

Drainage Board

RIVER GLEN ACT 1916.

AN

Act

to confer powers upon the Glen Bank Trustees
and for other purposes.

[ROYAL ASSENT 10th August 1916.]

6 & 7 GEORGE V.—SESSION 1916.

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AN ACT

To confer powers upon the Glen Bank Trustees
and for other purposes.

[ROYAL ASSENT 10th August, 1916.]

WHEREAS an Act was passed in the forty-first year of the Preamble.
Reign of King George the Third (herein referred to as "the
Act of 1801") intituled An Act for draining dividing allotting and
inclosing Deeping, Langtoft, Baston, Spalding Pinchbeck and
5 Cowbit Commons within the parts of Kesteven and Holland in the
County of Lincoln and also for draining Crowland Common
or Goggushland 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 enclosed lands in Deeping Fen
10 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 :

15 And whereas by the Act of 1801 (section 90) the General Com-
missioners thereby appointed (and herein referred to as "the General
Commissioners") were authorised and required well and sufficiently
to enlarge deepen and scour out the River Glen straighten the course
thereof where necessary and enlarge and strengthen the banks of the
20 said River from the Reservoir to Kate's Bridge of such dimensions
and in such manner as in the judgment of the said General Com-
missioners should be requisite and necessary for the protection of the
lands lying on each side thereof.

And whereas by the Act of 1801 (Section 90) it was provided also that after the General Commissioners should have completed the works thereby authorised the banks of the River Glen (except as thereafter mentioned) should be repaired supported maintained and upheld of such sufficient height and strength by such person or persons subject to such regulations orders directions and determinations as the General Commissioners should in and by their Award order direct or appoint and such person or persons should for ever have power to make rates upon the persons therein mentioned for the repair and preservation of the said works in such proportions as the General Commissioners should in and by such Award direct or appoint and that immediately after the election of such person or persons the powers of the General Commissioners should cease :

And whereas it is also provided by the Act of 1801 (section 91) that such parts of the banks of the River Glen as were then supported and maintained by the Black Sluice Commissioners and the Trustees of the Bourn Eau Navigation respectively should from and after the General Commissioners had enlarged and strengthened the same as thereinbefore was directed be repaired maintained and supported by and at the costs and charges of the Black Sluice Commissioners and the Trustees of the Bourn Eau Navigation and (Section 92) certain powers were conferred upon the Black Sluice Commissioners with regard to the amendment enlargement or strengthening of certain other parts of the north bank of the River Glen between the Reservoir and Pinchbeck Bars :

And whereas in accordance with such provisions an Award was made by the General Commissioners dated the 25th March 1819 and a body of Trustees (in this Act called "the Glen Bank Trustees") were appointed or elected and they and their successors have since served as such Trustees but owing to changed circumstances the provisions contained in such Award relating to their appointment or election are defective or unsuitable and their powers are ill-defined by the said Act and Award and they have had difficulty in enforcing payment of the drainage rates imposed by the said Act and it is expedient that further powers should be conferred upon them as in this Act provided :

And whereas the General Commissioners in and by their said Award declared who should be liable to contribute to the cost of the repairs of the said Banks except as aforesaid and to the other expenses incurred by the Glen Bank Trustees in carrying out the duties and obligations conferred upon them and the proportions in which such persons should be so liable :

And whereas for many years the persons so declared to be liable contributed to the repair support and maintenance of the said Banks but some time since all the receiving books Field Books and Plans which set out in detail the names of the persons liable to contribute to the upkeep of the said Banks were lost or destroyed and many of such persons have taken advantage of this to decline to pay their contributions :

And whereas the onus of proof being upon the Glen Bank Trustees to show that the persons assessed to contributions were liable under the authority of the said Award for the maintenance of the said Banks and such Trustees being unable to do so without the said Books and Plans the collection of the taxes is in a condition of confusion and the arrears amount to a considerable sum :

And whereas the Glen Bank Trustees being unable to maintain the said Banks in a state of efficiency unless all the persons liable to contribute their quota towards the expenses thereof are legally compelled so to do it is necessary that the Area of Taxation should be defined and that powers to levy taxes and recover the same should be conferred upon such Trustees :

And whereas it is desirable for the purposes of their undertaking that the Glen Bank Trustees should be empowered to borrow money to maintain the Banks of the River Glen in case of unusual emergency and also for the costs of this application to Parliament and that other powers should be conferred upon such Trustees as in this Act mentioned :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

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 as follows (that is to say) :—

Short title.

1. This Act may be cited as The River Glen Act 1916 and the Act of 1801 may be cited as the River Glen Act 1801.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction.

