



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxcv.*

An Act for subjecting to further Taxation Lands Draining by the River *Welland*, and for increasing the Area of such Taxation.

[12th August 1867.]

**W**HEREAS an Act was passed in the Year One thousand seven hundred and ninety-four “for improving the Outfall of the River *Welland* in the County of *Lincoln*, and for the better Drainage of the Fen Lands, Lowlands, and Marshes discharging their Waters through the same into the Sea, and for altering and improving the Navigation of the said River *Welland* by means of a new Cut, to commence below a certain Place called the Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes in *Wyberton Roads*, between the Port of *Boston* and a Place called the *Scalp*, and for disposing of the bare or White Sands adjoining to the said River, and for building a Bridge over the said Cut,” and the Provisions of the said Act have been altered and extended by various subsequent Acts, which are enumerated in the Schedule hereto, and especially by the Act passed in the Year One thousand eight hundred and twenty-four (and herein-after referred to as “the Act of 1824”), for explaining, amending, and rendering more effectual the Provisions of the said “Act of 1794:” And whereas the Commissioners constituted by the

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c. cii.

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said Act of 1794, and the Trustees, who were by the said Act of 1824 constituted in the Stead of the said Commissioners, have made an artificial Cut or Channel of about Six Miles and Three Furlongs in Length for the River *Welland*, from the "Reservoir" in the Parish of *Surfleet* in *Lincolnshire* towards its Outfall in the Estuary or Wash called *Fosdike Wash*, and the said artificial Cut or Channel of the River *Welland* is the Channel whereby the Drainage Waters of large Tracts of Land, comprising about Eighty thousand Acres, are conveyed into the Sea: And whereas the Income of the Trustees consists in part of Drainage Taxes levied upon about Twenty-four thousand Acres of the Land so drained, which Taxes amount in the whole to about Five hundred and thirty-five Pounds *per Annum*, and the Trustees are likewise entitled to receive certain Dues in respect of Vessels navigating the River *Welland* and their Cargoes, which Dues in the Year One thousand eight hundred and forty-six and seven exceeded Six thousand Pounds in Amount, but have diminished from various Causes, principally by the opening of the *Great Northern Railway*, to the Sum of One thousand three hundred and fifty-eight Pounds or thereabouts in the Year One thousand eight hundred and fifty-six and seven, and have further decreased to the Sum of Nine hundred and ninety-eight Pounds or thereabouts in the Year One thousand eight hundred and sixty-five and six, and are expected still further to decrease in Amount: And whereas the Charges upon the Trust consist of a Sum of Six thousand Pounds due upon Mortgage, and a Balance due to the Treasurer of the *Welland* Trustees, secured by the personal Guarantee of several of the said Trustees and of several Proprietors of Lands drained by the said River *Welland*, and the annual Expenditure consists of Interest upon the said Mortgage Debt and Treasurer's Account, the Maintenance of the Works, and the necessary Expenses attending the Business of the Trust, and the annual Income of the Trustees has become entirely insufficient to meet their annual Expenditure and to maintain their Works in an efficient State: And whereas Parts of the Works in the said artificial Cut or Channel and Outfall have lately been and are at present in an insecure and dangerous Condition, and for the Purpose of discharging the Expense attending the immediate and indispensable partial Restoration and Reparation of such Works the Trustees and certain Proprietors of Lands so drained by the said River *Welland* have, upon their personal Security, borrowed from the Treasurer of the Trust One thousand Pounds, and it is expedient that Provision should be made for the Repayment to them or to their said Treasurer of the Sum so advanced, and for the securing to the Trust such an annual Income as shall be sufficient for the effectual Reparation and Maintenance of their Works, and the Preservation of the Drainage by means thereof of the Lands which depend as aforesaid upon the said Works for their Drainage: And whereas it is herein-

