

Power for
Owners and
Proprietors to
mortgage
Out Marshes
and bare
Sands, and
Lands charged
with Redem-
ption Price, and
included on
Petition, and
also Lands
charged with
the ultimate
Acre Rate.

And be it further Enacted, That it shall be lawful for the several and respective Owners and Proprietors of Outmarshes and bare Sands, and of the Lands which shall be exonerated or redeemed from the said Rate Tax or Assessment of One Shilling *per* Acre, by virtue of this Act, and of Lands which upon Petition shall be included in the Drainage under this Act, being Tenants in Fee Simple, Fee Tail, for Life, or for any other Estate of Freehold or Inheritance in possession, or for Years determinable upon any Life or Lives, to charge and subject the same Outmarshes, bare Sands and Lands respectively, with such sum or sums of Money as the said Owners and Proprietors shall become respectively liable to pay as aforesaid, together with Interest for the same, from the time of payment thereof respectively; and to demise, grant, bargain, sell, release, surrender, or otherwise convey or assure the Hereditaments so charged, to the Person or Persons who shall pay or lend, or advance any such sum or sums of Money as aforesaid, or to any other Person or Persons, he she or they shall appoint his her or their respective Heirs, Executors, Administrators and Assigns respectively, according to the nature and tenure of the Estate conveyed, subject to Redemption on payment of the Principal Money and Interest charged thereon, at such time or times as the said Trustees shall think fit; and every such Charge Mortgage and Assurance, shall be good valid and effectual in the Law for the purposes thereby intended, notwithstanding any want of Title, Settlement, Will, Use, Trust, Remainder, Mortgages or other Incumbrances, of or upon the same Outmarshes and bare Sands, Lands and Hereditaments respectively, or any part thereof, then in being or capable of taking effect, to the contrary.

Also for
Commission-
ers to mort-
gage.

And be it further Enacted, That in case any of the said Owners or Proprietors shall neglect or refuse to pay such respective sum or sums of Money as they shall become liable to pay as last aforesaid, for the space of calendar months after the same shall become due and payable in pursuance of this Act, and after Notice thereof in writing, under the hands or hand of the Trustees of this Act, or their Treasurer, shall have been given to or left at the usual Place of Abode of such respective Owners and Proprietors, or their known Agents, it shall be lawful for the same Trustees, at any time or times after such Neglect or Refusal, to charge such respective Outmarshes, and bare Sands, and Lands respectively, or any of them, or any part or parts thereof, with the Amount of the respective Sum or Sums to which

which such Owners and Proprietors shall have become respectively liable as last aforesaid, with lawful Interest thereon from the time so appointed for the Payment thereof, and also with all reasonable and necessary Charges and Expences occasioned by the Nonpayment thereof respectively; and for the better securing the Payment thereof with Interest, by Writing under their hands and seals, to demise, grant, release, surrender, or otherwise convey or assure the Hereditaments so charged respectively, to the Person or Persons who shall pay or lend or advance such sum or sums of Money respectively, or to any other Person or Persons he she or they shall appoint, his her or their respective Heirs, Executors, Administrators and Assigns, according to the nature and tenure of the Estate conveyed, subject to Redemption on Payment of the Principal Money and Interest charged thereon, at such time or times as the said Trustees shall think fit; and every such Charge Mortgage and Assurance, shall be good valid and effectual in the Law for the purposes thereby intended.

And be it further Enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease or Demise, shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, may from time to time, by any Deed or Deeds, Writing or Writings, under his her or their hand and seal, or hands and seals, to be executed in the presence of Two or more credible Witnesses, assign and transfer the same Security and Securities, and the Principal Monies and Interest thereby secured, and all benefit and advantage thereof, and all his her or their Right Title and Interest in and to the same, unto any Person or Persons whomsoever, who may again in like manner assign the same, and so *toties quoties*; and such Mortgagees and Mortgagee, Assignees and Assignee, his her and their Executors and Administrators, and all Persons claiming under him her or them, or any of them, shall and may use, take, and pursue all such lawful methods and expedients, at Law or in Equity, for recovering or obtaining possession of the mortgaged Premises in case of Nonpayment of the Principal Monies and Interest thereby secured, or any part thereof, as may be used, taken or pursued, in cases of the like nature.

