

General Issue,

Place; and that the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers, in such Action or Actions, Judgment shall be given for the Defendant or Defendants therein, then, and in either of the Cases aforesaid, such Defendant or Defendants shall have treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her or their Costs in any other Cases by Law.

Treble Costs.

See farther 3 Geo. 3.
c. 23.

C A P. XXII.

An Act for the keeping regular, uniform and annual Registers of all Parish Poor Infants under a certain Age, within the Bills of Mortality.

Preamble.

“WHEREAS the keeping regular, uniform and annual Registers of all Parish Poor Infants under four Years of Age, within the Bills of Mortality, may be a Means of preserving the Lives of such Infants; 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 Churchwardens and Overseers of the Poor of every Parish within the Bills of Mortality, or some one or more of them, shall, on or before the first Day of July in the present Year one thousand seven hundred and sixty-two, provide, or cause to be provided, at the Expence of their respective Parish, one Book of Royal Paper; and the Book belonging to such respective Parish wherein there is or shall be any Workhouse, Hospital, or other House or Place provided for the Maintenance of the Poor, shall, in every Page, be ruled with distinct Columns, and the Title of each Column shall be wrote or printed in such Page, agreeable to the Schedule hereunto annexed, marked (A); and the Book belonging to each respective Parish wherein there is not, nor shall be, any such Workhouse, Hospital-house or Place, shall, in every Page, be ruled with distinct Columns, and the Title of each Column shall be wrote or printed in such Page, agreeable to the Schedule hereunto annexed, marked (B).

A Register Book is to be provided in every Parish, by 1 July 1762;

That for any Parish wherein there is a Workhouse, &c. is to be ruled and distinguished into Columns, according to the annexed Schedule marked (A); and that where

there is no such Workhouse, &c. according to the Schedule marked (B).

All Infants under 4 Years of Age, which shall be in any such Workhouse, &c.

or under the Care of the Churchwardens or Overseers of the Poor, on the said 1st July, shall be entered therein

II. And be it further enacted by the Authority aforesaid, That the said Churchwardens and Overseers of the Poor, or some one or more of them, shall enter, or cause to be entered, in the Book belonging to their respective Parish, and provided in pursuance of this Act, all the Infants under the Age of four Years, which, on the said first Day of July, shall be in the Workhouse or Workhouses, Hospital or Hospitals, or other House or Houses, Place or Places, provided for the Maintenance of the Poor of each Parish respectively, or under the Care of the said Churchwardens or Overseers of the Poor, with the Times when they were received, their Names, Age, and whatever Description relates to them, as far as can be traced, being agreeable to the Schedules annexed.

as shall also all Infants under the said Age, which shall be brought to the Workhouse, or be under the Care of the Churchwardens, after the said Day.

III. And be it enacted by the Authority aforesaid, That from and after the said first Day of July, all Infants under the Age of four Years, who shall be brought to any Work-house or Hospital-house, or Place provided for the Maintenance of the Poor, or be under the Care of the said Churchwardens, or Overseers of the Poor, in their respective Parishes, or any of them, shall be, by the said Churchwardens or Overseers of the Poor, or some one or more of them, or by the Direction or Command of some one or more of them, entered regularly in the Book aforesaid, with the Times of their Admission, and all Circumstances relating to them, agreeable to the Titles and Heads of the Columns, in the said Schedules mentioned and set forth.

The first annual Register is to commence on the said 1 July, and end on 31 Dec. ensuing; and afterwards to commence on

IV. And be it further enacted by the Authority aforesaid, That the first annual Register hereby intended and directed to be kept, shall commence on the said first Day of July, and shall end on the thirty-first Day of December ensuing; and, after that Time, the said annual Register shall commence the first Day of January, and end the thirty-first Day of December following.

At the Expiration of each Year, all Infants under the Age aforesaid

V. And be it further enacted by the Authority aforesaid, That after the Expiration of each Year, the Names of all the Infants under four Years of Age, then living and registered in the said annual Registers,

Registers, and not discharged from being under the Care of the Churchwardens or Overseers of the Poor, shall be transferred to the Registers for the Year ensuing, under their proper Dates of Reception, and under the Description in which they stand in the preceding Registers, previous to any further Entry; so that each annual Register shall contain a full and distinct Register of the whole Number of Infants under the Age above-mentioned, under the Care of the Parish at that Time, as well as the Children received under the said Age, in the current Year, without being intermixed or blended with the Deaths or Discharges of any in the preceding Years.

VI. And be it further enacted by the Authority aforesaid, That the said annual Registers, and every of them, shall be signed within thirty Days after the Expiration of each respective Year by the Vestry, or any five of them, and by the Churchwardens, Overseers, Vestry Clerk, and Master of the Work-house, for the Time being; and where there is no Vestry or Vestry Clerk, by the Churchwardens, Overseers, and Master of the Work-house; and where there is no Master of the Work-house, by the Churchwardens and Overseers of the Poor.

VII. And be it further enacted by the Authority aforesaid, That in case any Infant is received into the Workhouse, or under the Care of the said Churchwardens or Overseers of the Poor, before the said Infant is baptized, or known to be baptized, due Care shall be taken to baptize the same within fourteen Days after the Reception of such Infant, so that the Christian and the true Surname, if known, and, if not known, a Surname to be given by the Churchwardens and Overseers of the Poor, or any one of them, be regularly entered in the said Book; and the Name and Surname of such Infant shall also be registered in the Parish Register of such Parish: And in case of a Difficulty of distinguishing Children, some proper Mark shall be affixed to the Child's Cloaths, or hung round his or her Neck.

VIII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to such Children whose Parents receive Money from the Parish in Aid of the Maintenance and Support of such Children, they not being in the Workhouse, or other Parish House.

IX. And be it further enacted by the Authority aforesaid, That a Copy of the said Register wrote up, from Time to Time, shall, every Month, be laid by the Vestry Clerk, or other Person appointed for that Purpose, before the respective Vestries, or other parochial Meetings assembled in Vestry, that the same may be revised by them.

X. And be it further enacted by the Authority aforesaid, That the said Copy of the Register being completed at the End of the Year, shall be deposited in the Vestry Room, or other Place of parochial Meetings, to remain there for the Use of the Vestry-men, or other parochial Meetings.

XI. And be it further enacted by the Authority aforesaid, That the original Register Book shall remain and be carefully preserved and kept with the rest of the Parish Books in the Hands of the Parish Officers for the Time being.

XII. And be it further enacted by the Authority aforesaid, That all the respective Parishes within the Bills of Mortality by the Hand of their Vestry Clerk, or, where there is no Vestry Clerk, by the Hands of the Churchwardens, or one of them, shall, on or before the fifteenth Day of February in every Year, deliver fair Copies of their respective Registers of Children under the Age of four Years, signed in manner hereby directed, into the Hands of the Clerk of the Master, Wardens, and Court of Assistants of the Company of Parish Clerks, or such Person as the said Master, Wardens, and Court of Assistants of the said Company, shall appoint, he returning a Receipt for the same signed by himself.

XIII. And be it further enacted by the Authority aforesaid, That the said Clerk, or other Person appointed by the said Master, Wardens, and Court of Assistants of the said Company, shall receive the said Copies of Registers, and cause the same to be bound in a Book, collecting and ranging together the Registers of the ninety-seven Parishes within the Walls of the City of London, those of the seventeen Parishes without the Walls of the City of London, those of the twenty-three Parishes in Middlesex and Surrey, and those of the ten Parishes in the City and Liberty of Westminster, in alphabetical Order; and in this Order he shall, on or before the twenty-fifth Day of March in every Year, make out, or cause to be made out, one General Abstract of the same.

XIV. And be it further enacted by the Authority aforesaid, That the said Registers of the respective Parishes, together with the said General Abstract, being bound in a Book together, shall remain deposited in the Hands and Custody of the said Master, Wardens, and Court of Assistants of the said Company of Parish Clerks.

XV. And be it further enacted by the Authority aforesaid, That the said Clerk, or other Person appointed by the said Master, Wardens, and Court of Assistants of the said Company of Parish Clerks, shall print, or cause to be printed, the said General Abstract, and deliver six Copies thereof to every Vestry Clerk, or to one of the Churchwardens, of all the respective Parishes within the Bills of Mortality, for the Use of the Parishioners and Parish Officers.

XVI. And be it further enacted by the Authority aforesaid, That for and in consideration of the Expence and Trouble of receiving the said Copies of Registers, making an exact Abstract thereof,

said, then living and registered, and not discharged, shall be transferred to the Register for the ensuing Year, previous to any further Entry;

and be signed by the Vestry, Churchwardens, Overseers, Vestry Clerk, and Master of the Workhouse, where there are any such.

Infants received before baptized, or known to be so, shall be baptized within 14 Days after; and be named, if not known, by the Churchwardens and Overseers, and registered accordingly; and they may be distinguished by affixing some Mark to them.

Children whose Parents receive Money from the Parish towards their Support, are not included in the Act.

Copy of the Register is to be laid monthly before the Vestry;

and at the End of every Year, a Copy for the Year to be deposited in the Vestry Room;

and the Original is to be preserved with the Parish Books;

and signed Copies of the several Registers for the respective Parishes are to be delivered yearly by 15 Feb. to the Clerk of the Company of Parish Clerks; for which he is to give a Receipt;

and is to cause the said Copies to be bound up in alphabetical Order;

and make out from thence one general Abstract, by 25 March yearly;

and deposit the said Abstract, bound up with the Registers, with the Master and Wardens of the Company;

and he is to print the said Abstract, and deliver 6 Copies thereof, for the Use of each Parish, to the respective Vestry Clerks or Churchwardens;

for all which he is to be paid by each such Vestry Clerk, or Churchwarden.

den, on Delivery of the
said Copies, 15s. passing
a Receipt for the same.

Churchwardens and
others neglecting their
Duty in the Premises,
forfeit to the Informer
40s. for every Offence;

to be recovered by
Distress and Sale, by
Warrant of a Justice.

thereof, binding the Registers and Abstracts in a Book to remain as a Depositary of the same, printing the General Abstract, distributing the Copies thereof, with other contingent Expences relating to the same, each Parish shall, by the Hands of the Vestry Clerk or Churchwarden, pay into the Hands of the Clerk or other Person appointed by the said Master, Wardens, and Court of Assistants of the said Company of Parish Clerks, the Sum of fifteen Shillings at the Time the said Copies of Registers are delivered to him, he passing a Receipt for the same.

XVII. And be it further enacted by the Authority aforesaid, That if any Churchwarden, Overseer of the Poor, Vestryman, Clerk of the Vestry, Master of the Workhouse, Master or Warden of such Company of Parish Clerks, or any Clerk of such Company, or any other Person or Persons, shall neglect his Duty as directed in and by this Act, such Churchwarden, Overseer of the Poor, Clerk of the Vestry, or Master of the Workhouse, Master or Warden of such Company of Parish Clerks, or such Clerk of such Company, Person or Persons, shall, for every Offence, forfeit and pay to the Informer the Sum of forty Shillings; to be recovered before any one of his Majesty's Justices of the Peace, and to be levied by Distress and Sale of the Goods and Chattels of the Offender, by virtue of a Warrant under the Hand and Seal of such Justice before whom the same shall be recovered, directed to any Constable or other Peace Officer.

ANNUAL REGISTER of the PARISH POOR (under Four Years of Age) from the Day of to the of of the
PARISH of (where there is not a Workhouse) according to the Act of Parliament of the Second of his Majesty King GEORGE the Third.

4 O 4

ANNUAL REGISTER of the PARISH POOR (under Four Years of Age) from the Day of to the of of
the PARISH of (where there is a Workhouse) according to the Act of Parliament of the Second of his Majesty King GEORGE the Third.

4 O 3

(Schedule B)

ANNUAL REGISTER of the PARISH POOR (under Four Years of Age) from the Day of to the of
the PARISH of (where there is a Workhouse) according to the Act of Parliament of the Second of his Majesty King GEORGE the Third.

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(Schedule B)

C A P. XXIII.

An Act to indemnify such as have omitted to qualify themselves for Offices and Employments, and to indemnify Justices of the Peace, Deputy Lieutenants, and Officers of the Militia, or others, who have omitted to register or deliver in their Qualifications within the Time limited by Law, and for giving further Time for those Purposes; and for the making and filing of Affidavits of Articles of Clerkship. *E. X. P. Farther Time given for these Purposes to 28 Nov. 1762.*

See 3 Geo. 3. c. 5.

C A P. XXIV.

An Act for Importing Salt from *Europe* into the Colony of *Nova Scotia* in *America*.

WHEREAS Doubts have arisen, whether his Majesty's Subjects may lawfully import Salt directly from any foreign Port in *Europe* into the Colony of *Nova Scotia* in *America* for the Use of the Fishery there, in like manner as is allowed for the Fisheries of *New England* and *Newfoundland*, by virtue of an Act of Parliament made in the fifteenth Year of the Reign of King *Charles* the Second: And whereas very considerable Establishments have lately been made in the said Colony by Fishermen from different Parts of his Majesty's Dominions, with a view to carry on the Fishery upon the adjacent Banks: In order therefore to remove such Doubts as aforesaid, and for the Encouragement of so valuable a Branch of the Commerce of his Majesty's Subjects, which was one principal Object of the Settlement of this Colony, and of the Encouragement given by Parliament for the Support of such Settlement, May it may please your most Excellent Majesty that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *July* one thousand seven hundred and sixty-two, it shall and may be lawful to and for any of his Majesty's Subjects to carry and import Salt from any Part of *Europe* into the Colony of *Nova Scotia* in *America*, in *British* Ships and Vessels, manned and navigated according to the Act of Parliament made in the twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the encouraging and encreasing of Shipping and Navigation*; and in the same manner as Salt may be imported from *Europe* into *New England* and *Newfoundland*, by an Act made in the fifteenth Year of the Reign of the said King *Charles* the Second, intituled, *An Act for the Encouragement of Trade*; any Law, Statute, Usage, or Custom to the contrary in any wise notwithstanding.

Preamble.

For former Laws concerning Salt refer to 5 W. & M.

c. 7. 10 & 11 W. 3. c.

22. 1 Ann. st. 1. c. 21.

2 & 3 Ann. c. 14. 4

Ann. c. 12. 5 Ann. c.

29. 6 Ann. c. 12. 9

Ann. c. 23. 12 Ann. st.

2. c. 2. 5 Geo. 1. c. 18.

8 Geo. 1. c. 4 & 16. 11

Geo. 1. c. 30. 3 Geo. 2.

c. 20. 5 Geo. 2. c. 6.

8 Geo. 2. c. 12. 14 Geo.

2. c. 22. 26 Geo. 2. c.

3 & 32.

From and after 1 July,

1762. Salt may be im-

ported by his Majesty's

Subjects from any Part

of *Europe* into *Nova Scotia*,in *British* Vessels na-

vigated according to Act

12 Car. 2. c. 18. and in

like manner as Salt may

be imported from *Europe*into *New England*, &c.

C A P. XXV.

An Act for Naturalizing such foreign Protestants as have served, or shall serve for the Time therein mentioned, as Officers or Soldiers in his Majesty's Royal *American* Regiment, or as Engineers in *America*.

WHEREAS by an Act made in the thirteenth Year of the Reign of his late Majesty King *George* the Second intituled, *An Act for Naturalizing such foreign Protestants, and others therein mentioned, as are settled or shall settle, in any of his Majesty's Colonies in America*; all Persons born out of the Legiance of his Majesty, his Heirs, or Successors, who shall have inhabited and resided, or shall inhabit or reside, for the Space of seven Years, or more, in any of his Majesty's Colonies in *America*, or shall not have been absent out of the said Colonies, for a longer Space than two Months at any one Time during the said seven Years, are, upon the Conditions prescribed by the said Act, naturalized and made Partakers of all the Benefits and Privileges which the natural-born Subjects of this Realm do enjoy, other than such as are specified in a Proviso in the said Act contained: And whereas Commissions have been granted to a certain Number of foreign Protestants in *America*, in pursuance of a Power given by a subsequent Act of the twenty-ninth Year of the Reign of his late Majesty King *George* the Second, intituled, *An Act to enable his Majesty to grant Commissions to a certain Number of foreign Protestants, who have served abroad as Officers or Engineers, to act and rank as Officers or Engineers in America only, under certain Restrictions and Qualifications*; which said Officers have been very useful to his Majesty's Service, by the raising of a great Number of Men, and training them to discipline as Soldiers: And whereas several of the said Officers, since the passing of the above recited Acts, have purchased Estates in *America*, by which, as well as by their faithful Services, they have given the strongest Assurances of their Attachment and Fidelity to his Majesty's Government: And whereas it is just to reward the past Services of the said Officers and Soldiers, and to give Encouragement for their future good Conduct; and it is likewise expedient to add Inducements to such foreign Protestants as have settled, or may hereafter settle, in *America*, to engage in his Majesty's Service; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such foreign Protestants, as well Officers as Soldiers, who have served, or shall hereafter serve, in the Royal *American* Regiment, or as Engineers in *America*, for the Space of two Years, and shall take and subscribe the Oaths, and make, repeat, and subscribe the Declaration appointed by an Act made in the first Year of the Reign of his Majesty King *George* the First, intituled, *An Act for the further Security of his Majesty's Person and Govern-*

Preamble, reciting Act

13 Geo. 2. c. 7.

and 29 Geo. 2. c. 51

Foreign Protestants serving in the Royal American Regiment, or as Engineers in *America*, for the Space of 2 Years, & qualifying themselves as the Act 1 Geo. 1. directs,

ment, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, his open and secret Abettors; and shall, at the Time of subscribing the said Oaths, and making, repeating, and subscribing the said Declaration, produce Certificates, signed in manner directed by the above recited Act of the thirteenth of his late Majesty, of their having received the Sacrament in some Protestant and Reformed Congregation within the Kingdom of Great Britain, or within some of the said Colonies in America, within six Months before that Time, shall be deemed adjudged, and taken to be, his Majesty's natural-born Subjects of this Kingdom, to all Intents, Constructions, and Purposes, as if they, and every of them, had been or were born within this Kingdom; and that no Estates, of what Nature or Kind soever, purchased by them or any of them, in any of his Majesty's Colonies in America, since the passing of the above recited Act of the twenty-ninth Year of the Reign of his said late Majesty, shall be liable to Seizure into the Hands of his Majesty, his Heirs, or Successors, or their Titles thereto be otherwise impeached by reason of their having been Aliens at the Time of their making the said Purchases; the above recited Acts, or any other Statute, Law, or Thing whatsoever to the contrary notwithstanding.

and producing Certificates of their having received the Sacrament in some Protestant Church, to be deemed natural-born Subjects; and all Purchases made by them since the passing Act 29 Geo. 2. declared to be valid.

None are to be deemed naturalized by this Act, who, by Act 4 Geo. 2. c. 21. are declared not to be intitled to the Benefit of the Act of 7 Ann. c. 5.

**Sic in Orig. but the Act referred to is the 4th of Geo. the Second, as in the marginal Note.*

Persons naturalized by this Act, not thereby capable of being Privy Counsellors, or Members of either House of Parliament, or of holding Offices of Trust, in Great Britain or Ireland.

II. Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to naturalize any Person or Persons whatsoever, who, by virtue of an Act made in the 4th Year of the Reign of his late Majesty King George the First, (intituled, *An Act to explain a Clause in an Act made in the seventh Year of the Reign of her late Majesty Queen Anne, for naturalizing foreign Protestants, which relates to the Children of natural-born Subjects of the Crown of England, or of Great Britain*) are declared and enacted not to be intitled to the Benefit of the said Act of the seventh Year of her said Majesty's Reign; but that all such Persons shall be and remain in the same State, Plight, and Condition, to all Intents, Constructions, and Purposes whatsoever, as they would have been in if this Act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

III. Provided also, and be it further enacted, That no Person who shall become a natural-born Subject of this Kingdom by virtue of this Act, shall be thereby enabled to be of the Privy Council, or a Member of either House of Parliament, or to be capable of taking, having, or enjoying, any Office or Place of Trust within the Kingdoms of Great Britain or Ireland, either Civil or Military; or of having, accepting, or taking any Grant from the Crown to himself, or to any other in Trust for him, of any Lands, Tenements, or Hereditaments, within the Kingdoms aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

C A P. XXVI.

See 4 Geo. 3. c. 38.

An Act for allowing further Time for Inrollments of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers. *Farther Time given to 25 December 1762.*

C A P. XXVII.

An Act for enabling the Judges of the Court of Session in Scotland to make an Adjournment of the said Court for such Time, betwixt the twentieth Day of December and the fifteenth Day of January yearly, as they shall judge most convenient, not exceeding twenty Days.

Preamble, reciting Act 3 Geo. 2. c. 32.

WHEREAS by an Act passed in the third Year of the Reign of his late Majesty King George the Second, intituled, *An Act for enabling the Judges of the Court of Session in Scotland, to make an Adjournment of the said Court*, which recites that the said continued Sittings of the Court of Session in Scotland, from the first Day of November to the last Day of February yearly had been found inconvenient and burthensome: For Remedy whereof, it is thereby enacted, That it shall and may be lawful for the Judges of the said Court of Session, and they are hereby impowered to make an Adjournment of their Sessions, on such Day betwixt the fifteenth Day of December and the fifteenth Day of January yearly, and for such Time as they shall judge most convenient, not exceeding ten Days: And whereas it has been found by Experience, that an Adjournment of ten Days in so long a Session is not at all Times sufficient for answering the Purposes thereby intended, and that the Course of Business, before the said Court, may often require an Adjournment for some Time longer, not only for enabling the Judges to advise such Causes as they cannot overtake during their Sittings, but also for enabling the Council more fully and accurately to prepare their Causes for the Decision of the Court, whereby great Delays and Expence in carrying on Business before the said Court would be prevented; Be it therefore 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 it shall and may be lawful for the Judges of the said Court of Session in Scotland, and they are hereby impowered to make an Adjournment of their Sessions, on such Day betwixt the twentieth Day of December and the fifteenth Day of January yearly, and for such Time as they shall judge expedient, not exceeding the Space of twenty Days; any Law, Statute, or Usage, to the contrary notwithstanding.

Judges impowered to make an Adjournment of the Court of Session, for any Time not exceeding 20 Days, between 20 Dec. and 15 Jan. yearly.

C A P.

C A P. XXVIII.

An Act to prevent the committing of Thefts and Frauds by Persons navigating Bum Boats, and other Boats, upon the River *Thames*.

WHEREAS many ill-disposed Persons, using and navigating upon the River *Thames* certain Boats commonly called *Bum Boats*, and other Vessels, under Pretence of selling Liquors of different Sorts; and also Slops, Tobacco, Brooms, Fruit, Greens, Gingerbread; and other such like Ware and Things, to and amongst the Seamen and Labourers employed in and about Ships, Vessels, and other Craft there, do frequently take occasion to cut, damage, and spoil the Cordage, Cables, Buoys, and Buoy Ropes, and the Headstays and other Fastings belonging to such Ships, Vessels, and Craft, and fraudulently carry away the same; likewise encourage such Seamen and Labourers to dispose of such Cordage, Cables, and Buoys, and such Goods, Merchandizes, Materials, and Stores, secretly and unlawfully, whereby great Losses are sustained by Merchants, and Owners of such Ships, Vessels, and other Craft, in the said River: For Remedy whereof, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of *June* one thousand seven hundred and sixty-two, if any Person or Persons shall use, let out to Hire, lend, or navigate, or shall be aiding or assisting in using or navigating upon the said River, any Bum Boat, or other Boat, for the Purpose of selling, bartering, exchanging, or exposing to Sale, to and amongst the Seamen and Labourers employed in and about Ships, Vessels, and other Craft, any Liquors, Slops, Tobacco, Brooms, or any Fruit, Greens, Gingerbread, or other such like Ware; or shall sell, barter, exchange, or expose to Sale as aforesaid, any Sort of Liquor, or any Slops, Tobacco, Brooms, or any Fruit, Greens, Gingerbread, or other such like Ware or Things in, from, or out of, any Bum Boat, or other Boat (other than and except such Bum Boats and other Boats and Vessels, as shall be entered in the Office of the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood, of the most glorious and undivided *Trinity*, and of *Saint Clement* in the Parish of *Deptford Strand* in the County of *Kent*, in manner herein after mentioned, and shall be used and navigated for the Purposes aforesaid, in the Day-time, between Sun-rising and Sun-setting only); or if any Person or Persons shall take in Exchange, or by way of Barter, or shall unlawfully receive, or procure to be delivered to them, any Ropes, Cordage, Tackle, Apparel, Furniture, Stores, Materials, or any Part of any Cargo or Loading of any Ships or Vessels in the said River; all and every such Person or Persons respectively shall, upon Conviction thereof before any Justice or Justices of the Peace of and within any County, City, Division, Liberty, or Place adjoining to the said River, upon the Oath of one or more credible Person or Persons, be deemed guilty of a Misdemeanor; and it shall and may be lawful for any Person or Persons to apprehend and detain all Persons then on board such Boat, and also to seize, search, and detain, in some Place of Safety, such Boat, and the Tackle, Apparel, and Furniture, and Loading thereof; and the Person and Persons so apprehended shall be (as soon as conveniently may be) conveyed before such Justice or Justices of the Peace as aforesaid; and such Boat, with the said Tackle, Apparel, Furniture, and Loading thereof, shall, upon such Conviction as aforesaid, be forfeited and disposed of as is herein after mentioned.

II. And be it enacted by the Authority aforesaid, That from and after the twenty-fourth Day of *June* one thousand seven hundred and sixty-two, every Bum Boat, or other Boat whatsoever, used and navigated for the Purposes aforesaid, upon the said River between *London Bridge* and the *Lower Hope Point*, shall be entered by the Owner or Owners thereof with the Master, Wardens, and Assistants at their Office at the *Trinity House* in *Water Lane*, *London*, specifying the Name or Names, and Place or Places of Abode of such Owner or Owners; to the Intent that the said Master, Wardens, and Assistants may register every such Entry, and deliver in Writing to such Owner or Owners a Number to be marked on one or more Part or Parts of every such Bum Boat, or other Boat; and every such Owner or Owners shall cause the Number so delivered to be forthwith marked, together with his, her, or their Christian and Surname or Names, and Place or Places of Abode, upon such Part or Parts of the said Boat so entered as aforesaid, in such manner as the said Master, Wardens, and Assistants shall, from Time to Time, direct and appoint, in pursuance of the Authorities and Directions herein after given for that Purpose.

III. Provided also, That every time, and so often as the Property of any such Bum Boat, or other Boat, shall be varied or altered, the new Owner or Owners shall forthwith make a fresh Entry of the same, and cause the Number delivered in pursuance thereof to be marked on the said Boat, together with his, her, or their Christian and Surname or Names, and Place or Places of Abode, upon such Part or Parts of the said Boat, and in like manner as is herein before directed, at the first entering of any such Boat.

