ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 105.

An Act for improving the Port and Harbour of *Boston*, in the County of *Lincoln*; and for fixing the Wharfage of Goods landed within the said Port and Harbour; and for better maintaining the Buoys, Beacons, and Seamarks, belonging thereto.

[20th *May* 1812.]

WHEREAS the Mayor and Burgesses of the Borough of *Boston*, in the County of *Lincoln*, have, as well by Prescription as Royal Charter, been a Corporation for Two hundred Years last past and upwards, and by virtue and in pursuance of certain Letters Patent, granted them by Queen *Elizabeth*, bearing Date on or about the Tenth Day of *February*, in the Fifteenth Year of her Reign; have and do now use and exercise Admiralty Jurisdiction within the said Borough and Port of the same; and also the Roads and all and singular the Deeps, commonly called the *Norman Deeps*; and also all and all Manner of Places and Parts, and Watercourses, and the Streams of the Washes near and in the Parts of *Holland*, extending to the Haven or Place called *Wainfleet Haven*, and to a certain Place called *Pullye Heads*, and to another Place or Sand called the *Knock*, and to another Place called the *Dog's Head in the Pot*, and to the uttermost Limits of the flowing and ebbing of the Waters aforesaid, and every of them, and adjoining to the Sea, and Floods and Streams of the Borders and Confines of the County of *Norfolk*; and by virtue of the same Letters Patent, and by long Usage, have erected and put down proper Buoys, Beacons, and Seamarks, in the Channels within the said Port; and

and the ſaid Mayor and Burgeſſes are alſo ſeiſed of and in all and ſingular the Wharfs and Quays uſed as lawful Quays in the ſaid Borough and Port of *Boſton:* And whereas the ſaid Mayor and Burgeſſes are alſo entitled, by divers Charters, and by Preſcription, to divers Tolls, Rates, or Duties, upon all Ships or Veſſels navigating, coming into, or going out of the ſaid Port, for and towards repairing and maintaining the Buoys, Beacons, and Seamarks, belonging to the ſaid Port and Harbour; and are alſo entitled by the ſame Charters to certain Keyage, Wharfage, and Laſtage, for Goods brought into or ſhipped from the ſame Port: And whereas the ſaid Port and Harbour is much frequented by Ships and Veſſels trading to and from the ſame, and the principal Quay in the ſaid Port is in a ruinous and incommodious State, and it is deſirable, for the greater Accommodation of the Trade of the ſaid Port and Harbour, that better and more extenſive Quays and Wharfs ſhould be erected: And whereas the ſaid Tolls, Rates and Duties, Keyage, Wharfage, and Laſtage, are in many Caſes difficult to be aſcertained and defined, and very inadequate to the Support and Repair of the ſaid Port and Harbour, and of the Buoys, Beacons and Seamarks, Quays and Wharfs belonging thereto, and for the other Purpoſes for which the ſame were granted; and it is expedient that ſuch Tolls, Rates, and Duties, Keyage, Wharfage, and Laſtage ſhould in ſome reſpects be altered; and it will be for the Advantage of the Public in general, as well as the ſaid Mayor and Burgeſſes, that the ſame ſhould be aſcertained, fixed, and clearly defined: And whereas it is expedient for the Preſervation of the ſaid Port and Harbour, and for rendering the ſame more ſafe and commodious for the Public, and for the Shipping and Trade of the ſaid Port and Harbour, that certain Projections and Encroachments made in the ſaid Port and Harbour ſhould be removed, and that certain Parts thereof (where, on account of its Width, the Water has not ſufficient Power to ſcour away the Banks of Sand and Mud which there accumulate, and render the Bottom of the ſaid Port and Harbour uneven and unſafe for Ships to lie in,) between a certain Part thereof called *The Grand Sluice*, and a Place called *Maud Foſter's Gowt*, ſhould be contracted; and that ſome further and other Powers ſhould be granted to the ſaid Mayor and Burgeſſes, for preventing Projections and Encroachments in the ſaid Port and Harbour in future, and for widening, deepening, contracting, and otherwiſe improving the ſaid Port and Harbour: But inaſmuch as the ſaid Objects cannot be carried into Effect without the Aid and Authority of Parliament; may it 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,

Works to be done for the Improvement of the Harbour, &c.

That the ſaid Mayor and Burgeſſes and their Succeſſors, or ſuch Perſon or Perſons as they ſhall, by any Writing or Writings under their Common Seal, nominate and appoint for that Purpoſe, and their Servants, Agents, Officers, and Workmen are hereby authorized, directed, and required to make, ſet up, and erect, on either Sides of the ſaid Port and Harbour, from the *Grand Sluice* to *Maud Foſter's Gowt*, ſuch and ſo many Jetties, Walls, Banks, Wears, Sluices, and Works for making, ſecuring, continuing, and maintaining the Channel of the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, within proper Bounds, for the Uſe of the Navigation therein, and all ſuch Towing or Haling Paths along or on either Sides of the ſaid Port and Harbour, as they the ſaid Mayor and Burgeſſes and their Succeſſors ſhall think neceſſary and proper; and alſo

to cleanſe, ſcour out, deepen, widen, enlarge, alter and vary the Courſe of the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, and the Channel thereof; and alſo to dig, cut, take up, remove, and carry away any Projections, Stands, Stages, Piles, Jetties, Walls, Piers, Stone, Bricks, Chalk, Sand, Gravel, Rubbiſh, or any other Obſtruction or Impediment whatſoever which do or ſhall in anywiſe pervert, ſtop, affect, injure, prejudice, hinder, or obſtruct the free Navigation of the ſaid Port and Harbour from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*; and from Time to Time, as often as they ſhall think neceſſary and proper, to alter, repair, increaſe, enlarge, and amend the ſaid Jetties, Walls, Banks, Wears, Sluices, and Works, and alſo to build, erect, ſet up, and make ſuch Quays, Wharfs, Cranes, and Warehouſes, or to repair, rebuild, or alter or remove any of the preſent Quays, Wharfs, Cranes, or Warehouſes, in ſuch Way as ſhall appear to them neceſſary or expedient for the better Accommodation of the Shipping and Trade of the ſaid Port; and alſo to make, amend, direct, alter, widen, turn, vary, enlarge, or extend any Roads, Ways, Paſſages, or Conveniences leading to or from the ſaid Quays, Wharfs, Cranes, and Warehouſes, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*; and alſo to carry and convey all Manner of Materials and other Articles in, over, and upon any Lands or Grounds, in order to the making, carrying, erecting, altering, repairing, maintaining, perfecting, improving, and finiſhing of the ſaid Works and Improvements, or uſeful for any Purpoſe thereof; and alſo to lay, work and manufacture the ſaid Materials, upon the Ground near to the Place or Places where the ſaid Works and Improvements, or any of them, ſhall be or are intended to be made, erected, repaired, or done; and alſo to conſtruct, erect, make, and perform all other Works, Matters, and Things which they the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall think neceſſary and expedient for rendering the ſaid Port and Harbour more ſafe and commodious, and for improving the Navigation thereof, and for the due Execution of this Act; the ſaid Mayor and Burgeſſes, and their Succeſſors, Servants, Agents, Officers, and Workmen, and all other Perſons hereby empowered to perform the ſaid Works or Things, doing as little Damage as may be in the Execution of the ſeveral Powers to them granted, and making Satisfaction in Manner hereinafter mentioned to the Owners and Occupiers of, and all Perſons intereſted in, the Lands, Tenements, or Hereditaments reſpectively, which ſhall be taken, uſed, removed, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Mayor and Burgeſſes and their Succeſſors, and their Servants, Agents, Officers, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Powers and Reſtrictions as are hereinafter mentioned.

II. Provided always, and be it further enacted, That nothing herein contained ſhall extend to or authorize and empower the ſaid Mayor and Burgeſſes to alter and vary the Courſe of the ſaid Port and Harbour, or to contract the Width thereof in any Manner ſo as to prevent the Waters from paſſing near to or adjoining to a certain Sluice in the ſaid Port or Harbour, commonly called the *Black Sluice*, or ſo as to injure or prevent the free Drainage of the Lands draining by the ſaid *Black Sluice* in as effectual a Manner as before the paſſing of this Act. The Courſe of the Harbour not to be varied ſo as to injure the Drainage by the Black Sluice.

III. And,

Obſtructions in Harbour to be removed.

III. And, to the Intent that all Abuſes, Impediments, Obſtructions and Annoyances in and to the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, occaſioned or to be occaſioned by the unlawful making, building, enlarging, projecting, or extending of any Walls, Jetties, Banks, Wharfs, Stages, or other Erections, and all other Nuiſances in the ſaid Harbour, may be effectually removed, remedied, and prevented; be it further enacted, That upon Complaint made by any Perſon or Perſons to any Two Juſtices of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, of any ſuch Impediments, Obſtructions, or Annoyances, it ſhall be lawful for ſuch Juſtices, and they are hereby authorized, by Writing under their Hands and Seals, to ſummon the Party or Parties ſo complained of to appear before ſuch Juſtices, to make Anſwer to ſuch Matters (which ſhall be mentioned or recited in the Body of ſuch Summons) as ſhall be objected againſt them; and alſo, if Occaſion require, to iſſue their Warrant or Warrants, under their Hands and Seals, directed to the Sheriff of the County of *Lincoln*, or his Deputy, requiring him to impannel, ſummon, and return a Jury, in the like Manner as a Jury is hereinafter directed to be impanelled, ſummoned, and returned, to aſcertain the Price of any Land to be taken for the Purpoſes of this Act, before the Juſtices of the Peace to be aſſembled at any General Quarter Seſſions of the Peace to be holden for the Parts of *Holland*, in the ſaid County of *Lincoln*; and the ſaid Juſtices and Jury, having heard the Evidences of the Witneſſes, and what ſhall be ſaid by the Parties offending or accuſed, or any other Perſon or Perſons on their Behalf, or without hearing the Parties offending or accuſed, (in caſe he, ſhe or they ſhall not appear, without ſufficient Excuſe, after being duly ſummoned) ſhall deliver to the ſaid Juſtices for the Parts of *Holland* ſo aſſembled, their Verdict or Inquiſition on the ſaid Articles, Matters, and Things given them in Charge; and the ſaid Juſtices ſhall give Judgment on the Verdict or Inquiſition, and make their Order and Decree concerning the ſame, and may thereby order and decree that ſuch Perſon or Perſons, through whoſe Act or Default it ſhall be found by ſuch Verdict or Inquiſition that any Abuſes, Impediments, Annoyances, or Obſtructions were made or occaſioned, or are continued, ſhall, within Two Calendar Months then next following, remove the ſaid Abuſes, Impediments, Annoyances, or Obſtructions, and in Default thereof to order and decree the Party or Parties offending to forfeit and pay ſuch Sum of Money as ſuch Juſtices ſo aſſembled ſhall think fit, not exceeding the Sum of Twenty Pounds for every Month during which the Abuſes, Impediments, Obſtructions, or Annoyances ſo formed, ſhall not be remedied or removed; and the Adjudications, Decrees, Orders, and Determinations to be made by virtue of this Act, or true Copies thereof, ſhall be taken, adjudged, and deemed good and ſufficient Evidence in any Court whatſoever.

Plans and Books of Reference to be certified by the Speaker, and depoſited.

IV. And whereas a Survey has been made, to aſcertain the Practicability of improving the ſaid Port and Harbour from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, and a Map or Plan, deſcribing the Line or Courſe of the Improvements, together with a Book of Reference, containing a Liſt of the Owners or reputed Owners and Occupiers of the Lands and Hereditaments adjoining thereto; be it therefore further enacted, That there ſhall be Two Parts made of the ſaid Map or Plan, and the Book of Reference hereinbefore mentioned, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons; and One Part of the ſaid Maps or Plans, and Books of Reference, ſhall be depoſited and kept

kept in the Office of the Town Clerk of the said Borough of *Boston*, and another with the Clerk of the Peace for the Parts of *Holland*, in the said County of *Lincoln*, for the Time being; and all Persons shall and may, at all seasonable Times, have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying the said Town Clerk, or Clerk of the Peace respectively, the Sum of One Shilling for every such Inspection, and after the Rate of One Shilling for every Two hundred Words of such Copies or Extracts of the said Books of Reference.

