ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclxvii.

An Act for the better Drainage of Lands called *Crowland Washes* and *Fodder Lots*, *Cowbit Wash*, and *Deeping Fen Wash*, in the several Parishes of *Crowland*, *Spalding*, and *Pinchbeck*, the Hamlets of *Cowbit* and *Peakhill*, and the extra-parochial Place or Lands called *Deeping Fen*, or *Deeping Fen Welland Washes*, all in the County of *Lincoln*. [22d *July* 1847.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act* 41 G. 3.
for draining, dividing, and inclosing a Common called c. 116.
Crowland Common *otherwise* Goggushland, *and certain Open Half Year's Meadow, Commonable, and Waste Grounds called the* Washes *and* Fodder Lots, *in, adjoining, or near the Township of* Crowland *in the County of* Lincoln: And whereas an Act was passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled
An Act to amend and render more effectual an Act passed in the 58 G. 3. c. 77.
Forty-first Year of His present Majesty, for draining, dividing, and inclosing a Common called "Crowland Common" *otherwise* "Goggushland," *and certain Open Half Year's Meadow, Commonable, and Waste*

Grounds, called "The Washes" *and* "Fodder Lots," *in, adjoining, or near the Township of* Crowland *in the County of* Lincoln: And whereas an Act was passed in the Forty-first Year of the Reign of
41 G. 3. c. 128. King *George* the Third, intituled *An Act for draining, dividing, alloting, and inclosing* Deeping, Langtoft, Baston, Spalding, Pinchbeck, *and* Cowbit *Commons, within the Parts of* Kesteven *and* Holland *in the County of* Lincoln, *and also for draining* Crowland Common *or* Goggushland, *certain Lands and Grounds in the Parishes of* Bourn *and* Thurlby, *adjoining or lying contiguous to the North Bank of the River* Glen, *and certain inclosed Lands in* Deeping Fen *and in the Parishes of* Spalding *and* Pinchbeck *adjoining to the said Commons, and lying between the Rivers* Glen *and* Welland, *and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds, and Commons herein-before mentioned, or certain Parts thereof:* And whereas the Works of Drainage executed under the Authority of the said recited Acts, or some or one of them, have been found insufficient and inadequate to drain the said Lands called "*Crowland High* and *Low Washes*," and "*Cowbit Wash*," which contain together about Two thousand one hundred Acres, and the said Lands are frequently inundated and oppressed by Water, and are thereby rendered in a great degree unprofitable: And whereas the said Lands may be more effectually drained if the Improvements herein-after mentioned and provided for be made: And whereas certain extra-parochial Lands called *Deeping Fen Wash Lands*, lying between *Crowland Fodder Lots* and *Cowbit Wash*, are at present very imperfectly drained, and the Drainage of such last-mentioned Lands may be greatly improved if they be united for the Purposes of Drainage with the said Washes and Fodder Lots: And whereas the Improvement of the Drainage of the said Washes, Fodder Lots, and other Lands 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the

Powers of Trustees under recited Acts, as to Drainage of certain Washes, repealed.

Powers and Authorities by the said recited Acts or any of them given to or vested in the Trustees respectively nominated and appointed and acting under and by virtue and in pursuance of the Powers and Authorities of the said recited Acts or any or either of them, so far as such Powers and Authorities or any of them relate to the Drainage of the said *Crowland High* and *Low Washes* and *Fodder Lots* and the said *Cowbit Wash* respectively (excepting so far as the same are herein-after preserved), shall from and immediately after the passing of this Act cease and be extinguished.

8 & 9 Vict. c. 18. extended to this Act.

II. And be it enacted, That all the Clauses and Provisions of "The Land Clauses Consolidation Act, 1845," save so far as they shall be expressly varied or excepted by this Act, shall apply to the Works by this Act authorized to be made and executed, so far as the same shall be applicable to such Works, and shall form Part of this Act, and be construed together therewith as forming One Act.

III. And

Appointment of Trustees.

III. And be it enacted, That within One Month after the passing of this Act, and so at the End of every Three succeeding Years from the Time of every Election of Trustees as herein-after mentioned, it shall be for any Proprietor or several Proprietors of Twenty Acres each of Land or Ground intended to be drained by virtue of this Act to cause Notice to be inserted in One or more of the Newspapers usually circulated in that Part of the County of *Lincoln*, that the Owners or Proprietors of the said Lands, or their Deputies or Agents, to be appointed by Writing under their Hands, will meet at some Public House in the Town of *Spalding* aforesaid on the *Wednesday* Fortnight next after Publication of such Notice, at Twelve of the Clock at Noon, then and there to make choice of proper Persons to be Trustees for the putting this Act into execution; and it shall and may be lawful to and for the Most Noble the Marquis of *Exeter*, or other the Lord for the Time being of the Manor of *Crowland*, by Writing under his Hand to appoint One Person to be and act as such Trustee; and it shall also be lawful for all and every the Proprietors and Owners of the same Lands so intended to be drained, or his or their Deputy or Agent, present at such Meeting, to vote for Trustees for the Purpose aforesaid in manner following; (that is to say,) every Owner or Proprietor of Lands in *Crowland High* and *Low Washes* and *Fodder Lots* shall be exclusively entitled to vote for Four such Trustees, every Owner or Proprietor of Lands in *Cowbit Wash* shall be exclusively entitled to vote for Six other such Trustees, and every Owner or Proprietor of the said extra-parochial Lands called *Deeping Fen Wash Lands* shall be exclusively entitled to vote for One other such Trustee; and such Election shall be made and determined by and according to a Majority of Acres in each several Case, and the same shall be certified under the Hands of the respective Persons so electing them in a Book which shall be kept for such Purpose, with the Papers and Records of the Proceedings of the said Trustees; and such Persons so to be elected, together with the Person to be appointed by the Lord of the Manor of *Crowland* for the Time being, shall be and are hereby appointed Trustees for putting this Act into execution, and shall be called "The *Crowland* and *Cowbit Washes* Drainage Trustees."

Trustees to continue in Office Three Years, and until a new Election.

IV. And be it enacted, That the said Trustees appointed and to be elected as aforesaid shall continue to act in the Execution of this Act for the Space of Three Years from the Time of such Election, and until the Election of others in their Stead as herein mentioned, and no longer.

In case of Death, &c. of Trustee, new Trustee to be chosen.

V. And be it enacted, That when any of the said Trustees shall die, refuse or become incapable to act in the Execution of this Act, it shall be lawful for the Person, or Proprietors or Owners, by whom such Trustee or Trustees was or were orignally appointed or elected, to appoint or elect a Trustee in the Stead of each such Trustee dying, becoming incapable or refusing to act, in the same Manner as the Trustee or Trustees in whose Room such Election is had is herein directed to be elected; and such Trustee or Trustees, being so elected and certified, shall have the same Powers and shall continue to act in the Execution of this Act for the same Period as the Trustee

Trustee or Trustees in the Stead of whom he shall be so chosen would have had and acted by virtue of this Act.

Certain Provisions of 10 & 11 Vict. c. 16. extended to this Act.

VI. And be it enacted, That all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with the Exception of the Clauses with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, shall be incorporated with this Act, and shall, save so far as they are expressly varied or excepted by this Act, form Part of this Act, and this Act shall be construed as if such Clauses and Provisions (except as aforesaid) were set forth therein with reference to the Matter to which this Act relates.

Business of Trustees to be transacted at general or adjourned Meetings.

VII. Provided always, and be it enacted, That, notwithstanding any thing in the Commissioners Clauses Act, 1847, contained to the contrary, it shall not be necessary for the said Trustees to hold monthly Meetings, but that all the Business by the said Act directed and authorized to be transacted at the monthly Meetings therein mentioned may be transacted at any General Meetings or adjourned Meetings of the Trustees; nor shall it be necessary for the Trustees to provide any public or other Offices or Office for holding the Meetings and transacting the Business of the Trustees, or for the Use of their Officers or otherwise, or to require the daily Attendance of their Clerk or any other Person duly authorized by them in that Behalf at any Office for any Purpose, or to publish any Notice of the Situation of the Office of the Trustees, or of the Hours during which Attendance is given there.

Special Meetings.

VIII. Provided also, and be it enacted, That any Two or more of the Trustees may require a Special Meeting of the Trustees to be held.

No Summons, &c. shall be served through the Post Office.

IX. Provided also, and be it enacted, That, notwithstanding any thing in the Commissioners Clauses Act, 1847, to the contrary, no Summons or Notice, nor any Writ or other Proceeding, at Law or in Equity, requiring to be served upon the Trustees, shall or may be served by the same being sent through the Post Office to their principal or any other Office.

Expences of Committees may be allowed.

