


ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

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## *Cap*. lxxix.

## An Act to extend and enlarge the Powers of an Act passed in the Fifty-second Year of His late Majesty, for improving the Port and Harbour of *Boston* in the County of *Lincoln*.

[14th *June* 1827.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Port and Harbour of* 52G.3.c.105.
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 Sea Marks belonging thereto,* whereby the Mayor and Burgesses of the Borough of *Boston* aforesaid, and their Successors, were authorized and required to make and erect, on either Side of the said Port and Harbour, from the *Grand Sluice* to *Maud Foster's Gowt,* such Jetties, Walls, Banks, Weirs, Sluices, and other 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 Side of the said Port and Harbour, as the said Mayor and Burgesses and their Successors should think necessary and proper, and to cleanse, scour, 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 build, erect, and make Quays, Wharfs, Cranes, and Warehouses, and to make, amend, or alter any Roads, Ways, Passages, or Conveniences leading to or from the said Quays, Wharfs, Cranes, or Warehouses, from the said *Grand Sluice* to *Maud Foster's Gowt*, and to make and perform all other Works, Matters, and Things which they the said Mayor and Burgesses or their Successors should think necessary or expedient for rendering the said Port and Harbour more safe and commodious, and for improving the Navigation thereof; and divers Powers and Authorities were thereby granted to the said Mayor and Burgesses for executing all such Works, Matters, and Things as should be necessary for effecting the Purposes aforesaid; and the said Mayor and Burgesses were by the said Act authorized and empowered to raise any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, on the Credit of the Rates and Duties granted and made payable to the said Mayor and Burgesses by virtue of the said Act, for the Purpose of carrying the said Act into Execution: And whereas the said Harbour extends in a South-eastwardly Direction a Distance of about Three Miles from the said *Maud Foster's Gowt* to its Outfall at a Place called *Hobhole*, and notwithstanding the Works and Improvements which have been effected by virtue of the said Act in the said Port and Harbour, the Navigation thereof has become greatly impeded and obstructed in consequence of the several Shallows and Curves in the Channel thereof, and it is become necessary, for the further Improvement and Security thereof, and for better maintaining the Channel of the said Port and Harbour between the said *Maud Foster's Gowt* and *Hobhole* within proper Bounds, to complete additional Works, and also to cleanse, scour out, widen, alter, and vary the Course of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, and also to make a new Cut of the Length of Eight hundred Yards, or thereabouts, from a certain Place called *Blue Anchor Bite* through *Burton's Marsh* to *Hobhole Sluice* within the Parish of *Fishtoft* in the said County of *Lincoln*; and it is expedient that the said Mayor and Burgesses should be authorized, for the Purpose of completing and effecting such Works and Improvements as aforesaid, to borrow a further Sum of Money on the Credit of the Rates and Duties payable by virtue of the said recited Act, and that the Powers of the said Act should be extended, altered, and enlarged; but as the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Articles, Conditions, Matters, and Things whatsoever in the said recited Act contained (except so far as the same are varied, altered, or repealed), shall be and continue in full Force and Effect, and shall be as good, valid, and effectual for carrying this Act into Execution in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as if the same were again repeated and re-enacted in the Body of this present Act.

Powers of recited Act extended to this Act.



II. And

Works to be done for the Improvement of the Harbour between Maud Foster's Gowt and Hobhole.

II. And be it further enacted, That it shall and may be lawful to and for 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 Side and in any Part of the said Port and Harbour, from *Maud Foster's Gowt* to *Hobhole Sluice*, such and so many Jetties, Walls, Banks, Weirs, Locks, Sluices, and Works, for making, securing, continuing, and maintaining the Channel of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole* within proper Bounds, for the Use of the Navigation therein, and all such Towing or Haling Paths along or on either Side 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 *Maud Foster's Gowt* to *Hobhole*, 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 Obstructions 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 *Maud Foster's Gowt* to *Hobhole*, 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, Weirs, Locks, Sluices, and Works, and also to build, erect, set up, and make such Quays, Wharfs, Cranes, and Warehouses 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 *Maud Foster's Gowt* to *Hobhole*, 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 herein-after 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

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 herein-after mentioned.