Plans and Books of Reference not to be deviated from.

V. And be it further enacted, That the said Mayor and Burgesses, and their Successors, or any other Person or Persons authorized by them in making the said intended Improvements from the said *Grand Sluice* to *Maud Foster's Gowt*, shall not deviate or vary from the Course or Direction so delineated and described in the said Maps or Plans and Books of Reference: Provided always, that no Advantage shall be taken of or against the said Mayor and Burgesses, or their Successors, or any Interruption be given to the making, proceeding in, executing, and completing of the said intended Improvements of the said Port and Harbour from the said *Grand Sluice* to *Maud Foster's Gowt*, and other Works by this Act authorized to be made and executed, on account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting in and for the said Parts of *Holland*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken in Mistakes in Books of Reference.

Power to purchase Lands.

VI. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, or their Successors, to treat and agree with the Owners and Occupiers of, and all Persons interested in, any Messuages, Lands, Tenements, or Hereditaments, which the said Mayor and Burgesses, or their Successors for the Time being, shall think necessary to be purchased for making, building, erecting, or improving the said Jetties, Walls, Banks, Wears, Sluices, Towing or Haling Paths, Quays, Wharfs, Cranes, Warehouses, or other Works, for the improving of the said Port and Harbour from the said *Grand Sluice* to *Maud Foster's Gowt*, or for making or altering any Road or Roads to or from the same; and it shall also be lawful to and for all Persons whomsoever, Bodies Politic, Corporate, or Sole, Trustees or Feoffees in Trust, Guardians and Committees for Lunatics and Idiots, Executors or Administrators and Guardians, not only on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, who is, are, or shall be seised or possessed of, or interested in any Messuages, Lands, Tenements, or Hereditaments, which shall be necessary to be purchased for the Purposes of this Act, to contract for, sell, convey, or surrender to the said Mayor and Burgesses, and their Successors, all or any such Messuages, Lands, Tenements, or Hereditaments, or any Part thereof, or any Term for Years, or any Estate or Interest therein; and that all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances, which shall be made as aforesaid, shall be good and valid in Law, to all Intents and Purposes whatsoever, not only to convey the Estate of the Person or Persons so conveying, but also all Right, Estate, Interest, Use, Trust, Pro-

perty, Claim, and Demand whatſoever, of their ſeveral and reſpective *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſons, and all claiming by, from, or under them; any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Satisfaction to be made.

VII. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons hereinbefore capacitated to ſell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments in, upon, or through which the ſaid Port and Harbour, Roads, Towing or Hauling Paths, Quays, or other Works hereby authorized are intended to be made, or any of them, may accept and receive Satisfaction for the Value of ſuch Lands and Grounds, or other Hereditaments, and for the Damages to be ſuſtained by making and completing the ſaid Works hereinbefore directed, either in groſs Sums or by Annual Rents, as ſhall be agreed upon by and between the ſaid Owners and Occupiers reſpectively, or any of them, and the ſaid Mayor and Burgeſſes, or their Succeſſors, to be paid out of the Monies ariſing or to be raiſed and received in purſuance and by virtue of this Act; and from and immediately after the Time of making and executing ſuch Sale and Conveyance, or any Contract or Contracts for the ſame, the ſaid Mayor and Burgeſſes, and their Succeſſors, may and ſhall be at Liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the ſaid Lands, Grounds, and other Hereditaments, for the Uſes and Maintenance of the ſaid Port and Harbour, and other Works; and in caſe the ſaid Mayor and Burgeſſes, or their Succeſſors, and the ſaid Parties intereſted in ſuch Lands and Grounds, or other Hereditaments, cannot or do not agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Verdict of a Jury, as is hereinafter directed.

If Parties cannot agree, Price to be ſettled by a Jury.

VIII. Provided always, and be it further enacted, That no Compenſation or Satisfaction for the Purchaſe of any Lands, Tenements, or Hereditaments to be taken or uſed for the Purpoſes of this Act, or for any Damages done in the Execution thereof, ſhall be made to any Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, by an annual Rent or Rents, ſave and except to ſpiritual Perſons, for and in reſpect of their Tythes and Glebe Lands; and for ſuch Tythes and Glebe Lands, ſuch Satisfaction and Compenſation ſhall be made by an Annual Rent.

Yearly Rents charged on the Rates and Duties.

IX. And be it further enacted, That all ſuch yearly Rents or Sums as ſhall be agreed on between the ſaid Mayor and Burgeſſes, or their Succeſſors, and the Parties intereſted in ſuch Lands and Grounds, or other Hereditaments, or as ſhall be ſo aſcertained and ſettled as aforeſaid, ſhall be charged on the Rates and Duties ariſing by virtue of this Act, and ſhall be paid by the ſaid Mayor and Burgeſſes, or their Succeſſors, as the ſame ſhall become due and payable; and in caſe the ſame ſhall not be paid within Sixty Days next after the ſame ſhall ſo become due and payable, and after Demand in Writing made thereof, of or from the Town Clerk of *Boſton* aforeſaid for the Time being, it ſhall be lawful for any Two or more Juſtices of the Peace acting for the ſaid Parts of *Holland*, and they

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are hereby required, upon due Proof of the Default made before them upon Oath, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Tonnage, Rates, and Duties hereby granted and made payable, and to pay the ſame to ſuch Bodies Politic, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch Yearly Rents or Sums ſhall be due and unpaid as aforeſaid, every ſuch Collector giving ſuch Security to the ſaid Mayor and Burgeſſes, or their Succeſſors, for the due and faithful Execution of his Office, as they the ſaid Juſtices ſhall judge proper and ſufficient; and every Perſon ſo appointed, ſhall be deemed a Collector of the ſaid Tonnage, Rates, and Duties, and ſhall have the ſame Power and Authority to collect the ſame, as if he had been appointed a Collector of the ſaid Rates and Duties by the ſaid Mayor and Burgeſſes, or their Succeſſors, until ſuch Yearly Rents or Sums, with the Coſts and Charges of recovering and receiving the ſame, ſhall be fully ſatisfied and paid; or it ſhall be lawful for ſuch Bodies Politic, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch Yearly Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame with Coſts of Suit, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*; or otherwiſe to ſeize and diſtrain for the ſame upon any Goods and Chattels belonging to the ſaid Mayor and Burgeſſes, or their Succeſſors.

If Parties are diſſatisfied, or refuſe or are unable to treat, &c. a Jury to be impannelled to decide the Matter.

X. And, for ſettling all Differences which may ariſe between the ſaid Mayor and Burgeſſes, or their Succeſſors, and the ſeveral Owners of or Perſons intereſted in any Lands, Grounds, Tenements, or other Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, by reaſon of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſo intereſted for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their *Ceſtuique* Truſts, or of any other incapacitated Perſon or Perſons as aforeſaid, ſhall refuſe to accept ſuch Purchaſe Money, Annual Rent, or Recompence, or other Compenſation as ſhall be offered by them the ſaid Mayor and Burgeſſes, or their Succeſſors, or their Agent by or on their Behalf, and ſhall give Notice thereof in Writing to the Town Clerk of *Boſton* aforeſaid for the Time being, within Seven Days next after ſuch Offer ſhall have been made, and the Party or Parties giving ſuch Notice as aforeſaid, ſhall therein requeſt that the Matter or Matters in Diſpute may be ſubmitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in any ſuch Lands or other Hereditaments as aforeſaid, ſhall refuſe to treat or agree, or ſhall not agree, or by reaſon of Abſence or Diſability cannot agree with the ſaid Mayor and Burgeſſes, or their Succeſſors, or with any Perſon or Perſons authorized by them for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or cannot be found or known, or ſhall not produce and evince a clear Title to the Premiſes they may be in Poſſeſſion of, or to the Intereſt they ſhall claim therein, to the Satisfaction of the ſaid Mayor and Burgeſſes, or their Succeſſors, or of the Perſon or Perſons authorized by them, then and in every ſuch Caſe the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall and they are hereby empowered and required, from Time to Time, to iſſue a Warrant under their Common Seal to the Sheriff of the County of *Lincoln*; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be intereſted in the Matter or Matters in queſtion,

tion, then to the Senior Coroner of the ſaid County; and in caſe he ſhall be ſo intereſted, then to the next Coroner of ſuch County in point of Seniority, who ſhall not be ſo intereſted; and if all the Coroners ſhall be ſo intereſted as aforeſaid, then to the laſt Perſon who filled the Office of Sheriff of the ſaid County then in being, who ſhall not be ſo intereſted as aforeſaid, commanding ſuch Sheriff or Coroner, or other Perſon (and the ſaid Sheriff or Coroner, or ſuch other Perſon, is hereby empowered and required) to impanel, ſummon, and return not leſs than Forty-eight nor more than Seventy-two ſubſtantial and indifferent Perſons of his County, qualified to ſerve on Juries, and the Perſons ſo to be impanelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the ſaid Juſtices of the Peace for the Parts of *Holland*, in the ſaid County of *Lincoln*, at ſome Court of General Quarter Seſſions of the Peace to be holden in and for the ſame Parts, or at ſome Adjournment thereof, as in ſuch Warrant ſhall be directed and appointed, and to attend ſuch Court of General Quarter Seſſions from Day to Day, until diſcharged by the ſaid Court; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Men ſhall be drawn by the Clerk of the Peace for the ſaid Parts of *Holland* for the Time being, or his Deputy, in ſuch Manner as Juries for Trials of Iſſues joined in His Majeſty's Courts at *Weſtminſter* are by Law directed to be drawn; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Clerk of the Peace as before mentioned, or his Deputy, ſhall return other honeſt and indifferent Men of the By-ſtanders, or of others who can be ſpeedily procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Clerk of the Peace, or his Deputy, is hereby empowered and required to ſummon and call before the ſaid Juſtices any Witneſſes touching the Matters in queſtion, and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matters or Things in Controverſy; and ſuch Jury ſhall upon their Oaths (which Oaths as well as the Oaths to ſuch Witneſſes the ſaid Juſtices are hereby empowered and required to adminiſter) enquire of, aſſeſs and aſcertain, and give a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents which ſhall be paid for the Purchaſe or for the Hire and Uſe of ſuch Lands or Grounds and Hereditaments, and the Compenſation which ſhall be made for the Damages ſuſtained as aforeſaid, and ſhall alſo hear and determine and give a Verdict concerning any Abuſes, Impediments, Obſtructions, or Annoyances in the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, or upon any other Matters or Things that ſhall or may be referred to a Jury in and by this Act; and the ſaid Juſtices ſhall give Judgment for ſuch Purchaſe Money, Rent, Recompence, or Compenſation, or concerning any Abuſes, Impediments, Obſtructions, or Annoyances in the ſaid Port and Harbour, ſo aſſeſſed and adjudged by ſuch Jury; which ſaid Verdict, and the Judgment thereupon ſhall be binding and concluſive to all Intents and Purpoſes upon all Bodies Politic, Corporate, and Collegiate, and upon all Perſons whomſoever, provided that Fourteen Days Notice in Writing at the leaſt, of the Hour and Place at which ſuch Jury are ſo required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Perſon or Perſons intereſted or claiming ſo to be, or making or cauſing

Verdict of the Jury to be final.

