ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. CII.

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 Grounds, 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.

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[23d *May* 1794.]

WHEREAS

Preamble.



WHEREAS the Outfall of the Waters of the River *Welland* is very defective, and the Navigation thereby is much impeded: And whereas there are divers Fen Lands, Low Grounds, and Marſhes, in the ſeveral Pariſhes of *Spalding*, *Pinchbeck*, *Surfleet*, *Goſberton*, *Sutterton*, *Foſdike*, *Algarkirke*, and *Quadring*, and in a certain Place called *Quadring Hundred*, and in certain other Places called *Deeping Incloſed Fen*, *Deeping Common*, *Crowland Common*, (otherwiſe *Goggufhland*), *Cowbitt Common*, *Langtoft Common*, *Baſton Common*, *Spalding Common*, and *Pinchbeck Common*; and alſo other Lands called *Cowbitt Waſh*, and *Crowland Fodder Lotts* and *Waſh*, all in the ſaid County of *Lincoln*: And whereas certain Parts of the ſaid Fen Lands, Low Grounds, and Marſhes, are ſubject to be overflowed by the Downfall of Rain thereon, and alſo by Upland Waters, and are greatly injured by the ſaid Downfall and Upland Waters not having a proper Paſſage to the Sea: And whereas great Improvement might be made in the ſaid Navigation and Drainage of the ſaid Fen Lands, Low Grounds, and Marſhes, by cleanſing the preſent Channel of the ſaid River *Welland*, from a certain Place called *The Reſervoir*, unto a certain Place near thereto called *Shepherd's Hole*; and by making a Dam acroſs the ſaid Channel, and a new navigable River or Cut, to commence below the ſaid *Shepherd's Hole*, and to continue from thence down to *Wyberton* Roads, between the Port of *Boſton* and a certain Place called *Boſton Scalp*; and in conſequence of ſuch Improvement, great Advantage would ariſe to thoſe concerned in the ſaid Navigation, and alſo to the Owners of, and Perſons intereſted in, the ſaid Fen Lands, Low Grounds, and Marſhes, and to the Community at large: And whereas the Way or Paſſage over the Waſh between *Foſdike* and *Moulton*, in the ſaid County of *Lincoln*, is dangerous; and if a Bridge was built over the ſaid Cut, it would be a great Security and Convenience to Paſſengers, and to the Country in general; and by making the ſaid Cut, a large Tract of bare ſhifting Sands, called *The White Sands*, will be raiſed, and hereafter become capable of Cultivation; but the ſaid ſeveral Improvements cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Hudſon* of *Kenwick Thorpe*, in the County of *Lincoln*, *George Maxwell* of *Fletton*, in the County of *Huntingdon*, and *Edward Hare* of *Caſtor*, in the County of *Northampton*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting this Act in Execution, ſubject to the Directions in this Act contained: And any Two of the ſaid Commiſſioners are hereby fully authorized and empowered to act, execute, do, and perform all and every or any Matter or Thing required and neceſſary to be done and performed by and in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if all the ſaid Commiſſioners hereinbefore appointed were preſent at and executed, and did and performed the ſame.

Commiſſioners.

II. And be it further enacted, That when and as often as any of the ſaid Commiſſioners herein-before named, or to be appointed as hereinafter is mentioned, ſhall die, or refuſe or neglect to act, or become incapable of acting, then, and in every ſuch Caſe, the ſurviving or remaining Commiſſioner or Commiſſioners, ſhall, and he and they is and are hereby authorized and required by Writing under his and their Hand or Hands, within Thirty Days after ſuch Death, Neglect, Refuſal, or Incapacity to act, ſhall happen or be known, to call and appoint a Meeting by publick Advertiſement, to be inſerted in the *Cambridge Chronicle*, and *Lincoln, Rutland*, and *Stamford Mercury*, of the Truſtees firſt hereinafter nominated and appointed to be held at the *White Hart Inn*, in *Spalding*, or any other Place in the ſaid Town, for the Purpoſe of electing and chooſing another Commiſſioner, not intereſted in the ſaid intended Navigation and Drainage, in the Place and Stead of every Commiſſioner dying, refuſing, or neglecting to act, or who ſhall have become incapable of acting as aforeſaid; and the ſaid Truſtees herein-after firſt appointed, or the major Part of them, who ſhall attend ſuch Meeting, are hereby authorized and required by Writing, under their Hands, to nominate and appoint One or more Commiſſioner or Commiſſioners, to act in the Place or Stead of him or them ſo dying, refuſing, neglecting to act, or become incapable of acting as aforeſaid; and ſuch Appointment ſo ſigned, ſhall be entered in the Minutes of the Proceedings of the ſaid Commiſſioners, and ſhall be annexed to their Award herein-after directed to be made; and ſuch new Commiſſioner or Commiſſioners ſhall have the like Powers and Authorities for putting this Act in Execution, as the Commiſſioner or Commiſſioners whom he or they ſhall ſo ſucceed, was and were inveſted with by virtue of this Act.

In caſe of Death new Commiſſioners to be appointed, and how.

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

Commiſſioners to be ſworn.

'I *A. B.* do ſwear, (*or being of the People called* Quakers, do affirm), That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Truſts repoſed in me as a Commiſſioner, by virtue of an Act of Parliament, 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 Grounds, 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*, without Favour or Affection to any Perſon whomſoever.

'So help me GOD.'

Commiſſioners Oath.

Commissioners empowered to examine Evidence on Oath.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to call for and hear Evidence, and to administer an Oath (or, being One of the People called *Quakers*, a solemn Affirmation) to such Person or Persons as they shall think proper to examine as Evidence or Evidences, for better enabling them the said Commissioners to execute the several Trusts reposed in them by this Act.

Commissioners to give Notice of their First and other Meetings.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in the *Cambridge Chronicle*, and *Lincoln, Rutland*, and *Stamford Mercury*, of the Time and Place of their First and of every other Meeting (Meetings by Adjournment excepted) for the Execution of this Act; and also of every Meeting to be held for the Election of any new Commissioner or Commissioners, as before mentioned, at least Fourteen Days before any such respective Meetings shall be held; and that it shall be lawful for the said Commissioners to adjourn themselves from Time to Time, as they shall see Occasion, for the further Execution of this Act; and that if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One of the said Commissioners shall be present, such Commissioner may adjourn such appointed Meeting, to such Time and Place as he shall think most convenient, not exceeding Seven Days from the Time of making such Adjournment; in which Case, he is hereby required to give Notice, or cause Notice to be given in Writing, to the absent Commissioners, of the Time and Place to which he shall make such Adjournment.

Allowance to Commissioners.

VI. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Two Pounds Two Shillings, and no more, for every Day's Attendance of such Commissioner; and that at all Meetings to be held in pursuance of this Act, the said Commissioners and the Proprietors, and their Attornies, Solicitors, or Agents, shall respectively pay the Expences which they respectively shall incur, by Means of attending such Meetings.

Commissioners to appoint Officers,

VII. And be it further enacted, That the said Commissioners shall, and they are hereby empowered, from Time to Time, by Writing under their Hands, to appoint such Person or Persons as they shall think fit to be Collector or Collectors, Receiver or Receivers, of the Taxes by this Act directed to be assessed, and of the Tolls to arise pursuant to this Act; and also such Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, as they shall think fit to employ in the Execution thereof; and the said Commissioners are hereby required to take such Security from such Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, as the said Commissioners shall think fit, and may administer an Oath to every such Receiver or Receivers, Collector or Collectors, Lock and Sluice Keepers, Superintendant or Superintendants, and other Officers, for the faithful Execution of their respective Offices, (which Oath the said Commissioners are hereby empowered to administer); and the said Commissioners may direct the several Officers so to be appointed or named, to be paid out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said Commissioners shall think

who are to give Security.

Collectors to account upon Oath.

Officers to have Salaries.

think reaſonable; and the ſaid Commiſſioners may from Time to Time remove ſuch Officers, or any of them, as they ſhall think proper.

Accounts to be kept in a Book,

VIII. And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall fairly enter, in One or more Book or Books to be kept for that Purpoſe, an Account of all Monies by him or them received and diſburſed, by virtue of and in purſuance of this Act, 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 whenever the ſaid Commiſſioners 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; and the ſaid Commiſſioners 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 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 or Oaths the ſaid Commiſſioners are hereby empowered to adminiſter), all or any ſuch Treaſurers, Collectors, Receivers, Clerks, Surveyors, Superintendants, and other Officers and Perſons, employed in or entruſted with the Receipt or Expenditure of any of the Monies to be raiſed by the Taxes, Tolls, and Pontages, herein-after provided for; which ſaid Treaſurers, Collectors, Receivers, Clerks, Surveyors, Superintendants, and Perſons employed or entruſted as aforeſaid, ſhall render to the ſaid Commiſſioners, from Time to Time, as often as they ſhall be thereunto required by the ſaid Commiſſioners, 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, Receiver, Clerk, Surveyor, Superintendant, or other Officer or Perſon, ſhall refuſe to obey ſuch Summons, or ſhall be found in Arrear, or refuſe to account or pay the Money remaining in his or their Hands, according to the Direction of the ſaid Commiſſioners; or if any ſuch Officer or Perſon ſhall not, when required, deliver to the ſaid Commiſſioners ſuch Books or Papers in his Cuſtody as aforeſaid, then, and in every ſuch Caſe, it ſhall and may be lawful for any Juſtice of the Peace, within the Diviſion of *Holland*, in the ſaid County of *Lincoln*, upon the Oath or Oaths of One or more of the ſaid Commiſſioners, (all which Oaths ſuch Juſtice is hereby empowered to adminiſter), by Warrant or Warrants under his Hand and Seal, to commit ſuch Treaſurer, Officer, or Perſon ſo offending, to the Jail of the County or Place where ſuch Perſon ſhall reſide, there to remain without Bail or Mainprize, until he ſhall have made a true Account and Payment, and deliver ſuch Books and Papers as aforeſaid, or ſhall have compounded with, or ſatisfied the ſaid Commiſſioners, which Compoſition the ſaid Commiſſioners are hereby empowered to make.

requiring Officers to account.

Commiſſioners empowered to compound with Officers.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, as ſoon as may be after the Paſſing of this Act, to cleanſe and ſcour out, or cauſe to be cleanſed and

Commiſſioners to cleanſe the River from the Re-

ſcoured

ſervoir to *Shepherd's Hole*,

ſcoured out, in a good and effectual Manner, the preſent Channel of the River *Welland*, from the navigable Lock and Staunch herein directed to be made above the Sluice of the *Vernatt*'s Drain, unto a certain Place in the ſaid Pariſh of *Surfleet*, called *Shepherd's Hole*; and alſo to make, or cauſe to be made, a new navigable River or Cut, nearly in the Line deſcribed upon a Plan lodged with the Clerk of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, to commence below the ſaid *Shepherd's Hole*, at or near *Hooton's Gibbet*, in the ſaid Pariſh of *Surfleet*, and to continue from thence acroſs the open Salt Marſhes in the ſaid Pariſh of *Surfleet*, and from thence acroſs the open Salt Marſhes in the Pariſh of *Algarkirke*, and from thence acroſs the preſent Sea Bank, into and acroſs the encloſed Marſhes, in the ſeveral Pariſhes of *Algarkirke*, *Foſdike*, *Kirton*, *Frampton*, and *Wyberton*, in the ſaid County of *Lincoln*, and ending at *Wyberton* Roads, in or near the ſaid Pariſh of *Wyberton*, and as near as conveniently may be to the publick Alehouſe, known by the Sign of *The Ship*, in the ſaid Pariſh of *Wyberton*; and that the Bottom of the ſaid new River or Cut, at its Commencement near *Hooton's Gibbet*, ſhall not be leſs than Four Feet below the Pointings of the preſent Sluice, at the Outfall of *Vernatt*'s Drain, and ſhall be continued from thence on an inclined Plane of at leaſt Four Inches in a Mile to its Termination at *Wyberton* Roads aforeſaid; and that the ſaid new River or Cut ſhall be not leſs than Fifty Feet wide at the Bottom thereof, with a Batter of not leſs than Two Feet on each Side for every Foot in Depth; and that the Forelands on the North Side of the ſaid New River or Cut ſhall not be leſs than Thirty Feet wide, and on the South Side thereof not leſs than Fifty Feet wide; and alſo to make, or cauſe to be made, the South Bank of the ſaid New River or Cut, of not leſs Width than Sixty Feet at its Baſe or Seat, nor leſs than Thirty Feet wide at the Top, and Eleven Feet in perpendicular Height; and the North Bank thereof not leſs than Thirty Feet at its Baſe or Seat, nor leſs than Six Feet at the Top, and Eleven Feet in perpendicular Height; and alſo to build, or cauſe to be built, a new Sea Sluice, of Stone and Bricks, ſupported by dovetailed or grooved Piling, or by inverted Stone Arches, with Pointing Doors to Sea and Land, the Threſhold thereof to be laid One Foot below Low-water Mark at the ſaid *Wyberton* Roads; and the Waterway of ſuch new Sea Sluice to be not leſs than Fifty Feet wide in the Clear; and alſo to make, or cauſe to be made, a navigable Lock, or Pen Sluice, Eighteen Feet wide in the Clear, and Sixty Feet long in the Clear by the Side of the ſaid Sea Sluice, to contain Barges, Boats, or other Veſſels, to pen through, with Two Pair of Pointing Doors at each End thereof.

and to make a new Cut from thence to *Wyberton* Roads.

Forelands and Banks.

Commiſſioners to build a new Sea Sluice,

and Pen Sluice.

Reſtrictions as to a Cloſe of Land numbered 120 in the Plan.

X. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall be, and they are hereby reſtrained from taking from a certain Cloſe or Parcel of Land lying in the Pariſh of *Wyberton*, in the County of *Lincoln*, the Property of *Samuel Barnard* Eſquire, and numbered 120 in the Plan or Map lodged with the Clerk of the Peace for the Parts of *Holland*, more than as many Feet of the ſaid Cloſe or Parcel of Land in Length and Breadth, as ſhall be neceſſary for the Purpoſe of making the ſaid New River or Cut, and laying the Earth and Soil on the Banks and Sides thereof, conformable with the Directions of this Act.

Commiſſioners to remove the Sluices

XI. And be it further enacted, That the ſaid Commiſſioners ſhall remove, or cauſe to be removed, the ſeveral Sluices diſcharging the Waters

Waters from the preſent Pariſh Drains, which will be interſected by the ſaid new River or Cut, and to place the ſame in the North Bank, at or near the ſeveral Junctions of the ſaid Drains with the ſaid new River or Cut; and ſhall alſo build, or cauſe to be built, ſuch new Sluices in the South Bank of the ſaid new River or Cut, as to the ſaid Commiſſioners ſhall appear neceſſary, for diſcharging the Waters from the Lands on the South Side thereof; and that the Floors of the ſaid Sluices ſhall not be leſs than Four Feet from the Bottom of the ſaid new River or Cut, at the ſeveral Parts thereof, communicating with the ſaid Sluices reſpectively, the ſame to be determined by Marks or Gauges, to be affixed by the ſaid Commiſſioners at the Time of making the ſaid new River or Cut; and all the ſaid Sluices ſhall be well and ſufficiently finiſhed and ſecured, to the Satisfaction of the Truſtees herein firſt appointed, and the Expences thereof paid and defrayed out of the Monies to be borrowed on the Credit of the Taxes to be raiſed by virtue of this Act.

diſcharging the Waters from the Pariſh Drains.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall make, or cauſe to be made, the following Carriage Bridges over the ſaid new River or Cut, (excluſive of the Bridge herein-after directed to be made, at or near *Foſdyke* Inn); that is to ſay, One good and ſubſtantial Carriage Bridge at or near a Houſe, in the Pariſh of *Frampton*, now or late in the Occupation of *Daniel Smith*; One other good and ſubſtanſtial Carriage Bridge at or near a Houſe, in the ſaid Pariſh of *Frampton*, called *The Shepherd's Houſe*, now or late the Property of the Right Honourable Lord *Willoughby de Broke*; One other good and ſubſtantial Carriage Bridge at a certain Place called *Kirton Skell Dike*, in the ſaid Pariſh of *Kirton*, near to a Houſe, now or late in the Occupation of *Everſon*; One other good and ſubſtantial Carriage Bridge at or near a Drove Way or Road, in the ſaid Pariſh of *Kirton*, between Lands of *John Town* and *Thomas Knott*; One other good and ſubſtantial Carriage Bridge, at or near a Drove Way or Road, in the ſaid Pariſh of *Foſdyke*, between Lands of the Heirs of *Martha Houghton* Widow, and the Heirs of *Thomas Trollope Brown*; One other good and ſubſtantial Carriage Bridge on the Eſtate of *John Milnes*, in the ſaid Pariſh of *Foſdyke*, nearly oppoſite a Houſe in the Tenure of *Smith*; and One other good and ſubſtantial Carriage Bridge at or near the Junction between the ſeveral Pariſhes of *Surfleet* and *Algarkirke*; and that ſuch Bridges ſhall be for ever after maintained and kept in Repair by the Truſtees herein-after laſt appointed, out of the Fund provided by this Act: Provided always, that the ſaid Bridges ſhall be of a ſufficient Span to admit of a Haling-way under the ſame, and alſo of ſufficient Height to admit of being navigated under, by Veſſels of the ſame Size that are now uſed on the ſaid River *Welland*, when the Maſts thereof are lowered.

Carriage Bridges to be built.

XIII. And be it further enacted, That both Banks of the ſaid new River or Cut ſhall be fenced off from the adjoining Lands, and the Herbage thereof ſhall be, and the ſame is hereby veſted in the Truſtees herein-after laſt appointed; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to ſet out ſuch Roads along the ſaid Banks as to them ſhall ſeem fit and expedient with ſuch Side-bars as they ſhall think neceſſary, to prevent the Evaſion of the Tolls herein empowered to be taken at the Bridge to be erected at or near *Foſdyke* Inn, as herein-after provided for: Provided always, that it ſhall not be lawful for the

Banks to be fenced off, and Herbage veſted, and Roads and Side-bars to be made, with Proviſo as to letting the Herbage.

ſaid Truſtees to let or ſet the Herbage of the ſaid Banks and Forelands to any Perſon or Perſons whomſoever, without firſt giving the Refuſal thereof, for a Term of Three Years, to the ſeveral Owners of the Lands and Grounds fronting thereupon, in ſuch Portions, and ſubject to ſuch Reſtrictions as to the ſaid Truſtees ſhall ſeem fit and expedient; and at the Expiration of the ſaid Three Years, it ſhall not be lawful for the ſaid Truſtees to let the ſame at any Time then after, without firſt giving the like Preference to the ſaid Owners.

Private Bridges may be built.

XIV. And be it further enacted, That if by the making of the ſaid new River or Cut, any publick or private Road, or the Paſſage of any Perſon or Perſons to or from his, her, or their Grounds, with Cattle or Carriages, ſhall be prevented or interrupted, the ſaid Commiſſioners ſhall, and they are hereby required to cauſe proper Roads to be ſet out over the Lands and Grounds adjoining to the ſaid new River or Cut, and proper Bridges to be made, erected, and ſet up, and to defray the Expences of making ſuch Roads, and of erecting and making ſuch Bridges, and alſo to make ſuch Recompence for Damages as the ſaid Commiſſioners ſhall think fair and reaſonable, out of the Money to be borrowed on the Credit of the Taxes to be levied by virtue of this Act; provided nevertheleſs, that no Carriage Bridges ſhall be made acroſs the ſaid new River or Cut, other than ſuch as are herein ſpecially directed.

Commiſſioners to make a Dam over the Channel, at the upper End of the Cut.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required to make, or cauſe to be made, a Dam or Bank, in or over the preſent Channel or Courſe of the ſaid Waters of the River *Welland*, at or near the Head or upper End of the ſaid new River or Cut, of ſuch Height, Width, and other Dimenſions, as in the Opinion of the ſaid Commiſſioners ſhall be ſufficient to ſtem the Tides, and to reſiſt, direct, and turn, the Land Floods into the ſaid new River or Cut; provided always, that the ſaid Dam or Bank ſhall not be made, nor ſhall the ſaid Waters be turned into the ſaid new River or Cut, until the Works for the Purpoſes of Navigation ſhall be completed as herein-after directed.

