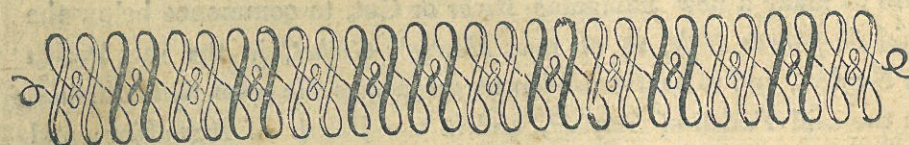


Collector of Dues Office

Sess. 1814—1815.—55 GEO. III.

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# B I L L

1793

**W**HEREAS by an Act passed in the Thirty-fourth year of His present Majesty's reign, intituled, "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 inclosed Marshes and open Salt Marshes, into *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 hereinafter called, "*The Welland Act*," the Commissioners appointed to carry the said Act into execution, were authorized and required to cleanse and scour out the Channel of the River *Welland*, from the navigable Lock and Staunch, by the said Act directed to be made, above the Sluice of the *Vernatt's Drain*, into a place in the Parish of *Surfleet*, called *Shepherds Hole*; and also

Preamble  
Recital of  
34 Geo. III.  
cap. 102.  
Welland Out-  
fall Improve-  
ment Act.

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also

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55 GEO. III.  
Sess. 1814—1815.

John Hensard & Sons,  
near Lincoln's-Inn Fields, London.

G. Brumwell,  
20, Lincoln's-Inn Fields,  
Agent for the Bill.



also to make a new navigable River or Cut, to commence below the said *Shepherds Hole*, at or near *Hooten's Gibbet*, in the said Parish of *Surfleet*, and to continue from thence across the open Salt Marshes, in the said Parish of *Surfleet*, and in the Parish of *Algarkirk*; and from thence across the *Sea Bank*, into and across the inclosed Marshes in the Parishes of *Algarkirk*, *Fosdike*, *Kirton*, *Frampton*, and *Wyberton*, in the said County of *Lincoln*, and ending at *Wyberton Roads*, in or near the Parish of *Wyberton*, as near as conveniently might be to the House known by the Sign of *The Ship*, and to make Banks on the South and North sides of the said new River or Cut; and also to build a new Sea Sluice, and to make a navigable Lock or Pen Sluice by the side of the said Sea Sluice, at the end or outfall thereof; and also to build a Bridge at or near *Fosdike Inn*, in the Parish of *Fosdike* aforesaid, and various other Carriage Bridges over the said new River or Cut; and also to make a Dam or Bank in or near the present Channel of the Waters of the said River *Welland*, at or near the head or upper end of the said new River or Cut, sufficient to stem the Tides, and to resist, direct, and turn the Land Floods into the said new River or Cut; and also to make a navigable Lock and Staunch across the said River *Welland*, above the Sluice of *Vernatt's Drain*; and either to make sufficient the then Sluice at the bottom of the River *Glenn*, or otherwise to erect a navigable Lock Staunch across the said River *Glenn* near the Reservoir Sluice: And by the said Act, the said Commissioners were also authorized and required to tax, rate, and assess all the Lands therein and hereinafter mentioned, with the following Yearly Rates and Taxes; that is to say, all the Lands in *Deeping* inclosed Fen, as well those known by the description of Taxable as of Free Lands, and all the Commons called or known by the several Names of *Deeping Common*, *Crowland Common* otherwise *Goggushland*, *Corobit Common*, *Langtoft Common*, *Baston Common*, *Spalding Common*, and *Pinchbeck South Fen*, with an annual Sum not exceeding one Shilling per acre; and all the inclosed Lands in *Spalding* and *Pinchbeck*, lying between the River *Glenn* and the *Westload*, with an annual Sum not exceeding Sixpence per acre; and all the Lands in *Pinchbeck* aforesaid, North of the River *Glenn*, excluding the Common called *Pinchbeck North Fen*, with an annual Sum not exceeding Twopence per acre; and all the Lands in the several Parishes of *Surfleet*, *Gosburton*, *Sutterton*, and *Quadring*, and in a certain place called *Quadring Hundred*, and in the said several Parishes of *Algarkirke* and *Fosdike*, and draining by *Risegate Eau*, or  
by

