

THE RIVER WELLAND OUTFALL ACT, 1867.

ARRANGEMENT OF SECTIONS.

Preamble recites :—

34 Geo. III. c. 102.

5 Geo. IV. c. 96.

5 Geo. IV. c. 96, sect. 40.

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SCHEDULES.

A N A C T

For subjecting to further Taxation Lands Draining by the
RIVER WELLAND, and for increasing the Area of such
Taxation.

[ROYAL ASSENT, 12TH AUGUST, 1867.]

WHEREAS an Act was passed in the year one thousand seven hundred and ninety-four, "for improving the Outfall of the " River Welland, in the County of Lincoln, and for the better " Drainage of the Fen Lands, Low Lands, and Marshes discharging
5 " their waters through the same into the sea, and for altering and " improving the navigation of the said River Welland by means of a " New Cut, to commence below a certain place called the Reservoir, " and to be carried from thence through the inclosed Marshes and " open Salt Marshes in Wyberton Roads, between the Port of Boston
10 " and a place called the Scalp, and for disposing of the bare or white " Sands adjoining to the said River, and for building a Bridge over " the said Cut," and the provisions of the said Act have been altered and extended by various subsequent Acts, which are enumerated in the Schedule hereto, and especially by the Act passed in the year
15 one thousand eight hundred and twenty-four (and hereinafter referred to as "The Act of 1824"), for explaining, amending, and rendering more effectual the provisions of the said "Act of " 1794."

Preamble recites—
34 G. III., c. 102.

5 G. IV., c. 96.

And whereas the Commissioners constituted by the said Act of
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1794, and the Trustees who were by the said Act of 1824 constituted in the stead of the said Commissioners, have made an artificial Cut or Channel, of about six miles and three furlongs in length for the River Welland, from the "Reservoir," in the parish of Surfleet, in Lincolnshire, towards its outfall in the Estuary or Wash, called Fosdike Wash, and the said artificial Cut or Channel of the River Welland is the Channel whereby the drainage waters of large tracts of land, comprising about eighty thousand acres, are conveyed into the sea :

And whereas the income of the Trustees consists in part of Drainage taxes levied upon about twenty-four thousand acres of the land so drained, which taxes amount in the whole to about five hundred and thirty-five pounds per annum, and the Trustees are likewise entitled to receive certain dues in respect of vessels navigating the River Welland, and their cargoes, which dues in the year one thousand eight hundred and forty-six and seven exceeded six thousand pounds in amount, but have diminished from various causes, principally by the opening of the Great Northern Railway, to the sum of one thousand three hundred and fifty-eight pounds, or thereabouts, in the year one thousand eight hundred and fifty-six and seven, and have further decreased to the sum of nine hundred and ninety-eight pounds, or thereabouts, in the year one thousand eight hundred and sixty-five and six, and are expected still further to decrease in amount :

And whereas the charges upon the Trust consist of a sum of six thousand pounds due upon mortgage, and a balance due to the Treasurer of the Welland Trustees, secured by the personal guarantee of several of the said Trustees and of several proprietors of lands drained by the said River Welland, and the annual expenditure consists of interest upon the said mortgage debt and Treasurer's account, the maintenance of the Works, and the necessary expenses attending the business of the Trust ; and the annual income of the Trustees has become entirely insufficient to meet their annual expenditure, and to maintain their Works in an efficient state :

And whereas parts of the Works in the said artificial Cut or Channel and outfall have lately been and are at present in an insecure and dangerous condition, and for the purpose of discharging the expense attending the immediate and indispensable partial restoration

and reparation of such Works, the Trustees and certain proprietors of lands so drained by the said River Welland have, upon their personal security, borrowed from the Treasurer of the Trust one thousand pounds ; and it is expedient that provision should be made for the repayment to them or to their said Treasurer of the sum so advanced, and for the securing to the Trust such an annual income as shall be sufficient for the effectual reparation and maintenance of their Works, and the preservation of the drainage by means thereof of the lands which depend as aforesaid upon the said Works for their drainage :

