Anno ſeptimo

Georgii III. Regis.

An Act for the more effectual Draining the Lands lying in the Level of *Ancholme*, in the County of *Lincoln*, and making the River *Ancholme* navigable from the River *Humber*, at or near a Place called *Ferraby Sluice*, in the County of *Lincoln*, to the Town of *Glamford Briggs*; and for continuing the ſaid Navigation up or near to the ſaid River, from thence to *Biſhop Briggs*, in the ſaid County of *Lincoln*.

WHEREAS the Level of Ancholme in the County of Lincoln, extending from the River Humber to Biſhop Briggs, containing many thouſand Acres of Land, has been, for ſeveral Years, drowned with Water, to the great Damage and Loſs of the Inhabitants and Owners of Lands within the ſaid Level: And whereas the Draining of the Lands lying in the ſaid Level, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, to the Town of Glamford Briggs, and continuing the ſaid Navigation up or near to the ſaid River, from the ſaid Town, to a Preamble.

Place called Bishop Briggs, in the said County of Lincoln, will be of great Utility to the Publick, and tend to the considerable Benefit and Advantage of the Owners of Lands within the said Level: But as the same cannot be done 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 the Right Honourable Sir John Cust, Speaker of the House of Commons; Sir John Webb, Sir Charles Sheffield, Sir Cecil Wray, Sir Rowland Winn, Sir John Nelthorpe, Sir John Thorold, Sir Jacob Woolf, Sir Nevil George Hickman, the Reverend Sir William Anderson, Baronets; Charles Anderson Pelham, Charles Anderson, Charles Amcotts, Thomas Adams Clerk, Ayscough Boucheret, John Bouryau, John Broadley, John Bowman, John Beatniffe Clerk, Edward Bristow Clerk, Richard Branston Clerk, John Barr Clerk, Anthony Bennett, Bentley Bennett, Thomas Brown, Francis Brady, Richard Bewley, Henry Bentley, Joseph Bacon, George Buffet Clerk, Charles Chaplin, Gilbert Caldecot, Robert Cliffe, Benjamin Charlesworth, William Carnley, William Cary Clerk, Thomas Carlton, Thomas Cary junior, William Cary, Thomas Dennison, William Dixon, Thomas Dixon, Carey Elwes, Wharton Emerson, John Empson Clerk, Jonathan Field, David Field, Freeman Flower, William Floyer, Justice Finley Clerk, Joseph Foster Clerk, Benjamin Footit, Charles Gore, Philips Glover, William Gildas, William Gilliat, the Honourable George Hobart, John Hewett, John Harrison, George Heneage, William Hildyard, George Holliwell Clerk, William Hesleden Clerk, William Hargraves Clerk, William Holgate Clerk, Thomas Holgate, Thomas Hudson, Edward Holgate, George Holgate, Theophilus Harnies, Robert Jackson Clerk, William Jackson Clerk, Henson Kirkby, Theophilus Kirke Clerk, John Lawrence, Thomas Lister, Roger Leadbeater, the Honourable George Monson, Edward Markham, Lawrence Monk, Marmaduke Metcalfe, Thomas Mainwaring, Matthew Maw, Robert Midgley Clerk, William Markham, Charles Manby, Robert Marshall, Edward Nelthorpe, Christopher Nevill, Michael Archibald Newton, Robert Newton, John Pindar, Edward Parker, John Parkinson Clerk, John Robinson Clerk, Arthur Rockcliffe Clerk, John Richardson, Martin Robinson, Coningsby Sibthorpe, John Somerscales, John Skelton Clerk, James Stovin, John Saunderson, John Scott,

Commissioners Names.

Scott, George Foſter Tuffnell, Robert Thompſon, Marmaduke Tomline, Edmund Turner, Henry Thorold Clerk, Benjamin Toft, John Turner, Percival Teale, William Teale, John Uppleby, John Uppleby junior, Thomas Whichcot, Chriſtopher Whichcote, Edward Weſton, the Reverend Charles Weſton, Archdeacon of Wilts; Thomas Wyer, Anthony Weatherhead Clerk, Charles Wiggleſworth, Robert Viner, Robert Viner junior, and their Succeſſors, ſhall be, and they are hereby appointed Commiſſioners for draining the ſaid Lands lying in the ſaid Level of Ancholme, and for making the ſaid River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, in the County of Lincoln, to the Town of Glamford Briggs, and for continuing the ſaid Navigation up or near to the ſaid River Ancholme, from the ſaid Town, to a Place called Biſhop Briggs, in the ſaid County, and for putting the ſeveral Powers contained in this Act into Execution.

Qualification of Commiſſioners.

And be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of this Act, unleſs he ſhall at the Time of ſuch Acting, be ſeiſed of, or intitled to an Eſtate of Lands, Tenements, or Hereditaments, in Poſſeſſion, for his own Life, or the Life of another Perſon, of the clear yearly Value of One hundred Pounds above Reprizes; or ſhall be Heir Apparent to ſome Perſon having an Eſtate in Lands, Tenements, and Hereditaments, of the clear yearly Value of Two hundred Pounds; or poſſeſſed of a Perſonal Eſtate of the Value of Three thouſand Pounds: And in caſe any Commiſſioner ſhall act, not having an Eſtate as aforeſaid, or not being Heir Apparent to ſome Perſon having ſuch Eſtate as aforeſaid; every ſuch Perſon ſo acting ſhall forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform and 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; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon had acted as a Commiſſioner in the Execution of this Act.

Penalty on acting if not qualified.

Provided always, and be it enacted, That no Perſon or Perſons ſhall be capable of acting as a Commiſſioner or Commiſſioners in Execution of the Powers given by this Act (unleſs it be the Powers hereby given of

adminiſtering Oaths) until he or they ſhall have taken an Oath to the Effect following:

Commiſſioners Oath.

I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, as a Commiſſioner appointed in purſuance of *An Act for the more effectual draining the Lands lying in the Level of* Ancholme, *in the County of* Lincoln, *and making the River* Ancholme *navigable from the River* Humber, *at or near a Place called* Ferraby Sluice, *in the County of* Lincoln, *to the Town of* Glamford Briggs; *and for continuing the ſaid Navigation up or near to the ſaid River, from the ſaid Town, to* Biſhop Briggs, *in the ſaid County of* Lincoln, execute and perform the ſeveral Powers and Authorities veſted in me, without Favour or Affection, Hatred or Malice, to any Perſon whatſoever.

So help me GOD.

Which Oath it ſhall and may be lawful for any One of the ſaid Commiſſioners to adminiſter; and he is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners accordingly.

On Death, &c. of Commiſſioners, others to be choſen.

And be it further enacted by the Authority aforeſaid, That upon the Death or Refuſal to act of any Commiſſioner hereby appointed, or hereafter to be elected, the ſurviving Commiſſioners, or any Nine or more of them, ſhall and may, from time to time, at any Meeting or Meetings in purſuance of this Act (Notice being given of any Meeting or Meetings for ſuch Purpoſe Ten Days before ſuch Meeting or Meetings, by Writing affixed upon the Market Croſs, or other conſpicuous Place, in the Town of Glamford Briggs, Caiſtor, Market Raiſin, Barton upon Humber, and Kirton) elect One other Commiſſioner in the Room of every ſuch Commiſſioner deceaſed or refuſing to act; and every Perſon ſo elected ſhall have the ſame Authority as if he had been named a Commiſſioner in this Act.

Commiſſioners may act as Juſtices.

And be it further enacted, That ſuch of the Commiſſioners appointed, or to be appointed, in or by virtue of this Act, as ſhall be a Juſtice or Juſtices of the Peace, may, and is and are hereby authorized and impowered to, act as a Juſtice or Juſtices of the Peace in the Execution of the Powers and Authorities hereby given to any Juſtice or Juſtices of the Peace, notwithſtanding his or their being ſuch Commiſſioner or Commiſſioners; provided ſuch Juſtice or Juſtices is or are otherwiſe qualified, and not intereſted in the Matter in Queſtion other than as a Commiſſioner or Commiſſioners.

And

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall meet on that Day Month after the Passing of this Act, at the House of Master John Cole, known by the Sign of the Angel in the Town of Glamford Briggs, or at some other House in the said Town, and shall then proceed to the Execution of this Act; and the said Commissioners, or any Seven or more of them, shall hold One General Meeting on the First Monday in July in every Year at the said Town of Glamford Briggs; and the said Commissioners, or the major Part of them, assembled at such First or any subsequent Meeting, may, from time to time, adjourn, and hold their Meetings at such Time or Times, Place or Places, being within Six Miles distant from the River Ancholme, as they, or the major Part of them, shall think most convenient for putting this Act in Execution: And if at any Time a sufficient Number of Commissioners shall not attend to adjourn, the Clerk of the said Commissioners shall adjourn the said Meeting to that Day Fortnight, to be held at the same Place where such Meeting was appointed to be held, and shall cause Notice thereof to be affixed on the Market Cross, or some other conspicuous Place, in the Towns of Glamford Briggs, Caistor, Market Raisin, Barton upon Humber, and Kirton, at least Ten Days before such Meeting.

First Meeting of the Commissioners.

Method of adjourning.

Provided always, That Two Commissioners shall be sufficient for the Purpose of Adjournment: And that no Commissioner shall be hereby inpowered to do any Act, Matter, or Thing, in the Execution of this Act, otherwise than at a publick Meeting to be held in pursuance hereof, or in consequence of some Order or Orders made at such Meeting or Meetings.

No Act valid except done at a publick Meeting.

And be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act; and that the said Commissioners, and every of them, at all and every the Meetings to be held for the Execution of this Act, shall bear and defray their own Expences; but that all other Charges and Expences they, or any of them, shall or may be put unto by executing the Powers vested in them by this Act, shall be paid to them; and they shall be indemnified against the same by and out of the Monies arising by virtue of this Act.

Commissioners not to hold Places of Profit.

Commissioners to bear their own Expences.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall have the Direction and Survey of all the private Works of Drainage within the said Level of Ancholme.

Commissioners to have Direction of Drainage.

Lands within the Level to be discharged from the Jurisdiction of Sewers.