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herein-after provided that a Map, herein-after referred to as "the Drainage Map," shall be deposited with the Clerk of the Peace for the Parts of *Holland* in *Lincolnshire*, and in the said Map the Lands subject to Taxation under the Powers of this Act are coloured Blue, and the said Lands are herein-after referred to as "the Drainage District:" And whereas the Purposes aforesaid can be best effected by assessing with a Drainage Tax all the Lands coloured Blue on the said Map as aforesaid, and using the River *Welland* for the Outfall of their Drainage Waters, such Tax being graduated as herein-after provided for, and it is expedient that the Owners for the Time being of the said Lands should be represented by Trustees, and that the Constitution of the Trust should therefore be in that respect altered, and that the Acts relating to the Trust should in other respects be amended: But inasmuch as the foregoing Purposes cannot be accomplished without the Authority of Parliament: May it 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 Authority of the same, as follows:

1. This Act may be cited as "The River *Welland* Outfall Act, 1867," and shall come into operation on the First Day of *August* One thousand eight hundred and sixty-seven. Short Title.  
Commence-  
ment of Act.

2. In the Construction of this Act and of any Act wholly or partially incorporated therewith, the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Context repugnant to such Meaning: Interpreta-  
tion of  
Terms.

"Quarter Sessions" or "Court of Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for the Parts of *Holland* in *Lincolnshire*:

The Expression "Superior Courts" or "Courts of competent Jurisdiction" shall have Effect as if the Debt or Demand with respect to which the Expression is used were an ordinary Simple Contract Debt, and not a Debt or Demand created by Statute:

The Expression the "former Trustees" shall mean the Trustees acting by virtue of the Act of 1824 and the other *Welland* Outfall Acts, and the Expression "the Trustees" shall mean the Trustees appointed by virtue of this Act:

The Expression "*Welland* Outfall Acts" shall mean the Acts enumerated in the Schedule to this Act.

3. "The Commissioners Clauses Act, 1847," excepting the Provisions thereof with respect to the Qualification and Rotation of the Com- 10 & 11 Vict.  
c. 16, incor-  
porated.

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Commissioners, and with respect to the Audit of Accounts, are incorporated with this Act.

Provisions of Act of 1824 as to Trustees repealed.

4. At the Commencement of this Act the following Sections of the Act of 1824 shall be repealed; namely,

Section 13. As to the Appointment of Trustees:

Section 14. How new Trustees shall be appointed:

Section 22. Trustees to sue and be sued in the Name of their Clerk:

Section 23. Trustees may sue the Clerk or other Officer in their own Names:

And the former Trustees acting by virtue of the Powers so contained in the said Act of 1824, or by virtue of any other of the River *Welland* Acts, shall from the Time of Election of new Trustees under the Powers of this Act cease to be Trustees or to exercise any Power or Control by virtue of the said Acts or otherwise.

Grants, Conveyances, &c. to continue in Force.

5. The repealing of the said Enactments, and the ceasing of the said former Trustees, shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Lease, Security, Title, Act, Matter, or Thing whatsoever heretofore made, done, executed, acquired, commenced, or instituted under or by virtue of the said Enactments; but all such Purchases, Sales, Conveyances, Grants, Leases, Securities, Titles, Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said Enactments had not been repealed.

Books, &c. to be Evidence.

6. All Books, Registers, Deeds, Documents, and Writings directed or authorized to be kept or made by the former Trustees, and which if this Act had not been passed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity, and elsewhere, in the same Manner as if this Act had not been passed.

Actions, &c. not to abate.

7. All Actions, Suits, Prosecutions, and other Proceedings whatsoever, as well civil as criminal, commenced or instituted, or which might have been commenced or instituted, either by or against the former Trustees with Relation to the said Trust, or by or against the Clerk to the former Trustees, may be continued, commenced, or instituted as well by as against the Trustees appointed under the Powers of this Act or their Clerk, the Trustees appointed under the Powers of this Act being substituted for the former Commissioners and Trustees.

Liability continued.