Such Mort-
gages may be
assigned.

And be it further Enacted, That it shall be lawful for the Trustees of this Act to inclose and fence off from the adjoining Lands, all the Banks and Forelands on both sides of the said Cut and Channel hereby confirmed; and also to set out such Roads along the said

Banks to be
fenced, and
Herbage
thereof vested
in Trustees.

Banks and Forelands, as to them shall seem fit; and the Herbage of all the said Banks and Forelands shall be vested in the Trustees of this Act for the time being; and they are hereby empowered to let the same from time to time to any Person or Persons whomsoever, in such Portions, and subject to such Restrictions, as to the said Trustees shall seem just.

Masters of
Boats to give
an account of
their Lading.

AND, for better ascertaining, and more easy, effectual, and just collection of the Rates Tolls and Duties hereby directed to be paid to the said Trustees, BE it further Enacted, That the Person having the care of every Boat, Barge, or other Vessel, navigating upon the said Cut and Channel hereby confirmed, or any part thereof, shall give to the Collector of the said Rates Tolls or Duties, or to any other Officer to be appointed by virtue of this Act, at the Place or Places where he shall attend for that purpose, a just Account in writing, signed by the Person or Persons sending or consigning such Goods and other Things as shall be embarked in each such Boat, Barge, or other Vessel, or by his or their Clerk or Agent; which Account shall contain a Statement of the quantities and weight of all the Goods and other Things, and of their nature, sort or kind, which shall be embarked in each such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, shall be liable to the payment of different Rates, then such Account shall specify the quantities liable to the payment of each of the said Rates; and in case the Person having the care of such Boat, Barge, or Vessel, shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice, or Bill of Lading, to the Officer demanding the same, or shall wilfully or knowingly give a false Account, or deliver any part of such Lading or Goods to any other Place or Places than the Place or Places mentioned in that Account, or shall wilfully do any other act, whereby the Payment of the said Rates, Tolls or Duties, or any part thereof, shall be avoided; or if the Person or Persons sending or consigning such Goods or Things, or his or their Clerk or Agent, shall sign a false Account thereof, every Person so offending shall forfeit and pay the sum of
for every Ton of Goods or other Things; and so in proportion for any less quantity than a Ton, which shall be in or be conveyed by such Boat, Barge, or other Vessel respectively, over and above the Rates, Tolls or Duties which shall be payable for the same by virtue of this Act.

And

And be it further Enacted, That if any difference shall arise between any Collector or Collectors of the said Rates Tolls and Duties, and the Master or other Person having the care or charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandizes, or other Things loaded or embarked therein, concerning the weight or quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh or gauge, or cause to be weighed or gauged, such Boat, Barge, or other Vessel, and all such Goods, Wares and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the same shall, upon such weighing or gauging, appear to be of greater weight or quantity than the Account given thereof by such Master, Owner, or other Person having the care of such Boat, Barge, or other Vessel, then it shall be lawful to and for the said Trustees, and they are hereby authorized, to charge for such Goods and Things according to the weight thereof, declared by the gauge of such Boat, Barge, or other Vessel, and the graduated Index thereon; and the Master, Owner, or other Person giving such Account, shall pay the Costs and Charges of such weighing or gauging; and all which Costs and Charges, upon refusal of Payment on demand, shall and may be recovered and levied in the same manner as the said Rates Tolls and Duties are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters and Things, shall appear to be of the same, or of a less weight or quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees shall pay the Costs and Charges of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize or other Things, such Damages as shall have arisen from such detention; and in default of Payment thereof, the same shall be recovered from the said Trustees, by Action of Debt in any of His Majesty's Courts of Record.