And be it further enacted, That for the more effectual Execution of this Act, all the Lands and Grounds whatsoever, within the Level of the River Ancholme, and all Works whatsoever already made, or to be made or erected, by virtue of this Act for the Purpose of the said Drainage or Navigation, or the Improvement thereof; and also all Sewers, Drains, Watercourses, and all other Matters and Things whatsoever, within the said Level, shall, from and after the First Meeting of the Commissioners, be subject only to the Controul, Direction, Survey, Order, and Jurisdiction, of the Commissioners herein named, or hereafter to be chosen, and not to the Controul, Direction, Survey, Order, or Jurisdiction, of any Commission of Sewers, or any Law or Statute relating to Sewers; any former Law or Statute to the contrary notwithstanding.

Owersby Beck not to be under the Direction of the Commissioners.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to subject in any Way to the Controul, Direction, Survey, Order, and Jurisdiction, of the said Commissioners, a certain Beck called Owersby Beck, running betwixt the Lordship of Owersby and Kingerby, belonging to the Right Honourable John Lord Monson; but that the said John Lord Monson, his Heirs, and Assigns, shall and may use, exercise, and enjoy, all such Rights, Powers, and Privileges, in, over, and upon, the said Beck, as he and they might have used, exercised, and enjoyed, in case this Act had not been made.

Commissioners to have Power to make new Works.

And be it further enacted, That for the better draining, preserving, and keeping dry, the low Grounds and Carrs in the said Level, the said Commissioners, or any Five or more of them, shall and may, and are hereby fully impowered, at any of their Meetings to be held by virtue of this Act, to make, dig, erect, set up, remove, alter, and maintain, or order and cause to be made, dug, erected, set up, removed, altered, and maintained, and, from time to time, to be repaired and kept in Repair, all such Cuts, Drains, Sewers, Sluices, Ditches, Banks, Clows, Engines, and Works, within, upon, or through, any of the Lands or Grounds within the said Level, or in and through any Part thereof; and to make Tunnels under any Ways, Roads, or Drains, of such Depth, Height, or Wideness, and in such Manner, Order, and Form, as they, or any Five or more of them, shall think necessary and convenient; or to purchase any Clows, or other Works, which they shall think fit or proper for accomplishing the Drainage and other Purposes by this Act intended; and

shall

ſhall and may dig, take, and carry away Loam, Clay, Gravel, Stone, or any other Material, for the making, carrying on, perfecting, altering, or repairing, any of the Works intended by this Act, in, from, or out of, the Grounds of any Perſon or Perſons adjoining or lying near to the ſaid Works, or any of them (not being a Houſe, Orchard, Garden, Yard, planted Walk, or Avenue to a Houſe) as and where they ſhall judge moſt convenient; making Satisfaction to the Proprietor or Proprietors thereof for the ſame, and the Damages he, ſhe, or they, ſhall thereby ſuſtain.

Bridges to be made over Drains.

Provided alſo, and be it enacted, That if, by the making of any Drain, Ditch, or other Work, by virtue or in purſuance of this Act, 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, or any Five or more of them, ſhall, and they are hereby required, before or immediately after ſuch Work ſhall be compleated, to cauſe proper Bridges to be built, and for ever after to be ſupported and maintained, for the convenient Paſſage of the Occupier or Occupiers reſpectively to and from the ſame, with his, her, and their Cattle and Carriages, and to defray the Expences of erecting, making, and maintaining, ſuch Bridges, out of any Monies ariſing by virtue of this Act.

Commiſſioners to lay a Tax for new Works and keep up old Works.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby authorized and required to aſſeſs, tax, and charge, all and every the reſpective Owners and Occupiers of, and alſo all and ſingular the Carrs and low Grounds within the Limits of the ſaid Level of Ancholme, which are liable to be flooded and overflown with Water (except as herein after excepted) with ſuch equal yearly Rates and Cares as to them ſhall ſeem requiſite and neceſſary for the Purpoſes of perfecting ſuch Drainage, purſuant to the Powers and Authorities in this Act, ſo as the ſame do not exceed Two Shillings and Six Pence an Acre for every Acre, and in ſuch Proportion for any leſs Quantity than an Acre; and, by any Writing under their Hands, to limit and appoint ſuch certain Days and Places for the reſpective Payments thereof to the Collector or Collectors, Receiver or Receivers, to be appointed in purſuance of this Act for the time being, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think proper.

For exempting certain Lands for a certain Time on Payment of One third Part of such Tax.

Provided always, and be it enacted, That nothing in this Act contained shall impower the said Commissioners, for and during the Term of Three Years from the passing of this Act, or until the main Drain from Ferraby Sluice to the Lordship of Bishop's Norton, and the Sluice at or near to a Place commonly called and known by the Name of Ferraby Sluice, for the Purpose of keeping out the Tide, are finished, to charge such Lands lying within the said Level as shall, though in some Measure already drained, appear liable to be rated and taxed by virtue of this Act in the Judgement of the said Commissioners, or any Five or more of them, not having any Lands or Grounds within the said Level, with more than One Third Part of their Proportion to the said Rate.

How Taxes are to be levied.

And be it further enacted, That if any Owner or Owners, Occupier or Occupiers, of any Carrs and low Grounds, taxed, rated, or assessed, as aforesaid by virtue of this Act, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them, respectively, or upon his, her, or their Lands or Grounds for the Space of Twenty Days next after the respective Times of Payment so to be appointed by the said Commissioners as aforesaid (public Notice being given in the Church or Chapel of the respective Parishes or Townships where such Carrs or low Grounds do lie, upon some Sunday immediately after Divine Service) and after Demand made thereof by the Collector or Collectors for the time being of the said Taxes; then, and in every such Case, it shall and may be lawful for such Collector or Collectors, or for any other Person or Persons, by virtue of any Warrant or Precept, under the Hands and Seals of any Five or more of the said Commissioners, (which Warrant or Precept the said Commissioners, or any Five of them, are hereby impowered and required to grant as Occasion shall require) to levy the Sum so rated and taxed by Distress and Sale of the Goods and Chattles of such Person or Persons making Default as aforesaid wherever the same shall be found, within the said County of Lincoln; and also of any Goods and Chattles that shall be found on the Lands and Premisses so charged with any such Sum or Sums of Money or Taxes in Arrear; and if such Lands and Premisses shall at any Time hereafter be untenanted or unoccupied, or no sufficient Distress can be found for levying the said Taxes, then the Lands and Premisses chargeable with such Taxes or Assessments shall remain a Security for the Payment thereof: And the said Commissioners,

sioners, or any Five or more of them, in such Case shall, after Default of Payment for Six Calendar Months (having given Three Calendar Months Notice in Writing to the Owner of such Lands or his Agent, left at his, her, or their House or Place of Abode) and they are hereby authorized and impowered to enter into and upon the said Lands and Premisses, and to let the same from Year to Year for the best Rent that can be procured for the same; and to receive the Rents and Profits thereof, until all Arrears of the said Tax, and all Expences of raising the same, shall have been fully paid and satisfied; and the Rents and Produce thereof shall be applied, in the first Place, towards discharging the said Taxes, and the Charges attending such Entry and Perception of the Rents and Profits, and the Residue thereof shall be paid by such Collector or Collectors to the Owner or Owners of such Lands, or his, her, or their Agents, when demanded.

Commissioners may inclose Lands out of Commons to defray the Rates or Taxes laid thereon.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, upon the Request of the major Part of the Land Owners and Proprietors, in Number and Value of any Parish, Township, or Place, within the said Level, or in case the Tax charged upon any of the Commons, within any such Parish, Township, or Place, by virtue of this Act, shall be in Arrear for the Space of Three Months next after the Time to be appointed for Payment thereof as aforesaid, to inclose, or cause to be inclosed, such Quantity or Number of Acres of Land out of the said Commons, or any of them, in the said respective Parishes, Townships, or Places, or any of them, charged with any of the said Rates or Taxes, as they shall think sufficient to defray the Charge and Expence of the Tax laid upon such Commons, or any of them, by virtue of this Act, and also the Charge of making such Inclosure; such Part of the said Commons which shall remain uninclosed (in case the said inclosed Part shall not be sufficient to pay the Remainder of the Tax charged on such Commons) still remaining liable to pay the Tax charged thereon, so that the Whole of such inclosed Lands do not exceed One Tenth Part of the Whole of each respective Common; and that the said Commissioners, or any Seven or more of them (in whom such inclosed Part or Parts of the said Common shall be, and is and are hereby declared to be vested, after such Inclosure) shall and may, from time to time, so long as it shall be necessary for the Purposes aforesaid, grant a Lease or Leases of the Land and Ground so to

be

be incloſed, unto any Perſon and Perſons, at and for the beſt Rent they can get for the ſame, for any Term not exceeding Seven Years; and that the Rent or Rents ariſing from ſuch incloſed Lands by virtue and in purſuance of this Act (after the aforeſaid Tax ſhall be paid) ſhall be applied, ſo far as the ſame will extend, towards defraying the Expences of erecting and making Banks, Engines, Drains, and other Works neceſſary for the Purpoſe of interior Drainage in each Pariſh, Townſhip, or Place, and all Expences attending the ſame, to be paid and allowed out of the Lands ſo incloſed in each ſuch Pariſh, Townſhip, or Place reſpectively.

Commiſſioners to determine Boundaries.

And whereas ſome Doubts may ariſe as to the exact Extent of the Commons within the Limits of the ſaid Level, and liable to be taxed by virtue of this Act, be it further enacted, That where the Boundaries between any Two Commons, now lying open and in common, adjoining to each other, are doubtful, and not at preſent certainly known, it ſhall and may be lawful for the ſaid Commiſſioners, or any Seven or more of them, not being intereſted in the Towns, Pariſhes, or Places, to which ſuch Commons ſhall belong, and they are hereby authorized and required to meet and view the ſaid Commons (Ten Days Notice of ſuch Meeting being given in the Pariſh Church or Chapel of each Town intereſted in the ſame Commons, on ſome Sunday immediatly after Divine Service, by Notice in Writing fixed on the Church or Chapel Door) and examine upon Oath (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter) ſuch Witneſſes and Evidences as they ſhall think proper and neceſſary touching ſuch Bounds and Limits; and that the ſaid Commiſſioners having met purſuant to ſuch Notice, and having examined ſuch Witneſſes and Evidence as aforeſaid, ſhall ſettle, fix, determine, and aſcertain, the Limits and Boundaries of ſuch Commons; and that ſuch Determination, expreſſed and declared by ſome Inſtrument in Writing under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, ſhall be final and concluſive to all Intents and Purpoſes; which Inſtrument in Writing ſhall, within Six Calendar Months next after the executing the ſame, be inrolled with the Clerk of the Peace for the Diviſion of Lindſey, in the ſaid County of Lincoln.