New Cut through Burton's Marsh.

III. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, and they are hereby authorized and required, in the first place, to make or cause to be made a new Cut of the Length of Eight hundred Yards or thereabouts, of such Width, Depth, and Dimensions as they shall deem proper, from a certain Place called *Blue Anchor Bite* nearly in a straight Line through *Burton's Marsh* to *Hobhole Sluice* in the Parish of *Fishtoft* in the said County of *Lincoln*, and to embank the same, and to make such Towing Paths or Haling Ways on both or either Sides of the said Cut as the said Mayor and Burgesses shall think proper and necessary.

Map and Book of Reference to remain with the Clerk of the Peace.

IV. And whereas a Map or Plan of the said Port and Harbour, describing the present circuitous Channel thereof from the said *Maud Foster's Gowt* to the Outfall at *Hobhole*, and also describing the Line of the said intended new Cut through *Burton's Marsh*, and the Lands in and through which the same is to be carried and made, and a Book of Reference thereto, containing a List of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the Division of *Holland* in the said County of *Lincoln*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, and that all Persons shall and may at all seasonable Times have liberty to resort to and take Extracts and Copies from the same, as Occasion shall require, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and for every Copy Sixpence for every One hundred Words, and so in proportion for any greater Number of Words; and such Map or Plan and Book of Reference, or true Copies thereof, shall be allowed as and given in Evidence in all Cases whatsoever.

Not to deviate more than 100 Yards from Plan.

V. And be it further enacted, That the said Mayor and Burgesses or their Successors, in making the said intended Cut, shall not deviate more than One hundred Yards from the Course or Direction in the said Map or Plan and in the said Book of Reference respectively set forth, nor cut, carry, and convey the same into, through, across, or over any other Part or Parts of the several Estates, Lands, and Grounds now or late belonging or reputed to belong to such Person or Persons respectively than are mentioned in the said Book of Reference.

Houses, &c. not to be taken without Consent.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Mayor and Burgesses, or any other Person or Persons in the Execution of this Act, to take, use, injure, or damage any House or Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor

nor any Yard, Garden, or Orchard, without the Consent in Writing of the Owners and Occupiers thereof respectively.

Treasurer and Clerk not to be the same Person

VII. And be it further enacted, That it shall not be lawful for the said Mayor and Burgesses to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said recited Act or of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of the said recited Act or of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of the said recited Act or of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Act or of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of the said recited Act or of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit under the said Mayor and Burgesses other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, and not more than one Imparlance, shall be allowed.

Power to purchase Lands.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses or their Successors, and they are hereby authorized and empowered, to contract or agree for the absolute Purchase of any Freehold Lands, Tenements, or Hereditaments, or of the absolute Estate of Inheritance in any Copyhold or Customary Lands, Tenements, or Hereditaments, which the said Mayor and Burgesses or their Successors are enabled to purchase by virtue of this Act, and which they shall think necessary to be purchased for the Purposes thereof, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, for the Purpose of making, building, or erecting any Piers, Jetties, Walls, Banks, Weirs, Locks, Sluices, Towing or Haling Paths, Quays, Wharfs, Cranes,

Warehouses, or other Works for the Improvement of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, or for making or altering any Road or Roads to or from the same, or for erecting or making any Building or Buildings, or for any other the Purposes of this Act.

Bodies Politic, &c. empowered to sell.

IX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised in their own Right, and all and every Persons or Person whomsoever, who are or shall be seised, possessed of, or interested in such Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Mayor and Burgesses or their Successors to be purchased for any of the Purposes of this Act, to treat, contract, and agree with the said Mayor and Burgesses or their Successors for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Mayor and Burgesses for any of the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Form of Conveyance.

X. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, and Hereditaments to be made to the said Mayor and Burgesses or their Successors, shall be made on Parchment, in the Form or to the Effect following; *videlicet*,

'I *A. B.* of in consideration of the Sum of
'to be paid by the Mayor and Burgesses of the Borough of
'*Boston* in the County of *Lincoln*, acting by virtue of an Act passed in
'the Eighth Year of the Reign of King *George* the Fourth, intituled
'[*here set forth the Title of this Act*], do hereby grant and convey to
'the said Mayor and Burgesses all [*here describe the Premises to be con-*
'*veyed*], and all my Right, Title, and Interest to the same and every
'Part thereof, to hold to the said Mayor and Burgesses and their Suc-
'cessors for ever. In witness whereof I have hereunto set my Hand
'and Seal this Day of in the Year of our
'Lord .'

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to vest the Premises so conveyed in the said Mayor and Burgesses and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Repealing that Part of former Act which relates to Expences of Juries.

XI. And whereas it was by the said recited Act enacted, with respect to summoning Juries for the Purpose of settling Differences which might arise between the said Mayor and Burgesses or their Successors, and the several Owners of or Persons interested in any Lands, Tenements, or other Hereditaments which should be taken, used, or affected by reason of the Execution of any of the Powers of the said Act, that the Expences of causing such Value or Compensation to be assessed and awarded, and of summoning and returning the Jury and Witnesses, and the other Expences attending the same, should be defrayed by the Persons and in Manner in the said Act mentioned; and it is expedient that such Provision should be repealed; be it therefore enacted, That so much and such Parts of the said recited Act as provide for or relate to the Payment of the Expences of causing the Value of any Lands, Grounds, or other Hereditaments taken for the Purposes of the said Act, or as a Compensation for any Damages to be assessed and awarded, and of summoning and returning the Jury and Witnesses, and all other Expences attending the same, shall be and the same is and are hereby declared to be repealed.

Expences of Juries.

XII. And be it further enacted, That in each and every Case where a Jury shall be summoned for the Purpose of settling any Differences which may arise between the said Mayor and Burgesses or their Successors and the several Owners of or Persons interested in any Lands, Tenements, or other Hereditaments which shall be taken or used under the Powers of the said recited Act or this Act, and a Verdict shall be given for more Money as a Recompence or Satisfaction for the Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any other Person or Persons, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, or other Property, than had been previously offered by or on behalf of the said Mayor and Burgesses, or where any Verdict shall

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be found for any Damages where the Dispute is for Damages only, or where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the said Mayor and Burgesses, or where, by reason of Absence in Foreign Countries, or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Mayor and Burgesses, then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled by the Sheriff, Under Sheriff, Coroner, or other Person impannelling, summoning, and returning such Jury, and be defrayed by the Mayor and Burgesses; and in case such Costs shall not be paid by the said Mayor and Burgesses within Five Days after the same shall be demanded, the same shall and may be levied, by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting for the County, Division, or Place in which such Lands, Tenements, or Hereditaments shall be situate, by Distress and Sale of the Goods and Chattels of the said Mayor and Burgesses; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Mayor and Burgesses, or for a less Sum than had been previously offered, or in case of such Refusal or Neglect to enter into Treaty or make Conveyances to or receive Compensation from the said Mayor and Burgesses by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of the said recited Act or this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Mayor and Burgesses,) the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be borne and paid in the Manner following; (that is to say,) One Moiety or Half Part of such Costs and Expences shall be borne and paid by the said Mayor and Burgesses, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons with whom the said Mayor and Burgesses shall have such Disputes or Controversies; which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, 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 of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Mayor and Burgesses by such Ways and Means as are in and by this or the said recited Act provided

vided for the Recovery of any Penalty or Forfeiture incurred under this or the said recited Act.

