ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxix.

An Act for altering and enlarging the Powers of several Acts of His present Majesty, for improving the Drainage of the *Middle* and *South Levels*, Part of the Great Level of the Fens called *Bedford Level*, and other Lands therein mentioned; and for improving the Navigation of the River *Ouze*, in the County of *Norfolk*, and of the several Rivers communicating therewith.

[14th *June* 1819.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for improving the Drainage of the* Middle *and* South Levels, *Part of the Great Level of the Fens called* Bedford Level, *and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River* Ouze, *in the County of* Norfolk, *draining through the same to Sea, by the Harbour of* King's Lynn, *in the said County; and for altering and improving the Navigation of the said River* Ouze, *from or near a Place called* Eau Brink, *in the Parish of* Wiggenhall Saint Mary, *in the said County, to the said Harbour of* King's Lynn; *and for improving and preserving the Navigation of the several Rivers communicating with the said River* Ouze: And 35 G. 3. c. 77.

whereas another Act was passed in the Thirty-sixth Year of the Reign of
36 G. 3. c. 33. His present Majesty, intituled *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled* 'An Act for improving the Drainage of the Middle and South Levels, Part 'of the Great Level of the Fens called Bedford Level, and the Low Lands 'adjoining or near to the said Levels, as also the Lands adjoining or near to 'the River Ouze, in the County of Norfolk, draining through the same to Sea, 'by the Harbour of King's Lynn in the said County; and for altering and 'improving the Navigation of the said River Ouze, from or near a Place called 'Eau Brink, in the Parish of Wiggenhall Saint Mary, in the said County, to 'the said Harbour of King's Lynn; and for improving and preserving the 'Navigation of the several Rivers communicating with the said River Ouze:' And whereas another Act was passed in the Forty-fifth Year of the Reign
45 G. 3. c. 72. of His present Majesty, intituled *An Act for explaining and amending an Act passed in the Thirty-fifth Year of His present Majesty, for improving the Drainage of the* Middle *and* South Levels, *Part of the Great Level of the Fens called* Bedford Level, *and certain Low Lands adjoining or near thereto, and to the River* Ouze, *in the County of* Norfolk, *and for improving the Navigation of the said River from or near a Place called* Eau Brink, *to the Harbour of* King's Lynn, *and for improving the Navigation of the several Rivers communicating with the said River* Ouze: And whereas another Act was passed in the Fifty-sixth Year of the Reign of His present Majesty,
56 G. 3. c. 38. intituled *An Act for amending several Acts of His present Majesty, for improving the Drainage of the* Middle *and* South Levels, *Part of the Great Level of the Fens called* Bedford Level, *and other Lands therein mentioned, and for improving the Navigation of the River* Ouze, *in the County of* Norfolk, *and of the several Rivers communicating therewith*: And whereas another Act was passed in the Fifty-eighth Year of His present Majesty,
58 G. 3. c. 48. intituled *An Act for increasing the Fund for carrying into Execution several Acts of His present Majesty, for improving the Drainage of the* Middle *and* South Levels, *Part of the Great Level of the Fens called* Bedford Level, *and other Lands therein mentioned, and for improving the Navigation of the River* Ouze, *in the County of* Norfolk, *and of the several Rivers communicating therewith*: And whereas the Taxes and Tolls raised and authorized to be collected by virtue of the said several Acts herein-before mentioned are inadequate for the Completion of the New River or Cut, and the other Works required to be executed by the said Acts, and for the Maintenance and Support thereof; and it is expedient, for the Purpose of completing and supporting the same, that a further Sum of Money should be raised, by charging the Lands and Grounds mentioned in the said several Acts, some or one of them, with the Payment of a further yearly Tax *per* Acre, and by continuing for a further Term of Years the several Tolls authorized to be collected and received in and by the said Acts, or any of them, for the Navigation on the said New River or Cut, to be completed between *Eau Brink* and *King's Lynn* aforesaid; and it is also expedient, for effectually carrying the said several Acts into Execution, that several of the other Powers and Provisions thereof should be altered and enlarged: 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

present Parliament assembled; and by the Authority of the same, That the said several recited Acts passed in the Thirty-fifth, Thirty-sixth, Forty-fifth, Fifty-sixth, and Fifty-eighth Years of the Reign of His present Majesty, and all and every the Clauses, Powers, Authorities, Matters, and Things therein respectively contained, as they now stand in force, shall remain and continue, and shall be as good, valid, and effectual, to all Intents and Purposes, as if this Act had not passed; save and except so far and as to such Part and Parts of the said several Acts as are hereby varied, altered, or repealed, or are repugnant to the Clauses and Provisions herein contained.

So much of the former Acts as are not repealed or altered by this Act, to remain in force.

II. And be it further enacted, That all and singular the Lands and Grounds in and by the said recited Act passed in the Fifty-eighth Year of the Reign of His present Majesty, charged or made liable to the Payment of the yearly Tax of One Shilling an Acre, shall be and the same are hereby taxed, charged, and made liable to the Payment of the further yearly Tax of One Shilling for each and every Statute Acre, and so in proportion for any less Quantity than an Acre, for the Term of Ten Years; the first of the said further yearly Tax of One Shilling an Acre to be due and payable on the First Day of *January* One thousand eight hundred and twenty-three, and for the remaining Nine Years to be due and payable on the First Day of *January* in each succeeding Year.

Tax of One Shilling an Acre for Ten Years.

III. And be it further enacted, That the several Tolls imposed and charged in and by the said recited Acts, or any of them, for the Navigation on the said New River or Cut between *Eau Brink* and *King's Lynn*, for the Term of Fifteen Years, to commence from the Day on which the said New River shall be open and made navigable, shall be continued, received, and collected for the further Term of Thirty Years after the Expiration of the said Term of Fifteen Years; Three-fourth Parts of the net Money so to be collected for the said Tolls, to be paid to the said Commissioners of Drainage, and the remaining One-fourth Part to the Commissioners of Navigation, for the same Purposes and in the same Manner as in and by the said recited Acts, or any of them, is directed, as to the said Tolls for the said Term of Fifteen Years: Provided always, that nothing herein contained shall authorize or empower the said Commissioners of Navigation for executing the said recited Acts, or any of them, to receive or collect the Toll of Two-pence a Ton, in and by the said recited Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, authorized to be collected, until after the Expiration of the said further Term of Thirty Years for which the Tolls are by this Act required to be continued and taken.

