

Commissioners by the said Mayor and Burgesses, and still remaining due and owing upon the Mortgage of the said Tonnage and Lastage Rates and Duties, and the Interest payable in respect thereof; also in making, placing, repairing, and maintaining the Buoys, Beacons, and Sea Marks, and Expenses incident or relating thereto, within the Limits of the said Port and Harbour, to the Repair of which the said Mayor and Burgesses are now liable; also in Payment of the Expenses of maintaining and keeping in sufficient Repair the several Works which have been made, erected, and built by the said Mayor and Burgesses under or by virtue of the said last-recited Acts or either of them, and of removing Obstructions which may arise within the said Harbour; and also one Moiety of the Costs, Charges, and Expenses of such Engineer or Engineers to be appointed as aforesaid, and such Umpire as aforesaid, and the Expenses of the several Officers and Servants to be employed in and about the carrying the said last-mentioned Acts or this Act into execution; and the Surplus or Remainder of such Monies shall be laid out and applied, subject to the Provisions of this Act, in making and executing such Works as are herein-before mentioned below *Fosdyke Bridge* in the said River *Welland*, or in the said River *Witham* between the said Grand Sluice and *Clayhole* aforesaid, or in the Improvement of the Outfall of both the said Rivers into *Clayhole*: Provided always, that nothing herein contained shall extend or be construed to extend to lessen, invalidate, alter, or take away the Powers and Authorities given to the said Mayor and Burgesses by the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, or either of them, to borrow any Sum or Sums of Money, for the Purposes of this Act, upon the Credit of the Tonnage and Lastage Rates granted to the said Mayor and Burgesses by the said last-mentioned Acts or either of them, and to repay such Sum or Sums of Money by such Instalments, and with such Interest as may be agreed upon at the Time of borrowing the same, out of the Tonnage and Lastage Rates to be thenceforth received by the said Mayor and Burgesses, but that the same shall be and

continue in as full Force and Effect as if this Act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

Accounts to be kept, and a Copy delivered to the Trustees.

VIII. And be it further enacted, That the said Mayor and Burgesses shall and they are hereby required from and after the Day of the Commencement of this Act to keep, or order and direct to be kept by their Clerk, in a Book or Books to be provided for the Purpose, true and regular Entries of all Sums received for Tonnage and Lastage Rates, and how the same has been paid and applied by virtue of or for the Purposes of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and of the Seventh and Eighth Years of the Reign of His late Majesty, and particularizing the several Matters and Things for which such Monies shall be from Time to Time laid out and applied; and such Account shall once in every Year after the Day of the Commencement of this Act be made up and balanced on or before the Tenth Day of *October* in every Year; and a Copy of such Account, showing such Particulars and Balance, and setting forth the Amount of the Surplus which under the Provision herein-before contained shall remain applicable to the general Improvement of the Outfall of the Two Rivers *Witham* and *Welland*, shall within One Calendar Month after the said Tenth Day of *October* in every Year be delivered to the said Trustees or their Clerk;

Surplus to be laid out to accumulate to a sufficient Sum for executing Works.

And such surplus Money as often as the same shall amount to the Sum of Five hundred Pounds shall be laid out by the said Mayor and Burgesses in the Purchase of Exchequer Bills or other Government Securities, and the Monies received from the same as they shall respectively be paid off by Government shall be laid out in the Purchase of other Exchequer Bills or other Government Securities, and the Interest thereof shall from Time to Time in like Manner be laid out in the Purchase of Exchequer Bills or other Government Securities, until the said surplus Monies shall

have accumulated to such a Sum as shall in the Opinion of such Engineers or Engineer be available for the Purposes herein-before mentioned; and when and as often as such Engineers or Engineer shall from Time to Time certify to the said Mayor and Burgesses that a sufficient Sum of Money shall so as aforesaid appear to have accumulated to a sufficient Amount for executing such Works as aforesaid, or any Part thereof, then the said Mayor and Burgesses shall sell such Exchequer Bills or other Government Securities, or so much thereof as shall be sufficient to raise the Amount certified by such Engineers or Engineer to be capable of being beneficially applied for the Purposes of this Act, and shall lay out and apply such Monies from Time to Time accordingly.

