ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lv.

An Act for transferring to the Trustees of the River *Welland* in the County of *Lincoln* certain Dues payable in respect of Vessels using the said River, Part of the Port and Harbour of *Boston*, and their Cargoes, for better effecting Improvements authorized by a former Act; and for amending several Acts relating to the same.

[18th *June* 1842.]

WHEREAS by an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for improving the Port and Harbour of* Boston *in the County of* Lincoln, *and for fixing the Wharfage of Goods landed within the said Port and Harbour, and for better maintaining the Buoys, Beacons, and Sea Marks belonging thereto*, after, amongst other things, setting forth that the Mayor and Burgesses of *Boston* were entitled to divers Tolls, Rates, or Duties upon all Ships or Vessels navigating, coming into, or going out of the Port of *Boston*, 52G.3.c.105.

for and towards repairing and maintaining the Buoys, Beacons, and Sea Marks belonging to the said Port and Harbour, and also to certain Keyage, Wharfage, and Lastage for Goods brought into or shipped from the same Port, and that the said Tolls, Rates, and Duties, Keyage, Wharfage, and Lastage, were in many Cases difficult to be ascertained and defined, and very inadequate to the Support and Repair of the said Port and Harbour, and of the Buoys, Beacons, and Sea Marks, Quays, and Wharfs belonging thereto, and for the other Purposes for which the same were granted, and that it was expedient such Tolls, Rates, and Duties, Keyage, Wharfage, and Lastage, should in some respects be altered, ascertained, fixed, and clearly defined, and also that it was expedient, for the Preservation of the said Port and Harbour, and for rendering the same safe and commodious for the Public, and for the Shipping and Trade of the said Port and Harbour, that certain Improvements should be made between a Place called the *Grand Sluice* and a Place called *Maud Foster's Gowt*, Powers were given for making such Improvements, and the then existing Tolls, Rates, and Duties payable to the Mayor and Burgesses of *Boston* were repealed, and the said Mayor and Burgesses were empowered to demand and take of and from every Master or Owner of every Ship or Vessel entering into and coming within the Limits of or sailing from or using the said Port and Harbour of *Boston* the several Tonnage Rates or Duties mentioned in the First Schedule to the said Act for every Ton of the Burthen of every Ship or Vessel, the Amount of the Number of Tons of every such Ship or Vessel to be ascertained according to the Rules therein mentioned or referred to; and by the same Act there were made payable to the said Mayor and Burgesses and their Successors, and their Lessee or Lessees, for all Corn, Grain, and Pulse shipped on board or landed out of any Ship or Vessel within the Limits of the said Port and Harbour, the several Rates or Duties particularized, rated, and set forth in the Third Schedule to the said Act: And whereas by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to extend and enlarge the Powers of an Act passed in the Fifty-second Year of His late Majesty, for improving the Port and Harbour of* Boston *in the County of* Lincoln, the said Mayor and Burgesses were authorized and required to make, set up, and erect, on either Side and in any Part of the said Port and Harbour, from *Maud Foster's Gowt* to *Hobhole Sluice*, such and so many Jetties, Walls, Banks, Weirs, Locks, Sluices, and Works, for making, securing, continuing, and maintaining the Channel of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole* within proper Bounds, for the Use of the Navigation therein and all such Towing or Haling Paths along or on either Side of the said Port and Harbour, as they the said Mayor and Burgesses and their Successors should think necessary and proper, and also to cleanse, scour out, deepen, widen, enlarge, alter, and vary the Course of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, and the Channel thereof, and also to dig, cut, take up, remove, and carry away any Projections, Stands, Stages, Piles, Jetties, Walls, Piers, Stone, Bricks, Chalk, Sand, Gravel, Rubbish, or any other Obstructions or Impediment whatsoever which should

7 & 8 G. 4. c. 79.

in

in anywise pervert, stop, affect, injure, prejudice, hinder, or obstruct the free Navigation of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, and were also further authorized and required, in the first place, to make a new Cut of the Length of Eight hundred Yards or thereabouts, of such Width, Depth, and Dimensions as they should deem proper, from a certain Place called *Blue Anchor Bite* nearly in a straight Line through *Burton's Marsh* to *Hobhole Sluice* in the Parish of *Fishtoft* in the said County of *Lincoln*, and to embank the same, and to make such Towing Paths or Haling Ways on both or either Sides of the said Cut as the said Mayor and Burgesses should think proper and necessary; and by the now-reciting Act the Provision in the herein-before recited Act of the Fifty-second Year of King *George* the Third contained, for enabling the said Mayor and Burgesses to demand and take the Tonnage Rates and Duties therein mentioned, was repealed, and in lieu thereof the said Mayor and Burgesses were empowered to demand and take the several Tonnage Rates or Duties mentioned in the First Schedule to the said recited Act, for every Ton of the Burthen of every Ship according to the Rules for Admeasurement in the now-reciting Act prescribed: And whereas the Commissioners acting in execution of an Act of Parliament passed in the Third Year of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the Acts therein recited or referred to, and the several Acts subsequently passed for amending the same, did, on or about the Eighth Day of *July* One thousand eight hundred and twenty-eight, under the Provisions of the said Acts, advance and lend to the Mayor and Burgesses of *Boston*, acting under and in pursuance of the said recited Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth, the Sum of Twenty thousand Pounds in Exchequer Bills, for the Purpose of completing the Works thereby authorized to be made, the Repayment of which Advance, by an annual Instalment of One thousand Pounds on account of Principal, with Interest at Five Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, was secured to the said Commissioners by a certain Indenture of Mortgage under the Seal of the said Mayor and Burgesses, bearing Date the Eighth Day of *July* One thousand eight hundred and twenty-eight, whereby the said Mayor and Burgesses did assign unto *William Holden*, the then Secretary of the said Commissioners, all and every the Tonnage Rates, Tolls, Duties, and Receipts whatsoever accruing or which should thereafter accrue, be taken, collected, or received under or by virtue of the said Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth, relating to the said Port and Harbour of *Boston*, or either of them, or any other Act or Acts of Parliament relating to the said Port and Harbour, and the Payment of the same Principal and Interest Monies by the Instalments aforesaid was also secured by a Mortgage of certain Lands, Hereditaments, and

3 G. 4. c. 86.

and Premises the Property of the said Mayor and Burgesses, created by certain Indentures of Lease and Release of the Seventh and Eighth Days of *July* One thousand eight hundred and twenty-eight, but the Rate of Interest payable on the said Principal Money secured by the said Mortgages hath since been reduced from Five Pounds to Four Pounds *per Centum per Annum*, by a Warrant under the Hands of Three of the Commissioners of the Treasury, in pursuance of the Powers and Provisions of the said Acts authorizing the Issue of Exchequer Bills: And whereas the Principal Sum of Seven thousand Pounds only now remains due or owing on the said Mortgage Securities, together with a proportionate Part of the current Year's Interest thereon: And whereas by another Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled

5 G. 4. c. 96. *An Act for explaining, amending, and rendering more effectual an Act of His late Majesty, for improving the Outfall of the River* Welland *in the County of* Lincoln, after reciting that the Commissioners under an Act therein recited of the Thirty-fourth Year of King *George* the Third, commonly called the *Welland* Commissioners, had made a navigable Cut or Channel from the Reservoir in the Parish of *Surfleet* to *Fosdyke Bridge* in the Parish to *Fosdyke*, and that great Improvements had thence arisen to the Drainage of the Country, and to the Navigation and Trade of the River *Welland* from the Sea to the Town of *Spalding*, and that further Powers were requisite for the Improvement of the River *Welland* from and below the Staunch fixed across the said River above the Town of *Spalding*, and also below the said Town through *Fosdyke Wash* aforesaid, the said Navigable Cut or Channel and Works, and certain Rates, Taxes, and Assessments, Tolls and Duties, payable in respect thereof, were vested in the Trustees who were appointed or directed to be chosen and appointed for the Execution of such Act, with Powers to make other Improvements, by carrying forward and extending the confined Channel of the River *Welland* below *Fosdyke Bridge*, before the same falls into or unites with the Channel of the River *Witham*, and certain Tonnage and other Rates thereby granted were directed to be applied in executing and perfecting the several Works thereby authorized to be made, and in improving the Channel of the River *Welland* above, in, and through the Town of *Spalding*, and thence to *Fosdyke Bridge*, and in placing Buoys and Beacons below *Fosdyke Bridge*, and in maintaining and improving the Works thereby vested in the said Trustees: And whereas by another Act passed in the Fourth and Fifth Years of His late Majesty King *William* the