Commiſſioners to make a navigable Lock Staunch acroſs the *Welland* above the Reſervoir;

XVI. And be it further enacted, That for the Purpoſes of preſerving the Navigation above the ſaid new River or Cut, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to make and erect, or cauſe to be made and erected, a navigable Lock and Staunch, acroſs the ſaid River *Welland*, in ſome convenient Place above the Sluice of *Vernatt*'s Drain, with Eleven Openings or Doors; the middle Opening or Door to be not leſs than Eighteen Feet wide, and the other Openings or Doors to be of ſuch Width as to the ſaid Commiſſioners ſhall ſeem fit and expedient, and the Floors thereof to be laid on an horizontal Level of Eleven Feet below the Six Feet Mark on *Spalding* High Bridge; and in caſe the preſent Sluice at the Bottom of the River *Glenn* ſhall not be ſufficient in the Opinion of the Truſtees herein firſt appointed, to preſerve the Navigation of the ſaid River *Glenn*, the ſaid Commiſſioners ſhall cauſe the ſame to be made ſufficient, or otherwiſe make and erect, or cauſe to be made and erected, a navigable Lock Staunch, acroſs the ſaid River *Glenn*, in ſome convenient Place near the Reſervoir Sluice, with Three Openings or Doors, the middle Opening or Door to be not leſs than Twelve Feet wide, and

and a navigable Lock Staunch acroſs the *Glenn*.

and the other Openings or Doors to be of ſuch Width as to the ſaid Commiſſioners ſhall ſeem fit and expedient, and the Floors thereof to be laid on the ſame Level with the Floors laſt above deſcribed.

Height of the Top of certain Doors, Locks, or Staunches.

XVII. And be it further enacted, That the Top of the Doors, Locks, or Staunches, which ſhall be made and erected acroſs the ſaid River *Welland*, above the *Vernatt*'s Outfall, ſhall not be leſs than Three Feet and Six Inches higher than the Sill or Threſhold of the Doors at the *Vernatt*'s Sluice, in order to keep up Water to that Height in the ſaid River, for the Purpoſe of Navigation; and that the Top of the Doors, Locks, or Staunches, which ſhall be made and erected acroſs the ſaid River *Glenn*, ſhall not be leſs than Three Feet above the Sill or Threſhold of the preſent Sluice at the Reſervoir, in order that the Water in the ſaid River may be kept up to that Height, for the Purpoſe of Navigation.

The Water in the River or Cut ſhall not be kept up higher than level with the Top of the Sills at *Vernatt*'s Drain.

XVIII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, having the Care, Direction, or Management, of any Lock, Sluice, or Staunch, which may at any Time hereafter be erected or placed in or acroſs the ſaid River or Cut, between the Reſervoir and *Wyberton* Roads as aforeſaid, or any other Perſon or Perſons whomſoever, at any Time after the executing of the aforeſaid Works, to hold or keep up the Water in the ſaid River or Cut, to any greater Height than to be on a Level with the Tops of the Sill or Threſhold of the preſent Doors of the Sluice at the Outfall of *Vernatt*'s Drain, (except by Means of Flaſh Boards as herein-after provided for), in order that the Drainage of the ſaid Fen Lands, Commons, and Low Grounds, may not be in any Manner whatever obſtructed or prevented; any Thing herein contained to the contrary in anywiſe notwithſtanding.

The Flaſh Boards may be put upon the Tops of the Land Doors to be erected at *Wyberton* Roads in dry Seaſons.

XIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners and Truſtees reſpectively, hereby laſt appointed, and they are hereby reſpectively required in all dry Seaſons (giving Three Days previous Notice in Writing to the Agent or Treaſurer of the Adventurers of *Deeping* Fen) to put Flaſh Boards upon the Tops of the Land Doors at the ſaid Sluice to be erected at *Wyberton* Roads, of not more than Eighteen Inches in Height, to hold up the Water in ſuch dry Seaſons only, for the Purpoſe of Navigation and the Uſe of Cattle; and the ſaid Adventurers, or any Three or more of them, at any of their private Meetings, are hereby authorized and empowered to remove ſuch Flaſh Boards whenever they ſhall deem it probable that the Drainage of the ſaid Fen Lands, Commons, and Low Grounds, ſhall be in Danger of being injured or interrupted; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Houſes to be provided for Lock and Staunch Keepers.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall build, or cauſe to be built, a proper Houſe at or near the ſaid Sea Sluice, for the Habitation of a Lock and Sluice Keeper; and alſo a proper Houſe at or near the ſaid Reſervoir, for the Habitation of a Lock and Staunch Keeper, and for the Stowage of Materials, neceſſary to be depoſited for the Repairs of the ſaid Works.

XXI. And

Commissioners empowered to lay Taxes.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required as soon as may be after the Passing of this Act, to tax, rate, and assess, all the Lands herein-after mentioned, with the following Yearly Rates and Taxes; (that is to say),

All the Lands in *Deeping* inclosed Fen aforesaid, as well those known by the Description of Taxable as of Free Lands, and all the Commons called or known by the several Names of *Deeping Common*, *Crowland Common*, otherwise *Goggushland*, *Cowbitt Common*, *Langtoft Common*, *Baston Common*, *Spalding Common*, and *Pinchbeck South Fen*, with an Annual Sum not exceeding One Shilling *per* Acre, and so in Proportion for a less Quantity than an Acre:

All the inclosed Lands in *Spalding* and *Pinchbeck*, lying between the River *Glenn* and the *Westload*, with an Annual Sum not exceeding Sixpence *per* Acre, and so in Proportion for a less Quantity than an Acre:

All the Lands in *Pinchbeck* aforesaid, North of the River *Glenn*, excluding the Common called *Pinchbeck North Fen*, with an Annual Sum not exceeding Two-pence *per* Acre:

All the Lands in the said several Parishes of *Surfleet*, *Gosburton*, *Sutterton*, and *Quadring*, and in a certain Place called *Quadring Hundred*, and in the said several Parishes of *Algarkirke* and *Fosdyke*, and draining by *Risegate Eau*, or by the Tunnel called *The Five Towns Tunnel*, with an Annual Sum not exceeding Two-pence *per* Acre:

And also all the Lands called *Cowbitt Wash*, and *Crowland Fodder Lots and Wash*, with a Sum not exceeding Sixpence *per* Acre, and so in Proportion for a less Quantity than an Acre.

Fresh Water, Provision for.

XXII. And whereas the Parishes bordering on the said new River or Cut, will be benefited by the making thereof, inasmuch as the same will be supplied therefrom with Fresh Water, in Manner herein-after provided for; be it therefore further enacted, That all Lands in the several Parishes, bordering on the said New River or Cut, not herein-before particularly directed to be charged with any Tax, but which shall, in the Opinion of the said Commissioners, be benefited by the taking in of Fresh Water from the said New River or Cut in Manner herein-after provided for, shall, as soon as may be after the passing of this Act, be taxed, rated, and assessed, by the said Commissioners, with the Annual Sum of Two-pence *per* Acre, and so in Proportion for any greater or less Quantity than an Acre.

Commissioners, after Taxation, to make out a List of Names of the Proprietors, and the Quantity of Land belonging to each, and cause a sufficient Number to be printed.

XXIII. And be it further enacted, That the said Commissioners shall as soon as may be after they have finished the Taxation of the said Lands, make out, or cause to be made out, a List in Writing, of the Names of the Proprietors of the Lands so charged by them with any of the said Taxes, with the Quantity of Land belonging to each Proprietor, and cause the same to be printed, and a sufficient Number of Copies thereof left with the Clerk to the said Commissioners, who is hereby required to advertise a Notice in the *Lincoln*, *Rutland*, and *Stamford Mercury*, and *Cambridge Chronicle*, of such Lists being in his Possession, to the End that all

all Parties intereſted may have a Copy thereof, on Application for the ſame.

For ſettling Claims of Perſons claiming Exemptions.

XXIV. And whereas there may be Lands within ſome of the ſaid Pariſhes, or in ſome or One Place or Places, by this Act authorized to be charged as aforeſaid, the Owners whereof may think themſelves entitled to claim an Exemption from ſome of the ſaid Taxes, apprehending that they will not derive any Benefit from the Works herein provided for; be it therefore further enacted, That if any Perſon or Perſons being Owners or Leſſees of any Lands and Grounds ſo rated or taxed as aforeſaid, or if the ſeveral Perſons entitled to a Majority of Common Rights over the ſaid Commons reſpectively, ſhall think himſelf, herſelf, or themſelves, not likely to derive Benefit from the Works herein provided for, ſuch Perſon or Perſons ſhall, within Two Months after the ſaid Liſts ſhall be advertiſed, deliver to the Clerk to the ſaid Commiſſioners an Account in Writing of all ſuch Lands, in reſpect whereof ſuch Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, entitled to an Exemption from any of the ſaid Taxes; and Three Perſons not intereſted in the Premiſes ſhall be nominated and appointed at a publick Meeting of the ſaid Commiſſioners, to view the ſaid Lands, and to inquire into the State and Condition thereof; One of which Perſons ſhall be nominated by the ſaid Commiſſioners, One other by the Perſon or Perſons claiming ſuch Exemption, and the Third by ſuch Two Perſons to be choſen as aforeſaid; all of whom ſhall be ſworn well and truly, to view, examine into, and determine, whether ſuch Lands and Grounds, or Commons reſpectively, will or will not be benefited by the Works herein provided for; and the ſaid Commiſſioners ſhall have full Power to adminiſter the Oath neceſſary to be taken for that Purpoſe; and the Determination in Writing of the ſaid Referees, or any Two of them, ſhall be final and concluſive to all Parties; and the Coſts and Charges of ſuch Reference ſhall be borne by the ſaid Commiſſioners, out of the Fund herein provided for, and the Perſon or Perſons claiming ſuch Reference as aforeſaid, in ſuch ſeveral Proportions as the ſaid Referees, or any Two of them, ſhall determine.

XXV. Provided always, That in caſe of the Non-appointment or Refuſal to act of ſuch Referees, or any of them, it ſhall be lawful for the Court of Sewers, within the Diviſion or Part in which the ſaid Exemption ſhall be claimed, to appoint ſome fit and proper Perſon or Perſons to act in the Premiſes, in the Place or Stead of ſuch Referees reſpectively; and the ſaid Perſon or Perſons ſo appointed by the ſaid Court of Sewers ſhall have the ſame Powers as are herein given to the ſaid Referees reſpectively.

No Land ſhall be exempt from Payment of the Tax.

XXVI. And be it further enacted, That no Perſon intereſted in any Land comprized within the Purview of this Act, ſhall be entitled to claim an Exemption from the Payment of the ſaid Tax ſo to be aſſeſſed by the ſaid Commiſſioners, after the ſame having been once paid; but that ſuch Payment ſhall be deemed and conſidered as Evidence of ſuch Lands being for ever liable to the Payment of the ſaid Tax; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

XXVII. And

Courts of Sewers to levy Taxes.

XXVII. And be it further enacted, That it shall be lawful for all Commissioners of Sewers, within their respective Jurisdictions, and they are hereby authorized and required, by their usual and accustomed Mode of raising and levying Dyke-reeve Rates, to raise and levy for the Purposes of this Act, yearly and every Year, the said several Taxes so directed to be laid by the said Commissioners, within the Jurisdiction of the said Commissioners of Sewers; and the said Commissioners of Sewers shall raise and levy the same upon such Lands as they have usually assessed, to Works of Sewers and Expenditors Rates, so long as the same shall continue within the said Jurisdictions, and by such Quantities and Numbers of Acres as such Lands have been usually rated at; and the Money so to be raised shall, from Time to Time, be collected and levied by the said Commissioners of Sewers, or their respective Dyke Reeves, Expenditors, or Collectors, and be by them paid into the Hands of the Treasurer or other Officer for the Time being, of the said Commissioners under this Act, or the Trustees herein-after appointed, in order that the same may be applied to the general Purposes of this Act: Provided always, that in case the Commissioners of Sewers shall neglect or refuse to raise all or any of the Taxes last-mentioned, within Three Calendar Months after Application being made to them by the Treasurer or Superintendant herein directed to be appointed, then it shall be lawful for the Commissioners herein named, or the Trustees herein-after last appointed, from Time to Time, and by the same Ways and Means as are herein directed with respect to the Lands and Grounds not being within the Jurisdiction of the said Court of Sewers, to raise and levy such Rates or Taxes as the said Commissioners of Sewers are by this Act empowered to raise and levy; any Thing herein-before contained to the contrary notwithstanding.

Account of Land not charged by the Court of Sewers to be given in by the Proprietors, and Survey to be made on Default.

XXVIII. And be it further enacted, That an Account of the several Lands, and Grounds, and Commons, not charged to any Court of Sewers, or not continuing within the Jurisdiction of the same, but nevertheless liable to be rated and taxed by virtue and within the Meaning of this Act, shall be given in by the several Owners thereof, and Persons interested therein, at such Time or Times as shall be directed by the said Commissioners under this Act, and shall be authenticated by some able and experienced Surveyor, to be approved of by the said Commissioners, at the Charge of the Parties entitled to, or Persons interested in, the said Lands and Grounds, and Commons respectively, to the said Commissioners, or to their Clerk or Clerks; and if any of the Owners or Proprietors of Lands and Grounds, or Persons interested in the said Commons respectively, shall neglect or refuse to give into the Hands of such Commissioners, or their Clerk or Clerks, a particular Account of the Number of Acres respectively; or, in case there shall be any Reason to suspect that the Number of Acres is not truly stated in such Account, it shall be lawful for the said Commissioners to order a Survey to be made of any of the said Lands and Grounds, or Commons respectively, by some able Surveyor, not being a Proprietor of any Lands, or interested in the said Commons so chargeable with any of the said Taxes; and the said Survey shall be verified upon Oath, (which Oath the said Commissioners are hereby empowered to administer), and any Survey which shall be so made shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantities of such Lands, and Grounds,

and

and Commons respectively; and the Charges of surveying the Lands and Grounds of such Person or Persons as shall neglect or refuse to give in such Account, or shall deliver in a false Account, and also of surveying the said Commons, shall be paid by such Person or Persons respectively; and in case of Non-payment thereof, shall be recovered in such Manner as the Taxes are herein directed to be recovered: Provided nevertheless, that in case it shall appear upon any Survey, that the Number of Acres was truly stated in any Account so delivered in as aforesaid, the Charges of such Survey shall be defrayed out of the Monies arising by virtue of this Act.

For Recovery of Taxes.

XXIX. And be it further enacted, That if any of the said Commissioners of Sewers, or any Person or Persons whose Lands and Grounds shall be taxed or assessed as aforesaid, shall refuse or neglect to pay such Tax for the Space of Twenty-one Days next after Demand thereof, then, and in every such Case, the said Commissioners or Trustees respectively herein-after last appointed, shall and may, and they are hereby authorized, by Warrant under their Hands and Seals, to empower their respective Collector or Collectors, from Time to Time, to levy the same by Distress and Sale of the Goods and Chattels which shall be found on the Lands and Grounds charged with such Taxes as aforesaid; and if the said Lands and Grounds shall be untenanted, or no sufficient Distress can be found for levying the said Taxes, the Lands and Grounds charged therewith shall remain a Security for Payment thereof; and the said Commissioners and Trustees respectively shall, in such Case, after Default of Payment for Three Months, (having given One Month's Notice in Writing to the Owner of such Lands, or his Agent), be, and they are hereby authorized and empowered to enter into and upon the said Lands and Grounds, and let the same from Year to Year, for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of recovering the same, shall have been fully paid and satisfied; and the Produce thereof shall be applied in the First Place towards discharging the said Taxes, and the Charges attending such Entry and Receipt of the said Rents, and the Residue thereof, shall be paid by such Collector or Collectors to the Owner of such Lands, or his or her Agent, when demanded.

Tenants to pay Taxes, and deduct the same out of their Rents.

XXX. And be it further enacted, That the Taxes to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Lands and Grounds charged with the same respectively; and such Tenants shall and may deduct the same out of the Rents payable to their respective Landlords, except when such Lands and Grounds are held on Lease, or otherwise, for a longer Term than One Year after the Execution of the said new River or Cut.

To inclose Part of Commons to pay Tax.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and the Trustees herein-after last appointed respectively, from Time to Time, to inclose, or cause to be inclosed, such Quantity or Number of Acres of Land out of the several Commons, charged with any of the said Rates or Taxes, as they shall think sufficient to produce an Annual Rent, equal to the Tax hereby directed to be laid upon the said respective Commons and Lands called *Cowbit Wash* and *Crowland Wash* respectively, appertaining to the said several Commons, and also for

for enabling them to borrow Money thereon, for the Purpoſe of making interior Drains on the ſaid ſeveral Commons, and of defraying the Charge of making ſuch Incloſures reſpectively; and the ſaid Commiſſioners and Truſtees reſpectively are hereby authorized and empowered to ſuſpend all Right of Common over and upon the Lands ſo incloſed out of the ſaid ſeveral Commons, and to hold the ſame in Severalty, and alſo by Indenture or Indentures, under their Hands and Seals, from Time to Time, as they find moſt convenient, to grant, mortgage, leaſe, or demiſe, unto any Perſon or Perſons, all, or any Part of the Lands or Grounds ſo reſpectively to be incloſed in Fee, or for any Term or Number of Years, for ſecuring the Re-payment of ſuch principal Sum or Sums of Money, with Intereſt, as the ſaid Commiſſioners or Truſtees ſhall find neceſſary, from Time to Time, to borrow on Mortgage thereof; and alſo the Charges attending the borrowing the ſaid Money, and preparing and executing the Deeds for ſecuring the ſame, and the draining, incloſing, and fencing, of the ſaid Lands and Grounds reſpectively, and ſuch ſeveral and reſpective Charges and Expences ſhall be ſpecified in the reſpective Securities, and be made a Part of the Conſiderations and principal Monies thereby to be ſecured; and ſuch Indentures ſhall contain a Proviſo for making the ſame void, on Payment of the Sum or Sums of Money to be reſpectively borrowed thereon, according to the Terms of this Act provided for Re-payment thereof; and it ſhall be lawful for the ſaid Commiſſioners and Truſtees reſpectively, from Time to Time, to let or ſet the Land ſo incloſed for One Year, and ſo on from Year to Year, for the beſt and moſt improved Rent that can be had; but in either Caſe the Occupier thereof, or of any Part or Parcel thereof, ſhall be reſtricted from ploughing or converting the ſaid Lands to Tillage, or mowing the ſame for Hay; and the ſaid Commiſſioners and Truſtees reſpectively ſhall have the uſual Powers belonging to Landlords to recover the Rents and Profits of the ſaid Lands; and out of the Rents and Profits ſhall keep down the Intereſt of the ſaid principal Monies ſo to be borrowed on Securities thereof as aforeſaid, until ſuch principal Money or Monies ſhall be paid off and diſcharged, and ſhall apply the Reſidue of the ſaid Rent half-yearly, on *Old Michaelmas Day* and *Old Lady Day* in each Year, in Payment of the ſaid Annual Tax, and in making interior Drains for the Improvement of the ſaid ſeveral Commons, and for ſupporting the Fences that ſhall be made for incloſing the ſame as aforeſaid; provided always, that the Lands to be incloſed out of the ſaid Commons, called *Deeping Common*, *Langtoft Common*, *Baſton Common*, and *Spalding* and *Pinchbeck South Fen*, for the Purpoſes aforeſaid, ſhall be laid out ſo as to adjoin the preſent incloſed Lands in *Deeping Fen* aforeſaid, and in ſuch Proportions out of the ſeveral Parts of *Keſteven* and *Holland*, as the ſaid Commiſſioners and Truſtees reſpectively ſhall think fit and equitable, and ſo as not to interrupt the Paſſages through the ſeveral Droves called *The North Drove* and *The South Drove*, or any Road leading to the preſent incloſed Lands.

Rates and Taxes may be reduced.

XXXII. Provided always, and be it further enacted, That it ſhall be lawful for the Truſtees herein-after laſt appointed, aſſembled at a publick Meeting, from Time to Time, to leſſen or reduce all or any of the Rates, Taxes, and Tonnage, by this Act granted, for ſuch Time or Times as they ſhall think proper, and afterwards, from Time to Time, to advance all or any of the ſaid Rates, Taxes, and Tonnage, ſo leſſened or reduced, to any Sum or Sums of Money not exceeding the reſpective

Rates, Taxes, and Tonnage, by this Act granted; and ſuch reduced Rates, Taxes, and Tonnage, ſhall and may be collected, levied, and applied, in ſuch and the ſame Manner as the ſaid Rates, Taxes, and Tonnage, are directed to be collected, levied, and applied by this Act; but no ſuch Reduction ſhall be made unleſs the Perſon or Perſons who ſhall be entitled to Four-fifth Parts of the Money which ſhall have been lent upon the Credit of the Rates, Taxes, and Tonnage, intended to be reduced, ſhall be conſenting thereto, nor ſhall any Rates, Taxes, and Tonnage, be reduced, or when reduced, be again advanced, unleſs Notice ſhall be given of the Purpoſe of reducing or advancing ſuch Rates, Taxes, and Tonnage, by affixing the ſame in Writing on the Market Croſs or ſome other publick Place in the Towns of *Spalding* and *Boſton*, and by publiſhing the ſame in ſome of the publick Papers uſually circulated in the County of *Lincoln*, Three Months before the Meeting for ſuch reſpective Purpoſe of Reduction or Advance; nor unleſs Five Truſtees at ſuch Meeting be conſenting thereto.

