

Bye Laws to be binding.

XLVI. And be it enacted, That such Bye Laws when so confirmed shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Evidence of Bye Laws.

XLVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the said Trustees, authenticated by the Signatures of Three of them, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that painted Boards containing a Copy thereof were affixed or continued in the Manner by this Act directed; and in case of any such Boards being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Boards did not contain a Copy of the Bye Law under which he shall be prosecuted, or that Boards were not affixed, or continued to be affixed, as required by this Act.

Penalty on pulling down Boards used for Publication of Bye Laws.

XLVIII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board put up for the Purposes of this Act, on which any Bye Law of the said Trustees, or any Rate to be taken under this Act, shall be painted, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

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

XLIX. And be it enacted, That the said Trustees for the Time being shall or may sue and be sued in any Action or Suit to be commenced or prosecuted in respect of any Matter or Thing arising out of this Act in the Name of the Clerk of the said Trustees, and that no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of

the said Trustees, or by reason of the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but the Proceedings in every such Action or Suit shall be carried on to Execution, if necessary, in the Name of the Clerk by or against whom such Action or Suit shall have been commenced.

Trustees may sue in their own Names.

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

Welland Trustees to pay Proportion of Expence of Buoys and Beacons.

LI. And be it enacted, That from and after the Day of the Commencement of this Act the Trustees acting in execution of the said recited Acts of the Fifth Year of the Reign of King George the Fourth, and of the First Year of Her present Majesty, and of this Act, shall and they are hereby required to pay to the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, by and out of the Monies to be from Time to Time received by virtue of this Act, for and towards the Expences which shall be from Time to Time incurred by the said Mayor, Aldermen, and Burgesses of the Borough aforesaid, in supporting, repairing, and maintaining the Buoys, Beacons, and Sea Marks in and belonging to the said Port and Harbour of *Boston*, a Sum of Money equal to One Third Part of such Expences; and such Payment shall be made from Time to Time annually, within Thirty Days after an Account and Statement shall be delivered by or by the Order of the said Mayor, Aldermen, and Burgesses of the said Borough to the said Trustees or any One of them, or to their Clerk for the Time being, setting forth the Particulars and Amount of the said Expences, and the Sum claimed; and in case of Refusal or Neglect of the said Trus-

tees for the said Space of Thirty Days after Delivery of such Account to pay the Sum due and payable thereupon, the same may be recovered by the said Mayor, Aldermen, and Burgesses from the said Trustees or their Clerk, by Action of Debt, together with full Costs of Suit in any of Her Majesty's Courts of Record at *Westminster*.

Indemnity to Trustees and Clerk.

LII. And be it enacted, That every such Trustee or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Trustees, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Trustees by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Trustee or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Trustee or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk, or Three Trustees, or more, as aforesaid, it have been so brought without the Order or Direction of the Trustees.

Improvement in the River Witham.

LIII. And in order that the Improvements contemplated by the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, hereby repealed, may be effected, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid to execute any Works for the Improvement of the Navigation of the River *Witham* between the Place called the *Grand Sluice* aforesaid and the Point of Confluence of the Waters of the said Rivers *Witham* and *Welland*, by training, leading, or directing the Waters of the said River *Witham* in a confined Channel towards the Sea, before the same falls into or unites with the Channel of the River *Welland*, and by making, securing, continuing and maintaining the Channel of the said Port and Harbour of *Boston*, from the said *Grand Sluice* to the said Point of Confluence of the Waters of the

Witham and the *Welland*, within proper Bounds, for the Use of the Navigation therein; but, nevertheless, so that no Injury be thereby caused or occasioned to the Channel of the said River *Welland* at the Point of its Confluence with the said River *Witham*, or to the Outfall of the Waters of the said Rivers.

Improvement of the Outfall.

LIV. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid, and for the said Trustees of the River *Welland*, conjointly, and the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid and the said Trustees of the River *Welland* are hereby required, conjointly, to do or execute any Acts or Works for the Improvement of the Outfall of the said Rivers *Witham* and *Welland* into *Clayhole*, between the Point of Confluence of the said Rivers and *Clayhole*, as shall be for the Benefit and Advantage of the Outfall of both the said Rivers.

