

to receive the rent of the land in his occupation, but the taxes on any land in respect whereof notice of appeal shall have been given shall not be recoverable pending such appeal.

Recovery of Acre  
Tax,

**26.** The Trustees may recover any Acre Tax, and any costs which may have been incurred in endeavouring to levy the same by distress, in any court of competent jurisdiction. 5

Power to borrow  
on mortgage.

**27.** The Trustees may from time to time, in addition to the sum now due from them on mortgage, borrow at interest on the security of the taxes, dues, or other revenue payable to them under the provisions of the Welland Outfall Acts, or of this Act, and on the security of any lands or other property belonging to the Trustees, or any part of such revenue or property, such sums of money as they may think requisite for the purposes of the said Acts, not exceeding in the whole the sum of four thousand pounds, and may mortgage the said taxes, dues, revenue, and property, or any part thereof, to secure the repayment of the money so borrowed with interest accordingly: Provided that no such sum shall be borrowed unless with the consent of the majority of the votes of the owners of lands within the Drainage District present in person or by proxy at a Meeting convened with not less than fourteen days' notice of the matter by notice in some newspaper circulated in the Drainage District. 15 20

Power to re-borrow.

**28.** If the Trustees at any time pay off the said existing mortgage debt or any other moneys borrowed by them, or any part of such debts or moneys, they may from time to time re-borrow the same or any less amount in manner aforesaid, and so toties quoties, but so that the total amount borrowed by them, and remaining unpaid shall not at any one time (including the amount now due by them on mortgage) exceed the sum of ten thousand pounds. 25

Application of  
borrowed money.

**29.** All money received by the Trustees under the powers of this Act from borrowing shall be applied by them in the manner and in the order following and not otherwise, namely:— 30

- (1). In paying the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, and the borrowing of any money under this Act: 35

- (2). In repayment of any money advanced by the former Trustees and Proprietors of Lands, or borrowed on their personal security for the purposes of the Trust, and of any money advanced by and due to the Treasurer for the time being: 5

- (3). In executing the necessary Works for repairing and renewing the existing Cut or Channel of the River Welland and the piers or embankments connected therewith between the Reservoir and the present termination thereof below Fosdyke Bridge, and in repairing, rebuilding, renewing, lowering, or improving the Outfall Sluices, which the Trustees are liable to repair and maintain under the provisions of the Act of 5th George IV., Cap. 96. 10

**30.** All money received by the Trustees, not being money received from borrowing, shall be applied by them in the manner and in the order following (and not otherwise), namely: 15 Application of  
revenue.

- (1). In paying the costs, charges, and expenses preliminary to and of and incidental to the passing of this Act, or such of them as may not be paid out of any money borrowed under this Act. 20

- (2). In paying the interest, from time to time accruing due in respect of their Mortgage Debt, and in setting aside an annual sum by way of Sinking Fund, not being less in amount than four per centum annually of the Capital now due on mortgage or note, or to be borrowed on mortgage. 25

- (3). In paying their necessary and proper establishment and working expenses and salaries, and the expenses of maintenance, renewal, or improvement of their present Works and the Sluices as aforesaid: 30

**31.** Notwithstanding any thing contained in the 10th Section of the Act of 1837 (1 Vict. cap. 113), it shall not be lawful for the Trustees to take and enclose, below Fosdyke Bridge, any grounds [14]

Repealing power to  
embank lands below  
Fosdyke Bridge.



outside their embankments, or to erect thereon any quays, wharfs, warehouses, or other works.

Providing for new outfall.

**32.** It shall be lawful for the Owners or Commissioners interested in lands having for their drainage outfall the Holbeach, Whaplode and Moulton outfall to erect a sluice to discharge into the channel of the river Welland the waters now using the said outfall: Provided that all Works affecting the said channel shall be made under the superintendence and to the reasonable satisfaction of the Engineer or Superintendent of the Trustees, and according to Plans previously approved of by such Engineer or Superintendent.

