

ANNO DUODECIMO

VICTORIÆ REGINÆ.

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called *Well Moor*, *Broad Fen*, and *Short Fen*, in the said Drainage, and Powers were conferred upon the Commissioners for Drainage constituted by the said Act to tax and charge the Owners and Occupiers of the said Common and Waste Lands with such equal and proportionate Rates and Assessments upon each and every Allotment to be made by virtue of the said Act as they should judge necessary for the Purposes of such Drainage, and to tax and charge the Owners and Occupiers of the said Lands called *Well Moor*, *Broad Fen*, and *Short Fen* with such proportionate Rates and Taxes for the Purposes aforesaid as should be equal to the Rates and Taxes to be raised and payable out of the said Common or Waste Lands: And whereas it was by the said Act enacted, that the Commissioners for Inclosure therein mentioned should set out such public Carriage Roads and such private Roads and Ways as should be necessary and convenient, and that all such private Roads and Ways should be repaired at the Expense of the Persons entitled to the said Tracts of Common and Waste Lands in such Manner as the said Commissioners for Inclosure should direct: And whereas the said Commissioners for Inclosure, pursuant to the Directions of the said recited Act, set out, allotted, and awarded several private Roads, but no public Roads, over the said Common and Waste Lands, and declared in what Parishes the said private Roads should lie, and directed that the said Roads should at all Times thereafter be repaired at the Expense of the Persons who for the Time being should be entitled to the Parcels of Land therein-after awarded within the several Parishes wherein the said Roads were therein declared to be, so that the Roads within each Parish should be repaired at the Expense of the Persons entitled to Lands in such Parish, and that the Expense of repairing the said Roads should be borne by the Persons entitled to the said respective Lands in the same Proportions as the Occupiers of the said Lands should respectively contribute to the Rates for the Relief of the Poor, or other Rates or Assessments within the said Parishes: And whereas by the Mode of Assessment prescribed by the said recited Act for the Purposes of Drainage the Lands in the said *Marshland Smeeth* are unfairly assessed, and made to contribute an undue Proportion of the Expenses of the several Works for the Drainage and Preservation of the Lands in the said District, in comparison with the Lands in the said *Marshland Fen*, and it is considered just and reasonable that all the Lands in the said Smeeth and Fen (together with the Lands in *Well Moor*, *Broad Fen*, and *Short Fen*,) should be rated equally by the Acre throughout the whole of the said District for all Purposes of Drainage: And whereas it is expedient that certain of the said Roads so set out as aforesaid as private Roads should be declared to be and should be made public Roads, and that the said *Marshland Smeeth* and *Marshland Fen*, together with the said *Broad Fen* and *Short Fen*, should be formed into a separate District for the Repair of the said Roads, and that further Provision should be made for the Repair of the said Roads, and that the Owners and Occupiers of the Lands within the Limits of the said District should in respect of such Lands be exempted from all Highway and other Rates, and from all other Liability, pecuniary or otherwise, for repairing any Road or Highway not being within the Limits of the said District: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your

Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Enactments and Provisions therein contained, so far as they respectively stood in force before the passing of this Act, shall henceforth continue in force as if the same had been repeated and re-enacted in this Act, except only so far as the same are by this Act repealed, varied, or altered, or are inconsistent therewith.

Recited Act to continue in force, except as altered.

II. And be it enacted, That from and after the passing of this Act every Owner of Thirty Acres of Land liable to be taxed, charged, or assessed under the said recited Act or this Act shall be and he is hereby appointed a Commissioner for the Purposes of the said recited Act and this Act; and that the several Works, Lands, and other Property vested in, and Powers, Authorities, Emoluments, and Duties given to, exercisable by, and imposed upon the Commissioners of Drainage, under or by virtue of the said recited Act, shall be and the same are hereby declared to be respectively vested in, given to, exercisable by, and imposed upon the said Commissioners under this Act, to all Intents and Purposes whatsoever, save and except so far as the same are altered, varied, or repealed by this Act; and that the Proprietors of Lands in *Well Moor*, *Broad Fen*, and *Short Fen* shall have the like Power of appointing Deputy Commissioners to act for them in their Absence, and all such other Powers, as by the said recited Act are given to the Proprietors of Lands in the said *Marshland Smeeth* and *Marshland Fen*, save and except only so far as such Powers are hereby repealed or altered; provided that no Commissioner appointed in respect of his being Owner of Land within *Well Moor* aforesaid shall be authorized to act or vote upon any Question or Matter relating to any of the Roads by this Act authorized to be made, maintained, or repaired.

Proprietors in Well Moor and Broad and Short Fens to be Commissioners.

III. And for the Purpose of regulating the Conduct of any Business to be transacted by the said Commissioners at any Meeting or Meetings to be held by them pursuant to the said recited Act or this Act, be it enacted, That every Commissioner and Deputy Commissioner, being the Proprietor of or appointed for or in respect of less than One hundred Acres of Land liable to be taxed, charged, or assessed under this Act, shall be entitled to and have One Vote only; and being the Proprietor of or appointed for or in respect of One hundred Acres and less than Two hundred Acres of such Land, shall be entitled to and have Two Votes; and being the Proprietor of or appointed for or in respect of Two hundred Acres and less than Three hundred Acres of such Land, Three Votes; and of, for, or in respect of Three hundred Acres of such Land (or upwards), Four Votes.

As to Votes of Commissioners.

IV. And be it enacted, That, notwithstanding anything in the said recited Act contained to the contrary, it shall be lawful for the said Commissioners from Time to Time to hold their general, special, and adjourned Meetings in the Towns of *King's Lynn* and *Wisbech Saint Peter's*, or either of them, or at any intermediate or other Place, as the said Commissioners or any Five or more of them shall from Time to Time appoint; and if at any of their Meetings the said Commissioners

Extension of Power for Commissioners to hold Meetings.

missioners present shall omit to adjourn their Meeting to any other Day, or if there shall not be Five of the said Commissioners present to adjourn the same, then it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting for such Time, either less or exceeding Fourteen Days from the Time of such Adjournment, and either to the same or any other Place, as the said Clerk in his Discretion shall think proper, giving public Notice of the Time and Place of such adjourned Meeting in One or more of the *Norfolk* and One or more of the *Cambridge* County Newspapers: Provided nevertheless, that the General Annual Meeting of the said Commissioners shall be held alternately in the Towns of *King's Lynn* and *Wisbech Saint Peter's* aforesaid on the Second *Wednesday* in the Month of *May* yearly, as directed by the said recited Act.

