

The bare Sands, after they are marked out, vested in Trustees.

XCVIII. And be it further enacted, That after the said bare shifting Sands and Low-water Mark of the said Channel are set out, bounded, and abuttalled, in Manner before directed, the same and every of them shall vest, and they are hereby vested in the Trustees herein appointed, freed and discharged from all Right or Claim which can or may be claimed therein, by any Person or Persons whomsoever, (except as herein-after mentioned), to hold the same unto and to the Use of the said Trustees upon Trust, to let or set the said bare shifting Sands, or any Part or Parts thereof, from Time to Time, at the best and highest Rents that can reasonably be obtained, until the said bare shifting Sands shall become fit to be embanked, as herein-after provided for.

For embanking.

XCIX. And be it further enacted, That when any Part or Parts of the said bare shifting Sands shall become fit to be embanked, it shall be lawful for the said Trustees to make, or cause to be made, good and substantial Banks, for defending the same from the Sea, to extend from the Sea Bank that shall have been then erected on the North Shore, to the Sea Bank that shall have been erected on the South Shore, crossing the said Salt Marshes, so as to include a Part thereof, and to defray the Expence of the said Embankment, it shall be lawful for the said Trustees to borrow Money on Mortgage of the said bare shifting Sands, or any Part or Parts thereof, and also on Mortgage of such Parts of the said Salt Marshes as will be necessary to be inclosed within the same Embankment; which said Money so borrowed, shall, together, with the Fund then in Hand from the said Rents, be applied by the said Trustees in embanking such Parts and Divisions of the said bare shifting Sands, and of the Salt Marshes, at such Time or Times as the said Trustees shall think proper; and upon every such Embankment taking place, it shall be lawful for the Trustees to sell the bare shifting Sands so embanked, or any Part or Parts thereof, subject nevertheless to the Payment of such Annual Tax, not exceeding One Shilling *per* Acre, as the said Trustees shall think proper to impose, for draining the same into the said new River or Cut, or supplying fresh Water therefrom, and apply the Money arising from such Sale or Sales, in the First Place, in paying the Expences of the said Embankment, and all Expences that shall have arisen in the setting out, planning, abutting, and surveying, the said bare shifting Sands and Low-water Mark of the said Channel, and in the above-mentioned Adjudication respecting the same; and in the next Place, in paying off the said Mortgage with all Interest due thereon, and all Expences attending the borrowing of such Money, and making such Sale or Sales; and lastly, to apply One Moiety or Half Part of the nett Remainder of the Money arising from such Sale or Sales, to and for the same Uses, Intents, and Purposes, as the Taxes, Tolls, and Pontage, hereby authorized to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act; and to pay the other Moiety, or Half Part of the said nett Remainder of the Money arising from such Sale or Sales, to the Owner or Owners of, or Person or Persons interested in the Frontage Lands, or Salt Marshes, abutting upon the said bare shifting Sands, in such Shares and Proportions as the several Rights and Interests in the said Frontage Lands, or Salt Marshes abutting as aforesaid, bear to each other, (that is to say), on the South Side of the said Channel, according to the said parallel Lines so to be set out by the Commissioners appointed by the said in Part recited Act; and on the North Side of the said Channel,

nel, according to the best Evidence that can be obtained by the said Trustees, or according to the Adjudication herein-before provided for, with respect to the setting out, planning, abuttalling of, and surveying the said bare shifting Sands and Low-water Mark of the said Channel.

C. Provided always, That before any Measures shall be taken by the said Trustees for either letting or selling by publick Contract or Sale the said bare shifting Sands, so to be embanked as aforesaid, the said Trustees may, and are hereby authorized and required to treat with the Owner or respective Owners of the Land or Ground next adjoining to the same bare shifting Sands, either for the letting or selling the same to such Owner or Owners respectively, in order that such Owner or respective Owners of the adjoining Land may have the Option of either taking upon Lease or purchasing, as the Case may require, upon fair and equitable Terms, such bare shifting Sands when so embanked as aforesaid, in Preference to any other Person or Persons whomsoever.

Owners of Lands adjoining the bare shifting Sands to have the Preference of hiring or buying the said shifting Sands when embanked.

CI. Provided always, and be it further enacted, That in case the said bare shifting Sands, and the said Salt Marshes so to be inclosed in the said Embankments, should not be deemed a sufficient Security for the Money requisite to be borrowed for defraying the Expences of the said Embankments to be made from Time to Time, it shall be lawful for the said Trustees to take in Aid thereof any Part of the Taxes, Tolls, and Pontage, herein directed to be levied and taken for the Purposes of this Act.

