



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. lxx.

An Act to improve the Drainage of the *Winestead Level* and of other Lands in the Parishes of *Patrington* and *Welwick*. [31st May 1867.]

WHEREAS an Act was passed in the Year One thousand seven hundred and forty-four, “for draining and pre-
“serving the low Grounds and Carrs within the Parishes,
“Townships, and Places of *Winestead, Patrington, South Froding-*
“*ham, Hollym, Rimswell, Owthorne* otherwise *Seathorne, Withern-*
“*sea, Inland Hill, and Walker Fields, in Holdérnesse, in the East*
“*Riding of the County of York,*” and the said Act is herein-after
referred to as “the Act of 1774:” And whereas in pursuance of
the Powers contained in the said Act the Commissioners thereby
appointed have executed Works of Drainage within the Low Lands
specified in the said Act, extending to about One thousand five
hundred and seventy-one Acres, and have used as their Outfall a
Clough in what is known as the North Channel or as *Patrington*
Creek in the River *Humber*, the said Clough being situated to the
Westward of and above the navigable Channel known as *Patrington*
Haven; and since the passing of the said Act certain Low Lands in
the Parish of *Patrington*, which formerly drained into *Ottringham*
Drain and form Part of what are known as *West Lands*, now drain
[Local.] 11 Z by

14 G. 3.
c. lxxxix.

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Patrington
Haven Acts.
1 G. 3. c. 35.
20 G. c. 3. 89.

Silting up of
North
Channel.

Addition to
Drainage
District.

Deposit of
Plans, &c.

by Works of the Commissioners, and have become Part of the *Winestead Level*: And whereas an Act was passed in the Year One thousand seven hundred and sixty (1 *Geo. III. cap. 35.*) of which the following is the Title: *An Act for amending the Road from Sacred Gate in the Parish of Thorngumbald to Patrington Creek or Haven and from the Guide Post in Winestead to Frodingham Gate, in or near Widow Branton's Farm, in the County of York, and for scouring and cleansing the said Creek or Haven*; and the said Act was amended by another Act passed in the Twentieth Year of the same Reign (which Two Acts are herein-after referred to as the *Patrington Haven Acts*); and in pursuance of the said Acts the Trustees, acting under the Powers thereof, have executed certain Works, and are entitled to certain Control over *Patrington Haven* and the Works of Drainage connected therewith: And whereas the North Channel which forms as aforesaid the Outlet for the Waters of *Winestead Level* and of *Patrington Haven* has in Process of Time become so silted up as to obstruct the said Outfall and to impede the Drainage of the Level, and in consequence of the said silting up much of the said Level has for many Years been subject to be overflowed with Water, and the said Part of the North Channel and *Patrington Haven* have become almost useless for the Purposes of Navigation, and it is therefore expedient that the Commissioners should be authorized to remove the Outfall further to the East in the North Channel, and to cleanse the intermediate Part of the said Channel, and that the Navigation of the said Portion of the North Channel, and of *Patrington Haven* should cease, and that the Commissioners should be authorized to raise Money for the Purposes of this Act: And whereas by the deepening of the said Channel, and by means of the other Works authorized by this Act, the Drainage of certain Low Lands bordering on the said Level, and of certain other Low Lands which now have their Fall directly into the said Portion of the North Channel, or indirectly into the said Channel through *Patrington Haven*, will be improved, and it is expedient that all the said Lands should be drained by the Works of the Commissioners, and that the Jurisdiction of the Commissioners for the Purposes of Drainage should be extended over the said Lands and over the Works of Drainage therein, and that certain of the present Cloughs or Outfalls should be removed, and that the Owners of the said Lands should contribute rateably to the Expense of the Works of Drainage hereby authorized to be constructed, improved, or maintained, and that the said Owners should be represented upon the said Commission: And whereas Plans and Sections showing the Lines and Levels of the proposed Works, and the Lands intended to be taken for the Purposes of this Act, with a Book of Reference to such Plans, have been deposited with the Clerk of the Peace for the East Riding of *Yorkshire*, and the

