ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxxxv.

An Act for improving the Outfall of the River *Nene*, and the Drainage of the Lands discharging their Waters into the *Wisbech* River, and the Navigation of the said *Wisbech* River, from the upper End of *Kinderley's Cut* to the Sea; and for embanking the Salt Marshes and bare Sands lying between the said Cut and the Sea.

[14th *June* 1827.]

WHEREAS by an Act passed in the Fifteenth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for settling the draining of the Great Level of the Fens called* Bedford Level, after reciting, amongst other Things, that certain Moors, Marshes, fenny and low surrounded Grounds called the *Great Level of the Fens*, and bounded and described as in the said Act is mentioned, were undertaken to be drained by *Francis* then late Earl of *Bedford*, and that *William* then Earl of *Bedford*, Son and Heir to the said Earl *Francis*, with divers of his Adventurers and Participants, had proceeded in the completing and finishing the said Works, it was, amongst other Things, enacted, that the said *William* Earl of *Bedford*, and the Adventurers and Participants of the said Earl *Francis* and Earl *William*, or either of them, their Heirs and Assigns, should be a Body Politic and Corporate in Deed and Name, and have Succession for ever by the Name of "The Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens;" and the 15 C. 2. c. 17.

Governor, Bailiffs, and Conservators of the said Corporation were by the said Act authorized to lay Taxes and do all other Things in order to the Support, Maintenance, and Preservation of the said Great Level and Works made and to be made: And whereas the said Great Level called *Bedford Level* hath been long since, and is now, divided into and distinguished by the several Names of the *North Level*, the *Middle Level*, and the *South Level*: And whereas by another Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled
27 G. 2. c. 19. *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the* North Level, *Part of the said Great Level, to raise Money to discharge the Proportion of the said* North Level *in the Debts of the said Corporation, and for ascertaining and appropriating the Taxes to be laid on the said* North Level, *and for the more effectual draining and preserving the said* North Level *and divers Lands adjoining thereto in the Manor of* Crowland; after reciting, amongst other Things, the said Act passed in the Fifteenth Year of the Reign of the late King *Charles* the Second, and that the Lands called *Portsand* otherwise *Great Porsand*, Parcel of the Demesnes belonging to and lying within the Manor of *Crowland*, in *South Holland*, in the County of *Lincoln*, therein-after described, adjoined to the said *North Level* on the North Part thereof, and lay convenient to be drained therewith; and that it would be for the mutual Benefit and Advantage of the Proprietors or Owners thereof, and of the Proprietors or Owners of the Lands within the said *North Level*, to join in one common Drainage; it was, amongst other Things, enacted, that the said several Lands and Grounds intended to be drained under the Powers and Authorities of the now-reciting Act should be, and they thereby were, divided into Five Districts or Divisions, in manner in the said now-reciting Act mentioned; the First, Second, Third, and Fourth of the said Districts containing together the several Lands comprised within the said *North Level*, and the Fifth of the said Districts containing the said Lands called *Portsand* otherwise *Great Porsand;* and that the Waters of the said several Districts or Divisions should run or be conveyed in, by, and through the several Rivers and Drains therein respectively mentioned and appointed, and into, by, and through *Shire Drain* to Sea; and for the effectual raising and levying of Money for the general draining and preserving the Lands and Grounds comprised in all the said Five several Districts or Divisions, it was thereby further enacted, that the Commissioners thereby nominated and appointed, and the Commissioners to be nominated or appointed, elected or chosen in their Stead, as therein mentioned, or any Forty or more of them, should meet yearly on the First *Monday* which should happen in the Month of *July* in every Year, and then and there from Time to Time should assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the Lands and Grounds situated and being within the said several Districts or Divisions therein-before described (except *Great Borough Fenn Common*, and the *Four Hundred Acre Common* herein-after mentioned, and also except other Lands in the said now-reciting Act particularly specified,) by and with equal and proportionable yearly Rates, Taxes, or Sums of Money, as therein mentioned; and that the Taxes and Sums of Money to be assessed and rated as aforesaid, and also

all Sums of Money to be borrowed on the Credit thereof in manner therein mentioned, should from Time to Time be applied by the said Commissioners for and towards the general Works of draining and preserving all the said Districts or Divisions therein-after mentioned: And whereas by another Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called* Bedford Level *to complete and maintain the principal Banks and Works necessary to the well draining and preserving the* North Level, *Part of the said Great Level, and for laying Taxes upon the Lands within the said* North Level, *and on divers Lands adjoining thereto in the Manor of* Crowland, it was, amongst other Things, enacted, that it should be lawful for the Commissioners for the Five several Districts or Divisions nominated or appointed, elected or chosen by virtue of the said recited Act of the Twenty-seventh Year of King *George* the Second, or of the Powers or Authorities thereby given, or any Forty or more of them assembled at their then next and every other General Yearly Meeting on the First *Monday* in the Month of *July* in every Year, to elect (in the Manner therein mentioned) Eighteen of the said Commissioners to be a Committee to superintend and direct the Repairs and Amendments to be made of and in the said Banks and Works, for the Year ensuing: And whereas by another Act, passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of* Tid Saint Giles *and* Newton *in the Isle of* Ely *in the County of* Cambridge, *and in* Tid Saint Mary's *in the County of* Lincoln, it was, amongst other Things, enacted, that it should be lawful for the Commissioners of the said *North Level*, appointed by virtue of the said Act of the Twenty-seventh Year of His said late Majesty King *George* the Second, to open and make a certain Cut, then some time since begun, called *Kinderley's Cut*, from the South End of the *West Marsh* or the River's End, through the common *Salt Marsh* in the Parish of *Tid Saint Giles* aforesaid, to near *Buckworth's Sluice*, and to continue the said Cut along the said *Salt Marsh*, in the Parish of *Tid Saint Mary's* aforesaid, at or near the Outfall of *New Gunthorpe Sluice*, and also to make a Bank on the East and South-east Side of the said Cut, between the said Cut and the then shifting and bare Sands, and also to make a Dam or Bank in and over the then Channel of the *Wisbech* River, near the South End of the said *West Marsh*, and to continue such Bank across the Sands and Marshes on the East Side of the said Channel, to join the then existing Sea Bank on the Marshland or *Norfolk* Side: And whereas the said Commissioners of the *North Level* appointed by the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second did, in pursuance of the Powers and Authorities to them given by the said recited Act of the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, proceed to open, and have long since completed the said Cut called *Kinderley's Cut*, with the Bank and Dam by the same last-mentioned Act respectively directed or authorized to be made by them: And whereas by another Act, passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining, inclosing, and improving the Lands called* Borough Fen Common *and the* Four Hundred Acre Common, *in the County of* Northampton, *and for forming the same into a Parish, to be called*

11 G. 3. c. 78

13 G. 3. c. 60.

52 G. 3. c. 143.

called Newborough, *and for building and endowing a Church for such Parish*, it was, amongst other Things, enacted, that the several Persons therein particularly named and described, and their Successors, to be elected in the Manner therein-after mentioned, should be Commissioners for draining the said Open Common and Waste Fen or Marsh Land called *Borough Fen Common* and the *Four Hundred Acre Common*, and all other the Commonable Lands and Waste Grounds thereto belonging, (being respectively included within the First of the said Five Districts into which the said *North Level* and *Portsand* were divided by the said recited Act of the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, but exempted by the same Act from the general Rates and Taxes thereby authorized to be assessed and levied,) and for dividing and allotting the same to such Person and Persons as might appear to the said Commissioners to be interested in and entitled thereto, and to have Rights thereon, according to the Value of their several Rights and Interests; and it was further enacted, that from and after the said Commissioners should have made their Award in the Manner therein directed, every Person who for the Time being should be *bonâ fide* seised or possessed in his own Right, or in the Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, of Twenty Acres of the Lands and Grounds therein-before directed to be divided and inclosed, should be a Commissioner for the future Drainage and Preservation of the said Lands and Grounds as therein mentioned: And whereas by another Act, passed in the
7 G. 4. c. 106. Seventh Year of the Reign of His present Majesty, intituled *An Act for constructing a Bridge across* Sutton Wash, *otherwise called* Cross Keys Wash, *between the Counties of* Lincoln *and* Norfolk, it was, amongst other Things, enacted, that certain Persons therein named and specified should be and they were thereby united into a Company for making, completing, and maintaining the said Bridge, and the Banks, Ways, and other Works thereby authorized to be made, according to the Provisions therein-after expressed, and should for that Purpose be a Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of the *Cross Keys Bridge*;" and it was further enacted, that it should be lawful for the said Company and their Successors, and they were thereby authorized and empowered, to construct or build, and to complete, maintain, and keep the said Bridge, together with proper Quays and Banks at each End thereof, across the Outfall or lower Part of the River *Nene* or Channel called *Cross Keys Wash* otherwise *Sutton Wash*, in the Situation and Manner therein mentioned; and after reciting that the Most Noble *John* Duke of *Bedford*, and the Proprietors of Lands in the *North Level* and *Great Portsand*, with the Concurrence of the Governor, Bailiffs, and Company of Conservators, had it in Contemplation to make certain Works for forming a new Cut or Channel, and confining the Waters from the North End of the said *Kinderley's Cut* to deep Water at or near a Place called *Crabhole*, below the Site of the said intended Bridge (being the Works herein-after authorized to be made), it was further enacted, that the said Bridge and Banks authorized to be constructed by the said now-reciting Act, or any of them, or any of the Works connected therewith, should not be commenced or proceeded in until after the End of the then next Session of Parliament; and it was further enacted, that if, before the said Bridge should be completed, an Act of Parliament should be obtained for carrying into effect the Works contemplated by the said *John* Duke

Duke of *Bedford* and the Proprietors of Land in the said *North Level* and *Great Portsand*, and a Contract should be entered into for the due Execution of the said Works, then and in such Case the said Company should, out of the Monies to be raised under the Provisions of the said now-reciting Act, raise and pay unto the said *John* Duke of *Bedford* and the said *North Level* Proprietors the Sum of Three thousand Pounds, agreed to be paid by the said Company towards the Execution of the same Works, at the Times following; that is to say, the Sum of One thousand Pounds, Part thereof, within One Calendar Month next after the Execution of the said Contract; the further Sum of One thousand Pounds, other Part thereof, at the Expiration of One Year from the Time of the Execution of the said Contract; and the remaining One thousand Pounds at the Expiration of Two Years from the Time of the Execution of the said Contract: And whereas, by reason of the high and shifting Sands through and over which the Waters of the said *Wisbech* River now flow to Sea, the Drainage of the surrounding Lands by the said River is very precarious and imperfect, and the Danger of Inundation from the Flood Waters of the River *Nene* which have their Course through the Channel of the said *Wisbech* River to the Sea is very great, and the averting thereof by the present System of Drainage is not only very uncertain, but is also attended with great and constant Expence; and the Navigation of the said *Wisbech* River is also very dangerous and uncertain: And whereas the making of a new Cut or Channel for the Waters of the said *Wisbech* River to join or be in Continuation of the said Cut called *Kinderley's Cut*, and to begin at the North or lower End of the said *Kinderley's Cut*, and to be continued from thence to low Water at or near to the said Place called *Crabhole*, with proper Banks and other Works, will materially facilitate the Passage and Outfall of the Waters of the said River *Nene* by and through the said *Wisbech* River to the Sea, and greatly contribute to the effectual draining of the Lands now discharging their Waters into the said *Wisbech* River, and to the improving of the Navigation of the same River: And whereas the probable Expence of executing and completing the said contemplated new Cut or Channel and other Works will, according to an Estimate thereof made, amount to the Sum of One hundred and thirty thousand Pounds, or thereabouts: And whereas, over and above the said Sum of Three thousand Pounds provided to be raised and paid by the said Company of Proprietors of the *Cross Keys Bridge* as aforesaid, the several Parties hereinafter named, in consideration of the great Benefit which they respectively expect to derive from the Navigation of the said *Wisbech* River, and the Drainage of the Lands through the same being so respectively improved as aforesaid, are willing to raise and contribute towards the Execution of the said contemplated Works the several Sums of Money following; that is to say, the Burgesses of the Town of *Wisbech*, in the Isle of *Ely*, the Sum of Thirty thousand Pounds; the several Proprietors of Lands lying within the Hundred of *Wisbech*, in the said Isle of *Ely*, and in *Tid Saint Mary's Fen*, in the County of *Lincoln*, liable to be charged with Taxes for Drainage under certain Acts of Parliament hereinafter mentioned, the Sum of Fifteen thousand Pounds; and the several Proprietors of Lands lying within the District of *South Holland*, in the County of *Lincoln*, liable to be charged with Taxes for Drainage under certain other Acts of Parliament herein-after mentioned, the Sum of Seven thousand Pounds; and it is just and reasonable that, in consideration of the great

Benefit which the several other Parties next herein named will derive from the Execution of the said contemplated Works, by the Drainage of their Lands through the said *Wisbech* River being so improved as aforesaid, the said several Parties next herein named should raise and contribute towards the Execution of the same contemplated Works several other Sums of Money, in proportion to the Benefit which they will respectively derive therefrom, that is to say, the several Proprietors of Lands lying within the Hamlet of *Sutton Saint Edmund's*, in the said County of *Lincoln*, on the North Side of *South Eau Bank*, the several Proprietors of Lands lying within the Hamlet of *Sutton Saint James*, in the said County of *Lincoln*, on the North Side of *South Eau Bank*, and on the North and North-west Sides of *Shire Drain*, and the several Proprietors of Lands lying within the Parish of *Tid Saint Mary's*, in the said County of *Lincoln*, in certain Fields there called *Rippingale Field*, *Chapel Field*, *Tilney Field*, and *Dunton Field*; which said several Sums and Contributions are to be accepted by the Commissioners herein-after appointed for executing this Act, in full Discharge of all Right and Claim now and hereafter to be made upon all and every the Persons paying such Sums and Contributions respectively for and towards the Execution and Maintenance of the said new Cut or Channel, and other Works contemplated by this Act; and which said Commissioners, upon Payment of such Sums and Contributions respectively to their Treasurer, are to take wholly upon themselves, by the Ways and Means to be authorized by this Act, the full and complete Execution, Maintenance, Preservation, and Repairs of the said new Cut or Channel, and all other the Works thereto belonging, contemplated by this Act, in all respects, and also to indemnify and save harmless all the said several Parties paying and contributing the several Sums aforesaid towards the Execution of this Act, of and from all further and other Calls and Payments whatsoever, in, about, touching, or concerning the said new Cut or Channel and other the Works aforesaid, and the making, maintaining, preserving, and repairing the same, or otherwise, in relation to the Premises: And whereas the Sum of Forty-eight thousand Pounds is the fair Proportion to be raised and contributed by the several Proprietors of Lands lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand* towards the Execution of the said contemplated new Cut or Channel and other Works, and the said last-mentioned Proprietors are willing to raise and pay the same; and they are also willing in the first instance to raise and defray all other the Expences (over and above the said several Sums to be so raised and contributed as aforesaid) of making, completing, and maintaining the said new Cut or Channel and other Works, and of maintaining the said *Kinderley's Cut*, upon the Terms following, that is to say, upon having the said new Cut or Channel and other contemplated Works, and the entire Direction and Controul of the making and executing and subsequent Maintenance of the same, and also the said *Kinderley's Cut*, with the Dams, Banks, and other Works thereto belonging, and the entire Direction and Controul of the future Maintenance thereof, vested in the Commissioners herein-after appointed under the Regulations hereinafter expressed, and upon having certain Lands herein-after mentioned, which have been already reclaimed and brought into Cultivation by the opening of the said *Kinderley's Cut*, and certain Portions herein-after also mentioned of the several open Marshes, bare Sands, and Channels which will be reclaimed and rendered capable of Cultivation by the making of the

said new Cut or Channel, and other Works contemplated by this Act, vested in the same Commissioners, for the Purposes herein-after specified: And whereas, with a View to the Purposes aforesaid, all the said open Marshes and bare Sands and Channel have been lately surveyed, set out, and bounded, and a Plan thereof made by *Thomas Pear* of *Spalding* in the said County of *Lincoln*, Land Surveyor: And whereas the said contemplated new Cut and other Works will not only be of great Benefit and Advantage to the several Parties immediately interested therein as aforesaid, but will also be of great public and general Utility; but the same cannot be executed, nor the necessary Funds for the Execution thereof provided and raised, without the Aid of Parliament: 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 present Commissioners appointed, named, or chosen by or under the Authority of the said recited Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, for the Five several Districts into which the said *North Level* and *Portsand* otherwise *Great Porsand* are thereby divided, and their Successors from Time to Time appointed by or to be named or chosen under the Authority of the said last-mentioned Act, together with the several Persons herein-after respectively named and appointed, and the several other Persons to be from Time to Time respectively elected as herein-after mentioned, and together with one Person to be elected by the said Governor, Bailiffs, and Conservators of the said Great Level of the Fens called *Bedford Level*, at some Meeting to be holden by them after the passing of this Act, and to be afterwards annually elected by the said Governor, Bailiffs, and Conservators at their Meeting in the Month of *April*, which Person the said Governor, Bailiffs, and Conservators are hereby authorized and empowered at such respective Meetings to elect for this Purpose, and also together with the Treasurer of *Guy*'s Hospital for the Time being, or some Person to be from Time to Time nominated by him by Writing under his Hand, as his Deputy, to act in his Absence, and Two other Persons to be from Time to Time nominated by the said Treasurer by Writing under his Hand for this Purpose, shall be and they are hereby appointed Commissioners for the Time being for executing this Act, and the several Powers, Provisions, and Purposes hereof.

Commissioners appointed for executing this Act.

II. And be it further enacted, That the Right Honourable *Charles William Wentworth Fitzwilliam*, commonly called Lord Viscount *Milton*, *William Walcot Squire*, *William Simpson*, *Henry Ryde*, *William Bate*, *William Morley*, *John William Deacon*, *John Moore*, *William Whitehead*, and *William Tooley*, now being respectively qualified to act as Commissioners of Drainage under the Authority of the said Act passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, shall be Commissioners for executing this Act jointly with the Commissioners for the Time being appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, until the full Number of Ten like Commissioners shall be elected as herein-after mentioned in their Places or Stead.

Appointment of Commissioners for Newborough.

III. And

Mode of electing succeeding Commissioners for Newborough.

III. And be it further enacted, That the several Persons for the Time being acting or qualified to act as Commissioners of Drainage under the Authority of the said Act passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third shall on the last *Monday* in the Month of *June* in this present Year, and on the last *Monday* in the Month of *June* in the next and every succeeding Year, hold One General Meeting, and shall at such Meeting from Time to Time elect Ten Persons from among themselves to be Commissioners for executing this Act jointly with the said Commissioners for the Time being appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second as aforesaid, for the Period of One whole Year, or until the full Number of Ten like Commissioners shall be elected in their Places or Stead; and that the Ten Persons so from Time to Time elected shall be certified by the Electors or the major Part of them to the said Commissioners for the Time being appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, at their yearly General Meeting to be holden in pursuance of the said Act.

Power to elect others in the Place of the Newborough Commissioners dying or becoming disqualified.

IV. Provided always, and be it further enacted, That if any of the said Ten Persons herein-before nominated as aforesaid, or any of their Successors, to be elected from Time to Time as aforesaid, shall die, or become disqualified to act as Commissioners in the Execution of this Act, it shall and may be lawful for the said Commissioners of Drainage for the Time being acting or qualified to act under the Authority of the said Act passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, to elect and certify in manner aforesaid some other Person or Persons properly qualified to be a Commissioner or Commissioners in the Place or Stead of the Commissioner or Commissioners so dying or becoming disqualified to act, from Time to Time, as often as Occasion shall require; and the Commissioner or Commissioners so elected shall from Time to Time have the same Powers and Authorities as the said Commissioners hereby nominated or directed to be yearly elected in manner aforesaid.

Appointment and Election of Commissioners for the Second and Fourth Districts.

V. And be it further enacted, That the Reverend *Henry Freeman* Clerk, for the Lands and Grounds lying within the Second District of the said *North Level*, by this Act made liable to the Payment of a limited Rate or Tax, as herein-after mentioned, and *John Taylor*, for the Lands and Grounds lying within the Fourth District of the said *North Level*, by this Act made liable to the Payment of a limited Rate or Tax, as herein-after mentioned, shall be also Commissioners for executing this Act jointly with the other Commissioners for executing the same, until others shall be respectively elected as herein mentioned in their respective Places; and that the Proprietors of the said several Lands and Grounds in the said respective Second and Fourth Districts shall in every Year hold a General Meeting, (that is to say,) the Proprietors of the said Lands and Grounds in the said Second District on the Second *Thursday* in the Month of *May* in every Year, and the Proprietors of the said Lands and Grounds in the said Fourth District on the last *Monday* in the Month of *June* in every Year, and shall at such respective Meetings from Time to Time elect One Person for the said

Second

Second District, and One Person for the said Fourth District, to be respectively Commissioners for executing this Act jointly with the said Commissioners for the Time being appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, as aforesaid, until others shall be respectively elected in their respective Places or Stead.

Elected Commissioners to be certified.

VI. And be it further enacted, That the several Persons to be so from Time to Time elected to be Commissioners for executing this Act as aforesaid shall be certified in Writing by their Electors, or the major Part of them, or by their Clerk or Clerks, to the said Commissioners for the Time being appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, at their yearly General Meeting to be held in pursuance of the said last-mentioned Act.

No Person holding an Office to act.

VII. Provided always, and be it further enacted, That no Person holding the Office of Treasurer, Clerk, Engineer, Surveyor, Receiver, or Collector, or any other Office or Place of Profit, or being concerned as a Contractor, either directly or indirectly, under this Act, or under the Commissioners for executing the same, shall act as a Commissioner in the Execution of this Act, during the Time in which such Person shall hold such Office or Place of Profit, or be concerned as such Contractor as aforesaid.

Commissioners to take Oath or Affirmation.

VIII. And be it further enacted, That every Person, before he shall act as a Commissioner in the Execution of this Act, shall take the following Oath, or (being a Quaker) shall make the following Affirmation, which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer.

'I DO swear, *or* do affirm, [*as the Case may be,*] That I am duly qualified and authorized, according to the best of my Knowledge and Belief, to act as a Commissioner in the Execution of an Act of Parliament passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]; and that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, and without any Favour or Prejudice, execute and discharge the several Trusts and Duties vested in me as such Commissioner, agreeable to the Provisions of the said Act. So help me GOD.'

Penalty on Persons acting not being appointed or qualified, or not having taken the Oath.

IX. And be it further enacted, That if any Person not being duly appointed and qualified, according to the respective Provisions of the said Acts respectively passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second and the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, or not being duly authorized according to the Provisions of this Act, or not having taken the Oath or made the Affirmation herein-before directed, or being disqualified by any of the Causes or Reasons aforesaid, shall act as a Commissioner in the Execution of this Act, except for the Purpose of administering the said Oath or Affirmation, or if any Person not being qualified as aforesaid shall appoint or vote for the Appointment of any Person to

act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, with double Costs of Suit, by any Person who shall sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in any such Action or Suit it shall only be necessary for the Plaintiff to prove that the Defendant acted as such Commissioner, or appointed or voted for the Appointment of any Person to act as such Commissioner, and a Verdict shall be found against the said Defendant, unless he shall prove in his Defence that he was, at the Time of so acting, appointing, or voting as aforesaid, entitled so to act, appoint, or vote, and had taken the said Oath or made the said Affirmation, as the Case may be, according to the true Intent and Meaning of the said recited Acts and of this Act respectively.

Disability of Commissioners not to be occasioned, nor their Acts impeached, by the Default of others.

X. Provided always, and be it further enacted, That no Disability to act in the Execution of this Act shall be occasioned to the other Commissioners hereby authorized to act by reason of the Death, or Refusal or Neglect to act, of any Commissioner or Commissioners, or by reason of any Commissioner or Commissioners being or becoming disqualified to act, or of any disqualified Person or Persons being appointed a Commissioner or Commissioners, or by reason or means of any Neglect or Omission in any Party or Parties to appoint a Commissioner or Commissioners for the Purposes of this Act as aforesaid; nor shall any Act or Proceeding of the said Commissioners be impeached, or rendered or deemed to be invalid, by reason of any Person or Persons not duly authorized to act as a Commissioner in the Execution of this Act having acted or concurred therein.

Commissioners incorporated.

XI. And be it further enacted, That the said Commissioners for executing this Act shall be and they are hereby made and constituted, from the passing of this Act, One Body Politic and Corporate, by the Name and Style of "The Commissioners of the *Nene* Outfall," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and be capable, without Licence of Mortmain, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, to purchase and hold Lands, Tenements, and Hereditaments, and Goods and Chattels, and to dispose thereof to the Use and for the Purposes of the said Corporation, and shall have full Power and Authority to do, perform, and execute all Matters and Things by this Act provided or authorized to be done.

Appointment of Committee.

XII. And be it further enacted, That the Committee from Time to Time elected and to be elected by and out of the said Commissioners for the said Five several Districts or Divisions of the *North Level* and *Portsand* otherwise *Great Porsand*, pursuant to the Directions of the said recited Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Third, together with Two Persons to be elected as next herein-after mentioned, or without such Two Persons in case of Default being made for any Cause in such Election of them, and from Time to Time until their Election shall be and they are hereby appointed a Committee of the said Commissioners for executing this Act, for

the Purposes, with the Powers and Authorities, and under the Regulations herein-after expressed and contained.

Committee of the Newborough and other Commissioners.

XIII. And be it further enacted, That the said Commissioners for executing this Act so from Time to Time elected by the said Commissioners for Drainage acting or qualified to act under the Authority of the said Act passed in the Fifty-second Year of the Reign of His said late Majesty King *George* the Third, as aforesaid, and the said Commissioners for executing this Act so from Time to Time appointed and elected for the several Lands and Grounds lying within the said Second and Fourth Districts of the said *North Level* respectively as aforesaid, or the major Part of them assembled at the first and every succeeding yearly General Meeting of the said Commissioners for executing this Act, shall together elect Two Commissioners from among themselves to be Members of the said Committee for the Purposes of this Act.

Meetings of the Commissioners.

XIV. And be it further enacted, That the First General Meeting of the said Commissioners for executing this Act shall be held on the first *Monday* which shall happen in the Month of *July* next after the passing of this Act, at Ten of the Clock in the Forenoon, and the said Commissioners for executing this Act shall thereafter hold a yearly General Meeting for the Purposes of this Act on the first *Monday* which shall happen in the Month of *July* in every succeeding Year, at Ten of the Clock in the Forenoon, at the House called the *Duke's Head Inn*, in *Thorney* in the said Isle of *Ely* and County of *Cambridge*, so long as the same shall continue an Inn or Public House, or at such other House in the Town of *Thorney* aforesaid as the said Commissioners at any General Meeting shall think proper to appoint; and the said Commissioners for executing this Act shall and may also hold any other General Meeting or Meetings, or any Special Meeting or Meetings for the Purposes of this Act, from Time to Time, and at any Time or Times and Place or Places when and as often as shall be required by any Notice in Writing under the Hands of Five or more of the said Commissioners; and the said Commissioners, who shall be present at any of their said respective Meetings, shall and may from Time to Time adjourn themselves to meet at such other Time or Times, at the same or any other Place or Places, as they shall think fit.

Notice of Meetings to be given.

XV. Provided always, and be it further enacted, That Fourteen Days Notice shall be given of every Meeting of the said Commissioners for executing this Act, except only the First General Meeting and Meetings by Adjournment, in One or more of the weekly Newspapers usually published and circulated in the said Isle of *Ely* and in the Parts of *Holland* in the said County of *Lincoln*, and in such other Newspapers as the said Commissioners shall from Time to Time order and direct.

Appointment of a Chairman.

XVI. And be it further enacted, That the said Commissioners at all their said respective Meetings shall appoint, by common Consent or by Ballot, One of themselves to be a Chairman, who shall be entitled to vote thereat as a Commissioner, and also in case of an Equality of Votes shall have the casting Vote.

XVII. And

Powers to be exercised by a Majority, 21 Commissioners being present.

XVII. And be it further enacted, That all the Powers and Authorities hereby vested in the said Commissioners for executing this Act (save and except in such Cases in which it is herein otherwise directed) shall and may be exercised by the major Part of the said Commissioners present at their respective Meetings; provided that no Order, Resolution, or Proceeding of the said Commissioners at their said respective Meetings, except only an Order for the Adjournment thereof, and except in such Cases in which it is herein otherwise directed, shall be valid, unless there shall be Twenty-one at the least of the said Commissioners present at such respective Meetings.

Orders of Commissioners to be entered and signed.

XVIII. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Commissioners for executing this Act at their several Meetings aforesaid shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by Five or more of the said Commissioners assembled at such respective Meetings; and that such Orders, Resolutions, and Proceedings, being so entered and signed as aforesaid, shall be deemed and taken to be original Orders as fully and effectually as if the same were signed by all the said Commissioners there assembled, or by the major Part of them, or were under the Common Seal of the said Commissioners; and the said Book or Books, and all other the Books to be kept by the said Commissioners pursuant to the Directions of this Act, shall and may be produced and read in Evidence in all Courts whatever.

Powers of Commissioners at their Meetings.

XIX. And be it further enacted, That the said Commissioners for executing this Act shall have Power and Authority, at their several Meetings, from Time to Time, to order and dispose of the Custody of their Common Seal, and the Use and Application thereof, and to make such Orders, Resolutions, Bye Laws, Rules, and Regulations as they shall think proper for the good Government of the said Commissioners and of their said Committee, and of their Officers, Servants, Agents, and Workmen, in the Execution of this Act, and for the Management, Conduct, and Execution of the several Works by this Act authorized to be made, and to impose and inflict such reasonable Fines and Penalties (not being inconsistent with the General Statutes of this Part of the United Kingdom, or with the several Powers and Authorities of the said Governor, Bailiffs, and Conservators as Commissioners of Sewers as well within as without the said Great Level,) upon all Persons who shall offend against any of such Bye Laws, Rules, and Regulations, as to the said Commissioners at their said several Meetings shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and all such Bye Laws, Rules, and Regulations, being reduced into Writing under the Common Seal of the said Commissioners for executing this Act, shall be printed and circulated, and shall be binding upon and be observed by all Persons concerned therein, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall have acted under the same and in conformity therewith.

Power to allow Expences of Commissioners and Committee.

XX. And be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, from and out of the Funds to be raised by them under the Authority of this Act, to allow and pay towards the Expences of the said Commissioners at their several Meetings to be holden under the Authority of this Act any Sum not exceeding Five Shillings

Shillings for each Commissioner present at such several Meetings, and also to allow and pay all the reasonable Charges and Expences which shall from Time to Time be incurred by their said Committee at their several Meetings, or otherwise, in the Execution of this Act.

Officers to be appointed.

XXI. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required, at their first and subsequent Yearly General Meetings to be holden under the Authority of this Act, to name and appoint One or more Clerk or Clerks, Treasurer or Treasurers, Engineer or Engineers, Surveyor or Surveyors, and One or more Collector or Collectors, Receiver or Receivers of the Rates and Taxes and other Monies to be levied by the Authority of this Act, and such other proper Officers, Agents, and Assistants as they shall from Time to Time think needful, and to remove or displace them or any of them, and to name and appoint another or others in the Stead of him or them who shall be so removed or displaced, or in the Stead of him or them who shall die or cease to act, and to allow and appoint to be paid to such respective Clerks, Treasurers, Engineers, Surveyors, Collectors, Receivers, and other Officers, Agents, and Assistants, out of the Rates and Taxes to be imposed by the said Commissioners, such yearly or other Wages, Salaries, Compensations, and Rewards for their Trouble, Pains, and Expences in their respective Offices or Employments, as the said Commissioners at any such Yearly General Meeting shall from Time to Time think reasonable and proper; and that it shall be lawful for the said Commissioners at any other general or any special or adjourned Meeting, if they shall see Cause, from Time to Time to remove and displace all or any of the said Officers, and to appoint others or another in their Places or Steads, or in the Place or Stead of any of them who shall die or cease to act, until the then next Yearly General Meeting.

Clerk and Treasurer not to be the same Person.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners for executing this Act to appoint any Person who shall be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employment of any such Clerk, or of his Partner, to be the Treasurer of the said Commissioners for the Purposes of this Act; or to appoint any Person who shall be appointed their Treasurer in the Execution of this Act, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employment of any such Treasurer, or of his Partner, to be the Clerk of the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employment of any such Clerk, or of his Partner, shall accept the Office of Treasurer in the Execution of this Act, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employment of any such Treasurer, or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*,

by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Certain Officers to give Security.

XXIII. And be it further enacted, That every such Treasurer, Clerk, Collector, and Receiver so to be appointed as aforesaid, before he shall act in the Execution of his Office, shall give to the said Commissioners for executing this Act such Security for rendering a faithful Account of all Monies which shall or ought to be received or paid by him, and for duly executing his Office and Trust, as the said Commissioners shall in their Discretion think fit.

Officers to make Entries of their Accounts.

XXIV. And be it further enacted, That every such Clerk, Treasurer, Collector, Receiver, and other Officer so to be appointed as aforesaid, shall fairly enter in proper Books to be kept for such Purpose an Account of all Monies by him received and paid on account of the said Commissioners for executing this Act, or for any of the Purposes of this Act, specifying the Times when, and the Persons from whom and to whom, and the several Purposes for which such Monies were respectively received and paid; all which said Books, or true Copies thereof, signed by such Clerk, Treasurer, Collector, or other Officer, together with the Vouchers for the Payments therein expressed, and also all Books and Papers in his Custody relating to his said Office, or otherwise to the Execution of this Act, shall be delivered to the said Commissioners for executing this Act, if required by them, once at least in every Year, on the Day herein-before appointed for the said Yearly General Meeting, and at such other Time or Times as the said Commissioners shall require.

Collectors to pay over Monies to the Treasurer.

XXV. And be it further enacted, That every Collector and Receiver to be appointed by the said Commissioners for executing this Act, for the collecting or receiving of any Rates, Taxes, or Monies under the Authority of this Act, shall from Time to Time pay over all and every such Rates, Taxes, and Monies which he shall from Time to Time have collected or received, unto the Treasurer or Treasurers for the Time being of the said Commissioners, at least twice in every Year, in such Manner as the said Commissioners at any General or other Meeting shall order, direct, and appoint.

Officers to account when required.

XXVI. And be it further enacted, That every Clerk, Treasurer, Collector, Receiver, and other Officer to be appointed as aforesaid shall, as often as required by the said Commissioners for executing this Act, render and give to them the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, and produce and deliver up to the said Commissioners, or to such Person or Persons as aforesaid, proper Vouchers of and for all Monies which they shall respectively, to the Time of rendering such Accounts, have received, paid, and disbursed by virtue of this Act, or for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid by him to the said Commissioners, or to such Person or Persons as they shall, by any Writing under their Hands, or under the Hands of any Five or more of them authorize and empower to receive the same; and if any such

Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Commissioners, or any Five or more of them, refuse or neglect to render, give, produce, and deliver up to them, or to such Person or Persons as they shall direct or appoint, such true and perfect Account, and all or any such Vouchers as aforesaid, and all or any Books, Papers, Writings, Matters, and Things, in his Hands, Custody, or Power, it shall and may be lawful for any Justice of the Peace of the County, Parts, Isle, or Jurisdiction where the Officer so making Default shall be or reside, upon Application made to him for that Purpose by or on behalf of the said Commissioners, to make Inquiry of and concerning any such Default as aforesaid, in a summary Way, as well by the Confession of the Party as by the Testimony of any credible Witness or Witnesses upon Oath, without Fee or Reward, and by Warrant under his Hand and Seal to cause such Money as shall appear to him to be due and unpaid from such Officer to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to such Officer the Overplus (if any), on Demand, after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if it shall appear to any such Justice, in manner aforesaid, that any such Officer shall have refused or wilfully neglected to render such Account, or to deliver up all or any Vouchers, Books, Papers, Writings, Matters, or Things in his Custody or Power, relating to the Execution of his Office, such Justice shall or may commit him to the House of Correction or Common Gaol of the County, Parts, Isle, or Jurisdiction where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account, and shall have produced and delivered up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Commissioners, or shall have compounded with them for such Money, and paid such Composition according to their Direction, which Composition the said Commissioners are hereby empowered to make and receive, or until he shall have delivered up all such Books, Papers, and Writings, Matters and Things as aforesaid, or have given Satisfaction to the said Commissioners concerning the same; but no such Officer, who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Officer discharged from the Service of the Commissioners to remove from House occupied by him.

XXVII. And be it further enacted, That if any Clerk, Collector, or other Officer or Person, when discharged from the Employment of the said Commissioners for executing this Act, shall delay or refuse to remove from any House or Premises occupied by him, belonging to the said Commissioners, and to render up the Possession thereof to them upon being thereunto required by them, or any Person in their Behalf, it shall and may be lawful, upon the Complaint of One or more of the said Commissioners, or of any Person in their Behalf, for any One or more of the Justices of the Peace of the County, Isle, or Jurisdiction where such House or Premises shall be situated to summon such Officer or Person to appear before him or them, and upon his appearing or not appearing to hear and determine the Matter of the said Complaint, and to cause the Possession of such House or Premises to be delivered up to the said Commissioners, or to such

Person

Person as they shall direct to receive the same; and if any such Officer or other Person shall thereafter molest or disturb the said Commissioners, or any Person in the Possession of such House or Premises, it shall and may be lawful for any One or more of such Justices, by Warrant under his Hand and Seal, or their Hands and Seals, to commit such Officer or Person to the Common Gaol or House of Correction of such County, Isle, or Jurisdiction, for any Period not exceeding Six Calendar Months.

Certain Orders of the Commissioners to be made at their Yearly Meetings.

XXVIII. And be it further enacted, That the said Commissioners for executing this Act shall, and they are hereby authorized and required, at their several yearly General Meetings to be holden under the Authority of this Act, to make Orders for assessing and imposing Taxes, and to make Bye Laws, Rules, and Regulations, pursuant and conformable to the several Powers and Provisions herein contained, if and as occasion shall from Time to Time require, and to appoint their several Clerks, Treasurers, and other Officers, and to audit and pass their several Accounts, and to receive the Reports of their Committee, and to make and give such Orders and Directions as shall from Time to Time appear to them to be necessary for the Conduct and Regulation, as well of themselves the said Commissioners, as also of their said Committee, Officers, and Servants, and of their several Proceedings, according to the Powers, Provisions, and true Intent and Meaning of this Act.

Appointment of Chairman and Deputy Chairman of Committee.

XXIX. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required, at their First and every succeeding yearly General Meeting, to nominate and appoint, from and out of the said Committee hereby appointed, a Chairman and Deputy Chairman of the said Committee for the Year then next ensuing.

Powers and Proceedings of the Committee.

XXX. And be it further enacted, That the said Committee hereby appointed of the Commissioners for executing this Act shall and may meet at such Times and Places, and from Time to Time adjourn themselves to such other Time, and to the same or such other Place as they shall think fit; and that the Chairman, or in his Absence the Deputy Chairman of the said Committee, so appointed by the said Commissioners as aforesaid, or in the Absence of both of them the said Chairman and Deputy Chairman, then such Person as shall from Time to Time be nominated by the said Chairman, or on his Default then by the said Deputy Chairman, shall be the Chairman of the said several Meetings of the said Committee, and shall be entitled to vote thereat, and shall also, in case of an Equality of Votes, have an additional and casting Vote; and that all the Powers and Authorities hereby vested in or authorized to be exercised by the said Committee shall and may be done by the major Part of them present at their respective Meetings, the whole Number present not being less than Five, and the said Chairman or Deputy Chairman, or such Nominee, or One of them as aforesaid, being One of the said Number present; and all Orders and Proceedings of the said Committee at their several Meetings shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman of the said Meetings respectively, and the Entries so made and signed as last mentioned shall be deemed and taken to be Originals, and shall be admitted as Evidence in all Courts whatsoever; and the said Committee shall from Time to Time, for all the

Purposes

Purposes of this Act, obey and act in execution of the Orders and Directions of the said Commissioners for executing this Act, and the said Committee shall (subject nevertheless at all Times to such Orders and Directions as aforesaid) have the entire Management, Direction, Superintendence, and Control of the Execution of all and singular the Works by this Act authorized to be made and completed by the said Commissioners for executing this Act, and of the Maintenance of all and singular the Works by this Act directed or authorized to be from Time to Time maintained by the said Commissioners for executing this Act, with full Power and Authority from Time to Time to enter into any Contract or Contracts with any Person or Persons for the Execution and Maintenance of the same Works, or any of them, or any Part thereof respectively, and to take Security for the due Performance of any such Contract or Contracts, and to enforce the Performance thereof, and the Penalty or Penalties for any Breach or Default therein, and also to employ and direct Agents, Assistants, and Workmen in and about the same Works respectively; and the said Committee shall also have Power, in the Intervals between the several Meetings of the said Commissioners, to remove any Clerk, Treasurer, Engineer, Surveyor, Collector, Receiver, or other Officer of the said Commissioners, for any Negligence, Misconduct, ot Inability, and to appoint any other fit Person or Persons in the Stead of the Person or Persons so removed from the Service of the said Commissioners, or in the Stead of any such Officer or Officers who shall die in or quit the Service of the said Commissioners; but such Removals and new Appointments, to be so respectively made by the said Committee as aforesaid, shall not continue longer than until the next Yearly General Meeting of the said Commissioners for executing this Act, when, or sooner if the said Commissioners shall think fit, the same shall be respectively confirmed or annulled by the said Commissioners; and the said Committee shall also have Power and Authority to contract for the Purchase or Sale of any Messuages, Lands, Tenements, or other Hereditaments, and also of any Materials or other Goods and Effects, for and on the Account of the said Commissioners for executing this Act, and for the Purposes of this Act, and for the Use and Convenience of the said Works, or any of them; and the said Committee shall also have full Power and Authority from Time to Time, subject nevertheless to such Orders and Directions as aforesaid, to order the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act to pay all or any Sum or Sums of Money which shall from Time to Time be required for the Execution or Maintenance of the said Works respectively, or any of them; and every such Order, together with the Receipt or Receipts of the Person or Persons to whom any Sum or Sums of Money shall be paid by virtue thereof, shall be a sufficient Authority and Discharge to such Treasurer or Treasurers for the Payment of the Sum or Sums of Money thereby ordered to be paid; and the said Committee shall and may do, execute, and perform all Acts, Matters, and Things whatsoever necessary and expedient to be done in, about, touching, or concerning the said Works or any of them, which the said Commissioners for executing this Act are hereby authorized to do, or may otherwise lawfully do; save and except such only as are hereby expressly directed or restricted to be done by the said Commissioners at their Yearly General Meetings as herein mentioned; and subject nevertheless at all Times to

the Orders, Directions, and Restrictions of the said Commissioners, made at their said Yearly or other General Meetings, or any of them, or any Special Meeting or Meetings to be called for the Purpose; touching the Powers and Authorities of the said Committee.

Committee to make Reports to the Commissioners.

XXXI. And be it further enacted, That the said Committee shall from Time to Time make Reports in Writing under the Hand of their said Chairman or Deputy Chairman, of all their Proceedings, to the said Commissioners for executing this Act, assembled at their Yearly General Meetings as aforesaid; and that proper Books of Account and other Documents touching or concerning the Execution of this Act by the said Committee shall be kept under their Direction, setting forth, under proper Heads, full, clear, and faithful Particulars of all Monies disbursed and Payments made or ordered to be made, and of all Sums of Money received respectively for or on account of the said Commissioners by or under the Direction of the said Committee; and that Records in Writing of their Proceedings shall also be kept by the said Committee; and that the same several Books, Documents, and Records, and all Papers relating thereto, shall be respectively produced, and make Part of the Proceedings of the said Commissioners for executing this Act at their said several Yearly General Meetings; and the said Accounts shall be audited by the said Commissioners at their said Yearly General Meetings; and that the said several Books, Documents, Records, and Papers shall and may be inspected, and Extracts taken therefrom, by every Commissioner for executing this Act, or by the Clerk of the said Commissioners, at all seasonable Times.

Committee to examine Accounts of the Officers.

XXXII. And be it further enacted, That the said Committee hereby appointed of the said Commissioners for executing this Act shall and they are hereby authorized and required, once at least in every Year, or oftener if there shall be occasion, to examine, settle, and adjust the Accounts of the several Clerks, Treasurers, Collectors, Receivers, and other Officers of the said Commissioners; and the said Clerks, Treasurers, Collectors, Receivers, and other Officers so to be appointed as aforesaid, and every of them, are and is hereby required to attend the said Committee with their several Books and Accounts of Receipts and Payments, and all Vouchers for the same, at such Times and Places as the same Committee or any Five or more of them shall appoint; and such Accounts and Vouchers being considered and examined by the said Committee, and Oath being made of the Truth thereof before them if they shall so require, by the Clerk, Treasurer, Collector, Receiver, or other Officer accounting (which Oath any One or more of the same Committee is and are hereby empowered to administer), shall be certified and reported by the said Committee, or any Five or more of them, with their Opinion thereon, to the said Commissioners, at their Yearly General Meeting then next following, and the said Commissioners are hereby empowered at such Yearly General Meeting to allow and pass such Accounts, or such Part or Parts of the same as they shall see just.

Entry and Abstract of the Accounts to be made yearly.

XXXIII. And be it further enacted, That the yearly Accounts of the said Commissioners for executing this Act and of their said Committee and Treasurers, after the same shall have been from Time to Time audited by the said Commissioners as aforesaid, shall be fairly entered in Two several

several Sets of Books to be kept for that Purpose, one Set whereof shall be kept with the said Commissioners, or their Treasurer or Clerk for the Time being, and the other Set thereof shall be deposited in a Chest to be kept in the *Abbey House* in *Thorney* aforesaid, under the Care of the Steward of His Grace the Duke of *Bedford*, his Heirs or Assigns for the Time being; and the said Books, and each and every of them, shall and may be inspected and perused, and Extracts taken therefrom, at any Time or Times, at seasonable Hours, by and at the Request of any of the Owners or Proprietors of any Lands or Grounds lying within the Boundaries of the said *North Level* and *Great Portsand* otherwise *Porsand*, liable to be rated or taxed in pursuance of this Act, or the Commissioners for the Drainage of any Lands or Grounds liable to be rated or taxed in pursuance of this Act, or their respective Clerks or Treasurers, or the Town Bailiff or Town Clerk of the Town of *Wisbech* for the Time being respectively, on Payment of One Shilling for every such Inspection, and One Shilling more for every Hour employed in so inspecting and perusing the same, or taking Extracts therefrom as aforesaid; and an Abstract of the said several yearly Accounts shall be prepared and printed, and a printed Copy of such Abstract shall be yearly sent to the Register of the said Governor, Bailiffs, and Commonalty of the said Company of Conservators, to be deposited at the *Fen Office*, and also to every Commissioner acting in the Execution of this Act, and also to the Town Bailiff of the Town of *Wisbech* for the Time being, and to the respective Clerks or Treasurers of the several other Commissioners and Parties respectively herein-after authorized and required to raise and contribute any specific Sum or Sums of Money towards the Execution of the said New Cut and other Works; and a Copy of every such Abstract shall be kept and remain extant in the Office of the Clerk of the said Commissioners for executing this Act, for the Inspection at all seasonable Times of all Persons interested therein.

