ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cxxviii.

An Act for constituting Commissioners for the Improvement of the River *Nene* and the Navigations thereof; for the more effectual Drainage of certain Lands in the Counties of *Northampton*, *Huntingdon*, and *Cambridge*; and for other Purposes. [30th *June* 1852.]

WHEREAS by reason of defective Drainage or Liability to long continued Floods the Value of certain Lands adjoining and near to the River *Nene* in the Counties of *Northampton*, *Huntingdon*, and *Cambridge* is greatly diminished, and the Health of the Inhabitants of the adjacent Towns and Districts is prejudicially affected: And whereas it would be of great public Advantage if the said River *Nene*, within the Limits herein-after mentioned, were made more efficient for the Purposes of Drainage and Navigation: And whereas if the said River were diverted, straightened, and widened, and the Bed thereof deepened, and additional Cuts and Channels formed, and if improved and additional Bridges, Drains, Sluices, Culverts, Weirs, and other Works were constructed, and Alterations made in the existing Locks, Sluices, Weirs, and other

Works, the Discharge of the Waters of the said River would be greatly facilitated: And whereas by virtue of Four several Acts, passed in the Thirteenth Year of the Reign of Her Majesty Queen *Anne*, in the Eleventh Year of the Reign of His Majesty King *George* the First, in the Twenty-ninth Year of the Reign of His Majesty King *George* the Second, and the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, Commissioners were appointed for making the River *Nene* navigable from *Northampton* to *Peterborough*, and certain Undertakers or Proprietors were empowered to execute the Works for making and maintaining such Undertaking: And whereas by virtue of an Act, passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, Chapter 206, that Part of the River *Nene* intended to be comprised within the Limits of this Act, and within the Division herein-after called the Lower Division, extending from a certain House called *Bevis Hall* at or near to the Boundary which divides the Parishes of *Wisbech Saint Peter* and *Wisbech Saint Mary* down to the Place where the Boundary Line between the Counties of *Cambridge* and *Norfolk* crosses the said River, is within the Limits of the Port of *Wisbech*, and the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* levy certain Rates and Duties therein: And whereas by virtue of another Act, passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter 143, the said Mayor, Aldermen, and Burgesses are authorized to levy certain other Tolls and Duties for the Purpose of raising and paying certain gross and annual Sums towards the making and executing the Works therein mentioned: And whereas such Part of the River lastly herein-before mentioned is capable of great Improvement: And whereas it is expedient to constitute a new Body of Commissioners, and to vest in them the Improvement of and Jurisdiction over the said River *Nene* and its Navigations, navigable Channels, and its tributary Rivers and Streams, Drains and Watercourses, within the Parishes herein-after described, and the Limits specified as comprising the Upper Division and Lower Division, except as by this Act otherwise enacted, and to intrust to such Commissioners the Execution and Management of the Works herein authorized and herein-after referred to, and to grant to them the Powers herein-after mentioned for raising the Sums of Money herein-after provided for, in the Manner herein-after mentioned: And whereas the intended Works, or some of them, will either be beneficial to certain of the Towns and Districts herein-after more particularly specified, adjoining or near the said River, or will relieve the Commissioners, Trustees, and Corporations representing such Towns or Districts from Liabilities to the Construction and Maintenance of certain Banks and Works, and the intended Works will also benefit the Property of certain Companies and Parties, and it is just and reasonable that such Towns and Districts, or the Commissioners,

Trustees

Trustees, and Corporations representing the same, and such Companies and Parties, should contribute towards the Expense of the intended Works: And whereas the Erection of a new Bridge at a Place called the *Dog-in-a-Doublet* will be of great public Advantage: And whereas it is expedient that the recited Acts relating to that Part of the River between *Northampton* and *Peterborough* should be repealed, and more effectual Powers granted instead thereof, and that the Rights and Powers of all Commissioners, Undertakers, and others under such Acts should cease, and that the Commissioners appointed and incorporated by this Act should be empowered to execute the Works in the Lower Division herein-after mentioned, and to receive Contributions from the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, and that the Powers and Provisions of the Acts relating to the said River and the Port of *Wisbech*, and to certain of the Commissioners, Trustees, Companies, and Corporations to be affected by this Act, should be altered and amended, and that Powers should be given for the Collection of Rates, Tolls, Taxes, and Assessments, and certain of the existing Rates, Tolls, Taxes, and Assessments be altered: And whereas the several beneficial Purposes aforesaid cannot be effected 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, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. That this Act shall commence and take effect on the Fourth *Thursday* after the passing thereof.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Nene Valley* Drainage and Navigation Improvement Act, 1852."

Interpretation of Terms.

III. That the following Words and Expressions shall in this Act have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "*Northampton* and *Peterborough* Navigation Acts" shall mean the recited Acts of the Thirteenth Year of Queen *Anne*, Chapter Seven, the Eleventh Year of King *George* the First, Chapter Nineteen, the Twenty-ninth Year of King *George* the Second, and the Thirty-fourth Year of the Reign of King *George* the Third, Chapter Eighty-five:

The Word "River" shall include the Part of the River *Nene*, and its Navigations, navigable Channels, Branches, Drains, and Watercourses,

Watercourses, within the Limits of the Upper Division and Lower Division:

The "Incorporated Commissioners" shall mean the Commissioners by this Act incorporated:

The Word "Boat" shall include Ships, Barges, Boats, Lighters, Rafts, or other Vessels or Craft of every Description.

First Commissioners.

IV. That the following Persons shall be Commissioners for executing this Act, and shall be considered as representing the Districts herein mentioned; (that is to say,)

The Reverend Sir *George Stamp Robinson* Baronet, *William Henry Hughes* Clerk, Captain *Leicester Viney Vernon*, *John Reddall*, *John Beasley*, *Frederic Francis Fox*, representing the First District herein-after described:

Edward Bouverie, *William Bruce Stopford*, *Lewis Loyd*, *William Smyth*, *John Yorke*, *Charles Henry Hartshorne* Clerk, *John Sargeaunt* Clerk, *Thomas Sanderson* Clerk, *Edward Fisher*, and *George Scriven*, the Right Honourable the Earl of *Aboyne*, *George Halliley Capron*, *George Percival Smith*, the Honourable *Granville Leveson Proby*, Colonel *Thomas Wright Vaughan*, *John Laurance*, *Charles Simpson*, *Charles Day*, representing the Second District:

John Walbanke Childers, the Honourable *George Wentworth Fitzwilliam*, *Robert Hall* Clerk, *Charles Smith*, *Robert Mein*, *William Lawrance*, *Henry Morton*, *William Stevens*, *William Bridges*, *John Peed*, *John Burnham*, *Charles Boyce*, *Thomas Johnson*, representing the Third District.

Commissioners incorporated.

V. That the Commissioners for the Time being shall be a Body Corporate by the Name and Style of "The *Nene Valley* Drainage and Navigation Improvement Commissioners," and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued, plead and be impleaded, and for the Purposes of this Act purchase and hold Lands and Hereditaments, and Goods and Chattels, and 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 and authorized.

Qualification of Commissioners.

VI. That every Commissioner to be elected by the Proprietors in any of the Three Districts under this Act shall be seised or possessed or in the Enjoyment of the Rents and Profits of Lands liable to be taxed under this Act within any One or more of the Parishes comprised in the Three Districts herein specified of not less than Ten Acres, for an Estate not less than a Life in being for his own Use; but no such Qualification shall be required where such Commissioner is

appointed

appointed by an Owner of Fifty Acres or Two hundred Acres of taxable Land, or by the contributing Corporations or Commissioners, as herein authorized.

Certain Provisions of 8 & 9 Vict. cc. 16. 18. & 20. and 10 & 11 Vict. c. 27. incorporated with this Act.

VII. That the several Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," (with the Exception of the Provisions whereby Commissioners neglecting to act shall cease to be Commissioners, and the Clauses with respect to the Election and Rotation of the Commissioners where the Commissioners are to be elected by the Ratepayers or other like Body of Electors, and of such of the other Clauses of that Act as are inconsistent with the Provisions of this Act,) "The Lands Clauses Consolidation Act, 1845," and the following Clauses of "The Railways Clauses Consolidation Act, 1845," (that is to say,) the Clauses with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, and the following Sections of such last-mentioned Act relating to Roads, namely, Sections 51, 52, 53, 54, 55, 56, 57, and 58, so far as the same respectively are or shall be applicable to this Act and the Provisions thereof (except as aforesaid), and "The Harbours, Docks, and Piers Clauses Act, 1847," shall be respectively incorporated with and form Part of this Act; and in so much of such Railway Clauses Consolidation Act, 1845, as is incorporated with this Act, the Word "Company" shall apply to the incorporated Commissioners, and the Word "Railway" to the Works to be executed under this Act.