X. And be it enacted, That it shall be lawful for the Trustees to allow and pay the reasonable Charges and Expences which shall from Time to Time be incurred by any Committee of Trustees in the Execution of this Act.

Notice of Intention to dispute Appointment and other Matters of Form to be given.

XI. And be it enacted, That in any Action or Suit to be brought by or against the Trustees or their Clerk, or any of the Persons acting in execution of this Act, for any Cause, Matter, or Thing arising out of this Act, if the Plaintiff or Defendant, as the Case may be, intend to dispute the Appointment of the Trustees, or the Appointment of Clerks, Treasurers, Collectors, Surveyors, or other Persons appointed by the Trustees under the Authority of this Act, or the Rates, Taxes, or Assessments made or to be made by virtue of this Act, he shall, if Defendant, at or before the Time of pleading,

or if Plaintiff before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Defendant that he intends to dispute such Appointment, or any Entry, Proceeding, Rate, or Assessment, or such of them as shall be specified in such Notice, or otherwise the same shall stand admitted in Evidence.

Judge may grant a Certificate of Proof or Admission.

XII. And be it enacted, That where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Defendant (as the Case may be) shall at the Trial prove the Matters so intended to be disputed by such Notice, or any of them, or if the other Party shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Defendant (as the Case may be) to whose Attorney such Notice shall have been given as aforesaid shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid; and such Costs shall, in case such Plaintiff or Defendant (as the Case may be) to whose Attorney such Notice shall have been given as aforesaid shall obtain a Verdict, be added to his Costs, and if the other Party obtain a Verdict then such Costs shall be deducted from the Costs which the Party giving such Notice as aforesaid would be otherwise entitled to receive from the Person to whose Attorney such Notice shall have been given as aforesaid, and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs in like Manner as if Costs had been awarded to such last-mentioned Person.

Trustees may enter upon and take Lands described on Plans, &c.

XIII. And be it enacted, That, under and subject to the Provisions of "The Lands Clauses Consolidation Act, 1845," and of this Act, the Trustees shall have full Power to enter into or upon and to take such Lands as are delineated and described on the Plans and in the Book of Reference herein-after mentioned, and in the Schedule hereto annexed marked (A.), and as it may be necessary or desirable to take for the Execution of any Works whatever which may conduce to the more effectual Drainage of the said Washes, Fodder Lots, and other Lands, and also to take and use the Land adjoining the Site whereon any such Works, may be in course of execution, for depositing Earth, Soil, or other Materials, or for any other Purpose which the convenient Execution of such Works may reasonably require, doing as little Damage as may be, and making satisfaction to the Parties injured thereby; but no Lands shall be taken by compulsory Purchase, except such as are so delineated and described as aforesaid.

Period for compulsory Purchase of Lands limited, but Trustees may pur-

XIV. And be it enacted, That under and by virtue of this Act no Land shall be taken by the Trustees by compulsory Purchase beyond the Period of Four Years from the passing of this Act: Provided always, that nothing shall be held to prevent the Trustees from purchasing at any Time or Times any Land which they may deem necessary

chase Lands of Parties willing to sell.

necessary for enlarging, straightening, or otherwise improving the Drains, Cuts, Sluices, Bridges, Banks, Tunnels, Stanches, or other Works vested in them as such Trustees, of any Person willing to sell the same.

Trustees may execute Works herein named.

XV. And for the better Drainage of the said Washes, Fodder Lots, and other Lands, be it enacted, That it shall be lawful for the said Trustees to execute the Works following; (that is to say,)

To widen and enlarge the present Main Drain from or nearly from a Place called the *Locks* or *Locks Mill* for about One Mile to or near to a Place called *Handkerchief Hall* in the Hamlet of *Cowbit* in the Parish of *Spalding*, to the Extent of Twenty Feet or thereabouts, and to lower the Bed of the said Main Drain from End to End to a Depth of about Two Feet on an Average below its present general Depth, and so as to produce a gradual Inclination or Fall at the Rate of Four Inches *per* Mile from the upper End of *Crowland High Wash* to the River *Welland* at the *Locks* or *Locks Mill* aforesaid:

And to erect near the *Locks* or *Locks Mill* aforesaid a new Outfall Sluice for discharging the Water of the said Main Drain into the River *Welland*, such Sluice to be made with Two Openings or Arches respectively of the Width of Seven Feet clear, and the Sills to be at least Three Feet Six Inches below that of the present Sluice, and such new Sluice to be provided with Two Pairs of Sliding Doors of the same Width as the Arches, to be so constructed as that when both Doors are down a sufficient Quantity of Water shall be held up for the Purpose of Irrigation, without Prejudice to the Drainage, and so that One Door may be drawn up level with the Top of the Arch, the Carriageway over the said Sluice to be of the Width of Twelve Feet at least, and the Parapet Wall next the River *Welland* to be of a Height measuring from the Sill equal to the Height or Surface of the Counter or Wash Bank herein provided for;

And to build a Stanch, with sliding Door, set in Brickwork, near *Brother House Bar*, such Door to be of the Width of Ten Feet at least, and of such Height from the Sill as shall be requisite and suffice to provide for and secure to the Lands in *Postland* and *Moulton West Fen* and other neighbouring Lands respectively a Supply of Water for Irrigation through the Tunnels called *Brother House Tunnel* and *Moulton Tunnel* respectively equal to but not greater than that which such Lands are by Law or Custom entitled to receive thereby respectively, and to be so constructed as to be capable of being drawn up whenever required for the Purposes of Drainage;

And to erect, build, and put up across *Warehouse Lake* near *Crowland Fen Bridge*, in a Line with the Counter Bank running parallel with and on the Wash Side of the River *Welland*, One Pair of Sliding Doors, with a Width of Waterway of Twelve Feet at the least, the Sill to be laid Level with the Top of the present Culvert under the said Lake near the Town of *Crowland*, and One Foot deeper than the Bed of the River *Welland* near thereto, and to be constructed in such Manner as when both Doors are raised to allow the Passage of Boats or Lighters such

as are customarily navigated upon the said *Warehouse Lake* into and from the said River and Lake respectively, and to be also so constructed as that one of the Doors may be drawn up above the other to form a Stanch as high as the Top or Surface of the Counter or Wash Bank next adjoining thereto, and also at a sufficient Distance from the said Sliding Doors to erect, build, and put up in the said *Warehouse Lake* one other Pair of Sliding Doors, so as to form with the first-mentioned Sliding Doors a Pen Sluice or Navigation Lock of sufficient Capacity to contain Two or more such Boats or Lighters, for the Use of such Boats or Lighters in passing to and from the said River, and for the Purpose of preventing the Escape of Water from the said River;

And to remove the Culvert now being under the *Warehouse Lake*, and at each End thereof in the Line of the Main Drain to erect and build a Bridge, with a clear Waterway of Eight Feet at the least, with Stanch Doors on each Side of the Arch or Waterway, which Stanch Doors shall be raised only when required for the Purpose of Drainage, and at no other Time, and shall be always shut down when the Doors of the said Pen Sluice or Navigation Lock are open;

And to form, make, or place, and for ever thereafter maintain and keep in good and proper Repair and efficient Condition, a Culvert under the Channel and Bed of the said Main Drain, so as to connect the present Water Channel or Watercourse for the Supply of Water to a Tunnel called *Bell* otherwise *Bell Dyke Tunnel* in the Hamlet of *Peakhill* in the said Parish of *Spalding* on the North Side of the said Drain with the said Water Channel or Watercourse on the South Side of the said Main Drain, to provide for and secure to the Lands in *Spalding*, *Cowbit*, and *Peakhill* aforesaid, and other neighbouring Lands (if any), a Supply of Water for Irrigation through the said *Bell* or *Bell Dyke Tunnel* equal to but not greater than that which such Lands are by Law or Custom entitled to receive thereby, which Culvert shall be at least of equal Size and Dimensions with the said Tunnel;

And also to build such Bridges and other Communications over the said Main Drain and such other Stanches and other Works as the said Trustees may consider to be necessary and proper in consequence of the widening and deepening of the said Main Drain.

Pen Sluices to be under Charge of Welland Trustees.

XVI. Provided always, and be it further enacted, That the Pen Sluices or Navigation Lock at *Warehouse Lake* shall be placed under the Charge and Direction of the River *Welland* Trustees, saving always all existing Rights as to the Navigation of the said Lake, and as to taking Water from the same or from the River *Welland*.

The Bank of the River Welland next the Washes to be raised.