IV. And be it further enacted, That the said Master, Wardens, and Assistants, shall, and they are hereby impowered and required, to receive and register every such Entry in a Book or Roll to be provided and kept for that Purpose, and to deliver out a Number, in Writing, to such Owner or Owners, to be marked on one or more Part or Parts of such Boat, in such manner as shall be directed and appointed in pursuance of this Act; for the registering which Entry, and delivering out such Number, the Sum of five Shillings shall be paid, and no more; and the said Master, Wardens, and Assistants,

and they are to make Orders, &c. for ascertaining the Manner in which the Number and the Names and Abode of the Owners are to be marked on the Boat, and on what Part thereof the same shall be done, and how renewed, and kept legible; which after Publication in the London Gazette, and Copies thereof affixed at the

assists, are hereby authorized and impowered to take and receive the same, and, from Time to Time, to make such Orders, Rules and Regulations as they shall think requisite and proper, for the ascertaining the Part or Parts of such Boat, on which the said Number, and the Names and Place or Places of Abode of the Owner or Owners thereof shall be marked, and in what Manner, and of what Dimensions the Figure or Figures and Letters, composing such Number, and Names and Place or Places of Abode, shall be made, and how the same shall be, from Time to Time, renewed, and kept fair and legible; and that all such Orders, Rules and Regulations, after one Publication thereof in the *London Gazette*, and printed Copies of the same being affixed at *Iron Gate*, the *Hermitage*, *Execution Dock*, *Shadwell Dock*, *Rotherbith Old Stairs*, *Deptford*, *Radcliff Crofs*, and *Blackwall*, shall be observed by and binding upon every Owner or Owners of such Boats so entered as aforesaid.

The Master and Wardens of the said Company, or Persons deputed by them, also all Owners or Masters of Vessels in the River, or Persons authorized by 7 or more of them,

may stop and search any Boat suspected to have Ropes and Stores, or other Materials, &c. stolen or unlawfully procured from out of Vessels in the River; and carry the Persons suspected of being concerned therein before a Justice, and they not giving a satisfactory Account how they came by the same, shall be adjudged guilty of a Misdemeanor; and the Boat and Loading, &c. shall be forfeited.

Constables and Beadles, and Watchmen when on Duty, may seize all Ropes, Stores, or other Goods suspected to be stolen, or unlawfully procured from out of Vessels in the River, and carry the Persons concerned therein before a Justice,

and they, not giving a satisfactory Account how they came by the same, shall be adjudged guilty of a Misdemeanor.

Justices, upon Information on Oath of a Suspicion of the Concealment of stolen Goods or Merchandizes, may grant a Search Warrant; and the Goods thereupon found, are to be secured; and the Persons of the House, &c. are to be brought before a Justice;

and they, not giving a satisfactory Account how they came by the same, shall be adjudged guilty of a Misdemeanor.

Where Persons shall be convicted of either of the last mentioned Misdemeanors, the Justice may cause the Goods to be deposited with the Churchwardens, &c.

V. And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Master, Wardens and Assistants, or such Person or Persons as they shall from Time to Time depute and appoint under the Seal of their Corporation, and for all Owners or Masters of Ships or Vessels, either in Whole or in Part, in the said River respectively, or for such Person and Persons as the said Owners and Masters, or any seven or more of them, by Writing under their Hands and Seals, shall, for that Purpose, nominate, depute and appoint (and which it shall be lawful for them, from Time to Time, to do) at any Time or Times from and after the twenty-fourth Day of *June* one thousand seven hundred and sixty-two, to stop, search and detain, in some Place of Safety, any Boat, which there shall be reason to suspect has any Ropes, Cordage, Tackle, Apparel, Furniture, Stores, Materials, or any Part of any Cargo or Lading, stolen or unlawfully procured from or out of any Ship or Vessel in the said River; and also to apprehend and detain, or cause to be apprehended and detained, any Person or Persons who may be reasonably suspected of having or conveying any such Goods, Stores or Things in such Boat; and such Person or Persons so apprehended shall be (as soon as conveniently may be) conveyed before one or more Justice or Justices of the Peace for any County, City, Division, Liberty or Place adjoining to the said River: And if such Person or Persons shall not produce the Party or Parties from whom he, she or they bought or received such Merchandizes, Goods, Stores or Things aforesaid, or some credible Person to depose, upon Oath, the Sale or Delivery thereof, or shall not give an Account to the Satisfaction of such Justice or Justices how he, she or they came by the same; that then the said Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanor; and such Boat, with her Tackle, Apparel, Furniture and Loading, shall, upon such Conviction, be forfeited and disposed of as is herein after directed.

VI. And be it further enacted by the Authority aforesaid, That every Constable, Headborough and Beadle, and every Watchman (during such Time as he shall be on Duty) of every Parish and Place where he shall be an Officer, shall and may apprehend and detain, or cause to be apprehended and detained, all and every Person and Persons, who may reasonably be suspected of having or carrying, or any ways conveying, any Ropes, Cordage, Tackle, Apparel, Furniture, Stores, Materials, or any Part of any Cargo or Lading, stolen or unlawfully procured from or out of any Ship or Vessel in the said River *Thames*, and also shall and may seize and detain in some Place of Safety such Merchandizes, Goods, Stores and Things aforesaid, and shall, as soon as conveniently may be, convey, or cause the Person or Persons so apprehended to be conveyed, before any one or more Justice or Justices of the Peace for any County, City, Division, Liberty or Place adjoining to the said River; and if such Person or Persons shall not produce the Party or Parties from whom he, she or they bought or received the same, or some credible Person to depose upon Oath the Sale or Delivery thereof, or shall not give an Account, to the Satisfaction of such Justice or Justices, how he, she or they came by the same, that then the said Person and Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanor.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace, upon Information made to him on Oath, by any credible Person or Persons, that there is Cause to suspect that any Merchandizes, Goods, Stores or Things (suspected to have been stolen or unlawfully come by, or taken from some Ship or Vessel in the said River) are concealed in any Dwelling-house, Warehouse, Outhouse, Yard, Garden, or other Place, by Warrant under his Hand and Seal, to cause every such Dwelling-house, Warehouse, Outhouse, Yard, Garden and Place to be searched in the Day-time; and if any such Merchandizes, Goods, Stores or Things shall be found therein, to cause the same to be deposited and kept in some Place of Safety; and also to cause the Person or Persons in whose House, Warehouse, Outhouse, Yard, Garden or other Place the same shall be found, to be brought before him, or any other Justice or Justices of the Peace for the same County, City, Division, Liberty or Place; and if such Person or Persons shall not give an Account to the Satisfaction of such Justice or Justices how he, she or they came by the same, or shall not within some reasonable and convenient Time, to be set by such Justice or Justices, produce the Party or Parties of or from whom he, she or they bought or received the same Merchandizes, Goods, Stores or Things, that then the Person or Persons in whose House, Warehouse, Outhouse, Yard, Garden, or other Place the same shall be found, shall be deemed and adjudged guilty of a Misdemeanor.

VIII. And be it enacted by the Authority aforesaid, That upon any Person or Persons being convicted of either of the said last-mentioned Misdemeanors, it shall and may be lawful for such Justice or Justice, before whom such Person or Persons was or were convicted, to cause such Merchandizes, Goods, Stores or Things to be deposited in the Custody of the Churchwardens or Overseers of the Poor of the Place where they shall have been so first deposited as aforesaid (who are hereby required to receive

receive the same) or in any other convenient Place, for any Time not exceeding thirty Days; and to order such Churchwardens and Overseers of the Poor, or one of them, if the same shall happen to be in any of the Parishes or Places within the Bills of Mortality, to insert immediately an Advertisement in some publick News Paper; and if the same shall happen to be in any other Parish or Place, to cause Notice to be immediately given by some publick Cryer, and by affixing on the Church or Chapel Door a Notice in Writing, describing such Merchandizes, Goods, Stores or Things, and where the same shall have been so deposited, to the end that Persons having lost any such, or any reputable Person on their Behalf, may come and claim the same, within thirty Days from the Time of giving and affixing such Notice as aforesaid; and in case any Person or Persons do or shall, within the Space of such thirty Days, prove his, her or their Property in and to the said Merchandizes, Goods, Stores or Things, upon Oath, to the Satisfaction of one or more Justice or Justices as aforesaid, that then such Justice or Justices shall order Restitution of such Merchandizes, Goods, Stores or Things to be made to the Owner or Owners thereof, after paying the reasonable Charges of seizing, removing, depositing and giving publick Notice as aforesaid, and also reasonable Compensations to the Person or Persons giving such Information as aforesaid; such Charges and Compensations to be settled and ascertained by such Justice or Justices: But if at the End of the said thirty Days (Notice having been given as aforesaid) no such Proof shall be made as aforesaid, the said Merchandizes, Goods, Stores or Things shall be sold by the Churchwardens or Overseers, in whose Custody the same shall have been deposited as aforesaid, for the best Price that can reasonably be had; and, after deducting the Charges so settled as aforesaid, the Remainder of the Money arising from such Sale shall be given, one Moiety thereof to the Person or Persons so apprehending or giving Information as aforesaid (as the Case shall be) of the Party or Parties guilty of the Misdemeanors as aforesaid, or either of them, and the other Moiety to the Poor of the Parish or Place where such Merchandizes, Goods, Stores or Things shall have been so first deposited as aforesaid.

IX. And be it further enacted by the Authority aforesaid, That every Person to whom any Goods, Stores or Things belonging to Ships or Vessels shall be brought and offered to be sold, pawned or delivered, shall, and he or she is hereby impowered and required (there being reasonable Cause to suspect that such Merchandizes, Goods, Stores or Things were stolen, or unlawfully come by, from or out of any Ship or Vessel in the said River) to apprehend, secure and carry before a Justice of the Peace for the County, City, Division, Liberty or Place where the same shall be so brought or offered, the Person or Persons so bringing or offering the same, and in the mean Time to secure such Merchandizes, Goods, Stores or Things; and such Person or Persons so apprehended shall be dealt with, and such Merchandizes, Goods, Stores or Things shall be deposited and disposed of in the same Manner as if he, she or they had been apprehended by the Constable, Headborough, Beadle or Watchman as aforesaid.

X. And be it further enacted, That every Person deemed and adjudged guilty of any of the Misdemeanors aforesaid, shall, for every such Misdemeanor, forfeit, for the first Offence, the Sum of forty Shillings; for the second Offence the Sum of four Pounds, and for every subsequent Offence the Sum of four Pounds; all which said respective Forfeitures shall and may be levied by Distress and Sale of the Goods and Chattels of every such Offender (rendering to him, her or them the Overplus, after Charges of the said Distress and Sale deducted) by Warrant under the Hand and Seal, or Hands and Seals, of any one or more of such Justice or Justices before whom such Offender was convicted; which Forfeiture shall be paid, one Moiety thereof to the Person apprehending such Offender or Offenders, or giving Information, as the Case shall be, and the other Moiety thereof to the said Master, Wardens, and Assistants of the said Corporation, to be distributed among the poor decayed Seamen and their Widows, under the Care of the said Corporation; and if the said respective Forfeitures shall not be paid, nor sufficient Distress shall be found whereon to levy the same, then the said Justice or Justices shall and may commit every such Offender so convicted as aforesaid to the common Gaol, or other Prison or House of Correction within his or their Jurisdiction, without Bail or Mainprize, for the Space of one Month for the first Offence, and for the second Offence for the Space of two Months, and for every subsequent Offence, until such Offender shall be discharged by Order of the Court of General or Quarter Sessions.

XI. And be it further enacted, That every Conviction of any Offender in any of the said Misdemeanors shall be certified by the Justice or Justices of the Peace making the same, to the next General or Quarter Session of the Peace, to be filed and entered amongst the Records of the said Session; and that such Conviction shall and may be drawn up on Parchment, and certified as follows (that is to say)

Middlesex, { **B**E it remembered, That on the _____ Day of _____ in the Year _____ to wit, { *A. B.* was convicted before _____ of the Justices of the Peace for the County, _____ City, Division, Liberty or Place aforesaid (as the Case shall be) of a Misdemeanor in one or more of _____ the Instances before mentioned, specifying the same particularly in the Words by which the same is or are _____ described in and by this Act, or in any other Form of Words to the like Effect.

Given under _____ Hand and Seal the Day _____ and Year aforesaid.

Which said Conviction, in the same or the like Form of Words, shall be good and effectual in Law, to all Intents and Purposes, and shall not be quashed, set aside, or be adjudged void or insufficient for want of any other Form or Words whatsoever; nor be liable to be removed by *Certiorari* into his Majesty's Court of King's Bench, but shall be deemed and taken to be final, to all Intents and Purposes whatsoever.

Persons convicted of knowingly buying or receiving stolen Goods from Vessels in the River; or of privately buying or receiving at any Time any such Goods clandestinely, or by suffering any Door, Window, or Shutter at Night to be left open or unfastened for that Purpose, shall be transported for 14 Years.

Persons convicted of cutting or spoiling any Cordage, Cable, Buoys, Buoy Ropes, Headstap, or other Fast, or Ropes of Vessels, at Anchor or Moorings, in the River, with Intent to steal the same, shall be

Any Person out of Prison concerned in stealing, or unlawfully receiving, Goods or Merchandise from any Vessel in the River, who shall discover and convict two others of the like Offence,

shall be intitled to his Majesty's Pardon.

Persons rowing or navigating such Boats, not being entered, marked, and numbered according to the Order of the Trinity Company; or having a false or fictitious Number or Mark, forfeit, on Conviction before a Justice, 40 s.

One Moiety to the Informer, and the other to the Trinity Company for the Use of their Poor.

Upon Discovery of such Offence, the Boat and Tackle, &c. may be seized, and within 48 Hours after Information is to be given to a Justice, who is to hear and determine thereupon. If the Forfeiture be not paid within 24 Hours, the same shall be raised by Sale of the Boat, &c. by Warrant of the Justice.

Upon Complaint to the Master and Wardens of the Company, of any Thefts or illegal Practices being carried on in any Boat, or suspected to be carried on, they may summon the Owner to appear, and inquire into such Complaint in a summary Way; and, on Conviction, may take

XII. And be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June one thousand seven hundred and sixty-two, every Person who shall buy or receive any Part of the Cargo or Loading of, or any Goods, Stores or Things, of or belonging to any Ship or Vessel in the said River, knowing the same to be stolen or unlawfully come by; or shall privately buy or receive any such Goods, Stores or Things, or any Part of such Cargo or Loading, by suffering any Door, Window or Shutter to be left open or unfastened between Sun-setting and Sun-rising for that Purpose, or shall buy or receive the same, or any of them, at any Time, in any clandestine Manner, from any Person or Persons whomsoever, shall, being thereof convicted by due Course of Law (although the principal Felon or Felons, Offender or Offenders, has or have not been convicted of stealing or unlawfully procuring the same) be transported for fourteen Years to any of his Majesty's Colonies or Plantations in America, according to the Laws in force for the Transportation of Felons.

XIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall cut, damage or spoil any Cordage, Cable, Buoys, Buoy Rope, Headstap, or other Fast, fixed to any Anchor or Moorings belonging to any Ship or Vessel at Anchor or Moorings in the River Thames, or any Rope used for the Purpose of Mooring or Raising Masts or Timber, or shall be aiding or assisting therein, with an Intent to steal the same; such Person or Persons shall, being convicted thereof on the Oath of two or more credible Witnesses, be transported to some of his Majesty's Plantations in America for the Space of seven Years, according to the Laws now in force for the Transportation of Felons.

XIV. And be it further enacted by the Authority aforesaid, That if any Person, being out of Prison, shall, after the twenty-fourth Day of June one thousand seven hundred and sixty-two, by stealing, or unlawfully receiving, any Part of any Cargo or Lading of, or any Goods, Stores or Things, belonging to, or out of or from any Ship or Vessel in the said River, and shall afterwards discover two or more Persons who shall have bought or received any stolen or unlawfully procured Goods, Stores or Things, or any Part of any Cargo or Lading of, or belonging to, or by, from, or out of any Ship or Vessel in the said River, after the twenty-fourth Day of June one thousand seven hundred and sixty-two, knowing the same to be stolen, or unlawfully procured, so as two or more of the Persons discovered shall be convicted of such Buying or Receiving; every Person so discovering shall have and be intitled to the gracious Pardon of his Majesty, his Heirs and Successors, for all such Felonies by him or her committed at any Time or Times before such Discovery made; which Pardon shall be likewise a Bar to any Appeal brought for such Felony.

XV. And be it enacted by the Authority aforesaid, That if after the Publication of any such Orders, Rules and Regulations by the said Master, Wardens and Assistants, any Person or Persons shall row or navigate, within the Limits aforesaid, any such Boat as is herein before directed to be entered, marked and numbered, not being so entered, marked and numbered, as aforesaid; or having a false Mark or Number, or not having the real Name or Names, and Places of Abode, of the Owner or Owners of such Boat inscribed thereon, or not having such Names and Figures kept fair and legible, in such manner as shall have been directed and required, from Time to Time, by such Orders, Rules and Regulations; in each of the Cases aforesaid, every such Person, being thereof convicted before one or more Justice or Justices of the Peace of any County, City, Division, Liberty or Place, near or adjoining to the said River, upon his or her own Confession, or the Oath of one or more credible Person or Persons, shall, for every such Offence, forfeit and pay the Sum of forty Shillings; one Moiety whereof to be paid to the Person or Persons who shall give Information of, and prosecute to Conviction, such Offender or Offenders as aforesaid, and the other Moiety to the said Master, Wardens and Assistants of the said Corporation, to be applied by them as aforesaid: And it shall and may be lawful for any Person or Persons, upon Discovery of any such Offence or Offences, to seize and detain any such Boat, with all the Tackle, Apparel and Furniture thereunto belonging; and shall thereupon, within the Space of forty-eight Hours after such Seizure made, give Information thereof, and of the Nature of the Offence, to any one or more Justice or Justices of the Peace as aforesaid, who shall proceed to hear, and shall determine, as soon as conveniently may be, upon such Information; and if such Forfeiture shall not be paid within the Space of twenty-four Hours after Conviction, then the same shall be raised by Sale of the said Boat, and her Tackle and Appurtenances; and every Justice of the Peace, within his Jurisdiction, is hereby authorized and required to issue his Warrant under his Hand and Seal, directed to the Constable, or some other Peace Officer of the Parish or Place in which such Boat, so seized as aforesaid, shall be detained, to cause Sale to be made thereof, and all her Tackle and Appurtenances, with all convenient Speed, for raising the Money forfeited for the said Offence as aforesaid, rendering to the Offender or Offenders the Overplus (if any there shall be) after deducting the Charges of detaining and selling such Boat.

XVI. And be it further enacted by the Authority aforesaid, That the said Master, Wardens and Assistants shall and may, and they are hereby authorized and required, on any Complaint to be made to them by any credible Person or Persons, of any Thefts, Robberies, Frauds, or other illegal Practices being carried on, or reasonably suspected to be carried on, in any Boat so to be numbered and marked as aforesaid, to summon the Owner or Owners thereof to appear before them, or any five or more of them, at the Trinity House in Water-Lane, or other usual Place of Meeting appointed, or to be appointed, at such Time as they shall appoint; at which Time and Place the said Master, Wardens and Assistants, or any five or more of them, shall inquire into the said Complaint in a summary Way; and in case the said Complaint shall be proved to their Satisfaction, and they shall so think fit, they the said Master, Wardens and Assistants, or any five or more of them, being a Majority

city of the Members then present, may thereupon take away and totally abolish the said Number so given to the said Boat as aforesaid; and also may, for the future, refuse to enter, as before directed, any Boat of or belonging to such Owner or Owners; any Thing herein before contained to the contrary notwithstanding.

XVII. And be it enacted by the Authority aforesaid, That where any Person or Persons shall be convicted of any Offence against this Act, by which is incurred the Forfeiture of any Boat, with her Tackle and Appurtenances, and concerning which, after such Conviction, no Provision is hereby made, it shall and may be lawful to and for such Justice or Justices of the Peace, before whom such Conviction shall be had, or any other Justice or Justices of the Peace of and for any County, City, Division, Liberty or Place adjoining to the said River *Thames*, on Conviction had, and they are hereby respectively authorized and required, to cause such Boat, with her Tackle and Appurtenances, to be totally burnt and destroyed, within six Days next after such Conviction as aforesaid, by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices, directed to the Constable or other Peace Officer of the Parish or Place adjoining to the said River, or where such Conviction shall be had; which said Constable, or other Peace Officer, shall thereupon cause such Boat, Tackle and Appurtenances to be so burnt and destroyed, within the Time aforesaid.

XVIII. And be it enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, by the Authority of this Act, and without any other Warrant, to apprehend any Offender or Offenders committing any of the Offences herein before mentioned, and intended by this Act to be redressed, and, with all convenient Speed, to convey or deliver every such Offender or Offenders to a Constable, or some other Peace Officer of the County, City, Division, Liberty or Place in or near to which the Offence shall be committed, or the Offender or Offenders shall be apprehended, in order to be conveyed before some Justice of the Peace of such County, City, Liberty or Place, there to be dealt with according to Law.

XIX. And be it enacted by the Authority aforesaid, That in case any Person or Persons acting in the Execution of any of the Powers granted by this Act, shall be obstructed therein, every Person so obstructing, and all such as shall act in their Assistance, shall, on being thereof convicted before the Justices of the Peace, at the General or Quarter Session of the County or City adjoining to the said River, upon the Oath of two or more credible Persons, be transported to any of his Majesty's Plantations in *America*, for the Space of seven Years, according to the Law or Laws now in force for the Transportation of Felons.

XX. And be it further enacted by the Authority aforesaid, That in all Actions, Suits, Trials, and other Proceedings, which shall or may be had in pursuance of this Act, or in relation to any Matter or Thing herein contained, any Member of the said Corporation, or any Inhabitant of the Parish, Town or Place in which any Offence shall be committed, contrary to the true Intent and Meaning of this Act, or wherein any Conviction shall be made pursuant hereto, shall be admitted to give Evidence, and shall be deemed a competent Witness, notwithstanding his being such Member of the said Corporation, or his or her being such Inhabitant as aforesaid.

XXI. And be it also enacted by the Authority aforesaid, That in all Cases where an Oath is by this Act directed to be taken by any Person or Persons, it shall and may be lawful for any one or more Justice or Justices of the Peace within the County, City, Division, Liberty or Place, where the Matter to be sworn to shall arise, and he and they is and are respectively hereby authorized and required to administer the same, without Fee or Reward.

XXII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Justice or Justices of the Peace, or the said Master, Wardens and Assistants, or any of them, or other Officer or Person whatsoever, acting in the Execution of any of the Powers in them hereby vested, for doing, or causing to be done, any Thing in pursuance of this Act, concerning any of the said Offences, the same shall be laid in the County of *Middlesex*, or City of *London*, and not elsewhere; and shall be commenced within six Months next after such Cause of Action accrued; and the Defendant or Defendants therein 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 so to have been done, or that such Action or Suit was brought after the Time before limited, or in any other Place; that then the Jury shall find for the Defendant or Defendants; and if upon such Action a Verdict shall be given for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

XXIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

away his Number, and refuse to enter any Boat of his for the future.

Where, on Conviction, the Forfeiture of a Boat, &c. is incurred, and no further Provision made concerning the same,

the Justice, by his Warrant, may order the same to be burnt within 6 Days.

Any Persons may apprehend an Offender,

and deliver him over to a Constable,

to be carried before a Justice.

Persons obstructing the Execution of this Act, being convicted at the Quarter Sessions,

shall be transported for 7 Years.

Any Member of the Corporation, or Inhabitant of the Place, where the Offence is committed, may be admitted to give Evidence.

Justices to administer Oaths gratis.

Limitation of Actions:

General Issue:

Treble Costs,

Publick Act,

C A P. XXIX.

An Act to amend so much of an Act made in the first Year of the Reign of King James the First, intituled, *An Act for the better Execution of the Intent and Meaning of former Statutes made against Shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the destroying of Hares with Hare Pipes, and tracing Hares in the Snow*; as relates to the Preservation of House Doves and Pigeons, by making the manner of convicting such Person or Persons as shall offend therein, more easy and expeditious.

Preamble, reciting
Clause in the Act 1 Jac.
1. c. 27.

After 24 June, 1762,
any Person who shall wil-
fully shoot at, or destroy
any House Doves or Pi-
geons belonging to other
Persons,

shall forfeit on Convic-
tion, 20s. to the Prosecu-
tor; and if not forth-
with paid, he may be
committed, and kept to
hard Labour for any Time
not exceeding 3, nor less
than one Month, unless
the Forfeiture be sooner
paid.

The Owners of Dove
Cotes, or other Places
built for the Preservation
or Breeding of Pigeons,
and those appointed by
them, excepted.

Offender is liable only to
one conviction for the
same Offence; and Pro-
secutions are to be com-

‘ WHEREAS by an Act made in the first Year of the Reign of his Majesty King James the First, in-
‘ tituled, *An Act for the better Execution of the Intent and Meaning of former Statutes made against*
‘ *Shooting in Guns, and for the Preservation of the Game of Pheasants and Partridges, and against the*
‘ *destroying of Hares with Hare Pipes, and tracing Hares in the Snow*; it is amongst other Things
‘ therein enacted, That all and every Person and Persons who shall kill or destroy any House Dove
‘ or Pigeon, and shall be thereof convicted by the Confession of the Party, or by the Testimony
‘ of two sufficient Witnesses, upon Oath before two or more Justices of the Peace, of the County,
‘ City, or Town Corporate, wherein the Offence shall be committed, or the Parties apprehended,
‘ such Justices shall commit every such Offender so apprehended, to the common Gaol of the said
‘ County, City, or Town Corporate, where the Offence shall be committed, or the Party appre-
‘ hended, there to remain for three Months without Bail or Mainprize, unless that the said Of-
‘ fender do or shall forthwith upon the said Conviction pay, or cause to be paid, to the Churchwar-
‘ dens of the said Parish where the said Offence shall be committed, or the Party apprehended, to
‘ the Use of the Poor of the said Parish, the Sum of twenty Shillings for every House Dove or Pi-
‘ geon which every such Person or Persons, so offending and convicted as aforesaid, shall take, kill,
‘ or willingly destroy, contrary to the true Purport and true Meaning of that Act; or after one
‘ Month after his Commitment, together with two sufficient Sureties, become bound by Recognizance
‘ in the Sum of twenty Pounds apiece, to the King’s Majesty’s Use, his Heirs and Successors, with
‘ Condition that he the said Party so offending shall not at any Time thereafter shoot at, kill, take,
‘ or destroy, any House Dove or Pigeon, by any such Means as in the said Act are mentioned; which
‘ said Recognizance shall be taken by any two or more Justices of the Peace, of the said County,
‘ City, or Town Corporate, where the Offender shall be so imprisoned as aforesaid, and shall be re-
‘ turned to the then next Quarter Sessions, and there to remain of Record as other Recognizances
‘ taken for the Peace, as by the said in Part recited Act, relation for greater Certainty being thereunto
‘ had, may more fully appear: And whereas the Method of convicting Offenders against the above
‘ recited Act, hath hitherto been found, in a great degree, ineffectual, to answer the good Intentions
‘ of the said Act: Therefore for more speedy convicting and punishing Persons who shall be guilty
‘ of the said mischievous Practice of wilfully killing or destroying House Doves or Pigeons, belong-
‘ ing to other Persons; May it please your Majesty that it may be enacted; And be it enacted by the
‘ King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Tem-
‘ poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That
‘ after the twenty-fourth Day of June one thousand seven hundred and sixty-two, if any Person or
‘ Persons shall shoot at, with an Intent to kill, or shall by any means whatever, kill or take, with a
‘ wilful Intent to destroy, any House Dove or Pigeon, and shall be thereof convicted by the Confes-
‘ sion of the Party offending, or the Oath of one or more credible Witness or Witnesses, before one
‘ or more Justice or Justices of the Peace of the County, City, Town Corporate, Division, Riding,
‘ or Place, (which Oath such Justice or Justices are hereby authorized to administer) wherein any such
‘ Offence or Offences shall be committed, or the Party or Parties offending shall be apprehended, every
‘ Person so offending, and who shall be convicted as aforesaid of any such Offence, shall, for every such
‘ Offence, forfeit and pay the Sum of twenty Shillings, to the Person or Persons who shall inform
‘ against, and prosecute to Conviction, any such Offender or Offenders; and in case the Money so for-
‘ feited shall not be forthwith paid on every such Conviction, it shall and may be lawful for such Justice
‘ or Justices to commit any such Offender or Offenders, who shall be so convicted as aforesaid, to the
‘ common Gaol of the County, or the House of Correction in the Division or Place where the Party
‘ is convicted or apprehended, there to remain and be kept to hard Labour for any Time not exceed-
‘ ing three Calendar Months, nor less than one Calendar Month, as any such Justice or Justices shall
‘ order, unless the Money forfeited shall be sooner paid.