Certain Provisions of 10 & 11 Vict. c. 27. not to be incorporated.

VIII. That the Clauses of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the Construction of Works for the Accommodation of the Officers of Customs, with respect to Lifeboats, and with respect to keeping a Tide and Weather Gauge, shall not be incorporated with this Act.

First Meeting of Comsioners.

IX. That the incorporated Commissioners shall hold their First Meeting at *Peterborough* in the County of *Northampton* at Noon on the Fourth *Thursday* after the passing of this Act, and then and there proceed to carry the Powers and Provisions of this Act into execution.

Incorporated Commissioners not compellable to hold monthly Meetings.

X. That, notwithstanding anything in "The Commissioners Clauses Act, 1847," contained, the incorporated Commissioners shall not be required to hold monthly Meetings for the Transaction of the ordinary Business of the Commissioners, but the incorporated Commissioners may from Time to Time appoint when and at what Place or Places the Meetings of the Commissioners shall be held; and in default of such Appointment the Meetings of the Commissioners shall be held monthly, as provided in such last-mentioned Act; and all the Provisions of such Act relating to monthly Meetings shall extend to

the Meetings from Time to Time appointed to be held for transacting the ordinary Business of such incorporated Commissioners.

Power to appoint Committees.

XI. That it shall be lawful for the said incorporated Commissioners at any Meeting to appoint One or more Committee or Committees, consisting of not less than Three of the Commissioners, for carrying into effect any of the Provisions of this Act in all or any of the Districts or Divisions herein named; and the incorporated Commissioners may delegate to such Committees or any of them the Execution of any of the Powers of this Act in the District for which any such Committee shall be appointed, and may appoint the Period for which such Committee shall act, and at any subsequent Meeting, or at the Expiration of the Period for which such Committee shall be appointed, to continue, alter, or discontinue any such Committee; but no such Committee shall be appointed to act for a longer Term than until the Second Annual Meeting of the incorporated Commissioners next following its Appointment.

Separate Committees to be appointed after Completion of Works.

XII. That when and so soon as the Works in the respective Districts hereby authorized shall have been completed, it shall be lawful for the incorporated Commissioners and they are hereby required to appoint a separate Committee for each of the Three Districts; and each such Committee shall, within the District in which such Works shall be so completed, be constituted of the Commissioners representing such District and of the Commissioners whose Qualifications are derived from Lands within such District; and every Commissioner thereafter elected and appointed shall be a Member of the Committee acting for the District which he represents or in which the Lands from which he derives his Qualification are situate; and such respective Committees shall within their respective Districts exercise all the Powers, Authorities, and Jurisdiction of the incorporated Commissioners, or which such Commissioners could have exercised, and shall be liable to the same Duties and Obligations, and shall receive and apply the Rates, Taxes, and other Sums of Money authorized to be carried to the Account of such District, and shall pay and discharge thereout all such Sums and Payments as are by this Act charged thereon: Provided always, that the incorporated Commissioners shall levy and collect the Outfall Tax herein-after mentioned.

Separate Committee for Wash Lands.

XIII. That it shall be lawful for the incorporated Commissioners, and they are hereby required, before the Completion of the Works by this Act authorized, to appoint a Committee for that Part of the Third District which is in this Act distinguished as "the Wash Lands;" and it shall be lawful for such Committee within the said Part of the Third District called "the Wash Lands" to construct all such

such Drains, Watercourses, and other Works as could be constructed by the incorporated Commissioners within the same, except the Works shown on the deposited Plans; and the Rates hereby authorized to be imposed upon the Lands within the said "Wash" (except as hereby otherwise provided) shall be carried to the Account of the Third District.

Notices by Advertisement.

XIV. That all Notices by this Act or any Act incorporated herewith required to be given by Advertisement for the Publication of which no special Provision is made by this Act shall be published in some Newspaper circulating in the County of *Northampton*, and in some Newspaper circulating in the Counties of *Cambridge* and *Huntingdon*.

Election of new Commissioners until Lands to be taxed ascertained.

XV. That until the Lands liable to be taxed shall have been fully ascertained, and the primary Apportionment of the District Tax herein-after mentioned advertised, as herein directed, if any of the incorporated Commissioners die, or resign, or be disqualified, or refuse or cease to be a Commissioner, it shall be lawful for the remaining incorporated Commissioners, if they think fit, to elect another Commissioner in his Place.

Election of new Commissioners after Liability to Taxation ascertained.

XVI. That after the Lands liable to be taxed shall have been fully ascertained, and the primary Apportionment of the said District Tax advertised, as herein directed, every Person who shall be *bonâ fide* seised or possessed of Fifty Acres of the Meadows, Lands, and Grounds subject to be taxed to the Outfall Tax, or of the Wash Lands hereby charged with a Tax of Eight Shillings *per* Acre by the incorporated Commissioners, by virtue of this Act, shall be a Commissioner, or may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, One Commissioner for executing this Act; and that every Person who shall be *bonâ fide* seised or possessed as aforesaid of Two hundred Acres of such Meadows, Wash Lands, and Grounds subject to be taxed by the incorporated Commissioners, by virtue of this Act, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, Two Commissioners for executing this Act, 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 if any of the Commissioners nominated by this Act, or appointed by the incorporated Commissioners, as aforesaid, die, or resign, or become disqualified, or refuse or cease to be a Commissioner, the incorporated

Commis-

Commissioners shall, as soon as conveniently may be after such Death, Resignation, Refusal, or Disqualification shall have been notified to them, cause Notice thereof to be given for Two successive Weeks in a Newspaper circulating in the County or Counties in which the District which such Person shall have represented is situate, and shall by such Notice convene a Meeting of the Proprietors of Land in such District liable to be taxed by virtue of this Act, at a Time and Place to be named in such Notice, and it shall be lawful for the several Proprietors of Land liable to be taxed by virtue of this Act lying within the District for which the Person so dying, resigning, refusing, or ceasing to act, or becoming disqualified, was a Commissioner, to meet at the Time and Place named in the said Notice, and to choose a Person qualified as aforesaid to be a Commissioner in the Place of the Person so dying, resigning, refusing, or ceasing to act, or becoming disqualified; and every Proprietor of Ten Acres of Land liable to be taxed shall have One Vote in respect thereof, and every Proprietor of more than Ten Acres of Land liable to be taxed shall have One Vote in respect of the First Ten Acres, and an additional Vote for every additional Ten Acres, but no Proprietor shall have more than Five Votes in the whole; and it shall be lawful for all Bodies Corporate to vote by an Agent appointed under their Common Seal; and all Proprietors of more than Ten Acres of Land liable to be taxed may, if they think fit, vote by Proxy, such Proxy being appointed under the Hand of the Proprietor nominating the same.

Every Proprietor to have a Vote for every Ten Acres, but not to exceed Five Votes.

Returning Officer at Meetings.

XVII. That the incorporated Commissioners shall appoint some Person to be the Returning Officer at such Meeting; and in case of the Death of the Person so appointed, or of his declining, neglecting, or becoming incapable to act, or in case no such Appointment shall be made, it shall be lawful for the Clerk of the incorporated Commissioners to preside as Returning Officer at such Meeting.

Power for certain contributing Parties to appoint Commissioners.

XVIII. That the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* shall have Power to appoint Four Persons to act as Commissioners in executing this Act; the Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Bedford Level* shall have Power to appoint Two such Commissioners; the *North Level* Commissioners shall have Power to appoint Two such Commissioners; the Commissioners for the *Waldersea Drainage* shall have Power to appoint Two such Commissioners; and the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent shall have Power to appoint Two such Commissioners; and the Mayor, Aldermen, and Burgesses of the Borough of *Northampton* shall have Power to appoint One Commissioner; the *Northampton* Improvement Commissioners shall have Power to appoint One Commissioner;

missioner; and the Commissioners acting under the *Peterborough* Improvement, Police, and Cemetery Act shall have Power to appoint One Commissioner; and such respective Corporations or Commissioners may from Time to Time, at their Pleasure, remove any Commissioners appointed by them respectively, and to appoint another Commissioner in his Place and Stead; and if any of the Commissioners as appointed shall die or resign, or refuse or cease to be a Commissioner, it shall be lawful for the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, the said Governor, Bailiffs, and Commonalty, the said *North Level* Commissioners, the Commissioners for the said *Waldersea Drainage*, the said Commissioners of Sewers for the Hundred of *Wisbech* and the Parts adjacent, the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, *Northampton* Improvement Commissioners, and the Commissioners under the said *Peterborough* Improvement Act respectively, whose Commissioner or Commissioners, as the Case may be, shall so die, resign, refuse, or cease to be a Commissioner, to appoint another Person in the Place of the Commissioner so dying, resigning, refusing, or ceasing to act.