8. Notwithstanding the Repeal of the said Enactments, and except as by this Act is otherwise expressly provided, everything done

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done or authorized or engaged by the former Trustees to be done under the Authority of the *Welland* Outfall Acts, or any of them, shall be as valid as if this Act had not been passed, and the ceasing of the former Trustees and the Transfer of their Powers to the Trustees to be appointed by virtue of this Act shall be subject and without Prejudice to everything so done or authorized, or engaged to be done, and to all or any Rights, Liabilities, Claims, and Demands, as well present as future, which but for such Transfer would be incident to or consequent upon any or everything so done, authorized, or engaged to be done, and with respect to all or any such Rights, Liabilities, Claims, and Demands, as well by as against the former Trustees or Clerk, the Trustees shall represent and for such Purposes shall be considered as a Continuation of the former Trustees.

9. All Sums of Money due or owing to or by the former Trustees at the Time of the Commencement of this Act shall be paid to or by and may be collected and recovered by or from the Trustees in the same Manner in all respects as the former Trustees could have recovered or have been compelled to pay the same if this Act had not been passed.

Monies how  
to be re-  
covered.

10. The Clerk, Treasurer, and other Officers appointed by the former Trustees shall until the First Meeting of the Trustees continue to hold and enjoy their respective Offices and Employments, together with the Salaries or Emoluments thereunto attached or annexed, and shall have the like Powers and Authority for the Purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like Pains and Penalties, and the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever as if they had been appointed by the Trustees under the Authority of this Act, and the Trustees at such First or subsequent Meeting shall appoint a Clerk, Treasurer, and other Officers.

Old Officers  
to continue.

11. There shall be a Body of Trustees for executing this Act and the *Welland* Outfall Acts, which Trustees and their Successors are hereby incorporated for that Purpose by the Name of "the *Welland* Outfall Trustees," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Powers to purchase, take, hold, and dispose of Land and other Property for the Purposes and subject to the Restrictions of the *Welland* Outfall Acts.

Creation of  
new Trust-  
tees.

12. The said Trustees shall consist of the following Persons :

1. Four Persons appointed by the Owners of Lands, heretofore called Adventurers' Lands, in *Deeping St. Nicholas*, now  
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Defining  
Trustees.

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subject to Taxation under the Powers of the *Welland Outfall Acts* or this Act :

2. Three Persons appointed by the Owners of Lands heretofore called Free Lands, in *Deeping St. Nicholas*, subject to Taxation under the Powers of the said Acts or of this Act :
3. Two Persons appointed by the Owners of Lands (late Commons, except the 7th District,) subject to Taxation under the Powers of the said Acts or of this Act :
4. Two Persons appointed by the Owners of the rest of the Lands in the Parish of *Pinchbeck*, and Two Persons appointed by the Owners of Lands in the Parish of *Holbeach*, subject to Taxation under the Powers of the said Acts or of this Act :
5. One Person appointed by the Trustees acting in execution of "The *Crowland and Cowbit Washes Drainage Act, 1847*," such Person being himself One of the said Trustees, and the Appointment being in Writing under the Hands of the Chairman and Clerk of the said Trustees :
6. Two Persons to be appointed by the Parishioners of *Spalding* in Vestry assembled by the Majority of Votes of Persons present at and entitled to vote in such Vestry in the Manner and Proportion directed by the Poor Law Unions Act :
7. One Person to be appointed in respect of each Parish by the Owners of the Lands which will be subjected to Taxation under the Powers of the said Acts or of this Act in each of the following Parishes, namely, *Spalding, Surfleet, Gosberton, Quadring, Algarkirk, Fosdike, Sutterton, Wigtoft, Kirton, Weston, Moulton, and Whaplode.*

Qualification  
of Trustees.

13. No Person excepting those appointed by the Parishioners of *Spalding* shall be qualified to act as a Trustee unless he is the Proprietor of not less than Fifty Acres of Land subject to Taxation under the Powers of this Act, or is the Heir Apparent of such a Proprietor, or an Occupier of not less than One hundred Acres of Land so subject of Taxation; and no Person appointed by the Parishioners of *Spalding* shall be qualified to act as Trustee unless he is rated and assessed to the Poor Rates of the said Parish to the Amount of Forty Pounds at the least.

Providing  
for their  
Election.