Lands incloſed from Commoners to revert to Commoners on Payment of Money.

XXXIII. And be it further enacted, That in caſe the Perſons intereſted in any of the ſaid ſeveral Commons ſhall, by Means of any Act of Parliament for incloſing the ſame, enable themſelves to pay off the ſaid Money ſo borrowed as aforeſaid, by the ſaid Commiſſioners or Truſtees reſpectively, the Perſon or Perſons who ſhall lend the ſaid Money or Monies under the Authority of this Act, his, her, or their, reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall, upon Six Calendar Months Notice in Writing, to be left at his, her, or their, uſual Place or Places of Abode, ſigned by ſome Perſon or Perſons to be nominated by the Commoners or Perſons intereſted in the ſaid ſeveral Commons, be obliged to receive ſuch principal Monies as he, ſhe, or they, ſhall have advanced on Mortgage of the Lands ſo to be incloſed as aforeſaid, and all Arrears of Intereſt then due, and alſo any Coſts which he, ſhe, or they, may have been put unto; and the ſaid commonable Lands and Grounds ſo incloſed, ſhall immediately, on ſuch Payment or Payments being made, revert to the Uſe of the ſaid Proprietors, ſo intereſted in the ſaid reſpective Commons, in the ſame Manner as they reſpectively would have been entitled thereto if this Act had not been made; but the ſame, and every Part of the ſaid ſeveral Commons within the Purview of ſuch Act of Parliament as ſhall be obtained for incloſing the ſame, ſhall remain ſubject nevertheleſs to the ſaid Annual Tax; and the ſaid Commiſſioners and Truſtees reſpectively ſhall have the ſame Power of levying the ſaid Annual Tax upon each ſpecifick Allotment thereof, as the ſaid Commiſſioners and Truſtees reſpectively have upon all other incloſed Lands and Grounds within the Purview of this Act; and the ſaid Perſon or Perſons ſo to be nominated to give ſuch Notice or Notices as aforeſaid, ſhall, at the ſame Time he, ſhe, or they, give the aforeſaid Notice or Notices to the Mortgagee or Mortgagees, as above directed, or within Fourteen Days after, give a like Notice or Notices in Writing, (to be ſerved as the above Notice is directed to be ſerved), to all and every the Tenant or Tenants, Occupier or Occupiers, of the ſaid ſeveral Commons, Lands, or Grounds, ſo incloſed as aforeſaid, to quit the ſame at the End of the then current Year of his, her, or their Term; and he, ſhe, and they, is and are hereby directed to quit the ſame at the Expiration of the ſaid Year; and the Superintendant of the ſaid Commiſſioners or Truſtees reſpectively, ſhall thenceforth receive

the Rents and Profits thereof, until the Expiration of the Year for which the ſame ſhall be ſo let as aforeſaid, and at the End of the ſaid Year, the ſaid Lands and Grounds ſo incloſed as aforeſaid, ſhall become Part of the ſeveral Commons, ſubject nevertheleſs to the Payment of the ſaid Annual Tax; and when the ſaid Superintendant ſhall have received the ſaid Rents, to the Expiration of the Time for which the ſame ſhall be let as aforeſaid, he ſhall (after deducting the ſaid Arrears of Intereſt and Coſts) apply the ſame in or towards Exoneration of the Share or Proportion of the Rate or Tax herein-before directed to be aſſeſſed on the ſaid Commons, ſo to be incloſed by virtue of any Act of Parliament as aforeſaid.

Leave for Tunnels under Reſtrictions.

XXXIV. And be it further enacted, That it ſhall be lawful for the Owners of Lands, paying Taxes as aforeſaid, and their Agents and Servants, or the Dike Reeves of the ſaid ſeveral Pariſhes, to lay down Tunnels through the Banks of the ſaid new River or Cut, ſo as to communicate with the ſeveral main Drains of each reſpective Pariſh, for the Purpoſe of ſupplying their Cattle with Freſh Water in dry Seaſons only: Provided always that the Sill of no Tunnel laid through the ſaid Banks for the Purpoſes aforeſaid, be placed lower than the Level of the upper Part of the Sill of *Vernatt*'s Sluice, the ſame to be for ever determined by a Gauge or Mark to be made by the ſaid Commiſſioners at and under each of the Carriage Bridges herein-before directed to be built; and that no Tunnels ſhall be of larger Dimenſions than Nine Inches in Height, and the Width of the ſame ſhall be Nine Inches, and no more in any Part thereof, for a ſingle Pariſh, and Eighteen Inches in Width for Two Pariſhes, and ſo in Proportion as to Width in all Caſes where more than Two Pariſhes ſhall require the Uſe of the ſame Tunnel; and that if any Tunnel or Tunnels ſhall be laid down through the ſaid Banks in any other Manner than as before mentioned, it ſhall be lawful for the ſaid Commiſſioners, or the Truſtees herein-after laſt appointed reſpectively, or their reſpective Agents or Servants, to alter, take up, or remove the ſame, at the Coſts and Charges of the Perſon or Perſons who put the ſame down, ſuch Coſts and Charges to be recovered in the ſame Manner as the Fines and Penalties incurred are recoverable under the Power of this Act, any Thing herein contained, or any Law of Sewers, or other Law or Statute, to the contrary thereof in anywiſe notwithſtanding: Provided always, that no Tunnel or Tunnels ſo directed to be placed or laid down for the Purpoſe of Drainage as aforeſaid, ſhall be uſed for any other Purpoſe than that of Drainage, under the Penalty of Twenty Pounds, to be paid by every Perſon who ſhall uſe ſuch laſt-mentioned Tunnel or Tunnels for the Purpoſe of taking Water out of the ſaid new Cut or River into the adjoining Lands; ſuch Penalty or Penalties to go to the Informer or Informers, and to be recovered, together with Coſts of Suit, againſt the Perſon ſo uſing the ſaid Tunnel by an Action at Law; and the Perſon or Perſons who ſhall actually open the ſaid Tunnels, or any of them, for the Purpoſe of taking Freſh Water out of the ſaid new River or Cut, ſhall be liable to be committed to Jail for the Space of One Month, on Complaint of ſuch Informer or Informers; and the ſeveral Juſtices of the Peace acting for the Parts where the ſaid Offence ſhall be committed, are hereby required to take Cognizance of ſuch Complaint.

Dimenſions of Tunnels.

XXXV. Provided

XXXV. Provided alſo, and be it further enacted, That no Tunnel or Tunnels ſhall, at any Time or Times hereafter, be laid through the Banks of the ſaid new River or Cut, for the Purpoſe of taking Water thereout for the watering of Cattle, or for any other Purpoſe whatſoever, except the Tunnels ſo permitted to be laid down as aforeſaid; and if any ſuch Tunnel or Tunnels (except as aforeſaid) ſhall be laid down, it ſhall be lawful for the ſaid Commiſſioners and Truſtees, or any Three or more of the ſaid Truſtees, or their reſpective Agents, or Servants, or Workmen, and they are hereby authorized and required to cauſe the ſame to be filled up, abated, and removed, at the Coſts and Charges of the Perſon or Perſons who ſhall ſet the ſame down; ſuch Coſts and Charges to be recovered by ſuch Ways and Means, and in like Manner, as the Fines and Penalties impoſed by this Act are directed to be recovered.

No Tunnels to be laid through the Banks, but what are allowed by this Act.

XXXVI. And be it further enacted, That it ſhall be lawful for the Truſtees herein-after laſt appointed, and they are hereby authorized and required at any Time after the Execution of the Award of the ſaid Commiſſioners, on the Petition in Writing, ſigned by the Proprietors of Two Third Parts of any Lands lying in any Pariſh, Townſhip, or Place, not herein directed to be taxed and aſſeſſed, to take, compriſe, and include, ſuch Lands within the Lands to be benefited by Freſh Water as aforeſaid, upon the ſeveral and reſpective Proprietors thereof agreeing to pay the ſame Annual Tax, and to conform to the ſame Regulations, Gauges, and Reſtrictions, as herein-before provided for, reſpecting other Lands which will be benefited by the taking in of Freſh Water under the Powers of this Act, and ſo as ſuch Petition be preſented to the ſaid Truſtees at One of their Meetings to be held in purſuance of this Act; and on ſuch Agreement being ſo made, ſuch Proprietors ſhall have the Benefit of the Works ſo directed to be made as aforeſaid, for the Purpoſe of taking in Freſh Water in common with the other Proprietors of Lands within the Limits and Boundaries of Lands herein-before deſcribed, ſubject to ſuch Regulations, Gauges, and Reſtrictions, as aforeſaid; and the Taxes ſo agreed to be paid, ſhall be received, and in Default of Payment thereof, recovered in the ſame Manner, and by the like Ways and Means, as the Taxes herein-before mentioned are reſpectively directed to be received and recovered, in reſpect to the Lands within the Limits and Boundaries aforeſaid.

Proprietors of other Lands may have Benefit from this Act, on Petition to the Truſtees.

XXXVII. And be it further enacted, That the ſaid Commiſſioners 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 ſhall judge neceſſary to be cut, dug, taken down, or otherwiſe made uſe of, for the Purpoſes of this Act, for the Purchaſe of ſuch Lands, Tenements, or 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 Premiſes; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees and Feoffees in Truſt, Committees, Executors, and 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,

Commiſſioners may purchaſe Lands.

Bodies Politick may contract for the Sale of Lands.

vert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell, and convey, unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioners under this Act, for any Recompence or Compenſation to be made for the Damage which may be done to any ſuch Lands, Tenements, and 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 Perſons whomſoever, are hereby indemnified for what they or any of them ſhall lawfully 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 Forty 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, or Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or by reaſon of Abſence ſhall be prevented from treating, then, and in every ſuch Caſe, the ſaid Commiſſioners are hereby empowered, from Time to Time, to iſſue out their Warrant or Warrants under their Hands and Seals, to the Sheriff of the County of *Lincoln*; or if ſuch Sheriff ſhall be immediately intereſted in ſuch Matter, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return, a Jury; and the ſaid Sheriff or Coroner is hereby required accordingly, to impannel, ſummon, and return, Twenty-four Men, reſident within the County of *Lincoln*, 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 at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, in order that out of them a Jury of Twelve may be ſworn to enquire 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 qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenge againſt any of the ſaid Jurymen: And the ſaid Commiſſioners are hereby empowered 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 under this Act 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, (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter), ſhall enquire of, aſſeſs, and aſcertain, the Sum or Sums

Perſons refuſing or neglecting to treat.

Commiſſioners may iſſue their Warrant to the Sheriff to ſummon a Jury.

Jurors may be challenged.

Witneſſes to be ſummoned and examined on Oath.

Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages or Loſſes 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 Premiſes; and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies or Recompence ſo as aforeſaid to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever. Verdict of Jury, &c. to be final.

XXXVIII. Provided always, and be it further enacted, That if any ſuch Sheriff, or his Deputy or Coroner, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of One hundred 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 attempt to avoid or neglect his Duty, contrary to the true Intent and Meaning 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, or being of the People called *Quakers*, ſhall refuſe to affirm, or to be examined to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the ſaid Commiſſioners, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum as the ſaid Commiſſioners ſhall appoint, not exceeding the Sum of Five Pounds for every One Offence. Penalty on Sheriff's Neglect.

XXXIX. And be it further enacted, That all Agreements, Contracts, Sales, and Conveyances, and alſo all Verdicts and Judgements which ſhall be made and given in Relation to any of the Matters aforeſaid, ſo left to a Jury, (ſuch Verdicts and Judgements being ſigned by the Commiſſioners who ſhall be preſent at the taking of the Inqueſt), ſhall be delivered to the Clerk of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, and ſhall be filed with the Rolls of ſuch Parts or Place, 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 at the Rate of Two-pence for every Sheet of Seventy-two Words. Agreements to be filed with the Clerk of the Peace.

XL. 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 before the ſummoning of any ſuch Jury for or in Reſpect of any of the Matters aforeſaid, that then all the Expences of ſuch Jury, and the Witneſſes attending in conſequence thereof, and of taking ſuch Inqueſt, ſhall be paid by the ſaid Commiſſioners, out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given for no more or for a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, then, and in every ſuch Caſe, ſuch Expences ſhall be paid by the Owners of, or Perſons intereſted in, the Lands, Tenements, or Hereditaments, and Premiſes, upon or in Reſpect of which ſuch Jury ſhall have been ſummoned. Expences of the Jury and Witneſſes, by whom to be borne.

Verdicts to be recorded.

XLI. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Verdicts and Judgements, (being firſt ſigned by the Commiſſioners who ſhall be preſent at the making ſuch Determinations, or the taking of ſuch Verdicts, and pronouncing ſuch Judgements reſpectively), ſhall be tranſmitted to and kept by the Clerk of the Peace amongſt the Records of the Quarter Seſſions of the Peace for the ſaid Parts of *Holland*, in the ſaid County of *Lincoln*, and ſhall be deemed to be Records of the ſaid Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof reſpectively, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, as alſo the Inrollments of ſuch Contracts, Agreements, Sales, and Conveyances, as herein-before mentioned, paying for each Inſpection the Sum of One Shilling; and to take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Two-pence, and ſo in Proportion for any Number of Words; and immediately on ſuch Payment and Entry of ſuch Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, all the Eſtate, Right, Title, Intereſt, Inheritance, Uſe, Truſt, Property, Poſſeſſion, Benefit, Claim, and Demand whatſoever, both in Law and Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid in and to or out of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, ſhall veſt in the Truſtees herein-after appointed, who ſhall be deemed in Law to be in the actual Seiſin or Poſſeſſion thereof reſpectively, to all Intents and Purpoſes whatſoever, as fully and effectually as if all and every ſuch Perſon and Perſons having any Eſtate in the Premiſes, had actually conveyed the ſame to them by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery and Seiſin, Fine, Recovery, or any other legal Mode of Conveyance or Aſſurance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand whatſoever, of the Perſon or Perſons to whoſe Uſe ſuch Payments ſhall be made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower or Dowers of the Wife and Wives of ſuch Perſon and Perſons, and his, her, and their Iſſue, and all Eſtates Tail in Reverſion or Remainder, and all and every other Perſon and Perſons whomſoever, as fully and effectually as a Fine and Recovery, or either of them, would do if levied or ſuffered by all the proper Parties, in due Form of Law.

Recompence to Tythe Owners out of Lands to be cut through.

XLII. Provided always, and be it further enacted, That full Recompence and Satisfaction ſhall be made to the ſeveral Perſons entitled or to be entitled to Tythes, 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 Tythes 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 Tythes, 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

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 Tythes or Payments were iſſuing and payable.

Commiſſioners empowered to make Contracts for performing the Works.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Meeting to be held for that Purpoſe, whereof at leaſt Ten Days Notice ſhall be given by Writing, fixed upon the Market Croſs or other conſpicuous Place in the Town of *Spalding*, and by publiſhing the ſame in the *Lincoln*, *Rutland*, and *Stamford Mercury*; to receive Propoſals from, and enter into, make, and execute, Contracts with any Perſon or Perſons for making the ſaid new Navigable Cut or Canal, or any Part thereof, and the ſeveral new Bridges herein-before directed to be made over the ſame, and the ſaid Sluices and other Works to be made and done in purſuance of this Act, and alſo for providing proper Engines, Utenſils, and Materials, for the Purpoſes aforeſaid, and alſo all other Matters, Articles, and Things, concerning the ſame; all which Contracts ſhall be in Writing, and ſigned and ſealed by the ſaid Commiſſioners, and by the Perſon or Perſons contracting to perform the Works therein to be ſpecified, and ſhall be made for ſuch Time or Times, and under ſuch Conditions, as they the ſaid Commiſſioners ſhall think proper; and all ſuch Contracts ſo to be made ſhall be entered in a Book to be kept for that Purpoſe, and ſigned by the Clerk or Clerks to the ſaid Commiſſioners for the Time being, in the Preſence of the ſaid Commiſſioners; and the ſaid Commiſſioners and the Truſtees herein-after laſt appointed reſpectively, or the Perſon or Perſons employed by, or contracting with them reſpectively, his or their Agents, Workmen, and Servants, are hereby reſpectively authorized and required to cleanſe, ſcour, and maintain, the ſaid new River or Cut, and from Time to Time to keep the ſame navigable and paſſable for Barges, Boats, Lighters, and other Veſſels, and for that Purpoſe to get, dig, take, and carry away Soil, Clay, and other Materials, proper, requiſite, and convenient for making, carrying on, and continuing, the ſaid Works and Undertakings, in or from any Grounds of any Perſon or Perſons adjoining or lying contiguous to the ſaid River or Drain, not being the Ground whereon any Houſe ſtands, or an Orchard, Garden, or Paddock, planted Walk, or Avenue to a Houſe; and alſo to carry and convey in, over, and upon, any Lands or Grounds, all Sorts of Materials for making, perfecting, improving, and finiſhing, the ſaid Works and Navigation, and for altering, repairing, and maintaining the ſame, and for making, repairing, and maintaining Towing Paths, Gates, Fences, and Haling Ways for Horſes, on the South Bank thereof, and for raiſing, ſtrengthening, and ſupporting, the Banks of the ſaid new River or Cut; and alſo to erect and make in or acroſs the ſaid new River or Cut, ſo to be made navigable, or upon the Lands adjoining to the ſame, Beams, Winches, Weigh Beams, and other Engines, Wharfs, Warehouſes, Quays, and other Works, and alſo to make, maintain, and keep the ſame in good Repair; 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 ſaid new River or Cut, and the ſaid Towing Paths and Haling Ways from the adjoining Lands; and alſo to dig, carry away, or place and lay any Earth, Clay, Gravel, Stone, or other Materials or Things neceſſary to be uſed in or upon Account of the ſeveral Matters and Works aforeſaid,

For getting Materials.

Haling Ways.

For making Wharfs, Engines, Fences, &c.

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, as they the ſaid Commiſſioners and Truſtees reſpectively ſhall, from Time to Time, adjudge proper or convenient for the Purpoſes of this Act, they the ſaid Commiſſioners and Truſtees reſpectively, their Agents, Workmen, or Servants, making Satisfaction to the reſpective Owners of, and Perſons intereſted in, ſuch Lands, Grounds, Tenements, and Hereditaments, as ſhall be uſed, removed, or prejudiced, in or by the Execution of any of the Powers herein contained, in Proportion to their ſeveral and reſpective Intereſts therein.

For making Satisfaction for Damages.

The Map and Book of Reference to be authenticated.

XLIV. And whereas a Map or Plan and Book of Reference have been made of the ſeveral Eſtates, Lands, or Grounds, which will be interſected by the ſaid new River or Cut, and the ſeveral Parts thereof which will be deſtroyed by the making of the ſaid new River or Cut, Banks, and Forelands, are therein particularly ſhewn and deſcribed; be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan and Book of Reference, which ſhall be certified by the Right Honourable the Speaker of the Honourable the Houſe of Commons, and ſeverally depoſited with and kept by the Clerk of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, and the Treaſurer to the ſaid Commiſſioners and Truſtees reſpectively for the Time being, to which all Perſons ſhall have Liberty to reſort and make Extracts or Copies thereof as Occaſion ſhall require, paying for every ſuch Inſpection the Sum of One Shilling, and for every ſuch Copy or Extract after the Rate of Two-pence for every Seventy-two Words; and the ſaid Maps or Plans and Books of Reference ſo certified, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law or elſewhere; and the Clerk of the Peace for the Time being of the ſaid Parts of *Holland*, upon Ten Days Notice to him given for that Purpoſe, ſhall, from Time to Time, produce the ſaid Map or Plan and Book of Reference before the ſaid Commiſſioners, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence.

Names of Land Owners not being in Book of Reference to be no Prejudice in making the New Cut.

XLV. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall and may make the ſaid new River or Cut into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, the ſame is intended to extend, although their Names are not mentioned in the ſaid Book of Reference, or into the Eſtates, Lands, or Grounds, of any Perſon or Perſons whoſe Name or Names ſhall appear to the Satisfaction of the ſaid Commiſſioners, and be certified under their Hands, to be by Miſtake omitted in the ſaid Book of Reference, or that inſtead thereof the Name or Names of ſome other Perſon or Perſons, to whom ſuch laſt mentioned Eſtates, Lands, and Grounds, do not belong, have or hath been inſerted therein; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Tonnage to be paid.