Repeal of certain Acts.

XIX. That on and from the Commencement of this Act the "*Northampton* and *Peterborough* Navigation Acts" shall be and the same are hereby respectively repealed.

Duties and Rights of Commissioners under repealed Acts to cease.

XX. That from the Commencement of this Act all the Rights, Privileges, and Duties of the Commissioners, Trustees, Undertakers, Shareholders, Bondholders, Trustees, and other Persons claiming under and by virtue of the recited *Northampton* and *Peterborough* Navigation Acts, or any of them, shall cease, except as herein provided, and determine: Provided always, that it shall be lawful for the Commissioners, Trustees, Undertakers, Proprietors, Bondholders, and other Persons to receive and recover any Rates, Tolls, Duties, or Sums of Money due and owing to them at the Time of the Repeal of the recited Acts, in the same Manner, and with the same Powers with reference thereto, as if the recited Acts had not been repealed: Provided also, that nothing in this Act contained shall extend or be construed to extend to affect, alter, lessen, or remove the Liabilities of or the Obligations already incurred and now existing under and by virtue of the recited *Northampton* and *Peterborough* Navigation Acts, or any of them, but that all such past Liabilities and Obligations shall remain as if this Act had not been made; but when the Navigations shall be vested in the incorporated Commissioners the Liabilities or Obligations of the Commissioners, Trustees, Undertakers, Proprietors, Bondholders, and other Persons aforesaid shall cease.

Commissioners to purchase Interests of Undertakers.

XXI. That it shall be lawful for the incorporated Commissioners and they are hereby required, as soon as conveniently may be after the Commencement of this Act, to treat and agree with the Undertakers, Trustees, Proprietors, Shareholders, Bondholders, and all other Persons entitled to or interested in the said Navigations, or the Rates or Tolls collected thereon, for the Purchase of all the Rights, Interest, and Property of such Undertakers, Trustees, Proprietors, Bondholders, Shareholders, and other Persons in the said Navigations or either of them, or the Haling-ways thereof, or in the Rates and Tolls thereof, respectively vested in, belonging to, or authorized to be exercised or enjoyed by such Undertakers, Trustees, Proprietors, Bondholders, Shareholders, and other Persons, by virtue of the said recited Acts or any of them; and in case no Agreement between the incorporated Commissioners and such Undertakers, Trustees, or Proprietors, Bondholders, Shareholders, or other Persons, or any of them, shall have been, or shall before the Expiration of Six Months from the passing of this Act be made, as to the Price or Sum to be paid for the Purchase of the Rights, Interests, and Property of the said Undertakers, Proprietors, Bondholders, Shareholders, and Persons, or any of them, the Amount of such Purchase Money shall be settled and determined in manner provided by "The Lands Clauses Consolidation Act, 1845:" Provided also, that in ascertaining and determining the Amount to be paid for such Navigation, Rates, Tolls, and Interest, the Persons appointed to determine the Amount of the same shall take into their Consideration, as and by way of Deduction from the gross Value thereof, the Liabilities, Covenants, and Obligations of the Persons claiming the same: Provided also, that Interest after the Rate of Four Pounds *per Centum per Annum* shall be paid to such Undertakers and other Parties aforesaid upon the Sums so agreed or awarded to be paid, from the Time of the incorporated Commissioners taking possession of the Navigations up to the Time of making such Payments.

Byelaws to remain in force.

XXII. That all Rules, Regulations, Byelaws, and Orders made under the Authority and according to the Provisions of the *Northampton* and *Peterborough* Navigation Acts respectively, and in force on the Commencement of this Act, shall continue in full Force until the same be repealed, altered, or varied under the Authority of this Act; and such Regulations, Rules, Byelaws, and Orders, and all Penalties and Forfeitures thereby respectively imposed, may and shall be enforced, recovered, and applied in the same Manner in all respects as the same respectively might be enforced, recovered, and applied in case the same had been made and imposed respectively under the Authority of this Act.

Books to be Evidence.

XXIII. That all Books and other Documents by the *Northampton* and *Peterborough* Navigation Acts authorized or directed to be kept, and

and which would have been admissible in Evidence if this Act had not passed, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere as fully and effectually as if this Act had not been passed.

Officers to deliver up Books.

XXIV. That all Officers or Persons who have or shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or Effects belonging to the Commissioners of the *Northampton* and *Peterborough* Navigation Acts respectively, or to which such Commissioners respectively are or but for this Act would be entitled, shall be liable to account for and to deliver up the same to the incorporated Commissioners, or to such Persons as they appoint to receive the same, in like Manner, and subject to like Process, Pains, and Penalties for Refusal or Neglect, as if such Officers and Persons had been appointed by or become possessed of such Money, Books, Documents, Papers, Writings, or other Effects for the incorporated Commissioners.

Power to enter upon Lands shown on deposited Plans.

XXV. And whereas Plans and Sections describing the Line or Course of so much of the River as is intended to be placed under the Jurisdiction and Management of the incorporated Commissioners, and the Lines and Levels of the several Works intended to be constructed, and of the Lands intended to be taken or used for the Purposes of such Works, and Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the Counties of *Northampton*, *Huntingdon*, and *Cambridge:* Be it enacted, That, subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the incorporated Commissioners to enter upon, take, and use all such of the Lands and Hereditaments delineated upon the said Plans and described in the said Books of Reference as they may deem necessary for constructing or executing any of the Works herein authorized, or which they may deem proper to carry out any of the Objects or Purposes of this Act, and to construct the said Works in the Line or Direction and according to the Levels described upon such Plans and Sections, or such of them as they shall think proper.

Limits of Upper Division.

XXVI. That, subject to the Provisions of this Act, the incorporated Commissioners shall have Jurisdiction and Control over the Part or Parts of the River described on the Plans deposited as aforesaid as are within the Limits herein-after described and referred to as the "Upper Division;" and it shall be lawful for the Commissioners to divert, widen, alter, deepen, and otherwise improve the Parts of the said River within the Upper Division, and to execute any of the Works by this Act authorized within the Limits of the Upper Division,

as

as herein-after described, (that is to say,) commencing at or near a Bridge near the Village of *Kislingbury* in the Parish of *Kislingbury* in the County of *Northampton* on the Western Branch of the River *Nene*, and at a Point between *Hoe Hill* and *Pitsford Lodge* in the Parishes of *Chapel Brampton* and *Pitsford*, or One of them, in the said County of *Northampton*, on the Northern Branch of the said River, sometimes known as the *Brampton Branch*, and terminating at or near *Bevis Hall* in the Parish of *Wisbeach Saint Peter's* and *Wisbeach Saint Mary*, or One of them, in the *Isle of Ely* in the County of *Cambridge*, passing from, through, or into or situate within the several Parishes, Townships, and Extra-parochial Places following, (that is to say,) *Kislingbury*, *Upton*, *Duston*, *Wootton*, *Chapel Brampton*, *Church Brampton*, *Pitsford*, *Boughton*, *Kingsthorpe*, *Dallington*, *Northampton*, *Northampton St. Peter's*, *Northampton Saint Andrew's*, *Northampton All Saints*, *Northampton Saint Sepulchre*, *Northampton Saint Giles*, *St. Peter's*, *Saint Andrew's*, *All Saints*, *Saint Sepulchre's*, *Saint Giles*, *Far Cotton*, *Cotton End*, *Hardingstone*, *Abington*, *Great Houghton*, *Little Houghton*, *Weston Favel*, *Brafield*, *Little Billing*, *Great Billing*, *Brafield on the Green*, *Denton*, *Cooknoe* or *Cogenhoe*, *Ecton*, *Earl's Barton*, *Whiston*, *Castle Ashby*, *Grendon*, *Strixton*, *Wilby*, *Great Doddington*, *Woolaston* or *Wollaston*, *Wellingborough*, *Irchester*, *Chester*, *Rushden*, *Irthlingborough*, *Higham Ferrars* otherwise *Higham Ferrers*, *Caldecott*, *Chelveston*, *Chelveston cum Caldecott*, *Knuston*, *Stanwick*, *Little Addington*, *Raunds*, *Ringstead*, *Great Addington*, *Denford*, *Woodford*, *Twywell*, *Islip*, *Thrapston*, *Aldwinkle*, *Aldwinkle All Saints*, *Aldwinkle Saint Peter's*, *Titchmarsh*, *Thorpe*, *Thorpe Achurch*, *Wadenhoe*, *Pilton*, *Lilford*, *Lilford cum Wigsthorpe*, *Stoke Doyle*, *Barnwell*, *Barnwell Saint Andrew's*, *Barnwell All Saints*, *Polebrook*, *Armston*, *Oundle*, *Ashton*, *Glapthorne*, *Elmington*, *Cotterstock*, *Tansor*, *Southwick*, *Warmington*, *Fotheringhay*, *Wood Newton*, *Apethorpe*, *Nassington*, *Yarwell*, *Wansford*, *Thornhaugh*, *Sutton*, *Ailesworth*, *Castor*, *Castor cum Milton*, *Milton*, *Peterborough*, *Long Thorpe*, *Saint John the Baptist Peterborough*, and *Minster Precincts*, or some of them, in the County of *Northampton*; *Elton*, *Sibson cum Stibbington*, *Stibbington*, *Wansford*, *Waternewton*, *Chesterton*, *Alwalton*, *Overton Waterville*, *Overton Longville*, *Woodstone*, *Fletton*, and *Stanground*, or some of them, in the County of *Huntingdon*; and *Whittlesea*, *Whittlesea Saint Mary's*, *Whittlesea Saint Andrew's*, *Estrea*, *Coates*, *Eldernell*, *Guyhirn*, *Elm*, *Parson Drove*, *Waldersea*, *Standground*, *Leverington*, *Thorney*, *Wisbeach*, *Wisbeach Saint Peter's*, and *Wisbeach Saint Mary's*, or some of them, in the *Isle of Ely* and County of *Cambridge*; and such Parts of the River within the Limits aforesaid shall be called the Upper Division.