Toll for Thirty Years after the Fifteen Years.

IV. And be it further enacted, That the said Tax and Taxes imposed by virtue of this Act, together with the Penalty of Three Shillings and Four-pence in the Pound for the Non-payment thereof, shall be charged, collected, and recovered in the same Manner and by the same Persons as is directed in and by the said recited Acts, or any of them, as to the said Tax of One Shilling an Acre for Five Years, imposed by the said Act of the Fifty-eighth Year of the Reign of His present Majesty; and all the Powers and Provisions in the said recited Acts, or any of them, applicable to the said Tax of One Shilling an Acre for Five Years, and to the Returns, the Payments,

Same Powers to recover the Taxes laid by this Act as for the Tax of One Shilling an Acre for Five Years.

Payments, the Distresses, and all the other Proceedings respecting such Tax, shall be applicable to all Intents and Purposes to, and be put in Execution for the collecting and recovering of the Tax and Taxes by this Act imposed, in like Manner as they would or might have been if such Powers and Provisions had been repeated and re-enacted in the Body of this Act.

Continuation of Powers as to the Tolls.

V. And be it further enacted, That the said Tolls authorized to be raised and collected by virtue of this Act, after the Expiration of the said Term of Fifteen Years, shall be raised and collected in the same Manner and with the same Powers, and subject to the same Penalties for Non-payment, as are contained in the said recited Acts, or any of them, with respect to the Tolls thereby authorized to be collected, as fully and effectually to all Intents and Purposes, as if all such Powers and Provisions had been repeated and re-enacted in the Body of this Act.

Application of the Funds.

VI. And be it further enacted, That the Money to arise from the said Tax of One Shilling an Acre for Ten Years, together with the said Three-fourth Parts of the said Tolls for the said further Term of Thirty Years after the Expiration of the said Fifteen Years, shall be paid and applied by the said Commissioners of Drainage, or the Majority of them, attending at any Quarterly, General, or Special Meeting, after the Payment of the Expences of and incident to the obtaining of this Act, in the Completion of the said New River or Cut, and of the other Works to be executed under the said recited Acts, or any of them, or under this Act, and for carrying into Execution all the Objects and Purposes of the said recited Acts, or any of them, or of this Act, required to be done by the said Commissioners of Drainage; and if any Part of the said Funds shall remain after executing all the Works and Purposes to which the same are applicable as aforesaid, the said Commissioners of Drainage, or the Majority of them, at any Quarterly, General, or Special Meeting, are hereby authorized and required to pay and apply such Surplus from Time to Time in any Work or Works that in their Judgment may be required for the Improvement of the Drainage of the River *Ouze* below *Denver Sluice*, and of the Drainage through the said New River or Cut, and from thence to the open Sea; and the said Commissioners, or the Majority of them, at any such Meeting, are hereby authorized and empowered to borrow any Sum or Sums of Money, not exceeding the Sum of Two hundred thousand Pounds, on the Security of the Whole or any Part of the Taxes, Tolls, and Funds arising and payable to the said Commissioners of Drainage for executing this Act, or the said recited Acts, or any of them; the Money so to be borrowed, and the Security and Securities to be given for the same, to be subject to the same Provisions as are contained in the said recited Acts, or any of them, as to the Money to be borrowed under the Powers therein mentioned.

Commissioners of Drainage may borrow Money of the Commissioners authorized to

VII. And whereas by an Act made in the Fifty-seventh Year of His present Majesty's Reign, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in Manner therein mentioned*; certain Commissioners therein named and appointed are authorized

authorized and empowered to issue and advance Exchequer Bills, under the Restrictions and Regulations therein specified, for the carrying on of Public Works in *Great Britain*; and by another Act passed in the said Fifty-seventh Year of His present Majesty's Reign, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor,* the Powers of the said first-mentioned Act are enlarged and extended; be it therefore enacted and declared, That it shall and may be lawful to and for the said Commissioners of Drainage, or any Five or more of them, present at any Quarterly, General, or Special Meeting to be holden in pursuance of the said recited Acts and this Act, to borrow and take up at Interest, in such Manner and upon such of the Terms and Conditions provided by the said Acts of the Fifty-seventh Year of His present Majesty, as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, the Whole or any Part of the said Sum of Two hundred thousand Pounds, by this Act authorized to be borrowed; and the said Commissioners of Drainage are hereby authorized and empowered, by any Writing or Instrument under the Hands and Seals of any Five or more of them present at any Meeting to be held as aforesaid, to mortgage, demise, grant, bargain, and sell the said Taxes, Tolls, and Funds authorized to be raised by the said recited Acts and this Act, as a Security for Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as aforesaid, by an annual Instalment of Five Pounds *per Centum per Annum* at the least, in discharge of the Principal and Interest, at the Rate of Five Pounds *per Centum per Annum*, or such Part of the Principal as shall from Time to Time remain due.

issue Exchequer Bills, for the Purpose of carrying on Public Works, &c.

VIII. And whereas in and by the said recited Act, passed in the said Thirty-fifth Year of the Reign of His present Majesty, a Fund is directed to be provided out of the Monies to arise from the Sale of the bare Sands of the old River, to be embanked upon the Opening of the said New River or Cut, for the Repair of the said New River or Cut, Bridges, Banks, Dams, and other Works, between *Eau Brink* and *King's Lynn*: And whereas it may promote the Completion of the Works to be executed, if the said Fund should be raised out of and be a Charge upon the Monies to arise from the Three-fourth Parts of the Tolls to be collected and paid to the said Commissioners of Drainage, for Vessels navigating the said New River or Cut; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners of Drainage, if they shall find it desirable, to raise and create the Whole or any Part of the said Fund out of the Produce of the said Tolls, instead of out of the Produce of the Sale of the said bare Sands and Channel.

Fund for the Repair and future Maintenance of the New River and the Works above Lynn.