Survey to be made in Writing, and delivered to Commiſſioners.

And be it enacted by the Authority aforeſaid, That a true and diſtinct Survey ſhall be made of all the ſeveral Lands and Grounds liable to be rated and taxed by virtue of and within the Meaning of this Act, by ſuch Perſon

Perſon or Perſons as the ſaid Commiſſioners, or any Seven or more of them, ſhall appoint; and ſuch Survey ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Proprietor within the ſaid Level, ſhall be therein ſpecified and deſcribed; and ſuch Survey ſhall be delivered to the ſaid Commiſſioners, or any Five or more of them, within Twenty Days after the ſame ſhall have been completed.

Commiſſioners to determine Diſputes about Lands liable to be flooded.

Provided always, and be it enacted, That if, in caſe of any Tax to be aſſeſſed by the ſaid Commiſſioners, any Diſpute ſhall ariſe, whether any of ſuch Lands charged or chargeable therewith ſhall or ſhall not be deemed high Lands, or have or have not been ſubject to Inundations and Damage thereby, or otherwiſe annoyed by Water, the ſame ſhall be determined upon by View of any Five or more of the ſaid Commiſſioners, not having any Lands or Grounds within the ſaid Level of Ancholme charged, or liable to be charged, with any Tax or Aſſeſſment for the Purpoſes of this Act; and no Tax or Aſſeſſment ſhall be paid or payable in reſpect of ſuch Lands ſo charged, until ſuch Determination ſhall be made by the ſaid Commiſſioners; and all ſuch Commiſſioners, before they proceed to determine ſuch Diſpute, ſhall take an Oath well and truly, to the beſt of their Judgement and Knowledge, to determine whether ſuch Lands have been ſubject to Inundations, and damaged thereby, or otherwiſe annoyed by Flood Water, or ought to be deemed low Lands liable to be taxed by virtue of this Act; which Oath any Two or more of the ſaid Commiſſioners are hereby impowered to adminiſter to the other and others of them; and ſuch Commiſſioners, or any Five or more of them, ſhall ſet forth their Determination in Two or more diſtinct Writings, and ſhall ſign the ſame; and One of ſuch Writings ſhall be delivered to the Owner of ſuch Lands, or his known Agent; and in caſe of more Owners than One of ſuch Lands, then ſuch Writing ſhall be delivered to the Churchwarden and Overſeer of the Poor of ſuch Pariſh or Pariſhes, Place or Places, in which ſuch Lands do lie, and the other of ſuch Writings ſhall be delivered to the Clerk of the ſaid Commiſſioners.

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

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 charged with the ſame reſpectively; and ſuch Tenants ſhall and may retain and deduct the ſame out of the Rents payable to their reſpective Landlords.

except Leaſes which will not expire till after the End of Seven Years,

Provided always, That in caſe any Tenant ſhall hold any Lands ſo to be tared by virtue of, or under any Leaſe, for any Term of Years, which will not expire till after the End of Seven Years, to be computed from the Day of the paſſing of this Act; then ſuch Tares ſhall be paid by the Landlord or Tenant, or Landlord and Tenant, in ſuch Shares and Proportions as ſhall be adjuſted, aſcertained, and determined, by the ſaid Commiſſioners, or any Seven or more of them.

and Church and College Leaſes.

Provided alſo, That all Perſons holding their Lands under Biſhops, College or Church Leaſes, not at Rack-rent, ſhall pay the whole Tares in reſpect of the Lands ſo tared, and ſhall not be intitled to any Deduction out of their Rents in reſpect thereof.

Lands drained by Out-falls not in the Level not to be charged with Taxes.

Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge with the Rates or Tares hereby granted, any Lands or Grounds which ſhall be drained by or through any Cloughs or Out-falls not being within the ſaid Level.

Deſcription of Works to be firſt done.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall, in the Firſt Place, and before any Works are made for draining and improving the Lands hereby intended to be drained and improved, cauſe the following Works to be done and performed; (that is to ſay) They ſhall erect, or cauſe to be erected, a new Sluice in the River Ancholme, at or near Ferraby Sluice, for ſtemming the Tides; and its neat Capacity or Water-way ſhall not be leſs than Forty Feet wide, and of ſufficient Height, with double pointing Doors towards the Humber, to ſhut out the Flow of the Tides; and ſhall erect, or cauſe to be erected, a proper Staunch or Staunches, not being in the main Drain, commonly called or known by the Name of The New River Ancholme, below, or within Twenty Yards of, the North Corner of a certain Carr in the Lordſhip of Horſtow, known by the Name of Ancholme Carr, which ſhall be ſhut occaſionally as the Commiſſioners, or any Five or more of them, their Surveyors, or any Perſon or Perſons to be appointed by them, ſhall direct, for the Purpoſe of Navigation, and retaining freſh Water in dry Seaſons for the Uſe of Cattle, and for ſcouring out the Out-fall of the River Ancholme into the River Humber: And ſhall proceed to cauſe the River Ancholme to be widened and deepened from the ſaid Sluice upwards, in ſuch Manner, and according to ſuch Dimenſions, as the ſaid Commiſſioners, or any Five or more of them, or their Surveyors, or any Perſon or Perſons

to

to be appointed by them, ſhall think proper and convenient.

Commiſſioners may contract with Engineers, cut Soil, remove Impediments, erect Bridges, dig Gravel, ſet out Haleing Ways, &c. for making the River navigable.

And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, at any Meeting to be held for that Purpoſe, whereof Ten Days Notice ſhall be given by affixing the ſame upon the Market Croſs, or ſome other conſpicuous Place, in the Towns of Glamford Briggs, Caiſtor, Market Raiſon, Barton upon Humber, and Kirton aforeſaid, to receive Propoſals from, and enter into, make, and execute, Contracts with, any Perſon or Perſons for making the ſaid River Ancholme navigable as aforeſaid, and for the Performance of any Works which they the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary to be done in purſuance of this Act, and for providing proper Engines, Utenſils, and Materials, for the Purpoſes aforeſaid, and all other Matters, Articles, and Things, concerning the ſame; ſuch Contracts to be for ſuch Time or Times, and under ſuch Conditions, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper; and that 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, in the Preſence of Five or more of the ſaid Commiſſioners: And the ſaid Commiſſioners, or any Five or more of them, or the Perſon or Perſons employed or contracted with as aforeſaid, his or their Agents, Workmen, and Servants, is and are hereby authorized and impowered, in, upon, or through, the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, to dig, cut, trench, and remove, Earth, Stone, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for the making, uſing, maintaining, and repairing, the ſaid River Ancholme, and for making and keeping the ſame navigable and paſſable for Barges, Boats, Lighters, and other Veſſels, from the ſaid River Humber to Biſhop Briggs; and for that Purpoſe to cleanſe, ſcour, open, deepen, enlarge, or make ſtrait, the ſame, and any other Streams, Brooks, or Watercourſes, which do come, or may be brought into, or made to communicate therewith, and to dig, cut, or raiſe, the Banks thereof, and to make uſe of the old or new River Ancholme, as they ſhall ſee Occaſion; and to make ſuch new Cuts, Canals, and Trenches, in, upon, or through, the Lands or Grounds near or adjoining to the ſaid River, as the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary or convenient for carrying the ſaid

Navigation

Navigation up to the said Place called Bishop Briggs, in a more easy and advantageous Way than by following the present Channel of the said River; and also to get, dig, take, and carry away, Soil, Clay, Gravel, or Stone, and other Materials, proper, requisite, and convenient, for making, carrying on, altering, 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, Canal, Cuts, or Watercourses; not being the Ground whereon any House stands, or an Orchard, Garden, 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, maintaining, and repairing, Towing-paths and Haling-ways on the Sides thereof, and for the making, using, maintaining, and repairing, such Trenches, Passages, Gutters, Drains, and Watercourses, as shall be found necessary and proper; and also for the raising, strengthening, and supporting, the Banks of the said River, and effecting the said Navigation, and for making of Weirs and convenient Places for discharging the Water, and for making of such Back Drains, Gutters, or Trenches, as shall be necessary or proper to prevent any Damage to the Lands or Grounds adjoining or being near, by the Oozing or Flowing of Water from or out of the same; and also to make, maintain, enlarge, open, or alter, any Roads, Ways, Passages, Cuts, Locks, Trenches, Sluices, or other Conveniencies; and also to erect and make, in or across the said River so to be made navigable, or upon the Lands adjoining to the same, Cranes, Winches, Weighing-beams, and other Engines, Wharfs, Warehouses, Quays, and other Works; and also to make, maintain, and keep the same in Repair, and to alter any Bridges, Arches, or Passages, over, under, or through, the said River (except the Two Bridges which are now standing over the Rivers in or near to the Town of Glamford Briggs) or the said Trenches, Passages, Cuts, Gutters, Drains, Watercourses, and Sluices respectively, which shall communicate therewith, and to make, set up, and maintain, such Posts, Rails, Hedges, Ditches, Banks, and other Fences on the Sides thereof, in such Places as shall be judged necessary for separating and dividing the Towing-paths and Haling-ways from the adjoining Lands; and also to dig, carry away, or place and lay, any Earth,

Clay, Gravel, Stone, or other Materials or Things necessary to be got or used in or upon account of the several Matters and Works aforesaid on the Lands or Grounds near to the Place or Places where such Works, or any of them, shall be making, erecting, altering, or repairing; and also to do and perform all such other Works, Matters, and Things, as they the said Commissioners, or any Five or more of them, shall from time to time adjudge proper or convenient for the Purposes of this Act; they the said Commissioners, or any Five or more of them, their Agents, Workmen, or Servants, first making Satisfaction to the respective Owners of, and Persons interested in, such Lands, Grounds, Tenements, or Hereditaments, as shall be used, removed, or prejudiced, in or by the Execution of any of the Powers hereby granted, in Proportion to their several and respective Interests therein.