Limits of Lower Division.

XXVII. That the incorporated Commissioners may and they are hereby authorized to alter, widen, deepen, scour, divert, and otherwise improve that Part of the River herein-after described and referred to as

as "The Lower Division," and to execute any of the Works by this Act authorized within the Limits of such Lower Division, as hereinafter described; (that is to say,) commencing at the Point where the said Upper Division terminates at or near *Bevis Hall* in the Parishes of *Wisbeach Saint Peter* and *Wisbeach Saint Mary*, or One of them, passing from, through, and into the several Parishes, Townships, and Extra-parochial Places of *Wisbeach Saint Mary*, *Wisbeach Saint Peter*, *Wisbeach*, *Waldersea*, *Leverington*, or some of them, in the *Isle of Ely* in the County of *Cambridge*, and terminating on the said River *Nene* and the Banks thereof at the Boundary between the Counties of *Cambridge* and *Norfolk*, called the County Boundary, but not including the Line of the said Boundary; and such Part of the River shall be called "The Lower Division."

Errors and Omissions in Plans may be corrected by Two Justices, who shall certify the same.

XXVIII. That if any Omission or Mis-statement or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Books of Reference, it shall be lawful for the incorporated Commissioners to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County and with the Parish Clerk of the Parish in which such Lands shall be situated, and shall be kept by such Clerk of the Peace and Parish Clerk respectively along with the other Documents to which they relate; and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the incorporated Commissioners to make the Works in accordance with such Certificate.

Certificate to be deposited.

Power to deviate from the Line and Levels shown on Plans and Sections.

XXIX. That it shall be lawful for the incorporated Commissioners, except as herein otherwise specially provided, to deviate from the Levels of the Works as shown on the said deposited Sections to the Extent of Five Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made, also to deviate from the Lines of any Work shown on the deposited Plans to the Extent delineated or set forth on the said Plans, but not to any greater Extent, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend, provided that the Works shall not by means of any such Deviation as herein-before authorized be made to extend beyond the Limits of Deviation marked on the said Plan, nor into the Lands of any Person, whether Owner,

Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in the Manner provided for in this Act in Cases of unintentional Errors in the said Book of Reference.

Powers for compulsory Purchase of Lands limited.

XXX. That the Powers of the incorporated Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised in respect of the Lands required for Works in the Third District after the Expiration of Five Years from the passing of this Act, and in respect of Lands required for Works in the First and Second Districts after the Expiration of Seven Years from the passing of this Act.

Period for Completion of Works.

XXXI. That the Works shown on the deposited Plans by this Act authorized in the Lower Division shall be completed on or before the Second Day of *May* One thousand eight hundred and fifty-seven, and the Works in the Remainder of the said Third District shall be completed within Seven Years from the passing of this Act, and the Works in the other Districts shall be completed within Eight Years from the passing of this Act, and on the Expiration of such respective Periods the Powers by this or the Acts incorporated herewith granted to the incorporated Commissioners for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed: Provided always, that the Provision aforesaid shall not extend to prevent the Construction of Drains and Watercourses, and the Alteration of existing Drains and Watercourses, and the Construction of other Drainage Works, after the said respective Periods, but no such Drain or Watercourse constructed after such Period shall be of a greater Width at the Bottom thereof than Eleven Feet.

Notice of Completion of Works to be given.

XXXII. That the Commissioners shall, within Fourteen Days after the Completion of the Works shown on the deposited Plans, except such Drains or Watercourses of a less Width at Bottom than Eleven Feet, as are herein-before provided for, cause Notice to be given by Advertisement in a Newspaper published in the County of *Northampton*, and in a Newspaper published in the County of *Cambridge*, and by such other Means as the said Commissioners may think fit, that the said Works, except as aforesaid, have been completed.

Additional Works in connexion with Upper Division.

XXXIII. That, subject to the Provisions and Restrictions hereinafter contained, it shall be lawful for the incorporated Commissioners in connexion with the Upper Division to execute the Works hereinafter mentioned shown on the said Plans and Sections; (that is to say,)

say,) to alter, widen, deepen, scour, divert, and otherwise improve a certain River, Drain, or Watercourse called *Moreton's Leam*, commencing at or near a Point where *Moreton's Leam* joins the River *Nene* near *Peterborough* in the Parishes of *Fletton* in the County of *Huntingdon* and *Standground* in the County of *Cambridge*, or One of them, passing from, in, through, and into the Parishes, Townships, and Extraparochial Places following, (that is to say,) *Fletton* in the County of *Huntingdon*, and *Standground*, *Whittlesey*, *Whittlesea Saint Mary*, *Whittlesea Saint Andrew*, *Eldernell*, *Coates*, *Estrea*, *Guyhirn*, *Elm*, *Great* and *Little Waldersea*, *Wisbeach*, *Wisbeach Saint Mary's*, *Wisbeach Saint Peter's*, or some of them, in the *Isle of Ely* and County of *Cambridge*, and terminating at its Junction with the River *Nene* at *Guyhirn* in the Parishes of *Wisbeach Saint Mary* and *Wisbeach Saint Peter*, or One of them:

To make Sluices at or near the Commencement and Termination of the said *Moreton's Leam* in the said Parishes of *Standground*, *Wisbeach Saint Mary*, and *Wisbeach Saint Peter*, or some or One of them:

To construct a Sluice near the *Dog-in-a-Doublet Bridge* in the County of *Cambridge* where the Cut between the River *Nene* and the Town of *Whittlesea* joins the said River:

To remove and rebuild the said *Dog-in-a-Doublet Bridge*, with Approaches thereto:

To construct a Drain or Culvert commencing on the West Side of the Canal Basin in the Parish of *All Saints Northampton* in the County of *Northampton*, and terminating at or near the Lock next above *Nuns Mill* in the said Parish; and such Drain shall be covered over throughout the whole Extent thereof.

Works in connexion with Lower Division.

XXXIV. That it shall be lawful for the Commissioners in connexion with the said Lower Division to execute the following Works or any of them:

To take down and remove *Wisbeach Bridge* in the Parishes of *Wisbeach Saint Mary* and *Wisbeach Saint Peter*, or One of them, in the County of *Cambridge*, and to erect a new Bridge, with Approaches thereto, between *High Street*, *Bridge Street*, and *Nene Quay*, or One of them, on the Southern Side of the River, and *Cornhill* and *Old Market* on the Northern Side thereof, in the said Parishes of *Wisbeach Saint Mary's* and *Wisbeach Saint Peter's*, or One of them.

Execution of general Works.