14. Within Two Calendar Months after the passing of this Act there shall be Meetings for the First Election of Trustees, to be elected by Landowners and by the Parishioners of *Spalding*, and the said Meetings shall be convened by Advertisement signed by the Clerk to the former Trustees, and published for Two preceding Weeks in "The *Lincoln, Rutland, and Stamford Mercury*" Newspaper, or some other Newspaper usually circulated in *Lincolnshire*; and the said Meetings shall be held as to the Owners of Lands heretofore

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tofore called Adventurers' Lands and Free Lands respectively in *Deeping St. Nicholas*, and by the Owners of Lands late Commons at the *White Hart Inn*, or some other convenient Place in the Town of *Spalding*; and as to the Persons to be appointed by the Landowners in the several Parishes aforesaid such Meetings shall be held in the Vestry Room of each Parish, and the following Provisions shall apply to such Election by Landowners :

1. Every Owner of taxable Land shall, by himself or Agent, be entitled to One Vote for the Trustees or Trustee representing the Lands or the District or Parish in which his Lands are situate, and shall have an additional Vote in respect of any additional Twenty Acres or Part of Twenty Acres owned by him beyond the First Twenty Acres :
2. Every occupying Tenant of such taxable Land shall, in the Absence of the Owner and of any duly authorized Agent or Proxy of the Owner, have the same Right of voting as the Owner would have had if present or represented as aforesaid :
3. An Elector may appoint any other Elector to be his Proxy, such Appointment being in Writing under the Hand of the Elector and attested by One Witness :
4. The Election of each Trustee shall be decided by a Majority of the Votes of the Electors present, personally or by proxy, entitled to vote for such Trustee, and in case of Equality of Votes the Chairman shall have a Casting Vote in addition to his original Vote :
5. For the Purposes of the present Section and of all Provisions of this Act relative thereto, those Persons shall be deemed Owners who would be Owners for the Purposes of "The Land Drainage Act, 1861," and Sections 6, 7, 8, and 9 of that Act are, as far as the same are applicable, hereby extended and applied to the Purposes of this Act :
6. For the like Purposes a Person shall be deemed an Agent who is appointed by an Owner to act on his Behalf under this Act, such Appointment being in Writing under the Hand or under the Common Seal of the Owner.

15. The Trustees so first chosen after the passing of this Act shall remain in Office for Three Years and until the Annual Meeting of the Trustees next after such Three Years, or until they shall have died, resigned, or become disqualified, or until their Successors are appointed, and on the First Annual Meeting to be held next after Three Years from the passing of this Act, and at the Annual Meeting to be held in every subsequent Third Year, there shall be a fresh Election of Trustees, and the Trustees so from Time to Time elected shall also remain in Office Three Years, or until they shall have died, resigned,

As to Duration in Office of Trustees.

or

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or become disqualified ; and the Trustees going out of Office shall, if qualified, be always re-eligible.

As to casual  
Vacancies.

**16.** All Vacancies among the Trustees occasioned by Death, Resignation, or Disqualification, shall be filled up from Time to Time by the Vestry of the Parish of *Spalding*, or (as the Case may be) at particular Meetings, convened by the Clerk to the Trustees, of the Owners of Lands in respect of which the Trustee whose Office is vacated acted ; and the Provisions herein-before contained with respect to the First General Election of Trustees shall be observed at every triennial Election as well as at any Election for filling up such Vacancies as aforesaid.

As to Meet-  
ings.

**17.** After the First Meeting herein-before provided for, there shall be Annual Meetings in the Month of *April* of the Proprietors of taxable Lands in the Drainage District, which Meetings shall be summoned by the Clerk to the Trustees by public Advertisement as aforesaid, and all Meetings of Trustees or Proprietors for all and any Purposes shall be at such Place as the Trustees shall from Time to Time appoint, and every such Meeting shall choose its own Chairman.

As to the  
Business of  
Trustees.

**18.** The following Provisions shall apply to the Transaction of Business by the Trustees :

- (1.) The Quorum of the Trustees shall be Five :
- (2.) Their principal Office and Place for Meeting shall be at *Spalding* :
- (3.) They shall not be required to hold Meetings monthly, but they may hold Meetings when they think fit, and either at *Spalding* or elsewhere within or near the Drainage District :
- (4.) Notice of every Meeting shall be given to each Trustee by Circular, and (if practicable) not less than Seven Days before the Day of Meeting.