XVII. And be it enacted, That the Trustees shall cause the Counter Bank on the East or South-east Side of the River *Welland* next to or adjoining the said Washes and Fodder Lots and other Lands to be raised, strengthened, enlarged, reinstated, and restored to a uniform Height along its whole Extent from its Commencement at or near to the *Locks* or *Locks Mill* in *Spalding* aforesaid to its Termina-

Termination or upper End at or near to the Place where the Water of the *Folly River* or Drain is discharged and falls into the said River *Welland:* Provided always, that such Bank shall not be raised to a greater uniform Height than is shown on the deposited Section thereof without the express Authority and Consent of a Majority of the Undertakers, Adventurers, or Participants for the Time being for the Drainage of *Deeping Fen*, being Proprietors of Two hundred and fifty Acres each, present at their General Annual Meeting, or at a Special Meeting to be convened for that Purpose: Provided always, that nothing in this Act contained shall authorize or empower the Trustees to raise any Part of the said Counter Bank at a less Distance than Forty Feet from the Edge of the River, without the especial Consent of the Lord High Admiral or Lords Commissioners for executing the Office of Lord High Admiral for the Time being for that Purpose first given, nor shall any thing in this Act contained prevent the Removal of the said Counter Bank when made and raised opposite to a Place called *Whitehouse Turn* (and in or adjoining the Lands No. 135 in the Parish of *Crowland* and No. 2 in the extra-parochial Place or Lands called *Deeping Pen* or *Deeping Fen Welland Washes* in the deposited Plans), for the Purpose of straightening or improving the Navigation of the said River, when required.

Bank not to be raised at a less Distance than Forty Feet from Edge of River.

Counter Bank not to be raised between Peakirt Bridge and Borough Fen Tunnel.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize or empower the Trustees to raise or heighten the said Counter Bank at any Point between the Bridge over the *Folly River* called *Peakirk Bridge* towards *Crowland* and the Tunnel called the *Old Borough Fen Tunnel.*

As to the Construction of miscellaneous Works.

XIX. And be it enacted, That the Trustees shall and may from Time to Time make, and thenceforth, as Occasion may require, support, maintain, amend, repair, and improve, the Sluices, Bridges, Tunnels, Stanches, Culverts, Banks, and other Works already or hereafter to be made in, upon, and through the said Washes and Fodder Lots, and make, widen, deepen, lengthen, extend, alter, divert, improve, and cleanse, as Occasion may require, as well the Delph Soke Dike or Drain next to or adjoining the Counter Bank aforesaid, as also all other the Drains, Sewers, and Watercourses already or hereafter to be made in and through the said Washes and Fodder Lots respectively, for more effectually draining and preserving the same, and for such Purposes or any of them to enter into and upon any Part of the said several Washes and Fodder Lots, and to take and use such Lands, and to dig and take Earth and Soil therefrom, and to cut through any Part of the said Lands, doing as little Damage as may be, and making full Compensation for all Damage or Injury which shall be occasioned to any Person thereby; and the Costs and Expences incident to or occasioned by such several Works as last aforesaid shall be defrayed and discharged by the said Trustees by and out of the Funds and Monies to be from Time to Time raised by virtue and under the Authority of this Act, in such Manner as the said Trustees shall think proper, and order and direct.

Trustees not to alter Tun-

XX. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize or

or empower the said Trustees to alter, enlarge, lessen, or change the Position of any of the Tunnels in or through the said Counter Bank, whereby any Water is drawn or issued from the said River *Welland* to or for the Service of any of the Lands on the other Side of the said several Washes and Fodder Lots, or to do or permit to be done any Act whereby the Quantity of Water so drawn or issued from the said River for the Use of such Lands shall be augmented or increased.

Tunnels in Counter Bank.

XXI. And whereas Plans and Sections describing the Course of the Main Drain proposed to be widened and improved, and the Lands upon, through, and over which the said Works are proposed to be made, with Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Parts of *Holland* and *Kesteven* in the County of *Lincoln*, and for the County of *Northampton*, and for the Liberty or Soke of *Peterborough* in the said County of *Northampton*; be it therefore enacted, That the said Clerks of the Peace respectively shall allow all Persons interested at all seasonable Times to inspect such Plans, Sections, and Books of Reference, and to make Copies of or Extracts from the same respectively, in the like Manner and upon the same Terms, and under the like Penalty for Default, as are provided by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be deposited with them under the Standing Orders of either House of Parliament.*

Deposited Plans and Books of Reference to be open for Inspection, pursuant to 7 W. 4. & 1 Vict. c. 83.

XXII. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Land, or of the Owners, Lessees, or Occupiers of any Lands, described in the said Plans or in the said Books of Reference, or in the Schedule hereto, be it enacted, That the Correction of any such Matters may be referred by the Trustees to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the said Parts of *Holland* in the County of *Lincoln*, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Trustees to execute the said Works in accordance with such Certificate.

Errors and Omissions in Plans, &c. may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

XXIII. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof, or Extracts therefrom,

Copies of Plans, &c. to be Evidence.

from, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Houses and inclosed Grounds not to be taken without Consent, except specified in Schedule.

XXIV. And be it enacted, That the Trustees shall not take or injure any Property of the following Kinds without the Consent in Writing of the Owners and Occupiers thereof; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty-six, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue to a House, other than and except such as are specified in the Schedule (A.) to this Act annexed.

Works vested in Trustees.

XXV. And be it enacted, That all Buildings, Sluices, Bridges, Tunnels, Culverts, Cuts, Sewers, Drains, Watercourses, Dams, Banks, Headings, Forelands, Doors, Outlets, and other Works already made or now existing or hereby provided for and authorized to be made for the Drainage of the said several Washes and Fodder Lots respectively, and the Right and Property to and in the same, and the Materials whereof any of them may consist, together also with the said Counter Bank or Wash Bank for the whole Extent thereof, and also the Delph Soke Dike or Drain lying next to and adjoining the said Counter Bank, shall be and are and is hereby vested in the said Trustees.

Limiting Time for completing Works.

XXVI. And be it enacted, That the various Works hereby directed to be done shall be proceeded with with all practicable and convenient Despatch, so that the same shall be completed within a Period not exceeding Four Years from the passing of this Act.

Dikes to be kept open.

XXVII. And be it enacted, That the several Owners or Occupiers of the several Lands within the said several Washes and Fodder Lots, for the better Drainage of which Provision is intended to be hereby made, shall at all Times well and sufficiently cleanse, scour, deepen, widen, and repair the several Road or Droveway Dikes, Outring or Partition Dikes, and Division Dikes adjoining or belonging to their respective Lands, and shall at all Times keep and maintain the said Dikes and every of them, with proper and sufficient Tunnels wherever necessary for the free Current and Passage of Water in the Course of and along such Dikes, of such Width, Depth, and Dimensions respectively as the Trustees shall direct or require; and in case any such Owner or Occupier shall at any Time neglect or refuse so to cleanse, scour, widen, deepen, or repair any of the said Dikes adjoining or belonging to his Lands, or to place and lay down such Tunnel or several Tunnels as aforesaid, or to keep or maintain the same Dikes and Tunnels respectively of such sufficient Width, Depth, and Dimensions as aforesaid, for the Space of Twenty-one Days next after Notice in Writing so to do under the Hands of Three of the said Trustees for the Time being, or of their Clerk, shall have been given to such Owner or Occupier, or left at his usual Place of Abode, he shall for every such Neglect forfeit any Sum not exceeding the Sum of Three

Penalty for Neglect.

Shillings for every Rod of the Dike or Dikes so neglected to be cleansed, scoured, deepened, widened, or repaired as aforesaid, and the Sum of Five Pounds for every Neglect or Omission to place and lay down, and maintain in an efficient State for the Passage of Water as aforesaid, any and every such Tunnel as aforesaid; and it shall be lawful for the Trustees, or their Superintendent or other Officer, from Time to Time after such Neglect or Refusal as aforesaid, to cause such Dikes to be cleansed, scoured, deepened, widened, and repaired, and such Tunnel or Tunnels respectively to be placed and laid down or repaired, as the Case may be, and the Charges and Expences attending the same shall be reimbursed to the said Trustees by such Owner or Occupier so neglecting or refusing as aforesaid.

In default, Trustees may repair.

XXVIII. And be it enacted, That the several Owners or Occupiers of Lands adjoining the Delph Soke Dike or Drain of or next to the said Counter or Wash Bank of the River *Welland* shall and they are hereby required to keep up and maintain a sufficient Fence upon their several Lands where the same abut upon the said Delph Soke Dike or Drain, to prevent all Horses, Swine, and Cattle (except Sheep) from depasturing on the said Bank, or treading down the same, or damaging or impairing the said Delph as a Receptacle for the soakage Water, and as a Drain for carrying off and discharging such Water; and in case any such Owner or Occupier shall at any Time refuse or neglect to erect and put down, repair and maintain, such sufficient Fence, for the Space of Twenty-one Days next after Notice in Writing so to do, under the Hands of Three of the Trustees for the Time being or of their Clerk, shall have been given or left at his usual Place of Abode, he shall for every such Neglect forfeit any Sum not exceeding Five Pounds, and also any further Sum not exceeding Ten Shillings for every Swine and Twenty Shillings for every Horse and Head of Cattle (except Sheep) belonging to such Owner or Occupier which shall be found depasturing upon or treading down the said Bank.

