



ANNO DECIMO

GEORGIIV. REGIS.

Cap. cxxiii.

An Act to authorize the raising a further Sum of Money for completing the Drainage and Navigation by the River *Witham*, and for amending the Acts relating thereto. [4th June 1829.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River Witham in the County of Lincoln, and restoring the Navigation of the said River; and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation*, whereby the several Persons and Bodies Corporate in the said Act named and referred to, and their Successors, were incorporated by the Name and Style of "The Company of Proprietors of the *Witham* Navigation," and were thereby empowered to widen, deepen, and embank the old Course of the River *Witham*, from the Grand Sluice in the Borough of *Boston* to a certain Lock to be erected in a certain new Cut to be made near to a certain Place called *Horsley Deeps*, and to make a Cut from *Horsley Deeps*, in a straight Line, through a Part of the Parish of *Branston* and of the Parish of *Washingborough*, to join the River again nearly opposite to certain Houses called the *Woadhouses*, in the Parish of *Fiskerton*, and from thence to widen and embank the old Course of the River from the said Place called the *Woadhouses* to the *High Bridge* in the City of *Lincoln*; and the said Company

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52G.3.c.108.

of Proprietors were by the said Act also required to build a new Lock in the said new Cut in the Parish of *Branston*, and to build a Staunch and Waste Weir across the River *Witham*, near to and above a certain Stream called *Barling's Eau*, and also to build another new Lock at or near the Place where the Lock called *Stamp End Lock* then stood, and to cause a Weir to be made at the East Bank of the said River *Witham*, at the Head of a Drain called *Bargate Drain*, in or near to the Parish of *Saint Botolph* in the City of *Lincoln*, and to scour out, widen, deepen, and enlarge the said *Bargate Drain* and a certain Drain called *Sincil Dyke*, nearly to the Junction of the said *Sincil Dyke* with the River *Witham*, and form a Delph from thence along the Back of the South Bank of the said River to *Horsley Deeps*, below the said intended Lock in the Parish of *Branston*, and also to make a Delph along the Back of the North Bank of the said River, from a certain Staunch at or near to the said *Barling's Eau* upwards as far as should be necessary for the Discharge of the Waters from the Lands lying on the North Side of the said Navigation into the said River below the said Staunch; and the said Company of Proprietors were by the said Act also required to scour out, deepen, and embank the old Course or Channel of the said River downward from *Barling's Eau* aforesaid to its Junction with the new Cut near *Horsley Deeps*; and for the Purpose of enabling the said Company of Proprietors to execute the several Works of Drainage and Navigation thereby required, they were by the said Act authorized to raise and contribute amongst themselves, by Shares of One hundred Pounds each, any Sum of Money not exceeding in the whole the Sum of One hundred and twenty thousand Pounds, and in the Event of that Sum proving insufficient for the Purpose aforesaid, then the said Company were authorized to raise a further Sum of Money, not exceeding Sixty thousand Pounds, either by the Creation of further Shares, or by Mortgages upon the Tolls and Duties of the said Navigation; and for enabling the said Company of Proprietors to carry on the said Undertaking, they were by the said Act entitled to demand and receive certain Tolls, Rates, and Duties upon Goods navigated upon the said River *Witham*, Part of which Tolls, Rates, and Duties were payable to the said Company of Proprietors immediately after the passing of the said Act, and the Remainder in proportion to the Distance upon the River for which the Works should from Time to Time be completed; and the said Company of Proprietors were also entitled to an Annuity of One thousand four hundred Pounds, to arise from an Acre Tax charged on the Lands adjoining upon the River *Witham*, which became payable immediately after the passing of the said Act, and to a certain other Annuity of One thousand four hundred Pounds, also charged on the Lands adjoining upon the said River *Witham*, which is made payable to them in proportion to the Distance for which the Works should from Time to Time be completed: And whereas the said Company of Proprietors, under and by virtue of the said recited Act, completed the whole of the Works by the said recited Act authorized and required to be made and executed from the Grand Sluice in the Borough of *Boston* to the new Lock in the new Cut in the said Parish of *Branston*, and partially made the said new Cut, and erected a new Lock in the said new Cut near to *Horsley Deeps*