IX. And be it further enacted, That (in addition to the Provision contained in the said recited Act of the Fifty-eighth Year of His present Majesty's Reign, whereby a Sum of Money, when its Amount shall be ascertained by Estimate, is directed to be invested in the Three *per Centum* Consolidated Annuities, or in Exchequer Bills, in the Names of the Right Honourable *Philip* Earl of *Hardwicke*, Sir *Charles Morgan* Baronet, and *William Henry Fellowes* Esquire, as therein mentioned) the said Commissioners

Direction for Investment of 5,000*l.* in the Names of Trustees, as a Fund for Works to protect the Town of Lynn, &c.

sioners of Drainage shall previously to the Opening of the said New River or Cut, by and out of the Monies to be raised by virtue of the said recited Acts or of this Act, or any of them respectively, levy and raise the Sum of Five thousand Pounds Sterling, and forthwith lay out and invest the said Sum in the Names of the said *Philip* Earl of *Hardwicke*, Sir *Charles Morgan*, and *William Henry Fellowes*, and of the Right Honourable *Horatio* Earl of *Orford*, the Right Honourable *William Cavendish Bentinck* commonly called Lord *William Cavendish Bentinck*, and the Mayor for the Time being of *King's Lynn* aforesaid, or of the Trustees to be appointed in their Place, as herein-after mentioned, in the Purchase of a competent Share of the Parliamentary Stock called Three *per Centum* Consolidated Annuities, or of some other Parliamentary Stock, which Stock so to be purchased as aforesaid shall continue invested until the said New River or Cut shall have been opened as aforesaid, and until the same Stock, or any Part thereof, shall be wanted for the Purpose of erecting, doing, and maintaining any Works for the Security and Preservation of the Town and Harbour of *King's Lynn* aforesaid, and of a certain Part of the Shore and Bank on the West Side of the said Harbour, where the new-made Bank of the Right Honourable Lord *William Cavendish Bentinck* commences, and the Navigation from thence to the open Sea, from all possible Damage or Injury, in consequence of the making of the said New River or Cut, as herein-after is mentioned; and it shall be lawful for the said Trustees or Trustee for the Time being, and they are hereby authorized and directed, when thereunto required by Writing under the Hands of Six of the joint Committee of the Commissioners of Drainage and Navigation herein-after directed to be appointed, and from Time to Time after the said New River or Cut shall have been opened as aforesaid, to do, sign, and execute all necessary Acts, Deeds, Matters, and Things, for the Sale of the Whole or of such Part of the said Trust Stock as may be wanted to defray the Expence of erecting, doing, and maintaining any such Works as aforesaid, either before or after such Works shall have been begun; and the Sum and Sums of Money to be produced by any such Sale or Sales as aforesaid, shall accordingly be from Time to Time paid to and be at the Disposal of the said joint Committee, but under the Advice and Direction of the Engineers or Umpire appointed or to be appointed under the said recited Acts or of this Act, or any of them, in the erecting, doing, and maintaining of such Works, Matters, and Things, for the better Security and more effectual Preservation of the said Town, Harbour, and Navigation, from all possible Damage or Injury, in consequence of the making of the said intended New River or Cut, as such Engineers or Umpire shall agree upon and direct; except as herein-after is provided.

Provision for accumulating the Dividends of the 5,000*l.*

X. Provided always, and be it further enacted, That the Dividends to arise and become payable in respect of the Stock to be purchased with the said Sum of Five thousand Pounds, as herein-before is mentioned, or the unapplied Part thereof for the Time being, shall from Time to Time be accumulated in the Way of Compound Interest, and the Accumulations of the said Dividends shall be added to the Fund whence they shall have proceeded, and equally therewith be applicable and applied to and for the Purposes of the same Fund.

XI. Pro-

Provision for returning the 5,000*l.* Fund to the Commissioners, if at the Expiration of a certain Period no further Works shall appear necessary.

XI. Provided also, and be it further enacted, That when and as soon after the Expiration of Five Years, to be computed from the Time when the Embankment across the River at the lower End or Mouth of the Cut shall have been completed, as the Engineers or Umpire appointed or to be appointed by virtue of the said recited Acts or of this Act, or any of them, shall certify their or his Opinion, that no Works beyond those which shall have been erected previously to that Period will be necessary for the better Security and more effectual Preservation of the said Town and Harbour, and of a certain Part of the Shore and Bank on the West Side of the said Harbour, where the new-made Bank of the said Right Honourable Lord *William Cavendish Bentinck* commences, and the Navigation from thence to the open Sea, from all possible Damage or Injury in consequence of the making of the said New River or Cut, according to the Proviso herein-after contained, restricting to a certain Extent the Works of the said Commissioners of Drainage, then and in that Case, and immediately after the Delivery of such Certificate, such Part of the said Sum of Five thousand Pounds, or of the Stock wherein the same shall have been invested as aforesaid, and of the Accumulations thereof, as shall not have been applied for the Purposes herein-before mentioned, shall be paid to the Treasurer for the Time being of the said Commissioners of Drainage, and be by them applied for the general Purposes of the said recited Acts and this Act respectively; and the said Engineers and Umpire are hereby required to certify their Opinion upon the Sufficiency of the Works so at any Time done, whenever and as often as they shall be required by the said Commissioners of Drainage, or the Majority of them, at any Quarterly, General, or Special Meeting, or by the joint Committee herein-after directed to be appointed, or by Six or more of them, and shall deliver the same to the Clerk or Treasurer of the said Commissioners of Drainage, or to such joint Committee, within Two Months after the Request or Order to make such Certificate as aforesaid.

Provision for raising a further Fund for Works for the Protection of the Town and Harbour of Lynn.

XII. Provided also, and be it further enacted, That if at any Time before or after the said Period of Five Years any larger Sum than the said Trust Fund of Five thousand Pounds, with the Dividends accumulated thereon, shall in the Opinion of the said Engineers or Umpire be necessary for the Purpose of erecting, doing, and maintaining any further Works, Matters, or Things for the better Security and more effectual Preservation of the said Town and Harbour, and of a certain Part of the Shore and Bank on the West Side of the said Harbour, where the new-made Bank of the said Right Honourable Lord *William Cavendish Bentinck* commences, and also the said Navigation from thence to the open Sea, from any possible Damage or Injury, in consequence of the making of the said New River or Cut, or of repairing those Works which shall have been then already erected for the same Purposes, as herein-before is mentioned, but subject to the Proviso herein-after contained, then and in that Case, and so often as the same shall happen, the said Commissioners of Drainage are hereby directed and required, with or out of their general Funds received or payable, or to be received or become payable under the said recited Acts or this Act, or any of them respectively, from Time to Time to pay and apply such further Sum and Sums of Money as shall from Time to Time be wanted for the Purposes lastly herein-before mentioned or referred to; and the said Commissioners

missioners of Drainage shall apply the same Sum and Sums of Money accordingly, as Occasion shall require, under the Direction of such Engineers or Umpire as aforesaid.