All Bodies and Persons empowered to sell and convey Estates to the Commissioners.

XXXIV. And be it further enacted, That if and when any Lands, Sands, Tenements, Buildings, or Hereditaments shall be wanted for any of the Purposes of this Act, it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, and for every or any of them, not only for and on behalf of themselves respectively, and their respective Heirs and Successors, but also for or on behalf of their respective Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever under any legal Disability, and for all Femes Covert who shall be seised, possessed, or interested in their own Right, and for all other Persons whomsoever who shall be seised, possessed, or interested of or in any Lands, Sands, Tenements, Buildings, or Hereditaments which shall be wanted for any of the Purposes aforesaid, and for every or any of them, to contract for and sell the same Lands, Sands, Tenements, Buildings, or Hereditaments, and every or any Part thereof, and by Indentures of Lease and Release, or by Indenture of Bargain and Sale inrolled, to convey and assure the same unto the said Commissioners for executing this Act, and their Successors and Assigns, absolutely and in Fee Simple; and that all such Contracts, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever.

XXXV. And

Parties interested to receive Compensation.

XXXV. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or other Persons hereinbefore capacitated or authorized to sell and convey any Lands, Sands, Tenements, Buildings, or other Hereditaments, and all other Owners of the same, and all Occupiers of any such Lands, Sands, Tenements, Buildings, or other Hereditaments, or any of them, shall and may accept and receive such Compensation or Satisfaction for the Value of such Lands, Sands, Tenements, Buildings, and Hereditaments, or for any Damages that shall be done thereto in the Execution of any of the Works by this Act authorized to be made or done, as shall be agreed upon by and between the said Owners and Occupiers respectively for the Time being, or other Parties interested, or any of them, and the said Commissioners for executing this Act, or their said Committee herein-before appointed; and the said Commissioners, by themselves or their said Committee, may and shall be at liberty to enter upon and thenceforth for ever to have, take, and enjoy the said Lands, Tenements, Buildings, and Hereditaments, for the Purposes of this Act; and in case the said Commissioners or their said Committee, and the said Owners, Occupiers, or Parties interested in such Lands, Sands, Tenements, Buildings, or other Hereditaments, cannot or do not agree as to the Amount or Value of such Compensation or Satisfaction, such Amount or Value shall be ascertained and settled by a Verdict of a Jury as is herein-after directed.

Compensation, if not agreed upon, to be determined by a Jury.

XXXVI. And for settling all Differences which may arise between the said Commissioners for executing this Act, or their said Committee, and the several Persons interested in any Lands, Sands, Tenements, Buildings, or other Hereditaments which shall or may be taken, used, affected, or prejudiced for any of the Purposes of this Act, or by reason of the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Person or Persons so interested as aforesaid, for or on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trust, or for or on the Part of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Compensation or Satisfaction as shall be offered to them, him, or her by the said Commissioners for executing this Act, or their said Committee, or by any Person on their Behalf, and shall give Notice thereof in Writing to the said Commissioners, or their said Committee, or to their Clerk, within Seven Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Amount of such Compensation or Satisfaction, or any Matter in Difference touching the same, may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any Person or Persons seised, possessed, or interested, either for themselves respectively, or for any other Person or Persons, of or in any such Lands, Sands, Tenements, Buildings, or other Hereditaments as aforesaid, shall refuse to treat, or shall not agree with the said Commissioners for executing this Act or their said Committee, or with any Person or Persons authorized to act on behalf of the said Commissioners, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Hereditaments or Premises in question, or to the Estate or Interest which they shall respectively claim therein, to the Satisfaction of the said Commissioners, or their said Committee, or of the Person or Persons authorized

rized to act on behalf of the said Commissioners; then and in every such Case it shall be lawful for the said Commissioners or their said Committee from Time to Time to issue a Warrant or Precept under the Common Seal of the said Commissioners to the Sheriff or Chief Bailiff of the County, Parts, or Isle in which such Lands, Sands, Tenements, Buildings or Hereditaments shall lie, or the Matter in question or dispute shallarise, or in case such Sheriff or Chief Bailiff, or his Under Sheriff or Deputy, Bailiff shall be immediately interested in the Matter in question, then to One of the Coroners of the said County, Parts, or Isle, not being so interested as aforesaid, commanding such Sheriff, Chief Bailiff, or Coroner, who is hereby required, on receiving such Warrant or Precept, to impannel, summon, and return not less than Twenty-four nor more than Forty-eight substantial and indifferent Persons qualified to serve on Juries within his Jurisdiction; and the Persons so to be impannelled, summoned, and returned as aforesaid are hereby required to appear before the Justices of the Peace for the County, Parts, or Isle from which they shall be impannelled and summoned, at some Court of General or Quarter Sessions of the Peace to be holden in and for such County, Parts, or Isle, as the Case may be, or at some Adjournment thereof, as in such Warrant or Precept shall be directed, and to attend such Court from Day to Day until discharged by the said Court; and out of such Persons so to be impannelled, summoned, and returned as aforesaid a Jury of Twelve Men shall be drawn by the Clerk of the Court, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Law at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of the said Persons so impannelled, summoned, and returned as aforesaid shall not appear at the Time and Place appointed as aforesaid, the said Clerk shall return other honest and indifferent Men of the Bye-standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and that all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk is hereby required, upon the Application of any of the said Parties interested in the Matter in question, to summon before the said Justices any Witnesses touching the said Matter, and may authorize the said Jury, or any Three or more of them, to view the Place or Places, or Matter or Matters in question; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered to administer,) inquire of, assess, and award, and give a Verdict for the Sum or Sums of Money to be paid by the said Commissioners to the respective Bodies, Persons, or Parties interested, as a Compensation or Satisfaction for the Purchase of such Lands, Sands, Tenements, Buildings, or Hereditaments respectively, or for any Damage which shall have been done thereto, or to the Parties interested therein respectively; and the said Justices shall give Judgment for such Sum or Sums of Money for which such Verdict of the said Jury shall have been so given as aforesaid; and the said Verdict and the Judgment thereupon shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and upon all Persons and Parties whomsoever interested therein; provided that Fourteen Days Notice in Writing at the least of the Time and Place when and where such Jury shall be so summoned to attend, shall have been given to the Bodies Politic, Corporate, or Collegiate, or to the Persons interested, or claiming

claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Persons respectively, or of the Head Officer of such Bodies Politic, Corporate, or Collegiate respectively, or with some Tenant or Occupier of the Premises respectively in respect of which such Compensation or Satisfaction shall be intended to be assessed at aforesaid.

Verdicts for Value of Lands and for Damages to be distinct.

XXXVII. And be it further enacted, That the several Verdicts which the said respective Juries shall respectively give in the Execution of the Powers hereby vested in them, concerning the Compensation or Satisfaction to be made for the Value of any Lands, Sands, Tenements, Buildings, or other Hereditaments, and for any Injury or Damage sustained or to be sustained as aforesaid, shall be distinct, and the said respective Juries shall therein and thereby distinguish the Sum or Sums of Money to be paid for the Value of any such Lands, Sands, Tenements, Buildings, or other Hereditaments, from the Sum or Sums of Money to be paid for any such Injury or Damage as aforesaid, separately and apart from each other, and also shall settle what Shares and Proportions of such several Sums of Money shall be allowed and paid to any Tenant or Tenants, or other Person or Persons having a partial Estate, Term, or Interest in the Premises, for his, her, or their Interest or respective Interests therein.

Verdicts of Juries to be recorded.

XXXVIII. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Court or his Deputy present at the giving and pronouncing of the same respectively, shall be kept by the said Clerk or his Deputy amongst the Records of the Quarter Sessions of the County, Parts, or Isle in which the same shall have been given and pronounced, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy at the Rate of Sixpence for every One hundred Words thereof.

Complaints of Injuries not to be received until Notice thereof has been given.

XXXIX. Provided always, and be it further enacted, That the said Commissioners for executing this Act, or their said Committee, shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed to receive or take notice of any Complaint or Complaints to be made by any Body or Bodies, or Person or Persons whomsoever, for any Injury or Damage by him, her, or them really sustained, or supposed to be sustained, in consequence of this Act, or of any thing done by virtue hereof, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation or Satisfaction claimed in respect thereof, shall have been given by or on behalf of such Body or Bodies, or Person or Persons, to the said Commissioners for executing this Act, or their said Committee, or to the Clerk of the said Commissioners, within the Space of Two Calendar Months next after the Time that any such real or supposed Injury or Damage shall have been sustained, or supposed to have been sustained, or the doing or committing thereof shall have ceased.

XL. Pro-

After Tender of Amends, if no Notice shall have been given, such Tender shall be conclusive.

XL. Provided also, and be it further enacted, That if after any Sum of Money shall have been tendered or offered by the said Commissioners for executing this Act, or by any Person on their Behalf, to any Body or Bodies, Person or Persons, or Party or Parties so seised, possessed, entitled, or interested as aforesaid, as a Compensation or Satisfaction for the Purchase of any Lands, Tenements, Buildings, or other Hereditaments, or for any Injury or Damage which shall have been done thereto, or shall have been sustained by any such Body, Person, or Party respectively, and such Notice in Writing as is last above mentioned and required shall not have been given within the Time herein-before mentioned, the said several Bodies, Persons, or Parties respectively shall be finally concluded by such Tender or Offer, and the said Commissioners shall pay or apply the Sum of Money which shall have been so tendered or offered by them, or on their Behalf, as aforesaid, in like Manner as if the same had been awarded by a Jury.

Parties requiring a Jury to enter into a Bond.

XLI. Provided also, and be it further enacted, That all and every Bodies or Body, Persons or Person, requiring a Jury to be summoned for any of the Purposes herein-before mentioned, shall (before a Warrant or Precept shall be issued for summoning such Jury) enter into a Bond with Two sufficient Sureties to the said Commissioners for executing this Act, in a Penalty of Five hundred Pounds, with a Condition to pay all such Costs and Expences, or proportionate Part of such Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, and obtaining such Judgment as aforesaid, as they, he, or she shall be liable to pay, according to the Provisions and the true Intent and Meaning of this Act.

Mode Payment of Costs of a Jury.

XLII. And be it further enacted, That in every Case where a Verdict shal be given for a greater Sum of Money as a Compensation or Satisfaction for any Lands, Sands, Tenements, Buildings, or other Hereditaments, or for any Damages done or to be done thereto, than shall have been previously offered by or on behalf of the said Commissioners or their said Committee, before the summoning of such Jury as aforesaid, or where by reason of Absence or other Impediment or Disability there shall not be found any Person who shall be legally capacitated to contract with and make a Conveyance to and receive Compensation from the said Commissioners as herein mentioned, then and in all such Cases all the reasonable Costs and Expences of causing such Compensation or Satisfaction to be assessed and adjudged as aforesaid, shall be settled by the said Justices, and shall be defrayed by the said Commissioners for executing this Act; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days next after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels belonging to or vested in the said Commissioners for executing this Act, (unless the Treasurer or Treasurers of the said Commissioners shall pay such Costs and Expences, which he or they is and are hereby authorized and required to do, and to charge the said Commissioners for executing this Act therewith,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, Parts, or Isle in which the same Goods or Chattels shall be, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made

made to him for that Purpose by the Party entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given for the same or for a less Sum of Money than shall have been previously offered by or on behalf of the said Commissioners or their said Committee before the summoning of such Jury as aforesaid, One Moiety of the said Costs and Expences shall be paid by the said Commissioners for executing this Act, and may be recovered in manner aforesaid, and the other Moiety thereof shall be paid by the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, entitled to or claiming such Compensation or Satisfaction; which said last-mentioned Moiety shall and may be deducted out of the Sum of Money which shall have been so assessed and adjudged as aforesaid, and the Payment or Tender of the Remainder of such Sum of Money shall be deemed to all Intents and Purposes to be a Payment or Tender of the whole Sum which shall have been so assessed and adjudged as aforesaid; and in case no Damages shall be given by such Verdict (where the Dispute is for Damages only), such Costs and Expences shall and may be recovered by the said Commissioners for executing this Act, or their said Committee, by such Ways as are herein provided for the Recovery of any Penalty imposed by this Act.

Application of Compensation, if amounting to 200*l.*

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act for any of the Purposes hereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Incapacity or Disability as hereinbefore mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and shall be there placed to his Account *ex parte* "The Commissioners of the *Nene* Outfall," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall and may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of Land Tax, or in or towards the Discharge of any Debt or other Incumbrance, or any Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments settled therewith, or to the same or to the like Uses, Intents, or Purposes, as the said Court shall authorize and direct; or when such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to the same Uses and in the same Manner as the Lands, Tenements, or Hereditaments which shall have been so purchased, taken, or used

1 G. 4. c. 35.

as aforesaid stood settled or limited to, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, under the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so hereby directed to be purchased as aforesaid, in case the Purchase and Settlement thereof had been made.

Application of Compensation if less than 200*l.* and exceeding 20*l.*

XLIV. And be it further enacted, That if any such Money so agreed or awarded to be paid as aforesaid, for any Lands, Tenements, or Hereditaments, Matter, Right, or Interest, which shall be purchased, taken, or used for any of the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, or of his, her, or their Trustee or Trustees, Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be there placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall, at the like Option, be paid to Two Trustees, to be nominated by the Person or Persons making such Option, and to be approved of by Five or more of the said Commissioners for executing this Act, or of their said Committee, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Money, and the Dividends or Interest arising therefrom, may be applied in the Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application of Compensation if not exceeding 20*l.*

XLV. And be it further enacted, That if any such Money so agreed or awarded to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in every such Case the same shall be paid or applied to or to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act as aforesaid, as any Five or more of the said Commissioners for executing this Act, or of the said Committee, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Trustee or Trustees, Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In Cases of Refusal to accept Compensation the Money to be paid into the Bank of England.

XLVI. And be it further enacted, That in case the Body or Bodies, or Person or Persons, to whom any such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Lands, Tenements, Hereditaments, Estate, or Interest for which the same shall be agreed or awarded to be paid, to the Satisfaction of the said Commissioners for executing this Act, or their said Committee, or shall refuse to execute the proper Conveyance or Conveyances, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded to be paid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, Estate or Interest, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or their said Committee, or any Five or more of them, to order the said Sum or Sums of Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be there placed to his Account *ex parte* "The Commissioners of the *Nene* Outfall," to the Credit of the Parties entitled to the said Lands, Tenements, or Hereditaments, Estate or Interest, subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or on Petition, shall in a summary Way order the same to be laid out and invested in the Public Funds, or order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Person or Persons making claim thereunto, and make such other Order in the Premises as to the said Court shall seem reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Purpose and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession to be deemed entitled until the contrary shall be shown.

XLVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased, taken, or used in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such purchasing, taking, or using thereof, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons respectively, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be so purchased with such Money as aforesaid, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made

to appear to the said Court that such Possession was a wrongful Possession, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to the Estate or Interest therein in respect whereof such Sum or Sums of Money shall have been paid.

Power of Court to order Payment of Expences.

XLVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Body or Bodies, or Person or Persons entitled to any Lands, Tenements, or Hereditaments, Estate or Interest, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all such last-mentioned Purchases, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners for executing this Act, who shall pay the same as the said Court shall direct.

Mortgagees to transfer their Securities on Receipt of Principal and Interest.

XLIX. And be it further enacted, That all and every Persons and Person who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used by the said Commissioners for executing this Act, or by their said Committee, for any of the Purposes of this Act as aforesaid, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest in advance on the said Principal Money by the said Commissioners or their said Committee, or by any Person or Persons on their Behalf, immediately convey, assign, and transfer such Mortgage or Mortgages, and other Security or Securities held by such Mortgagee or Mortgagees, for the said Principal Money and Interest, to the said Commissioners, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or their said Committee, or from any Person or Persons on their Behalf, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of the said Six Calendar Months, on Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer such Mortgage or Mortgages, and other Security or Securities as aforesaid, to the said Commissioners, or to such Person or Persons as they shall appoint.

Commissioners not liable to pay to Mortgagees more than the Value of the Premises.

L. Provided always, and be it further enacted, That in case the Sum or Sums of Money secured by such Mortgage or Mortgages, with the Interest due thereon, shall amount to more than the real Value of the Premises comprised therein or affected thereby, the same to be ascertained by a Jury in the Manner directed by this Act as to other Lands, Tenements, or Hereditaments, then the said Commissioners for executing this Act shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid.

LI. Pro-

Interest of Mortgagees to cease on Payment of Money into the Bank.

LI. Provided also, and be it further enacted, That in case any such Mortgagee or Mortgagees shall neglect or refuse to convey, assign, and transfer as aforesaid, upon such Tender or Payment of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid, then the Interest of the Principal Money secured by such Mortgage or Mortgages shall from the Time of such Payment or Tender cease and determine; and upon Payment by the said Commissioners for executing this Act, or their said Committee, or by any Person or Persons on their Behalf, of the Principal Money and Interest due on such Mortgage or Mortgages into the Bank of *England* at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the said Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Manner as in the Case of other Payments into the said Bank according to the Directions herein-before contained, and thereupon the said Mortgage or Mortgages, and other Security or Securities held by the said Mortgagee or Mortgagees, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever of the said Mortgagee or Mortgagees, and of all and every Persons or Person holding or claiming under or in Trust for him, her, or them, in or to the same, and in or to the several Premises therein comprised, shall vest in the said Commissioners for executing this Act, and they shall thenceforth be deemed to be in the actual Possession of the said Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

Power to pay Money to Mortgagees in part of their Principal and Interest.

LII. Provided also, and be it further enacted, That if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased, taken, or used by the said Commissioners for executing this Act, or by their Committee as aforesaid, it shall and may be lawful for the said Commissioners or their said Committee to pay, and for such Mortgagee or Mortgagees to receive, the Sum or Sums of Money which shall have been agreed or awarded as the Value of the said Lands, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, in part Satisfaction and Discharge of the Principal Money and Interest due to such Mortgagee or Mortgagees as aforesaid; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments last mentioned, to the said Commissioners for executing this Act, or as they shall appoint, and the said Lands, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all Persons holding or claiming under or in Trust for him, her, or them, in or to the same, shall from and immediately after such Payment by the said Commissioners to such Mortgagee or Mortgagees as aforesaid, vest in the said Commissioners for executing this Act, and they shall thenceforth be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sum or Sums of Money which shall be so paid shall be deducted from the Amount of the Principal Money and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages as aforesaid.

LIII. And

Owners of the Manor or Soil may convey Commons.

LIII. And be it further enacted, That in all Cases where there shall be occasion to cut through, take, or use, for the Purposes of this Act, any Part or Parts of any Commons or Common or Waste Grounds, or other Lands, or Tenements whichshall be charged with or subject to any Commonable Right or Interest whatsoever, the Conveyance thereof by the Body Politic, Corporate, or Collegiate, or Person or Persons having such and the like Estate and Interest of and in the Manor wherein such Commons, Common or Waste Grounds, Lands or Tenements, shall be situate, or if the same shall not be the Waste of any Manor, then having such and the like Estate and Interest of and in the Soil of such Commons, Common or Waste Grounds, Lands or Tenements, as any Body or Bodies Politic, Corporate, or Collegiate, or Person or Persons, are herein-before enabled to sell and convey of and in any other Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance of the Fee Simple and Inheritance of such Commons, Common or Waste Grounds, Lands or Tenements, for the Purposes of this Act, as fully and effectually as if every Person having any Commonable Right or Interest in or upon such Commons, Common or Waste Grounds, Lands or Tenements, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for any such Commonable Right or Interest in or upon any such Commons, Common or Waste Grounds, Lands or Tenements as aforesaid, which shall be agreed for or settled by a Jury as is herein-before mentioned, shall be paid by the said Commissioners for executing this Act to the Churchwardens of the respective Parishes wherein such Commons, Common or Waste Grounds, shall lie, and shall be by such Churchwardens paid and applied for the Benefit of the several Persons entitled to such Commonable Right or Interest in respect whereof the same shall have been paid, in such Manner as shall be determined at a Meeting of the said several last-mentioned Persons to be convened by such Churchwardens for that Purpose, by Public Notice in Writing to be affixed by them on the Church Doors of the said respective Parishes for Three successive *Sundays* next immediately preceding the Day of such Meeting; and in all Cases where such Commonable Rights and Interests shall be and extend over and be enjoyed and taken out of any other Lands or Tenements than such Commons, or Common or Waste Grounds, such Compensation shall be paid or tendered to the Body or Bodies, or Person or Persons having such Estate or Interest as aforesaid in the said Commonable Rights or Interests, or in the Lands or Tenements whereunto the same shall be appendant or appurtenant, or shall be deposited in the Bank of *England* in the Manner by this Act directed (as the Case may be): Provided, that in all Cases where any such Manor or Soil is vested in the Freeholders or Inhabitants at large, or in any greater Number of Persons than Three, or where it is not known to what Lord or Lady such Manor or Soil belongs, or in what Manor such Commons or Common or Waste Grounds are respectively situate, a Conveyance executed by Three at least of the Freeholders or Inhabitants whose Estates have Common Right in such Commons, or Common or Waste Grounds, and whose said Estates amount in yearly Value, as assessed to the Poor Rates of the Parish or Parishes wherein the same shall be situate, to Three Fifths at least of the Value of the whole of the Estates which have such Common Right, shall be a good and sufficient Conveyance to the said Commissioners for executing this Act, or as they shall appoint.

Commissioners may take Possession on Payment or Tender of Purchase Monies.

LIV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or determined and adjusted by any Jury in manner aforesaid, for the Purchase of any such Lands, Sands, Buildings, Tenements, or other Hereditaments, or as a Compensation for Damages as herein-before mentioned to the Proprietor or Proprietors of such Lands and Premises respectively, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall have been so agreed for, determined, or awarded as aforesaid; or if the Person or Persons so interested or entitled, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to the Premises for which the same shall be due, to the Satisfaction of the said Commissioners for executing this Act or of their said Committee, or shall refuse or neglect to execute a Conveyance or Conveyances of the said Premises; then upon Payment or Investment of such Sum or Sums of Money into or in the Bank of *England*, or in such other Manner as is herein directed, required, or authorized, it shall and may be lawful for the said Commissioners, or their said Committee, and their Officers, Agents, Servants, and Workmen, immediately to enter upon such Lands, Sands, Tenements, Buildings, or other Hereditaments respectively, and then and thereupon the same Lands, Sands, Tenements, Buildings, or other Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Commissioners for executing this Act, to and for the Purposes of this Act for ever; and such Tender, Payment, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons entitled to or interested in such Sum or Sums of Money, but also shall extend to and shall be deemed or construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever, and all other Estates, Rights, Titles, and Interests, in Possession, Reversion, Remainder, and Expectancy, of all and every Persons and Person whomsoever of and in the said Premises: Provided nevertheless, that before such Payment, Tender, or Investment as aforesaid it shall not be lawful for the said Commissioners for executing this Act, or their said Committee, or for any Person or Persons acting under their Authority, to take or use any such Lands, Sands, Tenements, or Hereditaments as aforesaid, for the Purposes of this Act, without the Consent of the respective Owners and Occupiers thereof.

Provision in case Land shall be intersected, or Lands or Buildings shall become unnecessary for the Purposes of this Act.

LV. And be it further enacted, That if in the Execution of any of the Powers granted by this Act any Portion not exceeding Ten Acres of any Parcel of Land shall be so cut off from the Remainder thereof as to prevent a Communication between the several Parts thereof, and if the Owner and Occupier for the Time being of such Parcel of Land shall desire that the said Commissioners for executing this Act shall purchase such Portion thereof which shall be so cut off as aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required,

quired to make an Agreement with the Owner and Occupier for the Purchase thereof, or if they cannot agree, then the Price shall be settled by a Jury in the Manner herein directed in the Case of Land required for the Purposes of this Act, and such Price as shall be agreed upon or settled shall be paid out of any Monies received by virtue of this Act; and it shall and may be lawful for the said Commissioners to sell all or any Part of such Land so acquired, or any other Land that may be acquired by them, or any Building that may be erected by them, which may become unnecessary for the Purposes of this Act, in the Manner in which they are herein-after authorized and empowered to sell the Marsh Farm, open Marshes, bare Sands, and Channel of the said *Wisbech* River herein-after respectively vested in them the said Commissioners.

Map of New Cut and Schedules deposited to remain with the Clerks of the Peace, and be open to Inspection.

LVI. And whereas a Map or Plan, describing the Line of the said intended New Cut or Channel, and the Lands through which the same is intended to be carried, and also Schedules of Reference to the said Map or Plan, have been deposited in the respective Offices of the several Clerks of the Peace for the Isle of *Ely*, for the County of *Norfolk*, and for the Parts of *Holland* in the County of *Lincoln*, and also at the Office of the said Governor, Bailiffs, and Conservators of the *Bedford Level*, called the *Fen Office*; be it therefore further enacted, That the said Map or Plan and Schedules of Reference hereinbefore mentioned shall remain in the Custody of the respective Clerks of the Peace for the said Isle of *Ely*, the said County of *Norfolk*, and the said Parts of *Holland* in the said County of *Lincoln*, or their respective Deputies for the Time being, and also in the Custody of the Register at the said *Fen Office* for the Time being; and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace, or their said respective Deputies, or to the said Register, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract.

Power for Commissioners to make New Cut with Banks and other Works.

LVII. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby fully authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, to set out, and with all convenient Expedition to make and complete a New Cut or Channel for the Passage of the Waters of the said *Wisbech* River to the Sea; the said New Cut or Channel to join the said Cut called *Kinderley's Cut* at the North or lower End thereof, and to extend therefrom unto or near unto a certain Place called *Crabhole*, lying in the Estuary or Bay called *Sutton Wash*, and to be in the Direction hereinafter mentioned; and also to make and complete proper and sufficient Banks and Forelands along the said New Cut, and to divert and confine the Waters of the said *Wisbech* River into, through, along, and within the said New Cut or Channel; and also to make and complete such Drains, Sluices, and Tunnels as shall be necessary for discharging the Waters into the same New Cut or Channel from all or any Lands or Grounds which will be deprived of their Outfall to the Sea by the making of the said New Cut or Channel; and also to make, erect, and put down all such other Dams, Banks, Shores, Forelands, Drains, Sluices, Tunnels, Bridges, Headings,

Headings, Fences, and other Works, as to the said Commissioners shall seem requisite or expedient for the Purposes aforesaid; and also to make proper Fence Ditches at the Back of each of the Banks of the said New Cut or Channel, with such proper and sufficient Tunnels in and Bridges across the same as shall, by reason or in consequence of the said New Cut or Channel being so made as aforesaid, to the said Commissioners seem requisite and expedient, for the Use of the respective Owners or Occupiers of any of the Lands or Grounds adjoining thereto.

Direction and Dimensions of Cut.

LVIII. And be it further enacted, That the said New Cut or Channel shall be set out and made from *Kinderley's Cut* aforesaid to *Crabhole* aforesaid, in the following Direction, that is to say, from the North or lower End of the said *Kinderley's Cut*, in, through, and along the present Channel of the said *Wisbeach* River and the present open Marsh and Sands thereto adjoining, near unto the East Front of a certain Sluice called *South Holland Sluice*, and from thence in, through, and along the said Channel, Marsh, and Sands, unto a certain Place called the *Slipway* at the Ford or Passage of the said *Sutton Wash*, and from thence in, through, and along the said Channel, Marsh, and Sands, and the adjoining Sea Bank, and in, through, and along the inclosed Marsh and Lands belonging to the President and Governors of *Guy*'s Hospital, situate on the West Side of the said Sea Bank, unto a certain Point or Place called *Skate's Corner*, and from thence in, through, and along the said Channel, Marsh, and Sands, unto or near unto the said Place called *Crabhole*; and that the said New Cut or Channel shall be set out and made in the Direction aforesaid, as laid down in the said Map or Plan so deposited with the said respective Clerks of the Peace and Register as aforesaid, or within the Distance of One hundred Yards therefrom; and that the said Commissioners for executing this Act shall at all Times maintain and keep in the said New Cut or Channel a clear Waterway of not less than Sixty Feet at low Water, at the upper End thereof adjoining to *Kinderley's Cut* aforesaid, and a gradually increasing Waterway from thence to the Termination of the said Cut or Channel at or near to *Crabhole* aforesaid, and a Waterway of a sufficient Width at low Water at the lower End of the said New Cut or Channel at or near to *Crabhole* aforesaid.

Power to take Lands within the Line described or within 100 Yards therefrom.

LIX. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act and for their said Committee herein-before appointed, and they are hereby severally fully authorized and empowered, to take, retain, and make use of any Lands, Sands, Tenements, Buildings, or Hereditaments which, according to the said Maps or Plan and Schedules, shall appear to be required for the Site of the said intended New Cut or Channel, and the Banks, Forelands, and Fences thereof, not exceeding Two hundred and fifty Yards in Breadth, or which shall lie or be situate within One hundred Yards of the Back of the Bank on either Side of the respective Boundary Lines of the said intended New Cut or Channel, they the said Commissioners making Satisfaction or Compensation for such Lands, Sands, Tenements, Buildings, or Hereditaments which shall be so taken or made use of as aforesaid, in the Manner herein-before directed in that Behalf; but that the said Commissioners or their said Committee shall not take or make use of any Lands, Sands, Tenements, or Buildings for the Site

of the said intended new Cut or Channel, or any of the Banks, Forelands, or Fences thereof, except such as are in this Act respectively expressed and authorized to be taken or made use of, unless the Consent in Writing of the Owner or Owners for the Time being of the Lands, Sands, Tenements, Buildings, or Hereditaments which shall be so taken or made use of as aforesaid, except as aforesaid, shall have been previously given, such Owner or Owners being at the Time of giving such Consent seised of or entitled to such Lands, Sands, Tenements, Buildings, or Hereditaments for One or more Life or Lives, or for Years determinable on some Life or Lives, or for some Estate of Freehold or Inheritance therein; or unless it shall appear to any Two or more Justices of the Peace acting for the said Isle of *Ely*, or for the said County of *Norfolk*, or for the said Parts of *Holland* in the said County of *Lincoln*, wherein the said Lands, Sands, Tenements, Buildings, or Hereditaments shall lie or be situate, as the Case may be, and shall be by them certified in Writing, that the Omission thereof in the said Map or Plan or Schedules, as the Case shall be, proceeded from Error or Mistake.

Power to obtain Materials for the Works.

LX. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and for their said Committee, and they are hereby severally authorized and empowered, from Time to Time, to dig, cut, take, and carry away all such Earth, Clay, Sand, Gravel, Flag, Sods, and other Materials, in, upon, and from any of the Common Open or Salt Marshes lying in the several Parishes, Townships, or Places of *Tid Saint Giles* in the Isle of *Ely*, *Tid Saint Mary's*, and *Long Sutton*, in the County of *Lincoln*, and *Walpole Saint Peter's*, *Walpole Saint Andrew's*, *Terrington Saint Clement's*, and *Terrington Saint John's*, in the County of *Norfolk*, and other Places near or adjoining to the said intended New Cut or Channel, Banks and Dams, as they shall from Time to Time find necessary for the making, completing, maintaining, and supporting of the said Cut, Banks, Dams, and other Works by this Act authorized to be made, or any of them, without paying any Compensation for the same, and also to enter upon any private Open or Salt Marshes or inclosed Lands or Grounds in any of the Parishes, Townships, or Places aforesaid, or in any other Parish, Township, or Place adjoining to the said New Cut or Channel, and therein and therefrom to dig, cut, take, and carry away all or any such Materials as aforesaid, upon making and paying such Compensation or Satisfaction for the same as is herein-before in that Behalf directed; and also to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, for the Purpose of surveying and taking Levels of the same or any Part thereof, or any adjoining Lands or Grounds, with a View to the Execution of any of the Works by this Act authorized to be made or done; and also, for the Purpose of or during the making and continuing the said New Cut or Channel, to make and open any Drain or Drains by or through any Lands or Grounds adjoining or near to the said New Cut or Channel, or to use any of the present Drains or Ditches adjoining or near the same, or to pursue such other Ways and Means as they may find necessary or expedient for carrying off any of the Waters of the present or then Channel of the said *Wisbech* River, or any of the Soakage or Downfall Waters that may obstruct, impede, or interfere with the making or continuing of the said New Cut or Channel, the said Commissioners rendering Satisfaction to the Owners and Occupiers

piers of the said Lands and Grounds, and all other Persons that may be injured by any such Acts of the said Commissioners, in the Manner herein-before directed in regard to other Compensations or Satisfactions to be made by the said Commissioners.

No Materials to be taken within 200 Yards from any Sea Bank.

LXI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners for executing this Act, or for their said Committee, or for any Person or Persons acting under the Authority of them or any of them, or under the Authority of this Act, to dig, cut, take, or carry away, for any of the Purposes of this Act, any Earth, Clay, Gravel, Sand, Flag, Sods, or other Materials in or from any of the Open or Salt Marshes and Sands by the said recited Act of the Seventh Year of the Reign of His present Majesty or by this Act vested in the said Company of Proprietors of the *Cross Keys Bridge*, or in or from any of the present Sea or Security Banks situate near to the Line of the said intended New Cut or Channel, or in or from any Part of the Open or Inclosed Sands, Marshes, Lands, or Grounds lying within the Distance of Two hundred Yards from the Base of the said respective Sea or Security Banks, except only in such Places where the said Sea or Security Banks shall respectively be within the Lines of the said New Cut or Channel, or of any of the Banks or Forelands thereof, or where the same shall respectively be rendered unnecessary for the Purposes of Defence by the making of the said New Cut or Channel, or of any other Works by this Act authorized to be made by the said Commissioners; any thing herein contained to the contrary thereof notwithstanding.

New Roads to be set out in lieu of those obstructed.

LXII. Provided also, and be it further enacted, That if, by the making of the said New Cut or Channel, or of any Drain or other Work under the Authority of this Act, any public or private Road or Way, or the Passage of any Person or Persons to or from his, her, or their Lands or Grounds, with Cattle or Carriages, shall be prevented, obstructed, or interrupted, the said Commissioners for executing this Act shall and they are hereby required, before or as soon as may be after any such Road, Way, or Passage shall be prevented, obstructed, or interrupted, to cause in lieu thereof some other proper and convenient Road or Way to be set out and made, and such Bridge or Bridges, and Approach or Approaches thereto, on that Side of the said New Cut or Channel on which the said Lands and Grounds shall respectively lie, as shall be necessary to be made, erected, and provided, and to defray the Expences of making all such Roads, Ways, Bridges, and Approaches, out of the Monies to be raised and received by the said Commissioners by virtue of this Act: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioners for executing this Act to make, construct, or build any Bridge over the said New Cut or Channel, nor shall any other Bridge be built or constructed over the same, save and except the said Bridge at *Sutton Wash* aforesaid, authorized and directed to be built by the said Company of Proprietors of the *Cross Keys Bridge*, in pursuance of the Powers of the said Act passed in the Seventh Year of the Reign of His present Majesty, and of this Act.

New Cut and Works to be com-

LXIII. And be it further enacted, That the making and cutting of the said intended New Cut or Channel, and of the Banks and Works belonging thereto, shall commence at the proposed Termination thereof at *Crabhole* aforesaid,

aforesaid, and shall be proceeded in from thence upwards; and that all the Parts of the said New Cut or Channel, and of the Banks and Works belonging thereto from *Crabhole* aforesaid upwards to the present *Slipway* at *Sutton Wash* aforesaid, shall be made and fully completed by the said Commissioners for executing this Act, or their said Committee, within the Term of Four Years next after the passing of this Act; and when such Parts thereof as aforesaid shall be fully made and completed, the Making and Completion thereof shall be certified by some Writing under the Hand of the Engineer of the said Commissioners; and the remaining Parts of the said New Cut or Channel, and of the Banks and Works belonging thereto, from the said *Slipway* upwards to the Junction thereof at and with the lower End of the said *Kinderley's Cut*, shall be made and fully completed by the said Commissioners, or their said Committee, within the Term of Two Years next after the Expiration of the said first-mentioned Term of Four Years, or next after the making and completing of the said first-mentioned Parts of the said Cut or Channel and Banks and Works belonging thereto, if the same first-mentioned Parts shall be made and fully completed before the Expiration of the said first-mentioned Term of Four Years; and when such remaining Parts thereof as aforesaid shall be fully made and completed, the Making and Completion thereof shall be also certified by some Writing under the Hand of the Engineer of the said Commissioners; and the said several Certificates of such Engineer shall be forthwith published by the said Commissioners in some Newspaper or Newspapers usually circulated in the Isle of *Ely*, and in the Parts of *Holland* in the County of *Lincoln*.

pleted within limited Times.

LXIV. And be it further enacted, That as well the said New Cut or Channel, and the several Dams, Banks, Forelands, Drains, Sluices, Tunnels, Bridges, and other Works which shall be made, erected, purchased, or taken by the said Commissioners for executing this Act, or by their said Committee, under any of the Powers and Authorities of this Act, and all the Materials thereof, as also the said Cut called *Kinderley's Cut*, with the Dams, Banks, Forelands, and other Works which have been so respectively opened and made under the Authority of the said recited Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and all and singular the Goods, Chattels, Materials, Implements, and Effects whatsoever which shall be purchased or provided by or at the Expence of the said Commissioners, or from or out of any of the Rates, Taxes, Monies, or Funds hereby authorized to be imposed, raised, or received by or under the Authority of the said Commissioners, shall be fully and solely vested in the said Commissioners for executing this Act, and their Successors for ever, who shall at all Times, by themselves or their said Committee, have full Authority and Control over the same and every Part thereof respectively, and shall have full Power to alien, sell, or otherwise dispose of the same Goods, Chattels, Materials, Implements, and Effects, and every of them and every Part thereof respectively, and to apply the Proceeds thereof for any of the Purposes of this Act.

New Cut and Works and Kinderley's Cut to be vested in Commissioners.

LXV. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered to let, for the Purpose of being depastured with Sheep only, the Herbage of every or any Part of the Banks of the said *Kinderley's Cut*, and of the said New Cut or Channel, (except such Parts thereof

Herbage of Banks may be let.

thereof the Herbage of which is by this Act vested in the President and Governors of *Guy*'s Hospital, as herein-after mentioned,) for the best Rent that can be got for the same or any Part thereof, and to apply all such Rents to the Purposes of this Act.

Fishery to be let.

LXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, to let the Fishery in the said New Cut or Channel, and in the said *Kinderley's Cut*, for the best Rent that can be got for the same, or any Part thereof, and to apply all such Rents to the Purposes of this Act.

When the New Cut is completed, Rights of Drainage through the Old Channel to cease.

LXVII. And be it further enacted, That when and so soon as the said intended New Cut or Channel shall be made and completed, so as to admit a free and perfect Passage of the Water through the same, for the Purposes of Navigation and Drainage, and not sooner, all Rights of Drainage or Navigation through the present or then existing Old Channel, from *Kinderley's Cut* aforesaid to *Crabhole* aforesaid, shall cease and be at an End.

Navigation of the Cut to be free.

LXVIII. And be it further enacted and declared, That all Persons navigating Vessels between the Town of *Wisbech* aforesaid and the Sea, and their respective Servants, or other Persons employed by them, shall at all Times hereafter have a free Use and Passage as well of and through the said *Kinderley's Cut*, as also of and through the said New Cut or Channel, for the Purpose of navigating Vessels in, along, and through the same Cuts respectively, in like Manner as they now have along and through the present Channel of the said *Wisbech* River; and that it shall and may be lawful for all such Persons and every of them, and their respective Servants or other Persons employed by them, to navigate their said Vessels accordingly, and to hale and tow the said Vessels with One or more Horse or Horses on the Banks and Forelands of the said *Kinderley's Cut* and the said New Cut or Channel, on both or either of the Sides of the said Cuts and each of them, without any Obstruction or Interruption whatsoever, provided that every Haling Line shall be fastened to the Mast or Rigging of every such Vessel so navigated as aforesaid, at the Height of Twelve Feet at the least above the Deck of such Vessel.

Commissioners to make Haling Bridges.

LXIX. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required to make and provide, and at all Times hereafter to maintain, proper and convenient Slipways to the said New Cut or Channel at *Sutton Wash* aforesaid, and also proper and convenient Horse or Haling Bridges over all such Drains or Watercourses as shall from Time to Time be made, or be in, under, through, or across any of the Banks or Forelands of the said *Kinderley's Cut* and of the said New Cut or Channel, so that the Navigation of Vessels in, along, and through the said respective Cuts shall and may be at all Times free and uninterrupted, and that no Let or Impediment shall or may be at any Time occasioned thereto; provided, that in the making or maintaining of any such Horse or Haling Bridge no Obstruction or Impediment shall be made or occasioned thereby, or by the Foundations or Supporters thereof, to the free Current and Passage of the

the Waters in, through, or out of any of the said Drains or Watercourses.

Horses not to hale over Sluices.

LXX. Provided always, and be it further enacted, That no Horse or other Animal shall be allowed, at the Time of haling or towing any Vessel, to pass over or upon any Sluice or Wharf erected or to be erected by or under the Authority of the said Commissioners for executing this Act, on the Side of the said *Kinderley's Cut* or of the said New Cut or Channel, except in those Places in which Haling or Horse Bridges or other convenient Haling Ways shall not have been made and provided by the said Commissioners for executing this Act; but that every Horse or other Animal which shall be used in or for the haling or towing of any Vessel along the said Cuts or either of them shall be loosened from the Line or Lines fixed to such Vessel before such Horse or other Animal shall be allowed to pass over such Sluice or Wharf as aforesaid, except in such Places as aforesaid.

Power for the Corporation of Wisbech to put down Mooring Posts.

LXXI. And be it further enacted, That it shall and may be lawful for the Burgesses of the Town of *Wisbech* aforesaid, or for their Capital Burgesses for the Time being, or for any Person or Persons by them to be appointed, from Time to Time to fix and put down in and upon the Banks and Forelands of the said New Cut or Channel, and the said *Kinderley's Cut*, or any of them, all such Mooring Piles and Posts as shall be necessary and convenient for stopping and mooring thereto the Vessels navigated in or along the said Cuts, so as such Piles and Posts shall be fixed in such Places and Manner that no Damage shall be done thereby, or by using the same, to any Sluice or Wharf of the said Commissioners or any of the Works to them belonging, and so that no Stoppage or Impediment shall be thereby occasioned to the Passage of the Water running through or from any such Sluice; and in case it shall at any Time appear to the said Commissioners or their said Committee, or to any Person or Persons appointed to superintend the said Cuts, or the Banks or Forelands thereof, or any such Sluice or Wharf as aforesaid, that any such Mooring Pile or Post is or will be prejudicial to the said Cuts, or either of them, or to any of the said Banks, Forelands, Sluices, or Wharfs, then it shall and may be lawful for the said Commissioners, or their said Committee, or for such Person or Persons as aforesaid, to cause any such Mooring Pile or Post to be taken up or removed, so that they shall put down and fix in lieu thereof such other Mooring Piles or Posts in such other Place or Places and Manner as shall and may answer the Purpose of stopping and mooring the said Vessels, without Injury or Prejudice to the said Cuts, Banks, Forelands, Sluices, and Wharfs, or any of them; and if the said Commissioners or their said Committee shall at any Time or Times refuse or neglect to put down and fix proper and convenient Mooring Piles and Posts in such Place or Places and Manner as aforesaid, for the Space of Twenty Days next after Notice in Writing under the Common Seal of the said Burgesses, or under the Hand of their Town Bailiff for the Time being, then it shall and may be lawful for the said Burgesses, or for any Person or Persons under their Authority, to put down and fix the same at the Expence of the said Commissioners, in such Place or Places and Manner, and without such Injury or Prejudice as aforesaid; and

all Persons navigating any Vessel or Vessels through or along the said Cuts, or either of them, shall and lawfully may use the said Mooring Piles and Posts, and every or any of them, for stopping or mooring Vessels by or to the same, and have free and uninterrupted Access to and from the same at all Times and without any Obstruction whatsoever.

Vessels not to be placed abreast in the Cuts during Floods.

LXXII. And be it further enacted, That it shall not be lawful for any Person or Persons to moor or fix, or continue moored or fixed, Two or more Vessels abreast of each other in the said new Cut or Channel, or in the said *Kinderley's Cut*, during the Time of any Upland Flood passing through the said Cuts respectively, or during the Time of any extraordinary Pressure of Waters in or through the same Cuts respectively; and if, during any such Time as aforesaid, any Two or more Vessels shall be lying abreast of each other in the said Cuts or either of them, and the Master or Masters, or other Person or Persons having the Care of the same Vessels or any of them, shall not immediately, on Notice given to him or them by any Officer or Servant of the said Commissioners for executing this Act, displace any such Vessel or Vessels so lying abreast as aforesaid, and remove the same to such convenient Place or Places as shall be directed by such Officer or Servant, then it shall be lawful for such Officer or Servant, with proper Assistants, so to displace and remove such Vessel or Vessels, and the Costs and Charges of so displacing and removing the same shall be paid by the Master or other Person having the Care of such Vessel or Vessels to such Officer or Servant, and if not so paid shall and may be recovered by any such Officer or Servant against such Master or other Person, in the same Manner as any Fine, Penalty, or Forfeiture may be recovered under any of the Provisions of this Act.

The Cross Keys Bridge to be constructed under the Direction of Engineers.

LXXIII. And be it further enacted, That notwithstanding any thing contained in the said recited Act of the Seventh Year of the Reign of His present Majesty, the said Embankment and Bridge, and the Approaches thereto, to be constructed under the Authority of the same last-mentioned Act, shall be constructed and made across, and adapted to the said New Cut or Channel intended to be made under the Authority of this Act, in such Situation and Direction, and with such Waterways to the said Bridge as shall be settled and agreed upon by *John Rennie*, an Engineer, employed for that Purpose by the said Company of Proprietors of the *Cross Keys Bridge*, and *Thomas Telford*, an Engineer employed for that Purpose by the said Commissioners for executing this Act, or by their Successors, or their Umpire, to be respectively appointed in manner herein-after mentioned, and shall not be varied in any Manner, or on any Account whatsoever, without the Authority in Writing of the said Engineers, or of their said Successors or Umpire; and such Bridge, when so settled and agreed upon, shall be constructed under the Authority of the said last-recited Act, in the same Manner as if the Direction herein given as to the Situation and Construction thereof had been given in the said last-recited Act; and all the Powers and Authorities granted by the said last-recited Act for constructing the said Bridge as therein directed are hereby granted for constructing the said Bridge as herein directed, as fully and effectually to all Intents and Purposes whatsoever as if all such Powers and Authorities were repeated in this Act.

LXXIV. And

Works of the Cut and Bridge to proceed together.