4 & 5 W. 4. c. 87. Fourth, intituled *An Act to extend the Powers of several Acts now in force for improving the Port and Harbour of* Boston *in the County of* Lincoln, after reciting that, notwithstanding the Powers given to the said Trustees by the said Act of the Fifth Year of His late Majesty King *George* the Fourth, and the Works which had been executed by the said Trustees by virtue of the said Act, the Channel of the River *Welland* below *Fosdyke Bridge* was extremely defective, and the Navigation thereof greatly obstructed, and after reciting that the new Cut through *Burton's Marsh* to *Hobhole Sluice*, by the said Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth authorized and required to be made, had been completed, but the whole of the Improvements contemplated by the same Act had

not been effected, and some other of the said Works for securing the Channel of the said Port and Harbour within proper Bounds between the Place called *Maud Foster's Gowt* and *Hobhole* remained to be executed, and that by the new Direction which the Cut through *Burton's Marsh* had given to the Passage of the Waters of the River *Witham* the Channel below the Mouth of the River *Welland*, through the *Clays*, into a Place called *Clayhole*, had been improved, but still further Improvements might be made in the Outfall of both the said Rivers *Witham* and *Welland*, it was by the now-reciting Act enacted, that all the Powers and Provisions in the said Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth contained, except so far as the same were thereby altered or varied, should be as effectual for carrying the now-reciting Act into execution as if the same were re-enacted in the Body of the same; and it was thereby also enacted, that it should be lawful for the said Mayor and Burgesses, and they were thereby directed, authorized, and required, from Time to Time, to make, erect, and execute such Works, either in the said River *Welland* below *Fosdyke Bridge*, or in the said River *Witham* between the Grand Sluice and *Clayhole* aforesaid, or in the Improvement of the Outfall of both the said Rivers into *Clayhole*, as should be directed, ascertained, and determined by Two Engineers or One Engineer to be appointed as therein-after mentioned, or their Umpire, to be for the Benefit and Advantage of the Outfalls of both the said Rivers; and it was thereby further enacted, that the said Mayor and Burgesses should pay and apply any Monies to be received by them for Tonnage and Lastage Rates under or by virtue of the said Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of King *George* the Fourth, after Payment of certain Costs and Charges therein mentioned, in Payment of the several Instalments, as they should become due, for or on account of the Principal Monies which had been borrowed of the Exchequer Bills Loan Commissioners by the said Mayor and Burgesses, and the Interest payable in respect thereof, also in making, placing, repairing, and maintaining the Buoys, Beacons, and Sea Marks, and Expences incident or relating thereto within the Limits of the said Port and Harbour, to the Repair of which the said Mayor and Burgesses were then liable, also in Payment of the Expences of maintaining the several Works which had been made, erected, and built by the said Mayor and Burgesses under or by virtue of the said last-recited Acts, and of removing Obstructions which might arise within the said Harbour, and the Costs of the Engineers, and other Costs therein mentioned, to and for the several Purposes therein mentioned, and that the Surplus or Remainder of such Monies should be laid out and applied, subject to the Provisions of the now-reciting Act, in making and executing such Works as therein-before mentioned below *Fosdyke Bridge* in the said River *Welland*, or in the said River *Witham* between the said *Grand Sluice* and *Clayhole* aforesaid, or in the Improvement of the Outfall of both the said Rivers into *Clayhole*: And whereas the Channel of the River *Welland* below *Fosdyke Bridge* has been carried forward and extended, and great Improvements have arisen to the Navigation and Trade of the River *Welland* from the Sea to the Town

of *Spalding*, by means of the Works executed by the Trustees of the River *Welland* acting in execution of the said Act of the Fifth Year of the Reign of King *George* the Fourth, and of an Act for amending the same passed in the First Year of the Reign of Her present Majesty, intituled *An Act to increase the Tonnage Rates and Duties granted by an Act passed in the Fifth Year of the Reign of His late Majesty King* George *the Fourth, for improving the Outfall of the River* Welland *in the County of* Lincoln, *and to alter and enlarge the Powers of the said Act;* but some of the Improvements authorized by the said Acts have not been effected, and the Works by the said Act of the Fourth and Fifth Years of King *William* the Fourth authorized to be executed by the said Mayor and Burgesses of *Boston* in the River *Welland* below *Fosdyke Bridge* have not been executed: And whereas since the passing of the said Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth Difficulties have arisen upon the Construction thereof, and the Improvements contemplated by the same Act have not been effected: And whereas the last-mentioned and other Improvements in the River *Welland* might be more conveniently effected if the said Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth were repealed, and if the Tonnage and Lastage Rates or Duties payable by or in respect of Ships or Vessels navigating the said River *Welland*, or entering into or coming within that Part of the Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the River *Welland*, were transferred and made payable to the Trustees of the River *Welland*, and if the said Trustees were enabled to discharge a Portion of the Debts due by the Mayor and Burgesses of *Boston* (now styled, by virtue of the Municipal Corporations Act, "The Mayor, Aldermen, and Burgesses of the Borough of *Boston*,") in respect of the Improvements of the Port and Harbour of *Boston*, and charged upon the Rates, Tolls, and Duties demanded and taken under the Authority of the said Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth, and if Provision were made for better carrying into effect the Powers of the said Mayor and Burgesses, alone, or jointly with the Trustees of the said River *Welland*, and of the said Trustees, and if some of the Powers and Provisions of the said Acts of the Fifty-second Year of King *George* the Third, and of the Seventh and Eighth Years of King *George* the Fourth, and of the Fifth Year of King *George* the Fourth, and of the First Year of Her present Majesty, were amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth shall be and the same is hereby repealed.

7 W. 4. & 1 Vict. c. 113.

Recited Act 4 & 5 W. 4. c. 87. repealed.

Mayor, &c. of Boston not to demand Tonnage Dues.

II. And be it enacted, That from and after the Day of the Commencement of this Act it shall not be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, or their

their Successors, or any Person acting under their Authority, to demand and take, or cause to be demanded and taken, of or from any Master or Owner of any Ship or Vessel navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or of sailing Seaward from the said River *Welland*, any of the several Tonnage Rates or Duties mentioned in the First Schedule to the said recited Act of the Fifty-second Year of King *George* the Third, any thing contained in the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, or in the said recited Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, to the contrary notwithstanding.

on Vessels navigating the River Welland.

III. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said recited Act of the Fifty-second Year of King *George* the Third and of the said recited Act of the Seventh and Eighth Years of King *George* the Fourth as empowers the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, and their Successors, or any other Person or Persons, to demand and take or recover the several Tonnage Rates or Duties mentioned in the aforesaid First Schedule, so far as relates to or affects any Ships or Vessels navigating the said River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed.

Repealing so much of former Acts as empowers them so to do.

IV. And be it enacted, That from and after the Day of the Commencement of this Act it shall not be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston*, or their Successors, or their Lessee or Lessees, or any Collector, Officer, or other Person acting under their Authority, to demand or take or recover all or any of the several Rates or Duties particularized and mentioned in the Third Schedule to the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, for or in respect of any Wheat, Oats, Barley, or any Kind of Corn, Grain, or Pulse whatsoever, in such Schedule specified or referred to, which shall be shipped or put on board or landed out of any Ship or Vessel, or carried by any Ship or Vessel navigating the River *Welland*, or entering into or coming within or using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*.

Mayor, &c. of Boston not to demand LastageRates on Corn in Ships navigating the Welland.

V. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said recited Act of the Fifty-second Year of the Reign of King *George* the Third as extends to charge any such Corn, Grain, or Pulse, or the Owner or Owners, Consignee or Consignees, or other Person or Persons having the Charge

Repealing so much of former Acts as empowers them so to do.