In case of
difference,
Collector may
weigh them.

And be it further Enacted, That every Owner, Master, or Person having the care of any Boat, Barge, or other Vessel, passing upon the said Cut and Channel hereby confirmed, or any part thereof, shall cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks of the said Trustees; and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on

Owners of
Boats to put
their Names
thereon.

Weight of the Lading of Vessels to be marked.

a Black Ground, Inches high at the least, and of a proportionable breadth, on the outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the place to which the same shall sink into the Water when full laden; and also shall fix on each side thereof respectively, correct Indexes, of Copper, Lead, or other Metal, of such graduated Dimension, of such convenient height and under such Regulations as the said Trustees shall from time to time direct, so that the true Weight of the Lading on board may at all times be thereby clearly ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged, weighed or measured, at the Expence of the said Trustees, whenever it shall be required by them, or any Person or Persons appointed by them for that purpose, at such Place or Places on the said Navigation as they shall appoint: And every Owner, Master, or other Person having the care or command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said Cut and Channel hereby confirmed, or any part thereof, without having such Names, Figures and Indexes thereon, as are hereinbefore directed, or shall alter, erase, deface or destroy the same or any part thereof, or shall fix any false Name, Figures or Index, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding

Navigation to be free, upon payment of Tonnage Rates.

And be it further Enacted, That all Persons whomsoever shall have free liberty to use with Horses, Cattle and Carriages, the private Roads and Ways (except the Towing Paths) vested in the Trustees of this Act, for the purpose of conveying any Materials, Timber, or other Goods, Wares, Merchandizes and Things, to or from the said Cut and Channel hereby confirmed, and every part thereof, without paying any thing for the same; and also to navigate and pass upon, and use the said Cut and Channel, with any Boats, Barges, or Vessels, and also to use the said Towing Paths, with Men, or with Horses or other Cattle, for haling and drawing such Boats, Barges, and Vessels, but for no other purposes, upon Payment of such Rates as shall be demanded by the said Trustees, not exceeding the Sums hereinbefore mentioned.

Navigation exempt from Parochial Rates.

And be it further Enacted, That the said Navigation and Tonnage Rates shall be, and the same are hereby declared to be exempt from all Parochial Rates and Charges.

And

And be it further Enacted, That after the Works of Drainage, and such other Matters and Things as are by this Act directed or authorized to be made, executed, done and performed by the said Commissioner, shall have been completed in pursuance of this Act, the said Commissioner, together with any or more of the Trustees of this Act, shall certify the same by a Writing under their respective hands, to the Court of Quarter Sessions for the said Division of *Holland*, and upon the Signatures to such Certificate being verified by Affidavit, sworn before One of His Majesty's Justices of the Peace for the said Division, who is hereby authorized to swear the same, such Certificate and Affidavit shall be enrolled by the Clerk of the Peace, among the Records of the Court of Quarter Session for the said Division (who is hereby required to enroll the same, upon Payment of the Sum of

;) and true-examined Copies of such Certificate and Affidavit, or of the Enrolment thereof respectively, shall be received in all Courts and elsewhere, as sufficient Evidence or Proof not only of such Certificate and Affidavit, but of the several matters and things therein respectively contained or alledged; and from and immediately after the Enrolment of such Certificate and Affidavit as aforesaid, all the Powers and Authorities hereby vested in the said Commissioner, shall be no longer exerciseable by him, but the same shall from thenceforth be vested in and exerciseable by the Trustees of this Act, for the maintenance, support, and improvement of the several Works, Matters and Things, so certified to have been made and executed by the said Commissioner under the Authority of this Act, and for the better effecting all and every or any of the intents and purposes of this Act, so far as such Powers and Authorities are applicable thereto respectively, and that as fully and effectually to all intents and purposes, as if all such Powers and Authorities had been herein repeated, and expressly given to or vested in the said Trustees for those purposes, in words applicable thereto, respectively.

