

CROWLAND AND COWBIT WASHES, &c. DRAINAGE.

ARRANGEMENT OF CLAUSES.

	SECTION
Repeal of drainage powers vested in trustees under recited Acts	1
Provisions of "Lands Clauses Consolidation Act, 1845," extended to this Act	2

TRUSTEES.

Clauses relating to appointment of trustees.	3 to 5
Provisions of Commissioners Clauses Act, 1847, extended to this Act	6
Meetings of trustees	7, 8
Service of summons, &c. upon trustees	9
Expenses of committees	10
Clauses relating to appointments, &c., being admitted in evidence	11, 12

ACQUISITION OF LANDS.

Power to enter upon lands	13
Limiting period for compulsory purchase of lands	14

WORKS.

Works to be done, &c.	15 to 21
Plans, &c., deposited	22 to 24
Houses, &c. not in Schedule not to be taken	25
Works vested in trustees	26
Limiting time for completing works	27
Division dikes to be kept open	28
Fence to be kept up to protect bank of river Welland	29
Cattle found on bank of river Welland to be impounded	30
Penalties for damaging works	31
Penalty on persons causing obstructions in water channel	32

TAXES.

Arrears of existing taxes to be paid to trustees	33
Clauses relating to the levying of taxes	34 to 47

Authorising incapacitated persons to borrow money for taxes	48 to 52
Tenants on lease to pay additional rent	53

MORTGAGES.

Clauses relating to the borrowing of money	54 to 58
Assignment of mortgages	59, 60
Interest on mortgages	61
Power to borrow at lower rate of interest	62
Payment of mortgages and interest, and appointment of receiver	63 to 68
Access to accounts by mortgagees	69
Application of money borrowed	70
Mortgagees empowered to levy rates, if trustees neglect	71

APPLICATION OF RATES, &c.

Application of rates	72
Application of rents arising from herbage of roads	73
Penalties	74, 75
Other lands may be included in drainage	76
Saving rights of parties	77 to 83
Interpretation clause	84
Public Act	85
Schedules	

AN

A C T

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.

[ROYAL ASSENT 22ND JULY, 1847.]

WHEREAS an Act was passed in the forty-first year of the reign of King George the Third, intituled "An Act 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,

Preamble.
41 Geo. III. c.
116.

adjoining, or near the township of Crowland, in the county of Lincoln :

58 Geo. III c.
77.

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 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 :

41 Geo. III.

And whereas an Act was passed in the forty-first year of the reign of King George the Third, intituled "An Act for draining, dividing, allotting, 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 hereinbefore 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 hereinafter 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 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 hereinafter preserved), shall, from and immediately after the passing of this Act, cease and be extinguished.

1
Repeal of
drainage
powers vested
in trustees
under recited
Acts.

And be it Enacted, That all the clauses and provisions of "The Lands 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 authorised 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.

2
Provisions of
Lands
Clauses Con-
solidation
Act, 1845,
extended to
this Act.

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 hereinafter mentioned, it shall be lawful 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

3
Appointment
of trustees.

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."

4

Trustees to continue in office three years and until a new election.

5

In case of death, &c. of trustee new trustee to be chosen.

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.

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 originally 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 or trustees in the stead of whom he shall be so chosen would have had and acted by virtue of this Act.

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 rate-payers, 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.

Provided always, and be it Enacted, That, notwithstanding anything 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 authorised 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 authorised 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.

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.

Provided also, and be it Enacted, That notwithstanding anything 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.

6

Provisions of Commissioners Clauses Act, 1847, extended to this Act.

7

Trustees need not hold monthly meetings,

nor provide public offices, &c.

nor daily attendance at an office.

8

Special meetings.

9

No summons, &c. shall be served through the post-office.

10
Power to
allow ex-
penses of
committee.

And be it Enacted, That it shall be lawful for the trustees to allow and pay the reasonable charges and expenses which shall from time to time be incurred by any committee of trustees in the execution of this Act.

11
Notice of in-
tention to
dispute
appointment
and other
matters of
form to be
given.

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.

12
Judge may
grant a certi-
ficate of proof
or admission.

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.

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 hereinafter 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.

13
Trustees may
enter upon
lands.

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 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.

14
No lands to
be taken by
compulsory
purchase after
four years
from passing
of this Act,
but the trust-
ees may at
any time pur-
chase lands of
parties willing
to sell.

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):

15
Works to be
done.

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

Main drain to
be widened
and deepened.

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 ;

New outfall
sluice to be
erected.

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 carriage way 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 ;

Stanch near
Brother
House Bar to
be erected.

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 ;

Sliding doors
to be fixed
across Ware-
house Lake.

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 ;

Culvert under
Warehouse
Lake to be
removed, and
a bridge to be
built on site
thereof.

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

Culvert under
main drain
for passage of
water to Bell
Tunnel.