Charge of any such Corn, Grain, or Pulse, with the Payment of or Liability to pay the several Rates or Duties particularized and mentioned in the said Third Schedule to the said Act, so far as relates to or affects any Wheat, Oats, Barley, or any Kind of Corn, Grain, or Pulse whatsoever, shipped or put on board or landed out of or carried by any Ship or Vessel navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed.

Repealing Regulations of former Acts as to clearing.

VI. And be it enacted, That upon and from the Day of the Commencement of this Act so much of the said several recited Acts of the Fifty-second Year of the Reign of King *George* the Third and of the Seventh and Eighth Years of King *George* the Fourth respectively as enacts that no Collector, Comptroller, or other Officer of Her Majesty's Customs in or belonging to the Port of *Boston* shall permit or allow any Ship or Vessel on which any such Tonnage Rates or Duties as aforesaid are thereby made payable to be entered Inwards, or cleared or permitted Outwards, unless and until the Master or other Person having Charge of such Ship or Vessel shall have paid such Tonnage Rates or Duties, and produced the Certificate of Payment therein mentioned, and as enacts that no such Collector, Comptroller, or other Officer shall permit or allow any Goods or Merchandize to be landed from any Ship or Vessel entered Inwards, or permit or suffer any Ship or Vessel to be cleared Outward, unless and until the Master or other Person having the Charge of any such Ship or Vessel shall have paid the Tonnage Rates and Duties aforesaid, and have produced the Certificate of Payment therein mentioned, so far as relates to or affects any Ships or Vessels navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed: Provided always, that nothing herein-before contained shall extend or be construed to extend to exempt any Ship or Vessel which shall break Bulk below, or which shall enter and navigate the River *Witham* above the Point of Junction of the Rivers *Witham* and *Welland*, or the Cargo of such Ship or Vessel, or any Master, Owner, or Consignee thereof, from the Payment of any of the Rates or Duties mentioned in and chargeable under the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third, and the Seventh and Eighth Years of King *George* the Fourth, or of this Act, unless and except such Ship or Vessel shall have been driven into and compelled to navigate the said River *Witham* by or in consequence of any Storm, Tempest, contrary Wind, or other Distress of Weather, and shall not break Bulk within the Limits thereof.

Proviso as to Vessels entering the Witham.

Repealing Penalties as

VII. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said several recited Acts of the

the Fifty-second Year of King *George* the Third and of the Seventh and Eighth Years of King *George* the Fourth respectively as imposes any Forfeiture or Penalty on any Master or Owner or Owners or other Person or Persons having Charge or Command of any Ship or Vessel navigating the said River *Welland*, or entering into, coming within the Limits of, and using that Part of the Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, for Refusal or Neglect to pay any of the Rates or Duties therein mentioned, or as subjects any Ships, Vessels, Hoys, Boats, Barges, Lighters, or other Craft coming into the said last-mentioned Part of the said Port and Harbour, and navigating within the Limits thereof, for the Purpose of entering into or navigating within the said River *Welland*, and the Cargoes of which, or any Part thereof, shall be delivered in any Part of the said River or Wash, to the Rules, Bye Laws, and Regulations therein mentioned, shall be and the same is hereby repealed: Provided always, that nothing herein-before contained shall extend to release any Master or other Person having Charge or Command of any Ship or Vessel which shall enter and navigate the River *Witham* above the Point of Junction of the Rivers *Witham* and *Welland*, or break Bulk or take in Ballast in the said River *Witham* above the said Point of Junction, or enter into and come within the Limits of and use that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for other Purposes than those herein mentioned, from Liability to pay or from Payment of any Forfeiture or Penalty for any such Refusal or Neglect, or from the Observance of such Rules, Bye Laws, and Regulations, or from any Penalty for the Non-observance thereof, as in the said recited Act of the Fifty-second Year of King *George* the Third mentioned and contained.

to Ships navigating the Welland.

Ships entering the Witham not to be excepted.

VIII. And be it enacted, That all Powers, Provisions, Regulations, Matters, and Things whatsoever contained in the said several recited Acts of the Fifth Year of the Reign of King *George* the Fourth and of the First Year of the Reign of Her present Majesty, relating to Ships or Vessels navigating the River *Welland*, and Persons commanding or employed in such Ships or Vessels, and to the collecting, receiving, recovering, and applying the Tolls, Rates, and Duties thereby charged, or authorized to be charged, levied, recovered, and applied, and to the making any Improvements or Works in the River *Welland*, and to any Acts, Matters, and Things authorized to be done respecting the same, and to any Offences in respect of such Matters, shall extend to this Act, and shall and may be executed and performed by the Trustees for executing the said Two last-mentioned Acts and this Act for the Purposes of this Act, with reference to Ships or Vessels navigating the River *Welland*, and Persons commanding or employed in such Ships or Vessels, and to the collecting, receiving, recovering, and applying the Tolls, Rates, and Duties mentioned and specified in the First and Second Schedules to this Act annexed respectively marked (A.) and (B.), and to any Improvements, Works, Acts, Matters, and Things by this Act authorized to be done by the said Trustees, and to any Offences against this

Provisions of the Welland Acts extended to this Act.

this Act in respect of such Matters, as effectually as if the same were repeated and re-enacted in the Body of this Act, and were made Part thereof, but, nevertheless, so that no Injury be occasioned by any such Improvement or Works to the Channel or Waters of the said River *Witham*.

Tonnage Rates to be hereafter paid to Welland Trustees.

IX. And be it enacted, That from and after the Day of the Commencement of this Act it shall be lawful for the Trustees for the Time being acting under the Authority or in the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, and for such Collectors, Officers, or Persons respectively as they shall appoint in that Behalf, from Time to Time to demand and take, or cause to be demanded and taken, of or from the Master or Owner of every Ship or Vessel entering into or coming within or sailing from or using the said River *Welland*, the several Tonnage Rates or Duties mentioned in the First Schedule marked (A.) to this Act annexed, for every Ton of the Burden of every such Ship or Vessel, the Amount of the Number of Tons of each and every such Ship or Vessel to be ascertained in the Manner required by Law; which said Tonnage Rates or Duties shall be paid at such Place or Places as the said Trustees for that Purpose shall appoint; and no Ship or Vessel shall be cleared at or depart from or out of the said River *Welland* before the said Tonnage Rate or Duty shall have been paid.

For deciding Disputes as to Rates in respect of certain Craft, &c.

X. Provided always, and be it enacted, That should any Doubt or Dispute arise as to the Liability to Payment of the several Tonnage Rates or Duties in respect of any Kind or Description of Raft, Craft, or Floating Vessel the Tonnage whereof cannot be ascertained according to the Rules of Admeasurement established by Law, such Doubt or Dispute shall be decided by a Justice of the Peace, who, upon Application made to him for that Purpose, shall have Power to decide what Amount, if any, of Rates or Duties shall be paid for or in respect of such Raft, Craft, or Floating Vessel, and the Decision of such Justice shall be final; and all Expences occasioned thereby shall be borne and paid either wholly or in part by the complaining or defending Parties, as the Case may be, according as such Justice may direct, and the Amount of such Expences shall be levied and recovered in the same Manner as the Rates or Duties under this Act are authorized to be levied and recovered.

Ships driven in by Stress of Weather not to be charged.

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

Ships in Her Majesty's Service exempt.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Ship, Transport, or Packet of Her Majesty, or any other Vessel employed

ployed in Her Majesty's Revenues of Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship, Transport, or Packet employed in carrying the Mail or Expresses under the Authority of Her Majesty's Postmaster General, or any Vessel employed in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them respectively belonging, or any Yacht, Barge, or Boat of or in the Employ of the Master, Wardens, and Assistants of the Corporation of *Trinity House* of *Deptford Strond*, whilst the same shall be in the actual *bonâ fide* Service of the said Master, Wardens, and Assistants; and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Tonnage of British registered Vessels to be ascertained by the Register; that of other Vessels by Measurement, according to 5 & 6 W. 4. c. 56.

