ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

****

Cap. lxiv.

An Act for altering and enlarging the Powers of several Acts of His late Majesty King *George* the Third, 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.

[28th *May* 1821.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving the Drainage of the* Middle *and* South 35 G. 3. c. 77.
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 Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act for extending* 36 G. 3. c. 33.

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* Bed-'ford 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* Wig-'genhall 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 com-'municating with the said River Ouze:' And whereas another Act was passed
45 G. 3. c. 72. in the Forty-fifth Year of the Reign of His said late 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
56 G. 3. c. 38. Reign of His said late Majesty, 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
58 G. 3. c. 48. Fifty-eighth Year of the Reign of His said late Majesty, 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 another Act was passed in the Fifty-ninth Year of the Reign
59 G. 3. c. 79. of His said late Majesty, intituled *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:* And whereas the Taxes and Tolls raised and authorized to be collected by virtue of the said several Acts hereinbefore mentioned are inadequate to 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 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 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, Fifty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, 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.

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 Acts, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, charged or made liable to the Payment of the yearly Tax of One Shilling an Acre, (save and except the Lands and Grounds in the several Parishes and Places next herein-after named and specifically charged with the Tax of One Shilling an Acre for One Year, to be paid on the First Day of *January* One thousand eight hundred and thirty-three,) shall be and the same are hereby taxed, charged with, and made liable to the Payment of the additional and 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 Eleven Years; the First Payment of the said further yearly Tax of One Shilling an Acre to be due on the First Day of *January* One thousand eight hundred and twenty-two, and for the remaining Ten Years to be due and payable on the First Day of *January* in each succeeding Year; and the further Tax of Two Shillings for each and every Statute Acre, and so in Proportion for any less Quantity than an Acre, for the Term of One Year, to be due and payable on the First Day of *January* One thousand eight hundred and thirty-three.

Tax of One Shilling an Acre for Eleven Years.

Tax of Two Shillings an Acre for One Year.

III. And whereas the Lands and Grounds next herein-after described will not, from their peculiar Situation, derive much Benefit from the said new River or Cut; be it further enacted, That all and singular the Lands and Grounds lying in the several Parishes and Places hereafter mentioned, that is to say, *Wiggenhall Saint Mary*, *Wiggenhall Saint German*, *Wiggenhall Saint Peter*, *Wiggenhall Saint Mary Magdalen*, *West Lynn*, *Clenchwarton*, *Terrington Saint Clement*, *Terrington Saint John*, *Walpole Saint Peter*, *Walpole Saint Andrew*, *West Walton*, *Walsoken*, *Emneth*, *Tilney All Saints*, *Tilney Saint Lawrence*, *Tilney cum Islington*, *South Lynn*, *North Raneton*, *Hardwicke* and *Selchy*, *Wormegay*, *Tottenhill*, *Watlington*, *Runcton Holme*, *Thorpland*, *Stow Bardolph*, *Wimbotsham*, and *Downham Market*, One hundred and seventy-nine Acres, by Computation, of Land lying in *Outwell*, next the said Parish of *Emneth* North, the Turnpike Road West, *Warth Lane* East, and *Hunt's Drain* South, in the County of *Norfolk*, and *Oldfield* and *Horsteads* in *Elm*, and the *Upper Delphs* in *Haddenham* in the *Isle of Ely*, (except the Lands lying in *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, and except also *Magdalen Fen*, and all the Lands in *Stow Bardoph*, *Wimsbotham*, and *Downham Market* aforesaid, which lie on the West Side of the River *Ouze*,) now subject, in and by the said recited Acts

Tax of One Shilling an Acre upon Lands in Marshland for One Year.

Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, 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 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 One Year, to be due and payable on the First Day of *January* One thousand eight hundred and thirty-three.

Toll for 28 Years after the 45 Years.

IV. 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 successive Terms of Fifteen and Thirty Years, making together Forty-five Years, to commence from the Day on which the said new River or Cut shall be open and made navigable, shall be continued, received, and collected for the further Term of Twenty-eight Years after the Expiration of the said Term of Forty-five 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 are directed as to the said Tolls, for the said Terms of Fifteen and Thirty Years: Provided always, that it shall not be lawful for 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 said late Majesty authorized to be collected, until after the Expiration of the said further Term of Twenty-eight Years for which the Tolls are by this Act authorized and required to be continued and taken; any thing in such Act or any of the said recited Acts to the contrary notwithstanding.

Repealing Clauses in 56 G. 3. requiring Arrear Commissioners to make out Schedules.

V. And whereas much Inconvenience, Delay, and Expence have arisen from making in Manner required by the herein-before recited Act, passed in the Fifty-sixth Year of the Reign of His said late Majesty King *George* the Third, the Schedules of the Names of the Occupiers of the Lands and Grounds liable to the Payment of Taxes and Penalties when such Taxes are in Arrear, and delivering and affixing such Schedules as required by the same Act, and also from the Manner in which the Commissioners of Appeal are required to meet for hearing Appeals against the Charges contained in the said Schedules; be it therefore further enacted, That from and after the passing of this Act, so much of the said recited Act, passed in the Fifty-sixth Year of the Reign of His late Majesty King *George* the Third, as enacts that the Arrear Commissioners to be thereby appointed shall, as soon as conveniently might be after the passing of the said Act, make a Schedule or Schedules of the Names of the Persons who shall happen to be Occupiers of the Lands and Grounds liable to the said Taxes and Penalties at the Time of making such Schedule or Schedules, together with the Quantity of Land then liable to the Taxes and Penalties in the respective Occupations of such Persons, shewing the Amount of the Sum then due and payable from each Person in respect of the said Taxes and Penalties; and that such Schedules shall be made out in such Form, and for such Districts or Divisions, without any Restriction as to Parish or County, as the Commissioners of Appeal or the Majority of them shall direct; and that when such Schedules, or any Part thereof, have