And be it further Enacted, That

When the Commissioners have completed the Works of Drainage and Navigation, their Powers to cease, and to be thenceforth exerciseable by the Trustees for the support and maintenance of the Works.

Appointment of Trustees of the Navigation and Drainage.

and their Successors, to be elected in manner as herein-after mentioned, shall be, and they are hereby appointed Trustees of and for the said Navigation and Drainage, and for carrying into execution all the Powers, Authorities, Trusts, Intents and Purposes, contained in this Act, except such of them as are herein specifically or expressly given to or vested in the Commissioner hereby appointed, and that only during such time or times as the same are hereby given to, vested in, or exerciseable by the said Commissioner; and it shall be lawful for each of the said Trustees, from time to time, by any Writing under his hand, to appoint any other of the Trustees of this Act for the time being his Proxy, who in his absence shall have full Power to act in his stead.

Works of
Drainage and
Navigation
vested in
Trustees.

And be it further Enacted, That all the Cuts or Channels, Haling Ways, Houses, Banks, Forelands, Headings, Cloughs, Tunnels, Fences, Gates, Stiles and other Works, that have been made or provided by virtue of the said recited Act of the 34th year of His present Majesty, and are still existing or are thereby confirmed, or that shall be made or provided by virtue of this Act, shall be, and the same and every of them are and is hereby vested in the Trustees of this Act and their Successors for ever, in perpetual succession as a Body Corporate, in trust for the purposes of this Act.

Allowance to
Commissioner.

And be it further Enacted, That the Commissioner for the time being acting in the execution of the Powers and Trusts vested in him by this Act, shall be allowed and paid the Sum of and no more for each day he shall actually attend and be employed as a Commissioner in the execution of this Act, or shall necessarily travel from Home to meet or sit as a Commissioner, or when returning Home from such Meeting or Sitting, in full satisfaction for his Trouble and Expences in the execution of this Act.

Trustees to
examine and
settle Ac-
counts.

And be it further Enacted, That the said Trustees or any or more of them, are and is hereby authorized and empowered from time to time, when and as often as they or he shall think fit, to inspect and examine the Accounts of the said Commissioner, and also the Progress of the Works hereby authorized to be made by the said Commissioner; and the said Commissioner shall once at least in every year from the passing of this Act until his Accounts shall be finally allowed, make out a true and particular Statement and Account of all

all Sums of Money by him received and expended, or due to him for his own Trouble or Expences; which Account, with the Vouchers relating thereto, shall be examined by the Trustees of this Act, or any or more of them, and the Balance of such Account shall be by them stated in the Book of Accounts to be kept in the Office of the Clerk of the Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said Trustees or any or more of them.

And be it further Enacted, That if the said

How new
Trustees shall
be appointed.

or any of them, or any Trustee or Trustees to be appointed in the place and stead of any of them, as hereinafter mentioned, shall die, or refuse or become incapable to act in the execution of this Act, then and in every such Case, it shall and may be lawful for the Adventurers of Taxable Lands in *Deeping Fen* aforesaid, who shall be respectively seised of or entitled to

Acres at least of such Lands, for any Estate of Freehold or Inheritance in possession, or a majority in Value (according to the Land Tax Assessment) of such Adventurers, who, by themselves or their respective Agents duly authorized, in Writing under the hands of such Adventurers, shall be present at a Meeting to be holden for that purpose, of the Time, Place, and Purpose of which Meeting at least days Notice shall be published in the said Newspaper, by writing under their respective hands, to elect and appoint some fit and proper Person or Persons to be Trustee or Trustees in the place and stead of the said

or their Successors, so dying, refusing or becoming incapable to act as aforesaid; and if the said

or any of them, or any Trustee or Trustees to be appointed in the place and stead of any of them, as hereinafter mentioned; shall die, or refuse or become incapable to act in the execution of this Act, then and in every such Case, it shall be lawful for the Owners of Lands, late Parcel of the Commons called *Deeping, Langtoft,*