Accounts of Mayor and Burgesses to be made out yearly, and an Abstract thereof published;

IX. And be it further enacted, That the said Mayor and Burgesses of *Boston* shall, in the Month of *December* in every Year after the Commencement of this Act, and they are hereby required, to cause a full and correct Statement or Account to be made and drawn out of all the Monies received by them under or by virtue of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, during the Year ending on the Tenth Day of *October* next preceding every such Month of *December*, and of all Debts then due and owing on account of or in reference to the Execution of the said Acts, and showing how and in what Manner the Monies so received shall have been paid, laid out, and expended, together with the Particulars of the several Works, Matters, and Things and Purposes in or for which such Monies shall have been laid out, expended, or applied; and the said Mayor and Burgesses shall and they are hereby required, within the said Month of *December* in every Year, to publish a full Abstract of such Account in some Two or more Newspapers printed or usually circulated in the said County of *Lincoln*.

As also the Accounts of the Trustees under the Act of 5 G. 4.

X. And be it further enacted, That the said Trustees acting in the Execution of the said recited Act of the Fifth Year of the Reign of His said late Majesty shall in the Month of *July* in every Year after the Commencement of this Act and they are hereby required to cause a full and correct Statement or Account to be made and drawn out of all Monies received by them under or by virtue of the said last-mentioned Act during the Year ending on the First Day of *May* next preceding every such Month of *July*, and of all Debts then due and owing on account of or in reference to the Execution of the said Act, and showing how and in what Manner the Monies so received shall have been paid, laid out, and expended, together with the Particulars of the several Works, Matters, and Things and Purposes in or for which such Monies shall have been laid out, expended, or applied; and the said Trustees shall and they are hereby required within the said Month of *July* in every Year to publish a full Abstract of such Account in some One or more Newspaper printed or usually circulated in the said County of *Lincoln*.

Power of Appeal.

XI. And be it further enacted, That if any Person, or any Body Politic, Corporate, or Collegiate, shall think himself or herself or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act (other than and except such Determinations of the said Engineers or Engineer or Umpire as are declared to be binding, final, and conclusive), then and in every such Case he, she, or they may appeal to any General or Quarter Sessions of the Peace to be holden for the Parts of *Holland* in the said County of *Lincoln*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving to the Party or Parties concerned Notice in Writing of such Appeal, and of the Matter thereof, Ten Days at least before such General or Quarter Session; and the Justices (not being interested in the Premises) in such Session assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs and Damages as to them in their Discretion shall seem reasonable,

and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

Lights or Beacons not to be exhibited or altered, nor Buoy placed, without the Sanction of the Trinity House of Deptford Strond.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Mayor and Burgesses to exhibit or alter any Light, Beacon, or other Sea Mark, or place or lay down any Buoy for the Guidance of Ships and Vessels resorting to or using the said Haven, without having from Time to Time first obtained the Sanction in Writing of the Corporation of *Trinity House* of *Deptford Strond* as to the Description and Power of any such Light, and the Character of any such Beacon, and the Mode of exhibiting the same respectively, and the Description and Situation of any such Buoy or Light.

Saving the Rights of the Trinity House.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the said Corporation of *Trinity House* of *Deptford Strond*.

Saving the Rights of the Trustees under the Act of 5 G. 4.;

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, impede, or defeat any

Works made or executed, or to be made or executed, by the said Trustees acting in execution of the said recited Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, or to empower the said Mayor and Burgesses, or their Successors, to intermeddle with, or to invalidate, lessen, alter, or take away any of the Rights, Powers, or Authorities which by the said Act were vested in the said Trustees, except so far as the same are by this Act expressly altered or taken away.