Owners or Occupiers of Lands adjoining the Counter or Wash Bank to keep up a Fence between their Land and the Bank.

Penalty for Neglect.

XXIX. And be it further enacted, That it shall and may be lawful for any Person or Persons whomsoever to drive any Horse or Horses, Swine or Cattle (except Sheep), which shall be found upon the said Counter Bank, or upon any other of the Banks, or the Forelands thereof within the Purview of this Act, to the Common Pound or Fold of the Parish or other Place where such Horse or Horses, Swine or Cattle (except Sheep), shall be found, and in case there be not any such Common Pound or Fold there, then to the Common Pound or Fold of any adjoining Parish, and the Pinder or Foldkeeper of the said Parish is hereby directed to impound and hold the same in his Custody, and to feed them while they shall remain in his Custody, and the same shall not be repleviable, but shall remain in the Custody of the Pinder or Foldkeeper for the Time being until the Owner or Owners of such Horse or Horses, Swine or Cattle, shall have paid such Penalty, not exceeding the Sum of Ten Shillings for each and every of such Swine so impounded, and not exceeding One Pound for each and every of such Horses or other Cattle so impounded, together with all such Costs of taking and impounding and also of feeding the same during the Time they shall have been impounded, as a Justice of the Peace shall order and direct, and together also with all Costs of

All Cattle, except Sheep, found on Banks, may be impounded.

of feeding the same, from the Time of the making an Order by a Justice until the Payment of such Penalty or Penalties and Costs; and if the Penalty or Penalties, together with such Costs, shall not be paid within the Space of Seven Days after an Order has been made by a Justice, it shall be lawful for the Trustees at any Time thereafter to sell or cause to be sold the Horse or Horses, Swine or Cattle so impounded, by Auction, at the Market Town nearest the Pound where the same shall be impounded, on some Market Day between the Hours of Twelve of the Clock at Noon and Two of the Clock in the Afternoon, and to apply the Money arising by such Sale in Payment of the Penalty or Penalties ordered to be paid, and of such Costs and Charges attending the taking, impounding, and feeding the said Horse or Horses, Swine or Cattle so impounded, and also all the Costs and Charges attending the Sale and Disposal thereof; and in case there shall be any Surplus, the same shall be paid to and remain in the Hands of the Trustees or their Treasurer, to be by them or him returned or paid to the Owner or Owners of the said Horse or Horses, Swine or Cattle so impounded, on Demand.

Penalty on Persons damaging Drains, &c.

XXX. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter wilfully or designedly damage any Bank, Bridge, Tunnel, Culvert, Floodgate, Stanch, or Sluice, or any Drain, Watercourse, Door, Dam, or other Work or Works, already made or erected, or which shall at any Time hereafter be made or erected, or in the course of being made or erected, for answering any of the Purposes of this Act, all and every Person and Persons so offending, and being thereof convicted before Two or more Justices of the Peace (having Jurisdiction in the Parish or Place where any such Offence shall have been committed, or where any Person or Persons so offending shall be found, and who are hereby authorized and required to hear and determine the same), on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Two Pounds as the said Justices shall order and direct to be paid to the Trustees or any Three or more of them, to be applied for the Purposes of this Act, or be liable to such other Penalties as are provided for by the Commissioners Clauses Act, 1847.

Penalty on Persons causing Obstructions.

XXXI. And be it further enacted, That if any Person shall at any Time hereafter set or place any Fishing Net, Eel Trap, or Eel Leap, or other Device or Thing, in any Drain, Dike, Water Channel, or Watercourse within the Purview of this Act, whereby the free Current and Passage of the Water shall or may be obstructed or prevented, every Person so offending, and being thereof convicted before any One Justice of the Peace having Jurisdiction in the Place where such Offence shall have been committed, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Person so offending, shall forfeit for every such Offence any Sum, in the Discretion of such Justice, not exceeding Five Pounds, to be paid to the Trustees or any Three of them, and applied to the Purposes of this Act, or be liable to such other Penalties as are provided for by the Commissioners Clauses Act, 1847.

XXXII. And

Arrears of Taxes, &c. to be paid to Trustees of this Act, and may be recovered by Distress, and Action of Debt.

XXXII. And be it enacted, That all Taxes, Rates, or Assessments authorized by the said first and secondly recited Acts or either of them, and already made by the Trustees under the same Acts or either of them, upon the Lands within the Drainage directed by the same Acts or either of them, and also all Taxes, Rates, or Assessments authorized by the said thirdly recited Act, and already made by the Trustees under the same Act, upon the Lands lying within *Cowbit Wash* aforesaid, (although the same Taxes, Rates, or Assessments respectively may not have been made according to the Forms directed in the said recited Acts respectively, or any or either of them,) shall be deemed and taken to be good and valid (except that it shall be lawful for the Trustees of this Act to correct any manifest Errors therein); and that all Arrears of the said Taxes, Rates, and Assessments heretofore vested in or payable to the respective Trustees of the said recited Acts or any or either of them shall be payable to the Trustees of this Act, or their Collector or Treasurer for the Time being; and the said Trustees of this Act shall cause Notice to be given to the Owner or Occupier, Owners or Occupiers of the several Lands in respect whereof such Arrears of Taxes, Rates, or Assessments respectively are due, requiring that all such Arrears shall be paid to the Trustees of this Act, or their Collector or Treasurer, within Two Calendar Months after such Notice shall have been delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Occupier, Owners or Occupiers as aforesaid, and that after the Expiration of the said Two Calendar Months the Powers and Remedies of Distress and Entry and Action of Debt herein-after respectively provided for compelling and enforcing the Payment of the Taxes and Rates hereafter to be assessed by the Trustees of this Act for the Time being, and all the Clauses and Provisions relating thereto, shall extend and be construed to extend to the compelling and enforcing the Payment of the Arrears of the said Taxes, Rates, and Assessments already assessed and made as aforesaid, and the same Powers or Remedies shall or may be exercised accordingly.

Power to levy Rates and Taxes.

XXXIII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the said Trustees, from Time to Time as Occasion shall require, to rate, assess, tax, and charge all the several Lands within the said *Crowland Washes* and *Fodder Lots*, *Deeping Fen Wash*, and *Cowbit Wash*, in such equal Sum or Sums of Money *per* Acre, and so on in rateable Proportion for any less Quantity than an Acre, as shall from Time to Time be necessary for such Purpose, not exceeding Thirty Shillings *per* Acre within or during the First Year next after the passing of this Act, and not exceeding Fifteen Shillings *per* Acre in either of the Two following Years, and not exceeding Five Shillings *per* Acre in any subsequent Year; and every such Rate and Assessment shall be entered in a Book to be provided for the Purpose, and signed by a Majority of the Trustees present at any General or Special Meeting to be convened for that Purpose, and all such Entries shall be open, without Fee or Reward, at all convenient Times, for the Inspection of all Persons rated or liable to be rated.

Additional Rate may be levied in case of Emergency.

XXXIV. Provided always, and be it enacted, That if after the said First, Second, and Third Years after the passing of this Act any extraordinary Emergency shall occur to require an Addition to or Increase of the annual Five Shillings *per* Acre Rate herein-before authorized to be charged, the Trustees of this Act for the Time being shall and they are hereby directed upon every such Emergency to convene a Special Meeting of the Owners and Proprietors of the Lands within the several Washes and Fodder Lots intended to be drained under the Provisions of this Act, by advertising the same in some One or more Newspaper or Newspapers usually circulated in that Part of the County of *Lincoln* once a Week for at least Three successive Weeks immediately previous to the Day appointed for such Meeting, in order to take into consideration the Propriety or Expediency of increasing the said annual Tax to such an Extent as may be necessary to provide for the Emergency or Exigency then existing or in prospect; and if at any such Meeting it shall be agreed to raise a further Sum by an increased Tax, then and in such Case it shall be lawful for the said Trustees for the Time being and they are hereby required to assess and tax the Lands herein-before made chargeable with the said Tax of Five Shillings an Acre with such further and additional Tax as shall or may be agreed upon at any such Special Meeting to be held as aforesaid, and the said Trustees shall apply the Produce and Proceeds of such additional Tax for the same Purposes and in the same Manner as herein directed with respect to the said Tax of Five Shillings *per* Acre.