II. Provided always, and it is hereby also enacted, That nothing in this Act contained shall be construed, deemed, or taken, to hinder any Owner of a Dove Cote, Pigeon House, Pigeon Chamber, or any other Place, built up or erected, or to be built up or erected, for the Preservation or Breeding of Pigeons, from taking, killing, or destroying, by himself, or any other Person by him appointed or authorized for that purpose, all or any House Doves, or Pigeons, which shall at any Time be taken in the proper Dove Cote, Pigeon House, Pigeon Chamber, or any other Place, as aforesaid, for the Preservation or Breeding of Pigeons, of any Owner of such Dove Cote, Pigeon House, Pigeon Chamber, or other Place.

III. Provided further, and it is hereby also enacted, That no Person who shall be convicted of any Offence against this Act, shall be liable to be convicted for any such Offence under any former or other Act; and that no Person shall be prosecuted for any Offence against this Act, unless the Pro-
secution

secution for the same shall be commenced and carried on with Effect within the Space of two Calendar months after every such Offence shall be committed; and that where any Person shall suffer Imprisonment for Default of Payment of any Penalty imposed under this Act, such Person shall not be liable afterwards to pay such Penalty.

menaced, and carried on with Effect, within two Months after the Offence; and where Persons suffer Imprisonment, they are not liable afterwards to pay the Penalty.

C A P. XXX.

An Act for enlarging and improving the North East Avenue of *London Bridge*.

WHEREAS by an Act made in the twenty-ninth Year of the Reign of his late Majesty King George the Second, intituled, *An Act to improve, widen, and enlarge the Passage over and through London Bridge*, the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, were empowered to make such Purchases, and take down such Houses, Edifices, and Buildings, standing or being on the said Bridge, or contiguous or adjoining thereto, as they should judge necessary, for the Enlargement and Improvement of the Passage over, and the Avenues leading to and from, the said Bridge: And whereas the said Mayor, Aldermen, and Commons, of the said City, have proceeded in the Execution of the Powers granted by the said Act, and the Passage over the said Bridge is already, on the Eastern Side thereof, secured by a proper and uniform Balustrade, which, in order to avoid the Water-works of *London Bridge*, and preserve with Regularity, the Connexion of the Passage of the said Bridge with *Fishstreet Hill*, ranges Northward upon the Parish Church of the United Parishes of *Saint Magnus* and *Saint Margaret New Fishstreet, London*, at the North East Avenue of the said Bridge, almost in a Line with the Arch of the Tower or Steeple of the said Church, which forms a spacious Passage through the said Tower from North to South: And whereas the good Ends and Purposes of the said Act cannot be answered unless the Site or Ground of the said Parish Church, on the North and South Sides of the said Tower, is, with the said Passage through the same, laid into the North East Avenue of the said Bridge: But in regard the Alteration aforesaid cannot be made without the Authority of Parliament, May it please your most Excellent 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 Site or Ground of the said Parish Church of the united Parishes of *Saint Magnus* and *Saint Margaret New Fishstreet, London*, on the North and South Sides of the said Tower or Steeple of the same Church, together with the said Passage through the said Tower, from North to South, shall be, and the same are hereby vested in the Mayor, and Commonalty, and Citizens, of the City of *London*, and their Successors, for the Enlargement and Improvement of the North East Avenue of *London Bridge*, as well for the Benefit of all Persons passing on Foot over the said Bridge, as for the safe and commodious Passage of Carriages, at the North West Angle of the said Church; and for effecting the Purposes aforesaid, the said Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, shall, and they are hereby authorized and required, with all convenient Speed after the passing of this present Act, to cause so much of the Fabrick of the said Parish Church to be taken down and removed, as shall be necessary for laying the Site or Ground aforesaid, with the said Passage, into the said North East Avenue of the said Bridge.

Preamble, reciting Clause in Act 29 Geo. 2. c. 40.

The Ground on the North and South Sides of the Tower of *St. Magnus Church New Fish Street*, with a Passage through the Tower from North to South, is vested in the City of *London*, for the Enlargement of the North East Avenue of *London Bridge*; and so much of the Fabrick of the said Church is to be taken down and removed, as shall be necessary for that Purpose:

II. And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, shall, with all convenient Speed, after so much of the Fabrick as aforesaid shall be taken down and removed in manner aforesaid, cause the Western Walls of the said Church to be rebuilt in a Line with the East Side of the said Tower or Steeple, and united thereto, and to the North and South Sides of the said Fabrick, in the most proper and effectual manner, as well in point of Ornament as Safety; and shall also cause, not only such new Works to be suitably and substantially performed and completely finished, in all respects, as well within the Body of the said Church as without, but also all such other Works as shall be necessary for the Safety and Ornament of the said Tower or Steeple of the said Church: And if, in the Execution of the Works aforesaid, any Injury or Injuries shall be done, either by Accident or otherwise to the said Tower or Steeple, or to the Fabrick or Body of the said Church, either within Side or without, or to any of the other Works or Ornaments thereof; then, and in such case, the said Mayor, Aldermen, and Commons, in Common Council assembled, shall, with all convenient Speed, cause such Injury or Injuries to be repaired and made good, in all respects, and in the most proper and effectual manner.

and the City is thereupon to rebuild, in a suitable Manner, the Western Walls of the Church, in a Line with the East Side of the said Tower;

and also all other Works within the Body of the Church, and without, necessary to the Safety and Ornament of the Tower; and all Injuries occasioned thereby, are to be repaired and made good.

III. And be it further enacted by the Authority aforesaid, that the great Western Doors of the said Church, now placed on the West Side of the said Tower, within the Arch thereof, which forms a Passage through the same from East to West, shall be removed and placed in the most suitable and commodious manner on the East Side of the said Tower; and that the same Passage shall be preserved, in all Times to come, for the publick Western Entrance into the said Church, for the Benefit of all Persons resorting thereto, and returning from the same.

The great Western Doors of the Church are to be removed, and placed on the East Side of the Tower; and the same Passage to be preserved for the publick Western Entrance into the Church; and the Ground laid into the North East Avenue of the Bridge may be used as a Cemetery; but the Pavement broke up on that Account is to be relaid by the Churchwardens.

IV. Provided always, and it is hereby enacted by the Authority aforesaid, That the said Site or Ground so to be laid into the said North East Avenue of the said Bridge as aforesaid, shall be considered, and may, in all Times to come, be used, as Part of the Cemetery of the said Church; any Thing herein before contained to the contrary thereof in any wise notwithstanding: But if the Pavement there shall be broke up on account of the burying any Persons, the same shall be laid down, repaired, and made good, from Time to Time, by the Churchwardens for the Time being of the said united Parishes.

V.

The City is also to build a commodious Vestry Room,

and Engine House, in the Church Yard;

and the Materials of such Part of the Fabric as shall be taken down are vested in the City; and what shall be found proper, may be employed in the Works; and the rest is to be sold; and the Money paid over to the Churchwardens for the Sustainment of the said Works, &c.

and the City is to pay, by way of Compensation, 13 l. per Ann. chargeable on the Bridge-house Rates; to be paid half-yearly, viz.

5 l. thereof to the Rector; and 8 l. to the Churchwardens for the Sustainment of the said Works, &c.

to commence on 29 Sept. 1762.

Charges of this Act to be paid out of the Money granted by Parliament for improving the Bridge.

Powers, &c. in the recited Act of 29 Geo. 2. and 31 Geo. 2.

extended in all applicable Cases to this Act.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

V. And it is hereby further enacted by the Authority aforesaid, That the said Mayor, Aldermen, and Commons, in Common Council assembled, shall, with all convenient Speed, cause to be erected, built and finished, in a suitable and substantial Manner, in the Church-yard of the said Church, on the South Side thereof, near the South West Angle of the same Church, a proper and commodious Vestry Room for the Service of the said Church, with two Doors, one opening into the Church, and the other into the Church-yard; and also a proper Engine House to adjoin to the said Vestry Room for the Reception and Preservation of the Fire Engine of the said United Parishes, and the Utensils belonging thereto; and such Vestry Room and Engine House shall be considered as Part of the publick Works of the said Church.

VI. And be it further enacted by the Authority aforesaid, That all the Stone, Timber, Lead, Iron, Glass, and other Materials of such Part of the Fabrick of the said Church, as shall be taken down by virtue and in pursuance of this Act, shall be, and the same are hereby, vested in the said Mayor and Commonalty, and Citizens of the said City, and their Successors; and such of the said Materials as shall be found proper or serviceable for that Purpose, shall be used or employed in the Works directed by this Act, and the Residue thereof the said Mayor, Aldermen and Commons, in Common Council assembled, shall forthwith cause to be sold, for the best Price or Prices that can be gotten for the same; and the Monies to arise by such Sale shall be paid over to the Churchwardens for the Time being of the said United Parishes, for the better Sustainment of the said Works and Ornaments of the said Church.

VII. And it is hereby further enacted by the Authority aforesaid, That the clear yearly Sum of thirteen Pounds shall, in compensation for any Losses which may hereafter be sustained by the Rector and Parishioners for the Time being of the said United Parishes respectively, in consequence of this Act, be, and the same is hereby, charged and chargeable for ever upon all and singular the Manors, Messuages, Lands, Tenements and Hereditaments of the City of London, commonly called *The Bridge-house Estates*, and shall be payable and paid half-yearly out of the Rents, Issues and Profits thereof, by equal Payments, on *Lady-day* and *Michaelmas-day* in every Year, in manner following; that is to say, The Sum of five Pounds, Part of the said yearly Sum of thirteen Pounds, to the Rector of the said United Parishes for the Time being, for his own proper Use and Benefit; and the Sum of eight Pounds, Residue of the said yearly Sum of thirteen Pounds, to the Churchwardens for the Time being of the said United Parishes, for the better Sustainment of the Works and Ornaments of the said Church; the first of which said half-yearly Payments shall begin and be made on *Michaelmas-day* one thousand seven hundred and sixty-two.

VIII. And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this present Act, and of carrying the same into Execution, shall be paid out of the Monies already granted, or to be granted, by Authority of Parliament, for improving, widening and enlarging the Passage over and through *London Bridge*.

IX. And be it further enacted by the Authority aforesaid, That all and every the Powers, Clauses, Provisoos, Matters and Things contained in the said recited Act of the twenty-ninth Year of his said late Majesty, and also in another Act made in the thirty-first Year of his said late Majesty, intituled, *An Act for applying a Sum of Money granted in this Session of Parliament for rebuilding London Bridge, and for rendering more effectual an Act passed in the twenty-ninth Year of his present Majesty's Reign, intituled, An Act to improve, widen and enlarge the Passage over and through London Bridge*, shall, so far as they, or any of them, are applicable to this present Act, be extended to, and be in full Force and executed, as well for the Purposes of this Act as of the said former Acts, as amply and effectually as if the same were in and by this Act expressly re-enacted and declared to take Effect and be in force.

X. And be it further enacted by the Authority aforesaid, That if any Action shall be brought, or Suit commenced, against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, or any of them, such Action or Suit shall be laid or brought within six Calendar Months next after the Fact done, and shall be laid or brought in the City of London, and not elsewhere; and the Defendant or Defendants in such Action 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 the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the said Defendant or Defendants shall have treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law.

XI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed a publick Act, and shall be taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

C A P. XXXI.

An Act for making perpetual an Act for the better Regulation and Government of Seamen in the Merchants Service; and for extending the Provisions thereof to his Majesty's Colonies in America.

‘WHEREAS the Law herein after mentioned, which hath, by Experience, been found useful and beneficial, is near expiring;’ May it therefore please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice

vice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the second Year of his late Majesty's Reign, intituled, *An Act for the better Regulation and Government of Seamen in the Merchants Service*, which was to be in force for five Years, from the twenty-fourth Day of June one thousand seven hundred and twenty-nine, and from thence to the End of the then next Session of Parliament; and which Act was, by an Act made in the eighth Year of the Reign of his said late Majesty, further continued until the twenty-fifth Day of March one thousand seven hundred and forty-nine, and from thence to the End of the then next Session of Parliament; and which Act was, by an Act made in the twenty-third Year of the Reign of his said late Majesty, further continued until the twenty-fifth Day of March one thousand seven hundred and sixty-four, and from thence to the End of the then next Session of Parliament, is temporary, and near expiring; shall be, and is hereby, made perpetual.

Act of 2 Geo. 2. c. 36. which was continued by several subsequent Acts, is made perpetual.

II. And be it further enacted by the Authority aforesaid, That from and after the first Day of May one thousand seven hundred and sixty-four, all the Provisions, Penalties, Clauses, Matters and Things contained in the said Act of the second Year of his said late Majesty's Reign, shall be, and the same are hereby, extended to all his Majesty's Colonies in America; and that all Penalties and Forfeitures to be incurred by the said Act, and directed to be applied to and for the Use of *Greenwich Hospital*, shall be paid to such Officer or Officers in the said Colonies, as shall on that Behalf be appointed by the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the Time being: And in case any Masters or Commanders, or Owners, of any Ships or Vessels, shall deduct out of the Wages of any Seaman or Mariner any of the Penalties and Forfeitures which, by the said Act, are directed to be deducted and applied to and for the Use of *Greenwich Hospital*, and shall not pay the Money so deducted to such Officer or Officers so to be appointed in the Port or Place in the said Colonies where such Deduction shall be made, within three Months after such Deduction; every Person so neglecting to pay the Money deducted as aforesaid, shall forfeit and pay the treble Value thereof to the Use of the said Hospital; which, together with the Money deducted as aforesaid, shall and may be recovered by the same Means and Methods as any Penalties and Forfeitures can or may be recovered by the said Act.

From and after 1 May 1764, all the Provisions, Penalties, Matters and Things in the said Act of 2 Geo. 2. are extended to his Majesty's Colonies in America; and the Forfeitures applicable to Greenwich Hospital are to be paid there to the Officer constituted by the Admiralty; and Masters of Ships deducting any of the said Forfeiture out of the Seamen's Wages, and not duly paying over the same, forfeit treble the Value to the Use of the said Hospital.

C A P. XXXII.

An Act for draining and preserving certain low Lands called *The Fens*, lying on both Sides of the River *Witham*, in the County of *Lincoln*; and for restoring and maintaining the Navigation of the said River, from the *High Bridge* in the City of *Lincoln*, through the Borough of *Boston*, to the Sea.

WHEREAS the River *Witham*, in the County of *Lincoln*, was formerly navigable for Lighters, Barges, Boats, and other Vessels from the Sea, through *Boston*, to the *High Bridge* in the City of *Lincoln*; but, by the Sand and Silt brought in by the Tide, the Outfall thereof into the Sea hath, for many Years last past, been greatly hindered and obstructed, and is now, in a great measure, stopped up, lost and destroyed, and thereby great Part of the low Lands and Fens lying on both Sides of the said River (and which contain together about one hundred thousand Acres) are frequently overflowed, and rendered useless and unprofitable, to the great Loss of the respective Owners thereof, the Decay of Trade and Commerce, and the Depopulation of the Country: And whereas, in the Judgment and Opinion of experienced Engineers, and Persons of known Skill and Ability, the Navigation of the said River *Witham*, and the Outfall thereof into the Sea, are capable of being restored and maintained, and the said low Lands and Fens of being drained, cultivated and improved; but as the necessary Works, for the effecting the good Purposes aforesaid, cannot be made, done and performed without the 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 low Lands and Fens, herein after-mentioned and described, shall and may be drained and improved by, with, and under such Powers and Authorities, and subject to such Rules, Orders, Directions and Provisions, and by such Ways and Means, as are herein after-mentioned, directed, prescribed, appointed and provided.

II. And, for the better describing, specifying and ascertaining the low Lands and Fens, so intended to be drained and improved, Be it further enacted and declared, That the same are situate, lying, and comprised within the several Parishes, Townships, Precincts, Territories and Places herein after-mentioned; that is to say, Such of them as are on the South Side of the River *Witham*, do lie in the City of *Lincoln*, *Lincoln Common*, *Canwick*, *Washingborough*, *Heighington*, *Bransdon*, *Potter Hanworth*, *Nocton*, *Dunston*, *Metheringham*, *Blankney*, *Linwood*, *Marton*, *Timberland*, *Timberland Thorpe*, *Walcot*, *Billinghay*, *Billinghay Dales*, *Dog-dyke*, *North Kyme Fen*, *South Kyme Fen*, *Hart's Grounds*, *Great Beets*, *Little Beets*, *Rakes*, *Heckington Fen*, including *Lady Frazer's* six hundred Acres, *Eaverby*, *Howell*, *Asgarby*, *Great Hale*, *Little Hale*, and some low Lands in *Swineshead*; *Brothertoft*, *Amwick*, *Ruslington*, *Dorrington*, *Digby* and *Holland Fen*; and such of them as are on the North Side of the River *Witham*, do lie in *Monks*, *Greetwell*, *Willingham*, *Fiskerton*, *Barlings*, *Stainfield*, *Bardney*, *Southrey*, *Tupholn*, *Bucknall*, *Horsington*, *Stixwold*, *Swinesike*, *Woodhall*, *Thornton*, *Kirkstead*, *Tattershall Thorpe*, *Tattershall Coningsby*, *Marcham*, *Hundle-house*, *Revesby*, *Middleham*, *Moorhouse*, *Meerbooth*, *Her-*

The Boundaries of the low Lands and Fens described.

Lands divided into six
Districts.

First District ;

Boundaries thereof.

Second District :

Boundaries thereof.

Third District :

Boundaries thereof.

Fourth District :

Boundaries thereof.

Fifth District :

Boundaries thereof.

Sixth District :

Boundaries thereof.

Commissioners for Dis-
tricts appointed.

Manner of Election.
First District.

Hermitage, Newholme, West-house, Langrike, Langworth, Swinecote, Hagnaby, Stickney, Wildmore Fen and West Fen; and the said low Lands and Fens are bounded as follows; that is to say, By the high Grounds of *Lincoln, Canwick and Washingborough*, and thence by the *Car-dyke* from *Washingborough* to *Thorpe Tilney*, and by the high Grounds of *Thorpe Tilney* and the *Car-dyke*, from *Tilney* aforesaid to *Billinghay Skirthe*, by the high Grounds of *Walcott* and *Billinghay* aforesaid, *Digby, Dorrington, Ruskington, Anwick, Ewerby, Howell, Heckington, Great Hale, and Little Hale*, from *Billinghay* aforesaid to *Helpringham Fen* on the West; by the common Fens of *Helpringham, Bicker, and Donnington*, and by the Southern Boundary of *Holland Fen*, from *Helpringham Fen* aforesaid to *Boston* on the South; by *Kirton Holme*, the South Bank of *Old Hammond-Beck*, *Boston-West, Sibsey, and Stickney*, from *Boston* aforesaid to *Stickney-bar Green* on the East; and by the high Grounds of *Hagnaby, Grounds of East-Kirkby, high Grounds of Revesby and Mareham, Grounds of Tumby, and high Grounds of Coningsby*, from *Stickney-bar Green* aforesaid to *Tattershall-bane*, and the high Grounds of *Tattershall, Tattershall Thorpe, Kirkstead, Towery Moor, Woodhall, Stixwold, Horsington, Bucknall, Topholm, Southbrey, Bardney, Stainfield, Barlings, Fiskerton, Willingham, Greetwell, and Monks*, from *Tattershall-bane* aforesaid to *Lincoln*, on the North-East and North; and from the said River *Witham* to the high Grounds of *Lincoln Common*, leaving *Sincil-dyke* twenty Yards on the West: And the same low Lands and Fens shall be deemed to consist of, and be divided into, six several Districts or Divisions, to be respectively comprised within the several Limits herein after mentioned, and for the several Purposes herein after declared; that is to say, The low Lands in *Lincoln, Lincoln Common, Canwick, Washingborough, High-ington, Branston, Potter Harworth, Noston, Dunston, Metheringham, Blankney, Limwood, Marton, Timberland, Timberland Thorpe, Walcott, Billinghay, Greetwell, and Dog-dyke*; and which said low Lands are bounded as follows; that is to say, From twenty Yards below the North End of *Sincil-dyke* in *Lincoln* to *Kyme Eau*, by the River *Witham*, on the North; from the *Little Barge Bridge* in *Lincoln*, to *Kyme Eau* aforesaid, by the high Grounds of *Lincoln, Canwick and Washingborough*, the *Car-dyke, Thorpe Tilney, and North Kyme Fen*, on the South; and from the said River *Witham* to the high Grounds of *Lincoln Common*, by a Line drawn at all Places parallel within twenty Yards from the East Side of *Sincil-dyke* on the West, so that no Part of the said *Sincil-dyke*, or the Rivers or Drains running under the Bar-gates, or either of the Gowt Bridges, shall be included within the said Boundaries; and from the River *Witham* to *North Kyme Fen*, by *Kyme Eau* and *South Kyme* on the East, shall constitute and be contained in the first District: And *Holland Fen, Harts Grounds, Great Beets, Little Beets, the Rakes, Brothertoft*, and all other the Inclosures in *Holland Fen*, and being bounded as follows; that is to say, By *Kyme Eau, the River Witham, Boston West, and Kirton Holme*, on the East and North; *South Kyme, Heckington, and Great Hale*, on the West; and the South Banks of *Old Hammond Beck Swineshead*, on the South, shall constitute and be contained in the second District: The low Lands in *Monks, Greetwell, Willingham, Fiskerton, Barlings, Stainfield, Bardney, Southbrey, Topholm, Bucknall, Horsington, Stixwold, Swineske, Woodhall, Thornton, Kirkstead, Tattershall Thorpe, and Tattershall*, being bounded as follows; that is to say, By the high Lands of the last-mentioned Places on the North, the River *Witham* on the South, the River *Bane* on the East, and *Lincoln* on the West, shall constitute and be contained in the third District: The low Lands in *Coningsby, Mareham, Hundle-house, Revesby, Middleham, Moorhouse, Hermitage, Newholme, Westhouse, Langrike, Langworth, Swinecote, Hagnaby, Stickney, Wildmore Fen, and West Fen*, and bounded as follows; that is to say, By the old River *Witham* and *Tattershall Bane* on the West; by the high Grounds of *Coningsby*, the Grounds of *Tumby*, the high Ground of *Mareham*, and *Revesby*, the Grounds of *East Kirkby*, and the high Grounds of *Hagnaby*, on the North; by the high Grounds of *Stickney* and Grounds of *Sibsey* on the East; by Grounds in the Parish of *Sairbeck* and *Boston East*; and the Scite of the ancient River *Witham* on the South; shall constitute and be contained in the fourth District: The low Land in *Anwick, North Kyme, Ruskington, Dorrington, and Digby*, being bounded as follows; that is to say, By *Digby Old Skirthe-dyke*, and the Dyke which is the Eastern Boundary of a Close now occupied by *John Lane*, and that Part of *Digby Engine Drain* which extends from the said Close to *Digby Engine, Billinghay Skirthe, and Billinghay Dales*, on the North and East; *Kyme Eau* on the South; the high Lands of *Anwick, Ruskington, Dorrington, and Digby*, and the *Car-dyke*, on the West, shall constitute and be contained in the fifth District: The low Lands in *South Kyme, Great Hale, Little Hale, Heckington, Lady Frazer's six hundred Acres, Ewerby, Howell, Asgarby*, and some low Lands in *Swineshead*, being bounded as follows; that is to say, By *Holland Fen* and *Dog-dyke* on the North; *Helpringham* and *Donnington Fens* on the South; *Bicker Fen, Hammond Beck*, and Part of the said *Holland Fen*, on the East; and the high Lands of *Great Hale, Little Hale, Heckington, Howell, and Ewerby*, on the West, shall constitute and be contained in the sixth District.

III. And be it further enacted, That for the more effectual executing of this Act, certain Commissioners shall be elected within each of the said Districts, in manner hereafter mentioned; that is to say, In the first District there shall be eighteen Commissioners elected, one for and by each of the several Places and Parishes herein before-mentioned, as comprised therein in manner following: The several Owners of Lands or Tenements of any Estate of Freehold, Copyhold of Inheritance or for Life, or for any Term of Years wherein not more than one Half of the Value is reserved as a Rent, which Land shall lie within any one of the said Places or Parishes comprised in the said first District, and shall be of the yearly Value of five Pounds; and the several Farmers at Rack-rent of any Lands or Tenements lying in such Parish or Place, and being of the yearly Value of fifty Pounds, shall meet in the Parish Church, or other most usual Place of publick Meeting to do Business, in the Parish or Place wherein such Lands respectively lie, on the second Tuesday in July one thousand seven hundred and sixty-two, and shall then and there elect in each of the said Parishes or Places respectively one Com-

Commissioner: Provided always, That every such Owner or Occupier of Lands, within such Parish or Place respectively, shall be liable by this Act to be taxed to the Purpose of Drainage for some Lands or Right of Common of Pasture within such Place or Parish respectively: And it is hereby further provided, That every Inhabitant of the Parish of *Dog-dyke* shall have a Voice in the Election of a Commissioner for that Parish: In the second District there shall be one Commissioner elected by and for each Parish, Town and Hamlet, the Inhabitants whereof severally and respectively have Right of Common of Pasture within any of the several Fens, Grounds and Places in the said second District contained; and the Election shall be holden on the second *Tuesday* in the said Month of *July*, in the Vestry Room of each of the said Parishes, Towns and Hamlets, or other most usual Place of publick Meeting to do Business within such Parish respectively; and the Right of electing such Commissioners, in each of the said Parishes, Townships or Hamlets respectively, shall be in such Persons as shall be the Owners of ten Acres, or Farmers at Rack-rent of fifty Pounds *per Annum*, in such Place respectively where such Election shall be, and shall also have Right of Common in *Holland Fen*, except that in the Parish of *Brothertoft*, all the Inhabitants being Housekeepers shall have Voices in the Election of a Commissioner for the said Parish: In the third District one Commissioner shall be elected, by and for each of the Parishes and Places herein before enumerated as comprized therein, the Election to be had in such Manner, and at such Time and Place, and by and under such Rules and Directions, and by Persons so qualified as are herein before expressed and declared concerning the electing of Commissioners of, for and within the first District: In the fourth District one Commissioner shall be elected by and for each Parish, the Inhabitants whereof have severally and respectively Right of Common of Pasture in and upon the several Commons, or any of them comprized within the Limits of the said District, at the Vestry Room or other most usual Place of Meeting to do Parish Business within each of such Parishes respectively, at such Time and in such Manner as are herein before expressed and declared concerning the electing of Commissioners by, for and within the second District, and that no other Qualification shall be necessary to give such Inhabitants Voices in such Election: And it is hereby further provided, That the Occupiers of *Frith Bank*, having Right of Common in the said *Wildmore* and *West Fens*, or either of them, or the Majority of them, may chuse one Commissioner for the said fourth District in such manner as to them, or the Majority of them, shall seem good: In the fifth District there shall be one Commissioner elected for each Parish and Place herein before enumerated as therein comprized, the said Election to be had in such Manner, at such Time and Place, and by and under such Rules and Directions, and by Persons so qualified, as are herein before provided, expressed and declared concerning the Election of Commissioners of, for and within the first and third Districts: In the sixth District there shall be elected one Commissioner for each Parish comprized within the same, the Election to be holden on the said second *Tuesday* in *July* in the Year of our Lord one thousand seven hundred and sixty-two, at the respective Vestry Rooms of the several Parishes; in which Elections all the Proprietors of Lands of any Estate of Freehold, Copyhold of Inheritance, or Leasehold, wherein no more than half the yearly Value thereof is reserved as a Rent, being of the yearly Value of five Pounds and upwards, and lying within such Parish respectively where such Commissioner is to be elected, and all Farmers at Rack-rent of Lands being of the yearly Value of fifty Pounds, and within such Parish respectively, shall have Voices: Provided always, That for the Purposes of this Act *South Kyme* shall be deemed a Parish, and impowered accordingly to elect a Commissioner for the said sixth District in manner aforesaid.