XLVI. And be it further enacted, That when the ſaid Bank acroſs the preſent Channel ſhall be finiſhed, and the ſaid Sea Sluice and Lock, and the

the ſaid new River or Cut are completed, ſo as that Barges, Boats, and other Veſſels, may navigate thereon, the following Tolls ſhall be paid unto the ſaid Commiſſioners until the Execution of the ſaid Award, and after the Execution thereof unto the Truſtees herein-after laſt appointed, or ſuch Perſons as they ſhall appoint, by the Owner or Owners of any Raft, or of any Barge, Boat, or other Veſſel, before the ſame ſhall paſs through the ſaid navigable Lock or Pen Sluice; (that is to ſay),

For every Chaldron of Coals, the Sum of Sixpence:

For every Laſt of Oats or Malt, One Shilling:

For every Half Laſt of Wheat, Rye, Barley, Barley Big, Beans, Peaſe, Cole, Linſeed, Hemp Seed, or Muſtard Seed, One Shilling:

For every Ton of Iron, Salt, Lead, Rags, Tobacco-pipe Clay, Pebbles or Cobles, One Shilling:

For every Ton of Reed, Sedge, Hay, Flax, Hemp, or Turves, One Shilling:

For every Butt of Currants, Chaldron of Lime, and Chaldron of Grindſtones, One Shilling:

For every Two Pipes, Three Hogſheads or Puncheons, Eight Barrels or Half Hogſheads of Wine or other Liquor, One Shilling:

For every Eight Packs of Wool, Ten Todds to the Pack, One Shilling:

For every Sixteen Kilderkins, Thirty-two Firkins, Quarter Barrels and Buſhels of Sand, One Shilling:

For every Five hundred Pan Tiles or Paving Tiles, Five hundred of Bricks, Twenty Feet of Stone, One hundred of Battens, and Half a Hundred of Deals, One Shilling:

And for all other Goods, Wares, and Merchandize, One Shilling a Ton, according to the cuſtomary Tonnage of Freight upon the ſaid River *Welland*; and alſo for every Fifty Feet of Fir Timber, and Forty Feet of all other Timber, Calliper Meaſure, One Shilling, whether floated through the ſaid Lock, or brought by any Lighter, Barge, or other Veſſel, and ſo in Proportion for greater or leſs Quantities or Parts reſpectively.

For building a new Bridge.

XLVII. And whereas, it will be neceſſary for the Accommodation of Paſſengers, Carriages, and Cattle, that a Bridge ſhall be built over the ſaid intended Cut, at or near *Foſdike* Inn, in the ſaid Pariſh of *Foſdike*, be it therefore further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required to erect and build, or cauſe to be erected and built over the ſaid new River or Cut, a good and ſubſtantial Carriage Bridge, in the preſent Direction of the Road leading from *Boſton* to *Foſdike* Inn; and that the Paſſage or Road over the ſaid Bridge ſhall be made, and at all Times remain, Sixteen Feet broad at the leaſt; and the ſaid Commiſſioners ſhall erect, or cauſe to be erected, a Toll-gate or Bar acroſs One End of the ſaid Bridge, and alſo a Toll Houſe at or near the ſame; and the Truſtees herein-after laſt appointed, or any Five or more of them ſhall, and they are hereby authorized and required to cauſe the publick Way or Paſſage over the ſaid Waſh, namely, from the *South Bank*, in the Pariſh of *Moulton*, to the *North Bank*, in the Pariſh of *Foſdike*, to be amended and rendered ſafe and commodious for Paſſengers and Cattle, as ſoon as may be after the ſilting up of the ſaid Waſh, and that as ſoon as the ſaid Bridge ſhall be completed,

Pontage to be taken.

and the Paſſage over the ſaid Waſh ſhall be made ſafe and commodious at all Times of Tide, and in all Seaſons; it ſhall be lawful for the ſaid Truſtees, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint; and they are hereby authorized and empowered, for ever after, to take the following Tolls or Pontage; *videlicet*,

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, or Hearſe, with Four Wheels, and drawn by leſs than Four Horſes, the Sum of Sixpence; and if by Four or more, the Sum of One Shilling:

For every Chair or Pleaſure Cart, drawn by One Horſe, Three-pence; and by Two Horſes, Sixpence:

For every Waggon, Wain, or other Carriage with Four Wheels, and drawn by Three or Four Horſes or more, the Sum of One Shilling and Sixpence; and by Two Horſes, One Shilling:

For every Cart or other Carriage not above ſpecified, and drawn by Two or more Horſes, Nine-pence; and by One Horſe, Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen or Neat Cattle, Ten-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

And for every Drove of Swine, Calves, Sheep, or Lambs, Five-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

Tolls, how to be recovered.

Which ſaid reſpective Sums ſhall be demanded and taken as and in the Name of a Toll: And if any Perſon or Perſons, ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, or if the ſaid Tolls ſhall be evaded by paſſing over the ſaid Waſh at any of the other Bridges herein directed to be made over the ſaid new River or Cut, or at any other Place in the ſame, it ſhall be lawful for the Perſon or Perſons appointed as aforeſaid to collect ſuch Tolls, and he is hereby required to ſeize or diſtrain any Horſe or Horſes, or other Cattle, Beaſts or Goods, or any Carriage upon which ſuch Tolls are by this Act impoſed, or any other of the Goods and Chattels of any Perſon or Perſons who ought to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of following the Perſon or Perſons who ought to pay the ſame, and of ſuch Seizure and Diſtreſs are not paid, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Horſe and Horſes, Cattle, Carriage, or Goods and Chattels ſo ſeized and diſtrained, returning the Overplus, (if any be), upon Demand, to the Owner thereof, after ſuch Tolls and all reaſonable Charges of ſuch Diſtreſs and Sale ſhall be deducted and paid.

XLVIII. Provided that the Truſtees laſt appointed ſhall not be authorized or empowered to demand or take any of the Tolls herein-before mentioned, until the Truſtees firſt herein named, or any Seven or more of them, ſhall, by a Certificate under their Hands, to be delivered to the Juſtices at ſome General Quarter Seſſions of the Peace for the Parts of *Elloe* in *Holland*, in the ſaid County of *Lincoln*, declare that the ſaid intended Bridge over the ſaid Cut is completed, and the Paſſage over the

the ſaid Waſh, from the ſaid South Bank, in the Pariſh of *Moulton* aforeſaid, to the ſaid North Bank, in the ſaid Pariſh of *Foſdike*, is rendered ſafe and commodious for Paſſengers and Cattle at all Times of Tide, and in all Seaſons, which ſaid laſt-mentioned Truſtees, ſhall and they are hereby required to ſign the ſaid Certificate as ſoon as may be after the Paſſage over the ſaid Waſh ſhall be rendered ſafe and commodious as aforeſaid.

Not to extend to Perſons going to and from Lands interſected by the new Cut.

XLIX. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to enforce the Payment of Tolls from any Perſon going on Horſeback, or with Cattle or Carriages, *bona fide*, to and from Lands lying between the preſent Sea Bank and the intended new Cut, that will be interſected by the ſaid new River or Cut; but that all ſuch Horſes, Cattle, and Carriages, ſhall have free Liberty to paſs over the ſaid Bridge Toll-free; any Thing herein contained to the contrary thereof notwithſtanding.

Commiſſioners may borrow Money on Security of the Taxes, Tolls, and Pontage.

L. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby empowered, at any Meeting to be holden in purſuance of this Act, to borrow and take up at Intereſt any Sum or Sums of Money that they ſhall think proper, upon the Credit of the Taxes, Tolls, and Pontage, payable by virtue of this Act; and to mortgage, aſſign, and convey over, the ſaid Taxes, Tolls, and Pontage, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, (the Charges of ſuch Aſſignments and Conveyances to be paid out of ſuch Taxes, Tolls, and Pontage), to any Perſon or Perſons who ſhall advance and lend their Monies thereon, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof; and the Money ſo to be borrowed on the ſaid Taxes, Tolls, and Pontage, ſhall be applied in ſuch Manner, and for ſuch Purpoſes only, as the Taxes, Tolls, and Pontage, ſo aſſigned and conveyed, are hereby directed to be applied; and that Copies of all ſuch Mortgages, Aſſignments, and Conveyances, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; but no Money ſhall be borrowed on the Credit of the ſaid Taxes, Tolls, and Pontage, after the Firſt Meeting of the ſaid Commiſſioners, unleſs Notice for that Purpoſe be inſerted in the *Lincoln, Rutland*, and *Stamford Mercury*, and in the *Cambridge Chronicle*, at leaſt Fourteen Days before the borrowing of ſuch Money: And all and every Perſon or Perſons to whom any ſuch Mortgage, Aſſignment, or Conveyance, ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered, from Time to Time, by an Indorſement under his, her, or their Hand or Hands, to be made on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer ſuch Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever; all which Aſſignments and Transfers ſhall be produced or notified to the Clerk of the ſaid Commiſſioners and Truſtees reſpectively, within Forty Days after the Date thereof; and ſuch Clerk ſhall cauſe an Entry or Memorial to be made of every ſuch Transfer, ſpecifying the Date thereof, and the Names, Additions, and Places of Abode, of the

Securities may be transferred.

ſeveral Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witneſſes to the Execution thereof, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages, Aſſignments, or Conveyances, for which the ſaid Clerk ſhall be paid Two Shillings and Sixpence, and no more, by the Perſon or Perſons to whom ſuch reſpective Aſſignments or Transfers ſhall be made, which ſaid Book or Books may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling, and no more, ſhall be paid to ſuch Clerk for every ſuch Inſpection; and after ſuch Entry made, and not otherwiſe, ſuch Aſſignments or Transfers reſpectively, ſhall entitle the Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities, or any ſuch Aſſignment or Aſſignments thereof ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid Taxes, Tolls, and Pontage, in an equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of Aſſignment or of advancing ſuch Monies aforeſaid.

Treaſurer or Receiver to pay the Intereſt of the Monies borrowed.

LI. And be it further enacted, That the Treaſurer of the ſaid Commiſſioners and Truſtees reſpectively, ſhall, out of the Monies coming to his Hands by virtue of this Act, duly and regularly pay the Intereſt of all and every the ſaid Mortgages which ſhall be made or given by the ſaid Commiſſioners in purſuance of this Act as aforeſaid, by Half-yearly Payments, as and when the ſame ſhall become due.

In Default of Payment, Taxes to veſt in Creditors.

LII. Provided always, and be it further enacted, That in Default of Payment of the Intereſt due on ſuch reſpective Mortgages, or of the ſaid principal Monies after ſuch Notice as aforeſaid, the ſeveral Taxes, Tolls, and Pontage before mentioned, or ſuch of them or ſuch Part or Parts, Share or Shares thereof reſpectively, as ſhall have been made liable to, and charged and chargeable with the ſaid reſpective Mortgages, ſhall thereupon reſpectively veſt in the Perſons entitled to ſuch Mortgages, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Non-payment of the ſame; and the ſaid Mortgagees and Obligees reſpectively, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers, Rights, Privileges, and Remedies of recovering, collecting, and receiving the ſaid Taxes, Tolls, and Pontage, or ſuch Share or Shares, Part or Parts thereof, as ſhall be ſo veſted in them reſpectively, as the ſaid Commiſſioners or Truſtees, or their ſeveral Collectors or Receivers, could have had, in caſe the ſaid Mortgages had not been made.

The Monies borrowed to be carried to the ſame Account with the Taxes.

LIII. And be it further enacted, That all and every the Monies which ſhall be borrowed and raiſed on the ſaid ſeveral Mortgages and Securities aforeſaid, ſhall be carried and placed to the reſpective Accounts herein-before directed to be kept.

Application of the Money borrowed on the Taxes.

LIV. And be it further enacted, That the ſaid Taxes, Tolls, and Pontage, and the Money to ariſe by Mortgage of the ſaid Taxes, Tolls, and Pontage, as herein-before mentioned, and all pecuniary Penalties and Forfeitures

Forfeitures to be recovered or levied by virtue of this Act, not hereby otherwiſe diſpoſed of, ſhall be applied by the ſaid Commiſſioners previous to the Execution of their Award herein-after directed in Manner following; (that is to ſay), in the Firſt Place, in paying and defraying all ſuch Subſcriptions as have been made for procuring previous Surveys and Reports, and towards the obtaining of this Act, and all Coſts and Charges which ſhall have been incurred in making ſuch previous Surveys and Reports, and in obtaining and paſſing this Act; and, in the next Place, in keeping down the Intereſt as herein-before directed, for and towards the ſeveral Works hereby directed to be done and executed by the ſaid Commiſſioners, and towards the Support and Maintenance of the ſame, and of carrying the ſeveral Powers and Authorities herein contained into effectual Execution; and after the Execution of the ſaid Award, then the ſaid Taxes, Tolls, Pontage, pecuniary Penalties, and Forfeitures ſhall be, and the ſame are hereby veſted in the Truſtees herein-after appointed to act after the ſaid Execution of the Award, and ſhall be applied in like Manner by the ſaid Truſtees.

Taxes, Tolls, and Pontage may be encreaſed.

LV. And be it further enacted, That in caſe the ſaid Taxes, Tolls, and Pontage, intended as a Fund for ſupporting the ſeveral Works herein directed, ſhall prove inſufficient for thoſe Purpoſes, it ſhall be lawful for a Majority of the Truſtees herein next appointed, who ſhall be preſent at any Meeting to be held by them for that Purpoſe, of which Meeting, as alſo the Purpoſe thereof, One Month's previous Notice ſhall be given by Advertiſements in the *Lincoln*, *Rutland*, and *Stamford Mercury* and *Cambridge Chronicle*, to agree to ſuch Increaſe of the ſaid Taxes, Tolls, and Pontage, as to the ſaid Majority ſhall ſeem fit and expedient, ſo as the ſame be not more than One Half of the original Taxes, Tolls, and Pontage, herein directed to be laid: Provided always, that ſuch Increaſe of the Taxes, Tolls, and Pontage, ſhall be in due Proportion with the original Taxes, Tolls, and Pontage, herein directed to be laid, and the ſame and every of them ſhall be recoverable by the ſaid Commiſſioners, and ſhall be applied by them in like Manner as the Taxes, Tolls, and Pontage, hereby originally directed to be laid, are herein declared to be recoverable and directed to be applied; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized to borrow Money thereon by Way of Mortgage; which Mortgages ſhall be transferable, and ſhall be as good and effectual in the Law to all Intents and Purpoſes, as the ſeveral Mortgages on and Aſſignments of the Taxes, Tolls, and Pontage, herein directed to be originally laid.

Truſtees appointed to act until the Execution of the Award.

LVI. And be it further enacted, That until the Execution of the Award of the Commiſſioners as herein after mentioned, the Moſt Noble Duke of *Ancaſter*, the Right Honourable Lord *Willoughby de Broke*, the Right Honourable Lord *Boſton*, the Right Honourable Lord *Brownlow*, the Right Honourable Lord *Romney*, the Right Honourable Lord *Eardley*, Sir *John Trollope* Baronet, Sir *Gilbert Heathcote* Baronet, Sir *Joſeph Banks* Baronet, Sir *Thomas Whichcote* Baronet, *Robert Smith*, *Joſhua Scrope*, *Willoughby Wood*, *Thomas Hogard*, *Fairfax Johnſon*, *Henry Boulton*, *Rogers Parker*, *George Pochin*, *Theophilus Buckworth*, *Theophilus Buckworth* junior, *Thomas Buckworth*, *William Tatam*, *Samuel Greaves*, *James Digby*, *John Kelk*, *Samuel Barnard*, *Thomas Tunnard*, *John Tunnard*, *Samuel Tunnard*, *Richard Yerburgh*, *John George Calthrop*, *Francis Thirkill*, *William*

Bailey junior, *Henry Hawkes*, *John Grundy Thompſon*, *Thomas Pulvertoft*, *Thomas Hawkes*, *Henry Clarke*, *Thomas Wilſon*, *John Milnes*, *John Deane Hogard*, *Robert Parr*, and every Lord or Lady of a Manor, Impropriator, Rector, or Vicar for the Time being, within the Boundary of the Lands hereby directed to be drained; alſo every Lord or Lady of a Manor, Impropriator, Rector, or Vicar for the Time being, in ſuch other Pariſhes through which the ſaid new River or Cut, or any Part thereof ſhall be made, and their ſeveral and reſpective Succeſſors and legal real Repreſentatives for the Time being, ſhall be, and they are hereby appointed Truſtees for the ſaid Navigation and Drainage, and all Works relating to the ſaid Navigation and Drainage are hereby veſted in them as Truſtees for the Purpoſes of this Act; Provided always, that the Truſtees appointed as above, ſhall have Power to nominate and appoint reſpective Agents, under their ſeveral Hands, to act for them in the ſeveral Matters and Things herein empowered or required to be done by the ſaid Truſtees.

Commiſſioners to account with Truſtees.

LVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to keep an Account in Writing of all Monies which they ſhall receive, or ſhall borrow or aſſeſs on the reſpective Proprietors, for the Purpoſe of carrying into Execution this Act, or lay out in or about the ſaid intended Works, and of all and every other Expenditure relating thereto; and ſhall at all and every of the Meetings of the ſaid Commiſſioners, to be held in purſuance of this Act, permit the ſaid Truſtees herein-before appointed, or any Five or more of them, to inſpect ſuch Accounts with the Vouchers for any Money charged to have been paid by the ſaid Commiſſioners; and the ſaid Truſtees, or any Five or more of them, are hereby authorized and empowered, from Time to Time, to ſettle and ſign ſuch Accounts with the ſaid Commiſſioners, and to direct all ſuch Sums of Money as may remain in the Hands of the ſaid Commiſſioners, or their Treaſurer or Treaſurers, after the Execution of the ſaid Works ſhall be completed by the ſaid Commiſſioners, to be paid to the Superintendant for the Time being, and to give Diſcharges for all ſuch Sums of Money.

Commiſſioners Award.

LVIII. And be it further enacted, That the ſaid Commiſſioners, as ſoon as conveniently may be, after they have completed the ſaid new River or Cut, and other Works directed by them to be made and done by this Act, and the Aſſeſſment, Tax, or Charge, herein directed to be made, ſhall form and draw up, or cauſe to be formed and drawn up, an Award or Inſtrument in Writing, which ſhall expreſs and ſpecify the Quantity in Statute Meaſure of Acres, Roods, and Perches, of the Lands and Grounds ſo taxed by them as aforeſaid, and the Quantity herein-before directed to be taxed by the Court of Sewers, according to the accuſtomed Mode of raiſing and levying Dyke Reeve Rates, by the computed Number of Acres; and the Quantity of Land belonging to each Proprietor therein, and the Names of the ſeveral and reſpective Tenants thereof, with a Deſcription of the Situation, Abuttals, and Boundaries of the ſame, and the Quantity of Acres, Roods, and Perches, in each of the ſaid reſpective Pariſhes, Places, and Commons, ſo taxed by them as aforeſaid, with an Account of the Annual Sums ſo charged upon them reſpectively, and the Quota to be paid and borne by the ſeveral and reſpective Proprietors, and alſo the Quota to be borne by the reſpective Commons;

thoms; and they the said Commissioners are hereby required to set down and express in their said Award an Account of the Bridges, Drains, and other Works, belonging to the said new River or Cut, and which shall be built, removed, made, and executed, by the Commissioners, in pursuance of this Act, together with an Account of all and singular other the Banks, Drains, Sluices, Cloughs, Bridges, Tunnels, Fences, Stiles, Gates, and other Works, which by the said Act shall be deemed to be vested in, and to be under the Controul, Authority, and Jurisdiction of the said Trustees; and Two Parts of the said Award or Instrument in Writing shall be signed and sealed by the said Commissioners, and One Part thereof, shall, as soon as may be after such signing and sealing as aforesaid, be enrolled with the Clerk of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, and a Copy of the Enrolment, attested by the said Clerk of the Peace, or his sufficient Deputy or Deputies, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence; which Copy the said Clerk of the Peace, or his Deputy or Deputies, is and are hereby required to make and deliver to any Person or Persons whomsoever desiring the same, he, she, or they, paying for such Copy after the Rate of Two-pence *per* Sheet, (reckoning Seventy-two Words to each Sheet); and every Person shall have Liberty to inspect and peruse the Enrolment of the said Award, paying for every such Inspection or Perusal One Shilling, and no more; and that the same Award, and all Matters done by the said Commissioners, in pursuance of this Act, shall be binding and conclusive unto and upon all Parties interested therein; and after the Enrolment of the said Award, One Part thereof shall be delivered by the said Commissioners to the said Trustees, at any of their Meetings to be held in pursuance of this Act, and the other Part thereof shall be lodged in the Town Chest belonging to the Parish of *Spalding* aforesaid.

Trustees after the Execution of the Award.