Application of Compensation when amounting to or exceeding 200*l.*

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Act or 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 herein-before is 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 His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account *ex parte* the said Mayor and Burgesses or their Successors, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may 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, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with 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 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 the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until such 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 Lands, Tenements, and Hereditaments so purchased, taken, or used, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

Application of Compensation, when less than 200*l.* and exceeding 20*l.*

XIV. 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 any 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 in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before 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 of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application if not exceeding 20*l.*

XV. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed 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 the said recited Act and this Act, in such Manner 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, 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 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 Title, &c.

XVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Mayor and Burgesses or their Successors; or in case any such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and

with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and 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 or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles to Money.

XVII. 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 said Court of Exchequer, 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 of the said recited Act and this Act, 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 Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said 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.

XVIII. 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 the said recited Act or 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, it shall be lawful for the said Court to order the Expences of

of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the said 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.

**Compensations to be made in all Cases by Sums in gross.**

XIX. And whereas it was by the said recited Act enacted, that Compensation or Satisfaction might be made to Spiritual Persons, for and in respect of their Tithes and Glebe Lands, by an annual Rent, and it is expedient that the said Provision should be repealed; be it therefore enacted, That the same shall be and is hereby declared to be repealed, and no Compensation or Satisfaction for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of the said recited Act or this Act, or for any Damages to be sustained in the Execution thereof, shall be made by means of an annual or other Rent or Rents to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons whomsoever, but the same shall in all Cases be made by the Payment of Sums in gross.

**Power to borrow a further Sum of Money not exceeding 20,000*l.***

XX. And whereas it will be necessary for carrying into effect the further Improvement of the said Port and Harbour, and the additional Works authorized by this Act, to borrow a further Sum of Money; be it therefore enacted, That it shall and may be lawful for the said Mayor and Burgesses or their Successors, and they are hereby authorized and empowered, from Time to Time, by Writing under their Common Seal, to borrow and take up at Interest an additional Sum or Sums of Money for the Purposes of the said recited Act or of this Act, on the Credit of the Tonnage Rates and Duties granted and made payable by the said recited Act, not exceeding in the whole the Sum of Twenty thousand Pounds, and to grant, assign, and charge the said Tonnage Rates and Duties to any Person or Persons who shall be willing to lend and advance Money thereon, for securing the Payment of the same, with Interest respectively, in the same Manner and Form, and subject to the same Conditions and Right of Transfer, mentioned in the said recited Act.

**Power to purchase Lands separated by the new Cut through Burton's Marsh.**

XXI. And whereas in making the said intended new Cut through *Burton's Marsh* from *Blue Anchor Bite* to *Hobhole Sluice*, certain Pieces or Parcels of Open Marsh Land in the Parish of *Fishtoft* aforesaid will be separated and divided from the other Part of the same Lands belonging to the same Owners, so as that the same cannot be conveniently occupied by them without a Bridge being erected for making a Communication therewith; be it therefore further enacted, That if the Owner or Owners or Person or Persons entitled to the Possession or to the Rents and Profits of the said Pieces or Parcels of Marsh Land so to be separated and divided as aforesaid shall so require, but not otherwise, the said Mayor and Burgesses or their Successors shall take and purchase the said Pieces or Parcels of Land so to be separated and divided as aforesaid, the Value thereof to be ascertained in the same Manner as is directed concerning any Land

or

or Ground to be cut, taken, or used for the Purposes of the said recited Act or of this Act.

Mayor and Burgesses empowered to resell Lands not wanted.

XXII. And be it further enacted, That it shall be lawful for the said Mayor and Burgesses and their Successors, by Indenture under their Common Seal, to grant and convey by way of absolute Sale, for a Consideration in Money, or in Exchange for other Lands required for the Purposes of this Act or the said recited Act, such Part or Parts of the Lands or Hereditaments which shall be so purchased by and conveyed to them as aforesaid as shall not be wanted for the Purposes of this or the said recited Act, and also such Part or Parts of the old Channel and bare Sands of the said Harbour as shall become useless by making the said new Cut, and by the Contractions and Variations of the Channel of the said Port and Harbour; and such Conveyances from the said Mayor and Burgesses or their Successors shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands or Hereditaments, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Mayor and Burgesses or their Successors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received, and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof.