Rates vested in Trustees, and to be payable by Proprietors.

XXXV. And be it enacted, That the several Rates and Taxes made and assessed under this Act shall be vested in the Trustees, and shall be paid by the several and respective Owners of Lands within the said Washes and Fodder Lots to such Persons and at such Times and Places as the said Trustees shall from Time to Time appoint.

Notice of Rates to be published before the same shall be payable.

XXXVI. And be it enacted, That the Trustees shall give Notice of the Time and Place when and where such Rates and Taxes are from Time to Time to be payable or paid, by publishing the same in some One or more Newspaper or Newspapers usually circulated in that Part of the County of *Lincoln*, and by causing the same to be affixed upon the principal outer Door of the Churches of *Spalding*, *Pinchbeck*, *Crowland*, and *Cowbit* on some *Sunday* previous to Divine Service, not more than Twenty nor less than Ten Days before the Day of Payment.

Rate Books to be Evidence.

XXXVII. And be it enacted, That the Books of the Rates and Taxes made and assessed under this Act, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates and Taxes imposed by virtue of this Act.

Rates may be amended from Time to Time by Tenants.

XXXVIII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to amend any Rate or Tax made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated or taxed, or by striking out the Name of any Person who ought not to have been rated or taxed, or by raising

or

or reducing the Sum at which any Person shall have been rated or taxed, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate or Tax conformable to this Act; and no such Amendment shall be held to avoid any such Rate or Tax: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate or Tax shall be altered shall be entitled to Fourteen Days Notice of such Alteration before the Rate or Tax shall be payable by him.

Occupiers may be rated, if they think fit;

XXXIX. And be it enacted, That it shall be lawful for the Occupiers of any Property liable to be assessed, rated, or taxed under this Act to demand to be assessed for the same, and to pay the Rates or Taxes in respect thereof made or assessed under the Authority of this Act, and the Trustees shall assess every such Occupier so long as he shall duly pay the said Rates and Taxes.

and may be distrained upon same as Owners.

XL. And be it enacted, That in case any Occupier shall demand to be assessed as aforesaid it shall be lawful for the Trustees or their Collector or Treasurer to recover the Amount of such Rates and Taxes from the Occupier of such rateable Property by the same Means as the same might have been recovered if the Owner had been rated or assessed thereto.

Owner to repay to Occupier, except where otherwise agreed.

XLI. And be it enacted, That if the Amount of any Rate or Tax which under the Provisions herein-before contained ought to be borne by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sum paid or levied, together with the Costs of the Distress (if any) paid by him, from the Rent due or to become due from him to such Owner, or to sue for and recover the same from the Owner by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs of Suit; save always and except where there shall be any express Agreement to the contrary, and except as to any Taxes which may become due and payable for or in respect of any Lands held under any special Agreement or beneficial Lease for a Term of Lives or Years determinable on Lives, which Taxes shall be borne and paid by and deducted or recovered from the Lessees, and shall not be deducted from the reserved Rents, and save and except as to the Expences of any Distress which may have been paid by any such Occupier as shall have been rated, assessed, or taxed upon his own Demand or Request.

Penalty on the Nonpayment of Rates according to the Notice.

XLII. And be it enacted, That if any Person liable to the Payment of any such Rate or Tax shall omit or neglect to pay the same for the Space of Fourteen Days next after the Day appointed in and by such Notice to be published as aforesaid, every Person so omitting or neglecting shall forfeit by way of Penalty for every such Omission or Neglect the Sum of Five Shillings for every Pound Sterling of the Amount of any such Rate or Tax which shall be so in arrear, and so in

in proportion for any less Sum than One Pound; and such Penalty shall be paid to the Collector or Treasurer of such Rates and Taxes, and in default of such Payment every such Penalty shall and may be levied and recovered in the same Manner as any such Rate or Tax may or can be levied and recovered, and shall be applied by the Trustees to the same Purposess as the Rates and Taxes are applicable.

Rates to be recovered by Action or Distress.

XLIII. And be it enacted, That if any Person rated or taxed under the Authority of this Act shall not pay any of the said Rates or Taxes due from him, together with any Penalty incurred as aforesaid, for the Space of Fourteen Days after Demand thereof in Writing by the Trustees or their Collector or Treasurer, it shall be lawful for the Trustees to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster;* or any Justice shall, on the Application of the Trustees or their Clerk or Collector or Treasurer, summon any such Person to appear before him, at a Time to be mentioned in such Summons, to show Cause why the Rates or Taxes and Penalties, or Rate or Tax and Penalty, due from him, should not be paid; and in case no sufficient Cause for the Nonpayment of such Rates or Taxes and Penalties, or Rate or Tax and Penalty, shall be shown accordingly to the Satisfaction of such Justice, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

XLIV. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rates or Taxes and Penalties, or Rate or Tax and Penalty, may include one Person or several Persons, and may be to the Effect mentioned in the Schedule (B.) to this Act annexed.

Constables to assist in making Distress.

XLV. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector or Treasurer of the Rates and Taxes, aid in making a Distress and Sale pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Lands to remain liable if sufficient Distress not found.

XLVI. And be it enacted, That whenever the Lands for or in respect of which any such Rates or Taxes or Rate or Tax, or any Penalties or Penalty for the Nonpayment thereof, shall be due and unpaid, shall be unoccupied, or in case a sufficient Distress cannot be found thereon for levying the same, such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and Penalties respectively so due and unpaid; and all Goods, Chattels, and Effects which shall or may at any Time thereafter be found on such Lands shall and may be distrained and sold in manner aforesaid, until all the Rates and Taxes then due in respect of such Lands, and all Penalties incurred by the Nonpayment thereof, and all Costs and Expences incident to any previous Distress, and to the then Distress and Sale, shall be fully paid and satisfied.

Proprietors under Disability may

XLVII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants

Tenants for Life or in Tail or for any partial or qualified Estate or Interest, Husbands, Guardians, Trustees or Feoffees in Trust for charitable or other Purposes, Heirs, Executors, Administrators, Successors, Committees for Lunatics and Idiots, and all other Trustees whomsoever, and for all Persons seised, possessed of, or interested in right of others, being Persons labouring under any Disability or Incapacity, and all other Persons whomsoever, and they are hereby authorized and empowered, not only for or on behalf of themselves, and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their several and respective Cestuisque Trust or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert and other Persons who are or may be seised, possessed of, or interested in the Lands to be rated or taxed by virtue of this Act, to charge all or any of such Lands with any such Sums of Money, not exceeding the said several Rates or Sums of Thirty Shillings, Fifteen Shillings, and Fifteen Shillings *per* Acre, herein-before authorized to be rated and charged within or during the first Three Years after the passing of this Act, which shall be ascertained and determined by the Trustees to be payable by such Bodies, Corporations, Parties, or Persons respectively, as or for their Shares or Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and of making and completing the Works and Improvements by this Act authorized, and for securing the Repayment of such Sums, with Interest, to grant, mortgage, surrender, lease, or demise such Lands to or in trust for the Persons advancing or lending such Sums, and to their respective Heirs, Executors, Administrators, or Assigns, in Fee, or for any Term or Number of Years, so as every such Grant, Mortgage, Surrender, Lease, or Demise be made subject to a Proviso or Condition to cease and be void, or with an express Trust to be reconveyed, reassured, or surrendered, when such Money thereby to be secured, and the Charges occasioned by preparing and executing such Security, and of borrowing such Sums of Money, with lawful Interest for the same respectively, shall be paid and satisfied; and any Mortgagee advancing or lending Money under this present Power shall not be obliged to see to the Application thereof, nor be in anywise accountable for the Misapplication or Nonapplication thereof or of any Part thereof.

borrow Money for Payment of Taxes.

