ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

****

Cap. 108.

An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides the River *Witham* in the County of *Lincoln*, and restoring the Navigation of the said River; and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation.

[20th *May* 1812.]

WHEREAS by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for draining and preserving certain Low Lands called the* Fens, *lying on both Sides the River* Witham, *in the County of* Lincoln, *and for restoring and maintaining the Navigation of the said River, from the* High Bridge *in the City of* Lincoln, *through the Borough of* Boston, *to the Sea,* the Low Lands and Fens in the said Act comprised are divided into Six several Districts or Divisions, called the First, Second, Third, Fourth, Fifth, and Sixth Districts, and certain Persons are appointed or directed to be elected General Commissioners for executing such of the Provisions of the said Act as relate to or concern the Drainage of the said Lands, with Power to rate and tax the same in manner therein directed, and to 2 G. 3. c. 32.

borrow Money on such Rates and Taxes, either by way of Annuity or on Mortgage; and certain other Persons are also appointed or directed to be elected Commissioners for executing such of the Provisions of the said Act as relate to or concern the Navigation of the said River *Witham*, with Power to impose Tolls and Duties and to raise Money for executing the Works of Navigation in like Manner as in the said Act is directed concerning the Monies to be raised for the Purpose of Drainage: And whereas the said General Commissioners for Drainage taxed and charged the Lands within the said several Districts to the Extent they were authorized by the said Act to tax and charge the same respectively, and borrowed and took up at Interest, by way of Mortgage, divers Sums of Money on the Credit of such Rates and Taxes, amounting in the whole to the Sum of Fifty-three thousand six hundred and fifty Pounds, and the said Commissioners for Navigation also borrowed, in like Manner, on the Tolls and Duties of the said Navigation, several Sums of Money, amounting together to the Sum of Six thousand eight hundred Pounds; all which Monies so borrowed by the said respective Commissioners were applied and expended in defraying the Expences of obtaining the said Act, and in part Execution thereof, and are yet due and owing on the several Securities granted for the same: And whereas by a certain other Act passed in the Forty-eighth Year of His said Majesty's Reign, for rendering the said recited Act more effectual, the said General Commissioners were empowered to raise the farther Sum of Seventy thousand Pounds, either on Mortgage or by Transfer of the Tolls and Duties of the said Navigation, and apply the same in the Execution of other Works therein directed, for the better Drainage and Protection of the said Lands, and the farther Improvement of the said Navigation; but by reason of the great Extent of the said Works, and the Incompetency of the Means provided for their Execution, the beneficial Purposes thereby intended have not been effected, nor has any Part of the said Sum of Seventy thousand Pounds been raised: And whereas both the said recited Acts have in other respects also been found defective, and it is expedient certain Powers and Provisions in the said first-recited Act should be altered and amended, and the whole of the said secondly-recited Act repealed, and more efficient Powers granted in lieu thereof, for the further Improvement both of the said Drainage and Navigation: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and execute all such Works as are deemed expedient for those Purposes, on the Terms and Conditions herein-after mentioned; but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Forty-eighth Year of His present Majesty's Reign, and all and every the Clauses, Powers, Provisoes, Matters, and Things therein contained, shall from the passing of this Act be and the same is and are hereby repealed.

Act of the 48 G. 3. repealed.

Such Parts of the Act of the 2 G. 3. as

II. And be it further enacted, That the said recited Act of the Second Year of His said Majesty's Reign, and all and every the Clauses, Powers, Provisoes, Authorities, Matters, and Things therein contained, (save and except

except such of them as are hereby altered, varied, or repealed, or are repugnant to the Provisions and Purposes of this Act,) shall be, remain, and continue in full Force and Effect.

are not specially repealed to remain in force.

III. And be it further enacted, That from and immediately after the passing of this Act, so much and such Parts of the said Act of the Second Year of His said Majesty's Reign, and of the several Clauses and Provisions therein contained, as regulate or concern the Height or Surface of the Water in the said River *Witham*, and the cleansing, scouring, widening, deepening, and embanking the same; and the Clause regulating the Mode of giving Notice by the Clerk to the said General Commissioners of the Adjournment of any Meeting appointed to be held, and at which Meeting Three or more Commissioners shall not be assembled; and also all and every the Powers and Authorities of the said Commissioners for Navigation, and the Tolls and Duties which they are entitled to receive for Goods, Wares, Merchandize, and other Commodities carried or conveyed on the said River *Witham*, and the several Powers and Authorities granted to the said Commissioners for Navigation for receiving and recovering the same; and all and every other the Powers and Authorities whatsoever of the said Commissioners for Navigation, created or existing by or under the Authority of the said recited Act of the Second Year of His said Majesty's Reign; shall be and are hereby repealed and declared to be null and void to all Intents and Purposes whatsoever; and that from thenceforth all and every the Lock Houses, Warehouses, Goods, Chattels, Monies, Credits, and Effects whatsoever of the said Commissioners for Navigation, shall vest in and become the absolute Right and Property of the Company of Proprietors hereinafter constituted, to be by them held and enjoyed in as full and ample a Manner to all Intents and Purposes as the said Company are entitled to hold and enjoy any Lands, Goods, Chattels, and Effects whatsoever, by and under the Authority of this Act; and the said Company of Proprietors in consideration thereof shall thereupon be and become, and they are hereby declared to be subject and liable, in every respect and to every Intent and Purpose whatsoever, to the Payment and Discharge of all and every the Debts and Sums of Money which at the Time of passing this Act shall be due and owing from the said Navigation Commissioners, as well on Securities granted by them on the Tolls and Duties of the said Navigation as otherwise, and shall be subject and liable to such and the like Proceedings being had against them for the Recovery thereof, and of the Receipt of the Tolls and Duties granted by this Act in Security for the same, as any Creditor or Creditors of the said Company is or are or may become entitled to take and pursue for the Recovery of any Monies due or to become due or owing to him, her, or them from the said Company under the Authority of this Act.

Certain Clauses in the said Act repealed.

IV. And be it further enacted, That such and the like Powers, Privileges, and Authorities as were vested in the said Commissioners for Navigation, by and under the Authority of the said recited Act of the Second Year of His said Majesty's Reign, as far as they relate to or concern the restoring and maintaining the Navigation of the said River *Witham* from a certain Sluice called *The Grand Sluice*, in the Parish of *Boston* in the County of *Lincoln*, through the Borough of *Boston* in the County aforesaid, to the Sea, shall be and are from the passing

Powers of former Act preserved from the Grand Sluice to the Sea.

passing of this Act given and granted to and vested in the said Company of Proprietors hereafter constituted, to be by them used, exercised, and enjoyed at all Times thereafter, in as full and ample a Manner in every respect as the said Commissioners for Navigation were entitled to use and exercise the same before the passing of this Act, or could or might have used and exercised the same if this Act had not been passed.

Appointment of Company of Proprietors.

V. And be it further enacted, That the Right Honourable Lady *Sarah Monson*, the Right Honourable Sir *Joseph Banks* Baronet, Knight of the Bath, the Honourable *Charlotte Monson*, the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Lincoln* for the Time being, the Mayor and Burgesses of the Borough of *Boston*, in the County of *Lincoln*, for the Time being, *Joseph Baldwin*, *Charles Beaty* Esquire, *Charles Bennett*, *Francis Brown* Esquire, the Reverend *Edward Bromhead*, *Elizabeth Broadley*, Lieutenant Colonel *John Bromhead* the younger, *Mary Brown*, *John Brown* Esquire, *Gentle Brown*, *Phillip Bullen* Esquire, *John Burcham* Esquire, *Robert Capp*, *Sylvanus Cartledge*, *Charles Chaplin* Esquire, M.P., *Ambrose Cookson* Doctor of Medicine, the Reverend *Christopher Cookson*, *James Conington* Esquire, *James Cooling*, *John Dudding*, *Richard Ellison* Esquire, M.P., *Richard Ellison* the younger, Esquire, *William Featherby*, *Edward Fowler*, *John Fox*, *Robert Fowler*, *Richard Gibbeson* Esquire, *Ann Gibbeson*, the Very Reverend *George Gordon* Dean of *Lincoln*, the Reverend *Edward Green*, *William Farnworth Handley* Esquire, *William Hall*, *William Hayward*, *John Hett*, the Honourable and Reverend *Henry Hobart*, *Henry William Hutton* Esquire, *Matthew Johnson*, *John Keyworth*, *William Kirton*, Sir *Charles Egleton Kent* Baronet, *John Linton* Esquire, the Reverend *Peter Littlehales*, the Reverend *Francis Massingberd*, *Richard Mason*, *John Merryweather*, *Joseph Morley*, *John Newmarch* Esquire, the Reverend *George Osborne*, *John Oxspring*, the Reverend *Henry Butler Pacey* Doctor of Divinity, *George Parker* Esquire, *Anthony Taylor Peacock* Esquire, *Henry Rutter* Esquire, *William Sealey*, *Humphrey Waldo Sibthorpe* Esquire, *James Snow*, *James Snow* the younger, *Thomas Snow*, *John Straw*, the Reverend *Francis Swan*, *Robert Swan*, *Henry Swan*, *Henry Swan* the younger, the Reverend *Richard Sutton*, the Reverend *Francis Swan* the younger, *Abraham Sheath* Esquire, *Challis Sheath* Esquire, the Reverend *J. B. Spooner*, *William Taylor*, *Reuben Terrewest*, *Ann Tomlinson Terrewest*, *James Tomlinson Terrewest*, *Edward Tonge*, *Edmund Turnor* Esquire, *Charles Keightley Turnard* Esquire, *Samuel Turner*, *Robert Vyner* Esquire, *Adlard Welby* Esquire, *Thomas Wilson* Doctor of Medicine, *John Wilson* Esquire, the Reverend *William Woodhall*, ——— *Woolfit*, the Reverend *Henry John Wollaston*, and *Hadnah Yates*, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons, Bodies Politic, Corporate, or Collegiate, as shall at any Time hereafter be possessed of any Share or Shares in the said Navi-

Incorporated.

gation, are and shall be and they are hereby united into a Company for the carrying on, making, completing, and maintaining of the said Navigation, and the Works hereby authorized to be made in relation thereto, according to the Rules, Orders, and Directions herein expressed or referred to, and shall for that Purpose be one Body Politic and Cor-

Their Style.

porate by the Name and Style of "The Company of Proprietors of the *Witham* Navigation;" and by that Name and Style shall and may have

have perpetual Succession and a Common Seal, and shall and may sue and be sued, answer and be answered, plead and be impleaded; and that the said Company of Proprietors, by the said Name and Style of "The Company of Proprietors of the *Witham* Navigation," shall and may have Power and Authority to have, purchase, receive, and possess Lands, Tenements, and Hereditaments, to them, their Successors and Assigns, in Fee and Perpetuity or otherwise howsoever; and also to have, receive, and possess Goods and Chattels, and all other Things of whatsoever Nature, Kind, Species, or Quality, for the Use of the said Navigation, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and also to give, grant, demise, and assign the same Lands, Tenements, Hereditaments, Goods, and Chattels to any Person or Persons whomsoever; and the said Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take the Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said Navigation, and a certain Cut from a Place called *Horsley Deeps*, in a straight Line through a Part of the Parish of *Branston*, and of the Parish of *Washingborough*, to join the River again, nearly opposite certain Houses called the *Woadhouses*, in the Parish of *Fiskerton*, and all such other Works, Matters, and Conveniences as herein directed, or as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and conveniently using of the said Navigation, Cut, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Navigation or other Works, or out of the Lands and Grounds of any Person or Persons adjoining or lying contiguous thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing the said Navigation or other Works, or which may hinder, prevent, or obstruct the making, using, or completing the same; and to make, build, erect, and set up, in or upon the said Navigation, or upon the Lands adjoining or near the same, such and so many Bridges, Piers, Arches, Tunnels, Sluices, Flood Gates, Weirs, Pens for Water, Stanches, Dams, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch-houses, Landing Places, Weighing Beams, Cranes, or other Machines, and other Works, Ways, Roads, and Conveniences, as and where the said Company of Proprietors shall think necessary and convenient, according to the true Intent and Meaning of this Act, but subject to the several Rules, Orders, Restrictions, and Regulations herein declared concerning the same; and also from Time to Time to alter, repair, and amend or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, or Conveniences, as well for the carrying and conveying of Coals, Stones, and other Materials, Goods, Wares, Merchandizes, and other Articles, to and from the said Navigation, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said Navigation, and the Works of or belonging thereto, or to the due Execution of this Act; and also to place, lay, work, or ma-

nufacture the said Materials on the Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to construct, erect, and keep in Repair any Piers, Arches, Sluices, and other Works in, upon, and across any Rivers, Brooks, Drains, or Delphs, for the making, using, maintaining, and repairing of the said Navigation and the Towing Path herein directed to be made along the South Side thereof; and to make such Roads and Ways as the said Company of Proprietors shall find necessary and expedient for the Use and Accommodation of the Owners or Occupiers of any such Lands and Grounds as shall be cut through, separated, or divided, or otherwise affected by, or of which the Use or Occupation shall be obstructed or rendered inconvenient in consequence of the making of the said Navigation and the several Works herein directed, or by making or building Wharfs, Houses, Warehouses, Toll Houses, or other Buildings, or by making and using Landing Places contiguous or near thereto, or by the making of Sluices, Flood Gates, Weirs, Pens for Water, or Dams for the Use of the said Navigation; and to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said Navigation and other Works in pursuance of and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them granted, and making Satisfaction in manner herein-after mentioned to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, or Hereditaments respectively which shall be taken, used, removed, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisions and Restrictions as are herein-after mentioned.

Certain Buildings may be removed, and Lands used for the Purposes of the Act.

VI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Navigation, or any other of the Purposes of this Act, any House erected and built before the First Day of *January* last past, or any Land or Ground which on or before the said First Day of *January* was set apart and used as or for a Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof; save and except a Stable belonging to *William Burley*, in his own Occupation, by the Side of *Sincil* Dike, in the Parish of *Saint Mark*, in the said City of *Lincoln*; a Dwelling House belonging to *John Hannah*, in the several Occupations of *Ambrose Watson*, *William Woolfit*, and *William Gadd*; Four other Dwelling Houses belonging to the said *John Hannah*, in the several Occupations of *Harriott Thornhill*, *John Young*, and *Thomas Seamore*; a Room used as a School-room for the Education of poor Children; a Stable belonging to the said *John Hannah*, in his own Occupation; one other Dwelling House belonging to the said *John Hannah*, in the Occupation

pation of *Samuel Edmonds*, and a Stable belonging to *John Fisher*, in the Occupation of *John Smith*, respectively situated in the Parish of *Saint Mary*; one Dwelling House belonging to *William Horton*, in his own Occupation; one other Dwelling House belonging to *Robert Bunyan*, in his own Occupation; one other Dwelling House belonging to *Benjamin Bee*, in his own Occupation; and one other Dwelling House belonging to Mrs. *Brown*, in the Occupation of *Thomas Masden*, respectively situated in the said Parish of *Branston*.

Dimensions of Navigation.