XIII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment to the said Trustees of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

Lastage Rates to be paid to the Welland Trustees.

XIV. And be it enacted, That from and after the Day of the Commencement of this Act there shall be paid and payable to the Trustees for the Time being, acting under the Authority or in the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, and the Lessee or Lessees of such Trustees, for all Corn, Grain, and Pulse shipped or put on board, or landed out of or carried by any Ship or Vessel, Ships or Vessels, within the said River *Welland*, by the Owner or Owners, Consignee or Consignees, or the Person or Persons having the Charge of such Corn, Grain, or Pulse, the several Rates or Duties particularized, mentioned, and set forth in the Second Schedule marked (B.) to this Act annexed.

Allowing the Welland Trustees to reduce the Rates.

XV. And be it enacted, That it shall be lawful for the said Trustees of the River *Welland*, at any of their Meetings to be held in pursuance of the said recited Act of the Fifth Year of King *George* the Fourth, or of the First Year of Her present Majesty, or of this Act, to lessen and reduce, and again to raise and advance, all and every or any of the several and respective Rates and Duties by this Act granted or made payable to the said Trustees, or any Part thereof respectively, and to order the same to be collected, levied, and taken in such Manner as they shall appoint, but nevertheless so that such Rates or Duties respectively shall never be increased to an Amount exceeding the Sum by this Act established; and from and after such reduced or increased (as the Case may be) Rates or Duties respectively

tively shall have been from Time to Time fixed and determined, and such new Rates and Duties shall be paid and payable, the Order of the said Trustees respecting the same shall be of as full Force and Effect, and there shall be the same Remedies for enforcing and compelling the Payment thereof, as if the then subsisting Amount of the said several Rates and Duties respectively had been expressed and specified in this Act, or in the said First and Second Schedules respectively; and each of the said Schedules is hereby declared to be and shall be taken as Part of this Act, as forcibly and effectually as if the same had been set out or inserted in the Body of this Act:

Rates not to be reduced without Consent of Creditors.

Provided always, that no Reduction shall at any Time be made in the Amount of the said Rates or Duties respectively, unless Twenty-one Days Notice of the Intention to propose the same shall be given in some Newspaper usually circulated in the County of *Lincoln*, nor shall any such Reduction be made while any Mortgage Debt or other Security for Money shall be charged thereon or payable therefrom, without the Approbation or Consent of the Mortgagee or Mortgagees or other Creditor or Creditors respectively.

Lords of the Treasury, &c. may reduce Rates on Foreign Vessels and Goods.

XVI. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Her or their Order in Writing, to reduce the Rates and Duties hereby made payable on all or any Vessels not entitled to the Privileges of *British*-built Vessels, and on all or any of the Corn, Grain, or Pulse, or Goods, imported or exported in Vessels not entitled to such Privileges, to the same and like Rates and Duties as shall from Time to Time be payable in respect of *British* Vessels, or the Corn, Grain, or Pulse, or Goods, imported or exported in them, in pursuance of this Act.

Rates to be charged equally.

XVII. Provided always, and be it enacted, That the several Rates or Duties authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

Masters to report Arrival of Vessels within Six Hours of Arrival in the River.

XVIII. And be it enacted, That the Master or Commander of any Vessel liable to any of the Rates or Duties by this Act transferred and made payable to the Trustees of the River *Welland* shall, within Six Hours after the Arrival of such Vessel in the said River *Welland*, report to the Harbour Master or other Person to be appointed by the said Trustees to receive such Report for the Time being the Arrival of such Vessel, and the Place from whence it came; and any Master or Commander of any such Vessel who shall fail to make such Reports within the Time aforesaid shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Master of Vessel to produce Certificate of Registry.

XIX. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the said Trustees to collect the Rate or Duty in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such

such Certificate to any such Person, on Demand, he shall forfeit any Sum not exceeding Twenty Pounds.

Recovery of Rates by Distress of Ship and Tackle.

XX. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates or Duties shall be payable to the said Trustees shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Trustees to collect such Rates or Duties to go on board of such Vessel, and demand such Rates and Duties, and on Nonpayment thereof or any Part thereof to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates and Duties shall be paid; and in case any of the said Rates or Duties shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more Sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates and Duties so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, on Demand.

Masters of Vessels to give Accounts of Corn, &c. intended to be unshipped within the Welland, &c.

XXI. And be it enacted, That when the Cargo of any Vessel arriving within the said River *Welland*, or any Part of such Cargo, shall be intended to be unshipped within the said River *Welland*, the Master or Commander of such Vessel shall, within Twelve Hours after the Arrival of such Vessel within the said River *Welland*, deliver to the Person for the Time being appointed by the said Trustees to collect the Rates or Duties by this Act transferred and made payable to the said Trustees the following Particulars; (that is to say,)

The Name of the Consignee of the Cargo or Part of the Cargo of such Vessel intended to be unshipped within the said River *Welland*:

And if the whole Cargo of such Vessel shall be intended to be unshipped within the said River *Welland*, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel:

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds and Quantities of the Corn, Grain, or Pulse intended to be so unshipped:

And every such Master or Commander shall, if required by the Person appointed to collect the said Rates or Duties, give to such Person Twelve Hours Notice of the Time at which the Cargo of such Vessel or any Part of the same is intended to be unshipped.

Penalty on Masters giving no Account, or a false Account.

XXII. And be it enacted, That any Master or Commander of any Vessel, the Cargo or Part of the Cargo of which shall be intended to be unshipped within the said River *Welland*, who shall fail to deliver or give any of the Particulars or the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particular or Notice, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Master of Vessel to give an Account of Corn, &c. intended to be shipped.

XXIII. And be it enacted, That the Master or Commander of any Vessel within the said River *Welland*, on board of which any Corn, Grain, or Pulse shall be shipped, shall give to the Person for the Time being appointed by the said Trustees to collect the Rates or Duties by this Act made payable to the said Trustees a true Account, signed by the Consignor, of the Kinds and Quantities of the Corn, Grain, or Pulse before the same shall be shipped in such Vessel; and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor who shall sign a false Account of any such Corn, Grain, or Pulse, shall respectively for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

In case of Dispute, the Corn, &c. to be measured.

XXIV. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed by the said Trustees to collect the Rates or Duties by this Act made payable to the said Trustees, and the Master or Commander of any Vessel, or the Owner, Consignor, or Consignee of any Corn, Grain, or Pulse, concerning the Measure or Quantities of any Corn, Grain, or Pulse in respect of which any Rates or Duties are payable to the said Trustees by this Act, it shall be lawful for such Collector to cause all such Corn, Grain, or Pulse to be measured, and, if necessary, to detain the Vessel in which such Corn, Grain, or Pulse may be until the same shall have been measured.

Expences of measuring.

XXV. And be it enacted, That if the Corn, Grain, or Pulse so measured shall be of greater Quantity or Measure than shown from the Manifest, Account, or Statement delivered or made by the Master or Commander of the Vessel in which the same may be, or by the Owner, Consignor, or Consignee thereof, the Expences of such measuring shall be paid to the Trustees or their Collector, and shall be recovered by the said Trustees or their Collector by the same Means as herein provided for the Recovery of Rates or Duties due in respect of such Corn, Grain, or Pulse; but if such Corn, Grain, or Pulse shall be of the same or less Measure or Quantity than shown by the Manifest, Account, or Statement so delivered or made as aforesaid, the said Trustees shall pay all the Expences of such measuring, and shall also pay to the Master or Commander of the Vessel, or to the Owner, Consignor, or Consignee of such Corn, Grain, or Pulse, all Expences which may be occasioned to any such Person by reason of such measuring.

Rates on Corn, &c. by whom and when payable.

XXVI. And be it enacted, That the Rates and Duties payable to the said Trustees in respect of any Corn, Grain, or Pulse shipped or unshipped within the said River *Welland* shall be paid as follows; (that is to say,) if such Corn, Grain, or Pulse shall be shipped, such Rates and Duties shall be paid by the Owner or Consignor of such Corn, Grain, or Pulse previous to the Shipment of the same, or if such Corn, Grain, or Pulse shall be unshipped, such Rates and Duties shall be paid by the Owner or Consignee of such Corn, Grain, or Pulse, on Demand made by any Person appointed by the said Trustees to receive the same.