And of the Corporation of Boston;

XV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away any of the Rights, Tolls, Benefits, Privileges, Emoluments, Liberties, Franchises, or any former or other Jurisdiction which the Mayor and Burgesses of the said Borough of *Boston* were possessed of or had a Right unto by Charter, Prescription, Custom, or otherwise howsoever, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

And of the Company of Proprietors of the Fosdyke Bridge.

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, hinder, injure, or defeat a certain Bridge erected over the said Place called *Fosdyke Wash*, or the Roads or Banks leading to and from the same, or any other Works made or executed, or to be made or executed, by the Company of Proprietors of the *Fosdyke Bridge*, under the Powers and Authorities of an Act made in the Fifty-first Year of the Reign of King *George* the Third, [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 Fosdyke Wash in the County of Lincoln, and for granting further Powers for building a Bridge over the said Wash*, or to authorize or empower the said Trustees or their Successors to make, do, or execute any Works to the Prejudice or Injury of the said Bridge, or such other Works as aforesaid, or to defeat or lessen the Tolls, Rates, or Duties

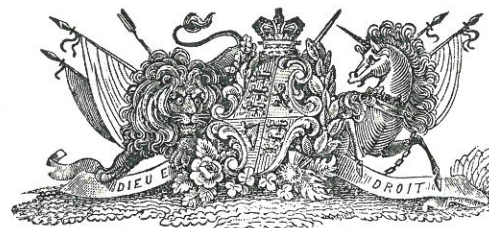
authorized to be taken thereat by the said Company of Proprietors and their Successors, but that the same Powers and Authorities, Tolls, Rates, and Duties, shall be preserved and continue as fully and effectually to all Intents and Purposes as if this Act had never been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

Public Act.

XVII. 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.

Commencement of this Act.

XVIII. And be it further enacted, That this Act shall commence and take effect upon the Tenth Day of *October* next after the passing thereof.



ANNO PRIMO

VICTORIÆ REGINÆ.

CAP. 113.

An Act to increase the Tonnage Rates and Duties granted by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, for improving the Outfall of the River *Welland* in the County of *Lincoln*; and to alter and enlarge the Powers of the said Act.

[12th July 1837.]

WHEREAS an Act was passed in the Fifth Year of His late Majesty King *George* the Fourth, [5 G. 4. c. 96.] intituled *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*, wherein it was among other things recited, that it was expedient that further Powers should be granted for the Removal of Shoals in the Channel of the said River *Welland*, from and below the Staunch then fixed across the said River above the Town of *Spalding* in the said County of *Lincoln*, and in and through the said Town, to *Fosdike Bridge*, and for training or directing the Passage of the Waters in and through *Fosdike*

Wash in the said County, and the Removal of Shoals and other Impediments to the Discharge of the Waters therein: And whereas by the said recited Act certain Persons, to be elected and nominated as therein mentioned, were constituted and appointed Trustees for the Maintenance, Support, and Improvement of the new Cut or Channel, Banks, Sluices, and other Works therein mentioned or referred to, and authorized to be made and executed, and for the Drainage, and Navigation thereof, and for executing the other Purposes of the said now reciting Act; and any Seven or more of them were authorized to act therein; and the said Trustees were thereby authorized and empowered, 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 therein-after mentioned, for and in respect of all Materials, Merchandize, and other Goods, Matters, and Things which should be carried or conveyed along any Part of the said new Cut or Channel already made or thereafter to be made below a certain Place called the Reservoir, in the Parish of *Surfleet* in the said County of *Lincoln*, and Powers, Remedies, and Provisions were thereby given, granted, and reserved to and in favour of the said Trustees, for recovering, levying, and enforcing the Payment of the said Rates, Tolls, and Duties respectively: And whereas the Rates, Tolls, and Duties by the said recited Act granted and authorized to be taken have been found inadequate and insufficient to and for the Execution and Performance of the several Works and the Accomplishment of the several Purposes in and by the said recited Act mentioned and contemplated, and the State and Condition of the said River from and below the Staunch aforesaid, and thence through the Town of *Spalding*, to *Fosdike Bridge* aforesaid, and the Outfall of the said River in and through *Fosdike Wash*, hath become and is deteriorated, and the Navigation of the said River hath consequently become and is obstructed and impeded, to the Prejudice and Injury of the Trade and Commerce of the said Town of *Spalding* and the contiguous Country: And whereas, for carrying into effect the beneficial Intents and Purposes of the said recited Act of the Fifth Year of His said late Majesty, it is expedient and necessary that other Rates, Tolls, and Duties,

