

Trustees, and the transfer of their powers to the Trustees to be appointed by virtue of this Act, shall be subject and without prejudice to everything so done or authorised, or engaged to be done, and to all or any rights, liabilities, claims, and demands, as well present as future, which but for such transfer would be incident to, or consequent upon, any or everything so done, authorised, 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 Trustees or Clerk the Trustees shall represent, and for such purposes shall be considered as a continuation of the former Trustees.

Moneys how to be recovered.

9. All sums of money due or owing to or by the former Trustees at the time of the commencement of this Act, shall be paid to or by, and may be collected and recovered by or from the Trustees in the same manner, in all respects, as the former Trustees could have recovered or have been compelled to pay the same if this Act had not been passed.

Old officers to continue.

10. The clerk, treasurer, and other officers appointed by the former Trustees, shall until the first meeting of the Trustees, continue to hold and enjoy their respective offices and employments, together with the salaries or emoluments thereunto attached or 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 the like power of removal, and to the like rules and regulations in all respects whatsoever, as if they had been appointed by the Trustees, under the authority of this Act, and the Trustees at such first or subsequent Meeting shall appoint a Clerk, Treasurer, and other Officers.

Creation of new Trustees.

11. There shall be a body of Trustees for executing this Act and the Welland Outfall Acts, which Trustees and their successors are hereby incorporated for that purpose by the name of "The Welland Outfall Trustees," 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 The Welland Outfall Acts.

Defining Trustees.

12. The said Trustees shall consist of the following persons:—

1. Four persons appointed by the owners of lands, heretofore called Adventurers' Lands, in Deeping St. Nicholas, now subject to taxation under the powers of the Welland Outfall Acts or this Act:
2. Three persons appointed by the owners of lands heretofore called Free Lands, in Deeping St. Nicholas, subject to taxation under the powers of the said Acts or of this Act:
3. Two persons appointed by the owners of lands (late commons—except the 7th district) subject to taxation under the powers of the said Acts or of this Act:
4. Two persons appointed by the owners of the rest of the lands in the Parish of Pinchbeck, and two persons appointed by the owners of lands in the Parish of Holbeach, subject to taxation under the powers of the said Acts or of this Act:
5. One person appointed by the Trustees acting in execution of "The Crowland and Cowbit Washes Drainage Act, 1847," such person being himself one of the said Trustees; and the appointment being in writing under the hands of the Chairman and Clerk of the said Trustees:
6. Two persons to be appointed by the Parishioners of Spalding in vestry assembled by the majority of votes of persons present at and entitled to vote in such vestry in the manner and proportion directed by the Poor Law Unions Act:
7. One person to be appointed in respect of each parish by the owners of the lands which will be subjected to taxation under the powers of the said Acts or of this Act in each of the following parishes, namely: Spalding, Surfleet, Gosberton, Quadring, Algarkirk, Fosdike, Sutterton, Wigtoft, Kirton, Weston, Moulton, and Whaplode.

Qualification of Trustees.

13. No person, excepting those appointed by the Parishioners of Spalding, shall be qualified to act as a Trustee unless he is the proprietor of not less than fifty acres of land subject to taxation under the powers of this Act, or is the heir apparent of such a proprietor or an occupier of not less than one hundred acres of land so subject of taxation; and no person appointed by the Parishioners of Spalding shall be qualified to Act as Trustee unless he is rated and assessed to the poor rates of the said parish to the amount of forty pounds at the least.

Providing for their election.

14. Within two calendar months after the passing of this Act there shall be Meetings, for the first election of Trustees, to be elected by landowners, and by the Parishioners of Spalding, and the said Meetings shall be convened by advertisement signed by the clerk to the former Trustees, and published for two preceding weeks in "The Lincoln, Rutland, and Stamford Mercury" newspaper, or some other newspaper usually circulated in Lincolnshire; and the said Meetings shall be held as to the owners of lands heretofore called Adventurers' Lands and Free Lands respectively in Deeping St. Nicholas, and by the owners of lands late Commons at the White Hart Inn, or some other convenient place in the town of Spalding; and as to the persons to be appointed by the landowners in the several parishes aforesaid, such Meetings shall be held in the Vestry Room of each parish; and the following provisions shall apply to such election by landowners:—

1. Every owner of taxable land shall, by himself or agent, be entitled to one vote for the Trustees or Trustee representing the lands or the district or parish in which his lands are situate; and shall have an additional vote in respect of any additional twenty acres, or part of twenty acres, owned by him beyond the first twenty acres.