And whereas it is hereinafter provided that a Map, hereinafter referred to as "The Drainage Map," shall be deposited with the Clerk of the Peace for the Parts of Holland, in Lincolnshire ; and in the said Map the lands subject to taxation, under the powers of this Act, are coloured blue ; and the said lands are hereinafter referred to as "The Drainage District :

And whereas the purposes aforesaid can be best effected by assessing with a Drainage Tax all the lands coloured blue on the said Map as aforesaid, and using the River Welland for the outfall of their drainage waters, such tax being graduated as hereinafter provided for ; and it is expedient that the owners for the time being of the said lands should be represented by Trustees, and that the constitution of the Trust should therefore be in that respect altered ; and that the Acts relating to the Trust should in other respects be amended :

But inasmuch as the foregoing purposes cannot be accomplished without the authority of Parliament :

MAY IT PLEASE YOUR MAJESTY,

That it may be Enacted, AND BE IT ENACTED, by the QUEEN'S Most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows :

1. This Act may be cited as "The River Welland Outfall

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Name and commencement of Act.

"Act, 1867," and shall come into operation on the first day of August, one thousand eight hundred and sixty-seven.

Interpretation—

2. In the construction of this Act and of any Act wholly or partially incorporated therewith, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the context repugnant to such meaning.

"Quarter Sessions."

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

"Superior Courts."

"Court of Competent Jurisdiction."

The expression "Superior Courts" or "Courts of Competent Jurisdiction" shall have effect as if the debt or demand with respect to which the expression is used, were an ordinary simple contract debt, and not a debt or demand created by Statute.

"Former Trustees."

The expression the "Former Trustees" shall mean the Trustees acting by virtue of the Act of 1824, and the other Welland Outfall Acts, and the expression "the Trustees" shall mean the Trustees appointed by virtue of this Act.

"Welland Outfall Acts."

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

Commissioners Clauses Act, 1847.

3. "The Commissioners Clauses Act, 1847," excepting the provisions thereof with respect to the qualification and rotation of the Commissioners, and with respect to the Audit of Accounts, are incorporated with this Act.

Repeal of provisions of Act of 1824 as to Trustees.

4. At the commencement of this Act the following Sections of the Act of 1824 shall be repealed, namely:—

Section 13. As to the Appointment of Trustees:

Section 14. How new Trustees shall be appointed:

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

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

And the former Trustees acting by virtue of the powers so contained in the said Act of 1824, or by virtue of any other of the River Welland Acts shall from the time of election of new Trustees under the powers of this Act cease to be Trustees or to exercise any power or control by virtue of the said Acts or otherwise.

5. The repealing of the said Enactments, and the ceasing of the said former Trustees, shall not annul, or in anywise prejudice or affect any purchase, sale, conveyance, grant, lease, security, title, act, matter, or thing whatsoever heretofore made, done, executed, acquired, commenced, or instituted, under, or by virtue of the said Enactments; but all such purchases, sales, conveyances, grants, leases, securities, titles, acts, matters, and things, shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if the said Enactments had not been repealed.

Grants, conveyances, &c., to continue in force.

6. All books, registers, deeds, documents, and writings, directed or authorised to be kept or made by the former Trustees, and which, if this Act had not been passed would be receivable in evidence, shall be admitted as evidence in all Courts of law and equity, and elsewhere, in the same manner as if this Act had not been passed.

Books, &c., to be evidence.

7. All actions, suits, prosecutions, and other proceedings whatsoever, as well civil as criminal, commenced or instituted, or which might have been commenced or instituted, either by or against the former Trustees with relation to the said Trust, or by or against the Clerk to the former Trustees, may be continued, commenced, or instituted as well by as against the Trustees appointed under the powers of this Act, or their Clerk, the Trustees appointed under the powers of this Act being substituted for the former Commissioners and Trustees.

Actions, &c., not to abate.

8. Notwithstanding the repeal of the said Enactments, and except as by this Act is otherwise expressly provided, everything done or authorised or engaged by the former Trustees to be done under the authority of the Welland Outfall Acts, or any of them, shall be as valid as if this Act had not been passed, and the ceasing of the former

Liability continued.

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