

Burgesses, alone, or jointly with the Trustees of the said River *Welland*, and of the said Trustees, and of some of the Powers and Provisions of the said Acts of the Fifty-second Year of King *George* the Third, and of the Seventh and Eighth Years of King *George* the Fourth, and of the Fifth Year of King *George* the Fourth, and of the First Year of Her present Majesty, were amended: May it therefore please Your Majesty that it may be enacted; 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, [*recited Act 4 & 5 W. 4. c. 87. repealed*] That the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth shall be and the same is hereby repealed.

*Mayor, &c., of Boston not to demand Tonnage Dues on Vessels navigating the River Welland.*

II. And be it enacted, That from and after the Day of the Commencement of this Act it shall not be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, or their Successors, or any Person acting under their Authority, to demand and take, or cause to be demanded and taken, of or from any Master or Owner of any Ship or Vessel navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or of sailing Seaward from the said River *Welland*, any of the several Tonnage Rates or Duties mentioned in the First Schedule to the said recited Act of the Fifty-second Year of King *George* the Third, any thing contained in the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, or in the said recited Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, to the contrary notwithstanding.

*Repealing so much of former Acts as empowers them so to do.*

III. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said recited

Act of the Fifty-second Year of King *George* the Third and of the said recited Act of the Seventh and Eighth Years of King *George* the Fourth as empowers the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, and their Successors, or any other Person or Persons, to demand and take or recover the several Tonnage Rates or Duties mentioned in the aforesaid First Schedule, so far as relates to or affects any Ships or Vessels navigating the said River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed.

*Mayor, &c., of Boston not to demand Lastage Rates on Corn in Ships navigating the Welland.*

IV. And be it enacted, That from and after the Day of the Commencement of this Act it shall not be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston*, or their Successors, or their Lessee or Lessees, or any Collector, Officer, or other Person acting under their Authority, to demand or take or recover all or any of the several Rates or Duties particularized and mentioned in the Third Schedule to the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, for or in respect of any Wheat, Oats, Barley, or any Kind of Corn, Grain, or Pulse whatsoever, in such Schedule specified or referred to, which shall be shipped or put on board or landed out of any Ship or Vessel, or carried by any Ship or Vessel navigating the River *Welland*, or entering into or coming within or using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*.

*Repealing so much of former Acts as empowers them so to do.*

V. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said recited Act of the Fifty-second Year of the Reign of King *George* the



Third as extends to charge any such Corn, Grain, or Pulse, or the Owner, or Owners, Consignee or Consignees, or other Person or Persons having the Charge of any such Corn, Grain, or Pulse, with the Payment of or Liability to pay the several Rates or Duties particularized and mentioned in the said Third Schedule to the said Act, so far as relates to or affects any Wheat, Oats, Barley, or any Kind of Corn, Grain, or Pulse whatsoever, shipped or put on board or landed out of or carried by any Ship or Vessel navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed.

*Repealing Regulations of former Acts as to clearing.*

VI. And be it enacted, That upon and from the Day of the Commencement of this Act so much of the said several recited Acts of the Fifty-second Year of the Reign of King *George* the Third and of the Seventh and Eighth Years of King *George* the Fourth respectively as enacts that no Collector, Comptroller, or other Officer of Her Majesty's Customs in or belonging to the Port of *Boston* shall permit or allow any Ship or Vessel on which any such Tonnage Rates or Duties as aforesaid are thereby made payable to be entered Inwards, or cleared or permitted Outwards, unless and until the Master or other Person having charge of such Ship or Vessel shall have paid such Tonnage Rates or Duties, and produced the Certificate of Payment therein mentioned, and as enacts that no such Collector, Comptroller, or other Officer shall permit or allow any Goods or Merchandize to be landed from any Ship or Vessel entered Inwards, or permit or suffer any Ship or Vessel to be cleared Outward, unless and until the Master or other Person having the Charge of any such Ship or Vessel shall have paid the Tonnage Rates and Duties aforesaid, and have produced the Certificate of Payment therein mentioned, so far as relates to or affects any Ships or Vessels navigating the River *Welland*, or entering into, coming within the Limits of, and using that Part of the said Port and Har-

bour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, shall be and the same is hereby repealed :