Accounts to  
be submitted  
to Owners,  
&c.

**19.** There shall be submitted by the Trustees to every Annual Meeting of Proprietors a Statement of the Accounts of the Trustees during the last preceding Year, together with the Vouchers for the said Account, and if the said Accounts be approved by the Meeting that Approval shall be a sufficient Discharge of the Trustees : Provided that any such Meeting may (if they think fit) submit the said Accounts to an Auditor, and the reasonable Expenses of such Auditor shall be defrayed by the Trustees out of the Monies coming to their Hands.

Providing  
for Deposit  
of Drainage  
Map.

**20.** The Drainage Map authenticated by the Signature of the Right Honourable *John Thomas Lord Redesdale*, Chairman of Committees of the House of Lords, shall within Two Months after the passing



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passing of this Act be deposited with the Clerk of the Peace for the Parts of *Holland* in *Lincolnshire*, and a Copy thereof, authenticated by the Signatures of Two or more of the Trustees, shall be deposited at their principal Office, and a Copy shall also be deposited in the Parish Chest of each Parish within the Drainage District, and the Plan so deposited at their Office shall be open at all reasonable Hours in the Day, to the Inspection of any Owner or Occupier of Land within the Drainage District, without Fee or Reward; and the Provisions of the Act passed in the First Year of Her present Majesty's Reign, "to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament," shall apply to the said Map as though the same were One of the Documents expressly referred to in the said Act.

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1 Vict. c. 83.

21. The Trustees shall within Three Months after the passing of this Act cause to be made a Schedule of all the Lands in the Drainage District for the Purposes of Taxation under this Act, and setting forth the several Lands included or to be included in the highest, the intermediate, and the lowest Rate of Charge respectively, and such Schedule shall be kept by the Clerk at the principal Office of the Trustees :

As to Specification of  
Lands for  
Taxation.

Provided that in the said Schedule all the Lands in *Deeping Fen* and late Commons (excepting the Lands now forming the Seventh District) and *Cranmore*, not now subject to Taxation by the *Welland* Trustees, shall be included in and form the First Class, and be subject to the highest Rate of Charge, namely, not exceeding Eightpence *per Acre* :

All the Lands in *Deeping Fen* and late Commons subject now to Taxation by the *Welland* Trustees shall be included in and form the Second Class, and be subject to the intermediate Rate of Charge, namely, not exceeding Sixpence *per Acre* :

And all other Lands now draining or drained by the River *Welland*, and coloured Blue on the Drainage Map, shall be included in and form the Third Class, and be subject to the lowest Rate of Charge, namely, not exceeding Fourpence *per Acre*.

22. The Lands within the Drainage District shall, in addition to any Taxes payable under the *Welland* Outfall Acts or otherwise, be liable to such annual Acre Taxes as the Trustees at the Annual Meeting in the Month of *April* shall each Year think and adjudge necessary for the Works and Service of the then ensuing Year, not exceeding in any Year for the highest Class Eightpence *per Acre*, and for the next Class Sixpence, and for the Third Class Fourpence *per Acre*, any smaller Taxes to be at any Annual Meeting laid being

Providing  
for Acre  
Tax.

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in the same relative Proportions; and the Trustees may assess the same Taxes respectively on the Owners of the said Lands according to the Classification thereof made in the said Schedule, any such Taxes being in addition to the Taxes now charged on the Lands or any of them and payable to the *Welland* Trustees; and the said Assessment may be in the Form contained in the Schedule to this Act; and the Taxes to be laid under the Authority of this Act shall be payable as to the first Year after the passing of this Act on such Day within Three Months after the passing thereof as the Trustees shall appoint, and thereafter yearly on the Twenty-fourth Day of *June*, being the Day on which the Taxes imposed by the Act Fifth *George IV.* Cap. 96. are payable; and Notice, signed by the Clerk of the Trustees, of the Times, Place or Places appointed for the Payment of the said Taxes shall be given by Advertisement in a Newspaper published in the District, and the said Taxes, as well as the Taxes payable under the Act Fifth *George IV.* Cap. 96., may be collected by such Person or Persons as the Trustees shall from Time to Time appoint.

