Account or Report shall be given, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds over and above the Payment of such Tolls; and if any Difference shall arise between any Collector of the said Tolls, and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandizes, or Commodities, or Persons acting in his Behalf concerning the Weight of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, Merchandizes, and Commodities; and in case the same shall appear to be of a greater Weight than such Person declared the same to be, in every such Case such Person shall pay the Costs and Charges of such weighing, measuring, or gauging; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the said Tolls are appointed to be recovered; but if such Goods, Wares, Merchandizes, or Commodities, shall appear to be of no greater Weight than such Person declared the same to be, then such Collector shall pay such Costs and Charges, and shall also

also pay to such Person, or to the Owner or Owners of such Goods, Wares, Merchandizes, and Commodities, One Shilling for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattles of such Collector, by Warrant or Warrants, under the Hand and Seal of any Justice of the Peace for the Division of Lindsey, in the said County of Lincoln, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattles; and the said Commissioners, or any Five or more of them, may, if they think fit, out of the Money to be raised by virtue of this Act, reimburse the said Collectors the Monies so paid by or levied upon them, for the Detention of any such Boat or Vessel.

Commissioners may set up Gates, &c.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall cause to be made, set up, and from time to time maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in and over all the Ditches, Banks, and Fences in the Towing-paths or Haling-ways, to be used for the Purposes of this Act, where the same shall respectively be necessary; and also such Bridges over the said River, Cut, or Canal, as shall be necessary for the Use of the Occupiers of the Lands, Tenements, and Hereditaments thereunto adjoining; and also that if the said Commissioners, or any Five or more of them, shall think proper to cause the said River to be deepened in any Part or Parts, so as to render any usual and common Fords or Highways impassable or dangerous, in every such Case the said Commissioners, or any Five or more of them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniencies as the said Commissioners, or any Five or more of them, shall judge proper, where such Fords or Highways now are, or as near thereto as conveniently may be; and shall from time to time maintain and keep the said Bridges or Conveniencies in Repair, for the Accommodation of the Owners or Occupiers of the adjacent Lands, and of all Persons having Occasion to pass over the same; provided that nothing herein contained shall obstruct or prevent the Watermen, or other Persons trading upon the said Navigation, from haling or towing up their Vessels thereon, nor any of the Owners or Occupiers of Lands on which such Gates or other Stoppages shall be erected, from having a free Passage into and upon the said Lands.

Damages how to be ascertained.

And be it further enacted by the Authority aforesaid, That if, at any Time or Times after any of the Works for making, effecting, or maintaining the said Navigation shall begin or be compleated, any Person or Persons shall sustain any Damage in his, her, or their Lands, Grounds, Fences, Mills, Weirs, Bridges, Tenements, or Property within the Limits of the said Navigation, either by raising the Water to be used in such Navigation, or by turning, diverting, or lowering the Stream thereof, or by not sufficiently making up the Banks thereof, or by not cleansing the same, or by turning or diverting any other Streams or Brooks that shall be brought into the same, or of any Works made for carrying on the said Navigation, or by any Act, Neglect, or Default of the Workmen employed therein, or by any other Ways or Means, not being otherwise provided for; in every such Case the said Commissioners, or any Seven or more of them, shall have full Power, from time to time, and at all Times, to settle and agree upon such a Recompence and Satisfaction to be made for the same, to the Person or Persons injured or aggrieved, as they shall judge fit and reasonable, in such Manner as the other Damages herein before mentioned are provided for; but if it shall happen that the Person or Persons making Complaint of such Loss or Damages shall dislike or be dissatisfied with such Recompence and Satisfaction, in every such Case it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby required, upon Request in Writing to be made or given to them, or any Seven or more of them, by such Person or Persons injured or aggrieved as aforesaid, to cause a Jury to be summoned, impanelled, and sworn in Manner as aforesaid; and the Jury so returned shall enquire how far the said Commissioners, or their Agents or Servants, have any ways occasioned such Damage; and if any shall appear, they shall assess the Value of such Damages; and the said Commissioners, or any Seven or more of them, shall pay to the Party or Parties injured or aggrieved the Monies so assessed: And in case the said Commissioners, or any Seven or more of them, shall not (being thereunto required) make such Payment within One Calendar Month after such Request made, the Person or Persons aggrieved may appoint One or more Person or Persons to receive the Tolls which shall be appointed to be collected by virtue of this Act on the said River, Cut, or Canal, and thereout to pay the Damages which shall have been settled and assessed as aforesaid; and the Money to be received by such Receiver or Receivers shall, and is hereby declared