by the Tunnel called *The Five Towns Tunnel*, with an annual Tax not exceeding Twopence per acre; and all the Lands called *Corobit Wash* and *Crowland Fodder Lots and Wash*, with a Sum not exceeding Sixpence per acre; and that all Lands in the several Parishes bordering on the said new River or Cut, not hereinbefore particularly directed to be charged with any Tax, but which would in the opinion of the said Commissioners be benefited by taking in fresh Water from the said new River or Cut, should be taxed, rated and assessed, by the said Commissioners, with the annual Sum of Twopence per acre: And it was thereby Enacted, That when the said Bank across the present Channel should be finished, and the said Sea Sluice and Lock, and the said new River and Cut, were completed, certain Tolls should be paid unto the said Commissioners, until the execution of their Award; and after the execution thereof, unto the Trustees thereafter last appointed, by the Owners of any Raft, or of any Barge, Boat, or other Vessel, passing through the said navigable Lock or Pen Sluice; and the said Commissioners were thereby empowered to borrow and take up at Interest any sum or sums of Money that they should think proper, upon the Credit and Security of the Taxes, Tolls and Pontage, payable by virtue of the said Act; and until the execution of the Award of the said Commissioners, certain Persons were by the said Act appointed Trustees for the said Navigation and Drainage, and all Works relating thereto were thereby vested in them as Trustees for the purposes of the said Act, with powers to increase the Taxes, Tolls and Pontage, by the said Act granted, and to settle and sign the Accounts of the said Commissioners, and to direct payment of, and give discharges for the Balances remaining in the hands of the said Commissioners; and after the execution of the said Award of the said Commissioners, the Powers of the said Commissioners, and also of the said Trustees, were to cease, and from thenceforth certain other Persons were appointed Trustees for the future care and management of the said Drainage and Navigation, in whom all the Works in the said Act provided for, were vested for the purposes of the said Act, with Powers to lessen or reduce all or any of the Rates, Taxes and Tonnage, by the said Act granted; and for better ascertaining the Bounds and Limits of the bare shifting Sands adjoining to the said River, and the Low Water Mark of the said Channel, the said Commissioners, at their First, Second, or Third Meeting, were thereby directed and required to appoint a Meeting of the Owners or Tenants of any  
Lands



Lands or Marshes next adjoining the said bare shifting Sands and Channel; and in case they should not agree with the said Commissioners, as to the bounding, abutting, and surveying of the said bare shifting Sands, and setting out the Low Water Mark of the said Channel, then the same were to be ascertained by a Jury, in manner therein mentioned, and were to become vested in the Trustees therein last appointed, in order to the said Sands being embanked, drained, and appropriated, as in the said Act mentioned:

Proceedings  
under that  
Act.

And whereas the Commissioners appointed by the said Act, did in pursuance thereof make a new navigable Cut from the place called *The Reservoir* to *Shepherds Hole*, and did tax, rate, and assess all the said Lands to the extent they were authorized to tax, rate, and assess the same respectively; and they have for several years been in the Receipt of great part of such Taxes; but the said Commissioners could not, without further pecuniary Supplies, proceed further in the execution of the Works, under the Provisions of the said Act, being unable to borrow any Money on the Credit and Security of the Taxes, Tolls and Pontage, thereby granted, or to recover or receive the Taxes thereby imposed on the Commons, Washes, and Fodder Lots aforesaid (the Arrears of which amounted to a very considerable Sum;) nor was it practicable for the said Commissioners, by reason of the state of some parts of the said bare shifting Sands, to bound, abut, and survey the same, nor to ascertain and set out the Low Water Mark of the said Channel, in manner and within the time required by the said Act:

And whereas none of the Taxes granted by the said Act, have been increased, lessened or altered, in pursuance of the Powers vested in the respective Trustees of the said Act, in that behalf:

And whereas the Trustees first appointed by the said Act, have in pursuance of the Powers thereby given to them, inspected and examined all the Accounts of the said Commissioners, to the second day of November One thousand eight hundred and fourteen, and settled and signed the same; and they have directed the Balance of such Accounts, amounting to the Sum of Nine hundred Sixty-six Pounds Ten Shillings and Sixpence Halfpenny, and such further Sum (if any) as may be due from the said Commissioners on the final Settlement of their Accounts, to be paid and applied by the said Commissioners, in or towards discharging the Expences incidental to the obtaining

obtaining and passing of this Act, together with Interest for all Sums advanced for that purpose:

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And whereas by an Act passed in the Forty-first year of His present Majesty's reign, intituled, "An Act for draining, dividing, allotting and inclosing *Deeping, Langtoft, Baston, Spalding, Pinchbeck, and Cowbit Commons*, within the parts of *Kesteven and Holland*, in the County of *Lincoln*; and also for draining *Crowland Common* or *Goggusland*, and certain Lands and Grounds in the Parishes of *Bourn and Thurlby*, adjoining or lying contiguous to the North Bank of the River *Glen*, and certain inclosed Lands in *Deeping Fen*, and in the Parishes of *Spalding and Pinchbeck*, adjoining to the said Commons, and lying between the Rivers *Glen* and *Welland*; and also for rendering more effectual several Acts of Parliament heretofore passed for draining and preserving the several Lands, Grounds and Commons, hereinbefore mentioned, or certain parts thereof;" certain Persons therein named and described as General Commissioners, were thereby authorized and empowered to divide and set out the Commons described in the said Act, into Parochial Allotments, and to execute several works of Drainage, and other Works therein mentioned; and the said General Commissioners were by the same Act authorized and required to sell and convey certain parts of the said Commons, and out of the Monies arising by such Sale, to pay to the *Welland* Commissioners the amount of all Arrears of the Rate, Tax, or Assessment, under the said Act of the Thirty-fourth year of His present Majesty, up to the twenty-fourth day of June One thousand eight hundred and two, in respect as well of the Commons called *Crowland Common*, and the Washes and Fodder Lots, as of the other Commons respectively, liable to such Arrears; and the residue of the said Monies so to arise by such Sales, were to be applied by the said General Commissioners in carrying the same Act into execution, in manner therein mentioned; and it was by the same Act directed, that the residue of certain parts of the said Commons described by the Names of *The North Drove* and *The South Drove*, after setting out certain Drains, Banks and Forelands, in the said Act mentioned; and also one hundred and twenty feet of Land in breadth, against the North Bank of the said River *Welland* and the South Bank of the River *Glen*, for the space the said Banks respectively adjoin the said Commons, together with the Herbage of the said Banks, should be valued, and the Money at which the same

41 Geo. III.  
cap. 123,  
Inclosure Act.



should be so valued, should be paid to the *Welland* Commissioners, by the Adventurers and Owners of Free Lands in *Deeping* inclosed Fen as the Purchasers thereof, which Money was to be applied, by the *Welland* Commissioners, in part discharge of the respective annual Rates, Taxes and Assessments, which should accrue due under the said recited Act of the Thirty-fourth year of His present Majesty, after payment of such Arrears as aforesaid, in due proportion to the Interests of the several Persons who should eventually be found to be interested in such last-mentioned Hereditaments; and all such further annual Rates, Taxes and Assessments, to accrue due under the same Act, in respect as well of the Lands sold as of the Allotments to be set out in pursuance of the same Act, were thereby charged as well on the Lands so sold as on such respective Allotments:

Proceedings  
under that  
Act.