*Proviso as to Vessels entering the Witham.*

Provided always, that nothing herein-before contained shall extend or be construed to extend to exempt any Ship or Vessel which shall break Bulk below, or which shall enter and navigate the River *Witham* above the Point of Junction of the Rivers *Witham* and *Welland*, or the Cargo of such Ship or Vessel, or any Master, Owner, or Consignee thereof, from the Payment of any of the Rates or Duties mentioned in and chargeable under the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third, and the Seventh and Eighth Years of King *George* the Fourth, or of this Act, unless and except such Ship or Vessel shall have been driven into and compelled to navigate the said River *Witham* by or in consequence of any Storm, Tempest, contrary Wind, or other Distress of Weather, and shall not break Bulk within the Limits thereof.

*Repealing Penalties as to Ships navigating the Welland.*

VII. And be it enacted, That from and after the Day of the Commencement of this Act so much of the said several recited Acts of the Fifty-second Year of King *George* the Third and of the Seventh and Eighth Years of King *George* the Fourth respectively as imposes any Forfeiture or Penalty on any Master or Owner or Owners or other Person or Persons having Charge or Command of any Ship or Vessel navigating the said River *Welland*, or entering into, coming within the Limits of, and using that Part of the Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for the Purpose only of entering into from Sea, or sailing Seaward from the said River *Welland*, for Refusal or Neglect to pay any of the Rates or Duties therein mentioned, or as subjects any Ships, Vessels, Hoys, Boats, Barges, Lighters, or other Craft coming into the said last-mentioned Part of the said Port and Harbour, and navigating within the Limits thereof, for the



Purpose of entering into or navigating within the said River *Welland*, and the Cargoes of which, or any Part thereof, shall be delivered in any Part of the said River or Wash, to the Rules, Bye Laws, and Regulations therein mentioned, shall be and the same is hereby repealed :

*Ships entering the Witham not to be excepted.*

Provided always, that nothing herein-before contained shall extend to release any Master or other Person having Charge or Command of any Ship or Vessel which shall enter and navigate the River *Witham* above the Point of Junction of the Rivers *Witham* and *Welland*, or break Bulk or take in Ballast in the said River *Witham* above the said Point of Junction, or enter into and come within the Limits of and use that Part of the said Port and Harbour of *Boston* which is below the Point of Junction of the said Rivers *Witham* and *Welland*, for other Purposes than those herein mentioned, from Liability to pay or from Payment of any Forfeiture or Penalty for any such Refusal or Neglect, or from the Observance of such Rules, Bye Laws, or Regulations, or from any Penalty for the Non-observance thereof, as in the said recited Act of the Fifty-second Year of King *George* the Third mentioned and contained.

*Provisions of the Welland Acts extended to this Act.*

VIII. And be it enacted, That all Powers, Provisions, Regulations, Matters, and Things whatsoever contained in the said several recited Acts of the Fifth Year of the Reign of King *George* the Fourth and of the First Year of the Reign of Her present Majesty, relating to Ships or Vessels navigating the River *Welland*, and Persons commanding or employed in such Ships or Vessels, and to the collecting, receiving, recovering, and applying the Tolls, Rates, and Duties thereby charged, or authorized to be charged, levied, recovered, and applied, and to the making any Improvements or Works in the River *Welland*, and to any Acts, Matters, and Things authorized to be done respecting the same, and to any Offences in respect of such Matters, shall extend to this Act, and shall and may be executed and performed by the Trustees for executing the said Two last-mentioned Acts

and this Act for the Purposes of this Act, with reference to Ships or Vessels navigating the River *Welland*, and Persons commanding or employed in such Ships or Vessels, and to the collecting, receiving, recovering, and applying the Tolls, Rates, and Duties mentioned and specified in the First and Second Schedules to this Act annexed respectively marked (A.) and (B.), and to any Improvements, Works, Acts, Matters, and Things by this Act authorized to be done by the said Trustees, and to any Offences against this Act in respect of such Matters, as effectually as if the same were repeated and re-enacted in the Body of this Act, and were made Part thereof, but, nevertheless, so that no Injury be occasioned by any such Improvement or Works to the Channel or Waters of the said River *Witham*.