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aforesaid,

aforesaid, and also in part executed the Works in and about the said River, and the other Works by the said recited Act authorized and required to be completed: And whereas the said Company of Proprietors, under and by virtue of the said recited Act, raised and contributed amongst themselves, by Shares of One hundred Pounds each, the Sum of One hundred and fifty-six thousand and eight hundred Pounds, and also raised by Mortgage of the Tolls, Rates, and Duties by the said Act granted, the further Sum of Twenty-three thousand two hundred Pounds, making together the Sum of One hundred and eighty thousand Pounds, the whole of which Sum of One hundred and eighty thousand Pounds they expended in carrying into execution such of the said Works as have been already either altogether or partially executed: And whereas an Act was passed in the Seventh Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act for enabling the Company of Proprietors of the Witham Navigation to complete the Drainage and Navigation by the River Witham, and to raise a further Sum of Money for that Purpose*, whereby the said Company of Proprietors were authorized and empowered to raise amongst themselves, by Shares of One hundred Pounds each, a further Sum of Sixty thousand Pounds, but in the Event of any of the Proprietors of Shares neglecting or refusing to subscribe their respective Proportions of the said Sum, they were further authorized and empowered to raise the Deficiency occasioned by such Neglect or Refusal by a Mortgage or Mortgages of the Tolls and Duties of the said Navigation: And whereas the said Company of Proprietors have, under the Authority of the said recited Act of the Seventh Year of His present Majesty's Reign, raised and contributed amongst themselves, by Shares of One hundred Pounds each, the Sum of Fifty-two thousand one hundred Pounds, and have raised by Mortgage of the Tolls and Duties of the said Navigation a further Sum of Seven thousand nine hundred Pounds, making together the Sum of Sixty thousand Pounds, which Sum of Sixty thousand Pounds they have already expended in carrying into effect the Provisions of the said recited Act of the Fifty-second Year of His said late Majesty's Reign, for the Completion of the said Drainage and Navigation; but the same Works of Drainage and Navigation are nevertheless yet incomplete: And whereas the said Company of Proprietors have laid out and expended considerable Sums of Money, by and out of the Tolls and Duties which they have received by virtue of the said recited Acts, in carrying on the said Works and in paying the Dividends on the Shares: And whereas it is expedient and necessary that the said Company of Proprietors should be authorized to raise a further Sum of Money, by the Means herein-after mentioned, for the Purpose of enabling them to pay the said Dividends, and effectually to complete and to carry into full Execution the several Works authorized to be effected by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty; and it is also expedient that some of the Provisions and Powers contained in the said recited Acts of the Fifty-second Year of the Reign of His said late Majesty and in the Seventh Year of the Reign of His said present Majesty should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty

Extending
the Provi-
sions of
former Acts
to this Act.

Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, and also the said recited Act of the Seventh Year of the Reign of His said present Majesty, and all and every the Powers, Provisoos, Authorities, and other Matters and Things therein contained, (save and except such of them, or such Part or Parts thereof, as are varied, altered, or repealed,) shall remain and continue in full Force and Effect, and be as good, valid, and effectual, to all Intents and Purposes, for carrying this Act into execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Power to
raise a fur-
ther Sum of
Money on
Mortgage.

II. And be it further enacted, That from and immediately after the passing of this Act it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to raise a further Sum of Money, not exceeding the Sum of Fifty thousand Pounds, over and above the Sums already raised by them as aforesaid, by a Mortgage or Mortgages of the Tolls and Duties of the said Navigation as herein-after declared.

Power to
raise an addi-
tional Sum,
with the
Consent of
Proprietors.

III. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the Completion of the whole of the Works by the said recited Acts and this Act, or any of them, directed to be executed, and for defraying all the necessary Charges and Expences incident thereto, it shall be lawful for the said Company of Proprietors, with the Consent of Proprietors holding Two Thirds in Value of the Shares in the *Witham* Undertaking, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the further Sum of Twenty thousand Pounds by a Mortgage or Mortgages of the Tolls and Duties of the said Navigation as herein-after mentioned.

Assignments
may be
granted for
Money bor-
rowed.

IV. And be it further enacted, That for securing the Repayment of any Sum or Sums of Money so hereby authorized to be borrowed as aforesaid, with Interest, it shall be lawful for the said Company to assign the Property of the said Undertaking, and the Tolls or Sums of Money arising or to arise to the said Company by virtue of the said recited Acts and this Act, any or either of them, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustees or Trustee, as shall advance the same, by Deed or Mortgage under the Common Seal of the said Company, in the Form or to the Effect specified in the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, or as nearly conformable thereto as Circumstances will permit (but subject and without Prejudice to the Mortgages or Securities already made by virtue of or under the said recited Acts or either of them); and all Persons to whom such Mortgages or Securities shall be made by virtue of or under this Act shall be equally entitled to their Proportion of the said Tolls and Premises, according to the respective Sums in such Mortgages or Securities mentioned
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to be advanced, without any Preference by reason of the Priority of any such Mortgage or other Security, or on any other Account; and an Entry or Memorial of every such Mortgage or other Security shall be made; and the same, and the Monies thereby secured, may from Time to Time be assigned and transferred in the Manner and Form directed by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty with respect to the Mortgages and other Securities thereby authorized to be made, entered, and transferred, or as nearly conformable thereto as the Case or respective Cases may be.

V. And be it further enacted, That the Interest of the Money which shall be borrowed or raised on the Credit of this Act by way of Mortgage as aforesaid shall be provided for and paid half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, on their respective Shares in the said Navigation, shall be made or divided.

Interest on Mortgages to be paid in preference to Dividends to the Proprietors.

VI. And be it further enacted, That the said Company of Proprietors, with and out of the Monies to be raised by them by virtue of the Provisions in this Act contained, shall in the first place pay and satisfy all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or in anywise preparatory or incident thereto; and shall in the next place repay to and reimburse themselves all such Sum and Sums of Money as they shall have already expended in, for, or about the Completion of the said Works, and in paying the Dividends due to the said Proprietors up to the Twenty-fourth Day of *December* One thousand eight hundred and twenty-eight, with, from, or out of their own proper Monies, or the Tolls, Duties, and Annuities by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty granted, or so much thereof as the said Company of Proprietors or their Committee shall from Time to Time deem expedient; and then shall pay and apply all the Residue or Overplus of the Monies to be raised as aforesaid, or so much thereof as shall be found necessary or expedient, in, for, and about the completing and finishing the Works and other Matters and Things in and by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty authorized or directed to be done by the said Company of Proprietors, according to the Provisions and Regulations of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty; and if there shall be any ultimate Residue or Surplus of such Monies after answering the Purposes aforesaid, then and in such Case the said Company of Proprietors shall pay and apply the same to and for such and the like Purposes as the Profits of the said Undertaking for the then current Year shall be applicable.

Application of the Money to be raised.

VII. And be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or appoint the Person who has been or may be appointed to act as Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or the Clerk of or other Person in the Service or Employ of his Partner, the Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or to continue or appoint

Treasurer and Clerk not to be the same Person.

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the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer, or the Clerk of or other Person in the Service or Employ of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or the Clerk of or other Person in the Service or Employ of his Partner, shall act as Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of the said recited Acts and this Act, or any of them, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Enabling the Company immediately to take the Tolls which the recited Act of the 52d G. 3. authorizes them to take on Completion of the Works.