If the bare Sands are not a sufficient Security for the Money wanted, the Taxes, &c. by this Act granted, to be taken in aid.

CII. And be it further enacted, That the Receipt or Receipts of any Three or more of the said Trustees, to the Purchaser or Purchasers of the Land so embanked, or any Part or Parts thereof, shall be a sufficient Discharge for so much of the said Purchase Money as in such Receipt or Receipts shall be expressed to be received; and such Purchaser or Purchasers, having obtained such Receipt or Receipts, shall not be liable to see to the Application of the said Money, or answerable or accountable for the Non-application or Mis-application thereof, or any Part thereof.

Receipt of Trustees to be a sufficient Discharge for the Purchase Money.

CIII. And be it further enacted, That out of that Moiety or half Part of the said nett Remainder of the said Money so directed to be paid to the Owner or Owners of, or Person or Persons interested in, the said Frontage Lands or Salt Marshes, it shall be lawful for the said Trustees to retain the Expences of such Part of the said Embankments as shall be made from Time to Time across the said Frontage Lands, or Salt Marshes, any Thing herein contained to the contrary thereof notwithstanding; and that the Repairs of the said Banks so to be made across the said Frontage Lands, or Salt Marshes, shall be for ever after supported and maintained at the Expence of the Owner of the said Frontage Lands, or Salt Marshes, on each Side of the said Channel respectively; and the Repairs of the said Banks so to be made across the said Bare or White Sands, shall be for ever after maintained and kept by the Purchasers of the same, in such several Proportions as shall be settled and adjusted by the said Trustees, previous to the said Sales.

For retaining Part of the Expences of Embankment.



Trustees to  
give Notice of  
Sale of Lands.

CIV. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby required to cause Three Calendar Months Notice to be given in the *Lincoln, Rutland, and Stamford Mercury*, of the Time and Place of selling the said Lands so embanked, or any Part thereof, next preceding the Time or Times of such Sale or Sales; and that such Sale or Sales shall be made by Auction to the best Bidder or Bidders at such Sale or Sales, and the Land so sold shall immediately, on Conveyance thereof by the said Trustees, become the Inheritance of the Purchaser of Purchasers, his, her, or their Heirs or Assigns, absolutely freed and discharged from all Claims and Demands whatsoever, except the said Annual Tax so directed to be imposed thereon by the said Trustees.

Money due to  
Corporations  
and Trustees  
to be laid out  
to the same  
Use.

CV. And be it further enacted, That all and every Sum and Sums of Money which is or are to be paid for the Purchase of, or in Recompence for the Damage done to, any Messuages, Lands, Tenements, or Hereditaments as aforesaid, to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors or Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunatics, Idiots, Females Coverture, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, or who are otherwise incapable by Law of selling or disposing or exchanging the same, shall, in case the same exceeds the Sum of Twenty Pounds, be laid out and invested by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors or Administrators, Husbands, Guardians, Committees, Trustees, or other Person or Persons, as soon as conveniently may be, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, and conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or such other Person and Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, Provisoes, and Contingencies, as the Messuages, Lands, Tenements, or Hereditaments, for or in respect whereof such Purchase Money or Monies, or other Money or Monies, shall be so paid as aforesaid, were limited, settled, and assured, at the Time such Purchase Monies were so agreed for, or such other Monies so ascertained respectively as aforesaid, or so many of such Uses as shall be then existing and capable of taking Effect; all and every of which Conveyances and Settlements, (other than those which concern any Purchase or Exchange between or amongst any of the respective Land Owners as aforesaid), shall be made out of the Fund to arise from the said Taxes, Tolls, and Pontage; and in the mean Time, and until such Purchase and Purchases shall be made, the said Monies shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, or other Person or Persons, in some of the Publick Funds, or on Government or Real Securities, bearing and producing an Annual Interest, in the Names of Two Persons, the One to be nominated by the Party or Parties interested therein, and the other by the said Trustees herein appointed, or any Five or more of them; and the Interest arising or to be

produced from such Funds or Securities, shall be paid to such Person or Persons respectively, as would, for the Time being, be entitled to the Rents and Profits of such Messuages, Lands, Tenements, and Hereditaments, so to be purchased, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