clared to be as so much Money received to the Use of the Person or Persons who have suffered such Damages, in Order and Course successively as such Determinations shall be in Priority of Time; and after such Damages, so settled and assessed, shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine; any thing herein contained to the contrary notwithstanding.

No Jury to be summoned till Security given.

Provided always, That no Jury shall be summoned until the Party or Parties requesting the same shall have entered into a Bond, with Two sufficient Sureties, to the Treasurer to the said Commissioners, in the Penalty of One hundred Pounds, to pay the Expence of summoning such Jury, and taking such Inquest, in case a Verdict shall be given for no more or for less Money than shall have been offered by or on the Behalf of the said Commissioners, or any Seven or more of them, before the summoning of any such Jury.

Masters of Boats to be answerable for Damages done by their Crews.

And, for the better preventing of Damages or Mischiefs that may be done or committed by any rude or disorderly Persons towing, navigating, or managing any Boat, Barge, Lighter, or other Vessel, within the Limits of the said Navigation, and to the end that the Owners and Masters thereof may be more careful therein; be it further enacted, That the Master or Owner of every Boat, Barge, Lighter, or other Vessel, which shall pass up or down the said River, Cut, or Canal, shall be and is hereby made answerable for, and shall make good any Damage, Spoil, or Mischief, that shall be done by his, her, or their Boat, Barge, Lighter, or other Vessel, or by any Boatmen, Bargemen, or Watermen, or by any of the Crew thereof, belonging to or employed in or about the same respectively, or by his, her, or their Servants or Horses, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works that shall be erected, maintained, or kept in Repair, in, upon, or near the said River, Cut, or Canal, to be made by Authority of this Act; or by loading or unloading any Boat, Barge, Lighter, or other Vessel; and also for any Trespass or Damage that shall or may be done to the Owners or Possessors of any Buildings or Erections upon or near the said River, Cut, or Canal, that now are or that hereafter shall be erected and set up; or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the same, or any of them, other than is provided for and authorized by this Act: And if any such Damage, Spoil, or Mischief shall be done to any of the said Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or

other Works, or by loading or unloading such Boats, Barges, Lighters, or other Vessels, the same shall be enquired into and determined by any Two Justices of the Peace for the said Division of Lindsey, who are hereby authorized and required, upon Complaint or Information made before them, to summon such Boat-master, Barge-master, or Owner to appear before them; and, upon his, her, or their Appearance, or making Default to appear, Proof being made upon Oath before such Justices, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her, or them, at his, her, or their usual Place of Abode, such Justices shall proceed to examine into the Truth of the said Complaint or Information, and upon Conviction of the Party complained of, or Proof upon Oath of One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boat-master, Barge-master, or Owner, as a Recompence for the said Damage, Spoil, or Mischief, to done as aforesaid, as the said Justices shall think proper, not exceeding Treble the Amount or Value of such Damage, Spoil, or Mischief, to be paid to the Party or Parties aggrieved; and in case of Non-payment of such Sum of Money so awarded and ordered, for the Space of Five Days, the said Justices are hereby authorized and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or other Goods and Chattles of such Boat-master, Barge-master, or Owner, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any be) after the said Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, hath been first satisfied and paid.

Penalty on Persons obstructing the Navigation.