Proprietors of Lands may build Wharfs, &c.

Provided nevertheless, and be it enacted by the Authority aforesaid, That it shall not be lawful for the said Commissioners to erect and make upon the Lands adjoining to the said River, any Cranes, Winches, Weighing-beams, and other Engines, Wharfs, Warehouses, Quays, or other Works, until they shall have given Three Months Notice to the Owners or Proprietors respectively; and that in case any Owner or Owners, Proprietor or Proprietors, of any of the respective Lands and Grounds contiguous and adjoining to the said Navigation, where the said Commissioners, or any Five or more of them, shall think it proper and convenient that any Wharf, Warehouse, or Quay, should be made, built, or erected, shall, after such Notice as aforesaid, be at Liberty to make, build, or erect, any such Wharf, Warehouse, or Quay, for his, her, or their own Use and Benefit; provided that such Owner or Owners, Proprietor or Proprietors, shall give Notice of such his, her, or their Intention, at any Time within the said Three Months, to the said Commissioners, or any Five or more of them, at some of their Meetings; or, in case of no such Meeting, to their Clerk in Writing; and provided also, that such Wharf, Warehouse, or Quay, be made, built, or erected, within such reasonable Time as shall be limited and appointed by the said Commissioners, or any Five or more of them.

Commissioners may set up Gates and Stiles over Fences, and erect Bridges over Ditches.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall cause to be made, set up, and from time to time maintained and kept in Repair, convenient Gates, Bridges, Passages, and Stiles, in, through, and over, all the Ditches,

Cuts, Banks, and Fences, in the Towing-paths or Haling-ways to be uſed for the Purpoſes of this Act, where the ſame ſhall reſpectively be neceſſary; and alſo ſuch Bridges over the ſaid River ſo to be made navigable as aforeſaid as ſhall be neceſſary for the Uſe of the Occupiers of the Lands thereunto adjoining: And alſo that if the ſaid Commiſſioners, or any Five or more of them, ſhall think proper to cauſe the ſaid River to be deepened in any Part or Parts, ſo as to render any Fords or Highways, to which any Perſon by Law is now intitled, impaſſable or dangerous; in every ſuch Caſe, the ſaid Commiſſioners, or any Five or more of them, ſhall firſt cauſe a ſufficient Bridge or Bridges to be erected, or ſuch other Conveniencies as the ſaid Commiſſioners, or any Five or more of them, ſhall judge proper, where ſuch Fords or Highways now are, or as near thereto as conveniently may be; and ſhall, from time to time, maintain and keep the ſaid Bridges or Conveniencies in Repair, for the due Accommodation of the Owners or Occupiers of the adjacent Lands, and of all Perſons having Occaſion to paſs over the ſame; provided that nothing herein contained ſhall obſtruct or prevent the Watermen, or other Perſons uſing the ſaid Navigation, from haling or towing up their Veſſels, nor any of the Owners or Occupiers of Lands, on which ſuch Gates or other Stoppages ſhall be erected, from having a free Paſſage into and upon the ſaid Lands.

Works veſted in Commiſſioners.

And be it enacted by the Authority aforeſaid, That the Right and Property of the ſeveral Locks, Cloughs, Engines, and other Works, to be made uſe of for the Purpoſes of Drainage or Navigation reſpectively, and of the Materials of which the ſame ſhall conſiſt, and alſo all Materials which ſhall be actually got or collected to be made uſe of in ſuch Works, ſhall be, and they are hereby veſted in the ſaid Commiſſioners; and they, or any Five or more of them, are hereby impowered to bring, or cauſe to be brought, any Action or Actions in the Name of their Treaſurer or Clerk, or to proſecute, or order the proſecuting of, Indictments againſt any Perſon or Perſons who ſhall injure or diſturb them the ſaid Commiſſioners in the Poſſeſſion thereof.

May remove Obſtructions.

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, or their Succeſſors, are hereby authorized, and ſhall have Power, from time to time, to remove, or cauſe to be removed, all Impediments, Annoyances, and Obſtructions whatſoever, from time to time, in the ſaid River, Cuts, Drains, and other Works; and in caſe the Perſon or Perſons who

ſhall

shall occasion any such Impediment, Annoyance, or Obstruction, shall refuse or neglect to remove the same, in such Manner as the said Commissioners, or any Five or more of them, or their Agents, Officers, or Workmen, shall require, by the Space of Four Days after Notice in Writing given for that Purpose; every such Person or Persons so neglecting or offending, on Conviction before any Justice of the Peace for the Division of Lindsey, in the said County of Lincoln, by the Oath or Oaths of One or more credible Witness or Witnesses, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, to be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal of such Justice; and, for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, nor less than Twenty one Days, or until such Penalty shall be paid, or otherwise compounded for; which Composition the said Commissioners, or any Five or more of them, are hereby impowered to make.

Works for Navigation not to prejudice the Drainage.

Provided always, and be it further enacted, That no Works shall be done for effecting or perfecting the Navigation of the said River Ancholme, in pursuance of the Powers and Authorities of this Act contained, which shall be the Means or Occasion of Detriment, Prejudice, or Hindrance to the draining of the aforesaid Level of Ancholme, or to the Works to be made for such Drainage, or to the conveying or discharging the Water and Floods from any of the Lands lying within the said Level, which shall be rated or taxed for the Purposes of this Act.

How high the Water may be pent.

Provided always, and be it enacted by the Authority aforesaid, That no Lock or Staunch shall be erected for the Purpose of Navigation which shall pen up the Water higher than within Two Feet of the natural Surface of any of the Lands and Grounds above such Lock or Staunch; and such Lock or Staunch shall be opened or pulled up whenever the Water shall run above Four Inches over the Top of such Lock or Staunch.

Works how to be confined.

Provided always, and be it enacted, That the said Commissioners shall keep and confine their Works for the Purposes of the said Navigation in the old River from Bishop Briggs to the North End of Gleantham Carr, as near as may be according to the Course in which the said River now runs.

Provided

Owners may make Cuts, &c.

Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, in any Way to reſtrain or prevent the ſeveral Owners and Proprietors of Lands and Grounds within the ſaid Level from making ſuch Cuts or Canals, in, over, and upon their reſpective Lands and Grounds, as they ſhall, from time to time think proper, ſo as ſuch Cuts or Canals do not damage or prejudice either the Drainage or Navigation intended to be made by this Act.

Commiſſioners may purchaſe Lands.

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority, and are hereby impowered to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, which they the ſaid Commiſſioners, or any Five or more of them, ſhall judge neceſſary to build Houſes on for Perſons looking after the Locks, or to be cut, digged, pulled down, or otherwiſe made uſe of for the Purpoſes of this Act for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors and Perſons intereſted for the Damage they may ſuſtain, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſſes; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Ideots, Femes Covert or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed or poſſeſſed 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 any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, the Fee Simple and Inheritance of any Lands, Tenements, and Hereditaments, for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioners, or any Five or more of them, for any Recompence to be made for the Damage which may be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales,

Bodies Politick, &c. to contract for the Sale of Lands, &c.

Conveyances, and Agreements, shall be valid and effectual in the Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes-covert, or other Person or Persons whomsoever, and all claiming or to claim, by, from, or under them; any Law, Statute, Usage, or Custom, to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they or any of them shall do in pursuance of this Act.

Where Persons shall neglect or refuse to treat,

And it is hereby further enacted, That if any such Bodies Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, for the Space of Thirty Days after Notice in Writing given to the Principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, intended to be cut, altered, dug, or used, for any the Purposes in this Act as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners, or any Five or more of them, or, by reason of Absence, shall be prevented from treating touching the Matters aforesaid; then, and in every such Case, the said Commissioners, or any Five or more of them, are hereby impowered, from time to time, to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of Lincoln for the time being; or in case such Sheriff shall be immediately interested in such Matter in Question, then to One of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return, a Jury; and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, is hereby required accordingly to impanel, summon, and return, a Jury of Twenty four Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Twenty one Days after such Warrant

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

ſhall be ſerved upon the ſaid Sheriff or Coroner reſpectively, upon Pain to forfeit, for every Default, in not making ſuch Return, Five Pounds, to be ſued for and recovered in the Manner herein after directed; and alſo to return in Iſſues upon every Perſon ſo impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which ſhall be levied by Diſtreſs and Sale of the Goods and Chattles of the Perſon not appearing as aforeſaid, by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Five or more of them; 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, ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen: And the ſaid Commiſſioners, or any Five or more of them, are hereby impowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion; and the ſaid Commiſſioners, or any Five or more of them, may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in Queſtion; which Jury (upon their Oaths to be adminiſtered by the ſaid Commiſſioners, or any Two or more of them; and which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter) ſhall inquire of, aſſeſs, and aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or ſhall be ſuſtained as aforeſaid, and to ſettle and aſcertain in what Proportion the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons intereſted in the Premiſſes, and the ſaid Commiſſioners, or any Five or more of them, ſhall give Judgement for ſuch Purchaſe-monies or Recompence ſo to be aſſeſſed by ſuch Juries; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Commiſſioners, or any Five or more of them, ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Parties, Bodies Politick,

Juries may be challenged.

Witneſſes to be ſummoned and examined on Oath.

The Damage and Recompence to be ſettled by a Jury.

Verdict of the Jury to be concluſive.

tick, Corporate, and Collegiate, and all Perſons whomſoever.

Witneſſes not appearing, or refuſing to be ſworn,

Provided alſo, and be it enacted, That if any Perſon or Perſons, ſummoned as aforeſaid to give Evidence, ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be appointed in the Warrant or Warrants granted by the ſaid Commiſſioners, or any Five or more of them, or appearing, ſhall refuſe to be ſworn or examined by, or give Evidence before, the ſaid Commiſſioners; or if any Perſon ſummoned as a Jury-man as aforeſaid, ſhall, after his Appearance, refuſe to be ſworn, or being ſo ſworn, refuſe to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premiſes, contrary to the true Intent and Meaning of this Act; every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Forty Shillings, to be levied on the Goods and Chattles of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid acting Commiſſioners, or any Five or more of them, by Diſtreſs and Sale of the Offenders Goods, rendering the Overplus to the Owner thereof, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale are deducted.

or any Jury-man refuſing to be ſworn, or give Verdict,

to be fined by Commiſſioners.

