



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. lxxxvii.

An Act to extend the Powers of the several Acts now in force for improving the Port and Harbour of *Boston* in the County of *Lincoln*.

[25th July 1834.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for improving the Port and Harbour of Boston in the County of Lincoln, and for fixing the Wharfage of Goods landed within the said Port and Harbour, and for better maintaining the Buoys, Beacons, and Sea Marks belonging thereto*: And whereas by the said Act (after, amongst other Things, setting forth that the Mayor and Burgesses of *Boston* were entitled to divers Tolls, Rates, or Duties upon all Ships or Vessels navigating, coming into, or going out of the Port of *Boston*, for and towards repairing and maintaining the Buoys, Beacons, and Sea Marks belonging to the said Port and Harbour, and also to certain Keyage, Wharfage, and Lastage, for Goods brought into or shipped from the same Port, and that the said Tolls, Rates, and Duties, Keyage, Wharfage, and Lastage were in many Cases difficult to be ascertained and defined, and very inadequate to the Support and Repair of the said Port and Harbour, and of the Buoys, Beacons, and Sea Marks, Quays, and Wharfs belonging thereto, and for the other Purposes for which the same were granted, and that it was expedient such Tolls, Rates, and Duties, Keyage, Wharfage, and Lastage should in some respects be altered, and that it would be for the Advantage of the Public in general, as well as the said Mayor and Burgesses, that the same should be ascertained, fixed, and clearly defined, and also that it was expedient for the Preservation of the said Port and Harbour, and for rendering

[Local.]

28 F

dering

dering the same safe and commodious for the Public, and for the Shipping and Trade of the said Port and Harbour, that certain Improvements should be made between a Place called the *Grand Sluice* and a Place called *Maud Foster's Gowt*) Powers were given for making such Improvements, and the then existing Tolls, Rates, and Duties payable to the Mayor and Burgesses of *Boston* were repealed, and other Rates and Duties were granted and made payable to the said Mayor and Burgesses in lieu thereof: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty, King *George* the Fourth, intituled *An Act to extend and enlarge the Powers of an Act passed in the Fifty-second Year of His late Majesty, for improving the Port and Harbour of Boston in the County of Lincoln*, whereby the said Mayor and Burgesses were authorized and required to make, set up, and erect on either Side and in any Part of the said Port and Harbour, from *Maud Foster's Gowt* to *Hobhole Sluice*, such and so many Jetties, Walls, Banks, Weirs, Locks, Sluices, and Works for making, securing, continuing, and maintaining the Channel of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, within proper Bounds, for the Use of the Navigation therein, and all such Towing or Haling Paths along or on either Side of the said Port and Harbour, as they the said Mayor and Burgesses and their Successors should think necessary and proper, and also to cleanse, scour out, deepen, widen, enlarge, alter, and vary the Course of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*, and the Channel thereof, and also to dig, cut, take up, remove, and carry away any Projections, Stands, Stages, Piles, Jetties, Walls, Piers, Stone, Bricks, Chalk, Sand, Gravel, Rubbish, or any other Obstructions or Impediment whatsoever which should in anywise pervert, stop, affect, injure, prejudice, hinder, or obstruct the free Navigation of the said Port and Harbour from the said *Maud Foster's Gowt* to *Hobhole*; and the said Mayor and Burgesses were also further authorized and required in the first place to make a new Cut of the Length of Eight hundred Yards or thereabouts, of such Width, Depth, and Dimensions as they should deem proper, from a certain Place called *Blue Anchor Bite*, nearly in a straight Line, through *Burton's Marsh*, to *Hobhole Sluice* in the Parish of *Fishtoft* in the said County of *Lincoln*, and to embank the same, and to make such Towing Paths or Haling Ways on both or either Sides of the said Cut as the said Mayor and Burgesses should think proper and necessary: And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for explaining, amending, and rendering more effectual an Act of His late Majesty, for improving the Outfall of the River Welland in the County of Lincoln*: And whereas by the said last-mentioned Act (after reciting that the Commissioners under an Act therein recited of the Thirty-fourth Year of King *George* the Third, commonly called the *Welland* Commissioners, had made a navigable Cut or Channel from the Reservoir in the Parish of *Surfleet*, through the open Salt-Marshes of *Surfleet* and *Algarkirke*, to *Fosdyke Bridge* in the Parish of *Fosdyke*, and had turned the Waters of the River *Welland* into the said new Cut or Channel by a Dam across the former Channel of the said River, and that great Improvements had thence arisen to the Drainage of the Country and to the Navigation and Trade of the River *Welland* from the Sea to the

7&8G.4.c.79.