LXXIV. And be it further enacted, That the several Works for making and completing the said intended New Cut or Channel, under the Authority of the said Commissioners for executing this Act, and the said Bridge and Embankment under the Authority of the said Company of Proprietors of the *Cross Keys Bridge*, shall proceed and be carried on progressively *pari passu*, under the Direction of the said Engineers, or their Successors or Umpire, so and in such Manner that the said Cut or Channel may be completed, and the Waters be diverted into and through the same, and the said Bridge and Embankment may be completed and made passable for Cattle and Carriages, at such respective Times in relation to each other as the said Engineers or their Successors or Umpire shall agree upon and direct: Provided that all the said several Works shall be respectively and wholly completed within the Time herein-before directed and limited for completing the said New Cut or Channel.

Provision for appointing succeeding Engineers and an Umpire.

LXXV. And be it further enacted, That in case both or either of them, the said *John Rennie* and *Thomas Telford*, or any of their respective Successors, shall die, or decline to act, or become incapable of acting in the Execution of the Power hereinbefore vested in them, then, and from Time to Time so often as the same shall happen, another Engineer to act in the Execution of such Power shall be appointed by the said Company of Proprietors of the *Cross Keys Bridge*, in the Place of the said *John Rennie*, or of any of his Successors, if he or any of them shall die, or decline to act, or become incapable of acting, and by the said Commissioners for executing this Act in the Place of the said *Thomas Telford*, or any of his Successors, if he or any of them shall die, or decline to act, or become incapable of acting; and every Engineer who shall be so from Time to Time appointed as aforesaid shall have the same Power and Authority to act as if he had been originally named and appointed in and by this Act; and if the said *John Rennie* and *Thomas Telford*, or their respective Successors, shall differ in opinion touching any Matter arising in the Execution of the Power hereby vested in them, such Matter, or so much thereof respecting which they shall so differ, shall be referred by them to and be determined by an Umpire, to be appointed by them the said Engineers for that Purpose.

Penalty on conveying Persons across the Cut for Hire within a certain Distance from the Bridge.

LXXVI. And be it further enacted, That after the said Bridge to be made across the said intended New Cut or Channel, and the said Embankment to be made across the said *Cross Keys Wash*, otherwise *Sutton Wash*, shall have been made and completed, and shall be open for the Passage of Cattle and Carriages across and along the same, it shall not be lawful for any Person or Persons to convey for Hire any other Person, or any Carriage, Horse, Beast, or other Cattle, or any Stones, Bricks, Lime, Manure, or any other Article or Thing, across the said intended New Cut or Channel, northward of the said intended Bridge, nor nearer than the present Ferry at the *Foul Anchor*, on the South Side of the said intended Bridge, with Intent to evade the Payment of the Tolls granted by the said recited Act of the Seventh Year of the Reign of His present Majesty, or any of them, or any Part thereof; and if any Person or Persons shall act contrary to this Provision, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

LXXVII. Pro-

Exemptions from the Bridge Toll.

LXXVII. Provided always, and be it further enacted, That no Toll or Compensation shall at any Time be demanded or taken for or in respect of any Person, Horse, Cattle, or Carriage passing over or under the said Bridge, or across the said intended New Cut or Channel, and being engaged, used, or employed in or about any of the Works to be made, executed, maintained, or repaired by or under the Authority of the said Commissioners for executing this Act, or in carrying or conveying any Carriage, Implement, Tool, Material, or other Matter or Thing, to or from any of the said Works, or for any of the Purposes thereof; nor for or in respect of any Person, Horse, Cattle, or Carriage passing over or under the said Bridge, or across the said intended New Cut or Channel, and being engaged, used, or employed in haling or towing any Vessel along the said New Cut or Channel, or any Part thereof, so that any such Horse, Cattle, or Carriage, for which no such Toll or Compensation shall be demanded or taken as aforesaid, shall not pass or go upon any Part of the Embankment of the said Company of Proprietors, beyond the Banks and Forelands of the said New Cut or Channel to be made under the Authority of this Act; nor shall any Toll or Compensation at any Time be demanded or taken by or for the said Company of Proprietors, for or in respect of any Person, Horse, Cattle, or Carriage passing over or under the said Bridge, or across the said New Cut or Channel, or along the said Embankment, to or from any Part of Lands belonging to the President and Governors of *Guy*'s Hospital, for the Purposes of Repair or Cultivation, or Occupation of the said last-mentioned Lands or any of them, but not for any other Purpose whatsoever, (such last-mentioned Horse, Cattle, or Carriage being the *bonâ fide* Property, or in the actual Employ of the said President and Governors, or of their actual Agent, Lessee, Tenant, or Under-tenant, and not being the Property or in the Employ of any other Person or Persons occupying the said last-mentioned Lands or any Part thereof by way of or for the Purpose of Agistment only.)

Proviso as to Exemptions from Toll.

LXXVIII. Provided also, and be it further enacted, That no Exemption from Toll shall be granted in respect of any Sheep or Cattle belonging to any Person using or exercising the Business or Calling of a Drover or Jobber, notwithstanding such Person shall be the Agent, Tenant, or Under-tenant of the said President and Governors of *Guy*'s Hospital, nor shall the said President and Governors, or their Agent, Tenant, or Under-tenant, or any of them, be allowed the Benefit of the Exemption from Toll herein-before expressed and contained, except for the Repair, or Cultivation, or Occupation of such Part of the Lands belonging to or hereby vested in the said President and Governors, which shall be cut off or divided from the Residue of their Estate by reason of the said New Cut or Channel; and every Person, Horse, Cattle, or Carriage, which, after having crossed the Bridge Toll-free under the said Exemption, shall pass to any Land beyond the Boundaries of the said Estate, shall be subject and liable to Toll for crossing the said Bridge, as expressed and directed in the said Act of the Seventh Year of the Reign of His present Majesty.

Power to use Occupation Roads at each End of the Embankment.

LXXIX. Provided also, and be it further enacted, That notwithstanding any thing contained in the said recited Act passed in the Seventh Year of the Reign of His present Majesty, it shall be lawful for all Persons whomsoever, with or without Horses and Carriages or Cattle, to go and

pass over and across the said Embankment to be made under the Authority of the said last-mentioned Act, at both and each of the Ends thereof, and over and across the Lands lying on each Side of the said Embankment, and by the said last-mentioned Act or by this Act respectively vested in the said Company of Proprietors of *Cross Keys Bridge*, by the respective Cartways and Carriageways to be set out at each End of the said Embankment in such and the same Manner as they are respectively by the said Act passed in the Seventh Year of the Reign of His present Majesty authorized to go or pass over or across the said Embankment at either End thereof.

This Act not to affect the Title of the Bridge Company to certain Lands on each Side of their Embankment.

LXXX. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, or prejudice the Right or Title of the said Company of Proprietors of the *Cross Keys Bridge*, of or to the One hundred and twenty-three Yards of Land now Part of the bare Sands and Salt Marshes on each Side of the Embankment intended to be made by the said Company, under the Authority of the said recited Act of the Seventh Year of the Reign of His present Majesty, which by the said last-mentioned Act were and are vested in the said Company of Proprietors, or any Part thereof, save and except such Parts of the said One hundred and twenty-three Yards of Land on each Side of the said intended Embankment as shall respectively lie or be within the Lines of the said intended New Cut or Channel, or of any of the Banks or Forelands thereof, which said last-mentioned Parts of the said Land shall be and the same are hereby vested in the said Commissioners for executing this Act, with full Power and Authority for them to take and use the same for any of the Purposes of this Act, without making Compensation to the said Company of Proprietors for the same.

Sands reserved to Guy's Hospital, and Thirteen Acres to be assigned to the Bridge Company in lieu thereof.

LXXXI. Provided also, and be it further enacted, That so much and such Parts of the said One hundred and twenty-three Yards of Land lying on each Side of the said intended Embankment as shall belong to or form a Part of the Lands, bare Sands, and Salt Marshes belonging to or by this Act vested in the said President and Governors of *Guy*'s Hospital, shall be and the same is and are hereby wholly saved and reserved to the said President and Governors, and their Successors and Assigns for ever; and that in lieu thereof Six Acres and an Half by Admeasurement on the South Side of the said intended Embankment, and Six Acres and an Half by Admeasurement on the North Side thereof, shall be set out and assigned by the said Commissioners for executing this Act to the said Company of Proprietors of the *Cross Keys Bridge*, contiguous to some Part of the Sands belonging to the said Company of Proprietors, from and out of the bare Sands by this Act vested in the said Commissioners.

Power for Bridge Company to take Part of the Hospital Lands under the Direction of Engineers.

LXXXII. And be it further enacted, That in case the Engineer for the Time being of the said Company of Proprietors of the *Cross Keys Bridge* and the Engineer for the Time being of the said President and Governors of *Guy*'s Hospital, or their Umpire, shall be of opinion that any Sands or Land belonging to the said President and Governors on either Side of the said Bridge and Embankment, within the Distance of One hundred and twenty-three Yards therefrom, shall be wanted for the necessary Execution or Protection of the same Bridge and Embankment, it shall be

be lawful for the said Company of Proprietors from Time to Time, under the Direction of the said Engineers or their Umpire, to take, use, and appropriate such last-mentioned Sands or Land, without making any Compensation for the same.

Saving of Rights to the Bridge Company.

LXXXIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, alter, or affect any of the Rights, Privileges, Powers, or Authorities by the said recited Act of the Seventh Year of the Reign of His present Majesty vested in or given to the said Company of Proprietors of the *Cross Keys Bridge*, or any of them, save and except in so far only as the same are by this Act respectively expressed to be taken away, defeated, altered, or affected.

Repeal of Part of the Cross Keys Bridge Act.

LXXXIV. And whereas it was by the said Act passed in the Seventh Year of the Reign of His present Majesty among other Things enacted, that the said Company should, at their first General Assembly, or at any Adjournment of the same, elect by Ballot Twelve Persons from the said Company to be a Committee for the Management of the Concerns of the said Company until their next General Assembly, to be holden on the first *Wednesday* in the Month of *October* then next ensuing, when the Power of the said Committee should cease and determine; but the said Company should, at their said next General Assembly, either re-elect in manner aforesaid the Persons then forming the said Committee, or elect some other Person or Persons from the said Company, to the Number aforesaid, to be the Committee of Management of the Concerns of the said Company until the then next General Assembly of the said Company, and so on for ever; but no Person should be capable of being elected upon such Committee unless he should hold and be possessed of Six Shares at least in the said Undertaking: And whereas the Majority of the Shareholders in the said Undertaking are not possessed of so many Shares as Six, and it has been found by Experience that it would be more for the Advantage of the said Company that the Number of Shares to qualify a Subscriber to become a Member of the said Committee of Management of the Concerns of the said Company should be reduced to Four instead of Six, and that the said recited Clause should be repealed; be it therefore enacted, That from and immediately after the passing of this Act, so much of the said Act of the Seventh Year of the Reign of His present Majesty as is last above recited shall be and the same is hereby repealed.

Election of Commitree under the Cross Keys Bridge Act.

LXXXV. And be it further enacted, That the said Company shall, at their First General Assembly to be holden after the passing of this Act, or at any Adjournment of the same, elect by common Consent or by Ballot Twelve Persons from the said Company, to be a Committee for the Management of the Concerns of the said Company until their next General Assembly, to be holden on the first *Wednesday* in the Month of *October* then next ensuing, when the Power of the said Committee shall cease and determine; but the said Company shall, at their said next General Assembly, either re-elect in manner aforesaid the Persons then forming the said Committee, or elect some other Person or Persons from the said Company, to the Number aforesaid, to be the Committee for the Management of the Concerns of the said Company until the then next

General Assembly of the said Company, and so on for ever; but no Person shall be capable of being elected upon such Committee unless he shall hold and be possessed of Four Shares at least in the said Undertaking: Provided always, that no Person holding any Place, Office, Employment, or Contract under the said Company shall be capable of being elected or of serving upon such Committee during the Time of his Continuance in such Place, Office, Employment, or holding such Contract.

Contribution of 3,000*l.* to be paid by the Bridge Company.

LXXXVI. And be it further enacted, That the Sum of Three thousand Pounds, so as aforesaid agreed and by the said recited Act of the Seventh Year of the Reign of His present Majesty required to be paid by the said Company of Proprietors of the *Cross Keys Bridge* towards the Execution of the said Works then contemplated and hereby authorized to be made, shall be paid by the said Company, or their Treasurer or Treasurers, unto the Treasurer or Treasurers of the said Commissioners for executing this Act, by the several Instalments and at the several Times next herein-after mentioned; that is to say, the Sum of One thousand Pounds, Part thereof, within One Calendar Month next after any Contract shall have been entered into by the said Commissioners for executing this Act, or by their said Committee, or by any Person or Persons on their Behalf, for the making and completing of so much of the said New Cut or Channel, and the Banks and Works belonging thereto, as will extend from the Termination thereof at or near to *Crabhole* aforesaid upwards to the Site of the said intended Bridge; the Sum of One thousand Pounds, other Part thereof, at the Expiration of One Year next after any such Contract shall have been entered into as last aforesaid; and the Sum of One thousand Pounds, Residue thereof, at the Expiration of Two Years next after any such Contract shall have been entered into as last aforesaid, any thing in the said last above-mentioned Act of Parliament contained to the contrary thereof notwithstanding.

In default of Payment of the 3,000*l.* the Commissioners to receive the Bridge Tolls.

LXXXVII. Provided always, and be it further enacted, That in case for any Cause Default shall be made by the said Company of Proprietors, or their Treasurer or Treasurers, in Payment to the said Commissioners for executing this Act, or to their Treasurer or Treasurers, of the said Sum of Three thousand Pounds, or any Instalment thereof, or any Part of any such Instalment, beyond One Calendar Month next after the several Times herein-before respectively appointed for the Payment thereof, then and in any such Case, and so often as the same shall happen, immediately after the Expiration of such One Calendar Month, all and singular the Tolls by the said last above-mentioned Act of Parliament authorized to be demanded and taken, and from Time to Time to arise or be received by virtue of the same Act, shall thenceforth be vested in the said Commissioners for executing this Act absolutely, until the said Sum of Three thousand Pounds, or such Instalment or Instalments, or Part or Parts thereof as shall then remain unpaid, together with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time or respective Times when the same shall have become due and ought to have been paid, and all Costs, Charges, and Expences which shall have arisen or been occasioned from or by reason of the Nonpayment thereof, shall be fully paid and satisfied to the said Commissioners, or their Treasurer or Treasurers; and the said Commissioners for executing

cuting this Act, by themselves or their said Committee, shall have and they are hereby authorized to use and exercise the same Powers, Rights, Remedies, and Privileges in all respects, for the recovering, collecting, and receiving of the same Tolls to their own Use, as the said Company of Proprietors would have had in case no such Default in Payment of the said Sum of Three thousand Pounds or of any Part thereof had happened, and also the same Powers of granting a Mortgage or Mortgages upon the same Tolls to the Extent of the Sum whereof Default in Payment shall be made, as the said Company of Proprietors have to grant a Mortgage or Mortgages by the said recited Act for any of the Purposes thereof.

Contribution of 30,000*l.* to be paid by the Burgesses of Wisbech.

LXXXVIII. And be it further enacted, That the Sum of Thirty thousand Pounds of lawful Money of *Great Britain* shall be raised and contributed by the Burgesses of the Town of *Wisbech* aforesaid towards the Execution of the said New Cut or Channel and other Works by this Act authorized to be made, and shall be paid unto the Treasurer or Treasurers of the said Commissioners for executing this Act, for the Use of the said Commissioners, by Three equal Instalments of Ten thousand Pounds each, the First of which said Instalments shall become due and be paid on the First Day of *December* now next ensuing, the Second Instalment shall become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, and the Third and remaining Instalment shall become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; and that the said several Instalments shall be raised in the Manner herein-after mentioned.

Recital of Act called the Wisbech Town and Port Act.

LXXXIX. And whereas by an Act made and passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing a Cattle Market within the Town of* Wisbech *in the Isle of* Ely; *for taking down and removing the Shambles therein; for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of* Wisbech, *and for increasing the Duties payable at the said Port;* reciting, amongst other Things, that the Burgesses of the Town of *Wisbech* aforesaid were in their Corporate Capacity the Guardians of the Port and Harbour of *Wisbech* aforesaid, and that the Affairs of the said Burgesses were under the Direction and Management of Ten Capital Burgesses annually elected and chosen as therein mentioned; it was, amongst other Things, enacted, that at all Times from and after the Expiration of One Month next after the passing of the said Act, it should be lawful for the said Capital Burgesses and their Successors, and they were thereby fully authorized and empowered, by themselves, or by any Collector, Officer, or other Person or Persons who should be from Time to Time appointed by them for that Purpose, to demand, collect, receive, and take as and by way of a Duty, for the Use of the Burgesses of the Town of *Wisbech* aforesaid in their Corporate Capacity, and their Successors, of and from the Master or Commander of every Ship, Barge, or Vessel, belonging to any of His Majesty's Subjects arriving at or coming to the said Port of *Wisbech*, which should be laden with Coals, and which should deliver the same within the Limits of the said Port, or should pass through the said Limits or any Parts thereof for the Purpose of delivering the same beyond the said Limits, any Sum of Money in the Discretion of the said Capital Burgesses

or

or their Successors, not exceeding Three-pence *per* Chaldron of Thirty-six Bushels, for every Chaldron of Coals which should be on board of or delivered from such Ship, Barge, or Vessel as aforesaid; and of and from the Master and Commander of every Ship, Barge, or Vessel, belonging to any of His Majesty's Subjects, arriving at or coming to the said Port of *Wisbech*, which should be laden with any Goods, Wares, Merchandizes, or Things whatsoever, other than Coals, and which should deliver the same within the Limits of the said Port, or should pass through the said Limits or any Parts thereof for the Purpose of delivering the same beyond the said Limits, and of every Ship, Barge, or Vessel belonging to any of His Majesty's Subjects leaving the said Port of *Wisbech*, which should be laden with any Coals, or any other Goods, Wares, or Merchandizes, any Sum of Money in the Discretion of the said Capital Burgesses or their Successors, not exceeding Three-pence *per* Ton for every Ton of the Burthen of every such Ship, Barge, or Vessel, such Burthen to be calculated and ascertained by the registered Tonnage of every such Ship, Barge, or Vessel; and also of and from the Master or Commander of every Ship, Barge, or Vessel not belonging to any of His Majesty's Subjects, any Sum of Money in the Discretion of the said Capital Burgesses or their Successors, not exceeding in Amount Double the Duty payable in the respective Cases therein-before mentioned by the Master or Commander of any Ship, Barge, or Vessel belonging to any of His Majesty's Subjects; in which said now-reciting Act are contained such Exemptions from the said Duties as are therein mentioned; and in the said now-reciting Act are contained a Power or Authority for recovering and enforcing Payment of the said respective Duties therein-before specified and directed to be paid, in case of any Refusal to pay the same, by seizing, distraining, detaining, and selling any of the Goods, Guns, Ropes, Tackle, Furniture, or Apparel of or belonging to any Ship, Barge, or Vessel liable to the Payment of the same respective Duties as therein mentioned, and such other Facilities and Provisions in respect thereof as in the said Act are mentioned: Now, for raising the said Sum of Thirty thousand Pounds, so to be contributed and paid by the said Burgesses of the said Town of *Wisbech*, towards the Execution of the said New Cut or Channel and other Works by this Act authorized to be made as aforesaid, be it further enacted, That from and after the Expiration of One Month next after the passing of this Act, it shall be lawful for the said Capital Burgesses and their Successors, and they are hereby fully authorized, empowered, and required, by themselves, or by any Collector, Officer, or other Person or Persons who shall be from Time to Time appointed by them for that Purpose, over and above and in addition to the said Duties respectively by the said last-recited Act authorized to be demanded, collected, received, and taken as aforesaid, to demand, collect, receive, and take, as and by way of a further or additional Duty for the Use of the Burgesses of the Town of *Wisbech* aforesaid, in their Corporate Capacity, and their Successors, of and from the Master or Commander of every Ship, Barge, or Vessel, belonging to any of His Majesty's Subjects, arriving at or coming to the said Port of *Wisbech*, which shall be laden with Coals, Culm, or Cinders chargeable with any Duty of Customs, and which shall deliver the same within the Limits of the said Port, or shall pass through the said Limits or any Parts thereof for the Purpose of delivering the same beyond the said Limits, any Sum of Money in the Discretion of the said Capital Burgesses or their Successors, not exceeding Sixpence *per* Chaldron of Thirty-six Bushels for every

Capital Burgesses of Wisbech to receive an additional Tonnage Duty.

Chaldron of Coals, Culm, or Cinders, chargeable as aforesaid, which shall be on board of or delivered from such Ship, Barge, or Vessel as aforesaid; and of and from the Master or Commander of every Ship, Barge, or Vessel, belonging to any of His Majesty's Subjects arriving at or coming to the said Port of *Wisbech*, which shall be laden with any Goods, Wares, Merchandizes, or Things whatsoever, other than Coals, Culm, or Cinders chargeable with any Duty of Customs, and which shall deliver the same within the Limits of the said Port, or shall pass through the said Limits or any Parts thereof for the Purpose of delivering the same beyond the said Limits, and of every Ship, Barge, or Vessel belonging to any of His Majesty's Subjects leaving the said Port of *Wisbech*, which shall be laden with any Coals, Culm, or Cinders, or any other Goods, Wares, or Merchandizes, any Sum of Money in the Discretion of the said Capital Burgesses or their Successors, not exceeding Sixpence *per* Ton for every Ton of the Burthen of every such Ship, Barge, or Vessel, such Burthen to be calculated and ascertained by the registered Tonnage of every such Ship, Barge, or Vessel; and also of and from the Master or Commander of every Ship, Barge, or Vessel not belonging to any of His Majesty's Subjects, any Sum of Money in the Discretion of the said Capital Burgesses or their Successors, not exceeding in Amount Double the Duty payable in the respective Cases herein-before mentioned by the Master or Commander of any Ship, Barge, or Vessel belonging to any of His Majesty's Subjects; which said respective further or additional Duties hereby authorized to be demanded, collected, received, and taken shall be paid to such Person or Persons, and at such Place or Places, as the said Capital Burgesses or their Successors shall from Time to Time direct, and shall be from Time to Time applied by the said Capital Burgesses in and towards paying, satisfying, and discharging the said Sum of Thirty thousand Pounds, and the Interest thereof, in manner herein-after mentioned.

Exemptions of former Act to apply to this Act.

XC. Provided always, and be it further enacted, That all Ships, Barges, Lighters, Vessels, Materials, Articles, and Things which by the said last above-recited Act were and are exempted from Payment of the several Duties thereby authorized to be collected and received, shall be also exempted from Payment of the said further or additional Duties respectively by this Act authorized to be collected and received.

Power for His Majesty to reduce Duties on Foreign Ships and Goods.

XCI. Provided also, and be it further enacted, That it shall and may be lawful for His Majesty, in and by an Order in Council, or for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time, and at all Times when and so often as he or they shall deem fit so to do, in and by His or their Order in Writing, to reduce the Duties hereby made payable on all or on such and so many of the Goods and Merchandize imported or exported in Foreign Bottoms, as He or they in their Judgment shall deem expedient, to the same and the like Duties as are hereby or shall hereafter in pursuance of the Powers herein contained be made or become payable in respect of *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

Powers of other Acts

XCII. And be it further enacted, That the said Power or Authority of seizing, distraining, detaining, and selling, and all other Powers and

Authorities which by or in the said last-recited Act are given, reserved, or contained, or which in or by any other Act or Acts of Parliament already passed or hereafter to be passed shall be given to or vested in the Burgesses of the said Town of *Wisbech* or their Successors, or the said Capital Burgesses or their Successors, for recovering and receiving or facilitating and enforcing the Payment of the said Duties by the said above-recited Act respectively authorized to be demanded, collected, received, and taken, or in relation thereto, shall be and they are hereby respectively made applicable for the recovering and receiving or facilitating and enforcing the Payment of the said further or additional Duties by this Act respectively authorized to be demanded, collected, received, and taken, to all Intents and Purposes whatsoever, as if the same several Powers and Authorities had been herein expressly reserved and contained, except such as restrain any Officer of His Majesty's Customs, under the Penalty therein mentioned, from clearing any Ship, Barge, or Vessel outward or inward bound, or from taking any Entry for any such Ship, Barge, or Vessel, until there shall have been produced to such Officer a sufficient Voucher of the Payment of the Duties imposed by the said last-recited Act, or a Certificate as therein directed, that the Amount thereof has been consigned and lodged, or Security for the same has been given to the Satisfaction of the said Capital Burgesses or their Successors: Provided always, that the Collector, or other Chief Officer of His Majesty's Customs at the said Port of *Wisbech*, is hereby authorized to refuse Clearance of any Ship, Barge, or Vessel at the said Port, until the Duties imposed by this Act shall have been duly paid.

for recovering the Duties to apply to this Act.

XCIII. And be it further enacted, That for the several Purposes of the said last-recited Act and of this Act, the said New Cut or Channel by this Act authorized to be made, and the Coasts and Shores on each Side thereof, shall be and be deemed to be within and a Part of the Port of *Wisbech* aforesaid, and shall be included and comprised within the several Enactments and Provisions of the said last-recited Act, in the same Manner and to the same Extent as the present Channel of the said *Wisbech* River, and the Coasts and Shores on each Side thereof, are therein included and comprised.

New Cut to be within the Port of Wisbech.

XCIV. And be it further enacted, That for better enabling the said Burgesses to raise and pay the said Sum of Thirty thousand Pounds by the several Instalments aforesaid, it shall be lawful for the said Burgesses of the said Town of *Wisbech*, or for their said Capital Burgesses for the Time being, and they are hereby respectively empowered, at any Time or Times, and from Time to Time, when and as often as occasion shall require, to borrow and take up at Interest any Sum or Sums of Money in their Discretion, not exceeding the Sum of Thirty thousand Pounds in the whole at any one Time, upon the Credit of the respective Duties by the said last-recited Act and by this Act respectively authorized to be collected, received, and taken, by or for the Use of the said Burgesses of the Town of *Wisbech* aforesaid, or their said Capital Burgesses, or upon the Credit of any of the said Duties, or any Part of them, and to mortgage, assign, and convey the same several Duties, or any of them, or any Part thereof respectively, by any Writing or Writings under the Common Seal of the Burgesses of the said Town of *Wisbech*, to any Person or Persons who shall advance or lend to them the said Sum of Thirty

Power for the Burgesses of Wisbech to borrow Money.

Thirty thousand Pounds, or any Part thereof, from Time to Time, as a Security or Securities for the Repayment of the Sum or several Sums of Money that shall be so borrowed as aforesaid, and the Interest thereof; and that the Receipt or several Receipts of the Town Bailiff of the said Burgesses for the Time being shall be a good and sufficient Discharge or good and sufficient Discharges to all and every Persons and Person who shall advance or lend the said Sum of Thirty thousand Pounds, or any Part thereof, to the said Burgesses or their said Capital Burgesses, from Time to Time, for so much Money as shall be expressed in such Receipt or respective Receipts; and the Person or Persons advancing or lending the said Sum, or any Part thereof, to the said Burgesses or their said Capital Burgesses, shall not after taking any such Receipt be liable to see to the Application of the Money which shall be thereby expressed to be received, nor in any way accountable for any Misapplication or Nonapplication thereof; and the Costs of all such Mortgages, Assignments, and Conveyances as aforesaid shall be paid from and out of the said respective Duties which shall be so mortgaged, assigned, or conveyed as aforesaid; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered by the Town Clerk of the said Burgesses in a Book or Books to be kept by the said Burgesses for that Purpose.

XCV. And be it further enacted, That every such Mortgage, Assignment, and Conveyance may be made in the Form or to the Effect following, or in such other Form or to such other Effect, and with such other Stipulations or Provisions to be inserted therein, as the Case may require; that is to say,

Form of Mortgage by the Wisbech Burgesses.

'WE, the Burgesses of the Town of *Wisbech*, do, by virtue of the 'Power and Authority given to us by an Act of Parliament passed 'in the Eighth Year of the Reign of His Majesty King *George* the Fourth, 'intituled [*here set forth the Title of this Act*], and in consideration of 'the Sum of
'to our Town Bailiff for our Use paid by
'being Part of the Sum of Thirty thousand Pounds 'which by the said Act we are empowered to borrow and take up at 'Interest for the Purposes therein mentioned, do by these Presents 'mortgage, assign, and convey unto the said
'Successors and Assigns, or Executors, Administrators, and 'Assigns, [*as the Case may be,*] all and singular the Duties payable unto 'or for the Use of us the said Burgesses, which by the said Act we are 'empowered to mortgage, assign, and convey to any Person or Persons 'advancing or lending the said Sum of Thirty thousand Pounds, or any 'Part thereof, to hold the same Duties and every of them 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 Common Seal the

'Day

'Day of in the Year of our Lord One thousand
'eight hundred and .'

Power for Commissioners in default of Payment by the Burgesses to raise the 30,000*l.*

XCVI. Provided always, and be it further enacted, That in case Default shall be made by the said Burgesses in Payment of any Instalment of the said Sum of Thirty thousand Pounds, or any Part of any such Instalment, beyond One Calendar Month next after the several Times hereinbefore respectively appointed for the Payment thereof, then and in such Case the said Duties by the said last-recited Act and this Act respectively authorized to be collected and received as aforesaid shall be and the same are hereby in such Case vested in the said Commissioners, with such and the same Powers, Rights, Remedies, and Privileges, for the recovering and receiving of the same Duties, and every or any of them, as the said Burgesses or their Capital Burgesses would have had in case such Default had not been made; and it also shall and may be lawful for the said Commissioners for executing this Act to borrow and take up at Interest any such Sum or Sums of Money, in Payment of which Default shall have been so made as aforesaid, upon the Credit of all or any of the said Duties by the said last-recited Act and by this Act respectively authorized to be collected and received as aforesaid, and to mortgage, assign, and convey the same Duties respectively, or any of them, or any Part thereof respectively, by any Writing or Writings under the Common Seal of the said Commissioners, to any Person or Persons who shall advance or lend to them the said Sum of Thirty thousand Pounds or any Part thereof from Time to Time, as a Security or Securities for the Repayment of the Sum or several Sums of Money that shall be so borrowed as last aforesaid, and the Interest thereof; and the Receipt or Receipts of the Treasurer or Treasurers of the said Commissioners for the Time being shall be a good and sufficient Discharge or good and sufficient Discharges to all and every Persons and Person who shall advance or lend the said Sum of Thirty thousand Pounds, or any Part thereof, to the said Commissioners or their said Committee from Time to Time, for so much Money as shall be expressed in such Receipt or respective Receipts; and the Person or Persons advancing or lending the said Sum or any Part thereof to the said Commissioners or their said Committee shall not after taking any such Receipt be liable to see to the Application of the Money which shall be thereby expressed to be received, nor in any way accountable for any Misapplication or Non-application thereof; and the Costs of all such Mortgages, Assignments, and Conveyances as last aforesaid, and also all the Costs and Expences of the said Commissioners, or their Committee, to be occasioned by reason of such Default as aforesaid, or to be otherwise incidental to the Exercise of this present Power, shall be paid from and out of the said respective Duties which shall be so mortgaged, assigned, or conveyed as last aforesaid; and Copies of all such Mortgages, Assignments, and Conveyances to be so made by the said Commissioners, or by their said Committee as aforesaid, shall be entered by the Town Clerk of the said Burgesses in the said Book or Books to be so kept by the said Burgesses for that Purpose as aforesaid, and he is hereby required to enter the same accordingly, in like Form and Manner as is herein-before directed in respect of Mortgages, Assignments, and Conveyances to be made by the said Burgesses or their said Capital Burgesses as aforesaid.

XCVII. And be it further enacted, That every such Mortgage, Assignment, and Conveyance to be made by the Commissioners for executing this Act as aforesaid may be made in the Form or to the Effect following, or in such other Form or to such other Effect, and with such other Stipulations or Provisions to be inserted therein, as the Case may require; that is to say,

Form of Mortgage by the Commissioners.

'WE, the Commissioners of the *Nene* Outfall, incorporated by an Act of Parliament passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], by virtue of the Power and Authority given to us by the said Act, and in consideration of the Sum of to us paid by being Part of the Sum of Thirty thousand Pounds which by the said Act we are empowered to borrow and take up at Interest, on the Default of the Burgesses of the Town of *Wisbech* in the Payment thereof as in the said Act is mentioned, and which Default has been made by the said Burgesses, do, by these Presents, mortgage, assign, and convey unto the said Successors and Assigns, or Executors, Administrators, and Assigns [*as the Case may be*], all and singular the Duties payable unto or for the Use of the said Burgesses, which by the said Act the said Burgesses, or we the said Commissioners on their Default as aforesaid, are empowered to mortgage, assign, and convey to any Person or Persons advancing or lending the said Sum of Thirty thousand Pounds, or any Part thereof, to hold the same Duties, and every of them, 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 Common Seal the Day of in the Year of our Lord One thousand eight hundred and.'

Securities to be assignable.

XCVIII. And be it further enacted, That all and every Persons and Person to whom any such Mortgage, Assignment, or Conveyance shall have been made as aforesaid, whether the same shall have been made under the Common Seal of the said Burgesses of the said Town of *Wisbech*, or of the said Commissioners for executing this Act, or who for the Time being shall be entitled to the same Mortgage, Assignment, or Conveyance, shall and may, and he, she, and they is and are hereby empowered from Time to Time, by any Writing under his, her, or their Hand and Seal or Hands and Seals, to be indorsed on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to assign or transfer such Security or Securities, or any Share or Shares thereof or Interest therein, and all or any Part of the Monies due or to become due thereon, to any Person or Persons whomsoever; and every such Assignment or Transfer shall be produced or notified to the Town Clerk of the said Burgesses

Burgesses for the Time being, 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 therein mentioned to be transferred, and the Names of the several Parties executing the same, to be entered in the said Book or Books to be kept for entering the said original Mortgages, Assignments, or Conveyances as aforesaid, for the Entry of which said Memorial the said Town Clerk shall be paid the Sum of Two Shillings and Sixpence, 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 respectively entitle the Assignee or Assignees therein named, and his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and of the original Mortgage, Assignment, or Conveyance, or Interest therein, which shall have been thereby assigned or transferred; and that every such Assignee shall and may in like manner assign and transfer such Security or respective Securities from Time to Time, *toties quoties*.

Mortgagees of Duties to be Creditors in an equal Degree.

XCIX. And be it further enacted, That the several Persons to whom such respective Securities as aforesaid shall have been made or granted for the said Sum of Thirty thousand Pounds, or any Part thereof, whether such Securities shall have been respectively made or granted under the Common Seal of the said Burgesses of the said Town of *Wisbech*, or of the said Commissioners for executing this Act, and the respective Executors, Administrators, and Assigns of such Persons respectively, shall be Mortgagees and Creditors of and upon the said Duties thereby respectively mortgaged, assigned, or conveyed as aforesaid, in an equal Degree one with another, according to the Amount of the several Principal Sums of Money by the said several Securities respectively secured or intended so to be; and any One or more of such Persons, or his, her, or their respective Executors, Administrators, or Assigns, shall not have any Preference over any of the others of them, or his, her, or their 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.

Collectors of the Duties to pay the Interest of the Monies borrowed, and the Principal, on Notice.

C. And be it further enacted, That the Collector or Collectors of the said Burgesses of the said Town of *Wisbech*, appointed or employed to collect and receive the said respective Duties authorized to be from Time to Time respectively collected and received by virtue of the said last above-recited Act of Parliament and of this present Act, shall, and he and they is and are hereby required, with and out of the said Duties, to pay and discharge the Interest of every such Mortgage or Security of or upon the same respective Duties, or any of them, which shall have been so made or granted by the said Burgesses or their said Capital Burgesses, or by the said Commissioners for executing this Act as aforesaid, from Time to Time, when and as such Interest shall become due and payable, and also the Principal Money which shall be due and payable upon or by virtue of any such Mortgage or Security as aforesaid, upon Two Calendar Months previous Notice in Writing for the Payment of such Interest and Six Calendar Months previous Notice in Writing for the Payment of such Principal Money, being given to or left at the Dwelling House or Office

for the Time being of the Town Bailiff or Town Clerk of the said Burgesses, by or on behalf of the Mortgagee or Mortgagees for the Time being possessed of or entitled to such Mortgage, or to the Principal Money and Interest thereby secured.

In default of Payment of Principal or Interest, the Duties to vest in the Mortgagees.

CI. And be it further enacted, That if the Principal Money due and payable upon or by virtue of any such Mortgage or Security which shall have been so made or granted by the said Burgesses of the said Town of *Wisbech*, or their said Capital Burgesses, or by the said Commissioners for executing this Act as aforesaid, or the Interest thereof, shall not be paid by the Collector or Collectors of the said Duties, pursuant to such Notice given or left as aforesaid, then the said Duties comprised in such Mortgage or Security as aforesaid shall vest in the Mortgagee or Mortgagees thereof for the Time being, or in some Person or Persons to be nominated by them or the major Part of them in Trust for all of them, according to the respective Amounts of the several Principal Sums of Money which shall be due upon their respective Securities, until the said Principal Sums, together with all Interest due thereon, shall be fully paid and satisfied to such Mortgagee or Mortgagees respectively; and that such Mortgagee or Mortgagees, or Person or Persons respectively, and his, her, or their Executors, Administrators, or Assigns, shall have all such and the same Powers, Rights, Remedies, and Privileges for the recovering and receiving of the said Duties, and every or any of them, as the said Burgesses or their said Capital Burgesses would have had in case such respective Mortgages and Securities had been regularly and fully paid and satisfied, or had not been made or granted.

In case of Duties vesting in the Commissioners or Mortgagees, the Collector to pay same to them.

CII. And be it further enacted, That in case by reason of any Default by or on the Part of the said Burgesses of the Town of *Wisbech*, or their said Capital Burgesses, in Payment of the said Sum of Thirty thousand Pounds, or any Part thereof, or any Interest for the same, to the said Commissioners for executing this Act, or to the Mortgagee or Mortgagees of the said several Duties by this Act authorized to be mortgaged as aforesaid, the said several Duties, or any of them, shall have become vested in the said Commissioners, or in the said Mortgagee or Mortgagees, by virtue of any of the Provisions herein contained, then and in such Case the Collector or Collectors of the said several Duties from Time to Time appointed or employed by the said Capital Burgesses, shall from Time to Time, upon and after Notice in Writing given to him or them by or on the Part of the said Commissioners, or their said Committee, or the said Mortgagee or Mortgagees of the said Duties, collect and receive the said several Duties for the Use and on the Account of the said Commissioners, or of the said Mortgagee or Mortgagees, in whom the said Duties shall then have become vested as aforesaid, and shall give to the said Commissioners, or Mortgagee or Mortgagees, as the Case may be, such Security as they shall reasonably require for the due and faithful collecting, receiving, accounting for, and paying over of the said Duties from Time to Time to the said Commissioners, or Mortgagee or Mortgagees, as the Case may be, according to the true Intent and Meaning of this Act; and that such Collector or Collectors shall thenceforth from Time to Time account for and pay over the said several Duties, when and as the same shall be collected and received by him or them, after deducting there-

from the reasonable Charges attending the Collection and Receipt thereof, unto the said Commissioners for executing this Act, or unto the said Mortgagee or Mortgagees of the said Duties, according to their respective Interests in the same Duties, or unto such other Person or Persons as the said Commissioners, or the said Mortgagee or Mortgagees, shall appoint or authorize to receive the same; and that in case such Collector or Collectors shall, at any Time after any such Default and Notice as aforesaid, refuse or neglect to give such Security as aforesaid, or to render to the said Commissioners, or their said Committee, or to the said Mortgagee or Mortgagees, as the Case may be, a full and true Account of the said last-mentioned Duties, or to pay over the same, after deducting the reasonable Charges attending the Collection and Receipt thereof, unto the said Commissioners, or Mortgagee or Mortgagees respectively, or to such Person or Persons as they shall respectively appoint or authorize to receive the same, then and in such Case it shall be lawful for the said Commissioners, or their said Committee, or for the said Mortgagee or Mortgagees of the said last-mentioned Duties, at any Time thereafter, and either with or without giving Notice of their Intention so to do, to remove and displace such Collector or Collectors, and to appoint another or others from Time to Time, when and as the said Commissioners or their Committee, or the said Mortgagee or Mortgagees, shall see occasion, so long as the said Sum of Thirty thousand Pounds, or any Part thereof, or any Interest for the same, or any Costs or Charges incurred or sustained by the said Commissioners, or Mortgagee or Mortgagees respectively, by reason of the Nonpayment thereof, shall remain due or unsatisfied; and the said Collector or Collectors to be so from Time to Time appointed by the said Commissioners, or their Committee, or by the said Mortgagee or Mortgagees, shall thenceforth have full Power and Authority to collect and receive the said several Duties by the said last-recited Act and by this Act respectively authorized to be collected and received, and to pay and apply the same in and towards Satisfaction and Discharge of the said Sum of Thirty thousand Pounds, and Interest, and the said Costs and Charges, until the same and every of them shall be fully paid, satisfied, and discharged, and shall be subject and liable in all respects to all such of the Provisions of this Act as the several other Collectors and Officers appointed by the said Commissioners are subject and liable to in any Manner howsoever.

A yearly Sum to be appropriated for liquidating the Monies borrowed.

CIII. And be it further enacted, That the said Burgesses of the said Town of *Wisbech*, and their said Capital Burgesses, after full Payment of the said Sum of Thirty thousand Pounds, to the said Commissioners for executing this Act, or their said Committee, or Treasurer or Treasurers as aforesaid, shall, and they are hereby authorized and required, yearly and every Year, to appropriate, pay, and apply the entire clear Surplus of the said Duties of Sixpence *per* Chaldron and Sixpence *per* Ton, by this Act respectively granted and directed to be collected and received as aforesaid, which shall remain after satisfying the yearly Interest of every such Mortgage or Security to be so made or granted as aforesaid, and after satisfying all such Charges and Expences as shall have been incurred in making or granting such respective Mortgages or Securities, and in collecting and receiving the said last-mentioned Duties, or otherwise relating to such Mortgages, Securities, and Duties, or any of them, in and towards the Reduction and Liquidation of the Principal

Money due upon any One or more of such Mortgages or Securities; and if in any Year or Years the clear Surplus of the said last-mentioned Duties, after satisfying the several Purposes aforesaid, shall not amount to the clear Sum of Five hundred Pounds, then and in every such Year the said Burgesses or their said Capital Burgesses shall and they are hereby authorized and required to appropriate, pay, and apply the Amount of such clear Surplus, and also so much of the said Duties of Three-pence *per* Chaldron, and Three-pence *per* Ton by the said last-recited Act of Parliament granted and directed to be collected and received as aforesaid, as together with such Surplus shall amount to the clear Sum of Five hundred Pounds, in and towards the Reduction and Liquidation of the Principal Money due upon any One or more of such Mortgages or Securities as aforesaid.

When the 30,000*l.* are paid, the Duties under this Act to cease.

CIV. Provided always, and be it further enacted, That when and so soon as the said Sum of Thirty thousand Pounds, and all Interest for the same, and all such Charges and Expences as are last before mentioned, shall have been fully paid, satisfied, and discharged, then and thenceforth the said several Duties of Sixpence *per* Chaldron and Sixpence *per* Ton, by this Act respectively granted and directed to be collected and received as aforesaid, and every of them, shall wholly cease, and be no longer payable; and then and thenceforth the said Duties of Three-pence *per* Chaldron and Three-pence *per* Ton, by the said last-recited Act authorized to be collected and received, shall be paid, applied, and disposed of for such Purposes and in such Manner as by the same last-recited Act is directed or authorized concerning the same.

Contribution of 15,000*l.* to be paid by the Lands in the Hundred of Wisbech, &c.

CV. And be it further enacted, That the several Lands and Grounds situate and lying within the Hundred of *Wisbech* in the said Isle of *Ely*, and the several Districts or Divisions thereof herein-after mentioned, and in *Tid Saint Mary's Fen* in the said County of *Lincoln*, now being charged or chargeable with certain Annual Rates or Taxes for the Drainage of the same several Lands and Grounds respectively, shall contribute and they are hereby charged with the Payment of the Sum of Fifteen thousand Pounds of lawful Money of *Great Britain* towards the making and executing of the said New Cut or Channel and other Works by this Act authorized to be made as aforesaid, in the several Proportions following; that is to say, the several Lands and Grounds situate in the District or Division commonly called or known by the Name of the *Wisbech North Side District*, and mentioned and comprised in a certain Act made and passed in the Fifteenth Year of the Reign of His late
15 G. 3. c. 66. Majesty King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of* Wisbech Saint Peter's *and* Wisbech Saint Mary's, *and in the Hamlets of* Wisbech Murrow *and* Wisbech Guyhirn, *in the Isle of* Ely *and County of* Cambridge, and in a certain other Act made and passed in the Forty-
49 G. 3. c. 43. ninth Year of the same Reign, intituled *An Act for amending and rendering more effectual an Act passed in the Fifteenth Year of His present Majesty, for draining and preserving certain Lands and Grounds in the Parishes of* Wisbech Saint Peter's *and* Wisbech Saint Mary's, *and in the Hamlets of* Wisbech Murrow *and* Wisbech Guyhirn, *in the Isle of* Ely *and County of* Cambridge, and by the same last-mentioned Acts or One of them charged or made chargeable with the Payment,

Payment, to the Commissioners thereby appointed, of certain Annual Rates or Taxes for the better Drainage of the same last-mentioned Lands and Grounds, shall be and they are hereby charged with the Payment of the Sum of Four thousand three hundred and fifty Pounds (Part of the said Sum of Fifteen thousand Pounds); the several Lands and Grounds situate in the District or Division commonly called or known by the Name of the *Leverington and Parson Drove District*, and mentioned and comprised in a certain Act made and passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining and improving certain Lands and Grounds in the Parish of* Leverington *and* Leverington Parson Drove, *in the Isle of* Ely *in the County of* Cambridge, and by the same last-mentioned Act charged or made chargeable with the Payment to the Commissioners thereby appointed of certain Annual Rates or Taxes for the better Drainage of the same last-mentioned Lands and Grounds, shall be and they are hereby charged with the Payment of the Sum of Three thousand four hundred and thirty Pounds (further Part of the said Sum of Fifteen thousand Pounds); the several Lands and Grounds situate in the District or Division commonly called or known by the Name of the *Tid and Newton District*, and mentioned and comprised in the said herein above-recited Act made and passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of* Tid Saint Giles *and* Newton, *in the Isle of* Ely *in the County of* Cambridge, *and in* Tid Saint Mary's *in the County of* Lincoln, and in a certain other Act made and passed in the Forty-eighth Year of the same Reign, intituled *An Act for amending and rendering more effectual an Act passed in the Thirteenth Year of His present Majesty, for draining and preserving certain Lands and Grounds in the Parishes of* Tid Saint Giles, *and* Newton, *in the Isle of* Ely *in the County of* Cambridge, *and in* Tid Saint Mary's *in the County of* Lincoln, *and for adding thereto certain other Lands and Grounds in* Tid Saint Mary's *aforesaid, lying contiguous to the Lands described in the said Act*, and by the same last-mentioned Acts or One of them charged or made chargeable with the Payment, to the Commissioners thereby appointed, of certain annual Rates or Taxes for the better Drainage of the same last-mentioned Lands and Grounds, shall be and they are hereby charged with the Payment of the Sum of Four thousand one hundred and thirty Pounds (further Part of the said Sum of Fifteen thousand Pounds); the several Lands and Grounds in *Great* and *Little Waldersey*, in the several Parishes of *Wisbech Saint Peter*'s and *Elm*, in the said Isle of *Ely*, situate in the District or Division commonly called or known by the Name of the *Waldersey District*, and comprised in a certain Act made and passed in the Fourth Year of the Reign of His late Majesty King *James* the First, intituled *An Act for the draining of certain Fens and Low Grounds in the Isle of* Ely, *subject to Hurt by surrounding, containing about Six thousand Acres, compassed about with certain Banks commonly called and named the* Ring of Waldersey and Cooldham, shall be and they are hereby charged with the Payment of the Sum of Two thousand two hundred and ten Pounds (further Part of the said Sum of Fifteen thousand Pounds); and the several other Lands and Grounds in the said several Parishes of *Wisbech Saint Peter*'s and *Elm*, not being included within the Provisions of the said last-mentioned Act, but

41 G. 3. c. 73.

13 G. 3. c. 60.

48 G. 3. c. 23.

4 Jac. 1. c. 13.

being

being severally situate in *Wisbech Saint Peter*'s aforesaid, on the South Side of *Wisbech* River, and on the West Side of *Wesenham's Lane*, and in *Elm* aforesaid, on the West Side of *Elm* River, in *New Field*, *Redmore Field*, *Wales Field*, and *Halfpenny Field*, and being severally situate in the District or Division commonly called or known by the Name of the *Wisbech South Side District*, and being respectively liable to pay certain Annual or other Drainage or Bank Rates or Taxes unto the Commissioners of Sewers for the said Hundred of *Wisbech* and the Parts adjacent, for the better Drainage and Preservation thereof, shall be and they are hereby charged with the Payment of the Sum of Eight hundred and eighty Pounds, being the remaining Part of the said Sum of Fifteen thousand Pounds.