The expression "the Glen Bank Trustees" means the Glen Bank Trustees constituted under the Act of 1801;

The expression "the Deeping Fen Trustees" means the General Works Trustees for the Deeping Fen Drainage District constituted or acting under the Act of 1801 and the Deeping Fen Drainage Act 1856 :

The expression "the River Glen Drainage District" includes the banks slopes slipes and cesses of the River Glen between the Sluice at the Reservoir in the Parish of Surfleet and Kate's Bridge in the parish of Thurlby other than the parts of the banks slopes slipes and cesses repairable by or under the jurisdiction or control of the Black Sluice Commissioners and the Bourn Eau Navigation or either of them.

The expression "the Deeping Fen Drainage District" means and includes the drainage district for which the Deeping Fen Trustees act under or by virtue of the Act of 1801 and the Act of 1856.

The expression "the Black Sluice Commissioners" means the Commissioners acting in the execution of the Black Sluice Drainage Act 1765 the Black Sluice Drainage Act 1770 the Black Sluice Drainage Act 1846 the Black Sluice Drainage Act 1849 the Black Sluice Drainage Act 1880 and

any Act or Acts hereafter to be passed amending those Acts.

3.—(1) The limits of this Act shall comprise and include such portions of the Parishes of Baston Thurlby Bourne Pinchbeck and Surfleet as are shewn on the signed map in this section referred to and also Crowland Common and the district of the Deeping Fen Drainage Trustees including the enclosed commons of Spalding and Deeping Fen between the Rivers Glen and Welland.

Limits of Act.

(2) The said limits are shown by a line edged red upon the map signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and the said maps have been deposited in the Office of the clerk of the Parliaments House of Lords in the Private Bill Office House of Commons and at the offices of the Glen Bank Trustees which maps are in this Act referred to as the signed map.

(3) Copies of the map deposited at the offices of the Glen Bank Trustees in pursuance of this section and certified by the Clerk or Clerks to the Glen Bank Trustees to be true copies shall be received in all Courts of Justice and elsewhere as prima facie evidence of the limits of this Act.

4. The Glen Bank Trustees may let either by public auction or private contract the grass and herbage growing and accruing in or upon any of the occupation roads or droveways or the banks erected thereon or other ground within the River Glen drainage district belonging to or vested in the said Trustees to any persons willing to take the same for any term not exceeding three years or otherwise and upon the best rents and with under and subject to such conditions covenants provisions and agreements as may be agreed upon between the said Trustees and such lessees.

Power to lease herbage.

5. (1) If any person for any purpose except for the repair and maintenance of the banks of the River Glen shall unload or cast out of any boat or from any cart or wagon or from any house warehouse or other building quay yard garden bank place or ground any ballast sand stones chalk rubbish filth gravel ashes or any other

Penalty on throwing rubbish into River Glen.

gross substance whatsoever into the River Glen so as to impede the flow of water therein he shall for every such offence be liable on conviction to a penalty not exceeding five pounds and if he shall not within fourteen days next after notice in writing in that behalf shall be given to him by the Glen Bank Trustees remove from the River Glen such ballast sand stones chalk rubbish filth gravel ashes or other gross substance as aforesaid the Glen Bank Trustees may cause the same to be removed and may recover the charges and expenses thereof from such person as aforesaid.

(2) Every person who shall at any time obstruct the Glen Bank Trustees or any person employed by them in the performance of anything which they are empowered to do under this section shall be liable on conviction to a penalty not exceeding five pounds for every such offence.

6. Every person who:—

(a.) Sets or places any fishing net eel trap eel leap or other device or thing in the River Glen or on the banks thereof so as to impede the flow of water:

(b.) Without the previous consent in writing of the Glen Bank Trustees lets any water from the River Glen into any private or other drains within the River Glen drainage district unless in pursuance or exercise of a right now vested in or enjoyed by any Public Authority or any person to take water out of the River Glen or of a grant or licence lawfully made or granted in that behalf by any such authority or person

shall be liable on conviction to a penalty not exceeding five pounds.

7. If any person shall without the consent of the Glen Bank Trustees make erect build or plant maintain or continue any building hedge stile gate or fence upon any of the banks of the River Glen or other property within the River Glen drainage district vested in or belonging to the Glen Bank Trustees or shall not remove any such building hedge stile gate or fence after twenty-one days notice in writing from the Glen Bank Trustees so to do shall have been given to him or left at his usual place of abode

Penalty on persons committing offences named.

As to encroachments.

the Glen Bank Trustees may remove the same and recover from him the charges and expenses attending such removal.