have been made out as requires the said Arrear Commissioners respectively to deliver, or cause to be delivered, to One of the Churchwardens or Overseers of the Poor of each Parish or Hamlet in which the Lands and Grounds then in Arrear are situate; and when any such Lands and Grounds are Extra Parochial Places, then to One of the Occupiers of Land residing within such Extra Parochial Place, a true Copy of so much of any of the said Schedules as relates to or charges any of the Lands or Grounds within or usually reputed to be within such Parish, Hamlet, or Extra Parochial Place, to be by such Churchwarden or Overseer of the Poor and Occupier last mentioned, kept and shewn to all Persons desirous to inspect the same; and as requires the said Arrear Commissioners to cause another such Copy to be fixed upon the Door of the Parish Church or Chapel of the Parish or Hamlet to which the same relates as aforesaid; and in case such Copy relates to Land lying in an Extra Parochial Place, then upon the Door of the Parish Church or Chapel nearest to or to which the Inhabitants of such Extra Parochial Place usually resort; and also as enacts, that the said Schedules, or any of them, shall not contain any Charge for any Penalty or Penalties as to Commons and Wastes not inclosed at the Time of passing the said Act; and also as enacts, that all the Open Commons and Wastes for which the said Taxes should be in Arrear shall be inserted in such Schedules in the Name or Names of One or more of the Overseer or Overseers of the Poor of the Parish or Hamlet to which such Commons respectively belong or are reputed to belong; and also as enacts, that when the said Schedules, or any of them, shall have been made out, and Copies thereof, or any of them, shall have been delivered, and also fixed upon the Church or Chapel Doors as therein directed, and as requires the said Commissioners of Appeal, or the Majority of them, to appoint from Time to Time certain Days for the hearing of all Appeals that might be made against the Charges contained in the said Schedules, each Day of Appeal not being less than Fourteen Days after the Day on which the Copy of the Schedule appealed against shall have been delivered, and fixed upon the Church or Chapel Doors as aforesaid; and as directs all Meetings for hearing Appeals against such Schedules to be held at such of the following Towns or Places, (that is to say,) *Ely*, *Chatteris*, *March*, and *Wisbeach*, in the County of *Cambridge*, *Downham Market* in the County of *Norfolk*, and *Barton* in the County of *Suffolk*, as shall, in the Judgment of the said Commissioners of Appeal, or the Majority of them, be most convenient to the Parties charged in the Schedule or Schedules against which such Appeals are proposed to be heard; and also as enacts, that the Time and Place or Times and Places of hearing Appeals as aforesaid shall be advertised Twice previous to the First Day of each Meeting to hear Appeals in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *The Bury Post*; and also as enacts, that no Person shall be heard or be allowed to appeal against the said Schedules, or any of them, until he or she has delivered (if required so to do) in Writing, by the Commissioners of Appeal, or the Majority of them, a true Account in Writing, to the best of his, her, or their Knowledge, of the Whole of the Lands and Grounds for which he or she are liable to pay, either as Owner or Occupier, nor unless such Account specify the Parish, Hamlet, or Place in which such Lands and Grounds are situated, together with the Number of Pieces, and Quantity in each Piece, or other sufficient Description thereof; and also as enacts, that

Respecting Contents of Schedules.

Requiring Commissioners of Appeals to meet and hear Appeals against the Schedules.

Requiring the Times and Places of Appeals to be advertised.

Requiring Returns to be made before Appeals are allowed.

Declaring Schedules conclusive if not appealed against.

all Persons who neglect or omit to appeal on the Days and Places to be appointed as therein mentioned, or who, attending to appeal, shall not comply with the Conditions from Persons appealing, or shall neglect to proceed in their Appeal, shall be bound by the said Schedules as made out and fixed upon the Church or Chapel Doors, and delivered to the Overseers as therein mentioned, and that the same shall be final and conclusive against the Person or Persons charged in the said Schedules, and all Occupiers and Owners, and all other Persons whatsoever, and that the said Schedules not appealed against as aforesaid, or as altered by the said Commissioners of Appeal, or the Majority of them, upon the hearing of such Appeals as aforesaid, shall in like Manner be final and conclusive; and also as enacts, that when any One of the said Schedules shall be completed, and all Appeals against that Schedule are determined, the said Commissioners of Appeal, or the Majority of them, shall fix the Time and Place or Times and Places when and where the Taxes in Arrear, and the Penalties contained in such Schedule, shall be paid, and so *toties quoties* as the said Schedules shall be completed, until the whole of the said Taxes and Penalties shall be received, such Taxes and Penalties to be collected and received by such of the said Arrear Commissioners, or by such other Person or Persons as the Commissioners of Drainage, or the Majority of them, at any Quarterly or General Meeting, shall direct and appoint; and that the Person or Persons who, when such days of Payment respectively arrive, shall be the Occupier or Occupiers, whether named in the said Schedules or not, shall pay the said Taxes in Arrear and Penalties on or before the respective Days and in the Manner so appointed as aforesaid, and that the said Commissioners of Appeal shall advertise the Time and Place or Times and Places when and where the Payments charged by each Schedule are to be paid, in such Manner and Form as the Commissioners of Appeal, or the Majority of them, shall choose, (each Advertisement to be inserted not less than Twice in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *Bury Post*,) shall (except so far as respects all Taxes due and payable at the Time of passing this Act, and the Penalties for Arrears of any such Taxes) be and the same is hereby declared to be repealed.

