

Officers, (except Treasurer or Treasurers,) such Salaries and Compensations as to the said Trustees for the Time being shall seem meet, by and out of the Monies to be received by virtue of any Tax, Rate, or Assessment, Toll or Duty, Taxes, Rates, or Assessments, Tolls or Duties, charged or to be charged as aforesaid.

*Treasurer and Clerk not to be the same Person.*

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

*Treasurer and other Officers to give Security.*

XXIX. And be it further enacted, That the said Trustees shall and they are hereby required to take such Security to the Trustees, or any Seven or more of them, from the Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed by the said Trustees for the Purposes of this Act, for the faithful Execution of their respective Offices, as the said Trustees shall think necessary and sufficient.

*Their Receipts to be sufficient Discharges.*

XXX. And be it further enacted, That the Receipt or Receipts of the Collector or Collectors, Treasurer or Treasurers, or other Officer or Officers authorized by the said Trustees in that Behalf, for any Monies which they shall respectively receive under or by virtue of the said recited Acts or either of them, or this Act, shall effectually discharge the Person or Persons paying the same from being obliged or concerned to see to the Application thereof, or from being answerable for the Nonapplication or Misapplication of the same.

*Trustees to settle Accounts of Commissioners.*

XXXI. And be it further enacted, That the said Trustees for the Time being shall be and they are hereby authorized and required to settle, compound, and compromise all or any Accounts which are still subsisting between the Commissioners under the said first recited Act and any Person or Persons whomsoever, or between the Trustees by the same Act authorized and appointed to act, previously to the Execution of the Commissioners Award, and any Person or Persons whomsoever, and also to audit, conclude, settle, and sign all the Accounts of the Commissioners and Trustees of the first recited Act which have not been already settled under the Powers of that Act.

*Accounts of Trustees to be settled yearly by Proprietors.*

XXXII. And be it further enacted, That on the Third *Monday* in the Month of *April* in the next and in every succeeding Year the Trustees for the Time being for carrying



this Act into Execution shall meet at the Town Hall or some other convenient Place in the Town of *Spalding* aforesaid, at which Meeting the said Trustees shall produce an Account in Writing for the Year preceding of the several Sums received and paid by them in the Execution of their Trust, and the Vouchers for the same Account; and it shall be lawful for every Owner or Proprietor of Fifty Acres of Land charged or to be charged to the said Works of Drainage, or their respective Agents appointed by Writing under their respective Hands, to attend such Annual Meeting of the said Trustees; and it shall be lawful for the said Owners or their respective Agents present at such Meeting (not being Trustees or the Agents of Trustees), 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.

*Meetings for settling Trustees' Accounts to be advertised.*

XXXIII. And be it further enacted, That the said Trustees shall give Notice of every such Annual Meeting, to be held in pursuance of this Act for the Purposes last aforesaid, 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*, once a Week for Two successive Weeks immediately previous to the Day of Meeting, in which Advertisement it shall be expressly stated that the Accounts of the said Trustees for the Year preceding will be then audited and settled.

*Embanked Sands and old Channel of the River Welland vested in the Frontagers.*

XXXIV. And whereas by reason of the said new Cut or Channel, and certain Cross Banks and other Works made and executed by the said Commissioners, several Tracts or Parcels of Land heretofore called, known, or described as the *Bare Sands* and the *Old Channel* of the said River *Welland*, have been acquired in front of the open Salt Marshes abutting upon or adjoining the said Bare Sands and Channel, and it is expedient that the said Tracts and Parcels of Land