VII. And be it further enacted, That the said Company of Proprietors shall and they are hereby authorized, directed, and required, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, as soon as conveniently may be after the passing of this Act, to cleanse, scour out, widen, deepen, straighten, and embank the said River *Witham*, or cause the same to be cleansed, scoured out, widened, deepened, straightened, and embanked, from the said Grand Sluice to the High Bridge in the City of *Lincoln*, in manner and of the several average Dimensions following; (that is to say,) from the said Grand Sluice to a certain Stream called *Kyme Eau*, with a Bottom of Fifty Feet at the least, and from thence to a Bridge over the said River *Witham*, called *Tattershall Bridge*, with a Bottom of Forty-five Feet, and thence to a certain Lock to be erected in the Cut aforesaid, to be made near *Horsley Deeps*, with a Bottom of Thirty-six Feet; the Bed of the River at the said Lock to be Six Feet at the least under the Level of the Gauge Mark on the Doors of the said Grand Sluice, its Bottom formed upon a regular inclined Plane for the whole of the Space aforesaid, and the Width of the said River to be so formed as that there may not be a less Water Way on the Average for the respective Distances aforesaid than of the several Dimensions before specified, and the Turnings or Bends therein to be straightened or altered where necessary, so that the Waters of the said River, in Times of Flood, may not be obstructed or retarded in their Passage to and through the said Grand Sluice to the Sea; and from the said intended Lock in the said new Cut, for the Remainder of the said Cut, and also the said River *Witham*, from thence to another Lock intended to be erected at or near to the present Lock at *Stamp-End*, the said Cut and River shall be respectively formed of the Dimensions following; (that is to say,) with a Bottom of Thirty Feet immediately above the said Lock in the Parish of *Branston*; and the Width of the Bottom of such Cut, and of the River above the same, to diminish gradually, so as to be Twenty-four Feet wide only at the said intended Lock at or near to *Stamp-End*; and the said River, for the whole Space thereof, from the said Grand Sluice to the said intended Lock at or near to *Stamp-End*, shall be formed with Slopes or Batters, Three Feet horizontal to One Foot perpendicular at the least, leaving a Foreland of not less than Twenty Feet between the Base of each Bank and the River, except for such Extent as the said General Commissioners shall, by Writing under their Hands, dispense with the Removal of the said present Banks, and which intended Banks shall also be formed with the like Slopes or Batters next the said River, and with a Batter of Two Feet horizontal to One Foot perpendicular at the least, on the Land Side thereof; and the Bank along the South Side of the said River shall also be formed with a Ten Feet Top, and puddled in the Middle, so as to make the same as nearly Water-tight as may be,

and

and shall likewise gravel the Top of such Bank, and make Bridges across the several Drains communicating with the said River and Cut, where necessary, for towing and haling, with Horses and Men or otherwise, Keels, Boats, Barges, and other Vessels passing along the said Navigation; and the said Company may likewise, for the several Distances they shall deem it expedient, set out and appoint another Towing or Haling Path along the South Foreland of the said River, which shall also be well and sufficiently gravelled, if required so to be by the said General Commissioners; and shall convey and deposit the Earth and Soil taken out of the said River and Cut, in a regular Manner, along the Banks of the said River and Cut, or such Parts thereof where necessary, for the further Protection of such Banks and the Lands adjoining thereon from Injury by the Flood-waters of the said River, and shall also form the said Banks of such Heighth and Strength as the said General Commissioners shall deem necessary for the Protection of the Lands adjoining thereon; and where sufficient Soil cannot conveniently be had and obtained from the said River, the same shall and may be had and taken from the Back of the said respective Banks; and shall put down good and substantial Gates or Stop-doors, opening outwards, across or near to the Outfall of the several Drains or Delphs discharging themselves into the said Navigation above *Billinghay Skirth* on the South Side, and the River *Bain* on the North Side of the said Navigation, and the said intended Lock at or near to *Stamp-End*, of sufficient Height to prevent the Waters of the said Navigation from flowing into the said Drains or Delphs in Times of Flood, and permitting the Waters of such Drains and Delphs to flow into the said Navigation whenever the State thereof will allow of their being discharged through the same to the Outfall; and from the said *Stamp-End* Lock to *Lincoln* High Bridge the said River shall be enlarged to the Width of Thirty-two Feet at the least, except for the Space opposite to which a Chapel now stands, for which last-mentioned Space the same shall be widened to the Width of Thirty Feet at the least; and shall also scour out and deepen the said River, from the said intended Lock at or near to *Stamp-End* to the High Bridge, to such Extent as may be requisite or necessary for the Purposes of this Act; and the said Company of Proprietors are hereby also authorized and empowered to make sufficient Trenches and Passages for the Waters of the said River *Witham* and the several Streams communicating therewith, and to divert and turn the same respectively into and through the Lands adjoining upon or lying contiguous to the said River, as Occasion shall require, for making and supporting the said Navigation, and effecting the Purposes of this Act.

If Dimensions and Situation of Banks be not agreed upon, same to be decided by Reference.

VIII. Provided also, and be it further enacted, That if the said General Commissioners shall require any Part of the Banks of the said River *Witham*, within the Second and Fourth Districts, to be heightened, or any other Part or Parts of the Banks of the said River already made to be altered or removed to a greater Extent or in a greater Degree than the said Company shall deem necessary for the Purposes aforesaid, that then and in such Case the Heighth and Situation of such Banks shall be ascertained, fixed, and decided upon by One or more Person or Persons, to be appointed by the said General Commissioners and the said Company, in like Manner and upon the like Notice as is herein-after directed respecting such Appointments upon any Difference that may arise or exist

exist between the said Company and General Commissioners, in regard to the due Execution of any Works to be done and executed under the Authority of this Act.

Locks and Sluices to be erected.

IX. And be it further enacted, That the said Company of Proprietors shall and they are hereby authorized, directed, and required to erect and build a good and substantial Lock, with a Rise of not less than Three Feet nor more than Three Feet Six Inches from the lower to the upper Sill thereof in the said intended Cut in the Parish of *Branston*, the Dimensions of which Lock shall be Eighty Feet in Length at the least within the Gates, and Sixteen Feet and an Half wide at the least in the Chamber, the lower Sill whereof shall also be Six Feet at the least below the present Gauge Mark on the Doors of the said Grand Sluice; and shall also build a good and sufficient Stanch and Waste Weir in the old Channel of the said River *Witham*, near to and above a certain Stream called *Barlings Eau*, running into the said River *Witham*, near to *Horsley Deeps* aforesaid, at the Height of the present Weir, or Twelve Feet Nine Inches higher than the lower Sill of the said Grand Sluice; and erect and build another good and substantial Lock at or near the Place where the present *Stamp-End* Lock now stands, of the like Length and Width as the intended Lock in the said new Cut, but with a Rise of Four Feet from the lower to the upper Sill thereof, and having such lower Sill Two Feet Six Inches below the lower Sill of the present Lock at *Stamp-End*, with a Stone Weir or Overfall adjoining or near thereto on the same Level as the Gauge Mark is now placed upon, or near to *Lincoln* High Bridge, with Sluices of sufficient Capacity for the Passage of the Flood-waters through the same; and the said navigable Lock or Pen Sluice adjoining to the said Grand Sluice shall, if the said Company shall deem it necessary, be enlarged so as to make the same of corresponding Dimensions with the said intended Lock in the Parish of *Branston;* and that the Locks now standing in or across the said River *Witham*, at or near to certain Places called *Barlings*, *Kirkstead*, and *Stamp-End*, and the Stanches adjoining or near to the said respective Locks, shall be taken down and removed, and the Materials of which they consist disposed of or used for the Purposes of this Act.

For improving the Outfall for the Flood-waters from the West of Lincoln.

X. And whereas the Outfall of the River *Witham* would be further improved, to the Benefit both of the said Drainage and Navigation, if an increased Passage was made for the Flood-waters of the said River from the West Side of the City of *Lincoln;* be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized, directed, and required, to cause a Weir to be made in the East Bank of the said River *Witham*, at the Head of a Drain called *Bargate Drain*, in or near to the Parish of *Saint Botolph* in the said City of *Lincoln*, of the Width of Twenty-eight Feet at the least, the Top whereof shall be on the same Level as the said intended Weir at or near to *Stamp-End* Lock aforesaid, allowing for the Declivity of the Water between the said Weirs; and shall also put down One or more Sluice or Sluices in the said *Bargate Drain* Weir, which Sluice or Sluices from and after the making and putting down the same shall for ever thereafter be and continue under the sole Direction and Controul of the said General Commissioners, provided the Slackers thereof are

not drawn or suffered to remain open at any Time when the Surface of the Water in the said River *Witham* adjoining thereon shall be below the Top of the said Weir, without the Consent of the Mayor of the City of *Lincoln* for the Time being, or the Lessee or Lessees of the Navigation called *The Fosdike Navigation*, or of his or their Agent thereunto lawfully authorized; and in case the said Sluice or Sluices shall be suffered to remain open contrary to the Directions aforesaid, it shall be lawful for the said Mayor or Lessee or Lessees, or the Agent of either of them, from Time to Time to put down and keep such Slackers closed during so long Time as the Water in the said River shall continue below the Top of the said Weir; and the said Company of Proprietors are hereby also authorized, directed, and required to scour out, widen, deepen, and enlarge the said *Bargate Drain*, and a certain Drain called *Sincil Dyke*, nearly to the Junction of the said *Sincil Dyke* with the said River *Witham*, and form a Delph from thence along the Back of the South Bank of the said River to *Horsley Deeps*, below the said intended Lock in the Parish of *Branston*, of sufficient Capacity for the Passage of the Waters to be discharged by Means of the said *Sincil Dyke* into the said Navigation below the said Lock; and shall likewise make a Delph of sufficient Dimensions along the Back of the North Bank of the said River from the said Stanch, at or near to the said *Barlings Eau*, upwards as far as shall be necessary for the Discharge of the Waters from the Lands lying on the North Side of the said Navigation into the said River below the said Stanch.

Works to be executed progressively.

XI. And be it further enacted, That the cleansing, scouring, widening, deepening, and enlarging of the said River *Witham*, and forming the Banks thereof as herein directed, shall be proceeded upon from the Grand Sluice upwards progressively, to the Intent that no Part of the Lands adjoining upon or lying contiguous to the said River, Drains, or Cut, may be endangered, prejudiced, or affected by the Execution of any Works in the upper Part of the said River, or above such Drain or Cut, before the Works upon the said River *Witham* below the same shall be in a State and Condition to admit the Passage of the Flood-waters along the same to and through the said Grand Sluice to the Sea, without the express Direction in Writing of the said General Commissioners, who are hereby authorized to dispense with the progressive Execution of the said Works in those Cases where they shall deem it requisite or expedient so to do for the due Execution of this Act.

In case of Difference, Referee to decide on the due Execution of Works.

XII. And be it further enacted, That when and as soon as such of the said several Works herein directed to be made and executed by the said Company of Proprietors, as after the first forming thereof are required to be supported and maintained by the said General Commissioners, or when and as soon as any Part of such Works shall be respectively completed and declared so to be by Notice in Writing from the Clerk or Surveyor of the said Company to the Clerk or Surveyor of the said General Commissioners, the said General Commissioners shall from Time to Time, within Fourteen Days next after the Delivery of every such Notice, view or cause to be viewed the Works therein declared to be executed and completed, and within Three Days next after such View shall cause Notice in Writing to be delivered, under their Hands, or the Hand of their Clerk or Surveyor, to the Clerk or

Surveyor to the said Company, signifying the Approbation or Disapprobation of the said General Commissioners of the Execution of such Works; and if the same shall be approved the said General Commissioners shall from thenceforth be and become liable to the Support and Reparation thereof; but if in such last-mentioned Notice such Works shall be declared to be ineffectually executed and incomplete, then and in such Case, within Seven Days next after the Delivery of such last-mentioned Notice, the said General Commissioners and Company shall concur in the Nomination of One Engineer as an Arbitrator, who within Fourteen Days next after his Appointment shall attend as hereinafter is directed, or in default of such Appointment of a sole Arbitrator, the said General Commissioners shall by Writing under their Hands, to be delivered to the Clerk or Surveyor of the said Company, appoint One Engineer as an Arbitrator, and the said Company by Writing under their Common Seal, to be delivered to the Clerk or Surveyor of the said General Commissioners, shall within the like Time appoint One other Engineer as an Arbitrator; and within Fourteen Days next after such last-mentioned Appointments shall be made such Two Arbitrators shall appoint an Umpire within the like Number of Days next after the Delivery of such Notice; and within Seven Days next after the Appointment of such sole Arbitrator or of such Umpire, (as the Case may be,) the said sole Arbitrator shall attend, or the said Two Arbitrators and Umpire shall meet together, and inquire into, hear, and determine the Matter of the said Complaint, (that is to say,) whether the Works specified in such Notice had been well and sufficiently executed and completed, or where in any Respect defective and incomplete; and such sole Arbitrator, or such Two Arbitrators and Umpire, (as the Case may be,) or any Two of the said last-named Arbitrators and Umpire, shall draw up and execute an Award in Writing under his or their Hand or Hands, which shall be delivered to the Clerks or Surveyors of the said respective Parties within Seven Days next after such Attendance or Meeting; and in case such Arbitrator, or such Arbitrators and Umpire, or any Two of them, (as the Case may be,) shall upon such Inquiry as aforesaid determine that the said Works are not well and sufficiently executed and completed, that then and in such Case the said Arbitrator, or the said Arbitrators and Umpire, or any Two of the said last-named Arbitrators and Umpire, (as the Case may be,) shall in and by his or their said Award determine what other or further Works will in his or their Judgment be necessary to be done and executed for the effectual Completion of such Works; and then and in such Case the said Company of Proprietors shall cause such Works to be done and executed accordingly; and in case either the said General Commissioners or the said Company shall by Writing request the other of them to appoint such Arbitrator as above mentioned, and the Persons to whom such Request shall be made shall for the Space of Seven Days after such Request refuse or neglect so to do, then and in such Case it shall and may be lawful to and for the Person chosen Arbitrator by the Persons making such Request as aforesaid, by any Writing under his Hand, to choose some Person to act as Arbitrator for such Persons so refusing or neglecting, and Notice thereof in Writing shall be immediately sent to the Persons so neglecting or refusing, and the Persons so chosen Arbitrators as last mentioned shall thereupon and within Seven Days proceed to choose an Umpire; and such last-mentioned Arbitrators and Umpire shall

shall inquire into, hear, and determine such Matter of Complaint, and make such Award as the Arbitrators and Umpire to be chosen and appointed as herein first-mentioned are hereby authorized to hear and make; and the said last-mentioned Arbitrators and Umpire shall have and exercise the same Power and Authority in every Respect as the said first-mentioned Arbitrators and Umpire, and as if they had been actually chosen by the said General Commissioners and the said Company.

Works to be supported by the Company of Proprietors.

XIII. And be it further enacted, That when and as soon as the several Works authorized or required to be made, done, and executed by this Act shall have been respectively made and completed as herein directed, the same shall from Time to Time for ever thereafter be repaired, supported, and maintained in manner following; (that is to say,) the Navigation or Pen Sluice in the said Grand Sluice, the said intended Locks in the said new Cut and at or near to *Stamp-End*, the Weirs, Stanches, and Sluices above *Barlings Eau* and at the said *Stamp-End* Lock, the Bridges between the said Grand Sluice and *Lincoln* High Bridge, (except a certain Bridge called *Tattershall* Bridge,) now standing or to be erected over the said Navigation, the Towing or Haling Paths of the said Navigation, the Gates and Fences upon or across the same, the Bridges across the several Drains over which the said Towing or Haling Paths extend, and such of the Works of the said Navigation from *Stamp-End* Lock to *Lincoln* High Bridge, which now of Right belong to the said General or Navigation Commissioners to support and maintain, and all other Works, Buildings, Roads, Ways, Matters, and Things to be made, done, and executed, erected and built by the said Company under the Authority of this Act, except the Works next herein-after directed to be supported and maintained by the said General Commissioners, shall respectively be preserved, repaired, supported, and maintained by and at the Costs and Charges of the said Company of Proprietors; and that the said Grand Sluice, (the Pen Sluice therein excepted,) the Width and Depth of the said Navigation from the said Grand Sluice to the said intended Lock at or near to *Stamp-End*, the Banks of the said Navigation, (the Haling Path thereon excepted,) the Gates or Stop Doors across the said several Drains or Delphs communicating with the said Navigation, the Drains or Delphs at the Back of the said Navigation Banks, the said *Sincil Dyke* and *Bargate Drain*, and the Stanch or Weir and Sluices at the Head of the said *Bargate Drain*, shall be respectively cleansed, scoured out, preserved, supported, maintained, and kept in repair at the Costs and Charges of the said General Commissioners; provided that after the first Erection of the Wall along the South Frontage of the said River, between *Stamp-End* and the High Bridge, the future Support and Reparation thereof shall belong to, and the Expence of maintaining the same be borne and defrayed by, the several Persons and Parties respectively liable to support and maintain the present Wall or Frontage for the Space aforesaid immediately before the passing of this Act; and that if, in the deepening of the said River *Witham* at or near to the said *Tattershall* Bridge, any Injury or Damage shall be done to the said Bridge, or the Foundation thereof prejudiced or affected, the said Company shall, at their own proper Costs and Charges, cause the said Bridge to be restored to its former State and Condition.

Works supported by General Commissioners.

XIV. Pro-

Repair of Bargate Drain Sluice.

XIV. Provided also, and be it further enacted, That if at any Time after the Sluice or Sluices shall be put down in the Weir at the Head of the said *Bargate Drain* as herein directed, the same shall by reason of any Accident or other Cause be out of repair, whereby the Waters of the said River *Witham* shall pass through such Sluice or Sluices to the Prejudice of the said *Fosdyke* Navigation, and shall so continue for the Space of Seven Days after Notice thereof given to the Clerk of the said General Commissioners of Drainage by the Mayor of *Lincoln* for the Time being, or the Lessee or Lessees of the said *Fosdyke* Navigation, or his or their Agent, that then and in such Case it shall be lawful for the said Mayor of *Lincoln* for the Time being, or the Lessee or Lessees of the said *Fosdyke* Navigation, or his or their Agent, to cause such Sluice or Sluices to be well and sufficiently repaired; and the Expences thereby incurred shall be borne and defrayed by the said General Commissioners, and be recoverable by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Power to Trustees, &c. under the Boultham, &c. Drainage and Inclosure Act, to raise 1,200*l.*, and pay same to the Company.

