

30.
Welland
Trustees to
pay 5,000*l.* to
Mayor and
Burgesses of
Boston.

And be it Enacted, That the said Trustees of the River Welland for the time being, acting under and by virtue and in execution of the above-recited Act of the fifth year of King GEORGE the Fourth, shall pay to the said Mayor, Aldermen and Burgesses of the borough of Boston aforesaid, the sum of *Five thousand* pounds within *Three* calendar months from and after the passing of this Act, as and for their proportion of the parts remaining due and owing to the said Exchequer Bills Loan Commissioners as aforesaid; and the receipt in writing of the treasurer for the time being of the ordinary revenues or other funds of the said borough, for the said sum of *Five thousand* pounds, or for any part or portion thereof, shall be an effectual discharge for the money therein expressed to be received; and after full payment of the said sum of *Five thousand* pounds, the said Mayor, Aldermen and Burgesses shall cause a declaration and notice thereof to be inserted in the London Gazette, or be otherwise published in such manner as the said Trustees may require.

31.
The transfer
of the Rates
to the Wel-
land Trustees
not to operate
until the
£.5,000 be
paid.

Provided always, and be it Enacted, That until the said sum of *Five thousand* pounds shall have been fully paid to the said Mayor, Aldermen and Burgesses, it shall not be lawful for the said Trustees of the said River Welland, or for any person or persons on their behalf, to demand or take, or cause to be demanded or taken, any of the rates, tolls or duties intended to be hereby transferred to them as aforesaid, or to exercise any of the powers or authorities hereby conferred upon the said Trustees, except the power hereinafter contained for enabling the said Trustees to borrow and take up at interest the said sum of *Five thousand* pounds, any thing hereinbefore contained to the contrary notwithstanding; but that until the payment of the said sum of *Five thousand* pounds, the said Mayor, Aldermen and Burgesses shall have and retain the same powers and authorities of collecting and recovering payment of the rates, tolls and duties, and of applying the same, under the authority of the said recited Acts of the fifty-second year of the reign of King GEORGE the Third, and of the seventh and eighth years of the reign of King GEORGE the Fourth, as they would have had in case this Act had not been passed.

32.
Welland
Trustees may
borrow
5,000*l.* on
the security
of the rates
hereby trans-
ferred.

And be it Enacted, That it shall be lawful for the said Trustees for the time being, acting in and for the execution of the said recited Act of the fifth year of King GEORGE the Fourth, and of this Act, to borrow at interest on the credit of all or any of the rates and duties by this Act intended to be transferred and made

made payable to and receivable by them as aforesaid, and of all or any part of the annual rates, taxes and assessments payable to and receivable by them the said Trustees under and by virtue of the said recited Act of the fifth year of King GEORGE the Fourth, any sum of money not exceeding the sum of *Five thousand* pounds, and for securing the repayment of the monies so borrowed with interest, the said Trustees, or any *Seven* of them, may assign over the same rates and duties, taxes and assessments respectively, or any of them, or any part thereof respectively, to the person who shall advance or lend such money, or his trustee, as a security for the payment of the money so to be borrowed, together with interest for the same; and the receipt of the treasurer of the said Trustees for the time being shall be a good and sufficient discharge to the person lending such money, for so much money as shall be expressed in such receipt; and the person lending any such money to the said Trustees, shall not, after taking any such receipt, be liable to see to the application of the money which shall be thereby expressed to be received or in any way accountable for any misapplication or non-application thereof.

And be it Enacted, That the money to be borrowed under the power lastly hereinbefore in that behalf contained shall be primarily applicable to the payment of the said sum of *Five thousand* pounds hereinbefore directed to be paid to the said Mayor, Aldermen and Burgesses, or to the payment of so much and such part thereof as may not have been or shall not be otherwise discharged, nevertheless without prejudice to the power of the said Trustees to raise, appropriate and apply the whole or any part of the money to be borrowed as aforesaid to any other of the purposes of the said recited Act of the fifth year of King GEORGE the Fourth, and of the said Act of the first year of Her present Majesty, or of this Act, after full payment shall have been thereby or by any other means made to the said Mayor, Aldermen and Burgesses of the said sum of *Five thousand* pounds.