And whereas in pursuance of the said Act of the Forty-first year of His present Majesty, certain parts of the said Commons have been sold by the said General Commissioners, and out of the Monies produced by such Sales, all Arrears of the Rate, Tax or Assessment, imposed under the said Act of the Thirty-fourth year of His present Majesty, have been paid and discharged up to the twenty-fourth day of June one thousand eight hundred and two:

And whereas the residue of the said Commons, called *The North Drove* and *South Drove*, and other Hereditaments, by the said Act of the Forty-first year of His present Majesty directed to be valued to the said Adventurers and Owners of Free Lands in *Deeping* inclosed Fen, were valued accordingly, and the Sums at which the same were so valued were paid into the hands of the said *Welland* Commissioners, who, pursuant to the Resolutions of the Parties interested, at a Meeting held on the fourteenth day of January One thousand eight hundred and eight, at the Town Hall in *Spalding*, have redeemed all the Allotments made under the now-reciting Act, from the original Tax charged thereon:

Report of  
Messrs. Jessop  
& Rennie, and  
Navigable Cut  
made there-  
upon, from  
Shepherds  
Hole to Fos-  
dyke Inn.

And whereas in pursuance of the Report of *William Jessop* and *John Rennie*, Engineers, made the eleventh day of August One thousand eight hundred, to the Adventurers of *Deeping* Fen, and of the Resolution of a General Meeting of such Adventurers and other Persons interested, held on the twenty-fourth day of October following, approving such Report, the Commissioners under the said Act

of

of the Thirty-fourth year of His present Majesty did, by and out of the Monies which came to their hands, by virtue of the said Act of the Forty-first year of His present Majesty, in continuation of the said navigable Cut from *The Reservoir* to *Shepherds Hole*, make a further navigable Cut from *Shepherds Hole* aforesaid, through the open Salt Marshes of *Surfleet* and *Algarkirk* to *Fosdyke Inn*, and turned the Waters of the said River *Welland* into the said new Cut, by a Dam across the former Channel of the said River:

And whereas by an Act passed in the Fifty-first year of the reign of His present Majesty, intituled, "An Act for repealing so much of an Act of His present Majesty, as relates to making a public Way over *Fosdyke Wash*, in the County of *Lincoln*, and for granting further Powers for building a Bridge over the said Wash;" after reciting the said Act of the Thirty-fourth year of His present Majesty, and that the Commissioners appointed to execute the same, had not been able to raise Money under the Powers of that Act to defray the Expence of erecting the Bridge, and making the Passage over *Fosdyke Wash* safe and commodious; It was Enacted, That so much and such parts of the said recited Act of the Thirty-fourth year of His present Majesty, as related to or concerned the making of the Passage over the said Wash safe and commodious, and as related to or concerned the Erection of a Toll Gate or Bar, and Toll House, at or near the Bridge to be built over the said intended Cut, or as authorized the Collection of any Toll for passing over such Bridge, should be and the same were thereby Repealed; and by the said Act now in recital, certain Persons were incorporated by the name and style of "The Company of Proprietors of the *Fosdyke* Bridge," and Powers were given to such Company to build and to complete, maintain and keep a public Way and Bridge across the lower part of the said River *Welland*, called *The Fosdyke Wash*, running through or between the Parishes of *Fosdyke* and *Moulton*, near to *Fosdyke Inn*, and for the purpose of securing the said Bridge, and the Roads, Ways and Approaches thereto, from the influx of the Sea, and from the overflowing of the said River in times of flood, to extend the South Bank of the River *Welland* to the Eastward as far as *Fosdyke Inn*, and also to make an Embankment from thence round to the South East, and to terminate on the South Shore, about half a mile East of the Road leading to *Holbeach*:

51 Geo. III.  
cap. 71,  
Fosdyke  
Bridge Act.

And



Proceedings  
under that  
Act.

And whereas the said Company of Proprietors have erected the said Bridge over and across the Channel of the said River *Welland*, about ~~one hundred~~ yards above, and on the South side of *Fosdyke Inn*, and have also made and perfected an Embankment and Road from the South end of the said Bridge across *Fosdyke Wash*, communicating with the public Road, called *The Washway Road*, in the Parish of *Moulton*; but the said Company of Proprietors have not yet made any such Embankment from *Fosdyke Inn* round to the South-east, and to terminate on the South Shore, as in the said last recited Act is mentioned:

Expedient that  
the Navigable  
Cut, made by  
the *Welland*  
Commission-  
ers, should be  
confirmed.

