

Trustees
may meet
more than
once a Year,
on giving
Notice.

Trustees to
settle Ac-
counts of
Committee-
men at the
Annual
Meeting.

At Meetings
of Trustees,
Questions to
be deter-
mined by a
Majority.

Attendance
of Delegates
not essential
to the Vali-
dity of the
Acts of the
Trustees.

Superinten-
dent's Salary
may be in-
creased by
the Trustees.

pedient that they should be at liberty to meet oftener, and also that they should have Power to examine, check, and settle the Accounts of the Committee-men: Be it therefore further enacted, That it shall be lawful for the Trustees for the Time being of the said Embankment Act, or their Agents, appointed or to be appointed in Writing, to meet at any Time and Place for any of the Purposes of that Act and this Act, after Notice of any such intended Meeting shall have been given by Three or more of them, for Three successive Weeks, in any Newspaper or Newspapers circulating in the County of *Lincoln*, and shall also have been affixed to the principal Doors of each of the Parish Churches of *Spalding*, *Moulton*, *Whaplode*, *Holbeck*, and *Gedney*, Twenty Days previous to the Day appointed for any such Meeting; at all which Meetings it shall be lawful for the said Trustees for the Time being, by themselves or their Agents, and they are hereby authorized and empowered, to do all or any such Acts, Matters, and Things, with such and the same Effect, and to such and the same Ends, Intents, and Purposes, as by the said Embankment Act they are authorized or required to do at their Annual Meetings; and that at every Annual Meeting to be hereafter had of the said Trustees or their Agents, on *Thursday* in *Easter* Week, the Committee-men shall produce an Account in Writing for the Year preceding of the several Sums received and paid by them for any of the Purposes of the said Embankment Act or this Act, and the Vouchers for the same Account, and that it shall be lawful for the Trustees then present, by themselves or Agents, and they are hereby required, to examine, settle, and allow the same Account, and that the Balance thereof shall be ascertained and certified by the Chairman of every such Annual Meeting; and that at all Meetings of the Trustees for the Purposes of the said Embankment Act or of this Act the Elections to be made and the Questions agitated shall be determined by the Majority of Trustees present, by themselves or Agents, and that in case of an Equality of Votes, including the Vote of the Chairman, the Chairman shall have the casting Vote.

XIX. And be it further enacted, That no Acts, Matters, or Things already made or done or hereafter to be made or done by the Trustees for the Time being, under the said Embankment Act or this Act, shall be impeached or rendered invalid by reason of the Non-appointment of all or any of the Delegates authorized to be appointed by the said Embankment Act and this Act, or either of them, or by reason of all or any of such Delegates not appearing or not acting as Trustees at the making or doing of such Acts, Matters, or Things as aforesaid.

XX. And whereas it may be thought reasonable to increase the Salary of the said Superintendent for the Time being: Be it therefore enacted, That it shall be lawful for the said Trustees for the Time being, at any of their Meetings, to be holden under the Authority of the said Embankment Act and this Act on *Thursday* in *Easter* Week from Year to Year, as they shall see Occasion, by Writing under their Hands to increase the Salary of the said Superintendent beyond the Sum of Forty Pounds *per Annum*, in the said Act mentioned, to such other Sum as they in their Discretion shall think proper and reasonable, and again from Time to Time, at their said Annual Meeting,

to

to reduce and again to increase the said Salary, if they shall see Occasion, and so *toties quoties*.

XXI. And whereas under the Regulations of the said Embankment Act no Person other than a Trustee can be elected a Committee-man, in case a sufficient Number of Trustees shall be found willing to be appointed; but it is expedient that such Regulation should be altered: Be it therefore enacted, That from and after the passing of this Act any Person or Persons who shall be proposed at any such Meeting by any Trustee or Agent of any Trustee then present may be elected a Committee-man or Committee-men for the Purposes of the said Embankment Act and of this Act, although there may be a sufficient Number of Trustees willing to be appointed.

Persons not
Trustees
may be
elected Com-
mittee-men,
although
Trustees
willing to be
appointed.

