

Book of Welland Acts  
page 115

BOSTON HARBOUR, &c.

5 VICTORIA.—Sess. 1842.

B I L L

For making better Provision for effecting  
Improvements in the River Welland and  
the Port and Harbour of Boston, in the  
County of Lincoln, and amending the  
several Acts relating to the same.

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BOSTON HARBOUR, &c.

ARRANGEMENT OF CLAUSES.

- Act of 5 Will. 4. repealed; sect. 1.  
Repealing Powers of Boston Corporation for taking Dues on Welland; 2 to 7.  
Extending Provisions of the River Welland Acts to this Act; 8.  
Vesting Welland Tonnage and Lastage Rates in Welland Trustees, and allow-  
ing them to reduce same; 9 to 13.  
Regulations as to Payment of Rates; 14 to 18.  
Power for Trustees to sue in the name of their Clerk; 19, 20.  
Welland Trustees to pay a part of Expenses of Buoys, &c.; 21.  
Improvement of River Witham by Corporation of Boston; 22.  
Improvement of general Outfall, by Corporation and Trustees conjointly; 23.  
Provisions as to Expenses; 24, 25.  
Respecting application of Corporation Funds, and enabling them to borrow  
Money; 26 to 29.  
Welland Trustees to contribute a certain Sum, and how raised and applied,  
and Annual Account sent to Clerk of Peace; 30 to 43.  
Saving of Rights; 44.  
Interpretation Clause; 45.  
Act made Public; and fixing Date of its commencement; 46, 47.





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# B I L L

For making better Provision for effecting Improvements in the River Welland and the Port and Harbour of Boston, in the County of Lincoln, and amending the several Acts relating to the same.

Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.

**W**H<sup>EREAS</sup> by an Act passed in the fifty-second year of the reign of King GEORGE the Third, intituled, “An Act for improving the Port and Harbour of Boston, in the County of Lincoln, and for fixing the Wharfage of Goods landed within the said Port and Harbour, and for better maintaining the Buoys, Beacons and Sea-marks belonging thereto;” after, amongst other things, setting forth that the Mayor and Burgesses of Boston were entitled to divers tolls, rates or duties upon all ships or vessels navigating, coming into or going out of the Port of Boston, for and towards repairing and maintaining the buoys, beacons and sea-marks belonging to the said Port and Harbour, and also to certain keyage, wharfage and lastage for goods brought into or shipped from the same Port, and that the said tolls, rates and duties, keyage, wharfage and lastage were in many cases difficult to be ascertained and defined, and very inadequate to the support and repair of the said Port and Harbour, and of the buoys, beacons and sea-marks, quays and wharfs belonging thereto,

Preamble recites Act 52 Geo. 3, for improving the Port and Harbour of Boston;



thereto, and for the other purposes for which the same were granted, and that it was expedient such tolls, rates and duties, keyage, wharfage and lastage should in some respects be altered, ascertained, fixed and clearly defined, and also that it was expedient, for the preservation of the said Port and Harbour, and for rendering the same safe and commodious for the public, and for the shipping and trade of the said Port and Harbour, that certain improvements should be made between a place called the Grand Sluice and a place called Maud Foster's Gowt, powers were given for making such improvements; and the then existing tolls, rates and duties payable to the Mayor and Burgesses of Boston were repealed; and the said Mayor and Burgesses were empowered to demand and take of and from every Master or Owner of every Ship or Vessel entering into and coming within the limits of or sailing from or using the said Port and Harbour of Boston, the several tonnage rates or duties mentioned in the first Schedule to the said Act, for every ton of the burthen of every ship or vessel, the amount of the number of tons of every such ship or vessel to be ascertained according to the rules therein mentioned or referred to; and by the same Act there were made payable to the said Mayor and Burgesses and their successors, and their lessee or lessees, for all corn, grain and pulse shipped on board or landed out of any ship or vessel within the limits of the said Port and Harbour, the several rates or duties particularized, rated and set forth in the third Schedule to the said Act:

and Act  
7 & 8 G. 4,  
for enlarging  
the powers  
of the Act of  
52 G. 3;