And whereas by reason of the several Works executed by the *Welland* Commissioners, and the Company of Proprietors of the *Fosdyke Bridge* as aforesaid, it is become unnecessary to execute so much of the said navigable River or Cut as, by the said Act of the Thirty-fourth year of His present Majesty, is directed to be made across the Sea Bank into and across the inclosed Marshes in the Parishes of *Algarkirk*, *Fosdyke*, *Kirton*, *Frampton*, and *Wyberton*, aforesaid, and other Works consequent thereupon; and inasmuch as great Improvements have arisen in consequence of the Works aforesaid, to the Navigation and Drainage of the Country, particularly to the Navigation and Trade of the River *Welland* from the Sea to the Town of *Spalding*, it is expedient that the said Works, so executed by the said *Welland* Commissioners as aforesaid, should be established and confirmed; and such Works having been chiefly executed out of the Monies which were raised by such Sales of the Commons and other Hereditaments as were authorized to be sold by the said Act of the Forty-first year of His present Majesty, it is reasonable and just that all Allotments of the Commons and other Lands divided and allotted by virtue of the same Act, should be exonerated from the whole of the Taxes, Rates and Assessments, so originally charged thereon by virtue of the said Act of the Thirty-fourth year of His present Majesty; and that immediately after the passing of this Act, certain Rates Tolls or Duties should commence and be paid, for all Vessels navigating or using the said new Cut or Channel, from the Reservoir to *Fosdyke Inn* aforesaid:

Expedient that  
a new Navi-  
gable Cut  
should be  
made from

And whereas by means of an Embankment so authorized to be made by the said recited Act of the Fifty-first year of His present Majesty, from *Fosdyke Inn*, round to the South Shore as aforesaid, the  
present

present navigable Cut or Channel will be extended toward the Sea, and further Improvements in the Drainage and Navigation by or through the same Cut or Channel may become practicable:

*Fosdyke*  
Bridge into  
the Outfall of  
the River  
*Witham*;

And whereas it is expedient that the said recited Act of the Thirty-fourth year of His present Majesty, except so much thereof as relates to taxing, rating and assessing any Lands with any yearly Rates or Taxes, should be repealed:

Expedient that  
the *Welland*  
Act of the  
34 Geo. III.  
should be re-  
pealed.

May it therefore please Your MAJESTY,

That it may be Enacted; ~~And be it Enacted~~ by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said recited Act of the Thirty-fourth year of the reign of His present Majesty, and all and every the Powers, Authorities, Tolls, Rates, Taxes, Clauses, Provisions, Matters and Things, therein contained and now in force, except so far as they relate to or concerning the taxing, rating or assessing any Lands or Tenements, with any yearly Rate or Tax, shall, from and after  
be and the same are hereby repealed and made void.

34 Geo. III.  
cap.  
repealed;

Provided always, and be it further Enacted, That the Commissioners for executing the said recited Act of the Thirty-fourth year of His present Majesty, and the Court of Sewers, and all other Persons acting under the Authority of the same Act respectively, shall have the same Powers and Authorities to collect, recover, and receive the several annual and other Rates, Taxes and Assessments thereby granted, and all Arrears to accrue and grow due for the same, up to the

Except as to  
recovering  
Arrears of  
Taxes.

day of ~~the~~ One thousand eight hundred and ~~as they would have had by virtue of the same Act, or otherwise, if this Act had not been made; and that from and after the said~~ day of ~~the~~ all the Powers, Authorities, Clauses, Provisions, Matters, and Things in the same Act contained, and now in force, for taxing rating or assessing any Lands or Tenements with any yearly Rate or Tax, shall be vested in and exercisable by the Trustees of this Act, for the intents and purposes thereof, so far as such Powers, Authorities, Clauses, Provisions, Matters and Things are applicable thereto respectively, and that as  
2. C fully