*Tonnage Rates to be hereafter paid to Welland Trustees.*

IX. And be it enacted, That from and after the Day of the Commencement of this Act it shall be lawful for the Trustees for the Time being acting under the Authority or in the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, and for such Collectors, Officers, or Persons respectively as they shall appoint in that Behalf, from Time to Time to demand and take, or cause to be demanded and taken, of or from the Master or Owner of every Ship or Vessel entering into or coming within or sailing from or using the said River *Welland*, the several Tonnage Rates or Duties mentioned in the First Schedule marked (A.) to this Act annexed, for every Ton of the Burden of every such Ship or Vessel, the Amount of the Number of Tons of each and every such Ship or Vessel to be ascertained in the manner required by Law ; which said Tonnage Rates or Duties shall be paid at such Place or Places as the said Trustees for that Purpose shall appoint ; and no Ship or Vessel shall be cleared at or depart from or out of the said River *Welland* before the said Tonnage Rate or Duty shall have been paid.

*For deciding Disputes as to Rates in respect of certain Craft, &c.*

X. Provided always, and be it enacted, That should any Doubt or Dispute arise as to the Liability to Payment of the



several Tonnage Rates or Duties in respect of any Kind or Description of Raft, Craft, or Floating Vessel the Tonnage whereof cannot be ascertained according to the Rules of Admeasurement established by Law, such Doubt or Dispute shall be decided by a Justice of the Peace, who, upon Application made to him for that Purpose, shall have Power to decide what Amount, if any, of Rates or Duties shall be paid for or in respect of such Raft, Craft, or Floating Vessel, and the Decision of such Justice shall be final; and all Expences occasioned thereby shall be borne and paid either wholly or in part by the complaining or defending Parties, as the Case may be, according as such Justice may direct, and the Amount of such Expences shall be levied and recovered in the same Manner as the Rates or Duties under this Act are authorized to be levied and recovered.

*Ships driven in by Stress of Weather not to be charged.*

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to charge with any of the Rates or Duties imposed by this Act any Ships or Vessels entering into the said River Welland by or in consequence of any Storm, Tempest, contrary Wind, or other Distress of Weather, except such Ship or Vessel shall break Bulk within the Limits thereof.

*Ships in Her Majesty's Service exempt.*

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Ship, Transport, or Packet of Her Majesty, or any other Vessel employed in Her Majesty's Revenues of Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship, Transport, or Packet employed in carrying the Mail or Expresses under the Authority of Her Majesty's Postmaster General, or any Vessel employed in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them respectively belonging, or any Yacht, Barge, or Boat of or in the Employ of the Master, Wardens, and Assistants of the Corporation of *Trinity House* of *Deptford Strond*, whilst the same shall be in the actual *bona fide* Service of the said Master, Wardens, and Assistants;

and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

*Tonnage of British registered Vessels to be ascertained by the Register; that of other Vessels by Measurement, according to 5 & 6 W. 4. c. 56.*

XIII. And be it enacted, That the Tonnage of every British Vessel liable to the Payment to the said Trustees of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

*Lastage Rates to be paid to the Welland Trustees.*

XIV. And be it enacted, That from and after the Day of the Commencement of this Act there shall be paid and payable to the Trustees for the Time being, acting under the Authority or in the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and of the First Year of Her present Majesty, and the Lessee or Lessees of such Trustees, for all Corn, Grain, and Pulse shipped or put on board, or landed out of or carried by any Ship or Vessel, Ships or Vessels, within the said River *Welland*, by the Owner or Owners, Consignee or Consignees, or the Person or Persons having the Charge of such Corn, Grain, or Pulse, the several Rates or Duties particularized, mentioned, and set forth in the Second Schedule marked (B.) to this Act annexed.