And whereas by an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to extend and enlarge the Powers of an Act passed in the fifty-second Year of his late Majesty for improving the Port and Harbour of Boston, in the County of Lincoln," the said Mayor and Burgesses were authorized and required to make, set up and erect on either side and in any part of the said Port and Harbour, from Maud Foster's Gowt to Hobhole Sluice, such and so many jetties, walls, banks, weirs, locks, sluices and works, for making, securing, continuing and maintaining the channel of the said Port and Harbour from the said Maud Foster's Gowt to Hobhole within proper bounds, for the use of the navigation therein, and all such towing or haling-paths along or on either side of the said Port and Harbour as they the said Mayor and Burgesses and their successors should think necessary and proper, and also to cleanse, scour out, deepen, widen, enlarge, alter and vary the course of the said Port

Port and Harbour from the said Maud Foster's Gowt to Hobhole, and the channel thereof, and also to dig, cut, take up, remove and carry away any projections, stands, stages, piles, jetties, walls, piers, stone, bricks, chalk, sand, gravel, rubbish or any other obstructions or impediment whatsoever, which should in anywise pervert, stop, affect, injure, prejudice, hinder or obstruct the free navigation of the said Port and Harbour from the said Maud Foster's Gowt to Hobhole; and were also further authorized and required in the first place to make a new cut of the length of Eight hundred yards or thereabouts, of such width, depth and dimensions as they should deem proper, from a certain place called Blue Anchor Bite, nearly in a straight line through Burton's Marsh to Hobhole Sluice, in the parish of Fishtoft in the said county of Lincoln, and to embank the same, and to make such towing-paths or haling-ways on both or either sides of the said cut as the said Mayor and Burgesses should think proper and necessary; and by the now reciting Act the provision in the hereinbefore-recited Act of the fifty-second year of King GEORGE the Third contained, for enabling the said Mayor and Burgesses to demand and take the tonnage rates and duties therein mentioned, was repealed, and in lieu thereof the said Mayor and Burgesses were empowered to demand and take the several tonnage rates or duties mentioned in the first Schedule to the said recited Act, for every ton of the burthen of every ship according to the rules for admeasurement in the now reciting Act prescribed:

And whereas the Commissioners acting in execution of an Act of Parliament passed in the third year of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend two Acts of the fifty-seventh Year of his late Majesty and the first Year of his present Majesty, for authorizing the issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and the Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts," and the Acts therein recited or referred to, and the several Acts subsequently passed for amending the same, did, on or about the Eighth day of July One thousand eight hundred and Twenty-eight, under the provisions of the said Acts, advance and lend to the Mayor and Burgesses of Boston, acting under and in pursuance of the said recited Acts of the fifty-second year of King GEORGE the Third and the seventh and eighth years of King GEORGE the Fourth, the sum of Twenty thousand pounds in Exchequer Bills, for the purpose of completing the Works

Recital of  
Loan by Ex-  
chequer Bills  
Loan Com-  
missioners;



Works thereby authorized to be made, the re-payment of which advance, by an annual instalment of One thousand pounds on account of principal, with interest at Five pounds per centum per annum on the principal from time to time remaining due, was secured to the said Commissioners by a certain indenture of mortgage under the seal of the said Mayor and Burgesses, bearing date the Eighth day of July One thousand eight hundred and Twenty-eight, whereby the said Mayor and Burgesses did assign unto William Holden, the then Secretary of the said Commissioners, all and every the tonnage rates, tolls, duties and receipts whatsoever accruing or which should thereafter accrue, be taken, collected or received, under or by virtue of the said Acts of the fifty-second year of King GEORGE the Third and the seventh and eighth years of King GEORGE the Fourth, relating to the said Port or Harbour of Boston, or either of them, or any other Act or Acts of Parliament relating to the said Port or Harbour, and the payment of the same principal and interest monies, by the instalments aforesaid, was also secured by a mortgage of certain lands, hereditaments and premises, the property of the said Mayor and Burgesses, created by certain indentures of lease and release of the Seventh and Eighth days of July One thousand eight hundred and Twenty-eight, but the rate of interest payable on the said principal money secured by the said mortgages hath since been reduced from Five pounds to Four pounds per centum per annum, by a warrant under the hands of Three of the Commissioners of the Treasury, in pursuance of the powers and provisions of the said Acts authorizing the issue of Exchequer Bills :

