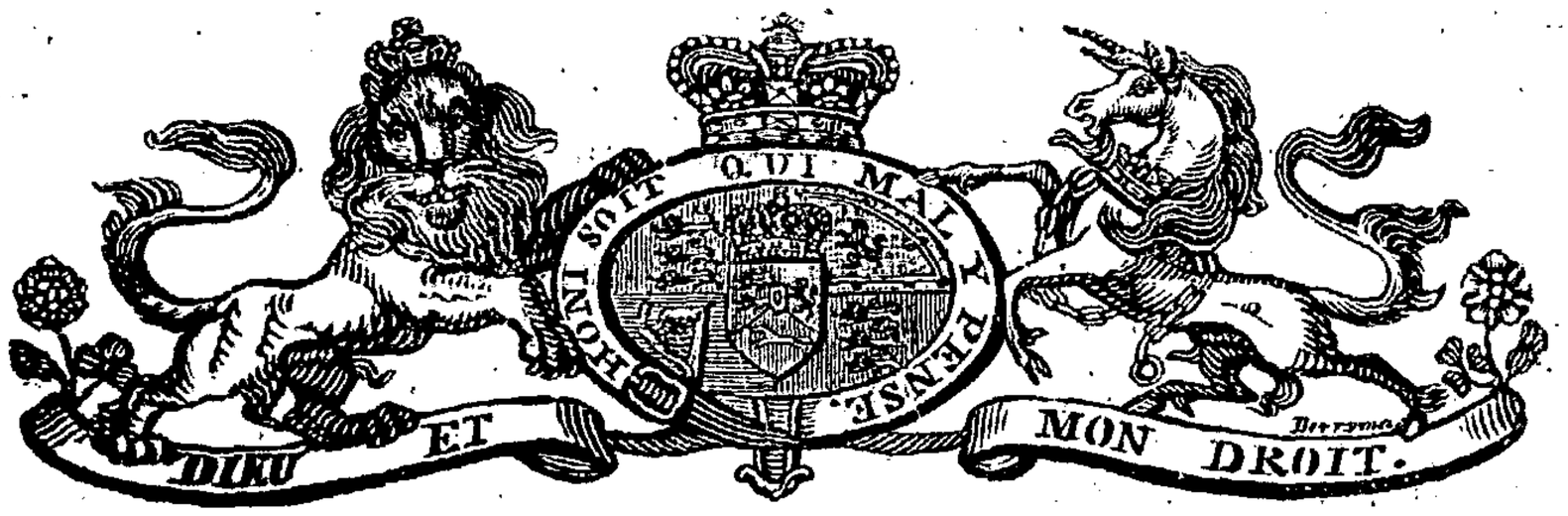


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Repair; and all Persons were invited by public Advertisement to come forward and contribute their Assistance, but no Persons attended any of the said Meetings for such Purpose: And whereas the said Commissioners, at a similar Meeting held on the Twenty-seventh Day of *October* One thousand seven hundred and seventy-seven, entered into an Agreement with *Charles Chaplin* Esquire, which was reduced into Writing and entered into the Books of the said Commissioners, and signed by Nine of the said Commissioners and by the said *Charles Chaplin*, and was in the Words and Figures following; that is to say,—"27th *October* 1777. At an adjourned Meeting then held at the *New King's Head Inn* in *Louth* by the Commissioners undersigning: Whereas public Notice hath been Twice given in the public Newspapers and at the several Market Towns mentioned in and pursuant to the Directions of the Act, that a Meeting would be held for letting the Tolls of the River for Seven Years, and no one appearing at either of the said Meetings to take the same: And whereas at a subsequent adjourned Meeting for that Purpose, held on the 12th Day of *August* last, Mr. *Chaplin* proposed to advance all the Money necessary for the Repairs of the River, and to keep the same in good and sufficient Repair, subject to the Orders and Directions of the Commissioners for the Time being for that Purpose, and to keep down the Interest on all the Money borrowed by paying to every Subscriber Interest after the Rate of Five Pounds *per Centum per Annum* by half-yearly Payments, and to pay all Officers Salaries and all other Expences attending the said Works, provided the Commissioners invest him with proper Powers, and assign the Benefit of the Tolls for a Term of Ninety-nine Years, and agree to join with Mr. *Chaplin* in obtaining an Act of Parliament, at his Expence, for confirming this Agreement whenever thereto by him required, (which Proposal was approved of and accepted by the greatest Part of the Subscribers at the said Meeting, and hath since been approved of and accepted by all the other Subscribers except Messrs. *Alexander* and *Friskney Gunniss* and Mr. *John Shaw*,) it is hereby ordered and agreed, for the good of the said Navigation, and as the only Method for raising the Money necessary to put the same into proper and effectual Repair, that the Canal or Cut and the Navigation thereof, subject to the Orders of the Commissioners as above-mentioned respecting the same, together with all the Tolls arising from the said Navigation, and all the Estate and Interest of the said Commissioners therein and thereto, shall be vested in the said Mr. *Chaplin*, his Executors, Administrators, and Assigns, for a Term of Ninety-nine Years, to commence from the 24th Day of *June* last; and Mr. *Chaplin* hereby agrees on his Part to accept the Trust, and to do all the Works which shall be ordered to be done by the Commissioners as above-mentioned for the Support of the Navigation, and from Time to Time to pay all the Interest of the Money borrowed at the Rate of Five Pounds *per Centum per Annum* by half-yearly Payments every *Midsummer* and *Christmas*, with Officers Salaries, &c. &c.: And it is further ordered, that Nine Commissioners be appointed to enter into an Agreement with Mr. *Chaplin* in Writing to carry the said Order into Execution. — Ordered, that any Nine of the acting Commissioners be and they are hereby appointed a Committee for carrying the above Agreement into Execution:" And

whereas Doubts have been entertained whether the said Commissioners had Authority under the said Act to enter into such Agreement: And whereas it is expedient that the said Act should be repealed, and a new Act passed for more effectually maintaining and improving the said Navigation, and that such Provision should be made with respect to the said Agreement as herein-after mentioned: 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 from and immediately after the Twenty-third Day of *June* One thousand eight hundred and twenty-eight the said recited Act shall be and the same is hereby repealed, and instead thereof this Act shall commence and be put in execution for the Purposes herein mentioned.

Recited Act repealed.

II. And be it further enacted, That if at any Time after the Commencement of this Act it shall appear that any thing forbidden by the said recited Act has been done, or any Duty enjoined by the said recited Act has not been done, for which Misfeasance or Nonfeasance Remedy was by the said recited Act provided for the Party aggrieved, but no Provision is made by this Act, the said recited Act shall continue valid so far as may be necessary for the Benefit of any Party aggrieved by such Misfeasance or Nonfeasance.

The Act to remain valid for certain Purposes.

III. And be it further enacted, That all Books, Lists, Schedules, and Papers containing the Registers of Shares or Mortgages and Assignments, and Transfers of Shares and Mortgages, upon the Tolls of the said navigable Canal, and the Proceedings of the Commissioners appointed by the said recited Act, and made Evidence thereby, and all other Documents by the said recited Act hereby repealed authorized or directed to be kept and made Evidence thereby, shall be admitted as Evidence in all Courts of Law and in Equity.

Books relating to former Act to be given in Evidence.

IV. And be it further enacted, That all Arrears of Tolls, or Rents or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Commissioners under the said recited Act, or the Lessees or Persons claiming under them for the Time being, shall immediately on the Commencement of this Act be vested in the Commissioners for executing this Act, who shall be and are hereby enabled to sue for and recover the same to and for the Use of such Lessees or Persons, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them the same Commissioners under and by virtue of this Act.

Former Debts, &c. vested in new Commissioners.

V. And be it further enacted, That all Bonds, Conveyances, Covenants, Contracts, Leases, Mortgages, Assignments, Deeds, Instruments, and Securities made to or by, or entered into by any Person or Persons to or with the Commissioners for executing the said recited Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully

Bonds, Contracts, &c. to be in force.

fully satisfied and performed; and all Bargains, Contracts, Agreements, or Notices, made, entered into, or given by the Commissioners for executing the said recited Act hereby repealed, with or to any Person or Persons for any Purpose relating to the said Navigation, or to the Execution of such Act, shall remain in full Force and Effect, and be observed and kept by the Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof: Provided always, that nothing in this Act contained shall be construed so as to subject the Lessee or Lessees of the said Navigation for the Time being, or the said Commissioners, to the Payment of the Principal or Interest upon any Shares or Assignments of Tolls in the said Navigation granted by the Commissioners acting under the said Act hereby repealed, which would not have been payable if this Act had not been passed.

Former Officers, except the Treasurer, to continue until removed.

VI. And be it further enacted, That each Clerk, Agent, Collector, Mettor, and other Officer or Officers appointed under or by virtue or acting under the Authority of the said recited Act, other than and except the Treasurer, shall hold and enjoy such his Office and Employment, together with the Salary or Emolument thereunto annexed, as if he had been appointed under the Powers of this Act, unless and until he shall resign or shall be removed therefrom in pursuance of the Powers hereby granted; and each such Clerk, Agent, Collector, Mettor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Canal, Collateral Cuts, and Works vested in the Commissioners.

VII. And be it further enacted, That from and immediately after the Commencement of this Act the said navigable Canal or Cut made and completed under the Authority of the said recited Act, and also a Feeder called the *New Cut*, commencing about Thirty Yards below the Water Corn Mill, now belonging to Messieurs *Cross*, *Edwards*, and *Foster*, in the Parish of *Louth* aforesaid, for supplying the navigable Canal with Water, and the Ground and Soil of the said navigable Canal and Feeder, and all and every other the Canals, Channels, Branches, Collateral Cuts, Waterlines, Foreshores, and Weirs, constituting, appertaining, or belonging to the present navigable Canal or Cut called the *Louth Navigation*, and the Aqueducts, Tunnels, Culverts, Bridges, Embankments, Towing Paths, Haling Ways, Gates, Stiles, Feeders, Locks, Doors, Flood Gates, Dams, Sluices, Weirs, Basins, Docks, Locks, Yards, Quays, Walls, Jetties, Warehouses, Toll Houses, Houses, Buildings, Weighing Machines, Engines, and all other Works belonging thereto, and the Ground and Soil thereof respectively, and all other the Lands, Tenements, and Hereditaments which have been at any Time heretofore purchased by the Commissioners acting under the Authority of the said recited Act, under or by virtue of the Powers therein contained, and were at or immediately previously to the passing of this Act legally vested in the Commissioners acting under the said recited Act, or the Survivors or Survivor of

of them, or the Heirs of such Survivor, and the Rents, Issues, and Profits thereof, shall from and after the Commencement of this Act be vested in and be payable and paid to the Commissioners hereby appointed, and their Successors, or in such and so many of them as shall be qualified and qualify themselves to act as such Commissioners, subject nevertheless to such Rights and Interests therein as were at or immediately previously to the passing of this Act vested in any other Person or Persons, Body or Bodies Corporate: Provided always, that nothing contained in this Provision shall extend or be construed to extend to prejudice or affect any Rights other than the Rights of the Commissioners acting under the said Act, or the Survivors or Survivor of them, or the Heirs of such Survivor.

Part of the Land purchased under the former Act, and which had become forfeited to the Crown, vested in the Commissioners under this Act.

VIII. And whereas the Commissioners acting in execution of the said Act hereby repealed, many Years since purchased of the Warden and Assistants of the Town of *Louth* a certain Piece of Land called *Mallard Ings*, containing Fifteen Acres One Rood and Twelve Perches or thereabouts, and also purchased a small Piece of Ground called *Fire-Beacon-Lane Yard* in the Parish of *Fulstow* in the said County: And whereas Part of the Ground so purchased was made use of for the Purposes of the said Canal, but other Parts thereof have been and still are used for other Purposes, and the same are in consequence become forfeited to His Majesty, which Forfeiture His Majesty is pleased to remit; be it therefore enacted and declared, That the said Land, Ground, Hereditaments, and Premises so purchased as aforesaid, and all His Majesty's Right and Interest therein, shall be and the same is and are hereby vested in the Commissioners for executing this Act, their Successors and Assigns, for the Purposes of this Act, discharged of all Forfeiture to His Majesty, His Heirs and Successors, under any Statutes of Mortmain or otherwise howsoever.

A Lease to be granted for the Residue of the Term of Ninety-nine Years.

IX. And whereas upon the Faith of the Agreement herein-before recited, the said *Charles Chaplin*, immediately after the same was entered into, advanced upwards of Seven thousand Pounds, and expended the same upon the said Navigation, and those claiming under him have also expended considerable Sums thereon from Time to Time, and particularly in the Year One thousand eight hundred and twenty-six upwards of Four thousand Pounds were expended by them in cleansing and repairing the said Navigation and Works; and the said Agreement was entered into by the said Commissioners *bonâ fide* for the Benefit of the Public, and was in fact beneficial to the Public at the Time the same was entered into; and the Benefit accruing therefrom to the said *Charles Chaplin* and those claiming under him has not been disproportioned to the Risk run by the said *Charles Chaplin*: And whereas the said Agreement has been acquiesced in by all Parties for nearly Fifty-one Years, and it will be for the Benefit of the Public that the same should be sanctioned for the Remainder of the said Term of Ninety-nine Years, but subject to a Reduction of the Tolls of the said Navigation, the Tolls authorized to be taken by this Act being in the Proportion of One Half Part less as to certain Articles, and One Third Part less as to all other Articles, or thereabouts respectively, than the Tolls authorized to be taken by the said recited Act; be it therefore enacted, That it shall and may be

be lawful to and for the said Commissioners, and they are hereby authorized and required, immediately on the Commencement of this Act, to grant, execute, and deliver unto the Person or Persons entitled to the beneficial Interest under the said recited Agreement, and to his or their Executors, Administrators, and Assigns, a Lease of the said Navigation, and the Tolls, Dues, and other Proceeds thereof, for the Term of Forty-eight Years from the Twenty-fourth Day of *June* next after the passing of this Act, being the Remainder of the Term of Ninety-nine Years in the said Agreement mentioned; provided always, that the Lessee or Lessees for the Time being claiming under and by virtue of such Lease shall be subject to all the Payments, Rules, Regulations, Restrictions, Pains, Penalties, and Forfeitures mentioned in this Act.

Commissioners.

X. And be it further enacted, That *Marmaduke Alington* Clerk, *George Alington*, *Henry Alington*, *Hildebrand William Alington*, *Charles Allix*, *Hinman Raddish Allenby*, *Samuel Allenby*, *William Allison*, *Edward Allison*, *William Grant Allison*, *George Allen*, *Ayscough Boucherett*, *Edwin Brackenbury*, *John Norton Booth*, *Daniel Benson* Clerk, *Thomas Bogg*, *John Bogg*, *Christopher Byron*, *John Byron*, *Charles Bellwood*, Sir *Montague Cholmely* Baronet, *Charles Chaplin*, *William Chaplin* Clerk, *Charles Sutton Chaplin* Clerk, *Richard Chaplin*, *Frederick Chaplin*, *Charles Marshall Clarke* Doctor of Medicine, *Robert Cracroft*, *Thomas Turnill Cartwright*, *Thomas Leach Cross*, *John Campbell*, *Henry Chapman*, *Robert Chatterton*, the Honourable *Champion Dymoke*, *Henry Dymoke*, *Francis John Bateman Dashwood*, *Richard Dawson*, *Richard Dawson* the younger, *Richard Elmhirst*, *William Elmhirst*, *Robert Epworth*, *John Emeris* Clerk, *Adam Eve*, *William Eve*, *John Eve*, *Barnadiston Forrester Fowler* Clerk, *John Fytche*, *John Gould Floyer*, *David Fridlington*, *John Foster*, *John Charles Girardot*, *Stephen Gray*, *George Gray*, *Edward Gray*, *Langley Gace*, *Isle Grant*, *Benjamin Grant*, *Richard Grant*, *Field Flowers Goe*, *George Heneage*, *George Fleschi Heneage*, *Edward Heneage*, *Theophilus Harneis*, *Theophilus Harneis* the younger, *Thomas Harneis*, *William Hyde*, *Benjamin Hyde*, *William Harrold*, *William Henry Hart*, *William Hardy*, *Thomas Hudson*, *Grantham Hodgson*, Sir *William Amcotts Ingilby* Baronet, *George Jackson* Clerk, *John Jackson* the elder, *Wolley Jolland* Clerk, Sir *Edward Knatchbull* Baronet, *John King*, *Joseph Livesey*, *John Loft*, *William Loft*, *William Loft* the younger, *Henry Lucas*, *Frederick Lucas*, *George Lister*, *George Lister* the younger, *Matthew Bancroft Lister*, *Henry Lister*, *John Herbert Lloyd*, *Joseph Larder*, *John Maddison*, *John Maddison* the younger, *Charles Burrell Massingberd*, *Charles Godfrey Mundy*, *James Mason*, *Henry Neve*, *John Naull* the younger, *Richard Nell*, *Thomas Oldham*, *Francis Overton*, *Thomas Overton*, *Stephen Preston* Clerk, *Samuel Carter Pettener*, *John Michael Phillips* Clerk, *John Parkinson*, *Lysimachus Parker* the younger, *Cornelius Parker*, *Thomas Pearson*, *John Robinson* Clerk, the Honourable *Stanhope*, Sir *Richard Sutton* Baronet, *George Searle*, *William Scrope*, *William Smith*, *Bryan Smith*, *Edmund Smyth* Clerk, *Anthony Sharpley*, *Charles De Laet Waldo Sibthorpe*, *George Tennyson*, *Richard Thew*, *John Trolove*, *Samuel Trought*, *Christopher Taylor*, *Robert Vyner*, Sir *William Earle Welby* Baronet, *Charles Thorold Wood*, *William Wilson*, *John*

John Waite Clerk, *John Deane Waite*, *William Teale Welfitt*, *Charles Wing*, *Joseph Wright*, *John Walkington*, *James Whiting Yorke*, and their Successors, to be elected in manner herein-after mentioned, being duly qualified according to the Directions of this Act, shall be and they are hereby appointed Commissioners for putting this Act in execution.

Election of new Commissioners.