The said Contributions to be paid by Three Instalments.

CVI. And be it further enacted, That the said several Sums of Four thousand three hundred and fifty Pounds, Three thousand four hundred and thirty Pounds, Four thousand one hundred and thirty Pounds, Two thousand two hundred and ten Pounds, and Eight hundred and eighty Pounds, making together the said Sum of Fifteen thousand Pounds so respectively charged and to be contributed as last above-mentioned, shall be respectively paid by the respective Commissioners for or Proprietors of the said several Lands and Grounds so charged with the Payment thereof respectively as aforesaid, or their respective Clerks or Treasurers, to the Treasurer or Treasurers of the said Commissioners for executing this Act, by Three several equal Instalments; the First of the said respective Instalments of the said several Sums and every of them to become due and be paid on the First Day of *December* now next ensuing, the Second of the same respective Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, and the Third of the same respective Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; and that the said Sum of Fifteen thousand Pounds, and the said several Proportions and Instalments thereof, shall be respectively raised in the Manner herein-after mentioned.

Power for the Commissioners of the Wisbech North Side, the Leverington and Parson Drove, and the Tid and Newton Districts, to charge the Lands in their respective Districts with their Proportions of the 15,000*l*.

CVII. And be it further enacted, That for raising the following Proportions of the said Sum of Fifteen thousand Pounds, that is to say, the said Proportion or Sum of Four thousand three hundred and fifty Pounds from or in respect of the said District or Division commonly called or known by the Name of the *Wisbech North Side District*, the said Proportion or Sum of Three thousand four hundred and thirty Pounds from or in respect of the said District or Division commonly called or known by the Name of the *Leverington and Parson's Drove District*, and the said Proportion or Sum of Four thousand one hundred and thirty Pounds from or in respect of the said District or Division commonly called or known by the Name of the *Tid and Newton District*, by the several Instalments aforesaid, it shall and may be lawful for the said several Commissioners respectively appointed by or under the Authority of the said several Acts of Parliament relating to the same Districts or Divisions respectively, for and in respect of the said several Lands and Grounds respectively lying within the same several Districts or Divisions, and comprised within the same several Acts of Parliament, or the Provisions thereof respectively, and they are respectively hereby required, from

Time to Time, to assess, tax, rate, and charge the said several Lands and Grounds respectively lying within their respective Districts or Divisions, by and with such gross or yearly or other equal Rates or Taxes, by the Acre, to be charged equally and alike upon all the said Lands and Grounds without Distinction or regard to Difference in Situation, in addition to the present Rates and Taxes to which the said several last-mentioned Lands and Grounds are now respectively liable, as will be sufficient to raise and pay the said several Proportions or Sums of Four thousand three hundred and fifty Pounds, Three thousand four hundred and thirty Pounds, and Four thousand one hundred and thirty Pounds, above mentioned, by the several Instalments aforesaid, and the yearly Interest of any Principal Sum or Sums of Money that shall be borrowed upon the Credit of the same several Rates or Taxes respectively, under the Authority for that Purpose herein-after contained, and as will be sufficient also to pay off and discharge in every Year One Twentieth Part of the Principal Monies to be so borrowed, until the same shall be fully paid off and discharged, and also to pay and satisfy all Charges and Expences of collecting the same several Rates or Taxes by this Act authorized to be assessed, taxed, rated, and charged as last aforesaid, and of borrowing the said Monies upon the Credit thereof, and of paying off the same Monies, and otherwise incidental to any of the same Purposes respectively; and that the said several equal Acre Rates or Taxes so to be respectively assessed, taxed, rated, and charged under the Authority of this Act, as last aforesaid, shall be respectively collected and received and be recoverable within the same several Districts or Divisions respectively, by such and the same Means and Remedies, and in such and the same Manner and Form, and under and subject to such and the same Penalties on Nonpayment, and shall respectively stand and be upon the same Footing in all respects, so far as regards the assessing, charging, collecting, receiving, and recovering of the same equal Acre Rates or Taxes respectively, as the present Rates or Taxes, to which the said several Lands or Grounds within the said respective Districts or Divisions are now respectively liable under or by virtue of the said several last above-mentioned Acts, are now respectively collected and received or recoverable, or now respectively stand or are upon, in all respects, and to all Intents and Purposes whatsoever.

Power for the Proprietors of Lands in the Waldersey District to charge the Lands in that District with their Proportion of the 15,000*l.*

CVIII. And be it further enacted, That for raising the said Sum of Two thousand two hundred and ten Pounds, the Proportion of the said Sum of Fifteen thousand Pounds to be raised and paid from or in respect of the said Lands and Grounds situate and lying in the several Parishes of *Wisbech Saint Peter's* and *Elm* aforesaid, and within the said District or Division commonly called or known by the Name of the *Waldersey District*, by the several Instalments aforesaid, a General Meeting of the several Proprietors of the said Lands and Grounds situate and lying in the said last-mentioned District or Division shall be held at the *White Hart Inn* in the Town of *Wisbech Saint Peter's* aforesaid, on the *Friday* Three Weeks next after the Day of the passing of this Act, at Eleven o'Clock in the Forenoon of the same Day, or within Fourteen Days then next ensuing, (unless the said Sum of Two thousand two hundred and ten Pounds shall be otherwise raised and provided for and paid to the Treasurer or Treasurers of the said Commissioners for executing this Act by the several Persons or Parties interested in the Payment thereof;) at which

which said Meeting every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right, or in the Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, for One or more Life or Lives, or for any Term of Years determinable on One or more Life or Lives, or for any Estate of Freehold or Inheritance, of Twenty Acres or upwards of the same last-mentioned Lands and Grounds, shall be entitled to be present and vote, (not more than One such Trustee, Committee, or Guardian acting or voting at such Meeting for or on the Behalf of any One such incapacitated Person as aforesaid,) and of which said Meeting the Person present who shall be so seised or possessed as aforesaid of the greatest Number of Acres of the same last-mentioned Lands and Grounds, or his Nominee, or upon his Refusal to act or nominate another, then such other Person as the Majority of such Persons as aforesaid present at the said Meeting shall appoint, shall be the Chairman, with Liberty to vote not only as a Proprietor, but in case of an Equality of Votes to give another and additional Vote as a casting Vote; and that the said several Persons present at such Meeting, and all other Persons seised or possessed in manner aforesaid or otherwise of any of the said last-mentioned Lands and Grounds, shall respectively give in or cause to be given in to the said Meeting a particular Account in Writing of the Number of Acres contained in their said several Lands and Grounds, verified, if required, by their respective Oaths, or (being Quakers) by their solemn Affirmations, taken or made before any Justice of the Peace for the said Isle of *Ely*, who is hereby authorized to administer the same, or by other sufficient Evidence to the Satisfaction of the Majority of Persons present at such Meeting; and that the several Persons present and entitled to vote at such Meeting shall or may appoint a Surveyor, as well to examine and consider the said Accounts to be so given in, or any of them, which shall or may be referred to him for that Purpose, and to amend the same by an actual Survey and Admeasurement if necessary, as also to survey and admeasure, if necessary, the Lands and Grounds of any Person or Persons who shall neglect or for any Cause omit to give in such Account so verified as aforesaid; and that the said respective Surveys, Admeasurements, and Amendments which shall be so made by the said Surveyor to be so appointed as aforesaid shall be conclusive and binding upon all Parties whomsoever for the Purposes of this Act; and that the Charge of every such Survey, Admeasurement, and Amendment shall be paid by the Person or Persons whose Account or Accounts shall be so amended as aforesaid, or who shall so neglect or omit to give in such Account or Accounts as aforesaid; and that the several Persons present and entitled to vote at such Meeting, or the Majority of them, shall then and there, or at any Adjournment of the said Meeting, assess, tax, rate, and charge all and every the said Lands and Grounds lying within the same last-mentioned District or Division by and with such gross or yearly or other Rates or Taxes, by the Acre, to be charged equally and alike upon all the said last-mentioned Lands and Grounds, without Distinction or regard to Difference in Situation, or whether the same shall have been heretofore rated and taxed, or liable to be rated or taxed, towards the Drainage thereof, by virtue of or under any Act of Parliament, Custom, or Usage, or by Consent or Agreement, or otherwise, or shall not have been so rated or taxed, or liable to be so rated or taxed, (subject nevertheless to such Reference and Determination in regard to the said last-

mentioned Acre Rates and Taxes as is herein-after mentioned, as will be sufficient to raise and pay the said Sum of Two thousand, two hundred and ten Pounds by the several Instalments aforesaid, and the yearly Interest of any Principal Sum or Sums of Money that shall be borrowed upon the Credit of the same last-mentioned Rates or Taxes under the Authority for that Purpose herein-after contained, and as will be sufficient also to pay off and discharge in every Year One Twentieth Part of the Principal Monies to be so borrowed, and also to pay and satisfy all Charges and Expences of collecting the same Rates and Taxes by this Act authorized to be assessed, taxed, rated, and charged as last aforesaid, and of borrowing the said Monies upon the Credit thereof, and of paying off the same Monies, and also the Costs and Expences of the said Meeting and of the Adjournments thereof, and all other incidental Charges; and that the said Persons present and entitled to vote at such Meeting, or the Majority of them, shall appoint such Days or Times for the Payment of the same last-mentioned Rates or Taxes as shall be expedient for the collecting and receiving of the same in due Time for satisfying the Purposes of this Act in that Behalf, and shall also appoint a Collector or Collectors for collecting and receiving the same last-mentioned Rates or Taxes, with such Salary or Allowance, and with such Powers and Authorities for the collecting and receiving of the same last-mentioned Rates or Taxes, and, if necessary, for the recovering and compelling Payment of the same, or any Part thereof, when in arrear, by Entry, Distress, and Sale, as in Cases of Rent in arrear, or otherwise, as the said several Persons present and entitled to vote at such Meeting, or the Majority of them, shall at such Meeting, or any Adjournment thereof, think proper, resolve, and order; and that the said Persons so present at the said Meeting, or the Majority of them, shall have Power to adjourn the said Meeting from Time to Time, and to meet at such other Time and Times, at the same or any other Place or Places, for the Purposes aforesaid, or any of them, or for any Purposes connected therewith; and that the several Resolutions and Orders to be agreed upon, carried, and made at the said Meeting, or at any Adjournment thereof as aforesaid, shall be entered in a Book to be provided for that Purpose, under the Direction of and to be signed by the Chairman of the same Meeting; and the same, after being so signed, together with the said Accounts to be so given in as aforesaid, and with any Survey or Surveys to be so made as aforesaid, shall be deposited with the Clerk of the Peace for the Isle of *Ely*, and shall respectively be deemed and taken to be Originals, and may respectively be produced, read, and received in Evidence in all Cases of Suits or Actions, or other Proceedings whatsoever.

Provision for Reference as to Rates of Waldersey.

CIX. Provided always, and be it further enacted, That it shall and may be lawful for the several Proprietors of the said Lands and Grounds lying within the said last-mentioned District or Division, called the *Waldersey District*, at some Meeting to be convened by any Three or more of them for that Purpose, and to be holden at the said *White Hart Inn* in the Town of *Wisbech Saint Peter's* aforesaid, within Twenty-one Days next after the passing of this Act, of which said Meeting at least Seven Days previous Notice shall be given in some Weekly Newspaper usually circulated in the Isle of *Ely* aforesaid, and on the respective Church Doors of the several Parishes of *Wisbech Saint Peter's* and *Elm* aforesaid, to nominate and appoint, by common Consent, Two Referees for the Purpose

next

next herein-after mentioned; or in default of such Appointment, then it shall and may be lawful for the Persons being Owners of the greater Number of Acres of certain Lands in the said last-mentioned District or Division, called Free Lands, by some Writing under their Hands to nominate and appoint One of the said Referees, and for the Persons being Owners of the greater Number of Acres of certain Lands in the said last-mentioned District or Division, called Taxable Lands, by some Writing under their Hands to nominate and appoint the other of the said Referees; and in case the said Persons so entitled to nominate and appoint either of the said Referees as aforesaid shall refuse or neglect to make such Nomination and Appointment, or to deliver in the same to the Treasurer of the said District or Division for the Space of Fourteen Days next after the said Meeting, then and in such Case it shall and may be lawful for the said Persons so entitled to nominate and appoint the other of the said Referees, by some Writing under their Hands to nominate and appoint both of the said Referees; and the said Referees shall ascertain and determine whether any and what Part or Parts of the said Lands and Grounds lying in the said last-mentioned District or Division shall be exempt, either wholly or in part, and in what Proportion and to what Extent, from the Payment of the said last-mentioned Acre Rates or Taxes, or any of them, or any Part or Proportion thereof; and in case the said Referees shall not agree in their Determination touching the Matter so to be ascertained and determined by them as aforesaid, or any Part thereof, then the said Matter, or so much thereof as shall not be determined by them, shall be decided and determined by some indifferent Person to be appointed by the said Referees as an Umpire; and the Determination of the said Referees or Umpire, as the Case may be, in the Premises, shall be binding and conclusive upon all Persons and Parties interested therein; and the said several last-mentioned Lands and Grounds shall be liable to and charged with the said Sum of Two thousand two hundred and ten Pounds, by such several Acre Rates or Taxes, and in such several Proportions, and with such Exemptions, either wholly or in part, as the said Referees or Umpire shall respectively determine, any thing herein contained to the contrary thereof notwithstanding, and the same Sum of Two thousand two hundred and ten Pounds shall be raised and paid accordingly.

Power for the Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent to charge the Lands in the Wisbech South Side District with their Proportion of the 15,000*l.*

CX. And be it further enacted, That for raising the said Sum of Eight hundred and eighty Pounds, the Proportion of the said Sum of Fifteen thousand Pounds to be raised and paid from or in respect of the said District or Division called or known by the Name of the *Wisbech South Side District*, by the several Instalments aforesaid, it shall and may be lawful for the Commissioners of Sewers for the said Hundred of *Wisbech* and Parts adjacent, (for and in respect of the said several Lands and Grounds situate and lying within the same last-mentioned District or Division,) and they are hereby required, from Time to Time to assess, tax, rate, and charge the said several Lands and Grounds lying within the same last-mentioned District or Division by and with such gross or yearly or other equal Acre Rates or Taxes, in addition to the present Rates and Taxes to which the same Lands and Grounds are now severally liable, as will be sufficient to raise and pay the said Sum of Eight hundred and eighty Pounds, by the several Instalments aforesaid, and the yearly Interest of any Principal Sum or Sums of Money that shall be borrowed upon the Credit

Credit thereof, under the Authority for that Purpose herein-after contained, and as will be sufficient also to pay off and discharge in every Year One Twentieth Part of the Principal Monies to be so borrowed, until the same shall be fully paid off and discharged, and also to pay and satisfy all Charges and Expences of collecting the same Rates or Taxes by this Act authorized to be assessed, taxed, rated, and charged as last aforesaid, and of borrowing the said Monies upon the Credit thereof, and of paying off the same Monies, and otherwise incidental to any of the same Purposes respectively; and that the said several Rates or Taxes so to be assessed, taxed, rated, and charged under the Authority of this Act as last aforesaid, shall be respectively collected and received, and be recoverable within the same last-mentioned District or Division, by such and the same Means and Remedies, and in such and the same Manner and Form, and shall respectively stand and be upon the same Footing in all respects, so far as regards the assessing, charging, collecting, receiving, and recovering of the same last-mentioned equal Acre Rates or Taxes respectively, as the present Rates or Taxes to which the said Lands and Grounds within the same last-mentioned Districts or Divisions are now respectively liable under or by virtue of any Act of Parliament, or under or by virtue of any Law of Sewers, are now respectively collected and received or recoverable, or now respectively stand or are upon, in all respects and to all Intents and Purposes whatsoever.

Power for the District Commissioners and Proprietors to borrow Money.

CXI. And be it further enacted, That for facilitating the raising and paying of the said several Proportions of the said Sum of Fifteen thousand Pounds by the Instalments aforesaid, it shall be lawful for the respective Commissioners for the said Three Districts or Divisions within the said Hundred of *Wisbech*, called or known by the Names of the *Wisbech North Side District*, the *Leverington and Parson Drove District*, and the *Tid and Newton District*, in respect of the said several Proportions to be raised and paid from or by the same Three Districts respectively, and for the said Proprietors of Lands and Grounds lying in the said District called or known by the Name of the *Waldersey District*, in respect of the said Proportion or Sum of Two thousand two hundred and ten Pounds to be raised and paid from or by the said last-mentioned District, and for the said Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, in respect of the said Proportion or Sum of Eight hundred and eighty Pounds to be raised and paid from or by the said District called or known by the Name of the *Wisbech South Side District*, respectively assembled at their respective Annual or any other General Meetings or Sessions of Sewers respectively, or at any Adjournments of the same Meetings or Sessions respectively, and they are hereby respectively empowered, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole at any one Time within any of the said Districts or Divisions the said respective Proportions of the said Sum of Fifteen thousand Pounds so charged upon the same Districts or Divisions respectively as aforesaid, upon the Credit of the said Rates or Taxes to be assessed and payable upon and from the said several Lands and Grounds lying within the said Districts or Divisions respectively, under the Authority of this Act, and to mortgage, assign, and convey the same last-mentioned Rates or Taxes, or any Part or Parts thereof respectively, by any Writing or Writings under the Hands and Seals of any Three or more of the said Commissioners or Proprietors respectively, to any Person or Persons who shall lend or advance

his, her, or their Monies thereon, as a Security or Securities for the Repayment of the Sum or several Sums of Money which shall be so respectively borrowed, and the Interest thereof respectively; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered in a Book or Books to be kept for that Purpose by the respective Clerks of the said respective Commissioners and Proprietors; and all and every Person or Persons to whom any such Mortgage, Assignment, or Conveyance shall be made as last aforesaid, or who shall be entitled to the same, shall be, and he, she, and they is and are hereby empowered from Time to Time, by an Indorsement under his, her, or their Hand and Seal, or Hands and Seals, to be made on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to assign or transfer such Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Person or Persons whomsoever; all which Assignments and Transfers shall be produced or notified to the said respective Clerks of the said respective Commissioners and Proprietors, and such Clerk shall cause a Memorial of every such Assignment or Transfer, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums therein mentioned to be transferred, and the Names of the several Parties executing the same, to be entered in the said Book or Books to be kept for entering the said last-mentioned original Mortgages, Assignments, or Conveyances, for the Entry of which said Memorial the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more, by the Person or Persons producing or notifying such Assignment or Transfer; and that the said Book or Books may be inspected at all seasonable Times by any Person whomsoever, on Payment of the Sum of One Shilling to such Clerk for every such Inspection; and that after Entry made of such Memorial as aforesaid, and not otherwise, such Assignments or Transfers respectively shall entitle the Assignee or Assignees therein named, and his, her, or their Executors, Administrators, and Assigns respectively, to the Benefit thereof, and of the original Security or Securities thereby assigned or transferred; and every such Assignee may in like Manner assign again, and so *toties quoties*; and the several Persons to whom any such Security, or any such Assignment or Transfer thereof, shall be made as aforesaid, and their respective Executors, Administrators, and Assigns, shall be Creditors upon the said Rates or Taxes thereby respectively mortgaged or charged in an equal Degree one with another, and shall not have any Preference with respect to the Priority of the Dates of their respective Securities, or of the Times of advancing such Monies thereon as last aforesaid.

Form of Security.

CXII. And be it further enacted, That every such Security as last aforesaid, of or upon the several Rates or Taxes last above mentioned, or any of them, shall or may be in the Form or to the Effect following, with such other Stipulations or Provisions to be inserted therein as the Case may require; that is to say,

'WE, Three of the Commissioners for *or* Proprietors of [*as the Case may be*], do, by virtue of the Power and Authority given to us by an Act of Parliament passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*],

‘ *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 Sums of
‘ Money which are or shall be charged or chargeable by virtue of the
‘ said Act upon the several Lands and Grounds situate and lying within
‘ the District *or* Division of [*as the Case may be*], to hold the same Rates,
‘ Taxes, and Sums of Money 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 One thousand eight
‘ hundred .’

Contribution of 7,000*l.* to be paid by the Lands in South Holland.

CXIII. And be it further enacted, That the several Lands and Grounds situate and lying within the District of *South Holland* in the said County of *Lincoln*, mentioned and comprised in or since included within the Purview of a certain Act made and passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for draining, preserving, and improving certain Lands lying in the several Parishes of* Spalding (*including the Hamlets of* Cowbit *and* Peakill), Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Sutton Saint Mary, *and* Sutton Saint Nicholas *otherwise* Lutton, *all in* South Holland *in the County of* Lincoln, and in a certain other Act made and passed in the Fifty-seventh Year of the same Reign, intituled *An Act for amending and rendering more effectual an Act of His present Majesty, for draining Lands in* South Holland, *and for continuing and amending another Act of His present Majesty, for maintaining and repairing a certain Bank and the Road thereon from* Spalding High Bridge *to* Brotherhouse, *all in the County of* Lincoln, and in and by the same last-mentioned Acts or one of them charged or made chargeable with the Payment, to the Trustees for the Drainage thereby appointed, of certain Annual Rates or Taxes for the better Drainage of the same last-mentioned Lands and Grounds, shall contribute, and shall be and they are hereby charged with the Payment of the Sum of Seven thousand Pounds of lawful Money of *Great Britain* towards the Making and Execution of the said New Cut or Channel and other Works by this Act authorized to be made as aforesaid; which said Sum of Seven thousand Pounds shall be paid by the Trustees for the Drainage acting under the Authority of the said last-recited Act, or their Clerk or Treasurer, to the Treasu er or Treasurers of the said Commissioners for executing this Act, by Three several equal Instalments of Two thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence each; the First of the said Instalments to become due and be paid on the First Day of *December* now next ensuing, the Second of the same Instalments to become due and be paid on the First Day of *December* which will

will be in the Year of our Lord One thousand eight hundred and twenty-eight, and the Third of the same Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; and that the said Sum of Seven thousand Pounds, and the said several Instalments thereof, shall be raised in the Manner herein-after mentioned.

Power for the South Holland Drainage Trustees to charge their Lands with the 7,000*l.* in Proportions to be settled by Referees.

CXIV. And be it further enacted, That for raising the said Sum of Seven thousand Pounds by the Instalments aforesaid, and also for raising the Costs and Expences attending or incident to the Reference and Award touching the Apportionment of the said Sum of Seven thousand Pounds in the Manner herein-after mentioned, it shall and may be lawful for the Committee of Trustees for the Drainage of the said District of *South Holland*, appointed by or under the Authority of the said several Acts last above mentioned, and they are hereby required, to assess, tax, rate, and charge such of the said several Lands and Grounds last above mentioned, and in such Proportions as shall be settled and agreed upon and awarded by the Right Honourable *William Cavendish Bentinck* commonly called Lord *William Cavendish Bentinck*, and *Henry James Nicholls* of *Wisbech* aforesaid, Esquire, who are hereby constituted and appointed Referees or Arbitrators for the Purposes herein-after mentioned, or their Successors or Umpire, as herein-after provided, with such Rates and Taxes, in addition to the present Rates and Taxes to which the said several last-mentioned Lands and Grounds are now respectively liable, as will be sufficient to raise and pay the said Sum of Seven thousand Pounds by the Instalments aforesaid, and as will be sufficient also to raise and pay the Costs, Charges, and Expences of the said Lord *William Cavendish Bentinck* and *Henry James Nicholls*, and their Successors or Umpire, in and about the said Apportionment and Award, and of any Engineer, Surveyor, or other Person whom they may think fit to employ in the Matters aforesaid, and which Costs, Charges, and Expences the said Committee of Trustees are hereby required and authorized to pay, by the Means aforesaid, or by and out of any other Funds or Monies in their Hands or Control, and as will be sufficient also to pay and satisfy all Charges and Expences of collecting the same Rates or Taxes by this Act authorized to be assessed, taxed, rated, and charged as last aforesaid, and otherwise incidental to any of the same Purposes respectively; and that the said Rates or Taxes so to be assessed, taxed, rated, and charged under the Authority of this Act, as last aforesaid, shall be collected and received and be recoverable by such and the same Means and Remedies, and in such and the same Manner, and shall respectively stand and be upon such and the same Footing in all respects, so far as regards the assessing, charging, collecting, receiving, and recovering of the same, as the present Rates or Taxes to which the said several last-mentioned Lands and Grounds are now respectively liable under or by virtue of the said several last above-mentioned Acts, or either of them, are now collected and received or recoverable, or now respectively stand or are upon, in all respects, and to all Intents and Purposes whatsoever: Provided always, that no Part of the Rates or Taxes so to be settled and agreed upon by such Referees shall be charged or chargeable upon a certain District in *South Holland* called the *Lord's Drain District*, whose Waters are discharged into the River *Welland*.

CXV. And

Provision for appointing succeeding Referees.

CXV. And be it further enacted, That in case the said Lord *William Cavendish Bentinck* and *Henry James Nicholls*, or either of them, or any Person or Persons to be nominated and appointed their or his Successors or Successor, by virtue of this present Provision, shall die, or refuse or neglect to act in the Reference and Arbitration, and for the Purposes herein-before mentioned, it shall and may be lawful for the said Trustees for the Drainage of the said District of *South Holland*, and they are hereby required, as often as occasion shall require, at a public Meeting of such Trustees to be held for that Purpose, and of which Meeting Twenty-one Days previous Notice shall be given by the said Committee-men or their Clerk, by Advertisement in the *Lincoln, Rutland, and Stamford Mercury* Newspaper if then published, and if not then published, by the like Advertisement in some other County or Provincial Newspaper usually circulated in the said District of *South Holland*, to nominate and appoint some other fit Persons or Person, not interested in the Premises, to act as Referees and Arbitrators, or as Referee and Arbitrator, for the Purposes aforesaid, in the Place or Stead of them the said Lord *William Cavendish Bentinck* and *Henry James Nicholls*, or their respective Successors or Successor, or such of them as shall so die, or shall refuse or neglect to act in the Premises, and so on as often as occasion shall require; and at any and every such Meeting the said Trustees or their Proxies respectively, appointed in manner mentioned in the said recited Act of the Fifty-seventh Year of His late Majesty, shall have Votes in the several Proportions and to the Extent in the said last-mentioned Act provided for in relation to their Election of Committee-men.

Provision for appointing an Umpire.

CXVI. Provided always, and be it further enacted, That in case the said Lord *William Cavendish Bentinck* and *Henry James Nicholls*, or their Successors as aforesaid, shall not agree in the Apportionment and Rate of Charge hereby provided for, the Matter in Difference between them shall be settled, adjudged, and determined by such other Person as the said Referees or Arbitrators shall nominate and appoint Umpire in that Behalf; and the Determination and Award of such Umpire, conjointly with either of the said Referees or Arbitrators, or of such Umpire alone, as the Case may be, upon or affecting the Matter in difference, shall be final and conclusive.

The Commissioners to preserve a Channel for the Waters from the South Holland Drain.

CXVII. And whereas the said intended New Cut or Channel to be made pursuant to this Act will be made and pass at some Distance from the Outfall Sluice of the Main Drain made under the Authority of the said recited Act of the Thirty-third Year of the Reign of His late Majesty King *George* the Third, for the Drainage of Lands in *South Holland*; be it therefore further enacted, That the Commissioners for executing this Act, in consideration of the said Sum of Seven thousand Pounds herein-before agreed to be paid, shall and they are hereby required, from Time to Time and for ever hereafter, at their own Costs and Charges, to make, preserve, and maintain a clear and open Channel of sufficient and adequate Width and Depth from the said *South Holland* Outfall Sluice unto and into the said intended New Cut or Channel, to admit of a free Passage of the Waters from the said *South Holland* Main Drain into the said intended New Cut or Channel, at all Times when the same shall be required for the Purposes of Drainage.

Damage to the South Holland Works to be repaired.

CXVIII. And be it further enacted, That in case any Damage or Injury to the said *South Holland* Outfall Sluice or Main Drain, or other Works belonging thereto, shall be done or occasioned by any of the Officers, Agents, Servants, or other Persons employed by and acting under the Authority of the said Commissioners for executing this Act, or of their Committee, during the making of the said intended New Cut or Channel, or the Banks thereof, or other Works incidental thereto, such Damage or Injury shall forthwith and with all practicable Dispatch be repaired, amended, and made good by and at the Costs and Charges of the Commissioners for executing this Act, out of the Monies to be received by them under the Provisions hereof.

Power for South Holland Trustees to open the Channel from their Sluice, if neglected to be done by the Commissioners.

CXIX. Provided always, and be it further enacted, That if the said Commissioners for executing this Act shall refuse or neglect to make, preserve, and maintain such clear and open Channel as aforesaid from the said *South Holland* Outfall Sluice unto and into the said intended New Cut or Channel at any Time for the Space of Four Days next after Notice in Writing shall have been given to them by the Committee-men of the said *South Holland* Drainage, or their Superintendant for the Time being, requiring them to make, preserve, or maintain the same, according to the true Intent and Meaning of this Act, then and in such Case it shall and may be lawful for the said Committee-men or their Superintendant, at any Time after the Expiration of the said Four Days from the giving or Delivery of such Notice, to cleanse, scour out, and restore the said Channel, from the aforesaid Outfall Sluice unto and into the said New Cut or Channel; and the Costs and Expences to be thereby occasioned or incurred shall thereupon forthwith be paid and discharged by the said Commissioners for executing this Act to the said Committee-men, and in default thereof shall be recoverable by and at the Suit of the said Committee-men, or their Clerk for the Time being, from and against the said Commissioners, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Power for the South Holland Trustees to lower the Cill of the Sluice.

CXX. And be it further enacted, That it shall and may be lawful for the said Committee of Trustees for the Drainage of *South Holland*, and their Agents, Servants, and Workmen, from Time to Time, when and as often as they shall think it expedient or necessary so to do, to lower, sink, or alter the Cill of the said Outfall Sluice, for the Purpose of obtaining and enjoying the full Benefit of the improved Drainage contemplated by means of the said intended New Cut or Channel.

Contribution of 1,700*l.* to be paid by the Lands in Sutton Saint Edmund's.

CXXI. And be it further enacted, That the several Lands and Grounds situate and lying within the Hamlet of *Sutton Saint Edmund's* in the said County of *Lincoln*, on the North Side of a certain Bank called *South Eau Bank*, shall contribute and they are hereby charged with the Payment of the Sum of One thousand and seven hundred Pounds of lawful Money of *Great Britain* towards the making and executing of the said New Cut or Channel, and other Works by this Act authorized to be made as aforesaid; which said Sum of One thousand and seven hundred Pounds shall be paid by the several Owners or Occupiers of the said last-mentioned Lands or Grounds, or some or one of them, or by their Collector or Collectors to be appointed as herein-after mentioned, to the Treasurer or Treasurers of the said Commissioners for executing this

Act, by Three several equal Instalments of Five hundred and sixty-six Pounds Thirteen Shillings and Four-pence each; the First of the said Instalments to become due and be paid on the First Day of *December* now next ensuing; the Second of the same Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, and the Third of the same Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; and that the said Sum of One thousand and seven hundred Pounds, and the said several Instalments thereof, shall be raised in the Manner herein-after mentioned.

Power for the Proprietors to charge the Lands with the 1,700

CXXII. And be it further enacted, That for raising the said Sum of One thousand and seven hundred Pounds by the Instalments aforesaid, a General Meeting of the several Proprietors of the said last above-mentioned Lands and Grounds lying in *Sutton Saint Edmund's* aforesaid, shall be held at the House called the *White Hart Inn*, in the Town of *Wisbech* aforesaid, on the Second *Friday* in the Month of *July* now next ensuing, at Ten o'Clock in the Forenoon of the same Day, (unless the said Sum of One thousand and seven hundred Pounds shall be otherwise raised and provided for, and paid to the Treasurer or Treasurers of the said Commissioners for executing this Act, by the several Persons or Parties interested in the Payment thereof,) at which said Meeting every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right, or in the Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, for One or more Life or Lives, or for any Term of Years determinable on One or more Life or Lives, or for any Estate of Freehold or Inheritance, of Twenty Acres or upwards of the same last-mentioned Lands and Grounds, shall be entitled to be present and vote (not more than One such Trustee, Committee, or Guardian acting or voting at such Meeting for or on behalf of any One such incapacitated Person as aforesaid), and of which said Meeting the Person who shall be so seised or possessed as aforesaid of the greatest Number of Acres of the same last-mentioned Lands and Grounds, or his Nominee, or upon his Refusal to act or nominate another, then such other Person as the Majority of such Persons as aforesaid present at the said Meeting shall appoint, shall be the Chairman, with Liberty to vote not only as a Proprietor, but in case of an Equality of Votes to give another and additional Vote as a casting Vote; and the said several Persons present at such Meeting, and all other Persons seised or possessed in manner aforesaid or otherwise of any of the said last-mentioned Lands and Grounds, shall respectively give in or cause to be given in to the said Meeting a particular Account in Writing of the Number of Acres contained in their said several Lands and Grounds, verified, if required, by their respective Oaths, or (being Quakers) by their solemn Affirmations, taken or made before any Justice of the Peace for the Parts of *Holland* in the said County of *Lincoln*, who is hereby authorized to administer the same, or by other sufficient Evidence to the Satisfaction of the Majority of Persons present at such Meeting; and the several Persons present and entitled to vote at such Meeting shall or may appoint a Surveyor, as well to examine and consider the said Accounts to be so given in, or any of them which shall or may be referred to him

for

for that Purpose, and to amend the same by an actual Survey and Admeasurement if necessary, as also to survey and admeasure if necessary the Lands and Grounds of any Person or Persons who shall neglect or for any Cause omit to give in such Account so verified as aforesaid; and the said respective Surveys, Admeasurements, and Amendments which shall be so made by the Surveyor to be so appointed as aforesaid shall be conclusive and binding upon all Parties whomsoever for the Purposes of this Act; and the Charge of every such Survey, Admeasurement, and Amendment shall be paid by the Person or Persons whose Account or Accounts shall be so amended as aforesaid, or who shall so neglect or omit to give in such Account or Accounts as aforesaid, and the several Persons present and entitled to vote at such Meeting, or the Majority of them, shall then and there, or at any Adjournment of the said Meeting, assess, rate, tax, and charge all and every the said last-mentioned Lands and Grounds with such equal and proportionable Rates, Taxes, or Sums of Money as will be sufficient to pay and satisfy the said Sum of One thousand seven hundred Pounds by the Instalments aforesaid, and also the Costs and Expences of the said Meeting and of the Adjournments thereof, and of collecting and receiving the same last-mentioned Rates, Taxes, or Sums of Money, and all other incidental Charges, and shall appoint such Days or Times for the Payment of the same last-mentioned Rates, Taxes, or Sums of Money, as shall be expedient for the collecting and receiving of the same in due Time for satisfying the Purposes of this Act in that Behalf, and also shall appoint a Collector or Collectors for collecting and receiving the said last-mentioned Rates, Taxes, or Sums of Money, with such Salary or Allowance, and with such Powers and Authorities for the collecting and receiving of the same last-mentioned Rates, Taxes, or Sums of Money, and, if necessary, for the recovering and compelling Payment of the same or any Part thereof when in arrear, by Entry, Distress, and Sale or otherwise, as the said several Persons present and entitled to vote at such Meeting, or the Majority of them, shall at such Meeting, or any Adjournment thereof, think proper, resolve, and order; and the said Persons so present at the said Meeting, or the Majority of them, shall have Power to adjourn the said Meeting from Time to Time, and to meet at such other Time and Times, at the same or any other Place or Places, for the Purposes aforesaid or any of them, or for any Purposes connected therewith; and the several Resolutions and Orders to be agreed upon, carried, and made at the said Meeting, or at any Adjournment thereof as aforesaid, shall be entered in a Book to be provided for that Purpose under the Direction of, and to be signed by the Chairman of the same Meeting; and the same, after being so signed, together with the said Accounts to be so given in as aforesaid, and with any Survey or Surveys to be so made as aforesaid, shall be deposited with the Clerk or Treasurer of the said Commissioners for executing this Act, and shall respectively be deemed and taken to be Originals, and may respectively be produced, read, and received in Evidence in all Cases of Suits or Actions or other Proceedings whatsoever.

CXXIII. And whereas the Proprietors of the several Lands and Grounds situate and lying within the said Hamlet of *Sutton Saint James* in the said County of *Lincoln*, on the North Side of the *South Eau Bank*, and on the North and North-west Sides of *Shire Drain*, and the Proprietors of the

the several Lands and Grounds situate and lying within the said Parish of *Tid Saint Mary*'s, in the County of *Lincoln*, in certain Fields there respectively called and known by the Names of *Rippingale Field*, *Chapel Field*, and *Tilney Field*, and in Part of a certain other Field there called and known by the Name of *Dunton Field*, cannot drain the Waters from their said several Lands and Grounds into the said intended New Cut or Channel by this Act authorized to be made, otherwise than by or through the main Cut or Drain, made for the Drainage of the District of *South Holland*, called the *South Holland Drain*, or by or through the said *Shire Drain:* And whereas the said Proprietors of the said several Lands and Grounds, lying within the said last-mentioned Hamlet and Parish respectively, have not at present any Right to drain the Waters from their said several Lands and Grounds into the said *South Holland Drain*, and they cannot drain the said Waters into the said *Shire Drain*, unless with the Consent of some Owner or Owners of Land through which the same must pass, lying in the said Parish of *Tid Saint Mary*'s, between the said Hamlet of *Sutton Saint James* and the said *Shire Drain:* And whereas the said Proprietors of the said Lands and Grounds in *Sutton Saint James* did, in the Year One thousand eight hundred and sixteen, contract and agree with one *Charles Hursthouse*, the then Owner of certain Lands lying in the said Parish of *Tid Saint Mary*'s, to have Liberty or Right, up to the Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, to drain the Waters from their said Lands and Grounds through the said Land of him the said *Charles Hursthouse* into the said *Shire Drain*, and they are now, by virtue of such Contract, possessed of such limited Liberty or Right; and the said Proprietors of the said Lands and Grounds in the said Parish of *Tid Saint Mary*'s do now, by Permission of and by Agreement with the said Proprietors of the said Lands and Grounds in *Sutton Saint James* aforesaid, drain the Waters from their said Lands and Grounds in *Tid Saint Mary*'s aforesaid, into the said *Shire Drain*, by means of a certain Drain and Water Engine, belonging to the said Proprietors of the said Lands and Grounds in *Sutton Saint James* aforesaid, called the *Sutton Saint James Drain and Engine*, situate in the said Hamlet; and all the said last-mentioned Lands and Grounds by the Means aforesaid will derive Benefit from the said New Cut or Channel and other Works contemplated by this Act; be it therefore further enacted, That the said several Lands and Grounds situate and lying within the said Hamlet of *Sutton Saint James* and in the said several Fields within the said Parish of *Tid Saint Mary*'s, now draining into the said *Shire Drain* by means of the said *Sutton Saint James* Engine, shall contribute and they are hereby charged with the Payment of the Sum of Five hundred and fifty Pounds of lawful Money of *Great Britain*, in the several Proportions following; that is to say, the said Lands and Grounds within the said Hamlet of *Sutton Saint James* shall contribute, and they are hereby charged with the Payment of the Sum of Two hundred and fifty Pounds, Part of the said Sum of Five hundred and fifty Pounds, and the said Lands and Grounds in the said several last-mentioned Fields within the said Parish of *Tid Saint Mary*'s, draining as aforesaid, shall contribute, and they are hereby charged with the Payment of the Sum of Three hundred Pounds, Residue of the said Sum of Five hundred and fifty Pounds, towards the Making and Execution of the said New Cut or Channel, and other Works by this Act authorized to be made as aforesaid; which said Sum of Five hundred and fifty Pounds shall be paid in the several Proportions

Contribution of 550*l.* to be paid by the Lands in Sutton Saint James, and certain Lands in Tid Saint Mary's.

tions aforesaid by the several Owners or Occupiers of the said several last-mentioned Lands and Grounds within the said Hamlet of *Sutton Saint James* and the said Parish of *Tid Saint Mary*'s respectively, or by their respective Collectors to be appointed as herein mentioned, to the Treasurer or Treasurers of the said Commissioners for executing this Act, by Three equal Instalments of One hundred and eighty-three Pounds Six Shillings and Eight-pence each in the like Proportions; the First of the said Instalments to become due and be paid on the First Day of *December* now next ensuing, the Second of the said Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, and the Third of the said Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; and the said Sum of Five hundred and fifty Pounds, and the said several Instalments thereof, shall be raised in the Proportions aforesaid in the Manner herein-after mentioned: Provided always, that nothing herein contained shall extend or be construed to extend to charge the said Proprietors of the said Lands and Grounds lying in the said Hamlet of *Sutton Saint James* with the Payment of the Proportion of the said Sum of Five hundred and fifty Pounds, or any Instalment thereof, which is or are hereby directed to be contributed and paid by the said Proprietors of the said Lands and Grounds lying in the said Parish of *Tid Saint Mary*'s, or to charge the said last-mentioned Proprietors with the Payment of the Proportion of the said Sum of Five hundred and fifty Pounds, or any Instalment thereof, which is or are hereby directed to be contributed and paid by the said Proprietors of the said Lands and Grounds lying within the said Hamlet of *Sutton Saint James*.

Power for the Proprietors of the Lands in Sutton Saint James to contract for a perpetual Right of Drainage.

CXXIV. And whereas it will be greatly beneficial to the Proprietors of the said several Lands and Grounds lying within the said Hamlet of *Sutton Saint James*, if they can procure the Right to discharge the Waters from their said Lands and Grounds for ever into the said New Cut or Channel authorized to be made by this Act, either by or through the said *South Holland Drain*, or by or through the said *Shire Drain*; be it therefore further enacted, That the several Proprietors for the Time being of Two Third Parts, according to the Number of the Acres of the said several last-mentioned Lands and Grounds lying within the said Hamlet of *Sutton Saint James* shall and may, at any Time previous to the Twenty-ninth Day of *September* which will be in the Year of our Lord One thousand eight hundred and thirty-four, contract and agree, either with the Trustees for the Drainage of the said District of *South Holland*, for a perpetual Right to drain and discharge the Waters from the said Lands and Grounds lying within the said Hamlet of *Sutton Saint James* for ever into the said *South Holland Drain*, and thereby into the said intended New Cut or Channel authorized to be made by this Act, or with the Owner or Owners for the Time being of the said Land late of the said *Charles Hursthouse*, or with the Owner or Owners of any other Lands lying in the said Parish of *Tid Saint Mary*'s, between the said Hamlet of *Sutton Saint James* and the said *Shire Drain*, for the like Right to drain and discharge the Waters from the said Lands or Grounds lying within the said Hamlet of *Sutton Saint James*, through the Lands of such Owner or Owners respectively, into the said *Shire Drain*, and thereby into the said intended New Cut or Channel, and to make

Payment of such Sum or Sums of Money, either annual or in gross, as may be necessary for either of the said last-mentioned Purposes, and for carrying into effect and completing any such Contract or Agreement; and any such Contract or Agreement which shall be so entered into as aforesaid shall be binding and conclusive to all Intents and Purposes upon all and every the Proprietors of the said several Lands and Grounds in the said Hamlet of *Sutton Saint James*, and all other Parties interested therein, or in the Drainage thereof, and upon the Proprietors of the Lands lying within the said District of *South Holland*, and upon all and every other the Parties entering into such Contract or Agreement; and the Sum or Sums of Money which may be necessary to be raised for the Purposes aforesaid shall be levied and raised from and paid by the Occupiers for the Time being of the said several Lands and Grounds lying within the said Hamlet of *Sutton Saint James*, in the same Manner as the Sewers or Dykereeve Rates for the said Hamlet are now levied, raised, and paid.

In case of such Contract, further Contribution of 600*l.* to be paid by the Lands in Sutton Saint James.

CXXV. And be it further enacted, That if any such Contract or Agreement as last aforesaid shall be made and entered into, and not sooner or otherwise, the said several last-mentioned Lands and Grounds situate and lying within the said Hamlet of *Sutton Saint James* shall thereupon become liable to contribute, and they are hereby in such Case charged with the Payment of the further Sum of Six hundred Pounds of lawful Money of *Great Britain* towards the Making and Execution of the said New Cut or Channel, and other Works by this Act authorized to be made as aforesaid, to be paid by the several Owners or Occupiers of the said last-mentioned Lands and Grounds, or some or one of them, or by their Collector or Collectors to be appointed as herein mentioned to the Treasurer or Treasurers of the said Commissioners for executing this Act, by Two equal Instalments of Three hundred Pounds each; the First of the said Instalments to become due and be paid on the Twenty-ninth Day of *September* which will be in the Year of our Lord One thousand eight hundred and thirty-five, and the Second of the said Instalments to become due and be paid on the Twenty-ninth Day of *September* which will be in the Year of our Lord One thousand eight hundred and thirty-six; and the said several Instalments thereof shall be raised in the Manner herein-after mentioned.

Upon Payment of the contributed Sums, the Proprietors of Lands in Sutton Saint James and Tid Saint Mary's to have Liberty of Drainage.

