

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.

64
Repayment of
money bor-
rowed at a
time fixed.

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.

65
Repayment of
money bor-
rowed when
no time fixed.

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.

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 hereinafter provided.

66
For enforcing
payment of
arrears.

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 hereinafter provided.

67
Principal and
interest.

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 shall 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 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 ap-

68
Appointment
of receiver.

pointed; and after such interest, and costs, or such principal, interest, and costs have been so received, the power of such receiver shall cease.

69
Access to ac-
count books
by mort-
gagees.

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.

70
Application
of money to
be borrowed.

And be it Enacted, That all the money which shall be raised on the credit of the rates and taxes hereby authorised to be levied shall be applied, in the first place, in paying the expenses of obtaining and passing this Act, or incident thereto, and afterwards in the making the works by this Act authorised, 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.

71
Mortgagees
empowered to
levy rates in
case trustees
neglect.

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

Owners ad-
vancing
money on
loan may de-
duct from
rates.

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.

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 expenses 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 expenses of executing the works by this Act authorised, 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.

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 expenses 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 expenses incidental to such letting, the rents and

72
Application of
the rates.

73
Application of
rents arising
from herbage
of roads.

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.

74
Penalty for
for obstruct-
ing the execu-
tion of works.

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 authorised 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.

75
Penalties for
encroach-
ments on
banks and
other grounds
of the trustees.

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.

76
Other lands
may be in-
cluded in
drainage.

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 connection 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 other-

wise 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 hereinbefore mentioned and directed to be improved and enlarged as hereinbefore 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 hereinbefore 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 hereinbefore 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 of that body are usually or by law testified and recorded, shall be previously obtained.

Consent of
North Level
Commission-
ers.

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.

77
Saving of
manorial
rights.

Provided always and be it Enacted, That this Act or any thing contained therein shall not extend or be construed to extend to em-

78
Saving the
rights of the
Corporation

of Bedford
level, and of
the Commis-
sioners of
North Level.

power 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 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 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.

79
Saving the
rights of the
adventurers

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 authorised and directed to be made and executed.

of Deeping Fen
and river
Welland trust-
tees.

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 interferred with by this Act, for the necessary purposes of carrying into effect the provisions of this Act.

80
Saving the
rights of the
committee
men and trust-
tees of the
South Hol-
land drainage.

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 hereinbefore mentioned, or any of them,

81
Saving rights
of Commis-
sioners of
sewers.

expressed to be taken away, defeated, invalidated, lessened, altered, or affected.

82
Saving the rights of the trustees under the 1st and 2ndly recited Acts.

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.

83
Saving the rights of the trustees under the thirdly recited Act.

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 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.

84
Interpretation clause.

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):—

Number.	Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.
Gender.	Words importing the masculine gender shall include females.
Person.	The word "person," shall include any body corporate, aggregate, or sole.
Month.	The word "month," shall mean calendar month.
Superior courts.	The expression "superior courts," shall mean Her Majesty's superior courts of record at Westminster.
Oath.	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, Land. and hereditaments of any tenure.

The word "justice," shall mean justice of the peace acting for Justice. 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 authorised 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 Trustees. the trustees acting in execution of this Act.

The expression "drainage taxes," or the word "taxes," shall Drainage taxes. 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 Proprietors. with drainage taxes payable to the said trustees.

The word "clerk," shall mean the clerk of the said trustees. Clerk.

The words "advertisement," shall mean an advertisement to Advertise-ment. be published in some newspaper published and circulated in the county of Lincoln, and the word advertised shall have reference to such an advertisement.

85
And be it Enacted, That this Act shall be deemed and esteemed Public Act. to be a public Act, and shall be judicially taken notice of as such.