5 G. 4. c. 96.

the Town of *Spalding*, and that further Powers were requisite for the Improvement of the River *Welland*, from and below the Staunch fixed across the said River above the Town of *Spalding*, and also below the said Town through *Fosdyke Wash* aforesaid, the said navigable Cut or Channel and Works, and certain Rates, Taxes, and Assessments, Tolls and Duties payable in respect thereof, were vested in the Trustees who were appointed, or directed to be chosen and appointed, for the Execution of the now reciting Act, with Powers to make other Improvements, by carrying forward and extending the confined Channel of the said River *Welland* below *Fosdyke Bridge*, before the same falls into or unites with the Channel of the River *Witham* at a Place called the *Scalp*; and certain Tonnage and other Rates were thereby granted to the said Trustees; and all Monies to arise by virtue of the now reciting Act were thereby directed to be applied in executing and perfecting the several Works thereby authorized to be made, and in improving the Channel of the River *Welland* above, in, and through the Town of *Spalding*, and thence to *Fosdyke Bridge*, and in placing Buoys and Beacons below *Fosdyke Bridge*, and in maintaining and improving the Works thereby vested in the said Trustees, except certain Works to be executed in the said River above the Reservoir aforesaid, the Expences whereof were thereby directed to be paid out of the Rates and Duties on Vessels navigating the said River, by the said Act granted: And whereas, notwithstanding the Powers given to the said Trustees by the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth, and the Works which have been executed by the said Trustees by virtue of the said Act, the Channel of the said River *Welland* below *Fosdyke Bridge* is extremely defective, and the Navigation thereof greatly obstructed: And whereas the said new Cut through *Burton's Marsh* to *Hobhole Sluice*, by the said recited Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth authorized and required to be made, has been completed, but the whole of the Improvements contemplated by the said last-mentioned Act have not been effected, and some other of the said Works for securing the Channel of the said Port and Harbour within proper Bounds between the said Place called *Maud Foster's Gowt* and *Hobhole* remain to be executed: And whereas by the new Direction which the said Cut through *Burton's Marsh* has given to the Passage of the Waters of the said River *Witham* the Channel below the Mouth of the River *Welland*, through the Clays into a certain Place called *Clayhole*, has been improved, but still further Improvements might be made in the Outfall of both the said Rivers *Witham* and *Welland*, and it would be of great Benefit and Advantage if the Powers and Authorities given to the said Mayor and Burgesses by the said Two first-recited Acts, or either of them, were extended and enlarged, and the said Mayor and Burgesses were authorized and empowered from Time to Time to execute such additional Works, either in the said River *Witham*, between the Grand Sluice in *Boston* and the said Place called *Clayhole*, or in the River *Welland* below *Fosdyke Bridge*, as should be recommended by One or more experienced Civil Engineer or Engineers, to be appointed as herein-after mentioned, and to pay and apply the surplus Funds which shall henceforth be received by the said Mayor and Burgesses for Tonnage and Lastage Rates by

virtue

Powers and Provisions of recited Acts extended to this Act, except as hereby altered.

virtue of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth for that Purpose, in the Manner and subject to the Regulations herein-after mentioned; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your 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 all and every the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Articles, Conditions, Matters, and Things whatsoever in the said recited Acts of the Fifty-second Year of the Reign of His Majesty King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth contained (except so far as the same are hereby altered or varied) shall be and continue in full Force and Effect, and shall be as good, valid, and effectual for carrying this Act into execution in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as if the same were again repeated and re-enacted in the Body of this present Act.

This Act not to invalidate a certain Mortgage due to the Exchequer Bill Loan Commissioners.
3 G. 4. c. 86.

II. And whereas the Commissioners acting in execution of an Act of Parliament made and passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the Acts therein recited or referred to, and the several Acts subsequently passed for amending the same, did on or about the Eighth Day of *July* One thousand eight hundred and twenty-eight, under the Provisions of the said Acts, or some or one of them, advance and lend to the Mayor and Burgesses of *Boston*, acting under and in pursuance of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, the Sum of Twenty thousand Pounds in Exchequer Bills, for the Purpose of completing the Works thereby authorized to be made, the Repayment of which Advance by an annual Instalment of One thousand 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 a certain Indenture of Mortgage, under the Seal of the said Mayor and Burgesses, and bearing Date the said Eighth Day of *July* One thousand eight hundred and twenty-eight, whereby, for the Considerations therein mentioned, they, the said Mayor and Burgesses, did assign unto *William Holden*, the then Secretary of the said Commissioners, all and every the Tonnage Rates, Tolls, Duties, and Receipts whatsoever accruing, or which should or might thereafter accrue, arise, be taken, collected, or received under or by virtue of the said Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth,