LIX. And be it further enacted, That after the Execution of the said Award by the said Commissioners, the Power of the said Commissioners, and also of the Trustees herein-before appointed, shall cease, and be for ever extinguished, and that from thenceforth every Lord or Lady of a Manor, Rector, Impropriator, or Vicar for the Time being, within the Boundary of the Lands hereby directed to be taxed, whether the same are included in the Lands herein particularly described, or are included on Petition as herein provided for, the Right Honourable Lord *Willoughby de Broke*, or the Owner or Owners for the Time being of the Estate now belonging to him in *Frampton* aforesaid; the President and Scholars for the Time being of the College of *Saint Mary Magdalen*, in the University of *Oxford*, and their Lessee for the Time being of the said Salt Marsh; the Mayor, and Two Persons to be appointed by the Mayor, Aldermen, and Common Councilmen, of the Borough of *Boston* for the Time being; the Mayor and senior Alderman of the Borough of *Stamford* for the Time being; the Owner or Owners for the Time being of the Navigation of the said River *Welland*, from *Stamford* to *Deeping Saint James*, or his, her, or their Lessee; any Three Persons to be chosen annually out of the Merchants resident within the Town of *Spalding*; any Two Persons to be chosen annually out of the Proprietors of the Salt Marshes on the South Side of the present Channel; any Two Persons to be elected by the Parish of *Holbeach*; any Two Persons to be elected by the Parish of *Wapload*; any Two Persons to be elected by the Parish of *Moulton*; any

Two

Two Perſons to be elected by the Pariſh of *Frampton*; any Two Perſons to be elected by the Pariſh of *Wyberton*; any Six Perſons to be choſen annually out of the Body of Adventurers, or Owners of Taxable Lands, in *Deeping Fen* aforeſaid; any Three Perſons to be choſen annually out of the Proprietors of Free Lands, within the ſaid *Deeping Fen*; any Three Perſons to be choſen annually out of the Proprietors, within the Parts of *Holland*, in the ſaid County, having Right of Common on the ſaid Commons, and paying Taxes as aforeſaid; any Three Perſons to be choſen annually out of the Proprietors, within the Parts of *Keſteven*, in the ſaid County, having Right of Common on the ſaid Commons, and paying Taxes as aforeſaid; the Owner or Owners of *Poſtland* Eſtate for the Time being, or his, her, or their known Agent; any One Perſon to be choſen annually out of the Proprietors of Eſtates in each Pariſh, paying Taxes as aforeſaid; every Owner or Proprietor of Three hundred Acres of Land, paying Taxes as aforeſaid; *Samuel Barnard* Eſquire, *Samuel Tunnard* Eſquire, and alſo every Leſſee under the Crown, of Three hundred Acres or more of Land, paying Taxes as aforeſaid; ſhall be, and they are hereby ſeverally appointed Truſtees for the future Care and Management of the ſaid Navigation and Drainage: Provided always, that it ſhall be lawful as well for the ſaid Lord *Willoughby de Broke*, and the ſaid Preſident and Scholars reſpectively, as for every Lord or Lady of a Manor, Rector, Impropriator, or Vicar for the Time being; and alſo the ſaid Mayor, and Two Perſons ſo appointed by the ſaid Mayor, Aldermen, and Common Council of the Borough of *Boſton* for the Time being as aforeſaid, by Writing under their Common Seal; and every Owner of Three hundred Acres of Land, paying Taxes as aforeſaid, by Writing under his, her, or their Hand or Hands, from Time to Time, and for ſuch Time as he, ſhe, or they ſhall think fit, to appoint an Agent or Deputy to act in his, her, or their Abſence, as a Truſtee for the ſaid Navigation and Drainage, ſuch Agent or Deputy not being a Truſtee in his own Right.

Truſtees how choſen.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Merchants, reſident in the Town of *Spalding*, the ſaid Adventurers of *Deeping Fen*, and Owners of Taxable and Free Lands in *Deeping Fen* aforeſaid; and alſo for the ſaid Proprietors in each of the ſaid Parts of *Holland* and *Keſteven*, having Right of Common on the ſaid Commons reſpectively; and for the ſaid Proprietors of Lands within the ſaid *Quadring* Hundred, and alſo within each of the ſaid Pariſhes paying Taxes as aforeſaid; and alſo for the ſaid Proprietors of Salt Marſhes on the South Side of the preſent Channel, and of Lands in each of the ſaid Pariſhes of *Holbeach*, *Wap'oad*, *Moulton*, *Frampton*, and *Wyberton*, to hold Annual Meetings reſpectively, at any Time and Place that they ſhall think proper, within Two Months previous to the Annual Meetings of the ſaid Truſtees herein-after appointed; and alſo to hold Special Meetings, in caſe of Death or Reſignation of any Truſtees reſpectively, appointed under the Authority of this Act, and at ſuch ſeveral Meetings to appoint a Chairman, and elect either annually, or for the Purpoſe of filling up Vacancies as aforeſaid, the ſeveral and reſpective Perſons hereby authorized to act as Truſtees on the Part of the ſaid Merchants, Adventurers, Owners, and Proprietors reſpectively; and ſuch ſeveral Perſons ſhall be appointed under the Hand and Seal of the Chairman of the ſaid ſeveral Meetings, and the ſeveral Appointments ſhall be lodged in the Hands of the

the Clerk to the ſaid Truſtees, to be by him kept amongſt the other Papers belonging to the ſaid Truſtees, and ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

On Non-appointment, former Truſtees to act.

LXI. Provided always, and be it further enacted, That after ſuch Firſt Appointments as aforeſaid, in caſe the ſaid ſeveral Bodies of Merchants, Adventurers, Owners, and Proprietors reſpectively, ſhall neglect annually to appoint ſuch ſeveral Perſons to act for them, or to fill up Vacancies as aforeſaid, it ſhall be lawful for the ſeveral Perſons appointed at any previous Meeting to continue to act as Truſtees for the Purpoſes of this Act, until further Appointments ſhall be ſeverally made; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

The Firſt Meeting of the Truſtees.

LXII. And be it further enacted, That, from and after the Execution of the Award of the ſaid Commiſſioners, the ſaid Truſtees laſt appointed ſhall meet together at the Town Hall in *Spalding* aforeſaid, on the Second *Tueſday* after the Fourth Day of *May* then next following, and proceed to the further Execution of this Act, and ſhall and may adjourn themſelves from Time to Time, and meet at the ſame or any other Place as often as the ſaid Truſtees, or the Majority of them preſent, ſhall think proper; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not appear Five Truſtees to act and to adjourn to another Day; or in caſe the Truſtees ſhall omit or neglect to adjourn themſelves, that then, or in either of the ſaid Caſes, their Clerk or Clerks ſhall, by Notice in Writing, to be affixed on the Church Doors of the ſeveral Pariſhes within the Purview of this Act, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the ſame Place where the laſt Meeting was appointed to be held on that Day Fortnight after the Day on which ſuch laſt Meeting was appointed; and the ſaid Truſtees at their Meetings ſhall bear and pay their own Expences.

Appointment of Superintendant.

LXIII. And be it further enacted, That the ſaid Truſtees laſt appointed, or their Succeſſors, or ſuch of them as ſhall think proper to meet as aforeſaid, or ſuch of their Agents as ſhall have been appointed in Writing, in that Behalf, ſhall, and they are hereby required annually to meet on the ſaid Second *Tueſday* after the Fourth Day of *May* in every Year, at the Town Hall, or any other Place in *Spalding* aforeſaid; and then and there to ſettle the Accounts of the Treaſurer, Superintendant, and other Officers who ſhall have been previouſly appointed by the ſaid Commiſſioners, and diſcharge them of their ſeveral Truſts and Offices, and thence forward, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Sluice and Staunch Keepers, Toll Collectors, Superintendants, and other Officers, with ſuch ſeveral Salaries, except to the ſaid Treaſurer or Treaſurers, as they ſhall think proper, which Salaries ſhall be mentioned in ſuch ſeveral Appointments; and after the ſaid new River or Cut, Haling Ways, navigable Staunches, Sea Sluice and other Sluices, Bridges, and other Works herein-before provided for, ſhall be perfected by Order of the ſaid Commiſſioners, and they ſhall have made their Award as herein-before directed, the ſaid new River or Cut, Haling Ways, and navigable Staunches, Sea Sluice, and other Sluices, Lock and Sluice Keepers Houſes, and Toll Houſe, Bridges, Banks, Headings, Cloughs, Tunnels, Fences, Gates, Stiles, and other Works herein provided for, ſhall be, and the ſame and every of them are hereby for ever veſted in the

After the Execution of the Award, new Cut, and other Works veſted in Truſtees.

ſaid laſt-mentioned Truſtees for the Time being, as a Corporation in perpetual Succeſſion in Truſt for the Purpoſes of this Act; and as well the ſaid new River or Cut, Haling Ways, and navigable Staunches, Sea Sluice and other Sluices, Lock and Sluice Keepers Houſes, and Toll Houſe, as the ſaid Bridges, Banks, Headings, Cloughs, Tunnels, Fences, Gates, Stiles, and other Works, ſo veſted as aforeſaid, ſhall from Time to Time be under the Inſpection and Care of, and as often as neceſſary ſhall be amended, repaired, and kept in good Condition, by the ſaid Superintendant for the Time being; and it ſhall alſo be lawful for the ſaid Truſtees to erect, or cauſe to be erected, any new Sluice or Sluices, or other Works, or to remove, or cauſe to be removed, any Sluice or other Works, as they may think proper, for the better Drainage of the Lands now diſcharging their Waters into the ſaid Waſh, on either Side thereof, on the ſeveral Perſons intereſted therein agreeing to pay ſuch Sums of Money, either annually or otherwiſe, as ſhall be demanded by the ſaid Truſtees, the ſame to be applied towards the Fund herein provided for; and all the ſaid Taxes and Tolls herein directed to be laid, ſhall be payable on or before the Twenty-fourth Day of *June* in every Year, to ſuch of the ſaid Officers as the ſaid Truſtees ſhall appoint to receive the ſame, and ſhall be applied under the Direction of the ſaid Truſtees, in keeping down the Intereſt, and in ſuch Works as ſhall, from Time to Time, (except in Caſes of Emergency, in which the ſaid Superintendant is hereby authorized to uſe his own Diſcretion), be ordered and directed to be done by a Majority of the ſaid Truſtees, who ſhall be preſent at any of their Annual Meetings to be held in purſuance of this Act.

Directing what ſhall be done in caſe Truſtees do not meet to appoint Officers.

LXIV. And be it further enacted, That in caſe it ſhall happen that the ſaid Truſtees laſt appointed ſhall neglect annually to meet by themſelves or their Agents, for the Purpoſe of electing a Treaſurer or Treaſurers, and other Officers, by virtue of this Act, then, and in ſuch Caſe, the Treaſurer or Treaſurers, and other Officers, who ſhall have been previouſly elected and appointed, ſhall continue in their ſeveral Offices until the next annual Day of Meeting, appointed by this Act for electing ſuch Treaſurer or Treaſurers, and other Officers, and under the ſame Salaries as in the ſeveral Appointments mentioned.

Truſtees to ſettle the Officers Accounts.

LXV. And be it further enacted, That the ſaid Truſtees ſo laſt appointed, including ſuch Agents as aforeſaid, or the major Part of ſuch of them as ſhall, by themſelves or their Agents, attend the ſaid Annual Meeting, or any other Meeting to be appointed by them for that Purpoſe, ſhall ſettle the Accounts of the ſaid Treaſurer or Treaſurers, and alſo of the ſaid Sluice and Staunch Keepers, Toll Collectors, Superintendants, and other Officers to be by them from Time to Time appointed; and any Twelve or more of the ſaid Truſtees ſhall be, and are hereby empowered at any Time to remove the ſaid Treaſurer or Treaſurers, Sluice and Staunch Keepers, Toll Collectors, Superintendants, and other Officers, at their Pleaſure, and to ſettle and allow their ſeveral Accounts at the Time of their ſaid Removal, and to appoint others in their Places and Steads, in caſe from Negligence or Miſconduct it ſhall become neceſſary in the Opinion of ſuch Twelve of the ſaid Truſtees, or in caſe the ſaid Treaſurer or Treaſurers, Sluice and Staunch Keepers, Toll Collectors, Superintendants, and other Officers, or any of them reſpectively, ſhall happen to die; and the ſaid Truſtees, or any One or more of them,

Who may remove them.

are

are and is hereby authorized and empowered to adminiſter ſuch Oath or Oaths, Affirmation or Affirmations, touching the ſaid Accounts, as the ſaid Truſtees, or any One or more of them, ſhall think proper; and the Surety or Sureties herein-before directed to be taken, ſhall not be diſcharged from Reſponſibility, until the ſaid Treaſurer or Treaſurers, Sluice and Staunch Keepers, Toll Collectors, Superintendants, and other Officers reſpectively, or their ſeveral Repreſentatives, in caſe of Death, ſhall have paſſed their ſeveral Accounts.

Truſtees to remove Obſtructions.

LXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees ſo laſt appointed, to order to be removed all Fiſhing Weirs, Fiſh Garths, and all other Impediments, Annoyances, and Obſtructions whatſoever, from Time to Time, in the ſaid new River or Cut; and in caſe the Perſon or Perſons who ſhall occaſion any ſuch Impediment, Annoyance, or Obſtruction, ſhall refuſe or neglect to remove the ſame, in ſuch Manner as the ſaid Truſtees or their Agents, Officers or Workmen, ſhall require, by the Space of Ten Days after Notice in Writing given for that Purpoſe, every ſuch Perſon ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the Diviſions of *Keſteven* and *Holland*, or either of them, in the ſaid County of *Lincoln*, by the Oath or Oaths of One or more Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, 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 Three Calendar Months, nor leſs than Seven Days, or until ſuch Penalty ſhall be paid.

No Ferry-boats to be kept without Leave of the Truſtees.

LXVII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to have or uſe any Boat or Boats as common Ferry Boats on any Part of the River *Welland*, between the Staunch above *Vernatt's* Outfall and *Wyberton* Roads, unleſs ſuch Perſon or Perſons ſhall have a Licence under the Hands and Seals of a Majority of the ſaid Truſtees aſſembled at any Annual Meeting to be held under this Act, under the Penalty of Five Pounds for every Offence.

Maſters of Veſſels to give Account of their Lading on the *Welland*.

LXVIII. And, for the more effectually preventing all Frauds and Evaſions in reſpect to the Payment of the full Dues upon the ſaid new River or Cut, for Goods, Wares, Merchandize, and Commodities, on board of any Boat or Veſſel that ſhall paſs through the ſaid Lock at *Wyberton* Roads, for which the Toll or Duty impoſed by this Act ſhall not be paid, or that ſhall be taken on board of or landed out of ſuch Boat or Veſſel without being carried or conveyed through the ſaid Lock; be it further enacted, That the Maſters, Owners, and Managers, of every Boat or other Veſſel navigating upon or along the ſaid new River or Cut, ſhall give a juſt Account in Writing, ſigned by the Maſter, Owner, or Perſon having the Rule or Command of every ſuch Boat or other Veſſel, to the Collector or Collectors of the Rates and Duties upon the ſaid new River or Cut, at the Place or Places where they ſhall attend for that Purpoſe; of the Quantities, Qualities, or Weight of ſuch Goods, which ſhall be in or belonging to each Boat or other Veſſel, and alſo of the Quantities, Qualities,

or Weight of Goods, as ſhall have been or are intended to be diſcharged or taken out of ſuch Boat or other Veſſel below the ſaid Lock, to be erected at *Wyberton* Roads; and in caſe ſuch Maſter, Owner, or other Perſon, ſhall neglect or refuſe to give ſuch Accounts, or ſhall give a falſe Account thereof, he or they ſhall forfeit and pay to the Truſtees for Navigation upon the ſaid new River or Cut, the Sum of Five Pounds for every ſuch Offence, over and above the Rates or Duties he or they is or are obliged to pay for the ſame; which ſaid Forfeitures may be recovered either againſt the Maſter of ſuch Boat or other Veſſel, or the Proprietor or Owner thereof, at the Election of any Five or more of the ſaid Truſtees for Navigation upon the ſaid River *Welland*.

Truſtees empowered to meaſure the Veſſels.

LXIX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons authorized by the ſaid Truſtees ſo laſt appointed, or any Five or more of them, to meaſure any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid new River, made uſe of for the Purpoſe of Navigation, 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 Twenty Pounds; 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 Five Pounds.

Watermen not to alter the Meaſure of their Veſſels.

For the Recovery of Rates.

LXX. And be it further enacted, That in caſe any Perſon or Perſons ſhall refuſe or neglect to pay the ſaid Rates or Duties, or any Part thereof, to ſuch Collector or Collectors as aforeſaid, on Demand, the ſaid Truſtees and their Succeſſors for the Time being, ſhall and may ſue for and recover the ſame, with ſuch Coſts as aforeſaid, by Action of Debt, or on the Caſe, in any Court of Record; or the Perſon or Perſons to whom the ſaid Rates or Duties ought to have been paid, may, and he and they is and are hereby empowered to ſeize and diſtrain any Goods, Wares, Merchandize, Commodities, Boats, or Veſſels, for which the ſaid Rates or Duties ought to be paid, until they ſhall be ſatisfied and paid the ſame; and in caſe ſuch Rates and Duties ſhall not be paid within the Space of Five Days next after ſuch Seizure made, it ſhall be lawful for the ſaid Truſtees, or their Succeſſors for the Time being, or their ſaid Collector or Collectors, to ſell ſuch Goods, Wares, Merchandize, Commodities, Boats, or Veſſels, rendering the Overplus (if any) to the Owner or Owners thereof on Demand, after the ſaid Rates or Duties, and all reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be deducted, ſatisfied, and paid.

In caſe of Difference concerning Weight of Goods, Veſſels to be

LXXI. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and Duties, and the Maſter or Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of

the ſame, it ſhall be lawful for any ſuch Collector to ſeize and detain any ſuch Boat or Veſſel, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, and gauged, all ſuch Goods, Wares, and Merchandize, as ſhall be therein contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of greater Weight or Quantity than ſuch Maſter, Owner, or Perſon having the Care of the ſaid Boat or Veſſel, declared the ſame to be, then the Maſter, Owner, or Perſon ſo offending, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof upon Demand, ſhall and may be recovered and levied as the ſaid Rates and Duties are hereby appointed to be recovered and levied; but if ſuch Goods, Wares, and Merchandize, ſhall appear to be of the ſame or leſs Weight or Quantity than the Maſter, Owner, or Perſon declared the ſame to be, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and alſo ſhall pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandize, ſuch Damage as ſhall appear to the ſaid Truſtees herein laſt appointed, or any Five or more of them, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Seizure and Detention; and in Default of immediate Payment thereof by the Collector, the ſame ſhall be recovered againſt ſuch Collector, by Action of Debt, in any of His Majeſty's Courts of Record.

Goods ſeized and detained, and Goods weighed.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid intended Navigation, or ſhall ſuffer the Loading of any Boat or Veſſel to lie over the Sides of any ſuch Boat or Veſſel, or ſhall overload any Boat or Veſſel navigating in or upon the ſaid Navigation, ſo as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not, immediately upon Notice given to the Owner or Owners, Perſon or Perſons having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage as aforeſaid, remove ſuch Obſtructions, every ſuch Owner, or Perſon floating ſuch Timber, or having the Care of ſuch Boat or Veſſel, ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Forty Shillings; and if any Perſon or Perſons ſhall throw any Ballaſt, Gravel, Stones, Aſhes, Earth, Dirt, or Rubbiſh, into any Part of the ſaid intended Navigation, or any Trenches, Watercourſes, or Baſons, to be made by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Perſons overloading Boats, or obſtructing the Navigation.

LXXIII. And be it further enacted, That all Perſons whomſoever ſhall have free Liberty to navigate upon the ſaid Navigation, or any Part thereof, with any Boats or Veſſels ſuited to the Conſtruction of the Locks and Depth of Water in the ſaid Navigation, and to uſe the ſaid Towing Paths for haling and drawing ſuch Boats and Veſſels with Horſes, upon Payment of ſuch Rates and Duties as ſhall be demanded by the ſaid Truſtees, not exceeding the Rates herein-before mentioned, and ſubject always to the Rules, Bye Laws, and Conſtitutions, which ſhall, from Time to Time, be made by the ſaid Truſtees, by virtue of the Powers herein-before granted for and concerning the ſaid Navigation.

Navigation to be free on Payment of the Rates.

LXXIV. And whereas it may hereafter happen from Floods or from Accidents, that the Sea Sluice, Locks, Weirs, Floodgates, Dams, Banks, Cuts,

For repairing Damages from Floods.