XLVIII. Provided always, and be it enacted, That every such Grant, Mortgage, Surrender, Lease, or Demise which shall be made by any Tenant in Tail or for Life or Lives, or for Years determinable on a Life or Lives, or upon any other Contingency, shall contain a Proviso for securing the Repayment at the End of every Year (to be computed from the Date thereof) of One Thirtieth Part of the Principal Money borrowed, until the whole thereof shall by such annual Payments be paid off and discharged; and every such Tenant in Tail or for Life or Lives, or for Years determinable on a Life or Lives, or upon any other Contingency, shall and he is hereby required, during the Continuance of his Estate and Interest in the Lands or Tenements mortgaged, to pay at the End of every Year (to be computed as aforesaid), to the Person who shall have advanced such Principal Money, his Executors, Administrators, or Assigns, One Thirtieth Part thereof, and also to pay and keep down the Interest of such

For paying off Mortgages by incapacitated Persons by annual Instalments.

such Principal Money so that the Person in remainder or reversion who shall afterwards become entitled in possession to the Lands or Tenements comprised in such Grant, Mortgage, Surrender, Lease, or Demise shall not be subject or liable (and he is hereby discharged from being subject or liable), and every such Grant, Mortgage, Surrender, Lease, or Demise shall contain a Proviso or Condition that he shall not be subject or liable to pay any further or larger Portion of such Principal Money than One Thirtieth Part thereof more than would properly remain due and owing if the annual Payment herein-before directed to be made were regularly and punctually paid in pursuance of the Proviso or Condition herein-before mentioned and directed to be made, or any further or larger Arrear of Interest than for Six Months preceding the Time when the Title to such Possession shall have commenced, calculated on the Principal Money for the Payment of which he would under the Provisions aforesaid be liable; and every such Grant, Mortgage, Surrender, Lease, or Demise shall also contain a Proviso or Condition for enabling the Person who shall advance or lend such Money, his Executors, Administrators, or Assigns, to have, use, exercise, and take such and the same Powers and Remedies for recovering and compelling Payment of the said One Thirtieth Part of such Principal Money, and the whole of the Interest due on such Principal Money, by Entry and Distress on any Effects to be from Time to Time found upon the Lands so mortgaged, and by Sale of such Distress as Landlords can and may use and take for the Recovery of Rent in arrear.

Reversioner, &c. paying Instalment or Interest due from preceding Owner may recover the Amount by Action, &c.

XLIX. Provided always, and be it enacted, That in case any Tenant in Tail or for a Life or Lives, or for Years determinable on a Life or Lives, or upon any other Contingency, who shall have borrowed any Money under the Power herein-before contained, shall neglect or omit, at the End of every Year during the Continuance of his Estate or Interest in the Lands or Tenements mortgaged, to pay One Thirtieth Part of the Principal Money borrowed by him, or any Part thereof, or to pay and keep down the Interest or any Part of the Interest on such Principal Money, according to the Provisions lastly herein-before contained, and the Person in remainder or reversion who shall have become entitled in possession to such Lands or Tenements shall, according to such Provisions, be liable to pay and shall pay any Sum of Money for Principal or Interest which under the Provisions aforesaid ought to have been paid by such Tenant in Tail, or for a Life or Lives, or for Years determinable on a Life or Lives, or upon any other Contingency, every such Person shall and may sue for and recover the Sum or Sums of Money so paid by him, together with full Costs of Suits, from the said Tenant in Tail, or for a Life or Lives, or for Years determinable on a Life or Lives, or upon any other Contingency, his Executors, Administrators, or Assigns, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that every such Grant, Mortgage, Surrender, Lease, or Demise which shall be made by virtue of this Act by any such Bodies, Corporations, or Parties or Persons, shall contain a Proviso or Condition for securing the Repayment of the Principal Monies therein mentioned, with Interest, at some fixed Period, to be specified in such Grant, Mortgage, Surrender,

Directing that all Mortgages, &c. by incapacitated Persons, &c. shall fix a Period for

Lease, or Demise, and for enabling the Mortgagee or Mortgagees to demand, sue for, and recover Repayment of the Principal and Interest, or otherwise to obtain Possession of the Lands and Tenements granted, mortgaged, surrendered, leased, or demised at any Time he shall think proper after the Period so fixed, on giving Six Months previous Notice thereof.

the Repayment of the Principal Monies.

L. Provided always, and be it enacted, That nothing in this Act contained shall authorize or empower any Body, Corporation, Person, or Party under such Disability as aforesaid to borrow upon Security of or to charge the Lands so to be rated or taxed for the Purposes of raising or paying any other Rates or Taxes than those made or assessed within or during the first Three Years after the passing of this Act.

Lands not to be charged for Taxes.

LI. And be it further enacted, That in Cases where any of the Lands which shall be so assessed, taxed, or charged are held upon Lease or Agreement for any Term longer than One Year it shall be lawful for the said Trustees and they are hereby empowered and required to increase the annual Rent reserved by such Lease or Agreement in proportion to the Benefit which the said Lands comprised in the said Lease or Agreement shall in the Opinion of the said Trustees receive by the said Drainage, and the additional Rent to be affixed by the said Trustees on the said Lands shall be recoverable by the respective Landlords thereof in such Manner and by such Ways and Means as the original Rent reserved by the said Lease or Agreement is by Law recoverable.

Tenant on Lease to pay additional Rent.

LII. And be it enacted, That it shall be lawful for the Trustees from Time to Time to borrow at Interest on the Credit of the several Rates and Taxes or Assessments by this Act granted, and other Property vested in such Trustees, any Sum of Money which together with any Sum previously borrowed shall not exceed the Sum of Five thousand Pounds; and in the event of any Part of such Sum of Money being repaid by the Trustees, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid more than the Sum of Five thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Trustees, or any Five of them, may assign over the said Rates and Taxes and Assessments (as well those not then existing as those then existing), and other Funds or Property, or any Part or Parts thereof, with all Powers and Remedies whatsoever for recovering and enforcing Payment thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and any such Mortgage may contain any Provisions for continuing the Loan, and for the Repayment of the Sum thereby secured by Instalments, and for reducing the Rate of Interest reserved on Payment thereof within such Period after the Time appointed for Payment thereof as shall be in that Behalf agreed upon, and any such special Provisions as shall be in that Behalf agreed upon; and it is hereby declared that the Receipts of the Trustees making any such Assignment as aforesaid shall be sufficient Discharges for

Power to Trustees to borrow on Mortgage of Rates, &c.

for the Money borrowed under this present Provision, and that the Person advancing any such Money shall not be bound or concerned to see to the Application of the Money advanced by him, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be raised.

Form of Mortgage.

LIII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Trustees, and may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect, any special Provisions as aforesaid being added thereto, if required.

Mortgages to be without Preference.

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

Expences of Mortgages.

LV. And be it enacted, That the Expences of every Assignment or Mortgage shall from Time to Time be defrayed by the Trustees out of the Money raised by the same.

Register of Mortgages to be kept, and to be open to Inspection

LVI. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Trustees; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages.

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

Register of Transfers to be kept.

LVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Trustees, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum of Ten Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

LIX. And

Interest on Mortgages to be paid half-yearly.

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

Power to take up Money at a low Rate of Interest to pay off Securities bearing a higher Rate.

LX. And be it enacted, That if the Trustees can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall then be in force shall bear, it shall be lawful for them from Time to Time to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Assessments or other Funds or Property payable under this Act, or any Part thereof, with Payment of such Sum, and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages.

LXI. And in order that no undue Preference may be given in paying off any such Mortgages or Assignments, be it enacted, That when and as often as the Trustees shall under the Provisions of this Act be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Trustees shall, in the Presence of Five or more of the Trustees, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Trustees; and after every such Ballot the Trustees shall cause a Notice signed by their Clerk to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice, and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand pursuant to such Notice, but such Principal Money and the Interest thereof to the End of the said Six Months shall nevertheless be payable on Demand.

Repayment of Money borrowed at a Time fixed.

LXII. And be it enacted, That the Trustees may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof; and in such Case the Trustees shall cause such Period to be inserted in the Mortgage Deed, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage.

Repayment of Money borrowed, when no Time fixed.

LXIII. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed the Party entitled to the Mortgage may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and the Trustees may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Creditor, shall be by Writing delivered to the Clerk, and if given by the Trustees shall be by Writing given either personally to such Mortgagee or Creditor, or if such Mortgagee or Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the *London Gazette* and in some Newspaper circulated in the County of *Lincoln*; and at the Expiration of the said Notice, when given by the Trustees, Interest shall cease to be payable on the Money secured by such Mortgage, unless, on Demand of such Money, the Trustees fail to pay the same pursuant to such Notice.

Arrears may be enforced by Appointment of a Receiver.

LXIV. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal, Interest, and Costs, of any such Mortgage, at the respective Times at which such Interest, or such Principal and Interest and Costs, become due, be it enacted, That if such Interest or any Part thereof shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Creditor may either sue for the Interest so in arrear by Action in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as herein-after provided.

As to the Payment of Principal and Interest.

LXV. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Creditor may sue for the same in any of the Superior Courts of Law or Equity, or, if his Debt amount to the Sum of One hundred Pounds, he may alone, or, if his Debt does not amount to the Sum of One hundred Pounds, he may in conjunction with other Mortgagees or Creditors whose Debts being so in arrear after Demand as aforesaid shall together with his amount to the Sum of One hundred Pounds, require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment of Receiver.