relating to the said Port or Harbour of *Boston*, or either of them, or any other Act or Acts of Parliament relating to the same Port and Harbour; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said Indenture bearing Date the Eighth Day of *July* One thousand eight hundred and twenty-eight, or any of the Powers and Remedies of the said Commissioners for the Issue of Exchequer Bills, by virtue thereof or in relation thereto; and that all and every the Tonnage Rates, Tolls, Duties, and Receipts which shall continue to accrue, arise, be taken, or received by the said Mayor and Burgesses, under or by virtue of the said recited Acts or either of them, shall be liable for and applicable to the Repayment of the said Sum of Twenty thousand Pounds, and Interest at the Rate aforesaid, in such and the like Manner, to all Intents and Purposes, as the Tonnage Rates, Tolls, Duties, and Receipts receivable under the said Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His said late Majesty were applicable to the Repayment of the same before the passing of this Act, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

III. And be it further enacted, That it shall be lawful for the said Mayor and Burgesses, and they are hereby directed, authorized, and required, from Time to Time to make, erect, and execute such Works, either in the said River *Welland* below *Fosdyke Bridge*, or in the said River *Witham* between the said Grand Sluice and *Clayhole* aforesaid, or in the Improvement of the Outfall of both the said Rivers into *Clayhole*, as shall be directed, ascertained, and determined by such Engineers or Engineer to be appointed as herein-after mentioned, or their Umpire to be appointed as herein-after mentioned, to be for the Benefit and Advantage of the Outfalls of both the said Rivers; and such Works shall be made, erected, and executed under the Superintendence of such Engineers or Engineer or Umpire, if the Parties by whom such Engineers or Engineer are or is to be appointed as herein-after mentioned shall agree to require such Superintendence, but not otherwise.

For improving the Outfall of the Two Rivers.

IV. And be it further enacted, That it shall be lawful for the said Mayor and Burgesses, and they are hereby authorized and required, from Time to Time to nominate and appoint, by Writing under their Common Seal, some Person to act on their Behalf as an Engineer for the Purposes in this Act mentioned, either previous to the Notice being given as herein-after mentioned, or within One Calendar Month after Service of Notice in Writing, signed by any Seven or more of the Trustees acting in execution of the said recited Act of the Fifth Year of the Reign of His late Majesty, on the Mayor of *Boston* for the Time being, or on the Clerk or Clerks of the said Mayor and Burgesses, either personally or by leaving such Notice with some Inmate at the last or usual Place of Residence of such Mayor or Clerk or Clerks, requiring the said Mayor and Burgesses to nominate and appoint some Person to act as such Engineer; and it shall also be lawful for the Trustees acting in execution of the said recited Act

Power to appoint Engineers for Improvement of the Two Outfalls generally.

passed in the Fifth Year of the Reign of His late Majesty, at any Meeting to be called and held in like Manner as is provided or authorized by the said last-mentioned Act for calling and holding Meetings for carrying the said Act into execution, and they are hereby authorized and required, from Time to Time, either previous to the Notice being given as herein-after mentioned, or within One Calendar Month after Service of Notice in Writing under the Hand of the Mayor of *Boston* for the Time being, or under the Hand or Hands of the Clerk or Clerks of the said Mayor and Burgesses by their Direction, on the Clerk or Clerks of the said Trustees acting in execution of the said recited Act of the Fifth Year of the Reign of His late Majesty, either personally or by leaving such Notice with some Inmate at the last or usual Place of Residence of such Clerk or Clerks of the said Trustees, requiring the said Trustees to nominate and appoint some Person to act as such Engineer, to nominate and appoint, by Writing under their Hands, or under the Hands of any Seven or more of them, some Person to act on their Behalf as an Engineer for the Purposes in this Act mentioned; or it shall be lawful for the said respective Parties to appoint one and the same Person to act on the Behalf of both Parties, such Appointment to be made in Writing under the Seal of the said Mayor and Burgesses, and under the Hands of Seven or more of the said Trustees, under Authority of an Order of a Meeting to be called and held as aforesaid.

Umpire to be appointed.