productive of greater Proceeds, should be granted and be made payable to the Trustees of and under the said recited Act, to be by them applied in and towards the several Works and Purposes in the said Act and herein-after mentioned and referred to: May it therefore please Your Majesty that it may be enacted;

Trustees for the Execution of Act.

And be it enacted by the Queen'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 several Persons now acting as Trustees, and from Time to Time hereafter (pursuant to and in conformity with the Directions of the said recited Act) to be elected and nominated Trustees, for the Execution of the said recited Act, shall be and they are hereby constituted and declared to be Trustees of and under this Act, for the Execution and Performance of the several Purposes hereof, as herein-after enacted and provided for.

Seven Trustees may act.

II. And be it further enacted, That all Acts, Matters, and Things hereby directed or authorized to be done by the said Trustees shall and 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.

Tonnage Rates granted by recited Act to cease.

III. And be it further enacted, That the Rates, Tolls, and Duties which in and by the said recited Act were granted and made payable to and recoverable by the said Trustees, for and in respect of all Materials, Merchandize, and other Goods, Matters, and Things carried or conveyed along any Part of the Cut or Channel then already made or thereafter to be made below the Reservoir aforesaid, shall from and after the passing of this Act cease, determine, and be no longer payable.

New Schedule of Tonnage Rates granted.

IV. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees and they are hereby directed and required to ask, demand, take, and recover the several Rates, Tolls, or Duties herein-after mentioned and specified, for or in respect of all Ships or Vessels navigating upon or using the Cut or Channel already made or hereafter to be made below the aforesaid Place called the Reservoir, and for and in respect of all Materials, Merchandize, and other Goods, Matters, and Things which shall be carried or conveyed upon any Part of the said Cut or Channel; that is to say,

	Duty.
For every registered Ship or Vessel freighted and sailing inwards from Sea, <i>per Ton Register</i>	Three-pence :
For every registered Ship or Vessel freighted and sailing outwards to Sea, <i>per Ton Register</i>	Three-pence :
For every Boat, Lighter, or other Craft not registered, <i>per Ton Weight</i> of the Cargo brought inwards	Three-pence :
For every Boat, Lighter, or other Craft not registered, <i>per Ton Weight</i> of the Cargo carried outwards	Three-pence :
For every Quarter of Wheat, Malt, Barley, Beans, Rye, Peas, Rape Seed, Hemp Seed, Linseed, and Mustard Seed	Three-pence :
For every Quarter of Oats	Three Halfpence :
For every Sack of Two hundred and eighty Pounds Weight of Flour	Two-pence :
For every Ton Weight of Coals or Cinders	Sixpence :
For every Ton Weight of Iron, Salt, Lead, Pipeclay, Bones, Rags, Slates, Flax, Hemp, Potatoes, Onions, and Fruit	One Shilling :
For every Ton Weight of manufactured Iron, such as Castings and Nails	} One Shilling and Sixpence :
For every Ton Weight of Pebbles, Cobbles, Chingle, or other Road Materials	
For every Hundred Weight of Tobacco....	Sixpence :
	Two-pence :