XXVII. And

Recovery of Rates on Corn, &c.

XXVII. And be it enacted, That if Default be made in the Payment of any Rates or Duties payable under this Act, in respect of any Corn, Grain, or Pulse, it shall be lawful for the Person for the Time being appointed by the said Trustees to collect such Rates or Duties to distrain any such Corn, Grain, or Pulse; or if the same shall be removed without the said River *Welland*, to distrain any other Corn, Grain, Pulse, Goods, Articles, or Things within the said River *Welland* belonging to the Person liable to pay such Rates or Duties, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates and Duties due to the said Trustees; or it shall be lawful for the said Trustees to recover such Rates and Duties by Action in any of the Superior Courts; provided that the Person collecting any such Rates or Duties shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Rates may enter Vessels.

XXVIII. And to the end that the Rates and Duties by this Act transferred to the said Trustees may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the said Trustees to collect any such Rates or Duties to enter, either alone or with any other Persons, into any Vessel within the said River *Welland*, and to ascertain the Rates and Duties payable in respect of any such Vessel, or of any Corn, Grain, or Pulse therein.

Penalty on evading Payment of Rates.

XXIX. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates or Duties payable to the said Trustees, he shall pay to them Three Times the Amount of such Rates or Duties, and the same shall be recovered from such Master or Commander in the same Manner as Penalties imposed by this Act may be recovered, or by Action in any of the Superior Courts.

Collector of Customs may withhold a Discharge to any Vessel until Rates paid.

XXX. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said River *Welland*, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report, Inwards or Outwards, for any Vessel liable to the Rates or Duties by this Act transferred to the said Trustees, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate under the Hand of the Person appointed by the said Trustees to collect such Rates and Duties, that the Rates and Duties payable under this Act in respect of such Vessel, and of any Corn, Grain, or Pulse carried or conveyed by such Vessel, have been paid.

Disputes concerning Rates and Distress to be settled by a Justice.

XXXI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates or Duties due to the said Trustees, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector appointed as

as aforesaid to summon the Person from whom such Rates or Duties shall have been demanded to appear before Two or more Justices of the Peace, or where any Distress shall have been taken, for the Person distraining to detain such Distress until the Amount of the Rates and Duties due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by such Justices of the Peace, who, upon Application made to them for that Purpose, shall determine the Amount of the Rates and Duties due, or the Charges occasioned by any Distress, and award such Costs to be paid by either of the Parties to the other of them as they shall think reasonable; and such Duties and Costs, if not paid on Demand, shall be levied by Distress and Sale, and such Justices shall issue their Warrant accordingly.

Lists of Rates to be set up.

XXXII. And be it enacted, That the said Trustees shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed in the Front of the principal Office of the Collector for the Time being of the Rates and Duties by this Act transferred to the said Trustees, and on some conspicuous Part of the Quays of the said River *Welland*, a List of the several Rates or Duties which shall be from Time to Time payable to the said Trustees by virtue of this Act; and no such Rate or Duty shall be payable during such Time as such Lists shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates and Duties shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such Lists had continued affixed and in the State required by this Act.

Power to appoint Harbour Masters.

XXXIII. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to appoint such Harbour Masters and other Officers and Persons as they shall think necessary for the Purposes of this Act, in respect of the Rates and Duties by this Act transferred and made payable to the said Trustees, and at Pleasure to remove such Harbour Masters, Officers, and Servants.

Power of Harbour Master.

XXXIV. And be it enacted, That it shall be lawful for such Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the said River *Welland*, and the Position, mooring or unmooring, placing or removing, of any Vessel within the said River:

For regulating the Manner in which any Vessel shall take in or discharge its Cargo or any Part thereof, or shall take in or deliver Ballast within the said River:

For regulating the Government of any Vessel within the said River.

Penalty on Harbour Master, &c. unreasonably

XXXV. And be it enacted, That in case any Harbour Master, Officer, or Person appointed under this Act shall without reasonable Cause exercise any of the Powers or Authorities vested in him by

this Act, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds. exercising Powers.

XXXVI. And be it enacted, That the Master or Commander of every Vessel within the said River *Welland* shall regulate such Vessel according to the Directions of the Harbour Master for the Time being made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice in Writing, signed by the said Harbour Master, of any such Direction, served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Twenty Pounds. Penalty on not complying with Directions of the Harbour Master.

XXXVII. And be it enacted, That if the Master or Commander of any Vessel within the said River *Welland* shall not moor, unmoor, place, or remove such Vessel, according to the Directions of the said Harbour Master for the Time being in Writing given to the said Master or Commander, it shall be lawful for any such Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed, according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and determined by Two or more of the Justices of the Peace for the Division of *Holland* in the County of *Lincoln*, and on Nonpayment of the same, on Demand, such Expences and Costs shall be levied by Distress of the Goods and Chattels of such Master or Commander, and such Justices shall issue their Warrant accordingly. Power of Harbour Master to remove Vessels.

XXXVIII. And be it enacted, That if any Master or Commander of any Vessel within the said River, or any Person on board the same, shall hinder the said Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds. Penalty on Master or Commander of Vessels for obstructing Harbour Master.

XXXIX. And be it enacted, That if any Master or Commander, or other Person on board of any Vessel which shall be moored or fastened within the said River, shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or, if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel. Harbour Master may cut Ropes.

Harbour Master may remove Wrecks, &c.

XL. And be it enacted, That it shall be lawful for the said Harbour Master for the Time being to remove any Wreck and other Obstruction and any floating Timber within the said River *Welland* which may impede the Navigation, and the Expence of removing any such Wreck, Obstruction, or floating Timber shall be repaid by the Owner of the same.

Bye Laws.

XLI. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating the placing and removing of Vessels in respect of which the Rates and Duties by this Act transferred and made payable to the said Trustees shall be payable, entering, lying in, or going out of the said River *Welland*, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Harbour Master to be appointed by the said Trustees:

For regulating the Duties and Conduct of all Persons, as well the Servants of the said Trustees as others, who shall be employed by them in the Execution of this Act within the River *Welland*:

Provided always, that such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and have thereto the Names of Five of the said Trustees, and, if affecting other Persons than the Officers or Servants of the said Trustees, be printed and published as herein provided; and it shall be lawful for the said Trustees, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, so that any such Alteration or Amendment be not repugnant to such Laws of *England* as aforesaid.

Penalty for enforcing Bye Laws.

XLII. And be it enacted, That it shall be lawful for the said Trustees by the Bye Laws so to be made by them to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

XLIII. And be it enacted, That no Bye Law which shall be made by the said Trustees under the Authority of this Act, except such as may relate solely to the Officers or Servants of the said Trustees, shall be valid or binding unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the Division of *Holland* in the County of *Lincoln*; and it shall be incumbent on such Justices, on the Request of the said Trustees, to inquire into any Bye Laws which may be tendered to them for that Purpose, and to allow or disallow of the same as they shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lincoln* One Month at least before the hearing of such Application; and any Person aggrieved by or objecting to any such Bye Law, on giving

Notice of the Nature of his Objection to the said Trustees Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

A Copy of proposed Bye Laws to be open to Inspection.

XLIV. Provided always, and be it enacted, That for One Month at least previous to any such Confirmation a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk of the said Trustees; and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the said Trustees with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

Publication of Bye Laws.

XLV. And be it enacted, That such Bye Laws, when confirmed, shall be painted on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Collector for the Time being of the Rates and Duties by this Act transferred to the said Trustees, and also on some conspicuous Part of the Quays of the said River *Welland*, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Bye Laws to be binding.

XLVI. And be it enacted, That such Bye Laws when so confirmed shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

XLVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the said Trustees, authenticated by the Signatures of Three of them, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that painted Boards containing a Copy thereof were affixed or continued in the Manner by this Act directed; and in case of any such Boards being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed, or continued to be affixed, as required by this Act.