CXXVI. And be it further enacted, That upon Payment by the Proprietors of the said several Lands and Grounds lying within the said Hamlet of *Sutton Saint James* of the said Sum of Two hundred and fifty Pounds, first herein-before directed to be contributed by them, by the Three several Instalments thereof herein-before mentioned, the said last-mentioned Proprietors shall be entitled to drain and discharge, either with or without the Aid of a Water Engine, the Waters from their said several Lands and Grounds into the said *Shire Drain*, and thereby into and through the said intended Cut or Channel to be made under the Authority of this Act, to the Sea, up to and until the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-six; and upon Payment by the said last-mentioned Proprietors of the said Sum of Six hundred Pounds lastly herein-before directed to be contributed by them by the Two several Instalments thereof herein-beforem entioned, the said last-mentioned Proprietors shall be entitled perpetually to drain and discharge,

charge, either with or without the Aid of a Water Engine, the Waters from their said Lands and Grounds into the said *Shire Drain*, and thereby into and through the said intended New Cut or Channel to the Sea, for ever, without any Interruption, Hinderance, or Disturbance of, from, or by the Owner or Owners of, or other Persons or Commissioners interested in the said *Shire Drain*; and upon Payment by the Proprietors of the said several Lands and Grounds lying in the said Fields within the said Parish of *Tid Saint Mary*'s, now draining by the said *Sutton Saint James* Engine, as aforesaid, of the said Sum of Three hundred Pounds herein-before directed to be contributed by them, by the Three several Instalments thereof herein-before mentioned, the said last-mentioned Proprietors shall be entitled perpetually to drain and discharge, either with or without the Aid of a Water Engine, the Waters from their said Lands and Grounds into the said *Shire Drain*, and thereby into and through the said intended New Cut or Channel to the Sea, for ever, without any Interruption, Hinderance, or Disturbance of, from, or by the Owner or Owners of, or other Persons or Commissioners interested in the said *Shire Drain*; and for the several Purposes aforesaid, it shall and may be lawful for the said several Proprietors of the said several Lands and Grounds lying in *Sutton Saint James* and *Tid Saint Mary*'s aforesaid respectively, or any of them, from Time to Time to repair, amend, lower, enlarge, and make new the present Sluice or Tunnel in the Northern Bank of the said *Shire Drain*, through which their said Waters are now drained and discharged into the said *Shire Drain*, and to lay down any other Sluice or Tunnel, or Sluices or Tunnels, (not exceeding One Sluice or Tunnel for all the said Lands and Grounds in *Sutton Saint James* and *Tid Saint Mary*'s aforesaid, when and so long as their said respective Waters shall be drained and discharged together and in common into the said *Shire Drain*, and not exceeding One Sluice or Tunnel for the said Lands and Grounds in *Sutton Saint James* aforesaid, and One other Sluice or Tunnel for the said Lands and Grounds in *Tid Saint Mary*'s aforesaid, when and so long as their said respective Waters shall not be drained and discharged together and in common into the said *Shire Drain*,) in any Place or Places, and of proper Dimensions in and through the said Northern Bank of the said *Shire Drain*, and to repair; amend, lower, enlarge, or make new such last-mentioned Sluice or Tunnel, or Sluices or Tunnels, as Occasion shall require: Provided nevertheless, that the said several last-mentioned Proprietors, or any of them, shall not at any Time permit or suffer any Lands or Grounds to drain or discharge their Waters through or by means of any such Sluice or Tunnel as aforesaid, into the said *Shire Drain*, without the Licence and Consent of the said Commissioners for executing this Act first obtained for that Purpose, except such Lands or Grounds, and for such Time or Times as are by this Act authorized in that Behalf: Provided also, that the said several last-mentioned Proprietors shall at all Times, at their own respective Costs and Charges respectively, repair and make good any Breach, Damage, or Injury which shall be made or done by them respectively of or to the said Bank of the said *Shire Drain*, in or by reason or in consequence of the making, laying down, altering, renewing, or repairing of any such Sluice or Tunnel in or through the same Bank as aforesaid.

CXXVII. Pro-

Not to authorize the Tid Saint Mary's Proprietors to drain by the Sutton Saint James Engine without Consent.

CXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to confer any Right upon or authorize the Proprietors of the said several Lands and Grounds lying within the Parish of *Tid Saint Mary*'s aforesaid, or any of them, or of any other Lands and Grounds lying within the said Parish of *Tid Saint Mary*'s to drain or discharge the Waters from their said Lands and Grounds, or any of them, by or by means of the said Drain and Water Engine called the *Sutton Saint James Drain and Engine*, respectively belonging to the said Proprietors of the said Lands and Grounds lying within the said Hamlet of *Sutton Saint James*, or by either of those Means, without the Licence and Consent of the Proprietors of the said last-mentioned Lands and Grounds for the Time being first obtained.

Power for the Proprietors to charge the Lands with the 550*l.* and 600*l.*

CXXVIII. And be it further enacted, That for raising the said Sum of Five hundred and fifty Pounds in the Proportions and by the Instalments aforesaid, and the said eventual Sum of Six hundred Pounds by the Instalments aforesaid, General Meetings of the several Proprietors of the said last above-mentioned Lands and Grounds, in the said Hamlet of *Sutton Saint James* and the said Parish of *Tid Saint Mary*'s respectively, shall be held at such respective Times and Places as shall be respectively appointed by any Five or more of the said Proprietors of the same several Lands and Grounds in the said last-mentioned Hamlet and Parish respectively, (unless the said several last-mentioned Sums, or the respective Proportions thereof, shall be otherwise raised or provided for, and paid to the Treasurer or Treasurers of the said Commissioners for executing this Act, by the several Persons or Parties interested in the Payment thereof,) at which said respective Meetings every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right, or in Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, for One or more Life or Lives, or for any Term of Years determinable on One or more Life or Lives, or for any Estate of Freehold or Inheritance, of Twenty Acres or upwards, of the same several last-mentioned Lands and Grounds respectively, shall be entitled to be present and vote, (not more than One such Trustee, Committee, or Guardian acting or voting at any such Meeting for or on behalf of any such incapacitated Person as aforesaid,) and of which said respective Meetings the Person present who shall be so seised or possessed as aforesaid of the greatest Number of Acres of the same several last-mentioned Lands and Grounds respectively, or his Nominee, or upon his Refusal to act or nominate another, then such other Person as the Majority of such Persons as aforesaid present at the said respective Meetings shall appoint, shall be the Chairman, with Liberty to vote not only as a Proprietor, but in case of an Equality of Votes to give another and additional Vote as the casting Vote; and the said several Persons so present at such respective Meetings, and all other Persons seised or possessed in manner aforesaid, or otherwise, of any of the said several last-mentioned Lands and Grounds respectively, shall respectively give in or cause to be given in to the said respective Meetings a particular Account in Writing of the Number of Acres contained in their said several Lands and Grounds, verified, if required, by their respective Oaths, or (being Quakers) by their solemn Affirmation, taken or made before any Justice of the Peace for the Parts of *Holland* in the said

County of *Lincoln*, who is hereby authorized to administer the same, or by other sufficient Evidence to the Satisfaction of the Majority of the Persons present at such respective Meetings; and the several Persons present and entitled to vote at such respective Meetings shall or may appoint a Surveyor, as well to examine the said Accounts to be so given in, or any of them which shall or may be referred to him for that Purpose, and to amend the same by an actual Survey and Admeasurement, if necessary, as also to survey and admeasure, if necessary, the Lands and Grounds of any Person or Persons who shall neglect or for any Cause omit to give in such Account so verified as aforesaid; and the said respective Surveys, Admeasurements, and Amendments which shall be so made by the Surveyor to be so appointed as last aforesaid shall be conclusive and binding upon all Parties whomsoever for the Purposes of this Act; and the Charge of every such Survey, Admeasurement, and Amendment shall be paid by the Person or Persons whose Account or Accounts shall be so amended as aforesaid, or who shall so neglect or omit to give in such Account or Accounts as last aforesaid; and the several Persons present and entitled to vote at such respective Meetings, or the Majority of them, shall then and there, or at any Adjournment of the said respective Meetings, assess, rate, tax, and charge all and every the said several last-mentioned Lands and Grounds lying in the said Hamlet of *Sutton Saint James* and the said Parish of *Tid Saint Mary*'s respectively with such equal and proportionable Rates, Taxes, or Sums of Money as will be sufficient to pay and satisfy the said several Sums respectively charged upon the said several Lands and Grounds in the said Hamlet and Parish respectively as aforesaid, in the Proportions and by the Instalments aforesaid, and also the Costs and Expences of the said respective Meetings, and of the Adjournments thereof, and of collecting and receiving the same last-mentioned Rates, Taxes, or Sums of Money respectively, and all other incidental Charges, and shall appoint such Days or Times for the Payment of the same last-mentioned Rates, Taxes, or Sums of Money respectively, as shall be expedient for the collecting and receiving the same in due Time for satisfying the Purposes of this Act in that Behalf; and also shall appoint a Collector or Collectors for collecting and receiving the said last-mentioned Rates, Taxes, or Sums of Money respectively, with such Salary or Allowance, and with such Powers and Authorities for collecting and receiving the same last-mentioned Rates, Taxes, or Sums of Money respectively, and if necessary for the recovering and compelling Payment of the same or any Part thereof when in arrear, by Entry, Distress, and Sale, or otherwise, as the said several Persons present and entitled to vote at such respective Meetings, or any Adjournment thereof, or the Majority of them, shall think proper, resolve, and order; and the said Persons so present at the said respective Meetings, or the Majority of them, shall have Power to adjourn the said respective Meetings from Time to Time, and to meet at any other Time or Times, at the same or any other Place or Places, for the Purposes aforesaid or any of them, or for any Purposes connected therewith; and the several Resolutions and Orders to be agreed upon, carried, and made at the said respective Meetings, or at any Adjournment thereof as aforesaid, shall be entered in Books to be respectively provided for that Purpose, under the Direction of and to be signed by the Chairman of the said respective Meetings; and the same, after being so signed, together with the said Account to be so given in as aforesaid, and with any Survey

or Surveys to be so made as last aforesaid, shall be deposited with the Clerk or Treasurer of the said Commissioners for executing this Act, and shall respectively be deemed and taken to be Originals, and may be produced, read, and received in Evidence in all Cases of Suits or Actions, or other Proceedings whatsoever.

Power for Tenants at Rack Rent to deduct the Rates from their Rents.

CXXIX. And be it further enacted, That all and every the Tenants and Occupiers of the said several Lands and Grounds for or in respect of which the said several Sums of Fifteen thousand Pounds, Seven thousand Pounds, One thousand seven hundred Pounds, Five hundred and fifty Pounds, and Six hundred Pounds, or any of them, herein-before severally mentioned, are hereby respectively authorized and required to be raised and contributed as aforesaid, or any of them, being respectively the Tenants and Occupiers thereof at a Rack Rent or Rack Rents, shall be at liberty and they are hereby respectively empowered to deduct and retain out of their respective Rents all such Rates and Taxes as they shall respectively have paid under the Authority of this Act in respect of the said several Lands and Grounds in their respective Occupations; and that the respective Landlords or Owners of such several Lands and Grounds shall and they are hereby required to allow such Deductions respectively, upon the Receipt of the Residue of the said respective Rents, on such respective Tenants or Occupiers producing to their said respective Landlords proper Receipts for the Payment of such Rates or Taxes as aforesaid, and paying or tendering to pay to their said respective Landlords the Residue of their said respective Rents; and that all such Tenants and Occupiers holding at Rack Rent, and paying such Rates or Taxes as aforesaid, shall be respectively acquitted and discharged from and against their said respective Landlords of and from so much Money as the said Rates or Taxes which shall have been so paid by them respectively as aforesaid shall amount unto, in as full and ample Manner as if the same had been actually paid to their said respective Landlords.

Lessees holding under beneficial Leases not to deduct the Rates.

CXXX. Provided always, and be it further enacted and declared, That no Lessee or Tenant of any of the said last-mentioned Lands or Grounds, which shall be assessed or charged with any of the said last-mentioned Rates or Taxes under the Authority of this Act, who shall hold the same Lands or Grounds by virtue of or under any renewable Lease for Years from any Bishop, Collegiate Church, College, or Corporation Sole or Aggregate, or by virtue of or under any other beneficial Lease whatever for Years, not being a Lease at Rack Rent, except as is herein-after mentioned, shall be entitled to deduct the said Rates or Taxes, or any of them, out of the Rent reserved and payable by virtue of any such Lease to his or her Landlord or Landlords, but that the said last-mentioned Rates or Taxes shall, in every such Case, be charged upon and borne and paid by the respective Lessees or Tenants so holding such Lands or Grounds under any such Lease, not being a Lease at Rack Rent as aforesaid, except as is herein-after mentioned.

Certain Lessees entitled to deduct Rates from their Rents.

CXXXI. Provided also, and be it further enacted, That all Lessees and Tenants holding any of the said last-mentioned Lands or Grounds by virtue of or under any such last-mentioned renewable Lease for Years as aforesaid (not being a Lease at Rack Rent), of which there shall not be Six Years unexpired at the respective Times appointed or to be appointed for

for Payment of the last-mentioned Rates or Taxes respectively, shall be respectively entitled to deduct such last-mentioned Rates or Taxes respectively from the several Rents or Payments due or payable by them respectively to the respective Lessors or Landlords for the Time being of such last-mentioned Lands or Grounds respectively.

Powers for Persons having limited Interests to charge the contributed Sums upon the Inheritance of their Lands.

CXXXII. And be it further enacted, That it shall and may be lawful for all Persons being Tenants for Life in Possession, and others having only partial or limited Estates or Interests of or in any of the said Lands and Grounds for or in respect of which the said several Sums of Fifteen thousand Pounds, Seven thousand Pounds, One thousand seven hundred Pounds, Five hundred and fifty Pounds, and Six hundred Pounds, or any of them, herein-before severally mentioned, are hereby respectively authorized and required to be raised and contributed as aforesaid, and for all Husbands, Guardians, Committees, or Trustees of or for any Person being such Tenant for Life, or having only such partial or limited Estates or Interests respectively as aforesaid, or of or for any Person being a Feme Covert, Infant, Lunatic, or under any legal Incapacity or Disability, by any Deed or Deeds under their respective Hands and Seals, to charge the Inheritance of the said several last-mentioned Lands and Grounds respectively with all or any of the Rates, Taxes, or Sums of Money which they respectively shall be required or liable to pay under the Authority of this Act, and which shall be charged upon and payable from or in respect of the same Lands and Grounds respectively, in Part of the said several Sums to be so respectively raised and contributed as aforesaid, or any of them, for or towards the Costs, Charges, and Expences of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made and executed; and by the same or any other Deed or Deeds under their respective Hands and Seals from Time to Time to mortgage the same Lands and Grounds respectively, by Demise or otherwise, to any Person or Persons who shall be willing to lend or advance to them respectively the Amount of such Rates, Taxes, or Sums of Money, or any Part or Parts thereof respectively, for the Repayment to such Person or Persons of the Principal Money or Monies which shall have been so lent or advanced by him, her, or them, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*: Provided nevertheless, that all such Mortgages to be so made as last mentioned shall be expressly made redeemable upon Payment of the Principal and Interest Monies to be thereby respectively secured; and that all such Tenants for Life, and other Persons respectively as last aforesaid, shall, by and out of the Rents and Profits of the said respective Lands and Grounds to be so charged and mortgaged respectively as last aforesaid, pay and keep down the Interest of the same Mortgages respectively, when and as the said Interest shall from Time to Time become due and payable.

Commissioners, in default of Payment, may raise the several contributed Sums.

CXXXIII. Provided always, and be it further enacted, That in case for any Cause Default shall be made in Payment of the said several Sums of Fifteen thousand Pounds, Seven thousand Pounds, One thousand and seven hundred Pounds, Five hundred and fifty Pounds, and Six hundred Pounds, to be so respectively contributed and paid as aforesaid, or any of them, or any of the said respective Propor-

Proportions thereof, or of any Instalment or any Part of any Instalment of the same respectively, to the Treasurer or Treasurers of the said Commissioners for executing this Act, by the Space of One Calendar Month next after any of the said Times on which the same are hereby respectively required to be paid as aforesaid, then and in such Case it shall be lawful for the said Commissioners for executing this Act, or their said Committee, and they are hereby severally authorized and empowered, at any Time or Times thereafter, and either with or without previous Notice of their Intention to do so, to assess, tax, rate, and charge all the said several Lands and Grounds lying within the said several Districts or Divisions within and in respect of which such Defaults shall happen to be made as aforesaid with such Rate or Rates and Sum or Sums of Money, by an equal Rate by the Acre, as will be sufficient to raise and pay the said several Sums of Money so charged and to be contributed as last aforesaid, or the respective Proportions or Instalments thereof, in the Payment whereof such Defaults shall have been made as aforesaid, together with Interest for the same last-mentioned Sums, not exceeding the Rate of Five Pounds *per Centum per Annum*, to be computed from the Days or Times in which the same ought to have been respectively paid as aforesaid, and also together with all Costs, Charges, and Expences whatsoever attending the ascertaining, assessing, levying, raising, collecting, recovering, and receiving of the said Rate or Rates, and Sum or Sums of Money, or to be in anywise occasioned to the said Commissioners for executing this Act, or to their said Committee, or any of their Officers, in respect thereof; and the Rate or Rates to be so assessed and charged by the said Commissioners for executing this Act as last aforesaid shall be collected and received by a Collector or Collectors to be for that Purpose appointed by the said Commissioners, or by their said Committee, who are hereby respectively empowered to appoint such Collector or Collectors, and at pleasure to displace him or them, and to appoint another or others in his or their Place or Places, and to pay to such Collector or Collectors such Salary or Allowance as they shall think proper out of the said Rate or Rates and Sum or Sums of Money; and the said Commissioners shall and may in every such Case, by themselves or their said Committee, or by their Collector or Collectors, have and use all and singular the same Powers, Authorities, and Facilities whatsoever by Entry, Distress, and Sale and otherwise, for the ascertaining, assessing, collecting, recovering, and receiving of the said Rate or Rates and Sum or Sums of Money to be so assessed and charged, as are herein-after authorized to be used and exercised by them for the collecting, recovering, and receiving of the Rates or Taxes herein-after authorized to be assessed, rated, and levied within the said *North Level* and *Great Porsand*, or any of them.

The contributing Parties not to be liable to pay their Second and Third Instalments till certain Sums have been expended by the Commissioners.

CXXXIV. And be it further enacted, That when and after the First of the said several Instalments of the said several Sums of Three thousand Pounds, Thirty thousand Pounds, Fifteen thousand Pounds, Seven thousand Pounds, One thousand and seven hundred Pounds, and Five hundred and fifty Pounds, herein-before authorized and directed to be raised, contributed, and paid to the said Commissioners for executing this Act, shall have been duly paid to the said Commissioners, or their said Committee, or Treasurer or Treasurers, by the said several Parties hereinbefore mentioned and made liable to contribute and pay the same respectively, then the said Commissioners for executing this Act shall

shall and they are hereby required, before the said several Parties shall be called upon or be liable to the Payment to the said Commissioners, or their said Committee, or Treasurer or Treasurers, of the Second of the said respective Instalments, or any Part thereof, in manner aforesaid, to lay out and expend the Sum of Thirty-six thousand Pounds at the least in and about the Execution of the said several Works by this Act authorized to be made, executed, and completed; and that when and after the Second of the same several Instalments shall have been duly paid to the said Commissioners, or their said Committee, or Treasurer or Treasurers, by the said several Parties herein-before mentioned, and made liable to contribute and pay the same respectively, then the said Commissioners for executing this Act shall and they are hereby required, before the said several Parties shall be called upon or be liable to the Payment to the said Commissioners, or their said Committee, or Treasurer ot Treasurers, of the Third of the said respective Instalments, or of any Part thereof, in manner aforesaid, to lay out and expend the Sum of Seventy-two thousand Pounds at the least (including the said first above-mentioned Sum of Thirty-six thousand Pounds) in and about the Execution of the said several Works by this Act authorized to be made, executed, and completed.

The Receipts of the Treasurer of the Commissioners to be good Discharges.

CXXXV. And be it further enacted, That the several Receipts of the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act shall from Time to Time be good, sufficient, and effectual Releases, Acquittances, and Discharges to all Persons and Parties whomsoever, as well for the said several Sums of Money to be so respectively contributed and paid as aforesaid, and the several Instalments of the same respectively, or for so much thereof respectively as in such several Receipts shall be respectively acknowledged to be received, as also for all such other Sums of Money by this Act directed or authorized to be paid to the said Commissioners for executing this Act, or to their said Committee, or to their said Treasurer or Treasurers, or to be borrowed or taken up at Interest by the said Commissioners, for any of the Purposes of this Act, as in such several Receipts shall be respectively acknowledged to be received; and that after taking such Receipts respectively the Body or Bodies, Person or Persons, Party or Parties respectively 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 answerable or accountable for any Misapplication or Nonapplication thereof.

The several Contributions to exonerate the contributing Parties from all further Charges.

CXXXVI. And be it further enacted, That the said several Sums of Three thousand Pounds, Thirty thousand Pounds, Fifteen thousand Pounds, Seven thousand Pounds, One thousand seven hundred Pounds, Five hundred and fifty Pounds, and Six hundred Pounds, so herein-before authorized and required to be respectively raised and contributed towards the Execution of the said New Cut or Channel, and other Works by this Act authorized to be made as aforesaid, and to be respectively paid to the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act, by the respective Instalments herein-before mentioned, shall from Time to Time be accordingly paid and applied by the said Commissioners for executing this Act, or under their Direction, so far as the same will extend

extend, towards the Execution of the same New Cut or Channel, and other Works by this Act authorized to be made as aforesaid, and shall be by the said Commissioners accepted in full Acquittance, Discharge, and Exoneration of the said several Parties respectively contributing the same several Sums of Money as aforesaid, and the Trade and Navigation, and several Lands and Grounds from or in respect of which the same several Sums of Money are or shall be so respectively raised and contributed as aforesaid, and every of them, and every Part thereof respectively, and all and every the present and future Traders and Navigators to and from the Port and Town of *Wisbech* aforesaid, and the Ship Owners, Merchants, Traders, and Inhabitants of, within, or belonging to the said Port or Town, and their and every of their Ships, Vessels, Goods, Wares, and Merchandizes, and all and every the present and future Owners and Occupiers of the said several last-mentioned Lands and Grounds and every of them, of and from all and singular the Costs, Charges, Damages, and Expences whatsoever which shall or may in any Manner arise, or be incurred, sustained, or occasioned, at any Time or Times hereafter, in, for, about, or concerning the making, executing, and completing of the said New Cut or Channel, and other Works by this Act authorized to be made, executed, and completed, or any of them, or in, for, about, or concerning the future Maintenance, Preservation, and Repairs of the same Cut or Channel and Works, or any of them, or of the said *Kinderley's Cut*, or any of the Banks or Works thereto belonging.

The remaining Expences of making and maintaining the Cut and Works to be defrayed by the Commissioners for this Act;

such Expences beyond 48,000*l.* to be repaid to them.

CXXXVII. And be it further enacted, That all and singular other the Costs, Charges, and Expences of making, executing, and completing the said New Cut or Channel, and all and singular the Banks and Works by this Act authorized to be made, executed, and completed, (over and beyond the said several Sums of Money to be so raised and contributed as aforesaid,) and also all and singular the Costs, Charges, and Expences of maintaining, preserving, and repairing the said New Cut or Channel, and all and singular the Banks and Works which shall have been made, executed, and completed under the Authority or in pursuance of this Act, and of maintaining, preserving, and repairing the said *Kinderley's Cut*, and all and singular the Banks and Works thereto belonging, shall from Time to Time and at all Times be wholly paid, satisfied, and discharged by the said Commissioners for executing this Act from and out of the several Rates, Taxes, Sums of Money and Funds herein-after provided, directed, and authorized to be raised and received by the said Commissioners for the Purposes of this Act; but so nevertheless that the Sum of Forty-eight thousand Pounds of lawful Money of *Great Britain* only shall be the actual Proportion of the said Costs, Charges, and Expences of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made, done, and executed, and of maintaining, preserving, and repairing the same, and the said *Kinderley's Cut*, and the Banks and Works thereto belonging, which shall be eventually defrayed and borne by the said Commissioners, and that the remaining Part of the said Costs, Charges, and Expences, over and beyond the said Sum of Forty-eight thousand Pounds, shall be subject and liable to be repaid to the said Commissioners by the Ways and Means and in the Manner herein-after provided.

CXXXVIII. And

The said 48,000*l.* to be raised by Three equal Instalments, and applied pari passu with other Sums contributed.

CXXXVIII. And be it further enacted, That the said Sum of Forty-eight thousand Pounds, the Proportion of the said Costs, Charges, and Expences to be eventually defrayed and borne by the said Commissioners for executing this Act as aforesaid, shall be raised by them in the Manner hereinafter mentioned, and shall be paid into the Hands of the Treasurer or Treasurers for the Time being of the said Commissioners by Three several equal Instalments of Sixteen thousand Pounds each; the First of the said Instalments to become due and be paid on the First Day of *December* now next ensuing, the Second of the said Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hnudred and twenty-eight, and the Third of the said Instalments to become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty-nine; in order and to the Intent that the said Sum of Forty-eight thousand Pounds, and the said respective Instalments thereof, may be *bonâ fide* applied by the said Commissioners in and towards the Execution of the said New Cut or Channel, and other Works by this Act authorized to be made, executed, and completed, *pari passu*, and in equal Proportions with the said several other Sums, and the respective Instalments thereof, to be contributed and paid by the said several other Parties in the Proportions and Manner herein-before mentioned: Provided nevertheless, that it shall be lawful for the said Commissioners sooner to raise and require Payment of the said Sum of Forty-eight thousand Pounds, or of any Instalment or Instalments, or other Part or Parts thereof, if Occasion shall require.

The Commissioners at their First Meeting to charge the Lands within the North Level and Portsand (except certain Lands, with gross Acre Rate.

CXXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby required, at their said First General Meeting to be holden on the First *Monday* in the Month of *July* next after the passing of this Act, (there being not less than Forty of the same Commissioners present at the said Meeting,) to assess, rate, tax, and charge all and singular the Lands and Grounds situate, lying, and being within the said Five several Districts or Divisions into which the said *North Level* and *Portsand* otherwise *Great Porsand* were, by the said herein-recited Act of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, divided as aforesaid, including all the Lands and Grounds and all the Commons, as well those now continuing to be Commons as also those now divided, inclosed, or held in severalty, lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, (except only the following Lands, Grounds, and Commons, that is to say, a small Part of the late *Great Borough Fen Common* otherwise *Peterborough Great Fen Common* called *Cuckold's Haven*, that Part of the same last-mentioned late Common which lies between the Two Banks of the River *Welland*, the Highlands of *Oxney* and *Tanholt* Farms, *Chapel Close*, *Boroughhill Closes*, *Padham's*, *Peakirk Long Meadows*, *Peakirk Little Meadows*, and the Closes adjoining thereto, *Newark Edgerly* and the Closes adjoining thereto towards the West and North, *Billing's Wood* and the Closes adjoining thereto in the Parish of *Paston*, the Lands called the *Inhams*, lying South of the *Folly Bank*, the Closes at the South End of the *Inhams* called *Puttock Closes*, and all the Highlands in *Eyebury* and *Newark*, and in the Parishes of *Peterborough*, *Werrington*, *Glinton*, *Peakirk*, *Eye*, *Standground*, and *Whittlesey*, which are exempt from Taxation under the said Act passed in the Twenty-seventh Year of the Reign of His

late Majesty King *George* the Second,) by and with such gross and direct Acre Rate or Tax, or Acre Rates or Taxes, as shall be necessary and sufficient for the several Purposes herein-after mentioned; that is to say, in the first place, for paying and satisfying all and singular the Costs, Charges, and Expences of applying for and obtaining this Act of Parliament, and so much of the Costs, Charges, and Expences of Advertisements, Meetings, Surveys, Plans, Estimates, Proceedings, Acts, Matters, and Things whatsoever, had, made, or done preparatory or consequential to this Act, or for giving Effect to the same, and so much of all other incidental Costs and Charges whatsoever of or relating to this Act, or to the said Proceedings, or any of them, up to and inclusive of the Day of the said First General Meeting, as the said Commissioners shall think proper to allow and pay, and also the Costs and Charges of collecting and receiving the said several last-mentioned Acre Rates or Taxes; and, in the next place, for raising and paying the said Sum of Forty-eight thousand Pounds, or any One or more Instalment or Instalments, or other Part or Parts thereof, which the said Commissioners in their Discretion shall consider it expedient to raise and pay by a direct Rate or Rates, and for securing and paying the yearly Interest of any Mortgage or Mortgages, or any Annuity or Annuities to be respectively made or granted by the said Commissioners of, upon, or out of the said last-mentioned Acre Rates or Taxes, or any of them, under the respective Powers herein-after reserved for the Purpose of raising any Part or Parts of the said Sum of Forty-eight thousand Pounds, which the said Commissioners in their Discretion shall not consider it expedient to raise and pay by direct Rate or Rates, and also for providing and raising a Sinking Fund for the Repayment and Discharge, yearly or otherwise, in the Discretion of the said Commissioners, of all or any Part or Parts of the Principal of any Sum or Sums of Money which shall have been borrowed by them upon any such Mortgage or Mortgages as aforesaid, and also for meeting and answering the several Occasions of the said Commissioners for the Year then ensuing; and that all and singular the said Rates or Taxes to be assessed, rated, taxed, or charged as aforesaid, and all and singular the Monies to be raised thereby, shall be paid, applied, and disposed of by the said Commissioners in the Manner and for the several Purposes aforesaid.

The Lands in Newborough, &c. not to be charged with more than 1*l.* per Acre in the whole.

CXL. Provided always, and be it further enacted, That the several Lands and Grounds next herein-after mentioned, being within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, (that is to say,) the lately-inclosed Lands and Grounds lying in the late *Great Borough Fen Common* otherwise *Peterborough Great Fen Common*, and in the late Common called the *Four Hundred Acre Common* in *Alderlands* now known as the Parish of *Newborough*, the inclosed Lands and Grounds lying in that Part of the late *Sutton Common* which lies South of *Old South Eau*, the Lands and Grounds called *Hurt's Grounds* in the Parish of *Standground*, and the Lands called *Northam*, and the Thirds thereof, and other Fen Lands in the Parish of *Eye* in the first District, or any of them, shall not by virtue of this Act, or of any of the Provisions hereof, be charged or chargeable with or liable to any further or greater Rate or Tax, or Rates or Taxes, for the several Purposes of this Act or any of them, than will amount to the Sum of One Pound in the whole for every Statute Acre of the same several last-mentioned Lands and Grounds

respectively; and that such last-mentioned Rate or Tax or Rates or Taxes, not exceeding the Sum of One Pound *per* Statute Acre in the whole as last aforesaid, shall be assessed, rated, taxed, and charged by the said Commissioners for executing this Act upon the said several last-mentioned Lands and Grounds respectively, equally and alike upon and for every Statute Acre thereof, and without any Distinction, and shall be raised and levied at the same Time, and in the same Manner and Proportions, and subject to the same Provisions as to the Payment thereof, as are herein contained with respect to the Sum of Fifteen thousand Pounds to be advanced and paid by the Owners of Lands situated in *Wisbech* Hundred.

The Lands in the late Little Sutton Common not to pay any Tax until a Drainage is provided for them.

CXLI. Provided also, and be it further enacted, That the several Lands and Grounds lying within the late *Little Common*, Part of the said late *Sutton Common*, or any of them, shall not, by virtue of this Act, or of any of the Provisions hereof, be charged or chargeable with or liable to any Rate or Tax whatsoever, for any of the Purposes of this Act, until a free and uninterrupted Discharge, at all Times, of the Waters from the said last-mentioned Lands and Grounds into or through the Drains called the *Old South Eau* and the *New South Eau*, or one of them, shall be provided for or allowed unto the said last-mentioned Lands and Grounds, and the several Proprietors and Occupiers thereof; and that until the said last-mentioned Lands and Grounds shall become so chargeable as aforesaid, the several Proprietors thereof, or any of them, shall not be entitled to vote or act for the Appointment of any Commissioner for executing this Act.

The Lands in the late Flagg Fen Common not to be charged with more than 350*l.* in the whole.

CXLII. Provided also, and be it further enacted, That the several Lands and Grounds next herein-after mentioned, being within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, (that is to say,) the lately-inclosed Lands and Grounds lying in the late *Little Borough Fen Common* otherwise *Flagg Fen Common*, or any of them, shall not by virtue of this Act, or of any of the Provisions hereof, be charged or chargeable with or liable to any further or greater Rate or Tax, or Rates or Taxes, for the several Purposes of this Act, or any of them, than will amount to the gross Sum of Three hundred and fifty Pounds in the whole, for all the same several last-mentioned Lands and Grounds; and that the said Sum of Three hundred and fifty Pounds shall be assessed, rated, taxed, and charged by the said Commissioners for executing this Act upon the said several last-mentioned Lands and Grounds, or such of them, and such Parts thereof, and in such several Proportions, with reference to the Situation of such Lands respectively, and the Benefit which the same are calculated to derive from the Works contemplated by this Act, as shall be ascertained and fixed by *Edward Gibbons* of *Castor* in the County of *Northampton*, Gentleman, and *Edward Arden* of *Morton* in the County of *Lincoln*, Gentleman, or One of them, by some Writing under their or his Hands or Hand, to be certified to the said Commissioners; and in default of such Proportions being so ascertained and fixed and certified to the said Commissioners as aforesaid, before the Time when the said last-mentioned Rate or Rates or Taxes, or the first Instalment thereof, shall be required by the said Commissioners to be paid to them, then the said Sum of Three hundred and fifty Pounds shall be assessed, rated, taxed, and charged by the said Commissioners upon the

said

said several last-mentioned Lands and Grounds, equally and alike upon and for every Statute Acre thereof, and without any Distinction.

Charge on the Lands in Newborough, &c. not to be construed into a Right for any future Charge thereon.

CXLIII. And inasmuch as the said several Lands and Grounds to be so charged with the said Rate or Tax not exceeding the Sum of One Pound *per* Acre, or the gross Sum of Three hundred and fifty Pounds in the whole respectively as aforesaid, are severally excepted out of the Operation of the said recited Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, and are thereby exempted from Taxation; be it therefore further enacted and declared, That notwithstanding that the Owners and Proprietors of the said several last-mentioned Lands and Grounds have consented and agreed that the same several last-mentioned Lands and Grounds shall be respectively charged in manner aforesaid towards the Making and Execution of the said intended New Cut or Channel, and other Works authorized by this Act to be made as aforesaid, nothing herein contained shall be construed into a Right to tax the said several last-mentioned Lands and Grounds, or any of them, for or towards or by way of Contribution for any other Works hereafter to be made or done for the Improvement of the said *North Level*, or any Part thereof, without the Concurrence of the Proprietors of the said several last-mentioned Lands and Grounds, and other Parties interested therein respectively, first had and obtained; and that notwithstanding this Act, or any thing herein contained, the said Lands and Grounds, and the Owners and Occupiers thereof respectively, shall be and continue exempt from all Jurisdiction, Power, or Authority given or reserved under or by virtue of the said recited Acts, respectively passed in the Fifteenth Year of the Reign of His late Majesty King *Charles* the Second, the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, and the Eleventh Year of the Reign of His late Majesty King *George* the Third, or any of them, or any other Act or Acts for amending or altering the same or any of them.

Commissioners at their Yearly General Meetings to charge the Lands within the North Level and Portsand (except certain Lands) with yearly equal Acre Rates.

CXLIV. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, assembled at their several Yearly General Meetings to be holden in pursuance of this Act, (there being not less than Forty of the same Commissioners present at the same respective Meetings,) and they are hereby required from Time to Time yearly, to assess, rate, tax, and charge all and singular the said Lands and Grounds situate, lying, and being within the said Five several Districts or Divisions into which the said *North Level* and *Portsand* otherwise *Great Porsand* were by the said herein-recited Act of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second divided as aforesaid, including all the said Lands, Grounds, and Commons herein-before mentioned, (except only the said several Lands and Grounds lying within the said *North Level* and *Portsand* otherwise *Great Porsand*, by this Act wholly exempted from the Payment of any such gross and direct Rate or Tax or Rates or Taxes as aforesaid, or made liable to the Payment only of a limited Rate or Tax not exceeding One Pound *per* Acre, or not exceeding the Sum of Three hundred and fifty Pounds in the whole respectively as is herein-before mentioned,) by and with such yearly or other equal Acre Rates or Taxes as shall be necessary and sufficient for raising, defraying, and paying from Time to Time all and singular the remaining Costs, Charges, and Expences

(over

(over and beyond the said several Sums to be respectively raised and contributed, and the said Sum of Forty-eight thousand Pounds herein-before severally mentioned) of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made, done, and executed, or so much and such Part or Parts of the said remaining Costs, Charges, and Expences as the said Commissioners shall not from Time to Time have Monies already in hand to defray from or by means of the Proceeds of any Sale or Sales of the Sands and Lands herein-after directed to be sold for that Purpose, and for securing and paying the yearly Interest of any Mortgage or Mortgages, or any Annuity or Annuities to be respectively made or granted by the said Commissioners upon or out of the said last-mentioned Acre Rates or Taxes, or any of them, under the respective Powers herein-after reserved for the Purpose of raising any Part or Parts of the said remaining Costs, Charges, and Expences which the said Commissioners in their Discretion from Time to Time shall not consider it expedient to raise and defray by a direct Rate or Rates, and also for providing and raising a Sinking Fund for the Repayment and Discharge, yearly or otherwise, in the Discretion of the said Commissioners, of all or any Part of any Principal Sum or Sums of Money which shall have been borrowed by them upon any such Mortgage or Mortgages as last aforesaid, and also for paying and satisfying the Costs and Charges of collecting and receiving the said last-mentioned yearly or other Rates or Taxes and every of them, and also for making good, paying, and satisfying all so much and such Parts of the Costs, Charges, and Expences, and answering all such of the Purposes, herein-before directed to be paid, satisfied, and answered by, from, or out of the said Acre Rate or Tax or Acre Rates or Taxes, to be assessed, rated, taxed, and charged by the said Commissioners at their said First General Meeting, as the said last-mentioned Acre Rate or Tax or Acre Rates or Taxes shall have been found insufficient to pay, satisfy, and answer, and also for paying and discharging all such other Costs, Charges, and Expences as shall from Time to Time be incurred by the said Commissioners in putting this Act into execution; and all and singular the said several Acre Rates or Taxes to be assessed, rated, taxed, or charged at the said several Yearly General Meetings of the said Commissioners as aforesaid, and all and singular the Monies to be raised thereby, shall be paid, applied, and disposed of by the said Commissioners in the Manner and for the several Purposes herein expressed of and concerning the same.

Commissioners for the Lands paying only a limited Tax, not to vote for Taxes on the North Level beyond the 48,000*l.*

CXLV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners from Time to Time appointed or to be appointed by or under the Authority of this Act, for or in respect of the said several Lands and Grounds by this Act made liable to the Payment only of a limited Rate or Tax not exceeding One Pound *per* Acre, or not exceeding the Sum of Three hundred and fifty Pounds in the whole respectively, as is herein-before mentioned, or any of them, to vote or act for, or in any Manner or at any Time to interfere in the assessing, rating, taxing, or charging any of the several Lands and Grounds lying within the said Five several Districts or Divisions of the *North Level* and *Portsand*, otherwise *Great Porsand*, with any further or other Rate or Tax under the Authority of this Act, over and beyond such several Rates and Taxes as shall be necessary for providing and raising the said Sum of

Forty-eight thousand Pounds as herein-before mentioned, or for or in the raising, collecting, levying, or receiving of any such further or other Rate or Tax, or for or in the paying, applying, or disposing of the same; but that the several Orders, Resolutions, and Proceedings of the said Commissioners for executing this Act, touching or concerning all such further Rates or Taxes as aforesaid, shall from Time to Time be made and determined by a Majority of the Commissioners present at such Meetings respectively, exclusive of the said Commissioners so respectively appointed or to be appointed as last aforesaid: Provided nevertheless, that the said last-mentioned Commissioners respectively, being present, shall be, and be considered to be, a component Part of the respective Meetings at which any such Orders, Resolutions, or Proceedings as last aforesaid shall be made or determined.

Mode of ascertaining the Quantities of the Lands in the North Level and Portsand.

CXLVI. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act to assess, rate, tax, and charge all and every or any of the said several Lands and Grounds lying within the Boundaries of the said Five several Districts or Divisions of the said *North Level* and *Portsand* otherwise *Great Porsand*, with the said several Rates or Taxes by this Act authorized to be charged thereon respectively as aforesaid, according to the respective admeasured Quantities for which the same Lands and Grounds are or have been so respectively charged under the Authority of any Act or Acts of Parliament heretofore made and passed, if the same can be so respectively ascertained; and to assess, rate, tax, and charge all such of the said several Lands and Grounds, the respective Quantities of which cannot be ascertained by the Means aforesaid, with the said several Acre Rates or Taxes by this Act authorized to be charged thereon as aforesaid, according to the respective admeasured Quantities thereof, to be ascertained in the Manner following, that is to say, an Account of the admeasured Quantities of the said several last-mentioned Lands and Grounds shall, at such Time or Times as the said Commissioners shall require, by any Notice or Notices for that Purpose to be inserted twice in some public Newspaper usually circulated in the County, Isle, or Parts in which such last-mentioned Lands or Grounds shall lie or be situate, be given in to the Treasurer, Clerk, or Surveyor to be appointed by the said Commissioners, and shall be verified by the Oath of the respective Owners or Occupiers of the said several last-mentioned Lands and Grounds, or other sufficient Witness or Witnesses, or by the solemn Affirmation of such of them as shall be Quakers, to be made before the said Commissioners or any Two or more of them, which Oath or Affirmation the said Commissioners or any Two or more of them are hereby empowered to administer.

If Account of Lands be not given in, or if the Commissioners be dissatisfied, they may direct a Survey to be made.

CXLVII. Provided always, and be it further enacted, That if any of the said last-mentioned Owners or Occupiers shall refuse or neglect to give in to the said Treasurer, Clerk, or Surveyor such Account of the Quantities of their said several Lands and Grounds, and to verify the same in the Manner aforesaid, or if the said Commissioners shall be dissatisfied with any such Account, or if the said Commissioners shall see Cause to have any of the said Lands or Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand* surveyed and admeasured, for the Purpose of ascertaining the admeasured Quantities thereof, and of assessing

assessing and charging the same with the said several Acre Rates or Taxes by this Act authorized to be charged thereon as aforesaid, or any of them, according to the said admeasured Quantities, it shall and may be lawful for the said Commissioners, at any of their General Meetings, to order a Survey and Admeasurement to be made by such Person or Persons as they shall think proper, of the said several Lands and Grounds, or any of them, and to ascertain the respective admeasured Quantities thereof by means of such Survey and Admeasurement; and any such Survey and Admeasurement shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantities of the said several Lands and Grounds which shall have been so surveyed and admeasured as aforesaid, or any of them, and to assess, rate, tax, and charge the same, or any of them, with the said several Rates or Taxes by this Act authorized to be assessed and charged thereon as aforesaid, according to such Survey and Admeasurement, any thing herein-before contained to the contrary thereof notwithstanding; and the Charge of such Survey and Admeasurement shall be paid by the Person or Persons who shall have neglected or refused to give an Account, or shall have given a false Account of his, her, or their said Lands and Grounds as aforesaid, in all Cases in which an Account thereof shall have been required by the said Commissioners as aforesaid, and shall be levied and raised by the said Commissioners upon and from the said last-mentioned Lands and Grounds respectively, by the same Ways and Means as the said several Rates or Taxes, or any of them, are by this Act authorized to be levied and raised; and the Charge of such Survey and Admeasurement shall in all other Cases be paid by the said Commissioners out of any of the Monies which they are by this Act authorized to raise and receive.

The Rates to be paid by the Occupiers of the Lands.

CXLVIII. And be it further enacted, That all and singular the said Acre Rates and Taxes to be so assessed and charged as aforesaid upon the said several Lands and Grounds lying within the Boundaries of the said Five Districts or Divisions of the said *North Level* and *Portsand* otherwise *Great Porsand*, shall be respectively paid by the respective Tenants or Occupiers of the said several last-mentioned Lands and Grounds, who are hereby respectively required and made liable to pay the same at such Times, in such Parts and Proportions, and to such Person or Persons, as the said Commissioners at any of their General Meetings shall from Time to Time order, direct, or appoint.

Penalty on Nonpayment of the Rates.

CXLIX. And be it further enacted, That in case the Owners and Occupiers of any of the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, which shall be so assessed, rated, taxed, or charged as aforesaid, shall neglect or fail to pay all or any such Rates, Taxes, and Sums of Money as shall from Time to Time be assessed, rated, taxed, or charged, or shall become due or payable for or in respect of any of the said several last-mentioned Lands and Grounds under the Authority of this Act, to the Collector or Collectors, or other Person or Persons who shall be appointed by the said Commissioners for executing this Act to receive the same, at the Time and Place, or several Times and Places, to be appointed for that Purpose by the said Commissioners, the several Occupiers of the said several Lands and Grounds in respect whereof such Neglect or Failure shall take place shall forfeit

and pay to the said Commissioners by way of Penalty, over and above the said Rates, Taxes, and Sums of Money, the Sum of Three Shillings and Four-pence for every Twenty Shillings of the Amount of such Rates, Taxes, or Sums of Money which shall be unpaid at such Time and Place, or several Times and Places as aforesaid, and so in proportion for any less Sum than Twenty Shillings; and every such Penalty shall be levied and recovered, and be paid, applied, and disposed of by the said Commissioners in the same Manner as the said several last-mentioned Rates, Taxes, and Sums of Money are by this Act directed or authorized to be levied, recovered, paid, applied, and disposed of.

Power for Tenants at Rack Rent to deduct the Rates from their Rents.

CL. And be it further enacted, That all and every the Tenants and Occupiers of the said several Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, or any of them, being respectively the Tenants and Occupiers thereof at a Rack Rent or Rack Rents, shall be at liberty, and they are hereby respectively empowered, to deduct and retain out of their respective Rents all such Rates, Taxes, or Sums of Money as they shall respectively have paid under the Authority of this Act in respect of the said several Lands and Grounds in their respective Occupations; and that the respective Landlords or Owners of such several Lands and Grounds shall and they are hereby required to allow such Deductions respectively, upon the Receipt of the Residue of the said respective Rents, on such respective Tenants or Occupiers producing to their said respective Landlords proper Receipts for the Payment of such Rates, Taxes, or Sums of Money as aforesaid, and paying or tendering to pay to their said respective Landlords the Residue of their said respective Rents; and that all and every such Tenants and Occupiers holding at Rack Rent, and paying such Rates, Taxes, or Sums of Money as aforesaid, shall be respectively acquitted and discharged from and against their said respective Landlords of and from so much Money as the said Rates, Taxes, or Sums of Money which shall have been so paid by them respectively as aforesaid shall amount unto, in as full and ample Manner as if the same had been actually paid to their said respective Landlords.