33.
Money so
borrowed to
be applicable
to paying the
contribution.

Provided always, and be it Enacted, That after the said mortgage debt for the said sum of *Five thousand* pounds hereinbefore authorized to be raised for the purpose of being paid to the said Mayor, Aldermen and Burgesses, and the interest thereof, shall have been fully paid and discharged, it shall be lawful for the said Trustees for the time being acting in the execution of the said recited Acts of the fifth year of King GEORGE the Fourth and the first year of Her present Majesty, and of this Act, from
8. time

34.
Power to
borrow other
Monies after
the £.5,000
shall be paid.

time to time, as occasion may thereafter require, to borrow at interest on the credit of the several rates and duties and annual taxes and assessments aforesaid, or any of them, any other sum or sums of money which it may be found expedient to borrow (and which shall be agreed to be borrowed at any general yearly meeting of the said Trustees) for the more effectual and speedy execution of the works of improvement of the said River Welland, or for other the purposes of the said Acts of the fifth year of King GEORGE the Fourth and first year of Her present Majesty respectively, and for securing the repayment of the monies so borrowed with interest, to assign over such rates and duties, and annual taxes and assessments respectively, or any of them, or any part thereof respectively, in manner by this Act provided in respect of borrowing the said sum of *Five thousand* pounds.

35.
Form of
Mortgage.

And be it Enacted, That every assignment or mortgage to be made by the said Trustees in pursuance of this Act shall be by deed duly stamped, in which the consideration shall be truly stated, and every such deed shall be under the hands and seals of *Seven* of the said Trustees, and may be made according to the form in Schedule (C.) to this Act annexed, or to the like effect.

36.
Mortgages
to be without
preference.

And be it Enacted, That all persons to whom such mortgages or assignments shall be made, or who shall be entitled to the monies thereby secured, shall, in proportion to the sums respectively mentioned, be creditors on the said rates, duties, taxes and assessments, equally one with another, without any preference in respect of the priority of advancing such monies or of the dates of any such assignments respectively.

37.
Expenses of
Mortgages.

And be it Enacted, That the expenses of every assignment or mortgage shall from time to time be defrayed by the Trustees out of the money raised by the same respectively, or from or out of any other of the revenues of and belonging to the said Trustees.

38.
Register of
Mortgages
to be kept,

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.

and to be
open to in-
spection.

And

And be it Enacted, That from time to time any party entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, by deed in writing, duly stamped, wherein the consideration shall be truly stated, and any such transfer may be according to the form in Schedule (D.) to this Act annexed, or to the like effect.

39.
Assignment
of Mort-
gages.

And be it Enacted, That within *Thirty* days after the date of every such transfer it shall be produced to the clerk to the Trustees, and thereupon such clerk shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage or assignment, and for such entry the clerk may demand a sum not exceeding *Five* shillings; and after such entry every such transfer shall entitle the 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.

40.
Register of
Transfers to
be kept.

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.

41.
Interest on
Mortgages
to be paid
half yearly.

And be it Enacted, That all the monies which shall be collected or received by the said Trustees under or by virtue of this Act shall be laid out and applied by them in the order and manner following; (that is to say), in the first place, in the payment and discharge of the costs and expenses of obtaining and passing this Act, or preparatory or incident thereto, and of all sums of money advanced or lent by any person or persons for such purposes, together with lawful interest for the same; in the next place in carrying into execution and fulfilling and satisfying the several purposes of this Act, and the charges hereby provided; and the residue of the said monies shall and are hereby declared to be applicable to the purposes of the said recited Acts of the fifth year of King GEORGE the Fourth and first year of Her present Majesty, for improving the outfall and navigation of the said River Welland, in such and the same manner as if the same had been raised and payable by virtue or in pursuance of the same Acts, and to the improvement of the outfall of the said Rivers Witham and Welland into Clayhole, below the point

42.
Application
of Monies.

of confluence of the waters of the said rivers, in the manner hereinbefore provided.

43.
Annual
account to be
transmitted
to the Clerk
of the Peace.

And be it Enacted, That the Trustees shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied in respect of the dues transferred to them by virtue of this Act for the year ending on the *Thirty-first* day of *December*, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the clerk for the time being of the said Trustees, and shall transmit a copy of the said account, free of charge, to the clerk of the peace for the parts of Holland, on or before the *Thirty-first* day of *January* in each year, which account shall be open to the inspection of the public at all seasonable hours on payment of *One shilling* for every such inspection: Provided always, That if the said Trustees shall omit to prepare and transmit such account as aforesaid, they shall forfeit for every such omission the sum of *Twenty* pounds.

44.
Saving of
Rights.

Provided always, and be it Enacted, That nothing herein contained shall extend or be construed to extend to prejudice, obstruct, prevent, impede or defeat any works made or executed or to be made or executed by the Mayor, Aldermen and Burgesses of the borough of Boston, in pursuance of the said recited Acts of the fifty-second year of King GEORGE the Third and the seventh and eighth years of King GEORGE the Fourth, or to invalidate, lessen, alter or take away any of the rights, powers or authorities which by the said Acts were vested in the said Mayor, Aldermen and Burgesses (except so far as the same are by this Act expressly altered or taken away), or to alter, abridge, diminish or take away any of the rights, tolls, benefits, privileges, emoluments, liberties, franchises, or any former or other jurisdiction which the Mayor, Aldermen and Burgesses of the said borough of Boston were possessed of or had a right unto by charter, prescription, custom, or otherwise, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

45.
Interpreta-
tion Clause.

And be it Enacted, That in the construction of 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

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number: Number.