cauſing ſuch Abuſes, Impediments, Obſtructions, or Annoyances, before the Time of the Meeting of the ſaid Juſtices and Jury as aforeſaid, by leaving ſuch Notice at the Dwelling-Houſe of ſuch Perſon or Perſons, or of the head Officer of ſuch Body or Bodies Politic, Corporate, or Collegiate, or with ſome Tenant or Occupier of the Premiſes reſpectively intended to be valued; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, or other Hereditaments, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments or Property, than ſhall have been previouſly offered by or on Behalf of the ſaid Mayor and Burgeſſes, or their Succeſſors, before the ſummoning of ſuch Jury, or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation ſhall have been previouſly offered in reſpect thereof by and on Behalf of the ſaid Mayor and Burgeſſes or their Succeſſors, or where by reaſon of Abſence or other Impediment or Diſability there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to contract with, and make Conveyances to, or receive Compenſations from the ſaid Mayor and Burgeſſes or their Succeſſors as hereinbefore mentioned, or if the ſaid Juſtices upon the Verdict of any Jury ſummoned for the Purpoſes of enquiring concerning any Abuſes, Impediments, Obſtructions or Annoyances in the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, ſhall not order the Perſons complained of to remove the ſame, then and in all ſuch Caſes all the reaſonable Expences of cauſing ſuch Value or Compenſation to be aſſeſſed and awarded as aforeſaid, and of ſummoning and returning the ſaid Jury and Witneſſes, and all other Expences attending the ſame, ſhall be ſettled by the ſaid Juſtices, and be defrayed by the ſaid Mayor and Burgeſſes, or their Succeſſors, out of any Money raiſed or to be raiſed by virtue of this Act; but if any Verdict ſhall be given for the ſame Sum or Rent as ſhall have been previouſly offered by or on Behalf of the ſaid Mayor and Burgeſſes, or their Succeſſors, or for a leſs Sum than ſhall have been ſo previouſly offered, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to treat with or make Conveyances to the ſaid Mayor and Burgeſſes, and their Succeſſors, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons who is or are, by the Proviſions of this Act or otherwiſe, legally empowered to treat and convey or receive ſuch Compenſation as aforeſaid, or if the ſaid Juſtices, on the Verdict of any Jury, order that any Perſon or Perſons ſhall remove any Abuſes, Impediments, Obſtructions, or Annoyances complained of as aforeſaid, then and in all ſuch Caſes (except where by reaſon of Abſence or otherwiſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid, in which Caſe all ſuch Coſts and Expences ſhall be borne and paid by the ſaid Mayor and Burgeſſes and their Succeſſors, out of the Money to be raiſed or received under this Act; the reaſonable Coſts and Expences of cauſing ſuch Value or Compenſation to be aſſeſſed and awarded as aforeſaid, and of ſummoning and returning the ſaid Jury and Witneſſes, and all other Expences attending the ſame, ſhall be ſettled in like Manner by the ſaid Juſtices, and be borne and paid by the Perſon or Perſons with whom the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall have ſuch Concerns, Controverſies, or Diſputes; which ſaid Coſts and Expences ſhall and may be deducted out of the Money ſo aſſeſſed and awarded, as ſo much Money advanced to

and for the Uſe of ſuch Perſon or Perſons to whom any Money is to be paid, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and awarded as aforeſaid; and in caſe no Damages ſhall be given by ſuch Verdict, where the Diſpute is for Damages only, ſuch Coſts and Expences ſhall and may be recovered by the Town-Clerk of *Boſton* aforeſaid, for the Time being, by ſuch Ways as are herein provided for the Recovery of any Penalty incurred by this Act.

Perſons requeſting Juries, to enter into Bonds to proſecute.

XI. Provided always, and be it further enacted, That all and every Perſon or Perſons making Complaint and requeſting a Jury to be ſummoned, ſhall, before the ſaid Mayor and Burgeſſes or their Succeſſors ſhall iſſue their Warrant for that Purpoſe, enter into a Bond, with ſufficient Surety, to the Town-Clerk of *Boſton* aforeſaid, for the Time being, in a Penalty of One hundred Pounds, with Condition to proſecute his, her or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater or for a leſs Sum or Rent than had been offered by or on Behalf of the ſaid Mayor and Burgeſſes, or their Succeſſors, before the ſummoning and returning of the ſaid Jury or Juries, for the Purchaſe of, or as a Recompence for any Lands, Grounds, or Hereditaments, or as a Compenſation for any Damages, or in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid, or in caſe the ſaid Juſtices, on the Verdict of any Jury, order that any Perſon or Perſons ſhall remove any Abuſes, Impediments, Obſtructions, or Annoyances complained of as aforeſaid.

Notice of Injury to be given to the Mayor and Burgeſſes, or their Succeſſors, before Appeal to a Jury.

XII. And be it further enacted, That the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall not, nor ſhall any Jury, to be ſummoned by virtue of this Act, be allowed to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever, for any Injury or Damage by him, her, or them, ſuſtained or ſuppoſed to be ſuſtained, unleſs Notice in Writing, ſtating the Particulars of ſuch Injury or Damage, and the Amount of the Compenſation claimed in reſpect thereof, ſhall have been given by or on Behalf of ſuch Perſon or Perſons to the ſaid Mayor and Burgeſſes, or their Succeſſors, or to their Town-Clerk, within the Space of Six Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Compelling the Sheriff to ſummon a Jury.

XIII. And be it further enacted, That if the Sheriff or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds, and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or, appearing, ſhall refuſe to be ſworn or to give his Verdict, or ſhall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Perſon ſo ſummoned to give Evidence, on being paid and tendered a reaſonable Sum for his, her, or their Coſts and Charges, ſhall not appear, or, appearing, ſhall refuſe to be examined or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe

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(to be allowed by the ſaid Juſtices) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hands and Seals of any Two of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him the Overplus after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall have been deducted; and every ſuch Penalty ſo recovered from any Perſon who ſhall be ſo ſummoned on ſuch Jury, or to give Evidence as aforeſaid, ſhall go and be paid to the Party who ſhall appear to the ſaid Juſtices to be injured by the Default of ſuch Perſon.

Puniſhing Perſons guilty of Perjury.

XIV. And be it further enacted, That all Perſons who in any Examination to be taken upon Oath by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence, or otherwiſe forſwear themſelves before any ſuch Jury, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject and liable to ſuch and the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury may, by the Laws in being, be ſubject and liable to.

Verdict for Value of Lands and Damages to be aſcertained ſeparately.

XV. And be it further enacted, That the ſaid Juries ſhall award all Determinations, Judgments, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands and other Hereditaments, ſeparately and diſtinctly from any Damages ſuſtained or to be ſuſtained as aforeſaid, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other, and alſo ſhall ſettle what Shares and Proportion of the Purchaſe Money or Compenſation for Damages ſhall be allowed to any Tenant or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt in the Premiſes, for his, her, or their reſpective Intereſt therein.

Power to enter and take Poſſeſſion of Lands, &c. on Payment or Tender of Purchaſe Money.

XVI. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or on giving Security for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or determined and adjuſted by any Jury or Juries in Manner as aforeſaid, for the Purchaſe of any ſuch Lands or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages as hereinbefore mentioned, to the Proprietor or Proprietors of ſuch Lands or other Hereditaments, or ſuch other Perſon or Perſons as ſhall be intereſted therein or entitled to receive ſuch Money, Rent or Compenſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined or awarded; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Mayor and Burgeſſes and their Succeſſors, then upon Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as hereinafter directed and required, (in caſe the ſame ſhall be requiſite) for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, it ſhall be lawful for the ſaid Mayor and Burgeſſes and their Succeſſors and their Agents, Servants, and Workmen, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments

ments reſpectively, and then and thereupon the Lands and Grounds and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the Yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Mayor and Burgeſſes and their Succeſſors, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, or Inveſtiture ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall have or ought to have been made, but alſo ſhall extend to, and ſhall be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail and other Eſtates in Reverſion and Remainder of his, her, or their Iſſue, and of every other Perſon therein: Provided nevertheleſs, that before ſuch Payment, Security, Tender, or Inveſtiture as aforeſaid, it ſhall not be lawful for the ſaid Mayor and Burgeſſes and their Succeſſors, or any Perſon acting under their Authority, to dig or cut into ſuch Lands or Grounds for any of the Purpoſes of this Act without the Leave of the reſpective Owners or Occupiers thereof firſt had and obtained in Writing.

Verdicts to be recorded.

XVII. And be it further enacted, That all the ſaid Judgments and Verdicts (being firſt ſigned by the Clerk of the Peace or his Deputy, preſent at the taking of ſuch Verdicts, and pronouncing of ſuch Judgments reſpectively) ſhall be kept by the Clerk of the Peace amongſt the Records of the Quarter Seſſions of the ſaid Parts of *Holland*, in the ſaid County of *Lincoln*, and ſhall be deemed to be Records of the ſaid Quarter Seſſions to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of One Shilling for every Two hundred Words, and ſo in Proportion for any leſs Number of Words.

Power to ſell ſuch Part of the Bed of the Harbour as may not be wanted.

XVIII. And whereas by the Extenſions, Contractions, and Variations, which may be made for effecting the Purpoſes of this Act, certain Parts of the preſent or old Bed or Site of the ſaid Port and Harbour, between the ſaid *Grand Sluice* and *Maud Foſter's Gowt*, will be departed from, and will be of no further Utility to the ſaid Port and Harbour; be it therefore further enacted, That it ſhall and may be lawful for the ſaid Mayor and Burgeſſes and their Succeſſors, and they are hereby authorized and empowered to ſell and convey any Part or Parts of the preſent or old Bed or Site of the ſaid Port and Harbour between the ſaid *Grand Sluice* and *Maud Foſter's Gowt*, except ſuch Part or Parts thereof as may have been taken in or incloſed for a longer Space of Time than Thirty Years, which may not be wanted for improving the ſaid Port and Harbour in the Manner by this Act directed, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame: Provided always, that the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall firſt offer the ſame in Sale to the Proprietor or Proprietors on either Side of the Port and Harbour to whoſe Lands the ſame may be adjoining, at a Value to be fixed by the ſaid Mayor and Burgeſſes, or their Succeſſors, and ſuch Proprietors, if they can agree among themſelves; and in caſe ſuch Proprietors ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall not agree with

respect to the Value thereof, in such Case the same shall be settled by a Jury, in Manner hereinbefore directed with respect to the disputed Value of Premises to be purchased by the said Mayor and Burgesses, or their Successors, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner as hereinbefore directed with respect to such Purchases made by the said Mayor and Burgesses, or their Successors, *mutatis mutandis*; but in case the Proprietor or Proprietors of the Land adjoining shall refuse or decline to purchase such Ground, then the said Mayor and Burgesses, and their Successors, shall have full Power and Liberty to sell the same by public Auction or private Contract, to any other Person or Persons, and for such Prices as they may think proper, and any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the said Parts of *Holland* in the said County of *Lincoln* (who are hereby respectively empowered to take the same), by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on behalf of the said Mayor and Burgesses, or their Successors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, as the Case may be; and the Money to arise by the Sale or Sales which may be made by the said Mayor and Burgesses, or their Successors, as aforesaid, shall be applied to the Purposes of this Act, and to no other Purpose whatever; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Application of Compensation where exceeding 200*l.*

XIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right or Interest, of what Nature or Kind soever, purchased, taken or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic or Person or Persons under any Disability or Incapacity, as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Mayor and Burgesses, or their Successors, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the

like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements and Hereditaments, which ſhall be ſo purchaſed, taken or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per* Centum Conſolidated, or Three Pounds *per* Centum Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 20l.

XX. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the *Bank* of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Mayor and Burgeſſes, or their Succeſſors (ſuch Nomination and Approbation to be ſignified in Writing under the Hands, or the Common Seal of the nominating and approving Parties) in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

XXI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken or uſed for the Purpoſes of this Act, as the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively; and the Receipt or Receipts of the Perſon or Perſons to whom the ſaid Mayor

Mayor and Burgeſſes, or their Succeſſors, ſhall direct the ſame to be paid, ſhall be ſufficient Diſcharges for the ſame.

In caſe of not making out Titles;

XXII. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Mayor and Burgeſſes, or their Succeſſors, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe, it ſhall be lawful for the ſaid Mayor and Burgeſſes, and their Succeſſors, to order the ſaid Sum or Sums ſo awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments, (deſcribing them) ſubject to the Order, Controul and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum and Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank,

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

Caſhier of the Bank to give a Receipt for ſuch Money.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Purchaſe ſhall be deemed entitled thereto, according to ſuch Poſſeſſion, unleſs, &c.

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

lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Mayor and Burgesses, or their Successors.

XXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchasers from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Mayor and Burgesses, or their Successors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mortgagees to convey.