*Allowing the Welland Trustees to reduce the Rates.*

XV. And be it enacted, That it shall be lawful for the said Trustees of the River *Welland*, at any of their Meetings to be



held in pursuance of the said recited Act of the Fifth Year of King *George* the Fourth, or of the First Year of Her present Majesty, or of this Act, to lessen and reduce, and again to raise and advance, all and every or any of the several and respective Rates and Duties by this Act granted or made payable to the said Trustees, or any Part thereof respectively, and to order the same to be collected, levied, and taken in such Manner as they shall appoint, but nevertheless so that such Rates or Duties respectively shall never be increased to an Amount exceeding the Sum by this Act established; and from and after such reduced or increased (as the Case may be) Rates or Duties respectively shall have been from Time to Time fixed and determined, and such new Rates and Duties shall be paid and payable, the Order of the said Trustees respecting the same shall be of as full Force and Effect, and there shall be the same Remedies for enforcing and compelling the Payment thereof, as if the then subsisting Amount of the said several Rates and Duties respectively had been expressed and specified in this Act, or in the said First and Second Schedules respectively; and each of the said Schedules is hereby declared to be and shall be taken as Part of this Act, as forcibly and effectually as if the same had been set out or inserted in the Body of this Act.

*Rates not to be reduced without Consent of Creditors.*

Provided always, that no Reduction shall at any time be made in the Amount of the said Rates or Duties respectively, unless Twenty-one Days Notice of the Intention to propose the same shall be given in some Newspaper usually circulated in the County of *Lincoln*, nor shall any such Reduction be made while any Mortgage Debt or other Security for Money shall be charged thereon or payable therefrom, without the Approbation or Consent of the Mortgagee or Mortgagees or other Creditor or Creditors respectively.

*Lords of the Treasury, &c., may reduce Rates on Foreign Vessels and Goods.*

XVI. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, and for the Commissioners

of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Her or their Order in Writing, to reduce the Rates and Duties hereby made payable on all or any Vessels not entitled to the Privileges of *British*-built Vessels, and on all or any of the Corn, Grain, or Pulse, or Goods, imported or exported in Vessels not entitled to such Privileges, to the same and like Rates and Duties as shall from Time to Time be payable in respect of *British* Vessels, or the Corn, Grain, or Pulse, or Goods, imported or exported in them, in pursuance of this Act.

*Rates to be charged equally.*

XVII. Provided always, and be it enacted, That the several Rates or Duties authorized to be taken by this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

*Masters to report Arrival of Vessels within Six Hours of Arrival in the River.*

XVIII. And be it enacted, That the Master or Commander of any Vessel liable to any of the Rates or Duties by this Act transferred and made payable to the Trustees of the River *Welland* shall, within Six Hours after the Arrival of such Vessel in the said River *Welland*, report to the Harbour Master or other Person to be appointed by the said Trustees to receive such Report for the Time being the Arrival of such Vessel, and the Place from whence it came; and any Master or Commander of any such Vessel who shall fail to make such Reports within the Time aforesaid shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

*Master of Vessel to produce Certificate of Registry.*

XIX. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the said Trustees to collect the Rate or Duty in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person, on Demand, he shall forfeit any Sum not exceeding Twenty Pounds.



*Recovery of Rates by Distress of Ship and Tackle.*

XX. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates or Duties shall be payable to the said Trustees shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the said Trustees to collect such Rates or Duties to go on board of such Vessel, and demand such Rates and Duties, and on Nonpayment thereof or any Part thereof to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates and Duties shall be paid; and in case any of the said Rates or Duties shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more Sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates and Duties so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, on Demand.

*Masters of Vessels to give Accounts of Corn, &c., intended to be unshipped within the Welland.*

XXI. And be it enacted, That when the Cargo of any Vessel arriving within the said River *Welland*, or any Part of such Cargo, shall be intended to be unshipped within the said River *Welland*, the Master or Commander of such Vessel shall, within Twelve Hours after the Arrival of such Vessel within the said River *Welland*, deliver to the Person for the Time being appointed by the said Trustees to collect the Rates or Duties by this Act transferred and made payable to the said Trustees the following Particulars; (that is to say,)

The Name of the Consignee of the Cargo or Part of the Cargo of such Vessel intended to be unshipped within the said River *Welland*:

And if the whole Cargo of such Vessel shall be intended to be unshipped within the said River *Welland*, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel:

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds and Quantities of the Corn, Grain, or Pulse intended to be so unshipped:

And every such Master or Commander shall, if required by the Person appointed to collect the said Rates or Duties, give to such Person Twelve Hours Notice of the Time at which the Cargo of such Vessel or any Part of the same is intended to be unshipped.