XXII. And whereas it is expedient to provide for the Case of Committee-men dying or refusing or becoming incapable to act during the Period for which they are elected: Be it therefore enacted, That when and so often as any such Committee-man or Committee-men shall die or refuse or in any way become incapable to act during the Period for which he or they shall be elected, it shall be lawful for the Trustees of the said Embankment Act, or their Agents, at any Meeting to be called in manner herein-before directed, to nominate a Committee-man or Committee-men in the Place of him or them so dying, or refusing or becoming incapable to act, and that the Person or Persons so elected shall have the same Powers and Authorities in all respects as the Committee-man or Committee-men in whose Place or Stead he or they shall or may be appointed could or might have had and exercised if then living, and continuing to act in the Affairs of the said Embankment Act.

In Cases of
Death of
Committee-
men, new
ones to be
appointed.

XXIII. And for the more convenient Performance of the Duties of the Committee-men, be it further enacted, That it shall and may be lawful to and for the said Committee-men for the Time being, at any of their Meetings, to nominate and appoint any Person or Persons to be a Treasurer or Treasurers of the Embankment Fund, and that after such Treasurer or Treasurers shall have given to the said Committee-men such Security as they shall approve of, for applying the Money to be received by such Treasurer or Treasurers as the said Committee-men for the Time being shall direct, (which Security the said Committee-men are hereby required to take,) the Monies from Time to Time to be received by virtue of any Rate or Assessment, Rates or Assessments made or to be made by the said Committee-men for the Time being, shall be paid to such Treasurer or Treasurers (instead of being paid to the Superintendent of the said Embankment, as by the said Embankment Act is directed), and also to nominate and appoint any Person to act as Clerk to the said Committee-men, and also to nominate and appoint as many Sluice-keepers, not exceeding Eight, as they shall see fit, and from Time to Time to remove any such Treasurer or Treasurers, Sluice-keeper or Sluice-keepers, or Clerk, and in Cases of Removal or Death to nominate and appoint any other Person or Persons in his or their Room or Stead, and to grant to such Clerk and Sluice-keepers such Salaries and Compensations as to the said Committee-men for the Time

Power to
appoint
Treasurers,
Clerks, and
Sluice-
keepers.

[Loc. & Per.]

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being

being shall seem meet to be paid, and also to make such Compensation to the Person who has hitherto discharged the Duties of Clerk to the Committee-men as they shall think proper and reasonable, by and out of the Monies to be received by virtue of any Rate or Assessment, Rates or Assessments made or to be made by virtue of the said Embankment Act or of this Act.

Expenses of Meetings of Committee-men to be paid out of the Rates.

XXIV. And be it further enacted, That it shall be lawful for the said Committee-men for the Time being, and they are hereby empowered, from Time to Time, to pay and discharge such reasonable Expenses as shall be incurred at their several Meetings, by and out of the Monies received or to be received by virtue of any Rate or Assessment, Rates or Assessments made or to be made by them, provided that no more than the Sum of Five Pounds shall be paid for the Expenses of any One Meeting.

Power for Committee-men to borrow Money.

XXV. And whereas it may happen that sudden and unforeseen Damage or Injury may arise to or be sustained by the said Embankment, or the Sluices, Bridges, Drains, or other Works belonging thereto, for repairing whereof it may be expedient or necessary to raise Money before any Rate or Assessment for the Purpose can be made or be recovered by the said Committee-men: Be it therefore enacted, That in any such Case the said Committee-men for the Time being shall and they are hereby authorized and required to borrow and take up at Interest upon the Credit of the Rates or Assessments which they are by the said Embankment Act or this Act authorized and empowered to charge and impose such Sum or Sums of Money as they shall in their Judgment deem necessary and requisite for paying the Expenses of making good and repairing any such Damage or Injury, or otherwise for the Purposes of the said Embankment Act or this Act, which Money so borrowed shall be repaid to the Person or Persons lending the same, with such Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, as may be agreed upon, out of the first Monies that shall afterwards be raised by the said Committee-men for the Time being, under the Authority of the said Embankment Act or of this Act.

Power to charge on Estates the Amount of Rates made by Committee-men.