XI. And for continuing a sufficient Number of Commissioners for putting this Act in execution, be it further enacted, That when any of the Commissioners hereby appointed, or to be elected in manner herein-after mentioned, shall die, or shall absent themselves from the Meetings of the Commissioners convened for the Purposes of this Act for Two Years in Succession, or by Bankruptcy, Insolvency, or otherwise, become disqualified to act, or shall, by Writing under his or their Hands, refuse to act in the Execution of this Act, the surviving or remaining Commissioners, or any Five or more of them, shall and they are hereby empowered and required from Time to Time, by Writing under their Hands, to elect and appoint, in the Place of every Commissioner so dying, absenting himself, becoming bankrupt, insolvent, or otherwise disqualified or refusing to act, some other Person resident within Ten Miles of the said Canal, qualified as herein-after mentioned, to be a Commissioner under this Act; and all such Commissioners so appointed shall, from the Time of their Appointment, act with such surviving and remaining Commissioners in the Execution of this Act, and have the like Authority in all Things relating to the Execution of this Act, as if they had been hereby expressly named and appointed Commissioners.

Qualification of Commissioners.

XII. And be it further enacted, That no Commissioner herein-before appointed, nor any Person who shall be elected a Commissioner by virtue of this Act, shall act as a Commissioner in the Execution of any of the Powers hereby granted, unless he shall be, in his own Right or in the Right of his Wife, at the Time of such his acting, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes, or shall be possessed of or entitled unto a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Three thousand Pounds over and above what is sufficient to pay off all his just Debts; and if any Person not being so qualified shall act as a Commissioner in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with Double Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as before-mentioned, and not disqualified as aforesaid, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act; and in case such Person so acting as a Commissioner shall prove himself in such

Action

Action to be duly qualified, or the Prosecutor shall abandon his Action or not proceed to Trial, or in case the Defendant in such Action shall have a Verdict, then the said Defendant shall have and be entitled to Double Costs, to be recovered from and paid by such Prosecutor: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act which shall be done or performed by any such unqualified or disqualified Person, previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified: Provided always, that no Mortgagee or Assignee of a Mortgage or other Security, or any Lender of Money upon the Credit of the Tolls, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Commissioner in the Execution of this Act; and any Persons appointed to act as Commissioners under this Act, who are or shall be in the Commission of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, shall and may and they are hereby empowered to act as Justices of the Peace in the Execution of this Act within the Limits of their Jurisdiction, notwithstanding their being such Commissioners, except in such Cases only wherein they shall be personally interested otherwise than as Commissioners, Mortgagees, Assignees, Lenders of Money, or Holders of any Securities on the Credit of the Tolls granted by this Act.

Mortgagees of the Tolls not to be unqualified.

Commissioners may act as Justices, except where personally interested.

Commissioners before acting to take the following Oath.

XIII. Provided always, and be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act in any Case (except in administering the following Oath,) until he shall have taken and subscribed the Oath or Affirmation following before any Two or more of the said Commissioners, who are hereby authorized and empowered to administer the same to any other of the Commissioners, in the Words or to the Effect following; (that is to say,)

'I do swear, [*or, being one of the People called Quakers*, do solemnly affirm,] That I truly and *bonâ fide* am in my own Right [*or* in the Right of my Wife] in the actual Possession and Enjoyment of or in the Receipt of the Rents and Profits issuing out of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes, [*or* that I am possessed of or entitled unto a Personal Estate alone, or a Real and Personal Estate together, of the Amount or Value of Three thousand Pounds over and above what is sufficient to pay off all my Debts]; and I do swear [*or, being one of the People called Quakers*, do solemnly affirm,] that I will, without Favour or Affection, Prejudice or Malice, truly and impartially, according to the best of my Skill and Judgment, execute and perform the Powers and Authorities vested in me by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*].

'So help me GOD.'

[*Or, being a Quaker, omit the Words,* 'So help me God.']

XIV. And

Commissioners not to hold Places of Profit.

XIV. And be it further enacted, That if any Person appointed a Commissioner in or by virtue of this Act shall have or accept any Place of Profit arising out of the Tolls, Rates, or Dues to be raised and collected by the Authority of the same, such Person from and after accepting thereof, and during the Time of his holding and enjoying such Place of Profit, or during the Time of his being either directly or indirectly concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, shall be incapable of acting as a Commissioner under this Act.

No Victualler to hold a Place of Profit.

XV. And be it further enacted, That no Person who shall sell any Wine, Ale, Brandy, or other Spirituous Liquors, or Provisions, by Retail, shall be capable of holding or enjoying any Office or Place of Profit under or by virtue of this Act.

Tolls and other Property made liable to Debts due under former Act.

XVI. And be it further enacted, That the said Canal and Feeder, and also the Ground, Soil, and Works thereof, and also the Lands which by virtue of this Act are now vested in the Commissioners hereby appointed, and their Successors, and all Rates, Tolls, and Dues which shall be taken or received under or by virtue of the Authority of this Act, shall be and they are hereby respectively made subject and liable to the Payment of all Debts and Monies which are now due and owing under or by virtue of the said recited Act hereby repealed, or which shall be due and owing under or by the virtue of this Act; and all Persons to whom such Debts are due shall have the same Powers for enforcing Payment thereof as are given by this Act to Persons who shall advance Money to the Commissioners under this Act.

First and other General Meetings.

XVII. And be it further enacted, That the said Commissioners shall hold their First Meeting at some convenient Place within the Town of *Louth* aforesaid, on the Twenty-fourth Day of *June* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Four in the Afternoon, and the Commissioners then and there assembled shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time, and from Place to Place, as they shall think fit; and from and after the said First General Meeting there shall be a Meeting of the Commissioners on the Third *Thursday* in the Month of *June* in each and every Year, or on some other Day within the Space of Fourteen Days then next following, in case the said Commissioners shall at any Time or Times appoint such other Day; and it shall also be lawful to hold such and so many Special General Meetings of the said Commissioners as shall be called as herein provided; and of all such General Meetings and of all Special General Meetings public Notice shall be given Ten Days at least before the Day of holding the Meeting, Once at least by Advertisement in some Newspaper published in the County of *Lincoln*, and which Notice of every Special General Meeting shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place, as shall be found expedient; and at all and every such General or Special General Meetings, or at any other Meetings of the said Commissioners to

General Annual Meeting.

Chairman to be appointed.

to carry this Act into Execution, the Commissioners assembled at such Meeting or Meetings respectively shall and may appoint some one of the Commissioners present at such Meeting or Meetings respectively to be Chairman, and such Chairman shall and may not only vote as a Commissioner, but in case of an Equality of Votes shall and may have the decisive or casting Vote; and no Order or Determination of the said Commissioners in the Execution of this Act shall be made, unless the major Part of the Commissioners present shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of the Powers given in and by this Act, which are directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the said Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is by this Act named for any particular or special Purpose); and all Acts, Orders, or Proceedings had, made, or done by or before such Three Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting of the said Commissioners, and entered into the Book of Proceedings of such Meeting, and also by inserting such Notice Twice at least in some one of the Newspapers published in the said County of *Lincoln*, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Nine of the said Commissioners at least, or by a greater Number than that of the Majority who concurred in making such Order or Determination: Provided always, that all Meetings of the said Commissioners for putting into Execution the Powers and Provisions of this Act shall be held at such Place or Places as the said Commissioners shall appoint, within Two Miles of the Head of the said Canal.

Three Commissioners to constitute a Quorum.

Meetings may be held on Emergencies.

XVIII. And be it further enacted, That in case it shall be thought necessary, for the better Execution of any of the Powers granted by this Act, that the said Commissioners should meet before the Time to which any Meeting may be adjourned, it shall and may be lawful for any Two or more of such Commissioners, or for the Clerk to the said Commissioners, to give Notice of such earlier Meeting in the Manner before directed, or by a circular Letter addressed to the acting Commissioners, and left at their respective Dwelling House or Place of Abode, in which Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting (such Time being not less than Seven Days after Publication of the said Notice, or Delivery of such Letter as aforesaid); and all the Orders and Determinations of the said Commissioners at all such Meetings shall be as valid as if the same had been done at any other Meeting of the said Commissioners held

by virtue of this Act: Provided always, that no other Business than what shall be in Substance specified in such Notice shall be transacted at any such Meeting.

If a sufficient Number of Commissioners do not attend, Meetings to be adjourned.

XIX. And be it further enacted, That when and so often as a sufficient Number of Commissioners under this Act shall not meet on the Day hereby appointed for their First Meeting, or shall not meet on the Day appointed for holding any General or Special General Meeting, or on the Day appointed by Adjournment for their Meeting, or for want of a proper Adjournment, by which Means or by some or one of them the Intent of this Act may be frustrated, in all or either of the said Cases it shall be lawful for so many of the said Commissioners as shall meet, or the major Part of them, or in case no such Commissioner shall be present, for their Clerk or Clerks, to adjourn the said Meeting, and to cause Notice of such Adjournment to be given in some one of the public Newspapers then circulated in the said County of *Lincoln*, at least Ten Days before the intended Meeting, appointing the said Commissioners to meet at such Place where the preceding Meeting was appointed to have been held, or at the Place directed for the First Meeting of the said Commissioners, if no such preceding Meeting shall have been held; and the said Commissioners when met in pursuance of such Adjournment and Notice shall and may and they are hereby required to proceed and carry this Act into Execution, in the same and in as complete and full a Manner to all Intents and Purposes as they might or could have done if no such Neglect had happened.

Notices of Meetings how to be given.

XX. Provided always, and be it further enacted, That all Notices herein directed to be given of any General, Special, or other Meeting of the said Commissioners, or of any Adjournment thereof respectively, and not herein otherwise provided for, shall be signed by the Chairman of the said Commissioners or by the Clerk of the said Commissioners, and all other Notices of Meetings to be held for the general Purposes of this Act, and for carrying any of its Provisions, Orders, and Regulations herein contained into Execution, shall respectively be given by Advertisement to be inserted in the County Newspaper then reputed to have the most extensive Circulation in the Town of *Louth* and its Neighbourhood, at least Ten Days before the holding of such Meeting or Adjournment, in which Notices respectively the Business proposed to be done at any such Meeting respectively shall be in Substance stated; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices; but if the Business to be transacted at any such Meeting of which due Notice has been given shall not be concluded on the Day mentioned in such Notice, the Commissioners then present in that Case may from Time to Time adjourn the said Meeting, and such adjourned Meeting or Meetings shall be considered for all Purposes a Continuation of the same original Meeting.

Commissioners may sue and be sued in the Name of their Clerk.

XXI. And be it further enacted, That the Commissioners acting under this Act may from Time to Time sue and be sued in the Name or Names of any One of the said Commissioners, or of their Clerk or Clerks for the Time being, and no Action or Suit to be brought or commenced by or against the said Commissioners in the Name or Names

Names of any One of them, or their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Commissioner, Clerk or Clerks, or any of them, or by the Act of such Commissioner, Clerk or Clerks, or any of them, without the Consent of the said Commissioners, but any One of the said Commissioners, or the Clerk or Clerks for the Time being to the said Commissioners, shall always be deemed to be Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be) in every such Action or Suit: Provided always, that during the Residue of the said Term of Ninety-nine Years every such Commissioner, Clerk or Clerks, shall be reimbursed and paid, out of the Monies, Tolls, Rates, and Dues by this Act authorized to be collected, all such Costs, Charges, Damages, Demands, and Expences as he or they shall be put unto or become chargeable with or liable to by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants, in case it shall appear that the said Commissioners acted, as to the Matter which may be the Subject of such Suit or Action, at the Request or with the Assent of the Lessees or Lessee of the said Navigation for the Time being; and in all Cases where any Action shall be brought by or against the said Commissioners, Evidence of such Commissioner or Commissioners having acted as such, together with the Act of Parliament by which he or they was or were appointed, or the Order or a Copy of the Order for his or their Appointment or Election, in case he or they was or were appointed or elected by the Commissioners acting under this Act, shall be sufficient Proof of his or their being a Commissioner or Commissioners under this Act.

General Meetings may make Bye Laws.

XXII. And be it further enacted, That any Seven or more of the said Commissioners shall have full Power and Authority, from Time to Time, at any such General or Special Meeting as aforesaid, or Adjournment thereof, to make such Orders, Bye Laws, and Rules, as to the Commissioners assembled shall seem right and proper for the good Government of the said Navigation and Canal, and for the Regulation of all Officers, Servants, and Workmen to be employed in or about the Affairs and Concerns of the Navigation and Canal, and the Business carried on thereon, and for the Superintendence and Management of the said Matters committed to their respective Charge in all respects whatsoever, and for maintaining, using, and managing the said Canal and Cuts and other Works in all respects whatsoever; and from Time to Time to alter and repeal such Orders, Bye Laws, and Regulations, or any of them, and to make others, and to impose and inflict any reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein mentioned; which said Orders, Bye Laws, and Rules, being reduced into Writing signed by the said Commissioners, and printed and published, and painted on Boards, shall be hung up, affixed, and continued in the Front of the several Toll Houses or other conspicuous Place or Places in or near the said Canal, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Orders, Bye Laws, and Rules shall be binding upon and observed by all Parties, and shall be sufficient in any Court of

of Law or Equity to justify all Persons who shall in the Execution of this Act act under the same; provided that such Orders, Bye Laws, and Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Declarations in this Act contained; and all such Orders, Bye Laws, and Rules shall be subject to Appeal in manner in this Act mentioned.

Lessees to pay Arrears of Interest to Shareholders.

XXIII. And be it further enacted, That during the Residue of the said Term of Ninety-nine Years, the Lessees or Lessee of the said Navigation for the Time being shall yearly and every Year, upon the Twenty-fourth Day of *June* in each Year, pay to every Shareholder or Mortgagee of the said Tolls Interest after the Rate of Five Pounds *per Centum per Annum* upon each Assignment of Tolls held by him or her; and in case Default shall at any Time or Times be made in the due and regular annual Payment of Interest, at the Rate aforesaid, to all or any of the said Shareholders or Mortgagees for the Time being entitled to the same, or in any Part thereof, for the Space of Fourteen Days after any succeeding Twenty-fourth Day of *June* in the Residue of the said Term, including the last Twenty-fourth Day of *June* in the last Year of the said Term, then and so often as such Default shall happen it shall be lawful for the said Commissioners, and they are hereby required, in addition to any other Remedy at Law or in Equity, or under this Act, which such Shareholders or Mortgagees respectively may have or take against the Lessees or Lessee for the Time being of the said Tolls for the Residue of such Term for the recovering and compelling Payment of such Arrear of Interest, on having Notice in Writing of any such Arrear from the Party or Parties entitled to such Interest, and after such Party or Parties shall have demanded in Writing Payment of such Arrears of Interest, to require the Treasurer, Collector, or Receiver for the Time being of such Tolls, Rates, and Dues, out of and with the Money which may then be in his Hands respectively, as well out of and by and with the Tolls, Rates, and Dues which he may thenceforth receive, to pay and discharge to such Mortgagee or Shareholder, Mortgagees or Shareholders, such Arrears of Interest as often as the same may happen; and such Treasurer, Collector, or Receiver is hereby required and authorized to pay the same under the Circumstances aforesaid, and the Receipt or Receipts which he may take for the Arrears of Interest so paid shall pass in his Account with the Lessee or Lessees for the Time being of such Tolls, Rates, and Dues, as so much Cash, and they shall be received and allowed as for and in lieu of so much Cash accordingly: Provided nevertheless, and it is hereby declared, that all Payments to be made by such Treasurer, Collector, or Receiver, under the Order, Directions, or Authority of the said Commissioners, pursuant to the Power hereby given for Repairs, Maintenance, and Support of the said navigable Canal, Cut, and Works thereon or thereunto belonging, shall have Precedence and Priority over any other Orders or Directions of the said Commissioners upon such Treasurer, Collector, or Receiver for the Time being, for or in respect of Interest Monies on the said Mortgage Debt of Twenty-eight thousand Pounds, or any Part thereof, or

Remedy, in case Lessees neglect after Notice.

Proviso as to Payments for Repairs.

on the further Mortgage Debt by this Act authorized to be created for the Purposes herein-after mentioned.

Regulation as to the Acquisition of Mortgages.

XXIV. And be it further enacted, That before any Person or Persons claiming to be a Creditor or Creditors by way of Mortgage on the said Navigation, in right of Marriage, shall be entitled to receive the Interest or Principal of such Mortgage, Assignment, or Security, an Affidavit, or solemn Affirmation by any Person being one of the People called *Quakers*, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Commissioners, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry and Transfer of such Mortgages or Securities; and before any Person or Persons claiming to be a Creditor or Creditors by way of Mortgage on the said Navigation, by virtue of any Bequest or Will, or in Course of Administration, shall be entitled to receive the Interest or Principal of such Mortgage, Assignment, or Security, such Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Mortgage or Security of the Testator or Intestate shall be made and sworn or solemnly affirmed to by the Executor or Executors of the said Will, or the Administrator or Administrators of the Intestate, with the Will annexed, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmited to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than those herein-before mentioned, when the Right and Property of any Mortgage, Assignment, or Security on the Tolls of the said Navigation shall pass from any Proprietor or Proprietors thereof to any Person or Persons by any legal Means, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Mortgage, Assignment, or Security hath passed to such other Person or Persons, and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Commissioners, who shall thereupon enter and register the Name or Names of every such new Mortgagee or Mortgagees in the Register Book or List of the Mortgagees on the Tolls of the said Navigation, and the Clerk shall be entitled to receive for each and every such Entry herein-before directed the Sum of Two Shillings and Sixpence and no more.

Certain Bridges over the Canal to be removed, and others erected.