And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Person, having the Care or Management of any Boat, Barge, Lighter, or other Vessel, or navigating or working the same, shall lay such Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters, or other Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not upon Request, immediately remove the same, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings, nor less than Five Shillings, to be recovered upon Conviction before any Justice of the Peace for the said Division of Lindsey (not interested, otherwise than as a Commissioner) by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party

or

or Parties offending, by Diſtreſs and Sale of ſuch Boat, Barge, Lighter, or other Veſſel, or any of the Goods and Chattles of ſuch Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus (if any be) after the reaſonable Charges firſt deducted, to ſuch Offender or Offenders; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding One Calendar Month, nor leſs than Seven Days.

Boats, &c. ſunk, to be weighed up immediately.

And be it further enacted, That if any Boat, Barge, Lighter, or other Veſſel, ſhall happen to be ſunk in the ſaid River, Cut, or Canal, and that the Owner or Perſon having the Command or Rule thereof, ſhall not as ſoon as may be, weigh or draw up the ſame again, and hale the ſame out of the Way of other Boats, Barges, Lighters, or other Veſſels, paſſing and repaſſing upon the ſaid Navigation, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or their Agents or Servants, to cauſe ſuch Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep ſuch Boat, Barge, Lighter, or other Veſſel, until Payment ſhall be made of all Expences occaſioned thereby; and if Payment be not made within Twenty one Days after ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be weighed or drawn up, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Agents or Servants, to cauſe Sale to be made thereof, for reimburſing the ſaid Expences and other incident Charges; rendering the Overplus (if any be) when demanded, to the Owner or Maſter of ſuch Boat, Barge, Lighter, or other Veſſel.

Names of Owners, &c. to be ſet on the Outſides of Boats, &c.

And, to the end that the Owners, Maſters, or Perſons, having the Rule of any Veſſel navigating within the Limits of the ſaid Navigation, may be better known, be it further enacted, That every Owner, Maſter, or Perſon, having the Rule, Command, or Property of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, Cut, or Canal, ſhall cauſe his, her, or their Name and Place of Abode, at full Length, to be placed and ſet, in large capital Letters, Six Inches long, and broad in Proportion, on the upper Part of the Bow, on both Sides of every Boat, Barge, Lighter, or other Veſſel, and painted white, ſo that the ſame ſhall, from time to time, and at all Times, be plain and legible; And in caſe any ſuch Owner, Maſter, or Perſon

having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, Cut, or Canal, ſhall not, at all Times, have his, her, or their Name and Place of Abode ſo ſet or placed as aforeſaid; or in caſe ſuch Owner, Maſter, or Perſon having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid River, Cut, or Canal, into or through any of the Sluices or Locks upon the ſaid River, Cut, or Canal, ſhall wilfully ſet or leave open any of the Gates, Doors, or Slakers belonging to the ſaid Sluices or Locks, whereby the Water of the ſaid River, Cut, or Canal, ſhall run waſte, then, and in all and every of the ſaid Caſes, every ſuch Owner, Maſter, or Perſon, ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the ſaid Diviſion of Lindſey, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings, to be recovered and levied by Diſtreſs and Sale of ſuch Offender's Goods and Chattles, by Warrant under the Hand and Seal of ſuch Juſtice; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour, for any Time not exceeding One Calendar Month, nor leſs than Seven Days, or until ſuch Penalty ſhall be paid.

Perſons aggrieved may appeal to the Quarter Seſſions.