Cuts, Canals, Trenches, or other Works of the ſaid Navigation, may be damaged, and the adjacent Lands thereby endangered, and it may be neceſſary that the ſame be immediately repaired or rebuilt, to prevent further Damage; be it therefore further enacted, That when and ſo often as any ſuch Accident ſhall happen, or there ſhall be any apparent Danger thereof, it ſhall be lawful for the ſaid Truſtees herein laſt appointed, or any Five or more of them, from Time to Time, or their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments, adjoining to or near to the ſaid Navigation, (not being Ground whereon any Houſe ſtands, or not being an Orchard, Park, Paddock, Garden, or Ground planted as a Nurſery for Trees, or an Avenue to a Houſe), and to dig for, get, work, carry away, and uſe, all ſuch Stones, Gravel, and other Materials, as may be neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for ſuch Damages to the Owners and Occupiers of, or other Perſons intereſted in, ſuch Lands, Grounds, or Hereditaments, within the Space of Six Calendar Months next after the ſame ſhall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and uſing ſuch Stone, Gravel, and Materials, or any of them; which Damages, Satisfaction, and Recompence, to be made in reſpect thereof, ſhall be ſettled, adjuſted, aſſeſſed, aſcertained, and determined, by the Ways and Means herein-before preſcribed with reſpect to other Damages done by getting Materials for the Purpoſe of making and completing the ſaid Navigation.

Owners of Veſſels to make Satisfaction for Damages.

LXXV. And be it further enacted, That, for the better preventing of Damages or Miſchiefs that may be done or committed by any rude or diſorderly Perſon towing, navigating, or managing, any Boat, Barge, Lighter, or other Veſſel, within the Limits of this Act; and to the End that the Owners and Maſters thereof may be more careful therein, that the Maſter or Owner of every Boat, Barge, Lighter, or other Veſſel which ſhall paſs up or down the ſaid new River, made uſe of for the Purpoſe of Navigation, 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, to any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works, that ſhall be erected, maintained, or kept in Repair by virtue of this Act, in, upon, or near, the ſaid River, or by loading or unloading any Boat, Barge, Lighter, or other Veſſel, and alſo for any Treſpaſs or Damage that ſhall be made or done to the Owners or Poſſeſſors of any Buildings or Erections upon or near the ſaid River, that now are or that ſhall hereafter be erected, or to any Lands, Tenements, or Hereditaments, or any Crop of Corn or Grain on the Ground adjoining to the ſame, or any of them, other than ſo far as is 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 Division of *Holland*, in the said County of *Lincoln*, who are hereby authorized and required upon Complaint or Information made before them, to summon such Boatmasters, Bargemasters, or Owners, 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 by One or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boatmasters, Bargemasters, or Owners, as a Recompence for the said Damage, Spoil, or Mischief, so done as aforesaid, as the said Justices shall think proper, not exceeding Five Pounds above 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 Twenty Days, the said Justices are hereby authorized and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels, or the Goods and Chattels of such Boatmaster, Bargemaster, or Owner, by Warrant under the Hands and Seals of such Justices, rendering to the Owner the Overplus (if any be) on Demand, after the said Penalty, together with the reasonable Charges of such Information and Conviction, and also of such Distress and Sale, hath been first satisfied and paid.

Vessels not to be laid to obstruct the Navigation.

LXXVI. And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Person, having the Care or Management, of any Float or Floats of Timber, Boat, Barge, Lighter, or other Vessel, navigating or working the same, shall lay such Ship, Float or Floats of Timber, Boat, Barge, Lighter, or other Vessel, so as to obstruct the Passage of any other Float or Floats of Timber, Boat, Barge, Lighter, or other Vessel, and shall not, upon Request, immediately remove the same, or if any such Boatman, Bargeman, Lighterman, or other Person, shall by any Means hinder the opening or shutting of any of the said Locks or Sluices, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds, nor less than Five Pounds, to be recovered upon Conviction before any Justice of the Peace for the said Division of *Holland*, (not interested otherwise than as a Trustee), by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Float or Floats of Timber, Boat, Barge, Lighter, or other Vessel, or any of the Goods and Chattels 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) on Demand, after the reasonable Charges of such Information, Conviction, Distress and Sale, shall be first deducted, to such Offender or Offenders; and for Want of such sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the common Jail of the

the ſaid Diviſion, there to be kept to hard Labour, for any Time not exceeding One Month, nor leſs than Fourteen Days.

Veſſels ſunk to be weighed, and the Expences paid by the Owner.

LXXVII. And be it further enacted, That if any Boat, Barge, Lighter, or other Veſſel, ſhall happen to be ſunk in either of the ſaid Rivers *Welland* or *Glenn*, or in the ſaid new intended Cut or Canal, and 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 or take the ſame out of the Way of other Boats, Barges, Lighters, or other Veſſels, paſſing and repaſſing upon the ſaid Rivers or Cut, it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or their Agents or Servants, to cauſe ſuch Ship, Boat, Barge, Lighter, or other Veſſel, ſo ſunk, to be weighed and drawn up, and to ſeize and detain ſuch Boat, Barge, Lighter, or other Veſſel, until Payment ſhall be made of all Expences and Damages occaſioned thereby; and if Payment be not made within Ten Days after ſuch Boat, Barge, Lighter, or other Veſſel, ſhall be weighed or drawn up, then it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or their Agents or Servants, to ſell the ſame for reimburſing the ſaid Expences, Damages, and other incidental Charges, rendering the Overplus, (if any), when demanded, to the Owner or Maſter of ſuch Boat, Barge, Lighter, or other Veſſel.

Owners Names to be put upon the Veſſels.

LXXVIII. And be it further enacted, That, to the End that the Owners, Maſters, or Perſons having the Rule of any Veſſel navigating within the Limits of this Act, may be known, every Owner, Maſter, or Perſon having the Rule, Command, or Property, of any Boat, Barge, Lighter, or other Veſſel, paſſing up the ſaid Rivers *Welland* and *Glenn*, or the ſaid new Cut, made uſe of for the Purpoſe of Navigation, ſhall cauſe his or their Name and Place of Abode, at full Length, to be placed and ſet in large capital Letters, Eight Inches long at the leaſt, and broad in Proportion, on the upper Part of the Bow on both Sides of every ſuch 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 and Rule of any Ship, Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid Rivers or Cut, ſhall not at all Times have his or their Name and Place of Abode ſo ſet and placed as aforeſaid; or in caſe any ſuch Owner, Maſter, or Perſon having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing along the ſaid Rivers or Cut, into or through any of the Sluices or Locks to be made thereon, or any other Perſon, ſhall wilfully ſet or leave open any of the Gates, Doors, or Slackers, belonging to the ſaid Sluices or Locks, whereby the Water of the ſaid Rivers or Cut ſhall run waſte, or ſhall ſet or leave open the Sea Doors, ſo as to let the Sea Water run into the ſaid Sluice or Lock, then, and in every of the ſaid Caſes, every ſuch Owner, Maſter, and Perſon, ſo neglecting or offending, ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

Watermen not to leave open Lock or Sluice Doors.

Navigation to be free for all Perſons.

LXXIX. And be it further enacted, That the Navigation, and the Works, Towing Paths, and Haling Ways, hereby authorized to be improved, 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 are appointed to be taken by virtue of this Act.

LXXX. And

LXXX. And be it further enacted, That if any Perſon or Perſons, navigating or working, or being on Board any Boat or other Veſſel upon the ſaid intended Navigation, (not being qualified by Law to kill Game), ſhall carry on Board ſuch Boat or other Veſſel, any Fiſhing Net or Gun, or other Engine for taking or deſtroying Fiſh or Game, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and in caſe any Maſter or other Perſon having the Command of any Boat or other Veſſel, ſhall wilfully ſuffer or permit any Perſon or Perſons, not being qualified as aforeſaid, to have or carry on Board any Fiſhing Net, Gun, or other Engine for taking or deſtroying Fiſh or Game, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds. Penalty on unqualified Perſons having Nets on Board.

LXXXI. Provided always, and be it enacted, That no Boatman, or his Agent or Servants, navigating any Boat or other Veſſel upon the ſaid Navigation, and paſſing with any Boat or other Veſſel through any Lock to be made upon the ſaid Navigation, ſhall ſuffer the Water to remain in the Lock longer than is neceſſary for his Boat or other Veſſel to paſs through any ſuch Lock; and alſo that every ſuch Boatman or other Perſon as aforeſaid, in going down the ſaid Navigation, ſhall ſhut the Lower Gates of ſuch Locks before he or they ſhall draw the Cloughs of the Upper Gates thereof; and after he or they ſhall have brought his or their Boat or other Veſſel into the ſaid Lock, ſhall ſhut the Upper Gates before he or they ſhall draw the Cloughs of the Lower Gates thereof; and in going up the ſaid Navigation ſhall, ſo ſoon as he or they ſhall have paſſed with his or their Boat or other Veſſel out of the ſaid Lock, ſhut the Upper Gates of the ſaid Lock, and afterwards draw the Cloughs of the Lower Gates, unleſs there ſhall be then a Boat or other Veſſel in Sight of the ſaid Lock, coming down the ſaid Navigation, in which Caſe the Lower Gates of the ſaid Lock ſhall be left ſhut, and the Upper Gates ſhall be left open; and in all dry Seaſons, when there ſhall be a Scarcity of Water in the ſaid Navigation, the Veſſel going up the ſame, if within Sight, and at a Diſtance of not above One hundred Yards below a Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then the Veſſel next above ſhall come down; and if there are more Veſſels than One below and One above any Lock at the ſame Time in ſuch dry Seaſon, within the Diſtance aforeſaid, at which Diſtance a Poſt or Mark ſhall be ſet up or made for that Purpoſe, ſuch Veſſels ſhall go up and come down in ſuch Locks by Turns as aforeſaid, till all the ſaid Veſſels, going up or coming down, ſhall have paſſed, by which Means One Lock full of Water may ſerve Two or more Veſſels; and every Perſon offending in any of theſe Particulars, and being convicted thereof before any Juſtice of the Peace, on the Oath of One or more credible Witneſs or Witneſſes, as alſo the Maſter or other Perſon having the Command of ſuch Boat or Veſſel, ſhall forfeit and pay the Sum of Five Pounds. Regulations for Veſſels paſſing the Locks.

LXXXII. And be it further enacted, That all Fines, Penalties, and Forfeitures, hereby inflicted, or authorized to be impoſed, or which ſhall be inflicted or impoſed by virtue of any Rule, Order, or Bye Law, to be made in purſuance of this Act, (of which Rule, Order, or Bye Law, when produced, all Juſtices are hereby required to take Notice), the For recovering Fines and Penalties.

Manner of levying and Recovery whereof is not otherwiſe hereby particularly directed, ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the Place wherein the Offence ſhall be committed, or the Offender or Offenders ſhall be or reſide, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice of the Peace is hereby empowered and required to adminiſter), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, or liable to pay the ſame, by Warrant or Warrants, under the Hand and Seal of ſuch Juſtice, and the Overplus, after ſuch Fines, Penalties, and Forfeitures, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Monies ariſing from Fines, Penalties, and Forfeitures, when levied, ſhall be (if not otherwiſe directed to be applied by this Act) paid into the Hands of the Treaſurer of the Monies to be raiſed by virtue of this Act, to be applied and diſpoſed of for the Uſe of the ſaid Navigation, and to and for no other Uſe or Purpoſe whatſoever; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Fines, Penalties, and Forfeitures, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants, under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Jail or Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fines, Penalties, and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Application of ſame.

LXXXIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; *videlicet*,

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the Parts of *Holland*, (*ſpecifying the Offence, and Time and Place when and where the ſame was committed, as the Caſe ſhall be*). Given under my Hand and Seal the Day and Year aforeſaid.'

Diſtreſs not to be deemed unlawful for Want of Form:

LXXXIV. And be it further enacted, 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 Plaintiff or Plaintiffs 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 Party diſtraining deemed a Treſpaſſer.

LXXXV. And

LXXXV. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere. Proceedings not to be quashed for Want of Form.

LXXXVI. And be it further enacted, That a Majority of the said Trustees so last appointed, assembled at their Annual Meeting to be held in pursuance of this Act, Notice being first given of the Intention of such Meeting, by Writing fixed upon the Gate of the Town Hall, or other conspicuous Place in the Town of *Spalding*, 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, touching the Cuts, Drains, Sewers, Banks, Cloughs, Engines, Bridges, Towing Paths, Haling Ways, and other Works, made, or set up, and appointed, or to be made, or set up, and appointed as aforesaid, for the Purpose of Navigation, and for preserving, repairing, and keeping, the same in order, and for the good and orderly using of the said Navigation, and for the well governing of the Bargemen, Watermen, and Boatmen, who shall carry or convey any Goods, Wares, or Merchandize, on any Part of the said Rivers, or the said new Cut; 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 and Seals of a Majority of the said Trustees, shall be binding to, and be observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; 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 Three Calendar Months after such Order or Judgement shall be made or given, complain to the Justices of the Peace at their General or Quarter Sessions, to be held in and for the said Division of *Holland*, where the Complaint shall arise, who shall, in a summary Way, either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Division of *Holland*; and if they see Cause, may mitigate or discharge such Forfeiture or Punishment, and may order the Whole or any Part of the 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, and also such Costs to either of the Parties 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 Trustee, shall appear to have been set to the said Bye Law, Order, or Constitution, which occasioned such Complaint. Trustees to have Power to make Bye Laws.

LXXXVII. And be it further enacted, That all Bye Laws, Orders, Constitutions, and Proceedings, of the said Trustees last appointed, in the Bye Laws to be entered in a Book.

Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe, at their Annual Meeting only; and ſuch Bye Laws, Orders, Conſtitutions, and Proceedings, when entered, ſhall be ſigned by a Majority of the ſaid Truſtees; and the Clerk or Clerks attending the ſaid Truſtees 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 Cauſes of Appeals, Suits, Actions, or other Proceedings, touching any Thing done in purſuance of this Act; and ſuch Book or Books ſhall and may be ſeen and peruſed, at all ſeaſonable Times, without Fee or Reward; and Copies thereof, or of any Part thereof, may be taken by any Perſon or Perſons, paying the ſaid Clerk or Clerks for the ſame, after the Rate of Two-pence for every Seventy-two Words.

No Orders to be altered unleſs by Truſtees.

LXXXVIII. And be it further enacted, That no Order which ſhall be made by a Majority of the ſaid Truſtees ſo laſt appointed, by virtue and under the Authority of this Act, at any of their Meetings, ſhall be altered, reverſed, annulled, or made void, at any ſubſequent Meeting, unleſs Ten 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 affixed on the Gate of the Town Hall, or other conſpicuous Place in the Town of *Spalding*, in which ſaid Notice ſhall be expreſſed what Order or Orders are intended to be reverſed or altered.

Rules for mooring Veſſels.

LXXXIX. And be it further enacted, That the ſaid Truſtees hereby laſt appointed, or any Five or more of them, ſhall aſcertain the ſeveral Diſtances, nearer than which no Boat, Barge, or other Veſſel, ſhall be ſuffered to be moored or lie to any Mill or Bridge within the ſaid Navigation reſpectively, and ſhall ſet up Stones or Poſts denoting the ſame; and if any Perſon ſhall moor, or cauſe to be moored, any Boat, Barge, or other Veſſel, within the Diſtance ſo to be aſcertained as aforeſaid, every Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds: Provided always, that nothing herein contained ſhall be conſtrued to extend to prevent, hinder, or obſtruct, any Perſon or Perſons from loading or unloading any Boat, Barge, or other Veſſel, within the Diſtance ſo to be aſcertained as aforeſaid.

Penalty on Perſons obſtructing the Navigation, or maliciouſly opening the Locks.

XC. And be it further enacted, That if any Perſon, having the Care or Management of any Boat or Veſſel, or navigating or working the ſame, ſhall load or lay ſuch Boat or Veſſel, ſo as to obſtruct the Paſſage of any other Boat or Veſſel upon the ſaid Navigation, or if any Perſon or Perſons whomſoever ſhall maliciouſly or wantonly open, or cauſe to be opened, any Lock or Slacker belonging to the ſaid Navigation, or ſhall leave any of the Locks or Slackers running, after any Boat or Veſſel ſhall have paſſed any Lock belonging to the ſaid Navigation, or ſhall draw, or cauſe to be drawn, any Slacker in the Lock Gates on ſuch Navigation, ſo as to miſpend or waſte the Water, to the Prejudice of the ſaid Navigation, every ſuch Perſon, for every ſuch Offence, ſhall forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

XCI. And

XCI. And be it further enacted, That for the more convenient Situation and Diſpoſition of the Farms and Lands within the Purview of this Act, it ſhall be lawful for all or any of the Proprietors, whether Guardians, Huſbands, Truſtees, Committees, Feoffees of Schools, or Poor Eſtates, Executors, or Life Tenants, or otherwiſe obſerved in the Reſolution, ſeiſed of or intereſted in Eſtates within the Purview of this Act, to exchange all or any of his, her, or their Meſſuages, Cottages, Tenements, Homeſteads, Old Incloſures, or other Lands and Grounds, Rents, Revenues, or other Rights or Intereſts within the Purview of this Act, for any other Meſſuages, Cottages, Tenements, Hereditaments, Old Incloſures, or other Lands and Grounds, Rents, Hereditaments, Revenues, Rights, or Intereſts, within the Purview of this Act; and alſo for joint Tenants, or Tenants in common, or any other Perſon ſeiſed of any undivided Shares or Intereſts in any Meſſuages, Tenements, Homeſteads, Old Incloſures, Rents, Hereditaments, Reverſions, Rights, or Intereſts, or having or holding any intermixed Lands, Grounds, or Hereditaments, with each other, where their ſeveral Bounds or Limits are not exactly known to make Partition thereof, ſo as all and every ſuch Exchange and Exchanges, Partition and Partitions be made with the Conſent and Approbation of the ſaid Commiſſioners, and ſo as the Agreement for making the ſame be certified to them by ſome Writing, ſigned by the Parties ſo exchanging or making Partition, or their Guardians, Agents, or Attornies, and ſuch Agreement, Conſent, and Approbation, be ſpecified and declared in the Award or Inſtrument to be made and executed by the Commiſſioners, in purſuance of this Act; and every ſuch Exchange or Partition ſo made as aforeſaid, ſhall be ſet out by the ſaid Commiſſioners, by Metes and Bounds, and ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever, notwithſtanding any Want of Title in the Parties or Perſons exchanging or making Partition as aforeſaid, or any of them: Provided nevertheleſs, that no ſuch Exchange or Partition ſhall be made of Glebe Lands by the Rector or Vicar of any Pariſh within the Purview of this Act, without the Conſent and Approbation of the Lord Biſhop of *Lincoln* and the Patron for the Time being, firſt had and obtained: And provided alſo, that the Expence of the ſaid Exchanges and Partitions ſhall be borne and paid by the ſeveral Parties intereſted therein.

Power to exchange.

XCII. And be it further enacted, That, from and after the Execution of the Award by the ſaid Commiſſioners as hereby directed, and Notice thereof being given under their Hands, and to be affixed on the ſeveral Church Doors of *Quadring*, *Surfleet*, and *Goſberton*, the ſeveral Sluices, Bridges, Banks, Sewers, Drains, Watercourſes, Cloughs, and other Works, Matters, and Things, within the ſaid ſeveral Pariſhes of *Quadring*, *Surfleet*, and *Goſberton*, and alſo within *Quadring* Hundred aforeſaid, ſhall be ſubject only to the Controul, Direction, Survey, Order, and Juriſdiction, of the reſpective Truſtees for the Time being, acting under the Authority of this Act for the ſaid ſeveral Pariſhes of *Quadring*, *Surfleet*, and *Goſberton*, and alſo for *Quadring* Hundred aforeſaid, and not to the Controul, Direction, Survey, Order, or Juriſdiction, of any Bodies Politick or Corporate, Commiſſioners of Sewers, or any other Perſon or Perſons whomſoever; any Law or Statute relating to Sewers, or any former Law or Statute to the contrary notwithſtanding.

After the Execution of Award by Commiſſioners, and Notice given, the Sluices, Bridges, &c. in the ſeveral Pariſhes of *Quadring*, *Surfleet*, and *Goſberton*, and *Quadring* Hundred, not to be ſubject to the Court of Sewers.

Certain Pariſhes to be taken out of Court of Sewers, on Petition of Two Third Parts in Value of Proprietors.