XXV. And whereas there are Three Carriage Bridges over the said Navigation called *Alvingham High Bridge*, *Thoresby Bridge*, and *Tetney Bridge*, and there are certain Balks or Timbers over the Sea Lock at *Tetney*, and the same are inconvenient, and it is expedient that the same should be removed, and that in lieu of the said Bridges,

movable Carriage Bridges should be erected, and in lieu of the said Timbers and Balks proper Land Ties should be constructed, so that Vessels may pass into and along the said Canal without lowering their Masts; be it therefore further enacted, That the Lessees or Lessee of the said Navigation for the Time being shall, as soon as conveniently may be after the Commencement of this Act, proceed to remove the said Carriage Bridges, and the said Timbers and Balks, and in lieu of the said Bridges shall erect movable Carriage Bridges of the most approved Construction and Materials, and in lieu of the said Balks and Timbers shall erect Land Ties also of the most approved Construction and Materials; and in order that the said Works may be performed with a due Regard to the Interests of the Public, in a workmanlike Manner, and at a reasonable Expence, the said Lessees or Lessee shall appoint One or more Surveyor or Surveyors who shall be approved of by the said Commissioners, and such Surveyor or Surveyors shall make Plans of the said proposed Works, and such Plans shall be submitted to the said Commissioners; and in case the said Plans shall be approved of by them, then the same shall be printed and published, and all Persons shall be invited by public Advertisement to contract for the Execution of the said Works in conformity to such Plans, by written Proposals enclosed under Seal to the Clerk of the said Commissioners, and such written Proposals shall contain the Names of Two responsible Persons willing to become Security for the due Performance of such Proposals if accepted, and the said Commissioners shall fix a Day on which to open the said Proposals, and shall accept such Proposal as they shall in their Discretion think fit, and shall thereupon cause a proper Bond or Bonds with reasonable Penalties to be executed by the Party or Parties making such Proposal, and their Sureties conditioned for the due Performance of the said Proposal; and in case the said Party or Parties making such Proposal, should, after the Acceptance of such Proposal, without just Cause of Excuse furnished by the said Commissioners, refuse to execute such Bond, the said Commissioners may at their Discretion impose upon such Party or Parties a Penalty not exceeding One hundred Pounds, payable to the Use of the said Lessees or Lessee, and may at their Discretion either adopt the Proposal of any other Person, or again proceed in manner aforesaid.

Power to borrow Money for that Purpose.

XXVI. And be it further enacted, That the said Commissioners may, for the Purpose of providing for the necessary Expences of such Works, borrow Money at legal or less Interest, and may grant Assignments of the Tolls of the said Canal to secure the Repayment thereof, in manner herein-after mentioned.

For Payment of Interest of such Money.

XXVII. And be it further enacted, That in order to provide for the Payment of the Interest which will be payable upon the Assignments created by virtue of the last-mentioned Provision, it shall be lawful for the Collectors of the said Tolls, Rates, and Dues, to ask, demand, recover, and receive, over and above the Tolls, Rates, and Dues herein-after mentioned, such further Sum of Money as any Three of the said Commissioners shall by Writing under their Hands order and direct, not exceeding the Sum of Two Shillings for each and every Boat, Barge, Sloop, Lighter, or other Vesse lpassing into

or

or along the said Canal after such new Bridges shall be so constructed and completed, and such Timbers and Balks are removed, which further Sum of Money shall be recovered by all or any of the Ways and Means herein given for the Recovery of the said Tolls, Rates, and Dues, and shall be received for the Use of the Person or Persons entitled for the Time being to the same Tolls, Rates, and Dues: Provided always, that such last-mentioned Sum of Money shall not be payable for any such Vessel not passing, loaded or unloaded, above *Tetney Lock*.

In case the Lessees neglect to do Repairs.

XXVIII. And be it further enacted, That in case the Lessees or Lessee in Possession for the Time being shall at any Time, during the Continuance of the said Term, permit the said Navigation or the Works thereof, or any of them, to be out of proper Repair, the said Commissioners are hereby authorized and required to give Notice thereof to such Lessees or Lessee, and in such Notice to specify the particular Repairs which ought to be done, and the said Commissioners may by such Notice require that such Repairs should be commenced, proceeded with, and finished within reasonable Periods, to be named by the said Commissioners in such Notice; and in case the said Lessees or Lessee shall neglect to commence or to proceed with or to finish such Repairs in the Manner so specified, then it shall be lawful for the said Commissioners and they are hereby authorized to take Possession of the Tolls and other Proceeds of the said Navigation, and to cause such Repairs to be done under their own Direction, and to pay the necessary Expences of making such Repairs out of the said Tolls and other Proceeds; and when the said Repairs shall have been completed, and the said Expences paid, the said Commissioners shall restore the Possession of the said Tolls and other Proceeds to the said Lessees or Lessee.

Lessees may make Alterations.

XXIX. Provided always, and be it further enacted, That it shall and may be lawful for the Lessees or Lessee of the said Navigation, at any Time or Times after the Commencement of this Act, if they shall think proper so to do, by and under the Direction and with the Approbation of the said Commissioners, to make any Alterations or Improvements in the said Canal and other Works, or any Part thereof, other than and except any Deviation from or Alteration of the present Line of the said Canal.

Commissioners authorized to maintain the Canal already made.

XXX. And be it further enacted, That from and after the Expiration of the said Term of Ninety-nine Years the said Commissioners shall be and they are hereby authorized and empowered, from Time to Time and at all Times thereafter, by themselves, their respective Lessees, Deputies, Agents, Officers, Workmen, and Servants, to maintain, uphold, cleanse, scour, widen, deepen, and support the said navigable Canal and new Cut, Waterlines, Reservoirs, Basins, and Outfall, so now made and completed under or by virtue of the Authority of the said recited Act, together with the several Buildings, Erections, Locks, Quays, Wharfs, Walls, Piers, Jetties, Aqueducts, Tunnels, Culverts, Weirs, Basins, Docks, Bridges, Cuts, Feeders, Engines, and other Works belonging thereto, and to make, construct, erect, sink, and drive all such and so many other Buildings, Erections, Locks,

Locks, Quays, Wharfs, Walls, Piers, Jetties, Aqueducts, Tunnels, Culverts, Weirs, Bridges, Cuts, Feeders, and other Works, and all such other Matters and Things for the extending, repairing, maintaining, and supporting and rendering more commodious and navigable the said Canal, Collateral Cuts, and other Works of Navigation, Waterlines and Reservoirs so made as aforesaid, and for the full Use and Enjoyment thereof, and for supplying the same Canal and Collateral Cuts with Water from the several Brooks, Streams, and Rivers now flowing into the same, as the said Commissioners shall from Time to Time think necessary or expedient.

Commissioners may appoint a Clerk.

XXXI. And be it further enacted, That the said Commissioners may appoint a Clerk removable at Pleasure, and may allow him a proper Salary, the same to be paid during the Continuance of the said Term by the Lessees of the said Navigation for the Time being, but not to exceed the Sum of Fifteen Pounds *per Annum*, unless with the Consent of the said Lessees.

Regulating the Appointment of Officers during the Residue of the Term.

XXXII. And whereas it is just that during the Continuance of the said Term the Lessees or Lessee in Possession for the Time being should have the Right of originating all Appointments to Offices, the Duties of which are to be performed principally for the Benefit of the said Lessees or Lessee, and it is expedient that the said Commissioners should have the Right of objecting on behalf of the Public to the Appointment of any Person to such Office, or of removing therefrom any Person actually holding such Office, if they should in their Discretion think such Person an improper Person to hold such Office; be it therefore further enacted, That the said Lessees or Lessee may, during the Continuance of the said Term, nominate a proper Person to be Treasurer, and proper Persons to be Collectors of the said Tolls and Dues, and Meters, and to hold such other Offices as it shall seem to them expedient to create, and shall present the Names of such Persons so nominated by them to the said Commissioners, and the said Commissioners are hereby authorized and required to accept and appoint each such Person, unless they shall consider him to be an improper Person to hold the Office to which such Person may be so nominated; but in case the said Commissioners shall consider such Person to be an improper Person, then the said Commissioners are hereby authorized and required to reject such Person, and the Lessees or Lessee for the Time being may in such Case nominate some other Person whom they shall deem proper, and present the Name of such Person so nominated to the said Commissioners, who shall again exercise their Judgment as before, and so *toties quoties*, until the said Lessees or Lessee and the said Commissioners can agree upon proper Persons to fill such Offices; and the said Treasurer and Collectors, and all other Officers so appointed, shall be removable at the Pleasure of the Commissioners or of the Lessees or Lessee for the Time being.

For the Appointment of Officers after the End of the Term.

XXXIII. And be it further enacted, That after the Determination of the said Term of Ninety-nine Years in the said Navigation, it shall be lawful for the said Commissioners, at any General or Special Meeting, or at an Adjournment thereof, to elect, choose, and appoint a Treasurer

a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the said Tolls, Rates, and Dues, and also a Clerk to the said Commissioners, and such other Officers as they shall think proper; and it shall be lawful for the said Commissioners, at any subsequent General or Special Meeting to be holden as herein-before directed, from Time to Time to remove and displace such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and Clerk, or any or either of them, or any other Officer or any other Person or Persons who shall be hereafter elected and appointed to their respective Offices, and shall also from Time to Time elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Clerk, or other Officer or Officers of the said Commissioners, in the Room or Stead of such of the said Officers as shall happen to die, or to resign, or be removed from their respective Offices; and the said Commissioners shall allow and pay, or order to be allowed and paid, such Salaries or other Emoluments to the said Officers, or any of them, as at such General or Special Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Commissioners shall and they are hereby required to take sufficient Security from any Person or Persons who shall be appointed by them Treasurer or Treasurers, Receiver or Receivers, or Collector or Collectors of the said Commissioners, for the due and faithful Execution of his or their Office, before he or they shall enter thereupon, and may also take sufficient Security from any other of their Officers or Servants, for the due and faithful Execution of their respective Offices, if the said Commissioners shall think proper; and in case any such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or Clerk, shall die, be removed from or quit the Service of the said Commissioners, it shall be lawful for any Three of the said Commissioners, before any General or Special Meeting of the said Commissioners, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of such Person or Persons who shall die, be removed from or quit the Service of the said Commissioners; and in case such new Appointment shall be made by the said Three Commissioners, the same shall only continue until the next General or Special Meeting of the said Commissioners, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons shall be elected, chosen, and appointed to succeed to such Office or Offices, as the said Commissioners at such General or Special Meeting shall think proper; all which Acts of the said Three Commissioners shall be conclusive, unless revoked by the General or Special Meeting holden next after such Acts as aforesaid.

Same Person not to be Clerk and Treasurer.

XXXIV. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who may be appointed their Clerk in the Execution 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 this Act, or to continue or appoint any Person who 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 this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes 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 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 or Trust under the said Commissioners 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 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, nor more than One Imparlance, shall be allowed.

Officers to account.

XXXV. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Commissioners, or by the said Lessees or Lessee of the said Navigation for the Time being, during the Remainder of the said Term of Ninety-nine Years, if such Officer and Person shall be acting for their Benefit under this Act, by Writing under their Hands, make out and deliver to the said Commissioners, or to such Person or Persons as the said Commissioners shall for that Purpose appoint, or to the said Lessees or Lessee as aforesaid, a true and perfect Account in Writing, under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how, and to whom, and for what Purpose the same, and every Part thereof, hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required in manner aforesaid, or neglect to deliver up to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint, within Four Days after being thereunto required by the said Commissioners, or by such other Person or Persons, or by the said Lessees or Lessee for the Time being, during the Remainder of the said Term of Ninety-nine Years, all Books, Papers, and Writings in his or her Custody or Power relating to the said Canal or the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Commissioners, or by the Clerk, or any Person on the Behalf of the said Commissioners, or by the said Lessees or Lessee for the Time being, during the Remainder of the said Term of Ninety-nine Years, to any Justice

Justice of the Peace for the County, Division, or Place wherein the said Officer or Person shall be or reside, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Commissioners, or the said Lessees or Lessee as aforesaid, might have done; and if, upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, and unpaid, such Justice may and he is hereby empowered, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the reasonable Charges of such Distress and Sale; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse to be sworn or affirmed, or shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to any common Prison for such County, Division, or Place, there to remain, without Bail or Mainprize, until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Commissioners, or the Lessees or Lessee as aforesaid, as the Case may be, (and which Composition the said Commissioners, or the said Lessees and Lessee as aforesaid, are and is hereby respectively empowered to make,) for such Money and Charges, in case the said Commissioners, or the said Lessees or Lessee as aforesaid, shall think proper to enter into any Composition, and paid the Composition Money to the said Commissioners, or to the said Lessees or Lessee as aforesaid (as the Case may be), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or having given Satisfaction in respect thereof to the said Commissioners, or to the said Lessees or Lessee as aforesaid (as the Case may be): Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Auditing Accounts of Clerks, Treasurers, and Collectors.

XXXVI. And be it further enacted, That the Commissioners acting under the Authority of this Act shall and they are hereby required, after the Expiration of the said Term of Ninety-nine Years, at their General Annual Meeting in each Year, to examine, audit, and

and settle the Accounts of the Treasurer, Clerk, and Collector appointed by them under this Act, and to require such Treasurer, Clerk, and Collector to produce the Books, Accounts, Papers, and Vouchers, and to examine into the Revenues and Debts and pecuniary Concerns of the said Canal; and when the Accounts of the said Treasurer, Clerk, and Collector, shall be settled and allowed by the said Commissioners present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any Treasurer, Clerk, or Collector shall refuse or neglect to produce, or shall not produce his Accounts, or any Book, Paper, or Voucher required to be produced by him, such Treasurer, Clerk, or Collector shall be dealt with according to the Provision herein contained with regard to Officers refusing to account or deliver up Books, Receipts, or Papers, or pay over Money in their Hands; and when and so soon as the said Accounts of the said Treasurer, Clerk, and Collector, shall be audited, allowed, and signed, the Clerk to the said Commissioners shall forthwith make out a full and clear Debtor and Creditor Statement of the Debts, Revenues, and Expenditure remaining due, or received or incurred on account of the said Canal, which Statement shall be submitted to the said Commissioners assembled at such Meeting, and when approved by the Majority of them shall be signed by the Chairman of the said Meeting; and the said Statement being so approved and signed, the said Clerk shall, within Thirty Days thereafter, transmit the same to the Clerk of the Peace of the Parts of *Lindsey* in the said County of *Lincoln*; and if the Clerk to the said Commissioners shall refuse or neglect to make out such Statement as aforesaid, or to transmit the same within the Time herein-before mentioned, every such Clerk so offending shall for such Offence forfeit and pay the Sum of Fifty Pounds.

Clerk of the Peace to register Accounts.

XXXVII. And be it further enacted, That the Clerk of the Peace for the said Parts of *Lindsey* shall, on receiving such Statements, cause the same to be produced to the Justices assembled at the Quarter Sessions to be held in and for the said Parts of *Lindsey* next after the Receipt thereof, and also to be registered and kept amongst the Records of the Quarter Sessions of the said Parts of *Lindsey*; and the said Statements so to be transmitted to such Clerk of the Peace shall, when registered, be open to the Inspection of all and every Persons and Person whomsoever, who may take Extracts therefrom or Copies thereof, paying to such Clerk of the Peace the Sum of One Shilling for each Inspection, and the Sum of Four-pence for every Seventy-two Words of each Extract or Copy taken.

Statement to be printed and sent to Trustees.

XXXVIII. And be it further enacted, That the said Commissioners shall, immediately after such Accounts and Statements have been examined, audited, and signed, cause a sufficient Number of Copies of such Statement to be printed, and direct their Clerk to transmit a Copy thereof to each acting Commissioner having duly qualified himself to act as a Commissioner of the said Canal.

Orders and Proceedings to be entered in a Book.

XXXIX. And be it further enacted, That all Bye Laws, Orders, and Proceedings of every Meeting, as well of the General and Special General Meeting, and Adjournment or Adjournments thereof,

of the said Commissioners in the Execution of this Act, shall be entered in a Book or Books to be provided and kept for that Purpose; and such Bye Laws, Orders, and Proceedings of each respective Meeting, when entered, shall be signed by the said Commissioners or any Three or more of them, and the Clerk or Clerks attending the said Commissioners is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and such Bye Laws, Orders, and Proceedings, when so entered and signed, shall be deemed and taken to be original Bye Laws, Orders, and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and which Book or Books shall and may be seen and perused *gratis* by any Person or Persons requiring to see or peruse the same at all reasonable Times, and Copies thereof or any Part thereof may be demanded and taken by any Person or Persons paying to the said Clerk or Clerks Four-pence for every Seventy-two Words so to be copied; and if the Clerk or Clerks shall refuse to permit or shall not permit any Person or Persons to peruse and inspect such Book or Books, or refuse to make or shall not make Copies or Extracts thereof at the Rate or Times aforesaid, he or they shall for every such Offence forfeit and pay the Sum of Five Pounds.

Commissioners may purchase Lands.

XL. And be it further enacted, That the said Commissioners shall have Power and Authority from and after the Commencement of this Act, and at all Times thereafter, to contract and agree for the Purchase of any other Lands, and to hold the same, as well as the Lands, Tenements, and Hereditaments purchased by the Commissioners acting under the said recited Act hereby repealed, to them, their Successors and Assigns, for the Use of the said Canal or Cuts and other Works, and the several Purposes herein mentioned; and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, but so as such other Lands which may be so purchased shall not exceed in Quantity Two Statute Acres.

Limiting the Quantity of additional Land to be purchased from or sold by incapacitated Persons, &c.

XLI. And be it further enacted, That in case the said Commissioners shall purchase the said Two Statute Acres of Land or Ground of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Use Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Commissioners again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid of or from the same or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert,

Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor shall it be lawful for the said Commissioners to purchase, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Commissioners, any other Lands in lieu or instead of such Two Statute Acres of Land or Ground, or any Part thereof, so sold or disposed of by the said Commissioners.

Bodies Politic, &c. empowered to sell and convey Lands.

XLII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them (if incapacitated), and for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Persons and Person whomsoever, who are or is or shall be seised, possessed of, or interested in any Lands or Hereditaments, to contract for and agree and to sell and convey the same, and every Part thereof, unto the said Commissioners acting in the Execution of this Act for the Time being, and their Successors; and all such Contracts, Agreements, Sales, Conveyances, or Assurances shall be made at the Expence of the said Commissioners; and such Conveyances shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance to the Commissioners.

'I *A. B.* of in consideration of the Sum of of lawful *English* Money, to me paid by the Commissioners acting under and by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], do hereby, in pursuance and by virtue of the Powers and Provisions contained in the said Act, grant and release to the said Commissioners all [*describing the Premises to be conveyed*], and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold unto the said Commissioners and their Successors for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal this Day of in the Year of our Lord .'

And all such Contracts, Agreements, Sales, Conveyances, and Assurances as aforesaid, shall be good, valid, and effectual in the Law to all

all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar of all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Trusts, and Interests whatsoever; and from and immediately after the making and executing any and every such Contract or Contracts, Sales, or Conveyances, the said Commissioners and their Successors shall from thenceforth for ever hold, have, and enjoy the said Lands, Tenements, and Hereditaments, for the Purposes of this Act.

Bodies Politic, &c. may accept Money in Satisfaction for Lands purchased, and for Damages.