Second District.

Third District.

Fourth District.

Fifth District.

Sixth District.

South Kyme deemed a Parish.

IV. Provided always, That all such Persons as are or shall be intitled to vote at any of the Elections before-mentioned, may appoint certain Deputies to give such Vote for them, and each of them respectively, by Writing under their Hands and Seals respectively.

Electors may appoint Deputies.

V. Provided likewise, That the several Electors of Commissioners for each of the said Parishes, Towns, Hamlets and Places respectively, or the Majority of them respectively, being present and voting at such Elections, shall and are hereby required to certify the said Election at the first General Meeting of the General Commissioners for Drainage, to be holden in pursuance of this Act, by Writing under their Hands and Seals respectively.

Electors to certify Elections at first Meeting of General Commissioners for Drainage.

VI. And be it further enacted, That the several Commissioners for the said first, second, third, fourth, and sixth Districts respectively, or any five or more of each of them, and the Commissioners for the fifth District, or any three or more of them, shall have the Care, Management and Direction of the private Works necessary to be done within their respective Districts, under the Rules and Directions herein after-mentioned: And they are hereby authorized, impowered and required to elect thirty-one Persons to be General Commissioners for the Purposes of Drainage, in manner following; that is to say, The Commissioners for the first District, or any five or more of them, shall meet at the House near the *Hgh Bridge* in the City of *Lincoln*, commonly known by the Sign of the *Rein Deer*, on the last *Friday* in *July* one thousand seven hundred and sixty-two, and there elect seven Persons to be Part of the said General Commissioners: The Commissioners for the second District, or any five or more of them, shall meet at the Town Hall in *Boston* on the last *Wednesday* in *July* one thousand seven hundred and sixty-two, and there elect six Persons to be other Part of the said General Commissioners: The Commissioners for the third District, or any five or more of them, shall meet at a publick House known by the Sign of the *Angel* in *Tattershall*, on the last *Friday* in *July* one thousand seven hundred and sixty-two, and there elect five Persons to be other Part of the said General Commissioners: The Commissioners for the fourth District, or any five or more of them, shall meet at a publick House known by the Sign of the *White Hart* in *Spilsby*, on the last *Monday* in *July* one thousand seven hundred and sixty-two, and there elect eight Persons to be other Part of the said General Commissioners: The Commissioners for the fifth District, or any three or more of them, shall meet at a publick House known by the Sign of the *Angel* in *New Sleasford*, on the last *Monday* in *July* one thousand seven hundred

Commissioners to direct the several Works to be made within their several Districts.

Commissioners of the Districts to meet and elect General Commissioners.

General Commissioners.

dred and sixty-two, and there elect two Persons to be other Part of the said General Commissioners: And the Commissioners for the sixth District, or any five or more of them, shall meet at a publick House known by the Sign of the *George* in *New Sleaford*, on the last *Monday* in *July* one thousand seven hundred and sixty-two, and there elect three Persons to be other Part of the said General Commissioners: Which Persons so elected, together with the Mayor of the City of *Lincoln*, and the Mayor of the Borough of *Boston*, for the Time being, and two of the four Commissioners, which by virtue and in pursuance of this Act shall be elected by or on behalf of the City of *Lincoln*, as Commissioners for the Purpose of the Navigation; and two of the four Commissioners, to be in like manner elected by or on the behalf of the Borough of *Boston*, for the like Purpose; shall be, and they are hereby appointed General Commissioners for the Purposes of Drainage, subject to the Rules, Orders, Provisions and Directions herein after-mentioned, expressed and declared: And that the several Persons hereby empowered to elect and appoint General Commissioners for Drainage, or the major Part of them present at such Elections respectively, and the Mayors of the City of *Lincoln* and Borough of *Boston* for the Time being, shall certify their said several Elections respectively, by Writing under their Hands, at the first Meeting of the said General Commissioners for Drainage to be appointed by this Act.

Commissioners for Districts may adjourn their Meetings.

VII. Provided always, That it shall and may be lawful for the Commissioners of the said respective Districts, or any two or more of them, to adjourn their Meetings for the Purposes of this Act, from Time to Time, to such Time and Place as they, or any two or more of them, shall think necessary: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act, or to adjourn to any other Time or Place, then the Clerk to the said Commissioners shall adjourn the said Meeting to, and appoint the said Commissioners to meet at, the Place where the last Meeting was appointed to be held, on that Day three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on some publick and conspicuous Place in the City of *Lincoln*, the Town of *New Sleaford*, the Borough of *Boston*, the Towns of *Spilsby*, *Horncastle*, *Tattershall*, or one of them; and that the said Commissioners, at all their Meetings, shall defray their own Charges and Expences.

Qualification of General Commissioners.

VIII. And be it further enacted, That no Person (except the Mayor of the City of *Lincoln* for the Time being, and the Mayor of the Borough of *Boston* for the Time being) shall, except in the swearing in other Commissioners, act as a General Commissioner for the Purposes of Drainage, or as a Commissioner for the Purposes of Navigation, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tythes, Tenements and Hereditaments of the clear yearly Value of one hundred Pounds, above Reprizes, or shall be possessed of and intitled to a Personal Estate alone, or a Real and Personal Estate together, to the clear Amount or Value of two thousand Pounds, and unless such Person shall take and subscribe the Oaths following before any two or more of the said Commissioners (who are hereby authorized and required to administer the same) before he takes upon himself to act as a Commissioner under this Act, or in the Execution of the Powers and Authorities hereby granted and given; which said Oaths shall be in the Words or to the Effect following; that is to say,

Oaths of General Commissioners.

‘ I *A. B.* do swear, That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tythes, Tenements and Hereditaments of the clear yearly Value of one hundred Pounds, above Reprizes; or that I am possessed of and intitled unto a Personal Estate alone, or Real and Personal Estate together, to the clear Amount or Value of two thousand Pounds. *So help me GOD.*’

‘ I *A. B.* do swear, That I will without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the second Year of the Reign of his Majesty King *George* the Third, intituled, *An Act for draining and preserving certain low Lands called The Fens, lying on both Sides of the River Witham, in the County of Lincoln; and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of Lincoln, through the Borough of Boston, to the Sea.* *So help me GOD.*’

Penalty on Persons acting, if not qualified.

And if any Person hereby deemed unqualified or incapable to act for all or any of the Causes aforesaid, shall nevertheless presume so to do, contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of one hundred Pounds to such Person or Persons as shall sue for the same, to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Suit or Information; wherein no Essoin, Protection, or Wager of Law, or more than one Impar lance, shall be allowed.

Heir Apparent of 200l. per Ann. taking the Oath of Office, may act as Commissioners.

IX. Provided always, That if any Person, who shall be elected a Commissioner for the Purposes of Drainage, or a Commissioner for the Purposes of Navigation, shall be Heir Apparent of some Person having an Estate in Lands, Tenements and Hereditaments of the clear yearly Value of two hundred Pounds, such Person shall be deemed qualified to act under this Act, provided he takes the Oath of Office aforesaid.

General Commissioners may appoint Agents.

X. Provided always, and be it further enacted, That it shall and may be lawful to and for any Person, who shall be elected a General Commissioner for the general Works of Drainage, by Writing under his Hand, from Time to Time, to appoint an Agent or Deputy, to act in his Absence as a Commissioner for any Time not exceeding three Months; and such Agent or Deputy shall and may, provided he takes the Oath of Office appointed by this Act, although he shall not be otherwise qualified as is required by this Act, act as a Commissioner, in such and the same Manner, and as fully, to all Intents and Purposes, as such Commissioner might act and do if he was personally present; provided withal, that if such principal Commissioner shall be present, and in the actual Exercise of his Office, the Power and Authority hereby given to such Agent or Deputy shall totally cease and be void.

XI. And be it further enacted, That the Commissioners for the said Districts, elected as aforesaid, shall continue to the first *Tuesday* in *April* one thousand seven hundred and sixty-three, when a new Election of Commissioners for the said Districts shall be made, in Manner and at the respective Places aforesaid; which Commissioners, then elected, shall continue for three Years; and that Commissioners for the said Districts shall, from the Time of such Elections, once in every three Years, be elected by the said respective Parishes, Towns, Hamlets and Places, in Manner and at the Places aforesaid; and the General Commissioners shall continue from the Time of their first Election to the second *Tuesday* in *April* one thousand seven hundred and sixty-three, when a new Election of General Commissioners shall be made, in Manner and at the Places before appointed for electing General Commissioners; which Commissioners, then elected, shall continue for three Years; and that General Commissioners shall, from the Time of such Elections, once in every three Years, be elected by the Commissioners of the said respective Districts, on the third *Tuesday* in *April*; and the Clerks to the Commissioners for the said several Districts shall, and they are hereby required to transmit to the Clerk to the General Commissioners the Names and Places of Abode of the Persons so elected General Commissioners; and that on the Vacancy of a Commissioner for any of the said respective Districts, by Death or refusing to act, another Commissioner shall be elected in the room of such Commissioner dying or refusing to act, within three Months after such Death or Refusal; and in case another Commissioner shall not be elected within such Time, then the Lord of the Manor for the Parish or Place for which such Commissioner was elected, or any one by him deputed, or where there shall be more Lords of Manors within any such Parish or Place than one, any Person to be by them deputed, is hereby impowered to act as a Commissioner until such Vacancy shall be filled up by a new Election; and that on the Vacancy of a General Commissioner by Death, or Refusal to act, another General Commissioner shall be elected in the Room of the Commissioner dying or refusing to act, within three Months after such Death or Refusal, in manner herein before prescribed for electing General Commissioners within the District for which such General Commissioner was elected.

Continuance of the Commissioners of the Districts.

Continuance of the General Commissioners.

Commissioners of Districts dying, others to be elected.

General Commissioners dying, others to be elected.

XII. And be it further enacted, That in case the Persons who are to elect Commissioners for the said respective Districts, or any of them, or in case the Commissioners for the said respective Districts, or any of them, who are to elect General Commissioners for Drainage, shall neglect to meet at the Times appointed for such Elections, or shall not elect Commissioners accordingly, then the Persons who are Commissioners for the preceding Year shall continue Commissioners, until other Commissioners shall be elected as aforesaid.

If new Commissioners are not elected, former Commissioners to continue.

XIII. And be it further enacted, That the said General Commissioners, or any five or more of them, shall meet at the Town Hall in the Borough of *Boston* on the third *Tuesday* in *August* one thousand seven hundred and sixty-two, and proceed to the Execution of this Act; and shall afterwards meet on the first *Tuesday* in *July* yearly at such Place within the City of *Lincoln*, Town of *New Sleasford*, or Borough of *Boston*, as the said Commissioners, or any five or more of them, shall appoint; and the said Commissioners, or any five or more of them, shall and may, from Time to Time, adjourn themselves to such Time and Place as they shall think most convenient for the Purposes of this Act: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act, or to adjourn to any other Time and Place, then the Clerk to the said Commissioners shall adjourn the said Meeting to, and appoint the said Commissioners to meet at, the Place where the last Meeting was appointed to be held, on that Day three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on some publick and conspicuous Place in the City of *Lincoln*, the Town of *New Sleasford*, the Borough of *Boston*, and the Towns of *Horncastle*, *Spilsby* and *Tattershall*, at least ten Days before such Meeting; and that the said Commissioners, at all their Meetings, shall defray their own Charges and Expences; provided always, that three Commissioners shall be sufficient for the Purpose of Adjournment.

First Meeting of the General Commissioners, Annual Meeting.

XIV. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, or any seven or more of them, at any Meeting to be held for that Purpose, whereof fourteen Days Notice shall be given, by affixing the same upon the several Market Crosses of *Lincoln*, *Sleasford*, *Tattershall*, *Horncastle*, *Boston* and *Spilsby*, to receive Proposals from, and enter into, make and execute Contracts with any Engineers and Workmen for draining the said low Lands and Fens, and for providing proper Engines, Utensils and Materials for that Purpose, and all other Matters, Articles and Things concerning the same: And that all such Contracts, so to be made, shall be entered in a Book to be kept for that Purpose, and signed by the said Commissioners, or any seven or more of them.

Commissioners to make Contracts with Workmen, &c.

which are to be entered in a Book.

XV. And, in order to raise Money for defraying the Expences of draining the said low Lands and Fens, Be it further enacted, That it shall and may be lawful to and for the said General Commissioners, or any seven or more of them, and they are hereby authorized and required to tax and charge all the low Lands and Fens lying, being, and comprized within the Boundaries of the said first, second, third and fourth Districts, with such equal yearly Rates and Taxes as to them shall seem requisite and necessary for the Purposes of such Drainage, so as the same do not exceed one Shilling an Acre for every Acre of private Property, eight Pence an Acre for every Acre of Half Year's Land, and four Pence an Acre for every Acre of Common Land, during such Time as the same shall be used as Common; but if any such Land shall be afterwards inclosed, and used in Severalty, then such Land shall be taxed at any Rate not exceeding one Shilling an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed in pursuance of this Act for defraying the said Taxes) and also that the said Commissioners, or any seven or more of them, shall and may tax and charge all the low Lands and Fens lying, being, and comprized within the Boundaries of the said fifth and sixth Districts, with such equal yearly Rates and Taxes as to them shall seem requisite and necessary for the Purposes aforesaid, so as the same do not exceed six Pence an

The Acre Tax for the general Drainage.

Acre for every Acre of private Property, four Pence an Acre for every Acre of Half Year's Land, and two Pence an Acre for every Acre of Common Land, during such Time as the same shall be used as Common; but if any such Land shall be afterwards inclosed, and used in Severalty, then such Land shall be taxed at any Rate not exceeding six Pence an Acre for every Acre so inclosed, during such Time as the same shall remain inclosed (other than and except such Common Lands as shall be inclosed in pursuance of this Act for defraying the said Taxes).

Taxes vested in Commissioners.

XVI. And be it further enacted, That the Taxes to be raised by virtue of this Act for the general Works of Drainage, shall be, and the same are hereby, vested in the General Commissioners for the general Works of Drainage, appointed and to be elected by virtue and in pursuance of this Act, and the same shall be applied and disposed of in the Execution of this Act, so far as the same relates to the general Works of Drainage, and the necessary Costs, Charges and Expences attending the same, and to no other Use or Purpose whatsoever.

General Commissioners to pay the Proprietors of Lands within the fifth and sixth District their Expence of Surveys, &c.

XVII. And be it further enacted, That the said General Commissioners, or any five or more of them, shall, out of the Money to be by them raised, pay to the Proprietors of the Lands lying within the said fifth and sixth Districts such Sum and Sums of Money as they have respectively laid out and expended in making Surveys of the Lands and Grounds lying within the said Districts, so as the said Sum and Sums do not in the Whole exceed eighty Pounds, to be settled and ascertained in such manner as the said General Commissioners, or any five or more of them, shall think proper.

Districts chargeable with further yearly Taxes for private Works.

XVIII. And be it further enacted, That it shall and may be lawful for the Commissioners of the second and fourth Districts respectively, or any five or more of them, to charge the low Lands and Fens lying within the said respective Districts, with such further yearly Tax as shall by them be judged necessary for the making, erecting and preserving any private Works, Banks, Drains or Engines, within the said respective Districts, in such manner as to them shall appear necessary and proper for the Purposes of private Drainage; which said Works, Banks, Drains and Engines the said Commissioners are hereby impowered to raise and erect in such Places, and in such Manner, as to them, or any five or more of them, shall seem most proper and convenient for the said Purposes: And also that the said Commissioners of the fifth District, or any three or more of them respectively, shall have Power, on Application to them made by the Lord of the Manor, and the major Part of the Proprietors of taxable Lands within any Township, Parish or Place lying within the said first, third, and fifth and sixth Districts respectively, to charge the low Lands and Fens, which are made liable by this Act to be taxed for the general Drainage, lying within such Township, Parish or Place respectively, with such further yearly Tax as shall by them be judged necessary for making, erecting and preserving any private Works, Banks, Drains or Engines within such Township, Parish or Place, which to them shall appear necessary and proper for the Purposes of such private Drainage; which said Works, Banks, Drains and Engines the said Commissioners are hereby impowered, on such Application as aforesaid, to raise and erect in such Places, and in such Manner, as to them, or any three or more of them, shall seem most proper and convenient for the said Purposes; but so as such private Works, Banks, Drains or Engines do not in any wise prevent or obstruct the Waters occasioned by Soakage or Downfall from taking their natural Course into the said River or Haven below the same, in regard that the obtaining, effecting and preserving such Course and Outfall is intrusted to and under the Controul of the General Commissioners by the Tenor and true Meaning of this Act (except with respect to the Engines already erected within the said fifth and sixth Districts, which are hereby allowed to remain, and not intended by this Act to be subject to the Controul of the General Commissioners): And that the low Lands and Fens in the sixth District shall, jointly and together with the low Lands and Fens through which such Waters shall be conveyed, be taxed and assessed for and towards raising Money for paying and defraying the Charges and Expences of deepening, imbanking, repairing, supporting and maintaining all the present Gowts, Drains, Dykes and Cuts, which are hereby allowed to be made use of for the conveying such Waters into the aforesaid River or Haven, so long as they continue to use the same, and to be paid in such Shares and Proportions as any five Commissioners of the said Districts, not interested in the Premises (to be for that Purpose nominated and appointed by the General Commissioners, or any five or more of them, for that Purpose) shall order, direct or appoint; and the Expences of the Commissioners, who shall determine the same, shall be paid out of the Tax or Assessment to be laid on the said sixth District.

but not to obstruct Waters occasioned by Soakage or Downfall from taking their natural Course into the River Witham or Haven.

Lands in the sixth District to be jointly taxed with the Lands through which such Waters shall be conveyed.

If private Works be found beneficial to Towns in any other District, such Towns to contribute in proportion.

XIX. And be it further enacted, That if any such private Works, Banks, Gowts or Engines, in any one of the said Districts, shall be found beneficial to any other Townships, Parishes or Places within the same or any other District appointed or ascertained by virtue of this Act, then such Townships, Parishes or Places shall contribute towards the Charge of making and preserving the said Works, in proportion to the Benefit they shall receive thereby; which Proportion shall be adjusted and ascertained by any three or more of the General Commissioners, not being Commissioners of any of the Districts in question; and that the Waters of each Township, Parish or Place, lying within the first and third Districts, shall be issued and carried to the River *Witham* down their present Drains, or by Drains within the same.

Commissioners of the fourth District to raise Taxes within *Wildmore* and *West Fens*, by inclosing a Part thereof.

XX. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the said fourth District, or any five or more of them, to raise, or cause to be raised, such Taxes as shall be charged or assessed upon the Commons in *Wildmore Fen* and *West Fen*, for defraying the Charges and Expences as well of the general Drainage, as of the particular Works to be done within the said fourth District, by inclosing any Part of the said Commons, not exceeding eight hundred Acres in the *West Fen*, and six hundred Acres in *Wildmore Fen*; and that the said Commissioners, or any five or more of them, shall and may, from Time to Time, so long as it shall be necessary for the Purposes aforesaid, grant a Lease or Leases of the Land and Ground, so to be inclosed, unto any Person or Persons, at and for the best Rent they can get for the same, for any Term not exceeding twenty-one Years; and that the Money

ney arising from such inclosed Lands by virtue and in pursuance of this Act, shall be applied only towards paying the Taxes and Rates charged on the said *Wildmore* and *West Fens* respectively.

XXI. Provided always, That no such Inclosure shall be made in the said Fens within the Distance of half a Mile from *Frith Bank*, or from any other Inclosure, without the Consent of the Proprietors thereof (other than and except such Lands as are to be cut off by the designed new River, which are to be deemed and taken as Lands liable to be inclosed by this Act); and that the Lands and Grounds so to be inclosed shall not be subject to the Payment of any Tythes, Taxes parochial or otherwise, during the Time the same shall remain inclosed.

XXII. And be it further enacted, That the Taxes which shall be assessed or charged upon *Holland Fen*, for defraying the Charges and Expences as well of the general Drainage as of the particular Works to be done within or for the Purposes of draining the said Fen, shall and may be raised by the Commissioners of the said second District, or any five or more of them, by inclosing Part of the said Fen, not exceeding in the Whole one thousand Acres; and the said Commissioners, or any five or more of them, may and are hereby empowered from Time to Time, so long as it shall be necessary for the Purposes aforesaid, to grant a Lease or Leases of the Land and Ground so to be inclosed to any Person or Persons, at and for the best Rents they can get for the same, for any Term or Terms not exceeding twenty-one Years, for the Purposes aforesaid.

XXIII. Provided always, That no Part of the Lands in the said Fen shall be inclosed which lies South of the *Old Forty Foot Drain*, or North of the said Drain nearer than one Mile from *Brothertoft*, without the Consent of the Proprietors thereof, except such Lands as may be cut off by the intended new River, which are to be understood as Lands liable to be inclosed by this Act; and that the Lands so to be inclosed shall not be subject to the Payment of any Tythes, Taxes parochial or otherwise, during such Inclosure, other than and except that if any Person or Persons shall occupy any Part of such Fen, which shall be inclosed for the Purpose of paying the Taxes to be laid by virtue of this Act, the said inclosed Lands, so occupied, shall be subject to the Payment of such Tythe only as shall and may arise, renew, increase or happen in or upon such inclosed Part of such Fen, by depasturing of all living Stock or Cattle, in such manner as Tythe for the same hath usually been, or now is, or ought to be paid.

XXIV. Provided also, That nothing herein contained shall prejudice, impeach or defeat any Rights or Privileges of the respective Lords of *Wildmore Fen*, *West Fen*, and *Holland Fen*, or any of them, in, to, or out of the said Lands so to be inclosed (other than and except the Right of Brovage) and that the Money arising from Lands inclosed in *Holland Fen*, by virtue and in pursuance of this Act, shall be applied only towards paying the Taxes and Rates charged on the said Fen.

XXV. And be it further enacted, That the Taxes which shall be assessed or charged upon any other Common within the first, third, fifth and sixth Districts, for defraying the Charges and Expences as well of the general Drainage as of the particular Works to be done within the same Common respectively, shall and may be raised by the Commissioners of the District wherein such Common lies, or any five or more of them, by an Inclosure of Part of the said Common, so as no Half Year Land shall be made liable to be inclosed hereby; and the said Commissioners, or any five or more of them, may and they are hereby empowered to grant a Lease or Leases thereof, to any Person or Persons, at and for the best Rent they can get for the same, for any Term not exceeding twenty-one Years, for the Purposes aforesaid: Provided always, That such Inclosure be made by and with the Consent and Approbation of the Lord of the Manor, and the major Part of the Persons having Right of Common therein, at a Meeting to be held for that Purpose, of which fourteen Days Notice shall be given, by affixing the same upon the Church Door of the Parish, or other usual Place for affixing publick Notices, by the Commissioner elected for such Parish, who is hereby required to cause such Notice to be given; and that the Money arising from such inclosed Lands by virtue and in pursuance of this Act, shall be applied only towards paying the Taxes and Rates to which the Commons in such Parish shall be made liable by virtue of this Act.

XXVI. Provided always, That no more Common Lands shall be inclosed in any one Parish within the first, third, fifth and sixth Districts, than what shall be thought necessary for discharging the Taxes and Rates, to which the Commons in such Parish shall be made liable by virtue of this Act, within such respective Parish only; and that the Lands so to be inclosed shall not be subject to the Payment of any Tythes, Taxes parochial or otherwise, during the Time the same shall remain inclosed.

XXVII. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the Districts wherein the Commons of *Wildmore Fen*, *West Fen*, and *Holland Fen* respectively are comprized, or any five or more of them, to apply any Money that may arise from the Sale of such Common Lands in the said Fens as shall or may be cut through, used or covered for the said new intended River, or the Banks thereof, for and towards the Charges of inclosing of Lands in the said Fens, or for defraying the Taxes charged thereon, or for any private Works of Drainage within the same respectively, as they shall judge proper and reasonable.

XXVIII. And be it further enacted, That the Taxes to be charged and assessed as aforesaid, by virtue of this Act, shall be paid by the Tenants of the Lands and Tenements charged with the same respectively; and such Tenants shall and may deduct and defalk the same out of the Rents payable to their respective Landlords.

XXIX. Provided always, That in case any Tenant shall hold any Lands or Tenements so to be taxed by virtue of or under any Lease for any Term of Years which will not expire till after the End of fourteen Years, to be computed from *Lady-day* one thousand seven hundred and sixty-two, then such Taxes shall be paid by the Landlord and Tenant in such Shares and Proportions as shall be adjusted, ascertained and determined by the Commissioners of the District, or Districts wherein the said Lands and Tenements are situate, or any three or more of them.

XXX. Provided also, That all Persons holding their Lands and Tenements under Bishops, College or Church Leases, or other Leases, not at a Rack-rent, shall pay the whole Taxes, and shall not be intitled to any Deduction from their several Landlords in respect thereof.

XXXI. And be it further enacted, That the Commissioners of the second and fourth Districts respectively are hereby authorized and empowered to pay the General Commissioners, to be appointed or chosen to serve

for their respective Districts, their Charges and Expences of attending the General Meetings, so that the same does not exceed ten Shillings a Day, out of the Surplus Rents, if there shall be any such, which shall arise from the Lands to be inclosed in the Commons in such respective Districts, or in such Manner as the said Commissioners, or any five or more of them, shall think proper, to raise the Monies for such Purpose within their respective Districts.