Expences of the Jury how to be paid.

And be it further enacted, That in caſe any Jury to be ſummoned and ſworn as aforeſaid, ſhall give a Verdict for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damages to be done thereto, than what ſhall have been offered by, or on Behalf of, the ſaid Commiſſioners, or any Five or more of them, before the ſummoning of any ſuch Jury for ſuch Recompence or Satisfaction; that then all the reaſonable and neceſſary Expences of ſummoning and maintaining ſuch Jury and the Witneſſes, and of taking ſuch Inqueſt, ſhall be paid and defrayed by the ſaid Commiſſioners, or any Five or more of them, out of the Monies to ariſe by virtue of this Act: But if any Verdict ſhall be given for no more or a leſs Sum than ſhall have been ſo previouſly offered by or on Behalf of the ſaid Commiſſioners, or any Five or more of them, for ſuch Recompence or Satisfaction; that then the Expences of ſummoning and maintaining ſuch Jury and the Witneſſes to be ſettled by the ſaid Commiſſioners, or any Five or more of them, ſhall be borne and defrayed by the Owners of, or Perſons intereſted in, the Lands, Tenements, or Hereditaments, ſo in

in Question; and the Expences so ascertained, shall be deducted and taken out of the Monies so assessed and adjudged; and the Payment or Tender of the Remainder of such Monies shall be deemed, within the Intent and Meaning of this Act, to be a full Satisfaction for such Lands, Tenements, Hereditaments, or Damages respectively.

Commissioners may proceed on Works after Satisfaction made.

And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed upon between the said Commissioners, or any Five or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury to such Party or Parties, or legal Tender thereof made, or to the Principal Officer or Officers of any such Bodies Politick, Corporate, or Collegiate; or if he, she, or they cannot be found, or refuse to accept such Money, upon Payment thereof to the Clerk or Treasurer of the said Commissioners, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively; the said Commissioners, and all Persons employed or authorized by them, or any Five or more of them, shall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements, and Hereditaments, for the Purposes of this Act, and they shall be and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate, and Collegiate whatsoever, shall, from thenceforth, be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, to and in the same.

For taking a Survey.

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

And

And be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, at any Time after the said Commissioners, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution for making the said Drainage and Navigation, or shall have completed the same, shall happen to sustain any Damages or Injury in his, her, or their Lands, Grounds, or Hereditaments, for which they shall have had no Recompence or Satisfaction by any Neglect or Default of the said Commissioners, or their Agents, Workmen, or Servants, or by reason of any Alteration which shall be made by them, or any or either of them, on account of the Works to be made by virtue of this Act; then, and in every such Case, if the said Commissioners, or any Five or more of them, and the Parties by whom such Damages shall have been sustained, shall not agree touching such Damages, the said Commissioners, or any Five or more of them, shall inquire of, and ascertain, such Damages, by a Jury to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, who shall recover the same accordingly, in the same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements, or Hereditaments, which shall be in anywise made use of, cut, or damnified, in the Execution of any the Works by this Act directed and authorized.

Bodies Politick and Corporate, and others, to have Satisfaction for future Damages.

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

All Verdicts and Judgements to be inrolled and filed with the Clerk of the Peace.

And be it further enacted by the Authority aforesaid, That at such Place or Places, upon or adjoining to the said River or Navigation, as the said Commissioners, or any Seven or more of them, shall, by any Instrument

What Tolls are to be taken.

in Writing under their Hands and Seals, appoint; there ſhall be paid unto the Collector or Collectors (to be nominated as herein after is directed) by all and every Perſon or Perſons who ſhall carry or convey any Goods, Wares, Merchandizes, or Commodities whatſoever, up or down the ſaid River, any Sum or Sums of Money not exceeding Two Shillings, for the Liberty of Paſſage through the whole Navigation, for every Ton of Goods, Wares, Merchandizes, or Commodities whatſoever (except as herein after excepted;) a Chaldron of Coals containing Forty eight Wincheſter Buſhels (being eſteemed and taken to be a Ton) the Sum of Two Shillings; and ſo in Proportion for any greater or leſſer Weight than a Ton; for every Ton of Groceries, the Sum of Four Shillings, and ſo in Proportion for any greater or leſſer Weight than a Ton; and for every Thouſand of Bricks or Tiles, any Sum not exceeding the Sum of Twenty Pence, and ſo in Proportion for any greater or leſſer Number; and for every Ton of Stone, any Sum not exceeding the Sum of Ten Pence, and ſo in Proportion for any greater or leſſer Weight than a Ton: Which reſpective Sum and Sums of Money, ſo appointed to be paid as aforeſaid, ſhall and may be demanded and taken in the Name of or as a Toll, after ſuch Rate per Mile as ſhall not exceed the Proportion which ſuch Diſtance ſhall bear to the Length of the whole Navigation; and which the Commiſſioners, or any Seven or more of them, ſhall think proper to lay in purſuance of this Act: And in caſe of Neglect or Denial of Payment on Demand of ſuch Tolls, or any Part thereof, ſuch Collector or Collectors is and are hereby authorized and required to ſeize and detain any of the ſaid Goods, Wares, Merchandizes, and Commodities, or the Boats or Veſſels conveying the ſame; and in caſe ſuch Tolls ſhall not be paid within the Space of Five Days next after ſuch Seizure made, it ſhall be lawful for the ſaid Collector or Collectors to ſell ſuch Goods, Wares, Merchandizes, Commodities, Boats, or Veſſels, rendering the Overplus (if any) to the Owners, after the ſaid Tolls, together with the reaſonable Charges of ſuch Seizure, Detention, and Sale, ſhall be ſatisfied and paid.

Pleaſure Boats, &c. exempt.

Provided always, That nothing herein before contained ſhall extend to the taking Tonage of any Boats out upon Pleaſure, or laden with Materials for the Purpoſes of Drainage or Navigation, or with Dung, Lime, or other Materials, to be uſed for manuring of Land only.

Provided

Provided always, and be it enacted, That for every Quarter of Wheat, Rye, Beans, Peaſe, or Lentils, paſſing or repaſſing through each Lock to be made by virtue of this Act, there ſhall be paid the Sum of Two Pence, and no more; and for every Quarter of Barley, Malt, Oats, or other Grain not before enumerated, paſſing or repaſſing through any ſuch Lock, the Sum of One Penny, and no more; which reſpective Sum and Sums of Money, ſo appointed to be paid as aforeſaid, ſhall and may be demanded, taken, recovered, and applied, in ſuch Manner as the other Tolls are herein directed to be demanded, taken, recovered, and applied. The Rates of Carriage of Corn.

Provided always, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall claim or take any Benefit of any of the Exemptions by this Act granted, not being intitled to the ſame, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied. Puniſhing Perſons for taking the Benefit of Exemptions illegally.

And be it further enacted, That all Taxes to be raiſed by virtue of this Act, by means and on account of the ſaid Drainage, and alſo all Tolls to be raiſed by virtue of this Act by means and on account of the ſaid Navigation, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners, and ſhall be applied and diſpoſed of for defraying in the Firſt Place all Expences attending the obtaining and paſſing of this Act, and then for the reſpective and ſeparate Purpoſes of making, continuing, completing, and maintaining the ſaid Drainage and Navigation, and carrying this Act, and the ſeveral Proviſions, Powers, and Authorities therein contained, into effectual Execution; and to no other Uſe or Purpoſe whatſoever. Taxes and Tolls veſted in the Commiſſioners for the Purpoſes of this Act.

And, foraſmuch as the Money to be collected by the Receipt of the Taxes and Tolls by this Act to be laid, demanded, and made payable as aforeſaid, will not be ſufficient for the ſpeedy Execution of the Works to be done for effecting and compleating the ſaid Drainage and Navigation in purſuance of this Act; be it therefore further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall and may, and they are hereby authorized and impowered, from time to time, as it ſhall be found requiſite and neceſſary for the Purpoſes aforeſaid, to borrow and take up any Sum or Sums of Money for the reſpective Purpoſes of making and carrying on the ſaid Drainage and Navigation upon the beſt Terms, and by the beſt Methods, the ſame can be procured; and for that Purpoſe they, or any Seven or Commiſſioners may raiſe Money on Rates, &c. by Mortgage or granting Annuities for Life.

more of them, ſhall and may, and they are hereby authorized and impowered to treat, contract, and agree with any Perſon or Perſons, either for the Purchaſe of an Annuity for Life, ſo as the Rate or Rates for any ſuch Annuity or Annuities for the ſingle Life of any One Perſon, do not exceed Seven Pounds per Centum per Annum, and proportionably for any greater or leſſer Sum, or for the Loan of any Sum or Sums of Money upon Mortgage, for the Purpoſes of the ſaid Drainage or Navigation reſpectively; provided that no ſuch Annuity be granted for any longer Term than One Life; and alſo in Purſuance or Execution of ſuch Contract or Agreement it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, by any Writing or Writings under their Hands and Seals, to charge the ſaid Taxes to ariſe by virtue of this Act, or any Part thereof, or Lands incloſed from the Commons on Account of the ſaid Drainage, and alſo the ſaid Tolls to ariſe by virtue of this Act, on Account of the ſaid Navigation reſpectively, with any Annuity or Annuities to ſuch Perſon or Perſons as ſhall treat for the ſame, during a Life to be by them reſpectively named; or to aſſign, transfer, and make over the ſaid Taxes, or any Part thereof, or the ſaid Lands incloſed from the Commons, or the ſaid Tolls to ariſe from the ſaid Navigation reſpectively, or a proportionable Part thereof, unto any Perſon or Perſons who ſhall advance and lend any Money upon the ſaid Taxes or Lands incloſed from the ſaid Commons on Account of the ſaid Drainage, or who ſhall advance or lend any Money upon the ſaid Tolls on Account of the ſaid Navigation reſpectively, for ſuch Term of Years as ſhall be agreed upon in that Behalf, by way of Mortgage, and as a Security for the Repayment thereof, with Intereſt, at ſuch Times, and in ſuch Manner, as ſhall be agreed upon by the ſaid Commiſſioners, or any Seven or more of them; the Coſts and Charges of aſſigning the ſaid Taxes, or the Lands incloſed from the ſaid Commons, to be paid out of ſuch Taxes, or any Part thereof, or the ſaid Lands incloſed from the ſaid Commons, and the Coſts and Charges of aſſigning the ſaid Tolls, to be paid out of ſuch Tolls reſpectively: And all and every Perſon or Perſons to whom the ſaid Commiſſioners, or any Seven or more of them, ſhall at any Time make ſuch Aſſignment or Aſſignments, ſhall be equally intitled to their Proportion of the ſaid Taxes, or Lands incloſed from the ſaid Commons, or Tolls reſpectively, according to the reſpective Sums in ſuch reſpective Aſſignments mentioned to be advanced,