XLIII. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons herein-before capacitated or enabled to sell and convey Lands, Tenements, and Hereditaments, and all and every other Persons or Person, being Owners or Owner, Occupiers or Occupier of any Lands, Tenements, or Hereditaments which may be purchased or taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, and also Compensation for the Damages to be sustained in carrying this Act into Execution by such Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Persons or Person interested therein, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said Commissioners for the Time being, and not by way of annual Rents.

Enabling Commissioners to sell Lands not wanted.

XLIV. And whereas, by reason of the Purchases made by the Commissioners under the said recited Act, the Commissioners appointed by this Act may happen to be seised of more Lands, Warehouses, Dwelling Houses, Buildings, Tenements, and Hereditaments, than they the said Commissioners appointed by this Act may deem necessary for the Purpose of the said Navigation or Canal; and the said Commissioners acting under this Act may deem it expedient to sell all or any Part or Parts of such Lands, Warehouses, Dwelling Houses, Buildings, Tenements, and Hereditaments, for the Purpose of liquidating, as far as the clear Purchase Monies to arise from such Sales will extend, the said Mortgage Debt of Twenty-eight thousand Pounds, and also the said further Mortgage Debt authorized by this Act to be created by the said Commissioners for the Purposes of this Act, or so much thereof respectively as may be then due; be it therefore enacted, That it shall be lawful for the said Commissioners to sell and dispose of the Whole or any Part or Parts of such Lands, Warehouses, Dwelling Houses, Buildings, Tenements, and Hereditaments, either in Parcels or together, and by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same; and the Conveyances thereof from the said Commissioners acting under this Act shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary thereof notwithstanding; and the Money produced by the Sale or Sales which may be made by the said Commissioners of the said Lands, Warehouses, Dwelling Houses, Buildings, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

XLV. Pro-

Treasurer to give Receipts.

XLV. Provided always, and be it further enacted, That upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Warehouses, Dwelling Houses, Buildings, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Person or Persons acting as Treasurer or Treasurers for the Time being to the said Commissioners 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 Monies for such Lands, Warehouses, Dwelling Houses, Buildings, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Purchaser or Purchasers shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof, whether or not such Treasurer or Treasurers shall have been duly appointed to such Office, or shall be duly qualified according to the Directions of this Act.

Form of Conveyance from the Commissioners.

XLVI. And be it further enacted, That all Conveyances to be made by the said Commissioners, under or by virtue of or in pursuance of the several Powers and Authorities to them hereby given, shall be made according to the following Form; *videlicet*,

'WE of the Commissioners acting under or by virtue of the several Powers or Authorities given to or vested in us in and by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of of lawful *English* Money to the Treasurer acting by virtue of the said Act paid by of do hereby grant and release to the said all [*describing the Premises to be conveyed*], and all our Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold unto and to the Use of the said , his Heirs and Assigns for ever [*or to such Uses as the Purchaser may desire*]. In witness whereof we the said Commissioners have hereunto set our Hands and Seals, this Day of in the Year of our Lord .'

The Word "Grant" in Conveyances to amount to certain Covenants.

XLVII. And be it further enacted, That in all Conveyances to be made by the said Commissioners under and by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "Grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantees or other Purchasers, his, her, and their Heirs, Executors, Administrators, or Assigns, from the said Commissioners, for themselves and their Successors, that they the said Commissioners notwithstanding any Act done by them were, at the Time of the Execution of such Conveyance, seised of the Hereditaments and Premises thereby granted for an indefeasable Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Commissioners, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Commissioners,

and their Successors, from all Incumbrances committed by the said Commissioners; and also for further Assurance of such Hereditaments and Premises thereby granted to be made by the said Commissioners, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances, or any of them; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall or may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Power to get Materials in case of sudden Damage.

XLVIII. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Sluices, Flood Gates, Dams, Pens, Tanks, Basins, Banks, Fences, Embankments, or other Works of the said Canal or Collateral or other Cuts, some or either of them, may give way or be damaged or destroyed, or the adjacent Lands flooded, damaged, or endangered, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further Damage; be it further enacted, That so often as any such Case shall happen, or so often as the said Commissioners or their Successors, or the Lessees or Lessee of the said Navigation for the Time being, shall deem it necessary for the Prevention of any such Accident, Danger, or Damage, it shall be lawful for them, and their Deputies, Agents, Lessees, Engineers, Officers, Workmen, and Servants, with or without Cattle, Carts, or Carriages, from Time to Time to enter into any Lands, Grounds, or Hereditaments adjoining to the said navigable Canal or Collateral or other Cut, or either of them, (not being the Ground whereupon any House stands, or not being an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House,) and to dig for, get, work, take, carry away, and use all such Earth, Soil, Stones, Gravel, or other Materials as they may deem necessary or proper for the Purposes aforesaid, without any previous Treaty with the Owner or Owners, Occupier or Occupiers of or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereto as the Nature of the Case will admit of, and making reasonable Recompence to the Owners and Occupiers of or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Thirty Days next after the same shall be demanded, for all Damages which may be done by means of the digging for, taking, working, getting, carrying away, and using such Earth, Soil, Stones, Ground, and Materials, or any of them; which Damages, and all other Damages which may be done by the said Commissioners, or the Lessees or Lessee for the Time being, or under their Authority or Directions, in executing the Powers and Provisions of this Act, and the Satisfaction and Recompence to be made in respect thereof, (in case the several Parties concerned should not agree about the same,) shall be determined and adjusted, or assessed, awarded, and recovered in the Manner and by the Ways and Means herein prescribed with respect to Damages done in maintaining, supporting, and repairing the said Canal and Cuts by this Act authorized to be maintained, supported, and repaired.

Damages how to be settled and provided for.

XLIX. And be it further enacted, That if any Person shall sustain any Damage in his, her, or their Lands, Tenements, and Hereditaments, by reason of the Execution of any of the Powers by this Act given, and the said Commissioners or their Successors, or the Lessees or Lessee of the said Navigation for the Time being, shall not agree with the Party concerned about the same, and the Compensation, Recompence, and Satisfaction to be made and paid in respect thereof, then and in such Case the said Commissioners or their Successors for the Time being shall and they are hereby empowered and required to sign a Requisition or Warrant, in Writing under their Hands, to the Sheriff of the County of *Lincoln*, and in case such Sheriff or his Under Sheriff shall be one of the said Commissioners, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matter in question, then to any of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return, and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the Parts of *Lindsey* in the said County, at some Court of General or Quarter Sessions of the Peace to be holden in and for the said Parts, or some Adjournment thereof, as in such Requisition or Warrant shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the said Parts of *Lindsey*, or his Deputy, is hereby empowered and required to summon or call before the said Justices all Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum and Sums of Money to be paid by way of Recompence either for the Damages which shall or may before that Time have been so sustained as aforesaid, or for the future, temporary, or perpetual, or for any recurring Damage which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, repaired, or remedied by the said Commissioners or their Successors, or the Lessees or Lessee for the Time being, and which cannot or will not be further obviated, repaired, or remedied by them or either of them; and in so doing the said Jury shall take into Consideration, not only the Damage or Inconvenience, but also the Advantage and Convenience, which shall or may arise, by means of the Works and the said Canal, to the Person or Persons having such Controversy or Dispute with

with the said Commissioners, their Successors, Lessees or Lessee for the Time being; and the said Justices shall accordingly give Judgment for such Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever: Provided always, that not less than Seven Days Notice in Writing of the Time and Place of Meeting of the said Justices and Jury shall be given by the Clerk of the said Commissioners to the principal Officers of any such Body Politic, Corporate, or Collegiate, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with some Tenant or Occupier of the Premises to which Damage shall be done or respecting which any such Question shall arise.

Fine on Sheriff making Default, and for Persons refusing to appear, &c.

L. And be it further enacted, That if such Sheriff or Coroner so directed to summon and return a Jury as aforesaid shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, without sufficient Excuse, 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 of this Act, or if any Person so to be summoned to give Evidence shall not appear, without sufficient Excuse, after having been paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, then and in every such Case any Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Juries and Witnesses.

LI. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath (or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation), shall wilfully and corruptly give false Evidence 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 the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of Juries.

LII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioners, or the Lessees

Lessees or Lessee of the said Navigation for the Time being, as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, and of the Fees of Court on the hearing and determining the said Question or Controversy, shall be defrayed by the said Commissioners or by the said Lessees or Lessee, as the Case may be; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the County, Division, or Place in which the Cause of Complaint shall have arisen, not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Thirty Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, or of the Treasurer or Collector of the said Commissioners, (unless such Treasurer or Collector shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for such County, Division, or Place as aforesaid, which Warrant such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for the same or a less Sum than shall have been previously offered or tendered by or on the Behalf of the said Commissioners or the said Lessees or Lessee, or if no Verdict shall be found for Damages, (where the whole Dispute shall be whether any Damage has or has not been done,) then and in every such Case One Moiety of the said Costs and Expences shall be defrayed by the Person or Persons with whom the said Commissioners or the said Lessees or Lessee shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners or the said Lessees or Lessee; and such first-mentioned Moiety of the said Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in all Cases where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Commissioners or their Lessees or Lessee for the Time being.

Persons requesting Juries, to enter

LIII. And be it further enacted, That any Person with whom the said Commissioners, or the Lessees or Lessee of the said Navigation for

into Bonds to prosecute.

for the Time being, shall have any Controversy or Dispute as aforesaid, shall, before the said Commissioners shall be obliged to issue out their Warrant for the summoning of such Jury, first enter into a Bond, with Two sufficient Sureties, to the said Commissioners, in a Penalty of One hundred Pounds, to prosecute his or her Complaint, and to bear or pay his or her Proportion of the Costs and Expences of summoning and returning such Jury, and of taking such Inquest and Verdict, and of the summoning and of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon him or her to be paid, according to the true Intent and Meaning of this Act; and the Costs and Expences of all such Bonds shall, as to the Liability of any Person or Party to pay for the same, be deemed Part of the Costs and Expences of summoning the Jury, and shall be paid and levied accordingly.

Notice of Injury to be given to Commissioners or Lessees before Complaint made.

LIV. And be it further enacted, That the said Commissioners, or the said Lessees or Lessee of the said Navigation for the Time being, shall not be obliged to make a Recompence for any Injury done by them respectively, or their respective Agents or Servants, nor shall any Jury to be summoned by virtue of this Act be allowed to receive or take notice of any Complaint to be made by any Person or Persons, for any Injury or Damage by him or her sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless at least Fourteen Days previous 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 the Behalf of such Person or Persons to the said Commissioners, or to their Clerk, or to the said Lessees or Lessee, nor unless such Notice shall be given within the Space of Three Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

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

LV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatever, or for or in respect of any Damage or Injury as aforesaid, 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 Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners of the *Louth* Navigation, 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*

1 G. 4. c. 35.

ment 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; and shall when so paid in there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax charged upon, or in or towards the Discharge of any Debt or Debts or other Incumbrances affecting the same Lands or Hereditaments, or any other Lands or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or applied, or such Part thereof as shall be necessary; or until the same shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands 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 or capable of taking effect; and in the meantime, and until such Order can be obtained, the said Money may, by Order of the said Court, 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, or in other Government or in Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands and Hereditaments so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to 20*l.*

LVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 amount to or 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more

more Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Commissioners (and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties); and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, without being required to obtain any Order of the Court of Exchequer touching the Application thereof.

Application when the Money is less than 20*l.*

LVII. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy or Lunacy or other Incapacity, then to the Guardian or Guardians, Committee or Committees, Trustee or Trustees of such Person or Persons, to and for the Use and Benefit of the Person or Persons respectively entitled thereto.

In case of not making out Titles, or Persons entitled not being found.

LVIII. 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, taken, or used under or by virtue of the Powers of 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 Commissioners; or in case the 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 Commissioners 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 there 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, 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 therein 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 of *England* as aforesaid.

In case of questionable Title to any Money paid into the Bank.

LIX. 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, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities, 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, and the Dividends or Interest of the Bank Annuities or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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 Commissioners.

LX. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Rates of Tonnage.

LXI. And be it further enacted, That it shall be lawful for the Collectors, Receivers, or other Officers for the Time being acting under this Act, and they are hereby respectively authorized and empowered, from Time to Time, and at all Times from and after the Commencement of this Act, to ask, demand, take, recover, and receive, for the Use and Behoof of the Person or Persons who for the Time being shall, under the Powers and Provisions of this Act, be entitled to the said Tolls, of and from all and every the Masters, Com-

manders, Owners of, and other Persons having the Rule or Command of or navigating or conducting any Boat, Craft, Barge, Lighter, Sloop, or other Vessel passing into or out of or in or along the said Canal or any Part thereof, and of and from all other Persons by this Act made liable to the Payment of such Tolls, Rates, and Dues, for the Tonnage or Quantity of all Goods, Wares, Merchandize, and Commodities which shall be carried or conveyed upon, into, or along the said Canal or any Part thereof, imported or exported, the Tolls, Rates, and Dues herein-after mentioned; (that is to say,) for the Tonnage or Quantity of all Goods, Wares, Merchandize, and Commodities which shall be conveyed from the River *Humber* along the the said Canal, unto and above a certain Lock upon the said Canal called the *Basin Lock*, and shall be actually landed above such Lock, or which shall be actually embarked upon any Part of the said Canal above the said Lock, and conveyed along the said Canal and into the River *Humber*, the Rates, Tolls, and Dues set forth or specified in the First Column of the Schedule to this Act annexed; and for the Tonnage or Quantity of all Goods, Wares, Merchandize, and Commodities which shall be conveyed upon, into, or along the said Canal for any Distance less than the whole Length thereof, the Rates, Tolls, and Dues set forth or specified in the Second Column of the said Schedule, or any greater or less Sum which the Commissioners shall be empowered under the Provisions of this Act to impose: Provided always, that in no Case shall the Tolls, Rates, and Dues specified in or payable under the Second Column of the said Schedule exceed the Amount of Tolls, Rates, and Dues specified in or payable under the First Column of the said Schedule.

Regulations as to fractional Parts of a Ton, &c.

LXII. And be it further enacted, That in all Cases where there shall be a Fraction of any Weight or Quantity specified in the said Schedule to this Act annexed, a Proportion of the same Rates, Tolls, and Dues shall be demanded and taken for such Fractions respectively, according to the Number of Quarters of such Weight or Quantity in such Fraction; and where there shall be a Fraction of a Quarter of such Weight or Quantity, such Fractions respectively shall be deemed and considered as a Whole Quarter of such Weight or Quantity; and in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, Craft, Sloop, Lighter, or other Vessel shall be navigated or pass upon the said Canal, such Fraction shall, in ascertaining the Tolls, Rates, and Dues mentioned and specified in the Second Column of the said Schedule, be deemed and charged as and for a Whole Quarter of a Mile.

What Weight and Quantities shall be deemed a Ton.

LXIII. And for the better ascertaining the Tonnage of all Goods, Matters, and Things to be charged with the Payment of Tonnage Rates as aforesaid; be it further enacted, That the Tonnage of all Goods, Wares, Merchandize, and Commodities whatsoever (except Coals, Timber, Deal, and Free Stone), shall be ascertained and charged according to the real Weight thereof, and One hundred and twelve Pounds Weight Avoirdupoise thereof shall be deemed, rated, and taken as and for One Hundred Weight, and Twenty Hundred Weight shall be deemed One Ton; and Forty Feet of Oak, Ash, Elm, and other hard Timber, and Fifty Feet of Fir Timber, shall, for the Pur-

poses of this Act, be deemed, rated, and estimated as and for One Ton of Timber, and so in that Proportion for a greater or less Quantity than a Ton of Timber; and Sixty One-and-a-half-inch Twelve Feet Deals, Three Battens to be equal to Two Deals, shall for the Purposes of this Act be deemed, rated, and estimated as and for One Ton of Deals, and so in that Proportion for a greater or less Quantity than a Ton of Deals; and Forty Yards in Length of Ridge Stone, or Thirty Yards in Length of Gutter Stone, or Nine Square Yards of Flag Stone, Two Inches thick, or Sixteen Cubic Feet of Block Stone, or Stone Troughs of One hundred and twenty Gallons, shall, respectively, for the Purposes of this Act, be deemed, rated, and estimated as and for One Ton of Free Stone, and so in these respective Proportions for a greater or less Quantity than a Ton of Free Stone.

Stones to be placed at each Quarter of a Mile.

LXIV. And be it further enacted, That the said Commissioners, or the Lessees or Lessee of the said Navigation for the Time being, shall cause Stones or Posts to be set up or placed and continued on or near the Side of the said Canal, at the Distance of a Quarter of a Mile from each other, and shall from Time to Time repair or renew such Stones or Posts.

Table of Tolls to be exhibited.

LXV. Provided always, and be it further enacted, That Tables of the Tolls, Rates, and Dues which shall or may from Time to Time be payable or demandable by virtue of this Act, painted in large Characters on Boards, shall be affixed and continued at the Places where such Tolls, Rates, or Dues shall be payable, received, or taken, or on some other conspicuous Place or Places near to the said Canal, and shall be renewed as often as the said Tolls, Rates, or Dues shall be altered, or as the Boards shall be obliterated or destroyed: Provided also, that it shall not be lawful to demand or take, or cause to be demanded or taken, any such Tolls, Rates, or Dues, but for and during such Times as the Boards so painted as aforesaid shall remain so affixed, and the said Stones or Posts shall be so set up or placed and continued as aforesaid, unless it shall appear that the Absence of any such Boards, Stones, or Posts was not owing to the Default or Neglect of the Persons for the Time being entitled to the said Tolls.

Penalty on Persons defacing Toll Boards.

LXVI. And be it further enacted, That if any Person shall wilfully or maliciously pull down, destroy, obliterate, or deface, or without the Consent of the said Commissioners, or the Lessees or Lessee of the said Navigation for the Time being, or their respective Agent, first had and obtained, remove or alter any such Board so painted as aforesaid, or any Part thereof, or any such Stone or Post so set up or placed as aforesaid, or any Word, Number, Letter, Figure, or Mark thereon respectively, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For Recovery of Tolls.