Lessees holding under beneficial Leases not to deduct the Rates.

CLI. Provided always, and be it further enacted and declared, That no Lessee or Tenant of any of the said last-mentioned Lands or Grounds which shall be assessed or charged with any of the said Acre Rates or Taxes under the Authority of this Act who shall hold the same Lands or Grounds by virtue of or under any renewable Lease for Years from any Bishop, Collegiate Church, College, or Corporation Sole or Aggregate, or by virtue of or under any other beneficial Lease whatever for Years, not being a Lease at Rack Rent, except as is herein-after mentioned, shall be entitled to deduct the said Rates or Taxes, or any of them, out of the Rent reserved and payable by virtue of any such Lease to his or her Landlord or Landlords, but that the said Rates or Taxes shall in every such Case be charged upon, and borne and paid by the respective Lessees or Tenants so holding such Lands or Grounds under any such Lease, not being a Lease at Rack Rent as aforesaid, except as is herein-after mentioned.

Certain Lessees entitled to de-

CLII. Provided also, and be it further enacted, That all Lessees and Tenants holding any of the said last-mentioned Lands or Grounds by virtue

duct Rates from their Rents.

virtue of or under any such last-mentioned renewable Lease for Years as aforesaid (not being a Lease at Rack Rent), of which there shall not be Six Years unexpired at the respective Times appointed or to be appointed for Payment of the last-mentioned Rates or Taxes respectively, shall be respectively entitled to deduct such last-mentioned Rates or Taxes respectively from the several Rents or Payments due or payable by them respectively to the respective Lessors or Landlords for the Time being of such last-mentioned Lands or Grounds respectively.

Landlords not to be compellable to allow Penalties to the Occupiers.

CLIII. Provided also, and be it further enacted, That when any Penalty or any Costs or Charges shall have been incurred, for or by reason of the Nonpayment of any of the said Rates, Taxes, or Sums of Money which shall have been assessed or charged by the said Commissioners for executing this Act, and such Penalty, Costs, or Charges shall have been paid by the Occupier or Occupiers of the Lands or Grounds for or in respect of which such Rates, Taxes, or Sums of Money shall have been respectively payable, every such Penalty, and all such Costs and Charges, shall be borne and paid by such Occupier or Occupiers respectively, and the Landlord or Owner or Landlords or Owners of such last-mentioned Lands or Grounds shall not be compellable or liable to allow or pay such Penalty, Costs, or Charges, or any Part thereof, to such Occupier or Occupiers, any thing herein-before contained to the contrary thereof notwithstanding.

Power of Distress for unpaid Rates and Penalties.

CLIV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay, or make Default in the Payment of the several Rates, Taxes, or Sums of Money which shall have been assessed, rated, taxed, or charged, by the said Commissioners for executing this Act, upon or for the Lands or Grounds in the Occupation of such Person or Persons respectively, by virtue or under the Authority of this Act, or any Part of such several Rates, Taxes, or Sums of Money, or any Penalty or Penalties which shall have been incurred by reason of the Nonpayment thereof respectively as aforesaid, it shall and may be lawful for any Collector or Collectors appointed by the said Commissioners, or for any other Person or Persons authorized by any Writing under the Hand of such Collector or Collectors, to enter into and upon all or any of the said Lands or Grounds so assessed, rated, taxed, or charged as aforesaid, in respect of which such Refusal, Neglect, or Default shall have taken place as aforesaid, and all or any of the Houses, Buildings, or Tenements thereon standing or thereunto belonging, and to levy the Amount of such respective unpaid Rates or Taxes and Penalties by Distress of the Goods and Chattels which shall be found on the said Premises; and in case a sufficient Distress cannot be found on the said Premises, then to enter into and upon, and to levy the Amount of such respective unpaid Rates or Taxes and Penalties by Distress of the Goods and Chattels of the Person or Persons so refusing, neglecting, or making Default as aforesaid, and the several Goods and Chattels which shall have been seized or taken by any such Distress as aforesaid, to impound on the Premises on which the same shall have been respectively taken, or to take, lead, drive, carry away, and impound elsewhere, and the same to detain and keep for the Space of Five Days at the Costs and Charges of the Owner or Owners thereof, leaving on the respective Premises on which any such Distress shall have been taken as

as aforesaid a Notice in Writing of the Cause of such Distress; and if the Owner or Owners of the Goods and Chattels which shall have been so distrained as aforesaid shall not pay the Sum or Sums of Money for which such Distress shall have been taken, and all Charges attending such Distress, or replevy the said Goods and Chattels, within Five Days next after such Distress made and Notice thereof left as aforesaid, the Person or Persons making such Distress shall and may, with the Sheriff or Under Sheriff of the County, Chief Bailiff, or Deputy Chief Bailiff of the Isle, or Constable or Headborough of the Township, Parish, Hamlet, or Place where such Distress shall have been made (who are hereby respectively required to assist therein), cause the Goods and Chattels which shall have been so distrained as aforesaid to be appraised by Two or more indifferent Persons, who shall be sworn by such Sheriff, Under Sheriff, Chief Bailiff, Deputy Chief Bailiff, Constable, or Headborough (who are hereby respectively empowered to administer the necessary Oath to them), to appraise the same according to the best of their Judgments, and after such Appraisement the Person or Persons making such Distress as aforesaid shall and may cause the said Goods and Chattels to be sold by public Auction or private Contract for the best Price than can be reasonably gotten for the same, for and towards Satisfaction of the Sum or Sums of Money for which such Distress shall have been so made as aforesaid, and the Charges of taking, impounding, keeping, appraising, and selling the said Goods and Chattels, leaving the Overplus of the Money arising or produced by such Distress and Sale (if any) in the Hands of such Sheriff, Under Sheriff, Chief Bailiff, Deputy Chief Bailiff, Constable, or Headborough, for the Use of the Owner or Owners of the said Goods and Chattels.

The Lands to remain a Security for the Rates.

CLV. And be it further enacted, That in case any of the said last above-mentioned Lands or Grounds shall at any Time hereafter be untenanted or unoccupied, or in case no sufficient Distress can be found or taken thereon for levying the said Rates, Taxes, Sums of Money, or Penalties with which the said Lands or Grounds shall respectively be charged, and which shall be in arrear and unpaid as aforesaid, then the said Lands and Grounds so respectively charged therewith shall always remain and be a Security for the Payment of the said unpaid Rates, Taxes, Sums of Money, and Penalties respectively, and all Goods and Chattels which shall at any Time or Times thereafter be found on the same Lands or Grounds respectively shall and may at any Time or Times be distrained, impounded, kept, appraised, and sold in the Manner herein-before directed, until all Arrears of the said Rates, Taxes, Sums of Money, or Penalties, and the Charges of such Distress and Sale, and all other Costs and Charges which shall have been incurred by reason of the Non-payment of such Rates, Taxes, Sums of Money, or Penalties respectively, shall be fully paid and satisfied to the said Commissioners for executing this Act, or to their said Committee or Treasurer or Collector.

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

CLVI. Provided always, and be it further enacted, That in all Cases in which the said Rates, Taxes, Sums of Money, or 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 or Grounds which shall

shall be charged therewith, then and in every such Case it shall and may be lawful for the said Commissioners for executing this Act, at any of their Meetings, to let the said respective Lands and Grounds for or in respect of which such Rates, Taxes, Sums of Money, or Penalties shall be so respectively in arrear and unpaid as aforesaid, or so much and such Part or Parts of the same Lands or Grounds respectively as the said Commissioners shall judge sufficient and proper, to such Person or Persons, for such Number of Years, not exceeding Fourteen 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, Sums of Money, and Penalties respectively, and of such Charges and Expences as they the said Commissioners or their said Committee shall incur or be liable to in consequence of the Nonpayment of such Rates, Taxes, Sums of Money, or Penalties respectively, or in or about the letting of the said Lands or Grounds, or any of them, or any Part thereof respectively, rendering the Overplus of the said Rent or Rents (if any), from Time to Time, to the Person or Persons for the Time being appearing to be entitled thereto.

Power for Persons having limited Interest to charge the gross Rates upon the Inheritance of their Lands.

CLVII. And be it further enacted, That it shall and may be lawful for all Persons being Tenants for Life in Possession, and others having only partial or limited Estates or Interests of or in any of the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, and for all Husbands, Guardians, Committees, or Trustees of or for any Person being such Tenant for Life, or having only such partial or limited Estates or Interests respectively as aforesaid, or of or for any Person being a Feme Covert, Infant, Lunatic, or under any legal Incapacity or Disability, by any Deed or Deeds under their respective Hands and Seals, to charge the Inheritance of the said several last-mentioned Lands and Grounds respectively with all or any of the gross and direct Rates, Taxes, or Sums of Money which they respectively shall be required or liable to pay or allow under the Authority of this Act, and which shall be charged upon and payable from or in respect of the same Lands and Grounds respectively for or towards the Costs, Charges, and Expences of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made and executed, but not with any yearly Rates to be charged upon or payable from or in respect of the said Lands and Grounds respectively for or towards the Payment of the Interest of any Mortgage or Mortgages, or the Payment of any Annuity or Annuities to be respectively made or granted by the said Commissioners under the Powers herein-after in that Behalf contained, nor for or towards any of the Costs, Charges, or Expences of maintaining, repairing, or preserving the said New Cut or Channel and Works, or any of them, when and after the same shall have been made, executed, and completed, or of maintaining, repairing, or preserving the said *Kinderley's Cut*, or any of the Banks or Works thereto belonging; and by the same or any other Deed or Deeds, under their respective Hands and Seals, from Time to Time to mortgage the same Lands and Grounds respectively, by Demise or otherwise, to any Person or Persons who shall be willing to lend or advance to them respectively the Amount of such gross and direct Rates, Taxes, or Sums of Money, or any Part or Parts thereof respectively, for the Repayment to

such Person or Persons of the Principal Money or Monies which shall have been so lent or advanced by him, her, or them, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*: Provided nevertheless, that all such Mortgages to be so made as last mentioned shall be expressly made redeemable upon Payment of the Principal and Interest Monies to be thereby respectively secured, and that all such Tenants for Life, and other Persons respectively as last aforesaid, shall, by and out of the Rents and Profits of the said respective Lands and Grounds to be so charged and mortgaged respectively as last aforesaid, pay and keep down the Interest of the same Mortgages respectively when and as the said Interest shall from Time to Time become due and payable.

Commissioners may raise Money by Mortgage or Annuity to be charged on their Rates.

CLVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby empowered, at any of their said Yearly or other General Meetings (Forty at least of the said Commissioners being then and there present, and consenting and agreeing thereto), either to provide and raise, or to direct or authorize their said Committee herein-before appointed to provide and raise, all or any one or more Instalment or Instalments, or other Part or Parts of the said Sum of Forty-eight thousand Pounds, or any Part or Parts of the said remaining Costs, Charges, and Expences of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made and executed, or any of them, either by borrowing or taking up any Principal Sum or Sums of Money at Interest upon any Mortgage or Mortgages of the yearly Rates, Taxes, and Sums of Money to be assessed, rated, taxed, and charged by the said Commissioners upon the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand* as aforesaid, or by selling or granting any Annuity or Annuities to be payable out of the said last-mentioned yearly Rates, Taxes, and Sums of Money, during the Life of any one or more Person or Persons, or by both of the said Means, as the said Commissioners, or any Forty of them assembled at any of their said General Meetings, shall from Time to Time think proper or see occasion so to provide and raise; and to assign, convey, or charge, or to order, direct, or authorize their said Committee to assign, convey, or charge (as the Case shall be and require) the same last-mentioned yearly Rates, Taxes, and Sums of Money, or any of them, or any Part or Parts thereof respectively, by Deed under the Common Seal of the said Commissioners, to any Person or Persons who shall lend or advance any such Principal Sum or Sums of Money, or purchase any such Annuity or Annuities as aforesaid, as a Security or Securities for the Repayment of such Principal Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*, or for the Payment of such Annuity or Annuities; and that every such Security for the Repayment of any such Principal Sum or Sums of Money with Interest shall be in the Form or to the Effect following, with such other Stipulations or Provisions to be inserted therein as the Case may require; that is to say,

Form of Mortgage.

‘ WE, the Commissioners of the *Nene* Outfall, incorporated by an
‘ Act of Parliament passed in the Eighth Year of the Reign of
‘ His Majesty King *George* the Fourth, intituled [*here set forth the Title*

‘ *of*

'*of this Act*], do by virtue of the Power and Authority given to us by 'the said 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 yearly Rates, Taxes, and Sums of Money which 'are or shall be charged or chargeable by virtue of the said Act upon 'the several Lands and Grounds situate and lying within the Five several 'Districts or Divisions of the *North Level* and *Portsand* otherwise *Great* '*Porsand*, therein described or referred to; to hold the same yearly 'Rates, Taxes, and Sums of Money 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 Common Seal the
'Day of in the Year of our 'Lord .'

And that every such Security for the Payment of any such Annuity shall be in the Form or to the Effect following, with such other Stipulations or Provisions to be inserted therein as the Case may require; that is to say,

Form of Grant of Annuity.

'WE, the Commissioners of the *Nene* Outfall, incorporated by an 'Act of Parliament passed in the Eighth Year of the Reign of His 'Majesty King *George* the Fourth, intituled [*here set forth the Title of this* '*Act*], do, by virtue of the Power and Authority given to us by the said 'Act, and in consideration of the Sum of
'to us paid by
'grant unto the said 'Successors and Assigns, or Executors, Administrators, and Assigns, '[*as the Case may be*], One Annuity or yearly Sum of
'to be charged upon and issuing out of the yearly Rates, 'Taxes, and Sums of Money which are or shall be charged or charge- 'able by virtue of the said Act upon the several Lands and Grounds 'situate and lying within the Five several Districts or Divisions of the '*North Level* and *Portsand* otherwise *Great Porsand*, therein described or 'referred to, the same Annuity or yearly Sum of
'to be paid and payable to the said 'Successors and Assigns, or Executors, Administrators, and Assigns [*as* '*the Case may be*], during the Life of
'or during the Lives of
'and the Life of the Survivors or Survivor of 'them [*as the Case may be*], together with a proportionable Part of the 'same Annuity or yearly Sum up to the Day of the Decease of the said
'or up to the Day of the Decease of 'the Survivor of them the said
'[*as the Case may be*]. Given under our Common Seal the
'Day of in the Year of our 'Lord .'

And

And Copies of all such Securities as shall be so made or granted by the said Commissioners, or their said Committee aforesaid, shall be respectively entered in a Book or Books to be kept for that Purpose by the Clerk of the said Commissioners; and such Book or Books may be inspected at all seasonable Times by any Person or Persons whomsoever, on Payment of the Sum of One Shilling to the said Clerk for every such Inspection.

Restriction as to Rates of Annuities.

CLIX. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and after the several Rates prescribed by Two several Acts, One of them passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other of them passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

Securities to be assignable.

CLX. And be it further enacted, That it shall and may be lawful for all and every Body and Bodies, 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 or Annuity 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 Writing under his, her, or their Hand and Seal or Hands and Seals, to be indorsed on his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, 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 Person or Persons whomsoever; and every such Assignment or Transfer shall be produced or notified to the Clerk of the said Commissioners for executing this Act, 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 or Annuity or Annuities therein mentioned to be transferred, to be entered in the said 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 respectively entitle the Assignee or Assignees therein named, and his, her, or their Successors, Executors, Administrators, and Assigns, to the 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, *toties quoties*.

Mortgagees and Annuitants to be Creditors on

CLXI. And be it further enacted, That the several Bodies or Persons to whom such respective Securities as last aforesaid shall have been made or granted, and their respective Successors, Executors, Administrators, and Assigns,

the Rates in an equal Degree.

Assigns, shall be Creditors upon the said yearly Rates or Taxes and Sums of Money thereby respectively charged therewith in an equal Degree one with another, according to the Amount of the respective Principal Sums of Money and Annuities 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 of the 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.

Annuities to be Personal Estate.

CLXII. And be it further enacted, That all the said Annuities which shall be so granted by the said Commissioners for executing this Act as aforesaid shall be Personal Estate to all Intents and Purposes whatsoever.

The Treasurer or Collector of the Commissioners to pay the Interest and Annuities, and to repay the Principal of the Mortgages on the Days appointed, or if no Day appointed, on Six Months Notice.

CLXIII. And be it further enacted, That the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act, or in case of his or their Default or Neglect, then the Collector or Collectors of the said Commissioners, shall, upon receiving Notice in that Behalf from any Mortgagee or Mortgagees or Annuitant or Annuitants under or by virtue of any such Security to be so granted as aforesaid, and he and they is and are hereby authorized and required in such Case, with and out of the yearly Rates, Taxes, and Sums of Money which shall from Time to Time be assessed or charged upon the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand* by virtue of this Act as aforesaid, to pay and keep down the Interest of the said several Principal Monies to be so borrowed upon Mortgage of the same Rates, Taxes, and Sums of Money, or any of them, and the several Annuities to be so granted thereout respectively as aforesaid, by equal Half-yearly Payments, to the several Parties 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 such 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 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 possessed of or entitled to such Mortgage, or to the Principal Money and Interest thereby secured.

In default of Payment of Principal, Interest, or Annuities, the yearly Rates to vest in the Mortgagees and Annuitants.

CLXIV. And be it further enacted, That in case the Principal Money, Interest, or Annuity due and payable upon or by virtue of any Security which shall have been granted by the said Commissioners for executing this Act as last aforesaid shall not be paid by the said Commissioners, or by their said Committee, or Treasurer, or Collector, 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 several yearly Rates, Taxes, and Sums of Money

Money which shall have been made liable to and charged with the Payment thereof respectively, shall thereupon vest in the Mortgagee or Mortgagees, and Annuitant or Annuitants, to whom the same yearly Rates, Taxes, and Sums of Money shall have been respectively mortgaged or charged as aforesaid, or their respective Successors, Executors, Administrators, or Assigns, or in some Person or Persons to be nominated by them or the major Part of them in Trust for all of them, according to the respective Amounts of the several Principal Sums of Money and Annuities secured to them respectively, until the same Principal Money, Interest, or Annuity, in the Payment whereof Default shall have been made as aforesaid, and all further and accruing Interest or Annuity due upon the same Security or Securities, shall be fully paid and satisfied to the said several Mortgagees and Annuitants respectively, together with the Costs and Charges which shall have been occasioned by the Nonpayment of the same Principal Monies, Interest, and Annuities respectively; and the said Mortgagees and Annuitants respectively, and their respective Successors, or Executors, Administrators, and Assigns, shall have all such and the same Powers, Rights, Privileges, and Remedies for recovering, collecting, and receiving the said Rates, Taxes, and Sums of Money, 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 Committee, or Treasurer, or Collector, would have had in case the said respective Mortgages or Annuities had not been respectively made or granted.

Power to raise Money for the Discharge of Principal Monies called in.

CLXV. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby empowered, in like Manner as aforesaid, to provide and raise, or to direct or authorize their said Committee to provide and raise, from Time to Time, by any of the Ways or Means and in the Manner herein-before mentioned, 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 as aforesaid, which shall from Time to Time be called in by the Person or Persons respectively entitled thereto, or which the said Commissioners or their said Committee shall from Time to Time think proper to pay off and discharge, or any Part thereof respectively, for the Payment of which there shall be no Fund or no sufficient Fund available at the Disposal of the said Commissioners.

When Mortgages are paid off and Annuities determined, the Rates may be reduced.

CLXVI. Provided always, and be it further enacted, That when and as, from Time to Time, the several Principal Monies which shall have been borrowed or taken up at Interest by the said Commissioners for executing this Act under the Powers herein-before contained, and the Interest due for the same, shall be fully paid off and satisfied, and the several Annuities which shall have been granted by the said Commissioners under the Powers aforesaid shall be determined, and all Arrears thereof fully paid and satisfied, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, at any of their said Yearly General Meetings, from Time to Time, and for and during such Time or Times as the said Commissioners shall think it expedient and proper, rateably and proportionably to lessen and reduce the said Yearly Rates and Taxes to be so assessed, rated, taxed, and charged upon the said Lands

and

and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, by virtue of this Act as aforesaid.

Monies received by the Commissioners to be applied for the Purposes of this Act.

CLXVII. And be it further enacted, That all and singular the said several Sums of Money which shall from Time to Time be received by the said Commissioners for executing this Act, or by their said Committee or Treasurer or Treasurers, from the said several Parties herein-before required to contribute towards the Expences of making, executing, and completing the said New Cut or Channel and other Works by this Act authorized to be made and executed, and also all and singular the said several Rates, Taxes, and Sums of Money which shall from Time to Time be so respectively assessed, rated, taxed, or charged by the said Commissioners for executing this Act upon the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand* as aforesaid, and also all and singular the said several Sums of Money which shall be so raised, borrowed, or received by or for the said Commissioners, or any of them, or their Treasurer or Treasurers, by way of Loan on any Mortgage or Mortgages, or for the Purchase of any Annuity or Annuities to be so respectively made or granted by the said Commissioners as aforesaid, or in any other Manner under the Authority of this Act, the Application whereof is not hereby otherwise directed, shall be wholly paid, applied, and disposed of by or under the Direction of the said Commissioners, or their Committee, in and towards the Payment and Discharge of the Costs, Charges, and Expences of making, executing, completing, maintaining, repairing, and preserving the said New Cut or Channel, and other Works by this Act authorized to be made and executed as aforesaid, and of maintaining, repairing, and preserving the said *Kinderley's Cut*, and the Banks and Works thereto belonging, and in and towards the Payment and Discharge of all such other Costs, Charges, and Expences as are by this Act authorized to be paid or incurred by the said Commissioners or their said Committee.

Further Recital of the Tid and Newton Act.

CLXVIII. And whereas, by the said herein above-recited Act, passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of* Tid Saint Giles *and* Newton, *in the Isle of* Ely *in the County of* Cambridge, *and in* Tid Saint Mary's *in the County of* Lincoln, it was amongst other Things enacted, that the then shifting and bare Sands situate on the North and East of the said Dam and Cut therein and herein-before mentioned, and lying between or bounded by the then existing Salt Marshes on the *Cambridgeshire* and *Lincolnshire* Coasts on the West and North-west, and the then existing Course or Channel of the *Wisbech* River on the East and South-east, and also the then existing Channel of the *Wisbech* River to the Low Water Mark on the South and South-east Side thereof, should, after the passing of the now-reciting Act, vest in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, and their Successors, to have and to hold the same unto and to the Use of them and their Successors for ever, for such Uses, Intents, and Purposes as are therein-after and herein-after mentioned concerning the same; and that the said shifting and bare Sands, and Channel, so vested in the said Governor, Bailiffs, and Commonalty, and their Successors, should for ever thereafter be deemed and taken to lie and be

within the respective Parishes in the Isle of *Ely* and County of *Cambridge*, and in the County of *Lincoln*, which abutted or adjoined on the West and North-west Sides of the said Sands, so far as such Parishes did respectively abut, front, or adjoin thereupon: And it was further enacted, that it should be lawful for the said Governor, Bailiffs, and Commonalty to take in and embank the said Sands and Channel so vested in them as aforesaid, when and as often as any Part or Parts thereof should be grassed over, or become capable of Cultivation, and to grant Leases thereof, and to order, regulate, and manage the same in such Manner as they should from Time to Time think proper: And it was further enacted, that the Rents, Issues, and Fines, and other Profits which should from Time to Time be reserved or paid for or in respect of the said Sands and Channel so thereby vested in the said Governor, Bailiffs, and Commonalty as aforesaid, or should arise from the same, should from Time to Time be received as therein mentioned, and should be applied, in the first place, in Payment of the Expences of inclosing, embanking, and securing the said Sands and Channel, and then from Time to Time in and towards the repairing, supporting, and maintaining the said Cut, Dam, and Banks, and in continuing the said Cut and Banks towards the Sea, and in making such other Works and Improvements in the Outfall of the *Wisbech* River to the Sea as should from Time to Time be found necessary or convenient: And it was further enacted, that it should be lawful for the said Governor, Bailiffs, and Commonalty to contract for and purchase any Salt Marshes in the Parishes of *Tid Saint Giles* and *Tid Saint Mary*'s, adjoining or near to the said Sands thereby vested in them, and to direct the Purchase Monies for the same to be paid out of the Fines, Rents, Issues, and Profits of the said Sands and Channel, and that such Salt Marshes should be conveyed to and vested in the said Governor, Bailiffs, and Commonalty, and their Successors, for the same Uses as the said Sands and Channel were thereby vested in them: And it was further enacted, that the Committee to be elected out of the Commissioners of the several Districts of the said *North Level* should from Time to Time direct and superintend the Repairs and Amendments in the said Cut, Dam, and Banks, and such other Works as the said Rents, Issues, Fines, and Profits should be applied in: And it was further enacted, that all such Repairs and Amendments for supporting and maintaining the said Cut, Dam, and Banks, as should be necessary to be done and made before any Profits should arise from the said Sands and Channel, or as such Profits might be deficient to answer, should be done and made by the said Commissioners of the said *North Level* out of the Rates, Taxes, and Monies therein mentioned: And whereas, for giving effect to the Powers and Provisions of this Act, it is expedient that so much of the said last-recited Act as is herein above recited should be repealed; be it therefore further enacted by the Authority aforesaid, That so much and such Part and Parts of the said last-recited Act, passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, as is and are herein above recited, shall be and the same is and are hereby repealed from and after the passing of this Act.

Repeal of the recited Parts of the Tid and Newton Act.

CLXIX. And whereas His Majesty claims to be entitled in right of His Crown to all the bare Sands by the said last-recited Act intended to be vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level* as aforesaid, and also in right

Recital of Claims of the King and others to open

Marshes and bare Sands.

right of His Crown and of His Duchy of *Lancaster* to all other the present bare Sands lying North of the said *Kinderley's Cut;* and the several other Parties herein-after named respectively claim to be entitled to certain Parts and Portions of the open Marshes lying on each Side of the Channel of the *Wisbech* River: And whereas, for the Purpose of quieting all Doubts respecting such several Claims as aforesaid, and for better enabling the said Commissioners for executing this Act to execute the several Works hereby contemplated, His said Majesty and the said several other Parties claiming to be entitled as aforesaid have mutually agreed, and the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level* have consented, that such several specific Parts and Portions of the Lands herein-after mentioned, late Part of the bare Sands and Channel reclaimed from the Sea by the opening of the said *Kinderley's Cut,* and of the present open Marshes, bare Sands, and Channel lying between the said *Kinderley's Cut* and the Sea, as are herein-after respectively mentioned, shall be respectively vested in severalty in His said Majesty and the said several other Parties claiming to be entitled as aforesaid, and that all the Residue of the said Lands, late Part of the said bare Sands and Channel reclaimed from the Sea as aforesaid, and of the said present open Marshes, bare Sands, and Channel, shall be vested in severalty in the said Commissioners for executing this Act, in the Manner herein-after mentioned: And whereas, for facilitating the Division and Allotment of the said open Marshes, bare Sands, and Channel in the Manner herein-after mentioned, a Line hath been drawn upon the said Plan of the said *Thomas Pear,* so made by him as aforesaid, from a certain Place called *Terrington Marsh Corner,* on a certain Bank usually called the *Admiral's Bank,* in *Terrington* in the County of *Norfolk,* on the East Side of the said Marshes, to a certain other Place called *Skate's Corner,* in *Long Sutton* in the County of *Lincoln,* on the West Side of the said Marshes, as the Northern Boundary Line of the said Marshes, Sands, and Channel to be comprised within the Operation of this Act; and another Line hath been drawn upon the said Plan from the Southern End of the said Sands and Channel near to the said *Kinderley's Cut* to the said Northern Boundary Line, as the Line of the Channel of the *Wisbech* River, set out under the Authority of the said recited Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, generally designated and known by the Name of the *Tid* and *Newton* Line; and another Line hath also been drawn upon the said Plan from the said Southern End of the said Sands and Channel to the said Northern Boundary Line, to be designated and known as the Mid Channel Line of the said Marshes, Sands, and Channel; be it therefore enacted by the Authority aforesaid, That One Sixth Part in Value, to be allotted and set out in the Manner herein-after mentioned, of all the present bare Sands and Channel lying between *Kinderley's Cut* aforesaid and the aforesaid Northern Boundary Line drawn on the said Plan of the said *Thomas Pear,* as the same bare Sands and Channel are marked and designated on the said Plan, shall, from and immediately after the passing of this Act, belong to and be and remain vested in His Majesty, His Heirs and Successors for ever, in Demesne, in right of His Crown and of His said Duchy, as such Rights may be respectively, in severalty, in lieu and full Satisfaction and Discharge of all Right of Soil or Tithes,

Agreement for vesting same, and the Plan thereof.

One Sixth Part of the Sands vested in the King.

and

and all other Claims or Demands by or on the Part of His said Majesty, His Heirs and Successors, to, in, from, or out of the several Marshes, Sands, and Lands by this Act respectively vested in the said several other Parties Claimants as aforesaid, and in the said Commissioners for executing this Act respectively, or otherwise comprised within the Operation of this Act, or intended to be embanked under the Authority of the same, and that the same One Sixth Part shall be and at all Times hereafter shall be deemed to be extra-parochial.

Other Part of the open Marshes and Sands vested in the President and Governors of Guy's Hospital.

CLXX. And be it further enacted, That all the present open Grass and Samphire Marshes, marked and designated on the said Plan of the said *Thomas Pear*, and to be set out in the Manner herein-after mentioned, lying in front of and contiguous to the inclosed Marsh Lands of the President and Governors of *Guy*'s Hospital, between the aforesaid Northern Boundary Line towards the North, and the Boundary Line dividing the said last-mentioned open Marshes from the open Marshes of *Samuel Long* Esquire towards the South, and also One Third Part in Value, to be allotted and set out in the Manner herein-after mentioned, of all the present bare Sands and Channel, marked and designated on the said Plan, lying in front of the said inclosed Marsh Lands of the said President and Governors of *Guy*'s Hospital, and between the said Two last-mentioned Boundary Lines towards the North and South, and between the said last-mentioned open Grass and Samphire Marshes towards the West, and the aforesaid Mid Channel Line towards the East, shall from and immediately after the passing of this Act belong to, and be and remain vested in the said President and Governors of *Guy*'s Hospital, their Successors and Assigns for ever, as Freehold of Inheritance in severalty; but to be held and enjoyed by them according to the Nature and Quality of their Estate, Interest, and Trusts in the contiguous inclosed Marsh Lands of them the said President and Governors of *Guy*'s Hospital, in the Parish of *Sutton Saint Mary*'s, otherwise *Long Sutton*, in the County of *Lincoln*; and that the said last-mentioned open Grass and Samphire Marshes, bare Sands, and Channel, which shall be so respectively set out and allotted to and for the said President and Governors of *Guy*'s Hospital as aforesaid, shall be and at all Times hereafter shall be deemed to lie and be situate in the Parish of *Sutton Saint Mary*'s, otherwise *Long Sutton*, aforesaid.

Other Part of the said Marshes vested in Samuel Long, Esquire.

CLXXI. And be it further enacted, That certain inclosed Marsh Lands, containing Forty Acres or thereabouts, now in the Possession of *Samuel Long* Esquire, which were late Part of the said shifting and bare Sands and Channel mentioned in the said recited Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and which, after being reclaimed from the Sea by the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level*, were given up by them to the Ancestors of the said *Samuel Long*, in satisfaction and lieu of their Claims to certain unascertained Parts of the said shifting and bare Sands and Channel, as the same Forty Acres of Land are marked and designated on the said Plan of the said *Thomas Pear*; and also all the present open Grass Marshes marked and designated on the said Plan, and to be set out in the Manner herein-after mentioned, lying in front of and contiguous to the present inclosed Marsh Lands of the said *Samuel Long*, and between the same last-mentioned Lands towards the West, and the Line of the said intended New Cut or Channel towards the

the East, and between the Boundary Line of the open Marshes of *Guy*'s Hospital Estate towards the North, and *Gunthorpe Sluice* towards the South; and all such Part and Parts, to be allotted and set out in the Manner herein-after mentioned, of the present open Grass Marshes marked and designated on the said Plan, lying in front of the said present inclosed Marsh Lands of the said *Samuel Long*, and between the Line of the said intended new Cut or Channel towards the West, and the aforesaid *Tid* and *Newton* Line towards the East, and between the said Boundary Line of the open Marshes of *Guy*'s Hospital Estate towards the North, and the above-mentioned Forty Acres of Land of the said *Samuel Long* towards the South, as together with the said open Grass Marshes lying between the said present inclosed Marsh Lands of the said *Samuel Long*, and the said Line of the said intended New Cut or Channel, will be equal in Value to Two Third Parts in Value of the said last-mentioned open Grass Marshes, and to One Third Part in Value of the said open Grass Marshes lying between the said Line of the said intended New Cut or Channel and the said *Tid* and *Newton* Line, shall from and immediately after the passing of this Act respectively belong to and be and remain vested in the said *Samuel Long*, his Heirs and Assigns for ever, as Freehold of Inheritance in severalty; but to be held and enjoyed by him and them according to the Nature and Quality of his and their Estate and Interest in the contiguous inclosed Marsh Lands of him the said *Samuel Long* in the Parish of *Tid Saint Mary*'s in the said County of *Lincoln*; and that the said Forty Acres of inclosed Land, and such Part and Parts of the said open Grass Marshes and bare Sands as shall be respectively set out and allotted to and for the said *Samuel Long* as aforesaid, shall be and at all Times hereafter shall be deemed to lie and be situate in the Parish of *Tid Saint Mary*'s aforesaid.

Other Part of the said Marshes vested in the Lords and Commoners of Walpole.

CLXXII. And be it further enacted, That Two Third Parts in Value to be allotted and set out in the Manner herein-after mentioned of all the present open Grass Marshes marked and designated on the said Plan of the said *Thomas Pear*, lying in front of and contiguous to the inclosed Common Marsh Lands in the Township of *Walpole*, and between the Cross Bank of the Corporation Marsh Farm in part towards the South, and *Walpole Creek* in part towards the North, and between the said inclosed Common Marsh Lands in the Township of *Walpole* towards the East, and the said *Tid* and *Newton* Line towards all other Parts, shall, from and immediately after the passing of this Act, belong to and be and remain vested in the several Lords of Manors, being Owners of the Soil within the Parishes of *Walpole Saint Peter*'s and *Walpole Saint Andrew*'s in the said County of *Norfolk*, and the several Owners of ancient commonable Messuages and Tofts of ancient commonable Messuages, situate within the same last-mentioned Parishes, entitled to Right of Commonage for the depasturing of Cattle upon the several Commons and waste Lands within the said last-mentioned Parishes, and their respective Heirs, Successors, and Assigns; but to be held and enjoyed by them respectively according to the several Natures and Qualities of their respective Estates, Interests, and Tenures in the said several last-mentioned commonable Messuages and Tofts; and that the same last-mentioned open Grass Marshes which shall be so allotted and set out to and for the said last-mentioned Lords of Manors and Owners of commonable Messuages and Tofts as aforesaid, shall be and at all Times hereafter shall be deemed to lie and be situate respectively in

the several Parishes of *Walpole Saint Peter*'s and *Walpole Saint Andrew*'s aforesaid, in proportion to the respective Numbers and according to the respective Situations of the several last-mentioned commonable Messuages and Tofts respectively.

Other Part of the said Marshes and Sands vested in the Heirs of Henry Hare Townsend, Esquire, deceased.

CLXXIII. And be it further enacted, That One Moiety or equal Half Part in Value, to be allotted and set out in the Manner herein-after mentioned, of all the present open Grass Marshes and bare Sands, marked and designated on the said Plan of the said *Thomas Pear*, lying in front of and contiguous to the inclosed Marsh Lands late of *Henry Hare Townsend* Esquire, deceased, and between *Walpole Creek* towards the South and the Boundary Line of the said last-mentioned open Marshes towards the North, and between the said inclosed Marsh Lands towards the East, and the aforesaid *Tid* and *Newton* Line towards the West, shall, from and immediately after the passing of this Act, belong to and be and remain vested in the Heirs and Assigns of the said *Henry Hare Townsend* for ever, as Freehold of Inheritance in severalty; but to be held and enjoyed by them according to the Nature and Quality of their Estate and Interest in the said contiguous inclosed Marsh Lands late of the said *Henry Hare Townsend*, in the Parish of *Walpole Saint Andrew*'s in the said County of *Norfolk*; and that the same last-mentioned open Grass Marshes and bare Sands which shall be so allotted and set out to and for the said Heirs and Assigns of the said *Henry Hare Townsend* as aforesaid, shall be and at all Times hereafter shall be deemed to lie and be situate in the Parish of *Walpole Saint Andrew*'s aforesaid.

Other Part of the said Marshes and Sands vested in the Lords and Commoners of Terrington.

CLXXIV. And be it further enacted, That One Moiety or equal Half Part in Value, to be allotted and set out in the Manner herein-after mentioned, of all the present open Grass and Samphire Marshes, bare Sands and Channel, marked and designated on the said Plan of the said *Thomas Pear*, lying in front of and contiguous to the inclosed common Marsh Lands in the Township of *Terrington*, and between the Boundary Line of the open Marshes late of the said *Henry Hare Townsend* towards the South and *Terrington Creek* towards the North, and between the said last-mentioned inclosed Common Marsh Lands towards the East, and the said *Tid* and *Newton* Line towards the West, after deducting from the said last-mentioned bare Sands the One Sixth Part thereof hereby vested in His Majesty as aforesaid, shall, from and immediately after the passing of this Act, belong to and be and remain vested in the several Lords of Manors, being Owners of the Soil within the Parishes of *Terrington Saint Clement*'s and *Terrington Saint John*'s in the said County of *Norfolk*, and the several Owners of ancient commonable Messuages and Tofts of ancient commonable Messuages situate within the same Parishes entitled to Right of Commonage for the depasturing of Cattle upon the several Commons or waste Lands within the said last-mentioned Parishes, and their respective Heirs, Successors, and Assigns; but to be held and enjoyed by them respectively according to the several Natures and Qualities of their respective Estates, Interests, and Tenures in the said several last-mentioned commonable Messuages and Tofts; and that the same last-mentioned open Grass and Samphire Marshes, bare Sands and Channel, which shall be so allotted and set out to and for the said last-mentioned Lords of Manors and Owners of Commonable Messuages and Tofts as aforesaid, shall be and at all Times hereafter shall be deemed to lie and

be situate respectively in the several Parishes of *Terrington Saint Clement*'s and *Terrington Saint John*'s aforesaid, in proportion to the respective Numbers and according to the respective Situations of the said several last-mentioned commonable Messuages and Tofts respectively.

Other Part of the Marshes vested in George William Pierrepont Bentinck, Esquire.

CLXXV. And be it further enacted, That all the present open Grass and Samphire Marshes to be set out in the Manner herein-after mentioned, lying in front of and contiguous to the present inclosed Marsh Lands of *George William Pierrepont Bentinck* Esquire, and between the said last-mentioned Marsh Lands towards the East and the bare Sands towards the West, and between *Terrington Creek* towards the South and the aforesaid Northern Boundary Line towards the North, as the same are marked and designated on the said Plan of the said *Thomas Pear*, shall, from and immediately after the passing of this Act, belong to and be vested in the said *George William Pierrepont Bentinck*, his Heirs and Assigns for ever, as Freehold of Inheritance in severalty; but to be held and enjoyed by him and them according to the Nature and Quality of his and their Estate and Interest in the said contiguous inclosed Marsh Lands of him the said *George William Pierrepont Bentinck* in the Parish of *Terrington Saint Clement*'s in the said County of *Norfolk;* and that the said open Grass and Samphire Marshes to be so set out to the said *George William Pierrepont Bentinck* as aforesaid shall be and at all Times hereafter shall be deemed to lie and be situate in the Parish of *Terrington Saint Clement*'s aforesaid.

Corporation Marsh Farm, and Residue of the open Marshes and Sands, vested in the Commissioners for executing this Act.

CLXXVI. And be it further enacted by the Authority aforesaid, That as well the Entirety of the old inclosed Marsh Farm and Lands vested or claimed to be vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level*, under and by virtue of the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and in the said Plan of the said *Thomas Pear* designated as the *Bedford Level Corporation Marsh Farm*, as also the Rest, Residue, and Remainder (not herein-before vested or declared to be vested in His Majesty, or any other Party or Parties as aforesaid,) of and in all and singular the several open Grass and Samphire Marshes, bare Sands, Channel, and Lands lying between the open Marsh Lands of *Richard Oldroyd* on the South Side of the Dam made under the Authority of the said last-mentioned Act, towards the South, and the said Northern Boundary Line drawn from the said *Terrington Marsh Corner* to the said *Skate*'s *Corner* as aforesaid towards the North, and between the several inclosed Marsh Lands in *Walpole* and *Terrington* aforesaid towards the East, and the several inclosed Marsh Lands in *Tid Saint Mary*'s and *Long Sutton*, otherwise *Sutton Saint Mary*'s aforesaid, towards the West, as the same are marked and designated on the said Plan of the said *Thomas Pear*, shall, from and immediately after the passing of this Act, belong to and be and remain vested in, and the same are hereby wholly and absolutely vested in the said Commissioners for executing this Act, and their Successors for ever, as Freehold of Inheritance in severalty, for the several Purposes of this Act; but subject nevertheless to, and the same are hereby wholly charged with all and singular the Costs and Expences of taking in and embanking all and singular the said open Grass and Samphire Marshes, bare Sands, Channel, and Lands, as well such Parts thereof as are hereby vested in the said Commissioners for executing this Act as last aforesaid, as also such

such Parts thereof as are hereby vested in His Majesty and the said several other Parties respectively as aforesaid, when and as from Time to Time it shall be practicable and proper to take in and embank the same Marshes, Sands, Channel, and Lands respectively, or any Part or Parts thereof as herein-after mentioned, (such Parts of the said last-mentioned Costs and Expences as are herein-after directed to be otherwise paid or provided for only excepted); and that the said Corporation Marsh Farm shall be and at all Times hereafter shall be deemed to lie and be situate in the several Parishes of *Tid Saint Giles* and *Tid Saint Mary*'s aforesaid, according to the Extent of the said Farm in the said last-mentioned Parishes respectively; and that all the said open Grass and Samphire Marshes, bare Sands, Channel, and Lands hereby vested in the said Commissioners for executing this Act, and their Successors, in severalty as aforesaid, shall be and at all Times hereafter shall be deemed to be extra-parochial.

Ownership of the Bedford Level Corporation in the said Marsh Farm, &c. to cease.

CLXXVII. And be it further enacted, That from and after the passing of this Act, all Right of Ownership or Property of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level*, and of the said Governor, Bailiffs, and Conservators respectively, of, in, and over the said Corporation Marsh Farm and Lands, open Marshes, Channel, and bare Sands, so hereby vested in His said Majesty and the said several other Parties herein-before respectively named, and of, in, and over the said *Kinderley's Cut*, and the Banks and Forelands thereof, and the several Works thereto belonging, and of, in, and over the Rents, Revenues, Tolls, Profits, and Proceeds of the said Farm, Lands, Marshes, Channel, Sands, Cut, Banks, Forelands, and Works, and every of them, shall, from and after the passing of this Act, cease, determine, and be at an end.

Plans to be deposited.

CLXXVIII. And be it further enacted, That the said Plan of the said *Thomas Pear*, so made by him as aforesaid, shall, as soon as conveniently may be after the passing of this Act, be authenticated by the Signatures of the Commissioners of His Majesty's Woods and Forests, or any Two of them, and when so authenticated shall be deposited in the *Abbey House* at *Thorney*, in the Isle of *Ely* aforesaid, and shall be there kept at all Times under the Care of the Steward for the Time being of the Duke of *Bedford*, his Heirs or Assigns; and Two Copies of the said Plan shall, as soon as conveniently may be after the passing of this Act, be made by the said *Thomas Pear*, or by some other Person to be authorized for that Purpose by the said Commissioners for executing this Act, and shall also be severally authenticated by the Signatures of the said Commissioners of His Majesty's Woods and Forests, or any Two of them; and when so authenticated shall be severally deposited with the respective Clerks of the Peace for the County of *Norfolk*, and for the Parts of *Holland* in the County of *Lincoln*, or their respective Deputies, and shall be severally kept at all Times by the said respective Clerks of the Peace or their said respective Deputies, among the Records of their respective Offices; and the said Plan and Copies thereof, being so respectively authenticated and deposited as aforesaid, and each or either of them, shall and may be produced and received in Evidence in all Courts and Places whatsoever, and before all Judges, Justices, and Persons whomsoever, and shall and may be severally inspected at any Time or Times, at reasonable Hours, by

by any Person interested in any of the Marshes, Sands, or Lands which are or shall be or ought to be therein respectively described or designated, on Payment of Five Shillings for every Inspection thereof, and of Five Shillings more for every Hour occupied in such Inspection.

Surveyor to value the Marshes and Sands.

CLXXIX. And be it further enacted, That the said *Thomas Pear*, or some other competent Surveyor to be appointed by the said Commissioners for executing this Act, which other Surveyor the said Commissioners are hereby authorized from Time to Time to appoint, shall, as soon as conveniently may be after the passing of this Act, at the exclusive Costs and Charges of the said Commissioners, to be defrayed out of the Monies to be raised by them under the Authority of this Act, make an Estimate of the several Values of such and such Parts of the said several open Marshes, Sands, Channel, and Lands designated on the said Plan of the said *Thomas Pear*, as it shall be necessary to value for the Purpose of such Division and Allotment thereof as is herein directed, distinguishing the respective Values of the same and the several Parts thereof.

Surveyor to set out Roads and Allotments for Materials.

CLXXX. And be it further enacted, That the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, shall and he is hereby required, before he shall allot or set out the said open Marshes, Sands, Channel, and Lands respectively, and the respective Portions thereof, to or for any of the said several Parties in whom the same are hereby respectively vested as aforesaid, to appoint and set out all so much and such several Parts of the said Marshes, Sands, Channel, and Lands as he shall think necessary and proper, as and for public Roads and Highways to and from the said Marsh Farm, Marshes, Sands, Channel, and Lands, or any Part or Parts thereof, and to, from, and between the respective Allotments thereof, and to and from the respective present inclosed Marsh Lands and Sea Banks on each or either Side thereof, and to and from the several intended new Embankments or Sea Banks to be made under the Authority of this Act; and also so much and such several Parts of the same Marshes, Sands, Channel, and Lands as the said Surveyor shall from Time to Time deem to be sufficient as Allotments for producing Materials for the amending and repairing of the said several Roads and Highways, or any of them; and in allotting and setting out the said several Marshes, Sands, Channel, and Lands to and for the several Parties in whom the same and the respective Parts and Portions thereof are hereby respectively vested as aforesaid, the necessary and proportionate Deductions shall be made therefrom respectively for and in respect of the said several Roads and Highways, and the said several Allotments for Materials to be so respectively set out as aforesaid.

Surveyor to set out Allotments.