Penalty on pulling down Boards used for Publication of Bye Laws.

XLVIII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board put up for the Purposes of this Act, on which any Bye Law of the said Trustees, or any Rate to be taken under this Act, shall be painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

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

XLIX. And be it enacted, That the said Trustees for the Time being shall or may sue and be sued in any Action or Suit to be commenced or prosecuted in respect of any Matter or Thing arising out of this Act in the Name of the Clerk of the said Trustees, and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Trustees, or by reason of the

the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but the Proceedings in every such Action or Suit shall be carried on to Execution, if necessary, in the Name of the Clerk by or against whom such Action or Suit shall have been commenced.

Trustees may sue in their own Names.

L. And be it enacted, That the said Trustees shall and may sue and prosecute the Clerk, Treasurer, or other Officer to be by them appointed as aforesaid in their own Names or in the Names of any Three or more of them, in respect of any Matter or Thing arising out of this Act, and that no such Action as last mentioned shall abate or be discontined by reason of the total or partial Change of the said Trustees or any of them.

Welland Trustees to pay Proportion of Expence of Buoys and Beacons.

LI. And be it enacted, That from and after the Day of the Commencement of this Act the Trustees acting in execution of the said recited Acts of the Fifth Year of the Reign of King *George* the Fourth, and of the First Year of Her present Majesty, and of this Act, shall and they are hereby required to pay to the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, by and out of the Monies to be from Time to Time received by virtue of this Act, for and towards the Expences which shall be from Time to Time incurred by the said Mayor, Aldermen, and Burgesses of the Borough aforesaid, in supporting, repairing, and maintaining the Buoys, Beacons, and Sea Marks in and belonging to the said Port and Harbour of *Boston*, a Sum of Money equal to One Third Part of such Expences; and such Payment shall be made from Time to Time annually, within Thirty Days after an Account and Statement shall be delivered by or by the Order of the said Mayor, Aldermen, and Burgesses of the said Borough to the said Trustees or any One of them, or to their Clerk for the Time being, setting forth the Particulars and Amount of the said Expences, and the Sum claimed; and in case of Refusal or Neglect of the said Trustees for the said Space of Thirty Days after Delivery of such Account to pay the Sum due and payable thereupon, the same may be recovered by the said Mayor, Aldermen, and Burgesses from the said Trustees or their Clerk, by Action of Debt, together with full Costs of Suit in any of Her Majesty's Courts of Record at *Westminster*.

Indemnity to Trustees and Clerk.

LII. And be it enacted, That every such Trustee or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Trustees, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Trustees by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Trustee or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Trustee or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Three Trustees, or more, as aforesaid, it have been so brought without the Order or Direction of the Trustees.

LIII. And

Improvement of the River Witham.

LIII. And in order that the Improvements contemplated by the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, hereby repealed, may be effected, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid to execute any Works for the Improvement of the Navigation of the River *Witham* between the Place called the *Grand Sluice* aforesaid and the Point of Confluence of the Waters of the said Rivers *Witham* and *Welland*, by training, leading, or directing the Waters of the said River *Witham* in a confined Channel towards the Sea, before the same falls into or unites with the Channel of the River *Welland*, and by making, securing, continuing, and maintaining the Channel of the said Port and Harbour of *Boston*, from the said *Grand Sluice* to the said Point of Confluence of the Waters of the *Witham* and the *Welland*, within proper Bounds, for the Use of the Navigation therein; but, nevertheless, so that no Injury be thereby caused or occasioned to the Channel of the said River *Welland* at the Point of its Confluence with the said River *Witham*, or to the Outfall of the Waters of the said Rivers.

Improvement of the Outfall.

LIV. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, and for the said Trustees of the River *Welland*, conjointly, and the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid and the said Trustees of the River *Welland* are hereby required, conjointly, to do or execute any Acts or Works for the Improvement of the Outfall of the said Rivers *Witham* and *Welland* into *Clayhole*, between the Point of Confluence of the said Rivers and *Clayhole*, as shall be for the Benefit and Advantage of the Outfall of both the said Rivers.

Notice to be given of such Improvements.

LV. Provided always, and be it enacted, That when it shall appear advisable to the said Mayor, Aldermen, and Burgesses, or to the Trustees of the River *Welland*, to commence any such Works as aforesaid, Notice thereof shall be given by either Party to the other of the same, which Notice shall be left in Writing at the Office of the Town Clerk of *Boston* aforesaid, or of the Clerk of the said Trustees, as the Case may be; and the said Mayor, Aldermen, and Burgesses, and the said Trustees of the River *Welland*, shall, within One Month from the Receipt of such Notice, each appoint Three of their Number to meet together, and communicate such Appointment to the other of the said Parties by Writing, to be left as aforesaid; and the Six Persons so to be nominated, or the Majority of them, shall decide as to where and at what Time and in what Manner such Work shall commence and be constructed; and if at any Time or Times any Person or Persons who shall have been nominated as aforesaid shall, before any Matter which shall have been referred as aforesaid shall have been decided, die, desire to be discharged from or become incapable to act therein, his Place shall be supplied by the Body by whom he shall have been appointed as aforesaid, and so from Time to Time as Occasion shall require; and if either of the said respective Bodies shall not within the said One Month appoint Three of their Number for this Purpose, and communicate

municate such Appointment as aforesaid, it shall be lawful for the other of the said Bodies to take on themselves exclusively the Consideration of the Propriety of commencing such Works, and to decide thereon in the same Manner as a Board consisting of Three Members from each Body is by this Act authorized to do.

The Expences of such Works to be paid in such Proportions as Engineers nominated for that Purpose shall determine.

LVI. And be it enacted, That all Expences of and incidental to the Execution of the said last-mentioned Works shall be paid by the said Mayor, Aldermen, and Burgesses, and by the said Trustees, respectively, in such Parts and Proportions as the Persons so nominated and appointed as aforesaid shall mutually agree upon, or as shall be determined and awarded by some Civil Engineer, to be by the said Mayor, Aldermen, and Burgesses, and the said Trustees, mutually nominated and approved in that Behalf; and in case they shall not agree in such Nomination, then the Parts and Proportions in which the said last-mentioned Expences shall be borne and defrayed by the said several Parties shall be determined and awarded by Two Civil Engineers, one of whom shall be nominated by the said Mayor, Aldermen, and Burgesses, and the other of whom by the said Trustees; and the said Parties respectively are hereby directed and required to make such last-mentioned Nomination accordingly; and if either Party shall refuse to make such Nomination within One Month after Notice requiring them so to do shall be left at their Office, or delivered to their Clerk, and signed by the Clerk of the Party making such Requisition, it shall be lawful for the said last-mentioned Party to appoint both the said Civil Engineers for the Purposes aforesaid.

Umpire.

LVII. And be it enacted, That in the event of Two Engineers being appointed under any of the Powers herein-before in that Behalf contained, they the said Engineers, before they proceed to act in the Premises under such Reference, shall appoint by Writing under their Hands some able and experienced Engineer to act as an Umpire in case any Difference of Opinion shall arise between them, and in the event of any such Difference of Opinion the said Engineers or either of them are and is hereby required and authorized to call to their Assistance the Person who shall have been so nominated for Umpire, and who shall decide upon the Matter upon which such Difference of Opinion shall have arisen, and the Determination, Order, or Award of the said Two Engineers, touching so much of the Subject Matter of any such Reference as they shall agree upon, and the Determination, Order, or Award of the said Umpire touching so much of the Subject Matter of such Reference as the said Engineers shall not agree upon, shall be final and conclusive upon all Persons and Parties whomsoever: Provided always, that all Expences which may be incurred in respect to the Employment of or Reference to any Engineer or Engineers under the Provisions of this Act shall be paid in equal Proportions by the said Mayor, Aldermen, and Burgesses, and the said Trustees.

No Works below High-

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Mayor, Aldermen, and Burgesses,

gesses, or the said Trustees, to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

water Mark, without the Consent of the Admiralty.