	Duty.
For every Butt of Currants	{ One Shilling and Sixpence :
For every Legar of Oil	
For every Pipe, Butt, or Puncheon of Wine and Spirituous Liquors	Two Shillings :
For every Hogshead or Two Half Hogsheads of Wine and Spirits	One Shilling :
For every Pipe, Butt, or Puncheon of Ale, Beer, or Porter	One Shilling :
For every Hogshead, Two Half Hogsheads, Four Firkins, Two Barrels, or Four Kilderkins of Ale, Beer, or Porter	Sixpence :
For every Sheet of Wool	Sixpence :
For every Hundred Weight of Clover Seed and other Seeds usually sold by Weight	One Penny :
For every Five hundred of Pantiles, Paving Tiles, or Bricks	One Shilling :
For every Twenty Cubic Feet of Stone	{ One Shilling and Sixpence :
For every Ninety Superficial Feet of Flag Stones	
For every One hundred Bundles of Ceiling Laths, Reed, or Sedge	One Shilling :
For every Twenty Bushels of Sand	Sixpence :
For every Barrel of Pitch, Tar, and Roman Cement	Two-pence :
For every Forty Feet of Mahogany, Oak, and other hard Wood	One Shilling :
For every Fifty Feet of Fir Timber	One Shilling :
For every One hundred and twenty Pieces of Deals and Battens	Two Shillings :
For every Hogshead of Sugar, Soap, Tallow, Ashes, Barilla, and Whitening	One Shilling :
For every packed Hogshead	One Shilling :
For every Barrel of Rice	Four-pence :
For every Cask of <i>Russian</i> Tallow	Four-pence :

	Duty.
For every Twenty Feet of Bale Goods ...	Nine-pence :
For every Pocket of Hops	Three-pence :
For every Bag of Hops	Sixpence :
For every Crate of Glass and Earthenware	Sixpence :
For every Crate of Bottles	Sixpence :
For every Gross of Wine and Porter Bottles	Three-pence :
For every One hundred Gallons of Stone Bottles for Spirits, &c.	One Shilling :
For every Hundred Weight of Feathers...	Two-pence :
For every Hundred Weight of Leather ...	One Penny :
For every Dozen Pieces of Earthenware	One Halfpenny :
For every One hundred and twenty Pipe Staves	One Shilling :
For every Fathom of Eight Feet of Lath Wood	One Shilling :
For every Twenty Feet of Furniture	Sixpence :
For every Hundred Weight of Paper	One Penny :
For every Ton of any other Article not before specified, and usually sold by Weight.....	One Shilling :
For every Forty Feet of any other Article usually sold by Measure, and not before specified	One Shilling :

Fractional Parts to pay a Proportion.

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 Sum herein-before charged upon or made payable for each entire Quantity herein-before specified; and the Amount or Number of Tons of each and every such registered Ship or Vessel as aforesaid shall be ascertained by the Rules laid down by any Act in force for that Purpose.

Not to extend to Ships in Her Majesty's Service.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any of Her

Majesty's Ships of War, or any other Ship, Transport, or Packet of Her Majesty, Her Heirs and Successors, or any Vessel employed in Her Majesty's Revenues of Customs or Excise, or Ordnance, or otherwise exclusively in or upon Her Majesty's Service.

Power for Recovery of Rates.

VI. And be it further enacted, That all the Clauses, Powers, Provisions, Remedies, Proceedings, and Means in and by the said recited Act contained, given, or granted for receiving, recovering, and compelling Payment of the several Rates, Tolls, and Duties therein mentioned, or any Penalty or Forfeiture on account thereof, shall apply to, and be used, executed, and exercisable by the said Trustees for the Time being in and for the receiving, recovering, and compelling Payment of the several Rates, Tolls, and Duties herein and hereby granted and authorized to be taken, and of every Penalty and Forfeiture to be incurred by Nonpayment or Evasion of the said Duties or any of them, or any Part thereof, in the same Manner to all Intents and Purposes as if the said last-mentioned Rates, Tolls, and Duties, Forfeitures and Penalties, had been granted and made payable and been specifically mentioned in and by the said recited Act.

