ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clxiv.

An Act to amend the Acts relating to the *Nene Valley* Drainage and Navigation Improvement; and to make Provision for the Discharge of the Debts and Liabilities of the Commissioners in the Third District of Drainage; and for the Separation of the Districts; and for other Purposes. [17th *July* 1862.]

WHEREAS by "The *Nene Valley* Drainage and Navigation Improvement Act, 1852," (in this Act called "the Act of 1852,") "the *Nene Valley* Drainage and Navigation Improvement Commissioners," (in that Act called "the Incorporated Commissioners,") were incorporated and were empowered to execute Works for the Improvement of the River *Nene* and the Drainage of Lands adjacent thereto, and the Area which they were authorized to improve was divided into Three Districts, respectively called therein "the First District," "the Second District," and "the Third District," and the River was divided into Two Parts, one called "the Upper Division," and the other "the Lower Division;" and for Navigation Purposes the River between *Northampton Bridge* and *Bevis Hall* was divided

15 & 16 Vict. c. cxxviii.

divided into Three Navigation Divisions (the Third Navigation Division comprising that Part of the River in the Third District which is situated between *Peterborough Bridge* and *Bevis Hall*, where the Lower Division of the River commences), and the incorporated Commissioners were required to proceed in the Order thereby provided with the Works in the Third District, being that Part of the River which is situated between the Boundary of the Counties of *Norfolk* and *Cambridge* and the City of *Peterborough*: And whereas, by the Act of 1852, Provision was made for Contributions towards the Expense of the Works in the Third District (in addition to Tolls granted by the Act), by several Parties (in this Act called "the Contributors,") One of them being the most noble *Francis* Duke of *Bedford*, who had agreed to make a gratuitous Contribution, and the Names or Descriptions of such Contributors are set forth in the First Schedule to this Act: And whereas the incorporated Commissioners proceeded with the Works in the Third District, and erected a new Bridge at *Wisbech* and a Bridge at a Place called "the *Dog-in-a-Doublet*," and have executed divers Works in and through *Wisbech* and in the Lower Division and in other Parts of the Third District, and have deepened the River and commenced and partially made the Bank for protecting the Lands described in the Act of 1852, and also in this Act, as "the Wash Lands," from the River: And whereas in "The *Nene Valley* Drainage and Navigation Improvement (Amendment) Act, 1854," (in this Act called the Act of 1854), it is recited that the incorporated Commissioners had ascertained that the Amount by the Act of 1852 authorized to be raised for the Purposes of the Works in the Third District would be insufficient for the Execution and Maintenance of those Works, and that the most noble *Francis* Duke of *Bedford* had agreed to pay a further gratuitous Contribution towards the Funds of the Third District, and it was enacted (by Section 6) that the Contributors should contribute such further Sums in that Behalf as by that Act is provided, being (according to Sections 7 and 47) the Sum of Fifty-five thousand Pounds, and the further Sum of Ten thousand Pounds to be levied and raised only upon the Requisition in Writing of *Robert Stephenson*, Civil Engineer, or his Successors, for additional Works in the Lower Division therein referred to, and the further Sum of Fifteen thousand Pounds to be raised and levied only in the event of the *Wisbech Bridge* and the *Dog-in-a-Doublet Bridge*, or either of them, being required by the Board of Admiralty to be made opening Bridges, or other Works therein specified in relation to the Fresh Water Supply being required, those Three Sums making together the Sum of Eighty thousand Pounds: And whereas the Sum of Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny, Part of the last-mentioned Sum of Fifteen thousand Pounds, has been reserved for the Purpose of executing any Works for remedying any Injury which might arise to the Supply of Fresh Water from the River *Nene* under the Provisions of the Act of 1852, and the said

17 & 18 Vict. c. lxxxii.

said Sum was apportioned upon the Contributors and in the Proportions mentioned in the Third Schedule hereto: And whereas, by the Act of 1854, it was provided that the Proportions in which the Contributors should pay the Eighty thousand Pounds should be determined by a Referee or Referees, or an Umpire appointed by the Board of Trade: And whereas the Board of Trade appointed the Right Honourable Sir *John Somerset Pakington* Baronet, a Member of Her Majesty's Privy Council, the sole Referee, and he made certain Awards in relation thereto: And whereas, in or about the Year One thousand eight hundred and fifty-six, it was found that the Works (Part of which were in progress and Part of which were not commenced) would not be adequate for the Purpose of protecting the Banks and Slopes of the River against the Action of the Tide and of Floods, and that additional Works must be undertaken, and certain Modifications be made in the Works authorized and required to be constructed by the Act of 1852, and that further large Sums of Money must be raised and expended if the Provisions of the Act of 1852 were fully carried into effect in the Third District: And whereas about the Month of *November* One thousand eight hundred and fifty-six the incorporated Commissioners ceased to proceed with any Works in the Third District, save such as have from Time to Time been deemed essential for the Security of the Banks of the River and for preventing the Destruction of Property by Inundation: And whereas the Sum of Twenty thousand Pounds is now due upon Mortgage of the Navigation Tolls in the Third District, and certain of the incorporated Commissioners, in addition to the Security thereby afforded, are personally responsible for the Payment thereof and the Interest thereon, and the incorporated Commissioners have also incurred Debts and Liabilities which are set forth in the Second Schedule to this Act, and they are entitled to the Sum of Money set forth in the said Schedule, and it is expedient that such Debts and Liabilities should be discharged: And whereas the Sum required to discharge the Debts of the incorporated Commissioners in the Third District (other than a Mortgage Debt of Twenty-five thousand Pounds charged on the Tax on the Wash Lands, and the Mortgage Debts affecting the District Tax on the flooded Lands in *Standground*) is Forty-three thousand two hundred Pounds, and such Sum is in this Act called "the additional Contribution:" And whereas it it expedient that the incorporated Commissioners should be empowered to receive and levy such additional Contribution upon the Contributors in manner herein-after mentioned: And whereas it is expedient that the Districts should be separated and the Commission dissolved: And whereas it is also expedient that the Act of 1852 and the Act of 1854 be in other respects amended; And whereas the several Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Commons,

The Nene Valley Act, 1862.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Nene Valley* Act, 1862."

Recited Acts to continue.

2. Except as by this Act otherwise provided, all the Powers and Provisions of the Act of 1852 and the Act of 1854 shall continue and be in full Force for the several Purposes of those Acts and of this Act respectively.

Incorporated Commissioners to carry Acts into effect.

3. Subject to the Provisions of this Act, the *Nene Valley* Drainage and Navigation Improvement Commissioners, in this Act called "the Incorporated Commissioners," shall carry into effect the Powers and Provisions of this Act, as well as the Powers and Provisions of the Act of 1852, and the Act of 1854, which are unrepealed, and have not expired by Effluxion of Time.

Compensation to be made for Contracts not completed.

4. In any Case where before the passing of this Act any Notice shall have been given by the incorporated Commissioners for purchasing any Lands which they were empowered to purchase for the Purpose of making the Works in the Third District authorized by the Act of 1852, but no Terms of Purchase shall have been agreed upon or ascertained in the Manner provided by the said Act, the incorporated Commissioners shall not be required to purchase the same, but shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage, if any, sustained by them respectively by reason of such Purchase not being completed pursuant to such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Amount of additional Contribution.

5. The Sum of Forty-three thousand two hundred Pounds shall be the Sum by this Act authorized to be raised by the additional Contribution.

Contributors to contribute further Sums towards Third District.

6. For providing the additional Contribution to the Funds of the Third District, the Contributors (not including the Duke of *Bedford*) shall respectively contribute such sums as are specified in the First Schedule to this Act, and the Sum or Sums of Money so assessed upon each of the Contributors shall be payable and paid to the incorporated Commissioners by every such Contributor accordingly.

Provision for levying additional Contribu-

7. With respect to the additional Contributions to be paid under this Act by the Owners or Occupiers of Lands subject to the Outfall Tax in the First and Second Districts and the flooded Lands in *Standground* in the

the Third District, and by the Owners or Occupiers of Wash Lands in the Third District respectively, the incorporated Commissioners may raise those additional Contributions respectively by means of an annual Tax upon the said Lands in the First and Second Districts, and the said flooded Lands in *Standground* to be called "the Outfall Tax," and by means of an Increase of the annual Tax upon the Wash Lands, and the said Outfall Tax, and the Taxes upon the Wash Lands so increased, may respectively be assessed, levied, and recovered by the incorporated Commissioners in the Manner and according to the Powers and Provisions of the Act of 1852 and the Act of 1854 respectively, with respect to the Assessment, levying, and recovering of the District Taxes and the Tax upon the Wash Lands, and all those Powers and Provisions shall extend and apply to the Purposes of this Act accordingly: Provided always that, except as is by this Act otherwise expressly provided, no larger Sums shall be assessed or levied on or recovered from the Parties respectively liable to such Taxes under the Authority or for the Purposes of this Act than such Sum as would be their respective Proportion of the Interest payable by the incorporated Commissioners upon the Money raised by Mortgage on the Security of such respective increased Taxes, and the Expenses of assessing, levying, and recovering such Sums respectively, and such Portion of the Principal Money borrowed upon the Credit of those respective Taxes, as will secure the Repayment of such Principal Monies within the Period of Twenty-five Years from the passing of this Act.