And be it further enacted, That all Perſons, who ſhall think themſelves aggrieved by the Order or Judgement of any Juſtice or Juſtices of the Peace, upon account of any Offence committed againſt this Act, or any Penalties to be levied by virtue thereof, may appeal to the Juſtices of the Peace for the ſaid Diviſion of Lindſey, at their next General or Quarter Seſſions of the Peace, to be held for the ſaid Diviſion; the Perſon or Perſons ſo appealing firſt entering into Recognizance, with Two ſufficient Sureties, to proſecute ſuch Appeal with Effect; and to pay the Coſts which ſhall be aſcertained by the ſaid Juſtices in their ſaid General or Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed: And the Juſtices, in their ſaid General or Quarter Seſſions, are hereby authorized and required to hear and determine ſuch Appeal, and give ſuch Coſts to either Party as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt; which Order ſhall be final and concluſive to all Parties; and ſhall not be removed or removeable by any Writ of Certiorari or otherwiſe, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

And

And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace, by virtue of the Powers by this Act granted, shall be quashed or vacated for want of Form only. Proceedings not to be quash'd for want of Form.

And be it further enacted, That the respective Fines, Forfeitures, and Penalties, by this Act imposed and inflicted, the Application whereof is not herein particularly directed, shall be paid into the Hands of the Treasurer or Treasurers of the Monies to be raised by the Tolls by virtue of this Act granted; and shall be applied and disposed of for the Use of the said Navigation, and to no other Use or Purpose whatsoever. Application of Fines.

And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, damage, or destroy, any Banks, or other Works to be erected or made for the Purposes of the said Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm. Destroying the Works, Felony.

And be it further enacted, That the said Commissioners, or any Seven or more of them, at any of their Meetings, Notice being first given of the Intention of such Meetings, according to the Directions of this Act, shall, from time to time, have full Power and Authority to make Bye-laws, Orders, and Constitutions, for the good and orderly using of the said Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall convey or carry any Goods, Wares, or Merchandizes, on any Part of the said River, Cut, or Canal, and to impose and inflict such reasonable Fines and Forfeitures upon the Breakers of such Bye-laws, Orders, or Constitutions, as the said Commissioners, or any Seven or more of them, shall think fit, so as no such Fine or Forfeiture shall exceed the Sum of Forty Shillings on any One Person for any One Offence; such Fine or Forfeiture to be levied and recovered in such Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered; which said Bye-laws, Orders, and Constitutions, being put into Writing under the Hands and Seals of the said Commissioners, or any Seven or more of them, shall be binding to, and be observed by, all Parties; and shall be sufficient, in any Court of Law or Equity, to Commissioners may make Bye-laws.

justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons thinking himself, herself, or themselves aggrieved, by any Order or Judgement made or given by or in pursuance of any such Bye-law, Order, or Constitution, may, within Six Calendar Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace, at their General or Quarter Session to be held in and for the said Division of Lindsey, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Session, or, if they think proper, may adjourn the hearing thereof to the next General or Quarter Session of the Peace to be held for the said Division; and, if they see Cause, may mitigate or alter such Forfeiture or Punishment; and may order any Money to be returned which shall have been levied in pursuance of such Bye-law, Order, or Constitution, and may also order such further Satisfaction to be made to the Party injured, as they shall judge reasonable; but no Justice of the Peace shall act or vote in the Hearing or Determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the said Bye-law, Order, or Constitution, which occasioned such Complaint.

Proceedings to be entered in a Book.

And be it further enacted, That all Bye-laws, Orders, Constitutions, and Proceedings of the said Commissioners in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose; and such Bye-laws, Orders, Constitutions, and Proceedings, when entered, shall be signed by the said Commissioners, or any Five or more of them; and the Clerk or Clerks attending the said Commissioners is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said Bye-laws, Orders, Constitutions, and Proceedings, so signed and attested, shall be deemed and taken to be original Bye-laws, Orders, Constitutions, and Proceedings, and shall and may be produced and read in Evidence, in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done in pursuance of this Act; and which Book or Books shall and may be seen and perused at all reasonable Times; and Copies thereof, or any Part thereof, may be taken by any Person or Persons, paying to the said Clerk or Clerks Three Pence for every One hundred Words.