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the same are herein-after respectively referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is herein-after provided that a Map, herein-after referred to as "the Drainage Map," shall be deposited with the said Clerk of the Peace, and in the said Map the Low Lands constituting the *Winestead Level*, and subject to immediate Taxation under the Powers of this Act, are coloured Blue, and the Lands in the Parishes of *Patrington* and of *Welwick*, Eastward of *Patrington Haven*, subject likewise to immediate Taxation, are coloured Pink, and all the said Lands are herein-after referred to as "the Drainage District:" And whereas it is expedient that for the Purposes aforesaid and for other Purposes the said Act of 1774 should be repealed, and that the *Patrington Haven Acts* should be amended, and that further Provision should be made with respect to the Drainage of the Lands comprised within the Limits of this Act; but inasmuch as the Purposes aforesaid cannot be effected 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 the Authority of the same, as follows; that is to say,

Drainage Map

1. This Act may be cited as "The *Winestead Level Drainage Act, 1867*," and it shall come into operation on the First Day of *October* 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 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 East Riding of *Yorkshire*:

The Expression "Superior Courts," or "Court 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 Commissioners" shall mean the Commissioners acting by virtue of the Act of 1774, and the Expression "the Commissioners" shall mean the Commissioners appointed by virtue of this Act:

And the Term "the Trustees" shall mean the Trustees acting under the *Patrington Haven Acts*.

3. "The *Lands Clauses Consolidation Act, 1845*," and "The *Lands Clauses Consolidation Acts Amendment Act, 1860*," "The

Incorporation of
8 & 9 Vict.
cc. 18. & 20.,

Commis-

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10 & 11 Vict. c. 16.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. c. 92. incor-
porated.

Commissioners Clauses Act, 1847," except the Provisions thereof with respect to the Qualification and Rotation of the Commissioners, and with respect to the Audit of Accounts, and Section 17 of "The Railways Clauses Consolidation Act, 1845," and Sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are incorporated with this Act, and in construing the said Sections the Words "Work" and "Railway" shall be taken to mean the Drainage Works authorized by this Act.

1 G. 3. c. 35.
repealed,
and also Part
of 20 G. 3.
c. 89.

4. At the Commencement of this Act the said Act of 1774 shall be wholly repealed, and the following Sections of the *Patrington Haven Acts* shall be also repealed; namely, Sections 41, 42, and 43 of the Act 1 *George III.*, enabling the Trustees to take Tonnage Duties; Sections 44 and 45, relating to the Maintenance of the Harbour and the Supply of the same with Water; and Section 46, preserving the Rights of the Lord of the Manor of *Patrington* to certain Haven Dues; and also Section 7 of the Act 20 *George III.* Cap. 89., reserving the Right of Access to *Patrington Haven* in favour of the Owner and Occupier of *Enholmes Farm*.

Grants, Con-
veyances, &c.
to continue
in force.

5. The repealing of the said Act or Portions of Acts 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 Act or Portions of Acts hereby repealed, 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 Act or Portions of Acts had not been repealed.

Books, &c.
to be Evi-
dence.

6. All Books, Registers, Deeds, Documents, and Writings by the Act and Portions of Acts hereby repealed, or any of them, directed or authorized to be kept or made, 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 Commissioners under or in pursuance of any of the Provisions contained in the said Act, may be continued, commenced, or instituted as well by as against the Commissioners, the Commissioners being substituted for the former Commissioners.

8. Not-

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8. Notwithstanding the Repeal of the Act and Portions of Acts, and except as by this Act is otherwise expressly provided, everything done or authorized or engaged by the former Commissioners or the Trustees to be done under the Authority of the Act or Portions of Acts hereby repealed previously to such Repeal shall be as valid as if this Act had not been passed; and such Repeal 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 Repeal would be incident to or consequent upon any or every thing 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 Commissioners, the Commissioners shall represent and for such Purposes shall be considered as a Continuation of the former Commissioners.

Liability continued.

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

Sums now due to be recovered.

10. The Clerk, Treasurer, and other Officers appointed by the former Commissioners shall, until removed by the Commissioners, continue to hold and enjoy their respective Offices and Employments under the Commissioners, together with the Salaries or Emoluments thereunto 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 to the like Power of Removal, and to the like Rules and Regulations, in all respects whatsoever as if they had been appointed by the Commissioners under the Authority of this Act.

Old Officers to continue.

11. There shall be a Body of Six Commissioners for executing this Act, which Commissioners and their Successors are hereby incorporated for that Purpose by the Name of "The Winestead Level Drainage Commissioners," 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 this Act.

Incorporation of Commissioners.

12. One of the said Commissioners shall be appointed by *Thomas Blackburn Thoroton Hildyard* Esquire, and his Successors in Title, as Owners of the *Winestead* Estate; another of the said Commissioners shall be appointed by *William Marshall* Esquire, and his

Defining Commission.