LIX. And whereas the said Exchequer Bills Loan Commissioners, under the Provisions of the herein-before mentioned or of intervening Acts passed for amending the same, or for granting Powers for the like Purposes, did, on or about the Ninth Day of *November* One thousand eight hundred and thirty-five, advance and lend to the said Mayor and Burgesses the further Sum of Three thousand Pounds in Exchequer Bills, for making or completing other Works in the said River *Witham*, the Repayment of which Sum of Three thousand Pounds by an annual Instalment of One hundred and fifty Pounds on account of Principal, with Interest at Five Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, was secured to the said Commissioners by an Indenture of Mortgage under the Seal of the said Mayor and Burgesses, bearing Date the said Ninth Day of *November* One thousand eight hundred and thirty-five, whereby the said Mayor and Burgesses did assign to *John Strettell Brickwood* Esquire, the then Secretary of the said Commissioners, all the Tonnage and Lastage Rates, Tolls, Duties, and Receipts whatsoever accruing or arising, or which might thereafter accrue, arise, and be received by virtue of the said Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth: And whereas the Principal Sum of Two thousand one hundred Pounds only now remains due or owing on the said lastly-recited Mortgage Security, together with a proportionate Part of the current Year's Interest thereon: And whereas it is expedient that Provision should be made for securing to the Commissioners the due and regular Payments of the said Instalments and Interest, notwithstanding the Transfer by this Act of the Collection and Receipt of the said Rates and Duties from the said Mayor and Burgesses to the said River *Welland* Trustees, and also that the Tonnage and Lastage Rates, Tolls, and Duties, transferred by this Act to the said Trustees of the River *Welland*, and the said Trustees of the River *Welland*, shall not be in any respect liable to repay the said several Advances so as aforesaid made by the said Commissioners, with Interest after the Rate and in the Manner provided by the said several recited Indentures of Mortgage for securing the Payment thereof respectively; be it therefore enacted, That from and after the Commencement of this Act all the Tonnage and Lastage Rates, Tolls, Duties, and Receipts by this Act transferred to the said Trustees of the River *Welland*, or intended so to be, shall be freed, exonerated, and for ever discharged of and from the Parts remaining due or owing and unpaid of the said Sums of Twenty thousand Pounds and Three thousand Pounds respectively secured by the herein-before recited Indentures of Mortgage, and every Part thereof respectively, and all Interest in respect thereof, and all Powers and Remedies for enforcing Payment of the same.

Mortgages to Exchequer Loan Commissioners.

Tonnage and Lastage Duties, hereby transferred to Welland Trustees, discharged from such Debt;

LX. Pro-

but Liability of other Boston Harbour Dues not to be discharged.

LX. Provided always, and be it enacted, That nothing in this Act contained shall be deemed, construed, or taken to release or discharge from the Payment of the said Sums and Interest respectively, or any Part thereof, any other Rates, Tolls, Duties, or Premises than such as are herein-before expressly discharged as aforesaid, but that all other Tonnage, Lastage, and other Rates, Tolls, Duties, and Receipts, accruing, arising, or belonging, or which shall hereafter accrue, arise, or belong to the said Mayor and Burgesses of *Boston*, under or by virtue of the said recited Acts of the Fifty-second Year of King *George* the Third, and of the Seventh and Eighth Years of King *George* the Fourth, or either of them, or any Acts which may be hereafter passed for amending or extending the Powers and Provisions of the same Acts, together with the said Lands, Hereditaments, and Premises comprised in the said secondly herein-before recited Security of the Eighth Day of *July* One thousand eight hundred and twenty-eight, shall continue and be charged with the said Sums and Interest, in like Manner, and subject to the same Powers and Remedies for obtaining Payment thereof respectively, as if the same had been alone originally comprised in the said Mortgage Securities.

Welland Trustees to pay 5,000*l.* to Mayor and Burgesses of Boston, as their Proportion of the Debt.

LXI. And be it enacted, That the said Trustees of the River *Welland* for the Time being, acting under and by virtue and in execution of the above-recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, or of this Act, shall pay to the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid the Sum of Five thousand Pounds, within Three Months from and after the passing of this Act, as and for their Proportion of the Sums of Money remaining due and owing to the said Exchequer Bills Loan Commissioners as aforesaid; and the Receipt in Writing of the Treasurer for the Time being of the ordinary Revenues or other Funds of the said Port and Harbour for the said Sum of Five thousand Pounds, or for any Part or Portion thereof, shall be an effectual Discharge for the Money therein expressed to be received; and after full Payment of the said Sum of Five thousand Pounds, the said Mayor, Aldermen, and Burgesses shall cause a Declaration and Notice thereof to be inserted in the *London Gazette*, or be otherwise published in some One or more Newspaper or Newspapers printed or usually circulated in the said County of *Lincoln*, and such Notice shall be legal Evidence of the Payment thereof.

The Transfer of the Rates to the Welland Trustees not to operate until the 5,000*l.* be paid.

LXII. Provided always, and be it enacted, That, until the said Sum of Five thousand Pounds shall have been fully paid to the said Mayor, Aldermen, and Burgesses, it shall not be lawful for the said Trustees of the said River *Welland*, or for any Person or Persons on their Behalf, to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties intended to be hereby transferred to them as aforesaid, or to exercise any of the Powers or Authorities hereby conferred upon the said Trustees, except the Power herein-after contained for enabling the said Trustees to borrow and take up at Interest the said Sum of Five thousand Pounds, any thing herein-before contained to the contrary notwithstanding; but that until the Payment of the said Sum of Five thousand Pounds the said Mayor, Aldermen, and Burgesses shall have and retain the same Powers and Authorities of

of collecting and recovering Payment of the Rates, Tolls, and Duties, and of applying the same, under the Authority of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and of the Seventh and Eighth Years of the Reign of King *George* the Fourth, as they would have had in case this Act had not been passed.

Welland Trustees may borrow 5,000*l.* on the Security of the Rates hereby transferred.

LXIII. And be it enacted, That it shall be lawful for the said Trustees for the Time being acting in and for the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, and of this Act, to borrow at Interest, on the Credit of all or any of the Rates and Duties by this Act intended to be transferred and made payable to and receivable by them as aforesaid, and of all or any Part of the annual Rates, Taxes, and Assessments payable to and receivable by them the said Trustees under and by virtue of the said recited Act of the Fifth Year of King *George* the Fourth, any Sum of Money not exceeding the Sum of Five thousand Pounds, and for securing the Repayment of the Monies so borrowed, with Interest, the said Trustees, or any Seven of them, may assign over the same Rates and Duties, Taxes and Assessments respectively, or any of them, or any Part thereof respectively, to the Person who shall advance or lend such Money, or his Trustee as a Security, for the Payment of the Money so to be borrowed, together with Interest for the same; and the Receipt or Receipts of the Treasurer of the said Trustees for the Time being shall be a good and sufficient Discharge to the Person or Persons lending such Money for so much Money as shall be expressed in such Receipt or Receipts; and the Person or Persons lending any such Money to the said Trustees shall not, after taking any such Receipt or Receipts, be liable to see to the Application of the Money which shall be thereby expressed to be received, or in any way accountable for any Misapplication or Nonapplication thereof.

Money so borrowed to be applicable to paying the Contribution.

LXIV. And be it enacted, That the Money to be borrowed under the Power lastly herein-before in that Behalf contained shall be primarily applicable to the Payment of the said Sum of Five thousand Pounds herein-before directed to be paid to the said Mayor, Aldermen, and Burgesses, or to the Payment of so much and such Part thereof as may not have been or shall not be otherwise discharged, nevertheless without Prejudice to the Power of the said Trustees to raise, appropriate, and apply (which they are hereby authorized to do) the whole or any Part of the Money to be borrowed as aforesaid to any other of the Purposes of the said recited Act of the Fifth Year of King *George* the Fourth and of the said Act of the First Year of Her present Majesty, or of this Act, after full Payment shall have been made to the said Mayor, Aldermen, and Burgesses of the said Sum of Five thousand Pounds.

Power to borrow other Monies after the 5,000*l.* shall be paid.