should be vested in the several Owners and Proprietors of the said Salt Marshes fronting upon and adjoining thereto; be it therefore further enacted, That from and immediately after the passing of this Act all and every the Lands called, known, or described as the late *Bare Sands* and *Old Channel* of the said River *Welland*, in the several Parishes of *Spalding, Surfleet, Fosdike, Algarkirke, and Moulton* respectively, lying between the Reservoir and *Fosdike* Bridge and Road, as well on the North as on the South Side of the said new Cut or Channel, shall immediately upon the passing of this Act vest in and for ever thereafter be deemed and taken to be the Property of the Bodies Corporate, Ecclesiastical, or Civil, Corporations Aggregate or Sole, Trustees, or other Person and Persons, being Owners and Proprietors of or interested in the said Salt Marshes respectively fronting or abutting upon the said Bare Sands and old Channel respectively, freed and absolutely discharged of and from all and every the Powers, Provisions, Directions, Charges and Rents, and Arrears of Charges and Rents, and Authorities, given, limited, mentioned, and contained in the first recited Act, or any of them, touching and concerning the said Bare Sands and Channel respectively, or any of them, or any Part thereof, and that the Line of Division of the said embanked Sands and old Channel, as between the Proprietors on the North and South Shores respectively, and the several Divisions and Appropriations thereof among and to the several Owners thereof, or Bodies or Persons claiming to be entitled thereto, as the same have been lately marked out and agreed upon, and under or by virtue of which the same are now held and enjoyed, shall for ever thereafter be deemed to be the Boundary Lines of and for the said several Rights, Shares, and Properties in the said embanked Sands and old Channel.

*Other Lands may be benefited by the Drainage, on Petition.*

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, at any Time after the passing of this Act, to take, comprize, and include any other Lands within the said Drainage, on a Petition in Writing to be delivered to them and signed by the Proprietors of Three Parts in Five in Quantity of the Lands comprized in the said Petition, and



on previous Payment of such Sums of Money, and on the future Payment of such annual Sum and Sums of Money as shall be agreed upon for that Purpose; and also for the said Trustees to erect or cause to be erected any new Sluice or Sluices, or other Works that may be necessary for the Purpose of including all such last-mentioned Lands in the said Drainage.

*Recovery of Taxes by Distress and Sale.*

XXXVI. And be it further enacted, That if any annual or other Tax, Rate, or Assessment charged upon any Lands by virtue of the said first recited Act or of this Act, or any Part or Parts thereof, or the Rent of the said Banks and Forelands, shall not be paid for the Space of Twenty-one Days next after the same shall become payable, then and in every such Case the said Trustees or their Treasurer, or any other Person or Persons acting under the Authority of the said Trustees, are hereby empowered to enter upon the Lands so charged, or from which the said Rent shall issue, or any Part or Parts thereof, and to levy the Arrears so due and unpaid by Distress and Sale of the Goods and Chattels which shall be found thereon, with the Costs of making and keeping such Distress and Sale, and otherwise to act therein according to the Laws now in being in cases of Distress for Nonpayment of Rent reserved in Common Demises.

*How Defendants in Replevin may avow or make Cognizance.*

XXXVII. And be it further enacted, That in case and when and so often as any Distress which shall be made by the said Trustees for the Time being, or by any Person or Persons to be appointed by them as aforesaid, under any of the Powers of this Act, shall be replevied, it shall be sufficient for the Defendant or Defendants in any Action of Replevin to be thereupon commenced, to avow or make Cognizance (as the Case may be) that such Distress was made to recover a Sum to be specified (as the Case may be) in respect of a certain Tax or Taxes, Rate or Rates, Assessment or Assessments, before the Time of making such Distress assessed or charged under and by virtue of the said first recited Act and

this Act, or One of them, or in respect of Rent payable under and by virtue of this Act.

*By Action.*

XXXVIII. And be it further enacted, That if any annual or other Tax, Rate, or Assessment, or the Rent of the said Banks and Forelands, which shall be due or payable by virtue of this Act, or any Part or Parts thereof, shall not be paid within Thirty Days after the same shall become payable, then and in every such Case it shall be lawful for the said Trustees, or any other Person or Persons authorized to receive the same, to recover all Arrears of such Taxes, Rates, or Assessments, or Rent, with Costs of Suit, by Action to be brought in any of His Majesty's Courts of Record at *Westminster*, against the Person or Persons liable to pay the same.