LXVII. And be it further enacted, That the Tolls, Rates, and Dues by this Act authorized to be taken shall be paid to the said Collectors, their Agents and Servants, at such Place or Places upon or near to the said Navigation as the Lessees or Lessee of the said Navigation

Navigation for the Time being during the Continuance of the said Term, and the said Commissioners after the Determination thereof, shall from Time to Time appoint; and in case of Neglect or Refusal to pay any such Tolls, Rates, and Dues, or any Part thereof, unto the said Collectors, their Agents or Servants, it shall be lawful for the said Collectors, their Agents and Servants, and they are hereby authorized and empowered, to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Tolls, Rates, and Dues ought to have been paid as aforesaid, or any Part thereof, and the Ship, Boat, Barge, or other Vessel laden therewith, or any other Ship, Boat, Barge, or Vessel, Goods or Commodities belonging to the Owner of such first-mentioned Ship, Boat, Barge, or other Vessel, and lying and being upon the said Navigation, or upon any Wharf or Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Tolls, Rates, and Dues, and of all Arrears of the same which shall or may be then due from the Owner of such Ship, Boat, Barge, or other Vessel, to the said Lessees or Lessee or to the said Commissioners, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Masters of Boats, &c. to give an Account in Writing to the Collectors of Goods on board.

LXVIII. And for the more easy collecting the said Tolls, Rates, and Dues, be it further enacted, That the Person in Charge of any Vessel containing Articles chargeable with the Payment of the said Tolls, Rates, and Dues, shall, upon the first Demand made by any Collector or Person deputed by him to demand the same, deliver to such Collector or other Person a true Account in Writing signed by him of all Articles he has on board chargeable with the said Tolls, Rates, and Dues, in the Form to be from Time to Time prescribed by the said Commissioners, specifying the Name of each such Article, its Weight, Quantity, Measurement, or Number, according as it may be chargeable by Weight, Quantity, Measurement, or Number, and the Place where it was taken on board, and the Place where it is to be landed, and the Name or Names of the Person or Persons to whom such Article is consigned, or such other Particulars as the said Commissioners may order; and in case it shall happen that any such Article shall have been on board, but the same shall have been previously landed, then a similar Account, except that the same shall specify the Place where such Article was landed; and that the Person so in Charge as aforesaid shall also, if requested, produce to such Collector or other Person deputed by him his Invoice or Bill of Lading; and in case the Person in Charge of such Vessel shall neglect or refuse to deliver such Account, or shall refuse to produce such Invoice or Bill of Lading, or the said written Account shall be false in any Particular, whereby the Toll payable in respect of any Article according to such Account would be less than it would have been if such Account had been true, or he should deliver any such Article at any Place not specified in such Account, he shall forfeit and pay the Sum of Five Pounds for each such Offence, over and above all the Tolls, Rates, and Dues which shall be payable for such Article under or by virtue of any of the Provisions in this Act contained; which Forfeiture shall be leviable

leviable and recoverable out of all or any of the Goods, Wares, Merchandize, and Commodities then on board the said Vessel or out of the said Vessel, in the same Manner as the said Tolls, Rates, and Dues are by this Act to be levied and recovered; and if any Dispute shall arise whether such Forfeiture has been justly incurred, such Dispute shall be settled in the same Manner as is hereby provided for settling Disputes respecting the Amount of the said Tolls, Rates, and Dues.

Penalty on Persons paying less than legal Toll.

LXIX. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing whatsoever on the said Canal, on Payment of a lower Rate of Toll or Duty than that to which such Articles or Things are hereby subject and liable, and shall be thereof convicted before any Justice of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, every such Person so offending shall for every such Offence forfeit and pay to the said Commissioners, or to the said Lessees or Lessee for the Time being entitled to the said Tolls, any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable; to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied or recovered.

For preventing Evasion of Tolls.

LXX. And be it further enacted, That in case any Person or Persons navigating or entrusted with the Care of any Boat, Barge, or other Vessel upon the said Canal or any Part thereof, shall, with Intent to avoid or evade the due Payment of any of the Tolls, Rates, or Dues hereby made payable, load, unload, or take into or upon any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandize, or Commodities whatsoever, liable to pay any of such Tolls, Rates, or Dues, at any other Place or Places than shall be mentioned in the Account in Writing, to be signed and delivered by him or them pursuant to this Act; or in case any Person or Persons shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates, or Dues; every Person so offending shall for every such Offence forfeit and pay to the said Commissioners, or to the Lessees or Lessee of the said Navigation for the Time being, the Sum of Five Pounds.

Justices to determine Disputes about the Amount of Tolls.

LXXI. Provided always, and be it further enacted, That if any Dispute shall arise as to the Amount of any such Tolls, Rates, or Dues, or the Charges occasioned by such Distress as aforesaid, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, Rates, or Dues payable, and the Charges of seizing, distraining, keeping, or selling such Distress, as the Case shall happen, shall be ascertained by some Justice or Justices of the Peace for the County, Division, or Place where the Dispute shall have arisen, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon the Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Tolls, Rates, or Dues payable; and it shall be lawful for such Justice or Justices to assess and award such

such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice or Justices.

If any Difference shall arise concerning Weight, &c. Collectors may weigh or measure Boats.

LXXII. And be it further enacted, That if any Differences shall arise between the Collectors of the said Tolls, Rates, or Dues, and the Owner or Owners, Master or Masters, or Persons having the Charge or Rule and Command of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel, or the Owner or Consignee, or Person having the Care or Charge of any Goods, Wares, Merchandize, or Commodities, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, and all or any of such Goods, Wares, Merchandize, or Commodities as shall be therein respectively contained, or which shall have been landed or unloaded; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Tolls, Rates, and Dues are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity that what is set forth and contained in the Account given thereof as aforesaid, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners, Consignee or Consignees, or other Person having the Care of such Goods, Wares, Merchandize, or Commodities, such Damages as shall appear to any of the said Justices on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer,) to have arisen from such Detention; but in case it shall at any Time be made to appear to the said Justice or Justices, upon the like Oath of some credible Witness or Witnesses, that such Detention was without reasonable Ground or Belief, and vexatious on the Part of such Collector, then the said Collector shall himself pay all such Costs, Charges, and Expences as aforesaid, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or Commodities, such Damage as shall appear to such Justice or Justices to have arisen from such Detention; and in default of immediate Payment thereof by the said Commissioners or the Lessees or Lessee for the Time being, or by the said Collector, (as the Case may be,) the same may be recovered from the said Commissioners or the said Lessees or Lessee, or from the said Collector, (as the Case may be,) by Distress and Sale of their or his Goods, by Warrant under the Hand and Seal of such Justice, or otherwise by

Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Commissioners or the said Lessees or Lessee, or to the said Collector, as the Case may be.

For punishing Toll Collectors misbehaving.

LXXIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Stoppage or Toll House or other Building, fronting and near to the said Canal, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be on Duty; and if any Collector of the same Tolls, Rates, or Dues, shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand a greater or less Toll, Rate, or Due from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Commissioners made in pursuance thereof, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, on being paid the said Tolls, Rates, or Dues, or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Toll, Rate, or Due being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Boat, Barge, Craft, Sloop, Lighter, or other Vessel from passing along the said Canal, or shall use any scurrilous or abusive Language to any of the said Commissioners, Lessees or Lessee, Treasurer, Clerk, Engineer, or other Officer, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons resisting the Execution of this Act, or assaulting Collectors.

LXXIV. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or shall assault any Collector or Collectors of the Tolls, Lock Keeper, or any other Person or Persons in the Execution of his or their Office or Offices under this Act, or shall hinder or make Rescue of Goods distrained by virtue of this Act, every such Person offending therein shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices of the Peace before whom he or she shall be convicted.

Rates may be reduced.

LXXV. And be it further enacted, That it shall and may be lawful for the said Commissioners, during the Remainder of the said Term of Ninety-nine Years, with the Consent of the major Part of the Lessees of the said Navigation for the Time being, and of the major Part in Value of the Holders of Assignments of Shares, and from and after the Determination of the said Term, with the Consent of the Holders

Holders of Five Sixths of the said Assignments, and they are hereby authorized and empowered, at a Meeting to be held for that Purpose, (of which not less than Fourteen Days Notice shall be given in some Newspaper published in the said County of *Lincoln*,) from Time to Time to lessen and reduce all or any of the Tolls, Rates, and Dues by this Act granted, for and during such Time as the said Commissioners shall think proper, and afterwards, at any Meeting to be held as aforesaid, from Time to Time to raise and advance again, as they shall see Occasion, all or any of the Tolls, Rates, and Dues so lessened, to any Sum or Sums of Money not exceeding the Sums by this Act allowed to be taken.

Commissioners empowered to lease the Tolls.

LXXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at a public Meeting to be convened as hereinafter mentioned, at any Time or Times from and after the Expiration of the said Term of Ninety-nine Years, to let to farm the Tolls, Rates, and Dues hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, to any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years at any one Time from the Commencement of any Lease; and in proceeding to let the same, the said Commissioners shall observe the following Directions; that is to say, they shall cause Notice to be given of the Time and Place for letting the same, at least One Month before the Day to be appointed for that Purpose, by affixing the same upon the Toll Houses or other conspicuous Places near the said Canal, and also by Insertion thereof in some public Newspaper circulated in that Part of the County where the said Canal is situate, specifying in every such Notice the Sum which the said Tolls, Rates, and Dues produced in the preceding Year, clear of the Salaries for collecting the same, in case any hired Collector was appointed by and for the Use and as the Servant of the said Commissioners, or as near to such Sum as the said Commissioners may be enabled to state, or Circumstances will admit; and that the said Commissioners will let such Tolls by Auction to the best Bidder, on producing sufficient Sureties for the Payment of the Money monthly, or otherwise, as the said Commissioners shall think right, and in such Notice shall be specified; and that the said Tolls, Rates, and Dues will be put up at the Sum which they were let for or produced in the preceding Year, as near as the said Commissioners can ascertain, clear of the Salary of the Collector; and the said Commissioners shall provide a Glass with so much Sand in it as will run from one End of it to the other in One Minute, which Glass, at the Time of letting such Tolls, Rates, and Dues, shall be set upon a Table, and immediately after every Bidding the Glass shall be turned, and as soon as the Sand is run out it shall be turned again, and so for Three Times, unless some other Bidding intervenes; and if no other Person shall bid until the Sand shall have run through the Glass Three Times, the last Bidder shall be the Farmer or Renter of the said Tolls, Rates, and Dues, and shall forthwith enter into a proper Agreement for the taking thereof, and paying the Money at the Time specified in such Notice, with such Surety or Sureties for the Payment thereof, and under such Conditions and in such Manner as the said Commissioners shall think fit;

and

and if the Person being the last Bidder shall not forthwith enter into such Agreement, it shall and may be lawful for the said Commissioners to put up the said Tolls, Rates, and Dues again immediately for another Bidder, and in like Manner to continue putting up the same until a Bidder shall be found who shall enter into such Agreement; and in case no Bidder shall offer, or in case the same shall not be let at such Auction, it shall be lawful for the said Commissioners to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, Rates, or Dues, at any Sum not less than the Sum at or for which they shall then have been last let; or the said Commissioners may appoint a Collector of such Tolls, Rates, or Dues, or fix some future Day for the Letting thereof, as they shall judge most proper, upon giving such Notice thereof as aforesaid, and shall and may in that Case put them up at such Sum as they shall think fit: Provided always, that at all such Lettings the said Commissioners shall be entitled to bid for the said Tolls, Rates, and Dues so to be let, either by themselves or their Clerk or Treasurer, or any other Person by them respectively authorized.

How Rent of Tolls to be paid.

LXXVII. Provided always, and be it further enacted, That on every Letting of the said Tolls, Rates, and Dues, after the Expiration of the said Term of Ninety-nine Years, the said Commissioners shall, if they think fit, take of the Renter or Farmer thereof One, Two, or more Months Rent in Advance, before they shall put such Renter or Farmer into Possession of the Toll Houses at which such Tolls, Rates, and Dues are to be collected, or before such Renter or Farmer shall be put into the Receipt of the said Tolls, Rates, or Dues; and in every Agreement to be entered into by the said Commissioners for the Letting of such Tolls, Rates, or Dues, the Rent or Money payable for such Tolls, Rates, or Dues, shall be reserved and made payable monthly or otherwise, as in the Notice for Letting the said Tolls, Rates, or Dues shall be specified, and the Renter or Farmer of such Tolls, Rates, or Dues shall produce Two sufficient Sureties to join in the said Agreement, undertaking on their Parts for the due and punctual Payment of the Rent or Sum of Money to be paid for the said Tolls, Rates, or Dues, according to the Terms of the Agreement entered into by him; and in every Case where the Terms of such Agreement shall not be fulfilled, but the Rent or Sum of Money to be paid at the Commencement of any One Month shall not be paid when the same shall become due, but shall remain unpaid for Three Days after the same shall become due, then and in every such Case the said Commissioners shall and they are hereby empowered, if they shall think fit, to declare the said Agreement void, and to re-enter and take Possession of any Weighing Machine or Weighing Machines, and the Toll House or Toll Houses or other Building or Buildings, with the Garden and other Appurtenances, and the Tolls, Rates, and Dues there collected.

Contracts or Agreements to be valid when signed by the Commissioners.

LXXVIII. Provided always, and be it further enacted, That all Contracts or Agreements to be made or entered into for farming or letting the said Tolls, Rates, or Dues, after the Expiration of the said Term of Ninety-nine Years, signed by the said Commissioners or any Two or more of them, or by their Clerk or Treasurer, and the Lessee or Farmer and his Sureties, of such Tolls, Rates, or Dues respectively,

respectively, shall be good, valid, and effectual to all Intents and Purposes.

Lessees of Tolls may appoint Persons to receive the same.

LXXIX. And be it further enacted, That during such Time as the said Tolls, Rates, or Dues, or any Part thereof, shall be leased to any Person or Persons whomsoever, after the Expiration of the said Term of Ninety-nine Years, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall, by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take such Tolls, Rates, and Dues so leased, demised, or farmed, and to use all such Means and Methods for ascertaining and recovering the same, in case of Nonpayment, Dispute, or Evasion, as any Collector of such Tolls, Rates, or Dues appointed under or by virtue of this Act is authorized and empowered to use; and such Lessee or Lessees, Farmer or Farmers, or other Person or Persons as aforesaid so demanding or taking such Tolls, Rates, or Dues, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of such Tolls, Rates, or Dues appointed by the said Commissioners is subject or liable.

Power to re-enter when Rents are in arrear.

LXXX. And be it further enacted, That in case all or any of the Tolls, Rates, or Dues arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, after the Expiration of the said Term of Ninety-nine Years, and the Lessee or Lessees thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Three Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls, Rates, or Dues; or in case such Lessee or Lessees shall refuse to deliver up the Possession of any Weighing Machine or Weighing Machines, and the Toll House or Toll Houses, or Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, now built, or which may be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days after Demand thereof made in Writing given or left at any such Weighing Machine, Toll House, or Building which shall be or have been in the Possession or Occupation of such Lessee or Lessees, such Demand in Writing to be signed by any Three or more of the said Commissioners, or by the Clerk or Treasurer for the Time being appointed or acting under this Act; or in case any such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the Parts of *Lindsey* in the said County of *Lincoln*, upon Application made by the said Commissioners, or any Three of them, or by the Clerk or Treasurer for the Time being of the said Commissioners, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Weighing Machine, Toll House, or other Building, with the Garden and all the Appurtenances thereto belonging, and to remove and put such

Lessee or Lessees, or other the Person or Persons who shall be found therein, together with his, her, and their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls, Rates, and Dues, and to put the said Commissioners, or their new Lessee or Collector, Lessees or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Commissioners, or any Three of them, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously existing, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Commissioners, or any Three of them, in every such Case again to demise or let to farm the said Tolls, Rates, and Dues, in manner herein-before directed, to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Collectors to give Possession of Houses, &c. when removed.

LXXXI. And be it further enacted, That if any Toll Collector, Wharfinger, Lock Keeper, or other Agent or Servant of the said Commissioners or of the said Lessees or Lessee of the said Navigation for the Time being, respectively occupying any House, Offices, or Buildings belonging to the said Commissioners or to the said Lessees or Lessee, without paying Rent for the same, shall be discharged from his Office by or by the Order of the said Commissioners or the said Lessees or Lessee as aforesaid, and shall not deliver up the Possession of such House, Offices, Buildings, and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the said Commissioners or to the said Lessees or Lessee as aforesaid, in his Custody, Power, or Possession, within Three Days next after Notice in Writing of such Discharge shall be given to him or left at such House, Office, or Building; or if the Wife or Family or personal Representative of any such Toll Collector, Wharfinger, Lock Keeper, or other Agent or Servant as shall happen to die while in the Service of the said Commissioners or of the said Lessees or Lessee for the Time being, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Commissioners or to the said Lessees or Lessee for the Time being, in his, her, or their Custody, Power, or Possession, within Three Days after another Person shall have been appointed in the Place and Stead of the Person so dying; then and in either of the said Cases it shall be lawful for any Justice or Justices of the Peace for the County, Division, or Place in which such House, Offices, and Buildings shall be, and he and they is and are hereby required, by Warrant under his and their Hand and Seal or Hands and Seals, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such House, Offices, and Buildings in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books,

Books, Papers, Matters, and Things belonging to the said Commissioners or to the said Lessees or Lessee for the Time being, which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters, and Things found therein, belonging to the said Commissioners or to the said Lessees or Lessee, to the new appointed Toll Collector, Wharfinger, Lock Keeper, or other Agent or Servant, or to such other Person or Persons as the said Commissioners or the said Lessees or Lessee shall appoint to receive the same.

Passage upon Canal and Banks to be free, on Payment of Tonnage.

LXXXII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages to or from the said Canal already made, or which may be made for the Purpose of conveying the Timber, Goods, Wares, Merchandize, or Commodities to or from the same and every Part thereof; and also to navigate and use the same Canal with Boats, Barges, Craft, Sloops, Lighters, and other Vessels suited to the Construction of the Locks and Depth of Water in the said Canal, and to employ the Wharfs, Quays, and Landing Places, and the Cranes, Engines, and Machines for loading and unloading such Goods and other Things, and to pass along and use the Towing Paths or Haling Paths for haling and drawing such Boats, Barges, Sloops, Lighters, and other Vessels, upon Payment only of such Tolls, Rates, and Dues as shall be demanded by the said Commissioners or the said Lessees or Lessee of the said Navigation for the Time being, not exceeding the respective Sums herein mentioned or authorized to be taken under the Provisions of this Act, and subject always to the Rules, Bye Laws, Constitutions, and Regulations which shall be from Time to Time made by the said Commissioners acting under this Act by virtue of the Powers herein granted.

Penalty on Lock Keepers, &c. giving undue Preference.

LXXXIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Person employed by or Servant belonging to the said Commissioners or to the said Lessees or Lessee of the said Navigation for the Time being, shall give any undue Preference to any Boat, Barge, Sloop, Lighter, Craft, or other Vessel in passing through any Lock or Locks, or under or through any Bridge or Bridges, upon the said Canal, or in loading or unloading any Goods, Wares, Merchandize, or Commodities at any Wharf, Warehouse, Weigh Beam, Crane, or other Machine belonging to the said Commissioners, or to the said Lessees or Lessee, every Person so offending shall, upon Conviction, forfeit and pay any Sum not exceeding Five Pounds.

Goods not to remain upon the Wharfs more than Twenty-four Hours.

LXXXIV. And be it further enacted, That it shall not be lawful for any Person who shall have landed any Goods, Wares, or Merchandize, or any other Things whatsoever, upon any of the Quays, Wharfs, or Landing Places belonging to the said Canal or to the said Commissioners, to permit the same or any Part thereof to remain longer than Twenty-four Hours, without the Licence and Consent of the said Commissioners, or their Agent or Collector, at any such Wharf, Quay, or Landing Place, first had and obtained for that Purpose; and if any such Goods, Wares, and Merchandizes, or other Things

Things so landed or laid upon any of the said Wharfs, Quays, or Landing Places, shall remain thereupon for a longer Space of Time than Twenty-four Hours, without such Licence as aforesaid, then it shall and may be lawful for any such Collector or Agent of the said Commissioners, or any other Person authorized by them, to remove such Goods, Wares, and Merchandizes, or other Things, to a Place of Safety, and there detain the same until Payment of the Charges of such Removal and Detention; and if such Charge shall not be paid within Twenty-eight Days after Demand by the Collector or Agent of the said Commissioners, the Goods or Chattels so removed, or a sufficient Part thereof, shall and may be sold for Payment of such Charges and the Expences attending such Sale; such Charges and Expences, in case of Dispute, to be settled and determined by any Two or more Justices of the Peace for the County, Division, or Place where such Wharfs, Quays, or Landing Places shall be situate; and in case such Goods, Wares, Merchandize, or other Things shall remain in or upon such Warehouse, Wharf, or Quay, for or above the Space of Twenty-four Hours, then and in such Case the Owner or Owners of such Goods, Wares, Merchandize, or other Things, shall pay such further Rates for the same, over and above the Tolls, Rates, or Dues hereinbefore granted or authorized to be taken, as the said Commissioners at any General Meeting shall fix and ascertain, provided that no more than the Sum of Three-pence *per* Ton shall be demanded or taken by the said Commissioners, or any of their Officers or Servants, for the wharfing or warehousing of any Goods or other Things, unless such Goods or other Things shall remain on or in such Wharf or Warehouse longer than Six Days.

Recovery of Wharfage or Warehouse Rent.

LXXXV. And be it further enacted, That the Rates for Wharfage or Warehouse Room for Goods, Wares, Merchandize, and Commodities which shall be delivered upon or into the Wharfs or Warehouses of the said Commissioners, or the Lessees or Lessee of the said Navigation for the Time being, shall in every Case be payable and paid within Two Calendar Months next after the same shall have been received upon or into such Wharfs or Warehouses, or in case such Goods, Wares, Merchandize, or Commodities shall be removed from the Wharfs or Warehouses of the said Commissioners, or of the Lessees or Lessee as aforesaid, before the Expiration of Two Calendar Months, then the said Rates shall be payable and paid in respect of the same previous to such Removal thereof; and in case Default shall be made in Payment of the said Rates, or any of them, for the Space of One Calendar Month next after the Expiration of such Two Calendar Months as last aforesaid, it shall be lawful for the said Commissioners, and for the said Lessees or Lessee for the Time being, to sell or cause to be sold all or any Part of such Goods, Wares, Merchandize, and Commodities for which the said Rates or any Part thereof shall remain payable, and out of the Monies thence arising to retain and pay all the Rates which shall be payable to the said Commissioners, or to the said Lessees or Lessee as aforesaid, in respect of such Goods, Wares, Merchandize, and Commodities, and all Charges and Expences of making such Sale, returning the Overplus (if any) of the Monies arising by the said Sale, and such of the said Goods, Wares, Merchandize,

chandize, and Commodities as shall remain unsold, to the Person or Persons who shall be entitled thereto:

Owners to put their Names on the Outsides of their Boats.

LXXXVI. And be it further enacted, That every Owner, Master, or other Person having the Care or Command of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel passing upon, navigating, or using the said Canal, shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Name of his, her, or their Boat, Barge, Craft, Sloop, Lighter, or other Vessel, to be entered with the Clerk to the said Commissioners, and shall also cause such Name or Names to be painted, and continually to be kept painted, so that the same may be distinctly seen, in large Capital Letters of the Roman Character, Three Inches high at the least, and of a proportionate Breadth, on the Outside of the Head or Stern of any such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, higher than the Place to which the same shall sink into the Water when fully laden, and also shall fix on each Side thereof respectively, and continually keep and continue so fixed, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations, as the said Commissioners or the said Lessees or Lessee of the said Navigation for the Time being shall from Time to Time order and direct, so that the true Weight of the Lading on board may at all Times be thereby clearly ascertained and shewn, and shall permit and suffer every such Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be gauged, weighed, measured, and indexed, at the Expence of the said Commissioners or the Lessees or Lessee for the Time being, whenever it shall be required by them, and any Person or Persons appointed for that Purpose, at such Place or Places on the said Canal as they shall appoint; and every Owner, Master, or other Person having the Care or Command of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel, who shall navigate the same upon the said Canal, without having and keeping such Names and Index thereon as are herein-before directed, or shall alter, erase, deface, or destroy the same or any Part thereof, or shall fix thereon any false Name or Index, or who shall refuse to permit and suffer the same to be gauged, measured, and indexed, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Owners of Boats to be accountable for Damages done by their Servants.

LXXXVII. And be it further enacted, That every Master, Owner, or other Person having the Rule or Command of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel navigating or passing along or using the said Canal, shall be, and he, she, and they is and are hereby respectively made answerable for any Trespasses, Damages, Spoil, or Mischief which shall be done to the said Canal, Reservoirs, Locks, Lock Doors, Walls, Jetties, Bridges, Engines, Flood Gates, Sluices, Wharfs, Quays, Buildings, Gates, Stiles, Fences, Banks, and other Works or Conveniences belonging to the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, through Wilfulness, Unskilfulness, or Negligence of him, or by any of the Mariners, Boatmen, Haling Men, Servants, or Crew on board of or employed in or about the same, or by or in the navigating, loading, or unloading of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel,

or by any other Means whatsoever, and also for any Trespass, Damage, Spoil, or Mischief which may be done by him, or by any such Person or Persons as aforesaid, to the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers of any Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining or lying or being near to the said Canal or other Works, or to any of them, or any other Trespass whatsoever; and the said Master or Owner, or other Person having the Rule or Command of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, shall for every such Trespass or Damage, Spoil or Mischief, upon Conviction of such Master or Owner, or other Person or Persons, before some Justice of the Peace acting for the said Parts of *Lindsey* in the said County of *Lincoln*, or acting for the Town of *Louth* in the said County of *Lincoln*, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of some credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and the same shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners, Master or Masters, or other Person having the Rule or Command of any such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, in like Manner as any other Penalties or Forfeitures are by this Act directed to be levied; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners, Master or Masters, or other Persons having the Rule or Command of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, shall and may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*, and if a Verdict or Judgment shall be given against him, either on Proof made or by Default, or upon Demurrer, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit, as between Attorney and Client, and not between Party and Party.

Owners may recover from their Servants.

LXXXVIII. Provided always, and be it further enacted, That if the Owner or Owners, Master or Masters, or such other Person as aforesaid, of any such Boat, Barge, Craft, Sloop, Lighter, or other Vessel navigating, using, or passing along the said Canal or any Part thereof, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any wilful Act or any Neglect or Default done or committed by his or their Servants, Boatmen, Watermen, Haling Men, or other Person or Persons as aforesaid, each and every of them shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners, Master or Masters, or such other Person having such Rule or Command as aforesaid; and in case of Nonpayment upon such Demand thereof, and Oath made by such Owner or Owners, Master or Masters, or such other Person, of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him or them by such Servants, Boatmen, Watermen, Haling Men, or other Person or Persons as aforesaid, or any of them, although demanded, (such Oath to be made before any Justice of the

the Peace for the County, Division, or Place where such Penalty, Satisfaction, or Damages shall have been recovered,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Vessels lying so as to obstruct the Navigation to be removed.

LXXXIX. And be it further enacted, That if any Boat, Barge, Craft, Sloop, Lighter, or other Vessel shall be placed or shall be abreast in any Part of the said Canal so as to obstruct the Navigation thereof, or if any Person or Persons shall obstruct the Navigation of the said Canal by means of loading, unloading, misplacing, or otherwise misconducting any Boat, Barge, Craft, Sloop, Lighter, or other Vessel, and the Owner or Owners, Master or Masters, or other Person having the Rule or Command of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, or such other Person or Persons so obstructing the Navigation of the said Canal by the Means aforesaid, shall not immediately upon the Request made alter the Situation of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, or alter or lessen the loading thereof, (as the Case shall require,) so as that the said Obstruction shall cease and be removed, he, she, or they respectively shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds for every Hour such Obstruction shall continue after such Request made; and it shall be lawful for the Agents or Servants of the said Commissioners, Lessees or Lessee for the Time being, to cause every such Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such unloading and Removal are paid.

Penalty for Neglect.

Vessels sunk to be weighed up.

XC. And be it further enacted, That if any Boat, Barge, Craft, Sloop, Lighter, or other Vessel shall be sunk in any Part of the said Canal, Channel, or Outfall, or any of the Locks or Entrances thereof respectively, and the Master or Masters, Owner or Owners, or Person or Persons having the Care of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Commissioners or of the Lessees or Lessee for the Time being, or any of them, to cause such Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred and occasioned, and if the same shall not be paid within Five Days after Notice given to any Owner or Owners, Master or Masters, Person or Persons having the Care of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, of such Offence, exclusive of the Day of giving such Notice and of the Day of Sale, then to sell the same for the Payment thereof, rendering the Overplus, (if any), after Payment of such Expences, and the Expence of the Detention and Sale, to the Owner or Owners thereof.

Obstructions on Canal.

XCI. And be it further enacted, That if any Person shall float any Timber upon any Part of the said Canal, or throw any Trees, Ballast, Gravel,

Gravel, Stones, Soil, Rubbish, or other Thing or Things into any Part of the said Canal, or shall suffer the Loading of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be over the Sides thereof, or shall overload any Boat, Barge, Craft, Sloop, Lighter, or other Vessel navigating in or upon any Part of the said Canal, so as by such overloading to obstruct the Passage of any other Boat, Barge, Craft, Sloop, Lighter, or Vessel, or shall wilfully obstruct the Navigation of the said Canal in any other Manner, and shall not, immediately upon Notice given to the Owner or Owners, Master or Masters, or other Person or Persons having the Rule or Command or Care of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel so obstructing the Passage as aforesaid, remove the same, and such other Obstructions, so as to make a free Passage for other Boats, Barges, Craft, Sloops, Lighters, or other Vessels, every such Owner or Person floating such Timber, or throwing into the said Canal any Trees, Ballast, Gravel, Stones, Soil, Rubbish, or other Thing, or wilfully otherwise obstructing the said Navigation, and every such Master or Masters, Owner or Owners, or other Person or Persons having the Rule or Command or Care of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel so obstructing such Passage as aforesaid, (as the Case may be,) shall respectively forfeit and pay for every such Offence the Sum of Five Pounds, which Forfeiture shall be paid to the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, and if paid to the said Commissioners to be by them applied for the Purposes of the said Navigation, and if paid to the Lessees or Lessee to be retained by them or him for their or his own Use and Benefit, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied or recovered; and it shall be lawful for the said Commissioners, or the said Lessees or Lessee for the Time being, or their respective Officers or Servants, to cause any such Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be reloaded or unloaded if necessary, or to be removed, and also to remove such Timber or other Thing or Things in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to keep and detain such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, and the Loading thereof, or any Part of such Loading, Timber, or other Thing or Things, until the Charges occasioned by such reloading, unloading, or Removal, shall be paid, or otherwise to recover the Expences incurred thereby in like Manner as any Penalty is hereby directed to be recovered.

Penalties on Persons misusing the Locks or wasting the Water.

XCII. And be it further enacted, That if any Person or Persons shall wantonly, maliciously, or unnecessarily open or cause to be opened any Lock, Paddle, Valve, Sluice, or Clough belonging to the said Canal or Collateral Cut or Feeders, or any of the Works thereof already made or to be made, or when necessarily emptying a Lock for the Purpose of passing into or entering the same, shall neglect or refuse to shut the Top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he or she shall draw the Paddles, Valves, or Cloughs of or belonging to the Bottom Gates thereof, or any of them, or shall suffer any Boat, Barge, Craft, Sloop, Lighter, or other Vessel to strike or run upon or against

any of the Bridges or Locks thereof, or shall suffer any Boat, Barge, Craft, Sloop, Lighter, or other Vessel to be moored into or lie under any of the Bridges in the said Canal or Navigation, or shall flush or draw off the Water from any Part of the said Canal, Collateral Cuts, or Waterline, or any Watercourse, Trench, or Feeder belonging thereto, or shall leave any Gate or Gates, Paddle, Valve, Clough, or Sluice of any Lock open and running after any Boat, Barge, Craft, Sloop, Lighter, or other Vessel shall have passed any Lock, or through any Lock or Flood Gate belonging to the said Canal; or if any Person or Persons shall draw or cause to be drawn any Paddle, Valve, or Clough in the Lock Gates, Flood Gates, or Set-offs on the said Canal, Cuts, Waterline, or Feeders, so as to mis-spend or waste the Water in or which ought to run into and supply the said Canal, or having opened any Swing or Drawbridge, shall leave the same open longer than necessary for the Passage of any Vessel, or shall wilfully obstruct, hinder, or prevent any Person or Persons in the Execution of this Act; every such Person so offending in any of the Cases aforesaid, and being thereof convicted before some Justice or Justices of the Peace for the County, Division, or Place in which such Offence shall be committed, by the Oath of some Witness or Witnesses, which Oath such Justice or Justices is and are hereby respectively empowered to administer, or by the Confession of the Person or Persons so offending, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Twenty Shillings, at the Discretion of the said Justice or Justices.

Obstructions on Towing Paths, &c.

XCIII. And be it further enacted, That if any Person or Persons shall cast or lay on any Part of any Bank or Towing Path belonging to the said Canal any Dung, Manure, Dust, Ashes, Earth, Rubbish, or other Matter, (without the Consent of the said Commissioners,) otherwise than on the Wharfs or other Places for the loading or unloading of Goods, Wares, or Merchandize, or shall wash any Sheep on the Sides of the said Haling or Towing Paths, or in the said Canal, or make a Carriage or Riding or Horse or Driving Road for Cattle on or along such Haling or Towing Path, without the Consent or Permission of the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, (except such Right of Road or Way as any of the Occupiers of the adjoining Lands or Grounds now have and are legally entitled to for the necessary Occupation thereof,) he or they shall for every such Offence respectively, and if more than One shall severally upon Conviction, forfeit and pay any Sum not exceeding Forty Shillings.

Regulations for Vessels passing the Locks.

XCIV. And be it further enacted, That every Waterman or other Person navigating or having the Care of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel upon the said Canal, which shall pass through any Lock made thereon, shall, under the Direction and Supervision of any Lock Keeper to be appointed by virtue of this Act, in going upon the said Canal from a higher to a lower Level, previously to his bringing his Boat, Barge, Craft, Sloop, Lighter, or other Vessel into any Lock, carefully shut the lower Gates of such Lock, and the Paddles, Cloughs, or Sluices thereto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the upper

Gates thereof, and after he shall have guided or brought his Boat, Barge, Craft, Sloop, Lighter, or other Vessel into the said Locks, he shall then shut the upper Gates thereof, and the Paddles, Cloughs, or Sluices thereof, before he shall draw the Paddles, Cloughs, or Sluices belonging to the lower Gate thereof; and in going up the said Canal from a lower to a higher Level, such Boatman or other Person shall first guide his Boat, Barge, Craft, Sloop, Lighter, or other Vessel into the said Lock, and carefully shut the lower Gates thereof, and the Paddles, Cloughs, or Sluices thereto belonging, before he shall draw the Paddles, Cloughs, or Sluices of the upper Gates thereof, and as soon as he shall have passed with his Boat, Barge, Craft, Sloop, Lighter, or other Vessel out of the said Lock, such Boatman or other Person shall securely shut the upper Gates thereof, and the Paddles, Cloughs, or Sluices thereof; and at all Times Boats, Barges, Craft, Sloops, Lighters, or other Vessels going up the said Canal, if within Sight of any Boat, Barge, Craft, Sloop, Lighter, or other Vessel coming down and at a Distance not exceeding One hundred and fifty Yards below any Lock, shall pass through such Lock before the Boat, Barge, Craft, Sloop, Lighter, or other Vessel coming down, and then the Boat, Barge, Craft, Sloop, Lighter, or other Vessel above such Lock shall come down; and if there shall be more Boats, Barges, Craft, Sloops, Lighters, or other Vessels than One below and One above any Lock at the same Time, within the Distance aforesaid, which Distance shall be distinguished by a Post or Mark to be set up or made for that Purpose, such Boats, Barges, Craft, Sloops, Lighters, or other Vessels shall go up and come down through such Locks by Turns as aforesaid, until all the Boats, Barges, Craft, Sloops, Lighters, or other Vessels going up or coming down shall have passed the same, in order that One Lock full of Water may serve Two Boats, Barges, Craft, Sloops, Lighters, or other Vessels; and if any Person or Persons shall offend against or act contrary to any such Provision or Provisions, Rule or Rules, Regulation or Regulations, for entering or passing any such Lock or Locks, or for opening or shutting any Gate or Gates thereof, or for drawing or shutting the Paddles, Cloughs, or Sluices thereof, or any of them, and shall be convicted thereof before any Justice or Justices of the Peace upon the Oath of any credible Witness, or upon the Confession of any such Person or Persons, as also the Master or other Persons having the Command of such Boat, Barge, Craft, Sloop, Lighter, or other Vessel, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Punishment of Persons damaging Fences.