Exempting  
Land from  
Taxation in  
certain  
Cases.

23. Notwithstanding anything contained in this Act, or in the Drainage Map, any Owner of Lands in the Wapentake of *Kirton* comprised in such Map may claim to be exempted wholly or in Part from Taxation under this Act, on the Ground that the Lands in respect of which he claims Exemption do not drain by the said artificial Cut or Outfall, and such Claim of Exemption shall be made in Writing either by the said Owner or his Agent or Tenant, addressed to the Trustees or their Clerk; and the Trustees shall hear the Party claiming such Exemption or his Agent, and shall make due Inquiry into the said Claim of Exemption, and it shall be lawful for the Trustees to exclude the said Lands from Taxation if they are of opinion that the said Claim of Exemption is well founded.

Providing  
for Appeal  
against  
Taxation.

24. If any Owner of Land shall be dissatisfied with the Classification of his Land made in the said Schedule, or if any Owner of Land in the said Wapentake of *Kirton* shall be of opinion that his Lands in the said Wapentake, or any Parts thereof, are wrongly subject to Taxation, and that his Claim for Exemption ought to have been wholly or in part allowed, any such Owner may appeal to the General Quarter Sessions of the Peace for the Parts of *Lindsey* in *Lincolnshire* at *Spilsby* against the said Award: But no such Appeal shall be entertained unless it be made within Six Months next after the making of the said Schedule or the Determination of the said Trustees, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Clerk of the Trustees; and the said Quarter Sessions shall proceed to hear and determine the Appeal in a summary Way, or they may if they

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they think fit adjourn it to the following Sessions; and they may make such Order in the Matter and with respect to the Costs of the Appeal as they think fit, and no Objection shall be made to such Order or to the Jurisdiction of the said Justices on the Ground that any of such Justices are Owners of Land in the Drainage District: Provided that if the Decision of the Quarter Sessions shall vary the Schedule a Memorandum of such Decision shall be made on the said Schedule, and shall be deemed to be Part thereof.

25. Every Occupier of Lands within the Drainage District shall pay the Acre Tax or several Acre Taxes assessed thereon under the Provisions of this Act, and may deduct the Amount paid by him for Acre Tax out of the Rent payable by him; and he shall be discharged from so much Money as the Acre Tax paid by him amounts to, as if the same were actually paid to the Person entitled to receive the Rent of the Land in his Occupation, but the Taxes on any Land in respect whereof Notice of Appeal shall have been given shall not be recoverable pending such Appeal.

Tax to be  
paid by  
Occupier.

26. The Trustees may recover any Acre Tax, and any Costs which may have been incurred in endeavouring to levy the same by Distress in any Court of competent Jurisdiction.

Recovery of  
Acre Tax.

27. The Trustees may from Time to Time, in addition to the Sum now due from them on Mortgage, borrow at Interest on the Security of the Taxes, Dues, or other Revenue payable to them under the Provisions of the *Welland Outfall Acts* or of this Act, and on the Security of any Lands or other Property belonging to the Trustees, or any Part of such Revenue or Property, such Sums of Money as they may think requisite for the Purposes of the said Acts, not exceeding in the whole the Sum of Four thousand Pounds, and may mortgage the said Taxes, Dues, Revenue, and Property, or any Part thereof, to secure the Repayment of the Money so borrowed with Interest accordingly: Provided that no such Sum shall be borrowed unless with the Consent of the Majority of the Votes of the Owners of Lands within the Drainage District present, in person or by proxy, at a Meeting convened with not less than Fourteen Days Notice of the Matter by Notice in some Newspaper circulated in the Drainage District.

Power to  
borrow on  
Mortgage.

