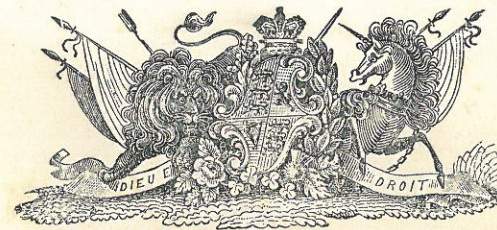


PORT OF SPALDING.

ACTS OF PARLIAMENT.



SPALDING:

PRINTED FOR THE
TRUSTEES OF THE RIVER WELLAND OUTFALL,
BY THOMAS ALBIN, JUNIOR, MARKET-PLACE.

1844.



ANNO QUINTO
GEORGII IV. REGIS.

CAP. 96.

An Act for explaining, amending, and rendering more effectual an Act of His late Majesty, for improving the Outfall of the River *Welland* in the County of *Lincoln*.
[3d June, 1824.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, [34 G. 3. c. 102.] intituled *An Act for improving the Outfall of the River Welland in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Lands, and Marshes discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River Welland by means of a new Cut, to commence below a certain Place called The Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes, into Wyberton Roads, between the Port of Boston and a Place called The Scalp, and for disposing of the Bare or White Sands adjoining to the said River, and for building a Bridge over the said Cut*: And whereas an Act was passed in the Forty-first Year of His said late Majesty's Reign, [41 G. 3. c. 128.] intituled *An Act for draining, dividing, allotting, and inclosing Deeping, Langtoft, Baston, Spalding,*

Pinchbeck, and Cowbit Commons, within the Parts of Kesteven and Holland, in the County of Lincoln, and also for draining Croyland Common, or Goggushland, and certain Lands and Grounds in the Parishes of Bourn and Thurlby adjoining or lying contiguous to the North Bank of the River Glen, and certain inclosed Lands in Deeping Fen, and in the Parishes of Spalding and Pinchbeck, adjoining to the said Commons, and lying between the Rivers Glen and Welland, and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds, and Commons herein-before mentioned, or certain Parts thereof: And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, [51 G. 3. c. 71] intituled *An Act for repealing so much of an Act of His present Majesty as relates to making a Public Way over Fosdike Wash in the County of Lincoln, and for granting further Powers for building a Bridge over the said Wash*: And whereas the Commissioners under the said Act of the Thirty-fourth Year of His said late Majesty, commonly called "The Welland Commissioners," have, by and out of the Monies which were paid into their Hands by the general Commissioners for Drainage appointed by the said Act of the Forty-first Year of His said late Majesty, made a navigable Cut or Channel from the Reservoir in the Parish of *Surfleet* through the open Salt Marshes of *Surfleet* and *Algarkirk* to *Fosdike* Bridge in the Parish of *Fosdike*, and have turned the Waters of the said River *Welland* into the said new Cut or Channel by a Dam across the former Channel of the said River: And whereas, by means of the several Works which have been executed by the said *Welland* Commissioners between the Reservoir and *Fosdike* Bridge aforesaid, great Improvements have arisen to the Drainage of the Country, and to the Navigation and Trade of the River *Welland* from the Sea to the Town of *Spalding*; and it is expedient that the said Works so executed by the said *Welland* Commissioners as aforesaid should be improved, established, and rendered permanent and effectual for the Purposes of Drainage and Navigation; and it has become unnecessary to make and execute so much of the said navigable Cut as by the said first recited Act was directed to

be made across the Sea Bank into and across the inclosed Marshes in the Parishes of *Algarkirk*, *Fosdike*, *Kirton*, *Frampton*, and *Wyberton* aforesaid, and other Works consequent thereupon; all which last-mentioned Cut and Works have been long since abandoned: And whereas it is also expedient that some further Powers should be granted for the Removal of Shoals in the Channel of the said River *Welland*, from and below the Staunch now fixed across the said River above the Town of *Spalding* aforesaid, and in and through the said Town to *Fosdike* Bridge aforesaid, and for training or directing the Passage of the Waters in and through *Fosdike* Wash aforesaid, and the Removal of Shoals and other Impediments to the Discharge of the said Waters therein; and that the said Act of the Thirty-fourth Year of His said late Majesty should in these and other respects be explained, amended, and rendered more effectual: May it therefore please your Majesty that it may be enacted;

Declaring what Parts of the said Banks, &c. are authorized by the recited Act of 34 G. 3. c. 102.