XXV. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Mayor and Burgesses, or their Successors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Mayor and Burgesses, and their Successors, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Mayor and Burgesses, or their Successors, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months, (to be computed from the Day of giving such Notice,) that then at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign and transfer his, her, or their Interest in the Premises to the said Mayor and Burgesses, and their Successors, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be ascertained as directed by this Act, then the said Mayor and Burgesses shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as hereinbefore directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand

Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for him, her, or them, ſhall veſt in the ſaid Mayor and Burgeſſes, and their Succeſſors, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes comprized in ſuch Mortgage or Mortgages, to all Intents and Purpoſes whatſoever: Provided alſo, that if ſuch Mortgage or Mortgages ſhall comprize any other Lands, Tenements, or Hereditaments, than thoſe which ſhall be ſo purchaſed or taken by the ſaid Mayor and Burgeſſes, or their Succeſſors, ſuch Mortgagee or Mortgagees ſhall, upon Payment or Tender of the Sum ſo aſcertained as the Value of the ſaid Lands, Tenements, or Hereditaments, as aforeſaid, ſo purchaſed by the ſaid Mayor and Burgeſſes, or their Succeſſors, forthwith convey, aſſign and transfer, his, her, or their Intereſt in ſuch Lands, Tenements, or Hereditaments, ſo purchaſed as aforeſaid, to the ſaid Mayor and Burgeſſes, and their Succeſſors, or to ſuch Perſon or Perſons as ſhall be appointed in Truſt for them; and in Default of their doing ſo, and on Payment of ſuch Money into the Bank of *England*, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give ſuch Receipt or Receipts as abovementioned; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim and Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for them, in the ſame Lands, Tenements or Hereditaments, the Value whereof ſhall have been ſo aſcertained and paid into the Bank as aforeſaid, ſhall veſt in the ſaid Mayor and Burgeſſes, and their Succeſſors, and they ſhall be deemed to be in the actual Poſſeſſion of the ſaid Premiſes, to all Intents and Purpoſes whatſoever; and ſuch Sums of Money ſhall be deducted from the Amount of the Principal and Intereſt due to ſuch Mortgagee or Mortgagees by virtue of ſuch Mortgage or Mortgages.

Power to raiſe the Sum of 20,000*l.* on the Credit of the Rates, and aſſign them as Security.

XXVI. And foraſmuch as it will be neceſſary for the ſaid Mayor and Burgeſſes, or their Succeſſors, to borrow and take up at Intereſt Money for the more effectual and ſpeedy carrying on, completing, and finiſhing the ſaid Works; be it further enacted, That the ſaid Mayor and Burgeſſes, and their Succeſſors, ſhall and may, and they are hereby authoriſed and empowered, from Time to Time, by Writing under their Common Seal, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thouſand Pounds, and to grant, aſſign, make over, or charge, the Tonnage, Rates, and Duties hereby granted or made payable, or any Part thereof, to any Perſon or Perſons whomſoever, who ſhall be willing to advance and lend Money thereon; for ſecuring the Payment of the ſame, with Intereſt reſpectively, all which ſaid Aſſignments ſhall be made and granted under the Common Seal of the ſaid Mayor and Burgeſſes, or their Succeſſors, in Form or to the Effect following:

Form of Aſſignment of Mortgage.

‘ BY virtue of an Act, paſſed in the Fifty-ſecond Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*] We, the Mayor and Burgeſſes of the Borough of *Boſton*, in the County of *Lincoln*, in Conſideration of the Sum of
‘ advanced and lent by *A. B.* of
‘ upon the Credit, and for the Purpoſes of the ſaid Act, do hereby aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the

'Tonnage, Rates and Duties, granted or arising, and payable to us by 'virtue of the said Act; to hold unto the said *A. B.*, his Executors, 'Administrators, and Assigns, until the said Sum of 'together with Interest for the same, after the Rate of 'shall be fully paid and satisfied to him or them. 'Given under the Common Seal of the said Mayor and Burgesses, this' 'Day of

And that all Persons to whom such Assignments or Mortgages shall be made by the said Mayor and Burgesses, or their Successors, shall be equally entitled to the said Tonnage, Rates, and Duties, thereby assigned, according and in Proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of Priority of Assignment, or upon any other Matter whatsoever;

Memorials of such Assignments to be entered.

and Entries or Memorials of every such Assignment or Mortgage, containing the Dates, Names of the Parties, and Sums borrowed, shall be made in a Book or Books to be kept for that Purpose by the Town Clerk of *Boston* aforesaid, for the Time being, and shall and may be inspected at all seasonable Times, by all Persons whomsoever, without Fee or Reward;

Assignment may be transferred.

and all and every Person and Persons to whom such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall from Time to Time assign, transfer and set over, his, her, or their Right, Title, and Interest therein, to any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed or Writing in the Form or to the Effect following:

Form of Transfer.

'I *A. B.* of in Consideration of the Sum of 'to be paid by *C. D.* of 'Do hereby transfer a certain Mortgage made to me 'by the Mayor and Burgesses of the Borough of *Boston*, in the County 'of *Lincoln*, bearing Date the Day of 'and the Principal Sum of thereby 'secured, and all the Interest now due or hereafter to grow due for the 'same, and all my Right and Property therein, unto the said *C. D.* his 'Executors, Administrators or Assigns. In Witness whereof I have 'hereunto set my Hand and Seal, the Day of '.'

And that every such Transfer or Assignment shall, within Thirty Days after the Date thereof, be produced to the said Town Clerk, for the Time being, who shall thereupon cause an Entry or Memorial thereof, to the same Purport and Effect as is hereinbefore directed with respect to the original Assignment or Mortgage, to be made or entered in the Book to be kept for entering Memorials of such original Assignments or Mortgages, for doing whereof he shall be paid Two Shillings and Sixpence, by the Person requesting the same; and that after such Entry shall be made, but not before, every such Transfer shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Assignment or Mortgage; and such Assignees may in like Manner transfer or assign again, and so *toties quoties*, such Transfer being entered and paid for as aforesaid; and it shall not be in the Power of such Person or Persons who shall have made

made such Assignment or Transfer, to make void, release or discharge the same, or any Money due thereon.

Repealing the present Tonnage Duties payable to the Mayor and Burgesses.

XXVII. And be it further enacted, That all Tonnage, Rates, or Duties, heretofore payable to the said Mayor and Burgesses for the Maintenance and Support of the Buoys, Beacons, or Seamarks, within the said Port and Harbour, and in respect to Wharfage or Keyage, and to Lastage on Corn shipped within the said Borough or Port, and all other Rates and Duties whatsoever on Ships or Vessels, payable to the said Mayor and Burgesses within the said Port or Harbour, whether by Prescription, Charter, Grant, or otherwise, shall, from and after the passing of this Act, cease and be no longer paid or payable.

Rate of Tonnage on Ships.

XXVIII. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the said Mayor and Burgesses, and their Successors, and for such Person or Persons as they shall by Writing under their Common Seal, appoint in that Behalf, from Time to Time, to demand and take, or cause to be demanded and taken, of and from every Master or Owner of every Ship or Vessel entering into or coming within the Limits of, or sailing from, or using the said Port and Harbour of *Boston*, the several Tonnage Rates or Duties mentioned in the First Schedule to this Act, for every Ton of the Burthen of every Ship or Vessel, the Amount of the Number of Tons of each and every of such Ship or Vessel to be ascertained according to the Rules laid down by an Act, passed in the Twenty-sixth Year of His present Majesty's Reign, intituled, *An Act for the further Increase and Encouragement of Shipping and Navigation*; which said Tonnage, Rate or Duty, shall be paid at the Office of His Majesty's Customs of the said Port of *Boston*; and no Ship or Vessel shall be cleared at, or depart from the said Port of *Boston*, before the said Tonnage, Rate, or Duty, is paid. 26 Geo. 3. c. 60.

Ships drove into the Harbour by Stress of Weather, not chargeable with Rates.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge with any of the Tolls, Rates, or Duties imposed by this Act, any Ships or Vessels sailing into the Limits of the said Port, by or in consequence of any Storm, Tempest, contrary Wind, or other Distress of Weather, except that such Ship or Vessel shall break Bulk within the Limits thereof.

Exempting Vessels on His Majesty's Service.

XXX. Provided always, and be it further enacted, That nothing in this Act shall extend to charge His Majesty, or any other Person on His Behalf, with the Payment of any of the Tonnage Rates, or Duties, aforesaid, or any of His Majesty's Ships of War, or any other Ship, Transport or Vessel, employed in or upon His Majesty's Service in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition or Baggage, to them, or any of them belonging, nor to any Vessel in the Service of the Customs or Excise, or any Vessel or Boat under the Burthen of Fifteen Tons, employed solely in fishing, by any Person or Persons whomsoever, or in the Service of His Majesty's Postmaster-General.

Wharfage Rates.

XXXI. And be it further enacted, That from and after the passing of this Act, there shall be paid and payable unto the said Mayor and Burgesses, and their Successors, and their Lessees or Lessee, or the Collectors

lectors or Deputies of the ſaid Mayor or Burgeſſes, and their Succeſſors, or their Leſſee or Leſſees, for their Uſe, for all Goods, Wares, Merchandizes, and Commodities whatſoever, landed out of, or put on board any Ship or Veſſel, Ships or Veſſels, on or upon, or from all or any of the Wharfs or Quays, or other Place or Places of or within the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, by the Owner or Owners, Conſignee or Conſignees, or the Perſon or Perſons having the Charge of ſuch Goods, Wares, Merchandizes, and Commodities, the ſeveral Rates and Duties particularized, rated, ſpecified, and ſet forth in the Second Schedule to this Act, as far as ſuch Goods, Wares, Merchandizes, and Commodities ſo ſhipped or landed as aforeſaid, are particularized in the ſaid Second Schedule; and that all Goods, Wares, Merchandizes, and Commodities, which are not particularized in the ſaid Second Schedule, ſhall be charged and chargeable with, and ſhall pay a Rate or Duty upon landing or ſhipping, on or from all, or any or either of the Quays or Wharfs, or Place or Places in or within the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, equal to the Rate or Duty rated and affixed on Goods, Wares, and Merchandizes of a ſimilar Nature, Package, and Quality, in and by the ſaid Second Schedule of Rates: Provided, nevertheleſs, that the Conſignee or Conſignees, Perſon or Perſons, having Charge of ſuch Goods, Wares, or Merchandizes, ſhall not be liable to the Payment of any ſuch Rates and Duties, unleſs a Demand for Payment thereof ſhall have been made within Three Months after ſuch Rates and Duties ſhall become due and payable.

Owners of private Wharfs to be charged with only one Half of the Rates.

XXXII. Provided always, and be it further enacted, That all Goods, Wares, Merchandizes, and Commodities, which ſhall be landed on, or ſhipped from any private Quays or Wharfs within the ſaid Port and Harbour (being *bonâ fide* the Property of the Owners or Occupiers of ſuch private Quays or Wharfs), ſhall be charged and chargeable with only One-half the Amount of the Rates or Duties particularized, rated, and ſet forth in the ſaid Second Schedule to this Act.

Rates and Duties to be proportioned.

XXXIII. And be it further enacted, That in all Caſes where any of the Goods, Wares, or Merchandizes, by this Act charged with the Payment of any Rates or Duties, ſhall exceed or be leſs than the ſeveral and reſpective Weights, Quantities, or Numbers, whereby the ſame are hereby particularly charged, a Rate or Duty upon every ſuch greater or leſs Weight, Quantity, or Number, ſhall be demanded and taken in Proportion to the Rates or Duties hereby laid upon ſuch Goods, Wares, and Merchandizes reſpectively, ſo as ſuch Rate or Duty ſhall in no Caſe be leſs than One Penny.

Laſtage on Corn, &c.

XXXIV. And be it further enacted, That from after the paſſing of this Act, there ſhall be paid and payable to the ſaid Mayor and Burgeſſes, and their Succeſſors, and their Leſſee or Leſſees, for all Corn, Grain, and Pulſe whatſoever, ſhipped or put on board, or landed out of any Ship or Veſſel, Ships or Veſſels, within the Limits of the ſaid Port and Harbour, by the Owner or Owners, Conſignee or Conſignees, or the Perſon or Perſons having the Charge of ſuch Corn, Grain, and Pulſe, the ſeveral Rates or Duties particularized, rated, and ſet forth in the Third Schedule to this Act.