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Successors in Title, as Owners of the *Enholmes* Estate; another of the Commissioners shall be appointed by Mrs. *Penelope Beatrix York* Widow, the Honourable *Lucy Elizabeth Hotham* Widow, and *Edward Christopher York* Esquire, and their Successors in Title, as Owners of the *Frodingham* and *Hollym* Estate; and the said Three Commissioners are herein-after referred to as nominated Commissioners:

Two others of the said Commissioners shall be appointed as herein-after mentioned by the Owners of Low Lands in the *Winestead Level* which were subject to Taxation previously to the passing of this Act:

And the Sixth of the said Commissioners shall be appointed in manner herein-after mentioned by the Owners of the Low Lands coloured Pink on the said Drainage Map, and situate Eastward of and having Outfall Drains into *Patrington* Haven, or having Outfall Drains into the North Channel between the existing *Winestead* Clough and the Clough hereby authorized to be constructed:

And the last Three Commissioners are herein-after referred to as elected Commissioners.

Appoint-
ment of
nominated
Commis-
sioners.

13. Every nominated Commissioner shall be appointed in Writing under the Hand of the Person nominating him, and his Appointment shall subsist until revoked by such Person in Writing under his Hand; and every such Appointment or Revocation shall be delivered or sent to the Clerk to the Commissioners Two Days at least before the Day of the First Meeting at which the said Appointment or Revocation is to be acted on.

Commis-
sioners may
appoint
Deputies.

14. It shall be lawful for any Commissioner to appoint under his Hand some other Person to act as his Deputy during the Time mentioned in the Instrument of Appointment.

Providing
for their
Election.

15. On the First *Thursday* in *October* after the passing of this Act, at Eleven o'Clock in the Forenoon, there shall be a Meeting at the Petty Sessions Court House at *Patrington* for the Election of Commissioners, and the following Provisions shall apply to such Election:

- (1.) Every Owner of Twenty Acres of taxable Land in the *Winestead Level* shall be entitled to One Vote for the Two *Winestead Level* Commissioners in respect of every Twenty Acres so owned by him:
- (2.) Owners of less than Twenty Acres of such taxable Land may unite to vote, and shall be entitled to One such Vote in respect of every Twenty Acres of such Land owned by them:
- (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

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- (4.) The Election shall be decided by a Majority of the Votes of the Electors present personally or by proxy, and in case of Equality of Votes the Chairman shall have a Casting Vote in addition to his original Vote:
- (5.) The same Provisions shall apply to the Election of a Commissioner by the Owners of the Lands coloured Pink as aforesaid:
- (6.) Neither the Persons herein-before authorized to nominate Commissioners, nor the Commissioners nominated by them, shall, in respect of the Property which they represent, be entitled to vote for or to act as elected Commissioners:
- (7.) 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:
- (8.) For the like Purposes the Person next in succession under any Settlement (as defined in the said "Land Drainage Act"), or otherwise next presumptively entitled to become an Owner of Lands, shall be deemed an Heir Apparent:
- (9.) 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.

16. The elected Commissioners so chosen in the Month of *October* One thousand eight hundred and sixty-seven shall remain in Office for Five Years, or until their Successors are appointed, and on the First *Thursday* in the Month of *October* in every Fifth Year there shall be a Meeting for the Election of Commissioners, and the Commissioners so from Time to Time elected shall also remain in Office Five Years or until their Successors be appointed, and the Commissioners going out of Office shall be always re-eligible; provided that no Elector shall be entitled to vote unless he has paid any Acre Tax due from him under the Powers of this Act.

As to Duration of elected Commissioners.

17. If any of the elected Commissioners die or resign, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, the remaining elected Commissioners may, if they think fit, elect another Commissioner in his Place; and every Commissioner so appointed shall continue in Office only so long as the Person in whose Place he is elected would have been entitled to continue in Office.

Mode of supplying occasional Vacancies.

18. After

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As to Annual Meetings.

18. After the First Meeting herein-before provided for, the Annual Meetings shall be at such Place as the Commissioners shall from Time to Time appoint, and every such Meeting shall choose its own Chairman.

As to the Business of Commissioners.