CVI. And be it further enacted, That when all the Sums of Money which the said Commissioners and Trustees respectively are by this Act enabled to borrow upon the Credit of the said Taxes, Tolls, and Pontage, together with all Interest for the same, shall be paid off, and also all Expences of supporting the said Banks, Tunnels, Sluices, Bridges, navigable Locks and Staunches, and other Works and incidental Charges, shall be paid and satisfied, then the said Trustees herein appointed shall from Time to Time, as they shall think convenient, invest so much of the Monies arising from the said Taxes, Tolls, and Pontage, and Share of the Sands, Waite Lands, and Channels, as the Surplusage will, from Time to Time, permit, in the Purchase of Parliamentary Securities, or Government Funds, in the Names of Two or more of the said Trustees, and in like Manner shall apply the Interest arising from such Securities or Funds; and such Sums, so to be invested, shall be, from Time to Time, subject to the same Application as the Taxes, Tolls, and Pontage, and Share of the bare Shifting Sands and Channel are subject.

When all the  
Money bor-  
rowed on the  
Taxes shall be  
paid, the Trust-  
tees to invest  
the Monies to  
arise from the  
Taxes in the  
Purchase of  
Parliamentary  
or other Secu-  
rities.

CVII. Provided always, and be it further enacted, That if, at any Time after making the Investment aforesaid for supporting the said Works, there shall, in the Opinion and Judgement of the said Trustees, be any Overplus Monies remaining in their Hands, then such Overplus Monies shall be applied to such other Works of Improvement in the said River *Welland*, as they shall, from Time to Time, direct and appoint.

Application of  
Overplus Mo-  
ney.

CVIII. And be it further enacted, That the said several Taxes, Tolls, and Pontage, shall, at all Times hereafter, be exempted from the Payment of any Parochial or other Rates, Taxes, or Assessments whatsoever.

Tolls to be  
free from  
Taxes.

CIX. And whereas a certain Drain called *The Vernatt's Drain*, running from the Common called *Spalding Common*, through the said several Parishes of *Spalding* and *Pinchbeck*, has been enlarged by the Adventurers of *Deeping Fen* aforesaid, and the same has also been continued by a new Cut down to the Outfall thereof, at or near a certain Place called *The Reservoir*, and a Sluice has been built at the said Outfall, under the Powers of an Act of Parliament, passed in the Fourteenth Year of His present Majesty King George the Third, and intituled, *An Act for amending and rendering more effectual several Acts of Parliament of the Sixteenth, and Seventeenth, and Twenty-second Year of King Charles the Second, and of the Eleventh Year of His late Majesty, for draining and preserving certain Lands called Deeping Fens, in the County of Lincoln*; but the said Drain, so enlarged and continued, is still insufficient for the Drainage of the several Commons and other Lands which ought to drain thereby; be it therefore further enacted, That the said Adventurers of *Deeping Fen* shall, at their own Expence, as soon as may be after the passing of this Act, enlarge, deepen, and scour out the said Drain, to the Satisfaction of the Commissioners herein appointed, in Manner and Form following; (that is to say), from the Sluice across the Outfall of the said Drain, at

For compell-  
ing the Ad-  
venturers of  
*Deeping Fen* to  
improve *Vernatt's Drain*.



or near the said Reservoir, to a certain Bridge called *Shotbolt's Bridge*, and the said Adventurers shall make, or cause the said Drain to be made, of the clear Width of Thirty Feet at the Bottom thereof, which said Bottom shall be deepened so as to be upon the same Level with the Sill of the present Sluice across the Outfall of the said Drain to the Commencement thereof at the said *Spalding Common*; and shall also widen the said Drain, on the North Side thereof, from the said Outfall to the before-mentioned Bridge, so as to preserve a Batter of at least Three Feet in every Foot of Height, from the Bottom thereof to the Surface of the adjoining Land; and shall lay all the Earth to be taken out of the said Drain together with so much of the present Bank as will be necessary to be removed, in order to complete the same on the North-side thereof, in Bank Fashion, sloping the said Earth in Front, at least One Foot and a Half in each Foot of Height, and leaving a Foreland or Cess of Fifteen Feet at the least between the Edge of the new Bank and the Side of the said Drain next adjoining thereto; and from the said Bridge Southwards, the said Adventurers shall scour out and cleanse the Bottom of the said *Vernatt's Drain* so as to continue the same Level, as before-mentioned, unto the Termination of the said Drain at *Spalding Common*.

When *Vernatt's Drain* shall be enlarged, it shall be supported by the Adventurers of *Deeping Fen*.