Power of Commissioners to appoint Committees.

V. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, at their respective Meetings, from Time to Time to appoint any Number of themselves, not being more than Ten nor less than Five, to be a Committee for any Purposes for which the said Commissioners, in the Execution of the said recited Act or this Act, may think proper so to appoint them; and it shall be lawful for such Committee to meet from Time to Time, and to adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but such Committee shall not exercise any of the Powers intrusted to them, except at a Meeting at which Five Members of such Committee shall be present; and at all Meetings of such Committee One of the Members present shall be appointed Chairman, and all Questions at any such Meeting shall be determined by a Majority of Votes of the Members present, and every Member of such Committee shall for the Purposes thereof be entitled to One Vote only, except the Chairman, who shall in the Case of an Equality of Votes be entitled to an additional or casting Vote; and the several Acts and Resolutions of the said Committee, or the major Part of them present at any Meeting, in the Execution of the several Powers intrusted to them by the said Commissioners, being confirmed or adopted by the said Commissioners at any of their Meetings, shall be good, effectual, and binding to all Intents and Purposes whatsoever.

The Commissioners to sue and be sued in the Name of a Commissioner or their Clerk.

VI. And be it enacted, That the Commissioners for the Time being acting in execution of the said recited Act and this Act may and shall, in all Cases arising out of or under any of the Provisions of the said recited Act or this Act, sue and be sued in the Name of any One of the said Commissioners or of their Clerk for the Time being; and no Action, Suit, Information, or Indictment which shall be brought, commenced, filed, preferred, or prosecuted by or against the said Commissioners or any of them respectively by virtue of the said recited Act or this Act, in the Name of any Commissioner or of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of any such Commissioner or Clerk, or by the Act of any such Commissioner or Clerk without the Consent of the said Commissioners, but the said Commissioner or the Clerk for the Time being shall always be and be deemed to be the Plaintiff, Prosecutor, or Defendant, as the Case may be, in any such Action, Suit, Information, or Indictment: Provided nevertheless, that every such Commissioner

missioner and Clerk shall be reimbursed and paid out of the Funds to arise by virtue of this Act all such Damages, Losses, Costs, Charges, and Expenses as he shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant as aforesaid.

Power to Commissioners to drain by Steam.

VII. And be it enacted, That it shall be lawful for the said Commissioners acting under the Authority of this Act, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to remove the Wind Engines now erected and used for the Drainage of the Lands in the said *Marshland Smeeth* and *Fen*, and in *Well Moor*, *Broad Fen*, and *Short Fen*, or any of them, and to erect, make, and use such Steam Engines and other Works as the said Commissioners shall think expedient for the better and more effectual Drainage thereof.

The Drainage Rates to be assessed by the Acre.

VIII. And be it enacted, That so much of the said recited Act as directs and authorizes the said Commissioners for Drainage to assess, rate, tax, and charge all and every the Owners and Occupiers of the said Common and Waste Lands by and with such equal and proportionate Rates and Assessments upon each and every Allotment made by virtue of the said recited Act as they shall judge necessary for the Purposes therein mentioned, and as authorizes and directs such Commissioners to tax, charge, and assess the Owners and Occupiers of the said Lands called *Well Moor*, *Broad Fen*, and *Short Fen* with such proportionate Rates and Taxes, for the Purposes therein mentioned, as shall be equal to the Rates and Taxes to be raised and payable out of the said Common and Waste Lands, shall be and the same is hereby repealed; and in lieu and stead thereof the said Commissioners acting under the Authority of this Act shall and may from Time to Time, henceforth and at all Times, at their General Meeting in each and every succeeding Year, or at any Special Meeting of which public Notice shall be given in manner provided by the said recited Act, assess, tax, rate, and charge all and every the Owners and Occupiers of the said Lands in the said *Marshland Smeeth* and *Marshland Fen*, and in *Well Moor*, *Broad Fen*, and *Short Fen*, with such Rates and Assessments as they shall judge necessary, to be charged and assessed by the said Commissioners equally by the Acre upon each and every Acre of the said Lands in the said *Marshland Smeeth* and *Marshland Fen*, and in *Well Moor*, *Broad Fen*, and *Short Fen*, and so in proportion for any less Quantity than an Acre, for maintaining, repairing, and supporting the several Works by the said recited Act authorized to be made for the Drainage Purposes thereof, and for making and maintaining the several Works authorized by this Act for such Purposes, and for making any necessary Alterations and Enlargements therein or thereto respectively as Occasion shall require, and for paying the Interest of any Principal Money which may be secured on such Rates, Taxes, and Assessments under the Powers in that Behalf herein-after contained, and for providing a Fund for the Payment of such Principal Monies as herein-after directed: Provided nevertheless, that such Acre Rates and Taxes shall not exceed the Sum of Three Shillings and Sixpence an Acre in the whole in any One Year.

Application of Drainage Rates.

IX. And be it enacted, That all the Taxes which shall be rated or assessed by virtue of this Act as last aforesaid shall be applied in making, maintaining, repairing, supporting, altering, and enlarging the several Works for the Drainage of the said Lands, and in paying the Interest of any Principal Monies which may be secured on such Taxes, under the Powers in this Act herein-after contained, and in or towards Payment of such Principal Monies, in manner herein-after directed.

Tenants to pay Drainage Rates, without Prejudice to Leases, &c.

X. And be it enacted, That all Tenants and Occupiers of all and singular the Lands which shall be assessed or rated by virtue of this Act for the Purposes of Drainage shall and they are hereby authorized and required to pay such Sums of Money as shall be so assessed on the Lands in their respective Occupations, and to deduct and retain out of his, her, or their Rent all such Money as they shall respectively pay; and the several Owners are hereby required to allow such Deduction, and every such Tenant paying such Assessment shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord: Provided always, that nothing herein contained shall be construed to alter, change, determine, or make void any existing Contracts, Covenants, or Agreements whatsoever between Landlord and Tenant or any other Persons touching the Payment of Taxes and Assessments, and that as between Landlords and Tenants, and Persons having limited Interests in the Lands hereby directed to be taxed and assessed, the Rates, Taxes, and Assessments which shall be levied and made for the Purposes of Drainage under the Authority of this Act shall be considered as made under the Authority of the said recited Act.