2. Every occupying tenant of such taxable land shall, in the absence of the owner and of any duly authorised agent or proxy of the owner, have the same right of voting as the owner would have had if present or represented as aforesaid.

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 election of each Trustee shall be decided by a majority of the votes of the Electors present, personally or by proxy, entitled to vote for such Trustee, and in case of equality of votes, the Chairman shall have a casting vote in addition to his original vote:

5. 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:

6. 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.

15. The Trustees so first chosen after the passing of this Act shall remain in office for three years and until the Annual Meeting of the Trustees next after such three years, or until they shall have died, resigned, or become disqualified, or until their successors are appointed, and on the first Annual Meeting to be held next after three years from the passing of this Act, and at the Annual Meeting to be held in every subsequent third year there shall be a fresh election of Trustees, and the Trustees so from time to time elected shall also remain in office three years or until they shall have died, resigned, or become disqualified; and the Trustees going out of office shall, if qualified, be always re-eligible.

As to duration in office of Trustees.

16. All vacancies among the Trustees occasioned by death, resignation, or disqualification, shall be filled up from time to time by the vestry of the parish of Spalding, or (as the case may be) at particular Meetings convened by the Clerk to the Trustees, of the

As to casual vacancies.

owners of lands in respect of which the Trustee whose office is vacated acted; and the provisions hereinbefore contained with respect to the first General Election of Trustees shall be observed at every triennial election as well as at any election for filling up such vacancies as aforesaid.

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As to meetings.

17. After the first Meeting hereinbefore provided for, there shall be Annual Meetings in the month of April of the proprietors of taxable lands in the Drainage District, which Meetings shall be summoned by the Clerk to the Trustees by public advertisement as aforesaid, and all Meetings of Trustees or Proprietors for all and any purposes shall be at such place as the Trustees shall from time to time appoint, and every such Meeting shall choose its own Chairman.

As to the business of Trustees.

18. The following provisions shall apply to the transaction of business by the Trustees:

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(1). The quorum of the Trustees shall be five:

(2). Their principal office and place for Meeting shall be at Spalding:

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

(4). Notice of every Meeting shall be given to each Trustee by Circular, and (if practicable) not less than seven days before the day of Meeting.

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Accounts to be submitted to owners, &c.

19. There shall be submitted by the Trustees to every Annual Meeting of Proprietors a statement of the accounts of the Trustees during the last preceding year, together with the vouchers for the said account: And if the said accounts be approved by the Meeting that approval shall be a sufficient discharge of the Trustees: Provided that any such Meeting may (if they think fit) submit the said accounts to an Auditor, and the reasonable expenses of such Auditor

shall be defrayed by the Trustees out of the moneys coming to their hands.

20. The Drainage Map authenticated by the signature of the Right Honourable John Thomas Lord Redesdale, Chairman of Committees of the House of Lords, shall within two months after the passing of this Act be deposited with the Clerk of the Peace for the Parts of Holland, in Lincolnshire, and a copy thereof, authenticated by the Signatures of two or more of the Trustees, shall be deposited at their principal office, and a copy shall also be deposited in the parish chest of each parish within the Drainage District, and the Plan so deposited at their office shall be open at all reasonable hours in the day, 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.

Providing for deposit of Drainage Map.

1 Vic. c. 83.

21. The Trustees shall within three months after the passing of this Act cause to be made a Schedule of all the lands in the Drainage District, for the purposes of taxation under this Act, and setting forth the several lands included, or to be included in the highest, the intermediate, and the lowest rate of charge respectively, and such Schedule shall be kept by the Clerk at the principal office of the Trustees:

As to specification of lands for taxation.