XV. And whereas the Owners and Proprietors of Lands interested in the Execution of an Act passed in the Forty-fourth Year of His said Majesty's Reign, intituled *An Act for embanking, draining, and improving certain Lands in the City of* Lincoln *and County thereof, and in the Parishes or Townships of* Boultham, Skellingthorpe, Saxelby, Broxholme, North Carlton, South Carlton, Burton, *and* Hathow, *in the County of* Lincoln, *and for inclosing Lands in the said Parish of* Skellingthorpe, will be relieved from certain Expences to which they are made liable by the said recited Act, and may be farther benefited by the Works required to be done and executed under the Authority of this Act; be it therefore further enacted, That when the said several Works to be done and executed under the Authority of this Act shall have been completed and certified so to be by the said General Commissioners, the Commissioner and Commissioners, Trustee and Trustees for the Time being for the Execution of the said recited Act, shall and they are hereby respectively directed and required, within Six Calendar Months next after Notice of such Certificate having been signed shall be delivered to them, to raise and levy, by the same Ways and Means, and in the like Proportions, upon the Owners and Proprietors, as other Monies are in and by the said Act required to be raised and levied for the Execution of the joint Works of Drainage within the Limits prescribed by the said Act, the Sum of One thousand two hundred Pounds, and pay over the same to the said Company of Proprietors, in Satisfaction and Compensation of all Claims and Demands to which they are liable in respect of any of the Works to be executed under the Provisions of the said Act, Eastward of the said River *Witham*.

Great Gowt Drain and Tunnel, and the Little Gowt Drain Weir, to be supported by the Company.

XVI. And be it further enacted, That from and after the passing of this Act, the scouring and cleansing of the *Great Gowt Drain*, the Support and Reparation of the sunken Tunnel or Culvert under the said River *Witham* at the Head of the said *Great Gowt Drain*, and the Weir now standing at the Head of a certain Drain called the *Little Gowt Drain*, and all Matters appertaining to the said respective Works, to the Extent to which such Works now of Right belong to the said Commissioners for Navigation to do, support, and keep in repair, shall be respectively done, cleansed, scoured out, supported, and kept in repair by the said

Company of Proprietors, upon, under, and subject to the like Notice and Controul, and with such and the like Powers and Remedies on the Part of the Person or Persons, Party or Parties interested therein, to enforce the doing thereof, as could or might have been had, taken, or pursued against the said Commissioners for Navigation if this Act had not passed.

Water in the Witham not to be raised till Works executed along Sincil Dyke, &c.

XVII. Provided, and be it further enacted, That until the said intended Delphs at the Back of the said Navigation Banks, from *Horsley Deeps* upwards, the Enlargement of the said *Sincil Dyke* and *Bargate Drain*, and the said intended Weir and Sluice at the Head of the said *Bargate Drain*, shall have been respectively done and executed as herein directed, the Water in the said River *Witham* shall not be kept at a greater Height than the same would have been entitled to be kept by virtue of the said recited Act of the Second Year of His said Majesty's Reign, had this Act not been passed.

Provisions relating to the Passage of the Flood-waters.

XVIII. And whereas an Act was passed in the Thirty-second Year of His said Majesty's Reign, intituled *An Act for enlarging and improving the* Tattershall *Canal from the River* Witham *to the Town of* Tattershall, *and extending the same into the River* Bain, *and for making the said River* Bain *navigable from thence to or into the Town of* Horncastle, *all in the County of* Lincoln; *and also for amending and rendering complete the navigable Communication between the said River* Witham *and the* Fosdyke *Canal, through the High Bridge in the City of* Lincoln; wherein various Enactments are contained, directing the Execution of divers Works upon the said River *Witham*, for the Improvement of the navigable Communication of the said River with the *Fosdyke* Canal; and it was therein also directed that the Surface of the Water in the said River, between a Place called *Bailey's Sluice* and the said High Bridge, should at no Time be lower than a certain gauged Mark, to be fixed at the Height of Two Feet Eight Inches above the Level of the Floor of the said High Bridge, and that the said *Great Gowt Drain* should be scoured out and deepened as near as possible to the Level of the Bottom of the said River *Witham*, below the then and present Lock at *Stamp-End*; and that a Culvert or sunken Tunnel of Sixteen Feet clear Waterway, with Doors pointing Eastward, should be laid under the said River at the said *Great Gowt Drain*, to convey the Waters which might remain upon the Low Lands above *Lincoln* after a Flood, and also the Downfall Waters of the said Lands, into the River below the Tail of the said Lock; and the said Commissioners for Navigation were by the same recited Act made liable to the Charges and Expences of maintaining and supporting the Works required to be done and executed under the Authority thereof, upon or under the said River *Witham*, and in the said *Great Gowt Drain*, all which Works have been long since done and executed; but by reason of the intended Removal of the present Lock, Stanch, and Weir at *Stamp-End*, and the putting down a Weir with Sluices therein at the Head of the said *Bargate Drain* as herein directed, and from other Causes, the Provisions of the said recited Act regulating the Passage of such Flood-waters through *Lincoln* will in a great Degree be rendered nugatory and of no Effect: And whereas it is expedient that the like Regulations in regard to the Passage of the said Flood-waters through the Sluices herein directed to be put down at or near to the intended Lock at

Stamp-End, and at the Head of the said *Bargate Drain*, should be given to and vested in the said General Commissioners, as were given to and vested in them by the said recited Act for regulating the Passage of such Waters in manner therein directed; be it therefore further enacted, That the said Weirs at or near to the said intended Lock at *Stamp-End*, and at the Head of the said *Bargate Drain*, and the Doors or Sluices in the said Weirs, shall not be used so as to prevent the Passage of the same or an equal Quantity of Water, nor to suffer the Passage of a larger Quantity of Water than what is now uttered by the said River in like Seasons; such Quantity of Water to be ascertained, fixed, and decided upon by One or more Person or Persons to be appointed by the said General Commissioners of Drainage, and the Proprietors of the embanked Estates lying on the West Side of the said City of *Lincoln*, draining by the Tunnel under the said River *Witham*, or the Trustees for the Time being acting for such Proprietors, under the Authority of the said recited Act of the Forty-fourth Year of His said Majesty's Reign, in like Manner and upon the like Notice as is herein directed respecting Appointments of the like Nature, upon any Difference that may arise or exist between the said General Commissioners and Company of Proprietors, in regard to the due Execution of Works to be done and executed by the said Company under the Authority of this Act; except that at all Times, in order to prevent as much as possible any injurious Accumulation of Water, whenever the Surface of the said River *Witham* shall rise to the Height of Six Inches above the Gauge Low-water Mark herein-before mentioned, that then the said Doors or Sluices in the said Weirs at *Stamp-End* and *Bargate Drain*, or either of them, shall be drawn and shall remain open to utter such additional Quantity of Water as may be found can be received and passed to the Sea without Danger to the Banks, or Prejudice to the Drainage of the Low Lands lying East of the said respective Sluices; and for the Purpose of ascertaining to what Period the said Sluices may so remain open, a certain other gauged Mark shall be ascertained by the said Engineers, upon due Experience and Observation to be had and made by them; which said gauged Mark last mentioned shall be fixed within Twelve Calendar Months after the Completion of the Works by this Act directed to be done within the said City of *Lincoln*, at some proper and convenient Place, to regulate the Passage of the said Water: Provided nevertheless, that the said gauged Mark shall not restrain the said General Commissioners of Drainage from suffering the Passage of any farther or larger Quantity of Water, whenever they judge it fit and expedient so to do; and provided that the said Doors or Sluices shall be again shut, whenever the Surface of the said River *Witham* shall be reduced to the said gauged Low-water Mark first before described and limited; and the said General Commissioners of Drainage shall at all Times hereafter (subject to the Limitations herein-before mentioned) have and exercise the sole Controul over the same Works.

Repairs of Navigation may be done by General Commissioners, if neglected by Company of Proprietors.

XIX. And be it further enacted, That if at any Time after the said intended Works herein-before directed to be maintained, supported, and kept in repair by and at the Costs and Charges of the said Company of Proprietors, or any of them, shall be out of repair, or otherwise defective, and shall so continue after a reasonable Time given to the Clerk or Surveyor to the said Company of Proprietors, by Notice in Writing from

from the said General Commissioners, to repair and restore the same, that then and in such Case it shall and may be lawful for the said General Commissioners to cause any of the said Works to be well and sufficiently repaired and restored; and the Expences occasioned thereby shall be borne, paid, and defrayed by the said Company of Proprietors in like Manner as if the same had been done by or under their Direction; and in default of Payment of such Expences to the said General Commissioners, or their Treasurer, within Thirty Days next after Demand made thereof, it shall be lawful for the said General Commissioners, by Writing under their Hands and Seals, to appoint One or more Person or Persons to enter upon and receive the Tolls and Duties collected or paid upon the said Navigation, and apply the Monies so to be received in Discharge of such Expences, until the same, together with all Costs and Charges of receiving the said Tolls and Duties, are fully paid and satisfied; and from and after Payment thereof the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the Expences so incurred by the said General Commissioners as aforesaid may be sued for and recovered by them against the said Company of Proprietors, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

If State of River or Banks defective, the Company may restore them on Neglect of General Commissioners to do so.

XX. And be it further enacted, That if at any Time after the said River and Cut shall have been formed, and the Banks thereof erected as herein directed, any Part of the said Banks shall become so defective and out of repair as to create any Impediment or Obstruction to the free and uninterrupted Use and Exercise of the Towing or Haling Path along or below the same, or if the Depth of the said River and Cut from the said Grand Sluice to the said Lock to be made at *Stamp-End* shall not be preserved and maintained of the Depth of Five Feet at the least, and shall so continue after reasonable Notice given to the Clerk or Surveyor to the said General Commissioners, in Writing under the Seal of the said Company, to repair and restore such Banks, or to deepen the said River, that then and in any such Case it shall and may be lawful for the said Company to cause the said Banks to be sufficiently repaired and the said River restored to such Depth as last aforesaid; and either the said General Commissioners or the said Company undertaking the deepening of the said River, may and they are respectively empowered to divert the Water therefrom, for the Space and for such reasonable Time as may enable them with due Diligence to restore the said Navigation to the Depth last aforesaid, or to the increased Depth of which the same is herein-before required to be first formed, if the said General Commissioners shall deem such increased Depth expedient for the Passage of the Flood-waters of the said River; and the Expences occasioned thereby, if incurred by the said Company, shall be borne, paid, and defrayed by the said General Commissioners in like Manner as if the same had been done by or under their Direction; and in default of Payment of such Expences to the said Company or their Treasurer, within Thirty Days next after Demand made thereof in Writing, it shall be lawful for the said Company, by Writing under their Common Seal, to appoint One or more Person or Persons to enter upon and receive the Rates and Taxes collected or received by the said General Commissioners (but without Pre-

Prejudice to the Securities existing thereon previous to or by virtue of this Act) and apply the Money so to be received in discharge of such Expences, until the same, together with all Costs and Charges of receiving the said Rates and Taxes, are fully paid and satisfied; and from and after Payment thereof the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the Expences so incurred by the said Company as aforesaid may be sued for and recovered by them against the said General Commissioners, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

If Breach happens in the Witham Banks, the General Commissioners Surveyor to repair it.

XXI. And be it further enacted, That if a Breach should at any Time by Accident or otherwise happen to be made in any Part of either of the Banks of the said River *Witham*, which may subject or expose the adjacent Lands to be flooded or overflowed by the Waters from such River, the Surveyor for the Time being to the General Commissioners for executing the said recited Act of the Second Year of His said Majesty's Reign, shall and he is hereby required, notwithstanding any Adjournment of the Meeting of the said General Commissioners for the Execution of the said Act, forthwith to repair and amend, or cause to be repaired and amended, such Breach with all possible Dispatch, in an effectual and substantial Manner.

Tax charged in the 1st, 3d, and 5th Districts.

XXII. And be it further enacted, That the Lands and Grounds, both open and inclosed, lying within the said First, Third, and Fifth Districts, and which are now charged with and made liable to the Tax laid on the Lands within the said respective Districts under or by virtue of the said recited Act of the Second Year of His said Majesty's Reign, shall and they are hereby declared to consist of Four several Classes or Divisions, and shall be and are hereby respectively charged with and made subject to the several equal yearly Rates and Taxes following, over and above the Rates and Taxes charged thereon respectively by virtue of the said recited Act; (that is to say,) the Lands lying within the First and Third Districts, that are now charged with the Payment of the Rate or Tax imposed by the said General Commissioners under the Authority of the said recited Act, and which are unembanked and liable to be overflowed by the Flood-waters of the River *Witham*, and also the Dale Lands lying within the Parishes, Hamlets, or Townships of *Blankney*, *Linwood*, and *Martin*, that were embanked under the Authority of an Act passed in the Thirty-seventh Year of His present Majesty's Reign, shall be and are hereby taxed and charged with the Annual Rate or Tax of One Shilling and Sixpence *per* Statute Acre; that the Residue of the Lands lying within the said Parishes, Hamlets, or Townships of *Blankney*, *Linwood*, and *Martin*, and also the Lands in the Parishes of *Metheringham*, *Dunston*, *Nocton*, *Potterhanworth*, and *Branston*, respectively liable to the Tax charged by the same recited Act, but which are embanked and protected from such Flood-waters, shall be and are hereby taxed and charged with the annual Rate or Tax of One Shilling *per* Statute Acre; that the Lands in the said Parishes, Townships, or Hamlets of *Timberland*, *Timberland Thorpe*, *Walcot*, *Billinghay*, and *Dogdike*, in the said First District, and in the Parishes of *Kirkstead* and *Tattershall* in the said Third District, liable to the Tax imposed by the same recited Act, shall be and are hereby taxed

and charged with an Annual Rate or Tax of Sixpence *per* Statute Acre; and the Lands lying within the said Fifth District, and liable to such Tax, shall be and are hereby taxed and charged with an annual Rate or Tax of Three-pence *per* Statute Acre; and the several Rates or Taxes imposed on such Lands by this Act shall and may be collected, levied, and recovered by the said General Commissioners, their Collector or Collectors, of such Person and Persons, and by such and the like Ways and Means as the Rates and Taxes charged thereon by virtue of the same recited Act can or may be received, collected, levied, and recovered.

Tax on Districts when raised.

XXIII. Provided always, and be it further enacted, That the Rates and Taxes hereby charged upon the Lands in the said First and Third Districts shall be raiseable, and such Lands be and become liable to the Payment of such Rates or Taxes, when and as soon as the Works required by this Act to be done and executed upon the said River *Witham*, in any Parish or Hamlet within either of the said First or Third Districts, shall be certified by the said General Commissioners to have been executed and completed through each such Parish or Hamlet, in manner herein directed respecting the Completion of other Works upon the said River; and that the Tax hereby imposed on the said Fifth District shall commence and become payable when and as soon as the Works upon the said River shall be so certified to have been completed up to *Billinghay Skirth*.

Taxes to be paid by Tenants, and retained out of their Rents, except for Lands leased.

XXIV. And be it further enacted, That the Taxes to be charged and assessed upon the said First, Third, and Fifth Districts, by virtue of this Act, shall be paid by the Tenants of the Lands and Tenements respectively charged therewith, and such Tenants shall and may deduct and retain the same out of the Rents payable to their respective Landlords, in like Manner as the Taxes imposed by the said recited Act of the Second Year of His present Majesty's Reign are authorized to be paid, deducted, and retained: Provided always, that in case any Lands or Tenements in the said First, Third, or Fifth Districts shall be held by virtue of or under any Lease which shall not expire before the Expiration of one Year next after the Tax imposed by this Act shall commence and become payable, then such Tax shall be exclusively borne and paid by the Lessee or Lessees in any such Lease or Leases for the Residue of his, her, or their Term or Terms then to come therein.

Witham Bank over the Dales in Walcot, Timberland, Martin, Linwood, and Blankney, to be allowed for.

XXV. And be it further enacted, That the Rate or Tax of Sixpence *per* Acre, hereby imposed on certain Lands in *Timberland*, *Timberland Thorpe*, and *Walcot Dales*, and the Rate or Tax of One Shilling and Sixpence *per* Acre, hereby also imposed on certain Lands in *Martin*, *Linwood*, and *Blankney Dales*, respectively embanked under the Authority of a certain Act passed in the Thirty-seventh Year of His present Majesty's Reign, shall not, nor shall any Part of the said respective Rates or Taxes, notwithstanding the Provision herein contained in relation thereto, attach upon the said Lands or any of them, or accrue or become payable in respect thereof, until so much and such Part of the Charges and Expences incurred in the making and erecting the Bank of the said River *Witham* through the said several Parishes and Places

of *Timberland*, *Timberland Thorpe*, *Walcot*, *Martin*, *Linwood*, and *Blankney*, shall be paid and discharged, as the Owners or Proprietors of the said Lands for the Time being shall make appear, to the Satisfaction of the said General Commissioners, was necessarily expended in making and erecting the said Bank; and that all such Monies, after the Amount thereof shall have been ascertained as by the said Act is directed, shall be recoverable of the said Company of Proprietors by such and the like Ways and Means as other Monies due and owing from the said Company can or may be recovered.

Two Annual Payments of 1,400*l.* each to be paid by the General Commissioners to the Company.