advanced, to ſecure the Repayment thereof, with Intereſt as aforeſaid, without any Preference by reaſon of Priority of Aſſignment, or any other Account whatſoever: And the Money ſo borrowed, ſhall be applied in ſuch Manner as the ſaid Rates, or Lands and Tolls reſpectively are directed to be applied, and to no other Uſe or Purpoſe whatſoever: And Entries or Memorials of every ſuch Aſſignment or Aſſignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, and the particular Fund or Security of the ſaid Rates, Lands, or Tolls, whereon the ſame is lent or borrowed, ſhall be made in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers, to the ſaid Commiſſioners; which ſaid Book or Books, ſhall and may be peruſed at all ſeaſonable Times, by all Perſons, without Fee or Reward; and all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, may, from time to time, by proper Words of Aſſignment, to be indorſed on the Back of his, her, or their Security or Securities, under his, her, or their Hand and Seal, or Hands and Seals, duly executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any other Perſon or Perſons; which ſaid Transfer or Aſſignment ſhall, within Thirty Days after the Date thereof, be produced or notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred, in the ſaid Book or Books to be kept for the entering the ſaid original Aſſignments; for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers, ſhall be paid ſuch Sum as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint, not exceeding the Sum of Two Shillings and Six Pence; and after ſuch Entry made, but not till then, every ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and every ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made ſuch Aſſignment, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof; and that all Mortgages and Annuities to be made as aforeſaid ſhall be deemed Perſonal Eſtates.

Entries to be made of all Aſſignments.

Mortgages or Annuities to be deemed Perſonal Eſtates.

Notice to be given of borrowing of Money.

And be it further enacted by the Authority aforesaid, That no Sum or Sums of Money shall be borrowed on the Security or Assignment of the said Taxes, or Lands to be inclosed from the said Commons for compleating the said Works of Drainage, or on the Security or Assignment of the said Tolls for compleating the said Works of Navigation, unless Notice thereof, signed by Seven or more of the said Commissioners, be affixed upon the said Market Cross, or other conspicuous Place, in the Town of Glamford Briggs, and published in such publick News Papers as the said Commissioners, or any Seven or more of them, shall think proper, at least Twenty Days before any Meeting shall be held for that Purpose.

Surplus of Taxes, &c. to be applied as a general Fund for paying Debts contracted by Commissioners.

Provided always, and be it further enacted, That when and so soon as the said Drainage and Navigation shall be made and perfected, the Surplus Money arising from the said Taxes, Lands inclosed from the said Commons, and Tolls, over and above what shall be sufficient to support, maintain, and keep the respective Works of Drainage and Navigation in Repair, and to answer, pay, and satisfy, the Annuities and Interest of the Monies to be granted and borrowed on the Credit of the said Taxes, Lands inclosed, and Tolls, as aforesaid, and the Charges and Expences attending the Execution of this Act, shall be a General Fund for the Purposes of this Act, and be, from time to time, as the said Commissioners, or any Seven or more of them, shall think convenient, applied in reducing, paying off, and discharging, the Monies which shall be borrowed by the said Commissioners on any Security or Securities charging the said Taxes, Lands to be inclosed, or Tolls, such Security or Securities being redeemable, or the Monies thereby secured being a Loan carrying an annual Interest.

Commissioners may lessen Tolls and Duties, with Consent of Creditors.

And be it further enacted by the Authority aforesaid, That when and as the Money to be borrowed, advanced, and lent, for the Purposes of this Act, on the Credit of the said Taxes and Tolls, or a competent Part thereof, shall be paid off and discharged; then the said Commissioners, or any Seven or more of them, shall and may, and they are hereby authorized and impowered, with the Consent at least of the major Part of the Creditors in Number and Value of the said Taxes and Tolls respectively, to reduce the said respective Taxes or Tolls; and they are hereby authorized and impowered to raise the same again, from time to time, as Occasion shall require, and as to them, or any Seven or more of them, shall seem requisite and necessary for the Purposes

of this Act, ſo as the ſame do not exceed the reſpective Rates or Tolls herein before limited and granted.

And be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, ſhall be, and they are hereby impowered, 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 Rates, Rates, Tolls, Rents, and Duties, hereby granted, or to ariſe purſuant to this Act; and alſo a Treaſurer or Treaſurers, as they ſhall think fit to employ in the Execution of this Act; ſuch Treaſurer or Treaſurers, Collector or Collectors, and Receiver or Receivers, giving ſuch Security to the Satisfaction of the ſaid Commiſſioners, or any Seven or more of them, for the faithful and due Execution of their reſpective Offices: And ſuch Collector or Collectors, Receiver or Receivers, and all other Perſons who ſhall receive any Money by virtue of this Act, ſhall, from time to time, and at all ſuch Times as he or they ſhall be required by the ſaid Commiſſioners, or any Seven or more of them, by Writing under their Hands, pay, or cauſe to be paid, into the Hands of the ſaid Treaſurer or Treaſurers all and every the Sum and Sums of Money which he and they ſhall have received by virtue of this Act: And the ſaid Commiſſioners, or any Seven or more of them, may alſo, by Writing under their Hands, appoint a Clerk or Clerks, Surveyor or Surveyors, and ſuch other Officers as they ſhall think fit to employ in the Execution of this Act: And all the Officers ſo to be appointed or named in and by this Act, ſhall be paid, out of the Monies to be raiſed by virtue of this Act, ſuch Salaries or Allowances as the ſaid Commiſſioners, or any Seven or more of them, ſhall think reaſonable; and ſhall be, from time to time, removeable at the Will and Pleaſure of the ſaid Commiſſioners, or any Seven or more of them.

Commiſſioners to appoint Officers;

(who are to give Security)

and allow Salaries.

And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall fairly enter into One or more Book or Books, to be kept for that Purpoſe, an Account of all Monies by him or them received and diſburſed, ſpecifying the Times when, and the Perſons from and to whom, ſuch Monies were reſpectively received and diſburſed, and for what Purpoſes; which Book or Books, or a true Copy thereof, ſigned by the ſaid Treaſurer or Treaſurers, together with the Vouchers for ſuch Diſburſements, and alſo all Books and Papers in his or their Cuſtody relating to the Execution of this Act, ſhall be delivered to the ſaid Commiſſioners, or any Five or more

Treaſurer to keep regular Accounts, and paſs the ſame upon Oath.

more of them, Once at leaſt in every Year, and, from time to time, as often as the ſaid Commiſſioners, or any Five or more of them, ſhall require the ſame; and the ſaid Treaſurer or Treaſurers ſhall alſo verify the ſaid Account or Accounts upon Oath, if thereunto required by the ſaid Commiſſioners, or any Five or more of them; and the ſaid Commiſſioners, or any Five or more of them, are hereby authorized to diſcharge ſuch Treaſurer or Treaſurers of all ſuch Monies as he or they ſhall have truly accounted for: And the ſaid Commiſſioners, or any Five or more of them, ſhall alſo, at ſuch Time or Times as they ſhall think proper, ſummon before them, and if they think fit examine upon Oath (which Oath, as alſo the Oath or Oaths to the ſaid Treaſurer or Treaſurers, the ſaid Commiſſioners, or any Two or more of them, are hereby impowered to adminiſter) all or any ſuch Collectors, Receivers, Clerks, Surveyors, and Perſons employed in, or intruſted with, the Receipt or Expenditure of any of the Monies to be raiſed by virtue of this Act; which Collectors, Receivers, Clerks, Surveyors, and Perſons employed or intruſted as aforeſaid, ſhall render to the ſaid Commiſſioners, or any Five or more of them, from time to time, as often as they ſhall be thereunto required by the ſaid Commiſſioners, or any Five or more of them, a true and perfect Account in Writing, of all Monies ſo by them reſpectively received and paid, with the Vouchers for ſuch Payments; and alſo all Books and Papers in their Cuſtody relating to the Execution of this Act: And in caſe any ſuch Treaſurer, Collector, Receiver, Clerk or Clerks, or other Officer or Perſon, ſhall be found in Arrear, or refuſe to account, or pay the Money remaining in his Hands, according to the Directions of the ſaid Commiſſioners, or any Five or more of them; or if any ſuch Officer or Perſon ſhall not deliver ſuch Books or Papers in his Cuſtody as aforeſaid; in every ſuch Caſe, it ſhall be lawful for any Juſtice of the Peace within the Diviſion of Lindſey, in the ſaid County of Lincoln, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer and Perſon ſo offending to the Common Gaol, there to remain without Bail or Mainprize until he ſhall have made a true Account and Payment, and delivered ſuch Books and Papers as aforeſaid, or compounded with or ſatisfied the ſaid Commiſſioners, or any Five or more of them; which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to make.