XCIII. And be it further enacted, That if the ſeveral and reſpective Proprietors of Two Third Parts of the Lands lying in the ſeveral and reſpective Pariſhes of *Spalding*, *Pinchbeck*, *Sutterton*, *Foſdyke*, and *Algarkirke*, and paying Taxes as aforeſaid, ſhall, at any Annual Meeting herein directed to be held by the ſaid Truſtees, petition the ſaid Truſtees to have the Sluices, Bridges, Banks, Drains, Watercourſes, Cloughs, and other interior Works of Drainage, taken out of the Juriſdiction and Authority of the ſaid Court of Sewers, the ſaid Truſtees are hereby authorized and required to receive ſuch Petition or Petitions; and from and after the Delivery of the ſame to the ſaid Truſtees, and a Certificate from them that ſuch Petition or Petitions was or were ſigned by the ſaid Proprietors of Two Third Parts of the ſaid Lands, and Notice thereof being given under the Hands of the ſaid Truſtees to be affixed on the ſeveral Church Doors of *Spalding*, *Pinchbeck*, *Sutterton*, *Algarkirke*, and *Foſdike*; then, from and immediately after ſuch Notice or Notices, the ſaid Sluices, Bridges, Banks, Drains, Watercourſes, Cloughs, and other interior Works of Drainage, as well upon the Lands of the ſaid Petitioners, as upon all other Lands within the ſeveral and reſpective Pariſhes ſhall be ſubject only to the Controul, Direction, Survey, Order, and Juriſdiction of the reſpective Truſtees for the Time being, acting under the Authority of this Act, for the ſaid ſeveral Pariſhes of *Spalding*, *Pinchbeck*, *Sutterton*, *Foſdike*, and *Algarkirke* reſpectively, and not to the Controul, Direction, Survey, Order, or Juriſdiction of any Bodies Corporate or Politick, Commiſſioners of Sewers, or any other Perſon or Perſons whomſoever; any Law or Statute relating to Sewers, or any former Law or Statute, to the contrary notwithſtanding.

Qualification of Truſtees.

XCIV. And be it further enacted, That no Perſon ſhall be capable of being choſen a Truſtee for any of the Pariſhes to be taken out of the Court of Sewers as aforeſaid, unleſs he ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tythes, and Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate of the clear Amount or Value of Two thouſand Pounds; and unleſs ſuch Perſon ſhall take and ſubſcribe the Oaths following, before any Two or more of the Truſtees herein appointed, (who are hereby authorized and required to adminiſter the ſame), before he takes upon himſelf to act as a Truſtee for the Purpoſes aforeſaid, or in the Execution of the Powers and Authorities hereby granted and given, which ſaid Oaths ſhall be in the Words, or to the Effect following; (that is to ſay),

Oaths of Truſtees.

'I *A. B.* do ſwear, (*or, being of the People called* Quakers, do affirm), that I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tythes, Tenements, and Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprizes, *or*, that I am poſſeſſed of and entitled unto a Perſonal Eſtate of the clear Amount or Value of Two thouſand Pounds.

'So help me GOD.'

'I *A. B.* do ſwear, (*or, being of the People called* Quakers, do affirm), 'that I will, without Favour or Affection, Hatred or Malice, truly 'and impartially, according to the beſt of my Skill and Knowledge, 'execute and perform the Powers and Authorities eſtabliſhed by an 'Act, made in the Thirty-fourth Year of the Reign of His 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 Drain-'age of the Fen Lands, Low Grounds, 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 com-'mence below a certain Place called* The Reſervoir, *and to be carried from 'thence through the incloſed Marſhes, and open Salt Marſhes, into* Wy-'berton *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*, ſo far as relates to the 'Preſervation, Maintenance, and Management of the Sluices, Pariſh 'Drains, Bridges, Watercourſes, and other interior Works in the Pa-'riſh of

'So help me GOD.'

And if any Perſon hereby deemed unqualified or incapable to act for all or any of the Cauſes aforeſaid, ſhall nevertheleſs preſume ſo to do, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to ſuch Perſon or Perſons as ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed. Penalty on Perſons acting if not qualified.

XCV. And be it further enacted, That the ſaid Sluices, Bridges, Banks, Drains, Watercourſes, Cloughs, and other interior Works of Drainage belonging to the ſaid *Quadring* Hundred, and to each of the Pariſhes ſo taken or to be taken out of the Juriſdiction of the Court of Sewers as aforeſaid, ſhall, on being ſo taken out of the ſaid Juriſdiction, from Time to Time, be veſted in the reſpective Truſtees for the Time being, acting under the Authority of this Act, for the ſaid *Quadring* Hundred, and the ſaid Pariſhes reſpectively, and ſhall, from Time to Time, as often as Occaſion ſhall require, be amended, ſupported, maintained, ſcoured, and cleanſed out, at the ſeveral and reſpective Expences, Coſts, and Charges, of ſuch ſeveral and reſpective Pariſhes; and the ſame, by Way of Acre Rate, ſhall be aſſeſſed, taxed, charged, and impoſed, and ſhall from Time to Time be recovered by ſuch ſeveral and reſpective Truſtees, in the like Manner, and by the ſame Ways and Means, as the Taxes, Tolls, and Pontage, hereby provided for, are hereby directed to be recovered; and it ſhall alſo be lawful for the ſaid Truſtees, acting as aforeſaid for the ſaid *Quadring* Hundred and the ſaid Pariſhes reſpectively, ſo taken or to be taken out of the Juriſdiction of the Court of Sewers, to hold ſuch Meetings amongſt themſelves as they may think proper, and to appoint ſuch Clerks and other Officers to act under them in the Care and Management of the ſeveral and reſpective Sluices, Bridges, Banks, Drains, Watercourſes, Cloughs, and other interior Works of Drainage belonging to the ſaid *Quadring* Pariſh Drains, &c. veſted in Truſtees, and to be ſupported at the Expence of the reſpective Pariſhes.

Quadring Hundred, and the ſaid Pariſhes reſpectively, as to the ſaid Truſtees ſhall ſeem fit and expedient: Provided always, that all Expences to be incurred in ſuch Care and Management as aforeſaid, ſhall be paid out of the ſeveral and reſpective Funds to be raiſed by the ſaid Truſtees ſo acting as aforeſaid, for the ſaid *Quadring* Hundred, and for each of the ſaid Pariſhes ſo taken and to be taken out of the Juriſdiction of the Court of Sewers, in Manner herein-before provided for, and not out of the general Fund to ariſe from the ſaid Taxes, Tolls, and Pontage; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Proviſion reſpecting the bare Sands.

XCVI. And whereas by the making of the aforeſaid new River or Cut, and turning the Waters of the ſaid River *Welland* out of their preſent Channel or Courſe into, through, and along, the ſaid new River or Cut, a large Tract of bare ſhifting Sands, called *The White Sands*, lying between the Salt Marſhes on the North Shore and the Salt Marſhes on the South Shore, and alſo the preſent Channel from the great Dam intended to be made acroſs the ſame, at or near the upper End thereof, extending downwards to the Junction of the ſaid Channel with the Channel of the *Witham* Waters, will be raiſed and brought into a State of Paſturage, and hereafter become capable of Cultivation: And whereas the Limits and Boundaries between the Pariſhes on the North Shore and the Pariſhes on the South Shore have been immemorially determined by the Low-water Mark of the Channel of the ſaid *Welland* Waters, in their Courſe through the bare ſhifting Sands, and the Salt Marſhes lying on the North Shore, between the preſent Sea Bank and the ſaid bare ſhifting Sands, are enjoyed by certain Owners of embanked and open Marſhes in reſpect of their Frontages, or certain Perſons having Right of Common upon the ſaid Salt Marſhes, or other Rights and Intereſts therein: And whereas by an Act, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for embanking and draining certain Salt Marſhes and Low Lands within the ſeveral Pariſhes of* Spalding, Moulton, Whaplode, Holbech, *and* Gedney, *in the County of* Lincoln, *and for preventing the ſame Marſhes and Lands from being overflowed with the Sea; and for altering an Act, paſſed in the Thirty-firſt Year of His preſent Majeſty, intituled,* 'An Act for dividing and incloſing the Commons, Marſhes, Droves, 'Waſte Lands, and Grounds, *in the Pariſh of* Gedney, *and Hamlet thereof,* 'called Gedney Fen, *in the County of* Lincoln,' it was enacted, That all Claims to future Accretion of Salt Marſh on the ſaid South Shore ſhould, for ever after the Execution of the Award of the Commiſſioners therein appointed, be regulated by Lines therein directed to be ſet out by the ſaid Commiſſioners; and it will be expedient, not only that the Limits and Boundaries between the Pariſhes on the North Shore and the Pariſhes on the South Shore, but alſo between the ſaid bare ſhifting Sands and the Salt Marſhes on the ſaid Shores reſpectively, ſhould be exactly aſcertained and ſet out; be it therefore further enacted, That, for better aſcertaining the Bounds and Limits of the ſaid bare ſhifting Sands, and the Low-water Mark of the ſaid Channel, and for keeping the exact Quantity of Acres and Boundary Line in Memory at all Times to come, the ſaid Commiſſioners, at their Firſt, Second, or Third Meeting, to be held by publick Advertiſement, ſhall, and they are hereby directed and required to cauſe Notice to be affixed upon the Doors of the ſeveral Pariſh Churches, next adjoining on each Side of the ſaid bare ſhifting Sands and

For aſcertaining Bounds and Limits of bare ſhifting Sands and Channel.

and Channel, on Three ſucceſſive *Sundays*, of their Intention and Deſign of ſetting out, planning, abutting, and ſurveying, the ſaid bare ſhifting Sands, and the Low-water Mark of the ſaid Channel, and of the Time and Place of Meeting for thoſe Purpoſes, that the Owner or Owners, Tenant or Tenants, of any Lands or Marſhes next adjoining the ſaid bare ſhifting Sands and Channel, may attend the ſaid Commiſſioners, at ſuch Time and Place ſo to be appointed as aforeſaid; and in caſe the ſaid Owner or Owners, Tenant or Tenants, ſo attending as aforeſaid, ſhall not agree with the ſaid Commiſſioners, as to the bounding, abutting, and ſurveying, of the ſaid bare ſhifting Sands, and ſetting out the Low-water Mark of the ſaid Channel, that then, and in ſuch Caſe, the ſaid Commiſſioners ſhall, and they are hereby required to apply to the Sheriff of the County of *Lincoln*, to cauſe a Jury to be ſummoned, returned, impannelled, and ſworn, and a View to be taken; and alſo to ſummon and examine upon Oath all ſuch Witneſſes as may be neceſſary to aſcertain the Matters in queſtion; and that the Sheriff or Coroner, or his Deputy or Agent, Jurors or Witneſſes, making Default in the Premiſes, ſhall be ſubject and liable to the ſame Penalties as herein-before are directed, for any Default upon a Jury being impannelled, to aſcertain the Value of any Land to be purchaſed for the Purpoſes of this Act; and the ſaid Jury, ſo ſworn as aforeſaid, ſhall aſcertain and ſet out the Boundaries of the ſaid bare ſhifting Sands, and the Low-water Mark of the ſaid Channel; and the ſaid Sheriff or Coroner ſhall give Judgement according to the Verdict of ſuch Jury, which ſaid Verdict, and Judgement thereupon pronounced by the ſaid Sheriff or Coroner, ſhall be binding and concluſive upon all Parties intereſted, and the Coſts and Charges incident to, and attending the aſcertaining and ſetting out ſuch Boundaries and Low-water Mark, ſhall be ſettled by the ſaid Sheriff or Coroner, and paid by the ſaid Commiſſioners, out of the Fund to ariſe from the ſaid Taxes, Tolls, and Pontage.

If Parties do not attend, the Commiſſioners may proceed to aſcertain the Boundaries, and cauſe the ſame to be marked out.

XCVII. Provided always, and be it further enacted, That in all Caſes where the Owner or Owners ſhall not attend at the Time and Place appointed by the ſaid Commiſſioners, for ſetting out, ſurveying, and planning, the ſaid bare ſhifting Sands and Low-water Mark of the ſaid Channel, that then the ſaid Commiſſioners ſhall, according to the beſt Evidence they can obtain, cauſe the Boundary of the ſaid bare ſhifting Sands, and Low-water Mark of the ſaid Channel, to be ſet out and abuttalled with Stones, and other proper Marks or Abuttals; and after ſuch bare ſhifting Sands, and Low-water Mark of the ſaid Channel, ſhall be ſet out, bounded, and abuttalled as aforeſaid, the ſaid Commiſſioners ſhall cauſe the ſame to be meaſured aud planned, and Two fair Copies of ſuch Plan, diſtinguiſhing thereon the ſeveral Boundary Stones, Marks, or Abuttals, ſo to be ſet up as aforeſaid, ſhall be ſigned and ſealed by the ſaid Commiſſioners, and One Part thereof ſhall be delivered to the Clerk of the Peace for the ſaid Parts of *Holland*, to be kept amongſt the Records of the Seſſions of the Peace for the ſaid Parts of *Holland*, and the other Part thereof ſhall be kept with the Books and Proceedings of the ſaid Commiſſioners, for the ready Inſpection of all Perſons who may be intereſted therein; and a Copy thereof, or of any Part thereof, ſigned by the ſaid Clerk of the Peace, ſhall be admitted as Evidence in any Courts of Juſtice whatſoever.

The bare Sands, after they are marked out, veſted in Truſtees.

XCVIII. And be it further enacted, That after the ſaid bare ſhifting Sands and Low-water Mark of the ſaid Channel are ſet out, bounded, and abuttalled, in Manner before directed, the ſame and every of them ſhall veſt, and they are hereby veſted in the Truſtees herein appointed, freed and diſcharged from all Right or Claim which can or may be claimed therein, by any Perſon or Perſons whomſoever, (except as herein-after mentioned), to hold the ſame unto and to the Uſe of the ſaid Truſtees upon Truſt, to let or ſet the ſaid bare ſhifting Sands, or any Part or Parts thereof, from Time to Time, at the beſt and higheſt Rents that can reaſonably be obtained, until the ſaid bare ſhifting Sands ſhall become fit to be embanked, as herein-after provided for.

For embanking.

XCIX. And be it further enacted, That when any Part or Parts of the ſaid bare ſhifting Sands ſhall become fit to be embanked, it ſhall be lawful for the ſaid Truſtees to make, or cauſe to be made, good and ſubſtantial Banks, for defending the ſame from the Sea, to extend from the Sea Bank that ſhall have been then erected on the North Shore, to the Sea Bank that ſhall have been erected on the South Shore, croſſing the ſaid Salt Marſhes, ſo as to include a Part thereof, and to defray the Expence of the ſaid Embankment, it ſhall be lawful for the ſaid Truſtees to borrow Money on Mortgage of the ſaid bare ſhifting Sands, or any Part or Parts thereof, and alſo on Mortgage of ſuch Parts of the ſaid Salt Marſhes as will be neceſſary to be incloſed within the ſame Embankment; which ſaid Money ſo borrowed, ſhall, together, with the Fund then in Hand from the ſaid Rents, be applied by the ſaid Truſtees in embanking ſuch Parts and Diviſions of the ſaid bare ſhifting Sands, and of the Salt Marſhes, at ſuch Time or Times as the ſaid Truſtees ſhall think proper; and upon every ſuch Embankment taking place, it ſhall be lawful for the Truſtees to ſell the bare ſhifting Sands ſo embanked, or any Part or Parts thereof, ſubject nevertheleſs to the Payment of ſuch Annual Tax, not exceeding One Shilling *per* Acre, as the ſaid Truſtees ſhall think proper to impoſe, for draining the ſame into the ſaid new River or Cut, or ſupplying freſh Water therefrom, and apply the Money ariſing from ſuch Sale or Sales, in the Firſt Place, in paying the Expences of the ſaid Embankment, and all Expences that ſhall have ariſen in the ſetting out, planning, abutting, and ſurveying, the ſaid bare ſhifting Sands and Low-water Mark of the ſaid Channel, and in the above-mentioned Adjudication reſpecting the ſame; and in the next Place, in paying off the ſaid Mortgage with all Intereſt due thereon, and all Expences attending the borrowing of ſuch Money, and making ſuch Sale or Sales; and laſtly, to apply One Moiety or Half Part of the nett Remainder of the Money ariſing from ſuch Sale or Sales, to and for the ſame Uſes, Intents, and Purpoſes, as the Taxes, Tolls, and Pontage, hereby authorized to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act; and to pay the other Moiety, or Half Part of the ſaid nett Remainder of the Money ariſing from ſuch Sale or Sales, to the Owner or Owners of, or Perſon or Perſons intereſted in the Frontage Lands, or Salt Marſhes, abutting upon the ſaid bare ſhifting Sands, in ſuch Shares and Proportions as the ſeveral Rights and Intereſts in the ſaid Frontage Lands, or Salt Marſhes abutting as aforeſaid, bear to each other, (that is to ſay), on the South Side of the ſaid Channel, according to the ſaid parallel Lines ſo to be ſet out by the Commiſſioners appointed by the ſaid in Part recited Act; and on the North Side of the ſaid Channel,

nel, according to the beſt Evidence that can be obtained by the ſaid Truſtees, or according to the Adjudication herein-before provided for, with reſpect to the ſetting out, planning, abuttalling of, and ſurveying the ſaid bare ſhifting Sands and Low-water Mark of the ſaid Channel.

Owners of Lands adjoining the bare ſhifting Sands to have the Preference of hiring or buying the ſaid ſhifting Sands when embanked.

C. Provided always, That before any Meaſures ſhall be taken by the ſaid Truſtees for either letting or ſelling by publick Contract or Sale the ſaid bare ſhifting Sands, ſo to be embanked as aforeſaid, the ſaid Truſtees may, and are hereby authorized and required to treat with the Owner or reſpective Owners of the Land or Ground next adjoining to the ſame bare ſhifting Sands, either for the letting or ſelling the ſame to ſuch Owner or Owners reſpectively, in order that ſuch Owner or reſpective Owners of the adjoining Land may have the Option of either taking upon Leaſe or purchaſing, as the Caſe may require, upon fair and equitable Terms, ſuch bare ſhifting Sands when ſo embanked as aforeſaid, in Preference to any other Perſon or Perſons whomſoever.

If the bare Sands are not a ſufficient Security for the Money wanted, the Taxes, &c. by this Act granted, to be taken in aid.

CI. Provided always, and be it further enacted, That in caſe the ſaid bare ſhifting Sands, and the ſaid Salt Marſhes ſo to be incloſed in the ſaid Embankments, ſhould not be deemed a ſufficient Security for the Money requiſite to be borrowed for defraying the Expences of the ſaid Embankments to be made from Time to Time, it ſhall be lawful for the ſaid Truſtees to take in Aid thereof any Part of the Taxes, Tolls, and Pontage, herein directed to be levied and taken for the Purpoſes of this Act.

Receipt of Truſtees to be a ſufficient Diſcharge for the Purchaſe Money.

CII. And be it further enacted, That the Receipt or Receipts of any Three or more of the ſaid Truſtees, to the Purchaſer or Purchaſers of the Land ſo embanked, or any Part or Parts thereof, ſhall be a ſufficient Diſcharge for ſo much of the ſaid Purchaſe Money as in ſuch Receipt or Receipts ſhall be expreſſed to be received; and ſuch Purchaſer or Purchaſers, having obtained ſuch Receipt or Receipts, ſhall not be liable to ſee to the Application of the ſaid Money, or anſwerable or accountable for the Non-application or Miſ-application thereof, or any Part thereof.

For retaining Part of the Expences of Embankment.

CIII. And be it further enacted, That out of that Moiety or half Part of the ſaid nett Remainder of the ſaid Money ſo directed to be paid to the Owner or Owners of, or Perſon or Perſons intereſted in, the ſaid Frontage Lands or Salt Marſhes, it ſhall be lawful for the ſaid Truſtees to retain the Expences of ſuch Part of the ſaid Embankments as ſhall be made from Time to Time acroſs the ſaid Frontage Lands, or Salt Marſhes, any Thing herein contained to the contrary thereof notwithſtanding; and that the Repairs of the ſaid Banks ſo to be made acroſs the ſaid Frontage Lands, or Salt Marſhes, ſhall be for ever after ſupported and maintained at the Expence of the Owner of the ſaid Frontage Lands, or Salt Marſhes, on each Side of the ſaid Channel reſpectively; and the Repairs of the ſaid Banks ſo to be made acroſs the ſaid Bare or White Sands, ſhall be for ever after maintained and kept by the Purchaſers of the ſame, in ſuch ſeveral Proportions as ſhall be ſettled and adjuſted by the ſaid Truſtees, previous to the ſaid Sales.

CIV. Pro-

Truſtees to give Notice of Sale of Lands.

CIV. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required to cauſe Three Calendar Months Notice to be given in the *Lincoln*, *Rutland*, and *Stamford Mercury*, of the Time and Place of ſelling the ſaid Lands ſo embanked, or any Part thereof, next preceding the Time or Times of ſuch Sale or Sales; and that ſuch Sale or Sales ſhall be made by Auction to the beſt Bidder or Bidders at ſuch Sale or Sales, and the Land ſo ſold ſhall immediately, on Conveyance thereof by the ſaid Truſtees, become the Inheritance of the Purchaſer of Purchaſers, his, her, or their Heirs or Aſſigns, abſolutely freed and diſcharged from all Claims and Demands whatſoever, except the ſaid Annual Tax ſo directed to be impoſed thereon by the ſaid Truſtees.

Money due to Corporations and Truſtees to be laid out to the ſame Uſe.