XXVI. Whereas the said General Commissioners are desirous of completing the several Works of Drainage intended by the said recited Act of the Second Year of His said Majesty's Reign to be executed on the said River *Witham*; and the said Company of Proprietors having proposed to advance and apply the Sum of Thirty thousand Pounds towards the Execution of such Works as herein directed, the said General Commissioners, in consideration thereof, have agreed to secure to the said Company the Payment of the clear yearly Sum of One thousand four hundred Pounds out of the Rates and Taxes imposed by the said recited Act, as and for the Interest on such Expenditure; and in consideration of the further Works herein also directed to be made, done, and executed by the said Company the said General Commissioners, with the Consent of the Owners and Proprietors of Lands in the said First, Third, and Fifth Districts, have further agreed, that the like clear yearly Sum of One thousand four hundred Pounds shall be secured to be paid to the said Company out of the Rates and Taxes imposed by this Act on such last-mentioned Districts, in manner and at the Times herein-after specified for Payment of each of the said yearly Sums; be it therefore enacted, That from and after the passing of this Act all and every the Rates and Taxes from Time to Time to arise and accrue due to the said General Commissioners under the Authority of the said recited Act of the Second Year of His said Majesty's Reign, shall be subject and liable to and charged and chargeable with the Payment to the said Company of the clear annual Sum of One thousand four hundred Pounds beyond all Reprizes; and that the Rates and Taxes imposed by this Act upon the said First, Third, and Fifth Districts, shall likewise be subject and liable to and charged and chargeable with the Payment to the said Company of the like clear annual Sum of One thousand four hundred Pounds beyond all Reprizes; each of the said Sums of One thousand four hundred Pounds to be paid by Two equal Payments, on the Sixth Day of *January* and the Sixth Day of *July* in every Year; the first half-yearly Payment of the said first-mentioned Sum of One thousand four hundred Pounds to be payable on the Sixth Day of *July* in the Year One thousand eight hundred and thirteen, and the said secondly-mentioned Sum of One thousand four hundred Pounds shall commence and become payable when and as the several Works herein directed shall be completed through each Parish or Hamlet made contributory thereto, and be paid on the Sixth Day of *July* then next following; and that after the Completion of all the said Works up to the said intended Lock at *Stamp-End*, such last-mentioned yearly Sum of One thousand four hundred Pounds shall be payable half-yearly at the Days and Times the said first-mentioned Sum of One thousand four hundred Pounds is hereby made

made payable; and all such Payments shall be made to the Treasurer or Treasurers of the said Company of Proprietors for the Time being, or to such other Person or Persons as the said Company shall from Time to Time appoint to receive the same, to be applied in Augmentation of the Dividend arising from the Tolls and Duties of the said Navigation; and in case the said yearly Sums of One thousand four hundred Pounds and One thousand four hundred Pounds, herein-before directed to be paid by the said General Commissioners in manner aforesaid, or any half-yearly Payment of the same, or any Part thereof respectively, shall not be paid within Thirty Days next after the same shall respectively become due and payable as aforesaid, it shall be lawful to and for the said Company of Proprietors, or such Person or Persons as they shall from Time to Time appoint to receive the same, to sue for and recover the same yearly Sums or either of them, and the half-yearly Payments thereof, or any Part thereof respectively, that may be then in arrear and unpaid, by Action of Debt or on the Case, in the Name of the said Company of Proprietors, against the said General Commissioners, in any of His Majesty's Courts of Record at *Westminster*, together with the full Costs of Suit; or otherwise the said Company of Proprietors shall have and are hereby vested with such and the like Powers and Authorities, Right, and Interest, in, over, upon, and to the Rates and Taxes imposed by the said recited Act of the Second Year of His said Majesty's Reign for recovering and enforcing Payment of the said first-mentioned yearly Sum of One thousand four hundred Pounds charged thereon by this Act, as the respective Persons by whom the several Sums of Money composing the said Aggregate Debt or Sum of Fifty-three thousand six hundred and fifty Pounds heretofore borrowed upon the Credit of the said Rates and Taxes can or may pursue or take under the Authority of the same Act for recovering and enforcing Payment of the Sum of Two thousand four hundred and fourteen Pounds Five Shillings, being the annual Interest now payable in respect of such Aggregate Debt; to the Intent that no Preference or Priority of Payment may be had or taken by the said Company or Creditors in respect of either of the said Sums, but that all the said Rates and Taxes may be and they are hereby made rateably liable to the Payment as well of the same annual Sum of One thousand four hundred Pounds as of the said yearly Interest or Sum of Two thousand four hundred and fourteen Pounds Five Shillings, in the Proportion the same Sums bear to each other, in like Manner as if the said Sum of Thirty thousand Pounds had been advanced upon Securities granted by the said General Commissioners under the Authority of the said recited Act; provided that no Security or Securities hereafter to be granted by the said General Commissioners on the Credit of the Rates and Taxes imposed by the said recited Act shall lessen, prejudice, or affect the Right or Title of the said Company to the said first-mentioned annual Sum of One thousand four hundred Pounds, or any Part thereof, or any of the Powers or Authorities for recovering and receiving the same; and in case of any such Default as aforesaid in Payment of the said secondly-mentioned yearly Sum of One thousand four hundred Pounds hereby charged upon and made payable out of the Rates and Taxes imposed on the said First, Third, and Fifth Districts, the said Company of Proprietors shall and may have, take, and pursue such and the like Powers and Authorities to assess, raise, and recover the same by Entry upon the Lands respectively charged therewith, as the said General Commissioners, their Collector or Collectors, are

are respectively entitled to take or pursue for the Recovery thereof, if such last-mentioned Rates or Taxes are in arrear and unpaid, and the said Company shall and may continue in the Receipt of such Rates and Taxes until all Arrears of the said secondly-mentioned Sum of One thousand four hundred Pounds, together with the reasonable Costs, Charges, and Expences attending such Entry and Receipt, shall be fully paid and satisfied.

Interest or Securities granted by Navigation Commissioners to have preference.

XXVII. And be it further enacted, That during so long Time as the said Company of Proprietors shall permit and suffer the Monies due and owing on the several Securities granted by the said Commissioners for Navigation, amounting to Six thousand eight hundred Pounds, or any Part thereof, to remain undischarged, the Tolls and Duties arising and to be received under the Authority of this Act shall, in the first place, be subject and liable to the Payment of such Rate of Interest for the Sums so remaining due as such Sums respectively bear, and shall be payable at such Time or Times, and with such and the like Powers and Remedies for recovering and receiving the same in case of Nonpayment thereof, as the Person or Persons holding any such Security or Securities would have been entitled to take and pursue if such Security or Securities had been granted by the said Company upon the Tolls and Duties granted by this Act, or could or might be had and taken by any Person or Persons to whom any Debt or Sum of Money is or may become due from the said Company for the Recovery thereof; and all and every the Tolls and Duties hereby granted to the said Company of Proprietors, and authorized to be taken for Goods, Wares, and Merchandize conveyed along the said Navigation, are expressly made chargeable therewith, and to such and the like Powers of Entry upon and receiving the said Tolls and Duties as could or might have been had and taken for the Recovery of such Monies by and out of the Tolls and Duties granted to the said Navigation Commissioners if the Powers and Provisions of the said recited Act in relation thereto had not been repealed; and upon the Transfer of any such Security or Securities such Transfers shall be entered and recorded with the Clerk of the said Company of Proprietors in like Manner as the same would have been entered with the Clerk to the said Navigation Commissioners if this Act had not been passed.

Certain Part of 6,800*l.* may be invested in Shares granted under this Act.

XXVIII. Provided, and be it further enacted, That notwithstanding the Provisions herein contained in relation to the Payment of the said Debt or Sum of Six thousand eight hundred Pounds, and the Interest to accrue due thereon, the said Company shall and they are hereby authorized and required to grant to the several Persons, Bodies Politic and Corporate, to whom any Part of the said Debt was owing on the Twentieth Day of *April* One thousand eight hundred and twelve, and who on or before that Day had signified in Writing under his or their Hand or Hands, or the Hand or Hands of his or their Agent, his or their Request or Desire to invest any Part of the Monies so due in Shares of this present Undertaking, it shall be lawful for any such Creditor or Creditors to agree with any One or more of the Members of the said Company for any Share or Shares which he, she, or they hath or have subscribed for in such Undertaking, and that such Debt or Debts shall be accepted and taken by the said Company in Payment and Satisfaction of

the several Calls from Time to Time to be made under the Authority of this Act, in the Stead of the like Sum or Sums being advanced that would otherwise have become payable in respect of such Shares or Subscriptions by the Person or Persons, Bodies Politic or Corporate subscribing the same, if no such Agreement had been made.

Communication with Barlings Eau preserved.

XXIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby directed and required, immediately after the said new Cut from *Horsley Deeps* shall be made and completed, and a Weir or Stanch put down across the said River *Witham* above *Barlings Eau*, to scour out and deepen the old Course or Channel of the said River downward from *Barlings Eau* aforesaid to its Junction with the said Cut, so as the Bottom of the said River may be Twenty Feet wide and Six Feet deep, below the average Level of the Taxable Lands adjoining thereon, for the Space aforesaid; and also embank the said old Course or Channel of the River *Witham* with Banks of such Strength and Dimensions as shall be requisite or necessary for the Passage of the Waters of *Barlings Eau*, and the Side Drains communicating therewith, into the said River *Witham* at or near to the Commencement of the said new Cut.

Providing Water in First and Third Districts.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, alter, or take away any of the Rights, Powers, or Authorities vested in any Person or Persons whomsoever, or attached to or exercised in respect of any Lands, Tenements, or Hereditaments lying on either Side of the said River *Witham*, to take in Water from the said River by means of Tunnels laid through or under the Banks thereof, or the Drains communicating therewith, but that the Exercise and Enjoyment of such Rights, Powers, and Authorities shall continue and remain to the Person or Persons entitled thereto in as full and ample a Manner as he, she, or they hath or have exercised and enjoyed the same previous to the passing of this Act; and if by reason of the Works herein directed to be done and executed upon the said River *Witham*, or the Removal of the Lock now standing therein, in or near to the said Parish of *Timberland*, called *Kirkstead Lock*, the Owners or Occupiers of Lands in any Parish, Hamlet, or Place in the said First or Third Districts shall be deprived of or prejudiced in their accustomed Supply of Water through any Tunnel or Tunnels lying in or under either of the Banks of the said River, or in or under the Bank of any Drain or Delph communicating therewith at the Time of passing this Act, then and in any such Case happening the said Company of Proprietors shall at their own proper Costs and Charges, and within a reasonable Time after Notice in Writing delivered to their Clerk, signed by the Majority of the Owners of Lands respectively interested in the Use of any such Tunnel or Tunnels, or by the Trustees of any Parish, Hamlet, or Place duly appointed to act on their Behalf, to cause such Tunnel or Tunnels to be taken up and removed, and One or more Tunnel or Tunnels of the like Capacity and Dimensions as the present Tunnel or Tunnels to be put down in a good and substantial Manner in the Place or Places where such present Tunnel or Tunnels is or are now situated, so that the Bottom of each such Tunnel to be put down as aforesaid be not placed at a higher Level than Five Feet above the lower Sill of the Lock

to

to be erected in the said new Cut in or near to the said Parish of *Branston*, to the Intent that the accustomed Supply of Water may be had and conveyed into each such Parish, Hamlet, or Place; and it shall be lawful for the Parties respectively interested in the Use of the Water received through any such Tunnel or Tunnels so directed to be put down as aforesaid, at their own proper Costs and Charges, to raise the same by Gigs, Mills, Engines, or otherwise, as they shall deem expedient, in order to convey and disperse such Water along the several Drains, Delphs, and Ditches within any such Parish, Hamlet, or Place; provided the Water to be conveyed through any such Tunnel or Tunnels shall not be raised by the Means aforesaid, or by any other Means whatsoever, to a greater Heighth or higher Level than the Water before the passing of this Act was accustomed to be received into and pass along the said Ditches and Drains in ordinary Seasons through any of the Tunnels so directed to be taken up and removed as aforesaid.

Tunnels may be removed, and placed on a lower Level, if necessary.

XXXI. Provided, and be it further enacted, That if by reason of the State of the Level of the Water in the said River *Witham*, or from any other Cause, the Persons or Parties respectively interested in the Use of the Water authorized to be taken through any Tunnel or Tunnels directed to be put down as herein-before is mentioned, shall at any Time be prevented from obtaining an adequate Supply of Water through the same, then and in such Case happening the said Company shall, within a reasonable Time after the like Notice as herein-before is directed to be given them by the Owners of Lands interested in the Use of any of the said Tunnels, cause such Tunnel or Tunnels to be taken up and removed, and again put down, at the Costs and Charges of the said Company, on such lower Level as may be requisite for insuring such Supply of Water as aforesaid in the like Seasons; and that after the first putting down of such Tunnels, the future Support and Reparation thereof shall belong to and be borne by the several Persons and Parties respectively liable to the Support and Reparation of the Tunnels in lieu whereof they shall be so put down as aforesaid.

Not to prejudice Powers of District Commissioners.

XXXII. And be it further enacted, That any Two or more District Commissioners, acting within the said First and Third Districts, shall and may and they are hereby authorized and empowered jointly to execute such interior Works of Drainage for the general Benefit of any Two or more Parishes situate within either of the said Districts, and to impose, levy, and raise such Rates and Taxes as may be requisite or necessary for that Purpose upon the Lands which they are severally authorized and empowered to rate and tax under the Provisions of the said recited Act of the Second Year of His said Majesty's Reign for the Support of such joint Works, in such and the like Manner, and to such Extent of Taxation, as each such District Commissioner is authorized or can or may by virtue of the same recited Act levy or raise upon the Lands within their respective Parishes.

Mode of Adjournment by Clerk in default of General Commissioners meeting.

XXXIII. And be it further enacted, That if any Three or more General Commissioners shall not meet at the Time and Place at which any Meeting of the said General Commissioners shall be appointed to be held, in such Case happening, instead of the Notice of Adjournment being published as required by the said recited Act of the Second Year of

of His said Majesty's Reign, the Clerk or Clerks to the said General Commissioners shall cause Notice to be given of the Adjournment of such Meeting in some Newspaper usually circulated in the County of *Lincoln*, Seven Days at the least before the Day to which such Adjournment shall be made.

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

XXXIV. And for settling all Differences which may arise between the said Company of Proprietors and the several Owners of or Persons interested in any Lands, Grounds, Tenements, Mills, Waters, or other Hereditaments which shall or may be taken, used, affected, or prejudiced by reason of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons so interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trusts, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money or Recompence, or other Compensation as shall be offered by them the said Company of Proprietors, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being to the said Company of Proprietors, within Seven Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any other Person or Persons seised or possessed of or interested in any such Lands, Mills, or other Hereditaments as aforesaid, shall refuse to treat or agree or shall not agree, or by reason of Absence or Disability cannot agree with the said Company of Proprietors, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company, or of the Person or Persons authorized by them; then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Lincoln*, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter or Matters in question, then to the senior Coroner of the said County, and in case he shall be so interested, then to the next Coroner of such County in point of Seniority who shall not be so interested, and if all the Coroners shall be so interested as aforesaid, then to the last Person who filled the Office of Sheriff of the said County then in being who shall not be so interested as aforesaid, commanding such Sheriff or Coroner or other Person (and the said Sheriff or Coroner or such other Person is hereby empowered and required) to impannel, summon, and return not less than Forty-eight nor more than Seventy-two substantial and indifferent Persons qualified to serve on Juries; and the Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the Parts or Division of the said County of *Lincoln* wherein the Premises shall lie or the Damage be sustained, or if such Premises shall lie or Damages be sustained within the City of *Lincoln* or County thereof, and North of

the said River *Witham*, then before the Justices of the Peace for the Parts of *Lindsey* in the said County; and if within the said City or County thereof, and South of the said River, then before the Justices of the Peace for the Parts of *Kesteven* in the said County, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same Parts or Division, or at some Adjournment thereof, as in such Warrant shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day until discharged by the said Court; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the Parts or Division wherein such Jury shall be returned, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Clerk of the Peace as before mentioned, or his Deputy, shall return other honest and indifferent Men of the Bye-standers, or of others who can speedily be procured, to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters or Things in controversy; and such Jury shall, upon their Oaths, (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents, which shall be paid for the Purchase or for the Hire and Use of such Lands or Grounds, Mills, Mines, Waters, and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid; and the said Justices shall give Judgment for such Purchase Money, Rent, Recompence, or Compensation so assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be binding and conclusive, to all Intents and Purposes, on all Bodies Politic, Corporate, and Collegiate, and on all Persons whomsoever, provided that Fourteen Days Notice in Writing at least of the Hour and Place at which such Jury are so required to be returned be given to the Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and in each and every Case where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property, than shall have been previously offered by or on behalf of the said Company of Proprietors before the summoning such Jury; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation shall have been

Verdict of the Jury to be final.

been previously offered in respect thereof by and on behalf of the said Company of Proprietors; or where, by reason of Absence or other Impediment or Disability, there shall not be found any Person or Persons at hand who may be legally capacitated to contract with and make Conveyances to or receive Compensations from the said Company of Proprietors as herein-before mentioned; then and in all such Cases all the reasonable Expences of causing such Value or Compensation to be assessed and awarded as aforesaid shall be settled by the said Justices, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that shall have been previously offered by or on behalf of the said Company of Proprietors, or for a less Sum than shall have been so previously offered, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of such Refusal to treat with or make Conveyances to the said Company of Proprietors by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally empowered to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where, by reason of Absence or otherwise, any Person shall have been prevented from treating or agreeing as aforesaid, in which Case all such Costs and Expences shall be borne and paid by the said Company of Proprietors,) the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and awarded as aforesaid; and in case no Damages shall be given by such Verdict, where the Dispute is for Damages only, such Costs and Expences shall and may be recovered by the said Company by such Ways as are herein provided for the Recovery of any Penalty incurred under this Act.