VIII. And whereas in and by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty it was enacted, that when and as soon as the several Works authorized or required to be made, done, and executed by the same Act should have been respectively made and completed as therein directed, the Width and Depth of the Navigation from the Grand Sluice at *Boston* to the then intended Lock at or near to *Stamp End*, the Gates or Stop Doors across the several Drains and Delphs communicating with the Navigation, the Drains or Delphs at the Back of the Navigation Banks, the *Sincil Dyke* and *Bargate Drain*, and the Staunch or Weir and Sluices at the Head of the said *Bargate Drain*, should be respectively cleansed, scoured out, preserved, supported, maintained, and kept in repair at the Costs and Charges of the General Commissioners of Drainage by the said River *Witham*: And whereas the several Works of Drainage and Navigation from the Grand Sluice at *Boston* to the said new Lock on the said new Cut near *Horsley Deeps* have been completed for some Years now last past, and the same Works of Drainage and Navigation are now cleansed, scoured out, preserved, supported, maintained, and kept in repair, and are intended for the future to be cleansed, scoured out, preserved, supported, maintained, and kept in repair by and at the Expence of the said General Commissioners according to the Provisions of the said recited Act: And whereas the said Company of Proprietors have also deepened and embanked the old Course of the River from *Horsley Deeps*, by a certain Stream called *Barling's Eau*, to the new Staunch lately erected near to and above *Barling's Eau*, and have formed the said new Cut in the Parish of *Branston*, and have cleansed, scoured out, widened, deepened,

deepened, and straightened the River *Witham* from the said new Cut to the new Lock erected at or near to *Stamp End*, and have also embanked the said Cut and River according to the Size and Dimensions required by and under the Provisions of the said recited Act, and have also formed the Delphs and Drains at the Back of the North and South Banks of the said River: And whereas the Works yet remaining to be executed are a Staunch or Weir and Sluices at the Head of the *Bargate Drain*, and a Staunch or Stop Door at the East End of the Delph or Drain at the Back of the North Bank of the said River; and the said Delph or Drain at the Back of the South Bank of the said River having been made and executed several Years ago, it will be necessary to cleanse and scour out the same of the same Dimensions as such Delph or Drain was originally made, and also to restore the Bottom and Slopes of the *Sincil Dyke* and *Bargate Drain*: And whereas the Funds to arise to the said General Commissioners for Drainage from the Acre Tax upon the Lands under and by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, or an Act passed in the Second Year of the Reign of His said late Majesty, for improving the Drainage and Navigation by the River *Witham*, are totally inadequate to the future Repairs of the said Works, and unless some Provision be made for such Repairs by other Means than by those mentioned and specified in the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, the said River and Works must soon run to Decay, and the Public and the Landowners be greatly prejudiced in and eventually deprived of the Drainage and Navigation by the said River and Works; and the Interests of the said Company of Proprietors being vitally concerned in the due Maintenance of the River and Works, they have agreed to take upon themselves the future Repairs of all the said Works which already have been or hereafter shall be executed by them under and by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, above the Junction of the South Drain with the old Course of the River at or near to *Horsley Deeps*: And whereas by the Completion of the said new Cut across the said Parish of *Branston*, and of the whole of the River from the said new Cut to the *High Bridge* in the City of *Lincoln*, the said River has been rendered in every respect complete for all the Purposes of Navigation and Drainage; be it therefore enacted, That from and immediately after the passing of this Act the said Company of Proprietors shall be entitled to, and have, receive, and take, all and every the Tolls and Duties upon Goods, Wares, and Merchandize, to be carried and conveyed upon the said Navigation, which they are entitled to on the Completion of the whole of the Works specified by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, and in the same Manner to all Intents and Purposes, and with such and the like Powers and Remedies for enforcing the same, as if the due Execution of such Works had been certified by the said General Commissioners for Drainage under the Provisions of the same recited Act.