Provision to guard against a Deficiency of the General Funds.

XIII. And in order to guard against the possible Event of there being a Want or Failure of Funds of the said Commissioners of Drainage, applicable to the aforesaid Purposes of erecting, doing, and maintaining such Works, Matters, and Things, for the better Security and more effectual Preservation of the said Town and Harbour, and the Navigation from thence to the open Sea, from all possible Damage or Injury occasioned by the Opening of the said New River or Cut, as herein-before is mentioned; be it further enacted, That (notwithstanding any Direction in any of the said recited Acts or this Act contained or expressed to the contrary) the said Commissioners of Drainage shall and they are hereby directed and required from Time to Time, and as often as there shall be any Want or Failure of the Funds of them the said Commissioners of Drainage applicable to the last-mentioned Purposes, by, with, or out of the Monies to arise or be received for Tolls under the Authority of the said recited Acts and this Act, or any of them respectively, or a competent Part thereof, to pay and apply such Sum and Sums of Money as shall from Time to Time be wanted to supply such Deficiency, and to defray the Costs, Charges, and Expences of erecting, making, and maintaining such Works, Matters, and Things, for the better Security and for the more effectual Preservation of the said Town, Harbour, and Navigation as aforesaid; and that no Part of the said Tolls so appropriated shall be applied for any other Purposes than those last mentioned, until the Sum and Sums of Money which shall be wanted to supply such Deficiency as last aforesaid, shall be actually levied and raised, and paid or applied accordingly.

Proviso restricting the Works of the Commissioners to a certain Extent.

XIV. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts or any of them contained, shall authorize or require the said Commissioners of Drainage to make any Works for the Preservation of the Shore or Bank on the West Side of the River *Ouze*, below or nearer to the Sea than where the new-made Bank of the Right Honourable Lord *William Cavendish Bentinck* commences, and which is about One hundred and fifty Yards above and to the Southward of the Farm House of the said Lord *William Cavendish Bentinck*: Provided also, that nothing herein or in the said recited Acts contained, shall authorize or require the said Commissioners of Drainage and Navigation or either of them, to make, do, execute, or maintain any Works, or to incur any Charge or Expence to defend, maintain, or secure any of the Wharfs, Piers, Jetties, Banks, or Shores on either Side of the said Port or Harbour of *Lynn*, or of the said River *Ouze*, or Navigation below the Mouth of the lower End of the said New River or Cut, or any Part of the said Shore or Bank on the said West Side of the said River *Ouze*, from any Danger, Damage, or Injury to which such Wharfs, Piers, Jetties, Banks or Shores, or any of them, now are or hereafter may be subject or liable from the Flow or Ebb of the Waters through the said Harbour or Navigation, except from such increased Danger, Damage, or Injury as may arise and be occasioned, or be likely to arise or be occasioned, by the Waters passing through the said New River or Cut, instead of the passing of such Waters

through

through the present Course of the said River *Ouze*; but the Bodies Politic or Corporate, and the Party and Parties now liable to the Preservation of the said Navigation, or to the Repairs and Maintenance of the said Wharfs, Piers, Jetties, Banks and Shores, against the Danger, Damage, and Injury to which they are now subject, shall remain and continue liable and chargeable therewith and thereto, in the same Manner as heretofore.

Provision for appointing new Trustees, in the Case of the Death of those named in this Act.

XV. Provided also, and be it further enacted, That upon the Death, Refusal, or Incapacity to act, of any of them the said *Philip* Earl of *Hardwicke*, Sir *Charles Morgan*, and *William Henry Fellowes*, or of any Trustee or Trustees to be appointed in their Stead, as next herein-after is mentioned, it shall be lawful for the said Commissioners of Drainage, or the Majority of them present at any Quarterly, General, or Special Meeting to be holden under the said recited Acts or this Act, Notice of their Intention to appoint any new Trustee being first inserted by them in *The Cambridge Chronicle*, *Norfolk Chronicle*, *Bury Post*, and *Huntingdon Gazette*, if such Newspapers shall then be published, Twice previous to the Day of Meeting, from Time to Time to nominate and appoint some other fit and proper Person or Persons to be a Trustee or Trustees in the Stead of the Trustee or Trustees so dying, or refusing or becoming incapable to act as aforesaid; and upon the Death, Refusal, or Incapacity to act, or either of them the said *Horatio* Earl of *Orford* and Lord *William Cavendish Bentinck*, or of any Trustee or Trustees to be appointed in their respective Stead, as next herein-after mentioned, it shall be lawful for the said Commissioners of Navigation, or the Majority of them present at any Quarterly, General, or Special Meeting to be holden under the said recited Acts or this Act, Notice of their Intention to appoint any new Trustee being first given in Manner last mentioned, from Time to Time to nominate and appoint some other fit and proper Person or Persons to be a Trustee or Trustees in the Stead of the Trustee or Trustees so dying, or refusing or becoming incapable to act as last aforesaid; and thereupon the said Trust Fund of Five thousand Pounds, and the Stock whereon the same shall be invested, shall be vested in the new Trustee or Trustees jointly with the surviving or continuing Trustee or Trustees, or solely, as Occasion shall require; and that every such new Trustee or Trustees shall have the same Powers and Authorities as the Trustee or Trustees in whose Stead he or they shall be appointed.

Joint Committee of the Commissioners of Drainage and Navigation.

XVI. And be it further enacted, That the Execution of the Works required to be done by and out of the said Fund of Five thousand Pounds, and the Accumulation of the Interest thereof, shall be under the Direction of a joint Committee of the said Commissioners of Drainage and Navigation, Six to be chosen by the said Commissioners of Drainage, or the Majority of them, at any Quarterly, General, or Special Meeting, and Six by the said Commissioners of Navigation, at any Quarterly, General, or Special Meeting, Notices of their Intention to appoint such Committee being inserted by the said Commissioners respectively in *The Cambridge Chronicle*, *Norfolk Chronicle*, *Bury Post*, and *Huntingdon Gazette*, if such Newspapers shall then be published, Twice previous to the Day of such Meeting; the Part of such Committees appointed either by the Commissioners

sioners of Drainage or of Navigation, to be re-elected by each respectively, as often as shall be ordered at any Quarterly, General, or Special Meeting, and to continue until such Re-election; and no Order shall be made by any such joint Committee unless in Writing, and signed by Three at least of the Committee appointed by the said Commissioners of Drainage, and Three at least appointed by the said Commissioners of Navigation; and the said joint Committee are hereby further directed and required to send to the said Commissioners of Drainage and Navigation respectively, all such Copies of their Orders and Proceedings, and of their Accounts, as the said Commissioners of Drainage or Navigation, or the Majority of them, at any of such Meetings as aforesaid, shall from Time to Time require.