And whereas the principal sum of Seven thousand pounds only now remains due or owing on the said mortgage securities, together with a proportionate part of the current year's interest thereon :

And whereas by another Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for explaining, amending and rendering more effectual an Act of his late Majesty for improving the Outfall of the River Welland, in the County of Lincoln:" after reciting that the Commissioners under an Act therein recited of the Thirty-fourth year of King GEORGE the Third, commonly called the Welland Commissioners, had made a navigable cut or channel from the reservoir, in the parish of Surfleet, to Fosdyke Bridge, in the parish of Fosdyke, and that great improvements had

thence

and Act  
5 G. 4, for  
improving  
the River  
Welland  
Outfall;

thence arisen to the drainage of the country and to the navigation and trade of the River Welland from the sea to the town of Spalding, and that further powers were requisite for the improvement of the River Welland, from and below the Staunch fixed across the said River, above the town of Spalding, and also below the said town through Fosdyke Wash aforesaid, the said navigable cut or channel and works, and certain rates, taxes and assessments, tolls and duties payable in respect thereof, were vested in the Trustees who were appointed or directed to be chosen and appointed, for the execution of such Act, with powers to make other improvements, by carrying forward and extending the confined channel of the River Welland, below Fosdyke Bridge, before the same falls into or unites with the channel of the River Witham, and certain tonnage and other rates thereby granted were directed to be applied in executing and perfecting the several works thereby authorized to be made, and in improving the channel of the River Welland above, in and through the town of Spalding, and thence to Fosdyke Bridge, and in placing buoys and beacons below Fosdyke Bridge, and in maintaining and improving the works thereby vested in the said Trustees :

And whereas by another Act passed in the fifth year of his late Majesty King WILLIAM the Fourth, intituled, "An Act to extend the Powers of several Acts now in force for improving the Port and Harbour of Boston, in the County of Lincoln;" after reciting that notwithstanding the powers given to the said Trustees by the said Act of the fifth year of his late Majesty King GEORGE the Fourth, and the works which had been executed by the said Trustees, by virtue of the said Act, the channel of the River Welland below Fosdyke Bridge was extremely defective, and the navigation thereof greatly obstructed: And after reciting that the new cut through Burton's Marsh to Hobhole Sluice, by the said Act of the seventh and eighth years of the reign of King GEORGE the Fourth authorized and required to be made, had been completed, but the whole of the improvements contemplated by the same Act had not been effected, and some other of the said works for securing the channel of the said Port and Harbour within proper bounds between the place called Maud Foster's Gowt and Hobhole remained to be executed, and that by the new direction which the cut through Burton's Marsh had given to the passage of the waters of the River Witham the channel below the mouth of the River Welland, through the Clays, into a place called Clayhole, had been im-

8.

B

proved,

whereby certain existing works and rates and duties were vested in the Welland Trustees; with powers to make further improvements in the River Welland; and apply tonnage, &c. rates in improving the Welland, and placing buoys, &c. below Fosdyke Bridge.

Act of  
5 Will. 4.

recites, that the new cut had been made, but all the improvements were not completed;

and that further improvements might be made in the Outfall of both the



Rivers  
Witham and  
Welland;  
and enacted  
that the  
powers of  
Acts 52 G. 3,  
and 7 & 8  
G. 4, should  
be extended  
to same Act  
of 5 W. 4;  
and powers  
for improv-  
ing the out-  
fall of the  
two rivers.