IX. And be it further enacted, That when and as soon as the said Company of Proprietors shall have erected and built the said Staunch or Weir and Sluices at the Head of the said *Bargate Drain*, and

When the Works herein described have been

certified as complete, the Commissioners for Drainage and the Company may take the Rates and Duties authorized by the recited Act to be taken on the Completion of the whole Works.

and erected or built Stop Doors at the East End of the said Delph or Drain at the Back of the North Bank of the River, and shall have scoured out and cleansed the said Delph or Drain at the Back of the South Bank of the River to the same Dimensions and of the same Materials of which the same Delph or Drain was originally made, and shall also have restored the Bottom and Slopes of the *Sincil Dyke* and *Bargate Drain* of the same Dimensions and with the same or such like Materials as they were originally formed with, the said General Commissioners for Drainage shall certify the due Execution of such Works, or the same shall be decided by Referees in the Manner and Form specified and set forth in the said recited Act of the Fifty-second Year of the Reign of His said late Majesty; and such Certificate of such General Commissioners for Drainage, or the Award of such Referees, shall be as valid and effectual to all Intents and Purposes as if the same had been given under the Directions of the said recited Act, and as if this Act had not been made; and after such Certificate or Award as aforesaid, the said General Commissioners for Drainage shall be entitled to, and have, receive, and take, all and every the Rates and Taxes, and the said Company of Proprietors shall be entitled to, and have, receive, and take, all such Rights, Privileges, Tolls, Duties, Annuities, Advantages, and Emoluments whatsoever, as the said General Commissioners for Drainage and the said Company of Proprietors are by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty entitled to on the Certificate of the Completion of the whole of the Works required to be made, done, and executed by the same Act, and with the same Powers and Remedies for recovering and enforcing the same as if the Certificate of the Completion of the whole of the Works had been given under the same Act, and as if this Act had not been passed,

Certain Works to be kept in repair by the Company, instead of by the General Commissioners for Drainage.

X. And be it further enacted, That from and immediately after the passing of this Act the old Course of the River, and all and every the Cuts, Delphs, Banks, Drains, Gates, Staunches, Weirs, Sluices, and other Works which have been already or shall hereafter be executed by the said Company of Proprietors, above the Junction of the South Delph with the old Course of the River *Witham* at or near to *Horsley Deeps*, under and by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, or otherwise, shall be respectively cleansed, scoured out, preserved, supported, maintained, and kept in repair at the Costs and Charges of the said Company of Proprietors; and the said General Commissioners for Drainage shall be acquitted, released, and discharged of and from such Repairs, and all Remedies for enforcing the same, any thing in the said recited Act of the Fifty-second Year of the Reign of His said late Majesty to the contrary thereof in anywise notwithstanding.

If Works are not kept in repair, Commissioners may do so at the Expence of the Company.

XI. And be it further enacted, That if at any Time after the said intended Works herein-before directed to be maintained, supported, and kept in repair by and at the Costs and Charges of the said Company of Proprietors, or any of them, shall be out of Repair or otherwise defective, or if the Depth of the said River and Cut from the said Lock on the said Cut to the said new Lock near *Stamp End* shall