For repealing Clause as to Rate of Tonnage.

XXIII. And whereas it was by the said recited Act enacted, that it should be lawful for the said Mayor and Burgesses and their Successors, and for such Person or Persons as they should appoint in that Behalf, to demand and take from the 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 the said recited Act for every Ton of the Burthen of every Ship or Vessel, the Amount of the Number of Tons of each Vessel to be ascertained according to the Rules laid down by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, for the further Increase and Encouragement of Shipping and Navigation, which said Tonnage Rate or Duty was directed to be paid at the Office of His Majesty's Customs of the said Port of *Boston*: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed accordingly.

Rate of Tonnage on Ships.

XXIV. And be it further enacted, That from and after the passing of this Act it shall be lawful 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

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 the said recited Act for every Ton of the Burthen of every Ship or Vessel; and for the Purpose of ascertaining the Tonnage of such Ships or Vessels, the Rules for Admeasurement shall be as follows; (that is to say,) the Length shall be taken on a straight Line along the Rabbit of the Keel from the Back of the Main Sternpost to a perpendicular Line from the Fore Part of the Main Stem under the Bowsprit, from which subtracting Three Fifths of the Breadth, the Remainder shall be esteemed the just Length of the Keel to find the Tonnage; and the Breadth shall be taken from the Outside of the Outside Plank in the broadest Part of the Ship, whether that shall be above or below the Main Wales, exclusive of all Manner of Doubling Planks that may be wrought upon the Sides of the Ship; then multiplying the Length of the Keel by the Breadth so taken, and that Product by Half the Breadth, and dividing the Whole by Ninety-four, the Quotient shall be deemed the true Contents of the Tonnage; which said Tonnage Rate or Duty shall be paid at the Office of His Majesty's Customs at the said Port of *Boston*, or such other Place as the said Mayor and Burgesses shall appoint; 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.

**Exempting Vessels in His Majesty's Service.**

XXV. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall extend to any of His Majesty's Ships of War, or any other Ship, Transport, or Packet of His Majesty, His Heirs and Successors, or any Vessel employed in His Majesty's Revenues of Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship, Transport, or Packet employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or any Vessel employed in or upon His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging; and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Five Pounds.

**Ballast, &c. not to be thrown into the Harbour.**

XXVI. And be it further enacted, That if any Person or Persons shall at any Time hereafter throw or empty into any Part of the said Port or Harbour, or into or upon any Pier, Quay, Wharf, or other Place in or about the said Harbour, any Ballast, Dust, Ashes, Manure, Rubbish, Shingle, Stone, or other Thing, or do any other Act or Deed to prejudice or annoy the same or any Part thereof, every such Person shall forfeit and pay a Sum not exceeding Ten Pounds over and above all Costs and Charges of recovering the same, and the Expence of removing all such Ballast, Dust, Ashes, Manure, Rubbish, Shingle, Stone, or other Thing, which shall at all Times and in all Cases be deposited in such convenient Place or Places as shall be from Time to Time appointed for that Purpose by the said Mayor and Burgesses and their Successors.

XXVII. And

To prevent landing Lime, &c. at the public Quays.

XXVII. And whereas great Annoyance and Inconvenience has been found to arise to the Public from the shipping or landing at the public Quays or Wharfs, of Lime, Manure, Gravel, Ballast, Shingle, and Coggles; for remedying whereof, be it therefore further enacted, That it shall and may be lawful to and for the said Mayor and Burgesses and their Successors, and they are hereby empowered, to appoint some convenient Place or Places adjoining the said Harbour to be used as a Wharf or Wharfs for the shipping or landing of such Lime, Manure, Gravel, Ballast, Shingle, and Coggles; and after such Place or Places shall have been so appointed, and public Notice thereof given by the said Mayor and Burgesses, it shall not be lawful for the Master of any Ship or Vessel trading to the said Port and Harbour to ship or land any Lime, Manure, Gravel, Ballast, Shingle, or Coggles at any of the public Quays or Wharfs other than what shall be so appointed by the said Mayor and Burgesses as aforesaid.