XXXV. And

Power to reduce Tonnage and Duties.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, and their Successors, at any of their Common Halls or Assemblies, to lessen and reduce, and again to raise and advance, all and every the Tonnage, Rates, and Duties, granted by this Act, or any Part or Parts thereof respectively, and to order the same to be collected, levied, and taken, in such Manner as they shall, by Writing under their Common Seal appoint: Provided, nevertheless, that such Tonnage, Rates, or Duties respectively, shall never be increased so as to exceed the respective Tonnage, Rates, or Duties by this Act established; and from and after such new Tonnage, Rates, or Duties, shall have been from Time to Time fixed and determined, the Orders of the said Mayor and Burgesses, and their Successors, respecting the same, shall be of as full Force and Effect; and such new Tonnage, Rates, and Duties, shall be paid and payable, and there shall be the same Remedies for enforcing and compelling the Payment thereof, as if such new Tonnage, Rates, or Duties, had been originally a Part of this Act, and contained in the said Schedule or Schedules; and all and every the said Schedules hereunto annexed, are hereby declared to be, and shall be taken as Part and Parts of this Act, in such and the same Manner, to all Intents and Purposes, as if the same respectively had been repeated or inserted in the the Body of this Act; but no Reduction shall at any Time be made in the said Tonnage, Rates, or Duties, unless Twenty-one Days Notice thereof shall be given in some Newspapers usually circulated in *Boston* aforesaid, or in the County of *Lincoln*.

No Ship to be entered inwards or cleared till Duties paid, &c.

XXXVI. And, to the Intent that the Tonnage, Rates and Duties, hereinbefore mentioned may be duly accounted for and paid; be it further enacted, That from and after the passing of this Act, no Collector, Comptroller, or other Officer of His Majesty's Customs, in or belonging to the said Port of *Boston*, shall on any Account whatsoever permit or allow any Ship or Vessel on which any such Tonnage, Rates or Duties, is or are hereby made payable, to be entered Inwards, unless and until the Master or other Person having Charge of such Ship or Vessel shall have paid the Tonnage, Rates or Duties, hereby declared to be payable for such Ship or Vessel, and shall have produced to the said Collector, Comptroller or other Officer, a Certificate under the Hand of the Person or Persons appointed by the said Mayor and Burgesses, or their Successors, as herein directed, to collect and receive the said Tonnage, Rates and Duties, certifying the same to have been paid; and that no such Collector, Comptroller, or other Officer, shall upon any Account whatsoever permit or allow any Goods or Merchandizes on which the beforementioned Tonnage, Rates or Duties, are by this Act imposed, to be landed from any Ship or Vessel entered Inwards, or permit or suffer any Ship or Vessel to be cleared outwards, unless and until the Master, or other Person having Charge of any such Ship or Vessel, shall have paid the Tonnage, Rates and Duties aforesaid, and shall, if required, have produced to the said Collector, Comptroller, or other Officer, a Certificate under the Hand of the Person or Persons appointed to collect or receive the said Tonnage, Rates and Duties, certifying that the said Tonnage, Rates and Duties, have been fully paid, which respective Certificates and Signatures such Person or Persons appointed to receive the said Tonnage, Rates and Duties, are required to sign and give accordingly without Fee or Reward, upon Pain of forfeiting to the Use of any Person who shall sue for the same, the Sum of Twenty Pounds, together with Costs of Suit, and which Sum, when forfeited, shall, within Twelve Calendar Months after the Offence committed,

mitted, be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoign, Wager of Law, Privilege or Protection, nor more than one Imparlance ſhall be allowed.

Goods, &c. lying on Quays beyond Forty-eight Hours, to pay an extra Rate.

XXXVII. And be it further enacted, That all Goods, Wares and Merchandize, Articles and Things that ſhall be landed on any free or legal Quay or Wharf within the ſaid Port and Harbour, ſhall be removed and taken therefrom reſpectively, within the Space of Forty-eight Hours, to be computed from the Time of ſuch Landing; and if any Goods, Wares and Merchandize, Articles and Things, ſo landed, ſhall remain longer upon ſuch Quay or Wharf than the Space of Forty-eight Hours, then and in every ſuch Caſe the reſpective Owners of, or Perſons having Charge of ſuch Goods, Wares or Merchandize, Articles and Things, ſhall pay or cauſe to be paid to the ſaid Mayor and Burgeſſes, and their Succeſſors, or other Officers of ſuch Quay or Wharf for the Time being, for the Uſe of the ſaid Mayor and Burgeſſes, and their Succeſſors, over and above the ſeveral Rates and Duties ſpecified in the Second Schedule of Rates hereunto annexed, the Sum of One Shilling *per* Ton, and in Proportion for a leſs Quantity than a Ton, for every Ton of ſuch Goods, Wares or Merchandize, Articles and Things, ſo remaining on ſuch Quay or Wharf for a longer Space of Time than Forty eight Hours as aforeſaid, and likewiſe the further Sum of One Shilling *per* Ton for every Ton, and in Proportion for a leſs Quantity than a Ton of ſuch Goods, Wares or Merchandize, Articles and Things, for every ſucceeding Forty-eight Hours that ſuch Goods, Wares or Merchandize, Articles and Things, ſhall ſo remain upon the ſaid Quay or Wharf; and ſuch Sum and Sums of Money ſhall and may be levied and recovered by ſuch Ways and Means as the ſeveral other Rates and Duties by this Act granted, can or may be levied or recovered.

Power to remove Goods lying on Quays beyond Forty-eight Hours.

XXXVII. And be it alſo enacted, That it ſhall not be lawful for, or in the Power of any Perſon or Perſons who ſhall have landed, or cauſed to be landed, and laid any Goods or Merchandize, Timber, Wood of any kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Paving or other Stones, Limeſtones, Line, Chalk, Bricks, Tiles, Slates, Bones, Gravel, Shingle, Ballaſt, Dung or Manure, or any other Article or Thing, upon any of the public or lawful Quays or Landing-Places within the ſaid Port and Harbour, or any of the adjacent Streets and Avenues leading to the ſaid Quays, or Landing Places, or any of them, to continue or permit the ſame, or any Part thereof, to remain and be thereon for any longer Time than Forty-eight Hours after the ſeveral Duties of Exciſe or Cuſtoms reſpectively be paid, and after all Cauſe of Detention of the ſame on the part of the Exciſe or Cuſtomhouſe Officers ſhall have ceaſed; and in all Caſes where the ſaid Goods or other Articles and Things aforeſaid ſhall have ſo continued beyond the Space of Forty-eight Hours, it ſhall and may be lawful to and for the ſaid Mayor and Burgeſſes, and their Succeſſors, or any Perſon or Perſons authorized and appointed by them by Writing under their Common Seal, to remove, or cauſe to be removed, all ſuch Goods and other Articles and Things as ſhall be found lying, continuing, and being on the ſaid Quays and other Places above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Compenſation beſides to the Perſon or Perſons authorized as aforeſaid, for their Trouble in and about the ſame, as the Mayor of the

ſaid Borough of *Boſton* for the Time being ſhall think reaſonable; and if ſuch Charges and Expences ſhall not be paid within the Space of Three Days after Demand made thereof by the ſaid Perſon or Perſons authorized as aforeſaid by the ſaid Mayor and Burgeſſes, or their Succeſſors, then and in that Caſe, they the ſaid Mayor and Burgeſſes, or their Succeſſors, or the Perſon or Perſons appointed as aforeſaid, are hereby authorized and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Chattels ſo reſpectively ſecured, and to render the Overplus (if any) to the Owner or Owners of ſuch Goods, Wares, and Merchandize, Articles, and other Things aforeſaid (the Charges of taking and keeping, and making the Sale being deducted and allowed), whenever the ſame ſhall be demanded; and that the ſaid Mayor and Burgeſſes, and their Succeſſors, ſhall and may, and they are hereby authorized and empowered, out of any of the Tonnage, Rates and Duties aforeſaid, to rent or hire, by the Year or otherwiſe, any convenient Warehouſe, Yard, or other Place, for the receiving and ſafe keeping or lodging of ſuch Goods, and other Articles and Things ſo to be removed from off the Quays and other Places as aforeſaid, or to incloſe, erect or build, any ſuch Yard, Warehouſe or other Building, on their own Ground, or on Ground to be purchaſed by them, as to them ſhall ſeem moſt convenient.

Power to rent Warehouſes, &c.

XXXIX. And be it further enacted, That if the Collector or Collectors of the ſaid Rates and Duties, and the Owner or Owners, Conſignee or Conſignees of any Goods, Wares, or Merchandizes, on which any Rate or Duty is by this Act impoſed, but which are not particularized in the ſaid Second Schedule of Rates or Duties, ſhall differ and diſagree with reſpect to the Rate or Duty payable on or for ſuch Goods, Wares, and Merchandizes reſpectively, then and in ſuch Caſe ſuch Difference ſhall be referred to Two of His Majeſty's Juſtices of the Peace acting in and for the ſaid Parts of *Holland*, for their Determination as to what ought, under and by virtue of the Proviſion hereinbefore contained, to be paid and payable on and for ſuch Goods, Wares and Merchandizes, and the ſame ſhall be recovered and recoverable as any other Rates and Duties payable under this Act are recoverable.

Differences relating to Rates and Duties, how to be ſettled.

XL. And be it further enacted, That if any Maſter, Owner or Owners, or other Perſon or Perſons, having Charge or Command of any Ship or Veſſel, ſhall at any Time or Times hereafter (after Demand made on him or them) refuſe to pay to the Collector or Collectors, or the Perſon or Perſons appointed to receive the ſame, the Rates and Duties hereinbefore made payable, or any Part thereof, or ſhall by any Ways or Means whatſoever elude or evade Payment of the ſaid Rates and Duties hereby made payable, or any Part thereof as aforeſaid, ſuch Perſon or Perſons ſhall ſtand charged with, and forfeit and pay a Sum equal to double the Rates and Duties ſo evaded or eluded, or the Payment whereof ſhall have been refuſed as aforeſaid; and ſuch Sum or Sums ſhall, within Twelve Calendar Months after the Offence committed, be recovered from ſuch Maſter, Owner or Owners, or other Perſon or Perſons reſpectively, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoign, Wager of Law, Privilege or Protection, nor more than one Imparlance ſhall be allowed.

Penalty on Maſters refuſing evading Payment of Rates.

XLI. And be it further enacted, That in caſe the Owner or Maſter, or

Recovery of Rates and Duties.

or other Person having the Command or Rule of any Ship or Vessel charged or chargeable with the Rates or Duties granted by this Act, shall refuse to pay the same, then and in such Case it shall and may be lawful to and for the said Mayor and Burgesses, or their Successors, or such Person or Persons as they shall by Writing under their Common Seal appoint to be their Collector or Collectors as aforesaid, or any or either of them, from Time to Time to go on board of any such Ship or Vessel, to demand, collect, and receive the same, and on Nonpayment thereof, to take and distrain every such Ship or Vessel, and all her Tackle, Apparel, and Furniture, or any Part thereof, either on Board or on Shore, and the same to detain until he or they be satisfied and paid the said Rates and Duties, together with all Costs and Expences of such Detention and Distress; and in case of any Neglect or Delay in Payment of the said Rates and Duties, that then it shall and may be lawful for the said Mayor and Burgesses, or their Successors, and such Person or Persons as they shall appoint as aforesaid, their Collector or Collectors, Receiver or Receivers, to cause the same to be appraised by Two or more sworn Appraisers, or other sufficient Persons, and afterwards to sell the said Distress and Distresses, and therewith to satisfy him or themselves, as well for and concerning the said Rates and Duties so neglected or delayed to be paid, and for which such Distress and Distresses shall be taken as aforesaid, as also for his or their reasonable Charges in taking, keeping, appraising, and selling such Distress, rendering to the Master or other Person having the Rule or Command of the said Ship or Vessel from which such Distress shall be so taken or belong, the Overplus (if any there shall be); and that if any Owner, Consignor or Consignee respectively, of any Goods, Wares, or Merchandize, Articles and Things chargeable with any of the Rates or Duties mentioned in the Second and Third Schedules to this Act annexed, shall neglect or refuse to pay the said Rates or Duties before such Goods, Wares, or Merchandize, Articles and Things, shall be shipped or removed from the Place where the same shall be landed (as the Case may be), then it shall and may be lawful for the said Mayor and Burgesses, or their Successors, or their Collector or Collectors, to detain the said Goods, Wares, or Merchandize, Articles and Things, till the said Rates or Duties, together with the reasonable Charges of keeping and detaining the said Goods, Wares, or Merchandize, Articles and Things, shall be paid and satisfied; and in case such Goods, Wares, or Merchandize, Articles and Things, shall happen to be removed before the Rates or Duties payable for the same shall be fully paid, that then it shall be lawful for the said Mayor and Burgesses, or their Successors, or their Collector or Collectors, Receiver or Receivers, to take and distrain any Goods or Chattels of the Owner, Consignor or Consignee respectively, and to detain and sell the same in Manner before mentioned, or the said Mayor and Burgesses, or their Successors, shall and may prosecute any Action at Law for the said Rates and Duties.