shall not be preserved and maintained at the Depth of Five Feet at the least, and shall so continue after a reasonable Notice given to the Clerk or Surveyor to the said Company of Proprietors, by Notice in Writing from the said General Commissioners, to restore the said River and Cut to the Depth as last aforesaid, and repair and restore the other Works, that then and in such Case it shall be lawful for the said General Commissioners to cause any of the said Works to be well and sufficiently repaired and restored; and the Expences occasioned thereby shall be borne, paid, and defrayed by the said Company of Proprietors in like Manner as if the same had been done under their Direction; and in default of Payment of such Expences to the said General Commissioners or their Treasurer within Thirty Days next after Demand made thereof, it shall be lawful for the said General Commissioners, by Writing under their Hands and Seals, to appoint One or more Person or Persons to enter upon and receive the Tolls and Duties collected or paid upon the said Navigation, and apply the Monies so to be received in discharge of such Expences, until the same, together with all Costs and Charges of receiving the said Tolls and Duties, are fully paid and satisfied; and from and after Payment thereof the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine; or otherwise the Expences so incurred by the said General Commissioners as aforesaid may be sued for and recovered by them against the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XII. And be it further enacted, That for preventing great or material Injury to the Banks, Forelands, Slopes, or Beds of the said River *Witham* by Boats or Vessels propelled thereon by Force of Steam, it shall be lawful for the General Commissioners of Drainage by the said River *Witham* and they are hereby authorized from Time to Time to make such Rules and Orders for the regulating, ordering, and managing all such Boats or Vessels navigating or plying on the said River *Witham*, as they shall deem fit and necessary for preventing great and material Injury to the said Banks, Forelands, Slopes, and Beds of the said River, or of the Drains or Delphs emptying themselves into the said River; and every such Rule and Order shall be sent to the said Company of Proprietors or their General Committee by Post, directed to their Clerk or Clerks, within Seven Days after the making thereof; and a Copy of such Rule or Order shall be forthwith put up by the Clerk to the said Company of Proprietors at the Houses of the Lock-keepers of the said Company of Proprietors, in conspicuous Places, for the Inspection of the Boatmen navigating any Boats or Vessels on the said River *Witham*; and every Person working or impelling by Force of Steam any Boat or Vessel upon any Part of the said River *Witham*, or the Drains or Delphs emptying themselves into the said River *Witham*, contrary to such Rules and Orders, after the Expiration of Fourteen Days from the Date of such Rule or Order of the said General Commissioners, shall for every Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds, to be recovered by such Ways and Means, and to be applied in such Manner as is directed by the said recited Acts and this Act, or any or either of them; provided that no such Rules and Orders of the said General Commissioners

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Power to regulate the Passage of Steam Boats.

Commissioners of Drainage shall be made for regulating, ordering, or managing the Boats or Vessels impelled by Steam now upon or navigating the said River *Witham*, or in respect of the Owners or Proprietors thereof, until after the Expiration of Two Years from the passing of this Act.

Appeal may
be made.

XIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any such Rule or Order of the said General Commissioners of Drainage, for regulating, managing, and ordering Boats or Vessels impelled by Force of Steam, he, she, or they may appeal to the General or Quarter Sessions of the Peace which shall be held for the Parts of *Kesteven* or *Lindsey* in the County of *Lincoln*, or any Adjournment thereof, within Six Calendar Months after the Date of such Rule or Order, on giving Twenty-one Days Notice in Writing of such Appeal to the Clerk or Clerks to the said General Commissioners; and the Justices in the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein as to them in their Discretion shall seem reasonable; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Concurrent
Jurisdiction
given to Ma-
gistrates for
the Convic-
tion of Offen-
ders on the
Line of the
River.

XIV. And whereas the River *Witham*, running from *Lincoln* to *Boston*, was the ancient Boundary Line between the Parts of *Lindsey*, the Parts of *Kesteven*, and the Parts of *Holland*, and the Borough of *Boston*, in the said County of *Lincoln*, and in all Proceedings instituted against Persons for Offences committed upon those Parts of the River where it forms such Boundary, Proof is necessary that the Offence was committed on that Side of the Middle of the River which adjoins upon the Jurisdiction of the Magistrates or Justices of the Peace entertaining such Proceedings: And whereas by virtue of divers Acts of Parliament the Channel of the said River hath been widened by taking off Earth in some Parts on one Side of it, and in other Parts on the other, and hath also been in many Places straightened by taking off the ancient Bends, so that in many Instances it is now become very difficult and expensive to ascertain the ancient Boundary Line, and consequently the Provisions of the said recited Acts relating to Offences committed upon the said River within the said Parts of *Lindsey*, *Kesteven*, and *Holland*, and the said Borough of *Boston*, and also the Rules, Bye Laws, or Orders made in pursuance thereof, are in many Cases rendered nugatory from the Difficulties in proving that the Offences have been committed within the Jurisdictions of Magistrates or the Justices of the Peace before whom any Offenders have been or may be brought; be it therefore further enacted, That it shall be lawful for any Magistrate or Justice of the Peace acting in the Parts of *Lindsey*, or the Parts of *Kesteven*, or the Parts of *Holland*, or in the Borough of *Boston*, in a summary Way, to proceed, adjudge, and determine upon any Offences that may be committed on such Parts of the said River, or Banks or Forelands thereof, as lie within the County of *Lincoln*, or within Fifty Yards thereof, except where the same shall be wholly within the Borough of *Boston*, against the Provisions of the said recited Acts or this Act, or any of them,