LXVI. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the Parts of *Holland* in the County of *Lincoln*, and on any such Application so made, and after hearing the Parties, it be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Rates or Taxes or Sums liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including

including the Charges for receiving the Rates or Taxes or Sums aforesaid, be fully paid; and upon such Appointment being made all such Rates or Taxes and Sums of Money as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party or Parties to whom such Interest, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed, and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received the Power of such Receiver shall cease.

Access to Account Books by Mortgagees.

LXVII. And be it enacted, That at all reasonable Times the Books of Account of the Trustees shall be open to the Inspection of the respective Mortgagees and Creditors thereof, with Liberty to take Extracts therefrom without Fee or Reward.

Application of Money to be borrowed.

LXVIII. And be it enacted, That all the Money which shall be raised on the Credit of the Rates and Taxes hereby authorized to be levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act or incident thereto, and afterwards in the making the Works by this Act authorized, and such permanent Improvements in the Drainage of the Lands in the said Washes and Fodder Lots and of the said other Lands as the Trustees shall direct to be made.

Mortgagees empowered to levy Rates, in case Trustees neglect.

LXIX. Provided always, and be it enacted, That in case the Trustees shall at any Time during the Existence of any such Mortgage or Security made or granted in pursuance of this Act neglect or refuse to execute all or any of the Powers and Remedies hereby given to them for raising Rates and Taxes, so as to meet and provide for the Payment of the Principal Monies so to be borrowed, or the Interest thereof or any Part thereof respectively, according to the Terms of such Mortgage or Security, then and in any such Case it shall be lawful for the Mortgagees or Creditors on the Rates and Taxes by this Act granted, their Executors, Administrators, and Assigns respectively, for the Purpose of obtaining and enforcing the Payment of Interest or the Repayment of Principal Monies due on any such Mortgage or Security (as the Case may require), to have and exercise the same or the like Powers, Rights, and Remedies for raising, assessing, taxing, and charging the several Lands within the said Washes and Fodder Lots and the said other Lands, and all Powers and Remedies for collecting, receiving, and enforcing the said several Rates and Taxes, as are by this Act given to the Trustees for the like Purposes; and if any Owner or Proprietor of Lands within the said District shall at any Time advance or lend any Sum or Sums of Money for the Purposes aforesaid, it shall be lawful for him to deduct and retain such Principal Money, and all Interest which shall from Time to Time be due thereon, according to the Terms of his Security, out of and from such Sums as shall from Time to Time be rated, taxed, or assessed on his Lands, and such Lands shall be and are hereby discharged and acquitted of and from so much of the said Rates and Taxes as such Principal Money and Interest shall amount to.

Owners advancing Money on Loan may deduct from Rates.

LXX. And

Application of the Rates.

LXX. And be it enacted, That the Money which shall arise from the said Rates and Taxes, and all other Monies to be received by the Trustees under or by virtue or in pursuance of this Act, shall (after Payment of the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and incident thereto, and of the Money (if any) advanced by any Owner or Proprietor or other Person for such Purposes, with lawful Interest for the same respectively,) be applied, in the first place, in Payment of the Interest of all Monies borrowed on Mortgage or Security of the said Rates and Taxes, and then in defraying the Expences of executing the Works by this Act authorized, and in maintaining the same in repair, and in carrying the several Purposes of this Act into execution, and in paying off all Principal Sums to be borrowed on the Credit of the said Rates and Taxes, in such Order as the Trustees shall think proper.

Application of Rents arising from Herbage of Roads.

LXXI. And whereas there are within the Lands called *Crowland Wash* and *Fodder Lots* divers Roads, Ways, and Banks, or other uninclosed Land, the Herbage whereof hath been customarily let for the Benefit of the Owners of the said Lands, and there are also within the Lands called *Cowbit Wash* other Roads, Ways, and Banks, or uninclosed Land the Herbage whereof hath been customarily let or of Right belongs to the Owners of the *Cowbit Wash* Lands respectively, and it is just and expedient that the said several Owners respectively should have the Benefit of the Rents and Profits thence arising; therefore be it enacted, That the Trustees shall from Time to Time and yearly cause the Herbage of the said Roads, Ways, Banks, and unappropriated Land in *Crowland Wash* and *Fodder Lots* to be let in such Manner as they may think proper and convenient, and after Payment of the Costs and Expences incidental to such letting the Rents or Proceeds thence arising shall be applied in satisfaction *pro tanto* of the Acre Rate for the next following Year payable for or from or in respect of the said *Crowland Wash* and *Fodder Lots*; and the said Trustees shall in like Manner from Time to Time and yearly cause the Herbage of the said Roads, Ways, Banks, and unappropriated Land in *Cowbit Wash* to be let in such Manner as they may think proper and convenient, and after Payment of the Costs and Expences incidental to such letting the Rents and Proceeds thence arising shall be applied in satisfaction *pro tanto* of the Acre Rate for the then next following Year payable for or from or in respect of the said *Cowbit Wash*.

Penalty for obstructing the Execution of Works.

LXXII. And be it enacted, That if any Person shall at any Time obstruct, hinder, or molest any Officer, Assistant, or other Person whomsoever in the Employ or acting under the Direction of the Trustees in the Performance of his Office or Duty under the Authority of this Act, or in the Execution of any of the Works by this Act authorized to be done or executed, every such Offender shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, in the Discretion of the Justice or Justices before whom such Offender shall be convicted, or be liable to such other Penalties as are provided for by the Commissioners Clauses Act, 1847.

LXXIII. And

Penalties for Encroachments on Banks and other Grounds of the Trustees.

LXXIII. And be it enacted, That if any Person shall make, erect, build, or plant, or continue to make, erect, build, or keep any Stables, Hovels, or other Buildings, or any Hedge, Stile, Gate, or Fence, upon any of the Banks or Forelands of the Banks or upon any other Grounds vested in the Trustees by virtue of this Act, after Twenty-one Days Notice in Writing under the Hands of Two or more of the Trustees, or under the Hand of their Clerk, shall have been given to such Person so offending, to remove the same, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding One Pound *per* Day for every Day the said Banks, Forelands, or Grounds shall be so encroached upon.

Other Lands may be included in Drainage.

LXXIV. And whereas the better Drainage of certain other Low or Wash Lands called *Newborough Wash*, *Deeping Saint James Wash*, and *Maxey Wash*, lying between the Western Boundary of *Crowland High Wash* and the Outlet or Outfall into the River *Welland* of the Water of the *Folly River* or Drain at or near to a House or Place called *Waldram Hall*, may be conveniently effected in connexion with the Works of Drainage hereby provided for, if the Proprietors of such last-mentioned Washes hereafter desire the same; be it therefore enacted, That if the Proprietors or Owners for the Time being of Two Third Parts in Quantity or Number of Acres of the last-mentioned Washes shall at any Time within the Term or Period of Three Years next after the passing of this Act signify and give Notice of such their Desire to the Trustees for executing this Act, and shall advance and pay, or otherwise to the Satisfaction of the said Trustees provide for and secure the due Payment of such Sums of Money in gross as the said Trustees may in that Behalf be required to disburse and expend for the making, Performance, and Execution of the Works requisite or necessary for conferring the Benefit of such better or improved Drainage, it shall and may be lawful to and for the said Trustees to undertake such Works for bringing down the said Water from the said last-mentioned Washes in a direct and efficient Manner, to fall into and communicate with the Main Drain herein-before mentioned and directed to be improved and enlarged, as herein-before mentioned and provided for; and from and after the Time when such Works and Communication shall be perfected and completed, the said Lands called *Newborough Wash*, *Deeping Saint James Wash*, and *Maxey Wash* shall for all the Purposes of this Act be deemed to be Parcel of the Level of the Washes intended to be drained under the Powers and Provisions of this Act, and be subject to all the Enactments, Powers, and Provisions of this Act, and to the Payment of the same Amount of ordinary yearly Drainage Tax as the Lands called *Crowland Wash*, *Deeping Fen Wash*, and *Cowbit Wash* are herein-before and hereby made subject and liable to, and the Payment thereof shall be enforced and recoverable by the same or the like Ways and Means as are herein-before provided for the Recovery of the annual Tax to be charged upon and payable for *Crowland Wash*, *Deeping Fen Wash*, and *Cowbit Wash* Lands respectively: Provided always, that in setting out such Drains or other Works as may be deemed necessary for effectuating the Purposes last aforesaid the Approval of the Commissioners of the *North Level*, Parcel of the *Great Bedford Level*, to be testified in the Manner in which Acts

Consent of North Level Commissioners to be obtained.

of that Body are usually or by Law testified and recorded, shall be previously obtained.

Saving of Manorial Rights.