Rates may be reduced;

VII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, at any annual Meeting to be held pursuant to the said recited Act, to lower and reduce in equal and rateable Proportion the several Rates, Tolls, and Duties hereby granted and made payable as aforesaid, to such Extent as, with regard to the then present or prospective Exigencies of the Case, and the Purposes to which the same are applicable, shall be deemed expedient, but so that the same shall not be reduced in or to a greater Proportion or Extent than to a Sum equal in Amount to One Third Part of the said Rates, Tolls, and Duties respectively.

And again advanced.

VIII. Provided also, and be it enacted, That it shall be lawful for the said Trustees, at any such Annual Meeting as

aforesaid, and they are hereby authorized, in their Judgment and Discretion, and according to the present or prospective Exigencies of the Case, and for the Purposes hereby intended, to advance and increase the said Rates, Tolls, and Duties from the Sum to which they shall have been reduced as aforesaid to any other Sum not exceeding the Amount thereof payable under and by virtue of this Act, and again to reduce the same in manner and to the Extent herein-before provided for, and so *toties quoties* as often as they the said Trustees for the Time being shall see Occasion.

Application of Proceeds of Duties.

IX. And be it further enacted, That by and out of the Monies to arise and be received by virtue of this Act the said Trustees shall pay and discharge all the Fees, Costs, and Expenses which shall have been incurred in applying for, obtaining, and passing this Act, or preparatory or incident thereto, with lawful Interest upon all Monies which shall have been advanced for such Purposes respectively; and subject thereto the said Trustees shall pay, apply, and dispose of the said Monies and Proceeds in, for, and towards the cleansing, deepening, widening, embanking, directing, training, forming, sustaining, and preserving the Channel of the said River from and below the aforesaid Staunch, through the Town of *Spalding* and *Fosdike Bridge*, and thence in and through *Fosdike Wash*, in a Direction towards *Clayhole*, and for the Removal, Abatement, and Suppression of all Obstructions, Impediments, Nuisances, and Annoyances therein, and making, providing, keeping up, and repairing any Works, Buildings, Towing and Haling Paths, and Ways, Bridges, Matters, and Things necessary or requisite for facilitating and improving the Navigation of the said River, and for other the Purposes of the said recited Act and of this Act.

Trustees to embank the Channel through Fosdike Open Wash.

X. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed, as Occasion may require, and progressively as they shall be enabled to forward the Work, to make, set out, form, and complete sufficient Banks and Forelands from and below *Fosdike*

Bridge to the Junction of the Rivers *Witham* and *Welland*, for confining the Waters of the said River *Welland* to the Extent aforesaid within a determinate Channel, in and through the open and uninclosed Estuary or Bay called *Fosdike Wash*, in as nearly a straight Direction as may be towards *Clayhole*, and for that Purpose to dig, cut, take, and carry away Earth, Clay, Sand, Flag, Sods, and other Materials from any Part of the said open and uninclosed Wash within the Limits aforesaid as they shall find necessary for the Purposes last aforesaid, and also to take in and inclose on the outer side of each of the said Banks, in and through the open and uninclosed Wash aforesaid, a Space of Ground not exceeding One hundred Yards in Width from the outer Base of each such Bank, for affording and supplying Materials for the future Support, Repair, and Maintenance or Enlargement of such Banks respectively, and thereon to build, erect, make, and establish any such Quays, Wharfs, Cranes, and Warehouses, and other Works which they the said Trustees may deem necessary or expedient for the Use of Persons frequenting the said new Cut or Channel for the Purposes of Trade, and for facilitating the Navigation thereof: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Trustees to carry the said Works beyond the Junction of the said Rivers *Witham* and *Welland*, or to dig, cut, take, or carry away, or to take in or inclose, adversely to the Person or Persons in Possession thereof, any Land on either Side of the present Channel of the said River below *Fosdike Bridge* which hath been already raised above High-water Mark, nor any Land in front of or behind any such Land, and belonging or appurtenant thereto, the Person or Persons for the Time being in Possession as aforesaid, at his, her, or their own Charge and Expense, maintaining and keeping the said Land next the said River Channel of a Height and Width at least equal to that of any adjoining or contiguous Bank to be from Time to Time made by the said Trustees under the Authority of this Act, and at the like Charge and Expense forming, constructing, and maintaining in sufficient Repair a Towing or Haling Path of not less than Eight Feet in Width on the side thereof next to the said River, and permitting all

Persons to pass and repass on and along such Towing or Haling Path, with or without a Horse or Horses, for the Purpose of towing or haling Vessels navigating the said River, and for all other reasonable Purposes whatsoever.