Masters or Owners liable for Damage done by Vessels or Crews.

XXVIII. And be it further enacted, That the Owner or Master or other Person having the Command or Charge of any Ship, Vessel, Bark, Lighter, or Boat using the said Harbour, shall be and is hereby made answerable and accountable to the said Mayor and Burgesses and their Successors for the Amount of any Damage or Mischief done by any such Ship, Vessel, Bark, Lighter, or Boat, or by any of the Mariners, Boatmen, Bargemen, Watermen, or Servants or other Persons on board or belonging to the same, to the said intended Cut, or to any of the Jetties, Piers, Quays, Walls, Wharfs, Works, Machinery, or Tackle within any Part of the said Port and Harbour, or to other Vessels lying therein, or to any of the Buoys, Beacons, Mooring Chains, or any other of the Works already made, erected, or placed, or which shall hereafter be made, erected, or placed, in the said Port and Harbour; and if the Amount of such Mischief or Damage be not forthwith paid, in case the same shall not exceed the Sum of Twenty Pounds, the same shall and may be recovered as any of the Penalties and Forfeitures imposed by the said recited Act or this Act may be recovered; and it shall be lawful to detain any such Vessel by which or by any of the Persons belonging to which any Damage or Mischief shall have been done, until sufficient Security be granted for Payment of the Amount of the Expence of repairing such Damage or Mischief, and of the Costs of recovering the same.

Masters may recover from their Crews.

XXIX. And be it further enacted, That in case the Owner or Owners, Master or Masters of any Ship or Vessel as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Mischief, by reason of any such Damage or Mischief done or committed by his or their Mariners, Boatmen, Servants, or other Persons employed by him or them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to repay such Penalty or Damage, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same or the Costs thereof have or hath not been repaid to him, her, or them by such

such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any One Justice of the Peace of the County where such Penalty and Satisfaction shall have been incurred or paid, or where such Mariner, Boatman, Servant, or other Person can be found,) the Amount thereof shall be recovered as any other Penalty is by the said recited Act or this Act directed to be recovered.

**Power to contribute for establishing a Floating Light at the Entrance of the Deeps.**

XXX. And whereas the Entrance of the said Port into *Boston Deeps* is situated so as to afford good Shelter and Protection in strong Westerly, Northerly, and Easterly Winds, to all Vessels trading along the Eastern Coast of *Great Britain*, but the Navigation thereof is difficult and attended with great Danger in the Night-time; be it therefore enacted, That it shall and may be lawful to and for the said Mayor and Burgesses, and they are hereby authorized and empowered, by and out of the Rates and Duties to be received by them by virtue of the said recited Act or this Act, to contribute such yearly or other Sum or Sums of Money as they shall think proper towards the Expence of establishing and maintaining any Floating Light which shall or may at any Time hereafter be placed at or near the Entrance into the said Deeps under the Authority of the Master, Wardens, and Assistants of the Corporation of the *Trinity House* of *Deptford Strond*, with proper Officers for the Management thereof.

**Power to punish Boatmen injuring Buoys or Buoy Chains.**

XXXI. And be it further enacted, That from and after the passing of this Act, in case any Boatman or other Person shall wilfully cut away, deface, or injure any of the Buoys or Sea Marks, or the Buoy Chains or Mooring Chains belonging thereto, within the Limits of the said Port of *Boston*, or shall do any wilful Damage to the same or any Part thereof, every Person so offending shall on Conviction forfeit and pay a Sum not exceeding Ten Pounds for every such Offence, or, in the Discretion of the Justice of the Peace before whom the Complaint shall be heard, shall suffer Imprisonment for the same, if under any Warrant of Commitment of any Justice of the Peace of the Borough of *Boston*, in the Common Gaol of the said Borough, and if under any Warrant of Commitment of any Justice of the Peace for the said Parts of *Holland* in the Common Gaol or House of Correction of the same Parts of *Holland*, and be there kept to hard Labour for any Term not exceeding Three Calendar Months.