or against the Rules, Bye Laws, and Orders already made or hereafter to be made in pursuance thereof, without requiring any Proof that any of such Offences have been committed within the Jurisdiction of any such Magistrate or Justice of the Peace; and such Magistrate or Justice of the Peace shall and may issue such Summonses for the Appearance of Offenders, and such Warrants of Distress against the Offender's Goods, or such Warrants of Commitment of the Offenders to Prison, and the Offenders may be imprisoned, and the Fines and Penalties shall and may be had, recovered, and applied, in such and the same Manner and Form as if it were proved to such Magistrates or Justices respectively before whom Proceedings shall be commenced that such Offences had been committed within their respective Jurisdictions.

XV. And whereas, in order to the Prevention of Accidents and Loss of Life, and the better to insure the public Safety, it is expedient that such Part of the River *Witham* as is situate between the *High Bridge* and the *Stamp End Lock*, both in the City of *Lincoln*, should be protected by a Fence on each Side of the said River: And whereas the said Company of Proprietors have agreed to contribute One Third Part of the Expence of erecting and completing such Fence, provided the remaining Two Third Parts thereof shall be raised by public Subscription or otherwise; be it therefore further enacted, That when and so soon after the passing of this Act as a substantial and proper Post and Rail Fence, with Lift-rails for the Use and Accommodation of such of the Owners or Occupiers of Messuages, Buildings, Lands, or Tenements, having Frontages to the said River within the Limits aforesaid, as shall be desirous to have and shall by Notice in Writing require the same, shall have been erected, set up, and completed by public Subscription or otherwise, to the Satisfaction of the Surveyor of Works of and for the Parts of *Kesteven* in the said County of *Lincoln* for the Time being, to be certified in manner hereafter mentioned, on and along each Side of such Part of the said River *Witham* as is situate between the *High Bridge* and the *Stamp End Lock* aforesaid, for at least Two full Third Parts of the Space or Distance on and along each Side of the said River within the Limits aforesaid, the said Company of Proprietors shall and they are hereby required, by and out of the Monies to be raised under the Provisions of this Act, or other their Funds and Monies, to erect, set up, and complete, within the Space of Two Calendar Months next after the Publication of such Certificate as hereafter mentioned, upon and along each Side of the said River being within the Limits aforesaid, for the Space or Distance which shall not have been fenced by public Subscription or otherwise as aforesaid, a substantial Fence of similar Materials and upon a uniform Plan with the Fence which shall have been so erected and completed by public Subscription or otherwise as aforesaid, and with such Lift-rails as aforesaid: Provided always, that when and so soon as the Two Third Parts of the said Fence so to be erected and completed by public Subscription as aforesaid shall be erected and completed to the Satisfaction of the said Surveyor of Works for the Parts of *Kesteven* aforesaid for the Time being, such Surveyor shall and he is hereby required to certify such Erection and Completion by a Notice in Writing to be signed by him and inserted in some

For fencing certain Parts of the River *Witham* in *Lincoln*.