28. If the Trustees at any Time pay off the said existing Mortgage Debt or any other Monies borrowed by them, or any Part of such Debts or Monies, they may from Time to Time re-borrow the same or any less Amount in manner aforesaid, and so *toties quoties*, but so that the total Amount borrowed by them, and remaining

Power to  
re-borrow.

unpaid

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unpaid shall not at any One Time (including the Amount now due by them on Mortgage) exceed the Sum of Ten thousand Pounds.

Application  
of borrowed  
Money.

**29.** All Money received by the Trustees under the Powers of this Act from borrowing shall be applied by them in the Manner and in the Order following and not otherwise, namely:

- (1.) In paying the Costs, Charges, and Expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, and the borrowing of any Money under this Act:
- (2.) In Repayment of any Money advanced by the former Trustees and Proprietors of Lands, or borrowed on their personal Security for the Purposes of the Trust, and of any Money advanced by and due to the Treasurer for the Time being:
- (3.) In executing the necessary Works for repairing and renewing the existing Cut or Channel of the River *Welland* and the Piers or Embankments connected therewith between the Reservoir and the present Termination thereof below *Fosdyke* Bridge, and in repairing, rebuilding, renewing, lowering, or improving the Outfall Sluices, which the Trustees are liable to repair and maintain under the Provisions of the Act of 5th *George IV.* Cap. 96:

Application  
of Revenue.

**30.** All Money received by the Trustees, not being Money received from borrowing, shall be applied by them in the Manner and in the Order following (and not otherwise), namely:

- (1.) In paying the Costs, Charges, and Expenses preliminary to and of and incidental to the passing of this Act, or such of them as may not be paid out of any Money borrowed under this Act:
- (2.) In paying the Interest from Time to Time accruing due in respect of their Mortgage Debt, and in setting aside an annual Sum by way of Sinking Fund, not being less in Amount than Four *per Centum* annually of the Capital now due on Mortgage or Note, or to be borrowed on Mortgage:
- (3.) In paying their necessary and proper Establishment and Working Expenses and Salaries, and the Expenses of Maintenance, Renewal, or Improvement of their present Works and the Sluices as aforesaid.

Repealing  
Power to  
embank  
Lands below  
*Fosdyke*  
Bridge.

**31.** Notwithstanding anything contained in the Tenth Section of the Act of 1837 (1 *Vict.* Cap. 113.), it shall not be lawful for the Trustees to take and enclose, below *Fosdyke* Bridge, any Grounds outside their Embankments, or to erect thereon any Quays, Wharfs, Warehouses, or other Works.

Providing  
for new  
Outfall.

**32.** It shall be lawful for the Owners or Commissioners interested in Lands having for their Drainage Outfall the *Holbeach*, *Whaplode*,  
and

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and *Moulton* Outfall to erect a Sluice to discharge into the Channel of the River *Welland* the Waters now using the said Outfall: Provided that all Works affecting the said Channel shall be made under the Superintendence and to the reasonable Satisfaction of the Engineer or Superintendent of the Trustees, and according to Plans previously approved of by such Engineer or Superintendent.

**33.** It shall be lawful for the Trustees and the Owners, or the Trustees for the Drainage of any other Lands not comprised within the said recited Acts or this Act, and whether now inclosed or not, mutually to agree for the Drainage of such other Lands and the Discharge of the Waters therefrom by the Works authorized by the said recited Acts, upon the Payment of such Sum and Sums of Money either in gross or annually, or both, and subject to such Stipulations, Conditions, and Regulations as shall be specified and mentioned in the Agreement which shall be entered into in that Behalf, and every such Agreement shall be binding and conclusive on all Parties to the same.

Other Lands may be admitted by Agreement.

**34.** Nothing in this Act contained shall repeal or impair any of the Provisions of the *Welland* Outfall Acts, excepting so far as such Provisions are expressly altered or repealed by this Act; but all the Powers and Provisions of the said *Welland* Outfall Acts, not hereby altered or repealed, shall continue in full Force; and the Powers and Provisions affecting the Recovery of Rates imposed by the recited Acts or any of them shall be expressly applicable to the Recovery of the Rates by this Act imposed or authorized.