**Boatmen picking up Buoys to deposit same in a Place of Safety.**

XXXII. And be it further enacted, That every Boatman or Boatmen and other Person or Persons who shall pick up or otherwise find and obtain Possession of any of the Buoys or Sea Marks within the Limits of the said Port and Harbour shall and they are hereby required, within Forty-eight Hours after they have so found, picked up, or obtained Possession of any such Buoys or Sea Marks, to give Notice thereof to the Harbour Master of the said Port of *Boston*, and shall cause such Buoys or Sea Marks to be deposited in some Place of safe Custody; and no Boatman or other Person shall proceed to sell or otherwise dispose of such Buoys or Sea Marks without having first obtained the Consent in Writing of some One Justice

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of the Peace of the said Borough of *Boston* for that Purpose; and every Boatman or other Person offending against any of the aforesaid Provisions shall for each Offence forfeit a Sum not exceeding Ten Pounds, besides making Satisfaction to the said Mayor and Burgesses for any Loss or Injury sustained in consequence of such Offence, the Amount of such Satisfaction to be fixed and determined by such Justice, or, in the Discretion of the Justice before whom the Complaint shall be heard, shall suffer Imprisonment in the Common Gaol of the said Borough, and be there kept to hard Labour for any Term not exceeding Six Calendar Months.

Power to adjust Claims for Salvage of Buoys.

XXXIII. And whereas Disputes and Differences frequently arise respecting the Claims made upon the said Mayor and Burgesses regarding the Remuneration to be paid for the finding and taking up of any of the Buoys or Sea Marks which may happen to break loose or be driven from the Place or Places where they are fixed in the Deeps within the said Port; be it therefore further enacted, That it shall and may be lawful to and for any Justice of the Peace acting for the County, Division, or Place where such Buoys or Sea Marks may happen to be found or be deposited, upon Complaint being made to him or them respecting the Quantum or Amount of Remuneration to be paid for the taking up and depositing any of such Buoys or Sea Marks in a Place of safe Custody, or respecting any alleged wrongful Possession or Detainer of the same or any Part thereof, to summon the Person or Persons against whom such Complaint shall be made to appear before him, and upon such Person or Persons so appearing, or in case of his, her, or their neglecting to appear, upon Proof being made of the due Service of such Summons, to hear and determine the Matter of Complaint, and to fix and determine what Sum of Money shall be paid to such Person or Persons for his, her, or their Trouble in the Premises, which Award and Determination shall be binding and conclusive on all the said Parties; and in case such Person or Persons shall refuse to pay such Money so awarded, or on Demand and upon Tender of the said Sum of Money so fixed and ascertained shall refuse to deliver up such Buoys or Sea Marks to the Person or Persons to whom the same shall be awarded, every Person so refusing shall be deemed an Offender against this Act, and shall, in the Discretion of any Justice of the Peace for the County, Division, or Place, before whom any Complaint shall be made of such Non-delivery, forfeit and pay any Sum not exceeding Ten Pounds, to be recovered and applied by virtue of this Act; and also upon Oath being made of such Demand, Tender, and Refusal, it shall be lawful for such Justice to issue his Warrant to search for such Buoys or Sea Marks, and to cause the same to be delivered to the Person or Persons to whom the same were awarded as aforesaid; and such Justice and Justices shall use and exercise the like concurrent Jurisdiction as is by this Act given to Justices over Offences committed on the Water within the Limits of the Port of *Boston* aforesaid.