Notice to be given of such Improvements.

LV. Provided always, and be it enacted, That when it shall appear advisable to the said Mayor, Aldermen, and Burgesses, or to the Trustees of the River *Welland*, to commence any such Works as aforesaid, Notice thereof shall be given by either Party to the other of the same, which Notice shall be left in Writing at the Office of the Town Clerk of *Boston* aforesaid, or of the Clerk of the said Trustees, as the Case may be; and the said Mayor, Aldermen, and Burgesses, and the said Trustees of the River *Welland*, shall, within One Month from the Receipt of such Notice, each appoint Three of their Number to meet together, and communicate such Appointment to the other of the said Parties by Writing, to be left as aforesaid; and the Six Persons so to be nominated, or the Majority of them, shall decide as to where and at what Time and in what Manner such Work shall commence and be constructed; and if at any Time or Times any Person or Persons who shall have been nominated as aforesaid shall, before any Matter which shall have been referred as aforesaid shall have been decided, die, desire to be discharged from or become incapable to act therein, his Place shall be sup-

plied by the Body by whom he shall have been appointed as aforesaid, and so from Time to Time as Occasion shall require; and if either of the said respective Bodies shall not within the said One Month appoint Three of their Number for this Purpose, and communicate such Appointment as aforesaid, it shall be lawful for the other of the said Bodies to take on themselves exclusively the Consideration of the Propriety of commencing such Works, and to decide thereon in the same Manner as a Board consisting of Three Members from each Body is by this Act authorized to do.

The Expences of such Works to be paid in such Proportions as Engineers nominated for that Purpose shall determine.

LVI. And be it enacted, That all Expences of and incidental to the Execution of the said last-mentioned Works shall be paid by the said Mayor, Aldermen, and Burgesses, and by the said Trustees, respectively, in such Parts and Proportions, as the Persons so nominated and appointed as aforesaid shall mutually agree upon, or as shall be determined and awarded by some Civil Engineer, to be by the said Mayor, Aldermen, and Burgesses, and the said Trustees, mutually nominated and approved in that Behalf; and in case they shall not agree in such Nomination, then the Parts and Proportions in which the said last-mentioned Expences shall be borne and defrayed by the said several Parties shall be determined and awarded by Two Civil Engineers, one of whom shall be nominated by the said Mayor, Aldermen, and Burgesses, and the other of whom by the said Trustees; and the said Parties respectively are hereby directed and required to make such last-mentioned Nomination accordingly; and if either Party shall refuse to make such Nomination within One Month after Notice requiring them so to do shall be left at their Office, or delivered to their Clerk, and signed by the Clerk of the Party making such Requisition, it shall be lawful for the said last-mentioned Party to appoint both the said Civil Engineers for the Purposes aforesaid.

Umpire.

LVII. And be it enacted, That in the event of Two Engineers being appointed under any of the Powers herein-before

in that Behalf contained, they the said Engineers, before they proceed to act in the Premises under such Reference, shall appoint by Writing under their Hands some able and experienced Engineer to act as an Umpire in case any Difference of Opinion should arise between them, and in the event of any such Difference of Opinion the said Engineers or either of them are and is hereby required and authorized to call to their Assistance the Person who shall have been so nominated for Umpire, and who shall decide upon the Matter upon which such Difference of Opinion shall have arisen, and the Determination, Order, or Award of the said Two Engineers, touching so much of the Subject Matter of any such Reference as they shall agree upon, and the Determination, Order, or Award of the said Umpire touching so much of the Subject Matter of such Reference as the said Engineers shall not agree upon, shall be final and conclusive upon all Persons and Parties whomsoever: Provided always, that all Expences which may be incurred in respect to the Employment of or Reference to any Engineer or Engineers under the Provisions of this Act shall be paid in equal Proportions by the said Mayor, Aldermen, and Burgesses, and the said Trustees.

No Works below High-water Mark without the Consent of the Admiralty.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Mayor, Aldermen, and Burgesses, or the said Trustees, to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Mortgages to exchequer Loan Commissioners.