Power to set out Roads, &c. within certain Limits.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby authorized and empowered to set out, upon, over, or across the said One hundred Yards in Width next the Banks of the said intended new Channel, and the open and uninclosed Lands adjoining the same, such and so many Roads or Ways as shall be found needful or convenient for the Purposes of affording Communication from the said intended new Channel to the other Lands embanked or to be embanked on each Side of *Fosdike Wash* aforesaid, and the said Trustees shall and they are hereby authorized and required, upon the Requisition and at the Expense of the Owners of the said last-mentioned Lands, to place, erect, build, and maintain such Sluices or Tunnels in and through the Bank on either Side of the said intended new Channel as shall be necessary for the effectual Drainage of the said Lands.

Trustees not to execute Works to the Prejudice of the North Level, Great Portsand, South Holland, and Deeping Fen.

XII. Provided always, and be it further enacted, That the said Trustees, or any Engineer, Contractor, Agent, Officer, or other Person acting under their Authority, shall not at any Time make, do, or execute any Sluice, Staunch, Overfall, Bank, Dam, or other Work in, upon, across, or by the Side of any Part of the said River *Welland* or the Outfall thereof, or the Washes, Marshes, Sands, and Lands adjoining or near the said River or Outfall, whereby the Bank of the said River *Welland* adjoining to the *North Level*, or to the Districts called *Great Portsand*, *South Holland*, and *Deeping Fen*, or any Part thereof, or the Security thereof, or of any of the Lands in the said *North Level*, or in the said Districts of *Great Portsand*, *South Holland*, and *Deeping Fen* respectively, shall or can be subjected or exposed to Breach or Inundation, or be damaged or endangered in any Manner howsoever, or

whereby the Drainage of any of the Lands in the said *North Level*, *Great Portsand*, *South Holland*, or *Deeping Fen*, or the Channel and Passage of and for the Upland Waters along and through the said River *Welland* to their Outfall at Sea, shall or may be diminished, impeded, endangered, or prejudicially affected in any Manner howsoever.

Trustees to let the Herbage.

XIII. And be it further enacted, That the said Trustees shall and they are hereby authorized and directed from Time to Time to let and demise, for the Purpose of being depastured with Sheep only, the Herbage of the said Banks and adjoining Lands to be formed and inclosed as aforesaid, for such Term or Terms of Years and at and for such annual Rent as they shall think fit, expedient, and reasonable; and the Amount of such Rent (all lawful Charges and Outgoings foreprised and deducted) shall be by the said Trustees applied in and towards the several Purposes to which the Rates, Tolls, and Duties herein-before granted are hereby made or declared to be applicable.

Trustees may purchase Lands, and build Quays, &c. thereon;

XIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being to treat and agree with the Owners and Occupiers of and all Persons interested in any Houses, Lands, Tenements, or Hereditaments situated on the Banks of the said River *Welland* within One Mile of the High Bridge of *Spalding*, which they the said Trustees shall think necessary to be acquired or purchased, for making, building, erecting, and improving any Quays, Wharfs, Cranes, Warehouses, Walls, Jetties, Towing or Haling Paths, or other Works for the Improvement of the said River and Accommodation of Vessels navigating the said River, and Persons frequenting the same for the Purposes of Trade; and also that it shall be lawful for the said Trustees, and they are hereby authorized and empowered, on the Lands to be acquired and purchased, to erect, build, set up, and make, or, as Occasion may hereafter require, to rebuild, alter, enlarge, or remove such Quays, Wharfs, Cranes, and Warehouses and other

Works, as shall appear to them necessary and expedient; and also within the said Distance of One Mile from the High Bridge of *Spalding* it shall be lawful for the said Trustees to alter, widen, enlarge, divert, or vary any Ways, Passages, Accesses, Approaches, or Conveniences leading to or from the said Quays, Wharfs, Cranes, or Warehouses, if by the said Trustees it shall be deemed proper and expedient so to do:

But with Consent only.