In case of Difference of Opinion between Engineers, the Matter in Dispute to be tried by an Issue at Law.

XVII. And be it further enacted, That if the said Two Engineers appointed or to be appointed under the said recited Acts or this Act, or any of them, shall, at any Time or Times after the opening of the said New River or Cut, and after the making of the Dam which is directed to be made by the said Commissioners of Drainage at the lower End of the old River or Channel, differ in their Opinions upon any Matter that may be referred to or shall arise between them under the said recited Acts or this Act, and which depends upon the Question, whether any increased Danger, Damage, or Injury has or has not arisen or been occasioned, or is or is not likely to arise or be occasioned as aforesaid, in consequence of opening the said New River or Cut, in the Place or Stead of the present River or Channel, then and as often as such Difference shall arise, such Question shall be tried and determined by an Issue at Law, instead of being decided by the Order or Judgment of the Umpire to be appointed under the said recited Acts or this Act, or any of them; and for the Purpose of proceeding to such Trial the said Commissioners of Drainage, or the said Mayor and Burgesses, or the Party or Parties claiming or requiring such Work or Works (as the Case may be), shall cause an Action or Actions to be brought upon a feigned Issue in any of His Majesty's Courts of Law at *Westminster*, in which the said Mayor and Burgesses, or such other Party or Parties, shall be the Plaintiff or Plaintiffs, against the Treasurer or Clerk of the said Commissioners of Drainage, within Three Calendar Months next after receiving a Certificate in Writing from one or both of the said Engineers of their differing in Opinion as aforesaid; and which Certificate the said Engineers are hereby required to make and send to the said Commissioners of Drainage and to the said joint Committee, within One Month after such Difference shall have arisen as aforesaid; and the Defendant or Defendants in such Action or Actions shall name, and he or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby the Matter or Matters in Dispute between the said Engineers may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts

and

and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper, as is usual in other Cases; and after the final Verdict or Verdicts shall be obtained, the said joint Committee shall and they are hereby required to act in conformity thereto, and to execute or not execute the said additional Works, according to the Event of such Trial or Trials; the Costs of such Proceedings to abide the Event of such Trial, and to be paid by the Body Politic, Corporate, and Collegiate, or Party or Parties against whom the Verdict shall be found: Provided always, that the Clerk or Treasurer to the said Commissioners of Drainage and Navigation respectively, in whose Name any such Action or Actions shall be commenced or defended, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act or the said recited Acts, all such Costs and Charges as by the Event of such Action or Actions he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein.

The Engineer either of the Commissioners of Drainage or Navigation, to proceed after Notice, if the other does not attend.

XVIII. And whereas *John Rennie* Esquire, Civil Engineer, has been appointed by the said Commissioners of Drainage Engineer for the Purposes of the said recited Acts, and several Works are by the said Acts directed to be executed under the joint Direction of an Engineer appointed by the said Commissioners of Drainage, and an Engineer appointed by the said Commissioners of Navigation, or under the Direction of an Umpire to be appointed by such Two Engineers: And whereas several of the said Works may require that there should be as little Delay as possible in the Meeting of such Engineers; be it therefore further enacted, That the said *John Rennie* shall be and he is hereby appointed the Engineer in the Place of *Robert Mylne* Esquire, deceased, and Engineer of the said Commissioners of Drainage, for all the Works and Purposes to be executed under their Direction by virtue of this or the said recited Acts; and as soon as Occasion shall require, Notice shall be given by the said Engineer, or by the Clerk of the said Commissioners of Drainage, to the Clerk of the said Commissioners of Navigation, and to the Mayor of *Lynn* for the Time being, specifying that the Engineer on the Part of the said Commissioners of Drainage will be ready to meet the Engineer on the Part of the said Commissioners of Navigation, for viewing and determining the Works or Purpose for which such Meeting is to take place, specifying the same, together with the Day and Hour, and Place or Places of such Meeting, not less than Fourteen Days from the Service of such Notice; and if such Engineer on the Part of the said Commissioners of Navigation shall not be appointed, or shall not attend at the Time and Place according to such Notice, the said Engineer on the Part of the said Commissioners of Drainage shall proceed as if the Work or Purpose to be effected, according to such Notice, had been left to his sole Determination, and his Determination shall be as binding and conclusive on all Persons and Parties as if both the Engineers had been present and had determined upon any such Matter or Work; and in all Cases in which Works are to be done by an Engineer to be appointed on the Part of the Commissioners of Navigation with the Engineer appointed by the Commissioners of Drainage, Notice shall be given by such Engineer of the Commissioners of Navigation, or by some Person on their or his Behalf, to the Engineer appointed by the Commissioners of Drainage, of the Day,

Hour

Hour, and Place, for determining upon such Works, specifying the same, not less than Fourteen Days from the Service of such Notice; and if the Engineer of the said Commissioners of Drainage shall not attend pursuant to such Notice, it shall be lawful for the said Engineer of the said Commissioners of Navigation to proceed in and determine upon such Works in like Manner as if both the said Engineers had been present; and the Determination of such Engineer of the said Commissioners of Navigation shall be as binding and conclusive on all Persons and Parties, as if both the Engineers had been present and had determined upon any such Work or Matter: Provided always, that nothing herein contained shall require Notice when the Two Engineers shall meet by Appointment; nor shall any Notice be given for any Meeting, if the Engineer appointed for either Body of Commissioners shall die, until after the Expiration of Six Weeks from the Death of such Engineer.

Situation of the Bridge over the New Cut to be changed if expedient.