CX. And be it further enacted, That when the said *Vernatt's Drain* shall be enlarged, deepened, and scoured out, of the Dimensions afore-said, and Notice thereof published by the said Commissioners as herein is directed, the same Drain and the Banks thereof, and also a certain Bank called *The South Dozens Bank*, extending from *Pode Hole Sluice* to the River *Glenn*, shall, from thenceforth for ever thereafter, be kept, supported, and maintained by and at the Expence of the Adventurers of *Deeping Fen*, of sufficient Depth, Width, Height, and Strength respectively, to prevent any of the Lands in the said Parishes of *Spalding* or *Pinchbeck*, lying between the *Westload Drain* and River *Glenn*, from being overflowed by the Waters issuing from *Deeping Fen*, or prejudiced by the Soakage thereof, through the said *South Dozens Bank*, or the Banks of the said *Vernatt's Drain*; and if the same Drain shall not at all Times after the Publication of such Notice as afore-said, be kept open, scoured, and cleansed, and the said Banks, and every of them respectively, supported, preserved, and maintained, of Depth, Width, Height, and Strength, in every Part thereof, sufficient for the Purposes afore-said, according to the Tenor of this Act, it shall be lawful for any Five of the said Trustees, upon the Application of Ten or more Occupiers of Land in *Spalding* or *Pinchbeck* afore-said, lying between the *Westload Drain* and River *Glenn*, aggrieved by such Defects of Reparation, from Time to Time to call a Special Meeting of the said Trustees, by advertising the same Three successive Weeks in the *Lincoln, Rutland, and Stamford Mercury*, and *Cambridge Chronicle*, and the Trustees, or the major Part of them, assembled at such Special Meeting, (not being Owners or Occupiers of Land draining by the said *Vernatt's Drain*), shall, and they, or the major Part of them, are hereby empowered, if they see Occasion, to give Notice to the Surveyor of the said Adventurers, to do such Repairs to the said Drain or Banks, or any of them, as to such Trustees shall appear necessary and requisite; and if the Repairs so ordered by the said Trustees shall not be done by or under the Direction of such Surveyor, within the Time to be by the said Trustees limited for that Purpose,

Purpose, it shall be lawful for the Owners and Proprietors of Lands in *Spalding* and *Pinchbeck* afore-said, lying between the said *Westload Drain* and River *Glenn*, to cause the same to be done under their own Direction, and to recover the Costs, Charges, and Expences, occasioned thereby, together with Costs of Suit of the said Adventurers of *Deeping Fen*, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, against the Treasurer or other Officers of the said Adventurers of *Deeping Fen* for the Time being, wherein no Effoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

CXI. And be it further enacted, That the said Adventurers shall pay for the Cut and Cover of all such Lands as shall be injured by the widening and deepening of the said Drain, and for all such Damages as shall be done to the Owners and Occupiers of the Lands adjoining thereto, such Sum or Sums of Money as shall be agreed upon between the said Adventurers, or any Three or more of them, and the Party or Parties interested, or in case of Non-agreement, such Sum or Sums of Money as shall be assessed by a Jury to be impanelled and sworn in like Manner as is herein-before provided for, respecting the said new River or Cut to be made under the Authority of this Act.

Cut and Cover to be paid for.

CXII. And be it further enacted, That as soon as the said *Vernatt's Drain* shall be enlarged, deepened, and scoured out, in Manner before mentioned, and the several other Works of Drainage herein-before provided to be done, between the said *Vernatt's Drain* and the said Outfall at *Wyberton Roads*, shall be perfected to the Satisfaction of the Commissioners under this Act, the said Commissioners shall, and they are hereby required to cause Notice thereof to be published on the Church Doors of *Spalding* and *Pinchbeck* afore-said, and also to be inserted in the *Lincoln, Rutland, and Stamford Mercury*, and *Cambridge Chronicle*; and immediately on Publication of such Notice, the Power given to the Commissioners of Sewers by the said Act of the Fourteenth of His present Majesty King *George the Third*, to shut down the Sluice Doors at *Pode Hole Sluice*, and to stop the said Drain called *Vernatt's Drain*, for Twenty-eight Days in any One Year, to be reckoned from the First Day of *January* in One Year, to the First Day of *January* in the succeeding Year, in order to drain the Lands in *Pinchbeck* and *Spalding*, shall cease and determine; and it shall not be lawful for the said Commissioners hereafter to stop the said Sluice and Doors set down at *Pode Hole* as afore-said; and that all Power, Jurisdiction, and Authority, of the Court of Sewers, as well over the said *Vernatt's Drain* as over the Sluice called *Pode Hole Sluice*, shall cease and be for ever extinguished; and the said Drain so enlarged, deepened, and scoured out, and also the said *Pode Hole Sluice*, shall vest in the said Adventurers of *Deeping Fen*; any Law or Statute to the contrary thereof in anywise notwithstanding.