Relating to the Time and Mode of Payment of the Taxes in Arrear, and Penalties.

Repealing Clauses in 58 G. 3. directing when and where the Taxes should be paid.

VI. And be it further enacted, That so much of the said recited Act, passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, as enacts that the Tax of One Shilling an Acre therein mentioned should be paid at such Time or Times, and at such Place or Places, and to such Person or Persons, in each Year, as the said Commissioners of Drainage, or the Majority of them, attending at any Quarterly, General, or Special Meeting, shall from Time to Time direct, and that directs that the Time and Place or Times and Places of such Payment for each Year be advertised Twice previous to the Day of Payment in *The Cambridge Chronicle*, *The Norfolk Chronicle*, *Huntingdon Gazette*, and *Bury Post*, the first Time of advertising the same not being less than Four Weeks previous to the Day appointed for each Payment; and that no Person be required to travel beyond the Distance of Ten Miles from the Land taxed for the Purpose of paying the said Tax; and also as enacts, that so much of the Tax of One Shilling an Acre thereby imposed as shall from Time to Time be in Arrear and unpaid after the Expiration of Four Weeks from the first Day appointed for the Payment thereof as therein mentioned, together with the Penalties which shall then have ac-

Directing the Mode of recovering the Taxes.

crued and become due for the Non-payment thereof, shall be levied and recovered in the same Manner and by the same Persons as any Arrears of Taxes then due or to become due under the said recited Acts, or any of them, is or are authorized to be levied or recovered by the said recited Act passed in the Fifty-sixth Year of His then Majesty, and that for that Purpose all the Clauses, Provisions, Powers, and Authorities of the said recited Act, passed in the Fifty-sixth Year of the Reign of His then Majesty, respecting the Appointment and Payment of Arrear Commissioners and Commissioners of Appeal requiring a Schedule or Schedules of the Taxes in Arrear to be made, and Copies delivered to the Parish Officer, and fixed upon the Church Doors, empowering or requiring Commissioners to enter upon and survey Land, to inspect Maps, Rates, and other Documents, to hear Appeals, to advertise the Time and Place of such Appeals, to require Returns upon such Appeals, to summon Witnesses, and declaring that the Schedules when made shall be final and conclusive, prescribing the Time and Mode of paying the Arrears, with the Penalties for the Non-payment of the same, the Provisions for making Distresses, for selling, leasing, and conveying Lands, and Penalties for not producing Rates and Books, and for not giving Evidence, and on Constables and others neglecting or refusing to execute Warrants, shall be applicable to all Intents and Purposes to the Arrears of the said Tax of One Shilling an Acre by the Act now in recital imposed, and the Penalties for the Non-payment thereof, as fully and effectually as if the said Clauses and Provisions had been fully repeated in the said Act now in recital, shall (except so far as respects all Taxes due and payable at the Time of the passing this Act and the Penalties for the Arrears of any such Taxes) be and the same is hereby declared to be repealed.

Repealing certain Clauses in 59 G. 3. directing the Mode of raising and recovering the Taxes.

VII. And be it further enacted, That so much of the said recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, as enacts that the Tax and Taxes imposed by virtue of the said Act, together with the Penalty of Three Shillings and Fourpence in the Pound for the Non-payment thereof, shall be collected and recovered in the same Manner, and by the same Persons, as is directed in and by the said therein 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 then present Majesty; and that 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, 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 the said Act of the Fifty-ninth Year of the Reign of His late Majesty 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 the said Act; and also so much of the said recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, for apportioning the Taxes imposed by the said recited Acts of the Fifty-eighth and Fifty-ninth Years of His said late Majesty King *George* the Third, as enacts that 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

Directing how the Taxes imposed by that Act and 58 G. 3. shall be apportioned.

Part of the said Lands and Grounds charged with the said Taxes, at the Fifth Quarterly Meeting to be held next after the Opening of the said new River or Cut, cause all the Lands charged 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, according to the Benefit which the same shall respectively appear to have derived or be likely to derive from the said 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 Land by virtue of the said Acts of the Fifty-eighth and Fifty-ninth Years of His then present Majesty shall, after the Expiration of One Year from the said Fifth Quarterly Meeting, be apportioned, assessed, and charged upon the whole of the said Lands in the following Proportions; (that is to say,) the Sum of One Shilling and Sixpence *per* Statute Acre upon the Lands which shall be comprized in the First Class, as deriving the greatest Benefit from the said Drainage; the Sum of One Shilling *per* Statute Acre upon the Lands which shall be comprized in the Second Class, as deriving the next greatest Benefit from the said Drainage; and the Sum of Sixpence *per* Statute Acre upon the Lands which shall be comprized in the Third Class, as deriving the least Benefit from the said Drainage; and that requires the Surveyors to be appointed by the said Commissioners of Drainage for the Purpose aforesaid respectively, before they commence their View and Examination of the said Lands, to take an Oath or Affirmation; and that 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 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 Acts of the Fifty-eighth and Fifty-ninth Years of His said then present Majesty, in lieu of raising the said Taxes as rated by the said last-mentioned Acts; and that the said Proportions of the said Taxes shall be paid, received, and recovered by the same Persons, at the same Times, and in the same Manner as the said Taxes would have been payable, receivable, and recoverable if no Appointment had taken place; and also so much of the said recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, as enacts that all Persons whose Taxes shall be reduced by the said Apportionment 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 that all Persons whose Taxes shall be increased by the Apportionment shall pay such Increase at such Times and to such Persons as the said Commissioners shall from Time to Time direct, and shall be subject to the like Penalty for Non-payment thereof as any such Persons are subject to for the Non-payment of any Tax or Taxes charged or chargeable thereby, or by the said recited Act of the Fifty-eighth Year of His said then present Majesty; and that such increased Taxes and Penalties shall be levied and recovered in the Manner directed for Recovery of the Taxes and Penalties charged by the said Act of the Fifty-eighth Year of His said then present Majesty; and also as enacts that the Expences attending the making of the said Apportionment shall be charged upon the whole of the said Taxable Lands in the same Proportions as the Taxes were thereby to be apportioned, and shall be recovered