19. The following Provisions shall apply to the Transaction of Business by the Commissioners :

(1.) The Quorum of the Commissioners shall be Three :

(2.) Their principal Office shall be where they may from Time to Time appoint :

(3.) They shall not be required to hold Meetings monthly, but they may hold Meetings when and where they think fit within or near the Drainage District :

(4.) Notice of every Meeting shall be given to each Commissioner by Circular.

Providing for Audit of Accounts.

20. The Accounts of the Commissioners for the Year preceding ending upon the Thirty-first Day of *December* shall be submitted by them to an Annual Meeting of the Owners of Lands in the Drainage District, together with the Vouchers, and the said Meeting shall examine the same, and if found correct shall approve the same, and such Approval shall be a sufficient Discharge to the Commissioners.

Providing for Deposit of Drainage Map.

21. The Drainage Map, authenticated by the Signature of the Right Honourable *John Thomas Lord Redesdale*, the Chairman of Committees of the House of Lords, shall, within One Month after the passing of this Act, be deposited with the Clerk of the Peace for the East Riding of *Yorkshire*, and a Copy thereof, authenticated by the Signatures of Two or more of the Commissioners, shall be kept by the Clerk of the Commissioners at their principal Office, and be open at all reasonable Hours 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.

7 W. 4. &
1 Vict. c. 83.

Power to execute Works as herein stated.

22. Subject to the Provisions of this Act, and of the Acts incorporated herewith, it shall be lawful for the Commissioners from Time to Time to execute the following Works :

(1.) They may remove the Outfall at *Winestead Clough* now existing near *Patrington Haven* in the North Channel of the
River

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River *Humber*, and may erect a new Clough, with all the necessary Works attached thereto, at a Spot in the same Channel, and in the Parishes of *Welwick* and *Sunk Island*, about One Mile and Four Furlongs distant to the South-eastward of the existing Clough, and at or near to and to the Westward of the present *Sunk Island* Clough, and they may lead the Waters of the Drainage District to their Outfall at such new Clough :

(2.) They may cleanse, deepen, widen, and improve the North Channel in the Parishes of *Patrington*, *Welwick*, and *Sunk Island*, or some of them, between the existing and the proposed Cloughs, with a view to improve the Outfall of the Waters of the Drainage District constituted by this Act :

(3.) They may cleanse, deepen, and improve for the same Purpose *Patrington* Haven, and the Works of Drainage connected therewith, or having their Outfall therein :

(4.) They may stop up for the Purposes of Navigation the said Portion of the North Channel, and also *Patrington* Haven :

(5.) They may maintain, improve, or discontinue any Sewers, Drains, Watercourses, Outfalls, Cloughs, and other Works now used for the Purposes of Drainage within the said Drainage District, and they may especially remove all Cloughs and Outfalls, with their Appurtenances, discharging Waters on the North of the Portion herein-before defined of the North Channel, or discharging Waters into *Patrington* Haven :

(6.) They may from Time to Time make and maintain and discontinue within the Drainage District any new or additional Sewers, Drains, Watercourses, Outfalls, Cloughs, and other Works of Drainage :

And with respect to such of those Works as are shown on the said deposited Plans, the Commissioners shall make the same in the Lines and according to the Levels shown on the deposited Plans and Sections, and within the Limits of Deviation shown on the said Plans, and may enter upon, take, and use such of the Lands shown upon the deposited Plans and described in the deposited Books of Reference as may be necessary for the Purposes of the Works hereby authorized.

23. The new Clough in the North Channel shall not be erected to the South-east of the Line A, B, shown on the deposited Plans, nor more than Thirty Yards to the North-west of such Line, and such new Clough shall be so constructed that the Water discharged through the same shall be so discharged at a Right Angle to the said Line A, B; and the said new Clough shall also be so constructed as not to admit the Flow or Entrance of any Water from the River *Humber* through or into the same; and if at any Time, or from Time to Time, any Water from the River *Humber* shall flow or

As to the Site of New Clough.

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enter through or into the said new Clough, it shall in every such Case be the Duty of and be obligatory upon the Commissioners to execute such Works as may be necessary to exclude the Flow or Entrance of such Water into the said new Clough, and to prevent the same from again entering the same.

No Excava-
tion to be
made within
Ten Yards
of Sunk
Island Bank.

24. The Commissioners shall not make any Cutting or Excava-
tion within the Distance of Ten Yards from the Foot or Bottom of
the present *Sunk Island* Bank, extending from the existing *Wine-
stead* Clough to the *Sunk Island* Clough shown on the deposited
Plans.

Vesting
Drainage
Works in
Commis-
sioners.