Application of Monies raised.

XLII. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from the Tonnage, Rates, and Duties aforesaid, or any of them, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, and which shall arise from the Sale or Sales of any Part or Parts of the Bed or Site of the said Port and Harbour between the said *Grand Sluice* and *Maud Foster's Gowt*, to be made by the said Mayor and Burgesses, and their Successors, by virtue

tue of this Act, and all other Monies to be raiſed by any other Ways and Means herein authorized, ſhall, by the ſaid Mayor and Burgeſſes, and their Succeſſors, after paying the Expences of obtaining and paſſing of this Act, and of collecting and receiving ſuch Tonnage, Rates, and Duties, be applied by them for and towards paying the Expences of making, placing, repairing, and maintaining the neceſſary Buoys, Beacons, and Seamarks, within the Limits of the ſaid Port and Harbour; of deepening, cleanſing, enlarging, and improving the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, and for keeping and maintaining the Quays, Cranes, and Jetties already built therein, in good Order and Repair; and for and towards making, erecting, building, and finiſhing ſuch other Quays, Cranes, Warehouſes, Jetties, Walls, Banks, Wears, Sluices, Towing and Hauling Paths, and other Works, in Manner directed and authorized by this Act to be made, and for repairing and amending the ſame; and for executing and performing all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame; and towards the Payment and Diſcharge of ſuch Sum and Sums of Money, with Intereſt, as ſhall be borrowed by the ſaid Mayor and Burgeſſes, or their Succeſſors, upon the Credit of the ſaid Tonnage, Rates, and Duties, or any of them, in Manner hereinbefore mentioned, and to no other Uſe or Purpoſe whatſoever.

Power to make Bye-Laws, &c.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Mayor and Burgeſſes, or their Succeſſors, at any Time or Times hereafter, to make, ordain, and eſtabliſh Orders, Rules, Bye-Laws, and Regulations, for the better ordering and regulating the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, and of all Veſſels reſorting to the ſame, and alſo for the loading and delivering of Goods, and ſuch Parts of the Quays and Wharfs as are by this Act put under their Authority, and for laying the Goods thereon; and alſo from Time to Time, as Occaſion ſhall require, to repeal, add to, amend, and alter ſuch Orders, Rules, Bye-Laws, and Regulations, and to make, ordain, and eſtabliſh others in lieu of ſuch as ſhall be ſo repealed, added to, amended, or altered; and to fix and appoint reaſonable pecuniary Penalties, not exceeding Five Pounds, for Non-obſervance, Non-performance, or other Breach of all or any of ſuch Orders, Rules, Bye-Laws, or Regulations, or any Part of them, to be recovered by ſuch Ways and Means as any Penalties are herein directed to be recovered; which Orders, Rules, Bye-Laws, or Regulations, ſhall not be repugnant to the Laws of that Part of the United Kingdom called *England*, or any Thing in this Act contained.

and print and diſtribute ſame.

XLIV. And be it further enacted, That the ſaid Mayor and Burgeſſes, and their Succeſſors, ſhall and they are hereby required to cauſe the ſaid Orders, Rules, Bye-Laws, and Regulations, or any Alteration thereof, to be, from Time to Time, printed and diſtributed; and to cauſe a printed Copy thereof to be hung up in ſome conſpicuous Place, within the ſaid Borough of *Boſton*, and to pay the Expences thereof out of the Money to be collected and received by virtue of this Act; which Orders, Rules, Bye-Laws, and Regulations, ſhall be ſubject to Appeal in the Manner hereinafter mentioned.

All Veſſels coming into the Port, to be ſubject to the Bye-Laws.

XLV. And be it further enacted, That all Ships, Veſſels, Hoys, Boats, Barges, Lighters, or other Craft, coming into the ſaid Port and Harbour, and navigating within the Limits thereof, and the Cargoes of which, or any Part thereof, ſhall be delivered in any Part of the ſaid Port and Harbour, or brought up to the Port of *Boſton*, ſhall be ſubject, and are hereby declared to be liable to ſuch Rules, Bye-Laws, and Regulations as have been, or ſhall from Time to Time be made, for the better Regulation of the ſaid Port and Harbour.

Penalty on throwing Ballaſt or Rubbiſh into the Harbour.

XLVI. And be it further enacted, That from and after the paſſing of this Act, if any Perſon or Perſons, upon any Pretence whatſoever, ſhall unload or caſt out of any Ship, Boat, or other Veſſel, or from any Carriage whatſoever, or off or from any Houſe, Warehouſe, or other Building, Quay, Yard, Garden, Place, or Ground, any Ballaſt, Sand, Stones, Calk, Rubbiſh, Wreck, Filth, Gravel, Coal Aſhes, or any other groſs Subſtance whatſoever, into the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, that then and in every ſuch Caſe the Captain, Maſter, or Perſon or Perſons having the Command or Rule of any ſuch Ship, Boat, or Veſſel, or other Perſon or Perſons ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Perſons deſtroying Mooring Ropes.

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall cut or deſtroy the Mooring Ropes of any Ship, Boat, or other Veſſel, within the ſaid Port and Harbour, every Perſon ſhall for any ſuch Offence forfeit any Sum not exceeding Five Pounds, to be recovered and recoverable in Manner hereinafter mentioned.

Penalty on laying Gravel, &c. nearer the Front of any Quays than Three Feet.

XLVIII. And be it further enacted, That all Occupiers or Tenants of Ballaſt Quays, or other Quay or Quays, Place or Places, adjoining the ſaid Port and Harbour, from the ſaid *Grand Sluice* to *Maud Foſter's Gowt*, who ſhall ſuffer or permit Gravel, Shingle, Sand, Stones, Ballaſt, Rubbiſh, Manure, Bones, Filth, or other groſs Subſtance to be caſt or placed thereon, to be or remain nearer the Edge or Front of the ſaid Ballaſt Quay, or other Quay or Quays, or other Place or Places, than Three Feet, after the Time of caſting or placing the ſame, or ſhall cauſe to be caſt, thrown, or laid in or ſo near any Place or Places within the Limits aforeſaid of the ſaid Port and Harbour, as that the ſame may be waſhed into the ſaid Port and Harbour to the Prejudice thereof, he or they ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Collectors may be Witneſſes.

XLIX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tonnage, Rates, or Duties, or any of them, the Perſon or Perſons acting by or under the Authority of the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall not be diſqualified from giving Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tonnage, Rates, or Duties.

Nuiſance to be ſubject to the Common Law.

L. Provided always, and be it further enacted, That for any Thing that is or ſhall be a Nuiſance or Annoyance at the Common Law, or by any Act or Acts of Parliament made or to be made, the ſaid

ſaid Mayor and Burgeſſes, or their Succeſſors, or any of His Majeſty's Subjects, ſhall and may prefer Indictments, and take and uſe ſuch other Methods or Proceedings for the abating or removing the ſame, as they might have done if this Act had not been made; and the Expence and Charges of ſuch Indictments and Proceedings by the ſaid Mayor and Burgeſſes, or their Succeſſors, ſhall and may be paid and borne by them by and out of the Money to be raiſed by virtue of this Act, ſo as there be an Order or Orders of the ſaid Mayor and Burgeſſes, or their Succeſſors, in Writing under their Common Seal for that Purpoſe.

Cannons or Guns not to be fired from Ships or Veſſels in the Harbour.

LI. And, for preventing Damage to the Ships and Veſſels in any Part of the ſaid Port and Harbour between the ſaid *Grand Sluice* and *Maud Foſter's Gowt*, and to the Town of *Boſton*, by Fire and other Accidents that may happen by the diſcharging or firing of Cannon and other Guns on board of Ships or Veſſels within the Limits aforeſaid; be it further enacted, That no Cannon or Cannons, or other Gun or Guns, ſhall be fired or diſcharged on board of any Veſſel or Veſſels within the Limits aforeſaid, except on board of His Majeſty's Ships of War, or in the Service of His Majeſty; and that the Maſter, or other Perſon or Perſons having the Command or Rule of any Ship or Veſſel on board of which any Cannon or other Gun ſhall be ſo fired, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds.

Perſons deſtroying Works, to be tranſported for Seven Years.

LII. And, for preventing the breaking down or deſtroying any of the Quays, Wharfs, Walls, Banks, Jetties, or any other Works which ſhall be made, erected, or altered in purſuance of this Act; be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter wilfully or maliciouſly demoliſh, pull down, or otherwiſe deſtroy any Quay, Wharf, Wall, Bank, Jetty, or any other Work which ſhall at any Time or Times hereafter be made or erected, or altered for the Purpoſes or in purſuance of this Act, or any Part thereof, all and every Perſon or Perſons ſo offending, and being thereof lawfully convicted, ſhall be ſubject and liable to the like Pains and Penalties as any Perſon convicted of Felony may be ſubject and liable; and the Court by and before whom ſuch Perſon and Perſons ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be tranſported for the Term of Seven Years, in ſuch Manner as Felons are directed to be tranſported by the Laws and Statutes of this Realm; or ſuch Court may, if they ſhall think fit, mitigate ſuch Puniſhment, to inflict and impoſe ſuch Fine or Impriſonment as ſuch Court ſhall judge proper.

Fines and Penalties not exceeding 20l., how recovered.

LIII. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, or to be impoſed, by any Bye-Law or Bye-Laws made under the Authority thereof, the Manner of levying and recovering whereof is not before directed, not exceeding Twenty Pounds, or in reſpect of which any Sum leſs than Twenty Pounds may be awarded at the Diſcretion of the Juſtice or Juſtices hearing the Offence, may be levied and recovered within Six Calendar Months after the Offence or Offences committed, before any Juſtice or Juſtices of the Peace for the Parts of *Holland*, in the County of *Lincoln*; and ſuch Juſtice or Juſtices

is

is and are hereby authorized and required, upon Information exhibited or Complaint made, to grant a Warrant to bring before him or them ſuch Offender or Offenders at the Time and Place in ſuch Warrant ſpecified; and if on the Conviction of the Offender or Offenders reſpectively, or on his, her, or their Confeſſion or Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter), ſuch Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices to commit any ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid Parts of *Holland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid.

Exceeding 20l.

LIV. And be it further enacted, That all Fines or Forfeitures exceeding the Sum of Twenty Pounds by this Act impoſed, for any Offence or Offences committed againſt this Act, or in which any greater Sum may be awarded than Twenty Pounds, and in which the Party proſecuting ſuch Offence ſhall proceed for any greater Sum than Twenty Pounds, ſhall and may (in Caſes not hereinbefore otherwiſe directed) be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, and wherein no Eſſoign, Protection, Privilege, or Wager of Law, or any more than One Imparlance ſhall be allowed, within Twelve Calendar Months next after the Offence or Offences committed.

Power to give Informer Part of the Penalties.