Application  
of monies  
and surplus.

proved, but still further improvements might be made in the outfall of both the said Rivers Witham and Welland; **IT WAS BY THE NOW RECITING ACT ENACTED**, That all the powers and provisions in the said Acts of the fifty-second year of the reign of King GEORGE the Third and the seventh and eighth years of King GEORGE the Fourth contained, except so far as the same were thereby altered or varied, should be as effectual for carrying the now reciting Act into execution as if the same were re-enacted in the body of the same: And it was thereby also enacted, that it should be lawful for the said Mayor and Burgesses, and they were thereby directed, authorized and required, from time to time, to make, erect and execute such works, either in the said River Welland, below Fosdyke Bridge, or in the said River Witham, between the Grand Sluice and Clayhole aforesaid, or in the improvement of the outfall of both the said rivers into Clayhole, as should be directed, ascertained and determined by Two engineers or One engineer to be appointed as thereafter mentioned, or their umpire, to be for the benefit and advantage of the outfalls of both the said rivers: And it was thereby further enacted, that the said Mayor and Burgesses should pay and apply any monies to be received by them for tonnage and lastage rates under or by virtue of the said Acts of the fifty-second year of the reign of King GEORGE the Third and the seventh and eighth years of the reign of King GEORGE the Fourth, after payment of certain costs and charges therein mentioned, in payment of the several instalments as they should become due, for or on account of the principal monies which had been borrowed of the Exchequer Bills Loan Commissioners by the said Mayor and Burgesses, and the interest payable in respect thereof; also in making, placing, repairing and maintaining the buoys, beacons and sea-marks and expenses incident or relating thereto within the limits of the said Port and Harbour, to the repair of which the said Mayor and Burgesses were then liable; also in payment of the expenses of maintaining the several works which had been made, erected and built by the said Mayor and Burgesses under or by virtue of the said last recited Acts, and of removing obstructions which might arise within the said Harbour, and the costs of the engineers, and other costs therein mentioned, to and for the several purposes therein mentioned, and that the surplus or remainder of such monies should be laid out and applied, subject to the provisions of the now reciting Act, in making and executing such works as thereinbefore mentioned below Fosdyke Bridge in the said River Welland, or in the said River Witham between the said Grand Sluice

Sluice and Clayhole aforesaid, or in the improvement of the outfall of both the said rivers into Clayhole:

And whereas the channel of the River Welland below Fosdyke Bridge has been carried forward and extended, and great improvements have arisen to the navigation and trade of the River Welland from the sea to the town of Spalding, by means of the works executed by the Trustees of the River Welland, acting in execution of the said Act of the fifth year of the reign of King GEORGE the Fourth, and of an Act for amending the same, passed in the first year of the reign of Her present Majesty, intituled, "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;" but some of the improvements authorized by the said Acts have not been effected, and the works by the said Act of the fifth year of King WILLIAM the Fourth authorized and required to be executed by the said Mayor and Burgesses of Boston, in the River Welland below Fosdyke Bridge, have not been executed:

And whereas, since the passing of the said Act of the fifth year of the reign of King WILLIAM the Fourth, difficulties have arisen upon the construction thereof:

And whereas the last mentioned and other improvements in the River Welland might be more conveniently effected if the said Act of the fifth year of the reign of King WILLIAM the Fourth were repealed, and if the tonnage and lastage rates or duties, payable by or in respect of ships or vessels entering into or coming within the Port and Harbour of Boston for the purpose only of entering into, or sailing seaward from, the River Welland, and navigating the same River, were transferred and made payable to the Trustees of the River Welland, and if the said Trustees were enabled to discharge a portion of the debts due by the Mayor and Burgesses of Boston (now styled by virtue of the Municipal Corporation Act, "The Mayor, Aldermen and Burgesses of the Borough of Boston"), in respect of the improvements of the Port and Harbour of Boston, and charged upon the rates, tolls and duties demanded and taken under the authority of the said Acts of the fifty-second year of King GEORGE the Third and the seventh and eighth years of



King GEORGE the Fourth; and if provision were made for better carrying into effect the powers of the said Mayor and Burgesses alone or jointly with the Trustees of the said River Welland, and of the said Trustees; and if some of the powers and provisions of the said Acts of the fifty-second year of King GEORGE the Third, and of the seventh and eighth years of King GEORGE the Fourth, and of the fifth year of King GEORGE the Fourth, and of the first year of Her present Majesty were amended;

May it therefore please Your MAJESTY,

That it may be Enacted; **And be it Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** the said recited Act of the fifth year of the reign of King WILLIAM the Fourth shall be and the same is hereby repealed.