Persons requesting Juries, to enter into Bonds to prosecute.

XXXV. Provided always, and be it further enacted, That before the said Company of Proprietors shall be required to issue their Warrant for directing a Jury to be summoned on the Complaint of any Person or Persons so to be made as aforesaid, the Person or Persons so making such Complaint and requiring such Warrant shall enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in the Penalty of One hundred Pounds, with a Condition that the said Bond shall be void if the Person or Persons making such Complaint shall prosecute the same with Effect, and shall bear and pay the Costs and Charges of summoning such Jury and taking the Verdict thereupon in case such Verdict shall not be found for a greater Sum than had been offered by and on behalf of the said Company of Proprietors, before the summoning and returning of such Jury, as a Compensation for the Purchase of any Lands, Grounds, Mills, or Hereditaments taken for the Use of the said Company of Proprietors, or as a Recompence for any Damage done or said to be done by the said Company of Proprietors.

XXXVI. And

Notice of Injury to be given to the Company before Appeal to the Jury.

XXXVI. And be it further enacted, That the said Company of Proprietors shall not, nor shall any Jury to be summoned by virtue of this Act, be required to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained or pretended to be sustained by any thing done in pursuance of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person or Persons to the said Company of Proprietors, or to their Treasurer or Clerk, within the Space of Six Calendar Months next after the Cause of such Injury or Damage shall have been removed.

Compelling the Sheriff to summon a Jury.

XXXVII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined or to give Evidence, every Person so offending, having no reasonable Excuse, (to be allowed by the said Justices,) shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to the Person so offending, on Demand, the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Party who shall appear to the said Justices to be injured by the Default of such Person.

Punishing Persons guilty of Perjury.

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

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

XXXIX. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, Mills, and other Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid; and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged

judged for such Damages as aforesaid, separately and apart from each other; and also shall settle what Shares and Proportions of the Purchase Money or Compensation for Damages shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interests therein.

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

XL. And be it further enacted, That on Payment or legal Tender of any such Sum or Sums of Money, or giving Security for Payment of any such Annual Rent, as shall have been contracted or agreed for between the Parties, or determined and adjusted by any Jury or Juries, in manner as aforesaid, for the Purchase of any such Lands, Waters, Mills, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the General Committee of the said Company, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, on the Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, (in case the same shall be requisite,) for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter upon such Lands, Grounds, and other Hereditaments respectively; and then and thereupon the Lands and Grounds, Water, Mills, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever; and such Tender, Payment, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Security, Tender, or Investment as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut into such Lands or Grounds for the Purpose of making the said Navigation or other Works, without Leave of the respective Owners or Occupiers thereof.

Verdict to be recorded.

XLI. And be it further enacted, That all the said Judgments and Verdicts, being first signed by the Clerk of the Peace or his Deputy, present at the taking of such Verdicts and pronouncing of such Judgments respectively, shall be kept by the respective Clerks of the Peace among the Records of the Quarter Sessions of the said Parts or Divi-

sions

sions respectively, and the Places therein having Jurisdiction of Quarter Sessions, wherein the Question on which such Verdict shall be taken shall arise (as the Case shall require), and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of One Shilling for every Two hundred Words, and so in proportion for any less Number of Words.

Power for Company to re-sell Lands.

XLII. And whereas, in pursuance of the Provisions of this Act, the said Company of Proprietors may purchase Lands, Grounds, Erections, Buildings, Houses, Tenements, or Hereditaments not necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey, such Part or Parts of the Lands, Grounds, Erections, Buildings, Houses, Tenements, or Hereditaments which shall be so purchased by and conveyed to the said Company of Proprietors as aforesaid, and which shall not be wanted for the Purposes of this Act; and also to lay and appropriate any Part of the said Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments as and for a Road or Roads, Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Conveyances from the said Company of Proprietors shall be valid and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Grounds, Erections, Buildings, Houses, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall be lawful for the Treasurer or Treasurers for the Time being to the Company of Proprietors to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands, Grounds, Erections, Buildings, Houses, Tenements, or Hereditaments, or any Parts or Parcels thereof, as shall be so sold, or for so much thereof as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Money raised by such Re-sale, how to be disposed of.

XLIII. And be it further enacted, That all and every Sum and Sums of Money which shall and may be had, received, and taken by the said Company of Proprietors as the Consideration of all and every such Grant, Conveyance, or Sale as aforesaid, shall be paid, applied, and disposed of in such and the like Manner as any other Sum or Sums of Money arising or to arise from the Tolls and Rates to be collected on the said Navigation by virtue of this Act is and are hereby directed to be paid, applied, and disposed of.

Application of Compensation when amounting to 200*l.*

XLIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant,

Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Company of Proprietors; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in Discharge of any Debt or Debts, or any Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, on the Request of the said Company of Proprietors in Writing, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said High Court of Chancery to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application, where Money amounts to 20*l.* and is less than 200*l.*

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of any Infancy or Lunacy, to be signified by Writing under their respective Hands,) be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person

or Persons making such Option, and approved of by the said Company of Proprietors, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Money may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where Money is less than 20*l.*

XLVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery, on Motion or Petition.

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

Where any Question shall arise touching such Money,

XLVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of

the Person in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession, &c., unless, &c.

of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Company.

XLIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance thereof, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Compensation for Tithes and Glebe Lands to be by Annual Rent.

L. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tithes, as well Great as Small, which would have been issuing from or payable in respect of the Lands, Tenements, and Hereditaments which shall be taken and used for the Purposes of this Act, to the several Persons entitled or who would have been entitled to such Tithes in case such Lands had not been so taken or made use of, according to their respective Interests therein; such Tithes to be estimated at the average Value of Four Years, commencing at *Michaelmas Day* One thousand eight hundred and eight, and such average Value, in the Event of any Controversy or Dispute concerning the same, to be ascertained and settled in like Manner as the Value of the Lands or other Hereditaments herein-before directed to be ascertained: Provided always, that the Recompence and Satisfaction to be made by virtue of this Act for all Glebe Lands and Tithes belonging to Spiritual Persons shall not be made to such Persons by a Sum in Gross, but by an Annual Rent; and in case such Annual Rent shall not be paid within Thirty Days next after the same shall become due, such and the same Means or any of them shall and may be resorted to and made use of for recovering the same as can or may be had, taken, or pursued for the Recovery of any other Monies due and owing from the said Company.

LI. And

LI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute in manner herein-after mentioned, and in such Proportions as are expressed in their respective Subscriptions, any Sum or Sums of Money, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds (save and except as herein-after mentioned); which said Sum or Sums of Money so to be raised shall in the first place be paid and applied in Satisfaction and Discharge of One equal Moiety or Half Part of the Costs and Charges of applying for and obtaining this Act, (the other Moiety thereof being agreed to be paid by the said General Commissioners,) and of all and every the Debts and Sum and Sums of Money which at the Time of passing this Act shall be justly due and owing from the said Navigation Commissioners to any Person or Persons whomsoever, (except the several Principal Monies, amounting in the Aggregate to Six thousand eight hundred Pounds, due and owing to sundry Persons or Securities from the said Navigation Commissioners upon the Tolls and Duties of the said Navigation, granted under the Authority of the said recited Act of the Second Year of His Majesty's Reign,) and from and after full Payment and Satisfaction of all such Debts and Demands, except as aforesaid, do and shall pay and apply the Residue of such Monies for and towards making and completing the said Navigation, Locks, Stanches, Towing Paths, and other Works hereby authorized to be made, and in maintaining such of the said Works as are directed to be maintained by the said Company, and for otherwise carrying the several Purposes of this Act in relation thereto into Execution; and that the said Sum of One hundred and twenty thousand Pounds shall be divided into Shares of One hundred Pounds each, and that the said Shares shall be and they are hereby vested in the several Persons, and Bodies Politic, Corporate, or Collegiate, so subscribing, and their several and respective Successors, Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally pay and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be called for and demanded by virtue of this Act, towards making, completing, and maintaining the said Navigation and Works hereby authorized and required to be made and maintained by the said Company of Proprietors, shall be entitled to and receive the entire and net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Tolls and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person and Persons, having such Property in the said Undertaking, shall bear and pay a proportionable Sum towards carrying on the same, in manner herein directed and appointed.

The Company of Proprietors may raise Money among themselves not exceeding 120,000*l.* in Shares of 100*l.* to execute this Act, and divide the Profits of the Concern.

LII. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for making, completing, and maintaining the said Navigation and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto,

Power to raise among themselves a further Sum if necessary,

not exceeding 60,000*l.*

thereto, then and in such Case it shall and may be lawful to and for the said Company of Proprietors to raise and contribute among themselves, in Manner and Form aforesaid, in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers, any further or other Sum or Sums of Money for completing and perfecting the said Undertaking, not exceeding in the whole the Sum of Sixty thousand Pounds; and every Person or Persons, Body Politic, Corporate, or Collegiate, subscribing towards raising such further or other Sum of Money, shall be a Proprietor or Proprietors in the said Undertaking, and shall have a like Vote by himself, herself, or themselves, or his, her, or their Proxy or Proxies, in respect of every One hundred Pounds of the said additional Sum to be raised, and shall also be liable to such Forfeiture, and stand interested in all the Profits of the said Undertaking, in proportion to such Sum as he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised as aforesaid had originally been Part of the said Sum of One hundred and twenty thousand Pounds, any thing herein contained to the contrary threeof in anywise notwithstanding.

Or to raise the same by Mortgage.

LIII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising such further or other Sum of Sixty thousand Pounds, or any Part thereof, by Mortgage of the said Undertaking, instead of by Contribution or Subscription, then it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest all or any Part of such further Sum of Sixty thousand Pounds, as to them shall seem fit, on the Credit of the Tolls and Duties of the said Navigation to be taken by virtue of this Act, and to assign the Property of the Undertaking, and the Tolls or Sums of Money arising or to arise to the said Company of Proprietors by virtue of this Act, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustees or Trustee, as shall advance the same, by Deed of Mortgage under the Common Seal of the said Company of Proprietors, in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

‘ WE, the Company of Proprietors of the *Witham* Navigation, in consideration of the Sum of
‘ to us paid by do hereby, by virtue
‘ of an Act of Parliament passed in the Year of
‘ the Reign of King *George* the Third, intituled [*set forth the Title of the Act*], bargain, sell, and transfer unto the said
‘ Executors, Administrators, and Assigns, the said Undertaking, and all
‘ and singular the Tolls and Duties of the said Navigation arising by
‘ virtue of the said Act, and all the Right, Title, and Interest of us the
‘ said Company of Proprietors of, in, and to the same, to hold unto the
‘ said Executors, Administrators, and Assigns,
‘ until the said Sum of together with Interest
‘ for the same after the Rate of *per Centum*
‘ *per Annum*, shall be fully paid and satisfied. Given under our Common
‘ Seal, the Day of in the Year
‘ of our Lord .’

And that all Persons to whom such Mortgages shall be made shall be equally entitled to their Proportion of the said Tolls and Premises according to the respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of the Priority of any such Mortgage, or any other Account; and an Entry or Memorial of every such Mortgage, containing the Number and Date thereof, and the Name or Names of the Person or Persons (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, and the Rate of Interest to be paid thereon, shall, within Twenty-one Days from the Date of every such Mortgage, be written and inserted *gratis* in One or more Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Company of Proprietors; which Book or Books shall and may be perused at all seasonable and convenient Times by any of the Proprietors or Creditors of the said Undertaking, without Fee or Reward; and the Person or Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit therein to any Person or Persons whomsoever; which Transfer shall be made in the Form or to the Effect following; (that is to say,)

Mortgage may be transferred.

'I *A. B.* of in consideration of the Sum of paid by *C. D.* of do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Witham* Navigation to Number bearing Date the Day of for securing the Sum of and all Interest now due or to become due thereon, and all my Right and Property therein, to the said *C. D.* Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord .'

Form of Transfer.

And that every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk or Clerks of the said Company of Proprietors, who shall cause an Entry or Memorial to be made thereof, containing the Date and Names of the Parties, in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Assignment to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof.

LIV. And be it further enacted, That the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, shall be made or divided.

Interest of Mortgage to be paid in preference to Dividends.

LV. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other

Shares to be deemed Personal Estate.

other Person and Persons, of and in the said Undertaking, or in the joint Stock or Fund of the said Company of Proprietors, shall be and be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property.

First and other General Assemblies.

LVI. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act in execution shall be held at the *Rein Deer* Inn, in the said City of *Lincoln*, on the Fourth *Thursday* after the passing of this Act, at the Hour of Eleven in the Forenoon; and the Second General Assembly of the said Company shall be held on the Third *Thursday* in the Month of *December* then next ensuing, at such Place and Hour as the said Company at their said First Assembly shall appoint; and all future General Meetings of the said Company, except such General Assemblies as herein-after mentioned, shall be held on the Fourth *Thursday* in *June* and the Third *Thursday* in *December* in each and every Year, at the Hour of Eleven in the Forenoon, at such Place as the said Company of Proprietors at their preceding General Assemblies shall from Time to Time direct and appoint; of which General Assemblies Fourteen Days previous Notice at the least shall be given by public Advertisement in some One or more Newspaper usually circulated in the said County of *Lincoln*, and in such Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors at such respective General Assemblies to be held on the said Fourth *Thursday* after the passing of this Act, and on the Fourth *Thursday* in *June* in every succeeding Year, and at no other Time, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Five or more Shares in the said Undertaking, one General Committee to manage the Affairs of the said Company of Proprietors as herein-after directed, the said General Committee to consist of not more than Nine nor less than Seven Persons; and every such Committee shall continue for Twelve Calendar Months from the Time of their Appointment, and until another shall be chosen in their Stead, unless any Member or Members of such Committee shall die, or refuse to act, or cease to be entitled to Five Shares at least in the said Undertaking, or shall hold any Place, Office, Employment, or Contract under the said Company, in any of which Cases it shall be lawful for the Committee to fill up the Vacancy or Vacancies in such Committee for the Remainder of the said Twelve Calendar Months, or until another Committee shall be chosen in their Room, and so from Time to Time as Occasion may require; and the said Company of Proprietors shall have Power and Authority, at any such General Assembly, to remove and displace any Person or Persons who shall have been chosen an Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet, (the Method of calling General or Special Assemblies, and their Time and Place of meeting, and voting, and appointing Committees, only excepted,) and shall have Power to make such Rules, Bye Laws, and Orders for the good Government of the said Company and the said Committee, and their Servants, Agents, and Workmen, and for the whole, complete, and total Superintendence and Management of the said Undertaking, and of the Boat-

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men and others who shall carry any Goods, Wares, or Merchandize upon any Part of the said Undertaking, or shall use any of the Works by this Act authorized to be made, as to the said General Assemblies shall seem meet and fitting, and to impose and inflict such reasonable Fines or Forfeitures on all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed, shall be binding upon and observed by all Parties using or in any Way concerned in the said Undertaking and Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions and Directions in this Act contained, or to any of them; and all such Rules, Bye Laws, and Orders shall be subject to Appeal, in manner herein directed; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurer, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any Person or Persons whomsoever employed by or concerned for or under them in and about the said Undertaking and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the auditing and Settlement of Accounts.

Chairman of General Assemblies to be appointed.

LVII. And be it further enacted, That the said Company of Proprietors at their respective General and Special General Assemblies shall and may appoint a Chairman; and such Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote.

Assembly of Proprietors may be specially convened.

LVIII. And be it further enacted, That if it shall at any Time appear that for more effectually putting this Act in Execution a Special Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Fifteen or more of them, possessed of One hundred and fifty Shares in the whole at least in the said Undertaking, to cause Fourteen Days Notice at least to be given thereof in some One or more Newspapers usually circulated in the said County of *Lincoln*, or in such other Manner and at such Time or Place as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held (such Place being where the same shall be directed from Time to Time by the General Assemblies of the said Company, and not elsewhere); and the said Company are hereby authorized to meet pursuant to such Notice; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them, met together at every such Special Assembly, (provided such major Part shall be possessed of Two hundred Shares at the least in the said Navigation, either as Principals or Proxies,) shall be as valid with respect to the Matters specified in such Notice as if the same had

been done at any ordinary General Assembly, except with respect to such Matters and Things as are herein directed to be transacted and done at such General Assemblies only.