Extending *Welland* Outfall Acts to this Act.

**35.** Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights, Privileges, Jurisdictions, or Authorities of the Commissioners of Sewers acting in and for the County of *Lincoln*.

Saving Rights of Commissioners of Sewers.

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## SCHEDULES.

## SCHEDULE (A.)

Containing the Names of Acts affecting the Outfall of the River Welland.

34 Geo. III. Cap. 102., 1794.—“ An Act for improving the Outfall of the  
“ River Welland in the County of Lincoln, and for the better Drainage of the  
“ Fen Lands, Low Lands, and Marshes discharging their Waters through the  
“ same into the Sea, and for altering and improving the Navigation of the said  
“ River Welland by means of a new Cut to commence below a certain Place  
“ called the Reservoir, and to be carried from thence through the enclosed  
“ Marshes and open Salt Marshes into Wyberton Roads between the Part of  
“ Boston and a Place called the Scalp, and for disposing of the bare or White  
“ Sands adjoining to the said River, and for building a Bridge over the said  
“ Cut.”

41 Geo. III. Cap. 128., 1801.—“ 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 Croyland Common or Goggushland, and certain  
“ Lands and Grounds in the Parishes of Bourne and Thurlby adjoining or  
“ lying contiguous to the North Bank of the River Glen, and certain enclosed  
“ 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.”

51 Geo. III. Cap. 71., 1811.—“ An Act for repealing so much of an Act of  
“ His present Majesty as relates to making a public Way over Fosdike Wash  
“ in the County of Lincoln, and for granting further Powers for building a  
“ Bridge over the said Wash.”

3 Geo. IV. Cap. 96., 1824.—“ An Act for explaining, amending, and render-  
“ ing more effectual an Act of His late Majesty for improving the Outfall of  
“ the River Welland in the County of Lincoln.”

4 & 5 Wm. IV. Cap. 87., 1834.—“ An Act to extend the Powers of the  
“ several Acts now in force for improving the Port and Harbour of Boston in  
“ the County of Lincoln.”

1 Vict. Cap. 113., 1837.—“ An Act to increase the Tonnage Rates and  
“ Duties granted by an Act passed in the Fifth Year of the Reign of His  
“ late Majesty King George the Fourth, for improving the Outfall of the River  
“ Welland in the County of Lincoln, and to alter and enlarge the Powers of  
“ the said Act.”

5 Vict.

*The River Welland Outfall Act, 1867.*

5 Vict. Sess. 2, Cap. 55., 1842.—“ An Act for transferring to the Trustees of the River Welland in the County of Lincoln certain Dues payable in respect of Vessels using the said River, Part of the Port and Harbour of Boston, and their Cargoes, for better effecting Improvements authorized by former Acts, and amending certain Acts relating to the same.”

5 Vict. Sess. 2, Cap. 60., 1842.—“ An Act for amending the several Acts relating to the Port and Harbour of Boston in the County of Lincoln.”

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SCHEDULE (B.)

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*Form of Assessment.*

## THE RIVER WELLAND OUTFALL ACT, 1867.

WE, the Welland Outfall Trustees, do by virtue of the above-mentioned Act, hereby assess and charge the Lands specified in the Schedule hereto with the several Sums, and at the Rate for every Acre of the Lands set forth in the same Schedule, and so in proportion for any Quantity greater or less than an Acre; and we order and direct that the Rates hereby assessed shall be paid to the Collector appointed by us to receive the same, at his Dwelling House, situated in the of on the 24th Day of June now next, between the Hours of Ten in the Forenoon and Four in the Afternoon of that Day.

Dated this Day of 18 .

## SCHEDULE above referred to.

Occupier.	Owner.	Parish, Township, or Place.	Description. Quantity.	Class.	Rate by the Acre.	Amount.

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Printers to the Queen's most Excellent Majesty. 1867.

THE UNITED STATES OF AMERICA

# PROBATION DEPARTMENT

Office of the Director  
Washington, D. C.

Memorandum for the Director

Subject: [Illegible]

Reference is made to [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

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