*Penalty on Masters giving no Account or a false Account.*

XXII. And be it enacted, That any Master or Commander of any Vessel, the Cargo or Part of the Cargo of which shall be intended to be unshipped within the said River *Welland*, who shall fail to deliver or give any of the Particulars or the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particular or Notice, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

*Master of Vessel to give an Account of Corn, &c., intended to be shipped.*

XXIII. And be it enacted, That the Master or Commander of any Vessel within the said River *Welland*, on board of which any Corn, Grain, or Pulse shall be shipped, shall give to the Person for the time being appointed by the said Trustees to collect the Rates or Duties by this Act made payable to the said Trustees a true Account, signed by the Consignor, of the Kinds and Quantities of the Corn, Grain, or Pulse before the same shall be shipped in such Vessel; and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor who shall sign a false Account of any such Corn, Grain, or Pulse, shall respectively for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

*In case of Dispute, the Corn, &c., to be measured.*

XXIV. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed by the said Trustees to collect the Rates or Duties by this Act made



payable to the said Trustees, and the Master or Commander of any Vessel, or the Owner, Consignor, or Consignee of any Corn, Grain, or Pulse, concerning the Measure or Quantities of any Corn, Grain, or Pulse in respect of which any Rates or Duties are payable to the said Trustees by this Act, it shall be lawful for such Collector to cause all such Corn, Grain, or Pulse to be measured, and, if necessary, to detain the Vessel in which such Corn, Grain, or Pulse may be until the same shall have been measured.

*Expences of measuring.*

XXV. And be it enacted, That if the Corn, Grain, or Pulse so measured shall be of greater Quantity or Measure than shown from the Manifest, Account, or Statement delivered or made by the Master or Commander of the Vessel in which the same may be, or by the Owner, Consignor, or Consignee thereof, the Expences of such measuring shall be paid to the Trustees or their Collector, and shall be recovered by the said Trustees or their Collector by the same means as herein provided for the Recovery of Rates or Duties due in respect of such Corn, Grain, or Pulse; but if such Corn, Grain, or Pulse shall be of the same or less Measure or Quantity than shown by the Manifest, Account, or Statement so delivered or made as aforesaid, the said Trustees shall pay all the Expences of such measuring, and shall also pay to the Master or Commander of the Vessel, or to the Owner, Consignor, or Consignee of such Corn, Grain, or Pulse, all Expences which may be occasioned to any such Person by reason of such measuring.

*Rates on Corn, &c., by whom and when payable.*

XXVI. And be it enacted, That the Rates and Duties payable to the said Trustees in respect of any Corn, Grain, or Pulse shipped or unshipped within the said River *Welland* shall be paid as follows; (that is to say,) if such Corn, Grain, or Pulse shall be shipped, such Rates and Duties shall be paid by the Owner or Consignor of such Corn, Grain, or Pulse previous to the Shipment of the same, or if such Corn, Grain, or Pulse shall be unshipped, such Rates and Duties shall be paid by the Owner or Consignee of such Corn, Grain,

or Pulse, on Demand made by any Person appointed by the said Trustees to receive the same.

*Recovery of Rates on Corn, &c.*

XXVII. And be it enacted, That if Default be made in the Payment of any Rates or Duties payable under this Act, in respect of any Corn, Grain, or Pulse, it shall be lawful for the Person for the Time being appointed by the said Trustees to collect such Rates or Duties to distrain any such Corn, Grain, or Pulse; or if the same shall be removed without the said River *Welland*, to distrain any other Corn, Grain, Pulse, Goods, Articles, or Things within the said River *Welland* belonging to the Person liable to pay such Rates or Duties, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates and Duties due to the said Trustees; or it shall be lawful for the said Trustees to recover such Rates and Duties by Action in any of the superior Courts; provided that the Person collecting any such Rates or Duties shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

*Collector of Rates may enter Vessels.*

XXVIII. And to the end that the Rates and Duties by this Act transferred to the said Trustees may be effectually levied, be it enacted, That it shall be lawful for any Person appointed by the said Trustees to collect any such Rates or Duties, to enter, either alone or with any other Persons, into any Vessel within the said River *Welland*, and to ascertain the Rates and Duties payable in respect of any such Vessel, or of any Corn, Grain, or Pulse therein.