25. All Sewers, Drains, Watercourses, Outfalls, Cloughs, and
other Works of Drainage within the said Drainage District are for
the Purposes of Drainage hereby vested in the Commissioners.

Power of
Deviation.

26. In the Execution of the Works by this Act authorized the
Commissioners may make lateral Deviations from the Lines of such
Works to any Extent within the Limits of lateral Deviation shown
on the deposited Plans, and vertical Deviations from the Levels of
such Works shown on the deposited Sections to any Extent not
exceeding Three Feet upwards and Three Feet downwards, but shall
not make any greater lateral or vertical Deviation without the Con-
sent of the Owner of the Land in which the Deviation is made.

Limitation
of Works.

27. Provided that the Powers by this Act given to the Commis-
sioners to widen, deepen, scour, and otherwise improve or alter
Drains or Watercourses shall not extend to authorize any Variation,
Extension, or Enlargement of any Cut for Drainage whereby such
shall be made more than Eleven Feet wide at the Bottom thereof.

Period for
compulsory
Purchase of
Lands.

28. The Powers of the Commissioners for the compulsory Pur-
chase of Lands for the Purposes of this Act shall not be exercised
after the Expiration of Three Years after the passing of this Act.

Period for
Completion
of Works.

29. The Works hereby specifically authorized shall be completed
within Six Years from the passing of this Act, and on the Expiration
of that Period the Powers by this Act granted to the Commissioners
for executing the same, or otherwise in relation thereto, shall cease
to be exercised, except as to so much thereof as is then completed.

Power to ac-
quire certain
Easements.

30. The Commissioners may from Time to Time purchase and
take by Agreement any Easement or Right which they think it
necessary or expedient for the Purposes of this Act to acquire, and
for that Purpose every such Easement or Right shall be deemed
Lands within the Meaning of this Act and any Act incorporated
with this Act.

31. From

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31. From and after a Day to be fixed by the Commissioners, and to be previously notified by them in Three successive Weeks in a Newspaper published in *Hull*, *Patrington Haven* and the Portion of the North Channel Westward of the Clough hereby authorized shall no longer be used for the Purposes of Navigation, and all the Powers of the Trustees with respect to the Haven, whether for the Purposes of Navigation or of Drainage, shall from and after that Day absolutely cease.

Navigation of Patrington Haven to cease.

32. The Commissioners shall from Time to Time cause to be made a Classification of the Low Lands in the Drainage District for the Purposes of Taxation under this Act, and may for that Purpose appoint in Writing under their Common Seal a Surveyor who shall within a Time to be specified by the Commissioners make an Award setting forth the relative Benefit that will in his Estimation be derived by the said Lands from the Works of Drainage of the Commissioners; and the following Provisions shall apply to the making of such Award:

As to Classification of Lands.

- (1.) Before making such Classification the Surveyor shall give due Notice by Advertisement, and such other Means as he may deem sufficient, to the Owners and Occupiers of Land within the District to which his intended Classification relates, of his Intention to classify the Lands for the Purposes of Taxation under this Act, and upon the Day so appointed by him he shall hear all Parties concerned in such Classification and who desire to be heard, and he may adjourn such Meetings from Time to Time:
- (2.) Before making his Award the Surveyor shall give to all Parties interested therein reasonable Means, to be determined by the Commissioners, of ascertaining the Classification made by him:
- (3.) If the Parties affected by such Classification are dissatisfied therewith they may appeal to the General Quarter Sessions of the East Riding of *Yorkshire* concerning the same, but no such Appeal shall be entertained unless it be made within Four Months next after such Classification shall have been made and duly notified to the Appellant, nor unless One Month's Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Clerk to the Commissioners; and the said Court of Quarter Sessions shall hear and determine the Appeal or may adjourn the Hearing thereof, and their Decision shall be final, and the Classification shall be made accordingly:
- (4.) The Award, authenticated by the Signature of the Surveyor, shall be delivered by him to the Clerk of the Commissioners, and be kept by him among the Muniments of the Commissioners,

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sioners, and shall be open at all reasonable Hours to the Inspection of any Owner or Occupier of Low Lands within the Drainage District without Fee or Reward.

Providing
for Acre
Tax.