And

And be it further enacted, That no Person who shall sell any Ale, Wine, Brandy, or other Spirituous Liquors, shall be capable of holding or enjoying any Office under or by virtue of this Act. No Victualler, &c. to accept a Place of Profit.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons authorized by the said Commissioners, or any Five or more of them, to measure any Boat, Barge, Lighter, or other Vessel, passing upon the said River, Cut, or Canal, by putting Weights into the same; and to set Figures or Marks at each End of every such Boat, Barge, Lighter, or other Vessel, on the Outside thereof, shewing how far every Ton Weight of Lading put into such Boat, Barge, Lighter, or other Vessel, will sink the same; and also from time to time, as they shall see Occasion, to re-measure and mark again such Boat, Barge, Lighter, or other Vessel: And if the Owner, Master, or any other Person or Persons shall refuse or obstruct the Weighing, Measuring, and Marking of any such Boat, Barge, Lighter, or other Vessel, he or they shall, for every such Offence, forfeit and pay the Sum of Forty Shillings: Or if any Owner, Master, or other Person, shall alter or deface such Figures or Marks, or shall suffer the same to be altered or defaced, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be recovered, levied, and applied, in such Manner as other Penalties are directed by this Act to be recovered, levied, and applied. Boats shall be measured and marked.

And be it further enacted by the Authority aforesaid, That if any Collector or Receiver of the Rates and Duties granted or made payable by this Act, shall at any Time or Times, directly or indirectly, ask, demand, and receive, as and for such Rates and Duties, any Sum or Sums of Money whatsoever, over and above the Rates and Duties that shall be ascertained by the said Commissioners, or any Seven or more of them, to be received; every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be recovered by the Party aggrieved, or any other Person or Persons that will inform and sue for the same. Penalty on receiving greater Rates than allowed.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or their Agents, or Workmen, to dig and take away, at any Time or Times, any proper and necessary Quantity of Earth, or other Materials, for making, repairing, and maintaining the Banks of the said River, Cut, or Canal, or other Works belonging thereto, from any Place or Places near to the respective Banks Earth may be taken within 250 Feet of the Banks.

where the same shall be wanted, within the Distance of Two hundred and Fifty Feet, they the said Commissioners making Satisfaction to the several Owners thereof for such Earth, or other Materials, in such Manner as Satisfaction is by this Act directed to be made for any Damages occasioned by carrying this Act into Execution.

Certain Lands to be watered;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, are hereby authorized and required to set down a Lock at or near to the upper End of Alvingham Out Fen, and maintain the same of a sufficient Height to keep the Water in the River Ludd at such a Level as will supply the Lands in the several Parishes or Townships of Skidbrook, South Somercotes, North Somercotes, Cranthorpe, Wragholme, Cunishholme, Ludney, Scupholme, and North Cockerington, with fresh Water, as effectually and sufficiently as before the passing of this Act; and that the said Lock shall not be used by the said Commissioners for any other Purpose than for passing Boats, Barges, or other Vessels, through the same, with as little Expence and Loss of Water as may be: And in case there shall happen, in any dry Season, not to be in the said River Ludd a sufficient Quantity of Water to supply the Lands lying in the several Parishes and Townships above-mentioned, as effectually and sufficiently as before the passing of this Act, in such dry Season, and to serve the Use of the said Navigation, that then it shall and may be lawful for the Owners and Occupiers of Lands within the said several Parishes or Townships, or any of them, by Order of Vestry, to impower the Constable, or any other Parish Officer, of each or any of the said Townships, Hamlets, or Places, to keep the Flood-gates and Slakers of the said Lock shut, for Twelve Hours each Day, to be computed from Six of the Clock at Night, to Six of the Clock in the Morning, during such dry Season; or otherwise that the said Commissioners, their Agents or Servants, shall at all Times be obliged to keep the Water at the Waste or Weir to be erected at or below the Place where the said navigable Canal is intended to join the River Ludd, Twelve Inches at least higher than the present Surface of the Water in the River Ludd in the most dry Seasons, and to make the Gates of the said Lock at least One Foot higher than the said Waste or Weir: And for the further Security of such Land-owners and others, if it shall at any Time happen that there is any Defect in the said Lock-doors, Flood-gates, or Slakers, through the Neglect of the said Commissioners, their Agents, or Servants, and if the said Commissionees, their Agents or

