Trustees Meetings.

And be it further Enacted, That the said Trustees shall cause Notice to be given in such Newspaper as aforesaid, of the Time and Place of their First and every subsequent Meeting for the execution of this Act, at least days before such respective Meetings shall be held (Meetings by Adjournment only excepted;) and all Acts and Proceedings of the said Trustees in the execution of this Act, except in the Cases herein otherwise particularly directed, shall be done and had at Meetings held in pursuance of this Act; and it shall be lawful for the said Trustees from time to time to appoint one of themselves to preside and act as Chairman at their Meetings, during such time or times as they shall think fit; and it shall also be lawful for the said Trustees to adjourn their Meetings from time to time, as often as they shall see occasion, for the more convenient execution of this Act; and if at any Meeting appointed to be holden by the said Trustees, it shall happen that of the said Trustees shall not attend, either personally or by Proxy, the Trustees or Trustee present, shall and may adjourn such appointed Meeting to such Time and Place as they or he shall think most convenient, not exceeding days from the time of making such Adjournment; and the Trustees or Trustee making such Adjournment, are and is hereby required to cause Notice to be given in writing to the absent Trustees, of the Time and Place at which such adjourned Meeting is appointed to be held; and it shall also be lawful for the said Trustees from time to time, when and as often as they shall think fit, to convene General Meetings of the several Parties interested in any of the purposes of this Act, of which last-mentioned Meetings the like Notice shall be given as is hereinbefore directed to be given of the Meetings of the said Trustees.

Trustees to appoint Officers.

And be it further Enacted, That it shall be lawful for the said Trustees, from time to time, as often as they shall think it necessary, to nominate and appoint any Person or Persons to be a Sub-Treasurer or Sub-Treasurers of the Funds arising under this Act; every such Sub-Treasurer, before he shall act, giving to the said Trustees such Security for the due and faithful execution of his Office, as the said Trustees shall direct; which Security the said Trustees are hereby required to take; and also to nominate and appoint any Person or Persons to act as a Clerk or Clerks to the said Trustees, and as a Collector or Collectors, Receiver or Receivers of any of the Tolls Rates and Duties hereby granted, Storehouse Keeper, and all such other Officers

Officers Agents and Servants, as the said Trustees shall think necessary for the due execution of this Act; and from time to time to remove any of such Officers Agents or Servants, and Persons so appointed; and on the death or removal of any of them to nominate and appoint others in their stead; and to grant to such Treasurer, Clerks, Collectors, Receivers, Storehouse Keepers, and other Officers or any of them, such Salaries and Compensations as to the said Trustees shall seem meet, to be paid out of the Monies to be received by virtue of this Act.

Trustees and Commissioner empowered to examine Evidence on Oath.

And be it further Enacted, That it shall be lawful for the said Trustees, and also for the said Commissioner respectively, and they and he are and is hereby authorized to call and hear Evidence, and to administer an Oath [*or*, being one of the People called Quakers, a solemn Affirmation] to such Person or Persons as they shall think proper to examine as Evidence or Evidences, for better enabling the said Trustees and Commissioner respectively, to execute the several Trusts reposed in them and him by virtue of this Act.

Trustees and Commissioner to sue and be sued in the name of their Clerk.

And be it further Enacted, That the said Trustees and Commissioner respectively 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 this Act, in the Name of the Clerk of the said Trustees; and that no such Action or Suit shall abate or be discontinued by reason of the total or partial change of the said Trustees or Commissioner, or by reason of the death or removal of such Clerk, or by the act of such Clerk, without the Consent of the said Trustees or Commissioner; but the Proceedings in every such Action or Suit shall be carried on to execution if necessary, in the Name of the Clerk, by or against whom such Action or Suit shall have been commenced.

Entries of Proceedings of Trustees good Evidence.

And be it further Enacted, That from and after 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 for the time being, relative to the execution of 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

deemed Originals, and shall be allowed to be read in Evidence in all Courts, and on all occasions whatsoever.

Appointments and other Matters of Form, to stand admitted in Evidence, unless Notice given to produce them.

And be it further Enacted, That in any Action or Suit hereafter to be brought by or against the said Trustees or Commissioner for the time being, or any of the Persons acting in the execution of this Act, for any Cause Matter or Thing arising out of the same, the Appointments of Trustees, Commissioner, Clerk, Treasurer, Collector, or other Officers or Persons acting in the execution of this Act, the Books of Entries of the Proceedings of the Trustees for time being, the Rates or Assessments to be made by the the said Trustees, and the Notices of any such Rates or Assessments, 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 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 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 obtain a Verdict, then such Costs shall be deducted from the Costs which the Party or Parties giving such Notice as aforesaid, would

ld otherwise be entitled to receive from the Person or Persons to hose 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 the like manner as if Costs had been awarded to such last-mentioned Person or Persons.

Sufficient in Proceedings to state Property to belong to the Trustees, without naming them.

And be it further Enacted, That in all Pleadings and Proceedings whatsoever, wherein it shall be necessary to state any Articles Materials or Things, is or are the Property of the said Trustees of 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 for the Improvement of the Outfall of the River *Welland*, without particularly stating or specifying the Names of the said Trustees.