LIX. And whereas the said Exchequer Bills Loan Commissioners, under the Provisions of the herein-before mentioned or of intervening Acts passed for amending the same, or for granting Powers for the like Purposes, did, on or about the Ninth Day of November One thousand eight hundred and

thirty-five, advance and lend to the said Mayor and Burgesses the further Sum of Three thousand Pounds in Exchequer Bills, for making or completing other Works in the said River *Witham*, the Repayment of which Sum of Three thousand Pounds by an annual instalment of One hundred and Fifty Pounds on account of Principal, with Interest at Five Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, was secured to the said Commissioners by an Indenture of Mortgage under the Seal of the said Mayor and Burgesses, bearing date the said Ninth Day of *November* one thousand eight hundred and thirty-five, whereby the said Mayor and Burgesses did assign to *John Strettell Brickwood* Esquire, the then Secretary of the said Commissioners, all the Tonnage and Lastage Rates, Tolls, Duties, and Receipts whatsoever accruing or arising, or which might thereafter accrue, arise, and be received by virtue of the said Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth: And whereas the Principal Sum of Two thousand one hundred Pounds only now remains due or owing on the said lastly-recited Mortgage Security, together with a proportionate Part of the current Year's Interest thereon: And whereas it is expedient that Provision should be made for securing to the Commissioners the due and regular Payments of the said Instalments and Interest, notwithstanding the Transfer by this Act of the Collection and Receipt of the said Rates and Duties from the said Mayor and Burgesses to the said River *Welland* Trustees, and also that the Tonnage and Lastage Rates, Tolls, and Duties, transferred by this Act to the said Trustees of the River *Welland*, and the said Trustees of the River *Welland*, shall not be in any respect liable to repay the said several Advances so as aforesaid made by the said Commissioners, with Interest after the Rate and in the Manner provided by the said several recited Indentures of Mortgage for securing the Payment thereof respectively;

Tonnage and Lastage Duties, hereby transferred to Welland Trustees, discharged from such Debt;

Be it therefore enacted, That from and after the Commencement of this Act all the Tonnage and Lastage Rates,

Tolls, Duties, and Receipts by this Act transferred to the said Trustees of the River *Welland*, or intended so to be, shall be freed, exonerated, and for ever discharged of and from the Parts remaining due or owing and unpaid of the said Sums of Twenty thousand Pounds and Three thousand Pounds respectively secured by the herein-before recited Indentures of Mortgage, and every Part thereof respectively, and all Interest in respect thereof, and all Powers and Remedies for enforcing Payment of the same.

But Liability of other Boston Harbour Dues not to be discharged.

LX. Provided always, and be it enacted, That nothing in this Act contained shall be deemed, construed, or taken to release or discharge from the Payment of the said Sums and Interest respectively, or any Part thereof, any other Rates, Tolls, Duties, or Premises than such as are herein-before expressly discharged as aforesaid, but that all other Tonnage, Lastage, and other Rates, Tolls, Duties, and Receipts, accruing, arising, or belonging, or which shall hereafter accrue, arise, or belong to the said Mayor and Burgesses of *Boston*, under or by virtue of the said recited Acts of the Fifty-second Year of King *George* the Third, and of the Seventh and Eighth Years of King *George* the Fourth, or either of them, or any Acts which may be hereafter passed for amending or extending the Powers and Provisions of the same Acts, together with the said Lands, Hereditaments, and Premises comprised in the said secondly herein-before recited Security of the Eighth Day of *July* One thousand eight hundred and twenty-eight, shall continue and be charged with the said Sums and Interest, in like Manner, and subject to the same Powers and Remedies for obtaining Payment thereof respectively, as if the same had been alone originally comprised in the said Mortgage Securities.