Contributions from Parties liable to Outfall Tax and Tax on Wash Lands.

8. The Outfall Tax and the Tax on the Wash Lands respectively authorized to be raised by this Act, to be comprised in any Mortgage granted by the incorporated Commissioners under the Powers of this Act, may be any fixed annual average Sum *per* Acre as to the Outfall Tax, and any fixed annual Tax *per* Acre as to the Tax on the *Wash* Lands, but not exceeding in the whole in either Case the highest Amount of the additional annual Contribution to be contributed under this Act by the Parties liable to such Taxes respectively; and for the Purposes of such Mortgage the increased Tax upon the Wash Lands shall be deemed to be a new Tax, and the Fifty-third Section of the Act of 1854 shall extend and apply to such fixed Taxes respectively in the same Manner as if such Section had been incorporated with this Act and made expressly applicable to such fixed Taxes instead of the fixed District Tax mentioned in such Section, and otherwise made applicable in Terms to such increased Taxes respectively.

As to Mode of Mortgaging the increased Outfall Tax and Tax on the Wash Lands.

9. The 55th Section of the Act of 1854, as to the Redemption of the Taxes charged on the Wash Lands in the Third District, shall be applicable to the increased Taxes to be charged on the said Wash Lands, and also to the Outfall Taxes to be charged and assessed on the Meadows and Lands in the First and Second Districts, and the flooded Lands in *Standground* in the Third District, or on the Owners or Occupiers

Powers of Redemption to continue.

piers thereof, under the Powers of this Act: Provided always, and except that no such Redemption shall be compulsory on or made without the Consent of the incorporated Commissioners and their Mortgagees: Provided also, that in all Cases where the total annual Tax chargeable on any Land, or the Owner or Occupier thereof, under the Acts of 1852 and 1854 and this Act, shall not amount to the Sum of One Shilling in any One Year, (such Occupier not being chargeable with Payment in respect of any other Land for the same Tax exceeding the Sum of One Shilling,) it shall bé imperative on the Person charged with the said Tax, not exceeding One Shilling, if required by the incorporated Commissioners, by Notice under the Hand of their Collector, to redeem the same at a Sum to be determined by the said incorporated Commissioners, not exceeding Twenty-five Times the Amount of the annual Tax charged thereon, deducting any Amount of such Tax charged for Repayment of Principal Monies; and the Redemption Money for such Taxes shall be applied in Payment of the Mortgages thereon; and in case of default in Payment of the Redemption Money for Two Months after such Notice, the Amount may be recovered by the incorporated Commissioners in like Manner as Taxes in arrear are recoverable under this or any other Act.

As to Mortgages when Commission dissolved.

10. Upon the Dissolution of the Commission, any Money raised on Mortgage by the incorporated Commissioners, and charged upon the Taxes of the First and Second Districts respectively and on the flooded Lands in *Standground*, or on the Wash Lands, shall continue charged upon such Taxes as fully and effectually as if the Dissolution had not taken place; and the incorporated Commissioners acting for the First and Second Districts respectively, and the Commissioners of the *Nene* Wash Lands by this Act constituted in respect of those Lands, shall be subject and liable to such Mortgage Debts, and all Liabilities in respect thereof, in the same Manner as the incorporated Commissioners would have been subject if such Dissolution had not taken place; and the Commissioners of the First and Second Districts within those respective Districts, and the Commissioners of the Second District as to the flooded Lands in *Standground*, and the Commissioners of the *Nene* Wash Lands within those Lands shall for the Purposes aforesaid represent the incorporated Commissioners, and be responsible and liable as the incorporated Commissioners were responsible or liable.

Provision for levying any additional Contribution from Corporation of Wisbech.

11. With respect to the additional Contribution to be paid under the Provisions of this Act by the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, in this Act called the *Wisbech* Corporation, such Corporation shall raise the Sum set forth in the First Schedule as the Amount of their additional Contribution by all or any of the Ways and Means by the Act of 1852 and the Act of 1854, or this Act, authorized or prescribed with reference to the Contributions to be made by

by such Corporation under the Provisions thereof respectively, in such Manner as they could have done if the Amount of their Contribution under the said Acts, with the Increase under this Act, had been the Sum directed to be contributed by the Act of 1854; and the Tolls and Duties upon which the Contributions of the *Wisbech* Corporation were charged by the Act of 1852 and the Act of 1854 shall continue to be levied by the Corporation of *Wisbech* for the Payment of the additional Contribution under this Act; and the Corporation may and shall, in order more effectually to provide additional Means for the Discharge as well of the said Sums so as aforesaid directed by the said Acts to be contributed by them, as also of the additional Contribution to be paid by them by virtue of this Act, levy such an Increase of the Tolls or Duties authorized to be taken or continued by the said Acts in the Port of *Wisbech*, and levy and assess such additional or further Tolls or Duties of the like Nature, and extend and enlarge the Term, or authorize the longer Continuance of any Tolls or Duties already authorized to be levied, for such Period as shall be requisite for the raising of the Money on Mortgage for Payment of the additional Contribution under this Act, with the Interest thereof and all Expenses connected therewith; and the Provisions of the said Acts shall have the Operation and Effect with respect to the additional Contribution under this Act, and to the additional Tolls and Duties to be levied in respect thereof, and to the Mortgage of the same, as they would have if the additional Contribution had been originally directed to be paid under the Provisions of the said Acts; and every Mortgage already made by the *Wisbech* Corporation by virtue of the said Acts of the Tolls and Duties therein mentioned, or any of them, shall be a Charge upon any increased Amount of such Tolls or Duties, and upon any additional or further Tolls or Duties of the like Nature, which may be levied or assessed by virtue of this Act, in the same Manner as any Mortgage to be made under the Provisions of this Act.

Wisbech Corporation may reduce Rates, &c.

12. It shall be lawful for the *Wisbech* Corporation from Time to Time, if they think fit, with the Consent in Writing of all the Persons who shall at such Times respectively be entitled to subsisting Mortgages on the Harbour Tolls and Duties, to charge Tolls, Rates, and Duties not exceeding the Rates *per* Ton which they are now authorized to charge upon any Ships or Vessels importing or exporting Goods, Wares, or Merchandise into or from the Port and Harbour of *Wisbech*, so that the same may be calculated only on the actual Quantity of such Goods, Wares, and Merchandise carried or conveyed, and not on the registered Tonnage of such Ship or Vessel; and the Thirtieth Section of "The Harbours, Docks, and Piers Clauses Act, 1847," shall be incorporated with this Act, and the Word "Undertakers" contained in that Section, shall mean, for the Purposes of this Enactment, the *Wisbech* Corporation, and it shall be lawful for the *Wisbech* Corporation again to charge the

said Tolls, Rates, and Duties upon the registered Tonnage of the Ships or Vessels from Time to Time, so that the same be not at any Time raised beyond the Powers now existing for raising the same, and the Corporation may, so far as they think fit, make from Time to Time Regulations and Byelaws for carrying into and giving effect to the Objects and Purposes aforesaid.

Wisbech Port Act, 1855, to extend to additional Contribution.

13. If the *Wisbech* Corporation shall fail to raise the additional Contribution imposed upon them by this Act by the Means herein-before provided, the Powers of mortgaging and levying Rates given to them by "The *Wisbech Port* Act, 1855," for raising or securing the Monies therein mentioned, shall extend to and be exercised by the *Wisbech* Corporation for raising the additional Contribution under this Act, and the Amount of the additional Contribution under this Act shall be deemed Part of the Monies which by "The *Wisbech Port* Act, 1855," were authorized to be raised or secured; and the *Wisbech* Corporation shall have Power to increase the Amount of the Rate in Aid under "The *Wisbech Port* Act, 1855," from Tenpence to any Sum not exceeding One Shilling and Sixpence in the Pound: Provided that for the Purpose of raising any such additional Contribution under this Act, no Property shall be assessed or rated beyond the Area which has heretofore been assessed or rated under the Authority of "The *Wisbech Port* Act, 1855."

Extension of certain Sections of Act to additional Contribution of Wisbech Corporation.