Proprietors to
give in an Ac-
count of their
Lands.

XXXII. And be it further enacted, That an Account of the several Lands and Grounds within the several Districts aforesaid, and liable to be rated and taxed by virtue and within the Meaning of this Act, shall, on or before the second *Tuesday* in *January* one thousand seven hundred and sixty-three, be given to the Commissioners for such respective Districts, or to their Clerks, by the Owners, Proprietors or Occupiers, of such Lands and Grounds respectively, to be by them forthwith transmitted to the Clerk to the General Commissioners; and if any of the Owners, Proprietors, or Occupiers of Lands within any such District or Districts, shall neglect or refuse to give in to such Commissioners, or their Clerk, a particular Account of the Number of Acres belonging to them, or in their Possession respectively, distinguishing therein how much thereof is private Property, Half Years Land, Common or other kind of Land respectively; and in case there shall be reason to suspect that the Number of Acres is not truly stated in any such Account, or not properly distinguished in Manner aforesaid, it shall be lawful for the said General Commissioners, or any five or more of them, to order a Survey to be made of any of the said Lands by some able Surveyor, not being a Proprietor of any Lands in the said District, upon Oath (which Oath any two of the said Commissioners are hereby empowered to administer); and any Survey which shall be so made shall be a sufficient Warrant and Authority to the said Commissioners, or any five or more of them, to ascertain and determine the Quantities and also such Distinctions as aforesaid of such Land, and the Charge of surveying the Lands of such Person or Persons as shall neglect or refuse to give in such Account, or shall deliver in a false Account, shall be paid by such Person or Persons respectively; and in Case of Non-payment thereof, shall be recovered in such Manner as the Taxes are herein directed to be recovered; and in case it shall appear, upon any such Survey, that the Number and Distinction of Acres were truly stated in any such Account, the Charge of such Survey shall be defrayed out of the Monies arising by virtue of this Act for the Purposes of the General Drainage.

Determination of
Disputes about
high Lands.

XXXIII. Provided always, and be it further enacted, That no Tax or Assessment shall be rated, charged, or levied, for or in respect of any Lands being Part of the Lands bounded and described as aforesaid, which are known and distinguished by the Name of high Lands, or which have not been subject to Inundations, or to be otherwise annoyed by Flood-water: And if in the case of any Tax, to be assessed by the General Commissioners of general Drainage, any Dispute shall arise, whether any of such Lands shall or shall not be deemed high Lands, or have not been subject to Inundations, or otherwise annoyed by Water, the same shall be determined, upon view, by five of the private Commissioners, herein before required to be elected by and for the said six Districts, nor having any Property in, nor being elected by, the District wherein such Lands shall lie; two of which Commissioners shall be nominated by the Commissioners for the District wherein such Lands are situate, or any three or more of them; and the other two by the Proprietor or Proprietors of the Lands in Dispute; and the fifth by such four Commissioners so previously nominated as aforesaid; and if such four Commissioners cannot agree in the Choice of a fifth, he shall be nominated at the first subsequent Meeting of General Commissioners of general Drainage; and all such Commissioners, before they proceed to determine such Dispute, shall take an Oath well and truly, to the best of their Judgment and Knowledge, to determine whether such Lands have been subject to Inundations, or otherwise annoyed by Flood-water, or ought to be deemed low Lands, liable to be taxed by virtue of this Act (which Oath any one or more of the said private Commissioners for the said Districts are hereby empowered to administer) and such Commissioners shall set forth their Determination in two distinct Writings, and shall sign the same; and one of such Writings shall be delivered to the Owner of such Lands, and the other of such Writings shall be delivered to the Clerk to the General Commissioners for Drainage.

Persons refusing
to pay their Tax-
es,

XXXIV. And be it further enacted, That if any Person or Persons whose low lands and Fens shall be taxed or assessed as aforesaid by virtue of this Act, shall refuse or neglect to pay such Tax, for the Space of twenty-one Days next after Demand thereof made, by the respective Collector or Collectors of the said Taxes, then and in every such case the said General Commissioners, or any five or more of them, and the said Commissioners of the said respective Districts, or any five or more of them, shall and may, and they are hereby authorized respectively by Warrant under their Hands and Seals to empower their respective Collector or Collectors to levy the same by Distress and Sale of the Goods and Chattles which shall be found on the Lands charged with the Taxes in Arrear; and if the Lands shall be untenanted, or no sufficient Distress can be found for levying the said Taxes, the Lands chargeable therewith shall remain a Security for Payment thereof, and the said respective Commissioners, or any five or more of them, shall, in such case, after Default of Payment for three Months (having given one Month's Notice in Writing to the Owner of such Lands, or his Agent) be, and they are hereby authorized and empowered to enter into and upon the said Lands, and let the same from Year to Year, for the best Rent that can be procured for the same, until all Arrears of the said Taxes, and all Expences of raising the same, shall have been fully paid and satisfied; and the Produce thereof shall be applied, in the first place, towards discharging the said Taxes, and the Charges attending such Entry, and the Residue thereof shall be paid by such Collector or Collectors to the Owner of such Lands, or his or her Agent, when demanded.

the time to be
levied by Distress
and Sale.
Grounds unoccu-
pied to remain a
Security.

XXXV. And whereas from the Multitude of Proprietors interested in the several Commons of *Holland*, *Wildmore*, and *West Fens* respectively, Disputes may arise, so as to prevent such Inclosures being made as are herein before provided for raising the Taxes to be charged on the said Fens or any of them, by virtue of this Act: And whereas if no such Inclosures should be agreed upon and made in due Time, by the Commissioners for such Districts respectively, wherein the said common Fens are situate, great Difficulties may arise in levying the same; Be it therefore further enacted, That if the Proprietors of all or any of the said Commons of *Holland Fen*, *Wildmore* and *West Fens* respectively, do not pay the Taxes

General Com-
missioners to

to be affixed upon the said Commons, or any of them, within six Months after the same shall become payable, and Notice given for that Purpose, by causing the same to be affixed upon the several Market Crosses of *Boston*, *Spilby*, and *Horncastle*, that then it shall and may be lawful for the said General Commissioners, or any seven or more of them, and they are hereby vested with all and every the Powers and Authorities for inclosing such Parts, and so much of the said common Fens respectively, where such Default in Payment shall happen, and from Time to Time to demise the same in such manner, and under and subject to the same Restrictions, Provisoos, and Regulations, as are herein before directed and prescribed to the Commissioners of the several and respective Districts wherein the said common Fens do lie; and so as the Money arising from such Lands so to be inclosed, be applied to the very same Purposes as the Monies to arise by an Inclosure of any of the said Commons are herein before directed to be applied, and no other; any thing herein before contained to the contrary notwithstanding.

close Lands in
Holland, Wild-
more, and West
Fens, in case the
Taxes assessed
thereon are not
paid in due Time.

XXXVI. And be it further enacted, That the said General Commissioners, or any seven or more of them, shall, in the first place, cause a grand Sluice or Sluices for stemming the Tide to be erected between *Lodowick's Gowt*, and *Boston Bridge*, at or near a Piece of Ground commonly called *Harrison's Four Acres*; the Floor whereof to be three Feet at least lower than the present Floor of *Lodowick's Gowt*, and its neat Capacity, or clear Water Way, to be fifty Feet wide at least, with three or more Pair of pointing Doors to the Seaward, to shut with the Flow of the Tides; and also pointing Frames provided with Drop or Draw Doors on the Land-side or to Landward, to be shut occasionally, as the said Commissioners, or any seven or more of them, shall direct, in order to retain fresh Waters in dry Seasons for the Use of Cattle and the Navigation; the Top of which Draw Doors to be gauged to such a Height as to retain the Water of the River not higher at ordinary Seasons than two Feet below the medium Surface of the lowest Lands that drain therein; and also that the said General Commissioners, or any seven or more of them, shall make, or cause to be made, a new Cut from the said Sluice or Sluices, unto or near *Anthony's Gowt*, of the Breadth of eighty Feet at the Top, fifty Feet at the Bottom, and of the Depth of ten Feet at a Medium, more or less, as the Commissioners shall think proper, and in as strait a Direction as the Nature of the Ground will properly admit; and shall make, or cause to be made, a Bank on each Side thereof, at least forty Feet from the Prick of the Spade, and ten Feet high, with the Earth arising therefrom; and also that the said General Commissioners, or any seven or more of them, shall order and direct the Engineers and Workmen to proceed, with all convenient Speed, in making a new Cut or Cuts to proceed from or near *Anthony's Gowt* to or near *Langrike Ferry*, and from thence to or near *Chappel Hill*, the said Cut or Cuts to be made as straight as may be, without doing any Damage to the House or Ferry at *Langrike*, (without hindering or prejudicing the Use or Working of the said Ferry for Carriage of any Person, Cattle, or Carriages whatsoever, for Hire across the said Cut or Cuts) and as may consist with following the lowest Level of the Country, and shall be most proper for answering the Purposes of a general Drainage; the said Cut or Cuts to be not less at a Medium than of the following Dimensions; that is to say, sixty-eight Feet at the Top, fifty Feet at the Bottom, and nine Feet deep, the Earth to be taken therefrom to be disposed in Bank Fashion, at the Distance of forty Feet from the Prick of the Spade, and to be made at a Medium nine Feet high.

Works to be cr-
dered by the Ge-
neral Commissi-
oners.

XXXVII. And be it further enacted, That the said General Commissioners, or any seven or more of them, shall, and they are hereby impowered to cleanse, scour, widen, deepen, and imbank the River *Witham*, according to its present Course, from *Chappel Hill* to *Stamp End* near the City of *Lincoln*, where necessary, so as to be answerable in Depth and Capacity to the Rivers and Cuts already directed to be made, and to remove all obstructions, Fishing Weirs, and Impediments in the Channel of the said River, and to do all other Matters and Things that shall be necessary or conducive towards effecting the Purposes of the general Drainage as high as *Stamp End* aforesaid.

River Witham
to be widened,
&c.

XXXVIII. Provided always, and be it further enacted, That the said River and Cuts shall be so made as to run off or reduce the Surface of the Water in the said River, at ordinary Seasons, two Feet at least below the medium Surface of the lowest Lands adjoining upon each Part thereof respectively.

Surface of the
Water thereof to
be 2 Feet below
the medium Sur-
face Lands ad-
joining.

XXXIX. And be it further enacted, That as soon as the Works before mentioned shall be compleated as far as *Chappel Hill*, the said General Commissioners, or any seven or more of them, shall and they are hereby required to cause such a Number of Workmen to be employed in carrying on the Works upon the Mother River above *Chappel Hill*, as shall be at least equal to the Number of Workmen at the same Time employed upon the Side Rivers, Banks, and Drains herein after mentioned.

The same Num-
ber of Workmen
to be employed
on the Mother
River as on the
Side Rivers.

XL. And be it further enacted, That the said General Commissioners, or any five or more of them, are hereby authorized, impowered, and required to cause a new Gowt to be made and erected at the general Expence, in the North Bank of the intended new Cut or River, at or near the Place where *Anthony's Gowt* now stands, and to cause the said Gowt to be begun upon as soon as the said intended new Cut or River shall be made as far up as to the Place where the said intended new Gowt is to be erected, and to cause the same to be finished with all convenient Speed; the said new Gowt to be made of one Arch or Tun of fourteen Feet clear Waterway, and the Floor thereof to be laid as low as the Bed or Bottom of the said intended new Cut or River, and to be of such Headway as the said Commissioners shall think proper; and the said General Commissioners, or any five or more of them, shall cause to be made at the general Expence, a new Cut from the Place where the said new Gowt shall be erected, to the Place where *Anthony's Gowt* now stands, of sufficient Dimensions for conveying the Waters of *Wildmore* and *West Fens* through the said intended new Gowt, and to be made as soon after the said new Gowt is finished as conveniently may be: And in case it shall appear to the General Commissioners of the fourth District, or any five or more of them, that the Commons called *Wildmore* and *West Fens*, and the low Grounds adjoining thereto, are not thoroughly drained through the said new Gowt, it shall and may be lawful for the said General Commissioners of the fourth District, or any five or more of them, to order any new Cuts to be made, or any old ones to be scoured out in the said Commons, and also to order such further Works as they shall think necessary and proper for draining the said Fens and low Grounds through *Maud Foster's Gowt*, at the

Relating to An-
thony's Gowt &
Maud Foster's
Gowt.

Expence of such Lands in the fourth District, which shall not have contributed to *Maud Foster's Gowt*, in such Proportion as the said Commissioners, or any five or more of them, shall adjudge or determine.

Proviso relating
thereto.

XLI. Provided always, That if any Detriment shall arise to the Lands now draining through *Maud Foster's Gowt*, the General Commissioners, or any five or more of them, upon Appeal made to them by the Majority of the Proprietors of the Lands now draining through *Maud Foster's Gowt*, and expressing the particular Damage, shall order, if they judge reasonable, such Enlargements to the said *Maud Foster's Gowt*, and the Drains leading thereto, as shall be sufficient to relieve the said Lands, and prevent any future Damage to the same, to be done at the Expence of such Lands in the said fourth District, as shall not have contributed towards the Expence of the said *Maud Foster's Gowt*.

Materials vested
in General Com-
missioners.

XLII. Provided always, That the Materials of which *Anthony's Gowt* is constructed shall be and the same are hereby vested in the said General Commissioners, to be by them, or any five or more of them, applied and disposed of in such manner as they shall think proper for the general Works of Drainage.

Side Rivers or
Drains to be
scoured, &c. at
the General
Charge.

XLIII. ' And whereas, in order for the effectual scouring of the said Out-fall, and thereby draining the low Lands and Fens intended to be drained and improved by virtue of this Act, it is absolutely necessary to preserve the living Waters, and to confine the Flood Waters falling into the same Channels, and for that Purpose to scour out, deepen and imbank, not only the Mother River, but also the several Rivers or Channels of *Kyme Eau*, *Tattershall Bane*, *Billinghay Skirths*, *Duns Dyke*, *Nocton Dyke*, *Washingborough Beck*, *Stickswould Beck*, *Southrey Eau*, *Tupholm Dyke*, *Bardney Beck*, *Barlings Eau*, *Stainfield Beck*, and *Bullington Beck*; Be it therefore further enacted, That it shall and may be lawful to and for the said General Commissioners, or any five or more of them, to cause the said Rivers, Dykes, and Becks, herein before mentioned and described, to be scoured, widened, deepened, and imbanked, by the Ways and Means and for the Purposes herein and hereby mentioned, directed, provided, and declared; and that the Charge and Expence of the doing, executing, and performing, the several Works last before-mentioned, shall be paid and defrayed by and out of the Money raised by the Taxes or Assessments to be made by the General Commissioners for the Purpose of Drainage by virtue of this Act.

Description
thereof.

XLIV. And be it further enacted, That the said several Rivers, Channels, Becks, Dykes, and Waters, so necessary to be scoured, deepened, and imbanked, as aforesaid, shall be so scoured, deepened, and imbanked, in Manner and to the Effect herein-after mentioned; that is to say, The Channel of *Kyme Eau* from the said River *Witham* to *Ewerby Fen Corner* called the *Clapps*, and so much higher as shall be found necessary; the Channel of *Tattershall Bane* from the River *Witham* to *Dickinson's Engine*, and so much higher as shall be found necessary; the Channel of *Billinghay Skirths* from the River *Witham* to *Billinghay Town*, and from thence to *Kyme Causeway Bridges*, and from thence to the Junction of *Scopwick Beck* with *North Kyme Fen Dyke*, and so as that their Banks may be thirty Feet broad at the Seat, six Feet at the Top, and six Feet high or thereabouts at a Medium; *Duns Dyke* from the River *Witham*, to the *Car Dyke*, and *Barlings Eau* from the River *Witham* to *Abby*, and so much higher as shall be found necessary, so as that their Banks shall be fifteen Feet broad at the Seat, five Feet at the Top, and five Feet high or thereabouts at a Medium; *Washingborough Beck* from the River *Witham* to the said *Car Dyke*, so as the Banks thereof shall be twelve Feet broad at the Seat, four Feet at the Top, and four feet high or thereabouts at a Medium; and that *Stickswould Beck*, *Southrey Eau*, *Tupholm Dyke*, and *Bardney Beck*, from the River *Witham* to the adjoining high Grounds, as far as shall be found necessary, and *Stainfield Beck* and *Bullington Beck* from *Barlings Eau* to the high Grounds, in Length four Furlongs, and so much further as shall be found necessary; and also all other Becks on the North Side of the River *Witham* shall be scoured out and imbanked in proportion to the Flood Waters they bring down.

Commissioners
may heighten,
&c. the Banks.

XLV. Provided always, That if any of the said Dimensions of the said Banks shall be found insufficient for the said Purposes, it shall be lawful for the said General Commissioners, or any five or more of them, to heighten, enlarge, and strengthen the same, in such manner as shall be by them, or any five of them, thought effectual and necessary for preserving the said living Waters, and confining the same and the Flood Waters within the said Channels.

A Cut to be made
from Langrike
Gowt to the new
Cut or the River,

XLVI. Provided always, and be it further enacted, That when the said New Cut or River shall be completed as far as *Langrike Gowt*, the said General Commissioners for Drainage, or any five or more of them, shall, at the general Charge, cause a new Cut to be made from *Langrike Gowt* to the said new Cut or River, when the same shall be required to be done by the Commissioners of the said second District, or any five or more of them, and by the Commissioners of the said sixth District, or any five or more of them; and that the Drains leading to the said new Cut from *Heckington Eau*, and the other Drain from the *Skirth* across *Holland Fen*, shall be scoured up and cleansed at the general Charge, and under the Directions of the said General Commissioners, or any five or more of them.

and another from
Lodowick's
Gowt to the new
Cut or River, at
the general
Charge.

XLVII. Provided always, and be it further enacted, That when the said new Cut or River shall be completed westward of *Lodowick's Gowt*, the said General Commissioners for Drainage, or any five or more of them, shall, at the general Charge, cause a new Cut to be made from *Lodowick's Gowt* to the said new Cut or River, when the same shall be required to be done by the Commissioners of the said second District, or any five or more of them.

Outring and Di-
vision Dykes to
be kept open by
the Proprietors.

XLVIII. And be it further enacted, That all Owners and Occupiers of Lands who are obliged of Right on that Behalf, shall, from Time to Time, make and keep their Outring or Division Dykes or Drains, nine Feet broad and five Feet deep; and shall, from Time to Time, cause the same to be roaded and scoured, and Bridges and Tunnels to be laid therein, where necessary: And if any Person shall refuse or neglect to do the same for the Space of fourteen Days after Notice given by the Surveyor in Writing, and signed by two Commissioners of the District wherein such Land shall lie, it shall and may be lawful to and for the Commissioners of the said District, or any five or more of them, to cause and order the same to be done, and, by Warrant under their Hands and Seals, to cause the Charges attending the same to be levied by Distraints and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

XLIX.

XLIX. Provided always, That nothing herein contained shall extend to prevent or hinder the Lord of any Manor or other Owner or Proprietor of Lands within any of the said several Districts, from making, or causing to be made, any Drains or Division Dykes, or other Works, at their own Expence, within their own Lands respectively; provided such Drains or Division Dykes do not detriment or interfere with the general or private Works of Drainage to be performed by virtue of this Act.

L. And be it further enacted and declared, That the General Commissioners for Drainage, or any five or more of them, shall, out of the Money to be by them raised, pay to the Surveyors of *Holland Fen* the Sum of one hundred Pounds, in consideration of the Works by them done to *Lodowick's Gowt*; and that from the Time that the said general Works of Drainage shall be begun, until the Water of the River *Witham* at *Chappel Hill* shall be turned into the new River before described, and from thence discharged by the grand Sluice, *Lodowick's Gowt* shall, for the Safety of the Country, be supported and maintained at the general Charge, and so much longer as the General Commissioners, or any eleven or more of them, shall think the same conducive towards effecting the Purposes of the general Drainage, but not afterwards.

LI. and be it further enacted, That the general Commissioners, or any five or more of them, shall and may cause the Tunnels sunk under *Kyme-Eau* and *Billinghay-Skirths* to be removed and taken away, leaving the Materials for the Use of the Owners thereof; and that no cut, Channel, or Tunnel, shall at any Time thereafter be made or laid in the Places aforesaid, or in any other Place, for diverting any of the Water out of the said River *Witham*, except as herein after mentioned: And if any such Cut, Channel, or Tunnel, shall be so made or laid, the said Commissioners, or any five or more of them, shall cause the same to be filled up, abated, or removed, and, by War-rant under their Hands and Seals, to cause the Charges attending the same to be levied by Distress and Sale of the Goods and Chattles of the Offender, returning the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattles shall be so distrained and sold.

LII. And be it further enacted, That in case the low Lands and Fens lying in *North Kyme* and *Billinghay Dales*, betwixt *Kyme-Eau* and *Billinghay-Skirths*, shall not be sufficiently drained by the Expedients aforesaid, so as to issue and convey their Downfall and Soakage Waters into *Kyme-Eau* or the River *Witham* above *Chappel Hill*, the Owners and Proprietors of such low Lands and Fens respectively may, when they think the same necessary, and they are hereby empowered to lay a Tunnel under *Kyme-Eau* betwixt *Drury Dyke* and the Twenty-foot Drain, not exceeding two Feet square, for conveying such Waters into the River *Witham* through *Langrike Gowt*, so as such Tunnel be laid so low and so effectually built and secured as not to obstruct the necessary deepening of *Kyme-Eau*, or the free Passage of the Waters thereof into the River *Witham*.

LIII. Provided always, That if the aforesaid Proprietors shall suffer any Waters more than the said Downfall and Soakage to be conveyed through the said Tunnel, then, and in such Case, the Commissioners of the second District, or any five or more of them, shall and may, and they are hereby authorized and empowered, to remove and take away such Tunnel; and the Lands intended to be benefited thereby shall thereupon be discharged from contributing towards the Expence of *Red Stone Gowt*.

LIV. Provided also, That it shall and may be lawful to and for the Proprietors of the Tunnel called *Dampford Tunnel*, now lying under the said *Kyme-Eau*, to continue the same, but subject to and under the like Restrictions and Provisions as are herein before mentioned, provided, and declared, of and concerning such Tunnel as is herein before licensed or permitted to be laid or continued under *Kyme-Eau*.

LV. Provided also, That the Tunnel lying through the South Bank of *Kyme-Eau* in *South Kyme*, near *Dampford Sluice*, and also the Tunnel in *Dog-dyke* for conveying Water into *Holland Fen* and *Wildmore Fen* respectively, shall and may be continued for the Purpose only of Conveying Water into the same Fens respectively, and the Eleven Towns having Right of Common in *Holland Fen* aforesaid, according to ancient Custom, for the Use of Cattle in dry Seasons; and also that *Heckington Tunnel*, and all other old Tunnels, except as before directed to be removed, may be used and continued as heretofore for the same Purpose, provided the same do not exceed nine Inches square.

LVI. And be it further enacted, That it shall and may be lawful for the said General Commissioners, or any five or more of them, to license, order or appoint such other Tunnels, not exceeding nine Inches square, in and through any of the Banks of the said several Rivers and Drains respectively, for conveying Water into any other of the low Grounds or Fens so intended to be drained as aforesaid for the watering of Cattle in dry Seasons only, as the said Commissioners, or any five or more of them, shall think proper and requisite: And also that it shall and may be lawful to and for the eleven Commissioners for the eleven Towns, having Common Right in *Holland Fen*, together with the Commissioners for *North* and *South Kyme*, or the major Part of them, to set or cause to be set down a moveable Staunch in *Kyme-Eau* above *Drury-Dyke*, so as such Staunch be made no higher than will be necessary to turn the Water into the Tunnels through the Banks into *Holland Fen*, *North Kyme* and *South Kyme*, and to appoint proper Persons to look after the same, and to cause the Charge and Expence attending the same to be paid and defrayed by and out of the Money arising or produced by any Inclosure of Lands in *Holland Fen* (subject nevertheless to the Direction and Controul of the general Commissioners for the Drainage, or any five or more of them) upon Complaint to them made of any Damage sustained thereby.

and the Tunnels continued at How Bridge.

If a sufficient Quantity cannot be issued for Cattle in Wildmore Fen, the Commissioners of the 4th District may place removeable Shuttles to raise the Water.

Bed of the Witham, where not inclosed, vested in the Commissioners.

The Sea Sluice and Rivers to be maintained at the general Charge.

Staunches to keep back Land Water, how to be erected.

Commissioners of the Districts to exchange Lands separated by the new Cut.

The Ferry and Road between Tattershall and Billinghay preserved.

Bank of Billinghay Skirrh not to be less than 12 Feet in Width.

Rights of Owners of Ferries reserved.

LVII. And be it further enacted, That the Tunnels in *Wildmore Fen Bank*, at the End of *How Bridge Drain*, shall be likewise continued for taking in Water into *Wildmore* and *West Fens* in dry Seasons for the Use of Cattle, so as such Tunnels be placed and set as low as the same can be.

LVIII. Provided always, That if it shall be found that the Water in the River *Witham* shall be so low as that a sufficient Quantity cannot be issued and taken thereout for the Use of Cattle in *Wildmore Fen*, then the Commissioners of the fourth District, or any five or more of them, shall and may, and they are hereby authorized and impowered to place, or cause to be placed, removeable Shuttles on the Top of the Land Door at the Grand Staunch, so as to raise the Water in the new intended River to such a Height as to issue Water in dry Seasons through the said Tunnel into the said Fens for the Purposes aforesaid; but subject nevertheless to be removed and abated by the general Commissioners, or any five or more of them, if they shall find the same prejudicial to the Drainage intended by this Act.

LIX. And be it further enacted, That the Site or Bed of the old River *Witham*, where the same is not already inclosed, shall be, and the same is hereby vested in the general Commissioners, to be by them, or any five or more of them, applied and disposed of in such Manner as they shall think necessary and proper for the general Works of Drainage.

LX. And be it further enacted, That the necessary Charges and Expences of maintaining and supporting the Sea Sluice, the Mother River, and all other the Rivers, Becks, Drains, and living Waters herein before particularly directed to be scoured and deepened, and the Banks thereof, and all other Works which the said general Commissioners, or any five or more of them, shall order and direct to be performed for the General Works of Drainage, shall be paid and defrayed by and out of the Money to be raised for the general Works of Drainage, by virtue and in pursuance of this Act.

LXI. And be it further enacted, That no Staunch or Land Door shall be erected in the said River *Witham*, within the Limits aforesaid, or in any Rivers or Drains running into the said River *Witham*, within the Limits aforesaid, already made, or which shall be made in pursuance of this Act, so as that the Water may be thereby kept up higher than within two Feet of the lowest Lands lying above such Staunch or Land Door, except for the Use of Cattle as before mentioned; nor any Staunch or Land Door at *Lincoln High Bridge*, or between the said Bridge and *Washingborough Ferry*, that shall not be at least two Feet lower than the lowest Lands in *Canwick Ings*; any thing in this Act contained to the contrary notwithstanding.

LXII. And be it further enacted, That the Commissioners of the said respective Districts, or any five or more of them, shall and may, and they are hereby authorized and impowered to make Exchanges of any Fen or common Lands, which shall be separated by any such Cut to be made for the Purposes of this Act.