XIX. And whereas it is provided by the said recited Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, that a Bridge shall be built across the said New River or Cut, but the Situation thereof is not exactly defined: And whereas it would be a general Convenience if the Bridge should be erected as near to the lower End of the said New River or Cut as may be practicable; be it therefore further enacted, That the said Bridge shall be built at such Part of the said New River or Cut as the Engineers appointed or to be appointed by virtue of the said Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, or in case of their differing in Opinion, as the Umpire to be appointed shall fix and determine; provided that the same be made a good and substantial Bridge, with Openings having not less than Forty Feet clear Waterway, and that the same be erected as near to the lower End of the said New River or Cut, as in the Opinion of the said Engineers or Umpire shall be considered practicable; and that such Bridge be at all Times open for all Persons whatsoever, at their free Will and Pleasure to pass and repass with their Cattle and Carriages, without paying any Consideration for the same.

Ascent to Bridges to be made where Canal may cross any public Road.

XX. Provided always, and be it further enacted, That in all Places where the Line of the said New River or Cut shall be made across any public Carriage Road, the Ascent to every Bridge to be made over the said New River or Cut for the Purpose of such Road, shall not be more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

For making Roads and Approaches to Bridges.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage, and they are hereby required, to form and make, in lieu of the Roads to and from the Bridge directed to be made by the said recited Act, passed in the Thirty-fifth Year of His present Majesty, the following Roads; that is to say, a Road not less than Thirty Feet in Breadth from the Turnpike Road leading from *King's Lynn* aforesaid to *Wisbech*, commencing about One hundred Yards from the South Side of the present Turnpike Gate near *King's Lynn* aforesaid, and extending from thence in a Westwardly Direction across *South Lynn Com-*

mon

mon and Lands of the Corporation of *King's Lynn* aforesaid, and of Sir *Martin Browne Folkes* Baronet, to the Foot of the Bank on the East Side of the said New River or Cut, and then along or by the Side of the said Bank to the East End of the said intended Bridge, and then across the said Bridge to the Bank on the West Side thereof, and thence along or by the Side of the said last-mentioned Bank to a certain Bank called the *Old North Sea Bank*, then along the said *North Sea Bank* to the present River Bank; and when and so soon as the Sands and Channel of the present River shall be embanked at the lower End thereof, the said Commissioners of Drainage shall and they are hereby directed and required to set out and make a Road not less than Thirty Feet in Breadth from the West End of the said *Old North Sea Bank*, across the Land and Salt Marsh of *John Lee* Esquire, and the said Sands and Channel, in a westerwardly Direction to a certain Place called *Tilney Common*, as near as conveniently may be to a Public House known by the Sign of *The Boat*, situate in the Parish of *Tilney All Saints*; and also to form and make a Road not less than Thirty Feet in Breadth from the West End of the said Bridge along the Bank of the said New River or Cut, to the South End of the Dam intended to be made at the lower End of the present River, then along or by the Side of the said Dam to the North End thereof, at a Point or Place at or near to a certain Building called *The Old Hall* in *West Lynn*; and likewise a Road from the South-west End of the upper Dam directed to be made by the said Commissioners for Drainage, over the present Channel or River *Ouze*, along the West Side of the present River Bank, to the Road leading from a House called *Bentley's House*, and from thence to the said Turnpike Road leading from *Lynn* to *Wisbech*, in such Manner as they shall think proper, not exceeding Thirty Feet wide; they the said Commissioners of Drainage first making Satisfaction to the Owner or Owners, Occupier or Occupiers of the Lands over or through which the said Roads shall be made, in such Manner as is directed by the Act passed in the Thirty-fifth Year of the Reign of His present Majesty; which said Roads, from and after the same shall have been made, shall be deemed public Highways.

Drain, &c. for Tilney, Clenchwarton, and West Lynn.

XXII. And whereas some Doubts are entertained whether it would not be more advantageous that the Waters from the Lands which now drain by the Gools or Sluices of *Tilney*, *Clenchwarton*, and *West Lynn*, should drain through the Sluices to be erected for the general Drainage of Marsh Land, at the upper End of the New River or Cut, instead of draining, as is directed in and by the said Act passed in the Thirty-fifth Year of the Reign of His present Majesty; be it therefore further enacted, That the Drain and Works to be made by the said Commissioners of Drainage under the said recited Acts, for the said Lands in *Tilney*, *Clenchwarton*, and *West Lynn* aforesaid, shall be made in such Manner and in such Places as the said Engineers or Umpire shall direct or appoint.

Commissioners of Drainage to erect a Sluice and other Works on Brandon River, instead

XXIII. And whereas by the said recited Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, the Commissioners for Drainage thereby appointed are required, amongst other Works, to make, erect, and support in and upon the *Brandon* River, at the then Staunch thereon, being One Mile or thereabouts below *Brandon* Town, one Pound Lock or Pen Sluice; and it is doubtful whether the Erection of such Pound Lock or

of the Pound Lock and Pen Sluice directed by Act of 35th G. 3.

or Pen Sluice, in the Situation above mentioned, would answer the Purposes for which the same was intended; and the Costs of erecting the same being estimated at the Sum of Two thousand four hundred Pounds, it is desirable that such Sum should, instead of being expended in erecting such Pound Lock or Pen Sluice, be expended in erecting a Sluice and other Works on the said *Brandon* River, as herein-after directed; be it therefore further enacted, That the said Commissioners of Drainage shall not be required to erect a Pound Lock or Pen Sluice in the Situation by the said Act directed, but instead thereof shall and are hereby required, before the Opening of the said New Cut, and as soon as conveniently may be after the passing of this Act, erect or cause to be erected a good and sufficient Sluice in and upon that Part of the said *Brandon* River which is within the Parish of *Lakenheath*, and as near as conveniently may be above the Sluice for draining *Lakenheath* and *Brandon* Fens, at a Place called *Cross-water*; and in case the Expence of erecting such Sluice should not amount to the Sum of Two thousand four hundred Pounds, then the said Commissioners of Drainage are hereby required to expend and lay out the Surplus of the said Two thousand four hundred Pounds in such other Works as the said Commissioners of Drainage are, by the said Acts or any of them, authorized or required to erect or make in or upon or for the Improvement of the said *Brandon* River: Provided always, that nothing in this Act, nor in any of the said recited Acts, shall extend or be construed to extend to affect or alter any Rights of Fishery in the said *Brandon* River, but that they shall be and remain in the State in which they were immediately before the passing of this Act.

Improvements at Denver Sluice.