*Works below Fosdike Bridge.*

XXXIX. And be it further enacted, That on every Occasion hereafter, when and as often as the said Trustees, not being less than Two-thirds in Number of all the said Trustees, shall deem it necessary or expedient to do or execute any Acts or Works below *Fosdike Bridge* aforesaid, for the Purpose of removing Shoals or other Impediments in the Outfall of the Waters of the said River *Welland*, and training, leading, or directing the said River in a confined Channel towards the Sea, before the same falls into or unites with the Channel of the River *Witham*, they shall give Notice thereof (specifying the Works proposed to be done) to the Clerk to the Commissioners of Sewers usually acting in the Wapentake of *Kirton* in the Parts of *Holland* and County of *Lincoln*, and also to the Clerk to the Committee of Trustees of the *South Holland Embankment*, and shall appoint a Day and Time for a Meeting to be held in the Town of *Spalding* aforesaid, not sooner than Twenty-one Days after Publication of such Notice, at which Meeting the Trustees of this Act, and the said Commissioners of Sewers, and the said Committee of Trustees of the *South Holland Embankment*, or some Person or Persons to be respectively authorized and deputed by them in that Behalf, or such of



them as shall think fit so to do, shall attend, and at such Meeting the said several Parties or Persons attending the same shall in Writing nominate and appoint a Civil Engineer for the Purposes herein-after mentioned; and in case the several Parties or Persons attending such Meeting shall not agree in such Nomination and Appointment, then the Names of the several Persons proposed for such Civil Engineer shall be transmitted by the Trustees of this Act to the Lord Lieutenant of the County of *Lincoln* for the Time being, who shall nominate and appoint some one of the Persons so proposed to be Civil Engineer for the Purposes next herein-after mentioned, and so on from Time to Time when and as often as the said Trustees of this Act shall deem it expedient to execute any such Works below *Fosdike* Bridge as aforesaid.

*Works to be executed under the Superintendence of a Civil Engineer.*

XL. And be it further enacted, That all and every the Works and Work proposed and desired to be made, done, and executed by the Trustees of this Act as last aforesaid, shall be so done under the Superintendence of the said Civil Engineer, who shall prescribe and order the Manner and Form in which the same shall be carried and executed, so as to avoid and prevent any Injury to the present Sea Banks on either Side of the said *Fosdike* Wash, and to preserve the Rights and Interests of the Persons respectively entitled to or beneficially interested in the Marshes and Sands on the North and South Sides or Shores of the said Wash respectively; and the said Trustees of this Act are hereby authorized and empowered, subject to the Provisions herein-before contained, by such Means as they shall be advised, and may from Time to Time be found or deemed to be practicable, to train, lead, and conduct, and as Occasion may require to embank the Channel of the said River *Welland* through *Fosdike* Wash aforesaid in a Direction towards the Sea, but so that the same shall not go beyond the Channel of the River *Witham*, or prejudice the Outfall of the Waters of that River.

*South Holland Embankment Commissioners, &c. not attending, Engineer to be nominated without them.*

XLI. Provided always, and be it enacted, That if the said Commissioners of Sewers and Committee of Trustees of the said *South Holland* Embankment respectively, or either of them, shall neglect by themselves or such Agent or Deputy as aforesaid to attend the Meeting to be appointed as aforesaid, it shall be lawful for the Trustees of this Act alone, or in concurrence with such of the said other Parties as shall so attend (as the Case may happen to be), to proceed in the Nomination of such Civil Engineer in the Manner herein-before directed, as if all the said several Parties by themselves or by their Agent or Deputy were present.

*Allowance to Engineer.*

XLII. And be it further enacted, That the Civil Engineer to be appointed as aforesaid shall be allowed and paid by the Trustees of this Act, out of the Funds or Revenues receivable by them as aforesaid, the Sum of Three Guineas and no more for every Day in which he shall be employed in the Superintendence and Direction of the aforesaid Works, or in which he shall be travelling from his usual Place of Abode, or returning thither; which said Allowance shall comprehend and include all his Expenses.

*Trustees may take Tonnage Rates.*

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time and at all Times from and after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-four, to ask, demand, take, and recover the several Rates, Tolls, or Duties herein-after mentioned, for and in respect of all Materials, Merchandize, and other Goods, Matters, and Things which shall be carried or conveyed along any Part of the said Cut or Channel already made or hereafter to be made below the said Reservoir; (that is to say,)

*Rates.*

For every Chaldron of Coals, the Sum of Two-pence:  
For every Last of Oats or Malt, the Sum of Four-pence:



For every Half Last of Wheat, Rye, Barley, Barley Big, Beans, Peas, Cole, Linseed, Hemp Seed, or Mustard Seed, the Sum of Four-pence:  
 For every Ton of Iron, Salt, Lead, Rags, Tobacco, Pipeclay, Pebbles, Cobles, Reed, Sedge, Hay, Flax, Hemp or Turves, the Sum of Four-pence:  
 For every Butt of Currants, Chaldron of Lime, and Chaldron of Grindstones, the Sum of Four-pence:  
 For every Two Pipes, Three Hogsheads or Puncheons, Eight Barrels or Half Hogsheads of Wine or other Liquor, the Sum of Four-pence:  
 For every Eight Packs of Wool, reckoning Ten Todds to the Pack, the Sum of Four-pence:  
 For every Sixteen Kilderkins, Thirty-two Firkins or Quarter Barrels and Bushels of Sand, the Sum of Four-pence:  
 For every Five hundred Pantiles or Paving Tiles, Five hundred Bricks, Twenty Feet of Stone, One hundred of Battens, and Half a hundred of Deals, the Sum of Four-pence:  
 And for all other Goods, Wares, and Merchandize, the Sum of Four-pence per Ton.  
 And also for every Fifty Feet of Fir Timber, and Forty Feet of all other Timber, Calliper Measure, the Sum of Four-pence, whether floated, carried, or conveyed:  
 And for every Hogshead of Soap, Tallow, Ashes, Barilla, and Whitening, the Sum of Two-pence:  
 And for every Two Puncheons of Molasses, Four Barrels of Rice, and Four Casks of Russia Tallow, the Sum of Two-pence:  
 And for any Quantity of Goods, Articles, or Things, less than the respective Quantities herein-before charged with any Rate, Toll, or Duty, there shall be demanded and taken a rateable Part or Proportion of the several Rates, Tolls, and Duties herein-before charged upon or made payable for the Whole of such respective Quantities thereof as are herein-before specified.

*Recovery of Tonnage.*

XLIV. And be it further enacted, That the several and respective Rates, Tolls, and Duties herein-before directed to

be taken shall be respectively paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Trustees shall from Time to Time direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, it shall be lawful for the said Trustees to sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*, or the said Trustees, or the Collector or Collectors, or other Person or Persons to whom the same respectively ought to have been paid, shall and may seize and distrain the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Boat, Barge or other Vessel laden therewith, or returning from the Voyage, and detain the same until Payment thereof shall be made, with all reasonable Charges for such Seizure and Distress, and keeping the same; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

*Disputes as to Tolls to be settled by Two Justices.*

XLV. And be it further enacted, That if any Dispute shall happen or arise about the Amount of Tolls due, or the Charges of making, keeping, or selling any Distress made for Non-payment of any Tolls, it shall be lawful for the Collector or the Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may be, until the Amount of the Tolls due, and the Charges of making, keeping, and selling the Distress be ascertained by any Two Justices of the Peace for the County, Division, or Place wherein the Dispute shall happen or arise, who, upon Application made to them for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses, (which Oath such Justices are hereby authorized and empowered to administer,) and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justices shall appear right and proper, all which Costs and Charges shall and may



be levied and recovered, in case of Non-payment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

*Toll Houses may be erected.*

XLVI. And be it also enacted, That for the Purpose of collecting and receiving such Rates, Tolls, and Duties, the said Trustees shall and may erect and build One or more fit and suitable House or Houses, Office or Offices, as near as conveniently may be to the said River, new Cut, or Channel, for the Residence or Use of the Collector or several Collectors of the said Rates, Tolls, or Duties.

*Owners of Boats to have their Names and Weight of Lading marked thereon.*

XLVII. 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 or Channel, 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 to the said Trustees, or with some one of the said Collectors, and shall also cause such Name or Number to be painted in large White Capital Letters and Figures on a Black Ground, Four 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 Dimensions, 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 shown, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged, weighed, or measured

at the Expense 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 Cut or Channel 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 same Cut and Channel or any Part thereof, without having such Names, Figures, and Indexes thereon as are herein-before 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 Five Pounds nor less than Twenty Shillings.

*Masters of Boats to give an Account of their Lading.*

XLVIII. 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 Master or other Person having the Command or Care of every Boat, Barge, or other Vessel passing or navigating upon the said Cut and Channel below the Reservoir aforesaid, 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 loaded or 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 loaded or 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,