Certain Roads to be public Highways.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being acting in execution of the said recited Act and of this Act, and they are hereby required, within Two Years after the passing of this Act, to amend and repair with hard Materials the several Roads herein-after mentioned which were set out as private Roads by the Award of the said Commissioners for Inclosure within the said *Marshland Smeeth* and *Marshland Fen*; that is to say,

The *Smeeth Road* from *Emneth Gate* to *Saint John's Gate*; the Road from the said *Smeeth Road* to *Walsoken Gate*; the Road from the said *Smeeth Road* to *Bettinson's Bridge* over the *Rans Drain*; the Road from the said *Smeeth Road* to *Walpole Gate*; the Road from *Walton Gate* to the *Forty Foot Drain Bridge*; the Road from the *Forty Foot Drain Bridge* to *Howlett's Bridge*, and thence to *Fuller's Bridge*; the Road from the *Gravel Bank* near the *Mills* to *Howlett's Bridge*; the *Black Horse Drove* from *Howlett's Bridge* to the *Crown Estate*; the Road from *Saint John's Gate* to *Tilney Gate*; and the Road from *Emneth Hungate* to *Moyse's Bridge* over the *Sixteen Foot Drain*; and also the *Gravel Bank* from *Tilney Bridge* to *Lords Bridge*:

And from and after the passing of this Act such Roads shall be deemed and taken to be public Highways, and shall be maintained and kept in repair by the Owners and Occupiers for the Time being of the Lands within the said *Marshland Smeeth* and *Marshland Fen*, and in *Broad Fen* and *Short Fen*; and the said Commissioners for the Time

Time being acting in execution of the said recited Act and of this Act shall be subject and liable to such legal Proceedings for not repairing such Roads as Inhabitants of Parishes are now by Law subject and liable to for the Nonrepair of public Highways.

Power to repair other Roads, and to appoint Surveyor.

XII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being acting in execution of the said recited Act and this Act, and they are hereby authorized, from Time to Time to amend and repair, in such Order and Course and in such Manner as they shall think expedient, the several other Roads and Ways so set out as aforesaid in, upon, and over the said *Marshland Smeeth* and *Marshland Fen*, or any of them; and it shall be lawful for the said Commissioners from Time to Time to appoint One or more Surveyor or Surveyors of all the said several Roads aforesaid, whether public or private, and such other Officers, Agents, and Assistants, and with such Salary or Salaries as they shall think necessary, and to remove and displace every or any such Surveyor, Officer, Agent, or Assistant, and to appoint another or others in his Place; and every such Surveyor shall and may (subject to the Instructions of the said Commissioners) have, use, and exercise the same Powers and Authorities upon or in respect of the said several Roads, and demand, recover, and receive such and the like Penalties and Forfeitures from Offenders, as Surveyors of public Highways have or are authorized to use or exercise, demand, recover, and receive, upon or in respect of the public Highways in their respective Parishes.

Commissioners to levy Road Rates.

XIII. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time, at their yearly General Meeting, or at any Special Meeting of which public Notice shall be given in manner provided by the said recited Act, to levy and raise such Rates and Assessments as they shall judge necessary or proper for the Purpose of amending, repairing, and maintaining the several Roads by this Act required or authorized to be amended, repaired, and maintained as aforesaid, and for widening and improving the same respectively, and for paying the Interest of any Principal Monies to be borrowed on the Security of the said Rates and Assessments, and for providing a Fund for the Payment of such Principal Monies as herein-after mentioned, which Rates and Assessments shall be applied by the said Commissioners for the Purposes aforesaid, and in or towards the Payment of such Principal Monies in manner herein-after directed.

Road Rates to be assessed by the Acre.

XIV. And be it enacted, That, notwithstanding anything contained in the said recited Act or this Act, or in the Award of the said Inclosure Commissioners, to the contrary, the Rates and Assessments so directed to be levied and raised as last aforesaid shall be made, levied, and assessed upon all the Lands in the said *Marshland Smeeth* and *Marshland Fen*, and in *Broad Fen* and *Short Fen*, equally by the Acre throughout, and shall be paid by the Owners or Occupiers for the Time being of such Lands respectively.

Surveyors of other Highways not to

XV. And be it enacted, That from and after the passing of this Act the several Allotments set out, allotted, and awarded by the said

exercise Control in the Smeeth and Fen, nor Surveyors in Smeeth and Fen elsewhere.

said Commissioners for Inclosure for the Repair of Roads under or by virtue of the said recited Act, and thereby vested in the Surveyors for the Time being of the several Parishes therein mentioned, shall be and the same are hereby declared to be vested in the said Commissioners for the Time being under this Act, and that from and after the passing of this Act no Parish Surveyor, Surveyor of Highways, or other Officer (other than and except such Surveyors or Officers as shall be appointed by the said Commissioners under the Authority of this Act) shall at any Time have, use, or exercise any Control or Interference over the Lands, Roads, and Ways in the said *Marshland Smeeth* and *Marshland Fen*, and in *Broad Fen* and *Short Fen*, or any of them, and that the several Lands in the said Smeeth and Fen, and the said several Roads and Ways, and the several Lands in *Broad Fen* and *Short Fen*, or any of them, or any of the Owners or Occupiers thereof, shall not in respect thereof be charged or chargeable with or contributory to the Amendment, Repair, or Maintenance of any public or private Roads or Ways not being within the said Smeeth or Fen, or in *Broad Fen* and *Short Fen*, or with or to any Highway Rate or other Charge or Assessment for the Amendment, Repair, or Maintenance of any of such last-mentioned Roads or Ways; and no Surveyor or other Officer appointed by the said Commissioners under the Authority of this Act shall at any Time, under or by virtue of such Appointment, have, use, or exercise any Control or Interference over any Highway or Road not being in the said Smeeth and Fen, or in *Broad Fen* and *Short Fen*, or either of them; and the several Lands not lying within the said Smeeth and Fen, and *Broad Fen* and *Short Fen*, or either of them, shall not, nor shall the Owners or Occupiers thereof or of any Part thereof, be charged or chargeable in respect of the same with or contributory to the Amendment, Repair, or Maintenance of any of the Roads or Ways within the said Smeeth and Fen, or in *Broad Fen* and *Short Fen*, or either of them, or with or to any Highway Rate or other Charge or Assessment for the Amendment, Repair, or Maintenance of any of such last-mentioned Roads or Way.