*Welland Trustees to pay 5,000*l.* to Mayor and Burgesses of Boston, as their Proportion of the Debt.*

LXI. And be it enacted, That the said Trustees of the River *Welland* for the Time being, acting under and by virtue and in execution of the above-recited Acts of the Fifth Year

of King *George* the Fourth and of the First Year of Her present Majesty, or of this Act, shall pay to the said Mayor, Aldermen, and Burgesses of the Borough of *Boston* aforesaid the Sum of Five thousand Pounds, within Three Months from and after the passing of this Act, as and for their Proportion of the Sums of Money remaining due and owing to the said Exchequer Bills Loan Commissioners as aforesaid; and the Receipt in Writing of the Treasurer for the Time being of the ordinary Revenues or other Funds of the said Port and Harbour for the said Sum of Five thousand Pounds, or for any Part or Portion thereof, shall be an effectual Discharge for the Money therein expressed to be received; and after full Payment of the said Sum of Five thousand Pounds, the said Mayor, Aldermen, and Burgesses shall cause a Declaration and Notice thereof to be inserted in the *London Gazette*, or be otherwise published in some One or more Newspaper or Newspapers printed or usually circulated in the said County of *Lincoln*, and such Notice shall be legal Evidence of the Payment thereof.

The Transfer of the Rates to the Welland Trustees not to operate until the 5,000l. be paid.

LXII. Provided always, and be it enacted, That until the said Sum of Five thousand Pounds shall have been fully paid to the said Mayor, Aldermen, and Burgesses, it shall not be lawful for the said Trustees of the said River *Welland*, or for any Person or Persons on their Behalf, to demand or take, or cause to be demanded or taken, any of the Rates, Tolls, or Duties intended to be hereby transferred to them as aforesaid, or to exercise any of the Powers or Authorities hereby conferred upon the said Trustees, except the Power herein-after contained for enabling the said Trustees to borrow and take up at Interest the said Sum of Five thousand Pounds, any thing herein-before contained to the contrary notwithstanding; but that until the Payment of the said Sum of Five thousand Pounds the said Mayor, Aldermen, and Burgesses shall have and retain the same Powers and Authorities of collecting and recovering Payment of the Rates, Tolls, and Duties, and of applying the same, under the Authority 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 King *George* the Fourth, as they would have had in case this Act had not been passed.

Welland Trustees may borrow 5,000l. on the Security of the Rates hereby transferred.

LXIII. And be it enacted, That it shall be lawful for the said Trustees for the Time being acting in and for 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 of this Act, to borrow at Interest, on the Credit of all or any of the Rates and Duties by this Act intended to be transferred and made payable to and receivable by them as aforesaid, and of all or any Part of the annual Rates, Taxes, and Assessments payable to and receivable by them the said Trustees under and by virtue of the said recited Act of the Fifth Year of King *George* the Fourth, any Sum of Money not exceeding the Sum of Five thousand Pounds, and for securing the Repayment of the Monies so borrowed, with Interest, the said Trustees, or any Seven of them, may assign over the same Rates and Duties, Taxes and Assessments respectively, or any of them, or any Part thereof respectively, to the Person who shall advance or lend such Money, or his Trustee as a Security, for the Payment of the Money so to be borrowed, together with Interest for the same; and the Receipt or Receipts of the Treasurer of the said Trustees for the Time being shall be a good and sufficient Discharge to the Person or Persons lending such Money for so much Money as shall be expressed in such Receipt or Receipts; and the Person or Persons lending any such Money to the said Trustees shall not, after taking any such Receipt or Receipts, be liable to see to the Application of the Money which shall be thereby expressed to be received, or in any way accountable for any Misapplication or Nonapplication thereof.

Money so borrowed to be applicable to paying the Contribution.

LXIV. And be it enacted, That the Money to be borrowed under the Power lastly herein-before in that Behalf contained shall be primarily applicable to the Payment of the said Sum of Five thousand Pounds herein-before directed to be paid to

the said Mayor, Aldermen, and Burgesses, or to the Payment of so much and such Part thereof as may not have been or shall not be otherwise discharged, nevertheless without Prejudice to the Power of the said Trustees to raise, appropriate, and apply (which they are hereby authorized to do) the whole or any Part of the Money to be borrowed as aforesaid to any other of the Purposes of the said recited Act of the Fifth Year of King *George* the Fourth and of the said Act of the First Year of Her present Majesty, or of this Act, after full Payment shall have been made to the said Mayor, Aldermen, and Burgesses of the said Sum of Five thousand Pounds.

Power to borrow other Monies after the 5,000l. shall be paid.