V. And be it further enacted, That in case Two Engineers shall be appointed under the Power herein-before contained, such Two Engineers shall, before they proceed to act in such Reference, nominate and appoint by Writing under their Hands some able and experienced Person to act as an Umpire between them in the Subject Matter of such Reference, in case any Difference of Opinion shall arise between the said Engineers touching the same; and in case any such Difference of Opinion shall arise between the said Engineers, they or either of them are and is hereby required and authorized to call in to their Assistance the said Person who shall have been nominated and appointed as such Umpire as aforesaid, who, after hearing and duly considering the whole of the Matter on which such Difference of Opinion shall have arisen, shall decide thereon; and the Direction, 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 Direction, Determination, Order, or Award of the said Umpire touching so much of the said Subject Matter of any such Reference as the said Engineers shall not agree upon, or shall not direct, determine, order, or award upon, shall be final and conclusive upon all Persons and Parties whomsoever.

For appointing Engineers in case of Death, &c.

VI. And be it further enacted, That it shall be lawful for the said Mayor and Burgesses and for the said Trustees respectively, from Time to Time when and as they shall think fit, to dismiss, discharge, or remove such Engineer or Engineers so appointed by them respectively, and to appoint any other Engineer in the Place of such Engineer who shall be so dismissed, discharged, or removed, or who shall die, decline, discontinue, or become incapable to act: Provided always, that no such Engineer or any Umpire to be appointed by

virtue of this Act shall at any Time be removed or dismissed, nor his Appointment vacated or revoked, pending the Reference to him of any Matter or Thing until due Time shall have been allowed to him for determining or awarding thereon.

VII. And be it further enacted, That from and after the Day of the Commencement of this Act it shall and may be lawful to and for the said Mayor and Burgesses, and they are hereby empowered and required, to pay and apply any Monies which shall then be in their Hands, and have been received by them for Tonnage and Lastage Rates under or by virtue of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, and all Monies which shall thenceforth be collected or received by them for such Tonnage and Lastage Rates under or by virtue of the same Acts or either of them, in the first place, in Payment and Discharge of all the Costs, Charges, and Expences of applying for and obtaining and passing this Act or incidental thereto, together with lawful Interest for any Money advanced or to be advanced for such Purposes; and afterwards, without Prejudice nevertheless to the Payments to the said Exchequer Bills Loan Commissioners as herein-before mentioned and herein-after provided, in Payment and Discharge of all the Costs, Charges, and Expences incurred by the said Mayor and Burgesses in consequence of such Application having been made, or incidental to the Application for or the passing of this Act, together with lawful Interest as aforesaid; also in Payment of the Expences of collecting and receiving such Tonnage and Lastage Rates and Duties; also in Payment of the several Instalments as and when the same shall become due and payable for and on account of the Principal Monies which have been borrowed of the Exchequer Bills Loan Commissioners by the said Mayor and Burgesses, and still remaining due and owing upon the Mortgage of the said Tonnage and Lastage Rates and Duties, and the Interest payable in respect thereof; also in making, placing, repairing, and maintaining the Buoys, Beacons, and Sea Marks, and Expences incident or relating thereto, within the Limits of the said Port and Harbour, to the Repair of which the said Mayor and Burgesses are now liable; also in Payment of the Expences of maintaining and keeping in sufficient Repair the several Works which have been made, erected, and built by the said Mayor and Burgesses under or by virtue of the said last-recited Acts or either of them, and of removing Obstructions which may arise within the said Harbour; and also one Moiety of the Costs, Charges, and Expences of such Engineer or Engineers to be appointed as aforesaid, and such Umpire as aforesaid, and the Expences of the several Officers and Servants to be employed in and about the carrying the said last-mentioned Acts or this Act into execution; and the Surplus or Remainder of such Monies shall be laid out and applied, subject to the Provisions of this Act, in making and executing such Works as are herein-before mentioned below *Fosdyke Bridge* in the said River *Welland*, or in the said River *Witham* between the said Grand Sluice and *Clayhole* aforesaid, or in the Improvement of the Outfall of both the said Rivers into *Clayhole*: Provided always, that

Application
of Monies.

nothing

nothing herein contained shall extend or be construed to extend to lessen, invalidate, alter, or take away the Powers and Authorities given to the said Mayor and Burgesses by the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, or either of them, to borrow any Sum or Sums of Money, for the Purposes of this Act, upon the Credit of the Tonnage and Lastage Rates granted to the said Mayor and Burgesses by the said last-mentioned Acts or either of them, and to repay such Sum or Sums of Money by such Instalments, and with such Interest as may be agreed upon at the Time of borrowing the same, out of the Tonnage and Lastage Rates to be thenceforth received by the said Mayor and Burgesses, but that the same shall be and continue in as full Force and Effect as if this Act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