Power for Commissioners to raise Money by Mortgage.

XVI. And, for aiding the several Purposes of this Act and the said recited Act, be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, at any of their Meetings, to borrow or take up any Principal Sum or Sums of Money, not exceeding the Sum of Three thousand five hundred Pounds in the whole for the Purposes of the Drainage, and Three thousand five hundred Pounds in the whole for the Purposes of the Roads, at Interest upon any Mortgage or Mortgages of all or any of the Rates, Taxes, and Assessments hereby authorized to be levied and raised as aforesaid, or any Part thereof, as the said Commissioners assembled at any of their said Meetings shall from Time to Time think proper or see Occasion, and by Writing under the Hands and Seals of any Five of the said Commissioners present at any of their said Meetings (the Chairman of the Meeting being One of them) to assign or charge the said Rates, Taxes, and Assessments, or any of them, or any Part thereof respectively, to or in favour of any Person or Persons who shall lend or advance any such Principal Sum or Sums, as a Security or Securities for the Repayment thereof, with Interest for the same at any Rate not

not exceeding the Rate of Five Pounds *per Centum per Annum;* and that every such Security for the Repayment of any such Principal Sum or Sums of Money, with Interest, shall state the full Consideration for the same, and may contain such Stipulations and Provisions to be inserted therein as the said Commissioners may think proper and the Case may require, and may, subject to such Stipulations and Provisions being inserted therein (if any), be in the Form or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, the Commissioners for the Drainage and Improvement of Marshland Smeeth and Marshland Fen in the Country of Marshland in the County of Norfolk, acting in execution of an Act of Parliament passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled [*here set forth the Title of the recited Act*], and of the Marshland Smeeth and Fen (Drainage Rate and Road District) Act, 1849, do, by virtue of the Power and Authority given to us by the said last-mentioned Act, and in consideration of the Sum of to us paid by bargain, sell, and assign unto the said Successors and Assigns, *or* Executors, Administrators, and Assigns, (*as the Case may be,*) all and singular the Rates, Taxes, and Assessments by the said last-mentioned Act authorized to be demanded and received by or made payable to the said Commissioners [for the Purposes of Drainage], *or* [for the Repair of Roads] (*as the Case may be*), to hold the same unto the said Successors and Assigns, *or* Executors, Administrators, and Assigns, (*as the Case may be,*) until the said Sum of together with Interest for the same after the Rate of per Centum per Annum, to be computed from the Day of the Date hereof, shall be fully repaid and satisfied to him, her, *or* them (*as the Case may be*), such Interest to be paid by equal half-yearly Payments on the Day of and the Day of in every Year in the meantime. Given under our Hands and Seals, the Day of in the Year of our Lord .'

Securities to be assignable.

XVII. And be it enacted, That it shall be lawful for all and every Body and Bodies Politic and Corporate, and Person and Persons, to whom any such Security shall be so made as aforesaid, or who shall be entitled to the same, or to the Principal Money and Interest thereby secured, or any Part or Proportion thereof, and he, she, and they is and are hereby respectively empowered, from Time to Time, by any Deed under his, her, or their Hand and Seal or Hands and Seals, duly stamped, in which the Consideration for such Assignment or Transfer shall be stated, and which Deed may, if thought expedient, be endorsed on his, her, or their Security, to assign or transfer such Security, or any Share thereof or Interest therein, and all or any Part of the Monies due or to become due thereon, to any Body or Bodies, Person or Persons whomsoever; and every such Assignment or Transfer shall be produced or notified to the Clerk of the said Commissioners, who shall cause a Memorial thereof, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money therein

mentioned to be transferred, to be entered in the Book or Books to be kept for entering the said original Securities, for the Entry of which said Memorial the said Clerk shall be paid the Sum of Five Shillings, and no more, by the Person or Persons producing or notifying such Assignment or Transfer as aforesaid; and after Entry made of such Memorial as aforesaid, and not otherwise, every such Assignment or Transfer shall be good and valid to all Intents and Purposes, both at Law and in Equity, and shall entitle the Assignee or Assignees therein named, and his, her, or their Successors, Executors, Administrators, and Assigns, to the full Benefit thereof, and of the original Security or Interest therein which shall have been thereby assigned or transferred; and every such Assignee shall and may in like Manner assign and transfer such respective Securities from Time to Time when and as often as he shall think fit.

Mortgagees to be Creditors in an equal Degree.

XVIII. And be it enacted, That the several Bodies or Persons to whom such respective Securities as aforesaid shall be made or granted, and their respective Successors, Executors, Administrators, and Assigns, shall be Creditors upon the said Rates, Taxes, and Assessments thereby respectively charged therewith, in an equal Degree one with another, according to the Amount of the respective Principal Sums of Money which shall be thereby respectively secured to them; and that any One or more of the said several Bodies or Persons, or his, her, or their respective Successors, Executors, Administrators, or Assigns, shall not have any Preference over any other or others of them, or his, her, or their respective Executors, Administrators, or Assigns, by reason of any Priority in the Date of such respective Securities or any of them, or in the Time of advancing the Monies for which the same shall have been respectively given.

The Treasurer or Collector of the Commissioners to pay the Interest, and to repay the Principal of the Mortgages, on Notice.

XIX. And be it enacted, That the Treasurer or Treasurers for the Time being of the said Commissioners, or in case of his or their Default or Neglect then any Collector or Collectors of the said Commissioners, shall, upon receiving Notice in that Behalf from any Mortgagee or Mortgagees for the Time being entitled to any Principal Monies under or by virtue of any Security to be so granted as aforesaid, and of which Default by such Treasurer or Treasurers the Notice to be given to any such Collector or Collectors shall be sufficient Evidence, and he and they is and are hereby authorized and required, with and out of the said Rates, Taxes, and Assessments which shall be assessed, rated, or charged by virtue of or under this Act, and which shall be so mortgaged respectively, to pay and keep down the Interest of the said several Principal Monies which shall be secured thereon respectively as aforesaid, by equal half-yearly Payments, to the several Persons entitled thereto respectively, and also to repay the Principal Money due upon any Mortgage as aforesaid on the Day or respective Days and in the Manner expressed in such Mortgage, or in case no Day shall be appointed for that Purpose in such Mortgage, or in case the Payment of the said Principal Money shall be postponed beyond the Day or Days which shall be so appointed therein by Consent of the Person or Persons entitled to receive such Principal Money, then upon Six Months previous Notice in Writing for the Payment of such Principal Money being given to or left at the Dwelling

ing House or Office for the Time being of the Treasurer or Clerk of the said Commissioners, by or on behalf of the Person or Persons for the Time being entitled to such Mortgage, or to the Principal Money and Interest thereby secured.