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 existing navigable Cut or Channel forming Part of the new Channel of the said River *Welland*, herein-before described to have been made from the Reservoir to *Fosdike* Bridge, and all the existing Banks and Forelands thereof, and the several existing Sluices through the said Banks respectively, and each and every of them, shall be deemed and taken to be, and the same are hereby declared to be Parts of the Works by the said Act of the Thirty-fourth Year of His said late Majesty authorized to be made by the said Commissioners, and the same shall be accordingly maintained, supported, established, and improved.

Taxes, &c. paid to the Welland Commissioners to be paid over to the Trustees of this Act.

II. And be it further enacted, That the said *Welland* Commissioners shall and they are hereby authorized and

required, after deducting and retaining to themselves all such Costs, Charges, and Expenses as they shall have incurred, or shall necessarily or reasonably incur in collecting, recovering, or receiving the Rates, Taxes, and Assessments now payable to or receivable by them under and by virtue of the said first recited Act, and which shall grow due up to and inclusive of the Twenty-fourth Day of *June* One thousand eight hundred and twenty-four, and which they are hereby expressly authorized and required to collect, recover, and receive, with all reasonable Dispatch, from Time to Time to pay and apply the net Proceeds of all such Monies as they shall receive for or on account of such Rates, Taxes, and Assessments as aforesaid, together with all other Monies which now are or shall be in their Hands, or in the Hands of their Receiver, Treasurer, or other Officer or Agent, to the Trustees to be appointed in pursuance of this Act, as herein-after is provided or mentioned, or their Treasurer; and the Receipts of the said Trustees or their Treasurer, for the Monies so paid to them or him, shall be full and effectual Discharges to the same Commissioners for the Monies therein respectively acknowledged or expressed to be received.

Certain Lands discharged from Taxes.

III. And be it further enacted, That all the Commons and other Lands, including *Cowbit Wash*, that have been allotted under the secondly before recited Act, and both Banks of the said River *Welland*, and the South Bank of the River *Glen*, for the Space the said Banks respectively adjoin the said Rivers, and also the Herbage of the said Banks, and of One hundred and twenty Feet of Land next the same, and also all Lands set out for Roads and Drains, together with the Banks and Forelands of such Drains, and also all the Lands lying North of the said River *Glen* in *Pinchbeck*, *Surfleet*, *Gosberton*, and *Quadring*, and all the Lands in *Sutterton*, *Algarkirk*, and *Fosdike*, in the said County of *Lincoln*, shall be held and be absolutely freed, exonerated, and discharged of and from the Payment of all Rates, Taxes, and Assessments charged or chargeable thereon by the said first recited Act.

Lands sold to remain charged.

IV. Provided always, and be it further enacted, That nothing herein-before contained shall extend or be construed to extend to exonerate or discharge from the Taxes, Rates, or Assessments of One Shilling an Acre, and Sixpence an Acre, respectively imposed thereon under or by virtue of the said first recited Act, any Part or Parts of the said Commons called *Deeping Common*, *Cowbit Common*, *Langtoft Common*, *Baston Common*, *Spalding Common*, and *Pinchbeck South Fen*, or the said Lands called *Cowbit Wash*, or the said *South Drove* and *North Drove* respectively, that have been respectively sold and conveyed by the general Commissioners of the said secondly recited Act, (save and except the said One hundred and Twenty Feet of Land in Breadth next the Banks of the said Rivers *Welland* and *Glen*, and the Banks of the said Rivers respectively,) nor any Part of the said Common called *Croyland Common*, otherwise *Goggushland*, nor the said Lands called *Croyland Wash* and *Fodder Lots*, except as to the One hundred and twenty Feet of Land in Breadth next the Bank of the said River *Welland*, and the Bank of the said River, heretofore Part of the said *Croyland Common*.

Navigable Cut and other Works, with the Rates, vested in Trustees.