*Vernatt's Drain* and *Pode Hole Sluice*, and other Sluices, taken out of the Court of Sewers.

CXIII. Provided, That nothing herein contained shall extend, or be construed to extend, to prevent, or obstruct the Owners or Occupiers of Lands in the said respective Parishes of *Spalding* and *Pinchbeck*, from continuing, running, or using, the Tunnels now lying in, through, or under, either of the Banks of the said *Vernatt's Drain*, or repairing the same,

Owners, &c. of Lands in *Spalding* and *Pinchbeck* to have Tunnels in and through *Vernatt's Drain*.



same, or putting down new Ones in Lieu thereof, from Time to Time, as often as Occasion shall require, for the Purpose of letting in or taking Water out of the said Drain, or of conveying Water under the same, in such and the like Manner as the present Tunnels have been heretofore used and enjoyed.

Owners of  
Lands in  
Spalding and  
Pinchbeck to  
have Liberty  
to erect Mills.

CXIV. And be it further enacted, That if at any Time hereafter the Tunnels authorized to be continued or put down, in, through, or under, either of the Banks of the said *Vernatt's* Drain, or any of them, shall be rendered incapable of discharging the Waters in wet Seasons from the Lands accustomed to drain thereby, by reason or on Account of the Height of the Water in the said Drain, it shall be lawful for the Owners or Proprietors of such Lands, or the major Part of them in Value, by Writing under their Hands, or the Hands of their known Agents, to appeal to the Trustees for the Time being, acting under this Act, (assembled at an Annual Meeting), who, if they see Occasion, shall, and the said Trustees, or the major Part of them, so assembled, (not being Proprietors of Lands draining by the said *Vernatt's* Drain), are hereby empowered by Writing under their Hands, to empower the Owners or Proprietors of Lands within the said Parishes of *Spalding* and *Pinchbeck*, lying between the *Westload* Drain and River *Glenn*, to erect and build One or more Mill or Engine, Mills or Engines, and to cut and make such Drain or Drains through the Lands and Grounds intended to be drained thereby, and also such Culvert or Culverts under the said *Vernatt's* Drain, as they shall think requisite or necessary for the free Passage of the Waters to such Mill or Engine, Mills or Engines, and the Charges and Expences of making and executing the several Works of Drainage herein last authorized, and of using and supporting the same, shall, from Time to Time, for ever thereafter, be borne and paid by an equal Annual Acre Rent or Tax, to be charged upon the Owners or Proprietors of the Lands and Grounds in *Spalding* and *Pinchbeck* aforesaid, lying between the said *Westload* Drain and River *Glenn*, and be recovered and received by such Officer or Officers, and by such Ways and Means, under the Authority of the said Court of Sewers, as the Dike Reeve Rate, in respect of such Lands, shall, from Time to Time, be raised and levied; and that by and out of the Monies so to be recovered and received, all such Damages as shall be sustained by the Owners or Occupiers of Lands used in forming such Works of Drainage (in case the Parties interested cannot agree upon the Compensation to be made for the same) shall be assessed by a Jury to be impanelled and sworn, in like Manner as is herein-before provided for, respecting Damages to be incurred in the Execution of this Act.

What shall be  
done in case  
of Flood Wa-  
ters flowing  
into *Deeping*  
Fen.

CXV. Provided, and it is hereby further enacted, That if at any Time after the said *Vernatt's* Drain, and *Pade Hole* Sluice, and all Power and Authority over the same, shall be taken out of the Jurisdiction of the said Court of Sewers, as herein is directed, the Floodwaters of the River *Welland*, by Reason of a Breach in *Deeping* Fen Bank, shall flow into *Deeping* Fen, then, and in such Event happening, the Owners and Occupiers of Land in *Spalding* or *Pinchbeck* aforesaid, lying between the said *Westload* Drain and River *Glenn*, or any Five or more of them, shall and may, under an Order to be granted by any Three of the said Trustees, not being Proprietors of

of Land in either of the said Parishes, (and which Order the said Trustees are required to grant accordingly), exercise such and the like Power and Authority over the said *Pade Hole* Sluice, and the Doors thereof, and by such other Ways and Means as shall seem expedient to prevent the Waters in *Deeping* Fen from being discharged into the said *Vernatt's* Drain, until such Time as the Breach so happening shall be taken, and the said *Vernatt's* Drain, in the Judgment of the Trustees granting such Order, shall be in a State to receive such Floodwaters, without endangering the Banks of the said Drain, or of overflowing the same, to the Prejudice of the Lands adjoining thereto.