14. With respect to the additional Contribution to be paid under this Act by the *Wisbech* Corporation, all the Provisions of the Act of 1852, so far as the same are not altered by the Act of 1854 and by this Act, and also the following Sections of the Act of 1854, (that is to say,) Sections 34, 35, 37, and 38 shall apply as fully and effectually to the additional Contribution to be paid by the *Wisbech* Corporation under the Provisions of this Act as if the same Sections were hereby re-enacted, and were in Terms made applicable in all respects to such additional Contribution, instead of the Payment of the Instalments directed to be paid by the Act of 1852 and the increased Amount of Contribution awarded to be paid by such Corporation under the Act of 1854 respectively.

Reserving Rights of existing Mortgages.

15. All Mortgages and Securities to which at the passing of this Act the Corporate Estates and Market Tolls of the *Wisbech* Corporation, or the Harbour Tolls and Duties of the *Wisbech* Corporation, are subject, shall, during the Continuance thereof respectively, have Priority and Preference over all Mortgages and Securities on the said Corporate Estates and Market Tolls and on the said Harbour Tolls and Duties respectively which shall be granted by the *Wisbech* Corporation or the said incorporated Commissioners after the passing of this Act.

16. With

Provision for recovering additional Contribution from Bedford Level Corporation.

16. With respect to the additional Contribution to be paid under this Act by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called the *Bedford Level* Corporation, the same shall be paid by the said Corporation to the Treasurer of the incorporated Commissioners on the First Day of *January* One thousand eight hundred and sixty-three; and in case of any Default of Payment of the said Contribution in manner aforesaid for the Period of Forty Days it shall be lawful for the said incorporated Commissioners to sue for and recover the whole or such Part thereof as may then be in arrear by an Action at Law or Debt or on the Case against the said Governor, Bailiffs, and Commonalty, in any Court having Cognizance of the Matter in dispute; and the said incorporated Commissioners shall on any such Recovery be entitled to full Costs of Suit.

Provision for levying any additional Contributions from North Level Waldersey, Redmore, and Wisbech, Commissioners of Sewers and Peterborough.

17. With respect to the additional Contributions to be respectively paid by the *North Level* Commissioners, the *Waldersey* Drainage Commissioners, the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, in this Act called the *Wisbech* Sewers Commissioners, for or on behalf of themselves and the several Parties they represent, the *Peterborough* Improvement Commissioners, and the Dean and Chapter of *Peterborough*, such Contributors respectively shall raise the Sums by which their respective Contributions are increased by Mortgage or by the same Means as are by the Act of 1852 provided with respect to the Contributions thereby made payable by such Contributors respectively, and shall raise by Rates or Assessments upon the respective Proprietors of Lands, or other Parties chargeable with Rates and Assessments in respect of the Contributions or Sums of Money by such Act made payable, additional Rates or Assessments sufficient for the Discharge of the increased Amount of Contribution made payable under the Provisions of this Act by such Proprietors or Parties, and the Costs and Expenses which may have been incurred by such Parties respectively in relation thereto, or for the Payment of the Principal Money raised by Mortgage, and Interest and Expenses attending the Assessment of and raising the same, and with respect to any increased Contribution by the *Peterborough* Improvement Commissioners, and the Dean and Chapter of *Peterborough*, the same shall be charged and raised in such and the like Proportions as are provided by the Act of 1852 with regard to their original Contributions.

Charge of Contribution by Wisbech Sewers Commissioners.

18. The additional Contribution to be paid by the *Wisbech* Sewers Commissioners shall be chargeable by an equal Acre Rate or Assessment upon the Lands which by the 207th Section of the Act of 1852 are made liable to the annual Contribution by the said Commissioners as therein mentioned.

Mode of raising additional Contribution by North Level Commissioners.

19. With respect to the additional Contribution to be paid by virtue of this Act by the *North Level* Commissioners, the same shall be raised in the Manner herein provided for; (that is to say,) as to Four Fifth Parts thereof the same shall be raised by a Rate or Assessment upon the Proprietors of the same Lands and Grounds as were taxed under the Act of 1852 for raising the gross Sum of Two thousand Pounds therein referred to, and as to One Fifth Part thereof the same shall be raised by a Rate or Assessment upon the Proprietors of the same Lands and Grounds as were taxed under the Act of 1852 for raising the gross Sum of Five hundred Pounds therein referred to.

Contributors to have Powers of Recovery as in recited Acts.

20. All the said Contributors respectively shall have the like Powers and Remedies for recovering and enforcing Payment of the said additional Rates, with such or the like Penalties for the Nonpayment thereof respectively, as are given by the said recited Acts for raising the Taxes thereby respectively imposed.

Powers of Act of 1852 extended to Contributions under this Act.

21. Except as in this Act otherwise expressly provided, the several Powers and Provisions of the Act of 1852 applicable for the levying, raising, recovering, and paying of the respective Contributions required by the Act of 1852 shall extend and apply to the additional Contributions to be paid under this Act, and the levying, raising, recovering, and paying the same.

Certain Sections of Act of 1854 to extend to Contributors.

22. The following Sections of the Act of 1854 are incorporated with this Act, and apply to the additional Contribution to be paid under this Act by the respective Contributors as fully and effectually as if those Sections were re-enacted in this Act with respect to such additional Contributions, and were in Terms made applicable in all respects accordingly, (that is to say,) Sections 42 to 46 both inclusive.

Application of Monies paid to incorporated Commissioners under Act.

23. All Monies payable under this Act by the Contributors in respect of the additional Contribution shall be paid to the incorporated Commissioners and carried by them to the Third District Account, and be applied in and towards the Payment of the Debts incurred by the incorporated Commissioners in respect of the Third District mentioned in the Second Schedule to this Act.

Sale of Lands.

24. The incorporated Commissioners shall sell and dispose of, in such Manner and to such Persons as they may think fit, all the Wash Lands belonging to them in the Third District, and the Proceeds of all such Sales shall be applied in aid of and in addition to the Monies authorized to be raised by virtue of this Act for the Purposes thereof.

Owners of Lands from which Lands

25. The incorporated Commissioners shall give previous Notice of the Intention to sell such Wash Lands to the respective Owners of the Lands

Lands from which they were originally severed; and if within One Month after such Notice the Owner of the Lands from which the Lands to be sold were originally severed shall signify his Desire to purchase, in Writing, to the incorporated Commissioners, such Owner shall be entitled to exercise the Right of Pre-emption in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the Sale of superfluous Lands.

to be sold were severed may claim Right of Pre-emption.

26. All Lands in the Wash acquired or to be acquired by the incorporated Commissioners under the Powers of the Acts of 1852 and 1854, or of this Act, shall from the Time the same shall have come into the actual Possession of the said Commissioners be exempt from the Tax on the Wash Lands, and may be sold free from such Tax.

Wash Lands when sold to be freed from Tax.

27. The Incorporated Commissioners may raise by Mortgage such Sums as may be necessary for defraying the respective additional Contributions to be paid by virtue of this Act by the Contributors in the First and Second Districts, and the flooded Lands in *Standground* and the Wash Lands, and the Costs and Charges attending the Mortgage or Mortgages; and the same respective Sums so raised shall be charged upon the Outfall Tax and increased Tax on the *Wash* Lands to be raised for paying such additional Contributions respectively, and such Sums may be raised in manner herein-after mentioned or in such Manner as is authorized by the Act of 1852 and the Act of 1854, or either of them, or all or any of the above Ways, and at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and in the event of the Repayment of any Money so borrowed being required the incorporated Commissioners may in like Manner reborrow the Amount thereof, and such Costs and Charges as aforesaid, except so much thereof as shall be paid by means of the Sinking Fund, but so that the total Amount at any One and the same Time secured by Mortgage upon such Outfall Tax and increased Tax on the Wash Lands respectively to be imposed by virtue of this Act shall not exceed the respective Sums which by this Act the incorporated Commissioners are authorized to assess upon the same respectively as the Amount of their respective additional Contributions, with such Costs and Charges as aforesaid, and the 102d and 103d Sections of the Act of 1852, and the 5th, 52d, and 53d Sections of the Act of 1854, are incorporated with this Act, and shall apply as fully and effectually as if such Sections were re-enacted in this Act, and made expressly applicable as well to the additional Contributions, Taxes, and Funds to be imposed, raised, or received by the incorporated Commissioners under this Act as the Taxes, Contributions, and Funds by the Acts of 1852 and 1854 respectively authorized to be imposed, raised, or received by the incorporated Commissioners, and were in Terms made applicable in all respects to the Purposes of this Act.

Power to incorporated Commissioners to raise Money on Mortgage for First and Second Districts and Wash Lands.

28. Every

Powers of Mortgagees and Purchasers under Power of Sale.