V. And be it further enacted, That from and immediately after the Twenty-fourth Day of *June* One Thousand eight hundred and twenty-four, the said navigable Cut or Channel, made from or below the Reservoir to *Fosdike* Bridge as aforesaid, and the Banks and Forelands thereof, and the several Sluices through the said Banks respectively, and all the Rates, Taxes, and Assessments, Tolls and Duties, and other Revenues payable under and by virtue of the said first recited Act and of this Act, shall vest in the Trustees of this Act for the Time being, and that all the Powers and Authorities which in and by the said first recited Act were vested in or exercisable by the Commissioners and Trustees respectively under that Act, shall be vested in and be exercisable by the Trustees of this Act, with the Powers and Authorities hereby granted to them for the Maintenance, Support, Preservation, and Protection

of the said Cut or Channel, Banks, Forelands, and Sluices respectively, and for the Collection and Receipt of the said Taxes, Rates, and Assessments, Tolls and Duties respectively, as fully and effectually as if all such Powers and Authorities were herein repeated and re-enacted, and expressly given to or vested in the Trustees of this Act for those Purposes, in Words applicable thereto respectively, except the Powers and Authorities herein-before reserved to the Commissioners and Trustees of the said first recited Act for the Collection and Receipt of all Rates, Taxes, and Assessments to grow due under that Act, up to and inclusive of the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-four.

Rates and Taxes directed by first recited Act to be raised by Trustees of this Act.

VI. Provided always, and be it enacted, That the Rates and Taxes which by the said first recited Act were directed to be raised and levied by the Commissioners of Sewers, and to be by them paid into the Hands of the Commissioners and Trustees of the same Act, shall from and after the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-four be levied and raised in the same Manner as the other Rates and Taxes are by this Act authorized to be levied and raised in the first Instance by the Trustees of this Act, and the same shall thenceforth be charged and paid by and according to the Statute Acre, and so in proportion for any less Quantity than an Acre.

Trustees to take Earth and Materials for Repairs of the Banks.

VII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time and at all Times hereafter, when and as Occasion shall require, and without making any Compensation in respect thereof, to enter into and upon the Lands and Grounds, not being old Inclosure, next adjoining and outside of the Banks of the said new Cut or Channel, within the Distance or Space of Twenty Feet from the Base of such Banks respectively, for the Purpose of digging, getting, and carrying away Sods, Earth, and other Materials for the Maintenance and Repair of the Banks and

Forelands of the said new Cut or Channel; and in case of Emergency, or if there shall not be sufficient Sods and other Materials within the said Distance or Space of Twenty Feet, for the Purposes aforesaid, then and in such Case it shall be lawful for the said Trustees to enter into and upon the Lands and Grounds, not being old Inclosure, next adjoining the Banks of the said new Cut or Channel, to any Distance not exceeding Forty Feet from the Base of such Banks, for the Purposes aforesaid, but not so as to obstruct or prejudice the Road herein-after directed to be set out over the Land next adjoining the Bank on the North Side of the said new Cut.

Occupiers of Lands not to plough within Forty Feet from the Banks.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the Owners or Occupiers of the Lands and Grounds adjoining the said Banks, to plough, break up, or have in Tillage any Part of the said Lands and Grounds within the Distance or Space of Forty Feet from the Base of the said Banks, but the same Lands and Grounds for and within such Distance or Space shall be grazed or kept in Pasture or as Meadow Land.

Trustees to set out Occupation Roads.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required to mark and set out, over and upon the uninclosed Lands and Grounds next adjoining the outer Side of the Banks of the said new Cut or Channel respectively, a Carriage, Horse, Drift and Foot Road or Path, of the Width of Fourteen Feet, to be measured from the Base of the outer Side of the said Banks respectively, extending along the whole Line of the North and South Banks of the said new Cut or Channel, upon the late open Marsh or Sands, for the Use of and to be maintained by the Owners and Occupiers of the said Lands and Grounds next adjoining the said Banks, and also all such other Roads, Ways, and Paths, upon, along, or across the Banks of the said new Cut or Channel, and the Lands lying between the same, and the sea Banks on each Side of the said late open Marsh, (making such Compensation to the

Owners of the Lands and Grounds over, along, and across which such last-mentioned Road or Roads may be set out as herein-after is mentioned,) as shall be necessary to shew and preserve a free Communication to and from the Banks of the said new Cut or Channel and the said Sea Banks on each Side of the said late open Wash, between the Reservoir and Fosdike Bridge and Road, and to preserve and afford the Means of Communication with the said new Cut or Channel for the Purposes of loading or unloading any Vessel or Vessels therein.

Satisfaction to be made for Land taken for Roads.

X. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required, by and out of the Proceeds of the Tolls and Duties herein-after authorized to be taken and levied in respect of Goods, Matters, and Things carried or conveyed along any Part of the said new Cut or Channel, to pay and allow to the Owner or several Owners of the Lands lying between the Banks of the said new Cut or Channel, and the said Sea Banks respectively, over or upon which Lands any such Road or Roads shall be set out as last mentioned, such annual Sum or Sums of Money as shall be a fit and due Compensation for the Land taken and used for the Purposes of such Road or Roads; the Amount of which Compensation, in case of Difference, shall be settled and determined in the Manner next herein-after provided for, touching the Rent of the Banks of the said new Cut or Channel.

Trustees to let Herbage of the Banks and Forelands to Occupiers of adjoining Lands.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required from Time to Time to let the Herbage of the said Banks and Forelands of the said new Cut or Channel, to be grazed with Sheep only, to each respective Owner or Occupier of Lands and Grounds next adjoining the said Banks who shall be willing or desirous to take the same, for such Term or Terms of Years as to the said Trustees shall seem fit and expedient, and at and for such annual Rent as shall be agreed upon by and

between the said Trustees and the said respective Owners or Occupiers of the Lands and Grounds next adjoining the said Banks respectively; and in case the said Trustees and the said respective Owners or Occupiers of such Lands and Grounds, or any of them, shall not agree upon the Amount of such annual Rent, then the same shall be fixed and ascertained by Three Persons not interested in the Premises, to act as Commissioners therein, One of which Persons shall be nominated by the said Trustees, One other by such Owner or Occupier, or respective Owners or Occupiers of Lands and Grounds next adjoining the Banks of the said new Cut or Channel, the Amount of whose Rent shall be in dispute, and the Third by such Two Persons to be nominated as aforesaid, and the Determination in Writing of the said Commissioners, or any Two of them, shall be final and conclusive to all Parties; and in case the Rent so determined by the said Commissioners shall be equal to or greater in Amount than the Rent required by the said Trustees, the reasonable Costs and Charges of the said Commissioners shall be borne and discharged by the said Owner or Occupier, or respective Owners or Occupiers; but if the Amount of such Rent to be ascertained as last aforesaid shall be less than the Rent required by the said Trustees, such Costs and Charges shall be borne and defrayed by the said Trustees out of the Monies to come to their Hands under and by virtue of this Act; and in case the said respective Owners or Occupiers of Lands and Grounds respectively next adjoining the Banks of the said new Cut or Channel, or any of them, shall refuse to rent or hire the Herbage of the said Banks and Forelands, and shall signify their Refusal in Writing under their Hands respectively, to be delivered to the said Trustees or their Clerk, or if within One Calendar Month after Notice in Writing shall have been given by the said Trustees to the said respective Owners or Occupiers of their Readiness to treat for their letting the Herbage of the said Banks and Forelands, the said respective Owners or Occupiers, or any of them, shall neglect or refuse to enter into a Treaty for renting the same, then and from thenceforth it shall be lawful for the said Trustees to let the said Herbage of the said Banks and Forelands to any other Person or Persons who may be willing to

rent or hire the same, for such Term or Terms of Years, at such annual Rent or Rents, and subject to such Regulations and Restrictions as to the said Trustees shall seem fit and expedient.

Owners of Lands, &c. adjoining the Channel who refuse to rent the Herbage shall fence their own Lands.

XII. Provided always, and be it further enacted, That such of the said Owners or Occupiers of Lands and Grounds next adjoining the Banks of the said new Cut or Channel as shall refuse to rent or hire the Herbage of the said Banks and Forelands respectively fronting upon his, her, and their Lands and Grounds respectively, shall make and maintain, and they are hereby respectively required, at his, her, or their own Costs and Charges, to make and maintain a good and sufficient Fence between his, her, or their Lands and Grounds next adjoining the said Banks, and the Base of the said Banks respectively, during so long Time as the Herbage of the said Banks and Forelands shall not be rented or occupied by such respective Owners.

Appointment of Trustees.