XXVI. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or Persons acting as Guardians, Trustees, Committees, or Attornies for the Owners or Proprietors of any Part or Parts of the Salt Marshes within the Purview of the said Embankment Act, or any Part or Parts thereof, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for the said Owners or Proprietors, being Tenants in Tail, or for Life, or only Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, or being seised or entitled in Fee Simple, and to and for every of them respectively for the Time being, by Indenture or Indentures under their respective Hands and Seals, from Time to Time to charge the Part, Share, or Proportion of and in the said Salt Marshes belonging to such Owners or Proprietors respectively with any Sum or Sums of Money which hath or have been or which shall or may be advanced or applied in or towards Payment of the Assessment or Assessments so in the said

Award

Award expressed to be made as aforesaid by the said Embankment Commissioners in respect of the said late Commonable Salt Marshes of *Gedney* and *Moulton* respectively, or in or towards Payment of any Rate or Assessment, Rates or Assessments made or to be made by the said Committee-men for the Time being, under or by virtue of the said Embankment Act and this Act, and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Part or Share or Proportion of such Owners or Proprietors respectively of and in the said embanked Salt Marshes unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee or for any Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, in case and when the Sum or Sums of Money thereby to be secured, with lawful Interest for the same, shall be fully paid and satisfied at a Time or Times to be appointed; and so as every such Grant, Mortgage, Lease, or Demise, not being made by Tenant or Tenants in Fee Simple, do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to the Lands or Grounds therein comprised shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One whole Year preceding the Time that his, her, or their Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid shall be good, valid, and effectual in the Law for the Purposes hereby intended.

XXVII. And whereas it is expedient to make further Regulations for the Preservation of the said Embankment and other Works: Be it therefore further enacted, That it shall and may be lawful for any Person or Persons whomsoever to drive any Horse or Horses, Swine or Cattle, except Sheep, which shall be found upon the said New Sea Bank, to the Common Pound or Fold of the Parish where such Horse or Horses, Swine or Cattle (except Sheep), shall be found, and the Pindar or Fold Keeper of the said Parish is hereby directed to impound and hold the same in his Custody, and to feed them while they shall so remain in his Custody, and the same shall not be repleviable, but shall remain in the Custody of the Pindar or Fold Keeper for the Time being until he shall have been paid, for each and every of such Swine so impounded, the Penalty or Sum of Ten Shillings, and for each and every of such Horses or other Cattle so impounded the Penalty or Sum of One Pound, together with all Costs of taking, impounding, and feeding the same, during the Time they shall remain impounded; and if the Penalty or Penalties, together with such Costs, shall not be accordingly paid within the Space of Fourteen Days after the Time of the delivering such Horse or Horses, Swine or Cattle, it shall be lawful for the said Superintendent for the Time being, at any Time thereafter, to sell or cause to be sold the Distress so impounded by Auction at the Market Town nearest the Common Pound, on some Market Day between the Hours of Twelve at Noon and Two in the Afternoon, and to apply the Money arising by such Sale, in the first place, in Payment of all Costs and Charges attending the impounding, detaining, keeping, and feeding the said Horse or Horses, or Swine or Cattle, so impounded, and the Sale and Disposal thereof, and in the

Banks not to be stocked otherwise than with Sheep.

next

next place in Payment and Satisfaction of the said Penalty or Penalties incurred; and in case there shall be any Surplus, the same shall be paid to and remain in the Hands of the said Superintendent, to be by him returned and paid to the Owner or Owners of the said Horse or Horses, Swine or Cattle, so impounded, on Demand.

Vessels not
to be moored
to any Sluice,
or within
Eighty
Yards.

XXVIII. And be it further enacted, That if any Person or Persons shall lash or tie or make fast any Cord, Rope, or Cable to any of the Balustrades, Wings, Piles, Doors, or any other Part of any Sluice or Tunnel or other Works made or to be made in or through the said New Sea Bank, for the Purpose of mooring or staying any Barge, Boat, or other Vessel, or shall moor, stay, or fasten, or cause or procure to be moored, stayed, or fastened, any Barge, Boat, or other Vessel within the Distance of Eighty Yards from any such Sluice or Tunnel or other Works, every Person so offending shall for every Offence forfeit and pay to the said Committee-men for the Time being the Penalty or Sum of Fifty Pounds.