Provided always, nevertheless, that nothing herein contained shall extend or be construed to extend to enable or empower the said Trustees to enter into or upon any Houses, Lands, Tenements, or Hereditaments so situated as aforesaid, for any of the above-mentioned Purposes, otherwise than with the Consent in Writing of the Owners and Occupiers thereof, or to alter, widen, enlarge, divert, or vary any such Way, Passage, Access, Approach, or Convenience leading to or from the said Quays, Wharfs, Cranes, or Warehouses, without the Consent in Writing first had and obtained of all Parties in any way interested therein; and moreover that the said Trustees, in altering, widening, enlarging, diverting, or varying any such Roads, Ways, Passages, or Accesses as last aforesaid, shall be and they are hereby required to make, set out, and form, during the Progress and Execution of such last-mentioned Works, such other equally convenient Roads, Ways, Passages, or Accesses as under the Circumstances of the Case may be required for the due Accommodation of the Public frequenting the same.

Wharfage Rates.

XV. And be it further enacted, That from and after the passing of this Act there shall be paid and payable unto the said Trustees, or to their Order and for their Use, for all Goods, Wares, Merchandizes, and Commodities whatsoever landed out of or put on board any Ships or Vessels, on or upon or from all or any of the Wharfs or Quays or other Place or Places belonging to the said Trustees, or held or occupied by them for that Purpose within the Limits of the

said River *Welland*, by the Owner or Owners, Consignee or Consignees, or the Person or Persons having the Charge of such Goods, Wares, Merchandizes, and Commodities, the several Rates and Duties particularized, rated, specified, and set forth in the Schedule subjoined or annexed to this Act, as far as such Goods, Wares, Merchandizes, and Commodities so shipped or landed as aforesaid are particularized in the said Schedule; and that all Goods, Wares, Merchandizes, and Commodities which are not particularized in the said Schedule shall be charged and chargeable with and shall pay a Rate or Duty upon landing or shipping on or from all or any or either of such Quays or Wharfs, or Place or Places aforesaid, equal to the Rate or Duty rated and affixed on Goods, Wares, and Merchandizes of a similar Nature, Package, and Quality in and by the said Schedule of Rates: Provided nevertheless, that the Consignee or Consignees, Person or Persons, having charge of such Goods, Wares, or Merchandizes shall not be liable to the Payment of any such Rates and Duties unless a Demand for Payment thereof shall have been made within Three Calendar Months after such Rates and Duties shall become due and payable.

Goods, &c., lying on Quays beyond Forty-eight Hours to pay an extra Rate.

XVI. And be it further enacted, That all Goods, Wares, and Merchandizes, Articles and Things, that shall be landed on any Quay or Wharf within the said River *Welland*, belonging to or occupied or held by the said Trustees, shall be removed and taken therefrom respectively within the Space of Forty-eight Hours, to be computed from the Time of such landing, and if any Goods, Wares, and Merchandizes, Articles and Things, so landed, shall remain longer upon any such Quay or Wharf than the Space of Forty-eight Hours, then and in every such case the respective Owners of or Persons having charge of such Goods, Wares, or Merchandize, Articles and Things, shall pay or cause to be paid to the said Trustees, or their Collector at any such Quay or Wharf for the Time being, for the Use of the said Trustees, over and above the several Rates and Duties specified in the said Schedule, the Sum of One Shilling *per* Ton, and in proportion for a