XIII. And be it further enacted, That on the Twenty-fourth Day of *June* in this present Year, on the last *Wednesday* in the Month of *April* in the Year of our Lord One thousand eight hundred and twenty-seven, and on the same Day in every successive Third Year, Trustees shall be elected, nominated, and appointed for the Maintenance, Support, and Improvement of the said new Cut or Channel, Banks, Sluices, and other Works, and the Drainage and Navigation thereby, and for executing the other Purposes of this Act, in manner following; (that is to say), Eleven of such Trustees by such Persons and in such Proportions and Manner as by the said secondly recited Act are directed, as to the Election and Appointment of the Trustees of the general or joint Works of Drainage executed under the Authority of that Act (except as to the Day of such Election), One other of such Trustees by the Mayor and Aldermen of the Borough of *Stamford* in the said County of *Lincoln*, and One other of such Trustees by the Owners of old inclosed Lands charged or to be charged

to the Works of Drainage under or by virtue of this Act in each of the said Parishes of *Spalding* and *Pinchbeck* within which such old inclosed Lands are respectively situate; all of which last mentioned Trustees shall be elected by the Majority, according to the Number of Acres belonging to the Owners of such old inclosed Lands in each and every such Parish, present at a Meeting to be held in the common Vestry Room of each such Parish Church between the Hours of Ten and Twelve of the Clock in the Forenoon: Provided always, that in case any of the Persons, Bodies Politic or Corporate, having the Right of nominating any such Trustees or Trustee as aforesaid, shall fail or neglect so to do, such Failure or Neglect shall not prejudice or affect the Powers of the Trustees who shall have been duly elected: Provided also, that in case any of the Persons, Bodies Politic or Corporate, having such Right of nominating Trustees or a Trustee as aforesaid, shall, after having made such Nomination, neglect or decline at the Expiration of any Term of Three Years to renew such Nomination, it shall be lawful for every such last elected Trustee or Trustees, if then living, to continue to act in the Trust until some other Person or Persons shall be elected a Trustee or Trustees in his or their Place.

How new Trustees shall be appointed.

XIV. And be it further enacted, That when and as often as any of the Trustees to be elected and appointed as herein-before is mentioned, or any Trustee or Trustees to be appointed in the Place and Stead of any of them, as herein-after 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 Person or Persons, Bodies Politic or Corporate, by whom the Trustee or Trustees so dying, or refusing or becoming incapable to act, was or were originally appointed, and in like Manner as herein-before is directed with respect to the original Appointment, on some convenient Day to be appointed for that Purpose by Advertisement to be published in the *Lincoln, Rutland, and Stamford Mercury*, or if that Newspaper shall not then be published, in some other Newspaper or Newspapers circulating in the County of

Lincoln, Twenty-one Days previous to the Day of Meeting, specifying therein the Time, Place, and Purpose of such Meeting, to elect and appoint some fit and proper Person or Persons to be Trustee or Trustees in the Place and Stead of the said former Trustee or Trustees.

Seven Trustees may act.

XV. And be it further enacted, That all Acts, Matters, and Things hereby directed or authorized to be done by the said Trustees for the Time being, may be done and executed by any Seven or more of them, and that the same shall be as valid and effectual as if done and executed by all the said Trustees for the Time being.

Chairman to be appointed.

XVI. And be it further enacted, That a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who in the Case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote.

Trustees to be sworn.

XVII. 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 herein-after mentioned) until he shall have taken and subscribed an Oath or Affirmation to the Effect following:

Oath.

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 Fifth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act.*]

'So help me GOD.'

Trustees' Meetings.

XVIII. 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 Fourteen 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 Seven of the said Trustees shall not attend, 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 Thirty Days from the Time of making such Adjournment; and the Trustees or Trustee making such Adjournment as last mentioned 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 herein-before directed to be given of the original Meetings of the said Trustees.

No Orders to be altered unless by Nine Trustees.

XIX. And be it further enacted, That no Order which shall be made by a Majority of the said Trustees for the Time being at any of their Meetings shall be altered, reversed, annulled, or made void at any subsequent Meeting, unless Nine or more of the said Trustees be present at such Meeting, and a Majority of the Trustees then present be

consenting thereto, and unless Twenty-one Days Notice in Writing be given to each of the said Trustees, in which said Notice shall be expressed what Order or Orders are intended to be reversed or altered.

Trustees may make Bye Laws.