Directing that Persons paying more than the Apportionment should be reimbursed by Persons who had paid less than the Apportionment.

As to the Mode of raising the Expences of Apportionment.

covered 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; and as enacts, that the said Commissioners of Drainage shall form and make, in lieu of the Roads to and from the Bridge over the said new River or Cut directed to be made by the said recited Act passed in the Thirty-fifth Year of the Reign of His late Majesty, a Road not less than Thirty Feet in Breadth from the Turnpike Road leading from *King's Lynn* aforesaid to *Wisbech*, to commence about One hundred Yards from the South Side of the Turnpike Gate near *King's Lynn* aforesaid, and to extend from thence in a westwardly Direction across *South Lynn Common*, and Lands of the Corporation of *King's Lynn* 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 Bridge, and then across the said Bridge to the Bank on the West Side thereof, and then along or by the Side of the said Bank to a certain Bank called *The Old North Sea Bank*, and then along the said *North Sea Bank* to the present River Bank; and that when the Sands and Channel of the present River shall have been embanked at the lower End thereof, the said Commissioners of Drainage shall 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 present Sands and Channel, in a westwardly 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 shall also 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 a Building called *The Old Hall* in *West Lynn*, and shall likewise make a Road from the South-west End of the upper Dam directed to be made over to the present Channel, 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 for Drainage first making Satisfaction to the Owner or Owners, Occupier or Occupiers of the Lands over which the said Roads shall be made, in such Manner as is directed by the said recited Act passed in the Thirty-fifth Year of the Reign of His then present Majesty, shall (except so far as respects all Taxes due and payable at the Time of passing this Act, and the Penalties for Arrears of any such Taxes) be and the same is hereby repealed.

For altering the Roads.

VIII. And be it further enacted, That the Taxes imposed by the said recited Acts, or any of them, and by 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 under the same Powers and Provisions, as the Tax of One Shilling an Acre for Five Years imposed by the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third (except so far as the same Powers and Provisions are varied or altered by this Act), is directed in and by the said recited Acts or any of them to be charged, collected, and recovered; and all the Powers and Provisions in the said

All the Taxes to be recovered in the same Manner as the Tax of 1*s.* an Acre, imposed by 58 G. 3.

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, the Distresses, the Sale of the open Commons, the Leasing, and all the other Proceedings respecting such Tax, (except so far as the same are varied or altered as aforesaid,) shall be applicable to all Intents and Purposes to and be put in Execution for the collecting and recovering of the Taxes by the said recited Acts, or any of them, and by this Act imposed, in like Manner as they could or might have been if such Powers and Provisions had been repeated and re-enacted in the Body of this Act.

Times and Places of Payment of the Taxes.

IX. And be it further enacted, That the said several Taxes shall be paid at such Time or Times after the same become due, and at such Place or Places, and to such Person or Persons, in each Year, as the said Commissioners of Drainage, or the Majority of them, attending at any Quarterly, General, or Special Meeting, shall from Time to Time direct: Provided always, that no Person or Persons shall be required to travel more than Ten Miles from the Land for which he, she, or they shall be taxed for the Purpose of paying such Tax.

Continuation of the Powers as to the Tolls.

X. 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 successive Terms of Fifteen Years and Thirty 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 raised and 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.

Treasurer and Collector of Tolls to produce Accounts to Commissioners of Drainage.

XI. And be it further enacted, That the Treasurer and Collector or Collectors of the Tolls by the said recited Acts and this Act imposed shall, on the Second *Thursday* in *January* and the Second *Thursday* in *July* in every Year (if required so to do by the said Commissioners of Drainage), produce and shew to the said Commissioners of Drainage an Account in Writing of all Monies by them respectively received for the said Tolls, and by him and them disbursed, specifying the Times when, and the Persons from whom and to whom, such Monies were respectively received and paid, and for what Purposes; and in case any such Treasurer or Collector shall refuse or neglect to produce or shew such Account as aforesaid at the Times aforesaid to the said Commissioners, if so required, unless for some satisfactory Reason, to be allowed of by the said Commissioners, every such Treasurer or Collector shall, for every such Refusal or Neglect, forfeit and pay any Sum not exceeding Ten Pounds, to be levied and recovered as any other Penalty is by this Act or the said recited Acts, or any of them, authorized to be levied and recovered, and to be applied for the Purposes of the said Drainage.

Annual Schedules to be made by and deposited with Arrear Commissioners.