28. Every Mortgagee under, and every Purchaser under, any Power of Sale contained in any Mortgage granted by the incorporated Commissioners under the Powers of this Act shall, subject to the Provisions of such Mortgage Deed, be entitled to exercise all the Powers conferred on the incorporated Commissioners, and to the Benefit of all the Remedies given to them (including the Power of enforcing and recovering Penalties) for assessing, levying, recovering, and enforcing punctual Payment of the Rates, Taxes, Contributions, and Funds comprised in the Mortgage or Sale to such Mortgagee or Purchaser respectively, and no Mortgagee shall be concerned or bound to inquire as to whether any Notice by this or by any other Act required to be given by the incorporated Commissioners shall have been given or not, or whether any Declaration which would interfere with the Power of the incorporated Commissioners to grant such Mortgage shall have been made, or otherwise into the Necessity or Propriety of any such Mortgage, and every such Mortgage shall, so far as regards the Mortgagee and any Person claiming under him, and the Premises comprised in such Mortgage, be as valid and effectual to all Intents and Purposes as if such Mortgage had been duly authorized by the Provisions of this Act.

When additional Contributions payable.

29. The additional Contribution under this Act shall be due and payable to the incorporated Commissioners by the respective Contributors on the First Day of *January* One thousand eight hundred and sixty-three; and if Default in Payment be made by any of the Contributors, Interest after the Rate of Five Pounds *per Centum per Annum* shall be payable to the incorporated Commissioners upon the Amount of the respective Contribution, or any Part thereof which shall remain unpaid from the said First Day of *January* until Payment, and such Interest may be recovered and levied by the incorporated Commissioners in the same Manner as the Contribution of the Contributor so making Default can be recovered and levied under the Provisions of this Act.

As to raising Proportion of contingent Sum on Outfall Proprietors and Owners of Wash Lands.

30. The Proportions of the contingent Sum of Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny, payable by the Owners and Occupiers of Land, liable to the Outfall Tax granted by the Act of 1852 and by the Owners or Occupiers of Wash Lands in the Third District respectively, as mentioned in the Schedule to this Act, may be raised, levied, and secured in like Manner as and in addition to the Contributions payable by such Owners and Occupiers under this Act as if the same had been granted under this Act and not in manner prescribed by the Act of 1854.

As to Application of contingent Sum of 7,376*l.* 7*s.* 10½*d.*

31. If the said contingent Sum of Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny, or any Part thereof, shall be voluntarily raised and levied by the Contributors legally liable to the Payment thereof before the same may be required

required for the Purposes to which the same is applicable, then, after Payment of any Debt or Charge now legally affecting the same, the Sum so raised, or the Balance thereof, shall be invested by the Parties raising or paying the same in the joint Names of the Clerk for the Time being of the *Middle Level* Drainage Commissioners and a Trustee to be appointed by the Duke of *Bedford*, his Heirs or Assigns, Owners for the Time being of the *Thorney* Estate, in the Three Pounds *per Centum* Consolidated Bank Annuities, and the same shall not be sold or dealt with unless and until the same shall be required for the Purpose of executing the Works to which the same is legally applicable, and the Dividends thereof shall be paid to the incorporated Commissioners until the Dissolution of the Commission, and applied by them as Part of the general Funds of the Third District; and after the Dissolution of the Commission the same shall be paid to the Navigation Commissioners by this Act constituted, and be applied by them in like Manner and in the same Proportions and for the same Purposes as the Navigation Tolls are herein-after directed to be applied.

Reservation of Fresh-water and Naviga tion Rights.

32. In order to preserve and protect the Fresh-water and Navigation Rights intended to be preserved and protected by Sections One hundred and seventy-three, One hundred and seventy-four, One hundred and seventy-five, One hundred and eighty-two, and One hundred and ninety-four of the Act of 1852, and by Section Forty-seven of the Act of 1854, those Provisions are continued by this Act, except that after the Dissolution of the Commission the Navigation Commissioners constituted by this Act shall, for the Purposes of those Provisions, represent the incorporated Commissioners, and all the Duties of levying, raising, and applying the said Sum of Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny; and all other Powers and Authorities conferred, and all Duties imposed upon the incorporated Commissioners by or with reference to those Provisions, to the Extent of the said Sum, and not further or otherwise, shall from and after the Dissolution of the Commission wholly devolve upon and be fulfilled by the Navigation Commissioners.

The contingent Sum to bear Interest after Default in Payment

33. If any Contributor liable to the Payment of the Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny, or any Part thereof, shall make Default in Payment of the same when legally required for the Purposes to which the same is applicable, the Contributor making such Default shall pay Interest at the Rate of Five Pounds *per Centum per Annum* from the Time at which Payment of such Sum shall be required to the Time of Payment thereof; but this Provision shall not affect the Rights or Remedies of the Navigation Commissioners for enforcing Payment of such Sum or any Part thereof when due.

As to the Powers of Arbitrator in reference to said 7,376*l.* 7*s.* 10½*d.*

34. In the event of his Grace the Duke of *Bedford*, or the Owner for the Time being of the *Thorney* Estate, or of the *Middle Level* Drainage Commissioners, proceeding to Arbitration under the Act of 1852 or the Act of 1854, or either of them, in reference to their Navigation or Fresh-water Rights, the other of such Parties shall be entitled to not less than Fourteen Days Notice of such Arbitration, and to appear and be heard before the Arbitrator or Arbitrators, and the Arbitrator or Arbitrators, or their Umpire, shall have Power to decide as to the Works which shall be necessary to be done for the Protection of the Party proceeding to Arbitration and to determine the Proportion of the said contingent Sum of Seven thousand three hundred and seventy-six Pounds Seven Shillings and Tenpence Halfpenny which shall be expended thereon, having regard to the present or contingent Rights of the other Party.

Reserving Rights of Mortgagees.

35. Except as in this Act otherwise expressly provided, nothing in this Act contained shall prejudice or affect any Mortgage or Security granted upon the Rates, Taxes, Tolls and Duties, or any of them, under the Acts of 1852 and 1854, and "The *Wisbech* Port Act, 1855," or any or either of them, or any Right or Interest in respect thereof.

Dissolution of the Commission.

36. From and after the Thirtieth Day of *September* One thousand eight hundred and sixty-two the incorporated Commission shall be absolutely dissolved, except so far as may be necessary to enable the incorporated Commissioners to receive, levy, raise, and apply any Monies authorized to be raised by this Act, which shall not then have been received, levied, raised, and applied, and to sue for, recover, and apply, for the Purpose of paying the Debts mentioned in the Second Schedule of this Act, all Rates, Rents, Taxes, and other Monies then due to the said incorporated Commissioners in respect of the Third District, and to sell and convey the Lands by this Act made saleable, and to complete all necessary Contracts and other Arrangements relative thereto, for which Purposes the Powers of the incorporated Commissioners shall continue in full Force and Effect; but all other Powers, Duties, Liabilities, and Obligations of the said incorporated Commissioners shall cease and determine.

Receipt of the Treasurer to be Discharge.

37. The Receipt of the Treasurer for the Time being of the incorporated Commissioners for all Monies payable to those Commissioners by virtue of this Act shall be a sufficient Discharge to all Persons and Bodies paying the same Monies respectively, and exempt all Persons and Bodies from all Liability to see to the Application of the said Monies or any Part thereof.

Districts to be severed on Dissolution.

38. After the Dissolution of the incorporated Commission the Qualifications of Commissioners and the Rights of appointing and electing Com-

Commissioners in the First and Second Districts shall be available and may be exercised within the District in which the qualifying Property shall be situate, and every Commissioner representing or thereafter elected to represent any District, or deriving his Qualification from Lands within any District, shall be a Commissioner of that District only which he so represents or may be elected to represent, or from which he so derives his Qualification, and the flooded Lands in *Standground* as to the Qualification and Election of Commissioners shall be deemed to be within the Second District; and the Commissioner who shall have been or shall be from Time to Time appointed by the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, under the Powers contained in the 18th Section of the Act of 1852, shall be a Commissioner of the First District only; and the Commissioner who shall have been or shall be from Time to Time appointed by the Commissioners under the *Peterborough* Improvement Police and Cemetery Act, under the Powers of the said 18th Section, shall be a Commissioner of the Second District only; and the Commissioners acting for the First and Second Districts respectively shall be called the *Nene Valley* Drainage and Navigation Improvement Commissioners, adding thereto the Name of the District, (First District, or Second District, as the case may be,) and by such respective Names the Commissioners for each of such Districts shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall (subject to the Provisions of this Act) within their respective Districts have and exercise all the Rights, Powers, and Authorities of the incorporated Commissioners, and be subject, within their respective Districts, to the same Duties, Obligations, and Liabilities in all respects as if they had been by the Act of 1852 constituted separate Bodies of Commissioners for such Districts, and as if such Rights, Powers, and Authorities had been conferred, and such Duties, Obligations, and Liabilities imposed, upon such respective Bodies of Commissioners instead of the incorporated Commissioners constituted by the Act of 1852; and the Lands and Hereditaments of the incorporated Commissioners in the First District shall vest in the Commissioners of the same district; and the Lands and Hereditaments of the incorporated Commissioners in the Second District, and the Tolls arising or receivable within the First and Second Navigation Divisions, shall vest in the Commissioners of the Second District; and the Commissioners of one of such Districts shall not be subject or liable to any Works, Damages, Costs, Losses, Charges, Expenses, Claims, Demands, Debts, or Liabilities which may arise within, or be incurred by the Commissioners of the other of such Districts; but the Commissioners of each such District shall be exclusively subject and liable to execute the Works and satisfy the Damages, Costs, Losses, Charges, Expenses, Claims, Debts, and Liabilities arising or incurred in respect of their own District: Provided always, that nothing herein contained shall affect the 73rd Section of the Act of 1854, nor be construed to charge the Commissioners of the Second District with any Liability to the Execution of

any

any Works for the Protection of Drainage of the flooded Lands in *Standground*.