LXIII. And whereas, according to the Plan herein before prescribed, the ancient and publick High Road leading from *Tattershall Town* to and over *Tattershall Ferry*, and to the Town of *Billinghay*, will be in a great Measure covered by Part of the Banks which are to be thrown up and made on the North and South Sides of the River *Witham*, at and near *Tattershall Ferry*, and by the Bank which is to be thrown up and made on the North West Side of *Billinghay Skirrh*; Be it therefore further enacted, That it shall and may be lawful for the present Proprietor of the said Ferry, or his Heirs and Assigns, to preserve and continue the said Ferry, and all Rights and Privileges belonging to the same, in as full and ample Manner as the same is now enjoyed; and also that the said High Road, now leading from *Tattershall* to the said Ferry, shall be and remain over the Bank intended to be raised by virtue of this Act on the North Side of the River *Witham*, free and open to all his Majesty's Subjects; this Act or any thing herein contained to the contrary notwithstanding: And that the said Road leading from the said Ferry to *Billinghay* shall pass and be upon the Bank which shall be made by virtue of this Act upon the North West Side of *Billinghay Skirrh*, which is hereby declared and enacted to be a publick and common Highway for all his Majesty's Subjects passing and re-passing on Foot, or with Horses, Cattle, Carts, and other Carriages; and that such Person or Persons as, by reason of Tenure or otherwise howsoever, are now bound to repair the last-mentioned Part of the said Road, shall and may, and such Person and Persons are hereby impowered and required, from time to time, as often as Occasion shall require, to repair, amend, and sustain such new Road, to be formed upon the said Bank in Manner aforesaid, and for that Purpose to enlarge the said Bank in Breadth to any Dimensions, not exceeding forty Feet in the whole.

LXIV. Provided always, That the said Bank shall for ever be and remain at the least twelve Feet; and that nothing shall be done upon or in relation to the said Road or Ferry which shall in any wise impede, obstruct, or make worse the Drainage or Navigation intended by this Act, or any Works necessary or proper for effecting the same; and that the Materials for amending and supporting the same shall and may be taken out of the said River called *Billinghay Skirrh*, and out of such Part of the said River *Witham* adjoining to the said Ferry, as shall be found most convenient for the Purposes aforesaid, and so adjudged by the said Commissioners for Drainage, or any five or more of them, by Writing under their Hands and Seals.

LXV. And whereas there has been, for Time immemorial, several other ferrying Places across the said River *Witham*, the Property of divers Lords of Manors, or other Persons; Be it therefore enacted, That it shall and may be lawful for the present Proprietors of the said Ferries, their Heirs or Assigns, to preserve and continue the said Ferries, and all Rights and Privileges belonging to the same,

same, in as full and ample a Manner as the same are now enjoyed; and also that the High Roads or Ways now leading to the said several Ferries respectively, shall remain over the Banks intended to made or raised by virtue of this Act on both Sides the said River *Witham*, free and open to all his Majesty's Subjects: And that it shall be lawful to and for the said Proprietors of the said Ferries respectively, or for the several Persons now bound by Law to repair the said Roads respectively, to add to the Sides of the said Banks such further Soil, Gravel or other Materials, as shall be necessary and sufficient for forming and rendering the said Roads practicable and convenient over the said Banks respectively, so that the same, or any of them, may not be in any Manner reduced below the Dimensions in and by this Act provided and expressed for the same respectively; this Act or any thing herein contained to the contrary notwithstanding.

LXVI. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, or any five or more of them, to cause a sufficient Bridge to be erected across the intended new Cut or River, at some Part thereof about half way between *Anthony's Gowt* and *Boston*, for the Purpose only of preserving a Communication between the Houses in *Boston West* and *Holland Fen*, which Houses will be separated from the said Fen by the said intended new Cut or River.

A Bridge to be built to preserve a Communication between *Boston West* and *Holland Fen*.

LXVII. And be it further enacted, That if the said Commissioners for Drainage, in pursuance of the Powers by this Act granted, shall by scouring out any of the Side Rivers in this Act mentioned, deepen the same, so as to render any Ford or Fords across the said Rivers, or either of them, unpassable, whereby the Communication between any Roads or Lands on each Side thereof shall be interrupted or prevented, the said Commissioners shall, at the publick Charge, either new make such Fords with Stones, Gravel or other sufficient Materials, or else build a Bridge or Bridges over such River or Rivers, in order to restore such Communication in as effectual a Manner as the same was before the passing of this Act.

Fords to be repaired, or Bridges built.

LXVIII. And forasmuch as the Money to be collected by the Receipt of the Taxes by this Act laid and made payable as aforesaid, will not be sufficient for the speedy Execution of the general Works of Drainage to be done in pursuance of this Act; Be it therefore enacted, That the said General Commissioners, or any seven or more of them, shall and may, and they are hereby authorized and empowered, from Time to Time, as it shall be found requisite and necessary for the Purposes aforesaid, to raise Money upon the best Terms and by the best Methods the same can be procured; and for that Purpose they, or any seven or more of them, shall and may, and they are hereby authorized and empowered to treat, contract and agree with any Person or Persons, either for the Purchase of an Annuity for Life, or the Loan of any Sum or Sums of Money upon Mortgage respectively; and also, in pursuance or Execution of such Contract or Agreement, it shall and may be lawful to and for the said Commissioners, or any seven or more of them, by any Writing or Writings under their Hands and Seals, to charge the said Taxes to arise by virtue of this Act, for the Purpose of the general Drainage, or any Part thereof, with any Annuity or Annuities, to such Person or Persons as shall treat for the same during a Life, to be by them respectively named, or to assign, transfer, and make over the said Taxes, or any Part thereof, unto any Person or Persons who shall advance and lend any Money thereupon, for such Term of Years as shall be agreed upon in that Behalf, by way of Mortgage and as a Security for the Repayment thereof, with Interest, at such Times, and in such Manner, as shall be agreed upon by the said General Commissioners.

Annuities to be granted for Money borrowed,

or Taxes assigned.

LXIX. Provided always, That no Money shall be borrowed, or any such Annuity granted, by the said Commissioners, on the Credit of this Act, after their first Meeting, unless Notice be given by affixing the same in Writing on the Market House in *Lincoln*, and the Market Cross in *Boston*, and by publishing the same in some of the publick Papers usually circulated in the County of *Lincoln*, at least twenty-one Days before any Meeting shall be held for that Purpose.

Notice to be given of borrowing Money.

LXX. And be it further enacted, That the Taxes or Assessments, which shall be rated or charged by the said General Commissioners, shall be charged and chargeable with the Payment of the Principal Money so to be by them borrowed, and the Interest of such Money from Time to Time; and shall vest in the respective Creditors, upon Default of Payment of such Principal and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned for the Non-payment thereof; and the said Creditors, their Executors, Administrators and Assigns respectively, shall have the same Powers, Rights and Privileges of assessing, raising and recovering the several Taxes or Assessments payable by the several Owners and Occupiers of Lands and Grounds charged therewith, for and in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners and their Collectors could have had, in case such Principal and Interest had been regularly and fully satisfied and paid.

Power for Mortgagees to enter and recover.

LXXI. And be it further enacted, That all Mortgages and Annuities to be made or granted as aforesaid, shall be deemed personal Estates, and shall and may be respectively assigned, transferred and assignable, from Time to Time, by Indorsement without Stamps; but all such Grants of Annuities and Mortgages, and Assignments thereof respectively, shall be entered in a Book to be kept for that Purpose by the Treasurer or Clerk to the said Commissioners, who shall, at the Request of every Mortgagee, Grantee or Assignee respectively, enter the same without demanding or receiving any other Fee or Reward than the Sum of two Shillings and six Pence for the same.

Mortgages, &c. to be deemed Personal Estates, and may be assigned.

LXXII. And be it further enacted, That it shall and may be lawful to and for any of the Owners or Proprietors of any of the said low Lands and Fens, being Tenants in Tail or Tenants for Life, or his, her or their Trustee or Trustees, Guardian or Guardians, from Time to Time, to charge the

Tenants for Life may charge the Lands for Money borrowed to pay the Taxes.

said low Lands and Fens with any Sum or Sums of Money for paying the yearly Taxes to be laid upon the said low Lands and Fens, as well for the private as the publick Works of Drainage to be done in pursuance of this Act; and also such further Sum or Sums of Money, as shall from Time to Time be by him, her or them, paid for the Interest thereof, until the next General Quarter Day, after the general Works of Drainage shall be compleated to *Stamp End*, and shall be so determined to be by the said General Commissioners for the General Works of Drainage, or any seven or more of them, which Determination they, or any seven or more of them, are hereby required to make, when they shall think the said Works are compleated; and for securing the Repayment of such Sum and Sums of Money, with Interest for the same to grant, charge, mortgage, lease or demise, or otherwise subject the said low Lands and Fens, or any Part or Parcel thereof, unto such Person or Persons as shall advance and lend the same for any Term or Number of Years, so as such Grant, Charge, Mortgage, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an expresse Trust to be surrendered upon the Repayment of the several Sums of Money respectively secured as aforesaid, on a certain Day in such Mortgage or other Security to be for that Purpose named, not exceeding one Year from the Date of such Mortgage or other Security; and every such Grant, Charge, Mortgage, Lease or Demise, so to be made in pursuance of this Act, shall be good, valid and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of legal Title in the said Tenants in Tail or Tenants for Life, his, her or their Trustee or Trustees, Guardian or Guardians, any Settlement or Settlements, Will or Wills, Trust, Use, Remainder, Limitation or other prior or former Incumbrances of or concerning the same low Lands and Fens, or any Part or Parts thereof then in being, or capable of taking Effect, to the contrary in any wise notwithstanding.

Interest, when to cease.

LXXIII. Provided always, That from and after the next General Quarter Day after the said General Commissioners, or any seven or more of them, shall have determined that the general Works of Drainage are compleated to *Stamp End* as aforesaid, that then and from thenceforth the Interest of the Money so borrowed to pay the said yearly Taxes, and such Interest thereof as aforesaid, shall be paid and kept down by the Person or Persons, who, for the Time being, shall be in Possession of the said low Lands and Fens, or any Part or Parts thereof, so to be charged with such Money as aforesaid.

Regular Accounts of Payment, &c. to be kept.

LXXIV. And be it further enacted, That regular Accounts shall be kept (by such Person or Persons, and in such Manner, as the said General Commissioners, or any five or more of them, shall in that Behalf order, direct or appoint) of the Collection, Receipts, Payments and Application of all and every Sum and Sums of Money which shall be raised, collected, received and paid for the Purposes of the General Drainage; and such Accounts shall be entered in proper Books, to be provided and kept for that Purpose; and Copies of all such Accounts shall be delivered to the said Commissioners, or any five or more of them, at their General Meeting on the first *Tuesday* in *July* in every Year, or oftner, if thereunto required by the said Commissioners, or any five or more of them; and so much and such Parts of the said Accounts as shall be approved of by the major Part of the Commissioners present at such Meetings, shall be signed and allowed by them; and Duplicates of the Accounts so allowed shall be fairly entered in two Books, one to be kept by the General Commissioners or their Treasurer, and the other by the Clerk to the said Commissioners; and the said Books shall be produced at every Meeting of the said Commissioners; and all Persons chargeable with the Taxes to be levied by virtue of this Act shall be at Liberty at all Times to inspect such Books of Accounts, paying one Shilling for every Inspection, and at their own Charge to take Copies of any Part thereof.

Money in Treasurers Hands, not wanted for the Works, may be placed out on Securities.

LXXV. And be it further enacted, That in case it shall at any Time appear, on passing the Accounts of the Treasurer or Treasurers, that any Part of the Money in his Hands will not at any Time from thenceforth for the Space of six Months be wanted or necessary to be issued or applied for the Purposes of the general Drainage; then and in such Case, and from Time to Time, and as often as it shall so happen, it shall and may be lawful to and for such Treasurer or Treasurers, by and with the Direction of the said General Commissioners, or any five or more of them, to place out such Sum and Sums of Money respectively, on Government or real Security, at Interest, in the Name of such Treasurer or Treasurers for the Time being; and which principal Money so to be placed out, and the Interest attending the same, shall be issued, paid, applied and disposed of, under the Direction of the said General Commissioners, or any five or more of them, for the Purposes of this Act.

No Order of General Commissioners to be reversed, unless 11 Commissioners be present and 7 consent.

LXXVI. Provided always, and be it further enacted, That no Order which shall be made by the said Commissioners for the general Works of Drainage, or any five or more of them, by virtue of this Act, at any of their Meetings, shall be altered, reversed, annulled or made void at any subsequent Meeting, unless eleven or more of the Commissioners be present at such Meeting, and seven or more of them be consenting thereto; nor unless fourteen Days Notice in Writing be affixed on some publick and conspicuous Place in the City of *Lincoln*, the Town of *New Sleaford*, the Borough of *Boston*, the Town of *Spilby*, *Horncastle* and *Tattershall*, in which said Notice it shall be expressed what Order and Orders are intended to be reversed or altered.

Commissioners for Navigation.

LXXVII. And whereas the restoring and maintaining the Navigation of the River *Witham*, from the *High Bridge*, in the City of *Lincoln*, through the Borough of *Boston* to the Sea, will be of great Benefit and Advantage to the Inhabitants of that Part of the Country, tend to promote Trade and Commerce, and be of publick Utility; Be it therefore further enacted, That the Mayor of the City of *Lincoln*, for the Time being, and four other Persons, who shall be elected by the Mayor, Sheriffs, Citizens and Commonalty of the said City, within two Months after the pas-

sing

ing of this Act, the Mayor of the Borough of *Boston* for the Time being, and four other Persons who shall be elected by the Mayor, Aldermen and Common Council of the said Borough, within two Months after the passing of this Act, and ten other Persons, who shall be elected by the said General Commissioners for Drainage, or any seven or more of them, at their first General Meeting, shall be and are hereby appointed Commissioners for restoring and maintaining the Navigation upon the River *Witham*, from the *High Bridge* in the City of *Lincoln*, through the Borough of *Boston* to the Sea, under the Rules and Directions herein after mentioned, provided, appointed and prescribed; which Commissioners so to be elected, shall continue until the second *Tuesday* in *April* one thousand seven hundred and sixty-three, and shall then and thenceforth, once in every three Years, be elected in Manner aforesaid; and that on the Vacancy of any such Commissioner by Death or Refusal to act, another Commissioner shall be elected in like Manner, in the Room of the Commissioner so dying or refusing to act, within three Months after such Death or Refusal.

LXXVIII. Provided always, That at the Time the said Mayor, Sheriffs, Citizens and Commonalty of the City of *Lincoln* shall elect the said four Persons to be Commissioners for the Navigation, they shall declare, under their Common Seal, which two of them shall also be Commissioners for the General Drainage; and that the said Mayor, Aldermen, and Common Council of the Borough of *Boston*, shall also at the Time of their electing the said four Persons to be Commissioners for the Navigation, declare, under their Common Seal, which two of them shall also be Commissioners for the General Drainage.

Election of Drainage Commissioners, to be declared under Seal of Corporation.

LXXIX. And be it further enacted, That the said Commissioners, or any five or more of them, shall meet at the Town Hall of the Borough of *Boston*, on the third *Wednesday* in *August* one thousand seven hundred and sixty-two, and proceed to the Execution of this Act, so far as relates to the said Navigation; and shall also meet on the first *Tuesday* in *July* yearly, at such Place within the City of *Lincoln*, the Town of *New Sleaford*, or Borough of *Boston*, as the said General Commissioners for Drainage, or any five or more of them shall appoint for their annual Meeting: And the said Commissioners for Navigation, or any five or more of them, shall and may, from time to time, adjourn themselves to such Time and Place as they shall think most convenient for the Purposes of this Act: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act, or to adjourn to any other Time or Place, then the Clerk to the said Commissioners shall adjourn the said Meeting to, and appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day three Weeks next after the Day on which such last Meeting was appointed to be held; and shall cause Notice thereof to be affixed on some publick and conspicuous Place in the City of *Lincoln*, the Town of *New Sleaford*, and Borough of *Boston*, at least ten Days before such Meeting: And that the said Commissioners at all their Meetings shall defray their own Charges and Expences; provided always, that three Commissioners shall be sufficient for the Purpose of Adjournment.

Commissioners first Meeting;

they may adjourn;

In Default of a sufficient Number to act, Notice to be given of another Meeting.

LXXX. And be it further enacted, That in order for the carrying on and effecting the said intended Navigation, the said Commissioners, or any five or more of them, shall and may and they are hereby authorized and empowered to employ or contract with any Person or Persons, who shall be willing to undertake or ingage to make the said River *Witham* navigable and passable for Boats and other Vessels within the Limits aforesaid, or to do and execute any particular Work or Works to be appointed by the said Commissioners, or any five or more of them, for that Purpose, upon such Terms and Conditions as the said Commissioners, or any five or more of them shall think proper and reasonable; and also that it shall and may be lawful to and for such Person and Persons so contracting, undertaking, and employed, and his or their Agents, Workmen, Servants and Labourers, with the Approbation of the said Commissioners, or any five or more of them, and they are hereby empowered from time to time to open, cleanse, scour, deepen or enlarge the said River *Witham* up to *Lincoln High Bridge* aforesaid, new Cuts, or new River or Rivers herein before described and intended to be made for the Purposes of Drainage, and to make such new Cuts, Trenches or Passages for Water, in, upon or through the Lands or Grounds adjoining or near to the said River, and within the Limits aforesaid as they shall think proper, for the Navigation of Boats and other Vessels, and for the more convenient, easy and better effecting the said Purposes of this Act; and also to cut and make use of the Soil of any Person or Persons, Bodies Politick or Corporate whatsoever, within the Boundaries mentioned in this Act, as Occasion shall require; and also to dig up, cut, remove and take away all Trees, Roots of Trees, Beds of Gravel or Sand, and any other Impediments whatsoever which may hinder or obstruct the said intended Navigation; and also to build, erect, set up, make, support and maintain over or in the said River, Cuts, Trenches and Passages, or upon the Lands adjoining or near to the same, or any of them, such and so many Bridges, Sluices, Locks, Weirs, Pens for Water, Staunches, Dams, Wharfs, Warehouses, Quays, Landing-places, Weigh-beams, Cranes, and other Works, at such Places, and in such Manner, as the said Commissioners, or any five or more of them shall think necessary and convenient, and from time to time to alter and repair the same, and to make, widen or enlarge any Ways, Passages, or other Conveniences, for the conveying of Goods, Commodities, and all other Things to and from the said River, as far as the said *High Bridge* in the City of *Lincoln*, and the navigable Cuts, Trenches or Passages thereof below *Cincil Dike*, and for the conveying of all Manner of Materials for erecting and making the said Works, and for altering or repairing the same, and to place, lay, work and manufacture the said Materials, on the Grounds near to the Place or Places where the said Works, or any of them shall be making, erecting, altering or repairing, or are intended to be made, erected

Commissioners of Navigation to contract with Workmen;

to order Works upon the River, or Side Rivers, &c,

to make new Cuts, &c,

to cut and make use of Soil, &c.

to remove Impediments;

to erect Bridges, Locks, &c,

to dig and carry away
Gravel, &c.

to set out Haling-ways ;

and to cause a Lock to
be made by the Side of
the Sea Sluice,

Works of Navigation not
to prejudice the Works
of Drainage,

Penalty of breaking open
Gates of Locks, &c.

No Lock, &c. to be
higher than within two
Feet of the natural Soil
of the lowest Lands ad-
joining.

Commissioners to pur-
chase Ground to build
Houses for Lock-keepers.

erected, altered or repaired ; and also to amend, heighten or alter any Bridges upon such River, Cuts, Trenches or Passages as may hinder the Navigation or Passage thereon, within the Limits aforesaid ; and also to dig, take and carry away Loam, Clay, Gravel, Stone, or any other Materials, for carrying on, perfecting, altering or repairing the said Works, in or from the Grounds of any Person or Persons adjoining or lying near to the said River, Cuts, Trenches or Passages (not being an House, Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House) ; and also to make, set out and appoint Towing-paths, Banks, and Ways convenient for towing, haling, or drawing with Men or Horses, Boats and other Vessels passing upon the said River, or the Cuts, Trenches or Passages thereof, and to erect Bridges over the Side Rivers, Brooks, Streams and Watercourses, so as not to obstruct the Navigation thereof ; and also to erect Winches, or other Engines, for the more convenient towing, haling, or drawing on such Paths, Banks and Ways ; and to do and perform all other Matters and Things within the Limits aforesaid, which they the said Commissioners, or any five or more of them shall judge necessary or convenient, for carrying on, restoring, completing and maintaining the said Navigation, according to the Tenor and true Meaning of this Act ; and that the said Commissioners of the said Navigation, or any five or more of them, shall and may, and they are hereby authorised and empowered to cause a Lock to be made and built by the Side of or near the said Sea Sluice, to be erected for the Works of Drainage, with two Pair of Doors or Gates pointing to the Landward, for the Purpose of the said Navigation, and one Pair of Doors without Shuttles pointing to Seaward, in order to stop the Flux of the Tide at all Times.

LXXXI. Provided always, That the Works that shall be set up and made for the Use and Purpose of the said Navigation shall not be constructed or made so as in any wise to prejudice, obstruct, prevent or defeat the Works for the general Drainage of the low Lands and Fens intended and directed to be drained and improved by virtue and in pursuance of this Act.

LXXXII. And be it further enacted, That if any Master, Owner, or Person having the Charge of any Boat, Barge, Lighter, or other Vessel, shall by any violent Means force or break open the Gates or Doors of the said Lock to be erected near the said Sluice, when the Water is higher on the Sea Side than on the Land Side thereof, or shall forcibly and violently break or force open the Gates or Doors of any other Lock to be erected in the said River for the Purpose of the said Navigation ; every Person so offending, and being thereof lawfully convicted before any one or more Justice or Justices of the Peace acting within the Division of the said County of *Lincoln*, wherein the Offence shall be committed, upon the Oath of one or more Witness or Witnesses, shall for every such Offence, forfeit and pay such Sum of Money, not exceeding five Pounds, and not less than twenty Shillings, as such Justice or Justices respectively shall order or appoint, to be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices ; rendering the Overplus (if any) after the said Penalty, and the Charges and Expences of such Distress and Sale are deducted, unto the said Offender or Offenders ; and for want of sufficient Distress, it shall and may be lawful to and for the said Justice or Justices to commit such Offender or Offenders to the House of Correction, there to remain for any Time not exceeding six Months, nor less than one Month, at the Discretion of such Justice or Justices.

LXXXIII. Provided always, and be it further enacted, That no Lock, Sluice, Wear, or other Works, shall at any Time hereafter be made or erected in the said River *Witham*, or any new Cut to be made as aforesaid, so as to pen up the Water in the said River or Cut higher than within two Feet of the natural Level or Soil of the lowest Lands lying on each Side of the said River or Cut, above any Lock, or in any Place between one Lock and another ; and if any such Works shall at any Time or Times be made contrary to the Tenor and Intention of this Act, it shall and may be lawful to and for the General Commissioners for the Drainage, or any five or more of them, and they are hereby authorised, empowered and required, upon Complaint to them thereof made, to cause the said Works to be abated, taken away and removed.

LXXXIV. And be it further enacted, That the said Commissioners for the Navigation may, and they are hereby authorised and empowered, to cause and direct the Soil or Bed of the River *Witham*, from *Boston* to *Lincoln High Bridge*, to be dug, cut, and levelled for the Purpose of the said Navigation, so as the same River may be navigable and passable in all Seasons for Barges, Boats and Vessels ; and that the said Commissioners for the Navigation shall and may, and they are hereby authorised and empowered to purchase and inclose a Piece of Ground near or adjoining to every Lock, Sluice, Wear, or other Works, which shall be made for the Purpose of the said Navigation, and to build, or cause to be built, a House upon every such Piece of Ground where the said Commissioners, or any five or more of them shall think necessary, and to remove or alter the same as Occasion shall require ; and that the said Commissioners, or any five or more of them shall and may nominate, order and appoint proper Persons constantly to dwell and reside in and attend at each of the said Houses, with Power and Authority, and they are hereby required to open the Gates or Doors of such Locks and Sluices, whenever the Surface of the Water in the said River shall rise higher than within two Feet of the natural Level or Soil of the lowest Lands lying on each Side the River, above any of the said Locks or Sluices, or in any Place between one Lock and another, and so to continue the same till the Waters shall be abated ; and in case any of the said Sluice-keepers shall at any Time neglect or refuse to let off the Waters as herein directed, the General Commissioners for the Drainage, or any five or more of them, shall and may, and they are hereby

impowered,

impowered, at any publick Meeting, upon due Proof made thereof, to remove the Person so offending from his Office, and the Commissioners for Navigation; or any five or more of them, shall and may appoint another Person in his Place and Stead.

LXXXV. And for defraying the necessary Expences of the said Navigation, and of repairing and maintaining the said Locks and other Works to be made and erected as aforesaid, and keeping them fit and useful for the said Navigation, Be it further enacted, That at such Place and Places adjoining to the said River as the said Commissioners for the Navigation, or any five or more of them, shall by any Instrument in Writing under their Hands and Seals direct and appoint, there shall be paid to the Collector or Collectors to be nominated and appointed as herein after is directed, by all and every Person and Persons who shall carry or convey any Goods, Wares, Merchandizes or Commodities whatsoever, up or down the said River, by Tonage or otherwise, such Sum and Sums of Money as the said Commissioners, or any five or more of them, shall from time to time think proper to order and appoint, not exceeding in the Whole the Sum of one Shilling and six Pence a Ton; which respective Sum and Sums of Money so ordered and appointed to be paid as aforesaid, shall and may be demanded and taken in the Name of or as a Toll or Duty; and the Monies so to be raised are hereby vested in the said Commissioners, and shall be applied and disposed of in such Manner as the said Commissioners, or any five or more of them, shall from time to time order and direct for the several Uses, Intents and Purposes of the said Navigation; and in case of Neglect or Denial of Payment, on Demand, of the several Tolls or Duties ordered and appointed to be paid as aforesaid, the Collector or Collectors to be appointed as herein after is directed, is and are hereby authorized and required to seize and detain any of the said Goods, Wares, Merchandizes and Commodities, or the Boats, Barges, Lighters or Vessels carrying or conveying the same, and for which the said Tolls or Duties ought to be paid as aforesaid; and in case the same shall not be paid within the Space of five Days next after such Seizure, it shall and may be lawful to and for the said Collector or Collectors to sell the said Goods, Wares, Merchandizes and Commodities, or the Boats, Barges, Lighters or Vessels carrying or conveying the same, rendering the Overplus (if any) to the Owners, after the said Tolls or Duties, together with the reasonable Charges of seizing, detaining and selling the said Goods, Wares, Merchandizes and Commodities, or the Boats, Barges, Lighters or Vessels carrying or conveying the same, shall be satisfied and paid.

Tolls vested in the Commissioners;

may be levied by Distress.

Distress may be sold after five Days.