1.  
Repealing  
Act 5 Will. 4.

2.  
Mayor, &c.,  
of Boston,  
not to de-  
mand ton-  
nage dues on  
vessels navi-  
gating Wel-  
land.

And be it Enacted, That from and after the *day of the commencement of this Act*, it shall not be lawful for the Mayor, Aldermen and Burgesses of the borough of Boston aforesaid, or their successors, or any person acting under their authority, to demand and take, or cause to be demanded and taken, of or from any master or owner of any ship or vessel navigating the River Welland, or entering into, coming within the limits of, and using the said Port and Harbour of Boston, for the purpose only of entering into, or of sailing seaward from, the said River Welland, any of the several tonnage rates or duties mentioned in the first Schedule to the said recited Act of the fifty-second year of King GEORGE the Third, anything contained in the said recited Act of the fifty-second year of the reign of King GEORGE the Third, or in the said recited Act of the seventh and eighth years of the reign of King GEORGE the Fourth, to the contrary notwithstanding.

3.  
Repealing so  
much of for-  
mer Acts as  
empowers  
them so to do.

And be it Enacted, That from and after the *day of the commencement of this Act*, so much of the said recited Act of the fifty-second year of King GEORGE the Third, and of the said recited Act of the seventh and eighth years of King GEORGE the Fourth, as empowers the said Mayor, Aldermen and Burgesses of the borough of Boston aforesaid, and their successors, or any other

other

other person or persons, to demand and take or recover the several tonnage rates or duties mentioned in the aforesaid first Schedule, so far as relates to or affects any ships or vessels navigating the said River Welland, or entering into, coming within the limits of, and using the said Port and Harbour of Boston, for the purpose only of entering into, or sailing seaward from, the said River Welland, shall be and the same is hereby repealed.

And be it Enacted, That from and after the *day of the commencement of this Act*, it shall not be lawful for the said Mayor, Aldermen and Burgesses of the borough of Boston, or their successors, or their lessee or lessees, or any collector, officer or other person acting under their authority, to demand or take or recover all or any of the several rates or duties particularized and mentioned in the third Schedule to the said recited Act of the fifty-second year of the reign of King GEORGE the Third, for or in respect of any corn, grain or pulse whatsoever, in such Schedule specified or referred to, which shall be shipped or put on board, or landed out of any ship or vessel, or carried by any ship or vessel navigating the River Welland, or entering into or coming within the limits of and using the said Port and Harbour of Boston, for the purpose only of entering into or sailing seaward from the said River Welland.

4.  
Mayor, &c.  
of Boston not  
to demand  
lastage rates  
on corn in  
ships navi-  
gating the  
Welland.

And be it Enacted, That from and after the *day of the commencement of this Act*, so much of the said recited Act of the fifty-second year of the reign of King GEORGE the Third as extends to charge any such corn, grain or pulse, or the owner or owners, consignee or consignees, or other person or persons having the charge of any such corn, grain or pulse, with the payment of or liability to pay the several rates or duties particularized and mentioned in the said third Schedule to the said Act, so far as relates to or affects any corn, grain or pulse whatsoever shipped or put on board, or landed out of or carried by, any ship or vessel navigating the River Welland, or entering into, coming within the limits of and using the said Port and Harbour of Boston, for the purpose only of entering into or sailing seaward from the said River Welland, shall be, and the same is hereby repealed.

5.  
Repealing so  
much of for-  
mer Acts as  
empowers  
them so to do.

And be it Enacted, That upon and from the *day of the commencement of this Act*, so much of the said several recited Acts of the fifty-second year of the reign of King GEORGE the Third and of the seventh and eighth years of King GEORGE the Fourth

6.  
Repealing  
regulations  
of former  
Acts as to  
clearing.

8.

c

respectively,