LV. Provided nevertheleſs, and be it further enacted, That it ſhall be lawful for the Mayor and Burgeſſes, and their Succeſſors, from Time to Time, if they ſhall ſee cauſe, to pay and apply ſuch Part of the ſaid Penalties, Forfeitures, and Fines, or any of them, to and for the Uſe of the Informer or Informers, or other Perſon or Perſons aiding or aſſiſting in the Apprehenſion of any Offender or Offenders therein, or any of them, who ſhall not have been a Witneſs on the Trial of the Information; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Compelling Witneſſes to attend.

LVI. And be it further enacted, That if any Perſon who ſhall be ſummoned as a Witneſs before any Juſtice or Juſtices of the Peace ſhall refuſe or neglect to appear, on being paid a reaſonable Sum for Coſts and Charges, at the Time by ſuch Summons appointed, and ſhew no Cauſe for ſuch Neglect or Refuſal, to the Satisfaction of ſuch Juſtice or Juſtices, it ſhall and may be lawful for ſuch Juſtice or Juſtices, on Proof of ſuch Summons having been ſerved, to iſſue his or their Warrant, under his Hand and Seal, or Hands and Seals, to bring ſuch Perſon before him or them; and if on Appearance, or on being brought before any Juſtice or Juſtices, ſuch Perſon or Perſons ſhall refuſe to be examined on Oath (or being a profeſſed Quaker, upon ſolemn Affirmation) concerning the Premiſes, without having ſome juſt Cauſe for ſuch Neglect or Refuſal, ſuch Perſon or Perſons ſhall forfeit for every ſuch Neglect or Refuſal a Sum not exceeding Ten Pounds, to be recovered as other Penalties are hereby made recoverable.

LVII. And

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

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of our Lord
'is convicted before me [*or*, before us
'and one [*or*, two] of His
'Majeſty's Juſtices of the Peace for the Parts of *Holland* in the County of
'*Lincoln*, [*ſpecifying the Offence, and Time and Place when and where the*
'*ſame was committed, as the Caſe ſhall be*]. Given under my Hand and
'Seal [*or*, our Hands and Seals] the Day and Year firſt above men-
'tioned.'

LVIII. And be it further enacted, That when any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be conſidered a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or the Appointment of the Collector or Collectors, Receiver or Receivers, or any other Agent of the ſaid Mayor and Burgeſſes, or their Succeſſors, or in any other Proceedings relating thereto; nor ſhall the ſaid Party or Parties diſtraining be deemed or conſidered a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall afterwards happen to be done by the Party or Parties ſo diſtraining; but the Perſon or Perſon aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage which he, ſhe, or they ſhall have ſuſtained thereby, with uſual Coſts, and no more, in an Action of Treſpaſs or on the Caſe. Diſtreſs not unlawful for Want of Form.

LIX. Provided always, and be it enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing be given to the Defendant or Defendants, or left at his, her, or their laſt or uſual Place or Places of Abode, Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of good and ſufficient Amends be made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before ſuch Action brought; nor if ſuch Tender of Amends be made at any Time after the ſaid Action brought, and before the Trial thereof, together with Coſts of Suit to the Time of ſuch laſt-mentioned Tender, but on Proof of ſuch Tender on any Trial to be had in ſuch Action, the Plaintiff or Plaintiffs ſhall be nonſuited, and ſhall pay treble Coſts, to be recovered in the ſame Manner as any Defendant or Defendants may recover Coſts in any other Caſe by Law; or in caſe no ſuch Tender ſhall be made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall be depending, at any Time before Iſſue joined, to pay Plaintiff not to recover without Notice or after Tender of Amends.

pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment, shall be had, made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money in Court.

Limitation of Actions.

LX. Provided always, and be it further enacted, That no Action or Suit shall be brought against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any Thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the doing or committing of such Damage shall have ceased, and every such Action or Suit shall be laid, brought, and tried in the County of *Lincoln*, and not elsewhere; and the Defendant or Defendants in every such

General Issue.

Action or Suit may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit has been brought before Twenty-one Days Notice was given, or after a sufficient Satisfaction has been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid has expired, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Appeal.

LXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye-Law, or Order of the said Mayor and Burgesses, or their Successors, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, then and in every such Case, such Person or Persons may, within Three Calendar Months next after such Order, Decree, Judgment, or Determination has been made or given, appeal to the Justices of the Peace at the General Quarter-Sessions of the Peace to be holden in and for the Parts of *Holland* in the said County of *Lincoln*, such Person or Persons first giving Ten Days Notice of such Appeal, and of the Nature and Matter thereof, to the Town Clerk of *Boston* aforesaid for the Time being, and forthwith after such Notice of Appeal, entering into a Recognizance before some Justice of the Peace for the said Parts of *Holland* in the said County of *Lincoln*, with one sufficient Surety conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, either hear and determine the said Appeal at such General Quarter Sessions or General Sessions, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be holden in and for the said Parts of *Holland*, in the said County of *Lincoln*; and the said Justices may, if they

ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which may have been levied in purſuance of ſuch Rule, Bye-Law, Order, Judgment, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable, but no Proceedings to be had and taken in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form, to be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, any Law or Statute to the contrary notwithſtanding.

Saving Rights of the Commiſſioners for the River Witham;

LXII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to prejudice, obſtruct, prevent, impede, or defeat any Works made or executed, or to be made or executed by, or invalidate, leſſen, alter, or take away any of the Rights, Powers, or Authorities veſted in all or any of the General Commiſſioners of Drainage and Navigation, acting under an Act of Parliament paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, *An for draining and preſerving certain Low Lands called the* Fens, *lying on both Sides of the River* Witham, *in the County of* Lincoln, *and for reſtoring and maintaining the Navigation of the ſaid River from the* High Bridge *to the City of* Lincoln, *through the Borough of* Boſton, *to the Sea.* 2 G. 3. c. 32.

And of the Commiſſioners for the Boſton and Bourn Drainage; 5 G. 3. c. 86. 10 G. 3. c. 41.

LXIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to prejudice, obſtruct, prevent, impede, or defeat any Works made or executed, or to be made or executed, in purſuance of an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for draining and improving certain Low, Marſh, and Fen Lands, lying between* Boſton Haven *and* Bourn, *in the Parts of* Keſteven *and* Holland, *in the County of* Lincoln; and in purſuance of an Act made in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for amending and rendering more effectual an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled,* ‘ *An Act for draining and improving certain* ‘ *Low, Marſh, and Fen Lands lying between* Boſton Haven *and* Bourn, ‘ *in the Parts of* Keſteven *and* Holland, *in the County of* Lincoln, *and* ‘ *for improving the Navigation through the ſaid Lands*;’ or to empower the ſaid Mayor and Burgeſſes, or their Succeſſors, to intermeddle with or to invalidate, leſſen, alter, to take away any of the Rights, Powers, or Authorities, which by the ſaid two laſt-mentioned Acts were veſted in all or any of the Commiſſioners acting under the ſaid Acts, but that the ſame ſhall be and continue as fully to all Intents and Purpoſes as if this Act had never been made, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

And of Commiſſioners of Sewers;

LXIV. Provided alſo, and be it further enacted, That nothing herein contained ſhall take away, interfere with, or prevent, the Rights and Juriſdiction of the Commiſſioners of Sewers acting in and for the County of *Lincoln*, as to any of the Powers or Authorities veſted or to be veſted in them by any Commiſſion or Act of Parliament.

And of the Corporation of Boſton.

LXV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to alter, abridge, diminiſh

diminiſh or take away any of the Rights, Tolls, Benefits, Privileges, Emoluments, Liberties, Franchiſes, or any former or other Juriſdiction, which the Mayor and Burgeſſes of the ſaid Borough of *Boſton* were poſſeſſed of or had a Right unto by Charter, Preſcription, Cuſtom, or otherwiſe howſoever, before the paſſing of this Act (other than ſuch Tonnage, Rates, and Duties as are by this Act expreſsly directed to ceaſe and be no longer payable).

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

SCHE-

SCHEDULES.

The First Schedule to which this Act refers.

FOR every Ship or Veſſel, Barge or Boat, belonging to the Subjects of *Great Britain* and *Ireland*, coming within the Limits of the Port or Harbour of *Boſton*, or ſailing from the ſaid Port or Harbour, or ſailing Coaſtways within the Limits of the ſaid Port or Harbour, any Sum not exceeding the Sum of Sixpence *per* Ton.

For every Ship or Veſſel belonging to Foreign Subjects, coming within the Limits of the Port or Harbour, or ſailing therefrom, any Sum not exceeding the Sum of Nine-pence *per* Ton.

The Second Schedule to which this Act refers.

			s.	*d.*
A				
Almonds. See Grocery.				
Anchovies. See Fiſh.				
Ale, Beer or Porter		the Kilderkin	—	2
———		the Barrel	—	4
———		the Hogſhead	—	6
———		the Butt	1	—
Allum		the Hundred Weight	—	1
Anchors		the Ton	1	—
Anvils		the Ton	1	—
Apples and Pears		the Buſhel	—	1
Aſhes of all Sorts		the Ton	1	—
B				
Bark. See Oak Bark.				
Battens and Balks. See Wood.				
Blubber. See Oil.				
Brandy. See Spirits.				
Bacon, Beef, and Butter		the Hundred Weight	—	1
Baggage or Luggage	the Parcel *per*	Hundred Weight	—	1
Barilla		the Ton	1	—
Bell Metal		the Ton	1	—
Biſcuit		the Ton	1	—
Books		the Hundred Weight	—	1
Bottles, French		the Dozen	—	1
——— of all other Sorts		the Groſs	—	6
Bran and Pollard		the Quarter	—	1
Braſs, new		the Hundred Weight	—	1
Bricks		the Thouſand	1	—
Brimſtone		the Hundred Weight	—	1

		s.	d.
Briſtles	the Hundred Weight	—	6
Brooms, Hair	the Groſs	1	—
Bullruſhes	the Load of Sixty-three Bundles	1	—
Burr for Mill Stones	the Hundred Weight	—	2

C

Calicoes. See Cloth.			
Canvas. See Cloth.			
Cloves, Cinnamon, and Currants. See Grocery.			
Cables and Cordage, tarred or not	the Hundred	—	1
Candles	the Hundred Weight	—	2
Candlewick	the Hundred Weight	—	1
Cannons	the Ton	1	—
Carpets or Rugs, the Package, meaſuring	2 Feet by 2 Feet; 2½ by 2½	1	—
———	3 Feet by 3 Feet	1	4
———	4 by 4	1	8
Chairs	the Dozen	1	—
Charcoal	the Hundred Buſhels	1	—
Cheeſe	the Hundred Weight	—	1
Cyder	the Hogſhead	—	6
Cloth.—Linen of all Sorts, Calicoes, Fuſtains, Flannel, Haberdaſhery, Hats, Hoſiery, Satin, Silks of all Kinds, Stockings, Stuffs of all Sorts, Ticks for Beds, and Waiſtcoats knit—the Package meaſuring	2 Feet by 2 Feet; 2½ by 2½	1	—
	3 Feet by 3 Feet	1	4
	4 by 4	1	8
Coals, Coke, or Cinders	the Chaldron	—	2
Coals, if exported		—	6
Copper, wrought	the Ton	1	—
——— unwrought	the Ton	1	—
Copperas	the Ton	1	—
Cordage, twice laid	the Hundred Weight	—	1
Corks	for every Ten Groſs	—	1
Cork	the Hundred Weight	—	1
Corn and Grain; viz. Barley, Beans, Indian Corn, Maize, Oats, Peas, Rye, Tares, Malt, and all other Grain (except Wheat)	the Quarter	—	— ½
——— Wheat	the Quarter	—	1
——— Flour or Meal	per Barrel or Sack	—	2
——— Flour, coaſtwiſe		—	2
——— exported		—	2
Coffee	the Hundred Weight	—	1

D

Damaſk and Dowlas. See Cloth.			
Deals. See Wood			
Drugs, Simples, or Medicinal Herbs	the Hundred Weight	—	3