Commissioners to be appointed for Wash Lands upon the Dissolution.

39. Upon the Dissolution of the Commission every Person who shall be *bonâ fide* seised or possessed of Twenty Acres of Land, subject to be taxed to any Tax on the Wash Lands under the Act of 1852, the Act of 1854, or this Act, shall be a Commissioner of the *Nene* Wash Lands, or may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, One Commissioner of the *Nene* Wash Lands, and every Person who shall be *bonâ fide* seised or possessed as aforesaid of One hundred Acres of Land, subject to be taxed as aforesaid, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, Two Commissioners of the *Nene* Wash Lands during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed, but such Commissioner or Commissioners shall act only in the Absence of the Person by whom such Appointment shall have been made, except where Two Commissioners are appointed, in which Case One of them may act, though the Person appointing him be present and act, and for the Purposes of this Enactment Charitable Trustees or other Joint Owners shall be considered One Person, and a Majority of such Joint Owners may, by Writing under their Hands, appoint the Commissioner or Commissioners on their Behalf, and such Commissioner or Commissioners may be One or more of the Joint Owners or not at the Pleasure of the Person in whom the Appointment may be vested.

Incorporation of Commissioners of the Nene Wash Lands.

40. The Persons from Time to Time constituted or appointed Commissioners for the *Nene* Wash Lands shall be incorporated by the Name of "The Commissioners of the *Nene* Wash Lands," and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and Power to hold and dispose of Lands, subject to the Provisions of this Act, and to carry into effect the Powers and Provisions of this Act and the Act of 1852 and the Act of 1854, so far as the same are authorized to be carried into effect by them.

Meeting of Commissioners of the Nene Wash Lands.

41. The Commissioners of the *Nene* Wash Lands may meet from Time to Time at such Place as they may from Time to Time appoint, and their First Meeting shall be at such Time and Place as the incorporated Commissioners may appoint previous to the Dissolution of the Commission, or, failing such Appointment, at the *Falcon* Inn in the Town of *Whittlesey*, or some other convenient Place in that Town, at Noon, on the Fourth *Thursday* after the Day of Dissolution.

Powers to be exercised by Commissioners of Nene Wash Lands.

42. All Powers of mortgaging and all other Powers and Authorities capable of being exercised by the incorporated Commissioners in the *Wash* Lands, or capable of being exercised by the Committee of the Wash

Wash Lands, and conferred on that Committee by the Act of 1852 and the Act of 1854, shall on and after the First Meeting of the Commissioners of the *Nene* Wash Lands be vested in and be capable of being exercised by the Commissioners of the *Nene* Wash Lands, and they may exercise all other Powers and Authorities given to or conferred on them by this Act, and the Powers hereby given shall extend to authorize the Commissioners of the Wash Lands to construct and maintain a Bank upon the Wash Lands at their own Cost, not exceeding Four Feet in Height.

Commissioners of Nene Wash Lands to raise certain Taxes.

43. The Commissioners of the *Nene* Wash Lands shall, and they are hereby required to, raise and levy all such Taxes upon the Wash Lands for paying the Principal and Interest secured on any Mortgages which the incorporated Commissioners may have charged upon those Lands, and which may be unpaid at the Time of the Dissolution of the Commission, and they shall thereout pay such Principal and Interest in preference to all other Payments, and the Commissioners of the *Nene* Wash Lands shall be subject to the same Liabilities and perform the same Duties with regard to such Mortgages as the incorporated Commissioners were subject to or were bound to perform, and the Mortgagees respectively shall have all the same Rights, Powers, and Remedies as if the Dissolution of the Commission in the Third District had not taken place, and if the same Taxes had continued to be levied and raised by the incorporated Commissioners.

Power to Commissioners of Nene Wash Lands to raise other Taxes.

44. The Commissioners of the *Nene* Wash Lands shall have all such and the same Powers of raising Taxes as are by the 85th Section of the Act of 1852 conferred on the Committee of the Wash Lands, and they shall have and exercise the Powers of such Committee under the Act of 1852 and the Act of 1854 in the same Manner as if they had been appointed such Committee by the incorporated Commissioners in pursuance of the Act of 1852.

Powers of recovering Taxes.

45. All Powers and Remedies which are conferred upon or might be exercised by the incorporated Commissioners by the Act of 1852 and the Act of 1854, or this Act, of assessing, collecting, and recovering Taxes and enforcing Penalties for Nonpayment of Taxes may be exercised by the Commissioners of the *Nene* Wash Lands on and after their First Meeting.

Part of Section 13 of 15 & 16 Vict. c. cxxviii. repealed.

46. So much of the 13th Section of the Act of 1852 as authorizes and requires the incorporated Commissioners to appoint a Committee for the Wash Lands is hereby repealed.

After Dissolution, Banks in Third

47. Upon the Dissolution of the Commission all the Provisions of the Act of 1852, the Act of 1854, and of this Act, which impose any Obligations,

District, how to be maintained.

Obligations, Duties, or Liabilities upon the incorporated Commissioners in the Third District, shall cease and determine, and, subject to the Provisions herein-after contained, the Banks, Forelands, Slopes, and Wharf Walls of the River, and all Liabilities in connexion therewith, whether existing before the passing of the Act of 1852, or made, altered, or incurred by the incorporated Commissioners, shall revert to and revest in, and shall be upheld and maintained by the Corporations, Commissioners, and Parties who were respectively liable to maintain such Banks, Forelands, Slopes, and Walls of the River previous to the passing of the Act of 1852, or were subject to any Liabilities in connexion therewith: Provided that the Commissioners of the *Nene Outfall* shall as from and for ever after the Expiration of Six Months after the passing of the Act of 1852 be by this Act discharged from all the Liabilities against which the incorporated Commissioners were by the 191st Section of that Act bound to indemnify them, and all Right and Title of the incorporated Commissioners to any Lands or Property within the Town or Port of *Wisbech* shall vest in and belong to the *Wisbech* Corporation.

Herbage to belong to Parties repairing Banks.

48. Upon the Dissolution of the Commission the Herbage and Pasturage of the Banks and Forelands, the Rents of which were receivable by the incorporated Commissioners, shall belong, and the Rents thereof shall be paid to the Parties liable to the Repair and Maintenance of the same Banks, and such Parties shall have the same Powers of letting the same as might have been exercised by the incorporated Commissioners.

Wisbech Corporation to maintain Banks and River in Lower Division.

49. Upon the Dissolution of the Commission the *Wisbech* Corporation shall thenceforth be liable to the Maintenance of the Bed and Channel of the River in the Lower Division, and to the Maintenance and Repair of the Bridge erected by the incorporated Commissioners at *Wisbech*, and to the Maintenance of the Wharfing and Banks in the Lower Division, which were not liable to be repaired and maintained by any other Commissioners, Trustees, or Persons previous to the passing of the Act of 1852, or which are not imposed upon such Commissioners, Trustees, or Persons under any of the Provisions of this Act.

Tonnage Dues of ½*d.* to revert to Corporation.

50. Upon the Dissolution of the Commission the Tonnage Due of One Halfpenny, by the 152d Section of the Act of 1852 directed to be levied by the *Wisbech* Corporation, and by the 154th Section directed to be paid over to the incorporated Commissioners, shall be retained by the *Wisbech* Corporation, and applied by them to the Maintenance and Support of the Navigation and such Works in the Lower Division as are maintainable by the said Corporation.

Other Banks by whom to be maintained.

51. All Banks and Works which previous to the passing of the Act of 1852 were maintained, or were liable to be maintained by the *North Level*

Level Commissioners, the *Bedford Level* Corporation, the *Waldersea* Drainage Commissioners, the *Wisbech* Sewers Commissioners, or any other Parties, shall, upon the Dissolution of the Commission, be thenceforth maintained by such Commissioners, Corporation, and Parties respectively, by the same Ways and Means, with the same Powers, and subject to the same Liabilities, as they would or ought to have been maintained if the Act of 1852 had not been passed.