LXXXVI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners for the Navigation, or any five or more of them, to order and cause a Chain or Boom to be laid and fixed across *Lodowick's Drain*, at any Place between *Lodowick's Gowt* and *Gill-Syke*, and to demand and take such Duties and Tonnage for all Goods, Wares and Merchandizes carried and conveyed on board any Boat, Barge or Vessel, through *Lodowick's Drain*, as the said Commissioners, or any five or more of them shall think proper, so as the same do not exceed six Pence a Ton, and so as such Chain or Boom be not continued or used for the Purpose aforesaid, after the new Cut before mentioned shall have been made navigable from *Lodowick's Gowt* aforesaid, as far as *Chappel Hill*.

Tolls to be taken at Lodowick's Drain.

LXXXVII. Provided also, That no Toll or Duty shall be demanded or taken at the said Chain or Boom for the passing of any Boat, Barge or Vessel laden with any Goods, Wares, Merchandizes or Commodities belonging to, or the Property of, or consigned to any of the Inhabitants of the eleven Towns of *Holland Fen*, which shall pass through *Lodowick's Drain* only.

Inhabitants of the 11 Towns of Holland Fen exempted from Toll.

LXXXVIII. And it is hereby further enacted, That the Navigation to be formed by virtue of this Act upon the River *Witham*, or any adjoining Lands from the Sea through *Boston*, to the *High Bridge* at *Lincoln*, shall be publick, open and free to all his Majesty's liege Subjects, to pass, repass, travel and go with Boats, Barges and other Vessels, subject only to such Duties, Tolls, Restrictions and Regulations as are herein provided, declared and expressed concerning the same.

Free Navigation.

LXXXIX. And be it further enacted, That the said Commissioners for the Navigation, or any seven or more of them, shall have such and the same Powers to raise Money for defraying and paying the Charges of the said Navigation, as well by mortgaging the said Duties and Tolls, as by granting Annuities chargeable upon, and payable out of the same, but by, with and under such and the same Rules, Orders, Directions and Restrictions as are herein before directed, provided and declared, for, about and concerning the raising Money for the general Works of Drainage of the said low Lands and Fens by virtue of this Act, and for the assigning the Securities thereof.

Commissioners may borrow Money on the Tolls.

XC. And be it further enacted, That when and as the Money advanced and lent for the Purpose of the said intended Navigation, on the Credit of the said Tolls and Duties, or a competent Part thereof shall be paid off and discharged, then the said Commissioners for the Navigation shall and may, and they are hereby authorized and impowered, by and with the Consent of the Mortgagees and Annuitants, to lower or reduce the said Tolls and Duties; and they are hereby authorized and impowered to raise and increase the same, from time to time as Occasion shall require, and as to them, or any seven or more of them, shall seem requisite and necessary for the Purposes of this Act, so as the same do not exceed the Tolls or Duties herein before granted.

Tolls may be lessened.

XCI. And be it further enacted, That the said general Commissioners for the Drainage, or any five or more of them, or the said Commissioners for the said respective Districts, or any five or more of them, or the said Commissioners for the Navigation, or any five or more of them respectively, shall have full Power and Authority to agree with the Proprietors of, and Persons interested in, any Lands, Tenements or Hereditaments, which the said respective Commissioners, or any five or more of them, shall judge necessary to be cut, digged, pulled down, or otherwise made use of, for the Purposes

Commissioners impowered to purchase Lands, &c.

Bodies Politick, &c. may
contract for the Sale of
such Lands.

Where Persons shall re-
fuse or neglect to treat,

Commissioners to issue
their Warrants to the
Sheriff to impanel a Jury.

Jurors may be challenged.
Witnesses to be summon-
ed and examined upon
Oath.

Jury to assess the Da-
mages.

Verdict of the Jury to
be binding.

Trustees may impose a
Fine on Sheriff, &c. mak-
ing Default in the
Premises.

Fine not to exceed 5l.

Purposes of this Act, for the Purchase of such Lands, Tenements and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damage they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises: And it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femmes-covert, or other Person or Persons, and to and for all Femmes-covert, who are or shall be seized or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands, Tenements or Hereditaments, to contract for, sell and convey unto the said respective Commissioners, or any five or more of them, or to such Person or Persons as they, or any five or more of them, shall appoint, any Lands, Tenements or Hereditaments, for the Purposes aforesaid, or to agree with the said respective Commissioners, or any five or more of them, for any Recompence to be made for the Damage which may be done to any such Lands, Tenements or Hereditament, by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in pursuance of this Act: But if it shall happen that any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of forty Days after Notice in Writing to the principal Officer or Officers of such Body Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements or Hereditaments, neglect or refuse to treat, or shall not agree with the said respective Commissioners, or any five or more of them, or by reason of Absence shall be prevented from treating; then and in every such Case the said respective Commissioners, or any five or more are hereby empowered from time to time to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County or Place wherein the Matter in Question shall lie; or if such Sheriff shall be immediately interested in such Matter, then to one of the Coroners of such County or Place, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return twenty-four Men, qualified according to the Laws of this Realm, to be returned, for Trials of Issues joined in his Majesty's Courts at *Westminster*, to appear before the said respective Commissioners, or any five or more of them, at such Time and Place as in such Warrant or Warrants shall be appointed, in order that out of them a Jury of twelve may be sworn, to enquire touching the Matters in Question: And in case a sufficient Number of Jurymen shall not appear, at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men, that can speedily be procured, to attend that Service, being 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; and the said respective Commissioners, or any five or more of them, are hereby empowered, by Warrant or Warrants under their Hands and Seals, from time to time, as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said respective Commissioners, or any five or more of them, may order and authorize the said Jury, or any six or more of them, to view the Place or Places, or Matters in Controversy; which Jury (upon their Oaths, to be administered by the said respective Commissioners, or any two or more of them; which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said respective Commissioners, or any two or more of them, are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested in the Premises; and the said respective Commissioners, or any five or more of them, shall give Judgment for such Purchase-mones or Recompence so to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced by the said respective Commissioners, or any five or more of them, shall be binding and conclusive, to all Intents and Purposes, against all Parties, Bodies Politick, Corporate and Collegiate, and all Persons whomsoever.

XCII. Provided always, and be it further enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall for every Offence forfeit the Sum of twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury, shall not appear, or appearing, refuse to be sworn, or being sworn, refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing, refuse to be sworn or examined or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said respective Commissioners, or any five or more of them, shall for every such Offence forfeit and pay such Sum as the said respective Commissioners acting in the

Premises,

Premises, or any five or more of them, shall appoint, not exceeding the Sum of five Pounds for any one Offence.

XCIII. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgments, which shall be made and given in relation to any such Lands, Tenements and Hereditaments, as aforesaid (such Verdicts and Judgments being signed by five or more of the said respective Commissioners who shall be present at the taking of such Inquest) shall be delivered to the Clerk of the Peace for the Parts or Place wherein such Lands, Tenements or Hereditaments, are situate, and shall be filed with the Rolls of such Parts or Place; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of one Shilling, and for every such Copy, not exceeding two hundred Words, the Sum of nine Pence, and so in Proportion for any greater Number of Words.

Agreements, &c. to be filed with the Clerk of the Peace.

XCIV. And be it further enacted, That upon Payment of such Sum or Sums of Money as shall be agreed upon between the said respective Commissioners, or any five or more of them, and the Party or Parties interested, or of such Sum or Sums of Money as shall be assessed by any such Jury to such Party or Parties, or legal Tender thereof made, or to the principal Officer or Officers of any such Bodies Politick, Corporate or Collegiate, or if he, she or they cannot be found, or shall refuse to accept such Money, upon Payment thereof to such Person or Persons as the said respective Commissioners, or any five or more of them, shall by Writing under their Hands appoint, for the Use of and to be paid upon Demand, without Fee or Reward, to such Party or Parties respectively, the said respective Commissioners, and all Persons employed or authorized by them, or any five or more of them, shall have full Power and Authority to enter upon the Lands, Tenements or Hereditaments, in respect whereof such Monies were so agreed for or assessed, and to make use of such Lands, Tenements and Hereditaments, for the Purposes of this Act; and they shall be and are hereby indemnified for so doing; and all and every Person and Persons, Bodies Politick, Corporate and Collegiate, whatsoever, shall from thenceforth be, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, to or in the same.

Upon Payment or Tender of the Purchase-money.

Commissioners may make use of the Lands.

XCV. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on the Behalf of the said respective Commissioners, or any five or more of them, before the summoning of any such Jury, for or in respect of any such Lands, Tenements, Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said respective Commissioners, or any five or more of them, out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more or a less Sum than shall have been so previously offered by or on the Behalf of the said respective Commissioners, or any five or more of them, then and in every such Case such Expences shall be paid by the Owners of, or Persons interested in, the Lands, Tenements or Hereditaments in Question.

Expences of the Jury how to be paid.

XCVI. And be it further enacted, That the said General Commissioners for the Drainage, or any five or more of them, or the said Commissioners for the said respective Districts, or any five or more of them, or the said Commissioners for the Navigation, or any five or more of them respectively, shall be, and they are hereby impowered, from time to time, by Writing under their Hands and Seals, to appoint such Collector or Collectors of the said Taxes and Tolls, and also such Treasurer or Treasurers, as they shall think fit to employ in the Execution of this Act; such Treasurer or Treasurers, and Collector or Collectors, giving Security to the Satisfaction of the said respective Commissioners, or any five or more of them, who shall administer an Oath to every such Collector for the faithful Execution of his Office (which Oath any two of the said respective Commissioners are hereby impowered to administer) and such Collector or Collectors shall, at such Times as he or they shall be required by the said respective Commissioners, or any five or more of them, by Writing under their Hands, pay or cause to be paid into the Hands of the said Treasurer or Treasurers, all and every the Sum and Sums of Money which such Collector or Collectors shall have received by virtue of this Act; and the said respective Commissioners, or any five or more of them, may also, by Writing under their Hands and Seals, appoint a Clerk or Clerks, Surveyor or Surveyors, and such other Officers as they shall think fit to employ in the Execution of this Act; and all the Officers so to be appointed shall be paid, out of the Monies to be raised by virtue of this Act, such Salaries or Allowances as the said respective Commissioners, or any five or more of them, shall think reasonable; and shall be from Time to Time removeable, at the Will and Pleasure of the said respective Commissioners, or any five or more of them.

Commissioners to appoint Officers, &c.

and to allow them Salaries.

XCVII. And be it further enacted, That the said respective Treasurer or Treasurers shall fairly enter into one or more Book or Books to be kept for that Purpose, an Account of all Monies by him or them received and disbursed, specifying the Times when, and the Persons from and to whom such Monies were respectively received and disbursed, and for what Purposes; which Book or Books, or a true Copy thereof, signed by the said Treasurer or Treasurers, together with the Vouchers for such Disbursements, and also all Books and Papers in his or their Custody, relating to the Execution of this Act, shall be delivered to the said respective Commissioners, or any five or more of them, once at least in every Year, and from Time to Time, as often as the said respective Commissioners, or any five or more of them, shall require the same; and the said Treasurer or Treasurers shall also verify the said Account or Accounts upon Oath, if thereunto required by the said Commissioners, or any five or more of them.

Treasurers to enter Receipts and Payments in a Book,

and to account upon Oath.

said respective Commissioners, or any five or more of them, and the said respective Commissioners, or any five or more of them, are hereby authorized to discharge such Treasurer or Treasurers of all such Monies as he or they shall have truly accounted for; and the said respective Commissioners, or any five or more of them, shall also at such Time or Times as they shall think proper, summon before them, and if they think fit, examine upon Oath (which Oath, as also the Oath or Oaths to the said Treasurer or Treasurers, the said respective Commissioners, or any two or more of them, are hereby impowered to administer) all or any such Collectors, Clerks, Surveyors and Persons employed in, or intrusted with the Receipt or Expenditure of any of the Monies to be raised by virtue of this Act; and which Collectors, Clerks, Surveyors and Persons employed in or intrusted as aforesaid, shall render to the said respective Commissioners, or any five or more of them, from Time to Time, as often as they shall be thereunto required by the said respective Commissioners, or any five or more of them, a true and perfect Account in Writing of all Monies so by them respectively received and paid, with the Vouchers for such Payments; and also all Books and Papers in their Custody relating to the Execution of this Act; and in case any such Treasurer, Collector, Clerk or other Officer or Person, shall be found in Arrear, or refuse to account, or to pay the Money remaining in his Hands, according to the Directions of the said respective Commissioners, or any five or more of them, or if any such Officer or Person shall not deliver such Books or Papers in his Custody as aforesaid, in every such Case it shall be lawful for the said respective Commissioners, or any five or more of them, by Warrant or Warrants under their Hands and Seals, to commit every such Officer and Person to the Common Gaol of the County or Place where such Officer or Person shall reside; there to remain without Bail or Mainprize, until he shall have made a true Account and Payment, and delivered such Books and Papers as aforesaid, or compounded with or satisfied the said respective Commissioners, or any five or more of them; which Composition the said respective Commissioners, or any five or more of them, are hereby impowered to make.

Reports to be made of
Loading by Navigation.

XCVIII. And for the more easy collecting the said Tolls, Be it further enacted, That every Person having the Charge of any Boat or Vessel passing on the said River, Cuts or Trenches, shall give a true Report or an Account in Writing, signed by himself, unto such Person or Persons as shall, from Time to Time, be appointed by the said Commissioners for the Navigation, or any five or more of them, to receive the same, or to the Collector or Collectors of such Tolls, and at such Place or Places as shall be appointed by the said Commissioners, or any five or more of them, of the Weight of the Goods, Wares, Merchandizes and Commodities, which shall be in or belong to such Boat or Vessel; and also of the Weight of such Goods, Wares, Merchandizes and Commodities, as shall have been discharged or taken out of such Boat or Vessel, before the Arrival thereof at the Place where such Account or Report is to be given; and in Failure of giving such Account or Report, or in case a false Account or Report shall be given, every such Person shall for every such Offence forfeit and pay the Sum of five Pounds, over and above the Payment of such Tolls; and if any Difference shall arise between any Collector of the said Tolls, and the Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, Merchandizes or Commodities, or Persons acting in his Behalf, concerning the Weight of the same, it shall be lawful for any such Collector to stop and detain any such Boat or Vessel, and to weigh, measure or gauge, or cause to be weighed, measured or gauged, all such Goods, Wares, Merchandizes and Commodities; and in case the same shall appear to be of a greater Weight than such Person declared the same to be, in every such Case such Person shall pay the Costs and Charges of such weighing, measuring or gauging; all which said Costs and Charges, upon Refusal of Payment thereof, on Demand, shall and may be recovered as the said Tolls are appointed to be recovered; but if such Goods, Wares, Merchandizes or Commodities, shall appear to be of no greater Weight than such Person declared the same to be, then such Collector shall pay such Costs and Charges, and shall also pay to such Person, or to the Owner or Owners of such Goods, Wares, Merchandizes and Commodities, one Shilling for every Hour that such Boat or Vessel shall be so detained; and in Default of immediate Payment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the Parts or Place where such Boat or Vessel was detained, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels; and the said Commissioners, or any five or more of them, may, if they think fit, out of the Money to be raised by virtue of this Act, reimburse the said Collectors the Monies so paid by or levied upon them, for the Detention of any such Boat or Vessel.

Commissioners may set
up Gates, &c. over the
Ditches and Fences in
the Towing paths.

XCIX. And be it further enacted, That the said Commissioners for the Navigation, or any five or more of them, shall cause to be made, set up, and from Time to Time, maintained and kept in Repair convenient Gates, Bridges, Passages and Stiles, in and over all the Ditches and Fences in the Towing-paths to be used for the Purposes of this Act, where the same shall respectively be necessary; and also such Bridges over the new Cuts, Trenches and Passages, as shall be proper for the Use of the Occupiers of the Lands, Tenements and Hereditaments thereunto adjoining; and also that if the said Commissioners, or any five or more of them, shall think proper to cause the said River to be deepened in any Part or Parts, so as to render any usual and Common Fords or Highways impassable or dangerous, in every such Case the said Commissioners, or any five or more of them, shall first cause a sufficient Bridge or Bridges to be erected, or such other Conveniences as the said Commissioners, or any five or more of them, shall judge proper, where such Fords or Highways now are, or as near thereto as conveniently may be; and shall from Time to Time maintain

and keep the said Bridges or Conveniences in Repair, for the Accommodation of all Persons having Occasion to pass over the same.

‘ C. And for the better preventing of Damages or Mischiefs that may be done or committed by any rude or disorderly Persons towing, navigating or managing any Boat, Barge, Lighter or other Vessel, within the Limits of the said Navigation, and to the End that the Owners and Masters thereof may be more careful therein;’ Be it further enacted, That the Master or Owner of every Boat, Barge, Lighter or other Vessel, which shall pass up or down the said River, or the said Branches thereof, shall be and is hereby made answerable for, and shall make good any Damage, Spoil or Mischief that shall be done by his, her or their Boat, Barge, Lighter or other Vessel, or by any Boatmen, Bargemen or Watermen, or by any of the Crew thereof, belonging to or employed in or about the same respectively, or by his, her or their Servants or Horses, unto any of the Bridges, Locks, Staunches, Dams, Sluices or other Works that now are or shall be erected, maintained or kept in Repair, in, upon or near the said River, or any of the said Branches thereof, or any new Cuts of the said River, or the said Branches thereof, to be made by Authority of this Act; or by loading or unloading any Boat, Barge, Lighter or other Vessel; and also for any Trespass or Damage that shall or may be done to the Owners or Possessors of any Buildings or Erections upon or near the said River, or any of the said Branches thereof, that now are or that hereafter shall be erected and set up; or to any Lands, Tenements or Hereditaments, or any Crop on the Ground adjoining to the same, or any of them, other than is provided for and authorized by this Act: And if any such Damage, Spoil or Mischief shall be done to any of the said Bridges, Locks, Staunches, Dams, Sluices, Cuts, Banks or other Works, or by loading or unloading such Boats, Barges, Lighters or other Vessels, the same shall be inquired into and determined by any two Justices of the Peace for the Parts or Place where such Damage shall be done, who is hereby authorized and required, upon Complaint or Information made before them, to summon such Boat-master, Barge-master or Owner, to appear before them; and upon his, her or their Appearance, or making Default to appear (Proof being made upon Oath before such Justices, that the Party neglecting to appear was personally served with such Summons, or that the same was left for him, her or them, at his, her or their usual Place of Abode) such Justices shall proceed to examine into the Truth of the said Complaint or Information, and upon Conviction of the Party complained of, or Proof upon the Oath of one or more credible Witness or Witnesses, shall award and order such Sum of Money to be paid by such Boat-master, Barge-master or Owner, as a Recompence for the said Damage, Spoil or Mischief so done as aforesaid, as the said Justices shall think proper, not exceeding treble the Amount or Value of such Damage, Spoil or Mischief; and in case of Non-payment of such Sum of Money so awarded and ordered for the Space of five Days, the said Justices are hereby authorized and required to levy the same by Distress and Sale of the Boats, Barges, Lighters, Vessels or other Goods and Chattels of such Boat-master, Barge-master or Owner, by Warrant under the Hands and Seals of such Justices, rendering to the Owner the Overplus (if any be) after the said Sum, together with the reasonable Charges of such Information and Conviction, Distress and Sale, hath been first satisfied and paid.

Boat-masters, &c. answerable for Damages done by their Crew to Bridges, &c. and for Trespases.

Damages to be determined by two Justices.

CI. And be it further enacted, That if any Boatman, Bargeman, Lighterman, Waterman or other Person, having the Care or Management of any Boat, Barge, Lighter or other Vessel, or navigating or working the same, shall lay such Boat, Barge, Lighter or other Vessel, so as to obstruct the Passage of other Boats, Barges, Lighters or other Vessels, or shall hinder the opening or shutting of any of the said Locks or Sluices, and shall not, upon Request, immediately remove the same, such Person or Persons offending as aforesaid, shall, for every such Offence, forfeit any Sum not exceeding five Pounds, nor less than forty Shillings, to be recovered upon Conviction before any Justice of the Peace for the Parts or Place adjoining thereto (not interested otherwise than as a Commissioner) by the Oath of one or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, by Distress and Sale of such Boat, Barge, Lighter or other Vessel, or any of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hand and Seal of such Justice before whom such Offender or Offenders shall be convicted, rendering the Overplus (if any be) after the reasonable Charges first deducted, to such Offender or Offenders; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour for any Time not exceeding three Months, nor less than one Month, or until such Penalty shall be paid.

Boatmen obstructing the Passage of Boats, &c. subject to a Penalty,

to be levied by Distress and Sale;

and for want of Distress, the Offender to be committed.

CII. And be it further enacted, That if any Boat, Barge, Lighter, or other Vessel shall happen to be sunk in the said River, or in any of the said Branches, Cuts or Trenches thereof, and that the Owner or Person having the Command or Rule thereof, shall not without Loss of Time weigh or draw up the same again, and hale the same out of the Way of other Boats, Barges, Lighters or Vessels passing and repassing upon the said Navigation, it shall and may be lawful to and for the said Commissioners for the Navigation, or any five or more of them, or their Agents or Servants, to cause such Boat, Barge, Lighter, or other Vessel to be weighed or drawn up, and to detain and keep such Boat, Barge, Lighter, or other Vessel, until Payment shall be made of all Expences occasioned thereby; and if Payment be not made in twenty Days after such Boat, Barge, Lighter or other Vessel shall be weighed or drawn up, then and in such Case, it shall and may be lawful to and for the said Commissioners, or their Agents or Servants, to cause Sale to be made thereof for reimbursing the said Expences and other incident Charges; rendering the Overplus (if any be) when demanded, to the Owner or Master of such Boat, Barge, Lighter or other Vessel.

Vessels sunk to be weighed up and detained till Satisfaction made.

Masters to have their
Names set on the Out-
side of the Boat, &c.

and on the Bow, &c.

For want of which,

at opening Gates, &c.
to let Water run waste,

subject to a Penalty;
to be recovered by Dis-
tress and Sale;
for want of Distress, Of-
fender to be committed.

Persons aggrieved may
appeal to the Quarter-
Sessions, &c.

Order of Sessions not re-
moveable by Certiorari,

nor vacated for want of
Form.

Application of the
Fines.

Destroying Works
made Felony.

Commissioners may
make By-laws.

Persons aggrieved there-
by may appeal to the
Quarter-Sessions.

CIII. And to the End that the Owners, Masters or Persons having the Rule of any Vessel navigating within the Limits of the said Navigation, may be better known, Be it further enacted, That every Owner, Master or Person having the Rule or Command of any Boat, Barge, Lighter, or other Vessel passing upon the said River, or the said Branches thereof, shall cause his, her or their Name, at full Length, to be placed and set in large Capital Letters, four Inches long and broad in Proportion, on the upper Part of the Bow, on both Sides of every Boat, Barge, Lighter, or other Vessel, and painted white, so that the same shall, from time to time, and all Times, be plain and legible: And in case any such Owner, Master or Person having the Command or Rule of any Boat, Barge, Lighter, or other Vessel, passing upon the said River, or any of the said Branches thereof, shall not at all Times have his, her or their Names so set or placed as aforesaid; or in case such Owner, Master or Person having the Command or Rule of any Boat, Barge, Lighter, or other Vessel passing on the said River, or any of the said Branches thereof, shall wilfully set or leave open any of the Gates, Doors, or Slakers belonging to the said Sluices or Locks, whereby the Water of the said River, or any of the said Branches thereof shall run waste, to the Hindrance or Detriment of the said Navigation; then and in all and every of the said Cases, every such Owner, Master or Person so neglecting or offending, on Conviction before any Justice of the Peace for the Parts or Place adjoining thereto, by the Oath or Oaths of one or more credible Witnesses or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding five Pounds, nor less than forty Shillings, to be levied by Distress and Sale of such Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and for want of sufficient Distress, such Offender or Offenders shall, by Warrant under the Hand and Seal of such Justice, be committed to the House of Correction, there to be kept to hard Labour, for any Time not exceeding three Months, nor less than seven Days, or until such Penalty shall be paid.

CIV. And be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgment of any Justice or Justices of the Peace, upon account of any Offence committed against this Act, may appeal to the Justices of the Peace for the Parts or Place where or adjoining to which such Offence shall have been committed, at their next General or Quarter-Session to be held for the said Parts or Place respectively; the Person or Persons so appealing first entering into Recognizance, with two sufficient Sureties, to prosecute such Appeal with Effect; and to pay the Costs which shall be ascertained by the said Justices in their said General or Quarter-Session, in case such Order or Judgment shall be affirmed: And the Justices in their said General or Quarter-Session are hereby authorized and required to hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, and to make such Order therein 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.

CV. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace, by virtue of the Powers by this Act granted, shall be quashed or vacated for want of Form only.

CVI. And be it further enacted, That the respective Fines, Forfeitures and Penalties by this Act imposed and inflicted, the Application whereof is not herein before particularly directed, shall be paid into the Hands of the Treasurer or Treasurers of the Monies to be raised by the Taxes or Tolls respectively by virtue of this Act; and shall be applied and disposed of for the Use of the said Drainage or Navigation respectively as the Case shall happen, and to and for no other Use or Purpose whatsoever.

CVII. And for preventing the breaking down or damaging any of the Works which shall be erected or made in pursuance of this Act, Be it enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, damage or destroy any Banks, or other Works to be erected or made for the Purposes of the said Drainage or Navigation, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in case of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall have full Power and Authority to transport such Felon or Felons for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

CVIII. And be it further enacted, That the said Commissioners for the Navigation, or any five or more of them, at any of their Meetings, shall from time to time have full Power and Authority to make By-laws, Orders and Constitutions for the good and orderly using of the said Navigation, and for the well-governing of the Bargemen, Watermen and Boatmen, who shall convey or carry any Goods, Wares or Merchandizes on any Part of the said River, or the said Branches thereof, and to impose and inflict such reasonable Fines, Forfeitures or Punishments upon the Breakers of such By-laws, Orders or Constitutions, as the said Commissioners, or any five or more of them shall think fit; such Fines, Forfeitures or Punishments to be levied or inflicted by such Ways and Means as the said Commissioners, or any five or more of them shall direct; which said By-laws, Orders and Constitutions being put into Writing, under the Hands and Seals of the said Commissioners, or any five or more of them, shall be binding to and be observed by all Parties; and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, either in punishing such Persons as shall disobey the same, or in levying any Penalty or Forfeiture thereby incurred; but any Person or Persons thinking himself, herself or themselves aggrieved, by any Order

OR

or Judgment made or given by or in pursuance of any such By-law, Order or Constitution, may within three Months after such Order or Judgment shall be made or given, complain to the Justices of the Peace, at their General or Quarter-Session to be held in and for the Parts or Place where the Cause of Complaint shall arise, who shall in a summary Way, either hear and determine the said Complaint at such General or Quarter-Session, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter-Session of the Peace to be held for the said Parts or Place respectively; and if they see Cause may mitigate or alter such Forfeiture or Punishment; and may order any Money to be returned, which shall have been levied in pursuance of such By-law, Order or Constitution, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Justice of the Peace shall act or vote in the Hearing or Determining of any such Complaint, whose Hand and Seal as a Commissioner shall appear to have been set to the said By-law, Order or Constitution, which occasioned such Complaint.

No Justice who signed the By-law to act or vote in the determining such Complaint.