Provided that in the said Schedule all the lands in Deeping Fen and late Commons (excepting the lands now forming the 7th District) and Cranmore, not now subject to taxation by the Welland Trustees, shall be included in and form the First Class, and be subject to the highest rate of charge, namely not exceeding eight pence per acre:

35 All the lands in Deeping Fen and late Commons subject now to taxation by the Welland Trustees, shall be included in

and form the Second Class, and be subject to the intermediate rate of charge, namely not exceeding six pence per acre :

And all other lands now draining or drained by the River Welland, and coloured blue on the Drainage Map, shall be included in and form the Third Class, and be subject to the lowest rate of charge, namely not exceeding four pence per acre.

Providing for Acre Tax.

22. The lands within the Drainage District shall, in addition to any taxes payable under the Welland Outfall Acts, or otherwise, be liable to such annual Acre Taxes as the Trustees at the Annual Meeting in the month of April shall each year think and adjudge necessary for the Works and service of the then ensuing year, not exceeding in any year for the highest class eight pence per acre, and for the next class six pence and for the third class four pence per acre, any smaller taxes to be at any Annual Meeting laid being in the same relative proportions; and the Trustees may assess the same taxes respectively on the owners of the said lands according to the classification thereof made in the said Schedule, any such taxes being in addition to the taxes now charged on the lands or any of them and payable to the Welland Trustees; and the said assessment may be in the form contained in the Schedule to this Act; and the taxes to be laid under the authority of this Act shall be payable as to the first year after the passing of this Act on such day within three months after the passing thereof as the Trustees shall appoint, and thereafter yearly on the twenty-fourth day of June, being the day on which the taxes imposed by the Act 5th George IV., cap. 96, are payable; and notice, signed by the Clerk of the Trustees of the times, place or places appointed for the payment of the said taxes, shall be given by advertisement in a newspaper published in the district, and the said taxes, as well as the taxes payable under the Act 5th George IV., cap. 96, may be collected by such person or persons as the Trustees shall from time to time appoint.

Exempting land from taxation in certain cases.

23. Notwithstanding anything contained in this Act, or in the Drainage Map, any owner of lands in the Wapentake of Kirton comprised in such Map, may claim to be exempted wholly or in part

from taxation under this Act, on the ground that the lands in respect of which he claims exemption do not drain by the said artificial cut or outfall, and such claim of exemption shall be made in writing either by the said owner or his agent or tenant, addressed to the Trustees or their Clerk; and the Trustees shall hear the party claiming such exemption or his agent, and shall make due inquiry into the said claim of exemption, and it shall be lawful for the Trustees to exclude the said lands from taxation if they are of opinion that the said claim of exemption is well founded.

24. If any owner of land shall be dissatisfied with the classification of his land made in the said Schedule, or if any owner of land in the said Wapentake of Kirton shall be of opinion that his lands in the said Wapentake, or any parts thereof, are wrongly subject to taxation, and that his claim for exemption ought to have been wholly or in part allowed, any such owner may appeal to the General Quarter Sessions of the Peace for the Parts of Lindsey in Lincolnshire, at Spilsby, against the said award: But no such appeal shall be entertained unless it be made within six months next after the making of the said Schedule, or the determination of the said Trustees, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the Clerk of the Trustees; and the said Quarter Sessions shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following Sessions; and they may make such order in the matter and with respect to the costs of the appeal as they think fit, and no objection shall be made to such order, or to the jurisdiction of the said Justices, on the ground that any of such Justices are owners of land in the drainage district: Provided, that if the decision of the Quarter Sessions shall vary the Schedule, a memorandum of such decision shall be made on the said Schedule and shall be deemed to be part thereof.

Providing for appeal against taxation

25. Every occupier of lands within the Drainage District shall pay the Acre Tax or several Acre Taxes assessed thereon under the provisions of this Act, 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

Tax to be paid by occupier.