XXXV. That, subject to the Provisions and Restrictions of this Act, it shall be lawful for the incorporated Commissioners, in constructing any of the Works hereby authorized within the Upper Division and Lower Division, and the Works connected therewith respectively, to exercise any of the following Powers in the Line or Course

Course or within the Limits of Deviation defined on the deposited Plans herein-before mentioned:

They may alter, widen, deepen, scour, divert, and otherwise improve the said River, and raise or lower the Banks thereof;

They may alter, divert, deepen, and widen the Navigation and navigable Channels of the said River *Nene*, and the Banks and Towing-paths thereof;

They may remove all Stanches, and widen, narrow, alter, or remove, rebuild, raise, or lower the Locks, Sluices, Milldams, Floodgates, Water-wheels, Mills, and Weirs upon the same River and its Navigations, navigable Channels, Branches, and tributary Streams and Watercourses;

They may alter the Top-water Level of the said Navigations and navigable Channels;

They may divert, either temporarily or permanently, and alter, the Line or Course or Level of any Turnpike Roads, public Carriage Roads, or other Roads or Ways, Canals or Railways, or any of them, described on such Plans;

They may widen, alter, or remove, rebuild, raise, or lower the Bridges, Culverts, Arches, Openings, Flood-ways and other Works over or in the said River, and over or upon the Lands adjacent thereto, or which may have been constructed for the Passage of Flood Waters or otherwise;

They may abandon or stop up so much of the present Navigations, and River, Streams, Drains, and Watercourses, as may be rendered unnecessary by any of the Diversions, Cuts, Widenings, or Works, or which it may be desirable to stop up for any Purpose, and may sell the Lands of such Works abandoned or stopped up;

They may construct new or additional or improved Bridges, Culverts, and Openings upon or in such Turnpike Roads, public Carriage Roads, or other Roads, Canals, or Railways;

They may authorize any Sewer or Sewers for the better Sewerage and Drainage of the several Towns and Places now draining into the said River to communicate with the River, and to construct any Works for such Purposes connected with the River which may be agreed upon;

They may from Time to Time alter, repair, or discontinue the beforementioned Works or any of them, and construct others in their Stead;

They may use or dispose of the Materials of any Works which may be taken down or removed or rendered unnecessary by any of the Works executed by the incorporated Commissioners;

And they may do all other Acts which they may deem necessary for rendering the said River more efficient for the Purposes of Drainage and Navigation.

XXXVI. That

Works under or across Railways to be executed under Superintendence of Surveyors of Railway Companies.

XXXVI. That so much of any of the Works hereby authorized as shall be under or across any Line of Railway belonging to or in the Occupation of any Railway Company, or any Part of the Works of such Railway, or shall in any way affect any such Line of Railway or Works, shall from Time to Time be made, constructed, maintained, and repaired in such Manner as shall be approved of by the Engineer for the Time being of the Railway Company to whom such Railway and Works may belong, and in all respects to his Satisfaction, and so as not to alter, vary, use, or interfere with any such Line of Railway as aforesaid, or any of the Works thereof, or to obstruct, interfere with, or impede the Conveyance of Passengers and Goods along the said Railways or any of them; and the said incorporated Commissioners shall make full Compensation for any Damage which may be occasioned to the Railway and Works of any such Company by the Construction of any Works by the said incorporated Commissioners, or by any Act or Default of the said Commissioners, or their Agents, Servants, or Workmen, and the Amount of any such Compensation shall be ascertained and settled in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to Questions of disputed Compensation.

Alterations in existing Bridges to be under Surveyor of County, &c.

XXXVII. That all Alterations in existing Bridges shall be made to the Satisfaction of the Surveyor of the County, Trustees, or Parish now liable to the Repair thereof, and the said incorporated Commissioners shall not, except herein otherwise expressly provided, be liable to the future Maintenance and Preservation of any of the Bridges they are hereby authorized to make after the Expiration of Two Years after the same shall have been so erected and built as aforesaid, nor to maintain and keep in repair any Bridges over the said Rivers, Drains, and Watercourses, other than those which the Execution of their Works may render it necessary to erect in Situations where there were no Bridges prior to the First Day of *October* One thousand eight hundred and fifty-one: Provided always, that Repairs rendered necessary within the Period of Seven Years from the Completion of the Bridges, by any Defect in the Construction or Alteration of such Bridges by the incorporated Commissioners, shall be repaired and made good by such Commissioners: Provided nevertheless, that the new Bridges at *Wisbech* and the *Dog-in-a-Doublet* shall be for ever maintained by the incorporated Commissioners.

As to Bridges at Wisbeach and Dog-in-a-Doublet.

XXXVIII. That the Bridges to be erected over the River *Nene* at *Wisbech* and at the *Dog-in-a-Doublet* shall be constructed, with the Approval of the Lords of the Admiralty, in such Manner as that the same may hereafter (as herein-after provided) be made opening Bridges, and such Bridges shall, whether the same be opening or fixed Bridges, have, in the Case of the *Wisbech* Bridge, a clear Width of Waterway

of not less than Eighty-five Feet, and so as to allow of an opening Span of not less than Forty Feet in the Clear when and if the same shall be made an opening Bridge, and in the Case of the Bridge of the *Dog-in-the-Doublet*, such Bridge shall be so constructed as to allow of an opening Span of not less than Thirty Feet in the Clear, unless the Lords of the Admiralty shall require a larger opening Span not exceeding Forty Feet.

Lords of the Admiralty may require Bridges to be opening Bridges.

XXXIX. That it shall be lawful for the Lords of the Admiralty, at any Time when they deem it expedient, after the Construction of the said Bridges or either of them, by Notice in Writing to be given to the incorporated Commissioners, to require the incorporated Commissioners, within a Time specified in such Notice (not being less than Twelve Months), to convert the said Bridges or either of them into an opening Bridge or Bridges, and the incorporated Commissioners shall and they are hereby required, at their own Costs, to convert the said Bridges or either of them, as shall be specified in such Notice, into an opening Bridge or into opening Bridges, in accordance with such Notice: Provided always, that until the Bridges or either of them shall be converted, in pursuance of such Notice, the same shall be used as fixed Bridges.

Bridges to be opened.

XL. That, subject to the Provisions of this Act, and the Byelaws and Regulations to be made and approved of as herein mentioned, when and if the said Bridges or either of them shall have been converted into opening Bridges or an opening Bridge, it shall not be lawful for the incorporated Commissioners, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Nene* for a longer Space of Time than may be sufficient for opening the said Bridges respectively to admit such Vessel, Barge, or Boat to pass; and in case the incorporated Commissioners, or any Person or Persons acting under them, shall wilfully or negligently detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, the said incorporated Commissioners or every Person so offending shall in every such Case forfeit and pay the Sum not exceeding the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Corporation of Wisbech may make Regulations as to opening Bridges.

XLI. That the incorporated Commissioners shall not be compelled to open either of the said Bridges, when and if converted into opening Bridges, for the Passage of Steam or other Vessels with falling Masts or Funnels, or for Vessels which can lower such Masts or Funnels; and the said Bridge at *Wisbech* shall be opened at such Times and in such Manner only, and shall continue open for such Period, as shall be prescribed by Byelaws and Regulations to be from Time to Time made by

by the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, acting by the Council of the Borough, and which Byelaws and Regulations the said Council are hereby from Time to Time authorized to make: Provided always, that all such Byelaws and Regulations shall be submitted to and approved of by the Lords of the Admiralty under the Hand of the Secretary of the Admiralty for the Time being.

If Traffic interrupted, temporary Bridges to be made.

XLII. That in the event of the said Bridges being required to be altered into opening Bridges, and it becoming necessary to interrupt the Traffic across the same respectively for such Alteration, the incorporated Commissioners shall before such Interruption cause a sufficient temporary Bridge, of not less Width than Fifteen Feet, to be substituted, or such Works to be done as may be necessary to prevent such Interruption to the said Traffic during the Progress of the Works which may be required for the Purpose of converting the said Bridges respectively into opening Bridges.

Works to commence near the County Boundary, and proceed upwards to Bevis Hall.