*Penalty on evading Payment of Rates.*

XXIX. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates or Duties payable to the said Trustees, he shall pay to them Three Times the Amount of such Rates or Duties, and the same shall be recovered from such Master or Commander in



the same Manner as Penalties imposed by this Act may be recovered, or by Action in any of the Superior Courts.

*Collector of Customs may withhold a Discharge to any Vessel until Rates paid.*

XXX. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said River *Welland*, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report, Inwards or Outwards, for any Vessel liable to the Rates or Duties by this Act transferred to the said Trustees, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate, under the Hand of the Person appointed by the said Trustees to collect such Rates and Duties, that the Rates and Duties payable under this Act in respect of such Vessel, and of any Corn, Grain, or Pulse carried or conveyed by such Vessel, have been paid.

*Disputes concerning Rates and Distress to be settled by a Justice.*

XXXI. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates or Duties due to the said Trustees, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector appointed as aforesaid to summon the Person from whom such Rates or Duties shall have been demanded to appear before Two or more Justices of the Peace, or where and Distress shall have been taken, for the Person distraining to detain such Distress until the Amount of the Rates and Duties due, or the Charges of such Distress, (as the Case may be,) shall be ascertained by such Justices of the Peace, who, upon Application made to them for that Purpose, shall determine the Amount of the Rates and Duties due, or the Charges occasioned by any Distress, and award such Costs to be paid by either of the Parties to the other of them as they shall think reasonable; and such Duties and Costs, if not paid on Demand, shall be levied by Distress and Sale, and such Justices shall issue their Warrant accordingly.

*List of Rates to be set up.*

XXXII. And be it enacted, That the said Trustees shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed in Front of the principal Office of the Collector for the Time being of the Rates and Duties by this Act transferred to the said Trustees, and on some conspicuous part of the Quays of the said River *Welland*, a List of the several Rates or Duties which shall be from Time to Time payable to the said Trustees by virtue of this Act; and no such Rate or Duty shall be payable during such Time as such Lists shall not continue so affixed, or for any Matter or Thing not specified in such List; Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates and Duties shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same manner as if such Lists had continued affixed and in the State required by this Act.

*Power to appoint Harbour Masters.*

XXXIII. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to appoint such Harbour Masters and other Officers and Persons as they shall think necessary for the Purposes of this Act, in respect of the Rates and Duties by this Act transferred and made payable to the said Trustees, and at Pleasure to remove such Harbour Masters, Officers, and Servants.

*Power of Harbour Master.*

XXXIV. And be it enacted, That it shall be lawful for such Harbour Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the said River *Welland*, and the Position, mooring or unmooring, placing or removing, of any Vessel within the said River:

For regulating the Manner in which any Vessel shall take in or discharge its Cargo or any Part thereof, or shall take in or deliver Ballast within the said River:

For regulating the Government of any Vessel within the said River.



*Penalty on Harbour Master, &c., unreasonably exercising Powers.*

XXXV. And be it enacted, That in Case any Harbour Master, Officer, or other Person appointed under this Act shall without reasonable Cause exercise any of the Powers or Authorities vested in him by this Act, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

*Penalty on not complying with Directions of the Harbour Master.*

XXXVI. And be it enacted, That the Master or Commander of every Vessel within the said River *Welland* shall regulate such Vessel according to the Directions of the Harbour Master for the Time being made in conformity with this Act; and any Master or Commander of any Vessel, who after Notice in Writing, signed by the said Harbour Master, of any such Direction, served upon him, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Twenty Pounds.