And,

And, for the more eaſy collecting the ſaid Tolls, be it further enacted, That every Perſon having the Charge of any Boat or Veſſel paſſing on the ſaid River ſhall give a true Report or Account in Writing to the beſt of his Knowledge, ſigned by himſelf, to the Collector or Collectors of ſuch Tolls, and at ſuch Place or Places as ſhall be appointed by the ſaid Commiſſioners, or any Seven or more of them, of the Weight, Quantity, or Number, of Goods, Wares, Merchandizes, and Commodities, which ſhall be in, or belonging to, ſuch Boat or Veſſel; and alſo of the Weight, Quantity, or Number of ſuch Goods, Wares, Merchandizes, and Commodities, as ſhall have been diſcharged or taken out of ſuch Boat or Veſſel before the Arrival thereof at the Place where ſuch Account or Report is to be given, and alſo of the Name or Names of the Owner or Owners thereof: And in Failure of giving ſuch Account or Report; or in caſe a falſe Account or Report ſhall be given; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding the Sum of Five Pounds, over and above the Payment of ſuch Tolls: And if any Difference ſhall ariſe between any Collector of the ſaid Tolls, and the Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, Merchandizes, or Commodities, or Perſons acting in his or her Behalf, concerning the Weight, Quantity, or Number of the ſame; it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat or Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, all or any Part of ſuch Goods, Wares, Merchandizes, and Commodities: And in caſe the ſame ſhall appear to be of a greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be; in every ſuch Caſe, ſuch Perſon ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, or gauging; all which ſaid Coſts and Charges, upon Refuſal of Payment thereof, on Demand, ſhall and may be recovered as the ſaid Tolls are appointed to be recovered: But if ſuch Goods, Wares, Merchandizes, or Commodities, ſhall appear to be of no greater Weight, Quantity, or Number, than ſuch Perſon declared the ſame to be; then ſuch Collector ſhall pay ſuch Coſts and Charges, and ſhall alſo pay to ſuch Perſon, or to the Owner or Owners of ſuch Goods, Wares, Merchandizes, and Commodities, One Shilling for every Hour that ſuch Boat or Veſſel ſhall be ſo detained; and in Default of immediate Payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattles

Perſons having the Charge of Veſſels to give an Account in Writing of the Weight of Goods therein.

tles of ſuch Collector, by Warrant or Warrants under the Hand and Seal of any Juſtice of the Peace for the Diviſion of Lindſey in the ſaid County of Lincoln, rendering the Overplus (if any be) to the Owner or Owners of ſuch Goods and Chattles: And the ſaid Commiſſioners, or any Five or more of them, may, if they think fit, out of the Money to be raiſed by virtue of this Act, reimburſe the ſaid Collectors the Monies ſo paid by, or levied upon, them for the Detention of any ſuch Boat or Veſſel.

Boats ſhall be meaſured and marked.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons authoriſed by the ſaid Commiſſioners, or any Five or more of them, to meaſure any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, by putting Weights into the ſame, and to ſet Figures or Marks at each End of every ſuch Boat, Barge, Lighter, or 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 remeaſure and mark again ſuch Boat, Barge, Lighter, or other Veſſel; and if the Owner, Maſter, or any other Perſon or Perſons, ſhall refuſe or obſtruct the weighing, meaſuring, and marking, of any ſuch Boat, Barge, Lighter, or other Veſſel, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings; or if any Owner, Maſter, or other Perſon, ſhall alter or deface ſuch Figures or Marks, or ſhall ſuffer the ſame to be altered or defaced; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings, to be recovered, levied, and applied, in ſuch Manner as other Forfeitures and Penalties are directed by this Act to be recovered, levied, and applied.

And, for the better preventing of Damages or Miſchiefs that may be done or committed by any rude or diſorderly Perſons towing, navigating, or managing, any Boat, Barge, Lighter, or other Veſſel, within the Limits of the ſaid Navigation, and to the End that the Owners and Maſters thereof may be more careful therein; be it further enacted, That the Maſter or Owner of every Boat, Barge, Lighter, or other Veſſel, which ſhall paſs up or down the ſaid River, 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

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

or

or about, the ſame reſpectively, or by his, her, or their Servants or Horſes, unto any of the Bridges, Locks, Staunches, Dams, Sluices, or other Works, that ſhall be erected, maintained, or kept in Repair, in, upon, or near, the ſaid River, to be made by Authority of this Act, or by loading or unloading any Boat, Barge, Lighter, or other Veſſel; and alſo for any Treſpaſs or Damage that ſhall 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 and ſet up, or to any Lands, Tenements, or Hereditaments, or any Crop on the Ground adjoining to the ſame, or any of them, other than is provided for and authorized by this Act: And if any ſuch Damage, Spoil, or Miſchief, ſhall be done to any of the ſaid Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks, or other Works, or by loading or unloading ſuch Boats, Barges, Lighters, or other Veſſels, the ſame ſhall be enquired into, and determined by, any Two Juſtices of the Peace for the ſaid Diviſion of Lindſey, who are hereby authorized or required, upon Complaint or Information made before them, to ſummon ſuch Boatmaſters, Bargemaſters, or Owner, to appear before them; and upon his, her, or their Appearance, or making Default to appear (Proof being made upon Oath before ſuch Juſtices, that the Party neglecting to appear was perſonally ſerved with ſuch Summons, or that the ſame was left for him, her, or them, at his, her, or their, uſual Place of Abode) ſuch Juſtices ſhall proceed to examine into the Truth of the ſaid Complaint or Information; and upon Conviction of the Party complained of, or Proof upon Oath of One or more credible Witneſs or Witneſſes, ſhall award and order ſuch Sum of Money to be paid by ſuch Boatmaſters, Bargemaſters, or Owner, as a Recompence for the ſaid Damage, Spoil, or Miſchief, ſo done as aforeſaid, as the ſaid Juſtices ſhall think proper, not exceeding Treble the Amount or Value of ſuch Damage, Spoil, or Miſchief, to be paid to the Party or Parties aggrieved; and in caſe of Non-payment of ſuch Sum of Money ſo awarded and ordered, for the Space of Four Days, the ſaid Juſtices are hereby authorized and required to levy the ſame by Diſtreſs and Sale of the Boats, Barges, Lighters, Veſſels, or other Goods and Chattles of ſuch Boatmaſter, Bargemaſter, or Owner, by Warrant under the Hands and Seals of ſuch Juſtices, rendering to the Owner the Overplus (if any be) after the ſaid Penalty, together with the reaſonable

ſonable Charges of ſuch Information and Conviction, Diſtreſs and Sale, hath been firſt ſatisfied and paid.

Boatmen obſtructing Paſſage to be liable to Penalties.

And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman, or other Perſon, having the Care or Management of any Boat, Barge, Lighter, or other Veſſel, or navigating or working the ſame, ſhall lay ſuch Boat, Barge, Lighter, or other Veſſel, ſo as to obſtruct the Paſſage of other Boats, Barges, Lighters, or other Veſſels, and ſhall not, upon Requeſt, immediately remove the ſame, or 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 Twenty Shillings, nor leſs than Five Shillings, to be recovered upon Conviction before any Juſtice of the Peace for the ſaid Diviſion of Lindſey (not intereſted otherwiſe than as a Commiſſioner) by the Oath of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties offending, by Diſtreſs and Sale of ſuch Boat, Barge, Lighter, or other Veſſel, or any of the Goods and Chattles of ſuch Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice before whom ſuch Offender or Offenders ſhall be convicted, rendering the Overplus (if any be) after the reaſonable Charges of ſuch Information, Conviction, Diſtreſs and Sale, firſt deducted, to ſuch Offender or Offenders; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Months, nor leſs than Ten Days.

Veſſels ſunk to be weighed up.

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

ſuch

ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, or their Agents or Servants, to ſell the ſame, for reimburſing the ſaid Expences, Damages, and other incident Charges, rendering the Overplus (if any be) when demanded, to the Owner or Maſter of ſuch Boat, Barge, Lighter, or other Veſſel.

Maſters to have their Names on the Outſide of Boats.

And, to the End that the Owners, Maſters, or Perſons, having the Rule of any Veſſel navigating within the Limits of the ſaid Navigation, may be better known, be it further enacted, That every Owner, Maſter, or Perſon, having the Rule, Command, or Property, of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, ſhall cauſe his, her, or their Name and Place of Abode, at full Length, to be placed and ſet in large Capital Letters, Six Inches long at the leaſt, and broad in Proportion, on the upper Part of the Bow, on both Sides of every Boat, Barge, Lighter, or other Veſſel, and painted White, ſo that the ſame ſhall, from time to time, and at all Times, be plain and legible: And in caſe any ſuch Owner, Maſter, or Perſon, having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing upon the ſaid River, ſhall not at all Times have his, her, or their Name and Place of Abode ſo ſet and placed as aforeſaid; or in caſe ſuch Owner, Maſter, or Perſon, having the Command or Rule of any Boat, Barge, Lighter, or other Veſſel, paſſing on the ſaid River, into or through any of the Sluices or Locks upon the ſaid River, 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 River ſhall run waſte; then, and in every of the ſaid Caſes, every ſuch Owner, Maſter, or Perſon, ſo neglecting or offending, on Conviction before any Juſtice of the Peace for the ſaid Diviſion of Lindſey, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Five Shillings; to be recovered and levied by Diſtreſs and Sale of ſuch Offenders Goods and Chattles, by Warrant under the Hand and Seal of ſuch Juſtice; and, for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, be committed to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, nor leſs than Twenty Days, or until ſuch Penalty ſhall be paid, or otherwiſe compounded for;

Penalty on leaving open any of the Gates, Doors, or Slackers.

which Composition the said Commissioners, or any Five or more of them, are hereby impowered to make.

Navigation free,

And be it further enacted by the Authority aforesaid; That the Navigation, and the Works, Towing-paths, and Haling-ways, hereby authorized to be made and set out, shall be free for the Use of all Persons, and their Boats, Vessels, and Horses, upon Payment of such Tolls as shall be appointed to be taken by virtue of this Act; and that all Cares, Tolls, Rates, and Duties, to be raised by virtue of this Act, shall, at all Times hereafter, be exempted from the Payment of any Cares, Rates, Assessments, or Impositions whatsoever; any Law or Statute to the contrary notwithstanding.

and Tolls exempt from Taxes.

Masters of Vessels and other Persons punishable for breaking Locks, &c.

And, for preventing the breaking of Locks or Gates, or damaging any of the Works, which shall be erected or made in pursuance of this Act, be it enacted, That if any Master or Owner of any Vessel, or any other Person or Persons, shall wilfully and maliciously break any Locks or Gates, or cut, break down, damage, or destroy, any Banks, or other Works, to be erected or made in pursuance of this Act, such Offender or Offenders shall be judged 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 full Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Commissioners may make Bye-laws.