In default of Payment of Principal and Interest the Rates to vest in the Mortgagees.

XX. And be it enacted, That in case Default shall be made in the Payment of the Principal Money or Interest due and payable upon or by virtue of any Mortgage or Mortgages which shall be granted as aforesaid, on the Day or Days and in the Manner herein-before directed for the Payment thereof respectively, then and in any such Case the said Rates, Taxes, and Assessments which shall have been made liable to and charged with the Payment thereof respectively shall thereupon vest in the Mortgagee or Mortgagees to whom such Mortgage or Mortgages shall have been respectively made as aforesaid, or his or their respective Successors, Executors, Administrators, or Assigns, according to the respective Amounts of the several Principal Sums of Money secured to them respectively, until the Principal Money and Interest due to him and them respectively upon such Security or Securities shall be fully paid and satisfied to the said Mortgagee or Mortgagees, together with the Costs and Charges which shall have been occasioned by the Nonpayment of the same Principal Monies and Interest; and such Mortgagee and Mortgagees respectively, and their respective Successors, or Executors, Administrators, and Assigns, or any Person or Persons to be from Time to Time in Writing appointed for that Purpose by such Mortgagee, or by the Majority in Value of such Mortgagees, if more than One, shall and may from Time to Time, when and as the same Rates, Taxes, and Assessments shall be so vested in such Mortgagee or Mortgagees as aforesaid, have and exercise all such and the same Powers, Rights, Privileges, and Remedies for recovering, collecting, and receiving the said Rates, Taxes, and Assessments, or such of them, or such Part or Parts thereof respectively, as shall be so mortgaged or charged to them respectively as aforesaid, as the said Commissioners, or their Treasurer or Collector, would or might have had or exercised in case no such Default had been made.

Mortgagees not to be answerable for more Monies than actually received by them, nor for Default of Collector.

XXI. Provided always, and be it enacted, That no such Mortgagee or Mortgagees as aforesaid, nor any Person to be appointed by him, her, or them to collect and receive the said Rates, Taxes, and Assessments as aforesaid, shall be answerable or accountable for more Money than he, she, or they shall actually receive for or on account of such Rates, Taxes, or Assessments, nor shall such Mortgagee or Mortgagees be answerable or accountable for any Neglect or Default of any Person or Persons to be appointed by him, her, or them to collect or receive the said Rates, Taxes, and Assessments as aforesaid, so that such Neglect or Default be not wilfully occasioned by such Mortgagee or Mortgagees.

Application of Monies borrowed.

XXII. And be it enacted, That all such Sums of Money as shall from Time to Time be raised, borrowed, or received by the said Commissioners upon any such Mortgage or Mortgages as aforesaid shall be applied and disposed of by the said Commissioners from Time to Time in the Payment of the Costs, Charges, and Expenses of and incident

incident to the raising and borrowing of the same, and, subject thereto, in such and the same Manner as the several Rates, Taxes, and Assessments authorized to be levied and received by virtue of this Act, and on the Security whereof such Money shall be so borrowed, would or ought to have been applied and disposed of under the Provisions of the said recited Act or of this Act in case no such Mortgage had been granted.

Sinking Fund to be formed.

XXIII. And be it enacted, That the said Commissioners shall and they are hereby required, with and out of the Rates and Taxes to be received by them under the Authority of this Act, and on the Security whereof any Principal Monies shall be due and owing, subject nevertheless and without Prejudice to the Rights and Remedies of any Mortgagee or Mortgagees for recovering Payment of his or their Principal Monies and Interest, yearly and every Year to appropriate and set apart a Sum equal to One Twentieth Part of the Principal Monies for the Time being due and owing on the Security of the same Rates and Taxes, in order that the same may be accumulated and form a Sinking Fund, and be applied for the Purpose of paying off such Principal Monies in manner herein-after directed.

Trustees to be appointed by Commissioners, and Vacancies supplied.

XXIV. And be it enacted, That the said Commissioners shall and they are hereby required, at some or One of their Meetings to be held under the Authority of the said recited Act or of this Act, and as soon as conveniently may be after any such Mortgage shall be made as aforesaid, to elect and appoint Three fit and proper Persons to be Trustees on behalf of the said Commissioners of the Sums of Money so herein-before directed to be appropriated and set apart and accumulated as and by way of a Sinking Fund as aforesaid; and that from Time to Time when and so often as any of the said Trustees, or any succeeding Trustee or Trustees to be appointed as herein-after mentioned, shall die, or desire to be discharged from his Trust, or refuse, neglect, or become incapable or unfit to act as such Trustees, it shall be lawful for the said Commissioners, in manner herein-before mentioned in respect to the original Appointment of Trustees, or as near thereto as may be, to elect and appoint some other fit and proper Person to act as a Trustee in the Place or Stead of every Trustee so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act as aforesaid.

Sinking Fund to be invested and applied.

XXV. And be it enacted, That the said yearly Sums herein-before directed to be appropriated and set apart as aforesaid, and the Income thereof, shall, from Time to Time as and when the same shall be so set apart and appropriated or become payable, be invested in the Names or Name of the Trustees or Trustee for the Time being acting in execution of the Provisions of this Act, subject nevertheless and without Prejudice to the Rights and Remedies of any Mortgagee or Mortgagees as aforesaid, as and by way of a Sinking Fund in such Government Securities as the said Commissioners shall from Time to Time at any of their Meetings direct, and be transferred or varied for or into other Securities of a like Nature, when and as often as the said Commissioners shall in like Manner direct; and the said Trustee or Trustees shall stand possessed of and interested in such Securities,

and

and the annual Income thereof, upon trust to accumulate the same by investing, from Time to Time as the same shall become due, the annual Income arising from such Securities in or upon other Securities of the like Nature, and shall (subject and without Prejudice as aforesaid), from Time to Time when and as the said Commissioners at any of their said Meetings shall so order and direct, and the Fund so to be accumulated shall be of sufficient Amount, apply the same Fund in or towards the Payment of all such Monies as shall for the Time being be due and owing on the Security of the Rates and Taxes from or out of which such Fund and Accumulations shall have respectively arisen or been derived, rateably in proportion to the Amount of the several Principal Monies due thereon, if more than One.