XCV. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence already put up, or which may be put up or placed under the Authority of this Act, or belonging to the said Commissioners or the Lessees or Lessee, in any and every Case where the Damage occasioned by the Offence shall not amount to more than Twenty Pounds, every Person so offending, and being thereof convicted before any One or more Justice or Justices of the Peace (not interested in the Premises) for the County, Division, or Place where the Offence shall be committed, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses, (which Oath such Justice

or

or Justices is and are hereby empowered to administer,) shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and no Person shall be deemed incompetent to give Evidence of such Offence by reason of his being a Commissioner under this Act, or holding any Office or Appointment under such Commissioners, or the Owner of such Gate, Stile, Post, Rail, or other Fence.

Persons wilfully destroying the Works to be deemed guilty of Felony.

XCVI. And be it further enacted, That if any Person or Persons shall wilfully, designedly, or maliciously demolish, break, throw down, damage, or destroy any Bridges, Banks, Locks, Lock Doors, Tunnels, Culverts, Cloughs, Sluices, Quays, Wharfs, Piers, Jetties, Walls, Engines, Machinery, or any other Works which now are or shall be constructed in or which shall belong to the said Canal, Collateral Cuts, or Feeders, or to the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, or prevent, hinder, or obstruct the Works already made or to be made, every such Person so offending, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and every such Person shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court by and before whom such Person or Persons shall be tried and convicted shall have Power and Authority to transport such Person or Persons for the Space of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or in mitigation of such Punishment may, if they think fit, award such Sentence as the Law directs in Cases of Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of some credible Witness before some of His Majesty's Justices of the Peace for the County, Division, or Place wherein such Offence shall be committed, shall forfeit and pay any Sum not less than Double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice.

Penalty for landing Dogs from Vessels.

XCVII. And be it further enacted, That if any Person shall permit or suffer any Dog to go on shore from any Boat, Barge, Sloop, Lighter, or other Vessel, during the Time the same shall be navigating or passing along or lying in the said Canal, every Person so offending shall forfeit and pay any Sum not exceeding Ten Shillings.

Penalty for having Nets, &c. on board Vessels.

XCVIII. And be it further enacted, That if any Person navigating or working or being on board any Boat, Barge, Sloop, Lighter, or Vessel upon the said Canal, (not being qualified to kill Game,) shall carry on board and use any Fishing Net, Gun, Engine, or other Instrument for taking or destroying Fish or Game, every such Person, being thereof lawfully convicted on the Oath of any credible Witness before any Justice of the Peace for the County, Division, or Place where the Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Command or Care of any Boat, Barge, Sloop, Lighter, or other Vessel, shall suffer or permit any Person (not being qualified as aforesaid) to have, carry on board, and make use of any Fishing Net, Gun, Engine, or other Instrument for taking or destroying any Fish or Game, and shall thereof be convicted as aforesaid before any such Justice of the Peace, he shall forfeit

forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Lords of Manors and Owners of Lands may erect Wharfs on their own Lands.

XCIX. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to or through or by which the said Canal passes, to erect and use any Wharfs, Landing Places, Cranes, Weighing Beams, or Warehouses in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Canal, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Canal, or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Engines to lie and turn in and pass each other, but so nevertheless that no such Wharf, Landing Place, Crane, Weighing Beam, or Warehouse, lying or turning Place, shall be made, erected, or set up on the Towing Path of the said Canal, or on the Bank of the said Canal on the Towing Path Side thereof, so as to hinder, obstruct, or prevent the free and constant passing along such Towing Path, (except as to the Bank or Towing Path of the Head or Basin of the said Canal); and all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams, and Warehouses, shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives: Provided always, that the upright Wall of every Wharf to be made upon the Line of the said Canal shall be set at least Eight Feet without the Line of the Top Water Level of the said Canal, so that a Boat or Boats whilst lying thereat shall be clear of the Passage of other Boats, and not in anywise narrow, impede, or obstruct the Navigation of the said Canal or any Part thereof.

For fencing off Canal and Towing Path.

C. And be it further enacted, That the said Commissioners, or the Lessees or Lessee for the Time being, shall at their own Costs divide and separate, and keep constantly divided and separated, the said Canal and Towing Paths, or such Part or Parts thereof respectively as shall be declared necessary by any Two or more Justices of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, from the adjoining Lands and Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Sheep and other Cattle, as well as for the due Protection of Gardens and Garden Grounds; and the said Commissioners or the Lessees or Lessee shall, at their proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences to be set up and made as aforesaid, and also shall, at their like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Bridges across the said Canal, or any Aqueduct, Conductor, or Watercourse leading into the same, with proper Approaches to such Bridges respectively, and also Gates and Stiles in and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as any

Two or more Justices of the Peace for the said Parts of *Lindsey* shall from Time to Time judge necessary and appoint for the Use of the Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Canal; and all such Bridges, Gates, Stiles, and other Works and Conveniences so to be made as aforesaid shall from Time to Time thereafter be supported and maintained and kept in sufficient Repair by the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being.

If Commissioners do not fence off the Towing Paths, make Bridges, &c. Landowners may do it at Commissioners Expence.

CI. And be it further enacted, That in case the said Commissioners, or the Lessees or Lessee of the said Navigation for the Time being, shall refuse or neglect to divide and separate, and to keep divided and separated, the said Canal and Towing Paths in manner herein-before directed, or to make, erect, and set up such Bridges, Gates, and Stiles as before-mentioned, or to maintain and support such Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, Bridges, Gates, and Stiles, when erected, set up, and made in such Manner as aforesaid, for the Space of Thirty Days next after the Times to be appointed by the said Justices as aforesaid, and after Notice shall have been given, by or on behalf of the Owner or Owners of any such Lands or other Hereditaments who shall find themselves aggrieved by any such Refusal or Neglect, to the said Commissioners or the Lessees or Lessee for the Time being, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved as aforesaid, to make, erect, and set up all such Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, Bridges, Gates, and Stiles as shall be necessary, and shall have been before directed or appointed by the said Justices to be made, erected, and set up by the said Commissioners or the Lessees or Lessee for the Time being as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Works the said Navigation, or the Banks thereof, or the Feeders belonging thereto, shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, and other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Commissioners or the Lessees or Lessee for the Time being; and in case the same shall not be paid to the said Owners or Occupiers by the said Commissioners or the Lessees or Lessee for the Time being, within Seven Days after Demand, then the same shall and may be recovered from the said Commissioners or their Treasurer by Warrant under the Hand and Seal of the said Justices, in manner herein-after mentioned.

Landowners may make Bridges, Gates, &c. at their own Expence.

CII. Provided always, and be it further enacted, That if any Owners or Occupiers of any Lands or other Hereditaments by or through which the said Canal passes shall, at any Time or Times hereafter, choose to erect any Gates, Stiles, Bridges, Passages, Tunnels, Drains,

Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, than such as the said Justices shall have so directed or appointed to be made by the said Commissioners or the Lessees or Lessee for the Time being, then and so often and in any such Case it shall be lawful for all or any of such Owners or Occupiers, with the Approbation and Consent of the said Commissioners or Lessees or Lessee, to make, fix, and erect, at their own proper Costs and Charges, such Gate or Gates, Stiles, Bridges, Passages, Tunnels, Watering Places, or other Conveniences, of the same or the like Constructions with others made by the said Commissioners or Lessees or Lessee, in, over, or near to the said Canal or the Towing Paths thereof, in such Places as the said Owners and Occupiers shall judge most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so as that the Navigation of, in, or upon the said Canal be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Stiles, Bridges, Passages, Tunnels, Watering Places, or other Conveniences had been made or erected by the said Commissioners or the Lessees or Lessee for the Time being as aforesaid.

Limiting the Ascent to Bridges.

CIII. And be it further enacted, That the Ascent to every Bridge made or to be made over the said Navigation for the Purpose of any public Road shall not be more than One Foot in Thirteen Feet, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Owners of Lands may make Branch Canals, &c.

CIV. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Navigation, to cut or make, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any Branch or Branches from their respective Lands or Grounds to communicate with the said Canal, and to make, at their own Expence, such Openings in the Sides of the said Canal as may be necessary and convenient for effecting such Communication, the same being done in such Manner and at such Times as shall cause as little Let, Hindrance, or Molestation as may be to the said Navigation or the Persons using the same: Provided always, that the Person or Persons making every such Branch shall give to the said Commissioners Twenty-one Days previous Notice of his or their Intention to make such Opening, and if thereunto required by the said Commissioners or the Lessees or Lessee of the said Navigation for the Time being, he or they shall also make, erect, and maintain to such Branch, to the Satisfaction of the said Commissioners or Lessees or Lessee, a proper and sufficient Stop Gate or Stop Gates, in order to prevent the Water from being taken, drained, or wasted out of the said Navigation by means of making any Branch to communicate therewith: Provided also, that in every Case where such Branch shall be made or be intended to be made, so as to cut through, injure, or damage the Towing Path of the said Navigation, the Person or Persons making such Branch shall erect and build, previous to such cutting through, Injury, or Damage,

and

and at all Times thereafter maintain, repair, and support, as Occasion shall require, a Bridge over such Branch, of such Dimensions and Construction and in such Situation as shall be approved of by any Two Justices of the Peace for the Parts of *Lindsey* in the County of *Lincoln*, with proper Approaches to such Bridge from and to the Towing Path of the said Navigation, suitable for the Use and Convenience of the Men and Horses employed in the towing, hauling, or drawing of Sloops, Boats, Barges, Lighters, or other Vessels passing upon the said Navigation, such Bridge to be built of Brick, Stone, or Iron; and the said Commissioners or Lessees or Lessee for the Time being shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any such Owner or Occupier or Person or Persons as aforesaid.

Water in the River Ludd to be kept to a certain Level.

CV. And be it further enacted, That the said Commissioners and the Lessees or Lessee of the said Navigation for the Time being shall and they are respectively required to maintain, support, and repair the Lock at or near the upper End of *Alvingham Out Fen* of a sufficient Height to keep the Water in the River *Ludd* at such a Level as will supply the Lands in the several Parishes or Townships of *Skidbrooke*, *South Somercotes*, *North Somercotes*, *Grainthorpe*, *Wragholme*, *Conisholme*, *Ludney*, *Scupholme*, and *North Cockerington*, with fresh Water, as effectually and sufficiently as before the passing of the said recited Act; and that the said Lock shall not be used by the said Commissioners for any other Purpose than for passing Boats, Barges, Sloops, Lighters, Craft, and other Vessels through the same, with as little Expence and Loss of Water as may be; and in case there shall happen in any dry Season not to be in the said River *Ludd* a sufficient Quantity of Water to supply the Lands lying in the several Parishes and Townships above mentioned, as effectually and sufficiently as before the passing of this Act, in such dry Season, and to serve the Use of the said Canal, that then it shall be lawful for the Owners and Occupiers of Lands within the said several Parishes and Townships, or any of them, by Order of Vestry, to empower the Constable or any other Parish Officer of each or any of the said Parishes, Townships, Hamlets, or Places, to keep the Flood Gates and Slakers of the said Lock shut for Twelve Hours each Day, to be computed from Six of the Clock at Night to Six of the Clock in the Morning, during such dry Season, or otherwise that the said Commissioners and the said Lessees or Lessee of the said Navigation for the Time being as aforesaid, their Agents or Servants, shall at all Times be obliged to keep the Water at the Waste or Weir erected at or below the Place where the said Canal joins the River *Ludd* Twelve Inches at least higher than the Surface of the Water in the River *Ludd* in the most dry Seasons, and to make and maintain the Gates of the said Lock at least One Foot higher than the said Waste or Weir; and for the further Security of such Landowners and others, if it shall at any Time happen that there is any Defect in the said Lock Doors, Flood Gates, or Slakers, through the Neglect of the said Commissioners or the said Lessees or Lessee of the said Navigation, their Agents or Servants for the Time being as aforesaid, and if the said Commissioners or the said Lessees or Lessee for the Time being, their Agents

or

or Servants, shall neglect to repair the same after Notice has been given by the said Landowners or any of them, their or any of their Agents, by Order of Vestry, to the said Commissioners or the Lessees or Lessee, at any public Meeting, or to any Five or more of the said Commissioners, at their respective Dwelling Houses, who shall reside within Ten Miles of the said Canal, that then it shall and may be lawful for the said Landowners or any of them, their or any of their Agents appointed as aforesaid, to employ such able and experienced Workmen as they shall judge necessary to repair the same; and all Sums of Money that shall be fairly and justly expended in such Repairs by such Landowners or their Agents shall be repaid by the said Lessees or Lessee for the Time being, during the Remainder of the said Term of Ninety-nine Years, or by the Collector or Treasurer acting under this Act, during the Remainder of the said Term and after the Expiration of such Term, within Twenty Days after Demand made thereof; and after Neglect or Refusal of Payment, the said Landowners or their Agents may apply to One of His Majesty's Justices of the Peace for the Division of *Lindsey*, (having no Interest therein,) who shall summon all Parties before him and examine the Facts, and order Payment of so much Money as shall appear to him to have been justly expended, to be recovered by Distress and Sale of the Goods and Chattels of the Party made liable to such Payment and guilty of such Neglect or Refusal, by Warrant under the Hand and Seal of such Justice.

For protecting certain Low Lands between Tetney Haven and Alvingham Out Fen.

CVI. And be it further enacted, That if at any Time or Times the Land Door, Sluice, Lock, Dam, or Shuttles, or any other Works now made and executed, or which may be made and executed at or about *Tetney Haven*, for the Purpose of the said Canal and Navigation, shall keep up the Water in the said Canal any higher than within Two Feet of the medium Surface of the Low Grounds and Fens in the several and respective Townships of *Tetney*, *Northcotes*, *Thoresby*, *Marsh Chapel*, *Fulstow*, *Grainthorpe*, *Alvingham Out Fen*, or any other such Lands as have or may have their Drainage into the said Canal betwixt *Tetney Haven* and the said *Alvingham Out Fen*, that then it shall and may be lawful for any Persons authorized and appointed for that Purpose by the Owners or Occupiers of Lands in the said several Parishes or Townships respectively, at some Vestry held for that Purpose, to draw up the said Land Doors, Sluices, and Shuttles, and continue them open until the Waters are reduced to the Height aforesaid, and no longer; and if any Person or Persons shall obstruct the Agent or Agents of the said Landowners in this Service, he or they shall for each Offence forfeit the Sum of Forty Shillings, to be recovered in a summary Way before any One Justice of the Peace for the said Division of *Lindsey*, such Fine or Forfeiture to be paid to the Dyke Reeve of the Parish aggrieved, to be applied to the public Works of the said Parish; and any Inhabitant of such Parish, Township, or Place, shall not be deemed an incompetent Witness by reason of his or her being an Inhabitant of such Parish, Township, or Place.

Tunnels to be laid under the Canal, &c.

CVII. And whereas there are several Watercourses and Springs called *Bloe Wells*, by which several Parishes now are and have been heretofore

heretofore watered; and to preserve the Communication in some Places between the said Watercourses and Wells and the Lands watered thereby, that no Prejudice may arise to the Owners or Occupiers of such Lands, be it further enacted, That the said Lessees or Lessee for the Time being, during the Remainder of the said Term of Ninety-nine Years, and the said Commissioners afterwards, are hereby authorized and required to convey the Waters of the said Watercourses and *Bloe Wells* by subterraneous Tunnels of a sufficient Capacity under the said Canal, and maintain and keep the same, as well as such Tunnels already made for such Purposes, in good and sufficient Repair; and if at any Time or Times the said subterraneous Tunnels or any of them shall be found to be out of Repair, so as not effectually to convey the said Water under the said Canal, the Landowners shall, after Notice given by Order of Vestry in manner aforesaid, have the same Remedy as in the Case of the Lock at *Alvingham Out Fen*, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided nevertheless, that it shall and may be lawful to and for the said Landowners, at their own Expence, to make, put down, build, and erect any further Sluices, Tunnels, Drains, or Cuts into, under, or through the said Canal and the Banks thereof, for the better draining or watering the said Parishes, provided that no such Works shall obstruct or be prejudicial to the said Canal or Navigation, Banks, Locks, Sluices, Towing Paths, or Haling Ways, or other Works thereupon: Provided also, that the said Landowners shall from Time to Time keep such additional Works in good and sufficient Repair.

Landowners may make Sluices, &c.

Commissioners may raise Monies, if necessary, by Mortgage.

CVIII. And whereas it may be necessary from Time to Time to raise a further Sum of Money for the Purposes contemplated by this Act; be it therefore enacted, That it shall be lawful for the said Commissioners (with the Consent of the Lessees or Lessee of the said Navigation for the Time being, during the Residue of the said Term of Ninety-nine Years,) to raise and borrow such Sum or Sums of Money as they shall think proper by further Mortgage of the said Canal, Land, Warehouses, and other Works, Tolls, Rates, and Dues, or any Part thereof, for all or any of the Purposes aforesaid; and it shall be lawful for the said Commissioners, by any Deed or Writing, Deeds or Writings, to assign and convey the said Canal, Land, Warehouses, and other Works, Tolls, Rates, and Dues, or any of them respectively, or any Part or Parts thereof respectively, and all or any Part or Parts of the Profits and Advantages thereof, to such Person or Persons as shall be willing to lend or advance any such Money, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be so advanced, together with lawful Interest for the same.

Money may be borrowed at a lower Rate of Interest.

CIX. And be it further enacted, That in case the said Commissioners, or the said Lessees or Lessee of the said Navigation for the Time being, during the Remainder of the said Term of Ninety-nine Years, shall at any Time be able to borrow or take up Money at a lower Rate of Interest than shall happen to be payable upon any Mortgage or Mortgages already granted and now subsisting by virtue of the said recited Act hereby repealed, or which may be granted by

the said Commissioners under the Authority of this Act, and may be then subsisting, and all or any of the Mortgagees for the Time being, during the Remainder of the said Term, shall be willing to take in their Mortgage Money, it shall be lawful for the said Commissioners acting under this Act, after the Expiration of the said Term, and for the said Lessees or Lessee for the Time being, during the Remainder of the said Term, in case of such Willingness, to borrow and take up at such lower Rate of Interest any Sum or Sums of Money which may be requisite to pay off and discharge the Mortgage or Mortgages bearing the higher Rate of Interest, or such and so many of them as the Person or Persons entitled thereto for the Time being, during the Remainder of the said Term, may be willing to receive and take in, and after the said Term, such and so many of them as the said Commissioners may think fit, and to secure the same in the Manner aforesaid; and by and with the Money so to be borrowed or taken up at such lower Rate of Interest to pay off and discharge the Money now due or previously borrowed at a higher Rate of Interest.