CLXXXI. And be it further enacted, That after appointing and setting out such several Roads and Highways and Allotments for Materials as aforesaid, the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, shall and he is hereby required to set out and allot unto and for the said President and Governors of *Guy*'s Hospital, the said *Samuel Long*, the said Lords of Manors and Owners of ancient commonable Messuages and Tofts of ancient commonable Messuages in the said several Parishes of *Walpole Saint Peter*'s and *Walpole Saint Andrew*'s, the Heirs of the said *Henry Hare Townsend* deceased, the said Lords of Manors and Owners of ancient commonable Messuages and Tofts of ancient

commonable

commonable Messuages in the said several Parishes of *Terrington Saint Clement*'s and *Terrington Saint John*'s, and the said *George William Pierrepont Bentinck* respectively, or unto and for their respective Heirs, Successors, or Assigns, separate and distinct Allotments, Parts or Parcels of the said several open Marshes, Sands, Channel, and Lands, according to the respective Parts, Shares, and Portions thereof herein-before vested in and directed to be allotted to them respectively in severalty as aforesaid, in such several Places and in such Manner as are herein respectively directed; and in the several Cases wherein the same are not herein respectively directed, then in such several Places and in such Manner as the said *Thomas Pear*, or such other Surveyor as aforesaid, shall think just and equitable, having due regard as well to the Quantity, Quality, and Situation of the said several Parts, Shares, and Portions, and the Benefit of the said several Parties in whom the same are hereby respectively vested as aforesaid, as also to every other Circumstance affecting the true Values and Situations thereof respectively, or the reasonable Claims and Interests of the said several Parties to and in the same respectively.

One Sixth Part to be allotted to the King, as the Sands are embanked.

CLXXXII. Provided always, and be it further enacted, That the Sixth Part of the said bare Sands so hereby vested in His said Majesty, His Heirs and Successors, as aforesaid, shall from Time to Time, when and as the said Sands shall be from Time to Time embanked from the Sea, be allotted and set out to the Satisfaction of His Majesty's Surveyors, or other Officers duly authorized to act in that Behalf, from and out of and in proportion to the whole Quantity of the bare Sands marked and designated on the said Plan of the said *Thomas Pear* which shall be from Time to Time so embanked from the Sea as aforesaid.

Surveyor not authorized to sub-divide the Lords and Commoners Allotments.

CLXXXIII. Provided also, and be it further enacted, That this Act or any thing herein contained shall not extend to authorize the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, to sub-divide or apportion the said Marshes and Sands so hereby vested in the said Lords of Manors and Owners of commonable Messuages and Tofts of commonable Messuages in *Walpole Saint Peter*'s, *Walpole Saint Andrew*'s, *Terrington Saint Clement*'s, and *Terrington Saint John's* aforesaid, or any Part thereof, between and amongst the said Lords of Manors and Owners of Messuages and Tofts respectively, or any of them, in severalty.

Power for Parties to exchange Allotments.

CLXXXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and for the said several Bodies, Persons, and Parties for the Time being respectively interested in the said open Marshes, Sands, Channel, and Lands to be so respectively allotted and set out as aforesaid, or in any Part or Parts thereof, or any of them, either before or after the same Marshes, Sands, Channel, and Lands shall be respectively allotted and set out by the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, to exchange with the others of the said several Persons, Bodies, and Parties, and the said Commissioners, or any of them, the said several Parts, Shares, and Portions of the said Marshes, Sands, Channel, and Lands hereby directed to be allotted and set out to and for them respectively as aforesaid, or any of them, or any Part or Parts thereof respectively; and the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, in allotting and setting out the said Marshes, Sands, Channel, and Lands, and the respective Parts, Shares, and

Portions thereof as aforesaid, shall have due regard to every such Exchange which shall have been so made before the Allotment or setting out thereof as aforesaid, and shall allot and set out the same Marshes, Sands, Channel, and Lands, and the said respective Parts, Shares, and Portions thereof accordingly; and the same shall be respectively held and possessed, and go, remain, and be at all Times unto, for, and upon the same Uses, Trusts, Estates, and Interests, and under the same Titles, and be subject to the same Limitations and Charges in all respects, as the several Parts, Shares, and Portions of the said several Commissioners, Bodies, Persons, and Parties respectively, of and in the said several Marshes, Sands, Channel, and Lands, under the Provisions of this Act, would respectively be held and possessed, and go, remain, and be unto, for, upon, under, and subject to, in case such respective Exchanges had not been respectively made.

The Sands and Marshes to be marked by Boundary Stones.

CLXXXV. And be it further enacted, That the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, shall as soon as conveniently may be after the passing of this Act, as the Costs and Charges of the said Commissioners for executing this Act, to be defrayed out of the Monies to be raised by them under the Authority of this Act, cause the now-existing bare Sands from *Kinderley's Cut* aforesaid to the aforesaid Northern Boundary Line, to be set out and bounded with Stones, or other substantial Marks or Abuttals, so as at all Times to ascertain and distinguish the same from the now-existing open Grass and Samphire Marshes adjoining the same respectively, and shall in the Plan to be annexed to his Award, or several Awards to be made by him as herein-after mentioned, mark or distinguish the Boundary Lines between the said bare Sands and the said Grass and Samphire Marshes, and the Situations of the said several Boundary Stones, Marks, or Abuttals respectively.

The Surveyor to make an Award.

CLXXXVI. And be it further enacted, That the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, shall, within Twelve Calendar Months next after the Completion of the said several Allotments to be respectively made by him as aforesaid, or any of them, from Time to Time, at the Costs and Charges of the said Commissioners for executing this Act, to be defrayed out of the Monies to be raised by them under the Authority of this Act, draw up, make, and execute an Award, or several Awards in Writing, under his Hand and Seal; which said Award or several Awards shall express and specify the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Open Marshes, Sands, Channel, and Lands comprised within the Operation of this Act as aforesaid, and the Quantity contained in each and every Allotment thereof to be made or set out to or for the said Parties respectively, in whom the same are hereby respectively vested, or any of them, and also a Description of the several Situations and Boundaries of the said respective Allotments, and also a Description of the several Roads and Highways, which shall have been set out by the said Surveyor as aforesaid, and of the respective Quantities thereof, and of the several Parcels of Land which shall have been set out by the said Surveyor for procuring Materials for the repairing of the said several Roads and Highways, and of the respective Quantities thereof, and which said Award or several Awards shall contain all such other Matters concerning the Premises as the said Surveyor shall judge proper and necessary to be inserted therein according to the true Meaning of this Act; and such Surveyor shall annex to the said Award or several Awards a Plan or Plans,

Plans, describing the said Marshes, Sands, Channel, and Lands which shall from Time to Time be so allotted or set out as aforesaid, and the said several Allotments thereof, and the said several Roads and Highways and Allotments for Materials; and the said Surveyor shall cause attested Copies of the same Award or Plan, or several Awards and Plans, to be deposited, within the Space of Six Calendar Months next after the same shall have been respectively executed by him, at the Offices of the several Clerks of the Peace for the County of *Norfolk*, and for the Parts of *Holland* in the County of *Lincoln*; and the said Award and Plan, or several Awards and Plans, shall be deposited in the said *Abbey House* at *Thorney* aforesaid, under the Care of the Steward for the Time being of the said Duke of *Bedford*, his Heirs or Assigns; and such Award and Plan, or several Awards and Plans, and the said respective attested Copies thereof, shall and may be inspected at all seasonable Times by any Person whomsoever interested in the said open Marshes, Sands, Channel, and Lands, or any Part thereof, on Payment of the Sum of Five Shillings for every such Inspection, and Five Shillings more for every Hour employed in such Inspection; and the said several attested Copies, or any other attested Copy of the said Award and Plan, or several Awards and Plans, or of any Part thereof, shall and may at all Times be read and admitted in Evidence in all Courts and Places whatsoever; and the said respective Clerks of the Peace, or their respective Deputies, shall and they are hereby severally required to make and deliver a Copy of the said Award and Plan, or several Awards and Plans, or of any Part thereof, to any Person desiring the same, on receiving for every such Copy after the Rate of Sixpence for every Seventy-two Words contained therein.

In Cases of Dissatisfaction with the Acts of the Surveyor, the Parties interested may refer the same.

CLXXXVII. And be it further enacted, That if the Surveyors or other Officers of His said Majesty, His Heirs or Successors, authorized to act in that Behalf, or if any other of the said several Parties to or for whom any such Part, Share, or Portion of the said open Marshes, Sands, Channel, or Lands shall be allotted or set out by the said *Thomas Pear*, or such other Surveyor to be so appointed as aforesaid, or the said Commissioners for executing this Act, or their said Committee, shall be dissatisfied with any Allotment, or Road or Highway, to be made or set out by the said *Thomas Pear*, or such other Surveyor as aforesaid, under the Authority of this Act, or with any other Act of the said *Thomas Pear*, or such other Surveyor as aforesaid, in the Execution of his Office as such Surveyor, or with any Award to be made by him, or any Part thereof, and of such Dissatisfaction shall give Notice in Writing, as well to the said *Thomas Pear*, or such other Surveyor to be appointed as aforesaid, and to the said Commissioners for executing this Act, as also to the other Party or several other Parties interested in the Question upon which such Dissatisfaction shall arise, within Six Calendar Months next after the Cause of such Dissatisfaction shall have arisen, then and in such Case, unless the several Parties for the Time being interested in the Matter in Difference shall mutually agree to adjust and determine the same (which they are hereby respectively authorized to do), the said Matter in Difference shall be referred to Two indifferent Persons as Referees, One of them to be chosen by the Party who shall be so dissatisfied as aforesaid, and the other of them to be chosen by the said Commissioners for executing this Act; and in case such Referees shall not wholly agree upon the said Matter in Difference which shall be so referred to them as aforesaid, then the said

Matter

Matter, or so much thereof respecting which they shall disagree, shall be referred by them to some Third Person as an Umpire; and the Determination of the said *Thomas Pear*, or of such other Surveyor to be appointed as aforesaid, touching the several Matters hereby authorized to be done by him, in all Cases where no such Reference as aforesaid shall be made or required within the Time foresaid, and of the said Referees or Umpire, as the Case may be, touching all such and so much of the said several Matters as shall be referred to them respectively as aforesaid, shall be respectively binding and conclusive upon and against the said Commissioners, and all Bodies, Persons, and Parties whatsoever.

Allotments to be free from Claims of other Parties.

CLXXXVIII. And be it further enacted, That as well the said respective Parts, Shares, and Portions of the said several open Marshes, Sands, Channel, and Lands which are hereby respectively vested in His said Majesty, and the said several other Parties herein respectively named as aforesaid, as also the Entirety of the said Corporation Marsh Farm, and all the said Rest, Residue, and Remainder of the same several open Marshes, Sands, Channel, and Lands, which are hereby vested in the said Commissioners for executing this Act as aforesaid, are and shall be respectively vested in His said Majesty, and in the said several other Parties and Commissioners respectively, and their several Heirs, Successors, and Assigns, and shall be held, possessed, and enjoyed by them respectively, in lieu and by way of Satisfaction of and in full for all and singular their respective Rights, Titles, Interests, Claims, and Demands whatsoever, of, in, to, or out of the several other Parts, Shares, and Portions of the same open Marshes, Sands, Channel, and Lands respectively, or any of them, or any Part thereof respectively, and freed and absolutely discharged from all Rights, Titles, Interests, Claims, and Demands whatsoever which can or may be at any Time hereafter had, set up, or claimed, to, in, or out of the same respectively, or any Part thereof, by or on the Part of any other of the said several Parties, or by or on the Part of any Person or Persons claiming or to claim by, from, or under them respectively.

Allotments to be held by the same Titles as the old Estates.

CLXXXIX. Provided always, and be it further enacted, That, notwithstanding anything in this Act contained to the contrary, the said respective Parts, Shares, and Portions of the said several open Marshes, Sands, Channel, and Lands so hereby vested in the said President and Governors of *Guy*'s Hospital, the said *Samuel Long*, and *George William Pierrepont Bentinck*, and the Heirs of the said late *Henry Hare Townsend*, respectively as aforesaid, shall henceforth be respectively held, possessed, and enjoyed by them respectively, and their respective Heirs, Successors, and Assigns, by and under the same respective Titles, and shall be subject to such and the same respective Uses, Trusts, Estates, Interests, Limitations, and Charges, as the said contiguous inclosed Marsh Lands, of the said President and Governors of *Guy*'s Hospital, of the said *Samuel Long*, and *George William Pierrepont Bentinck*, and of the Heirs of the said late *Henry Hare Townsend*, respectively are or shall be held by and under, and are or shall be subject to respectively; and the said respective Parts, Shares, and Portions of the said several open Marshes, Sands, Channel, and Lands so hereby vested in the said Lords of Manors and Owners of ancient commonable Messuages and Tofts of ancient commonable Messuages in the said several Parishes of *Walpole Saint Peter*'s, *Walpole Saint Andrew*'s, *Terrington Saint Clement*'s, and *Terrington Saint John*'s, respectively as aforesaid, shall henceforth

forth be respectively held, possessed, and enjoyed by them respectively, and their respective Heirs, Successors, and Assigns, by and under the same respective Titles and Tenures, and shall be subject to such and the same respective Uses, Estates, Interests, Limitations, and Charges, as the Right or Ownership of the Soil of the several common and waste Lands in the said last-mentioned Parishes respectively, and the several ancient commonable Messuages and Tofts of ancient commonable Messuages in the said last-mentioned Parishes respectively, are or shall be respectively held by and under, and are or shall be subject to respectively.

Allotments to the King to be inclosed by the Commissioners.

CXC. And be it further enacted, That the said Commissioners for executing this Act shall, at their own proper Costs and Charges, to be defrayed out of the Monies to be raised by them under the Authority of this Act, cause the said respective Parts and Portions of the said Sands and Channel which shall be so respectively allotted and set out to and for His said Majesty as aforesaid, to be respectively inclosed and divided from the other Parts of the said Sands and Channel, by Ditches of sufficient Depth and Width, to the Satisfaction of His Majesty's Surveyors, or other Officers duly authorized to act in that Behalf.

Ownership of the Soil of Banks and Forelands on Guy's Hospital Marshes to belong to the Hospital.

CXCI. And be it further enacted, That notwithstanding any thing in this Act contained to the contrary, the Ownership and Property of the Soil and Herbage of so much of the Banks and Forelands of the said intended New Cut or Channel as shall by virtue of this Act be made within, upon, or through any of the Marshes or Lands belonging to or hereby vested in the said President and Governors of *Guy*'s Hospital, shall, for all Purposes whatsoever other than the Purposes of this Act, remain and be vested in the said President and Governors, and their Successors and Assigns for ever; but that the said Commissioners for executing this Act, on Payment by them to the said President and Governors of such Compensation or Satisfaction as is by this Act provided in Cases of the like Nature, for the Damage and Injury which shall be done to the Soil and Site of the said last-mentioned Banks and Forelands, by the making of the same Banks and Forelands, and the Execution of the Works authorized by this Act, at the Rate of One equal Half Part of the Value of such Soil and Site in Perpetuity, shall have full Liberty and Power, at all Times, by themselves, their Agents, Officers, and Servants, and with or without Horses, Cattle, Carriages, Implements, and Materials, to go and pass to, along, and from the said last-mentioned Banks and Forelands, and every Part thereof, for the Purposes of maintaining, repairing, enlarging, or amending the same, or any Part thereof, and of carrying and depositing Implements and Materials thereon and therefrom, and for any other of the Works and Purposes authorized by this Act; and that it shall be lawful for all other Persons whomsoever to go or pass along and upon, and to use the said last-mentioned Banks and Forelands, or any of them, in such and the same Manner, and for such and the same Purposes, as they are severally by this Act authorized to go or pass along or upon, or to use any other of the Banks or Forelands of the said intended New Cut or Channel, or of the said *Kinderley's Cut*, but no further or otherwise.

Buildings not to be erected so as to impede

CXCII. Provided always, and be it further enacted, That it shall not be lawful for the said President and Governors of *Guy*'s Hospital, their Successors or Assigns, or for any Person acting under the Authority of them or

Drainage or Navigation, nor the Banks to be injured.

or any of them, or for any other Person whomsoever, to erect or place, or cause or suffer to be erected or placed, any Tenement, Building, or Erection whatsoever upon the said last-mentioned Banks of the said intended New Cut or Channel, or any Part thereof, so as to endanger the Security of the said Banks, or to diminish the Waterway between the same, or to impede the Drainage or Navigation through or by the said New Cut or Channel, or the Passage of the Waters along the same, or along the Forelands thereof, or the Haling upon the said Banks and Forelands; and that the said President and Governors, their Successors or Assigns, shall not, nor shall any Person under their Authority, or any other Person, at any Time break, dig, plough, reduce, or injure the said last-mentioned Banks and Forelands, or any of them, or the Sward thereof, nor stock or depasture, or permit to be stocked or depastured, the same or any Part thereof with any Beast or Cattle, except only Sheep and Lambs.

Commissioners to protect the Lower Entrance of the Cut, and the adjoining Lands, and to make Tunnels for Guy's Hospital Estate.

CXCIII. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby required, under the Direction of the Engineer to be employed by them, and at their own Costs and Charges, to be defrayed out of the Monies to be raised by them under the Authority of this Act, to cause the intended Lower Entrance of the said New Cut or Channel near to *Crabhole* aforesaid to be sufficiently protected from the Violence of the Sea, by Stone and Jetty Work to be made and placed on each Side of the said Entrance, and to cause the Sea Bank from the said intended Entrance towards and unto a certain Sluice called *Lutton Leam Sluice* to be enlarged and made of sufficient Dimensions and Strength for the Protection of the adjoining inclosed Marsh Lands lying on the West Side thereof from the Violence of the Sea, and to cause the Banks of the said New Cut or Channel to be made and completed before the upland or tidal Waters shall be admitted into the same, and before any of the present Sea Banks of the said last-mentioned Marsh Lands shall be cut or broken by or under their Authority; and the said Commissioners shall also and they are hereby required, at their own Costs and Charges, to be defrayed as aforesaid, to cause One Sluice or Tunnel in the East Bank, and One or more Sluice or Tunnel, or Sluices or Tunnels, not exceeding Two, in the West Bank of the said intended New Cut or Channel, to be made for the Purpose as well of admitting as of discharging Water into and from the said inclosed Marsh Lands of the said President and Governors of *Guy*'s Hospital lying on each Side of the Line of the said New Cut or Channel from and into the same Cut or Channel; and that such several last-mentioned Sluices or Tunnels shall be at all Times under the Controul and Management of the said President and Governors, their Successors and Assigns, and shall be maintained and repaired at all Times by them, and at their sole Costs and Charges.

Commissioners not to take Earth from Guy's Hospital Lands, except in convenient Places to be set out.

CXCIV. And be it further enacted, That it shall not be lawful for the said Commissioners for executing this Act to take any Earth, Soil, or Materials from the present inclosed Marsh Lands of the said President and Governors of *Guy*'s Hospital for any of the Purposes of this Act, except only in such convenient Places and Parts of the said last-mentioned Lands as shall be reasonably set out and allotted by the said President and Governors, or their Agent, upon being paid such Compensation or Satisfaction for the same as is by this Act provided in Cases of the like Nature; nor to take or convert to their own Use any Piece or Pieces of

Timber heretofore placed or deposited by or for the Use of the said President and Governors within the Line of the said intended New Cut or Channel, which shall be found and taken up in excavating or making the same, but that all such last-mentioned Pieces of Timber shall be removed and placed at a convenient Distance for the Use of the said President and Governors without any Compensation to be made by them to the said Commissioners for the same.

Provision as to Enjoyment of Mr. Townsend's Marsh.

CXCV. And be it further enacted, That until the said open Grass Marshes and bare Sands, lying in front of the said inclosed Marsh Lands late of the said *Henry Hare Townsend* deceased, shall be embanked or otherwise protected from the Sea, the Right of feeding and depasturing the said last-mentioned Marshes and Sands between the said inclosed Marsh Lands and the said *Tid* and *Newton* Line shall be wholly and absolutely held and enjoyed by the Heirs and Assigns of the said *Henry Hare Townsend*, according to their Estate and Interest therein, subject nevertheless to the Payment of the yearly Sum of Ten Pounds, to be issuing and payable out of the same to the said Commissioners for executing this Act, as and in the Nature of a yearly Rent-charge, until the said last-mentioned Marshes and Sands shall be so embanked or protected as aforesaid; and to be recovered by the said Commissioners from and out of the said last-mentioned Marshes and Sands, in the same Manner as Rents reserved upon common Demises may by Law be recovered.

Provision as to Enjoyment of Mr. Bentinck's Marsh and Sands until Embankment, and as to Expences of embanking the same.

CXCVI. And be it further enacted, That until the said open Grass and Samphire Marshes lying between the said present inclosed Marsh Lands of the said *George William Pierrepont Bentinck* and the said bare Sands shall be embanked from the Sea, the Right of feeding and depasturing the said last-mentioned Marshes and Sands shall be held and enjoyed by the said *George William Pierrepont Bentinck*, his Heirs and Assigns, and in the meantime it shall not be lawful for the said Commissioners for executing this Act to stock, feed, depasture, or dispose of the said last-mentioned Marshes and Sands, or any of them; and in case the said *George William Pierrepont Bentinck*, his Heirs or Assigns, at any Time before the said last-mentioned Marshes shall be embanked from the Sea by the said Commissioners under the Authority of this Act, shall be desirous of embanking the same, or any Part thereof, from the Sea, it shall be lawful for him or them so to do, and to pay the Costs and Expences attending such Embankment, he or they first obtaining a written Estimate and Report from Two Engineers (one of them to be appointed by the said *George William Pierrepont Bentinck*, his Heirs or Assigns, and the other of them to be appointed by the said Commissioners), or from an Umpire (to be appointed by such Engineers before they shall proceed to make such Estimate), of the Costs and Expences of so much of such Embankment to be made by him the said *George William Pierrepont Bentinck*, his Heirs or Assigns, as will extend along the aforesaid Northern Boundary Line, and delivering such Estimate and Report to the said Commissioners or their Clerk; and that upon the said *George William Pierrepont Bentinck*, his Heirs or Assigns, obtaining and delivering such Estimate and Report as aforesaid, and proceeding to make such last-mentioned Embankment as aforesaid, according to the Specifications and Directions to be therein contained, the Amount to be specified in such Estimate of making so much of such last-mentioned Embankment as will extend along the said Northern

Northern Boundary Line shall be paid by the said Commissioners, out of the Monies to be raised by them under the Authority of this Act, to the said *George William Pierrepont Bentinck*, his Executors, Administrators, or Assigns, at the Expiration of Twelve Calendar Months next after the said Commissioners shall have begun to embank from the Sea the Remainder of the said last-mentioned open Grass and Samphire Marshes and bare Sands lying between the said present inclosed Marsh Lands of the said *George William Pierrepont Bentinck* and the aforesaid Mid-channel Line, and such last-mentioned Costs and Expences shall be a Charge upon the several Funds of the said Commissioners to be raised by them under the Authority of this Act.

Commissioners not to take Earth from Mr. Bentinck's Marshes without his Consent.

CXCVII. And be it further enacted, That notwithstanding any thing in this Act contained to the contrary, it shall not be lawful for the said Commissioners for executing this Act to take any Earth, Soil, Sods, or Materials from any Part of the open Grass or Samphire Marshes so hereby vested in severalty in the said *George William Pierrepont Bentinck* as aforesaid, nor within the Distance of Two hundred Yards from any Sea or Security Bank belonging to the said *George William Pierrepont Bentinck*, nor within the Distance of Two hundred Yards from the Base of the intended Embankment of the said Marshes and Sands along the aforesaid Northern Boundary Line thereof, when such last Embankment shall have been made and completed.

Power for Mr. Bentinck to nominate a Commissioner for the Embankment of his Marshes and Sands.

CXCVIII. And be it further enacted, That it shall and may be lawful for the said *George William Pierrepont Bentinck*, his Heirs and Assigns, from Time to Time to nominate One Person to be a Commissioner, jointly with the said Commissioners for executing this Act, for the Purpose of acting and assisting in the Proceedings of the said Commissioners for the Embankment from the Sea of the said Marshes, Sands, and Channels lying in Front of the said present inclosed Marsh Lands of the said *George William Pierrepont Bentinck*, when such Embankment shall take place under the Powers and Provisions of this Act; and such Person to be so from Time to Time nominated as aforesaid (his Nomination being certified in the Manner herein-before directed as to other Persons nominated and elected to be Commissioners for executing this Act) shall be and he is hereby appointed a Commissioner for executing this Act, for the Purposes only of such last-mentioned Embankment, until some other Person shall in like Manner be nominated and certified in his Place.

Provision as to the Enjoyment of the Common Marshes and Sands in Terrington, and Expences of embanking the same.

CXCIX. And be it further enacted, That until the said intended New Cut or Channel to be made under the Authority of this Act shall be made and completed from the intended Termination thereof at or near to *Crabhole* aforesaid, upwards to the Site of the said intended *Cross Keys Bridge*, the Right of feeding and depasturing the said open Grass Marshes, as well present as to be acquired, lying in front of the said inclosed Common Marsh Lands in *Terrington* aforesaid, shall be held and enjoyed by the Owners of ancient commonable Messuages and Tofts of ancient commonable Messuages in the several Parishes of *Terrington Saint Clement*'s and *Terrington Saint John*'s aforesaid, for the Time being, in such and the same Manner as they do now hold and enjoy the same; and when and so soon as the said intended New Cut or Channel shall be made and completed from and to the said several Points or Places last above-mentioned, and

until

until the same last-mentioned open Grass Marshes shall be embanked or protected from the Sea, the Herbage of the said last-mentioned open Grass Marshes, as well present as to be acquired, and the Right of feeding and depasturing the same, shall be yearly or otherwise, and in such Manner as shall from Time to Time be agreed upon between the Owners for the Time being of the said last-mentioned commonable Messuages and Tofts, or of the greater Number of them, and the said Commissioners for executing this Act, be let for the best Rent or Rents that can be obtained for the same, for their mutual and equal Benefit; that is to say, One equal Moiety of such Rents to be received by and divided amongst the said last-mentioned Owners of commonable Messuages and Tofts for the Time being, according and in proportion to the Number of such commonable Messuages and Tofts belonging to them respectively; and the other Moiety of such Rents to be received by the said Commissioners for executing this Act, and to be applied by them for the Purposes of this Act; and when the said last-mentioned Marshes, and the adjoining Samphire Marshes and bare Sands lying in front of the said inclosed Common Marsh Lands in *Terrington* aforesaid shall be embanked from the Sea by the said Commissioners under the Powers and Authorities of this Act, the Owners for the Time being of the said last-mentioned commonable Messuages and Tofts shall pay to the said Commissioners One equal Half Part of the Costs and Expences of so embanking the said several last-mentioned Grass and Samphire Marshes and bare Sands from the Sea as aforesaid, or of the proportionate Costs and Expences of so embanking the same, if the same shall be embanked from the Sea at the same Time with any other Marshes or Sands; and the said Moiety of such Costs and Expences shall be a Charge upon the Part or Portion of the said Marshes and Sands so hereby vested in the said Lords of Manors and Owners of commonable Messuages and Tofts in the said several Parishes of *Terrington St. Clement*'s *and Terrington St. John*'s as aforesaid.

Provision as to the future Enjoyment of Allotments to Lords and Commoners of Walpole and Terrington.

CC. And be it further enacted, That the said respective Parts, Shares, and Portions of the said several open Marshes and Sands so hereby vested in the said Lords of Manors and Owners of commonable Messuages and Tofts of commonable Messuages in the several Parishes of *Walpole Saint Peter*'s and *Walpole Saint Andrew*'s aforesaid, shall from and immediately after the passing of this Act, and the said respective Parts, Shares, and Portions of the said several open Marshes and Sands so hereby vested in the said Lords of Manors and Owners of commonable Messuages and Tofts of commonable Messuages in the several Parishes of *Terrington Saint Clement*'s and *Terrington Saint John*'s aforesaid, shall, when and so soon as they shall be embanked or protected from the Sea under the Provisions of this Act, be respectively let together or in Parcels, by Auction or otherwise, for the Purpose of stocking, feeding, and depasturing the same with Cattle, and for no other Purpose, yearly, at such respective Times and in such Manner as shall from Time to Time be agreed and determined upon between and by the Owners for the Time being of the several commonable Messuages and Tofts of commonable Messuages entitled to the said several last-mentioned Parts, Shares, and Portions respectively, or to the Herbage thereof, or the Owners for the Time being of the greater Number of such Messuages and Tofts respectively present at any Meeting or Meetings to be called from Time to Time for that Purpose, and of which said Meeting or Meetings Seven Days previous Notice in Writing shall

have been given on the Church Door or Doors of the said several Parishes of *Walpole Saint Peter*'s, *Walpole Saint Andrew*'s, and *Terrington Saint Clement*'s and *Terrington Saint John*'s respectively, as the Case may be, for the best Rents that can be respectively obtained for the same, for the mutual Benefit of such several Owners respectively, and the clear Amount of such several Rents, after Payment of all Costs and Expences incident to the Letting and Management of the said several last-mentioned Marshes and Sands respectively, shall be yearly received and divided by and amongst the Owners for the Time being of the said several ancient commonable Messuages and Tofts of ancient commonable Messuages, according and in proportion to the Number of such several commonable Messuages and Tofts belonging to them respectively, but without prejudice nevertheless to the Rights of the said several Lords of Manors to the Soil of the said last-mentioned Marshes and Sands respectively.

Right of Drainage reserved to the Proprietors and Occupiers of the inclosed Marsh Lands.

CCI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons now entitled to drain or discharge the Waters from their several present inclosed Marsh Lands lying on the East, South, and West Sides of the said open Marshes and Sands respectively so intended to be embanked under the Authority of this Act as aforesaid, into the said Bay or Estuary called *Sutton Wash*, from continuing to drain and discharge the said Waters by the present or any other Sluices and Tunnels in the Sea Banks of the said present inclosed Marsh Lands, or any of them, into and through the said present open Marshes and Sands, and thereby to Sea; and the said Commissioners for executing this Act shall at their own Costs, to be defrayed out of the Rates herein-after authorized to be charged upon the said open Marshes, Channels, and Sands, make and provide such convenient Drains, Sluices, Tunnels, and Outlets, in and through the said open Marshes and Sands, when and as the same shall be from Time to Time respectively embanked from the Sea, and in and through the Sea Banks thereof, and the Banks of the said intended New Cut or Channel, as shall be necessary for securing and preserving to the said several last-mentioned Persons a free and sufficient Drainage and Discharge of the Waters from the said present inclosed Marsh Lands through the said present open Marshes and Sands to Sea.

Power for the Commissioners to embank the Sands.

CCII. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby authorized and required, at such Times and Seasons as to them in their Discretion shall appear most advantageous and expedient, but at the exclusive Costs and Charges of the said Commissioners, to be levied, raised, and paid in the first instance, if necessary, by, with, and out of the several Rates, Taxes, and Sums of Money by this Act authorized to be charged and assessed upon the said Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, or by mortgaging the said Corporation Marsh Farm, open Marshes, Sands, Channel, and Lands hereby vested in the said Commissioners as aforesaid, or any Part or Parts thereof, to begin to take in and embank, and from Time to Time to proceed in taking in and embanking, by good and sufficient Banks and other Works, as well the said last-mentioned Marshes, Sands, Channel, and Lands, as also all and singular other the said open Marshes, Sands, Channel, and Lands lying between *Kinderley's*

Cut aforesaid and the aforesaid Northern Boundary Line drawn on the said Plan made by the said *Thomas Pear*, until the whole of the same several Marshes, Sands, Channel, and Lands, or all such Parts thereof respectively as can be advantageously taken in and embanked in the Judgment and Discretion of the said Commissioners, shall be so taken in and embanked as aforesaid, and that from Time to Time to make and execute all necessary Banks, Dams, Jetties, Forelands, Sluices, Tunnels, Drains, and other Works, and to join and connect the same or any of them to or with any of the present or future Sea Banks or other Banks, Drains or Works of the adjoining inclosed Marsh Lands, or any of them, and to make, do, and execute all such other Works as in the Judgment and Discretion of the said Commissioners shall be thought necessary or expedient, as well for promoting, accelerating, making, completing, repairing, and renewing any such Embankment of the said Marshes, Sands, Channel, and Lands, or any Part thereof, from Time to Time, and for securing and preserving the same Marshes, Sands, Channel, and Lands which shall from Time to Time be so taken in and embanked as aforesaid from Injury by the Sea Waters, or otherwise, as also for the Drainage and Benefit of the same Marshes, Sands, Channel, and Lands, and the Discharge of their Waters into the Sea.

Power for the Commissioners to sell and let the Sands.

CCIII. And be it further enacted, That the said Commissioners for executing this Act shall have full Power and Authority from Time to Time, and at such respective Times and Opportunities, and in such Portions and Parcels, and in such Manner as to them in their Discretion shall appear most advantageous and expedient, and either by public Auction or private Contract, to make sale and absolutely dispose of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in them the said Commissioners as aforesaid, or any Part or Parts thereof, either before or after the same shall respectively from Time to Time be so taken in and embanked as aforesaid, and shall have full Power and Authority to make and execute all proper and effectual Conveyances and Assurances of the same respectively, or of such Part or Parts thereof as shall from Time to Time be by them so sold and disposed of as aforesaid; and the several Receipts of the Treasurer or Treasurers of the said Commissioners for the Purchase Money or Monies arising by or from any such Sale or Disposal as aforesaid, or for any Part or Parts thereof, shall at all Times be sufficient and effectual Releases and Discharges to the several Purchasers of the said Premises, or of any Part or Parts thereof, for so much Money as in such Receipts respectively shall be acknowledged to be received; and in the meantime, until such Sale or respective Sales shall be made as aforesaid, it shall and may be lawful for the said Commissioners from Time to Time to let, set, and demise the same last-mentioned Marsh Farm, open Marshes, Sands, Channel, and Lands respectively, or the Part or Parts thereof from Time to Time remaining unsold, unto such Person or Persons, and for such Terms or Estates, and under such yearly or other Rents, and for such other Considerations, and subject to such Provisions and Conditions, as the said Commissioners in their Discretion shall from Time to Time think proper.

CCIV. And

The Rents of the Sands to be applied towards maintaining the Works.

CCIV. And be it further enacted, That the said Commissioners for executing this Act shall in the meantime, until such Sale or Sales of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in them as aforesaid, shall be made and completed as aforesaid, pay and apply the clear Rent, Issues, and Profits of the same respectively, or a competent Part of the same Rents, Issues, and Profits, in or towards the repairing, preserving, and maintaining from Time to Time of the said *Kinderley's Cut*, with the Banks and other Works thereto belonging, and of the said New Cut or Channel, with the Banks and other Works hereby authorized to be made, after the same or any of them, or any Part or Parts thereof respectively, shall have been made, executed, and completed.

Monies arising from the Sale of the Sands, and the intermediate Rents not required for Repairs, to be applied for the Purposes herein directed.

CCV. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby authorized and required to pay, apply, and dispose of the several Monies which shall from Time to Time arise or be produced by or from the Sale or Sales herein-before directed to be made of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby respectively vested in them as aforesaid, and also so much of the intermediate Rents, Issues, and Profits of the same respectively as shall not be required for the Purpose to which the said Rents, Issues, and Profits are herein-before made applicable, in the Manner following; that is to say, the said Commissioners shall, in the first place, thereout pay and discharge all and singular the Costs, Charges, Damages, and Expences which shall be by them from Time to Time incurred in or about the taking in and embanking from Time to Time of the said several open Marshes, Sands, Channel, and Lands between the said *Kinderley's Cut* and the said Northern Boundary Line as aforesaid, and every or any Part or Parts thereof, or in or about the making or executing of any Works connected with or incidental to such Embankment from Time to Time, and in or about the making and completing of any such Sale or Sales to be from Time to Time made of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in the said Commissioners as aforesaid, or of any Part or Parts thereof as aforesaid, or to be in anywise incidental to or occasioned by the same respectively; and shall, in the next place, thereout retain, reimburse, and repay to themselves, the said Commissioners, all such Sums of Money as shall have been from Time to Time raised and paid by means of the said last-mentioned Rates or Taxes for, in, or about the Execution of the several Works by this Act authorized to be made, done, and executed, over and above the said Sum of Forty-eight thousand Pounds herein-before mentioned, together with Interest for all such Sums of Money, not exceeding the Rate of Five Pounds *per Centum per Annum*, to be computed from the respective Times at which the same shall have been respectively raised and paid as aforesaid; and shall, in the next place, thereout retain, appropriate, set apart, and invest a clear Capital Sum or Fund of Thirty thousand Pounds of lawful Money of *Great Britain*, and pay, apply, and dispose of the same, and the Dividends, Interest, and Proceeds thereof, in the Manner hereinafter directed concerning the same; and shall, in the next place, thereout retain, reimburse, and repay to themselves, the said Commissioners for executing this Act, the Amount of all such Sums of Money as they the said Commissioners in the meantime, until such Appropriation and Investment shall be made of the said Sum of Thirty thousand Pounds as afore said,

said, shall from Time to Time have paid or expended in or about the repairing, maintaining, and preserving the said *Kinderley's Cut*, or the said New Cut or Channel, or any of the Banks or other Works thereto respectively belonging, over and above the Amount of the Rents, Issues, and Profits of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in the said Commissioners as aforesaid, from Time to Time remaining unsold as aforesaid, which shall have been from Time to Time received and applied by the said Commissioners for the same Purpose as is herein-before directed; and then shall divide and pay the ultimate Surplus (if any there shall be) of the said Monies to arise or be produced by or from such Sale or Sales as aforesaid, and of the said intermediate Rents, Issues, and Profits, between and unto all the said several Parties who shall have respectively contributed and raised the said several Sums of Three thousand Pounds, Thirty thousand Pounds, Fifteen thousand Pounds, Seven thousand Pounds, One thousand and seven hundred Pounds, Five hundred and fifty Pounds, Six hundred Pounds, and Forty-eight thousand Pounds herein-before authorized and required to be respectively raised and contributed by the said several Parties towards the Expences of making, executing, and completing the said New Cut or Channel, and other Works by this Act authorized to be made and executed as aforesaid, rateably and proportionably, according to the Amounts of the respective Contributions raised and paid by them respectively of or towards the said last-mentioned Sums; the respective Shares and Proportions of the said Surplus to be paid to the respective Bodies, Commissioners, and other Parties respectively herein-before authorized to levy and raise the same Contributions respectively, or to some Person or Persons to be by them respectively authorized to receive the same, and to be by them respectively applied, so far as the same will extend, in or towards lowering and reducing the several Rates, Charges, or Assessments, or redeeming the several Mortgages by them respectively charged, levied, assessed, or made by the Authority of this Act for the Purpose of raising the same Contributions respectively, or in or towards redeeming, paying off, discharging, lowering, or reducing any other public Rates, Taxes, Charges, or Debts charged upon, or due from, or payable by, the said several Bodies, Commissioners, and Parties respectively; and that the respective Receipts of any Three or more of the said Bodies, Commissioners, or other Parties or Persons entitled to receive back the said respective Contributions or Shares, or Proportions thereof as aforesaid, or of their respective Treasurers or Clerks, shall at all Times be good and sufficient Discharges to the said Commissioners for executing this Act, and their said Committee and Treasurer or Treasurers, and every one of them, for their respective Shares and Proportions of the said surplus Monies, or for so much thereof as in such several Receipts shall be respectively acknowledged to be received.

Application of the Money to be reimbursed to the Commissioners under the Act 27 G. 2.

CCVI. And be it further enacted, That all such Sums of Money as shall from Time to Time be reimbursed and repaid to the said Commissioners for executing this Act as is herein-before mentioned, shall, when and as the same shall from Time to Time be received by them the said Commissioners, be paid over by them to the said Commissioners acting under the Authority of the said recited Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second as aforesaid, and shall from Time to Time, when and as the same shall be received by the said

said last-mentioned Commissioners, be paid, applied, and disposed of by them in and for the Preservation and Improvement of the Drainage of the several Lands and Grounds upon which the several Rates or Taxes, over and beyond the said Sum of Forty-eight thousand Pounds, shall have been assessed, charged, or imposed under the Authority of this Act, in such Manner as the said last-mentioned Commissioners shall think most beneficial and proper.

Commissioners for Newborough, &c. not to vote for the Embankment of the Sands.

CCVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to be from Time to Time respectively appointed under the Authority of this Act for or in respect of the said Lands and Grounds in the said Parish of *Newborough*, or for or in respect of the said Lands and Grounds in the said respective Second and Fourth Districts of the said *North Level*, by this Act respectively made liable to the Payment of a limited Rate or Tax, or any of them, or for the Members of the Committee to be from Time to Time elected by the said last-mentioned Commissioners under the Authority of this Act, or any of them, to vote or act for, or in any Manner or at any Time to interfere in the embanking of the said shifting and bare Sands, or any of them, or any Part thereof respectively, or for or in the making, executing, repairing, renewing, maintaining, and supporting any of the Banks, Sluices, or other Works which shall from Time to Time be made or executed, or be thought necessary to be made, executed, repaired, renewed, maintained, or supported for the Embankment of the said shifting and bare Sands and Channel, and other open Marshes and bare Sands, or any of them, or any Part thereof, or for the Recovery or Preservation of the same from the Sea, or for the Division, Inclosure, or Appropriation thereof, or otherwise in relation thereto, nor for or in the Sale, letting, or other Disposal of the said Marsh Farm and Lands, shifting and bare Sands and Channel, and other open Marshes and bare Sands, or any of them, or any Part thereof, or the Payment, Application, or Disposal of any of the Monies which shall from Time to Time arise or be produced by or from any such Sale, letting, or other Disposal thereof as aforesaid; but that the several Orders, Resolutions, and Proceedings of the said Commissioners for executing this Act, or of their said Committee, touching or concerning the said Marsh Farm and Lands, shifting and bare Sands and Channel, and other open Marshes and bare Sands, or any of them, or touching or concerning any of the several Matters aforesaid in relation thereto, shall from Time to Time be made and determined by a Majority of the Commissioners or Members of the said Committee present at such Meetings respectively, exclusive of the said Commissioners and Members of the Committee to be so respectively appointed and elected as last aforesaid: Provided nevertheless, that the said last-mentioned Commissioners and Members of the said Committee respectively shall be and be considered to be a component Part of the respective Meetings at which any such Order or Resolution as last aforesaid shall be made or determined.

Commissioners to keep Accounts of their Receipts and Expendi-

CCVIII. And be it further enacted, That the said Commissioners for executing this Act, or their said Committee hereby appointed, shall from Time to Time keep and make out true and faithful Accounts and Particulars of all and every the Sum and Sums of Money which shall be by the said Commissioners, or their said Committee, or under the Authority of

of them, or either of them, from Time to Time received, possessed, expended, and paid for or on account of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in the said Commissioners as aforesaid, until the same shall be wholly sold and disposed of as aforesaid; and the said several Accounts, and the Particulars thereof, shall be yearly settled, allowed, and passed, and fairly entered in Two several Sets of Books at the same Times and in the same Manner, and the said several Sets of Books shall be kept and deposited with the same several Persons, and in the same several Places, and may be inspected and perused, and Extracts taken therefrom, upon the same Terms, and an Abstract of the said Accounts shall be yearly prepared and printed in the same Manner, and printed Copies thereof shall be yearly sent to and kept with the same several Persons, and the said Accounts shall be subject in all respects to the same Provisions and Directions which are hereinbefore severally expressed, declared, and contained of and concerning the several other yearly Accounts of the said Commissioners, and of their said Committee and Treasurers: Provided nevertheless, that the said Commissioners for executing this Act shall not at any Time or Times be responsible or accountable to any Body or Bodies, Person or Persons, or Party or Parties whomsoever, for or on account or in respect of, or in anywise touching or concerning their Management and Disposition of the same Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in them as aforesaid, or any Part or Parts thereof respectively, or the Discretion to be by them exercised in the Modes, Times, or Manner of embanking, selling, letting, or otherwise disposing of the same, or any Part or Parts thereof respectively, or for or on account of any Defect in any of the Banks, Drains, Sluices, Tunnels, or other Works to be made or executed for the taking in, embanking, or draining the same respectively, or any Part or Parts thereof, or for or on account of any supposed Insufficiency in the Amount of the Consideration Money or Monies to be accepted or taken, or agreed to be accepted or taken, by the said Commissioners or their said Committee, upon any such Sale or Lease thereof as aforesaid, or for or by reason or on account of any ultimate Deficiency in the said Monies to arise or be produced by or from the Sale of the said last-mentioned Marsh Farm, open Marshes, Sands, Channel, and Lands respectively, or by or from the intermediate Rents and Profits thereof, to answer the several Purposes to or for which the same or any of them are herein-before made applicable, or for or by reason of any accidental Loss to be incurred in the Disposal and Application of the said Monies, Rents, and Profits, or any of them, or of any Part or Parts thereof respectively.

Commissioners not responsible for Defects in Works, &c. or for Deficiency of Monies to be produced by Sale of Lands, &c. or for Losses in Disposal of Monies, &c.

CCIX. And be it further enacted, That the said Commissioners for executing this Act shall and they are hereby authorized and required to lay out and invest, in the Names of any Three or more of them, the said Sum of Thirty thousand Pounds so directed to be by them retained and appropriated out of the said Monies to arise or be produced by or from the Sale of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in them as aforesaid, when and as the same or any Part or Parts thereof shall from Time to Time be received and be applicable for such Purpose, in the Public Stocks or Funds of *Great Britain*, or at Interest upon Government or Real Securities; and the said Commissioners,

The Thirty thousand Pounds to be invested as a Fund for maintaining the Works.

sioners, or their said Committee, shall be at liberty to alter, vary, and transpose the same Stocks, Funds, and Securities, or any of them, and to call in the Monies invested in or upon the same respectively, or any Part thereof, and to lay out and invest the same again in or upon other Stocks, Funds, or Securities of the same or the like Nature, when and as occasion shall require, or the said Commissioners or their said Committee shall think proper; and the said Commissioners shall stand possessed of and interested in the said Sum of Thirty thousand Pounds, and the several Stocks, Funds, and Securities in or upon which the same or any Part or Parts thereof shall from Time to Time be invested, and the Interest, Dividends, and Annual Proceeds thereof, and all Accumulations of such Interest, Dividends, and Proceeds, in Trust, in the first Place as a Fund for the repairing, preserving, and maintaining from Time to Time, and at all Times thereafter, as well of the said *Kinderley's Cut*, with the Banks and other Works thereto belonging, as also of the said New Cut or Channel and other Works by this Act authorized to be made and executed as aforesaid, and respectively being vested in the said Commissioners from Time to Time; and subject and without prejudice to the Trust and Purposes aforesaid, in Trust as a Fund for the making and executing of such other Works and Improvements for the better Outfall and Discharge of the Waters of the said River *Nene*, as shall be from Time to Time by the said Commissioners thought necessary or expedient, and to and for no other Purpose whatsoever.

Expences of maintaining the Works, until Appropriation of the Thirty thousand Pounds, and which that Sum shall be deficient to answer, to be charged on the Lands in the North Level and Portsand.