General Assembly to elect and appointOfficers, and take Security from them.

LIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Writing under their Common Seal, a Treasurer or Treasurers, and also One or more Clerk or Clerks to the said Company, (on whom Service of all Writs, Notices, and other legal Proceedings against the said Company shall be deemed good Service on the said Company,) taking such Security for the due Execution of their respective Offices as the said Company shall think proper; and such Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company, and of the General and other Committee or Committees by virtue of and under the Authority of this Act; and each of the said Proprietors of the said Undertaking shall and may at all convenient Times have recourse to, and peruse and inspect the same *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every Two hundred Words so to be copied the Sum of One Shilling; and if any such Clerk or Clerks to the said Company and General and other Committees shall refuse to permit any Proprietor so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, at all convenient Times and Seasons, or refuse to make any such Copy or Copies at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and whenever any Clerk or Treasurer shall die, or be removed, or quit the Service of the said Company, it shall be lawful for the said General Committee of the said Company to appoint some other fit Person or Persons in the Place of the Clerk or Treasurer so dying, quitting, or being removed, until the then next General Assembly, when the Clerk or Clerks, Treasurer or Treasurers, so appointed, or some other Clerk or Clerks, Treasurer or Treasurers, shall be nominated and appointed for the Purposes aforesaid.

Committee to appoint a Chairman among themselves.

LX. And be it further enacted, That the Persons composing the said Committee shall and may, at every Meeting by them held, appoint a Chairman; and that no Member of any Committee shall have more than One Vote upon any Question that may be agitated in the said Committee, except in case of an Equality of Votes, and in that Case the Chairman shall have the decisive or casting Vote, although he may have given One Vote before.

Powers of the Committee.

LXI. And be it further enacted, That all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee may be done and exercised by the major Part of the Persons present at their respective Meetings, the whole Number present not being less than Five; and every such Committee shall from Time to Time make Report of their Proceedings to the said General Assemblies of the Company, and

shall obey their Orders and Directions; and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) meet at such Times and Places, and shall and may from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and in order to defray the Expences of their said Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Company of Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled by the said Company of Proprietors at such General Assemblies; and the said Committee shall and may contract for and agree for the Purchase of the Lands, Tenements, and Hereditaments that may be taken or used for the Purposes of the said Navigation, Banks, Towing Paths, Ways, or other Works thereunto belonging, and shall and may, on the Part and Behalf of the said Company of Proprietors, settle, determine, and adjust all Matters, Questions, and Differences which shall or may arise between the said Company of Proprietors and the several Owners of and Persons interested in any Lands, Tenements, or other Hereditaments which shall or may be taken and damaged or affected by the Execution of any of the Powers hereby granted, and shall and may make Agreements, Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making, continuing, and completing the said Navigation, Banks, Towing Paths, Ways, or other Works thereunto appertaining or belonging, and all and every Part or Parts thereof, or in supplying any Articles or Materials for the Use of the said Company of Proprietors; and the said Committee shall (subject nevertheless to the Orders and Directions of such General or Special General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors; and the said Committee shall, by themselves or the said Clerk or Clerks of the said Company of Proprietors, keep a full, correct, and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf or in respect of the said Undertaking from any Collector or Collectors of the said Tolls, or from any other Officer or Officers, or from any Person or Persons to whom such Tolls shall be demised or leased by virtue of this Act, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof; and shall enter in a Book or Books, to be from Time to Time provided at the Expence of the said Company of Proprietors, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all their Orders and Proceedings, which Book or Books shall be deposited with and kept under the Care and Direction of the said Committee, or the Clerk or Clerks of the said Company of Proprietors as aforesaid; and it shall and may be lawful for the said Committee from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, in order to defray the Expences of or to carry on the same, as they the said Committee from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds for and in respect of every Share, or be made at a less Interval than Two Months from each other; and Twenty-one Days

Days Notice at least shall be given of all such Calls as aforesaid, by Advertisement in some Newspaper usually circulating in the County of *Lincoln*, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct and appoint; all which Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, to be issued, paid, and applied in such Manner as the said Committee shall from Time to Time order and direct.

Committee may appoint Sub-Committees, with Power to make Contracts, &c.

LXII. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint, out of their own Body, One or more Sub-Committee or Sub-Committees, (every such Sub-Committee to consist of Three or more Persons,) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking, which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to entrust to the Care and Management of any such Sub-Committee or Sub-Committees (save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking); and that it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Recompence to be made to the said Sub-Committee or Sub-Committees from Time to Time as they shall think reasonable; and it shall also be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove and displace any Member or Members thereof, and appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-Committee or Sub-Committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three; and at all Meetings of such Sub-Committees respectively, One of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before.

Subscribers to have a Vote for every Share, by themselves or Proxies;

LXIII. And be it further enacted, That every Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who shall by virtue of this Act have subscribed or undertaken for One or more Share or Shares of and in the said Undertaking, and his, her, and their Successors, Executors,

Executors, Administrators, and Assigns, shall be and be deemed a Proprietor and constituent Member of the said Corporation hereby created, and shall have a Vote for every such Share in every General or other Assembly to be held as herein-after appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand or Hands, or under the Seal of any Corporation Aggregate, every such Proxy being a Proprietor in the said Undertaking; and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question or Questions as to the Election of proper Officers, or the Determination of any other Matter or Thing, shall be proposed, discussed, or considered in any General or other Assembly of the said Company of Proprietors to be held by virtue of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for each of the First Five Shares, and for all Shares exceeding that Number to give One Vote only for each Five Shares he, she, or they may have in the said Undertaking, and that no Person shall give or deliver, or vote in respect of Proxies for more than the Shares of Two absent Proprietors; and the Appointment of every Proxy shall be made according to the Form following:

but not to have more than One Vote, nor act as Proxy for more than Two Proprietors.

Form of Proxy.

'I of One of the Proprietors of the *Witham* Navigation, do hereby nominate, constitute, and appoint of in my Name, and in my Absence, to vote or give my Assent or Dissent to any Business, Matter, or Thing relating thereto, which shall be proposed at any General or Special Assembly of the Proprietors of the said Undertaking, or any Adjournment thereof, at all Times hereafter, until I shall revoke this Appointment by Notice in Writing under my Hand to some Clerk to the said Company of Proprietors. In witness whereof I have hereunto set my Hand, this Day of .'

Mortgagees not to be considered as Proprietors of Shares.

LXIV. Provided always, and be it further enacted, That no Person or Persons to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be or be deemed to be in respect thereof a Proprietor of any Share, or be capable of acting or voting by virtue of such Mortgage or Assignment at any Assembly or Meeting of the said Company of Proprietors, or for or on account of his, her, or their having lent or advanced any Money on the Credit of any such Mortgage or Assignment.

Officers to account.

LXV. And be it further enacted, That every such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, or other Officer or Servant of the said Company of Proprietors, so to be appointed as aforesaid, shall, under his or their Hand or Hands, at such Time or Times and in such Manner as the said Company of Proprietors or such Committee shall direct, deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his or their Charge by virtue of this Act, and also of all the Monies which shall have been by such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, or other Officer or Servant of the said Company of

Proprietors, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay all such Monies as shall remain in his or their respective Hand or Hands to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they shall respectively appoint; and if any such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer, or Person shall refuse to produce and deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to such Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after being thereunto required by the said Company of Proprietors or by such Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his or their respective Hands, to the said Company of Proprietors, or to such Committee, or as they shall respectively direct and appoint, then and in either of the Cases aforesaid the said Company of Proprietors may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the said Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by such Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, on any such Refusal or Neglect as aforesaid, to any Two or more Justices of the Peace for the County, Division, City, or Place wherein the said Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons so neglecting or refusing to be brought before them, and upon his or their appearing, or refusing or neglecting to appear, without some reasonable Excuse, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected, raised, or received by virtue of this Act, shall be in the Hands of such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons, such Justice or Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Monies, and the Charges of making and levying

the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, to the said Company of Proprietors, or to such Committee, or other Person or Persons as they respectively shall appoint, then and in any or either of the Cases aforesaid such Justices shall commit every such Offender to the Common Gaol for such County, Parts, Division, City, or Place, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account and Payment as aforesaid, or until he shall deliver up such Monies, Accounts, Receipts, Vouchers, Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors or to such Committee; but no Treasurer, Engineer, Surveyor, Clerk or Clerks, Collector, Receiver, Officer, or Person so committed for want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

Subscribers to pay their Subscriptions on Calls by the Committee; and, on failure, may be sued.

LXVI. Provided always, and be it further enacted, That the respective Persons who have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or shall be Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall, and he, she, and they is and are hereby required to pay the Sum and Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of the said Company of Proprietors by virtue of and agreeable to the Powers and Directions of this Act, at such Times and Places and in such Manner as shall be directed by the said Committee; and in case any such Subscriber or Subscribers shall neglect or refuse to pay the same at the Time and Place and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same in any of His Majesty's Courts of Law or Equity.

Directing Proceedings in Actions for Calls.

LXVII. And be it further enacted, That in all Actions to be brought by the said Company of Proprietors against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were an Owner

Owner or Owners, Proprietor or Proprietors of some Share or Shares in the said Undertaking upon which any Call or Calls shall be in arrear, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear to be due; and that no Wager of Law shall be allowed in any such Action.

Manner of enforcing Payment of Calls.

LXVIII. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act for the Space of One Calendar Month after such Call or Calls shall have been made as aforesaid, then and in such Case it shall and may be lawful to and for the said Company, at some General or Special General Assembly to be held after such Neglect or Refusal to pay such Call or Calls as aforesaid, to declare all and every or any of the Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited; and from thenceforth the said Share or Shares so declared to be forfeited shall be vested in the said Company of Proprietors, their Successors and Assigns, to and for the Uses and Purposes herein-after mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall vest in or accrue to the said Company of Proprietors until Notice thereof in Writing shall be given by the Treasurer or by the Clerk or Clerks of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Fourteen Days at the least before the Share or Shares shall vest in or accrue to the said Company, or until Notice be published in some One of the public Newspapers circulated in the County of *Lincoln*, in case such Person or Persons cannot be found; and in such Notices respectively shall be contained a Statement and an Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Call or Calls in respect of his, her, or their Share or Shares in the said Undertaking; and no such Share or Shares shall be forfeited to or vested in the said Company, if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and all Expences attending the Application for the same, within the Time specified in such Notice; any thing contained in this Act to the contrary thereof in anywise notwithstanding.

Interest to be paid on Subscriptions till Works are completed.

LXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the Works of the said Navigation are in Execution, and until the same shall be completed and finished, and certified so to be as herein directed, pay unto each and every Person, their respective Successors, Executors, Administrators,

tors, and Assigns, who shall severally advance and pay any Sum or Sums of Money in part or in full of any Call or Calls upon their respective Subscriptions, Interest for the Monies so advanced, after the Rate of Five Pounds *per Annum* for every One hundred Pounds by the Year, during the Time aforesaid from the Payment and Advancement of such Monies respectively.

Company empowered to sell Shares which shall become vested in them by Default.

LXX. And be it further enacted, That when any Share or Shares of the said Undertaking shall by virtue of this Act have become forfeited to or vested in the said Company of Proprietors as aforesaid, then and in every such Case it shall be lawful for the said Company, or their Committee for the Time being, and they are hereby authorized and empowered, from Time to Time to sell or cause to be sold by public Auction or by private Contract, in Writing and under the Common Seal of the said Company to assign and transfer, such and so many of the Share or Shares of such Defaulter or Defaulters as the said Company or their Committee shall from Time to Time find necessary and direct to be sold, unto such Person or Persons as shall become the Purchaser or Purchasers thereof, his, her, or their Executors, Administrators, and Assigns; and such Assignment and Transfer shall be good, valid, and effectual against the Owner or Owners of every such Share or Shares so forfeited to or vested in the said Company and sold as aforesaid, and all Persons claiming under him, her, or them: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay such Arrears as aforesaid, and legal Interest thereon, and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale or Sales shall be paid to the Person or Persons to whom such Share or Shares shall have belonged: Provided also, that the said Company or their Committee shall not by virtue of this Act at any Time or Times sell or transfer or direct to be sold or transferred any more of the Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due by such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of every Call or Calls to be made by virtue of this Act, and the Interest and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

Company not to sue for Calls on forfeited Shares.

LXXI. Provided also, and be it further enacted, That nothing herein contained shall empower the said Company of Proprietors to sue the original Proprietors of any Share or Shares which shall be declared to be forfeited in manner and according to the Tenor, true Intent, and Meaning of this Act, except such as revert in pursuance of the last preceding Clause, for any Call or Calls for Money subsequent to the Declaration of such Forfeiture; but when any such forfeited Share or Shares shall be sold, the Purchaser or Purchasers thereof shall be liable to the future Calls, in the same Manner as if he, she, or they had been the original Proprietor or Proprietors of such Share or Shares.

On the Death of Subscribers before Shares completed, Executors may complete them.

LXXII. Provided likewise, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum or Sums to be advanced on each Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how or in what Manner such Share or Shares shall be disposed of, and how and by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators of any such Owner or Owners, Proprietor or Proprietors so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner or Owners, Proprietor or Proprietors, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such Owner or Owners, Proprietor or Proprietors so deceased, shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and empowered to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners, Proprietor or Proprietors so deceased, on condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, Proprietor or Proprietors, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners, Proprietor or Proprietors, in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LXXIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, and their respective Successors, Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Conveyance or Transfer of which Share or Shares shall be in the Form and to the Effect following:

Form of Transfer.

'I *A. B.* of in consideration of the Sum of
' paid to me by *C. D.* of
' do hereby bargain, sell, assign, and transfer to the

'said *C. D.* Executors, Administrators, and Assigns, the Sum
'of Capital Stock or Share in the
'Undertaking called the *Witham* Navigation, (being Number
'of the Shares in the said Undertaking,) to hold to the said *C. D.*
' Executors, Administrators, and Assigns, subject to the
'same Rules, Orders, and Restrictions, and on the same Conditions
'that I held the same immediately before the Execution hereof; and I
'the said *C. D.* do hereby agree to take and accept the said Capital Stock
'or Share of , subject to the same
'Rules, Orders, Restrictions, and Conditions. As witness our Hands
'and Seals the Day of .'

And that on every such Sale the said Conveyance or Transfer (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company shall have registered in a proper Book or Books, to be provided by the said Company and kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and shall have testified or indorsed the Registry of such Memorial on the said Conveyance or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk or Clerks is and are hereby required to register such Memorial accordingly; and until such Memorial shall have been registered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Dividend on such Share or Shares paid unto him, her, or them, nor any Vote in respect thereof as a Proprietor or Proprietors of the said Undertaking.

No Title till Registry.

LXXIV. And be it further enacted, That after any Call of Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon pain of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred; such Forfeiture nevertheless to be declared at a General or Special General Assembly in manner before directed.

After a Call, no Share to be sold until the Money shall be paid.

LXXV. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said Undertaking by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be

Regulations as to the Acquisition of Shares.

be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by any Executor or Executors of such Will before One of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein-before mentioned; and that in all Cases other than is herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons before One of the Judges of His Majesty's Court of Record at *Westminster*, or a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking; and that in all or any of the said Cases it shall be lawful for the said Company of Proprietors at any General or Special General Assembly, after Three Calendar Months Notice shall have been given by the said Clerk or Clerks to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times at least, at the Intervals of Six Days between each Advertisement, in some one of the public Newspapers usually circulated in the County of *Lincoln*, to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited, and sold and disposed of in such Manner as the said Company of Proprietors shall direct, or otherwise become consolidated in the General Fund of the said Company.

Names of Proprietors, and Numbers of their Shares to be entered in a Book, and Certificates of the Number to be delivered to them.

LXXVI. And for the better Security of the several Proprietors of the said Undertaking as to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their first or at some subsequent General Assembly, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly

distinctly entered in a Book or Books to be kept by the Clerk or Clerks to the said Company of Proprietors, and after such Entry made to cause the Common Seal to be affixed thereto; and every Proprietor requiring the same may have a Certificate of such Entry for each Share, certified under the Hands or Hand of the Clerks or Clerk to the said Company of Proprietors, on paying to the Clerk Two Shillings and Sixpence, and no more, for every such Certificate; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Proprietor, his, her, or their Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the want of such Certificate shall not hinder or prevent the Owner or Proprietor of any of the said Share or Shares from selling or disposing thereof; and in case any such Certificate shall become defaced, worn out, or damaged, or shall be ascertained to have been lost or destroyed, then and in such Case another Certificate shall be made out and delivered by the said Clerk or Clerks, on the Terms and Conditions aforesaid.

Rate of Tonnage.