LXXV. Provided always, and be it enacted, That nothing in this Act shall prejudice or affect the Right, Title, or Interest of the Lord of the Manor of *Croyland* or *Crowland*, or of the Lord or Lords of the Manor of *Spalding* with its Members, or of the Lord of the Manor of *Spalding Crowland*, to any Manorial Rights, Privileges, Jurisdictions, Services, or Profits incident or appertaining to the said Manors or either of them.

Saving the Rights of the Corporation of Bedford Level, and of the Commissioners of North Level.

LXXVI. Provided always, and be it enacted, That this Act or any thing contained therein shall not extend or be construed to extend to empower the said Trustees or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any Power or Authority over or to intermeddle with any of the Sewers, Drains, or Works already made or to belong to the Governor, Bailiffs, or Commonalty of the Company of Conservators of the Great Level of the Fens commonly called *Bedford Level*, or the general Commissioners of the *North Level*, Part of the said Great Level, or to invalidate, lessen, or diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, or Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the
15 Car. 2. c. 17. Second, intituled *An Act for settling the Draining of the Great Level of the Fens called* Bedford Level, or by virtue of any Act, Statute, or Charter whatsoever, or in the said General Commissioners of the said *North Level*, by virtue of an Act made in the Twenty-seventh
27 G. 2. c. 19. Year of the Reign of King *George* the Second, intituled *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called* Bedford Level *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the* North Level, *Part of the Great Level, to raise Money to discharge the Proportion of the said* North Level *in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said* North Level; *and for the more effectual draining and preserving the said* North Level, *and divers Lands adjoining thereto in the Manor of* Crowland, or of any other Act or Statute whatsoever, but that all Rights, Powers, and Authorities whatsoever which by virtue of the said Act of the Fifteenth of King *Charles* the Second and the Twenty-seventh of King *George* the Second, or either of them, or any Act, Statute, or Charter whatsoever now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, or in the said General Commissioners of the said *North Level*, shall remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and in the said General Commissioners of the said *North Level* respectively, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.

Saving the Rights of the Adventurers

LXXVII. And be it enacted, That nothing herein contained shall in any Manner diminish, prejudice, alter, or affect the Estate, or any

of the Rights, Interests, Privileges, Powers, or Authorities whatsoever now vested in the Undertakers, Adventurers, or Participants for the Time being of the Drainage of *Deeping Fen*, or the Trustees for the Time being of the River *Welland* or the River *Welland* Outfall, or their respective Officers or Servants, or any of them respectively, or vested in any Commissioners or Trustees of Drainage or Navigation acting in execution of any Act or Acts of Parliament relating to *Deeping Fen* or the said River *Welland*, or any Part thereof respectively, save and except so far as the same Rights, Interests, Powers, or Authorities are altered or interfered with by this Act for the necessary Purposes of executing the Works hereby authorized and directed to be made and executed.

Saving the Rights of the Deeping Fen and River Welland Trustees.

LXXVIII. And be it further enacted, That nothing in this Act contained shall in any Manner diminish, prejudice, alter, or affect any of the Rights, Interests, Privileges, Powers, or Authorities of the Trustees or Committee-men for the Time being appointed or acting under or by virtue of an Act of Parliament passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual an Act of His present Majesty, for draining Lands in* South Holland, *and for continuing and amending another Act of His present Majesty, for maintaining and repairing a certain Bank, and the Road thereon, from* Spalding High Bridge *to* Brother House, *all in the County of* Lincoln, and of another Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for amending an Act of King* George *the Third, for draining Lands in* South Holland, *and for repairing and maintaining the Road from* Spalding High Bridge *to* Brother House, *all in the County of* Lincoln, save and except so far as the same Rights, Interests, Powers, or Authorities are altered or interfered with by this Act for the necessary Purposes of carrying into effect the Provisions of this Act.

Saving the Rights of the Committee-men and Trustees of the South Holland Drainage. 57 G. 3. c. 69. 1 & 2 Vict. c. 78.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect any of the Jurisdictions, Powers, Rights, or Privileges granted, appertaining, or belonging to any Commissioners of Sewers acting in and for the Counties of *Lincoln* and *Northampton* or either of them, save and except so far as the same are by this Act or by any former Act relating to the Drainage of the Washes and Lands herein-before mentioned, or any of them, expressed to be taken away, defeated, invalidated, lessened, altered, or affected.

Saving the Rights of the Commissioners of Sewers.

LXXX. And be it further enacted, That nothing in this Act contained shall be construed to extend to repeal, invalidate, lessen, alter, or take away any of the Powers or Authorities of the Trustees appointed or to be appointed under and by virtue of the said first and secondly herein recited Acts of Parliament, save so far as such Powers or Authorities may affect or relate to the Lands in the said *Crowland Washes* and *Fodder Lots*, and save so far as the same Powers or Authorities are altered or interfered with by this Act.

Saving the Rights of the Trustees under the first and secondly recited Acts.

LXXXI. And be it further enacted, That nothing in this Act contained shall be construed to extend to repeal, invalidate, lessen, alter, or

Saving the Rights of the Trustees

under the thirdly recited Act.

or take away any of the Powers or Authorities of the Trustees appointed or to be appointed under and by virtue of the said thirdly herein recited Act, save so far as such Powers or Authorities may affect or relate to the Lands in the said *Cowbit Wash*, and save so far as the same Powers or Authorities are altered or interfered with by this Act.

Interpretation of Words in this Act.

LXXXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include any Body Corporate, Aggregate, or Sole:

The Word "Month" shall mean Calendar Month:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Oath" shall include Affirmations in case of Quakers or Separatists, or other Declarations or Solemnity substituted for an Oath in case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Justice" shall mean Justice of the Peace acting for the Part or Division, Liberty, Soke, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands being the Property of one and the same Party, situate not wholly in one Part, Division, Liberty, Soke, or Place, the same shall mean a Justice acting for the Part, Division, Liberty, Soke, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter; and where any Matter shall be authorized or required to be done by Two Justices the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together:

The Expression "the Trustees" shall be understood to mean the Trustees acting in execution of this Act:

The Expression "Drainage Taxes" or the Word "Taxes" shall mean or include all Taxes, Rates, Rents, and annual Payments payable to the Trustees under this Act:

The Word "Proprietors" shall mean Owners of Land charged with Drainage Taxes payable to the said Trustees:

The Word "Clerk" shall mean the Clerk of the said Trustees:

The Word "Advertisement" shall mean an Advertisement to be published in some Newspaper published and circulated in the County of *Lincoln*, and the Word advertised shall have reference to such an Advertisement.

Public Act.

LXXXIII. And be it enacted, That this Act shall be deemed and esteemed to be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Parts of Holland in the County of Lincoln.

PARISH OF CROWLAND.

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Slipe and Osier Holt -	Corporation of Bedford Level; Edward Jackson, Clerk.	- - -	Matthew Wright and John Skulthorpe Green.
Field and Osier Holt -	Philip Phillips - -	- - -	William Betts.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	William Chapman.
Vauchery, Osier Holt, Field, and Drains.	Thomas Hardy, Trustee for John Climenson, a Minor.	- - -	Philip Phillips.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	Stephen Cherrington.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	Stephen Cherrington.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	James Byworth.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	John Lenton.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	John Lenton.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	Thomas Hardy.
Slipe and Osier Holt -	The Marquis of Exeter -	- - -	Thomas Beeken.

IN THE PARISH OF SPALDING.

Osier Holt - -	George Dalicoat - -	- - -	Hamerton Lansdale.
Field and Osier Holt -	The Honourable Mrs. Selena Childers and John Walbanke Childers, Esquire.	- - -	Daniel Presland and Thomas Rhodes.

SCHEDULE (B.)

Form of Warrant of Distress.

} To One of the Collectors of the Rates and
to wit. } Taxes under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], and to all Constables:

WHEREAS the under-mentioned Persons, now or late Owners or Proprietors of Lands within the Parish [*or* Hamlet *or* extra-parochial Place, *as the Case may be*,] of have been duly rated in or are liable to the Payment of a Rate or Tax made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, and the Penalty of incurred under the same Act which they have not paid, as appeareth upon Oath to me One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid, These are therefore in Her Majesty's Name to require you or any of you forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Surplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all things relating to the Premises.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

	Sums due. £ s. d.
A.B.	
C.D.	

SCHEDULE (C.)

Form of Mortgage Deed.

BY virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we of the Trustees appointed by [*or* by virtue of] the said Act, in consideration of the Sum of paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and

and Assigns, such Proportion of the Rates and Taxes arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates and Taxes, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

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SCHEDULE (D.)

Form of Transfer of Mortgage.

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

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