LXV. Provided always, and be it enacted, That after the said sum of Five thousand Pounds herein-before authorized to be raised for the Purpose aforesaid, and the Interest thereof, shall have been fully paid and discharged, it shall be lawful for the said Trustees for the Time being acting in the Execution of the said recited Acts of the Fifth Year of King *George* the Fourth and the First Year of Her present Majesty, and of this Act, from Time to Time, as Occasion may thereafter require, to borrow at Interest on the Credit of the several Rates and Duties by this Act intended to be transferred and made payable to and receivable by them as aforesaid, and of all or any Part of the annual Rates, Taxes, and Assessments payable to and receivable by them the said Trustees under or by virtue of the said recited Act of the Fifth Year of King *George* the Fourth, or of the several other Rates and Duties payable to and receivable by them under or by virtue of the said recited Act of the First Year of Her present Majesty, any other Sum or Sums of Money, not exceeding the Sum of Twenty thousand Pounds in the whole, which it may be found expedient to borrow (and which shall be agreed to be borrowed at any general yearly Meeting of the said Trustees) for the more effectual and speedy Execution of the Works of Improvement of the said River *Welland* and its Outfall, or for other the Purposes of the said Acts of the Fifth Year of King *George* the Fourth and First Year of Her present Majesty respectively, and for securing the Repayment of the

Monies so borrowed, with Interest, to assign over such Rates and Duties and annual Taxes and Assessments respectively, or any of them, or any Part thereof respectively, in manner by this Act provided in respect of borrowing the said Sum of Five thousand Pounds.

Form of Mortgage.

LXVI. And be it enacted, That every Assignment or Mortgage to be made by the said Trustees in pursuance of this Act shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Seven of the said Trustees, and may be made according to the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LXVII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums respectively mentioned, be Creditors on the said Rates, Duties, Taxes, and Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Expences of Mortgages.

LXVIII. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Trustees out of the Money raised by the same respectively, or from or out of any of the Revenues of and belonging to the said Trustees.

A Register of Mortgages to be kept.

LXIX. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Trustees; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable

Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

LXX. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person, by Deed in Writing, duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (D.) to this Act annexed, or to the like effect.

Transfers of Interest to be stamped.

LXXI. And be it enacted, That the Interest on any such Mortgage or Assignment shall not be transferable, except by Deed duly stamped.

Register of Transfers to be kept.

LXXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferree, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LXXIII. And be it enacted, That unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Application of Monies.

LXXIV. And be it enacted, That all the Monies which shall be collected or received by the said Trustees under or by

virtue of this Act shall be laid out and applied by them in the Order and Manner following; (that is to say,) in the first place, in the Payment and Discharge of the Costs and Expences of obtaining and passing this Act, or preparatory or incident thereto, and of all Sums of Money advanced or lent by any Person or Persons for such Purposes, together with lawful Interest for the same; in the next place, in carrying into execution and fulfilling and satisfying the several Purposes of this Act, and the Charges hereby provided; and the Residue of the said Monies shall and are hereby declared to be applicable to the Purposes of the said recited Acts of the Fifth Year of King *George* the Fourth and First Year of Her present Majesty, for improving the Outfall and Navigation of the said River *Welland*, in such and the same Manner as if the same had been raised and payable by virtue or in pursuance of the same Acts, and in aid and augmentation of the other Funds or Revenues receivable by virtue of the same Acts or either of them.

An annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

LXXV. And be it enacted, That the Trustees shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied in respect of the Dues transferred to them by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Trustees, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Parts of *Holland*, on or before the Thirty-first Day of *January* in each Year; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of One Shilling for every such Inspection: Provided always, that if the said Trustees shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Repeal of Section 70, in 5 G. 4. c. 96.

LXXVI. And be it enacted, That so much of the said recited Act of the Fifth Year of the Reign of King *George* the Fourth as enacts that in all Actions, Suits, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of the same Act, no Owner or Occupier or other Person interested in any Lands within the Purview of the same Act shall, by reason of his or her Ownership, Occupancy, or Interest, be deemed an incompetent Witness, shall be and the same is hereby repealed.

Saving of Rights.