CCX. And be it further enacted, That before and until the said Sum of Thirty thousand Pounds shall be so appropriated and invested as is herein-before mentioned and directed, all and singular the Costs, Charges, and Expences of supporting, maintaining, preserving, and repairing from Time to Time the said *Kinderley's Cut*, and the said New Cut or Channel respectively, with their respective Banks and other Works, or such Part of the same Costs, Charges, and Expences as the intermediate Rents and Profits of the said Marsh Farm, open Marshes, Sands, Channel, and Lands so hereby vested in the said Commissioners for executing this Act as aforesaid, until Sale thereof as aforesaid, shall from Time to Time be deficient to answer, shall be paid and defrayed by the said Commissioners by and out of the several Rates, Taxes, and Sums of Money to be from Time to Time assessed, rated, imposed, and charged by them upon the said several Lands and Grounds lying within the Boundaries of the said *North Level* and *Portsand* otherwise *Great Porsand*, under the Authority of this Act, subject nevertheless and liable to be reimbursed and paid out of the said Monies to arise from the Sale of the said Marsh Farm, open Marshes, Sands, Channel, and Lands, as is herein-before mentioned and provided; and from and after such Appropriation and Investment of the same Sum of Thirty thousand Pounds as aforesaid, all and singular such Costs, Charges, and Expences of supporting, maintaining, preserving, and repairing from Time to Time the said *Kinderley's Cut*, and the said New Cut or Channel respectively, with their respective Banks and other Works, which the said Sum of Thirty thousand Pounds, and the Stocks, Funds, and Securities in or upon which the same shall be invested, and the Dividends, Interest, and Proceeds thereof, shall from Time to Time be deficient or insufficient to answer, satisfy, and pay, shall be exclusively raised, levied, paid, and defrayed by the said Commissioners for executing this Act, by, with, and out of the said last-mentioned Rates, Taxes, and Sums of Money, without any Claim for the Repayment of

the same last-mentioned Costs, Charges, and Expences, or of any Part thereof, by any other Party or Parties whomsoever, and which said last-mentioned Rates, Taxes, and Sums of Money the said Commissioners for executing this Act are hereby authorized and required, at their several Yearly or other General Meetings, or any of them (at which any Forty or more of the same Commissioners shall be present), to assess, rate, tax, and charge upon all and singular the said Lands and Grounds lying within the Boundaries of the said Five several Districts or Divisions of the said *North Level* and *Portsand* otherwise *Great Porsand* (except only such of them as are herein-before excepted or exempted therefrom), in the Manner herein-before authorized in respect of the other Rates, Taxes, or Sums of Money to be so assessed, rated, taxed, or charged upon the same Lands and Grounds under the Authority of this Act as aforesaid, and with all and singular the same Powers, Authorities, Remedies, and Means of collecting, recovering, and receiving the same respectively.

Sea Banks to be vested in the Commissioners.

CCXI. And to the end that Provision may be made for the future Maintenance of the Sea Banks and Works belonging thereto, which shall from Time to Time be made or executed by the said Commissioners for executing this Act in taking in and embanking the said several open Marshes, Sands, Channel, and Lands to be so embanked from the Sea as aforesaid, and that as well the said *Kinderley's Cut* and the said New Cut or Channel intended to be made by the said Commissioners under the Authority of this Act, and the several Banks and Works thereto respectively belonging, as also the said open Marshes, Sands, Channel, and Lands, when the same shall from Time to Time be taken in and embanked as aforesaid, may be at all Times as far as possible protected against any Breach of or Damage to any of the said Sea Banks or Works belonging thereto, and any Irruption of the Sea Waters through or over the same; be it further enacted, That the said several Sea Banks which shall from Time to Time be made and executed by or under the Authority of the said Commissioners for executing this Act, and the several Forelands thereof, and Sluices, Tunnels, Drains, and other Works in or through the same, or connected therewith, or belonging thereto, shall from Time to Time and at all Times after the same shall be respectively made, executed, and completed, be fully and solely vested in the said Commissioners for executing this Act and their Successors, who shall from Time to Time and at all Times thereafter, by themselves or their said Committee, have the full Controul and Management of the same respectively, and of the future Maintenance, Support, Preservation, and Repair thereof, and all and singular the Costs, Charges, and Expences of maintaining, supporting, preserving, and repairing the said several Sea Banks, and the said several Forelands thereof, and Sluices, Tunnels, Drains, and other Works in or through the same, or connected therewith, or belonging thereto, after the same shall have so respectively been made, executed, and completed as aforesaid, shall from Time to Time and at all Times be paid and defrayed by the said Commissioners by, with, and out of the several Acre Rates and Taxes next herein-after authorized to be assessed, rated, taxed, and charged by the said Commissioners from Time to Time.

Power for Commissioners to

CCXII. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, assembled at any of their Yearly

charge the Sands when embanked with Acre Rates for the Repairs of the Sea Banks.

Yearly General Meetings to be holden in pursuance of this Act, (there not being less than Forty of the same Commissioners present at the same respective Meetings,) and they are hereby authorized and empowered, from Time to Time as Occasion shall require, when and after the said several open Marshes, Sands, Channel, and Lands to be so embanked from the Sea as aforesaid under the Authority of this Act, or any Part or Parts thereof, shall have been from Time to Time taken in and embanked as aforesaid, and the several Sea Banks and other Works necessary for embanking the same, and for excluding the Sea Waters therefrom, shall have been made, executed, and completed as aforesaid, to assess, rate, tax, and charge all and singular the Lands and Grounds lying within or being Part of the said Channel, Marshes, and Sands which shall from Time to Time be so taken in and embanked as aforesaid, (exeept the said Corporation Marsh Farm, and the said Forty Acres of Land adjoining thereto hereinbefore respectively mentioned, and also except the several Public or Common Banks and Forelands, and the several Roads and Ways, and the several Allotments for Materials for repairing the said Roads and Ways in the said several Marshes, Sands, Channel, and Lands respectively, and also except the said intended Embankment to be made by the said Company of Proprietors of the *Cross Keys Bridge*, and the Site and Base thereof,) and the several Owners and Occupiers of the same Lands and Grounds respectively (except as as aforesaid), by and with such equal Acre Rates or Taxes as shall from Time to Time in the Judgment of the said Commissioners be required for raising, defraying, and paying the several Costs, Charges, and Expences of maintaining, supporting, preserving, and repairing the said several Sea Banks, and the several Forelands thereof, and the said several Sluices, Tunnels, and other Works in or through the same, or connected therewith, or belonging thereto respectively, or any of them, or any Part or Parts thereof respectively, after the same shall have been respectively made, executed, and completed by or under the Direction of the said Commissioners as aforesaid, and of making and maintaining all such Sluices, Tunnels, Drains, and other Works as the said Commissioners shall from Time to Time think necessary or proper for discharging the Waters from the said several last-mentioned Lands and Grounds, or any of them, or from any of the contiguous inclosed Marsh Lands entitled to drain through the same to Sea, and also for satisfying the Costs and Charges of collecting and receiving, paying and applying the said several last-mentioned Acre Rates or Taxes, and every of them; and that all and singular the said last-mentioned Acre Rates or Taxes shall be paid, applied, and disposed of, by and under the Direction of the said Commissioners for executing this Act, in and for the several Purposes aforesaid, or such of them as shall from Time to Time be necessary.

Power of collecting the said Rates.

CCXIII. And be it further enacted, That the said several last-mentioned Acre Rates or Taxes shall be collected and received by a Collector or Collectors to be from Time to Time appointed by the said Commissioners for executing this Act, who are hereby respectively empowered to appoint such Collector or Collectors, and at pleasure to displace him or them, and to appoint another or others in his or their Place or Places, and to pay to such Collector or Collectors such Salary or Allowance as they shall think proper, out of the said last-mentioned Rates or Taxes.

CCXIV. And

Penalty on Nonpayment of the Rates.

CCXIV. And be it further enacted, That in case the Owners and Occupiers of the said last-mentioned Lands and Grounds, which shall be so assessed, rated, taxed, or charged as last aforesaid, shall neglect or fail to pay all or any such Rates or Taxes as shall from Time to Time be assessed, rated, taxed, or charged, or shall become due or payable, for or in respect of any of the said several last-mentioned Lands and Grounds under the Authority of this Act, to the Collector or Collectors, or other Person or Persons who shall be appointed by the said Commissioners for executing this Act to receive the same, at the Time and Place or several Times and Places to be appointed for that Purpose by the said Commissioners, the several Occupiers of the said several last-mentioned Lands and Grounds, in respect whereof such Neglect or Failure shall take place, shall forfeit and pay to the said Commissioners by way of a Penalty, over and above the said Rates or Taxes, the Sum of Three Shillings and Four-pence for every Twenty Shillings of the Amount of such Rates or Taxes which shall be unpaid at such Time and Place or several Times and Places as aforesaid, and so in proportion for any less Sum than Twenty Shillings; and every such Penalty shall be levied and recovered, and be paid, applied, and disposed of by the said Commissioners, in the same Manner as the said several last-mentioned Rates or Taxes are by this Act directed or authorized to be levied, recovered, paid, applied, and disposed of.

Power of Distress for unpaid Rates and Penalties.

CCXV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay or make default in the Payment of all or any Part or Parts of the said last-mentioned Rates or Taxes, or any Penalty or Penalties which shall have been incurred by reason of the Nonpayment thereof as aforesaid, it shall and may be lawful for any Collector or Collectors appointed by the said Commissioners for executing this Act, or for any other Person or Persons authorized by any Writing under the Hand of such Collector or Collectors, to enter into and upon all or any of the said Lands or Grounds so assessed, rated, taxed, or charged as last aforesaid, in respect of which such Refusal or Default shall have taken place as aforesaid, and all or any of the Houses, Buildings, or Tenements thereon standing or thereunto belonging, and to levy the Amount of such respective unpaid Rates or Taxes and Penalties last mentioned by Distress of the Goods and Chattels which shall be found on the said Premises; and in case a sufficient Distress cannot be found on the said Premises, then to levy the Amount of such respective unpaid Rates or Taxes and Penalties by Distress of the Goods and Chattels of the Person or Persons so refusing, neglecting, or making Default as aforesaid; and the several Goods and Chattels which shall have been seized or taken by any such Distress as aforesaid to impound on the Premises on which the same shall have been respectively taken, or to take, lead, drive, carry away, and impound elsewhere, and the same to detain and keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving on the respective Premises on which any such Distress shall have been taken as aforesaid a Notice in Writing of the Cause of such Distress; and if the Owner or Owners of the Goods and Chattels which shall have been so distrained as aforesaid shall not pay the Sum or Sums of Money for which such Distress shall have been taken, and all Charges attending such Distress, or replevy the said Goods and Chattels, within Five Days next after such Distress made, and Notice thereof left as aforesaid, the Person or Persons making such Distress

Distress shall and may, with the Sheriff or Under Sheriff of the County, Chief Bailiff or Deputy Chief Bailiff of the Isle, or Constable or Headborough of the Township, Parish, Hamlet, or Place where such Distress shall have been made (who are hereby respectively required to assist therein), cause the Goods and Chattels which shall have been so distrained as aforesaid to be appraised by Two or more indifferent Persons, who shall be sworn by such Sheriff, Under Sheriff, Chief Bailiff, Deputy Chief Bailiff, Constable or Headborough (who are hereby respectively empowered to administer the necessary Oath to them) to appraise the same according to the best of their Judgments, and after such Appraisement the Person or Persons making such Distress as aforesaid shall and may cause the said Goods and Chattels to be sold by public Auction or private Contract for the best Price that can be reasonably gotten for the same, for and towards Satisfaction of the Sum or Sums of Money for which such Distress shall have been so made as aforesaid, and the Charges of taking, impounding, keeping, appraising, and selling the said Goods and Chattels, leaving the Overplus of the Money arising or produced by such Distress and Sale (if any) in the Hands of such Sheriff, Under Sheriff, Chief Bailiff, Deputy Chief Bailiff, Constable or Headborough, for the Use of the Owner or Owners of the said Goods and Chattels.

The Lands to remain a Security for the Rates.

CCXVI. And be it further enacted, That in case any of the said last-mentioned Lands or Grounds shall at any Time hereafter be untenanted or unoccupied, or in case no sufficient Distress can be found or taken thereon for levying the said last-mentioned Rates or Taxes, or Penalties, with which the said last-mentioned Lands or Grounds shall respectively be charged, and which shall be in arrear and unpaid as aforesaid, then the said Lands and Grounds so respectively charged therewith shall always remain and be a Security for the Payment of the said unpaid Rates or Taxes and Penalties respectively; and all Goods and Chattels which shall at any Time or Times thereafter be found on the same Lands or Grounds respectively shall and may at any Time or Times be distrained, impounded, kept, appraised, and sold in the Manner herein-before directed, until all Arrears of the said Rates or Taxes, and Penalties, and the Charges of such Distress and Sale, and all other Costs and Charges which shall have been incurred by reason of the Nonpayment of such Rates or Taxes and Penalties respectively, shall be fully paid and satisfied to the said Commissioners for executing this Act, or to their said Committee or Treasurer or Collector.

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

CCXVII. Provided always, and be it further enacted, That in all Cases in which the said last-mentioned Rates or Taxes or 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 or Grounds which shall be charged therewith, then and in every such Case it shall and may be lawful for the said Commissioners for executing this Act, at any of their Meetings, to let the said respective Lands and Grounds for or in respect of which such Rates or Taxes or Penalties shall be so respectively in arrear and unpaid as aforesaid, or so much and such Part or Parts of the same Lands or Grounds respectively as the said Commissioners shall judge sufficient and proper, to such Person or Persons, for such Number of Years not exceeding Fourteen Years, at such Rent or Rents, and upon such Terms and Con-

ditions as to them shall seem meet, and to apply the Rent or Rents from Time to Time arising therefrom in or towards the Payment and Discharge of such Rates, Taxes, and Penalties respectively, and of such Charges and Expences as they the said Commissioners or their said Committee shall incur or be liable to in consequence of the Nonpayment of such Rates or Taxes or Penalties respectively, or in or about the letting of the said Lands or Grounds or any of them, or any Part thereof respectively, rendering the Overplus of the said Rent or Rents (if any) from Time to Time to the Person or Persons for the Time being appearing to be entitled thereto.

The said Rates not to be applied in repairing the Banks of the Cuts.

CCXVIII. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners for executing this Act, or for their said Committee, or for any Person or Persons acting under their Authority, to pay or apply any of the said Acre Rates or Taxes which are hereinbefore authorized to be assessed, rated, taxed, and charged by the said Commissioners for the Maintenance, Support, Preservation, and Repair of the said Sea Banks and Works thereto belonging as last aforesaid, or any Part or Parts thereof, for or towards the Maintenance, Support, Preservation, or Repair of any of the Banks, Forelands, or other Works of or belonging to the said *Kinderley's Cut*, or of or belonging to the said New Cut or Channel intended to be made under the Authority of this Act as aforesaid.

Commissioners not to be answerable for Breach of Banks.

CCXIX. And be it further enacted, That the said Commissioners for executing this Act, or any of them, or their said Committee appointed or to be appointed by or under the Authority of this Act, or any of them, or any of the Officers or other Persons acting under the Authority of the said Commissioners or of their said Committee, shall not at any Time or in any Manner be answerable or accountable for any Loss, Damage, or Injury which shall at any Time or Times happen or be occasioned of, or to, or be sustained by any District or Districts, or any Messuages, Buildings, Lands, Tenements, or Hereditaments, Banks, Forelands, Wharfs, Sluices, Tunnels, or Works, or other Property, Real or Personal, of or belonging to any Body or Bodies, Commissioner or Commissioners, Owner or Owners, Occupier or Occupiers, or other Person or Persons, by, from, or in consequence of any Loss or Damage of or to any of the Banks, Forelands, Sluices, Tunnels, or other Works of the said Commissioners for executing this Act, in whomsoever the same shall be vested, or by, from, or in consequence of any Irruption, Violence, Pressure, or Scouring of any of the Land or Sea Waters in their Passage to, from, or through the said New Cut or Channel, and the said *Kinderley's Cut*, or either of them, whether any such Destruction, Breach, Damage, or Injury shall have been occasioned by or shall have been consequential upon any of the Works of the said Commissioners for executing this Act or otherwise.

Commissioners not to be personally liable for Contracts.

CCXX. And be it further enacted, That no Contract or Covenant which shall be made or entered into by the said Commissioners for executing this Act, or their said Committee, for any of the Purposes of this Act, shall be binding upon the said Commissioners or their said Committee, or any of them, personally, or as Individuals in their private Capacity; nor shall the said Commissioners or their said Committee, or any

of them, personally, or their respective Estates or Effects, be answerable for or subject to the Payment of any Sum or Sums of Money which the said Commissioners or their said Committee shall, in the Execution or under the Authority of this Act, contract, covenant, engage, or agree to pay to any Person or Persons whomsoever (except only in those Cases wherein they shall respectively think proper to make themselves personally and individually liable to the Payment thereof); and that all Costs, Damages, Charges, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against the said Commissioners or their said Committee, or any of them, or their or any of their Officers or Servants, for or by reason of any such Contract, Covenant, Engagement, or Agreement as aforesaid, and also all Costs, Charges, Damages, and Expences which they or any of them shall pay, expend, sustain, or incur, or which shall be occasioned to them or any of them, for or by reason of any such Contract, Covenant, Engagement, or Agreement as aforesaid, or in or in consequence of any Suit or Suits to be brought or prosecuted by or against them or any of them for any thing done or omitted to be done by or under the Authority of the said Commissioners or their said Committee, shall be paid and discharged by the said Commissioners out of the Funds and Monies to be raised and received by the said Commissioners under the Authority of this Act.

Monies may be invested.

CCXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners for executing this Act, and they are hereby severally authorized, to invest or cause to be invested any Money or Monies that may from Time to Time be in the Hands of them respectively or in the Hands of their respective Treasurers, in Exchequer Bills or in Government Securities, until the same Money or Monies shall be required for the Purposes of this Act.

Commissioners and Wisbech Burgesses may borrow Money from the Exchequer Bill Loan Commissioners.

CCXXII. And whereas by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, 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 by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, 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; and by another Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First*

Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills; and by another Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills and Public Works;* and by another Act passed also in the said Fifth Year of the Reign of His present Majesty, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works;* the Powers of the said Two Acts passed in the Fifty-seventh Year of His late Majesty are altered, amended, and enlarged; be it therefore enacted and declared, That it shall be lawful for the said Commissioners for executing this Act, or any Five or more of them, pursuant to any Order for that Purpose made at any General or Special Meeting holden in pursuance of this Act, and also for the said Burgesses of the Town of *Wisbech*, or their Capital Burgesses, pursuant to any Order for that Purpose made at a Common Hall of the said Capital Burgesses, from Time to Time 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 the Reign of His late Majesty King *George* the Third, and of the First Year of the Reign of His present Majesty, as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, such Sum and Sums of Money as they the said Commissioners and Burgesses or Capital Burgesses respectively may deem it expedient to borrow for the Purposes of this Act, not exceeding in the whole the several Sums by this Act authorized to be raised by them respectively as aforesaid and by any Writing or Instrument or Writings or Instruments under the Common Seal of the said Commissioners, or under the Common Seal of the said Burgesses, pursuant to any such Order as aforesaid, to mortgage, demise, grant, bargain, and sell the said Rates, Taxes, Duties, and Funds respectively authorized by this Act to be charged or mortgaged by the said Commissioners and Burgesses or Capital Burgesses respectively, as a Security or Securities for the Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as aforesaid, by an annual Instalment of Ten Pounds *per Centum per Annum* at the least, in the Discharge of the Principal and Interest at a Rate not exceeding Five Pounds *per Centum per Annum* on such Parts of the Principal Money as shall from Time to Time remain due; and that for the Purposes herein-before mentioned the said Commissioners for executing this Act, and the said Burgesses of the Town of *Wisbech* and their said Capital Burgesses, shall respectively be and be deemed to be Commissioners appointed by Authority of Parliament within the true Intent and Meaning of the said several last above-recited Acts of Parliament.

Persons destroying the Works to be guilty of Felony.

CCXXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously cut, destroy, break, or damage any Bank, Dam, Sluice, Tunnel, or other Work which shall have been erected, made, or executed by or under the Direction of the said Commissioners for executing this Act, in whomsoever the same shall be vested, or shall wilfully or maliciously do any Act whereby any such Bank, Dam, Sluice, Tunnel, or other Work shall be destroyed, broken, or damaged, such Person or Persons being thereof convicted shall be adjudged guilty of Felony, and

and shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person or Persons shall be convicted shall have full Power and Authority to transport such Person or Persons for the Space of Seven Years, in like Manner as other Felons are by the Laws and Statutes of this Realm directed to be transported.

Provision for other Cases of Damage.

CCXXIV. And be it further enacted, That if any Person or Persons shall carelessly or wrongfully break, throw down, or damage any Bank, Dam, Sluice, Tunnel, or other Work made or executed under the Authority of this Act, in whomsoever the same shall be vested, every Person so offending, being thereof lawfully convicted, shall forfeit and pay as a Penalty any Sum not exceeding the Sum of One hundred Pounds, to be recovered before any Justice of the Peace of the County, Isle, or Jurisdiction wherein the Offence shall have been committed, or of the County, Isle, or Jurisdiction wherein the Offender shall be found, and shall also pay to the Commissioners for executing this Act the Amount of the Damage done, which the same Justice shall assess if such Amount claimed by or on the Part of the said Commissioners shall not exceed Five Pounds, but if such Damage shall exceed this Amount, then the Person or Persons so offending shall and may be prosecuted at Law for the same; and any Sum so to be assessed by any such Justice as the Amount of such Damage shall and may be recovered in the same Manner in which any Fine, Penalty, or Forfeiture may be recovered under the Provisions of this Act.

Masters to be responsible for Damages done by Watermen.

CCXXV. And be it further enacted, That the Owner and all and every of the Owners of any Boat, Barge, Lighter, or other Craft or Vessel navigating the said *Kinderley's Cut*, and the said New Cut or Channel, or either of them, shall be, and he, she, and they is and are hereby made answerable for all Trespass, Damage, Spoil, or Mischief that shall be done by such Boat, Barge, Lighter, or other Craft or Vessel, or by any Boatman, Bargeman, Waterman, or other Person having the Care of, or belonging to, or employed in or about the same, by any Means whatsoever, to the said Cuts or either of them, or to any Bank, Foreland, Sluice, Engine, Tunnel, or other Work erected, maintained, or used under the Authority of this Act, or being under the Controul, Direction, or Management of the said Commissioners for executing this Act, or their said Committee, in whomsoever the same shall be vested; and the Owner and all and every of the Owners of such Boat, Barge, Lighter, or other Craft or Vessel, shall for every such Trespass, Damage, Spoil, or Mischief, upon Conviction of the Boatman, Bargeman, or Waterman, or other Person committing the same, before any Justice or Justices of the Peace, on the Oath of any credible Witness or Witnesses (which Oath such Justice or Justices is or are hereby authorized to administer), or on the Confession of the Party or Parties offending, pay to the said Commissioners for executing this Act such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice or Justices, provided that the Amount of such Damages, Satisfaction, or Compensation which shall be claimed by or on the Part of the said Commissioners shall not exceed the Sum of Fifty Pounds; but in case such Amount shall exceed the Sum of Fifty Pounds the said Owner or Owners may be sued by the said Commissioners for such Damages, Satisfaction, and Compensation in any of His Majesty's

Majesty's Courts of Record at *Westminster*, or elsewhere, at the Discretion of the said Commissioners.

Damages paid by Masters to be repaid by Watermen.

CCXXVI. Provided always, and be it further enacted, That every such Boatman, Bargeman, Waterman, and other Person so offending as last aforesaid, shall be answerable for and shall repay all such Damages, Satisfaction, and Compensation as shall have been so ascertained, fixed, and determined as aforesaid, with all the Costs of levying and recovering the same, to his Master or Masters, Owner or Owners, after the same shall have been paid by such Master or Masters or Owner or Owners respectively; and in case of Nonpayment thereof on Demand and Oath by such Master or Masters, or Owner or Owners, of the Payment made by him, her, or them, of such Damages, Satisfaction, Compensation, and Costs, and that the same have been demanded of such Boatman, Bargeman, or Waterman, or other Person respectively, but that the same have not been repaid by him (such Oath to be made before any Justice or Justices of the Peace), the Amount thereof shall be recovered by such Master or Masters, or Owner or Owners, from such Boatman, Bargeman, Waterman, or other Person as aforesaid, in like Manner as any Penalty is hereby directed to be levied and recovered by Warrant under the Hand and Seal of such Justice or Justices.

Penalty for Cattle straying.

CCXXVII. And be it further enacted, That if any Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle of any Kind whatsoever, shall at any Time be found wandering, straying, or lying upon any of the Banks, Forelands, or other Works which shall have been made or executed by or under the Direction of the said Commissioners for executing this Act, in whomsoever the same shall be vested, or passing over the same Works, or any of them, for the Purpose of being watered in the said New Cut or Channel, or in the said *Kinderley's Cut*, or for the Purpose of a Road or Passage across the said Cuts and Works, or any of them, without the Consent of the said Commissioners, or for any other Purpose whereby the said Cuts and Works, or any of them, may be injured, it shall and may be lawful for the Surveyor or other Officer for the Time being of the said Commissioners for executing this Act, and also for any other Person or Persons whomsoever, to seize every such Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast, or Cattle, and to impound the same in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place or Places as the said Commissioners for executing this Act shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Mare, Ass, Ox, Cow, or other Beast or Cattle so impounded, forfeit and pay as a Penalty a Sum not exceeding Twenty Shillings, together with the reasonable Charges of seizing, impounding, and keeping the same; and in case the said Penalty and Charges shall not be paid within Five Days after such impounding, it shall and may be lawful for the said Surveyor, Officer, or other Person impounding the same, to sell or cause to be sold every or any such Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle, and the Overplus of the Money arising from such Sale, after deducting the said Penalty and Charges of impounding, keeping, and selling every such Horse, Mare, Ass, Ox, Cow, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person or Persons whose Property the same shall appear to have been.

Penalty for driving Cattle to Water in any of the Cuts.

CCXXVIII. And be it further enacted, That if any Person or Persons shall take, lead, or drive any Horse, Mare, Ass, Ox, Cow, Sheep, or other Beast, or Cattle, to wash, water, or drink in or out of the said New Cut or Channel intended to be made under the Authority of this Act, or in or out of the said *Kinderley's Cut*, or in or out of any Public or Common Cut, Drain, or Watercourse that shall be made under the Authority of this Act, or in or out of any Part of any of them, every Person so offending shall forfeit and pay as a Penalty a Sum not exceeding Twenty Shillings for or in respect of every such Horse, Mare, Ass, Ox, Cow, Sheep, or other Beast or Cattle so taken, led, or driven to wash, water, or drink as aforesaid, as often the same shall happen.

Penalty on obstructing the Execution of this Act.

CCXXIX. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Officer, Assistant, or other Person whomsoever in the Performance or Execution of his Office or Duty under the Authority of this Act, or in the Execution of any of the Works by this Act authorized to be done or executed, every such Offender shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, in the Discretion of the Justice or Justices before whom such Offender shall be convicted, or otherwise such Justice or Justices may commit such Offender to the House of Correction for any Time not exceeding One Calendar Month.

For Recovery of Penalties.

CCXXX. And be it further enatced, That all Complaints and Informations of or for any Offence or Offences against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining the same is herein otherwise directed,) shall and may be made before One or more Justice or Justices of the Peace for the Jurisdiction wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended upon such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, or by the Confession of the Offender or Offenders, and to make such Determination thereon as such Justice or Justices shall think just and equitable; and upon the Conviction of any Person or Persons of any such Offence, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty, or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted; and in case, upon a Valuation being made of such Goods and Chattels, a sufficient Distress for the Payment of such Fine, Penalty, or Forfeiture, with reasonable Costs and Charges, cannot be found, or in case it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders has or have not sufficient Goods or Chattels whereupon the same may be levied within the Jurisdiction of such Justice or Justices, no Sale shall take place of the Goods and Chattels of such Offender or Offenders, but

but it shall and may be lawful for such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction within the Jurisdiction of such Justice or Justices for any Term not exceeding Six Calendar Months; and in every such Case it shall and may be lawful for such Justice or Justices, at his or their Discretion, to order any Offender or Offenders so convicted as aforesaid to be kept and detained in safe Custody until Return shall be made to the Warrant or Warrants of Distress which shall have been issued by such Justice or Justices, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking such Security, which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise, as to him or them shall seem right and proper; or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of such Offender or Offenders, or otherwise, that he, she, or they hath not or have not Goods or Chattels within the Jurisdiction of such Justice or Justices sufficient to levy such Fine, Penalty, or Forfeiture, with reasonable Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit such Offender or Offenders to the Common Gaol or House or Correction for any Term not exceeding Six Calendar Months, as if a Warrant of Distress had been issued, and a Return of *Nulla Bona* had been made therein; and if any such Offender who shall be so committed as aforesaid shall, at any Time during the Period of his or her Imprisonment, pay or cause to be paid to the Governor or Keeper of the Gaol or House of Correction in which he or she shall be so imprisoned the full Amount of such Fine, Penalty, or Forfeiture, together with the Costs and Charges incurred, it shall be lawful for such Governor or Keeper of such Gaol or House of Correction, and he is hereby required, forthwith to discharge such Offender from his Custody: Provided always, that if it shall appear to any such Justice or Justices that the Recovery of such Fine, Penalty, or Forfeiture will be attended with Consequences ruinous or in an especial Manner injurious to such Offender or Offenders, or to his, her, or their Family or Families, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby empowered and authorized in such Case, if he or they shall think fit, to cause to be withheld the Issue of any Warrant or Warrants of Distress against any such Offender or Offenders, and to commit such Offender or Offenders, in manner aforesaid, immediately after his, her, or their Conviction, and in Default of the Payment by him, her, or them of such Fine, Penalty, or Forfeiture, with the Costs and Charges incurred as aforesaid, to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months, provided that such last-mentioned Commitment shall be by the Desire or with the Consent in Writing of the Person or Persons upon whose Goods or Chattels such Fine, Penalty, or Forfeiture is or shall be required to be levied; and all such Fines, Penalties, and Forfeitures, when recovered, shall in all Cases in which the Application thereof is not otherwise directed by this Act, be paid into the Hands of the Treasurer or Treasurers of the said Commissioners for executing this Act, and shall be applied and disposed of towards defraying the Charges and Expences of the Improvements

ments intended to be made under the Authority of this Act, and the Overplus, if any, of the Monies which shall arise from any such Distress and Sale to be made as aforesaid, after Payment of such Fine, Penalty, or Forfeiture, and the Charges attending the same, shall be paid upon Demand to the Owner of the Goods and Chattels which shall have been so distrained as aforesaid.

Justices may proceed by Summons for Recovery of Penalties.

CCXXXI. And be it further enacted, That in all Cases in which any Fine, Penalty, or Forfeiture is by this Act made recoverable by Information before any Justice or Justices of the Peace, it shall and may be lawful for any Justice or Justices of the Peace, to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence, or on the Confession of the Offender or Offenders, to convict such Offender or Offenders, and to adjudge him, her, or them to pay the Fine, Penalty, or Forfeiture, with the Costs and Charges incurred, and to proceed to recover the same in the Manner authorized by this Act, although no Information in Writing shall have been exhibited or taken before or by such Justice; and all such Proceedings by Summons, without Information in Writing as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been previously exhibited and taken.

Where Damages are payable Justices may settle same.

CCXXXII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, the Amount of such Damages or Charges (in case of Dispute respecting the same) shall be settled, ascertained, and determined by any Justice or Justices of the Peace, who is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Goods and Chattels of the Offender or Offenders, in manner hereby directed for the levying of any Penalty or Forfeiture.

Power to secure transient Offenders.

CCXXXIII. And be it further enacted, That it shall and may be lawful for the respective Surveyors and other Officers of the said Commissioners for executing this Act, or any of them, to seize and detain any Person or Persons unknown to them respectively, who shall be guilty of any Offence against this Act, and to convey such Person or Persons before any One or more Justice or Justices of the Peace for the Jurisdiction where such Offence shall have been committed, without any other Warrant or Authority than this Act for so doing, and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Hearing of the Matter in question, and to the Conviction or Acquittal of such Person or Persons.

In certain Cases Offences to be cognizable before Justices of the Isle of Ely, or the Counties of Norfolk or Lincoln.

CCXXXIV. And whereas the said *Kinderley's Cut*, and the said New Cut or Channel, and the several Banks, Forelands, and other Works to be made, done, and executed by or under the Authority of the said Commissioners for executing this Act, do and will extend into, and lie or be situate within as well the Isle of *Ely* as also the several Counties of *Norfolk* and *Lincoln*, and it may be difficult in many Places to ascertain and distinguish the Division and Boundary Lines of the said Isle and Counties; be it therefore further enacted, That in all Cases where any

Offence shall have been committed against any of the Provisions of this Act, and it shall be doubtful within what Jurisdiction the same shall have been committed, then such Offence may be deemed to have been committed within the said Isle of *Ely*, or within either of the said Counties of *Norfolk* or *Lincoln*, and shall and lawfully may be cognizable before any Justice or Justices of the Peace for the said Isle, or for either of the said Counties, and any such Justice or Justices respectively shall have such and the like Powers and Authorities as if such Offence had been actually committed within the Isle or County for which such Justice or Justices shall have been appointed or shall act; and it shall be sufficient in any Information, Summons, Warrant, or other Proceeding touching any such Offence, to state such Offence to have been so committed accordingly.

Commissioners may act as Justices.

CCXXXV. And be it further enacted, That it shall and may be lawful for any Commissioner for executing this Act, being a Justice of the Peace, to act as a Justice of the Peace in any Matter arising under the same, unless where he shall be personally interested.

Form of Conviction.

CCXXXVI. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up and made in the following Form of Words, or in any other Form of Words to the same or the like Effect; and that every such Conviction shall be good and valid in Form to all Intents and Purposes whatsoever; that is to say,

' to wit. } BE it remembered, That on the Day of
' in the Year of our Lord
' at in the of
' before the Justice
' whose Name hereunto subscribed, acting in and for the
' aforesaid, of duly convicted of
' the following Offence against an Act of Parliament passed in the
' Eighth Year of the Reign of His Majesty King *George* the Fourth, in-
' tituled [*here set forth the Title of this Act*]; that is to say, that the
' said did on the
' Day of in the Year aforesaid,
' at the Parish of in the
' aforesaid [*here the Nature of the Offence is to be stated*], contrary to the
' Form of the said Act of Parliament; and do therefore
' hereby declare and adjudge that the said
' hath forfeited for the said Offence the Sum of
' to be paid and applied in the Manner
' directed by the said Act of Parliament; [*or, as the Case may be,*] and
' do therefore hereby declare and adjudge that the said
' shall for the said
' Offence be committed to the at
' in the said for the Space of
' from this Day. Given under Hand and Seal on the
' Day and Year first above written.'

Commissioners and their Offi-

CCXXXVII. And be it further enacted, That in any Action, Suit, Information, Indictment, or Prosecution which shall be commenced, prosecuted, or carried

cers, and Owners and Occupiers of Lands, not to be incompetent Witnesses.

carried on by or against the said Commissioners for executing this Act, or their said Committee, or any of them, or by or against any Person or Persons acting under the Authority of them, or any of them, or otherwise relating to the Execution of this Act or of any of the Powers or Authorities hereby granted, no Person shall be an incompetent Witness by reason of his or her being a Commissioner for executing this Act, or a Committee-man, Officer, Agent, or Servant of the said Commissioners, or an Owner or Occupier of, or otherwise interested in, any of the Lands, Grounds, Tenements, or Hereditament liable to be assessed, rated, taxed, or charged under any of the Provisions of this Act, or otherwise affected hereby, save and except in any Case wherein any such Person shall be immediately and personally interested in the Matter in question.

Penalty on Witnesses refusing to give Evidence.

CCXXXVIII. And be it further enacted, That if any Person, who shall have been summoned by any Justice or Justices of the Peace to attend and give Evidence before such Justice or Justices touching any alleged Offence against any of the Provisions of this Act, shall refuse or neglect to appear at the Time and Place for that Purpose appointed by such Summons, (a reasonable Sum having been paid or tendered to him or her for his or her Trouble and Expences therein,) without a sufficient Excuse for his or her Refusal or Neglect, or if he or she shall appear and shall refuse to be examined, or shall not answer upon Oath, or (being a Quaker) on solemn Affirmation, and give such Evidence as he or she shall be able to give before such Justice or Justices touching such alleged Offence, then and in any such Case every such Person so refusing or neglecting shall forfeit and pay any Sum not exceeding Five Pounds.

Power for Justices to allow Part of Fines to Witnesses.

CCXXXIX. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace before whom any Information or Complaint shall be made of any Offence against any of the Provisions of this Act, in case the Person or Persons who shall be complained of shall confess himself, herself, or themselves guilty, or shall be otherwise convicted of the same, to order and direct, after such Confession or Conviction shall have been made, such Part or Proportion of the Penalty, Fine, or Forfeiture which such Person or Persons shall have incurred or become liable to pay, as the said Justice or Justices shall think reasonable and proper, to be paid to the Informer or Informers, or Witness or Witnesses, respecting the same, or any of them, and that the Information, Complaint, or Evidence which shall have been made, taken, or given by such Informer or Informers, or Witness or Witnesses respectively, shall not be thereby destroyed, invalidated, impeached, or affected in any Manner howsoever.

Power for Justices to award Costs.

CCXL. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace, before whom any Information or Complaint shall be made of any Offence against any of the Provisions of this Act, to award and order such Costs and Charges as he or they shall think reasonable to be paid by and to any Person or Persons by or against whom such Information or Complaint shall be made, over and above any Penalty, Forfeiture, Fine, or Sum of Money which any such Person or Persons shall have incurred or become liable to pay, and to cause such Costs and Charges, in case of the Nonpayment thereof, to be levied and recovered in the same Manner as any such Penalty, Forfeiture, Fine, or Sum of Money is by this Act directed to be levied and recovered.

CCXLI. And

Distresses not to be unlawful for Want of Form.

CCXLI. And be it further enacted, That in all Cases in which any Distress shall be made for any Penalty or Penalties, or Sum or Sums of Money to be levied under the Authority of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Summons, Conviction, Warrant, or other Proceeding relating to such Distress; nor shall such Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by such Party or Parties distraining, or by any Person or Persons acting in or about such Distress, but that the Person or Persons who shall be aggrieved by any such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall thereby sustain in an Action upon the Case against the Party or Parties by or through whose Means such Damage shall have been occasioned or arisen.

Proceedings not to be quashed for Want of Form.

CCXLII. And be it further enacted, That no Conviction or other Proceeding which shall be had or taken in pursuance of this Act shall be quashed or vacated for Want or Defect of Form therein, nor be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Power of Appeal to Quarter Sessions.

CCXLIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment, Determination, Order, Act, or Proceeding of the said Commissioners for executing this Act, or of any Justice or Justices of the Peace, made, given, ordered, or directed in pursuance of this Act, such Person or Persons shall and may, within Six Calendar Months next after such Judgment, Determination, Order, Act, or Proceeding shall have been made, given, ordered, or directed, appeal to the Justices of the Peace assembled at the First or Second Quarter Sessions of the Peace which shall be held in and for the County, Isle, Parts, or Jurisdiction in which the Cause of such Appeal shall arise, the Person or Persons appealing having first given at least Fourteen Days clear previous Notice of such Appeal, and of the Nature and Matter thereof, to the said Commissioners for executing this Act, or their Clerk, or to the said Justice or Justices of the Peace respectively appealed against, and having forthwith after such Notice given entered into a Recognizance before One or more Justice or Justices of the Peace for such County, Isle, Parts, or Jurisdiction, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court of the said Quarter Sessions thereupon; and that the said Justices to whom such Appeal shall be made shall, upon due Proof of such Notice and Recognizance having been given and entered into as aforesaid, in a summary Way hear and determine such Appeal, and the Subject Matter thereof, at such Quarter Sessions of the Peace to be holden for such County, Isle, Parts, or Jurisdiction, or, if they shall think proper, adjourn the Hearing thereof until the then next Quarter Sessions of the Peace to be held in and for the same County, Isle, Parts, or Jurisdiction; and that the said last-mentioned Justices may make such Determination in such Appeal, and award such Costs from and to the respective Parties therein, as they shall judge proper, and, if they shall see Cause, may mitigate any Fine, Forfeiture, or Penalty which shall have been incurred, and may order any

Money

Money to be returned which shall have been levied or received in pursuance of any such Judgment, Determination, Order, Act, or Proceeding so appealed against as aforesaid, and shall and may also award such further Satisfaction or Compensation to be made to the Party injured by the Party appealed against as they the said last-mentioned Justices shall adjudge reasonable and proper; and that all such Determinations of the said Justices at their said respective Quarter Sessions of the Peace shall be final, binding, and conclusive upon all Parties interested therein to all Intents and Purposes whatsoever.

Persons forswearing themselves to be guilty of Perjury.

CCXLIV. And be it further enacted, That all Persons who in any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Jury, or before any Justice of the Peace acting in the Execution of this Act, or before any of the said Commissioners for executing this Act, in any Case in which the said Commissioners are hereby authorized to administer an Oath, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Limitation of Actions.

CCXLV. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons against the said Commissioners for executing this Act, or against any of their Treasurers, Clerks, Surveyors, Collectors, or other Officers, or against any other Person or Persons employed by or acting under their Authority, for or on account of any Act, Matter, or Thing done by them or any of them in pursuance of this Act, or in the Execution of any of the Powers or Authorities hereby given or granted to them, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Act which shall be the Subject Matter of it shall have been done or committed, or in case there shall be a Continuance of Damage arising from such Act, then within Six Calendar Months next after the doing or committing of such Act, or the continuing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County, Isle, or Jurisdiction where such Act shall have been done or committed, or such Damage shall have arisen, and not elsewhere; and that the Defendant or Defendants in any such Action, Suit, or Information shall and may plead thereto the General Issue, and upon the Trial thereof shall and may give in Evidence this Act and the special Matter in question, and that such Act was done, or such Damage was occasioned or arose, in pursuance or by the Authority of this Act; and if such Act shall appear to have been so done, or such Damage shall appear to have been so occasioned or to have so arisen, or if any such Action, Suit, or Information shall be brought after the Time herein-before limited for bringing the same, or shall be brought in any other Jurisdiction than as aforesaid, then and in every such Case the Jury shall give a Verdict for the Defendant or Defendants therein; and in every such Case also, or in case the Plaintiff or Plaintiffs, or Informant or Informants, in any such Action, Suit, or Information, shall become Nonsuit, or shall suffer a Discontinuance of such Action, Suit, or Information, after the Defendant or Defendants therein shall have appeared thereto, or if a Verdict shall be given therein against such Plaintiff or Plaintiffs, or Informant or Infor-

ants, or if, upon Demurrer or otherwise, Judgment shall be given against the said Plaintiff or Plaintiffs, or Informant or Informants, then and in every such Case such Defendant or Defendants shall have Treble Costs against such Plaintiff or Plaintiffs, or Informant or Informants, and shall have such Remedies for the Recovery of the same as any Defendant or Defendants hath or have in other Cases at Law in which he, she, or they is or are entitled to Costs.

Service of Notice on the Clerk of the Commissioners to be good.

CCXLVI. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices, or any Writ or Writs, Summons or Summonses, or other legal Process or Processes, upon the said Commissioners for executing this Act, or any of them, the Service thereof upon the Commissioner or Commissioners to or against whom such Notice, Writ, Summons, or other Process shall be directed, or at his or their last or usual Place or respective Places of Abode, or upon any Clerk of the said Commissioners for the Time being, or at the Office of any such Clerk, or at his usual or last Place of Abode, or at the Office of the said Commissioners, shall be and be deemed to be good and sufficient Service of the same respectively on the said Commissioners for executing this Act, and every or any of them, to or against whom such Notice, Writ, Summons, or other Process shall be directed.

Saving of Rights of Bedford Level Corporation.

CCXLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, lessen, alter, or affect, in anywise howsoever, any of the Jurisdictions, Powers, Rights, or Privileges now belonging to or vested in the aforesaid Governor, Bailiffs, and Commonalty of the Company of Conservators, or in the aforesaid Governor, Bailiffs, and Conservators of the Great Level of the Fens called *Bedford Level*, as Commissioners of Sewers as well within as without the said Great Level, under or by virtue of any Law, Decree, Statute, or Usage whatsoever heretofore made, passed, or used; but the same Jurisdictions, Powers, Rights, and Privileges so belonging to or vested in them as such Commissioners of Sewers as aforesaid immediately before the passing of this Act shall remain, continue, and be to all Intents and Purposes as full, ample, and beneficial as if this Act or any thing herein contained had not been made or passed; nor shall any thing in this Act contained extend or be construed to extend to divest or deprive the said Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators respectively, of any other Jurisdiction, Power, Right, or Privilege now belonging to or vested in them respectively, save and except in so far as they are by this Act expressed or intended to be divested or deprived of the same respectively.

Saving of Bedford Level Corporation from Charge of Works.

CCXLVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to make the said Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators, subject or liable to any Charge, Loss, or Damage whatsoever which may arise or be occasioned by the Execution of any of the Works hereby authorized or required to be done, or by any Failure or Defect of or in the said Works or any of them.

Saving of other existing Rights.

CCXLIX. Provided also, and be it further enacted, That nothing iu this Act contained shail extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever any of the Jurisdictions, Powers, Rights, Privileges, or Revenues given, granted, appertaining or belonging to the Burgesses of the Town of *Wisbech* aforesaid, or their Capital Burgesses, or to the Commissioners of Sewers for the Hundred of *Wisbech* aforesaid, and Parts adjacent, or to any Commissioners or Trustees acting under any Act of Parliament for the Drainage of the Fens or any of them, or of any District or Lands in the said Isle of *Ely*, or in the said Counties of *Northampton*, *Cambridge*, *Norfolk*, and *Lincoln*, or any of them, save and except in so far as the same are by this Act severally and respectively expressed to be taken away, defeated, invalidated, altered, lessened, or affected, and in so far as regards the several Powers and Authorities given and granted by this Act, which are to be exercised nevertheless with due Regard to such Jurisdictions, Powers, Rights, Privileges, and Revenues respectively hereby declared to be saved or reserved.

Expences of this Act to be first paid.

CCL. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of the several Surveys, Estimates, Reports, and Plans preparatory thereto, and all other Costs, Charges, and Expences whatsoever preparatory or incidental to or concerning this Act, with all lawful Interest for all such Monies as shall have been paid or expended by any Person or Persons whomsoever on account thereof, shall be paid and discharged by the said Commissioners for executing this Act by and out of the first Monies that shall come into their Hands, or into the Hands of their Treasurer or Treasurers, after the passing of this Act, by virtue thereof.

Public Act.

CCLI. And be it further enacted, That this Act shall be and shall be deemed and taken to be a Public Act in all Courts and Places, and for all Purposes whatsoever, and shall be judicially taken notice of by all Judges, Justices, and others, without being specially pleaded.

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