Other lands may be admitted by agreement.

**33.** It shall be lawful for the Trustees and the Owners, or the Trustees for the drainage of any other lands not comprised within the said recited Acts or this Act, and whether now inclosed or not, mutually to agree for the drainage of such other lands and the discharge of the waters therefrom by the Works authorized by the said recited Acts, upon the payment of such sum and sums of money either in gross or annually, or both, and subject to such stipulations, conditions and regulations as shall be specified and mentioned in the Agreement which shall be entered into in that behalf, and every such Agreement shall be binding and conclusive on all parties to the same.

Extending Welland outfall Acts to this Act.

**34.** Nothing in this Act contained shall repeal or impair any of the provisions of the Welland Outfall Acts, excepting so far as such provisions are expressly altered or repealed by this Act; but all the powers and provisions of the said Welland Outfall Acts, not hereby altered or repealed, shall continue in full force; and the powers and provisions affecting the recovery of rates imposed by the recited Acts, or any of them, shall be expressly applicable to the recovery of the rates by this Act imposed or authorized.

Saving rights of Commissioners of Sewers.

**35.** Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the rights, privileges, jurisdictions, or authorities of the Commissioners of Sewers acting in and for the County of Lincoln.

## SCHEDULES.

### SCHEDULE A.

#### CONTAINING THE NAMES OF ACTS AFFECTING THE OUTFALL OF THE RIVER WELLAND.

34 GEO. III., Cap. 102, 1794.—“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 enclosed Marshes and open Salt Marshes into Wyberton Roads between the part 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.”

41 GEO. III., Cap. 128, 1801.—“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 Croyland Common or Goggushland, and certain Lands and Grounds in the parishes of Bourne and Thurlby, adjoining or lying contiguous to the North Bank of the River Glen, and certain enclosed 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.”

51 GEO. III., Cap. 71, 1811.—“An Act for repealing so much of an Act of His present Majesty as relates to making a public way over Fosdike Wash, in the county of Lincoln, and for granting further powers for building a Bridge over the said Wash.”



5 GEO. IV., Cap. 96, 1824.—“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.”

4 and 5 Wm. IV., Cap. 87, 1834.—“ An Act to extend the powers of the  
“ several Acts now in force for improving the Port and Harbour of Boston, in the  
“ county of Lincoln.”

1 VICT., Cap. 113, 1837.—“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.”

5 VICT., Sess. 2, Cap. 55, 1842.—“ An Act for transferring to the Trustees of  
“ the River Welland, in the county of Lincoln, certain dues payable in respect of  
“ Vessels using the said River, part of the Port and Harbour of Boston, and their  
“ Cargoes, for better effecting Improvements authorised by former Acts, and amending  
“ certain Acts relating to the same.”

5 VICT., Sess. 2, Cap. 60, 1842.—“ An Act for amending the several Acts  
“ relating to the Port and Harbour of Boston, in the county of Lincoln.”

## SCHEDULE B.

*Form of Assessment.*

THE RIVER WELLAND OUTFALL ACT, 1867.

WE, the Welland Outfall Trustees, do by virtue of the above mentioned Act, hereby assess and charge the lands specified in the Schedule hereto with the several sums, and at the rate for every acre of the lands set forth in the same Schedule, and so in proportion for any quantity greater or less than an acre; and we order and direct that the rates hereby assessed shall be paid to

the Collector appointed by us to receive the same at his dwelling-house, situated in the                      of                      on the 24th day of June now next, between the hours of ten in the forenoon, and four in the afternoon of that day.

Dated this                      day of                      18

SCHEDULE ABOVE REFERRED TO.

Occupier.	Owner.	Parish, Township, or Place.	Description. Quantity.	Class.	Rate by the Acre.	Amount.



# A N A C T

[ROYAL ASSENT, 12TH, AUGUST 1867.]

30 & 31 VICT.—SESSION 1867.

*Solicitor,*

Spalding.

24, Parliament Street, Parliamentary Agent