CV. And be it further enacted, That all and every Sum and Sums of Money which is or are to be paid for the Purchaſe of, or in Recompence for the Damage done to, any Meſſuages, Lands, Tenements, or Hereditaments as aforeſaid, to any Bodies Politick, Coroporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors or Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands are limited in ſtrict Settlement, or who are otherwiſe incapable by Law of ſelling or diſpoſing or exchanging the ſame, ſhall, in caſe the ſame exceeds the Sum of Twenty Pounds, be laid out and inveſted by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors or Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, or other Perſon or Perſons, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to or to the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, or ſuch other Perſon and Perſons, and for ſuch Eſtates, and to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, Proviſoes, and Contingencies, as the Meſſuages, Lands, Tenements, or Hereditaments, for or in reſpect whereof ſuch Purchaſe Money or Monies, or other Money or Monies, ſhall be ſo paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Purchaſe Monies were ſo agreed for, or ſuch other Monies ſo aſcertained reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect; all and every of which Conveyances and Settlements, (other than thoſe which concern any Purchaſe or Exchange between or amongſt any of the reſpective Land Owners as aforeſaid), ſhall be made out of the Fund to ariſe from the ſaid Taxes, Tolls, and Pontage; and in the mean Time, and until ſuch Purchaſe and Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, or other Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, bearing and producing an Annual Intereſt, in the Names of Two Perſons, the One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Truſtees herein appointed, or any Five or more of them; and the Intereſt ariſing or to be produced

produced from ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively, as would, for the Time being, be entitled to the Rents and Profits of ſuch Meſſuages, Lands, Tenements, and Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

When all the Money borrowed on the Taxes ſhall be paid, the Truſtees to inveſt the Monies to ariſe from the Taxes in the Purchaſe of Parliamentary or other Securities.

CVI. And be it further enacted, That when all the Sums of Money which the ſaid Commiſſioners and Truſtees reſpectively are by this Act enabled to borrow upon the Credit of the ſaid Taxes, Tolls, and Pontage, together with all Intereſt for the ſame, ſhall be paid off, and alſo all Expences of ſupporting the ſaid Banks, Tunnels, Sluices, Bridges, navigable Locks and Staunches, and other Works and incidental Charges, ſhall be paid and ſatisfied, then the ſaid Truſtees herein appointed ſhall from Time to Time, as they ſhall think convenient, inveſt ſo much of the Monies ariſing from the ſaid Taxes, Tolls, and Pontage, and Share of the Sands, Waſte Lands, and Channels, as the Surpluſage will, from Time to Time, permit, in the Purchaſe of Parliamentary Securities, or Government Funds, in the Names of Two or more of the ſaid Truſtees, and in like Manner ſhall apply the Intereſt ariſing from ſuch Securities or Funds; and ſuch Sums, ſo to be inveſted, ſhall be, from Time to Time, ſubject to the ſame Application as the Taxes, Tolls, and Pontage, and Share of the bare Shifting Sands and Channel are ſubject.

Application of Overplus Money.

CVII. Provided always, and be it further enacted, That if, at any Time after making the Inveſtment aforeſaid for ſupporting the ſaid Works, there ſhall, in the Opinion and Judgement of the ſaid Truſtees, be any Overplus Monies remaining in their Hands, then ſuch Overplus Monies ſhall be applied to ſuch other Works of Improvement in the ſaid River *Welland*, as they ſhall, from Time to Time, direct and appoint.

Tolls to be free from Taxes.

CVIII. And be it further enacted, That the ſaid ſeveral Taxes, Tolls, and Pontage, ſhall, at all Times hereafter, be exempted from the Payment of any Parochial or other Rates, Taxes, or Aſſeſſments whatſoever.

For compelling the Adventurers of *Deeping Fen* to improve *Vernatt's Drain*.

CIX. And whereas a certain Drain called *The Vernatt's Drain*, running from the Common called *Spalding Common*, through the ſaid ſeveral Pariſhes of *Spalding* and *Pinchbeck*, has been enlarged by the Adventurers of *Deeping* Fen aforeſaid, and the ſame has alſo been continued by a new Cut down to the Outfall thereof, at or near a certain Place called *The Reſervoir*, and a Sluice has been built at the ſaid Outfall, under the Powers of an Act of Parliament, paſſed in the Fourteenth Year of His preſent Majeſty King *George* the Third, and intituled, *An Act for amending and rendering more effectual ſeveral Acts of Parliament of the Sixteenth, and Seventeenth, and Twenty-ſecond Year of King* Charles *the Second, and of the Eleventh Year of His late Majeſty, for draining and preſerving certain Lands called* Deeping Fens, *in the County of* Lincoln; but the ſaid Drain, ſo enlarged and continued, is ſtill inſufficient for the Drainage of the ſeveral Commons and other Lands which ought to drain thereby; be it therefore further enacted, That the ſaid Adventurers of *Deeping* Fen ſhall, at their own Expence, as ſoon as may be after the paſſing of this Act, enlarge, deepen, and ſcour out the ſaid Drain, to the Satisfaction of the Commiſſioners herein appointed, in Manner and Form following; (that is to ſay), from the Sluice acroſs the Outfall of the ſaid Drain, at

or near the ſaid Reſervoir, to a certain Bridge called *Shotbolt's Bridge*, and the ſaid Adventurers ſhall make, or cauſe the ſaid Drain to be made, of the clear Width of Thirty Feet at the Bottom thereof, which ſaid Bottom ſhall be deepened ſo as to be upon the ſame Level with the Sill of the preſent Sluice acroſs the Outfall of the ſaid Drain to the Commencement thereof at the ſaid *Spalding* Common; and ſhall alſo widen the ſaid Drain, on the North Side thereof, from the ſaid Outfall to the before-mentioned Bridge, ſo as to preſerve a Batter of at leaſt Three Feet in every Foot of Height, from the Bottom thereof to the Surface of the adjoining Land; and ſhall lay all the Earth to be taken out of the ſaid Drain together with ſo much of the preſent Bank as will be neceſſary to be removed, in order to complete the ſame on the North-ſide thereof, in Bank Faſhion, ſloping the ſaid Earth in Front, at leaſt One Foot and a Half in each Foot of Height, and leaving a Foreland or Ceſs of Fifteen Feet at the leaſt between the Edge of the new Bank and the Side of the ſaid Drain next adjoining thereto; and from the ſaid Bridge Southwards, the ſaid Adventurers ſhall ſcour out and cleanſe the Bottom of the ſaid *Vernatt's* Drain ſo as to continue the ſame Level, as before-mentioned, unto the Termination of the ſaid Drain at *Spalding* Common.

When *Vernatt's* Drain ſhall be enlarged, it ſhall be ſupported by the Adventurers of *Deeping* Fen.

CX. And be it further enacted, That when the ſaid *Vernatt's* Drain ſhall be enlarged, deepened, and ſcoured out, of the Dimenſions aforeſaid, and Notice thereof publiſhed by the ſaid Commiſſioners as herein is directed, the ſame Drain and the Banks thereof, and alſo a certain Bank called *The South Dozens Bank*, extending from *Pode Hole* Sluice to the River *Glenn*, ſhall, from thenceforth for ever thereafter, be kept, ſupported, and maintained by and at the Expence of the Adventurers of *Deeping* Fen, of ſufficient Depth, Width, Height, and Strength reſpectively, to prevent any of the Lands in the ſaid Pariſhes of *Spalding* or *Pinchbeck*, lying between the *Weſtload* Drain and River *Glenn*, from being overflowed by the Waters iſſuing from *Deeping* Fen, or prejudiced by the Soakage thereof, through the ſaid *South Dozens* Bank, or the Banks of the ſaid *Vernatt's* Drain; and if the ſame Drain ſhall not at all Times after the Publication of ſuch Notice as aforeſaid, be kept open, ſcoured, and cleanſed, and the ſaid Banks, and every of them reſpectively, ſupported, preſerved, and maintained, of Depth, Width, Height, and Strength, in every Part thereof, ſufficient for the Purpoſes aforeſaid, according to the Tenor of this Act, it ſhall be lawful for any Five of the ſaid Truſtees, upon the Application of Ten or more Occupiers of Land in *Spalding* or *Pinchbeck* aforeſaid, lying between the *Weſtload* Drain and River *Glenn*, aggrieved by ſuch Defects of Reparation, from Time to Time to call a Special Meeting of the ſaid Truſtees, by adverti ſing the ſame Three ſucceſſive Weeks in the *Lincoln*, *Rutland*, and *Stamford Mercury*, and *Cambridge Chronicle*, and the Truſtees, or the major Part of them, aſſembled at ſuch Special Meeting, (not being Owners or Occupiers of Land draining by the ſaid *Vernatt's* Drain), ſhall, and they, or the major Part of them, are hereby empowered, if they ſee Occaſion, to give Notice to the Surveyor of the ſaid Adventurers, to do ſuch Repairs to the ſaid Drain or Banks, or any of them, as to ſuch Truſtees ſhall appear neceſſary and requiſite; and if the Repairs ſo ordered by the ſaid Truſtees ſhall not be done by or under the Direction of ſuch Surveyor, within the Time to be by the ſaid Truſtees limited for that

Purpoſe, it ſhall be lawful for the Owners and Proprietors of Lands in *Spalding* and *Pinchbeck* aforeſaid, lying between the ſaid *Weſtload* Drain and River *Glenn*, to cauſe the ſame to be done under their own Direction, and to recover the Coſts, Charges, and Expences, occaſioned thereby, together with Coſts of Suit of the ſaid Adventurers of *Deeping* Fen, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, againſt the Treaſurer or other Officers of the ſaid Adventurers of *Deeping* Fen for the Time being, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Cut and Cover to be paid for.

CXI. And be it further enacted, That the ſaid Adventurers ſhall pay for the Cut and Cover of all ſuch Lands as ſhall be injured by the widening and deepening of the ſaid Drain, and for all ſuch Damages as ſhall be done to the Owners and Occupiers of the Lands adjoining thereto, ſuch Sum or Sums of Money as ſhall be agreed upon between the ſaid Adventurers, or any Three or more of them, and the Party or Parties intereſted, or in caſe of Non-agreement, ſuch Sum or Sums of Money as ſhall be aſſeſſed by a Jury to be impannelled and ſworn in like Manner as is herein-before provided for, reſpecting the ſaid new River or Cut to be made under the Authority of this Act.

Vernatt's Drain and *Pode Hole* Sluice, and other Sluices, taken out of the Court of Sewers.

CXII. And be it further enacted, That as ſoon as the ſaid *Vernatt's* Drain ſhall be enlarged, deepened, and ſcoured out, in Manner before mentioned, and the ſeveral other Works of Drainage herein-before provided to be done, between the ſaid *Vernatt's* Drain and the ſaid Outfall at *Wyberton* Roads, ſhall be perfected to the Satisfaction of the Commiſſioners under this Act, the ſaid Commiſſioners ſhall, and they are hereby required to cauſe Notice thereof to be publiſhed on the Church Doors of *Spalding* and *Pinchbeck* aforeſaid, and alſo to be inſerted in the *Lincoln*, *Rutland*, and *Stamford Mercury*, and *Cambridge Chronicle*; and immediately on Publication of ſuch Notice, the Power given to the Commiſſioners of Sewers by the ſaid Act of the Fourteenth of His preſent Majeſty King *George* the Third, to ſhut down the Sluice Doors at *Pode Hole* Sluice, and to ſtop the ſaid Drain called *Vernatt's Drain*, for Twenty-eight Days in any One Year, to be reckoned from the Firſt Day of *January* in One Year, to the Firſt Day of *January* in the ſucceeding Year, in order to drain the Lands in *Pinchbeck* and *Spalding*, ſhall ceaſe and determine; and it ſhall not be lawful for the ſaid Commiſſioners hereafter to ſtop the ſaid Sluice and Doors ſet down at *Pode Hole* as aforeſaid; and that all Power, Juriſdiction, and Authority, of the Court of Sewers, as well over the ſaid *Vernatt's* Drain as over the Sluice called *Pode Hole Sluice*, ſhall ceaſe and be for ever extinguiſhed; and the ſaid Drain ſo enlarged, deepened, and ſcoured out, and alſo the ſaid *Pode Hole* Sluice, ſhall veſt in the ſaid Adventurers of *Deeping* Fen; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Owners, &c. of Lands in *Spalding* and *Pinchbeck* to have Tunnels in and through *Vernatt's* Drain.

CXIII. Provided, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent, or obſtruct the Owners or Occupiers of Lands in the ſaid reſpective Pariſhes of *Spalding* and *Pinchbeck*, from continuing, running, or uſing, the Tunnels now lying in, through, or under, either of the Banks of the ſaid *Vernatt's* Drain, or repairing the ſame,

ſame, or putting down new Ones in Lieu thereof, from Time to Time, as often as Occaſion ſhall require, for the Purpoſe of letting in or taking Water out of the ſaid Drain, or of conveying Water under the ſame, in ſuch and the like Manner as the preſent Tunnels have been heretofore uſed and enjoyed.

Owners of Lands in *Spalding* and *Pinchbeck* to have Liberty to erect Mills.

CXIV. And be it further enacted, That if at any Time hereafter the Tunnels authorized to be continued or put down, in, through, or under, either of the Banks of the ſaid *Vernatt*'s Drain, or any of them, ſhall be rendered incapable of diſcharging the Waters in wet Seaſons from the Lands accuſtomed to drain thereby, by reaſon or on Account of the Height of the Water in the ſaid Drain, it ſhall be lawful for the Owners or Proprietors of ſuch Lands, or the major Part of them in Value, by Writing under their Hands, or the Hands of their known Agents, to appeal to the Truſtees for the Time being, acting under this Act, (aſſembled at an Annual Meeting), who, if they ſee Occaſion, ſhall, and the ſaid Truſtees, or the major Part of them, ſo aſſembled, (not being Proprietors of Lands draining by the ſaid *Vernatt*'s Drain), are hereby empowered by Writing under their Hands, to empower the Owners or Proprietors of Lands within the ſaid Pariſhes of *Spalding* and *Pinchbeck*, lying between the *Weſtload* Drain and River *Glenn*, to erect and build One or more Mill or Engine, Mills or Engines, and to cut and make ſuch Drain or Drains through the Lands and Grounds intended to be drained thereby, and alſo ſuch Culvert or Culverts under the ſaid *Vernatt*'s Drain, as they ſhall think requiſite or neceſſary for the free Paſſage of the Waters to ſuch Mill or Engine, Mills or Engines, and the Charges and Expences of making and executing the ſeveral Works of Drainage herein laſt authorized, and of uſing and ſupporting the ſame, ſhall, from Time to Time, for ever thereafter, be borne and paid by an equal Annual Acre Rent or Tax, to be charged upon the Owners or Proprietors of the Lands and Grounds in *Spalding* and *Pinchbeck* aforeſaid, lying between the ſaid *Weſtload* Drain and River *Glenn*, and be recovered and received by ſuch Officer or Officers, and by ſuch Ways and Means, under the Authority of the ſaid Court of Sewers, as the Dike Reeve Rate, in reſpect of ſuch Lands, ſhall, from Time to Time, be raiſed and levied; and that by and out of the Monies ſo to be recovered and received, all ſuch Damages as ſhall be ſuſtained by the Owners or Occupiers of Lands uſed in forming ſuch Works of Drainage (in caſe the Parties intereſted cannot agree upon the Compenſation to be made for the ſame) ſhall be aſſeſſed by a Jury to be impannelled and ſworn, in like Manner as is herein-before provided for, reſpecting Damages to be incurred in the Execution of this Act.

What ſhall be done in caſe of Flood Waters flowing into *Deeping* Fen.

CXV. Provided, and it is hereby further enacted, That if at any Time after the ſaid *Vernatt*'s Drain, and *Pode Hole* Sluice, and all Power and Authority over the ſame, ſhall be taken out of the Juriſdiction of the ſaid Court of Sewers, as herein is directed, the Flood-waters of the River *Welland*, by Reaſon of a Breach in *Deeping* Fen Bank, ſhall flow into *Deeping* Fen, then, and in ſuch Event happening, the Owners and Occupiers of Land in *Spalding* or *Pinchbeck* aforeſaid, lying between the ſaid *Weſtload* Drain and River *Glenn*, or any Five or more of them, ſhall and may, under an Order to be granted by any Three of the ſaid Truſtees, not being Proprietors of

of Land in either of the ſaid Pariſhes, (and which Order the ſaid Truſtees are required to grant accordingly), exerciſe ſuch and the like Power and Authority over the ſaid *Pode Hole* Sluice, and the Doors thereof, and by ſuch other Ways and Means as ſhall ſeem expedient to prevent the Waters in *Deeping* Fen from being diſcharged into the ſaid *Vernatt*'s Drain, until ſuch Time as the Breach ſo happening ſhall be taken, and the ſaid *Vernatt*'s Drain, in the Judgement of the Truſtees granting ſuch Order, ſhall be in a State to receive ſuch Flood-waters, without endangering the Banks of the ſaid Drain, or of overflowing the ſame, to the Prejudice of the Lands adjoining thereto.

Preſervation of Rights.

CXVI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend to repeal, invalidate, leſſen or diminiſh, alter or take away, any of the Rights, Powers, and Authorities of the Adventurers of *Deeping* Fen, or of any Navigators, Court of Sewers, Bodies Corporate, or Perſon or Perſons whomſoever, other than except ſuch Rights, Powers, and Authorities, as are herein ſpecially altered, annulled, or abridged, or hereby intended to be altered, annulled, or abridged, in the Caſes herein-before mentioned; but the ſame, and every of them, except as aforeſaid, ſhall continue and remain as before the paſſing of this Act; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Saving for *Boſton* and *Bourn* Drainage Act.

CXVII. And be it further enacted, That nothing in this Act contained ſhall extend to empower the Commiſſioners, Truſtees, or any other Perſons acting by virtue of this Act, to intermeddle with or invalidate, leſſen, alter, or take away, any Rights, Powers, or Authorities, granted by a certain Act of Parliament, made and paſſed in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for draining and improving certain Low Marſh and Fen Lands, lying between* Boſton *Haven and* Bourn, *in the Parts of* Keſteven *and* Holland, *in the County of* Lincoln; and alſo by an Act, made in the Tenth Year of His ſaid Majeſty's Reign, *For amending and rendering more effectual the ſaid Act paſſed in the Fifth Year of His ſaid Majeſty's Reign*; but that the Rights, Powers, and Authorities, given by the ſaid Two laſt-mentioned Acts of Parliament, ſhall be and continue in full Force and Effect, to all Intents and Purpoſes whatſoever, as if this Act had not been made.

For Preſervation of certain Rights of the Corporation.

CXVIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend to repeal, invalidate, leſſen or diminiſh, alter or take away, any of the Rights, Powers, and Authorities, of the Mayor and Burgeſſes of the Corporation of *Boſton*, in reſpect to the Admiralty Juriſdiction belonging to the ſaid Corporation; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Deſtroying the Works to be made Felony.

CXIX. And, for preventing the breaking down or damaging any of the Works which ſhall be erected or made in purſuance of this Act, be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly cut, break down, damage, or deſtroy, any Banks or other Works to be erected or made in purſuance of this Act, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony, and ſhall be ſubject and liable to the like Pains and Penalties as in Caſe of Felony; and the Court, by and

before whom ſuch Perſon or Perſons ſhall be tried, ſhall have 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.

Reſervation of Manerial Rights and Royalties.

CXX. And be it further enacted, That the Lord and Lords, Owner or Owners, of every Manor or Manors, or of any Fiſhery or Fiſheries through which the ſaid Navigation ſhall extend, ſhall have full Liberty to fiſh, fowl, and exerciſe all Manerial Rights and Royalties on the ſaid Navigation, to which they are now legally entitled, 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.

Perſons aggrieved may appeal to the Quarter Seſſions.

CXXI. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by any Order or Judgement of any Juſtice or Juſtices of the Peace, upon Account of any Offence committed or ſuppoſed to be committed againſt this Act, may appeal to the Juſtices of the Peace for the ſaid Parts of *Holland*, wherein ſuch Order or Judgement ſhall have been made, at any General Quarter Seſſions of the Peace to be held within the Space of Four Calendar Months after ſuch Cauſe of Appeal ſhall happen, the Perſon or Perſons ſo appealing firſt giving Security, to the Satisfaction of the ſaid Juſtice or Juſtices, to proſecute ſuch Appeal with Effect, and pay the Coſts which ſhall be aſcertained by the ſaid General Quarter Seſſions, in caſe ſuch Order or Judgement ſhall be affirmed; and the Juſtices at ſuch General Quarter Seſſions are hereby authorized and required to hear and determine ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts 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 that no Order or Proceeding to be had or made by or before any Juſtice of the Peace, relating to the Execution of this Act, ſhall be quaſhed or vacated for Want of Form only.

Limitation of Actions.

CXXII. And be it further enacted, 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

General Iſſue.

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 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 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.

CXXIII. 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.