Banks, &c. to be maintained by Commissioners of Nene Wash Lands.

52. Upon the Dissolution of the Commission the Commissioners of the *Nene* Wash Lands shall maintain and repair the Bridge and its Approaches at the *Dog-in-a-Doublet*, erected or made by the incorporated Commissioners, and shall have the same Powers of maintaining, scouring, and improving *Moreton's Leam* and *Whittlesea Delph* as the incorporated Commissioners could have exercised if the Dissolution of the Commission had not taken place; and all Bridges, Sluices, and other Works upon the Wash Lands, or connected therewith, which belong to or were maintainable by the incorporated Commissioners, shall vest in and be maintainable by the Commissioners of the *Nene* Wash Lands: Provided always, that no Liability shall be imposed by this Act upon the Commissioners of the *Nene* Wash Lands to maintain *Moreton's Leam* as a navigable Channel.

Commissioners of Nene Wash Lands to receive the Tolls at Dog-in-the-Doublet Bridge.

53. Upon the Dissolution of the Commission the Commissioners of the *Nene* Wash Lands shall and may receive, collect, levy, and recover the Tolls at the *Dog-in-the-Doublet Bridge*, payable under the Act of 1852, the Act of 1854, and this Act, or any of them, to the incorporated Commissioners, and may exercise all the Powers of the incorporated Commissioners with reference thereto as fully and effectually as if the Commissioners of the *Nene* Wash Lands had been authorized to levy such Tolls by the Act of 1852 instead of the incorporated Commissioners, and all the Monies arising from such Tolls shall be carried to the Account of the Commissioners of the *Nene* Wash Lands.

In case Dog-in-a-Doublet Bridge be used as an opening Bridge.

54. In case at any Time hereafter the Bridge at the *Dog-in-a-Doublet* shall be required to be used as an opening Bridge, the Expense of adapting the same for that Purpose shall be defrayed by the Navigation Commissioners, and they shall thenceforth maintain the said Bridge and the Approaches thereto as Part of their Works, and shall collect the Tolls receivable at the said Bridge and apply the same as an Addition to the Moiety of the Navigation Tolls by this Act made applicable to the Works maintainable by the said Navigation Commissioners.

Navigation Commissioners to be appointed to take charge

55. From and after the Dissolution of the Commission the Maintenance, Superintendence, and Conservancy of the Navigation of the River and the Works thereof within the Third Navigation Division, and the Receipt

of Third Navigation Division.

Receipt of the Tolls and Duties thereon, shall be vested in and shall be exercised by the Navigation Commissioners herein-after constituted.

Incorporation of Nene Navigation Commissioners.

56. The Persons to be appointed from Time to Time as by this Act provided, shall be incorporated by the Name of "the *Nene* Navigation Commissioners (Third Division)," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and Power to carry into effect the Powers and Provisions of this Act, and the Act of 1852 and the Act of 1854, so far as they are authorized to be carried into effect by them.

Appointment of Nene Navigation Commissioners (Third Division).

57. The *Nene* Navigation Commissioners (Third Division), in this Act referred to as the Navigation Commissioners, and their respective Successors, shall be Persons appointed respectively in the Proportions following; (that is to say,)

Four by the Council of the Borough of *Wisbech*;
One by the *North Level* Commissioners;
Two by the *Wisbech* Sewers Commissioners;
Two by the Commissioners of the *Nene* Wash Lands;
One by the *Peterborough* Improvement Commissioners;
One by the *Waldersea* Drainage Commissioners;
One by the Duke of *Bedford*, his Heirs or Assigns, Owner or Owners for the Time being of the Navigation between *Dog-in-a-Doublet* Sluice and the Town of *Thorney*;

And the Person or Persons so appointed (other than the Nominee of the Owner or Owners of the *Thorney* Navigation, who shall remain during the Pleasure of such Owner or Owners,) shall remain in Office for Three Years from the Time of their respective Appointments, and the Meetings of the Commissioners and Council respectively for making the First Appointment shall be held previous to the Day appointed for the Dissolution of the Commission: Provided always, that such Council or any of such District Commissioners may respectively determine at what Period in any Year any Election shall take place, and the Commissioners or Commissioner, as the Case may be, first appointed by such Council, or any of such District Commissioners shall remain in Office accordingly.

Mode of supplying Vacancies.

58. In case of the Death, Resignation, Disqualification, or other lawful Removal of any Navigation Commissioner during his Term of Office the Vacancy occasioned thereby shall be filled up by the Commissioners, Council, or Person by whom the Person causing such Vacancy shall have been appointed.

Meeting of Navigation Commissioners.

59. The Navigation Commissioners may meet from Time to Time at such Place as they may from Time to Time appoint, and their First Meeting shall be at such Time and Place as the incorporated Commissioners

sioners may appoint previous to the Dissolution of the Commission, or failing such Appointment at the *Rose and Crown* Inn in the Town of *Wisbech*, or some other convenient Place in that Town, at Noon, on the Thirtieth Day of *September* One thousand eight hundred and sixty-two.

As to Powers of Navigation Commissioners.

60. The Powers of the Navigation Commissioners shall not be dependent upon the Election or Continuance in Office of all the Members of the Commission.

Powers to be exercised by Navigation Commissioners.

61. All the Powers, Jurisdiction, and Authority of the incorporated Commissioners, conferred on them by the Act of 1852 and the Act of 1854, with reference to and within the Third Navigation Division, and all Navigation Tolls, Duties, and Sums of Money which could have been received and levied by the incorporated Commissioners for and in respect of the Navigation of the River in the Third Navigation Division, if the Dissolution of the Commission had not taken place, shall upon the Dissolution of the Commission be transferred to and become vested in the Navigation Commissioners, and such Navigation Commissioners shall have and may exercise all such Powers, Jurisdiction, and Authority, with reference to the Maintenance, Superintendence, and Conservancy of the Navigation in the Third Navigation Division and the Works thereof, and of the levying of Tolls and Duties therein or in respect thereof, in the same Manner as if they had been expressly authorized and appointed by the Act of 1852 and the Act of 1854, for those Purposes, instead of the incorporated Commissioners.

Application of Tolls by Navigation Commissioners.

62. The Navigation Commissioners shall apply the Tolls, Duties, and Sums received by them (after Payment of the Expenses of Collection) as follows: One Half Part thereof shall be paid annually to the Treasurer of the Corporation of the Borough of *Wisbech*, and be applied by such Corporation for the Purposes to which the Tonnage Due of One Half-penny herein-before directed to be retained by the said Corporation is made applicable, and the remaining Half Part thereof shall be retained by the said Navigation Commissioners, and shall, after Payment of the general Expenses of Management, be applied in and towards the Maintenance and Conservancy of the Navigation of the River in the Third Navigation Division and the Works thereof, and connected with the same, and, if there be any Surplus, the same shall from Time to Time be paid to the Treasurer of the Corporation of the Borough of *Wisbech*, who may apply the same in like Manner as is herein-before directed with respect to the Proportion of the said Navigation Tolls receivable by them as aforesaid, and, if not required for such Purposes, in Liquidation of any Principal Monies raised by that Corporation for the Payment

of the additional Contribution payable by them under the Provisions of this Act.

As to opening Bridges.

63. It shall not be obligatory on the *Wisbech* Corporation or any other Party or Persons to open the Bridges at *Wisbech* or the *Dog-in-a-Doublet*, or either of them, for the Passage through the same of such seaborne Vessels as cannot lower their Masts, or any other Vessels, so long as the Navigation from *Wisbech* to *Peterborough* shall continue insufficient for the Passage of such seaborne Vessels as aforesaid.

Wisbech Corporation may borrow on Mortgage.

64. It shall be lawful for the *Wisbech* Corporation from Time to Time to borrow Money at Interest on Mortgage of the Halfpenny Tonnage Dues and Proportion of the Navigation Tolls respectively directed to be retained by and vested in them under this Act in like Manner and with the same Powers as they may mortgage the Harbour Tolls and Duties under the Acts of 1852 and 1854, and the *Wisbech* Port Act, 1855, or any or either of them, and to apply the Money so borrowed in and towards Payment of the Contribution imposed upon them under this Act or in discharge of any Money so borrowed, and so *toties quoties*.

Parts of 10 & 11 Vict. c. 16. incorporated.

65. "The Commissioners Clauses Act, 1847," (except Clauses 6, 7, 10, 16, 17 to 35, both inclusive, 36, 40, 42, 43, 46, 48, and 54,) shall be and the same are incorporated with and form Part of this Act, and, for the Purposes of the Incorporation made by this Section, the Commissioners of the *Nene* Wash Lands and the Navigation Commissioners by this Act authorized to be appointed shall each of them be deemed the Body Corporate constituted for executing the Works and Duties by the Special Act authorized, and the Chairman of the Navigation Commissioners and the Chairman of the Commissioners of the *Nene* Wash Lands respectively shall continue in Office for One Year from the Time of his Appointment and thenceforth until another Chairman be appointed in his Stead, and the Quorum of any Meeting of such Commissioners respectively shall be Three.