XXIV. And be it further enacted, That as soon as in the Judgment of the Engineer appointed or to be appointed by the said Commissioners of Drainage, under the said recited Acts or this Act, it shall become desirable for the Improvement of the said Drainage, that *Denver* Sluice, or any Part thereof, should be enlarged, deepened, or otherwise improved, the said Commissioners of Drainage, or the Majority of them, at any Quarterly, General, or Special Meeting, are hereby authorized and required to make such Enlargement, Deepening, or Improvement, as the said Engineer shall think necessary, so as there may be a Passage for the Waters of the *Ouze* of sufficient Depth to obtain for the Land above *Denver* Sluice the full Benefit of the *Eau Brink* Cut: Provided always, that such Alterations and Improvements shall be made with the Approbation of the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, or any Five of them, whereof the said Governor or Bailiffs or any of them shall be Two, Notice in Writing being given of such Approbation to the Clerk or Treasurer of the said Commissioners of Drainage: And provided always, that the said Commissioners of Drainage shall keep in repair the Part and Parts of the said Sluice and the Works thereof which shall be altered or renewed by them under this Act, and rebuild and replace the same upon the most desirable Plan, if the Whole or any Part thereof should be undermined, or if any other Accident should happen thereto; and that the said Commissioners of Drainage shall in like Manner repair, rebuild, and renew such other Part and Parts of the same, as may not be altered or improved as above, if any Accident should at any Time happen to the same, occasioned by the making of such Alterations and Improvements,

ments, or should be occasioned by any Obstruction of the Passage of the Waters, or other Accident, whilst such Alterations and Improvements are making.

Clauses in former Acts for Apportionment of Taxes repealed.

XXV. And whereas by the said Act passed in the Thirty-fifth Year of the Reign of His present Majesty, it is enacted, that for the Purpose of apportioning the yearly Tax of Four-pence *per* Acre, certain Lands thereby charged or directed to be charged therewith, may, on the Application and Request of certain Proprietors therein mentioned to the said Commissioners of Drainage, be divided into Districts; and the said Commissioners of Drainage are required to divide and sort the Lands in such Districts into Three several Classes or Sorts, in the Manner in the said Act specified, and to charge the Lands with certain Sums therein mentioned, in lieu of raising such yearly Tax or Sum by a general Tax of Four-pence *per* Acre on the said Lands: And whereas the said Commissioners of Drainage are empowered to apportion the Rates and Taxes imposed by the said recited Acts, passed in the Thirty-sixth, Forty-fifth, and Fifty-eighth Years of the Reign of His present Majesty, in the Manner therein mentioned: And whereas it is deemed expedient to repeal the Powers of Apportionment so given to the said Commissioners of Drainage, and to give them other Powers of Apportionment confined to the said Tax of One Shilling an Acre, imposed by the said recited Act passed in the Fifty-eighth Year of His present Majesty, and to the Taxes charged and chargeable by this Act; be it therefore enacted, That all the Powers and Authorities granted to the said Commissioners of Drainage, by the said recited Acts or any of them, for apportioning the Tax and Taxes thereby imposed, shall be and the same are hereby repealed.

How Taxes imposed by 58 Geo. 3. and this Act may be apportioned.

XXVI. And whereas some of the Lands charged and chargeable with the said Taxes, by the said recited Act of the Fifty-eighth Year of the Reign of His present Majesty, and by this Act, may derive a greater Benefit than other Lands from the said New River or Cut, or from the said intended Drainage; and it is therefore reasonable that the Lands deriving the greatest Benefit should bear a greater Proportion of the last-mentioned Taxes than the Lands which shall not derive an equal Benefit therefrom; be it therefore enacted, That for the Purpose of apportioning the said last-mentioned Taxes, in the Manner herein-after mentioned, the said Commissioners of Drainage shall, upon Application and Request made to them in that Behalf in Writing by the Proprietors of not less than Thirty thousand Acres of any Part of the said Lands and Grounds, charged and chargeable with the said last-mentioned Taxes, at the Fifth Quarterly Meeting to be held next after the Opening of the said New River or Cut, cause all the said Lands charged and chargeable with the said last-mentioned Taxes, to be forthwith viewed and examined by proper and skilful Surveyors, who shall divide and sort the said Lands into Three several Classes or Sorts, according to the Benefit which the same shall respectively appear to have derived or be likely to derive from the said New River or Cut and Drainage, each Class to consist of such Number of Acres as that the Amount of the yearly Tax to be raised upon the Whole of the said Lands, by virtue of the said recited Act of the Fifty-eighth Year of His present Majesty, and of this Act, may after the Expiration of One Year from

from the said Fifth Quarterly Meeting, be apportioned, assessed, and charged upon the Whole of the said Lands in the Proportions following; (that is to say), the Sum of One Shilling and Sixpence *per* Statute Acre upon the Lands to be comprized in the First Class, being those deriving or likely to derive the greatest Benefit from the said Drainage; the Sum of One Shilling *per* Statute Acre upon the Lands to be comprized in the Second Class, being those deriving or likely to derive the next greatest Benefit from the said Drainage; and the Sum of Sixpence *per* Statute Acre upon the Lands to be comprized in the Third Class, being those deriving or likely to derive the least Benefit from the said Drainage; and that the Surveyors to be appointed by the said Commissioners of Drainage, for the Purpose aforesaid, shall respectively, before they commence the said View and Examination of such Lands, take the following Oath or Affirmation:

'I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will view and examine all the Lands subject and liable to be taxed by Two Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His present Majesty, intituled [*here set forth the Title of the said recited Act of the Fifty-eighth Year of His present Majesty and the Title of this Act*], and will, without Favour or Affection, truly and impartially, according to the best of my Skill and Judgment, divide and sort the same into Three several Classes, pursuant to the Directions, and according to the Intent and Meaning of the said Act, passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third. So help me GOD.'

Which Oath or Affirmation the said Commissioners of Drainage are, or any one of them is hereby authorized to administer; and from and after the Expiration of One Year from the said Fifth Quarterly Meeting the said Commissioners of Drainage shall rate, tax, and charge each of the said Three Classes of Land to be so classed and sorted as aforesaid, for the Residue of the Term or Terms of Years during which the said Taxes shall be then payable, with such Proportion of the said yearly Taxes to be raised upon the Whole of the said Land, by virtue of the said recited Act of the Fifty-eighth Year of His present Majesty, and of this Act, in lieu of raising the said last-mentioned Taxes as rated by the said last-mentioned Acts; and that such Proportions of the said last-mentioned Taxes shall be paid, received, and recovered by the same Persons, at the same Times, and in the same Manner, as the said last-mentioned Taxes would have been payable, receivable, and recoverable, if such Apportionment had not taken place: Provided always, that the Expences attending the making of any such Apportionment shall be paid and discharged by the Commissioners of Drainage, by and out of their general Funds.