XLIII. That the said incorporated Commissioners shall and they are hereby required, and as the First Work to be made and executed under the Authority of this Act, to widen, deepen, and improve the Channel of the said River *Nene* in its Passage through the Town of *Wisbech*, commencing with that Part of the Channel of the said River below the said Town indicated for Improvement by the said Plans and Sections deposited as aforesaid, and thence proceeding upwards through the said Town to or near *Bevis Hall* aforesaid, and in furtherance of that Object to remove the Stones and other Obstructions in the said River, and to take down and remove the present Bridge crossing the said River in the said Town, and the Piers, Piles, Abutments, and all Appendages thereof, and the Buildings and Erections near the said Bridge within the Lines of Improvement laid down upon the said Plans and Sections, and to erect a new Bridge across the said River near the Site of the present Bridge, with proper and sufficient Piles, Abutments, and Appendages thereto, and make all necessary and proper Approaches, Slipways, and other Works connected with such new Bridge, such new Bridge to be constructed with a Roadway of a clear Width of Thirty-five Feet; and it shall not be lawful for the said incorporated Commissioners to execute any Works above *Bevis Hall* aforesaid until the Works by this Act authorized and required to be executed below or seaward of *Bevis Hall* aforesaid shall have been fully executed and completed, and the Completion thereof certified by the Engineers or Engineer for the Time being directing the Execution of the said Works, and the Certificate of Completion published in One or more Newspaper or Newspapers circulated in each of the said Counties of *Cambridge* and *Northampton*.

XLIV. Pro-

Restrictions as to Works in the First, Second, and Third Districts.

XLIV. Provided nevertheless, That the said incorporated Commissioners shall not be required or compellable by any Process of Law or Equity to execute any other Works in the said "Upper Division" between *Kislingbury* and *Brampton* on the West and *Peterborough Bridge* on the East than such as in their Judgment shall be sufficient for the Drainage of the First and Second Districts, and for carrying the Purposes of this Act into effect in such Districts, nor to execute Works in any of such First or Second Districts to a greater Extent than and beyond what the Taxes and Revenues raisable by all and every of the Means hereby provided in or in connexion with or to be contributed in aid of each such District will be sufficient to complete in a useful and serviceable Manner, nor shall the incorporated Commissioners borrow upon Mortgage of the District Rates in any District any larger Sum of Money than such as shall be the Proportion to be expended in such District of the Sum of Two hundred and eighty thousand Pounds by this Act authorized to be raised by Mortgage: Provided always, that, except as by this Act otherwise provided, the said incorporated Commissioners shall execute the Works in the said Third District according to the Plans and Sections of such Works deposited in reference to this Act with the Clerks of the Peace for the respective Counties of *Northampton*, *Huntingdon*, and *Cambridge*.

Works in Two Districts for mutual Benefit to be paid for by both Districts.

XLV. Provided also, That in case any Works shall be deemed necessary to be done on or near the Borders or Boundary of any One of the First, Second, and Third Districts, and which may improve and benefit the adjoining District, the said Works and the Expenses thereof shall be paid by such Two adjoining Districts or either of them, and in such Proportions as shall be mutually determined upon by Three Commissioners in each of such Districts; but in case they cannot agree, then the same shall be settled by Two Arbitrators, the one to be chosen by the Commissioners representing the one, and the other by the Commissioners representing the other District, and determined according to "The Lands Clauses Consolidation Act, 1845."

Commissioners may set out Towing-paths and Haling-ways, making Satisfaction to the Owners of the Grounds.

XLVI. That, subject to the Provisions and Restrictions of this Act, the said incorporated Commissioners shall have full Power and Authority to make, set out, and appoint Towing-paths and Haling-ways upon the Banks of the said River *Nene* where none now exist, but where they may think it necessary, for towing and drawing, with Men or Horses, Barges and other Vessels passing through or upon the said River, in such Manner as the said incorporated Commissioners shall think convenient, making Satisfaction to the respective Owners or Occupiers or Proprietors of any Lands, Tenements, or Hereditaments which shall be digged, cut, pulled down, or otherwise made use of for all or any of the Purposes aforesaid for any Damage such

such Owners or Proprietors shall or may sustain thereby; provided, that no such Works shall extend beyond the Limits of Deviation shown on the deposited Plans.

When a new Cut is completed, Rights of Drainage through the old Channel to cease.

XLVII. That when and so soon as any 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 or Drainage, and not sooner, all Rights of Drainage and Navigation through the present or then existing old Channel for which such new Cut is substituted shall cease and be at an end.

New Cuts and Diversions to be considered Parts of the old Channel.

XLVIII. That the Bed and Soil of the new Cuts and Diversions of the present Channel of the River *Nene* which may be at any Time made under the Authority of this Act shall be and be deemed to be, to all Intents and Purposes, vested in the Queen's Majesty, Her Heirs and Successors, or other the Owner or Owners of the present Channel, and shall be subject to all the same Rights and Privileges as the present Channel of the said River *Nene* in substitution of which the same are made are now subject to, and that all Persons navigating Boats on the said River *Nene*, and their respective Servants or other Persons employed by them, shall at all Times have the full Use and Passage of and through the said new Cuts and Diversions, for the Purpose of navigating Boats in, along, and through the same Cuts and Diversions, in like Manner as they now have along and through the present Channel of the said River *Nene*, subject to the Provisions of this Act and the Tolls hereby imposed, and the said Cuts and Diversions of the Banks and Forelands thereof shall be to all Intents and Purposes considered and taken to be respectively Parts and Parcels of the ancient Channel of the said River *Nene*, and of the Banks and Forelands thereof respectively.

Lands and Property vested in Commissioners.

XLIX. That the Lands to be purchased or acquired by virtue of this Act on account of the said incorporated Commissioners, and all Buildings thereon, and all the abandoned Parts of the Channel of the said River, and all Land reclaimed from the said River, and all Banks, Forelands, Sluices, Tunnels, Bridges, Haling-ways, and other Works, except such as are reserved and excepted by this Act, and the Right and Property of and in all Engines, Implements, Materials, Goods, Articles, and Things provided or had for the Purposes of this Act, and all such as were before the passing of this Act vested in the Commissioners of Navigation, Undertakers, or others, under the *Northampton* and *Peterborough* Navigation Acts, shall be and the same are hereby vested in the said incorporated Commissioners.

L. Pro-

Lands on abandoned Channels be sold.

L. Provided always, That any Part of such abandoned Channels, and any Part of the Land reclaimed from the River not required for the Works of the incorporated Commissioners, shall be sold and disposed of by the incorporated Commissioners, and the One hundred and twenty-eighth, One hundred and twenty-ninth, One hundred and thirtieth, and One hundred and thirty-first Sections of the "Lands Clauses Consolidation Act, 1845," shall apply to such Lands, save and except that it shall not be necessary to offer the said Lands to the Persons from whose Lands, if any, the said Lands were originally severed.

Compensation for Diminution of Power in altering Water-wheels.

LI. That the incorporated Commissioners, before they shall alter any Water-wheel belonging to any Mill or to any Building used as a Manufactory or otherwise, shall give One Month's Notice in Writing of such Intention to the Occupier of such Mill or Building; and if by any such Alteration the Power which such Occupier has been heretofore entitled to use shall be lessened, it shall be lawful for the Owner, Lessee, and Occupier to require the incorporated Commissioners to make Compensation for the Diminution of the Power to which they were entitled; and in case of any Difference as to the Amount of Damage caused by the Loss of such Power, the Sum to be paid by the incorporated Commissioners in respect thereof shall be settled by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845.

Commissioners to make Compensation for Damage.

LII. Provided always, That in the Exercise of the Powers by this Act granted the incorporated Commissioners shall do as little Damage as may be, and shall make full Satisfaction, in manner herein and in any Act incorporated herewith provided, to all Parties interested, for all Damage sustained by them by reason of the Exercise of such Powers; and in case any Party shall claim Compensation, and the same shall be referred to Arbitration, or to a Jury or Two Justices, and he shall not be able to prove to the Satisfaction of such Jury, or Arbitrator, or Two Justices, that he has sustained any Damage or Injury, the Party so claiming Compensation shall be and is hereby required to pay all the Costs, Charges, and Expenses occasioned thereby to the said incorporated Commissioners, and the Amount of such Costs shall and may be recovered by them in the same Manner as Penalties and Forfeitures imposed by this Act.

If no Compensation awarded, Claimant to pay the Costs.

As to Level of Roads.

LIII. That, except as otherwise provided by this Act, where the Level of any Road shall be altered, the Ascent of any Turnpike Road shall not be more than One Foot in Thirty Feet, and of any other public Carriage Road not more than One Foot in Twenty Feet, and a good and sufficient Fence of Four Feet high at the least shall be made on each Side

Side of every Bridge which shall be erected by the incorporated Commissioners.

Turnpike Road on North and South Brinks.