8. If any person shall—

(1) cut or dig any turves hods or cesses within the distance of sixty feet from any banks which are already made or shall be made and are repairable by the Glen Bank Trustees; or

(2) make any soak-dike or ditch or soak-gripplle within sixty feet from any such banks as aforesaid; or

(3) make construct or excavate any watering place or places of access for cattle to drink in the River Glen.

every such person shall be liable to a penalty not exceeding five pounds and if any act contravening the provisions of this section results in injury to or the choking up or obstruction of the River Glen the Glen Bank Trustees may require such person to repair or remove the injury choking up or obstruction and if such requisition is not complied with the Glen Bank Trustees may themselves execute the works necessary for complying with the same and the expenses consequent thereon shall be recoverable by the Glen Bank Trustees from such person in default.

9. Nothing in this Act contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster General under the provisions of the Telegraph Acts 1863 to 1915.

For protection of the Postmaster General.

10.—(a) For the purpose of defraying the expenditure incurred by the Glen Bank Trustees in maintaining supporting and keeping in repair the banks of the River Glen other than the portions of the northern bank of the River now repaired maintained and supported by the Black Sluice Commissioners and the Bourn Eau Navigation or either of them and all other expenditure incurred by the Glen Bank Trustees in exercising and fulfilling their powers and duties under the Act of 1801 and this Act and any expenses of the

Certain offences in relation to banks.

Power to levy drainage charge.

Glen Bank Trustees incidental thereto the Glen Bank Trustees shall and they are hereby authorised to levy a drainage charge and to rate assess tax charge and levy the same in manner in this Act mentioned.

(b) The Glen Bank Trustees shall at a Meeting to be held in the month of June in each year make or cause to be made an estimate of the amount required in the ensuing year for the purpose of defraying such expenditure. 5

(c) They shall apportion assess tax and charge the amount of such estimate upon the undermentioned lands and upon the Deeping Fen Trustees in the proportions following namely: 10

Lands in the Parish of Thurlby	3—132nds.	
Lands in the Parish of Baston	7—132nds.	
Lands of Jonathan Ward in the Parishes of Bourne and Thurlby being the Bourne and Thurlby Fen Pastures	11—132nds.	15
The Deeping Fen Trustees	37—132nds.	
Lands in the Parish of Pinchbeck (other than the North and South Fens)	43—132nds.	
Lands in the Parish of Surfleet	18—132nds.	
Lands formerly of John Presgrave and now of Charles Edward Andrew and Charles Campbell McLeod at Tongue End	1—132nd.	20
Lands forming the Crowland Common	1—132nd.	
Lands forming the Enclosed Commons of Spalding and Deeping Fen	11—132nds.	25

which lands and commons are for better identification thereof indicated upon the signed map by distinctive colouring.

(d) The sums assessed taxed or charged upon the Deeping Fen Trustees shall be recoverable by the Glen Bank Trustees from the 30

Deeping Fen Trustees and the Deeping Fen Trustees may reimburse themselves the amounts paid by them by charging and levying the same upon the lands in the Deeping Fen Drainage district as part of their ordinary expenditure.

(e) The sums assessed taxed or charged as aforesaid other than the sums recoverable from the Deeping Fen Trustees shall be recoverable by the Glen Bank Trustees by means of an acre rate or tax charged upon the above mentioned lands respectively such rate or tax to be an equal acre rate or tax as between all lands situate in the same parish. 10

(f) The order for every tax or assessment made under the powers of this section shall be entered in a book to be provided for that purpose and shall be certified by the Glen Bank Trustees and shall be open to the inspection of all persons taxed or liable to be taxed under this section without fee or reward and every such rate or tax shall be paid to such persons and at such times and places as the Glen Bank Trustees shall order or direct.

11. Any tax made under the powers of this Act may be enforced by the same remedies as if the same were a general district rate levied under the powers of the Public Health Act 1875 and as if the Glen Bank Trustees were a Local Authority within the meaning of that Act or at the option of the Glen Bank Trustees by an action in any Court of competent jurisdiction. Recovery of taxes.

12. Any taxation or assessment made by the Glen Bank Trustees under the provisions of this Act shall be in the form specified in the Schedule to this Act or to the like effect. Form of assessment.

13. Public notice of the time and place appointed for the payment of any tax made in pursuance of this Act shall be given by advertising the same at least twenty-one days before the time appointed for payment thereof in some newspaper circulating in the district. Public notice of assessment of taxes to be given.

14. Any tax made in pursuance of this Act may be made prospectively in order to raise money to pay charges and expenses Drainage taxes may be retrospective or prospective.