XII. And be it further enacted, That the said Arrear Commissioners respectively shall and they are hereby directed and required, on or before the First Day of *December* next after the passing of this Act, and on or before the First Day of *December* in every succeeding Year, to make a Schedule or Schedules of the Names of the Persons who shall happen to be

be Occupiers of the Lands and Grounds liable to the Taxes imposed and authorized to be imposed and continued by the said recited Acts and this Act, or any of them, at the Time of making such Schedule or Schedules, together with the Quantity of Land then liable to the said Taxes in the respective Occupations of such Persons, shewing the Amount of the Sum then due and payable from each Person in respect of the said Taxes; and when such Schedule or Schedules shall have been so made out, the same shall be deposited and remain at the usual Place or Places of Abode of the Arrear Commissioners for the respective Districts or Divisions wherein the Lands mentioned in such Schedule or Schedules do lie or are situate, to be shown to and inspected by all Persons interested who may be desirous of seeing and inspecting the same; and each of the said Arrear Commissioners shall, One Calendar Month at least before the First Day fixed for the Collection of the Taxes within his District or Division, give Notice by Writing under his Hand that such Schedule or Schedules hath or have been so made out and deposited as aforesaid by delivering or causing to be delivered a Copy of such Notice to One of the Churchwardens or Overseers of the Poor of each Parish or Hamlet in which the Lands and Grounds are situate; and when any such Lands and Grounds are Extra Parochial Places, then to One of the Occupiers of Land residing within such Extra Parochial Place, and also by causing another Copy of such Notice to be affixed upon the Door of the Parish Church or Chapel of the Parish or Hamlet to which the same relates as aforesaid, and in case of Extra Parochiality, then upon the Door of the Parish Church or Chapel nearest to or to which the Inhabitants of such Extra Parochial Place usually resort.

Contents of Notice to be given by Arrear Commissioners.

XIII. And be it further enacted, That the Notices to be given by the said Arrear Commissioners, as herein-before directed, shall specify the Day or Days fixed for Payment of the Taxes mentioned in such Schedule or Schedules, the Place or Places where the said Schedule or Schedules is or are deposited and may be inspected; and shall state that all Persons desirous of appealing against the Charges contained in the said Schedules must, within One Month from the First Day appointed for Payment of the Taxes, give to the Arrear Commissioners within whose District the Lands and Grounds are situate Notice in Manner herein-after mentioned of such Intention to appeal, or be for ever debarred from any such Appeal against the Charges contained in the Schedule or Schedules for that Year.

Commons to be inserted in Schedules in Name of Overseers.

XIV. And be it further enacted, That all the Open Commons and Wastes liable to the said Taxes shall be inserted in such Schedules in the Name or Names of One or more of the Overseer or Overseers of the Poor of the Parish or Hamlet to which such Commons respectively belong, or are reputed to belong; and for all the Purposes of this Act such Insertion shall be of equal Effect as if the Names of the respective Persons having Right of Common over the same were set forth in such Schedules.

Appellants to give Notice of Appeal.

XV. And be it further enacted, That no person or Persons shall be heard or be allowed to appeal against the said Schedule or Schedules, or any of them, or the Charges or Assessments contained therein, unless he, she, or they shall, within One Calendar Month, to be computed from the first Day appointed for Payment of the said Taxes therein mentioned, give to the Arrear Commissioners within whose District or Division the Lands and Grounds belonging to or occupied by him, her, or them are situate,

situate, Notice in Writing of such Intention to appeal, which Notice shall contain the Cause and Reasons of the said Appeal; and also a true Account in Writing, to the best of the Knowledge of such Appellant or Appellants, of the whole of the Lands and Grounds for which he, she, or they is or are liable to pay, either as Owner or Owners, Occupier or Occupiers; nor unless such Notice specify the Parish, Hamlet, or Place, or reputed Parish, Hamlet, or Place, in which such Lands and Grounds are situate, together with the Number of Pieces and Quantity in each Piece, where such Lands and Grounds lie intermixed with other Lands, or other sufficient Description thereof.

Meetings of Commissioners of Appeal.

XVI. And be it further enacted, That the said Commissioners of Appeal, or a Majority of them, shall and may, when and so often as it shall appear to them to be necessary, from Time to Time appoint certain Days for the hearing of all such Appeals as may be made against the Charges contained in the said Schedules or any of them, each Day of Appeal not being less than Fourteen Days after the Day or Days on which Notice or Notices of Appeal shall have been delivered to the said Arrear Commissioners; and all Meetings for hearing Appeals against such Schedules shall be held at such of the following Towns or Places, (that is to say,) *Ely*, *Chatteris*, *March*, and *Wisbech*, in the County of *Cambridge*, *Downham Market* in the County of *Norfolk*, *Barton* in the County of *Suffolk*, and *Ramsay* in the County of *Huntingdon*, as shall in the Judgment of the said Commissioners of Appeal, or the Majority of them, be most convenient to the Parties charged in the Schedule or Schedules against which such Appeals are proposed to be heard.

Meetings for Appeals to be advertised.

XVII. And be it further enacted, That the Time and Place or Times and Places of hearing Appeals as aforesaid shall be advertised Twice previous to the first Day of each Meeting to hear Appeals, in at least One of the Newspapers published or usually circulated in each of the Counties of *Cambridge*, *Huntingdon*, *Norfolk*, and *Suffolk*.

Powers continued to Appeal Commissioners.

XVIII. And be it further enacted, That all the Powers and Authorities given by the said recited Act, passed in the Fifty-sixth Year of the Reign of His said late Majesty, to the said Commissioners of Appeal, for hearing, determining, and adjourning Appeals, altering Schedules, remitting Penalties, examining Parties and Witnesses on Oath, for compelling the Attendance of Witnesses and Production of Books and Papers, directing the Admeasurement of Lands, levying Costs, snd all other Powers and Authorities whatsoever, not hereby expressly repealed, varied, and altered, shall be applicable to the Schedules hereby directed to be made, and the Appeals against the Charges therein, as if all such Powers and Authorities were inserted in the Body of this Act.