XX. And be it further enacted, That a Majority of the said Trustees assembled at their annual Meeting to be held in pursuance of this Act, Notice being first given of the Intention and special Object of such Meeting by Advertisement in the Newspaper aforesaid, or some other Newspaper usually circulated in the said County of *Lincoln*, Twenty-one Days before such Meeting, shall from Time to Time have full Power and Authority, by virtue of this Act, to make Bye Laws, Orders, and Constitutions for the Purpose of preserving, using, or well-governing the said Works of Drainage and Navigation executed under the said first recited Act, or to be executed under this Act, and to impose and inflict such reasonable Fines and Forfeitures for the Breach of such Bye Laws, Orders, or Constitutions, as the said Trustees or a Majority of them shall think fit, so as no such Fines or Forfeitures shall exceed the Sum of Twenty Pounds on any One Person for any One Offence; which said Bye Laws, Orders, and Constitutions, being reduced into Writing under the Hands of a Majority of the said Trustees, and Copies thereof in legible Characters shall be painted on Boards and affixed in some conspicuous Place and Places at the Reservoir aforesaid, and renewed from Time to Time whenever the same shall be defaced, obliterated, or altered, shall be binding upon 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, so that such Bye Laws, Orders, and Constitutions be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any Provision contained in the said first recited Act or this Act, and subject to appeal in Manner herein-after mentioned.

Penalty for defacing or destroying Boards.

XXI. And be it further enacted, That in case any Person or Persons shall wilfully destroy or injure any Board to be painted and affixed as lastly herein-before mentioned, or shall wilfully obliterate or deface any Inscription or Characters to be painted or marked thereon, he, she, or they shall, upon being convicted thereof before any Two Justices of the Peace acting in and for the Parts of *Holland* in the said County of *Lincoln*, by and upon the Oath of any One credible Witness, forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings.

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

XXII. And be it further enacted, That the said Trustees 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 first recited Act or 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 by reason of the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees; 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.

Trustees may sue the Clerk or other Officers in their own Names.

XXIII. And be it further enacted, That the said Trustees shall and may sue and prosecute the Clerk, Treasurer, or other Officer to be by them appointed as aforesaid, in their own Names or in the Names of any Three or more of them, in respect of any Matter or Thing arising out of the said first recited Act or this Act, and that no such Action as last mentioned shall abate or be discontinued by reason of the total or partial Change of the said Trustees or any of them.

In all Proceedings, it shall be sufficient to state Property to belong to the Trustees.

XXIV. 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 are the Property of the 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.

Proceedings, &c. to be entered in a Book, and signed by the Chairman.

XXV. And be it further enacted, That the said Trustees shall cause proper Books to be provided and kept, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of the said first recited Act and this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Books shall be signed by the Chairman at each Meeting, or by any Two or more of the Trustees present thereat; and all Entries so signed shall be deemed Originals; and the said Books shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk to the said Trustees, and shall at all seasonable Times be open to the Inspection of the said Trustees, and of all Persons Owners of Land charged to the said annual Taxes, Rates, or Assessments, or their Agents, without Fee or Reward.

Books of Account to be kept by the Clerk.

XXVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money which shall be received, paid, laid out, and expended, in pursuance of the Powers and Provisions of the said first recited Act and this Act, by or for or on account of the said

Trustees, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, and of all Persons Owners of Land charged to the said annual Taxes, Rates, or Assessments, without Fee or Reward; and the said Trustees and such Persons charged as aforesaid, or any of them, shall and may take Copies of or Extracts from the said last mentioned Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or such Persons so charged as aforesaid, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees to appoint Treasurer and Clerk and other Officers.

XXVII. And for the more convenient Performance of the Duties of the said Trustees, be it further enacted, That it shall be lawful for the said Trustees for the Time being, at any of their Meetings, to nominate and appoint any Person or Persons, not being a Trustee, to be a Treasurer or Treasurers of the Drainage Funds, and also of the Tonnage Rates or Navigation Duties, and that the Monies from Time to Time to be received by the Collector or Collectors, or other authorized Officer or Officers of the said Trustees, for or in respect of any Tax, Rate, or Assessment, or of the said Tolls or Duties charged or to be charged as aforesaid, shall be paid to such Treasurer or Treasurers; and also that it shall be lawful for the said Trustees for the Time being to nominate and appoint any Person to act as Clerk to the said Trustees, and also to nominate and appoint such Superintendant or Superintendants, Collector or Collectors, or other Officer or Officers, as they shall see fit, and from Time to Time to remove any such Treasurer or Treasurers, Clerk, Superintendant or Superintendants, Collector or Collectors, or other Officer or Officers, 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, Superintendant or Superintendants, Collector or Collectors, or other