Persons interested, on that account not incompetent Witnesses.

And be it further Enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the execution of this Act, no Owner or Occupier, or other Person interested in any Lands within the purview of this Act, shall, by reason of his or her Ownership, Occupancy or Interest, be deemed an incompetent Witness.

Forfeitures imposed.

And be it further Enacted, That it shall be lawful for the said Commissioner and Trustees respectively, from time to time to impose all such Penalties Forfeitures and Fines, as they may think proper, upon any Offender or Offenders committing Injury or Injuries to the said Drainage and Navigation, or any of the Works belonging thereto.

Recovery of Fines and Forfeitures.

And be it further Enacted, That all Penalties Forfeitures and Fines, hereby authorized to be imposed, shall, upon proof of the Offences respectively before any Justice of the Peace for the said Division of *Holland*, either by the confession of the Party or Parties offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer,) and in case of Nonpayment thereof forthwith by the Offender or Offenders, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the hand and seal of such Justice, which Warrant such Justice is

 hereby

hereby empowered and required to grant for such purpose; and the Overplus, after such Penalties Forfeitures and Fines, and the Costs and Charges attending. such Distress and Sale, are recovered and deducted, shall be returned, upon demand, to the Owner or Owners of such Goods or Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures, and all such Costs and Charges, shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his hand and seal, to cause such Offender or Offenders to be committed to there to remain, without Bail or Mainprize, for such time as such Justice shall direct, not exceeding calendar months, nor less than days, unless such Penalties Forfeitures and Fines, and all such Costs and Charges attending the recovery thereof, shall be sooner paid and satisfied; and such Penalties Forfeitures and Fines, when levied (the application whereof is not herein particularly directed,) shall from time to time be paid to the Treasurer of the said Trustees, and be applied for the purposes of this Act.

AND, for the more speedy Conviction of Offenders against this Act, BE it further Enacted, That every Justice of the Peace before whom any Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same effect; (that is to say)

Form of Conviction.

(to wit) "BE it Remembered, That on [*time of Conviction*] at [*place of Conviction*] *A. B.* [*Name of Offender*] of [*his addition,*] "was duly convicted before me [*or*, us, *Name and stile of convicting Justice or Justices,*] for that the said *A. B.* "[*Name of Offender*] on [*time of committing Offence,*] did, "[*here state the Offence against this Act, according to the fact*] contrary to the Form of the Statute made in the "Fifty-fifth year of the reign of His Majesty King *George* "the Third, intituled, [*here set forth the Title of this Act,*] "And I, [*or*, we] do therefore declare and adjudge, that the "said *A. B.* [*Name of Offender*] has forfeited for the said "Offence the Sum of [*Fine*] or shall be committed to [*place of Imprisonment*] for the space of [*time of Imprisonment.*] "Given under my hand and seal [*or*, our hands and seals] "the day and year first above written."

And

Application of Monies.

And be it further Enacted, That all Monies to arise by virtue of this Act shall be paid in the first instance into the Bank of England, and drawn therefrom by the Trustees appointed by virtue of this Act, in such Sums as they shall from time to time think necessary; and that the same, together with all Fines, pecuniary Penalties and Forfeitures, to be levied, recovered or received by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be applied in the order and manner following; (that is to say) in the First place, in paying such of the Fees, Costs, Charges and Expences, which shall have been incurred in making Surveys and Reports, and otherwise preparatory to, and in applying for, preparing, obtaining and passing this Act, as shall not have been paid pursuant to the Directions and Provisions hereinbefore contained, with lawful Interest upon all Monies which shall have been advanced by any Person or Persons for Payment of any such Expences; in the Second place, in paying and defraying the Costs, Charges and Expences, which shall be incurred in carrying into execution, and perfecting the several Works hereby directed or authorized to be made and executed by the said Commissioner and Trustees respectively, and in supporting maintaining and improving the same, and the several other Works Matters and Things hereby confirmed or declared to be vested in the Trustees of this Act, and in carrying into execution the several other Powers Authorities and Trusts, reposed in the said Commissioner and Trustees by virtue of this Act; and lastly, in making, enlarging, extending or otherwise improving such Cuts and other Works of Drainage or Navigation in or contiguous to, or communicating with the said Cut or Channel, being confirmed, as the said Trustees shall in their Discretion think fit.

Persons aggrieved may appeal to the Quarter Sessions.

And be it further Enacted, That any Person or Persons thinking himself herself or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Trustees, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace, relating to any matter or thing in this Act mentioned or contained, may, within calendar months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to be holden in and for the said Division of *Holland*, (first giving

days Notice of such Appeal, and of the nature and matter thereof, to the Person or Persons against whom such Appeal is intended to be made, and to the Clerk to the said Trustees, and forthwith, after such Notice, entering into a Recognizance before some Justice of the Peace for the said Division, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon;) and the said Justices shall, in a summary way, either hear and determine the said Appeal at such next General or Quarter Sessions, or if they think proper, to adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for the said Division; and the said Justices may, if they see cause, mitigate any Forfeiture or Fine, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye Law or Determination; and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured, as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere; any Law or Statute to the contrary notwithstanding.

Public Act.

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