LXXVII. And for enabling the said Company of Proprietors to carry on the said Undertaking, be it further enacted, That at such Place and Places upon or adjoining the said Navigation, and in such Manner and under such Regulations as the said Company of Proprietors by any Instrument in Writing under their Seal shall direct and appoint, there shall be paid for Tonnage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever which shall be navigated, carried, or conveyed up or down, or along or upon the said Navigation, to the Collector or Collectors to be nominated by the said Company of Proprietors by virtue of this Act, by all and every Person and Persons who shall so navigate, carry, or convey any such Goods, Wares, Merchandize, Commodities, or other Things whatsoever, such Sum or Sums of Money for the several Rates or Duties thereof, over and above what shall or may be paid for the Freight or Carriage thereof, as the said Company of Proprietors shall from Time to Time think fit and proper to appoint, not exceeding the several Sums of Money or Duties following; (that is to say,) for Goods, Wares, Merchandize, or Commodities carried or conveyed from any Place within One Mile of *Lincoln* High Bridge to within the like Distance of the Grand Sluice near to *Boston*, or from any Place within One Mile of the said Grand Sluice to within the like Distance of *Lincoln* High Bridge, the Sum of Three Shillings *per* Ton; and for any Distance upon the said Navigation not exceeding Twelve Miles, the Sum of One Shilling and Sixpence *per* Ton, as and for a Gross Tonnage thereon; and for Goods, Wares, Merchandize, or Commodities carried or conveyed any greater Distance than Twelve Miles upon the said Navigation, and not being subject to the Payment of the said Gross Tonnage of Three Shillings *per* Ton, nor to the Payment of any Toll or Duty upon either of the said Navigations from the River *Witham* to *Horncastle* and *Sleaford*, the Sum of One Penny Halfpenny *per* Ton *per* Mile, for whatever Distance the said Goods, Wares, Merchandize, or Commodities shall be carried or conveyed upon the said Navigation, provided the aggregate Toll or Duty, after the Rate aforesaid, shall not exceed the said Gross Tonnage of Three Shillings *per* Ton; and that in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass through or upon the said Navigation,

such Fraction shall, in ascertaining the said Tolls and Duties, be deemed and considered as a Quarter of a Mile; and that in all Cases where there shall be a Fraction of a Quarter of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated, or to pass on the said Navigation, the same shall, for the Purposes of this Act, be deemed and taken to be a Quarter of a Ton.

Toll upon Goods passing to and from Horncastle or Sleaford Canal.

LXXVIII. And whereas by virtue of the said Act of the Thirty-second Year of His present Majesty's Reign, for making a Navigation from the said River *Witham* to the Town of *Horncastle*, herein-before recited, and the other of the said Acts passed in the same Year of His said Majesty's Reign, intituled *An Act for making and maintaining a Navigation from* Sleaford *Castle Causeway, through the Town of* Sleaford *in the County of* Lincoln, *along the Course of* Sleaford *Mill Stream and* Kyme Eau, *to the River* Witham, *at or near* Chapel Hill *in the same County, and for making necessary Cuts for better effecting the said Navigation*, all Goods, Wares, Merchandize, and Commodities paying a Toll or Duty upon either of the said Navigations, are subject and liable only to One Half Part of the Toll or Duty payable under or by virtue of the said recited Act of the Second Year of His Majesty's Reign on Goods, Wares, or Merchandize carried or conveyed on the said River *Witham;* be it therefore further enacted, That all Goods, Wares, Merchandize, and Commodities passing along, or liable to the Payment of a Toll or Duty upon the said *Horncastle* and *Sleaford* Canals, or either of them, shall be and remain subject and liable to the present Toll or Duty of Nine-pence *per* Ton, if carried or conveyed through or upon any Part of the said River *Witham*, and also to a further or additional Toll or Duty of One Half the Amount of the Toll or Duty now paid for such Goods, Wares, Merchandize, and Commodities upon the same River.

Toll on Packet and Market Boats.

LXXIX. And be it further enacted, That all Packet Boats, or other Boats or Vessels conveying or carrying Passengers for Hire upon the said Navigation, shall be subject and liable to pay a Toll or Duty as and for Two Tons, and that all Skiffs or small Vessels having a less Weight than One Ton on board, and passing through any Lock on the said Navigation, shall be subject and liable to the Payment of a Toll or Duty of One Shilling, over and above the Toll or Duty payable for the Goods, Wares, or Merchandize on board such Packet Boats, or other Boats, Vessels, or Skiffs respectively; provided that if Two or more such Skiffs or small Vessels, not carrying Passengers for Hire, shall pass through any Lock at the same Time, using only One Pen of Water, then the Toll or Duty of Sixpence shall be paid for each such Skiff or small Vessel, over and above the Toll or Duty due and payable in respect of the Goods, Wares, or Merchandize on board the same.

Tolls and Duties exempted from Parochial Rates.

LXXX. Whereas the Monies expended by the said General Commissioners in part Execution of the Works of Drainage required to be done and executed under the Authority of the said recited Act of the Second Year of His Majesty's Reign, amounting in the whole to Fifty-three thousand six hundred and fifty Pounds, were borrowed and charged upon the Rates and Taxes imposed on the Lands situate within the Limits of the said Act, and were for the most Part expended in the Execution of

Works equally essential to the Improvement of the Navigation of the said River *Witham* as of the Lands draining thereby, and Two annual Payments of One thousand four hundred Pounds each are also intended, by the Provisions in this Act contained, to be likewise charged upon and made payable out of the Rates and Taxes imposed on the said Lands in certain Proportions: And whereas the Sum of Six thousand eight hundred Pounds only has been borrowed and expended by the said Commissioners for Navigation in the Execution of the Works of Navigation on the said River, and is the only Charge created and existing upon the Credit of the Tolls and Duties of such Navigation, which Debt or Sum of Six thousand eight hundred Pounds is intended by this Act to be paid off and discharged, or otherwise made chargeable on the more extensive Tolls and Duties hereby granted; and the Powers and Authorities of the said Navigation Commissioners are herein declared to cease and be extinguished: And whereas all the Lands and Grounds within the Limits of the said recited Act will derive Benefit and Security from the Works so required to be done and executed at the Costs and Charges of the said Company of Proprietors; and if the more extended Tolls and Duties imposed by this Act upon the said Navigation were to be subject or liable to Parochial Rates, a partial Benefit only would be afforded thereby, and in very unequal Proportions, to the Lands and Hereditaments situate within such of the said Parishes, Townships, and Places as adjoin upon the said River, in exclusion of certain other Parishes, Townships, and Places not adjoining thereon, but likewise made chargeable with the Rates and Taxes imposed by the said recited Act and by this Act, and by reason of the Tolls and Duties of the said Navigation being subject or liable to Parochial Rates, a further Rate or Tax might be required by the said Company of Proprietors to be imposed and raised upon the Lands situate within the Limits of the said recited Act, to enable them to execute and complete their said Undertaking; it hath therefore been agreed between the said General Commissioners (with the Consent of the Owners and Proprietors of taxable Lands situate within the several Parishes, Townships, and Places in the said First, Third, and Fifth Districts, who are exclusively made liable to the additional Rates and Taxes imposed by this Act,) and the said Company of Proprietors, that the Tolls and Duties of the said Navigation, for the Reasons and Considerations aforesaid, shall not be or be deemed to be liable to the Payment of Parochial Rates, but subject to the Proviso next after mentioned; be it therefore enacted, That the Tolls and Duties arising from the said Navigation shall not be subject or liable to be rated to or for the Relief or Maintenance of the Poor, or to any other Parochial Rates or Taxes in any Parish, Township, or Hamlet adjoining upon or through which the said Navigation extends, but shall be wholly exempt therefrom; provided that such Exemption shall not extend or be construed to extend to any Lands, Dwelling Houses, Wharfs, Warehouses, and other Houses of or belonging to the said Company, but they shall and are intended to be rateable and chargeable to all Parochial Rates and Taxes in the several Parishes, Townships, or Hamlets in which they are respectively situated, in like Manner as Lands of similar Quality, and Dwelling Houses, Wharfs, Warehouses, and other Houses of the like Description, situate in such respective Parishes, Townships, or Hamlets, shall be

be respectively assessed and charged to the Payment of any such Parochial Rates or Taxes.

Tolls not paid for Goods to or from Brayford not passing below where the old Stamp-End Lock stood.

LXXXI. Provided always, and be it further enacted, That no Toll or Duty shall be paid, taken, or demanded for any Goods, Wares, Merchandize, or Commodities carried or conveyed from a Meer called *Brayford Meer*, in the City of *Lincoln*, through the High Bridge in the said City of *Lincoln*, or from below the said Bridge into *Brayford Meer*, and which shall not pass upon or through any Part of the said River *Witham*, lying eastward of the Place where a Lock called the *Old Stamp-End Lock* formerly stood.

Existing Lease of the Tolls preserved.

LXXXII. Provided, and be it further enacted, That nothing herein contained shall farther or otherwise prejudice, alter, or affect a certain Demise or Lease, dated the Sixteenth Day of *March* in the Year One thousand eight hundred and ten, granted by the said Commissioners for Navigation to *John Keyworth* Gentleman, and *Edward Fowler* Grocer, their Executors, Administrators, and Assigns, of the Tolls and Duties of the said Navigation for the Term of Three Years, commencing on the Twenty-fifth Day of *March* in the said Year One thousand eight hundred and ten, at a certain yearly Rent therein reserved and made payable to the said Commissioners, than that the Right and Interest of the said Commissioners in the said reserved Rent shall immediately on the passing of this Act absolutely vest in the said Company of Proprietors, and thereupon the said Company, and the said *John Keyworth* and *Edward Fowler*, their Executors and Administrators, shall respectively be and become subject and liable to all and every the Covenants, Clauses, Powers, Provisoes, Conditions, and Agreements in the said Indenture of Lease contained, and on the respective Parts of Lessors and Lessees to be paid, done, observed, and performed for the Remainder which shall be then to come of the said Term of Three Years of and in the said demised Premises, and that such and the like Powers and Authorities shall from thenceforth vest in and remain to the said *John Keyworth* and *Edward Fowler*, their Executors and Administrators, for recovering and enforcing Payment of all such Tolls and Duties, and to the said Company of Proprietors, for recovering and enforcing Payment of the said reserved yearly Rent, and insuring the Observance of the Covenants and Agreements in the said Lease contained, as belonged to or could or might have been respectively exercised, pursued, or taken by the said Commissioners for Navigation, or the said *John Keyworth* and *Edward Fowler*, their Executors and Administrators, or any of them, for all or any of those Purposes, if this Act had not passed.

Letting of Tolls.

LXXXIII. And be it further enacted, That the said Company of Proprietors may and they are hereby authorized and empowered from Time to Time, as they may think expedient, upon Twenty-one Days Notice being inserted in any Newspaper usually circulated in the said County of *Lincoln*, to lease, demise, or let to farm the Tolls granted by this Act, or any Part or Parts thereof, to any Person or Persons whomsoever, at and for the best yearly Sum or Sums of Money which can be reasonably gotten for the same: Provided always, that every Lease, Demise, or Agreement for letting, demising, or leasing thereof, be

be made in Writing, and duly executed by the Person or Persons taking or farming the said Tolls respectively, and by the said Company of Proprietors, under their Common Seal, and be not made for a longer Space of Time than Three Years at any One Time; and the Monies which shall be so agreed to be paid for the said respective Tolls shall be made payable and paid to the Treasurer or Treasurers of the said Company of Proprietors by quarterly Payments; and the Person or Persons to whom the said respective Tolls shall be so leased shall always pay One Quarter's Rent in Advance; and the Person or Persons to whom the said Tolls shall have been leased, demised, or farmed as aforesaid shall be liable to account for the same Rent to the said Company of Proprietors; and in case of Nonpayment thereof the same shall and may be levied and recovered upon and from him, her, or them by the same Ways and Means and in such Manner as any Monies are herein directed to be levied and recovered from any Officer or other Person appointed by and liable to account with the said Company of Proprietors as aforesaid can or may be levied and recovered.

Reduction of Tolls.

LXXXIV. And be it further enacted, That the said Company shall, at their First General Assembly to be holden under the Direction of this Act, after the said Works shall have been completed up to *Lincoln* High Bridge, ascertain and fix the Tolls or Duties to be taken by virtue of this Act; and that it shall be lawful for the said Company, at any subsequent General Assembly, of which Notice shall be given in manner before directed for calling General Assemblies, to lessen or reduce all or any of the Tolls or Duties fixed at such First General Assembly as aforesaid, as the said Company shall think proper; and afterwards from Time to Time, at any General Assembly, of which such Notice shall be given as aforesaid, to advance all or any of the said Tolls or Duties to any Sum or Sums of Money not exceeding the respective Tolls or Duties herein-before granted and authorized to be taken on the said Navigation; and so from Time to Time to reduce and again to raise such Tolls and Duties on all or any Goods, Wares, or Merchandizes carried or conveyed on the said Navigation, as they shall deem expedient, subject to the Regulations aforesaid; provided that no Reduction of the said Tolls or Duties shall be made without the Consent of the Proprietors of at least Two Thirds of the Shares of the said Navigation; and that in all such Reductions of the Tolls or Duties on all Goods, Wares, and Merchandize navigated from the City of *Lincoln* down the said Navigation, shall be subject and liable to the same Toll or Duty as Goods, Wares, and Merchandize of the same Kind or Description navigated from the said Grand Sluice up the said Navigation for the like Distance shall be subject or liable to, to the Intent that the same Rate of Tonnage, whether in Gross or *per* Mile, may exist and be taken on the same Kind or Description of Goods and Merchandize, as well navigated from the City of *Lincoln* towards *Boston* aforesaid, as from the said Town of *Boston* towards the said City of *Lincoln*.

Weight of Lading regulated.

LXXXV. And be it further enacted, That the Tonnage of Timber and all other Goods, Wares, Merchandize, Articles, and Things whatsoever, conveyed upon and along the said Navigation, shall be ascertained and charged according to the real Weight thereof; and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed

and taken as and for One Hundred Weight, and Twenty Hundred Weight to be deemed as One Ton; any Usage to the contrary thereof notwithstanding.

Masters of Vessels to give Account of Lading.

LXXXVI. And for the more easy collecting the said Tolls and Duties, be it further enacted, That the Masters, Owners, and Managers of every Boat or other Vessel navigating upon or along the said Navigation, or any Part thereof, shall give a just Account in Writing, signed by the Master, Owner, or Person having the Rule or Command of every such Boat or other Vessel, and produce his Bill or Bills of Lading, if required, to the Collector or Collectors of the said Tolls or Duties, at the Place or Places where he or they shall attend for that Purpose, of the Quantities, Qualities, and Weight of Goods which shall be in or belonging to each Boat or other Vessel, and also of the Quantities, Qualities, and Weight of such Goods as shall have been discharged or taken out of such Boat or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and in case such Master, Owner, or other Person shall neglect or refuse to give such Accounts, or shall give a false Account thereof, or shall deliver any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Account, and where an increased Toll or Duty would become payable, shall neglect for the Space of Seven Days to account for such increased Toll or Duty, he, she, or they shall forfeit and pay to the said Company of Proprietors not exceeding the Sum of Five Pounds for every such Offence, over and above the Tolls or Duties he, she, or they is or are obliged to pay for the same; which said Forfeitures may be recovered either against the Master of such Boat or other Vessel, or the Proprietor or Owner thereof, at the Election of the said Company of Proprietors of the said Navigation.

Farther Directions for securing Payment of Tolls.

LXXXVII. And be it further enacted, That if any Difference shall arise between any Collector or Collectors of the said Tolls and Duties, and the Master or Person having Charge of any Boat, Keel, or other Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector or Collectors to stop or detain any such Boat, Keel, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, or Merchandize as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than such Master or Owner, or Person having the Care of the said Boat, Keel, or other Vessel, declared the same to be, then and in such Case the Master, Owner, or Person so declaring shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, on Refusal of Payment thereof upon Demand, shall and may be recovered and levied as the Tolls and Duties are hereby directed to be recovered and levied; but if such Goods, Wares, or Merchandize shall appear to be of the same or less Weight or Quantity than the Master, Owner, or Person having the Care of the said Boat, Keel, or other Vessel so declared the same to be, then the said Collector or Collectors shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master, or other

Person, or the Owner or Owners of such Goods, Wares, and Merchandize, such Damage as shall appear to a Justice of the Peace within the County, Parts, City, or Place wherein such Dispute may arise, upon the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in default of immediate Payment thereof by such Collector or Collectors, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Tolls how recovered.

LXXXVIII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay the said Toll or Duty, or any Part thereof, to such Collector or Collectors as aforesaid, on Demand, the said Company of Proprietors shall and may sue for and recover the same, with such Costs as aforesaid, by Action of Debt or on the Case in any Court of Record; or the Person or Persons to whom the said Tolls or Duties ought to have been paid may and he and they is and are hereby empowered to seize and distrain any Goods, Wares, Merchandize, Commodities, Boats, or Vessels for which the said Tolls or Duties ought to be paid, until they shall be satisfied and paid the same; and in case such Tolls and Duties shall not be paid within the Space of Five Days next after such Seizure made, it shall and may be lawful for the said Company of Proprietors, or their said Collector or Collectors, to sell all or any Part of such Goods, Wares, Merchandize, Commodities, or any such Boats or Vessels, rendering the Overplus (if any) to the Owner or Owners thereof, after the said Tolls or Duties, and all reasonable Charges of such Seizure, Detention, and Sale, shall be deducted, satisfied, and paid.