Persons having paid more than the Apportionment to be reimbursed, and Persons having paid less

XXVII. Provided also, and be it further enacted, That all Persons whose Taxes shall be reduced by any such Apportionment as aforesaid, shall be allowed and repaid by the said Commissioners of Drainage such Sum and Sums of Money as they shall have paid beyond the Amount of their Taxes, so apportioned as aforesaid; and all Persons whose Taxes shall be increased by any such Apportionment, shall be liable to pay and shall pay such

such Increase or Addition at such Time or Times, and to such Person or Persons as the said Commissioners shall from Time to Time order and direct, and shall be subject to the like Penalty for Non-payment thereof as any such Person or Persons is and are subject and liable to for the Non-payment of any Tax or Taxes charged or chargeable by the said recited Act of the Fifty-eighth Year of His present Majesty, or by this Act; and such increased Taxes, and all Penalties for Non-payment thereof, shall be levied, raised, and recovered in Manner directed for Recovery of the Taxes and Penalties charged or chargeable by the said last-mentioned Act.

to contribute the Sum wanted.

XXVIII. Provided always, and be it further enacted, That the Expences attending the making of any such Apportionment as aforesaid, shall be and are hereby charged upon the Whole of the said taxable Lands, in such or the like Proportions as the said Taxes are by this Act to be apportioned, and shall and may be recovered and levied, together with the Costs of levying the same, by the same Ways and Means as are provided for the recovering and levying of the said Taxes.

Expences of Apportionment how to be raised.

XXIX. And be it further enacted, That in case of the Death of any Person or Persons being Tenant or Tenants for Life or Lives of any Lands or Grounds subject to be taxed under or by virtue of the said recited Acts or any of them, or of this Act, between the First Day of *October* last and the First Day of *January* next after the opening of the said New River or Cut, who shall have paid any Part of the said Taxes under the said recited Acts, or any of them, or of this Act, then and in all such Cases it shall and may be lawful to and for such Person and Persons respectively, in and by their last Wills and Testaments, to charge such Lands and Grounds with the Payment of such Sum of Money as shall have been so paid for such Lands and Grounds, for or on account of the said Taxes, but without any Penalties which may have been incurred and paid, and to direct and appoint the same to be paid to such Person or Persons as he or they shall by such last Wills and Testaments direct; and in case no such Charge shall be made by any such last Wills and Testaments, the Amount of the Taxes so paid shall be a Charge on the Lands and Grounds for which the same shall have been so paid; and such Charge shall be paid within Twelve Months by the Tenant or Tenants for Life, in Tail, or in Fee, next in Succession, next after his or their coming into Possession of the said Lands or Grounds; and if not paid within such Twelve Months, together with Interest for the same, at the Rate of Five Pounds *per Centum per Annum* from that Period, then the Person and Persons so entitled to receive the said Tax, together with the Interest for the same, shall and may recover the same by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas in the said Isle of *Ely*.

Tenants for Life.

XXX. And be it further enacted, That any Lands or Grounds subjected to the said Taxes, or any of them, by the said recited Acts, or this Act, which shall be untenanted or unoccupied, shall be deemed and taken to be in the Occupation of the Landlord, or reputed Landlord thereof, and in all Schedules and Proceedings to enforce the Payment of the

Lands unoccupied.

the Tax charged or authorized to be charged by the said recited Acts, or any of them, or of this Act, for such unoccupied Land or Ground, such Landlord, or reputed Landlord, shall be deemed and taken to be the Occupier thereof, but no Distress shall be taken for such unoccupied Land or Ground, save and except upon the Produce, Goods, Chattels, and Effects there found; and if no Distress can be found, the said Commissioners of Drainage may either suffer such Lands to continue liable to the Taxes unpaid, or may order the same to be let in the same Manner and by the same Persons, and subject to the same Provisions as are specified and contained for the Recovery of the Taxes in Arrear, under the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty; and if any Lands or Grounds so to be let under the said last-mentioned Act, or under any of the said recited Acts, or of this Act, shall, upon letting the same, not produce the whole Amount of the Taxes and Penalties, together with all the incidental Charges sought to be obtained by such letting, the Commissioners of Appeal under the said Act of the Fifty-sixth Year of the Reign of His present Majesty are hereby authorized to let the same for the highest Sum or Sums they can obtain, and such Sum and Sums shall be accepted and taken in full Discharge of all the Taxes and Charges due for such Lands or Grounds under the said recited Acts, or any of them, or under this Act, up to the Time of such letting.

Reserving certain Rights of Fishery.

XXXI. And whereas certain Persons claim Rights to the Piscaries or Fishings in that Part of the great Sewer of *Marshland*, which leads and extends from a Place called *Knight's Gool*, in the Parish of *Islington*, to a Place called *Tilney Plank*, and from *Knight's Gool* to *Tilney Gool*, in the River *Ouze*, and the same may probably, by the intended Alteration in the Course of the River *Ouze*, between *Eau Brink* and *King's Lynn*, and by making the intended new *Marshland* Drain and other Drains directed to be made by the said Commissioners of Drainage, be injured; be it therefore enacted, That due Recompence and Satisfaction shall be made by the said Commissioners of Drainage to all Persons interested therein, for such Loss, Injury, or Damage as they may respectively sustain in the aforesaid Piscaries or Fishings by the Means aforesaid, the said Recompence and Satisfaction to be ascertained and allowed in like Manner as is authorized and directed by the said recited Act, passed in the Thirty-fifth Year of His said Majesty's Reign, for making Satisfaction for Damages.

Saving Rights of Bedford Level Corporation.

XXXII. Provided always, and be it further enacted, That nothing in this or the said recited Acts, or any of them, contained, shall extend or be construed to extend to invalidate, lessen, or diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, by the said last-mentioned Acts of the Fifteenth and Twentieth Years of the Reign of His said late Majesty King *Charles* the Second, or by virtue of any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or in

every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been made.

Public Act.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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