33. The Lands within the Drainage District shall be liable to an annual Acre Tax to be fixed by the Commissioners; and the Commissioners may assess the same Tax on the Owners of the said Lands according to the Classification thereof made in the said Award, and the said Assessment may be in the Form contained in the Schedule to this Act; and Notice signed by the Clerk to the Commissioners of the Times and Places appointed for the Payment of the said Tax shall be given by Advertisement in a Newspaper published in *Hull*, and the said Tax may be collected by such Persons as the Commissioners shall from Time to Time appoint.

Regulating
the Assess-
ment of the
Haverfield
House
Estate.

34. Provided always, that for the Purposes of the Acre Tax, and for other the Purposes of this Act, the Lands known as "*The Haverfield House Estate*," and of which the Reverend *Jacob Clements*, of *Gainsborough* in the County of *Lincoln*, Clerk, is or claims to be the Owner, shall be deemed to be of the Extent of Three hundred Acres and no more; and the Acre Tax to which the same shall under the Provisions of this Act be assessed shall not (notwithstanding any Classification of the said Lands by the Surveyor to be appointed by the Commissioners as aforesaid) exceed the Sum or Rate of Threepence for each of such Three hundred Acres.

For prevent-
ing Damage
by Flooding
to the Estate.

35. Nothing in this Act contained shall authorize the Commissioners to do or permit to be done or to continue any Act, Matter, or Thing by which or by means or in consequence whereof any Portion of the said *Haverfield House Estate* shall be or become liable to be flooded by Water; and the Commissioners shall repay to the Owner or Owners for the Time being of the said Estate (the Word "Owner" in this Provision having the Meaning assigned to that Word by "*The Lands Clauses Consolidation Act, 1845*,") all Damages and Expenses which such Owner or Owners may incur or be put to by reason of any Part of the said Estate being flooded by or by means or in consequence of any such Act, Matter, or Thing as aforesaid; and any Difference between the Commissioners and such Owner or Owners arising out of this Provision shall be determined by an Arbitrator to be agreed upon between the Parties in Difference, or in default of Agreement to be appointed (upon the Application of either Party) by the Board of Trade, and the Decision of the Arbitrator shall be binding and conclusive upon all Parties, and the Costs of the Arbitration shall be in the Discretion of the Arbitrator.

36. Within

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36. Within One Calendar Month after the passing of this Act, and before commencing any Works under it, the Commissioners shall pay to the said *Jacob Clements*, or his Executors or Administrators, the Sum of Fifty Pounds in full Satisfaction of all Claim on his or their Part, or on the Part of the Owner or Owners of the said *Haverfield House* Estate, for or in respect of the Removal of the Landing Place belonging to the said *Jacob Clements*, and lying to the Westward of the Site of the new Clough, which by this Act the Commissioners are authorized to make at or near to the Westward of the present *Sunk Island* Clough.

Sum to be paid as Compensation for Removal of Clough and Landing Place of Reverend J. Clements.

37. Every Occupier of Lands within the Drainage District shall pay the Acre Tax assessed thereon, 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.

Occupier to deduct from Rent.

38. Provided that any Occupier of Lands being Lessee thereof under a beneficial Lease for Lives, or under any Lease or Agreement of the Term whereof at the Time appointed by the Commissioners for the Payment of any Acre Tax Five Years or more are unexpired, shall not be entitled to deduct the Amount of the Acre Tax paid by him out of the Rent reserved by his Lease or Agreement.

Lessee for Lives, &c. not to deduct.

39. Where any Lands assessed to the Acre Tax are unoccupied at the Time of Assessment the Owner thereof shall pay the Acre Tax thereon.

Owner to pay where no Occupiers.

40. Where any Person liable to pay any Acre Tax fails for Twenty-one Days to pay the same, a Justice, on the Application of the Commissioners and after Summons served on the Person so failing, may issue his Warrant of Distress, and the Bailiff or other Person to whom the Warrant is addressed shall seize and distrain any Goods or Chattels of the Person so failing.

Distress for Acre Tax.

41. All such Distresses may be impounded, sold, replevied, and dealt with as in case of Distress for Rent in arrear on Lease for Years.

Sale of Distress, &c.

42. The Surplus (if any) arising from the Sale of any such Goods and Chattels (after Payment thereof of the Acre Tax and the Expenses of the Distress and Sale), with the unsold Goods and Chattels (if any), shall be returned, on Demand, to the Person whose Goods and Chattels are distrained.

Return of Surplus.

43. Where sufficient Distress for levying the Acre Tax and Expenses is not found on the Lands assessed, then those Lands shall

Distress on Goods at any Time on Lands.