Schedules final and conclusive if not appealed against.

XIX. And be it further enacted, That all Persons who neglect or omit to appeal on the Days and at the Places to be appointed as aforesaid, or who, attending to appeal, shall not comply with the Conditions by this Act required from Persons appealing, or shall neglect to proceed in their Appeal, shall be bound by the said Schedules so made out and deposited with the Arrear Commissioners as aforesaid, and the same shall be final and conclusive against the Person or Persons charged in the said Schedules, and all Occupiers and Owners, and all other Persons whatsoever

soever, and the said Schedules not appealed against as aforesaid, or as altered by the said Commissioners of Appeal, or the Majority of them, upon the hearing of such Appeals as aforesaid, shall in like Manner be final and conclusive.

Power to remove Appeal Commissioners.

XX. And be it further enacted, That it shall and may be lawful for the said Commissioners of Drainage, or the Majority of them, assembled at any General or Quarterly Meeting, and they are hereby authorized and required, from Time to Time to enquire into the Conduct of the Commissioners of Appeal, or any of them, and to dismiss and discontinue any such Commissioners of Appeal, if in the Judgment of the said Commissioners of Drainage, or the Majority of them, such Commissioners of Appeal, or any or either of them, ought to be dismissed and discontinued; and in such Case, so often as it shall happen, it shall be lawful for the said Commissioners of Drainage, or the Majority of them assembled as aforesaid, to supply the Vacancy or Vacancies so occasioned, in like Manner as is directed by the said recited Act of the Fifty-sixth Year of the Reign of His said late Majesty, in case a Commissioner of Appeal should die, or decline to act, or become incapable of acting.

Application of the Funds.

XXI. And be it further enacted, That the Tax and Taxes imposed by this Act, together with the said Three-fourth Parts of the said Tolls, for the said further Term of Twenty-eight Years after the Expiration of the said successive Terms of Fifteen Years and Thirty 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, in scouring out from Time to Time, as Occasion shall require, any Sand or Silt which may be deposited in that Part of the River *Ouze* which lies within a Quarter of a Mile next above *Denver Sluice*, 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.

Power to borrow Money.

XXII. And be it further enacted, That the said Commissioners of Drainage, or the Majority of them, shall and may, and they are hereby authorized and empowered, at any Quarterly, General, or Special Meeting, to borow any Sum or Sums of Money, not exceeding the Sum of One hundred and twenty thousand Pounds, in addition to the Sum of One hundred and thirty-five thousand Pounds already borrowed on the Security of the Whole or any Part of the Taxes, Tolls, and Funds arising and payable to the said Commissioners of Drainage; 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 empowered to borrow Money under the Exchequer Bill Loan Acts, 57 G. 3. c. 84. 57 G. 3. c. 124.

XXIII. And whereas by an Act passed in the Fifty-seventh Year of His said late 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 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 said late 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: And whereas the said Commissioners of Drainage have borrowed and taken up at Interest, of the said Commissioners for the Issue of Exchequer Bills, the Sum of One hundred and thirty-five thousand Pounds, and the said Advance was secured by an Indenture of Mortgage, bearing Date the Eighth Day of *November* One thousand eight hundred and nineteen, whereby for the Considerations therein mentioned the said Commissioners of Drainage assigned to *William Holden*, the Secretary of the said Commissioners, for the Issue of Exchequer Bills, all and every the Taxes, Rates, Tolls, Duties, Lands, and Funds, and other the Premises therein mentioned, of and belonging to the said Commissioners of Drainage, subject to Redemption, upon Payment by the said Commissioners of Drainage to the said *William Holden*, on the Eighth Day of *November* in each Year, of the Two Years next succeeding the Date of the said Indenture of the Sum of Fourteen thousand Pounds in part Discharge of the said Sum of One hundred and thirty-five thousand Pounds, and Interest thereon at the Rate of Five Pounds *per Centum per Annum;* and on Payment as aforesaid by the said Commissioners of Drainage, from and after the Expiration of the said Two Years next ensuing the Date of the said Indenture, on the Eighth Day of *November* in each of the Ten next following Years, of the Sum of Fifteen thousand Pounds, in further Discharge of the Principal and Interest remaining due on the said Sum of One hundred and thirty-five thousand Pounds; and also on Payment as aforesaid by the said Commissioners of Drainage after the Expiration of the said Ten Years, and within or upon the Expiration of the first Six Months of the then next following Year, of the Balance of Principal and Interest remaining due on the said Sum of One hundred and thirty-five thousand Pounds, or on any other Acceptance of the said Sum of One hundred and thirty-five thousand Pounds, and the Interest thereof, by the said Commissioners for the Issue of Exchequer Bills: And whereas by an Act passed in the First Year of

1 G. 4. c. 60.

the Reign of His present Majesty, intituled *An Act to amend and continue Two Acts, passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on of Public Works and Fisheries, and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain, the Powers of the said Two Acts passed in the said

Fifty-seventh Year of His said late Majesty are altered, amended, and enlarged: Be it therefore further enacted, 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 said late Majesty, and the First Year of His present Majesty, or any or either of them, as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, the Whole or any Part of the said further Sum of One hundred and twenty 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 in Manner aforesaid for Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as aforesaid, but so that the said further Loan and Advance shall be repaid by an annual Instalment of Five Pounds *per Centum per Annum* at the least, in discharge of the Principal, and also Interest at the Rate of Five Pounds *per Centum per Annum* on such Part of the Principal as shall from Time to Time remain due.