CIX. And be it further enacted, That all By-laws, Orders, Constitutions and Proceedings of the said respective Commissioners in the Execution of this Act, shall be entered in a Book or Books to be kept for that Purpose; and such By-laws, Orders, Constitutions and Proceedings, when entered, shall be signed by the said respective Commissioners, or any three or more of them, and the Clerk or Clerks attending the said respective Commissioners, is and are hereby required to set his or their Name or Names as a Witness or Witnesses thereto; and the said By-laws, Orders, Constitutions and Proceedings so signed and attested, shall be deemed and taken to be original By-laws, Orders, Constitutions and Proceedings, and shall and may be produced and read in Evidence, in all Cases of Appeals, Suits, Actions, or other Proceedings, touching any thing done in pursuance of this Act; and which Book or Books shall and may be seen and perused, at all reasonable Times, and Copies thereof, or any Part thereof, may be taken by any Person or Persons whomsoever, paying to the said Clerk or Clerks three Pence for every one hundred Words.

Orders of the Commissioners to be entered in a Book, and signed;

and to be admitted as Evidence.

CX. And be it further enacted, That such of the Commissioners appointed or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may and is and are hereby authorised 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 being such Commissioner or Commissioners; provided such Justice or Justices is or are not interested in the Matter in Question, otherwise than as a Commissioner or Commissioners.

Commissioners may act as Justices.

CXI. And be it further enacted, That if any Person appointed or to be appointed a Commissioner in or by virtue of this Act, shall have or accept of any Place of Profit arising out of the Monies to be raised by virtue of this Act, such Person, from and after his accepting such Place of Profit, and during the Time of his holding and injoying the same, shall be incapable of acting as a Commissioner under this Act.

No Commissioner to act holding a Place of Profit.

CXII. And be it further enacted, That no Person who shall be appointed to keep any Lock or Sluice which shall be made or erected by virtue of this Act, shall sell any Ale, Wine, Brandy, or other Spirituous Liquors, during the Time of his executing such Office.

Lock-keeper not to sell Spirituous Liquors.

CXIII. And be it further enacted, That no Commissioner named or appointed, or which shall be named or appointed in or by virtue of this Act, shall act, or be empowered to do any Act in the Execution of the Powers hereby given to them, or any of them; except it be at the respective Meetings to be held in pursuance of this Act.

Commissioners not to act but at a Meeting held in pursuance of this Act.

CXIV. And be it further enacted, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Commissioner or Commissioners for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning or in Execution of any of the Powers or Authorities hereby vested in such Commissioner or Commissioners, or Justice or Justices of the Peace, or any of them, or Transfer of any of the Securities aforesaid, made by any Person or Persons, shall be charged or chargeable with any Stamp-duty whatsoever.

Writings to be without Stamps.

CXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums 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 Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Persons aggrieved by any Irregularity in distraining,

to recover for the special Damage only.

CXVI. And be it further enacted, That the Charges and Expences attending the obtaining and passing of this Act, and other the necessary Expences relating thereunto, shall be paid and defrayed by the general Commissioners for Drainage, or any five or more of them, out of the first Monies which shall be by them raised by virtue of this Act for the general Works of Drainage; and that the Commissioners for the Navigation, or any five or more of them, shall, out of the first Monies to be by them raised by virtue of this Act for the Purposes of the said Navigation, pay or cause to be paid to the said general Commissioners for the Drainage, one third Part of the said Charges and Expences paid by the said general Commissioners for the Drainage, as the Share or Proportion of the said Commissioners for the Navigation.

Expences of this Act how to be paid.

CXVII. Provided

Works of Drainage or Navigation not subject to Commissioners of Sewers, except, &c.

Part of Act 23 & 23 Car. 2. c. 25. repealed. N. B. This of Car. 2. is a Private Act.

No Toll to be paid for Pleasure Boats.

Reservation of Rights.

If Drainage and Navigation not completed in 14 Years, Mayor, &c. of Lincoln to undertake it, from Canwick Ings to the High Bridge in Lincoln.

Limitation of Actions.

General Issue.

Treble Costs.

CXVII. Provided always, and be it further enacted, That *Lodwick's Gowt*, or other Works already made or to be made or erected by virtue of this Act, either for the Purpose of Drainage or Navigation, or any Lands, Gowts, Sewers, Drains, Watercourses, or other Matter or Thing whatsoever, within the Boundaries of the low Lands and Fens particularly described by this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or any Law or Statute relating to Sewers; any thing in any former Law or Statute to the contrary thereof notwithstanding; save and except such Lands which are now liable to contribute to the Repair of *Redstone Gowt*, and the Drain called *New Hammond Beck* leading thereto; which in respect to those Repairs only shall still remain under the Jurisdiction of the Commissioners of Sewers, but exempt in every other.

CXVIII. And be it further enacted, That so much of an Act passed in the twenty-second and twenty-third Years of the Reign of his Majesty King CHARLES the Second, intituled, *An Act for improving the Navigation between the Town of Boston and the River Trent*, as relates to the improving the said Navigation between *Linesln High Bridge*, through *Boston*, to the Sea, shall from and after the passing of this Act be and the same is hereby repealed.

CXIX. Provided always, and be it further enacted, That no Toll or Duty shall be demanded or taken for any Pleasure Boat for passing through all or any of the Locks to be made or erected in or upon the said River, or upon the Branches thereof, provided there be no Goods or Merchandize carried therein, or for any Boat, Barge, Lighter or other Vessel, laden with any Materials for carrying on the Works of Drainage; and that the Lord or Lords of the respective Manors, or any other Person whomsoever, shall have full Liberty to fish, fowl, and exercise all other Rights and Royalties on the said River, or any other Rivers running into the same, or any of the Branches thereof, which they have usually exercised and enjoyed, and to which they are now legally intituled; any thing herein contained to the contrary notwithstanding; so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said Navigation.

CXX. Provided always, and be it enacted by the Authority aforesaid, That in Case the Commissioners appointed by and under this Act do not, within fourteen Years after the passing the same into a Law, make perfect and compleat the Drainage of the low Lands, from the East End of *Canwick Ings* to the Western Boundaries of the said Drainage towards *Lincoln*, and also a Navigation from the East End of the said *Ings* to the *High Bridge* in the City of *Lincoln*, according to the true Intent and Meaning of this Act; that then, and in such Case, it shall and may be lawful for the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Lincoln*, to enter upon, undertake, make perfect and compleat the said Works for Drainage and Navigation, within seven Years after from the East End of *Canwick Ings* to the Places aforesaid, under the same Rules, Orders, and Restrictions, to which the Commissioners, in and by this Act appointed, are subject; and they are hereby invested with the like Powers and Authorities in that Behalf, but liable to the Controul of any five or more of the said Commissioners of Drainage, acting under the Powers of this Act, in case they should exceed the Powers to them hereby granted; and that it shall and may be lawful for them to take and receive a Toll, not exceeding three Pence *per Ton* for all Vessels passing and re-passing, and also the Tax charged upon the Lands on both Sides the River within the aforesaid Limits, according to that Proportion of Tax which shall be laid, from time to time, by the general Commissioners of Drainage, on the first and third District; and in case the said Mayor, Sheriffs, Citizens, and Commonalty of the City of *Lincoln*, do not make perfect and compleat the said Works within seven Years from the Expiration of the aforesaid fourteen Years, the same shall revert to the Commissioners under this Act; any thing contained in this Act to the contrary notwithstanding: And in case any Dispute shall arise, whether the Drainage and Navigation within the aforesaid Limits are compleat at the End of either of the above recited Terms of fourteen or seven Years, it shall and may be lawful for the Justices of Peace for the Division of *Kesteven*, in the County of *Lincoln*, upon Application to them made, to hear and determine the same at their General Quarter-Session; and such Determination shall be final and conclusive to all Parties whatsoever.

CXXI. 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 or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein before given or granted, every such Action, Suit, or Information, shall be commenced and brought within six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Lincoln*, or in the County of the City of *Lincoln*, wherein the Fact shall be committed, and not elsewhere; and the Person or Persons so sued or prosecuted shall or 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 such Case or Cases, the Jury shall find for the Defendant or Defendants; 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,

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.

CXXII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be, ^{Publick Act.} a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

C A P. XXXIII.

An Act for granting to his Majesty a certain Sum of Money out of the Sinking Fund; and for applying certain Monies remaining in the Exchequer for the Service of the Year one thousand seven hundred and sixty-two; and for settling and securing a certain Annuity for the Use of the Right Honourable *Arthur Onslow*, Speaker of the House of Commons in the last five Parliaments.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects the Commons of *Great Britain*, in Parliament assembled, being desirous to raise the Residue of the necessary Supplies which we have cheerfully granted to your Majesty in this Session of Parliament, by Ways and Means the least burthenfome to your Majesty's Subjects, have resolved to give and grant to your Majesty the Sum herein after mentioned; and do therefore most humbly beseech 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 by or out of such Monies as shall from time to time be and remain in the Receipt of the Exchequer, of the Surplusses, Excesses, Overplus Monies, and other Revenues composing the Fund commonly called *The Sinking Fund*, after paying or reserving sufficient to pay all such Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, there shall and may be issued and applied for and towards making good the Supply granted to his Majesty for the Service of the Year one thousand seven hundred and sixty-two, a Sum not exceeding one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny; and the Commissioners of his Majesty's Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, are hereby authorized and impowered to issue and apply the same accordingly.

There shall be issued
1,000,217 l. 2 s. 8 d.
2 q. out of the Sinking
Fund;

II. And be it further enacted by the Authority aforesaid, That the Sum of one hundred and fifteen thousand Pounds, granted by an Act made in the second Year of his late Majesty's Reign, upon Account of Arrears of his late Majesty's Civil List Revenues, and now, by his Majesty's Direction, replaced and refunded out of the Arrears of the said Revenues, which were standing out at the Time of his late Majesty's Demise; and also the Sum of twenty thousand Pounds, remaining in the Receipt of the Exchequer, being Part of the Sum of one hundred thousand Pounds, granted to his late Majesty in the Year one thousand seven hundred and fifty-eight, upon Account, towards defraying the Charge of Pay and Cloathing for the Militia for the Year one thousand seven hundred and fifty-eight, and for defraying such Expences as were actually incurred upon the Account of the Militia in the Year one thousand seven hundred and fifty-seven; and also the Sum of eighty thousand Pounds, remaining in the Receipt of the Exchequer, which was granted to his late Majesty in the Year one thousand seven hundred and sixty, upon Account, towards defraying the Charge of Pay and Cloathing for the unembodied Militia for the Year ended the twenty-fifth Day of *March* one thousand seven hundred and sixty-one; and also the Sum of seventy thousand Pounds, remaining in the Receipt of the Exchequer, which was granted to his Majesty in the last Session of Parliament, upon Account, towards defraying the Charge of the Pay of the Militia of that Part of *Great Britain* called *England*, when unembodied, and of the Cloathing of the Part of the said Militia then unembodied, for one Year, beginning the twenty-fifth Day of *March* one thousand seven hundred and sixty-one; and also the Sum of seventy-three thousand six hundred and seventy-eight Pounds, remaining in the Receipt of the Exchequer, being the Surplus of the several Duties on Malt, established by an Act made in the thirty-third Year of the Reign of his late Majesty, for paying Annuities granted in the Year one thousand seven hundred and sixty, after satisfying all Charges and Incumbrances thereupon, to the fifth Day of *January* one thousand seven hundred and sixty-two, shall and may be, in like Manner, issued and applied at the said Receipt, for and towards the said Supply.

115,000 l. being Monies
replaced of the Arrears
of his late Majesty's Ci-
vil List Revenues;

20,000 l. remaining un-
applied of the Money
granted in the Year
1758, towards the Charge
of Pay and Clothing for
the Militia;

80,000 l. remaining un-
applied of the Money
granted in the Year
1760, towards Pay and
Cloathing of the unem-
bodied Militia;

and 70,000 l. remaining
also unapplied of the
Money granted in the
Year 1761, for the like
Purposes;

and 73,678 l. Surplus
in the Exchequer of the
Duties on Malt, to 5
Jan. 1762.

III. And it is hereby enacted by the Authority aforesaid, That in case the said Commissioners of his Majesty's Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, shall think it advisable to raise the said Sum of one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny, or any Part thereof, by Loans or Exchequer Bills, in Manner herein after mentioned, that it shall and may be lawful to and for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to his Majesty, at the Receipt of his Majesty's Exchequer, any Sum or Sums of Money not exceeding the said Sum of one million nine

Clause of Loan for rais-
ing the aforesaid Sum
of 1,000,217 l. 2 s. 8 d.
2 q.

nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny, upon the Credit of the said Surplusses, Excesses, and Overplus Monies, or other Revenues composing the Sinking Fund, and to have and receive Interest for the Forbearance of the Money lent, so as such Loans be allowed to be made by the said Commissioners of the Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, who are hereby authorized to issue their Warrants for that Purpose, as fast as such Loans shall be wanted for the Publick Service; and moreover that no Money to be lent upon the security of this Act, shall be rated or assessed to any Tax or Assessment whatsoever.

Tallies of Loan may be struck for the same.

Orders to be registered, and paid in Court.

No Fee to be paid for registering, &c.

Penalty of undue Preference;

how to be recovered.

It shall be deemed no undue Preference, where Tallies are dated or brought the same Day:

Not if subsequent Orders be paid before such as were not demanded in Court.

Orders assignable toties quoties.

IV. And be it further enacted, That all and every Person or Persons who shall lend any Money upon the Credit of this Act as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and in order for his, her or their Repayment, bearing the same Date with his, her or their Tally, in or upon which Order shall be also contained a Warrant for Payment of Interest for the Forbearance thereof, and to be paid every three Months, until the Repayment of the Principal; and all such Orders for Repayment of Money, so to be lent, shall be registered in Court, according to the Dates respectively; and that all and every Person and Persons shall be paid in Court, according as their Orders shall stand registered in the said Register Books, so as the Person or Persons, Natives or Foreigners, his, her or their Executors, Administrators, or Assigns, who shall have his, her, or their Order or Orders first entered in the said Books of Register, shall be taken and accounted to be the first Person or Persons to be paid out of the said Surplusses, Excesses, or other Revenues; and he, she or they who shall have his, her or their Order or Orders next entered, shall be taken and accounted to be the second Person to be paid, and so successively and in Court; and that the Monies to come in of or for the said Surplusses, Excesses, and Overplus Monies, or other Revenues composing the Sinking Fund as aforesaid, shall be in the same Order liable to the Satisfaction of the said respective Persons, and Body or Bodies Politick or Corporate, their Executors, Administrators, Successors, or Assigns respectively, without any undue Preference of one before another, and not otherwise; and shall not be diverted or divertible to any other Use, Intent or Purpose whatsoever (other than such Uses and Purposes as are appointed by any other Act or Acts of Parliament in that Behalf as aforesaid); and that no Fee, Reward, or Gratuity directly or indirectly shall be demanded or taken of any of his Majesty's Subjects, for providing or making of any such Books or Registers, or any Entries, Views, or Searches, in or for Payment of Money lent, or the Interest thereof as aforesaid, by any of his Majesty's Officer or Officers, their Clerks or Deputies; on Pain of Payment of Treble Damages to the Party grieved, by the Party offending, with full Costs of Suit; or if the Officer himself take or demand any such Fee or Reward, then to lose his Place also; and if any undue Preference of one before another shall be made either in Point of Registry or Payment, contrary to the true Meaning of this Act, by any such Officer or Officers, then the Party offending shall be liable by Action of Debt, or on the Case, to pay the Value of the Debt, with full Costs of Suit to the Party grieved, and shall be forejudged of his Place or Office; and if any such Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and shall be for ever after incapable of his Office or Place; and in Case the Auditor of the Receipt shall not direct the said Orders of Loan, or the Clerk of the Pells record, or the Teller make Payment upon such Orders, according to each Person's due Place and Order, as before directed; then he or they shall be adjudged to forfeit, and the respective Deputies and Clerks, therein offending, to be liable to such Action, Debt, Damages and Costs, in such Manner as aforesaid: All which said Penalties, Forfeitures, Damages and Costs, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at *Westminster*; wherein no Escoin, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint, shall be in any wise granted or allowed.

V. Provided always, and it is declared, That if it shall happen that several Tallies of Loan, or Orders for Payment as aforesaid, bear Date or be brought the same Day to the Auditor of the Receipt to be registered, then it shall be interpreted no undue Preference, which of those be entered first, so as he enters them all the same Day.

VI. Provided also, That it shall not be interpreted any undue Preference, to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay subsequent Orders to Persons that come and demand their Monies, and bring their Orders, before other Persons that did not come to take their Monies, and bring their Orders in Court; so as there be so much Money reserved as will satisfy precedent Orders; which shall not be otherwise disposed of, but kept for them; Interest upon Loan being to cease from the Time the Money is so reserved and kept in Bank for them.

VII. And be it further enacted, That all and every Person and Persons to whom any Money shall be due, for Loans to be registered by virtue of this Act, after Order entered in the Book of Register as aforesaid, his, her or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed and written upon his, her or their Order may assign and transfer his, her or their Right, Title, Interest and Benefit of such Order to any other; which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Register aforesaid for Orders (which the Officers shall upon Request, without Fee or Charge, accordingly

accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so *toties quoties*; and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment, to make void, release or discharge the same, or any Monies thereby due, or any Part thereof.

VIII. And to the end there may be no Want or Failure of a certain Sum, not to exceed in the whole the said Sum of one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny, to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills as is herein after mentioned, or by both or either of those Ways or Means, for the publick Service; Be it further enacted by the Authority aforesaid, That in Case the Commissioners of his Majesty's Treasury, or any three or more of them now being, or the High Treasurer, or any three or more of the Commissioners of the Treasury for the Time being, shall judge it more adviseable to raise the said Sum of one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny, or any Part thereof, by Exchequer Bills, instead of such Loans as aforesaid, that then they respectively are hereby authorized and empowered, at any Time or Times, to prepare and make, or cause to be prepared and made, at the Exchequer, any Number of new Exchequer Bills, for any Sum or Sums of Money not exceeding in the whole the said Sum of one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny, together with such Loans aforesaid, in the same or like Manner, Form, or Order, and according to the same or like Rules and Directions, as in and by a certain Act of this present Session of Parliament, intituled, *An Act for granting an Aid to his Majesty by a Land Tax, to be raised in Great Britain for the Service of the Year one thousand seven hundred and sixty-two*, are enacted and prescribed, concerning the Exchequer Bills to be made in pursuance of the said Act.

Commissioners of the Treasury, if they shall think it more adviseable to raise the said Sum, or any Part thereof, by Exchequer Bills, they may make out any Number of new Exchequer Bills for the same,

in like Manner and Form as is prescribed by the Land Tax of this Session.

IX. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities, contained in the said last mentioned Act, relating to the Loans or Exchequer Bills, authorized to be made by the same Act (except such Clauses as do charge the same on the Taxes granted by the same Act, and except such Clauses as limit the Rate of Interest to be paid for the Forbearance of Money lent on the Credit of the said Act) shall be applied and extended to the Exchequer Bills to be paid in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said Exchequer Bills had been originally authorized by the said last-mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this present Act.

Clauses &c. in the said Act relating to Exchequer Bills, extended to those to be made out in pursuance of this Act.

X. And be it enacted by the Authority aforesaid, That all the Exchequer Bills as shall be made in pursuance of this Act, and the Interest Premium, Rate, and Charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing Produce of the said Surplusses, Excesses, and Overplus Monies, or other Revenues composing the Sinking Fund (except such Monies of the said Sinking Fund, as are appropriated to any particular Use or Uses by any former or other Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued and applied as soon as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging, such Exchequer Bills, Interest, Premium, Rate, or Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable on demand to the respective Proprietors thereof.

The said Bills, Interest, Premium and Charges, charged upon and payable out of the Sinking Fund.

XI. And be it declared and further enacted by the Authority aforesaid, That it shall and may be lawful for the Governor and Company of the Bank of England to advance or lend to his Majesty in like Manner at the Receipt of the Exchequer, upon the Credit of Loan granted by this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of one million nine thousand two hundred seventeen Pounds two Shillings and eight Pence Halfpenny; any thing in an Act made in the fifth and sixth Years of the Reign of King WILLIAM and Queen MARY, intituled, *An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of one million five hundred thousand Pounds, towards carrying on the War against France*, to the contrary thereof in any wise notwithstanding.

The Bank empowered to advance on the said Credit of Loan, any Sum or Sums not exceeding 1,009,217 l. 2 s. 8 d. 2 q.

the Act 5 and 6 Will. and Mary, c. 20. notwithstanding.

XII. And whereas the Commons of Great Britain in Parliament assembled did, in the last Session of Parliament, unanimously by an humble Address to his Majesty, humbly beseech his Majesty, that he would be graciously pleased to confer some signal Mark of his Royal Favour upon the Right Honourable Arthur Onslow Esquire, then Speaker of the House of Commons, for his great and eminent Services performed to his Country, for the Space of thirty-three Years and upwards, during which he had with such distinguished Ability and Integrity presided in the Chair of that House, and assured his Majesty that whatever Expence his Majesty should think proper to be incurred on that Account, the said House would make good the same to his Majesty: And whereas his Majesty, in his Answer to the said Address, was graciously pleased to declare, That he had the justest Sense of the long Services and great Merit of Mr. Onslow, and that his Majesty had already taken the same into his Consideration, and that he would do therein what should appear to his Majesty to be most proper, agreeably to the Desire of his faithful Commons: And whereas by

Letters Patent under the Great Seal of *Great Britain*, bearing Date the twentieth Day of *April* in the first Year of his Majesty's Reign, his Majesty, in gracious Compliance with the Desire of the House of Commons, expressed in the said Address, did give and grant unto the said *Arthur Onslow*, in Consideration of his great and eminent Services performed to his County as aforesaid, and as a signal Mark of his Majesty's Royal Favour, an Annuity or yearly Sum of three thousand Pounds, to be issuing and payable out of, and charged and chargable upon, the respective Monies and Revenues therein after mentioned, to be held, received and enjoyed by the said *Arthur Onslow*, his Executors, Administrators or Assigns, for and during the natural Lives of him the said *Arthur Onslow*, and of his Son *George Onslow* Esquire, and for and during the natural Life of the longer Liver of them; and to direct that the said Annuity, or yearly Sum of three thousand Pounds, for so long Time as his Majesty should continue in Life, should be charged upon, and paid out of any Monies, which from Time to Time, should be in the Receipt of the Exchequer, applicable to the Uses of his Majesty's Civil Government, and that the said Annuity or yearly Sum should commence from the Day of the Date of the said Letters Patent: And whereas by virtue and in pursuance of the said Letters Patent, several Payments have been made out of the Monies applicable as aforesaid, to the said *Arthur Onslow*, amounting in the whole to the Sum of two thousand one hundred and thirty-four Pounds twelve Shillings and three Pence Halfpenny: And whereas his Majesty has been graciously pleased to signify to his Parliament, that it not having been in his Majesty's Power to extend the Effect of the said Grant beyond the Term of his own Life, his Majesty recommends it to his Parliament to consider of a proper Method of extending and securing the same in the most effectual Manner, for the Benefit of the said *Arthur Onslow*: Now we, your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain* in this present Parliament assembled, being desirous to make good to your Majesty such Expences as have been, and to provide for such as might be, incurred by your Majesty in consequence of the said Grant, and to settle and secure, in the most beneficial Manner, for the Use of the said *Arthur Onslow*, the yearly Sum of three thousand Pounds, for and during the Term herein after mentioned, agreeably to your Majesty's most gracious Intentions, and as a Testimony of the grateful and affectionate Remembrance which your Majesty's faithful Commons retain of the long continued and eminent Services of the said *Arthur Onslow*, do therefore most humbly beseech your Majesty, that it may be enacted; And be it enacted by the Authority aforesaid, That the Sum of two thousand one hundred thirty-four Pounds twelve Shillings and three Pence Halfpenny, shall and may be issued and paid from and out of the Duties and Revenues which compose the Fund, commonly called *The Aggregate Fund*, and be applied in making good the like Sum paid as aforesaid to the said *Arthur Onslow* on account of the said Annuity or yearly Sum; and the said Money so to be issued and paid out of the *Aggregate Fund*, shall be added to, and made Part of, the Monies applicable to the Uses of his Majesty's Civil Government, and shall and may be issued and applied for such Uses accordingly.

XIII. And be it further enacted by the Authority aforesaid, That in lieu of the said Annuity or yearly Sum of three thousand Pounds by the said Letters Patent, bearing Date the twentieth Day of *April* in the first Year of his Majesty's Reign, granted to the said *Arthur Onslow* Esquire, his Executors, Administrators or Assigns, and payable as aforesaid, the said *Arthur Onslow*, his Executors, Administrators and Assigns, shall have, receive and enjoy at the Receipt of the Exchequer, for and during the natural Lives of him the said *Arthur Onslow* and of *George Onslow* Esquire, his Son, and for and during the natural Life of the longer Liver of them, one Annuity or yearly Rent or Sum of three thousand Pounds of lawful Money of *Great Britain*, out of the Duties and Revenues which compose the said Fund commonly called *The Aggregate Fund*, and every or any of them (after paying or reserving sufficient to pay all such Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon, or payable out of, the said *Aggregate Fund*); which said Annuity or yearly Rent, or Sum of three thousand Pounds, shall commence from the fifth Day of *January* one thousand seven hundred and sixty-two, and shall be paid and payable quarterly to the said *Arthur Onslow*, his Executors, Administrators and Assigns, at the four most usual Days of Payment in the Year; that is to say, The fifth Day of *April*, the fifth Day of *July*, the tenth Day of *October*, and the fifth Day of *January*, by even and equal Portions; the first quarterly Payment thereof to become due and payable on the fifth Day of *April* in the Year of our Lord one thousand seven hundred and sixty-two; and that the Annuity or yearly Sum granted by the said Letters Patent shall cease and determine, from and after the fifth Day of *January* in the said Year.

XIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of his Majesty's Treasury now being, and the High Treasurer and Under Treasurer of the Exchequer, and Commissioners of the Treasury for the Time being, and they are hereby authorized, empowered and required, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer now and for the Time being, to make forth and pass Debentures, from Time to Time, for paying the said Annuity, or yearly Rent or Sum of three thousand Pounds, as the same shall, from Time to Time, become due and payable, without any Fees or Charges to be demanded or taken for paying the same, or any Part thereof; which said Warrant, and the Debentures to be made forth and passed thereupon, shall be a sufficient Authority to the several and respective Officers of the Receipt of the Exchequer now and for the Time being, for the Payment of the said Annuity, or yearly Rent or Sum of three thousand Pounds to the said *Arthur Onslow*, his Executors,

2134 l. 12 s. 3 d. 2 q.
to be issued out of the
Aggregate Fund,
to make good the like
Sum paid to *Arthur On-*
slow, Esquire; on ac-
count of the Annuity
granted him by his Ma-
jesty, in pursuance of the
Address of the House of
Commons.

The said Annuity
charged and payable for
the future out of the
Aggregate Fund;

to commence on 5 Jan.
1762, and to be paid
Quarterly at the Exche-
quer; viz. on
5 April,
5 July,
10 October and
5 January.
Annuity granted by Pa-
tent to cease thereupon.

Treasury empowered to
direct the Auditor of the
Exchequer to make
forth, &c. Debentures
for the said Annuity as it
shall become due, with-
out Fee;