[Local.]

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remain

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remain as Security for Payment thereof; and all Goods and Chattels from Time to Time thereafter found thereon may be distrained, dealt with, and sold as by this Act provided with respect to the original Distress until all Arrears of Acre Tax and Expenses, and the Expenses of every further Distress, and all other Costs and Charges incurred by reason of the Nonpayment of the Acre Tax, are fully paid and satisfied.

Several Names in One Warrant.

44. Any Number of Names or Sums may be expressed in any Warrant for the Purposes of this Act, and either in the Body of the Warrant or in a Schedule thereto.

Rules as to Distress.

45. A Distress levied under this Act shall not be unlawful, nor shall any Person making it be a Trespasser on account of any Defect or Want of Form in the Warrant, or in any other Proceeding relative to the Distress, nor shall any such Person be a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by any Defect, Want of Form, or Irregularity may recover by Proceedings in any Court of competent Jurisdiction full Satisfaction for the special Damage.

Drainage District exempt from Commissioners of Sewers.

46. The Lands within the Drainage District shall, in respect of all Watercourses and Outfalls for Water, be exempt from the Control, Direction, Survey, or Jurisdiction of and from Assessment by any Commissioners of Sewers: Provided that the Lands in the Parishes of *Patrington* and of *Welwick* Eastward of *Patrington* Haven, and coloured Pink on the Drainage Map, shall, in respect of the Banks of the River *Humber*, and all Walls and Defences against Water, remain and be subject and liable to the Control, Direction, Survey, and Jurisdiction of, and to Rating and Assessment by, the Commissioners of Sewers for the East Parts of the East Riding of *Yorkshire* in the same Manner as if this Act had not passed.

Recovery of Acre Tax.

47. The Commissioners may recover any Acre Tax, with Costs, by Proceedings in any Court of competent Jurisdiction.

Power to borrow on Mortgage of Acre Taxes.

48. The Commissioners may from Time to Time borrow at Interest, on the Security of the Acre Taxes leviable under this Act, or any Part thereof, such Sums of Money as they think requisite for the Execution of this Act, not exceeding in the whole the Sum of Six thousand Pounds, and may mortgage the Acre Taxes leviable under this Act, or any Part thereof, to secure the Repayment of the Money so borrowed, with Interest, accordingly.

Power to reborrow.

49. If the Commissioners at any Time pay off otherwise than by Instalments or a Sinking Fund any Money borrowed by them, they may

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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 at any One Time borrowed by them and remaining unpaid shall not exceed the Sum of Six thousand Pounds.

50. All Money received by the Commissioners from borrowing shall be applied by them in the Manner and in the Order following, and not otherwise; namely, Application of Capital.

(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 purchasing Lands necessary to be purchased for the Purposes of this Act, and in executing the Works by this Act authorized, and in paying off Money borrowed by them under this Act.

51. All Money received by the Commissioners, not being Money received from borrowing, shall be applied by them in the Manner and in the Order following, and not otherwise; namely, Application of Revenue.

(1.) In paying their necessary and proper Establishment and Working Expenses, and the Expenses of Maintenance of their Works:

(2.) In paying the Interest from Time to Time accruing due in respect of their Mortgage Debt:

(3.) In carrying into execution the Purposes of this Act.

52. It shall be lawful for the Commissioners from Time to Time to assess and levy an annual Acre Tax upon such Low Lands adjoining the Drainage District in the Parishes herein-after mentioned as shall be hereafter benefited by the Works of the Commissioners, and the following Restrictions shall apply to the Taxation of any such additional Lands: Providing for Addition to Drainage District.

(1.) The Amount of Benefit done to the said Lands shall be certified in an Award made by a Surveyor after due Notice to the Owners of the said Lands sent by Post to the last known Address of such Owners, and also served on the resident Occupiers of the same Lands:

(2.) The said Owners or their Agents shall have a reasonable Opportunity of being heard by the Surveyor upon the Subject of the said Award before the same is made:

(3.) If any Owner or his Agent is dissatisfied with the Conclusions of the Surveyor he may appeal in manner aforesaid to the Quarter Sessions of the East Riding of *Yorkshire*, who shall hear the Matter, and whose Decision shall be final:

(4.) No

The Winestead Level Drainage Act, 1867.