Commissioners of Burnt Fen District authorized to pay the Taxes charged thereon. 47 G. 3. c. 83.

XXIV. And whereas by an Act passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing several Acts of the Thirty-third Year of King* George *the Second, and the Thirteenth and Thirty-seventh Years of His present Majesty, for draining certain Fen Lands in the* Isle of Ely, *and Counties of* Suffolk *and* Norfolk, *near* Mildenhall *River, so far as relates to the several Lands in the First District therein described, and for making better Provision for draining and preserving the said Lands*, certain Fen Lands and Low Grounds bounded and described as in the said Act of the Forty-seventh Year of the Reign of His said late Majesty is mentioned, and comprising a certain District called *Burnt Fen First District* (being Part of the Lands and Grounds liable to be taxed by this Act, and the said recited Acts of the Thirty-fifth, Thirty-sixth, Forty-fifth, Fifty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty,) are made subject and liable to be taxed and charged by Commissioners thereby appointed for putting the said Act in Execution, with certain Sums of Money to be by them the said Commissioners applied from Time to Time for the Improvement of the Drainage of the said District: And whereas the Taxes so chargeable by the Commissioners of the said District are more than sufficient to defray the ordinary Expences of draining and preserving the Lands and Grounds within the said District, and the Proprietors of the said Lands and Grounds comprised therein are desirous that the Taxes imposed by the said recited Acts of the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty and this Act shall be paid and discharged by the Commissioners of the said District out of the Monies to be raised by them under the said recited Act of the Forty-seventh Year of His said late Majesty: Be it therefore further enacted, That it shall be lawful for the said Commissioners of the said *Burnt Fen* District from Time to Time, by and out of the Monies raised or to be raised by them the said Commissioners under the Powers

of

of the said Act of the Forty-seventh Year of His said late Majesty, to pay and satisfy to the said Commissioners of Drainage, or to such Person or Persons as they shall from Time to Time empower to receive the same, all such Taxes and Sums of Money as shall from and after the passing of this Act become due and payable to the said Commissioners of Drainage under the Authority of the said recited Acts of the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty and this Act, upon or in respect of the Fen Lands and Low Grounds situate within the said District, when and as the same shall severally become due and payable; and that the Receipts of the said Commissioners of Drainage, or of their Treasurer or Collectors, for any Sum or Sums of Money paid to them by the Commissioners of the said District under the Authority hereby given, shall at all Times be good and sufficient Discharges to the several Proprietors of the Lands in the said District, or other Persons liable to the Payment of the Taxes imposed by the said recited Acts of the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty and by this Act, for such last-mentioned Taxes: Provided always, that in case the said Commissioners of the said District shall neglect to raise, levy, and pay the said Taxes to the said Commissioners of Drainage, or to such Person or Persons whom they shall authorize to receive the same, within One Month next after the Day fixed by the said Commissioners of Drainage for the Payment thereof, then it shall and may be lawful to and for the said Commissioners of Drainage to levy the said last-mentioned Taxes, together with the Penalty of Three Shillings and Four-pence in the Pound on the Amount of such Taxes, in such and the same Manner as they are authorized by the said recited Acts or any of them, or by this Act, to levy the other Taxes thereby imposed, and any Penalties which may be incurred by the Non-payment thereof.

Accounts of Commissioners of Drainage to be audited annually.

XXV. And be it further enacted, That previous to the Twenty-fifth Day of *March* in every Year during the Execution of the said recited Acts and this Act, the said Commissioners of Drainage shall and they are hereby required to make a true and just Statement or Account of all Sums by them received and expended in the Execution of the said Acts; and after such Statement shall have been examined and balanced, such Balance shall be by them stated in the Book of Accounts to be kept by their Treasurer, and a summary Statement thereof shall be annually printed and published for the Information of the Owner or Owners of the Lands liable to the said Tax, in such Manner as the said Commissioners of Drainage shall order and direct.

The Dam at the lower End of the new Cut to be made at such Time as the Engineers shall determine.

XXVI. And whereas by the said recited Act, passed in the Thirty-fifth Year of the Reign of His late Majesty, the said Commissioners of Drainage are required, when expedient, to make a Dam or Bank at or near the North-east End of the said new River or Cut, extending from the West Side of the lower End of the said new River to a Point at or near a certain Building called *Old Hall* in *West Lynn*, and much Inconvenience may be occasioned by a Difference of Opinion as to the Time when it may be expedient to make the said Dam; be it therefore enacted, That the said Commissioners of Drainage shall and they are hereby authorized and required to make or cause to be made the said Dam or Bank as soon after the Opening of the said new River or Cut as the Engineers appointed or to be appointed under the said recited Acts shall fix and determine; and

if

if they cannot agree, then at such Time as shall be fixed and determined by their Umpire, to be appointed in the Manner prescribed by the said recited Acts: Provided always, that it shall be lawful for the said Engineers or their Umpire to make and execute the said Dam or Bank in such Manner as they shall deem proper; any thing in the said recited Act of the Thirty-fifth Year of His late Majesty to the contrary notwithstanding.

Roads to be set out in lieu of Roads directed to be made by 35 & 59 G. 3.