And be it further enacted, That the said Commissioners, or any Seven or more of them, at any of their Meetings, Notice being first given of the Intention of such Meetings, by Writing fixed upon the Market Cross, or other conspicuous Place, in the Towns of Glamford Briggs, Caistor, Market Raisin, Barton upon Humber, and Kirton, Twenty Days before such Meeting, shall, from time to time, have full Power and Authority to make Bye laws, Orders, and Constitutions, touching the Cuts, Drains, Sewers, Banks, Clows, Engines, and other Works, made or set up, or to be made or set up as aforesaid, for the Purpose of Drainage; and for the 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 convey or carry any Goods, Wares, or Merchandizes, on any Part of the said River; and to impose and inflict such reasonable Fines and Forfeitures upon the Breaker of

ſuch Bye-laws, Orders, or Conſtitutions, as the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit, ſo as no ſuch Fine or Forfeiture ſhall exceed the Sum of Forty Shillings on any One Perſon for any One Offence; ſuch Fine or Forfeiture to be levied and recovered in ſuch Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered; which ſaid Bye-laws, Orders, and Conſtitutions, being put into Writing, under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, ſhall be binding to, and be obſerved by, all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, either in puniſhing ſuch Perſons as ſhall diſobey the ſame, or in levying any Penalty or Forfeiture thereby incurred; but any Perſon or Perſons thinking himſelf, herſelf, or themſelves, aggrieved by any Order or Judgement made or given by or in purſuance of any ſuch Bye-law, Order, or Conſtitution, may, within Six Calendar Months after ſuch Order or Judgement ſhall be made or given, complain to the Juſtices of the Peace at their General or Quarter Seſſion to be held in and for the ſaid Diviſion of Lindſey, who ſhall, in a ſummary Way, either hear and determine the ſaid Complaint at ſuch General or Quarter Seſſion, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Seſſion of the Peace to be held for the ſaid Diviſion; and, if they ſee Cauſe, mitigate or diſcharge ſuch Forfeiture or Puniſhment, and may order any Money, or Part thereof, 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 Commiſſioner, ſhall appear to have been ſet to the ſaid Bye-law, Order, or Conſtitution, which occaſioned ſuch Complaint.

Orders and Bye-laws to be entered into, Books and ſigned.

And be it further enacted, That all Bye-laws, Orders, Conſtitutions, and Proceedings, of the ſaid Commiſſioners in the Execution of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe; and ſuch Bye-laws, Orders, Conſtitutions, and Proceedings, when entered, ſhall be ſigned by the ſaid Commiſſioners, or any Seven or more of them, and the Clerk or Clerks, attending the ſaid Commiſſioners, is and are hereby required to ſet his or their Name or Names as a Witneſs

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 Appeal, 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 any Fee or Reward; and Copies thereof, or any Part, may be taken by any Person or Persons, paying the said Clerk or Clerks Two Pence for every One hundred Words.

No Order of Commissioners to be revoked, unless Nine shall consent thereto.

Provided always, and be it enacted, That no Order which shall be made by the said Commissioners, or any Five or more of them, 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 Thirteen or more of the said Commissioners be present at such Meeting, and Nine of the Commissioners pesent be consenting thereto; nor unless Twenty Days Notice in Writing be affixed on the Market Cross, or other conspicuous Place in the Towns of Glamford Briggs, Caistor, Market Raisin, Barton upon Humber, and Kirton; in which said Notice it shall be expressed what Order and Orders are intended to be reversed or altered.

Penalties and Forfeitures how to be recovered.

And it is hereby further enacted and declared, That all the pecuniary Fines, Penalties, and Forfeitures, hereby inflicted or authorized to be imposed (the Recovery whereof is not herein before directed) shall be recovered by Distress and Sale of the Offender's Goods and Chattles, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said Division of Lindsey, who is and are hereby impowered and authorized to act in the Premisses, and also to hear and determine all other Complaints hereby referred to, and made cognizable by, any Justice or Justices of the Peace for the said Division, and to issue such Warrant and Warrants as is and are required or necessary to be granted and issued by any Justice or Justices of the Peace for any of the Purposes in this Act contained: And in case sufficient Distress shall not be found, it shall be lawful for any such Justice to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Space not exceeding Three Months, or until the Penalty shall be paid, or otherwise compounded for; which Composition the said Commissioners, or any

Justices impowered to determine Complaints.

any Five or more of them, are hereby impowered to make: And that all ſuch Fines, Penalties, and Forfeitures, and Compoſition-monies, or any Part or Parts thereof, which are not herein before directed to be applied, ſhall be paid into the Hands of the Treaſurer or Treaſurers to the ſaid Commiſſioners, and applied for the Purpoſes of Drainage and Navigation reſpectively. Penalties to be paid to the Treaſurer, and applied to the Uſe of Drainage and Navigation.

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

And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, and all and every the Juſtice or Juſtices of the Peace hereby authorized to act, hear, determine, order, adjudge, or decree, in any Caſe, or upon any Occaſion, in this Act directed or expreſſed, are hereby impowered to adminiſter an Oath or Oaths to any Perſon or Perſons, when any Information or Examination ſhall, to ſuch Commiſſioners or Juſtice or Juſtices, ſeem neceſſary or expedient to be had or made of or by ſuch Perſon or Perſons for any the Purpoſes in this Act contained: And that all and every Perſon and Perſons who, in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners, or any of them, or before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame; and upon Conviction thereof, ſhall be ſubject and liable to the ſame Pains and Penalties which any Penalty on Perſons giving falſe Evidence.

Perſon or Perſons can or may be ſubject or liable to for wilful and corrupt Perjury by any of the Laws and Statutes of this Realm.

Proceedings not to be quaſhed for want of Form.

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

Exemption from Stamp Duties.

Provided always, That no Warrant, Mortgage, Aſſignment, Tranſfer, or other Writing whatſoever, to be made or written in purſuance of, or relating to, the Execution of any of the Powers of this Act, ſhall be ſubject to, or charged or chargeable with, any Stamp Duty whatſoever.

Expences of this Act, &c. to be paid out of the Rates.

And be it further enacted by the Authority aforeſaid, That all the Expences incident to, and attending, the obtaining and paſſing of this Act, and other the neceſſary Expences relating thereto, and alſo the Monies already expended in examining the old Works, ſhall be paid and defrayed by the ſaid Commiſſioners, or any Five or more of them, out of the Firſt Monies which ſhall be raiſed by virtue of this Act.

Actions to be commenced within Six Months.

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, or to be done, in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions, herein before given or granted, every ſuch Action, Suit, or Information, ſhall be commenced and brought within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the ſaid County of Lincoln, and not elſewhere; and the Perſon or Perſons ſo ſued or proſecuted ſhall or may plead the General Iſſue; and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do; and give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame (other than as aforeſaid) at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County than the ſaid County of Lincoln, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or diſcontinue his, her, or their Suit or Suits; or if any

Verdict shall pass, or Judgement be given, against him, her, or them, upon Demurrer, or otherwise; then, and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they, shall have the like Remedy as when Costs are awarded in other Cases by Law.

Persons aggrieved not to recover but for special Damages.

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 Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Accounts to be kept in Books, and Entries to be read as Evidences.

And be it further enacted, That Accounts of all Monies which shall be received, raised, and borrowed, by virtue of this Act, and of the Expenditure of such Monies respectively, and also all Debts, Contracts, Orders, and Proceedings, of the said Commissioners, or any of them, in the Execution of, or relating to, this Act, shall be, from time to time, regularly and fairly entered in Books to be kept for that Purpose; and such Entries, being signed by any Five or more of the said Commissioners, and attested by the Clerk to the said Commissioners, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

For paying to Sir *Rowland Winn* a certain Sum of Money.

And whereas many of the Lands and Grounds within the said Level of Ancholme, proposed to be drained and improved by this Act, are subject and liable to the Payment of a very considerable Sum of Money to Sir Rowland Winn Baronet; and in order to prevent all Disputes which may arise touching the Payment thereof, and to encourage so useful an Undertaking as the draining and improving the said Lands and Grounds, the said Sir Rowland Winn hath consented to take and receive the Sum of Three thousand five hundred Pounds in full Discharge thereof: And whereas it will be for the Benefit of the Owners and Proprietors of the said Lands and Grounds to have the same freed and discharged from the said Incumbrance; be it therefore further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall, and they are hereby

by

by authorized and required, out of the Firſt Monies which ſhall be borrowed on the Credit of the Taxes directed to be laid on the Lands and Grounds within the ſaid Level propoſed to be drained, or on the Lands and Grounds to be incloſed, by virtue of this Act (the Charges and Expences attending the obtaining and paſſing of this Act being firſt deducted) to pay, or cauſe to be paid, to the ſaid Sir Rowland Winn Baronet, the Sum of Three thouſand five hundred Pounds, in One entire Payment, within One Year next after the paſſing of this Act, in Conſideration of, and full Satisfaction for, the Debt due and owing to him by the ſeveral Owners and Proprietors of the Lands and Grounds aforeſaid, in reſpect of the ſaid Lands and Grounds: And the ſaid Sum of Three thouſand five hundred Pounds, when paid to the ſaid Sir Rowland Winn as aforeſaid, ſhall and is hereby declared to be in full Satisfaction and Diſcharge of the ſaid Debt; and that from and immediately after the Payment thereof as aforeſaid, the ſaid ſeveral Owners and Proprietors of Lands and Grounds aforeſaid, and likewiſe the ſaid Lands and Grounds, ſhall be, and are hereby, abſolutely acquitted, freed, and diſcharged, of and from the ſaid Debt, and of and from all Claim and Demand whatſoever of him the ſaid Sir Rowland Winn, his Executors, Adminiſtrators, and Aſſigns, for or on account of the ſaid Debt, or any Part thereof.

Reſerving Rights of Lords of Manors.

And be it further enacted, That nothing herein contained ſhall extend to prejudice the Rights of any Lord or Lords of any Manor or Manors, ſo that the Exerciſe of ſuch Rights ſhall not interfere with, or interrupt, the Execution of this Act.

Publick Act.

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

FINIS.