(4.) No additional Lands shall be subject to Taxation unless the same are below the Level of High Water at ordinary Spring Tides :

(5.) The Owners and Occupiers of the additional Low Lands so subjected to Taxation shall have and enjoy all the Rights of voting for elected Commissioners or of becoming Commissioners which are enjoyed by other Owners and Occupiers of Lands within the Drainage District; and the Owners and Occupiers of the said additional Lands Westward of *Patrington* Haven and North Channel shall have the Rights aforesaid with respect to the *Winestead Level* Commissioners; and the Owners and Occupiers of such Land Eastward of the said Haven and Channel shall have the Rights aforesaid with respect to the Commissioner for the Lands coloured Pink.

Defining
Area of new
Taxation.

53. The additional Low Lands which may be subject to Taxation under the Powers of this Enactment are situated in *Winestead, Patrington, Welwick, South Frodingham, Hollym, Rimswell, Owthorne* otherwise *Seathorne, Withernsea, Inglan Hill, and Walker Fields*, in *Holderness*, in the East Riding of the County of *York*.

Providing
for new
Drainage
Map.

54. The Commissioners may, within such reasonable Time after the passing of this Act as they think fit, cause to be made a new Drainage Map showing the Lands which, under the Powers of this Act, are subject to Taxation, whether in pursuance of the Powers expressly contained in this Act or in pursuance of any Award made under the Powers of this Act; and the said Map may show the Classification of the Lands according to their Rate of Taxation; and the said Map, authenticated by the Seal of the Commissioners and by the Signature of the Surveyor who has prepared the same, may be deposited with the Clerk of the Peace for the East Riding of *Yorkshire* in substitution for the Drainage Map herein-before mentioned; and a Copy of the said substituted Map, authenticated in like Manner, shall be kept at the principal Office of the Commissioners; and the Provisions herein-before contained with respect to the Drainage Map shall apply to the new Drainage Map so to be substituted.

As to neigh-
bouring
Works of
Drainage.

55. It shall be lawful for the Commissioners to contract with any Bodies or Persons interested in the Drainage of any Lands adjoining or near to the Drainage District for the making, repairing, and maintaining of any Banks, Drains, Sluices, Outfalls, or other Works of Drainage which the Commissioners and such other Parties may consider necessary or expedient for draining or preserving their respective Lands and Grounds.

56. The

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56. The Commissioners may from Time to Time, but subject to the Provisions of this Act, make Byelaws for all or any of the following Purposes :

Providing
for Byelaws.

For prohibiting any Persons from throwing or wilfully causing to fall into any Sewer or Drain, Cut or Watercourse, of the Commissioners, or into the said Portion of the North Channel, or into *Patrington* Haven, any Earth, Stones, or Soil or other Matter which may cause the filling up or the Obstruction thereof :

For prohibiting Persons from cutting Tunnels or Drains, or otherwise injuring the Banks and Drainage Works of the Commissioners :

For prohibiting Persons from trespassing on the Lands or Works of the Commissioners :

And the Provisions with respect to the making of Byelaws contained in "The Commissioners Clauses Act, 1847," shall apply to such Byelaws: Provided that no such Byelaws shall have effect until they are allowed by the Justices at Quarter Sessions for the East Riding of *Yorkshire*, after Notice published in a *Hull* Newspaper of the Intention to apply for such Allowance, such Notice being published at least One Month before the Application for such Allowance.

57. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorize the Commissioners to take, use, or in any Manner interfere with any Land or Hereditaments, or any Rights of whatsoever Description, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving
Rights of
the Crown.

58. Nothing contained in this Act or in any of the Acts incorporated herewith shall authorize the said Commissioners to take, use, or in any Manner interfere with any Portion of the Shore or Bed of the Sea, or of any River, Channel, Creek, Bay, or Estuary, or any Right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, the Management of which is vested in the Board of Trade, without the previous Consent in Writing of the Board of Trade on behalf of Her Majesty (which Consent the Board of Trade may give); neither shall anything in the said Act or Acts

Saving
Rights of the
Crown in
the Fore-
shore.

[Local.]

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contained

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contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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SCHEDULE

Form of Assessment.

THE WINESTEAD LEVEL DRAINAGE ACT, 1867.

We, the Winestead Level Drainage Commissioners, 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 [*according to the Class of the Lands, if the Lands are arranged in Classes*], 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 situate in the _____ of _____ on _____ the _____ Day of _____ 186 _____ between the Hours of Ten in the Forenoon and Four in the Afternoon of that Day.

SCHEDULE above referred to.

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

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