Servants, shall neglect to repair the same after Notice has been given by the said Land-owners, or any of them, their or any of their Agents, by Order of Vestry, to the said Commissioners, at any publick Meeting, or to Nine or more of them at their respective Habitations, who shall reside within Ten Miles of the said Navigation, that then it shall and may be lawful for the said Land-owners, or any of them, their or any of their Agents appointed as aforesaid, to employ such able and experienced Workmen as they shall judge necessary, to repair the same; and all Sums of Money that shall be fairly and justly expended in such Repairs, by such Land-owners or their Agents, shall be repaid by the Treasurer to the said Navigation within Twenty Days after Demand made thereof; and for Neglect or Refusal of Payment, the said Land-owners or their Agents may apply to One of his Majesty's Justices of the Peace for the Division of Lindsey (having no Interest therein) who shall summon all Parties before him, and examine the Facts, and order Payment of so much Money as shall appear to him to have been justly expended, to be recovered by Distress and Sale of the Goods and Chattles of such Treasurer, by Warrant under the Hand and Seal of such Justice.

other Lands to be drained.

And be it further enacted by the Authority aforesaid, That if at any Time or Times the Land-doors, Sluices, Lock, Dam, or Shuttles, or any other Works, to be executed at or about Tetney Haven, for the Purpose of the Navigation, shall keep up the Water in the new proposed Cut any higher than within Two Feet of the medium Surface of the Low Grounds and Fens in the several and respective Townships of Tetney, Northcotes, Thorf-by, Marsh, Chapel, Fulstow, Grainthorp, Alvingham Out Fen, or any other such Lands as may have their Drainage into the said new Cut betwixt Tetney Haven and the said Alvingham Out Fen; that then it shall and may be lawful for any Persons, authorized and appointed for that Purpose by the Owners or Occupiers of Lands in the said several Parishes respectively, at some Vestry held for that Purpose, to draw up the said Land-doors, Sluices, and Shuttles, and continue them open till the Waters are reduced to the Height aforesaid, and no longer; and if any Person or Persons shall obstruct the Agent or Agents of the said Land-owners in this Service, he or they shall, for each Offence, forfeit the Sum of Forty Shillings, to be recovered in a summary Way, before any One Justice of the Peace for the said Division of Lindsey; such Fine or Forfeiture to be paid to the Dyke Reeve of the

Parish

Parish aggrieved, to be applied to the publick Works of the said Parish.

Tunnels to be laid under the new Cut, &c.

And whereas there are several Watercourses and Springs, called Bloe Wells, by which several Parishes now are and have been heretofore watered; and as the intended Navigation, when made, may cut off the Communication in some Places between the said Watercourses and Wells, and the Lands watered thereby; to the end that no Prejudice may arise to the Owners or Occupiers of such Lands, be it enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall have Power, and are hereby authorized and required, to convey the Waters of the said Watercourses and Bloe Wells, by subterraneous Tunnels of a sufficient Capacity, under the said intended Navigation, and maintain and keep the same in good and sufficient Repair: And if at any Time or Times the said subterraneous Tunnels, or any of them, shall be found to be out of Repair, so as not effectually to convey the said Water under the said Navigation, the Land-owners shall, after Notice given by Order of Vestry in Manner aforesaid, have the same Remedy as in the Case of the Lock at Alvingham Out Fen; any thing herein contained to the contrary thereof in any wise notwithstanding.

Land-owners may make Sluices, &c.