Tolls to be taken during the Execution of Works.

LXXXIX. Provided, and it is hereby further enacted, That until the several Works of Drainage and Navigation required to be done and executed from the Grand Sluice to the High Bridge in the said City of *Lincoln* shall have been completed, and certified so to be by the said General Commissioners as herein directed, no greater Toll or Duty shall be received or taken by the said Company for Goods, Wares, and Merchandize navigated upon or along the said River, and not paying Toll upon either of the said Navigations to *Horncastle* or *Sleaford*, than after the several Rates or Proportions following; (that is to say,) that until the said Works shall be so certified to have been completed for the Space of Twelve Miles at the least, no greater Toll or Duty shall be had or taken by the said Company than the said Navigation Commissioners were authorized or entitled to take and receive before the passing of this Act; and that after such Works shall have been completed for the said Space of Twelve Miles, then and from thenceforth the farther or additional Toll or Duty of One Penny *per* Mile shall and may be demanded, received, and taken for Goods, Wares, and Merchandize navigated or conveyed upon or along such farther Part of the said Navigation, whereon such Works shall have been so certified to be completed; and that after the Completion of all the said Works from the said Grand Sluice to the said High Bridge, then and from thenceforth the several Tolls and Duties granted by this Act shall commence and become payable, subject nevertheless to the Powers and Authorities given to and vested in the said Company, in relation to the several Tolls and Duties granted by this Act.

XC. And

Milestones to be set up.

XC. And be it further enacted, That as soon as conveniently may be after the said Works shall have been completed, the said Company of Proprietors shall cause the Extent of the said Navigation to be measured, and Stones with proper Inscriptions erected, and ever after maintained, by the Side of the said Navigation, at the Distance of One Mile from each other, and also measure, and by the like or other Means ascertain and denote, the Distance of each Quarter of a Mile upon the said Navigation.

On Payment of Tolls, Navigation to be free.

XCI. And be it further enacted, That all Persons whomsoever shall have free Liberty to navigate upon the said Navigation, or any Part thereof, with any Boats or Vessels suited to the Construction of the Locks and Depth of Water in the said Navigation, and to use the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, not exceeding the Rates herein-before mentioned, and subject always to the Rules, Bye Laws, and Constitutions which shall from Time to Time be made by the said Company of Proprietors, by virtue of the Powers herein-before granted, for and concerning the said Navigation.

Owners Names to be painted on Vessels; and Vessels measured.

XCII. And be it further enacted, That every Owner of any Boat or other Vessel passing on the said Navigation, of the Burthen of Six Tons, shall cause his Name, Place of Abode, and Number to be set in large painted White Capital Letters, Four Inches high at least, and of a proportionable Breadth, on a Black Ground, on each of the Outsides of every Boat, Barge, Keel, or other Vessel, higher than the same shall sink into the Water when full loaded; and shall also permit and suffer every such Boat or other Vessel to be measured at the Expence of the Proprietors of the said Navigation, by putting Weights into the same for that Purpose, or otherwise, and to be marked with Figures or other Marks at each End and Middle, on the Outside thereof, shewing how much or how far every Ton Weight of Loading which shall be put into every such Boat or Vessel will sink the same into the Water, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; and every Owner of any Boat or other Vessel who shall refuse or neglect to put his Name on any such Boat, Barge, or other Vessel, and any Owner, Master, or other Person having the Rule or Command of such Boat or other Vessel, who shall refuse to have his, her, or their Boats or other Vessels measured or marked as aforesaid, or shall alter, erase, deface, or destroy any of the said Letters, Figures, or Marks, he or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds, whereof one Half shall be paid to the Company of Proprietors, and the other Half to the Person who shall inform and sue for the same.

Regulation as to mooring Vessels, and removing Obstructions.

XCIII. And be it further enacted, That if any Boat or other Vessel shall be placed or lie abreast in any Part of the said Navigation, not being moored by both Ends, or the Middle, or if any Person or Persons shall obstruct the Passage of the said Navigation, by means of the loading, unloading, misplacing, or otherwise misconducting any Boat or other Vessel, and shall not immediately upon Request

quest made, alter the Situation of such Boat or other Vessel, or alter or lessen the Loading thereof, as the Case shall require, so as that the said Obstruction shall cease and be removed; or if any Person or Persons shall float any Timber upon the said Navigation, or throw any Trees, Ballast, or other Thing or Things into any Part of the said Navigation, or shall obstruct such Navigation; every Person so in any such Cases offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the said Company to cause any such Boat or other Vessel to be reloaded or unloaded, if necessary, or to be removed, and also to remove such Timber, or other Thing or Things, in such Manner as shall be proper for preventing such Obstruction in the said Navigation, and to keep and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such reloading, unloading, or Removal shall be paid, or otherwise to recover the Expences incurred thereby, in like Manner as any Penalty is hereby directed to be recovered; and if any Boat or other Vessel shall be sunk in any Part of the said Navigation, and the Person or Persons having the Care of such Boat or Vessel, shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company, or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and to detain and keep the same until Payment shall be made of all the Expences thereby necessarily incurred or sustained.

Boat Owners to be accountable for Damages done by the Boatmen.

XCIV. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating upon the said Navigation shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall, by his Boat or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, be done to any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the said Navigation, either by the loading or unloading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Buildings or other Erections, Lands, Tenements, or Hereditaments adjoining to the same, or to any of them; and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Masters to recover from their Servants any Sums for their Default.

XCV. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel employed on the said Navigation shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment on Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him or them by

such Servants, Boatmen, or Watermen, or any of them, although demanded, such Oath to be made before any One Justice of the Peace for the County, Parts, Division, or City or Place where such Penalty or Satisfaction shall have been recovered, the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Penalty on Persons misusing the Locks, or doing other Damage to the Navigation.

XCVI. And be it further enacted, That if any Person or Persons shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, or Clough belonging to the said Navigation, or any of the Works thereto belonging; or when necessarily emptying a Lock for the Purpose of passing into or entering the same, shall neglect to shut the Top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he shall draw the Paddles, Valves, or Cloughs of the Bottom Gates thereof, or any of them; or shall suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof; or shall flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Navigation; or shall leave any Gate or Gates, Paddle, Valve, or Clough of any Lock open and running, after any Boat or other Vessel shall have passed through the same (except in such Cases as are otherwise ordered); or shall draw or cause to be drawn any Paddle, Valve, or Clough on the said Navigation, so as to mispend or waste the Water thereof; or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on destroying the Works.

XCVII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously break, throw down, or destroy any Bridges, Locks, Tunnels, Banks, or other Works to be erected and made by virtue of this Act, or any Part thereof, every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person or Persons shall be tried shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, in such Manner as Felons may be transported by the Laws and Statutes of this Realm, or in mitigation of such Punishment the Court may, if they think fit, award such other Sentence as the Law directs in Cases of Petit Larceny.

Punishment of Persons damaging Fences.

XCVIII. And be it further enacted, That in case any Person or Persons shall break down, destroy, carry away, or damage any Gate, Stile, Post, Rail, or other Fence to be put up or placed under the Authority of this Act for fencing along or across the Towing Paths of the said Navigation or the Banks and Forelands thereof, (such Offence or Offences not amounting to Felony); or shall make or use the said Towing Path, or the Banks or Forelands of the said Navigation, as and for a Bridleway along the same, except for the several Distances where the said Haling or Towing Path is entitled to be used as a Bridleway, every Person so offending, (except the said General Commissioners, their Officers, Servants, and Workmen, who are hereby authorized to use and pass by such Towing or Haling Path at their Pleasure,) and being

being thereof convicted before any Justice of the Peace (not interested in the Premises) for the County, Parts, Division, City, or Place where the Offences shall be committed, or the Offender shall be or reside, on the Confession of the Offender or Offenders, or on Proof of the Offence on the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and no Person shall be deemed incompetent to give Evidence of such Offence by reason of his or her being a Proprietor of the said Navigation, or the Owner of such Stile, Gate, Post, Rail, or other Fence; and in case any such Offender or Offenders shall not immediately pay such Penalty or Penalties, or find Sureties to the Satisfaction of such Justice for the Payment thereof at such future Day as he shall think proper to appoint, it shall be lawful for such Justice to cause the same to be forthwith levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under his Hand and Seal, returning the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; one Moiety of which Penalty or Penalties shall be paid to the said Company of Proprietors, or the Owner or Owners of such Gate, Stile, Post, Rail, or Fence so broken, destroyed, or carried away, and the other Moiety thereof shall go and be paid to the Informer or Informers; but if the Owner of such Gate, Stile, Post, Rail, or Fence shall be the Informer, and shall give Evidence of the Offence, then the whole of such Penalty or Penalties shall be paid to the Overseers of the Poor of the Parish where such Offence shall be committed, for the Benefit of such Poor; and in that Case the Offender or Offenders shall (over and above the Payment of such Penalty as last mentioned) make such Recompence and Satisfaction to the Owner or Owners of such Gate, Stile, Post, Rail, or Fence, for the Damage done thereto by such Offender or Offenders, as the Justice before whom he or they shall be convicted of such Offence shall think fit to allow in respect thereof, such Allowance for Damage to be added to such Penalty or Penalties, and levied therewith in manner above mentioned; and for Want of such Distress such Justice or Justices shall and may commit the Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

Lords of Manors and Land Owners may make Wharfs, &c.

XCIX. And be it further enacted, That any Owner or Owners of any Lands or Grounds through which the said Navigation shall extend, may make, build, construct, and use any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his, her, or their respective own proper Lands and Grounds adjoining to the said Navigation, and that any Lord or Lords, Lady or Ladies of any Manor or Manors through which the said Navigation shall pass, may make, build, construct, and use such Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, on the Wastes, so that the making, constructing, or using thereof respectively shall not in any Manner obstruct or prejudice the said Navigation, or the Banks thereof, or damage the Towing Path or Fences along or across the said Banks: Provided nevertheless, that it shall not be lawful for any Lord or Lords, Lady or Ladies of any Manor, or any Owner or Owners of Land,

Land, to make any Cut or Wharf through or upon the Banks or Towing Path of the said Navigation, or the Forelands of the said Banks, or any Part thereof respectively, without the Consent in Writing of the Committee of the said Company of Proprietors, and of the said General Commissioners for Drainage, first had and obtained.

But if not done, the Company may make Wharfs, &c.

C. Provided always, and be it further enacted, That if any such Lord or Lady of a Manor, or Land Owner, shall not make, build, and construct such proper and sufficient Wharfs, Warehouses, and other Conveniences as aforesaid for the Use of the said Navigation, as the said Company or their Committee shall think necessary, on such Lands, Grounds, or Wastes, within Twelve Months after Notice shall have been given to them for that Purpose by the said Committee, then and in such Case the said Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, (provided the Drainage by the said River *Witham*, or the Safety and Security of the Banks for the Preservation of the Lands draining by the said River, are not prejudiced thereby,) to make use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Orchard, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House,) for making, erecting, and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniencies as aforesaid, and keeping the same in repair, and for laying out and making necessary and convenient Roads to and from the said Navigation; they the said Company first making Satisfaction for the same in such Manner as is and hath been herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act; and in case any such Lord or Lady of a Manor, or Land Owner, shall make such Wharfs, Warehouses, and other Conveniencies, and shall suffer them to be out of repair, and shall not repair the same within Three Months after Notice from the said Committee for that Purpose, it shall and may be lawful for the said Company to repair the same, and to charge the Expences thereof to such Lord or Lady of the Manor, or Land Owner, and to recover the same in such Manner as any other Sum of Money payable to the said Company is hereby directed to be recovered.

Allowance for Goods on the Company's Wharf.

CI. And be it further enacted, That if any Goods, Wares, Merchandize, or any other Things shall be brought upon any Wharf or Wharfs, Quay or Quays belonging to the said Company of Proprietors or their Lessees, then and in such Case the said Company of Proprietors shall be entitled to receive such reasonable Rates as shall be agreed on between the said Company of Proprietors, or their Agents or Lessees, and the Owner or Owners of such Goods, Wares, Merchandize, or other Things, or their Agents; and in case of Refusal or Neglect to pay the Tolls and Rates due to the said Company for and in respect of any Articles, Matters, and Things brought upon any Wharf or Wharfs, it shall be lawful for the said Company of Proprietors, or any Person or Persons by them authorized under their Common Seal, to seize and distrain all or any Part of such Articles, Matters, and Things, and to sell the same, in like Manner as the Law directs in case of Distress for Rent.

CII. And

Agents, Collectors, &c. to give Possession of Houses, &c. when required.

CII. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant of the said Company occupying any House, Offices, or Buildings belonging to the said Company, without paying Rent for the same, shall be discharged from his Office by or by the Order of the said Company or their Committee, and shall not deliver up the Possession of such House, Offices, Buildings, and Apartments, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his Custody, Power, or Possession, within Fourteen Days next after Notice of such Discharge shall be given to him, or left at such House, Office, or Buildings; or if the Wife or Family of any such Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant who shall happen to die while in the Service of the said Company, shall refuse to deliver up the Possession of such House, Offices, Buildings, and Appurtenances as aforesaid, together with the Books, Papers, and other Matters and Things belonging to the said Company, in his or their Custody, Power, or Possession, within One Calendar Month after another Person shall have been appointed in the Place and Stead of the Person so dying; then and in either of the said Cases it shall be lawful for any Justice of the Peace for the County, Parts, Division, City, or Place where such House, Offices, and Buildings shall be, and he is hereby required, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Papers, Matters, and Things belonging to the said Company which shall be found therein, and to deliver Possession of such House, Offices, and Buildings, together with the Books, Papers, Matters, and Things therein belonging to the said Company, to the new appointed Agent, Toll Collector, Wharfinger, Lock Keeper, or other Servant, or to such other Person or Persons as the said Company or their Committee shall appoint to receive the same.

For Recovery and Application of Fines and Penalties.

CIII. And be it further enacted, That all Fines, Penalties, and Forfeitures hereby inflicted or authorized to be imposed, or which shall be inflicted or imposed by virtue of any Rule, Order, or Bye Law to be made in pursuance of this Act, (of which Rule, Order, or Bye Law, when produced, all Justices are hereby required to take notice,) the Manner of levying and Recovery whereof is not otherwise hereby particularly directed, shall, upon Proof of the Offences respectively before any Justice of the Peace for the Place wherein the Offence shall be committed, or the Offender or Offenders shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice of the Peace is hereby empowered and required to administer,) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending or liable to pay the same, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus, after such Fines, Penalties, and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Monies arising from such Fines, Penalties, and Forfeitures, when levied, shall be (if

not otherwise directed to be applied by this Act) paid into the Hands of the Treasurer of the Monies to be raised by virtue of this Act, to be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever; and in case sufficient Distress shall not be found, and such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Proprietors of Shares may act as Justices.

CIV. And be it further enacted, That such Person or Persons as for the Time being may hold any Share or Shares in the said Navigation, and in respect thereof be One of the said Company of Proprietors, and shall be a Justice or Justices of the Peace, may and is and are hereby authorized and empowered to act as a Justice or Justices of the Peace in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their holding any such Share or Shares, or being One of the said Company; provided such Justice or Justices is or are not otherwise interested in the Matter in question.

Compelling Witnesses to attend.

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

Conviction of Offenders.

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

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of our Lord One thousand eight hundred and
'is convicted before me [*or*
'before us] and One [*or* Two] of His
'Majesty's Justices of the Peace for the
'[*specifying the Offence, and Time and Place when and where the same*
'*was committed, as the Case shall be*]. Given under my Hand and
'Seal [*or* our Hands and Seals], the Day and Year first above
'mentioned.'

CVII. And

Distress not unlawful for Want of Form.

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

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

CVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal to Quarter Sessions, if aggrieved.

CIX. And be it further enacted, That all Persons who shall think themselves aggrieved by any Order or Judgment of any Justice or Justices of the Peace, upon account of any Offence committed or supposed to be committed against this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, may appeal to the Justices of the Peace for the County, Parts, Division, City, or Place wherein such Order or Judgment shall have been made, or to whom Authority is given by this Act to take cognizance of the same, at any General Quarter Sessions of the Peace to be held within the Space of Six Calendar Months after such Cause of Appeal shall happen, the Person or Persons so appealing first giving Security to the Satisfaction of the said Justice

or

or Justices to prosecute such Appeal with Effect, and pay the Costs which shall be ascertained by the said General Quarter Sessions, in case such Order or Judgment shall be affirmed; and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and make such Order therein, and award such Costs, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removable by any Writ of Certiorari, or otherwise, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and that no Order or Proceeding to be had or made by or before any Justice of the Peace relating to the Execution of this Act shall be quashed or vacated for Want of Form only.

Limitation of Actions.

CX. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Lincoln*, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Public Act.

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

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