Power for Trustees, by Direction of the Commissioners, to apply Sinking Fund towards Discharge of any Mortgages, but not without Consent of Mortgagees.

XXVI. Provided always, and be it enacted, That it shall be lawful for such Trustees or Trustee for the Time being as aforesaid, at any Time or Times, by the Direction of the said Commissioners, in Writing signed by the Chairman of any Meeting held by them under the Authority of the said recited Act or of this Act, to apply the whole or a competent Part or Parts of the said accumulated or Sinking Fund in or towards the Payment or Discharge of the whole or any Part of the Monies for the Time being owing on any One or more Mortgage or Mortgages of any Rates, Taxes, or Assessments as aforesaid, towards the Payment or Discharge of which such accumulated or Sinking Fund is hereby made applicable, yet so nevertheless that no Mortgage or Mortgages to be either wholly or in part paid off or discharged as aforesaid, under this present Proviso, shall be so paid off or discharged without the Consent in Writing as well of the Mortgagee or Mortgagees entitled to the same, as also of the other Mortgagee or Mortgagees (if any) for the Time being.

Indemnity to Trustees of Sinking Fund.

XXVII. And be it enacted, That the Trustees or Trustee for the Time being of the aforesaid Sinking Fund and Investment shall be chargeable only for so much Money as they or he shall respectively actually receive under or by virtue of this Act, or the Trusts or Powers aforesaid, notwithstanding their joining in Receipts for Conformity, and that they shall be respectively answerable for their own respective Acts, Receipts, Neglects, and Defaults only, and that they or any of them shall not be answerable for any Misfortune, Loss, or Damage which may happen in the Execution of any of the aforesaid Trusts, or in relation thereto, unless the same shall happen by or through their or his wilful Neglect or Default respectively; and also that the said Trustees respectively shall and may, by and out of the Monies which shall come to their or his Hands under the Trusts and Powers aforesaid, retain to and reimburse themselves and himself respectively, and allow to their or his Co-Trustee or Co-Trustees, all such Costs, Damages, and Expenses as they or he shall respectively suffer, sustain, or be put unto on account or in consequence of the Trusts hereby in them and him reposed, or in the Execution thereof, or otherwise howsoever relating thereto.

Power to raise Money for the Discharge of

XXVIII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to provide and raise from Time to Time, by Mortgage and in manner herein-before mentioned,

Principal Monies called in.

tioned, any Sum or Sums of Money which shall from Time to Time be required for paying off and discharging any Principal Money or Monies theretofore borrowed or taken up at Interest on the Security of any of the said Rates, Taxes, or Assessments, and which shall from Time to Time be called in by the Person or Persons respectively entitled thereto, or which the said Commissioners shall from Time to Time think proper to pay off and discharge, or any Part thereof respectively, and which shall not be paid off under the Provisions in that Behalf herein-before contained, and to provide for the Payment of any Sums to be raised by Mortgage as last aforesaid, with Interest, in manner herein-before declared with reference to the Sums herein-before authorized to be borrowed, and the Interest thereof.

Receipts of the Treasurer to be good Discharges.

XXIX. And be it enacted, That the Receipts of the Treasurer or Treasurers for the Time being of the said Commissioners shall from Time to Time be good and effectual Releases, Acquittances, and Discharges to all Bodies or Persons whomsoever for all such Sums of Money by this or the said recited Act directed or authorized to be paid to the said Commissioners, or to their Treasurer or Treasurers, or to be borrowed or taken up at Interest, or otherwise raised by the said Commissioners, for any of the Purposes of this or the said recited Act, as in such several Receipts shall be respectively acknowledged to be received; and after taking such Receipts respectively the respective Bodies or Persons paying the several Sums of Money therein respectively acknowledged to be received shall not be liable to see to the Application of the same respective Sums of Money or any Part thereof, nor be answerable or accountable for any Misapplication or Nonapplication thereof.

Commissioners not to be personally liable on Mortgages.

XXX. Provided always, and be it enacted, That the said Commissioners, or any of them, or the Heirs, Executors, or Administrators of any of them, shall not personally, nor shall the Lands, Tenements, Goods, or Chattels of any of them, be liable to or chargeable with the Repayment of any Principal Money or Monies to be secured by or upon any such Mortgage or Mortgages as aforesaid, or any Part thereof, or any Interest for the same, or any Costs or Charges relating thereto, or by reason of the Nonpayment thereof respectively, but the same shall respectively be charged upon the said Rates, Taxes, and Assessments which shall be charged or mortgaged with the Payment thereof respectively as aforesaid.

Penalty and Power of Recovery of Rates, in case of Default of Payment.

XXXI. And be it enacted, That the said several Rates, Taxes, and Assessments hereby authorized to be rated, taxed, assessed, and charged by the said Commissioners as aforesaid shall be paid to such Receiver or Receivers, Collector or Collectors, or other Officer or Officers, and at such Time or Times as the said Commissioners shall from Time to Time order and direct; and the several Owners and Occupiers or other Persons making default in the Payment thereof on the Day or respective Days on which the said Commissioners shall from Time to Time appoint for the Payment thereof shall be subject and liable to pay, in addition thereto, by way of Penalty, the Sum of Three Shillings and Four-pence in the Pound on the Amount of the said Rates, Taxes, and Assessments respectively

tively in the Payment whereof Default shall be so made as aforesaid; and in case any of the said Owners or Occupiers or other Persons shall make default in Payment of the said respective Rates, Taxes, or Assessments, or any Part thereof respectively, to such Receiver or Receivers, Collector or Collectors, or other Officer or Officers, by the Space of Thirty Days next after the Time or respective Times appointed by the said Commissioners for Payment thereof, the said respective Rates, Taxes, and Assessments in the Payment whereof Default shall be so made as aforesaid, together with the Penalty which shall be due in respect thereof, shall and may be recovered, levied, and raised by Distress and Sale in the Manner directed or authorized by the said recited Act as to the several Rates and Taxes thereby authorized to be assessed, rated, taxed, and charged, or any of them.