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

VIII. And be it further enacted, That the said Mayor and Burgesses shall and they are hereby required from and after the Day of the Commencement of this Act to keep, or order and direct to be kept by their Clerk, in a Book or Books to be provided for the Purpose, true and regular Entries of all Sums received for Tonnage and Lastage Rates, and how the same has been paid and applied by virtue of or for the Purposes of the said recited Acts of the Fifty-second Year of the Reign of King *George* the Third and of the Seventh and Eighth Years of the Reign of His late Majesty, and particularizing the several Matters and Things for which such Monies shall be from Time to Time laid out and applied; and such Account shall once in every Year after the Day of the Commencement of this Act be made up and balanced on or before the Tenth Day of *October* in every Year; and a Copy of such Account, showing such Particulars and Balance, and setting forth the Amount of the Surplus which under the Provision herein-before contained shall remain applicable to the general Improvement of the Outfall of the Two Rivers *Witham* and *Welland*, shall within One Calendar Month after the said Tenth Day of *October* in every Year be delivered to the said Trustees or their Clerk; and such surplus Money as often as the same shall amount to the Sum of Five hundred Pounds shall be laid out by the said Mayor and Burgesses in the Purchase of Exchequer Bills or other Government Securities, and the Monies received from the same as they shall respectively be paid off by Government shall be laid out in the Purchase of other Exchequer Bills or other Government Securities, and the Interest thereof shall from Time to Time in like Manner be laid out in the Purchase of Exchequer Bills or other Government Securities, until the said surplus Monies shall have accumulated to such a Sum as shall in the Opinion of such Engineers or Engineer be available for the Purposes herein-before mentioned; and when and as often as such Engineers or Engineer shall from Time to Time certify to the said Mayor and Burgesses that a sufficient Sum of Money shall so as aforesaid appear to have accumulated to a sufficient Amount for executing such Works as aforesaid, or any Part thereof, then the said Mayor and Burgesses shall sell such Exchequer Bills or other Government Securities, or so much thereof as shall be sufficient to raise the

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

the Amount certified by such Engineers or Engineer to be capable of being beneficially applied for the Purposes of this Act, and shall lay out and apply such Monies from Time to Time accordingly.

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

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

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

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

XI. And be it further enacted, That if any Person, or any Body Politic, Corporate, or Collegiate, shall think himself or herself or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act (other than and except such Determinations of the said Engineers or Engineer or Umpire as are declared to be binding, final, and conclusive), then and in every such Case he, she, or they may appeal to any General or Quarter Sessions of the Peace to be holden for the Parts of *Holland* in the said County of *Lincoln*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving to the Party or Parties concerned Notice in Writing of such Appeal, and of the Matter thereof, Ten Days at least before

Power of Appeal.

[*Local.*]

28 H

such

such General or Quarter Session; and the Justices (not being interested in the Premises) in such Session assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

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

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

Saving the Rights of the Trinity House.

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

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

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, impede, or defeat any Works made or executed, or to be made or executed, by the said Trustees acting in execution of the said recited Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, or to empower the said Mayor and Burgesses, or their Successors, to intermeddle with, or to invalidate, lessen, alter, or take away, any of the Rights, Powers, or Authorities which by the said Act were vested in the said Trustees, except so far as the same are by this Act expressly altered or taken away.

and of the Corporation of Boston;

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

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, hinder, injure, or defeat a certain Bridge erected over the said Place called *Fosdyke Wash*, or the Roads or Banks leading to and from the same, or any other Works made or executed, or to be made or executed, by the Company of Proprietors of the *Fosdyke Bridge*, under the Powers and Authorities of an Act made in the Fifty-first Year of the Reign of King *George the Third*, intituled *An Act for repealing so much of an Act of His present Majesty as relates to making a public Way over Fosdyke Wash in the County of Lincoln, and for granting further Powers for building a Bridge over the said Wash*, or to authorize or empower the said Trustees or their Successors to make, do, or execute any Works to the Prejudice or Injury of the said Bridge, or such other Works as aforesaid, or to defeat or lessen the Tolls, Rates, or Duties authorized to be taken thereat by the said Company of Proprietors and their Successors, but that the same Powers and Authorities, Tolls, Rates, and Duties, shall be preserved and continue as fully and effectually to all Intents and Purposes as if this Act had never been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

and of the Company of Proprietors of the Fosdyke Bridge.

51 G. 3. c. 71.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

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

Commencement of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1834.