E

Earthenware	the Crate	—	6

Feathers

		s.	d.
F			
Feathers	the Hundred Weight	—	6
Fiſh; viz.			
—— Anchovies	the Barrel, containing ſixteen Pounds Weight	—	2
—— Hake, Codfiſh, Ling, Haddocks, and all other Fiſh	the Hundred Weight	—	2
—— Salmon	the Kit	—	2
—— Herrings, cured	the Barrel	—	2
—— Sprats	the Laſt cured	—	2
Flannel. See Cloth.			
Flax	the Hundred Weight	—	2
Fuſtians. See Cloth.			
G			
Galls	the Hundred Weight	—	2
Glaſs	the Caſe	—	6
——	the Side	—	6
——	the Crate	—	6
Glue	the Hundred Weight	—	1
Gold, wrought	the Ounce	—	2
Grain for Dyers	the Hundred Weight	—	1
Gravel	the Ton	—	1
Grocery; viz.			
—— Almonds	the Hundred Weight	—	1
—— Cinnamon, Gloves, Mace, Nutmegs			
—— Pepper, Ginger			
—— Currants			
—— Dates, Figs			
—— Liquorice			
—— Pimento			
—— Prunes			
—— Raiſins, common			
—— of the Sun			
—— Sugar Candy			
—— Sugar, refined			
—— raw			
Gunpowder	the Hundred Weight	1	—
H			
Haberdaſhery. See Cloth.			
Hair; viz. Camel	the Hundred Weight	—	3
—— Cow, Oxen, Elk, and Horſe	the Hundred Weight	—	1
Hardware	the Hundred Weight	—	1
Hats. See Cloth.			
Hay	per Load	1	—
Hemp	the Hundred Weight	—	1
Hides	each	—	1

Hoops

Hoops, ſmall ——— Pipe and Butt ——— the Hogſhead ——— White, the Bundle ——— Straight, the Bundle	Wood - - -	—	1
Honey - -	the Barrel, of Forty-two Gallons	—	6
Hops - -	- - the Bag	—	8
—— - -	- - the Pocket	—	4
Horns, Ox and Cow	- - - the Hundred	—	1
Horſes, Geldings, and Mares	- - - each	1	—
Houſehold Goods, the Package, meaſuring -	2 Feet by 2 Feet $2\frac{1}{2}$ by $2\frac{1}{2}$	1	—
——————— - -	3 Feet by 3 Feet	1	4
——————— - - -	4 by 4	1	8
——————— - -	6 by 6	2	4
Hoſiery. See Cloth.			
Hurdles and Trays - -	- the Dozen	—	2
I			
Indigo - -	- the Hundred Weight	—	3
Iron - - -	- - the Ton	1	—
—— Pots —— Ware —— Hoops	- - the Hundred Weight	—	1
Ivory - -	- the Hundred Weight	—	6
K			
Kelp or Ware -	- the Hundred Weight	—	1
L			
Lace of Gold or Silver	- - the Pound Troy	—	6
Lamp Black - -	- - the Hundred Weight	—	2
Laths - -	for every One hundred and twenty Bundles	2	—
Lead - -	- - the Ton	1	—
—— Shot -	- - the Hundred Weight	—	1
Leather -	- - the Hundred Weight	—	1
Lemons -	- - - the Cheſt	—	4
Lime -	- - - the Chaldron	—	6
Linen Yarn -	- the Hundred Weight	—	4
—— of all Sorts. See Cloth.			
M			
Mace. See Grocery.			
Mahogany. See Wood.			
Malt. See Corn.			
Manure - -	- - the Ton	1	—
Maſts. See Wood.			
Madder - -	- the Hundred Weight	—	1
Mats of Ruſſia -	- - the Hundred	—	2
Matting - -	- - the Roll	—	1

Nutmegs.

		£.	d.
N			
Nutmegs. See Grocery.			
Nails - - -	the Hundred Weight	—	2
Nuts - - - -	the Sack	—	3
—— - - - -	the Bag	—	2
O			
Oak Board and Timber. See Wood.			
—— Bark - - -	the Ton	2	—
Oakum - - -	the Hundred Weight	—	1
Ochre - - -	the Hundred Weight	—	1
Oil - - - - -	the Cheſt	—	4
— Sallad - - - - -	the Hogſhead	—	6
— Train - - - - -	the Pipe	1	6
— Cakes - - - - -	the Ton	1	—
Olives - - - - -	the Jar	—	1
Oranges - - - -	the Cheſt	—	4
P			
Peaſe. See Corn.			
Pepper and Prunes. See Grocery.			
Planks. See Wood.			
Packthread - -	the Hundred Weight	—	1
Painters' Colours - -	the Hundred Weight	—	1
Paper; viz.			
—— Writing Paper, and all other Sorts,	the Hundred Weight	—	1
Parchment Shavings - -	the Baſket	—	4
Pelts - - - - - -	the Hundred Weight	—	1
Pewter - - - -	the Hundred Weight	—	1
Pipes (Tobacco) - -	the Groſs	—	1
Pitch and Tar - -	the Barrel	—	2
Plaiſter of Paris - -	the Hundred Weight	—	1
Plate of Silver - -	the Hundred Ounces	2	—
Pork - - - -	the Hundred Weight	—	1
Potatoes - - -	the Ton	—	6
Powder; viz. Hair Powder -	the Hundred Weight	—	1
Q			
Quickſilver - - -	the Caſe or Package	—	6
Quills - - - -	the Thouſand	—	1
R			
Raiſins. See Grocery.			
Rape-ſeed - - - -	per Quarter	—	1
Ropes. See Cables.			
Rum. See Spirits.			
Rye. See Corn.			
Rags - - - - -	the Ton	1	—
Rice - - - - -	the Barrel	—	4
Roſin - - - -	the Hundred Weight	—	1
Rugs. See Carpets.			
Reed, for Thatching - -	Sixty Bundles	—	6
Rye Graſs Seeds - - -	per Quarter	—	1

S		s.	d.
Sail Cloth. See Cloth.			
Shot. See Lead.			
Silver. See Plate.			
Spars. See Wood.			
Spices. See Grocery.			
Staves. See Wood.			
Sugar, refined and raw. See Grocery.			
Saintfoin Seed - - -	per Quarter	—	1
Salt —— Rock } - - -	the Ton	1	—
Saltpetre - - - -	the Barrel	—	3
Sand, foreign - - -	the Ton	—	6
Satin. See Cloth.			
Seeds of all Kinds, not otherwiſe ſpecified	the Quarter	—	1
Sheep - - - - -	the Score	1	—
Shingle - - - - -	the Ton	—	1
Silks. See Cloth.			
Skins; viz.			
—— Bear, Elk, Mooſe, Leopard, Sable, Panther, Tiger, Wolf, Badger, Beaver, Buck or Deer, Fiſher, Otter, and Seal Skins - -	the Skin	—	1
—— Sheep, Goat, Lamb, Kid, and Calf Skins	the Dozen	—	1
—— Coney and Hare Skins, the Hundred, containing Six Score		—	2
—— Skins, Spaniſh - - -	the Piece	—	1
Slates - - -	the Ton	1	—
Soap - - -	the Hundred Weight	—	1
—— Lees - - - -	the Ton	—	1
Spirits; viz. Arrack, Rum, Brandy, Geneva, and all other Spirits }	the Pipe or Puncheon	1	6
—— - - - -	the Hogſhead	—	9
Starch - - -	the Hundred Weight	—	1
Steel - - -	the Hundred Weight	—	1
Stockings. See Cloth.			
Stones; viz.			
—— Emery Stones - -	the Hundred Weight	—	1
—— Grinding Stones - - -	the Chaldron	1	—
—— Grave Stones - —— Marble, unwrought —— ——— wrought - —— Mill Stones - —— Quern Stones - —— Block Stones - —— Flag Stones - }	the Ton	1	—
—— Paving Stones - - -	the Ton	—	2
—— Flint Stones - - - -	the Ton	—	1
—— Slates in Frames - - -	the Dozen	—	1
—— Slick Stones and Whet Stones -	the Hundred Weight	—	1
Stuffs of all Sorts. See Cloth.			
Swan Skins - - -	the Piece	—	1
Snuff - -	the Hundred Weight	1	—

Turpentine

		s.	d.
T			
Turpentine Oil	the Hundred Weight	—	6
Tallow	the Hundred Weight	—	1
Tar	the Barrel	—	2
Tea	the Quarter Cheſt	—	3
Ticks for Beds. See Cloth.			
Tiles, Pan	the Thouſand	1	—
—— Square, for paving	the Hundred	—	2
—— for Malt Kilns	the Hundred	—	2
Tin	the Box	—	2
— Ware	the Hundred Weight	—	1
Tobacco	the Hoghſhead	1	—
—— Pipe Clay	the Ton	1	—
Tongues, dried	the Hundred Weight	—	1
—— and Sounds	the Hundred Weight	—	1
Tortoiſeſhell	the Pound	—	1
Tow	the Hundred Weight	—	1
Treacle or Molaſſes	the Hogſhead	1	—
Treenails or Trunnels	the Thouſand	—	6
Turpentine	the Hundred Weight	—	6
Twine	the Hundred Weight	—	1
V			
Verdigreaſe	the Hundred Weight	—	1
Vinegar	the Pipe or Puncheon	1	6
W			
Wheat. See Corn.			
Wax	the Hundred Weight	—	1
Whale Fins	the Hundred Weight	—	1
Whiting	the Hogſhead	1	—
Waiſtcoats, knit. See Cloth.			
Wine, of all Sorts	the Pipe	1	6
—— in Bottles	the Hamper	—	6
White Lead	the Hundred Weight	—	1
Wire	the Hundred Weight	—	2
Woad	the Hogſhead	1	—
Wood	the Ton or Load	1	—
Wood; viz.			
—— Anchor Stocks	the Piece	—	1
—— Balks, large and ſmall	the Ton or Load	1	—
—— Battens	the 120	—	8
—— Batten Ends	the 120	—	3
—— Beach and other Boards, from 10 to 15 Feet	the 120	1	6
—— above 15 Feet	the 120	2	6
—— Beach Rails	the Ton or Load	1	—
—— Pale Boards	the Hundred Weight	—	1
—— Brazil and Box Wood	the Hundred Weight	—	1
—— Deals from 10 to 14 Feet	the 120	1	—
—— above 14 Feet	the 120	2	—
—— Deal Ends	the 120 (Half)	—	3
—— Elm Boards	the 120	1	6

		s.	d.
Wood continued.			
—— Firwood	the Fathom	—	6
—— Fir Timber	the Load	1	—
—— All other Sorts of Timber, not particularized	per Ton or Load	1	—
—— Fir Quarters	the Fathom	—	6
—— Fusticks	the Hundred Weight	—	1
—— Handspikes	the 120	—	6
—— Lath Wood	the Fathom	—	6
—— Lignum Vitæ	the Hundred Weight	—	1
—— Logwood and other Dyers' Wood	the Hundred Weight	—	1
—— Mahogany	the Ton	2	—
—— Masts or Spars	the Ton or Load	1	—
—— Oak Plank	the Ton or Load	1	6
—— Oars	the 120	1	—
—— Pale or Hugging Boards	the 120	—	3
—— Staves, Pipe, above 4 Feet	the 120	—	10
—— under 4 Feet	the 120	—	6
—— All other Staves	the 120	—	6
—— Ufirs, under 24 Feet	the 120	1	—
—— 24 Feet and upwards		2	—
—— Wainscot Boards	the 100 of 12 Feet and 1 Inch Thick	2	6
—— Logs	per Load	1	6
—— Wheel Spokes	the 120	—	6
—— Fellies	per Dozen	—	1
Wool	the Pack	—	6
—— Spanish, inwards	the Hundred Weight	—	2
—— Cotton, or any other Sort	the Hundred Weight	—	2
Y			
Yarn of all Sorts except Linen	the Hundred Weight	—	1

The Third Schedule to which this Act refers.

FOR every Quarter of Wheat shipped within the said Port or Harbour of *Boston*, or landed within the Limits thereof, any Sum not exceeding the Sum of One Penny per Quarter.

For every Quarter of Oats, Barley, or any other Kind of Corn, Grain, or Pulse whatever, shipped within the Limits of the said Port or Harbour, or landed within the Limits thereof, any Sum not exceeding One Halfpenny per Quarter.

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