Power to cleanse Drains out of District Rates.

66. The incorporated Commissioners, or the Commissioners of the First and Second Districts respectively, as the case may be, may if they think fit pay the whole or any Part of the Expense of cleansing or improving any of the Drains, Ditches, or Watercourses under their Jurisdiction in the First and Second Districts, and the flooded Lands in *Standground*, out of the Funds of the District in which the same are situated or to which the Taxes thereof belong; and the Term "Watercourse" in this Act, and the Act of 1852 and the Act of 1854, shall include tributary Streams.

67. And

Repeal of Sections 230 and 231 of Act of 1852.

67. And whereas by the 230th and 231st Sections of the Act of 1852 Provision is made for the Execution of certain Works by the incorporated Commissioners, on receiving Notice in Writing from certain Owners of Lands in such Sections named, made at any Time before the Expiration of the Period by that Act limited for the Completion of Works in the First District: And whereas the Time limited for such Completion of Works in the First District was by the Act of 1854 extended and the same will expire on the Thirtieth Day of *June* One thousand eight hundred and sixty-three: And whereas it is expedient to amend the said Sections, and for that Purpose repeal the said Sections and make other Provisions in lieu thereof: Therefore the 230th and 231st Sections of the Act of 1852 are by this Act repealed.

Viscountess Palmerston and others may require Access from navigable Part of the River to be made.

68. If at any Time or Times hereafter, before the Expiration of Ten Years from the passing of this Act, the Viscountess *Palmerston*, *Esther Wilson*, *James* and *William Rice*, *John Mercer*, *William Collins*, and *William Strong*, Trustees of the *Northamptonshire* Union Bank, or other the Trustees for the Time being of the same Bank, *Robert Willsden*, *James Houghton*, and the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, or any One or more of them, or others the Owners or Owner for the Time being of all or any of the Lands which shall or may be required for the Execution of the Works herein-after mentioned, shall by Notice in Writing served upon the incorporated Commissioners, or upon the Commissioners of the First District (if such Notice be given after the Separation of the Districts), require such Commissioners to render available for the Passage of Boats any Part of the River either within or in part within and in part without the Borough of *Northampton* and the Parish of *Duston* respectively, which at the Time of giving any such Notice may not be navigable, the incorporated Commissioners or Commissioners of the First District, as the Case may be, shall within Twelve Months next after the Service of any such Notice do such Works and shall remove all Obstructions in the said River in such Places and to such Extent as shall be specified in such Notice, so that such Part of the River may be used for the Passage of Boats from the navigable Part of the River to the Field or Close of Land numbered 19 in the deposited Plan and Section referred to in the Act of 1852, and described in the Book of Reference thereto as the Land of Lord *Melbourne*, in the Occupation of Mr. *James Garrett*, but which is now the Land of the Viscountess *Palmerston*, in the Occupation of *James Houghton*: Provided always, that this Provision shall not confer upon the incorporated Commissioners or the Commissioners of the First District any further Powers of taking Lands compulsorily for the Purposes of such Works than such as the incorporated Commissioners could exercise under and by virtue of the Act of 1852 and the Act of 1854, or either of them.

69. The

Estimated Expense to be paid to incorporated Commissioners.

69. The said Viscountess *Palmerston*, *Esther Wilson*, *James* and *William Rice*, *John Mercer*, *William Collins*, and *William Strong*, Trustees of the *Northamptonshire* Union Bank, *Robert Willsden*, *James Houghton*, and the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, or such One or more of them, or such Owners or Owner as aforesaid, by whom the Notice shall be given, shall, previous to the Commencement of the said Works, deposit with the incorporated Commissioners or the Commissioners of the First District, as the Case may be, such Sum of Money as the Commissioners and the Person or Persons by whom the Notice is given shall agree upon as the estimated Expense to be incurred in or about the Execution and Completion of the Works required to be performed by any such Notice; or in case the Commissioners and such Person or Persons giving such Notice disagree, then such Sum of Money as an Engineer appointed by the Board of Trade shall estimate as the Expense of such Works, and the Decision thereon of such Engineer shall be final; and the Expenses of such Engineer shall be borne in equal Moieties by the incorporated Commissioners or the Commissioners of the First District, as the Case may be, and the Person or Persons giving such Notice; and after the Completion of such Works, the actual Expense thereof shall be ascertained and determined and settled between the Person or Persons by whom the Notice is given and the incorporated Commissioners or the Commissioners of the First District, as the Case may be; and if the Notice be given by more than One Person, the Commissioners shall, if required by any of such Persons, apportion between them the Parts, Shares, or Proportions which each Person shall pay; and any Balance appearing to be due by or to the Commissioners shall be repaid to or by such Commissioners, and such Balance shall, as the Case may be, be paid to or received by the Person giving the Notice; or if the Notice be given by more than One Person, then the Balance shall be paid to or received by the Persons giving the Notice rateably in accordance with the Proportions fixed by the Commissioners.

Limitation of Term as to Construction of Works not to apply to certain Objects.

70. Notwithstanding the Time limited by the recited Act, or this Act, for the Completion of Works in the First and Second Districts may have expired, nothing in this Act, or in any of the recited Acts contained, shall extend to prevent the incorporated Commissioners within the First and Second Districts, or the Commissioners of those Districts respectively, from dredging, cleansing, scouring, altering, or improving from Time to Time the Bed or Channel of the River *Nene*, within those Districts respectively, or from making, altering, or improving Drains or Watercourses, and other Drainage Works within those Districts respectively, but all such Powers may be exercised by the incorporated Commissioners, or the Commissioners of those Districts respectively, with reference to such Works as could have been exercised previous

previous to the Expiration of such Period: Provided always, that no such Drain or Watercourse constructed after such Period shall be of greater Width at the Bottom than Eleven Feet.

Where Navigation Tolls to be paid in Third Navigation Division.

71. The Payment of any of the Navigation Tolls chargeable by the Act of 1852 and the Act of 1854, or either of them, within the Third Navigation Division, may be appointed to be made at any Place or Places within any Part of the River between *Peterborough* and *Wisbech*, or in the City of *Peterborough*, or in the Town of *Wisbech*, as the incorporated Commissioners or the Navigation Commissioners, as the Case may be, think proper from Time to Time, and all the Powers and Authorities of the Collector or Collectors of the said Navigation Tolls, and the Remedies given in the said Acts, or either of them, for the Recovery of the said Tolls, shall be available at such Place or Places as may be so appointed; and the Authority given to any Collector or Officer by the 107th Section of the Act of 1852 shall extend to the Collector at each Place where the Navigation Tolls shall be appointed to be paid although a Demand shall have been made by and an Account furnished to some other Collector.

Collectors Authority at Places where Navigation Tolls collected.

Power to recover in County Court.

72. It shall be lawful for the incorporated Commissioners, and the Commissioners of the First and Second Districts, Navigation Commissioners, and Commissioners of the Wash Lands respectively, to sue for and recover any Taxes, Rates, or Tolls payable under this Act, or the Acts of 1852 or 1854, or any of them, in the County Court held for or having Jurisdiction over the District in which the Lands or Place are or is situate, in respect of which such Rates or Taxes may be payable, or at which such Tolls may be leviable, and notwithstanding the Right to recover such Rates, Taxes, or Tolls may be disputed: Provided always, that the Amount of such Rates, Taxes, or Tolls sought to be recovered from any One Person shall not exceed the Limit of the Money in respect of which the said County Court may have Jurisdiction.

Form of Assessment.

73. Any Assessment of the Tax or Taxes in any of the said Districts may be in the Form given in the Fourth Schedule to this Act or as near thereto as the Circumstances will admit.

In case Name of Owner or Occupier is unknown.

74. Whenever the Name of the Occupier or Owner of any Land liable to be assessed to any Tax by the incorporated Commissioners, or the Commissioners of the First and Second Districts or the Commissioners of the *Nene* Wash Lands, shall not be known to them, it shall be sufficient to assess and designate him in the Assessment or Tax Book as "the Occupier" or "the Owner," as the Case may be, without further Description: Provided also, that if the Occupier of any Land whose Name is unknown

to the said Commissioners at the Time of making the Assessment should afterwards become known, or if any Land then unoccupied should afterwards become occupied, the said Commissioners of the First or Second Districts, or of the *Nene* Wash Lands, or their respective Clerks or Collectors, may, if they think fit, insert in the Assessment the Name of any such Occupier, who shall thereupon to all Intents and Purposes be deemed to be properly assessed, and the Taxes therein and thereby assessed and charged upon any such Occupier may be collected and recoverable from him in the same Manner as if he had been originally named therein or assessed thereto.