*Power of Harbour Master to remove Vessels.*

XXXVII. And be it enacted, That if the Master or Commander of any Vessel within the said River *Welland* shall not moor, unmoor, place, or remove such Vessel, according to the Directions of the said Harbour Master for the Time being in Writing given to the said Master or Commander, it shall be lawful for any such Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed, according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expences attending such mooring, unmooring, placing, or removing shall be paid by such Master or Commander, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and determined by Two or more of the Justices of the Peace for the Division of *Holland* in the County of *Lincoln*, and on Nonpayment of the same, on Demand, such Expences and Costs shall be levied by Distress of the Goods and Chattels of such Master or Commander, and such Justices shall issue their Warrant accordingly.

*Penalty on Master or Commander of Vessels for obstructing Harbour Master.*

XXXVIII. And be it enacted, That if any Master or Commander of any Vessel within the said River, or any Person on board the same, shall hinder the said Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

*Harbour Master may cut Ropes.*

XXXIX. And be it enacted, That if any Master or Commander, or other Person on board of any Vessel which shall be moored or fastened within the said River, shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or, if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

*Harbour Master may remove Wrecks, &c.*

XL. And be it enacted, That it shall be lawful for the said Harbour Master for the Time being to remove any Wreck and other Obstruction and any floating Timber within the said River *Welland* which may impede the Navigation, and the Expence of removing any such Wreck, Obstruction, or floating Timber shall be repaid by the Owner of the same.

*Bye Laws.*

XLI. And be it enacted, That it shall be lawful for the said Trustees from Time to Time to make such Bye Laws as



they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating the placing and removing of Vessels in respect of which the Rates and Duties by this Act transferred and made payable to the said Trustees shall be payable, entering, lying in, or going out of the said River *Welland*, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Harbour Master to be appointed by the said Trustees:

For regulating the Duties and Conduct of all Persons, as well the Servants of the said Trustees as others, who shall be employed by them in the Execution of this Act within the River *Welland*:

Provided always, that such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and have thereto the Names of Five of the said Trustees, and, if affecting other Persons than the Officers or Servants of the said Trustees, be printed and published as herein provided; and it shall be lawful for the said Trustees, from Time to Time, as they shall think fit, to repeal, alter, and amend any such Bye Laws, so that any such Alteration or Amendment be not repugnant to such Laws of *England* as aforesaid.

*Penalty for enforcing Bye Laws.*

XLII. And be it enacted, That it shall be lawful for the said Trustees by the Bye Laws so to be made by them to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the Whole or Part only of such Penalty to be paid.

*Bye Laws to be confirmed.*

XLIII. And be it enacted, That no Bye Law which shall be made by the said Trustees under the Authority of this Act, except such as may relate solely to the Officers or Ser-

vants of the said Trustees, shall be valid or binding unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the Division of *Holland* in the County of *Lincoln*; and it shall be incumbent on such Justices, on the Request of the said Trustees, to inquire into any Bye Laws which may be tendered to them for that Purpose and to allow or disallow of the same as they shall think meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lincoln* One Month at least before the hearing of such Application; and any Person aggrieved by or objecting to any such Bye Law, on giving Notice of the Nature of his Objection to the said Trustees Ten Days before the hearing of such Application, may, by himself or his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

*A Copy of proposed Bye Laws to be open to Inspection.*

XLIV. Provided always, and be it enacted, That for One Month at least previous to any such Confirmation a Copy of such proposed Bye Laws shall be kept at the Office of the Clerk of the said Trustees; and it shall be lawful for all Persons, at all seasonable Times, to inspect such Copy, without Fee or Reward, and to be furnished by the said Trustees with a Copy thereof or of any Part thereof, on Payment of Sixpence for every One hundred Words.

*Publication of Bye Laws.*

XLV. And be it enacted, That such Bye Laws, when confirmed, shall be painted on Boards, and hung up, affixed, and continued on the Front or some conspicuous Part of the principal Office of the Collector for the Time being of the Rates and Duties by this Act transferred to the said Trustees, and also on some conspicuous Part of the Quays of the said River *Welland*, and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.