Provisions as to Books of Assessments and Accounts in the recited Act to be applicable to this Act.

XXXII. And be it enacted, That the several Clauses and Provisions in the said recited Act contained with reference to the Book or Books of Assessments and Accounts thereby directed to be made and kept in respect of the Rates and Taxes thereby authorized to be levied and raised, and with reference to the several Officers and Persons by the said recited Act authorized to be employed by the said Commissioners, and their Duties, and otherwise, shall be applicable, so far as the Circumstances of each Case will permit, to the several Rates, Taxes, and Assessments to be levied, raised, and made respectively, and to the several Officers and Persons to be employed by the said Commissioners respectively under or from and after the passing of this Act, and that any pecuniary Penalty made payable under this Act may be recovered in the Manner in and by the said recited Act directed of and concerning any pecuniary Penalty thereby made payable, and shall be applied for the general Purposes of the said recited Act and of this Act, as the said Commissioners shall think fit.

Accounts of Expenses of Commissioners to be laid before General Meetings.

XXXIII. And be it enacted, That the said Commissioners shall not be authorized to make any Charge in respect of the Trouble which they shall incur in the Execution of the Powers by this or the said recited Act conferred upon them; and that an Account containing a true Statement of all Sums paid by such Commissioners, or Expenses incurred by them, in the Execution of this or the said recited Act, together with the Vouchers relating to such Expenses, shall be laid before the Commissioners at their General Meeting in every Year, and the said Commissioners shall carefully examine such Accounts and Vouchers, and shall and they are hereby empowered and directed to allow and pass such Accounts, or such Parts of the same as shall appear to them to be just and reasonable.

Power for Commissioners to let Lands for the Payment of Rates in arrear.

XXXIV. And be it enacted, That in all Cases in which the said several Rates, Taxes, Assessments, and Penalties respectively, or any of them, shall be in arrear and unpaid by the Space of Six Calendar Months together next after the Time or Times at which the same shall have been respectively due or ought to have been paid, and no sufficient Distress can be found upon the Lands respectively charged with or made liable to the Payment of the same, then and in every such Case it shall be lawful for the said Commissioners at any of their Meetings to let or cause to be let the said respective Lands for or in respect

respect of which such Rates, Taxes, Assessments, or Penalties shall be so respectively in arrear and unpaid as aforesaid, or so much and such Part or Parts of the same Lands respectively as the said Commissioners shall judge sufficient and proper, to such Person or Persons, for such Number of Years not exceeding Seven Years, at such Rent or Rents, and upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent or Rents from Time to Time arising therefrom in or towards Payment and Discharge of such Rates, Taxes, Assessments, and Penalties respectively, and of such Charges and Expenses as they the said Commissioners shall incur or be liable to in consequence of the Nonpayment thereof, or in or about the letting of the said Lands or any of them, or any Part thereof respectively, and to retain the Overplus of the said Rent or Rents (if any) from Time to Time without being liable for any Interest thereon, until the same shall be demanded by the Person or Persons for the Time being entitled thereto.

Power for the Commissioners to let Herbage and Fishing.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, at any of their general, annual, or other Meetings to be holden under the Authority of the said recited Act or this Act, to let by public Auction or private Contract, for the Term of One or more Year or Years, or for any other Time or Times, as well the Grass and Herbage growing, arising, or renewing upon the Foreland of the old *Podike Bank*, set out and allotted under the Authority of the said recited Act, and upon the Lands in the said *Marshland Fen*, set out and allotted for the Purpose of getting Materials for the future Repairs and Support of the said Bank, as also the Grass and Herbage growing, arising, and renewing upon the several Roads and Ways in and upon the said *Marshland Smeeth* and *Marshland Fen*, and upon the several Parcels of Land set out and allotted for the Repair of the said Roads and Ways, and also upon the Banks (not being private Property) of the several Drains set out and made by or under the Direction of the said Commissioners, or placed under their Control or Authority by the said recited Act, and also the Fishery of and within the said several Drains or any of them, (but without Prejudice to the Drainage intended to be provided for by the said recited Act,) unto any Person or Persons, for such Time or Times, at such Rent or Rents, and subject to such Powers of Distress and other Powers and Remedies for recovering and obtaining Payment of such Rents respectively as the said Commissioners shall from Time to Time think proper to contract for and agree upon; and all such Rents shall be applied by the said Commissioners in the Manner herein-before directed concerning the Rates and Taxes by this Act authorized to be levied for the Purposes of the said Roads.

Power for the Commissioners to sell Lands.

XXXVI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, either by public Auction or private Contract, at such Times, and either together or in such Parcels, and for such Prices, and in such Manner, and upon and subject to such Terms and Conditions of Sale, as to them shall seem proper and reasonable, to make Sale and absolutely dispose of all and every or any of the Allotments set out, allotted, and awarded by the said

said Commissioners for Inclosure for the Repairs of the said Roads and Ways, or any of them respectively, and all other Lands, Allotments, Drains, Banks, Forelands, and other Property vested in the said Commissioners for the Time being acting under the Authority of this Act, which in their Judgment are not required for the several Purposes of this and the said recited Act; and the Receipts of any Three or more of the said last-mentioned Commissioners, or of their Treasurer or Treasurers, for the respective Purchase Monies arising by or from any such Sale or Disposal as aforesaid, or for any Part thereof, shall at all Times be sufficient and effectual Releases and Discharges to the several Purchasers of the said Premises respectively by whom such Monies shall be paid for so much Money as shall be thereby acknowledged to be received; and upon every such Sale, and Payment of the Purchase Money as aforesaid, there shall be delivered to the Purchaser or Purchasers, together with such Receipt, a Certificate in Writing under the Hands of Three or more of the said last-mentioned Commissioners, certifying the Sale of the Premises therein mentioned to such Purchaser or Purchasers, and the Amount of the Purchase Money for the same; and such Certificate shall be duly stamped for denoting the Payment of the full and proper *ad valorem* Stamp Duty payable on a Deed of Conveyance on the Sale of Property for the like Amount of Purchase Money, and thereupon the several Premises so certified to be sold as aforesaid shall thenceforth by the Authority of this Act become, be, and remain fully and absolutely vested in such Purchaser or Purchasers who shall be named in such Certificate, and his or their Heirs and Assigns, or in some Person or Persons to be named in such Certificate, and his or their Heirs and Assigns, in trust for the Purchaser or Purchasers of the said Premises, and his or their Heirs and Assigns for ever; and all and singular the Monies to arise and be produced by any such Sale as aforesaid, after Payment of the Charges and Expenses attending such Sale, shall be applied by the said Commissioners in the Manner herein-before directed concerning the Rates and Taxes by this Act authorized to be levied for the Purposes of the said Roads.