Separate Warrants of Distress unnecessary.

75. It shall not be necessary to have separate Warrants of Distress for Arrears of separate and distinct Taxes due in respect of the same Lands, but all Arrears for the Time being due from the Occupier of any Lands, or in respect of the Lands in his Occupation, shall and may be recoverable by one and the same Warrant of Distress, and such Warrant may be in the Form in the Fifth Schedule to this Act annexed or as near thereto as Circumstances will admit.

Part of 8 & 9 Vict. c. 20. incorporated.

76. The Clauses of "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, and with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter, shall be and the same are incorporated with and form Part of this Act.

As to Application of any Surplus Funds in Third District.

77. If the Monies authorized to be raised under this Act, and the Rates, Rents, Taxes, and other Monies due and belonging to the incorporated Commissioners in respect of the Third District upon the Dissolution, and the Monies arising from the Sale of the Lands by this Act authorized to be sold shall be more than sufficient to pay the Debts and Liabilities of the incorporated Commissioners in respect of the Third District, and the Costs and Charges to which the Funds shall be legally subject, the Surplus shall be paid to the Contributors in the Proportions in which they are respectively required to contribute to the Monies hereby authorized to be raised, and the Receipt of the Clerk or Treasurer of the respective Contributors shall be a sufficient Discharge for the Monies returnable to such Contributors respectively.

Award under Act of 1854 not to be affected.

78. Nothing in this Act contained shall prejudice, affect, lessen, or diminish, or alter, or increase the Validity of the Awards made by Sir *John Pakington* under the Act of 1854, or any or either of them.

Expenses of Act.

79. All the Costs, Charges, and Expenses incurred by the incorporated Commissioners in and about the applying for, obtaining, and passing of this Act, or preparatory or incidental thereto (not exceeding Seven thousand

thousand five hundred Pounds), shall be paid and borne by the Owners or Occupiers of Land, subject to the Outfall Tax granted by the Act of 1852, and the Owners or Occupiers of Wash Lands in the Third District, in the Proportion of their respective Contributions under this Act, and shall be raised and applied accordingly.

SCHE-

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Names of Contributors.	Amount of additional Contribution.
	£
The Owners or Occupiers of Land subject to the Outfall Tax granted by the Act of 1852, in the Proportions following; that is to say, First District 2,240*l.*, Second District and flooded Lands in Standground 16,760*l.* -	19,000
The Owners or Occupiers of Wash Lands in the Third District - - - - - -	11,000
The Mayor, Aldermen, and Burgesses of the Borough of Wisbech - - - - - -	8,000
The North Level Commissioners - - - -	1,750
The Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level - - - - - -	320
The Waldersey Drainage Commissioners - - -	900
The Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent - - - - -	1,750
The Peterborough Improvement Commissioners and the Dean and Chapter of the Cathedral Church of Peterborough - - - - - -	480
	£43,200

THE SECOND SCHEDULE.

DEBTS AND LIABILITIES IN THIRD DISTRICT.

	£	
Mortgage Debt to James Walker Esq. - - -	20,000	
Balance of Contract to Mr. Leather - - -	10,000	
Purchase of Land and Compensation, estimated at - -	9,058	
Interest to Mr. Walker, Wash Land Proprietors, and others	4,768	
Salaries, Disbursements to Officers and Agents, Solicitors Costs, Sundry Bills to Admiralty and others, and Committee's Expenses- - - - - -	4,108	
		47,934
Deduct estimated Assets - - -		4,734
		£43,200

THE

THE THIRD SCHEDULE.

CONTRIBUTORS UPON WHOM THE UNPAID PORTION OF THE CONTINGENT SUM of £15,000 WAS APPORTIONED.

	£	s.	d.
The Owners or Occupiers of Land subject to the Outfall Tax granted by the Act of 1852 - - - -	2,414	1	3
The Owners or Occupiers of Wash Lands in the Third District	3,513	15	0
The Commissioners of Sewers for the Hundred of Wisbech and Parts adjacent, and the Waldersey Drainage Commissioners, or the said Commissioners of Sewers - -	1,448	11	7½
	£7,376	7	10½

THE FOURTH SCHEDULE.

WE, the Nene Valley Drainage and Navigation Improvement Commissioners ([First or Second] District, or Commissioners of the Nene Wash Lands), acting under and in execution of "The Nene Valley Act, 1862," and of "The Nene Valley Drainage and Navigation Improvement Act, 1852," and "The Nene Valley Drainage and Navigation Improvement (Amendment) Act, 1854," present at a Meeting convened and holden pursuant to the said Acts on Wednesday, the Day of , 18 , at in the County of , do hereby tax, charge, and assess all the Meadows and Lands in the Schedule of Taxable Lands herein-under written, or hereunto annexed, by reference to the Numbers on a certain Book of Plans called "Nene Valley Drainage and Navigation Improvement Plans of Land Subject to Taxation, 1853," and which Meadows and Lands are within or near the Valley of the River Nene, or, as the Case may be, the Nene Wash Lands, and the respective Occupiers of such Lands, whose Names are mentioned in the First Column of the said Schedule, with the several Sums of Money set down in the Seventh Column of the said Schedule, being at the Rate per Acre entered in the Sixth Column. And the said Commissioners order and direct the Tax hereby imposed and assessed shall be paid to the Receiver appointed by the Commissioners, that is to say, in the at the on or before the Day of next between the Hours of Ten o'Clock in the Forenoon and o'Clock in the Afternoon of that Day.

Given under our Common Seal the Day of November 18 .

SCHEDULE OF TAXABLE LANDS FOR THE YEAR 18 .

Occupier.	Owner.	Parish.	No. on Plan.	Quantity.	Tax per Acre.	Amount of Tax.

THE FIFTH SCHEDULE.

WARRANT OF DISTRESS.

I, the undersigned, being the Collector of Taxes appointed by the Nene Valley Drainage and Navigation Improvement Commissioners District, or Commissioners of the Nene Wash Lands, acting under and in pursuance or by virtue of "The Nene Valley Act, 1862," and of the several Nene Valley Drainage and Navigation Improvement Acts therein referred to, do hereby, according to the Statutes in such Case made and provided, authorize and require you and each of you to enter into and upon the Meadow Lands and Grounds in the Possession and Occupation of , ~~situate in the Parish of~~ in the County of , mentioned or referred to in the Schedule hereunder written, and into and upon all Messuages and Tenements standing thereon or belonging thereunto, with the Appurtenances, and to levy the several Sums of Money mentioned in the Seventh Column of the said Schedule, the same being due for or in respect of Taxes imposed by the said Commissioners upon the said Lands and upon the said as the Occupier thereof, together with the Sum mentioned in the Eighth Column of the said Schedule, being the Penalty incurred by or through default in not paying the said Tax at or within the Time duly appointed in that Behalf, by Distress of any Goods or Chattels which shall be found on the said Premises; and if no sufficient Distress can be found in or upon the said Premises whereon to levy the said Tax and Penalty so in arrear as aforesaid, then I do hereby, according to the Statutes aforesaid, authorize and require you and each of you to levy the said several Sums mentioned in the said Schedule so due and payable and in arrear for the said Tax and Penalty as aforesaid, by Distress of any Goods or Chattels of the said , whensoever and wheresoever the same shall be found, together with all the Charges of levying the same, and the Goods and Chattels so distrained to impound on the Premises on which the same shall have been respectively taken, or take, leave, or 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, giving or leaving the Notice required in such Case by the Statutes in such Case made and provided; and in case of the Nonpayment of the said several Sums of Money and the Charges attending such Distress and Removal, and of the not replevying of the Goods and Chattels distrained within Five Days next after such Distress made and Notice given as aforesaid, then I further authorize and require you and each of you to cause the Goods and Chattels so distrained to be appraised and sold according to the Statutes aforesaid for and towards Satisfaction of the said Monies and the Charges of taking, impounding, keeping, and removing, appraising, and selling the said Goods and Chattels, and to deal with the Overplus, if any, as directed by the Statutes aforesaid; and for so doing this shall be your sufficient Authority.

Witness my Hand this Day of 18 .

To
and each of them

Collector.

THE

The Nene Valley Act, 1862.

THE SCHEDULE ABOVE REFERRED TO.

1. Owner.	2. Occupier.	3. No. in Plan	4. Contents.	5. Tax per Acre.	6. Year for which Tax made.	7. Amount of Tax.	8. Penalty.	9. Amount of Tax and Penalty.
			A. R. P.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
John Smith -	James Rowe	4	3 2 0	0 3 0	1859	0 10 6	0 1 9	0 12 3
					1860	0 10 6	0 1 9	0 12 3

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