LXXVII. Provided always, and be it enacted, That nothing herein contained shall prejudice or defeat any Works made or to be made by the Mayor, Aldermen, and Burgesses of the Borough of *Boston*, in pursuance of the said recited Acts of the Fifty-second Year of King *George* the Third and the Seventh and Eighth Years of King *George* the Fourth, or of this Act, or to lessen or take away any of the Rights or Powers which by the said Acts were vested in the said Mayor, Aldermen, and Burgesses, (except so far as the same are by this Act expressly altered or taken away,) or to alter or take away any of the Rights, Tolls, Emoluments, Liberties, Franchises, or any Jurisdiction which the Mayor, Aldermen, and Burgesses of the said Borough of *Boston* were possessed of or had a Right unto, by Charter, Prescription, Custom, or otherwise, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

Saving the Rights of the Trinity House.

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

Interpretation of Act.

LXXIX. And be it enacted, That in the Construction of this Act and of all former Acts relating to the said River

Welland the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Word "Ship" or the Word "Vessel" shall include Lighters, Keels, Barges, Hoys, Boats, Rafts, Crafts, and Floating Vessels of all Kinds, and whether propelled by Wind, Steam, Manual Power, or otherwise:

The Word "Master" shall include all Persons (other than and except the Pilot) having for the Time being the Command or Care or Management of any such Ship or Vessel, and whether he be the Owner thereof or otherwise:

The Word "Owner," used relatively to Wheat, Oats, Barley, or any other Kind of Corn, Grain, or Pulse, shall include the Consignee or Shipper of such Wheat, Oats, Barley, or any other Kind of Corn, Grain, or Pulse:

The Words "Corn, Grain, or Pulse" shall include Wheat, Oats, Barley, and any other Kind of Corn, Grain, or Pulse.

Public Act.

LXXX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Commencement of Act.

LXXXI. And be it enacted, That this Act shall commence and take effect upon the Day of the passing thereof.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

For every Ship or Vessel, Barge or Boat, belonging to any of Her Majesty's Subjects in Great Britain or Ireland, entering into or coming within or sailing from or using the said River Welland, the Sum of Sixpence per Ton :

For every other Ship or Vessel entering into or coming within or sailing from or using the said River Welland, the Sum of Nine-pence per Ton.

SCHEDULE (B.)

For every Quarter of Wheat shipped or landed or carried or conveyed by or from or upon any Vessel navigating the said River Welland, the Sum of One Penny per Quarter :

For every Quarter of Oats, Barley, or any other Kind of Corn, Grain, or Pulse shipped or landed or carried or conveyed by or from or upon any Vessel navigating the said River Welland, the Sum of One Half-penny per Quarter.

SCHEDULE (C.)

WE of the Trustees acting in execution of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act for explaining, amending, and rendering more effectual and Act of His late Majesty, for improving the Outfall of the River Welland in the County of Lincoln," by virtue of an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled "An

Act" [*insert the Title of this Act*], do by these Presents mortgage, assign, and convey unto Successors and Assigns [*or* Executors, Administrators, and Assigns (*as the Case may be*)], all and singular the Rates and Duties payable to us the said Trustees by virtue of the said last-mentioned Act, and also all the annual Rates, Taxes, and Assessments payable to us the said Trustees by virtue of the said first-mentioned Act, to hold the same Rates or Duties, and Taxes and Assessments, and every of them, unto the said Successors and Assigns [*or* Executors, Administrators, and Assigns (*as the Case may be*)], until the said Sum of together with Interest for the same after the Rate of per Centum per Annum, to be computed from the Day of the Date hereof, shall be fully repaid and satisfied to him, her, or them (*as the Case may be*), such Interest to be paid by equal Payments on the Day of and the Day of in every Year in the meantime. Given under our Hands and Seals, the Day of in the Year of our Lord

SCHEDULE (D.)

Form of Transfer of Mortgage.

I A.B. of in consideration of the Sum of paid to me by C.D. of do hereby transfer to the said C.D., his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Trustees for executing the [*Title of the Act*], to bearing Date the Day of for securing the Sum of and Interest [*or if such Transfer be by Indorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates and Duties and annual Taxes and Assessments thereby assigned. In witness whereof, &c., this Day of One thousand eight hundred and