LIV. That it shall not be lawful for the said incorporated Commissioners to contract the Width of the public Turnpike Road on the *North Brink* in the Town of *Wisbech* between the Public House called the *White Hart* Inn and *Barton Lane*, or the public Turnpike Road on the *South Brink* between the Bridge in the Town of *Wisbech* and the Point at which it is proposed, according to the said deposited Plan and Section, to divert the said Road near the Terminus of the *Eastern Counties* Railway, but nothing herein contained shall prevent the said incorporated Commissioners from using the said Roads temporarily for the Purpose of executing the said Works, or constructing any Works under the Surface of the said Roads necessary for the proper Execution of the Works by this Act authorized to be executed, they the said incorporated Commissioners making due Provision for the Passage of the Public along the said Roads during the Execution of the Works, and restoring the said Roads in all respects to the Satisfaction of the Surveyors thereof respectively for the Time being.

Power to purchase Meadow Land of limited Extent through which the Diversions pass.

LV. And whereas there are several Pieces of Land of less Quantity than Five Acres which will be divided by means of the Alterations of the River by this Act authorized to be made, and it is expedient to make Provision with reference thereto: Be it enacted, That if any Meadow Land shall be divided by an Alteration or Diversion of the River so that a less Quantity than Five Acres shall be left on One Side of the Diversion of the said River, and if the Owner of such Land so left shall have no other Land adjoining thereto, it shall be lawful for the incorporated Commissioners to purchase such Land so left of less Quantity than Five Acres, and the incorporated Commissioners shall not in the event of such Purchase be required to make any Bridge or other Work for a Communication between the Land so divided.

For determining Parish Boundaries.

LVI. And whereas the River *Nene* divides various Parishes, and by reason of the Alteration in the Course of the River Doubts may arise as to Boundaries of such Parishes, and it is expedient to make Provision for determining the same: Be it enacted, That any Two Justices of the Peace may, upon the Application of the incorporated Commissioners, or of any Parish Officer duly authorized by a Vestry Meeting of the Parish (after Notice in Writing shall have been given to the Churchwardens and Overseers of the Poor of the Parish or Parishes affected thereby, and to the Owner and Occupier of any Land in respect of which the Parish Boundary is sought to be fixed or altered), to ascertain and determine the Boundary of any Parish or

Parishes

Parishes which by reason of any of the Works by this Act authorized it may become necessary to ascertain and determine; and such Justices may, if they see fit, alter the Boundary of any such Parish so that the same may include Lands which by any Diversion or Alteration of the Course of the River may be severed from some other Parish or Parishes; and the Decision of such Justices shall be binding upon all Parties, subject, nevertheless, to the Power of Appeal herein-after mentioned.

Parties allowed to appeal to Quarter Sessions, on giving Security.

LVII. That if any Party shall feel aggrieved by any Determination or Adjudication of such Justices with respect to any such Parish Boundary, or the Alteration thereof, such Party may appeal to the General Quarter Sessions for the County or Place in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

LVIII. That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, confirm or quash the Adjudication, or may make such Alteration therein as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Power to Commissioners to suspend Navigation, when executing Works.

LIX. That it shall be lawful for the incorporated Commissioners, at any Time or Times, in their Discretion, to suspend the Navigation of any of the aforesaid Rivers and navigable Streams within the Limits of this Act, for the Purpose of better enabling them to execute or maintain any of the Works authorized to be made or maintained by this Act, Fourteen Days Notice of such Suspension being previously given by the said Commissioners respectively by Advertisement.

Power to Commissioners to exercise Powers of General Acts relating to Sewers, except as to Rates.

LX. That the incorporated Commissioners shall within the Limits of the Upper Division have and exercise all such Powers and Authorities as by the Statutes for the Time being in force relating to Sewers are conferred upon any Court or Commission of Sewers: Provided always, that the incorporated Commissioners shall not be entitled by virtue of such Statutes or any of them to levy any other Rate or Tax than such as are granted or imposed by virtue of this Act.

LXI. That,

Power to make and maintain Works of Drainage and Navigation.

LXI. That, subject to the Provisions and Restrictions of this Act, it shall be lawful for the incorporated Commissioners, from Time to Time as they shall think proper, to alter and enlarge the present Sluices, Bridges, Tunnels, Culverts, Water-mills, Catchwaters, Banks, Forelands, Cuts, Sewers, Drains, and Watercourses, or other Works affecting Drainage, in and through the Lands within the Limits of the said Upper Division and Lower Division, and to make all such new Sluices, Bridges, Tunnels, Culverts, Catchwaters, Banks, Forelands, Cuts, Sewers, Drains, Watercourses, or other Works within the said Limits as the incorporated Commissioners shall from Time to Time think necessary for effectually draining and preserving the same Lands; and all such Works herein-before enumerated, and other Works of Drainage, shall, except as herein otherwise mentioned, from Time to Time and at all Times be supported, maintained, and repaired, as Occasion may require, and be preserved, by the incorporated Commissioners, out of the Funds and Monies to be from Time to Time raised by virtue of this Act in the District in which such Works are made, in such Proportions as the said incorporated Commissioners shall think proper: Provided always, that no Turnpike Road, public Carriage Road, Railway, or the Works connected with the same, shall be altered or interfered with by the incorporated Commissioners (except such as are included on the deposited Plans) without the Consent of the Company to whom the same belong, or, as the Case may be, of the Trustees or Surveyors in whom the Control and Repair thereof are vested: Provided also, that no new Cut for Drainage not shown on the deposited Plans shall be made by the incorporated Commissioners which shall be of a greater Width at the Bottom than Eleven Feet.

Drains and Watercourses to be kept open by Owners or Occupiers.

LXII. That the several Owners or Occupiers of the Lands within the Upper Division and Lower Division subject to the Provisions of this Act shall at all Times well and sufficiently cleanse, deepen, widen, and repair the several Drains and Watercourses adjoining and belonging to their said respective Lands, and put down such Drains and Watercourses therein as shall appear to the incorporated Commissioners to be necessary for the Purposes of the said Drainage, and shall at all Times keep and maintain the said Drains and Watercourses and every of them of sufficient Width and Depth, as the incorporated Commissioners shall at any of their Meetings direct, and shall, when and as often as the incorporated Commissioners shall require, cut the Rushes in the Part of the River adjoining to their Lands, and free the said River from Weeds and other like Obstructions to the free Flow of the Water; and in case any such Owner or the Occupier of such Lands shall at any Time refuse or neglect so to cleanse, deepen, widen, or repair any of the said Drains and Watercourses adjoining or belonging to his said Lands, or to keep and maintain the same of such Width and Depth as aforesaid, or to

Penalty for Neglect.

clear the said River from Rushes or Weeds or other like Obstructions, for the Space of Fourteen Days next after Notice in Writing under the Hands of the incorporated Commissioners, or their Clerk or other Officer given to such Owner or Occupier, or delivered to some Inmate at the usual Place of Abode of such Owner or Occupier for that Purpose, every such Owner or Occupier shall forfeit the Sum of Forty Shillings for every such Refusal or Neglect.

In default of Occupiers, incorporated Commissioners may cause Work to be done at their Expense.

LXIII. That in case of any such Neglect or Refusal as aforesaid it shall be lawful for the incorporated Commissioners or their Officers to cause such Drains and Watercourses to be well and sufficiently cleansed, deepened, widened, or repaired, as the Case may require, and the Rushes and Weeds to be cleared from the River; and the Expense of every such Work shall be repaid to the incorporated Commissioners by the Occupiers so neglecting or refusing, and may be ascertained and recovered by such incorporated Commissioners in the same Manner as any Damages for the ascertaining of which no special Provision is herein contained are hereby directed to be recovered.

Drains may be made to enable Owners of Lands to drain into the River.

LXIV. That it shall be lawful for the incorporated Commissioners, at the Request of any Owners of Land within the Limits of the Upper Division liable to be taxed by virtue of this Act, to construct any Drain or Watercourse through any Land within such Limits, for the Purpose of enabling such Owner to drain the Land so liable to be taxed into the River; and the incorporated Commissioners shall fix the Proportion of the Expense of making such Drain or Watercourse which shall be paid by the respective Owners of the Land benefited by the Construction thereof, the Commissioners making Satisfaction for all Damage occasioned by the Construction of such Drain or Watercourse to the Owners of the Land through which the same may be made, or which may be used for the Purposes thereof.

Incorporated Commissioners empowered to open Sluices, &c. during Floods.

LXV. That it shall be lawful for the said incorporated Commissioners and their Officers during the Time of Flood, or if there shall be any reasonable Apprehension of Flood, to open any Locks, Stanches, Sluice-gates, Mill-gates, and Flood-gates within the First and Second Districts, and to continue the same open for so long a Time as they shall consider necessary for avoiding or abating or removing such Floods, and to raise Banks in such Manner as they think proper.