CXVI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend to repeal, invalidate, lessen or diminish, alter or take away, any of the Rights, Powers, and Authorities of the Adventurers of *Deeping* Fen, or of any Navigators, Court of Sewers, Bodies Corporate, or Person or Persons whomsoever, other than except such Rights, Powers, and Authorities, as are herein specially altered, annulled, or abridged, or hereby intended to be altered, annulled, or abridged, in the Cases herein-before mentioned; but the same, and every of them, except as aforesaid, shall continue and remain as before the passing of this Act; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Preservation  
of Rights.

CXVII. And be it further enacted, That nothing in this Act contained shall extend to empower the Commissioners, Trustees, or any other Persons acting by virtue of this Act, to intermeddle with or invalidate, lessen, alter, or take away, any Rights, Powers, or Authorities, granted by a certain Act of Parliament, made and passed in the Fifth Year of the Reign of His present Majesty, intituled, *An Act for draining and improving certain Low Marsh and Fen Lands, lying between Bolton Haven and Bourn, in the Parts of Kesteven and Holland, in the County of Lincoln*; and also by an Act, made in the Tenth Year of His said Majesty's Reign, *For amending and rendering more effectual the said Act passed in the Fifth Year of His said Majesty's Reign*; but that the Rights, Powers, and Authorities, given by the said Two last-mentioned Acts of Parliament, shall be and continue in full Force and Effect, to all Intents and Purposes whatsoever, as if this Act had not been made.

Saving for  
Boston and  
Bourn Drain-  
age Act.

CXVIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend to repeal, invalidate, lessen or diminish, alter or take away, any of the Rights, Powers, and Authorities, of the Mayor and Burgesses of the Corporation of *Boston*, in respect to the Admiralty Jurisdiction belonging to the said Corporation; any Thing herein contained to the contrary thereof in anywise notwithstanding.

For Preserva-  
tion of certain  
Rights of the  
Corporation.

CXIX. And, for preventing the breaking down or damaging any of the Works which shall be erected or made in pursuance of this Act, be it further enacted, That if any Person or Persons shall wilfully or maliciously cut, break down, damage, or destroy, any Banks or other Works to be erected or made in pursuance of this Act, such Person or Persons shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Case of Felony; and the Court, by and

Destroying  
the Works  
to be made  
Felony.



before whom such Person or Persons shall be tried, shall have Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Reservation of  
Manerial  
Rights and  
Royalties.

CXX. And be it further enacted, That the Lord and Lords, Owner or Owners, of every Manor or Manors, or of any Fishery or Fisheries through which the said Navigation shall extend, shall have full Liberty to fish, fowl, and exercise all Manerial Rights and Royalties on the said Navigation, to which they are now legally entitled, any Thing herein contained to the contrary notwithstanding, so that the Exercise of such Rights and Royalties shall not interfere with or interrupt the Execution of this Act, or the free Use of the said intended Navigation.

Persons ag-  
grieved may  
appeal to the  
Quarter  
Sessions.

CXXI. And be it further enacted, That all Persons who shall think themselves aggrieved by any Order or Judgement of any Justice or Justices of the Peace, upon Account of any Offence committed or supposed to be committed against this Act, may appeal to the Justices of the Peace for the said Parts of *Holland*, wherein such Order or Judgement shall have been made, at any General Quarter Sessions of the Peace to be held within the Space of Four Calendar Months after such Cause of Appeal shall happen, the Person or Persons so appealing first giving Security, to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and pay the Costs which shall be ascertained by the said General Quarter Sessions, in case such Order or Judgement shall be affirmed; and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and to make such Order therein, and to award such Costs as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable, by any Writ of *Certiorari* or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; and that no Order or Proceeding to be had or made by or before any Justice of the Peace, relating to the Execution of this Act, shall be quashed or vacated for Want of Form only.

Limitation of  
Actions.

CXXII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of *Lincoln*, and not elsewhere; and the Person or Persons so sued or prosecuted may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act, and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise,

Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for Treble Costs, the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

CXXIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

F I N I S.