Any Three
of the Com-
mittee-men
may act.

XXIX. And be it further enacted, That all Acts, Matters, and Things hereby or by the said Embankment Act directed and authorized to be done by the said Committee-men for the Time being may be done and executed by any Three of them, and that the same shall be as valid and effectual as if done and executed by all the said Committee-men for the Time being.

Committee-
men to sue
and be sued
in the Name
of their
Clerk.
Suits not to
abate by
Changes.

XXX. And be it further enacted, That the said Committee-men for the Time being shall or may sue and be sued, in any Action or Actions, Suit or Suits, to be commenced or prosecuted in respect of any Matter or Thing arising out of the said Embankment Act or this Act, in the Name of their Clerk, and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Committee-men, or by reason of the Death or Removal of the said Clerk, or by the Act of such Clerk without the Consent of the said Committee-men, but the Proceedings in every such Action or Suit shall be carried on to Execution, if necessary, in the Name of their Clerk, by or against whom such Action or Suit shall have been commenced; and that no Action or Suit which shall or may be commenced or prosecuted by or against the said Superintendent for the Time being, in respect of any Matter or Thing arising out of the said Embankment Act or this Act, shall abate or be discontinued by reason of the Death or Removal of such Superintendent, but that the Proceedings in every such last-mentioned Action or Suit shall be carried on to Execution, if necessary, in the Name of the Superintendent, by or against whom the same shall have been commenced.

Entries of
Proceedings
of Trustees
and Com-
mittee-men
good Evi-
dence.

XXXI. And be it further enacted, That from and after the passing of this Act fair and regular Entries shall be made in a Book or Books to be provided for that Purpose of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Trustees, and of the said Committee-men for the Time being, relative to the Execution of the said Embankment Act and this Act, and of the Names of the Persons who shall be present at the respective Meetings, and the same shall be subscribed with the Name of the Chairman of each respective Meeting; and all such Entries being so signed shall be deemed Originals, and

and shall be allowed to be read in Evidence in all Courts and on all Occasions whatsoever.

XXXII. And be it further enacted, That in any Action or Suit hereafter to be brought by or against the said Committee-men or Superintendent for the Time being, or any of the Persons acting in the Execution of the said Embankment Act or this Act, for any Cause, Matter, or Thing arising out of the same Acts or either of them, the Appointments of Committee-men, Superintendent, Clerk, Treasurers, Collectors, Sluice-keepers, or other Officers or Persons appointed or to be appointed by the said Trustees or by the said Committee-men for the Time being, under the Authority of the said Embankment Act or this Act, the Books of Entries of the Proceedings of the said Trustees and of the said Committee-men for the Time being, the Rates or Assessments made or to be made by the said Committee-men and Superintendent, or either of them, for the Time being, and the Notices of any such Rate or Rates to be hereafter made, shall upon the Trial of any such Action or Suit stand admitted in Evidence, unless the other Party or Parties shall, if Defendant or Defendants, at or before the Time of pleading, or if Plaintiff or Plaintiffs, before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Plaintiffs, Defendant or Defendants, that he, she, or they intend to dispute such Appointment or Appointments, or any Entry or Entries, Proceeding or Proceedings, Rate or Assessment, Rates or Assessments, Notice or Notices, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid; and where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall at the Trial prove the Matter or Matters required to be proved in and by such Notice or any of them, or if the other Party or Parties shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall be entitled to the full Costs of Suit to be occasioned by such Notice, and by the Preparation for Proof of the Matter or Matters so proved or admitted, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid, and such Costs shall, in case such Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict, be added to his or her Costs; and if the other Party or Parties shall obtain a Verdict, then such Costs shall be deducted from the Costs which the Party or Parties giving such Notice as aforesaid would otherwise be entitled to receive from the Person or Persons to whose Attorney such Notice shall have been given as aforesaid; and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person or Persons to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs in like Manner

[Loc. & Per.]

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as

The Appoint-
ments and
other Matters
of Form to
stand admit-
ted in Evi-
dence, unless
Notice given
to produce
them.

as if Costs had been awarded to such last-mentioned Person or Persons.