Newspaper

Newspaper published and circulated in the said City of *Lincoln*; and from and after the Publication of such Certificate as aforesaid the Whole and every Part of the Fence, except the Lift-rails, so to be erected as aforesaid, shall vest in and become the sole and absolute Property of the said Company of Proprietors and their Successors, and such Fence (but not the Lift-rails) shall thenceforth and at all Times thereafter be supported, maintained, and renewed, and kept in good and sufficient Repair, Order, and Condition, by and at the Expence of the said Company: Provided always nevertheless, that the Owners or Occupiers of any Messuages, Buildings, Lands, Tenements, or Premises having Frontages towards the said River within the Limits aforesaid, shall, at his or their own Costs and Expences in all Things, from Time to Time and at all Times support, maintain, and repair all and every the Lift-rail and Lift-rails which shall have been made for and at the Request of any Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, and Premises; and in case any such Owner or Occupier of Messuages, Buildings, Lands, Tenements, or Premises having Frontages towards the said River within the Limits aforesaid, shall at any Time or Times omit, neglect, or refuse substantially to repair or keep in repair any Lift-rail or Lift-rails to be erected as aforesaid, for the Space of Seven Days next after Notice in Writing in that Behalf signed by the Clerk or Clerks for the Time being of the said Company given or delivered to him, her, or them, or left for him, her, or them at his, her, or their then or then last known Place of Abode in *England*, it shall and may be lawful to and for the said Company of Proprietors to make and complete such Repairs as shall be necessary to the said Lift-rail or Lift-rails, and all the reasonable Costs and Charges thereof, to be settled and allowed by any One of His Majesty's Justices of the Peace acting for the said City of *Lincoln*, shall be repaid to the said Company of Proprietors by such Owners or Occupiers respectively; and the said Company of Proprietors, upon Refusal or Neglect of such Owners or Occupiers to pay such Costs and Charges as aforesaid for the Space of Seven Days after Demand thereof, shall and may levy and recover the same Costs and Charges by Distress and Sale of the Goods and Chattels of such Owners or Occupiers, by Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace acting for the said City of *Lincoln*, rendering to the said Owners and Occupiers the Overplus, after Payment of such Costs and Charges, and the reasonable Expences of such Warrant, Distress, and Sale, and which Warrant such Justice is hereby empowered to grant: Provided always, that nothing herein contained shall extend or be construed to extend to prohibit the Public from the Use of any Part of the Frontages of the said River in the same Manner and to the same Extent as the same was heretofore used by them.

Justices may proceed by Summons for the Recovery of Penalties.

XVI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by the said recited Acts and this Act, or any of them, is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against the said recited Acts and this Act, or any of them, to summon the Party complained against before him, and on such Summons to hear and determine the Matter
of

of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

XVII. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in the said recited Acts and this Act, or any of them, mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is or are hereby authorized and required, on Nonpayment thereof, to levy such Damages by Distress and Sale of the Offender's Goods and Chattels in manner by the said recited Acts and this Act, or any of them, directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

XVIII. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act, or any of them, contained, shall extend or be construed to extend to prevent, hinder, or prejudice the Rights of Fishery, and other Manorial Rights, Privileges, and Authorities, which the Lords of Manors through which the said River and Works extend heretofore held, exercised, and enjoyed in or upon the said River; but that such Lords of Manors shall for ever hereafter hold, exercise, and enjoy the same Rights of Fishery, and other Manorial Rights, Privileges, and Authorities, in, over, and upon the River and Works executed under and by virtue of the said recited Acts or this Act, or any of them, as they heretofore held, exercised, and enjoyed in the said River before the passing of the said recited Acts or of this Act, or any of them.

Saving the Rights of Lords of Manors.

XIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abridge, alter, lessen, defeat, invalidate, or take away any of the Powers, Provisions, or Authorities given to and vested in the General Commissioners for Drainage by the River *Witham* by virtue of the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, or an Act passed in the Second Year of the Reign of His said late Majesty, intituled *An Act for draining and preserving certain Low Lands called the Fens, lying on both Sides of the River Witham in the County of Lincoln, and for restoring and maintaining the Navigation of the said River from the High Bridge in the City of Lincoln through the Borough of Boston to the Sea*, so far as their Powers under the said last-mentioned Act are not varied, altered, or restricted by the said recited Act of the Fifty-second Year of the Reign of His said late Majesty, but that the same shall remain and continue in full Force and Effect, and be as good, valid, and effectual, to all Intents and Purposes, as if this Act had not been passed, any thing herein contained to the contrary thereof in anywise notwithstanding.

Act not to affect the Powers of the General Commissioners for Drainage, vested in them by 2 G. 3. c. 32. 52G.3.c.108.

[Local.]

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XX. And

Public Act.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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