Premises to be first offered to the Owners of the adjoining Lands.

XXXVII. Provided always, and be it enacted, That before any such Sale or Disposition of any such Premises as last mentioned shall be made to any other Person the said Commissioners shall offer to sell and dispose of the same to the Owner or reputed Owner of any of the Lands thereto adjoining (the Owner or reputed Owner of the greatest Quantity of Land adjoining thereto having the Preference or Pre-emption), and the Price or Purchase Money for the same shall be adjusted and settled by and between the said Commissioners and such Owner or reputed Owner in such Manner as they and he shall mutually agree; and if no such Owner or reputed Owner shall agree to purchase the same in manner aforesaid within the Space of Fourteen Days from the Time at which such Offer shall be made to him by the said Commissioners (of which Fact any Writing under the Hands of any Three of the said Commissioners shall be sufficient Evidence), then and in every such Case the Premises so offered for Sale as aforesaid shall and may be sold and disposed of by the said Commissioners to any Person or Persons whomsoever, and in manner herein-before mentioned.

Penalty for not cleansing Ditches or making Tunnels.

XXXVIII. And be it enacted, That if the Occupier or Occupiers of any of the Lands lying within the said *Marshland Smeeth* and *Marshland Fen*, or in *Well Moor*, *Broad Fen* and *Short Fen*, to which any Droveway Ditch, Outring Ditch, or Division Ditch doth or shall belong, or which shall be bounded by any Soak or Fence Ditch, made or to be made at the Back of any of the Banks or Works belonging to the said Commissioners, shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair such Ditch, or to make the same of a sufficient Depth, and of the Width of Eight Feet Three Inches at the Top and Three Feet Six Inches at least at the Bottom, or to make, keep, and repair a sufficient Tunnel for the Passage of Waters in or under any Gateway or Roadway, in, over, or across such Ditch, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time for that Purpose, by the Superintendent or any other Officer of the said Commissioners, or by any Person employed by the said Commissioners for that Purpose, such Occupier or Occupiers respectively shall for every such Neglect or Refusal forfeit and pay to the said Commissioners as a Penalty the Sum of Two Shillings for every Rod so neglected to be roded, scoured, cleansed, opened, deepened, and widened as aforesaid, and the Sum of Twenty Shillings for every Tunnel so neglected to be made, kept, or repaired as aforesaid; and it shall be lawful from Time to Time for such Superintendent or other Officer or Person employed as aforesaid to cause such Ditch, at the Expense and Charge of such Occupier or Occupiers respectively, to be roded, scoured, cleansed, opened, repaired, and deepened in a sufficient Manner, and made of the Width aforesaid, and such Tunnel to be made or repaired as aforesaid, and by Warrant or Precept under the Hands of Three or more of the said Commissioners to levy such Penalty, and also all such Charges and Expenses as shall be paid or incurred by the said Commissioners or any of their Officers in or about the Premises, upon such Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels; and such Penalty and Charges, when so levied and recovered, shall be paid to and applied by the said Commissioners, for the Purposes of the said recited Act and this Act, in such Manner as they shall at any of their Meetings order and direct.

Power for Commissioners to reduce Dimensions in certain Cases.

XXXIX. Provided also, and be it enacted, That in case the said Commissioners shall at any Time or Times be of opinion that it is unnecessary in the said *Marshland Smeeth* to make any Droveway Ditches, Outring Ditches, or Division Ditches of the Dimensions herein-before specified, then and in such Case it shall be lawful for the said Commissioners to make such Order as they may think fit, directing the same to be made of smaller Dimensions in the said *Marshland Smeeth*, but not elsewhere; and every such Order shall be conclusive and binding, as fully, to all Intents and Purposes, as if the same were Part of this Act.

Appeal.

XL. Provided further, and be it enacted, That if any Person shall think himself aggrieved by any Rate made or by anything done in pursuance of the said recited Act or this Act, and for which no particular Method of Relief hath been already appointed, such Person

may appeal to the Justices at the next General or Quarter Sessions of the Peace to be held for the County wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to the said Commissioners or their Clerk Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Fourteen Days after Payment of such Rate shall have been demanded or Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal at and abide the Order of and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided nevertheless, that in case there shall not be Time to give such Notice and enter into such Recognizance as aforesaid before the next Sessions to be holden after Payment of any Rate shall have been demanded or the Cause of Complaint shall have arisen, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on the Hearing of such Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Provision of 41 G. 3. c. 23. applicable to this Act.

XLI. And be it enacted, That in all Cases of Appeal against any Rate or Assessment made in pursuance of this Act the several Provisions and Enactments contained in a certain Act made and passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Collection of the Rates made for the Relief of the Poor*, shall be applicable thereto, so far as the Circumstances will admit thereof, as if the same had been repeated and re-enacted in this Act with respect to such Appeal.

Expenses of Act.

XLII. And be it enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expenses whatsoever preparatory or incidental to or concerning this Act, shall be paid and discharged by the said Commissioners, in preference to every other Payment whatsoever, by and out of the first Rates, Taxes, or other Monies which shall come into their Hands or be at their Disposal under the Authority of the said recited Act or this Act, or either of them.

Short Title.

XLIII. And be it enacted, That in citing this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Marshland Smeeth* and *Fen* (Drainage Rate and Road District) Act, 1849."

Saving the Rights of the Crown.

XLIV. And be it enacted, That nothing contained in this Act, or in the Act herein recited or referred to, shall extend or be deemed or

or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Prerogatives, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Public Act. XLV. And be it enacted, That this Act shall be and shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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