Provided nevertheless, That it shall and may be lawful to and for the said Land-owners, at their own Expence, to make, put down, build, and erect, any further Sluices, Tunnels, Drains, or Cuts into, under, or through the said Navigation, and the Banks thereof, for the better draining or watering the said Parishes; provided that no such Works shall obstruct or be prejudicial to the said Navigation, Banks, Locks, Sluices, Towing-paths, or Haling-ways, or other Works thereupon; provided also, that the said Land-owners shall from time to time keep such additional Works in good and sufficient Repair.

Upon Payment of Tolls, Persons to pass free.

And be it further enacted by the Authority aforesaid, That the Navigation and the Works, Towing-paths, and Haling-ways, hereby authorized to be made and set out, shall be free for the Use of all Persons, and their Boats, Vessels, and Horses, upon Payment of such Tolls as shall be appointed to be taken by virtue of this Act.

Navigation not subject to the Commissioners of Sewers:

Provided always, and be it further enacted by the Authority aforesaid, That no Works whatsoever, to be made by virtue of this Act, shall be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers; any thing in any former Law or Statute contained to the contrary notwithstanding.

And

And be it further enacted and declared, That the said Tolls, Rates, and Duties, shall at all Times hereafter be exempted from the Payment of any Taxes, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding. Exempted from Taxes.

Provided always, That no Warrant, Mortgage, Assignment, Transfer, or other Writing whatsoever, in pursuance of or relating to the Execution of any of the Powers of this Act, shall be subject to any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted, That the Lord or Lords of the respective Manors, or any other Person whatsoever, shall have full Liberty to fish, fowl, and exercise all other manerial Rights and Royalties on the said River, Cut, or Canal, or navigable Passages, to which they are now legally intitled; any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said intended Navigation. Reservation of Rights.

And be it further enacted, That nothing herein contained shall be construed to defeat or prejudice any Right of the Lord or Lords of the Manor of Tetney, but that he shall hold and enjoy all his Rights and Interests in Tetney Haven, in as full, ample, and beneficial a Manner to all Intents and Purposes as he now holds and enjoys the same, or would have done in case this Act had not been made; any thing herein contained to the contrary notwithstanding. Rights of Lords of Manor not to be prejudiced.

Provided always, That no Vessel whatsoever shall anchor or lie in such Manner as to obstruct or block up the said Navigation, under the Penalty of Five Shillings for every Hour that such Vessel shall obstruct or block up the said Navigation. Navigation not to be obstructed by Vessels at Anchor.

And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted, or authorized to be imposed, the Recovery whereof is not herein before directed, shall, in all Cases where such Fines, Penalties, or Forfeitures, do not exceed the Sum of Five Pounds, be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Division of Lindsey: And in case sufficient Distress shall not be found, it shall be lawful for any such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Space not exceeding Three Calendar Penalties and Forfeitures how to be recovered and applied.

Months; and that all such Fines, Penalties, and Forfeitures, or any Part or Parts thereof, which are not herein before directed to be applied, shall be paid into the Hands of the Treasurer or Treasurers to the said Commissioners, and applied for the Purposes of this Act: And that all such Fines, Penalties, or Forfeitures, as exceed the Sum of Five Pounds, shall be recovered by any Person or Persons who will sue for the same, with Double Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all the Expences incident to and attending the obtaining of this Act, shall be, in the first Place, defrayed out of the Monies which shall arise by virtue hereof; and that the several Persons, who have subscribed and paid any Sum or Sums of Money, shall, in the next Place, be reimbursed the several Sums of Money so by them subscribed and paid, together with all the Charges that have been already incurred in respect to the said intended Navigation.

Distress not to be deemed unlawful for Want of Form;

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of 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 the Summons, Conviction, Warrant of Distress, or other 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 distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

nor the Parties distraining be deemed Trespassers, *ab initio*.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action, Suit, or Information, shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Lincoln, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this

General Issue.

Act;

Act; and if it shall appear to have been so done, or if any Action, Suit or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit or Information, after the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. Treble Costs.

And be it further enacted, That this Act shall be deemed, adjudged, and taken to be, a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

FINIS.