XXVII. 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 over the said new River or Cut, directed to be made by the said recited Acts passed in the Thirty-fifth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, 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* to *Wisbech*, commencing about One hundred Yards from the South Side of the Turnpike Gate near *King's Lynn* aforesaid, and extending from thence in a westwardly Direction across *South Lynn Common*, and Lands of the Corporation of *King's Lynn* aforesaid, and of Sir *Martin Browne Folkes* Baronet, to the East End of the Bridge over the said new River or Cut; and also one other Road, not less than Thirty Feet in Breadth, commencing at the West End of the said Bridge, and proceeding from thence in a westwardly Direction across the Lands of the Mayor and Burgesses of *King's Lynn*, the said Sir *Martin Browne Folkes*, *John Lee* Esquire, and *Seppings* respectively, to the North-west Corner of the *North Sea Bank*, and from thence in a westwardly Direction across the Lands of the said *John Lee* and *Henry Lane* to the present River Bank, and from thence over the said Sands and Channel to *Tilney Common*, as near as conveniently may be, to a Place where formerly a Public House stood, known by the Sign of *The Boat;* and also one other Road, not less than Thirty Feet in Breadth, commencing at the West End of the said Bridge, and extending from thence in a northwardly Direction upon 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* of *West Lynn*, and adjoining the Road near to the said *Old Hall;* and also one other Road, not exceeding Thirty Feet in Breadth, commencing at the South-west End of the upper Dam directed to be made by the said Commissioners of Drainage over the present Channel or River *Ouze*, and extending in a southwardly Direction 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 *King's Lynn* to *Wisbech*, in such Manner as they shall think proper, they the said Commissioners 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 said recited Act, passed in the said Thirty-fifth Year of the Reign of His late Majesty, for Lands to be taken for the Roads by the said Act authorized to be made, which said Roads, from and after the same shall have been formed and made passable for Horses and Carriages, shall be deemed public Highways, and be thereafter supported and repaired in manner herein-after mentioned.

Directing the future Repairs of the new Roads to be made under this Act.

XXVIII. And whereas by the said recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, the said Commissioners of Drainage are required to form and make a Road leading out of the Turnpike Road from *King's Lynn* to *Wisbech*, and commencing about One hundred Yards from the South Side of the present Turnpike Gate near *King's Lynn* aforesaid, to the West End of the Bridge on the said new River or Cut, and from thence to the East Side of the present River Bank, and another Road commencing at the Termination of the last described Road, across the Sands and Channel of the present River to *Tilney Common*, near a Public House then called *The Boat:* And whereas the Diversion of so much of the said Road as lies between the West End of the said Bridge and *Tilney Common* aforesaid will be a great public Benefit, not only by considerably shortening the Distance of such Roads, but also by changing the Course of the same from a high and dangerous Bank to level Ground: And whereas One of the Roads by this Act directed to be made in lieu of the last described Roads, commencing at the West End of the said Bridge, and proceeding from thence to *Tilney Common* aforesaid, will pass through the several Parishes of *South Lynn All Saints*, *West Lynn Saint Peter*, *Clenchwarton*, and *Wiggenhall Saint Mary*, and the Inhabitants of the said Parishes of *South Lynn All Saints* and *Wiggenhall Saint Mary* will, by changing the Course of the said Road, be relieved from the Burthen of keeping in repair a considerable Length of a public Highway; and the Inhabitants of the said Parish of *West Lynn Saint Peter* and *Clenchwarton* will, unless relieved in the Manner herein-after mentioned, be subject to keep in repair upwards of One Mile more of a public Highway than if the Course of the said first mentioned Roads had not been changed, and it is therefore reasonable that the Expence of keeping in repair the said Roads should be borne as equally as may be by the Inhabitants of the said several Parishes of *South Lynn All Saints*, *West Lynn Saint Peter*, *Clenchwarton*, and *Wiggenhall Saint Mary;* be it therefore further enacted, That the said Road hereinbefore directed to be made, commencing at the West End of the said Bridge, and proceeding from thence to *Tilney Common*, shall, from and after the same shall have been formed and made passable for Horses and Carriages, shall be measured and divided into Four equal Parts, and be distinguished by Metes and Bounds to be erected thereon, and be for ever thereafter repaired and kept in repair by the Inhabitants of the said last mentioned Parishes in the following Proportions; (that is to say), the Inhabitants of the Parish of *South Lynn All Saints* shall support and keep in repair One Fourth Part of the said Road, commencing at the West End of the said Bridge; the Inhabitants of the Parish of *West Lynn Saint Peter* One other Fourth Part thereof, commencing at the Point where that Part of the Road which is to be repaired by the Inhabitants of *South Lynn All Saints* terminates; the Inhabitants of *Clenchwarton* One other Fourth Part thereof, commencing at the Point where that Part of the Road which is to be repaired by the Inhabitants of *West Lynn Saint Peter* terminates; and the remaining Fourth Part thereof, by the Inhabitants of *Wiggenhall Saint Mary;* and the Expences of keeping in repair the said Road shall be raised, defrayed, and paid by the said Parishes in the same Manner as the Expences of the other public Carriage Roads in the said respective Parishes are or may be raised and defrayed; and the Inhabitants of such Parishes respectively shall be subject to Indictment, Fines, and other Proceedings for omitting or neglecting to repair such

Portion of the said Road as aforesaid as they are or might be subject or liable to for neglecting or omitting to repair public Roads within their respective Parishes.

Saving Rights of Bedford Level Corporation.

XXIX. Provided always, and be it further enacted, That nothing in this Act, 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 Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of certain Acts of Parliament passed in the Fifteenth and Twentieth Years of the Reign of His 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 passed.

Public Act.

XXX. 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.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the King's most Excellent Majesty. 1833.