Words importing the masculine gender only, shall extend to females as well as males; Gender.

The word "month" shall mean calendar month: Month.

The word "ship" or the word "vessel" shall include lighters, keels, barges, hoys, boats, rafts, crafts, and floating vessels of all kinds, and whether propelled by wind, steam, manual power, or otherwise. Ships, &c.

The word "master" shall include all persons (other than and except the pilot) having for the time being the command or care or management of any such ship or vessel, and whether he be the owner thereof, or otherwise. Master.

The word "owner," used relatively to goods, wares, or any articles of merchandize, shall include the consignee and shipper of such goods, wares, articles and merchandize. Owner.

And be it Enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. 46.
Public Act.

And be it Enacted, That this Act shall commence and take effect upon the *day of the passing thereof*. 47.
Commence-
ment of Act.

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

For every ship or vessel, barge or boat belonging to any of Her Majesty's subjects, entering into, or coming within, or sailing from or using the said River Welland, below Fosdyke Bridge, or entering into, coming within the limits of, and using the Port and Harbour of Boston, for the purpose only of entering into, or sailing from the said River Welland, the sum of *Sixpence* per ton, to be ascertained in the manner directed by the foregoing Act.

For every ship or vessel belonging to foreign subjects entering into or coming within, or sailing from or using the said River Welland, below Fosdyke Bridge, or entering into, coming within the limits of, and using the said Port and Harbour of Boston, for the purpose only of entering into, or sailing from the said River Welland, the sum of *Ninepence* per ton, to be ascertained in the manner directed by the foregoing Act.

SCHEDULE (B.)

For every quarter of wheat shipped or landed or carried or conveyed by or from or upon any vessel navigating the said River Welland, below Fosdyke Bridge, or entering into, coming within the limits of, or using the Port and Harbour of Boston, for the purpose only of entering into the said river, the sum of *One penny* per quarter.

For every quarter of oats, barley or any other kind of corn, grain or pulse, shipped or landed or carried or conveyed by or from or upon any vessel navigating the said River Welland, below Fosdyke Bridge, or entering into, coming within the limits of, and using the Port and Harbour of Boston, for the purpose only of entering into, or sailing from the River Welland, the sum of *One halfpenny* per quarter.

SCHEDULE (C.)

WE, _____ of the Trustees acting in execution of an Act passed in the fifth year of the reign of King GEORGE the Fourth, intituled, "An Act for explaining, amending and rendering more effectual an Act of his late Majesty for improving the Outfall of the River Welland, in the County of Lincoln," by virtue

virtue of an Act passed in the fifth year of the reign of Her Majesty Queen VICTORIA, intituled, "An Act for making better Provision for effecting Improvements in the River Welland, and the Port and Harbour of Boston, in the County of Lincoln, and amending the several Acts relating to the same," Do by these presents, mortgage, assign and convey unto

successors and assigns [or, executors, administrators and assigns (as the case may be)], all and singular the rates and duties payable to us the said Trustees by virtue of the said last-mentioned Act, and also all the annual rates, taxes and assessments payable to us the said Trustees, by virtue of the said first-mentioned Act; to hold the same rates or duties, and taxes and assessments, and every of them, unto the said

successors and assigns [or, executors, administrators and assigns (as the case may be)], until the said sum of _____ together with interest for the same after the rate of _____ per centum per annum, to be computed from the day of the date hereof, shall be fully repaid and satisfied to him, her or them (as the case may be), such interest to be paid by equal payments on the _____ day of _____ and the _____ day of _____

in every year in the meantime. Given under our hands and seals the _____ day of _____ in the year of our Lord _____

SCHEDULE (D.)

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of _____ in consideration of the sum of _____ paid to me by C. D. of _____, do hereby transfer to the said C. D., his executors, administrators and assigns, a certain mortgage, number _____, made by the Trustees for executing the [title of the Act], to bearing date the _____ day of _____, for securing the sum of _____ and interest [or, if such transfer be by indorsement, the within security], and all my right, estate and interest in and to the money thereby secured, and in and to the rates and duties and annual taxes and assessments thereby assigned. In witness whereof, &c., this _____ day of _____

One thousand eight hundred and _____