Form of Assignment.

CX. And be it further enacted, That all Assignments or Mortgages respectively which shall be made and executed by the said Commissioners under this Act shall or may be made in the Words or to the Effect following; (that is to say,)

'Number

'BY virtue of an Act passed in the Ninth Year of the Reign of 'King *George* the Fourth, intituled [*here set forth the Title of* 'this Act], we of the Commissioners 'appointed by and under the said Act, in consideration of the Sum 'of to us in hand paid by 'of [*or as the Case may be*], in consideration of 'the Sum of advanced and paid by 'of upon an Assignment or Assignments, 'Number , of the Tolls of the said Canal, granted by the 'Commissioners acting under an Act passed in the Third Year of 'the Reign of His late Majesty King *George* the Third, intituled '[*here set forth the Title of the said repealed Act*], to the said ', and which, by various mesne 'Assignments and other Acts in the Law, are or is now vested in 'of , and 'also in consideration of the Surrender to us of the said Assignment 'or Assignments, do assign unto the said 'Executors, Administrators, and Assigns, all and singular the Tolls, 'Rates, and Dues arising by virtue of the said first-mentioned Act, 'and also the said Canal, and all the Lands, Tenements, Hereditaments, Works, and Appurtenances thereunto belonging, [*or* any 'Part of such Tolls, Rates, Dues, Canal, Lands, Tenements, Hereditaments, Works, and Appurtenances, *as the Case may be*,] and all 'the Estate, Right, Title, and Interest of, in, and to the same, to 'hold unto the said , Executors, Administrators, and Assigns, until the said Sum of 'together with Interest for the same after the Rate of 'for every Pounds for a Year, shall be fully paid and satisfied.

'satisfied.' Given under our Hands and Seals, this Day
'of One thousand eight hundred and .'

And the Charges and Expences of such Assignments, Mortgages, and Conveyances, or other Writings, shall be from Time to Time defrayed by the said Commissioners out of the Monies which may be so borrowed, except as to the Charges and Expences of such Assignments, Surrenders, and Mortgages, in respect of the said Mortgage Debt or Sum of Twenty-eight thousand Pounds, or any Part thereof respectively, which may be paid off by means of other Monies to be borrowed at a lower Rate of Interest as aforesaid, and which last-mentioned Charges and Expences shall be defrayed by the said Lessees or Lessee of the said Navigation for the Time being during the Remainder of the said Term; and every such Security so to be made in pursuance of this Act shall be good, valid, and effectual in the Law, according to the Form of Words of such Assignments or Conveyances, and the true Intent and Meaning of this Act; and all and every Persons and Person to whom such Assignment or Mortgage shall be made, as well as all and every Persons and Person, Shareholders and Mortgagees, to whom Assignments or Mortgages of the said Tolls, Rates, and Dues, for securing the said Sum of Twenty-eight thousand Pounds and Interest, have already been made, and in whom the same are now vested by virtue of the Powers contained in the said recited Act hereby repealed, and of this Act respectively, shall respectively be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments or Mortgages respectively mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or Mortgages respectively, either under the said recited Act or this Act, or on any other Account whatsoever; and a Memorial of every such Assignment under this Act, containing the Date, and Name or Names of the Person or Persons to whom made, the further Sum borrowed or paid off by such new Assignment or Assignments, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Commissioners, which said Book or Books shall and may be perused at all seasonable Times by all Persons applying for that Purpose, without Fee or Reward.

Memorial of Assignment to be entered in a Book.

CXI. And be it further enacted, That all and every Persons or Person to whom any such Mortgage or Mortgages, Assignment or Assignments shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their, his, or her Right and Interest therein to any Person or Persons whomsoever, by Writing under their, his, or her Hands and Seals or Hand and Seal; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

Assignment may be transferred.

Form of Transfer.

'I [*or* We] of in consideration of
'the Sum of paid by of ,
'do hereby assign and transfer a certain Mortgage, Number ,
'made by [*the Commissioners appointed and acting under this Act,*
'*setting forth the Title*], or under the said recited Act [*setting forth*
'*the*

‘ *the Title, as the Case may be*], to bearing Date the
‘ Day of , for securing the Sum of
‘ and Interest, [and since transferred, and at and
‘ before the Date hereof vested in me, *or* us, *as the Case may be*,] and
‘ all my [*or* our] Right and Property therein, to the said
‘ his [*or* her, *or* their] Executors, Administrators, and Assigns.
‘ Dated this Day of in the Year
‘ of our Lord .’

Memorials of Transfers to be entered.

And every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the said Commissioners, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid Two Shillings and Sixpence and no more; and after such Entry made, any Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof, and of the original Mortgage, and to Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or the original Mortgage, or any Sum or Sums of Money thereby secured or thereon due, or any Part thereof.

Monies borrowed to be paid off by Ballot.

CXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, when and so often as they shall think proper, after the Expiration of the said Term of Ninety-nine Years, to pay off any Money which may be then due on the Credit of this Act, and for that Purpose the said Commissioners shall cause the Number or Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced or charged upon the Credit of the said Tolls, Rates, or Dues, or Property, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as may be possible, and be put into a Box or Wheel, and the Number or Numbers of such Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, and, when there is only One Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Commissioners to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place specified in such Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall, from and after the End of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest

thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

For creating a Fund for Repairs.

CXIII. And whereas it may be expedient that a Fund should be raised from Time to Time as a Resource and Provision for defraying any extraordinary Expences for Repairs or Improvements of the said Canal and other Works, without the public Trade of the Country being impeded by Delay in effecting such Repairs and Improvements from want of pecuniary Means; be it therefore enacted, That if the said Commissioners for the Time being shall deem it expedient, out of the Surplus Monies arising by virtue of this Act, or otherwise, after the Debt charged upon the said Canal and Works shall be discharged, to invest any Part of such Surplus Monies in the Public Funds or in Exchequer Bills for the Purposes aforesaid, then and in every such Case it shall be lawful for them and they are hereby empowered to do so in the Names of any Five or more of the said Commissioners as Trustees for the general Body of Commissioners acting under this Act for the Time being, so as that the Money so to be laid out and invested do not in any One Year exceed the Sum of Three thousand Pounds, and that such Trustees do and shall, under the Direction of the Commissioners for the Time being, from Time to Time receive the Interest and Dividends of the said Public Securities as and when the same shall be payable and received, and from Time to Time, under such Direction as aforesaid, reinvest the same, and the Dividends and all Accumulations thereof, in the Purchase of other the like Public Security or Securities, either in their own Names or in the Name or Names of such other of the said Commissioners as they shall from Time to Time appoint, in order that the same may, together with the said Principal Monies so to be invested as aforesaid, be and become an accumulating Fund for the Purposes aforesaid; and the same shall from Time to Time be applied and disposed of for the Purposes aforesaid, as the Commissioners for the Time being at any General or Special General Meeting of the said Commissioners shall think proper and direct the same to be applied and disposed of, but such Funds shall not at any Time exceed the Amount of Seven thousand Pounds.

Remedy for Nonpayment of Compensation for Damages, &c.

CXIV. And be it further enacted, That when and so often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners or by the said Lessees or Lessee of the said Navigation for the Time being, or by any Person or Persons acting by or under their respective Authority (as the Case may be), and such Sum or Sums of Money shall not be paid by the said Commissioners or by the said Lessees or Lessee to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made (stating the Order of such Justice or Justices), and delivered to the said Commissioners or to the said Lessees or Lessee, or to the Treasurer, Manager, or Collector for the Time being acting under this Act, in pursuance of the Direction or

Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Commissioners or their Treasurer, if such Compensation or Satisfaction shall be due from them, or if the same shall be due from the said Lessees or Lessee, then against such Lessees or Lessee, or their or his Collector or Manager for the Time being, or such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners or their Treasurer, or of the said Lessees or Lessee (as the Case may be) as aforesaid, or of the Collector for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant every such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer, or to the said Lessees or Lessee, or the Collector for the Time being, as the Case may be.

Declaring what shall be good Service of Notices.

CXV. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Persons or Party or Parties to serve any Notice or Notices, or any Writ or Writs, or other legal Proceeding, or Proceedings in Equity, upon the said Commissioners, Service thereof respectively upon the Clerk of the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or at the Office of the said Commissioners, or upon any One of the said Commissioners acting under this Act, or left at his respective last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners; and in all Cases where it may be necessary or requisite for the said Commissioners to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing, signed by any Three or more of the said Commissioners.

Recovery and Application of Penalties.

CXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of the levying and recovering and applying whereof is not otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the County, Division, or Place where the Cause of Complaint shall have arisen, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Fines,

Penalties,

Penalties, or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody, (until Return can be conveniently made to such Warrant of Distress,) unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for such County, Division, or Place, 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 Ten 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 Fine, Penalty or Penalties, and such Costs as aforesaid, and the same Fine, Penalty or Penalties, shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods or Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, Division, or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, and all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justice), or he, she, or they shall otherwise be discharged by due Course of Law; and all such Fines, Penalties, and Forfeitures shall be paid into the Hands of the Treasurer or Clerk of the said Commissioners, and shall be applied and disposed of towards maintaining, supporting, and repairing the said Canal and Works, except where the Application is otherwise directed by this Act, and also except in Cases where the Fine, Penalty, or Forfeiture shall be incurred or be payable by the said Commissioners or by the Lessees or Lessee of the said Navigation for the Time being, in all which last-mentioned Cases such Fines, Penalties, and Forfeitures shall be paid into the Hands of the Overseers or Overseer of the Poor of the Parish or Place in which the same shall be incurred, and be by them taken and applied in aid of the Poor Rates of such Parish or Place: Provided always, that it shall be lawful for the Justice or Justices before whom the Conviction shall be had, or for the said Commissioners, or any Three of them, to award and pay to the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender, such Proportion of such Penalties and Forfeitures as he or they shall think proper.

CXVII. And

Persons aggrieved by Irregularity in Distress may sue for Damages.

CXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Compelling Witnesses to attend.

CXVIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined, or shall not answer upon Oath, (or, in case of a Quaker or Quakers, a solemn Affirmation,) and to give Evidence before such Justice or Justices of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

For securing transient Offenders.

CXIX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Lock Keepers, Surveyors, and other Persons or Officers of the said Commissioners or of the said Lessees or Lessee of the said Navigation for the Time being under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors, Lock Keepers, Surveyors, and other Persons or Officers respectively, and such Person or Persons as they shall call to their Assistance, to seize and detain any such unknown Person or Persons who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace for the County, Division, or Place where the Offence shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Form of Conviction.

CXX. And for the more easy Conviction of the Offenders against this Act, be it further enacted, That any Justice or 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 according to the following Form, or any other Form to the same Effect, as the Case shall happen; *videlicet*,

to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.*, One of His Majesty's Justices of the Peace

'Peace for the [*specifying the Offence, and the Time and Place when and where the same was committed, as the Case may be*], contrary to an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written.'

Appeal to the Quarter Sessions.

CXXI. And be it further enacted, That any Person or Persons who may 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 Commissioners, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any Matter or Thing done or omitted to be done in the Execution of this Act, may, within Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County, Division, or Place where the Cause of Appeal shall happen to arise, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Matter thereof, to the Person or Persons against whom such Complaint is intended to be made, or to the Clerk of the said Commissioners, (as the Case may be,) and forthwith after such Notice entering into Recognizances before some Justice of the Peace, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way hear and determine the said Complaint either at such General or Quarter Sessions, or if they shall think proper may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County, Division, or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and also may order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think fit and reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or 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: Provided always, that in case there shall not be Time to give such Notice and to enter into such Recognizances as aforesaid, before the next Sessions to be holden after the Conviction of the Appellant, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined.

Proceedings not to be quashed for Want of Form.

Plaintiff not to recover without Notice, or after Tender of Amends.

CXXII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Suit to be commenced against any Person or Persons for any Irregularity, Trespass, or wrongful Proceedings, or any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of

of Abode, Fourteen Days before such Action or Suit shall be commenced, of such intended Action or Suit, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action or Suit; nor shall the Plaintiff or Plaintiffs recover in such Action or Suit, if Tender of sufficient Amends shall have been 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 or Suit brought, nor if such Tender of Amends shall be made at any Time after the said Action or Suit 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 or Suit, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Double 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 have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action or Suit, by Leave of the Court where such Action or Suit shall be depending, at any Time before Issue joined, to 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 or Suits where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXXIII. Provided always, and be it further enacted, That no Action, Information, Suit, or other Proceeding shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities of, or any of the Orders made, given, or directed in, by, or under this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid or brought and tried in the County, Division, or Place in which the Matter or Dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action, Information, Suit, or other Proceeding, 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, Information, Suit, or other Proceeding shall have been brought, commenced, or prosecuted before Fourteen Days Notice shall have been given, or after a sufficient Satisfaction has been made or tendered as aforesaid, or after the Time limited for bringing or prosecuting the same as aforesaid shall have 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, Suit, or Information, 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

recovering the same as any Defendant or Defendants hath or have for his, her, or their Costs in any other Cases by Law.

Clerk of Commissioners may grant Releases to Witnesses.

CXXIV. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Commissioners or of the Lessees or Lessee of the said Navigation for the Time being, and also in all Prosecutions commenced and instituted by or on behalf of the said Commissioners or the said Lessees or Lessee for the Time being, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for the Clerk for the Time being of the said Commissioners (not being personally interested other than as a Shareholder or Mortgagee upon the said Tolls, Rates, or Dues, or any Part thereof, in case he shall be so,) in his own Name, for and on behalf of the said Commissioners, and for and on behalf of the said Lessees or Lessee (as the Case may be or require), to make, sign, seal, execute, and deliver all and every such general or other Release or Releases, as may be or be deemed to be necessary for the Purpose of exonerating, releasing, and discharging all and every or any Persons or Person who shall or may be produced as Witnesses or a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Commissioners or by the said Lessees or Lessee to qualify such Persons or Person to give Evidence as Witnesses or a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever as if the same were made by the said Commissioners or the said Lessees or Lessee for the Time being.

Damages, in case of Dispute, to be settled by Justices.

CXXV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, and the Amount thereof respectively is not otherwise by this Act directed to be settled, ascertained, or determined, the Amount thereof, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized, on Nonpayment thereof, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in Recovery of Penalties.

CXXVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed

committed against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

Canal and other Works not to be subject to controul of Commissioners of Sewers.

CXXVII. And be it further enacted, That the said Canal and Collateral Cuts, Feeders, and other Works already made or which may be made by virtue of this Act, or any of them, or any Part thereof respectively, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers, any Law or Statute to the contrary notwithstanding.

Expences of Act.

CXXVIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making Surveys and Plans, and all other Costs, Charges, and Expences relating to or concerning the same, or in any way incident thereto, shall be borne, paid, and defrayed out of the first Tolls, Rates, and Dues to be received or raised by virtue of this Act, in preference to any other Payment whatsoever.

Reservation of Rights.

CXXIX. And be it further enacted, That the Lord or Lords of the respective Manors, or any other Person whosoever, shall have full Liberty to fish, fowl, and exercise all other Manorial Rights and Royalties on the said Canal to which they were before or at the Time of passing the said recited Act, or since, legally entitled, any thing herein contained to the contrary thereof notwithstanding, so as in the Use and Exercise of any such Right or Liberty no Prejudice be done to the said Canal or Collateral Cuts or other Works hereby authorized to be maintained, supported, made, or completed, or the Navigation thereof be interrupted, or any Water drained or exhausted from or out of the said Canal or Collateral Cuts or other Works, and so that the said Commissioners and the Lessees or Lessee for the Time being, or their respective Agents, Servants, or Workmen, or any of them respectively, shall not be liable to any Penalty, Actions, or Prosecutions for or by reason of the taking or destroying of any Fish in the said Canal or Collateral Cuts, or other Works, which shall be taken, killed, or destroyed through or by means of the letting of the Water out of the said Canal or Collateral Cuts or other Works, or by using the same, or for or on account of any Repairs or Works in or about the same.

Right of Lords, &c. of the Manor of Tetney not to be prejudiced.

CXXX. And be it further enacted, That nothing herein contained shall be construed to defeat or prejudice any Right of the Lord or Lords, Lady or Ladies of the Manor of *Tetney*, but that he, she, and they shall hold and enjoy all his, her, or their Rights and Interests in *Tetney Haven*, in as full, ample, and beneficial a Manner to all Intents and Purposes as he, she, or they now holds or enjoys or hold and

enjoy the same, or would have done in case the said recited Act hereby repealed had not been made; any thing herein contained to the contrary notwithstanding.

Public Act. CXXXI. 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.

The SCHEDULE referred to by this Act.

	First Column. s.	d.	Second Column. d.
For every Ton of Sugar, Molasses, Plums, Currants, Raisins, and Figs, the Sum of	4	0	4 per Mile.
For every Ton of Slate, Timber, Deals, and Freestone, the Sum of	2	8	3 per Mile.
For every Chaldron of Coals of Forty-eight Bushels Imperial Measure, the Sum of	2	8	3 per Mile.
For every Forty Bushels of Cinders, Coke, or Culm, the Sum of	1	4	1½ per Mile.
For every Eighty Tods of Wool of Twenty-eight Pounds to each Tod, the Sum of	2	8	3 per Mile.
For every One thousand of Stock Bricks, Paving Bricks, Floor Bricks, or Pantiles, the Sum of	2	8	3 per Mile.
For every One thousand of Common Bricks, the Sum of	1	4	1½ per Mile.
For every Quarter of Rye-Grass Seed and Hay Seed, the Sum of	0	2	——
For every Four Quarters of Rye-Grass Seed and Hay Seed the Sum of			1 per Mile.
For every Twelve Bunches of Plaster Laths, the Sum of	0	4	——
For every Fifteen Bunches of Plaster Laths, the Sum of			½ per Mile.
For every Quarter of Wheat, Beans, Peas, Rye, Lentils, Barley, Malt, Oats, Rape Seed, or Linseed, the Sum of	0	6	½ per Mile.
For every Ton of all other Goods, Wares, Merchandize, and Commodities whatsoever, the Sum of	2	8	3 per Mile.

And so in proportion for any greater or less Weight or Quantity of the several Articles before enumerated than the Ton or Quantity before-mentioned.

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