LXV. Provided always, and be it enacted, That after the said Sum of Five thousand Pounds herein-before authorized to be raised for the Purpose aforesaid, and the Interest thereof, shall have been fully paid and discharged, it shall be lawful for the said Trustees for the Time being acting in the Execution of the said recited Acts of the

the Fifth Year of King *George* the Fourth and the First Year of Her present Majesty, and of this Act, from Time to Time, as Occasion may thereafter require, to borrow at Interest on the Credit of the several Rates and Duties by this Act intended to be transferred and made payable to and receivable by them as aforesaid, and of all or any Part of the annual Rates, Taxes, and Assessments payable to and receivable by them the said Trustees under or by virtue of the said recited Act of the Fifth Year of King *George* the Fourth, or of the several other Rates and Duties payable to and receivable by them under or by virtue of the said recited Act of the First Year of Her present Majesty, any other Sum or Sums of Money, not exceeding the Sum of Twenty thousand Pounds in the whole, which it may be found expedient to borrow (and which shall be agreed to be borrowed at any general yearly Meeting of the said Trustees) for the more effectual and speedy Execution of the Works of Improvement of the said River *Welland* and its Outfall, or for other the Purposes of the said Acts of the Fifth Year of King *George* the Fourth and First Year of Her present Majesty respectively, and for securing the Repayment of the Monies so borrowed, with Interest, to assign over such Rates and Duties and annual Taxes and Assessments respectively, or any of them, or any Part thereof respectively, in manner by this Act provided in respect of borrowing the said Sum of Five thousand Pounds.

Form of Mortgage.

LXVI. And be it enacted, That every Assignment or Mortgage to be made by the said Trustees in pursuance of this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the said Trustees, and may be made according to the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LXVII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums respectively mentioned, be Creditors on the said Rates, Duties, Taxes, and Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Expences of Mortgages.

LXVIII. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Trustees out of the Money raised by the same respectively, or from or out of any other of the Revenues of and belonging to the said Trustees.

A Register of Mortgages to be kept.

LXIX. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Trustees; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

LXX. And

Assignment of Mortgages.

LXX. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by Deed in Writing, duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (D.) to this Act annexed, or to the like Effect.

Transfers of Interest to be stamped.

LXXI. And be it enacted, That the Interest on any such Mortgage or Assignment shall not be transferrable, except by Deed duly stamped.

Register of Transfers to be kept.

LXXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferree, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LXXIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Application of Monies.

LXXIV. And be it enacted, That all the Monies which shall be collected or received by the said Trustees under or by virtue of this Act shall be laid out and applied by them in the Order and Manner following; (that is to say,) in the first place, in the Payment and Discharge of the Costs and Expences of obtaining and passing this Act, or preparatory or incident thereto, and of all Sums of Money advanced or lent by any Person or Persons for such Purposes, together with lawful Interest for the same; in the next place, in carrying into execution and fulfilling and satisfying the several Purposes of this Act, and the Charges hereby provided; and the Residue of the said Monies shall and are hereby declared to be applicable to the Purposes of the said recited Acts of the Fifth Year of King *George* the Fourth and First Year of Her present Majesty, for improving the Outfall and Navigation of the said River *Welland*, in such and the same Manner as if the same had been raised and payable by virtue or in pursuance of the same Acts, and in aid and augmentation of the other Funds or Revenues receivable by virtue of the same Acts or either of them.

An annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

LXXV. And be it enacted, That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied in respect of the Dues transferred to them by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure,

Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Trustees, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Parts of *Holland*, on or before the Thirty-first Day of *January* in each Year; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Repeal of Section 70, in 5 G. 4. c. 96.

LXXVI. And be it enacted, That so much of the said recited Act of the Fifth Year of the Reign of King *George* the Fourth as enacts that in all Actions, Suits, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of the same Act, no Owner or Occupier or other Person interested in any Lands within the Purview of the same Act shall, by reason of his or her Ownership, Occupancy, or Interest, be deemed an incompetent Witness, shall be and the same is hereby repealed.

Saving of Rights.

LXXVII. Provided always, and be it enacted, That nothing herein contained shall prejudice or defeat any Works made or to be made by the Mayor, Aldermen, and Burgesses of the Borough of *Boston*, in pursuance of the said recited Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth, or of this Act, or to lessen or take away any of the Rights or Powers which by the said Acts were vested in the said Mayor, Aldermen, and Burgesses, (except so far as the same are by this Act expressly altered or taken away,) or to alter or take away any of the Rights, Tolls, Emoluments, Liberties, Franchises, or any Jurisdiction which the Mayor, Aldermen, and Burgesses of the said Borough of *Boston* were possessed of or had a Right unto, by Charter, Prescription, Custom, or otherwise, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

Saving the Rights of the Trinity House.

LXXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the Corporation of *Trinity House* of *Deptford Strond*.

Interpretation of Act.

LXXIX. And be it enacted, That in the Construction of this Act and of all former Acts relating to the said River *Welland* the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The

The Word "Ship" or the Word "Vessel" shall include Lighters, Keels, Barges, Hoys, Boats, Rafts, Crafts, and Floating Vessels of all Kinds, and whether propelled by Wind, Steam, Manual Power, or otherwise:

The Word "Master" shall include all Persons (other than and except the Pilot) having for the Time being the Command or Care or Management of any such Ship or Vessel, and whether he be the Owner thereof or otherwise:

The Word "Owner," used relatively to Wheat, Oats, Barley, or any other Kind of Corn, Grain, or Pulse, shall include the Consignee and Shipper of such Wheat, Oats, Barley, or any other Kind of Corn, Grain, or Pulse:

The Words "Corn, Grain, or Pulse" shall include Wheat, Oats, Barley, and any other Kind of Corn, Grain, or Pulse.

LXXX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

LXXXI. And be it enacted, That this Act shall commence and take effect upon the Day of the passing thereof. Commencement of Act.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

For every Ship or Vessel, Barge or Boat, belonging to any of Her Majesty's Subjects in Great Britain or Ireland, entering into or coming within or sailing from or using the said River Welland, the Sum of Sixpence per Ton:

For every other Ship or Vessel entering into or coming within or sailing from or using the said River Welland, the Sum of Nine-pence per Ton.

SCHEDULE (B.)

For every Quarter of Wheat shipped or landed or carried or conveyed by or from or upon any Vessel navigating the said River Welland, the Sum of One Penny per Quarter:

For every Quarter of Oats, Barley, or any other Kind of Corn, Grain, or Pulse shipped or landed or carried or conveyed by or from or upon any Vessel navigating the said River Welland, the Sum of One Halfpenny per Quarter.

SCHEDULE (C.)

WE of the Trustees acting in execution of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act for explaining, amending, and rendering more effectual an Act of His late Majesty, for improving the Outfall of the River Welland in the County of Lincoln," by virtue of an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act" [*insert the Title of this Act*], do by these Presents mortgage, assign, and convey unto
Successors and Assigns [*or* Executors, Administrators, and Assigns (*as the Case may be*)], all and singular the Rates and Duties payable to us the said Trustees by virtue of the said last-mentioned Act, and also all the annual Rates, Taxes, and Assessments payable to us the said Trustees by virtue of the said first-mentioned Act, to hold the same Rates or Duties, and Taxes and Assessments, and every of them, unto the said
Successors and Assigns

Assigns [*or* Executors, Administrators, and Assigns (*as the Case may be*)], until the said Sum of together with Interest for the same after the Rate of per Centum per Annum, to be computed from the Day of the Date hereof, shall be fully repaid and satisfied to him, her, *or* them (*as the Case may be*), such Interest to be paid by equal Payments on the Day of and the Day of in every Year in the meantime. Given under our Hands and Seals, the Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Transfer of Mortgage.

I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby transfer to the said *C. D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Trustees for executing the [*Title of the Act*], to bearing Date the Day of for securing the Sum of and Interest [*or if such Transfer be by Indorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates and Duties and annual Taxes and Assessments thereby assigned. In witness whereof, *&c.*, this Day of One thousand eight hundred and .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1842.