Langtoft, Baston, Spalding, Pinchbeck, Cowbit and Crowland Commons, or any of them, who shall be seised of or entitled to Acres at the least of such last-mentioned Lands, for some Estate of Freehold or Inheritance, or a majority in Value (according to the Land Tax Assessment) of such Owners, who, by themselves or their respective Agents duly authorized in Writing under the hands of such last-mentioned Owners, shall be present at a Meeting to be holden for that purpose, of the Time, Place, and Purpose of which Meeting at least days previous Notice shall be given in the said Newspaper, by writing under their respective hands, to elect and appoint some fit and proper Person or Persons to be a Trustee or Trustees in the place and stead of the said

or their Successors, so dying, refusing or becoming incapable to act as aforesaid; and if the said

or either of them, or any Trustee or Trustees to be appointed in the place and stead of either of them, shall die, or refuse to act, or become incapable of acting in the execution of this Act, then and in every such Case, it shall be lawful for the Owners of the Outmarshes and bare Sands already embanked and to be embanked under this Act, who shall be seised of or entitled to such Outmarshes and bare Sands as last aforesaid, for some Estate of Freehold or Inheritance, or a majority in Value (according to the Land Tax Assessment) of such last-mentioned Owners, who, by themselves or their respective Agents duly authorized in Writing under the hands of such last-mentioned Owners, shall be present at a Meeting to be holden for that purpose, of the Time, Place, and Purpose of which Meeting at least days previous Notice shall be given in the said Newspaper, by writing under their respective hands, to elect and appoint some fit and proper Person or Persons to be a Trustee or Trustees in the place and stead of the said

or their Successors so dying, refusing or becoming incapable to act as aforesaid; and if the said or any Trustee to be appointed in his place and stead, shall die, or refuse to act, or become incapable of acting in the execution of this Act, then

then and in every such Case, it shall be lawful for the Merchants resident within the Town of *Spalding* aforesaid, who shall be present at a Meeting to be holden for that purpose, of the Time, Place, and Purpose of which Meeting at least days previous Notice shall be given in the said Newspaper, by writing under their respective hands, to elect and appoint some fit and proper Person or Persons (being a Merchant resident in the said Town of *Spalding*) to be a Trustee or Trustees in the place and stead of the said and his Successor, so dying, refusing or becoming incapable to act as aforesaid; and all and every Person or Persons who shall be appointed a Trustee or Trustees in pursuance of this Act (having first taken and subscribed the Oath prescribed in that behalf) shall have the like Powers and Authorities for putting this Act into execution, as if he and they had been respectively named and appointed Trustees in and by this Act.

And be it further Enacted, That no Person shall be capable of acting as a Trustee in the execution of this Act (otherwise than for the purpose of giving Notice of the First Meeting of the said Trustees, and of administering the Oath or Affirmation hereinafter mentioned) until he shall have taken and subscribed an Oath or Affirmation to the effect following;

Trustees and
Proxies to be
sworn.

" I [A. B.] do swear [or, being one of the People called Quakers, do affirm] That I will faithfully, impartially and honestly, according to the best of my skill and judgment, act in the execution of the several Powers and Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fifty-fifth year of the reign of King *George* the Third, intituled, [here set forth the Title of this Act.]"

Trustees
Oath.

And be it further Enacted, That it shall be lawful for any or more of the Trustees under this Act for the time being, either personally or by Proxy, to execute and perform every Power, Authority, Act, Matter and Thing, in the execution of this Act, as fully and effectually to all intents and purposes, as if every such Power and Authority had been expressly given to or vested in any or more of the said Trustees either personally or by Proxy, except in those Cases which are particularly directed to be done by any greater or less number of them.

Five Trustees
may act.