Sufficient in
Proceedings
to state Pro-
perty to be-
long to
Trustees, &c.

XXXIII. And be it further enacted, That in all Pleadings and Proceedings whatsoever, wherein it shall be necessary to state that any Articles, Materials, or Things is or are the Property of the said Trustees for the Time being acting under the said Embankment Act and this Act, it shall be sufficient to state that all and every such Articles, Materials, and Things is and are the Property of the Trustees of the *South Holland* Embankment Acts, without particularly stating or specifying all and every the Names and Name of the said Trustees for the Time being.

Persons in-
terested not
on that Ac-
count in-
competent
Witnesses.

XXXIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of the said Embankment Act or this Act, no Owner or Occupier, or other Person interested in the Marshes, Lands, and Grounds lying within the Purview of the same Acts, shall by reason of his or her Ownership, Occupancy, or Interest be deemed an incompetent Witness.

Penalties
and For-
feitures how
to be ap-
plied.

XXXV. And be it further enacted, That each and every Penalty or Forfeiture hereby or by the said Embankment Act imposed or authorized to be imposed (the Manner of levying and recovering whereof is not herein or by the said Embankment Act otherwise particularly directed) shall, upon Proof of the Offence before any One of His Majesty's Justices of the Peace for the Division of *Holland* in the said County of *Lincoln*, either by the Confession of the Offender or Offenders, or by the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby empowered to administer), be levied and recovered, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice, which Warrant he is hereby empowered to grant for such Purpose; and the Overplus, if any, of the Monies arising by such Distress and Sale, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and each and every such Penalty and Forfeiture, when recovered, if not otherwise directed to be applied by or by virtue of the said Embankment Act or this Act, shall be from Time to Time paid to the said Superintendent for the Time being, and be by him applied and disposed of for the Purposes of the said Embankment and the Works thereto belonging, as the said Committee-men for the Time being shall direct; and in case sufficient Distress shall not be found, and the Penalty or Forfeiture in question shall not be forthwith paid, it shall and may be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol in and for the said Division of *Holland*, there to remain, without Bail or Mainprise, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges and Expenses

penses attending the Proceedings against such Offender or Offenders, shall be sooner paid and satisfied.

XXXVI. And be it further enacted, That in all Cases where any Form of Conviction shall be had for any Offence or Offences committed against the Provisions of the said Embankment Act or this Act, or against any Order of Sessions, or any other Matter or Thing done in the Execution of the said Embankment Act or this Act, the Form of Conviction may be in the Words or to the Effect following; (that is to say,)

' **B**E it remembered, That on this Day of
 ' in the Year of our Lord
 ' is convicted before of His Majesty's
 ' Justices of the Peace for the
 ' of having [*as the Offence shall be*], and I [*or we*] the said
 ' do adjudge him [*her or them*] to forfeit
 ' and pay for the same the Sum of . Given
 ' under my Hand and Seal [*or our Hands and Seals*], the Day and
 ' Year aforesaid.'

XXXVII. And be it further enacted, That no Order or other Proceedings whatsoever relative to the Conviction of any Offender or Offenders against the Provisions of the said Embankment Act or this Act, or any other Matter or Thing done in the Execution of the said Embankment Act or this Act, shall be quashed or vacated for Want of Form only.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Committee-men for the Time being, whenever they shall see Cause, to direct any Part of any such Penalty or Forfeiture which they shall think reasonable to be paid to or for the Use of any Informer or Informers, or any Person or Persons aiding or assisting in the Apprehension or in the Prosecution to Conviction of any Offender or Offenders.

Power to
give Inform-
ers Part of
Penalties.

XXXIX. And be it further enacted, That when any Distress shall be made in pursuance of the Powers herein-before given or any of them, 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 any of the 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 so distraining, but the Person or Persons aggrieved by such Irregularity shall or may recover full Satisfaction for the special Damage in an Action of Trespass on the Case.

Distress not
unlawful for
Want of
Form.

XL. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons, Body Corporate or Politic, for anything done in pursuance of the said Embankment Act or this Act, other than an Action of Replevin, unless