For Recovery of Penalties for Offences committed on the Water

XXXIV. And be it further enacted, That all Complaints and Informations of and for Offences against the said recited Act or this Act, or any Order, Rule, Bye Law, or Regulation made or to be made in pursuance thereof, in relation to any Matter or Thing committed or

in the Harbour of Boston.

or done or arising or happening upon the Water within the Limits of the said Harbour, shall and may be made before One or more Justice or Justices of the Peace for the Parts of *Holland* in the County of *Lincoln*, or for the said Borough of *Boston*; and the said Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons; and upon the Appearance or Non-appearance of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant, under his or their Hand and Seal or Hands and Seals, for levying the Penalty or Forfeiture by virtue of the said recited Act or this Act, or any Bye Law made in pursuance thereof, imposed for such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the said Parts of *Holland* or the Borough of *Boston*, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices for the said Parts of *Holland*, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction within the said Parts of *Holland*, and to and for such Justice or Justices for the said Borough of *Boston* to commit such Offender to the Common Gaol of the said Borough, for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.



XXXV. And

Power to secure transient Offenders.

XXXV. And whereas Offences may be committed against this Act or the said recited Act by Persons unknown; be it therefore further enacted, That it shall be lawful for any Constable or Constables, and such other Person or Persons as they shall call to their Assistance, or other Person or Persons in the Absence of a Constable or Constables, without any Warrant or other Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any Offence or Offences against this Act or the said recited Act, and to take him, her, or them before any Justice of the Peace for the County, Division, or Place near to the Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this or the said recited Act.

Penalties may be mitigated.

XXXVI. Provided always, That it shall and may be lawful to and for any Justice of the Peace or other Magistrate from Time to Time, when they see Cause, to mitigate, compound, or lessen any Penalty or Forfeiture inflicted or imposed by the said recited Act or this Act, as they or he in their or his Discretion shall think fit, so as such Composition or Mitigation do not extend to remit above Half of the Penalty inflicted and directed to be levied by the said recited Act or this Act.

For making up any Deficiency in the Land Tax Assessment.

XXXVII. And whereas by reason of taking Land for the Purposes of this Act, there may be a Deficiency in the Assessment for Land Tax in the said Parish of *Fishtoft;* be it therefore further enacted, That for preventing the same the said Mayor and Burgesses shall from and after the passing of this Act be subject and liable from Time to Time to pay and make good to or in aid of the said Parish of *Fishtoft,* out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said Assessment for Land Tax within the said Parish by reason or means of using for the Purposes of this Act any Lands or Hereditaments liable to such Assessment, according to the Rental at which the same were valued at the Time of passing this Act; and the Treasurer to be appointed or continued under this Act shall be and he is hereby authorized and required to pay such Assessment, on Demand thereof, to the Collector or Collectors of the Assessment.

General Reservation of Rights.

XXXVIII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to prejudice, diminish, alter, or take away any of the Powers, Rights, or Authorities vested in any Body or Bodies Politic or Corporate, Commissioners, Trustees, or other Person or Persons whomsoever, under or by virtue of any Act or Acts of Parliament, but all such Powers, Rights, or Authorities vested in such Body or Bodies, Commissioners, Trustees, Person or Persons, shall be as good, valid, and effectual as if this Act had not been passed; and provided also, that nothing in this Act contained shall extend or be construed to extend to prejudice, alter, diminish, or take away any Royalties, Franchises, Rights, Powers, and Authorities vested in and belonging to His

His Majesty in Right of His Crown or Duchy of *Lancaster*, His Heirs and Successors, or in any of the Tenants and Lessees of His Majesty in Right of His said Duchy, but that all Royalties, Franchises, Powers, and Authorities so belonging to His Majesty, His Heirs and Successors, or claimed so to be and belonging as aforesaid, shall continue, remain, and subsist without Prejudice, Diminution, or Alteration; any thing in this Act to the contrary thereof notwithstanding.

Expences of Act how to be paid.

XXXIX. And be it further enacted, That all Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act, shall be borne, paid, and defrayed by the said Mayor and Burgesses out of the Monies now in their Hands or hereafter to be raised, levied, or collected by them under and by virtue of the said recited Act or this Act.

Public Act.

XL. 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 other Persons, without the same being specially pleaded.

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