Incorporated Commissioners to employ Valuers to class the Lands.

LXVI. That the incorporated Commissioners shall, at their First Meeting to be held under this Act, or at some Adjournment thereof, or at some subsequent Meeting to be held within Six Months next after the passing of this Act, nominate and appoint Two Persons having Experience in the Works of Drainage to view the several Meadows and Lands in the said First and Second Districts, and the flooded

flooded Lands in *Standground* in the Third District, respectively intended to be taxed under this Act, and to ascertain the State and Mode of Drainage of the said Meadows and Lands respectively, and to estimate their Improvement in annual Value from the Works proposed to be executed under the Provisions of this Act, and to fix a Tax (such Tax to be called "the Outfall Tax") on the said Meadows and Lands in the said First and Second Districts, and the said flooded Lands in *Standground* in the Third District, graduated according to the different Degrees of Benefit which, in the Judgment of the said Valuers, the said Meadows and Lands will derive from the said Works; provided that all the said Meadows and Lands to be taxed under this Act shall be so classed and taxed as to raise an annual Sum of Money equal to an Average of One Shilling *per* Acre on the whole of the said taxable Lands situate in the said First and Second Districts, and on the said flooded Lands in *Standground*.

Existing Surveys may be made use of.

LXVII. That it shall be lawful for the said incorporated Commissioners, in order to determine what Portions of the Meadows and Lands will be benefited by the Works to be executed under and by virtue of this Act, and to fix the Boundaries for taxing the same, to make use of and adopt any existing Surveys, Admeasurements, Maps, or Plans of all or any Part of the Meadows and Lands in any of the Districts, or any of them, by this Act made liable to the Payment of any Tax, Charge, or Assessment, or the said incorporated Commissioners may, in their Discretion, from Time to Time, order and direct all or any Part of the Meadows and Lands to be benefited by the Works under this Act to be surveyed, measured, and mapped; and it shall be lawful for any Person employed in making such Survey and Admeasurement to enter on the Lands or Grounds of any Person for that Purpose; and such Surveys and Admeasurements, whether now existing or which shall be prepared under the Powers of this Act, when authenticated to the Satisfaction of the said incorporated Commissioners, and under their Common Seal, shall be binding on the several Persons charged with the Payment of such Taxes, Charges, and Assessments for their several Meadows and Lands, and shall be admitted and allowed as Evidence in all Courts whatsoever, in all Cases, Suits, and Actions touching anything done in pursuance of this Act.

Valuers to make Statement, and deliver it to the Clerk.

LXVIII. That the said Valuers shall prepare a Statement in Writing under their Hands of the Classification of the said Meadows and Lands, and of the several Taxes fixed by them as the Outfall Tax, and deliver the same to the Clerk to the said incorporated Commissioners within Eight Months from the Time they shall accept their Appointment, or within such further Time as the said incorporated Commissioners may appoint; and such Clerk shall, within Fourteen Days after the Receipt of

of the same, cause Notice to be given by Advertisement in One Newspaper published in the County of *Northampton* and One published in the County of *Cambridge*, and by such other Means as the said incorporated Commissioners may think fit, that the said Statement has been so deposited, and will remain with him for Thirty Days, for the Inspection of all Persons intended to be rated or taxed under the same.

Copies of Statement to be deposited.

LXIX. That the said Clerk shall cause Copies of the said Statement, so far as relates to each of the said Two Districts, and the flooded Lands in *Standground* in the said Third District, to be deposited, for Inspection by the Proprietors of Land and Parties interested, with the Parish Clerk or One of the Parish Constables in not less than Two Places within each of the said respective Districts, to be fixed by the said incorporated Commissioners at One of their Meetings, and to be so situate as that no Person resident within any of the said Districts shall be required to travel more than Twelve Miles for the Purpose of inspecting the Statement relating to such District; and the Clerk shall give similar Notice of such Deposits as in the Case of Deposits with him of the Statement lastly herein-before mentioned.

Owners &c. may make Objections, giving Notice of the same.

LXX. That if any Owner or Occupier of Land so taxed as aforesaid shall be dissatisfied with such Apportionment of the Taxation, and shall give Notice in Writing of his Objections thereto to the said Valuers or to the Clerk to the incorporated Commissioners, within Thirty Days next after the Notice of the Delivery of the said Statement shall have been advertised, they the said Valuers shall appoint some convenient Time and Place, not earlier than Twenty-one Days from the first giving of such Notice, for holding a Meeting to hear the

Valuers to hear and determine Objections.

said Objections; and the said Valuers at such Meeting shall hear and finally determine the same, and shall be at liberty to make any Corrections in the said Taxation they may think fit; and the Determination of such Valuers shall be final and conclusive with regard to the Outfall Tax, and shall be final and conclusive with respect to the District Tax, unless and until the same shall have been altered as herein-after mentioned: Provided nevertheless, that no Meadow or Land shall be put into a higher Class of Taxation, unless the Owner shall have had Ten Days Notice in Writing of the said Meeting, and of an Objection having been made to the classing of such Land, or unless a Meeting of the said Valuers shall be appointed, if required by such Owner, to hear and determine any Objection made by him to the proposed Alteration in the classing of the said Lands.

Umpire to be appointed.

LXXI. That the incorporated Commissioners shall at the Time of appointing the said Valuers nominate some fit Person who shall have had Experience in Works of Drainage as a Third Valuer or Umpire, who shall hear and determine all Points in Difference between the

the Arbitrators which may arise upon such Valuations; and the Determination of such Umpire upon such Points of Difference, when reduced into Writing, and signed by him, and delivered to the Clerk to the said incorporated Commissioners, shall be binding and conclusive on all Persons to all Intents and Purposes.

Appointment in case of Death, &c.

LXXII. That in case the said Valuers or Umpire, or either of them, or any Person hereafter appointed a Valuer or Umpire, shall die, or neglect or refuse or become incapable to act as a Valuer or Umpire, before the said Taxation shall have been completed or the Duties of the said Valuers or Umpire fully performed, then and in such Case it shall be lawful for the incorporated Commissioners, at any of their Meetings, to appoint some Person who shall have had Experience in Works of Drainage to be a Valuer or Umpire in the Room or Stead of the Valuer or Umpire so dying, neglecting, refusing, or becoming incapable to act as aforesaid: Provided always, that Notice of the intention to elect and appoint a Valuer or Umpire shall at all Times be given in the Advertisements of the Meeting at which the Election and Appointment are to take place.

Valuers to make Declaration before acting.

LXXIII. That no Person shall be capable to act as a Valuer or Umpire until he shall have made and subscribed the Declaration following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and 'Ability, execute and perform the several Trusts, Powers, and Authorities vested and imposed in me for classing and taxing Land by 'virtue of "The Nene Valley Drainage and Navigation Improvement 'Act, 1852," according to Equity and good Conscience, and without 'Favour or Affection, Prejudice or Partiality, to any Person or Persons 'whomsoever.'

And which Declaration shall be made and subscribed before any Commissioner authorized to act in execution of this Act, and shall be delivered to the Clerk of the said incorporated Commissioners, and kept by him with the Documents belonging to them.

Apportionment final.

LXXIV. That the Valuation and Apportionment, when made, of the several Meadows and Lands subject to such Apportionment, and the several Taxes that have been fixed by the Valuers and Umpire under the Powers and Authorities of this Act, shall be final and conclusive, and binding on all Parties interested, with regard to the Outfall Tax to be imposed by virtue of this Act, and with regard to the District Tax shall be final and conclusive unless and until the same shall have been altered in manner herein-after mentioned.

Taxes to be levied by incorporated Commissioners.

LXXV. That when the Apportionment of the Outfall Tax and the primary Apportionment of the District Tax shall have been fixed by the said Valuers or Umpire, the said incorporated Commissioners shall tax, charge, and assess, in manner herein-after mentioned, all the Meadows and Lands within the said First and Second Districts, and the flooded Lands in *Standground* in the said Third District, herein described, and the respective Occupiers of such Lands, with an Acre Tax, to be called "the Outfall Tax," according to the several Prices and Sums at which the said Meadows and Lands shall have been classed and fixed as an Outfall Tax, by the said Valuers, and shall also annually tax, charge, and assess all the said Meadows and Lands in each of the said First and Second Districts, and the flooded Lands in *Standground*, in the said Third District, liable to be taxed with the said Outfall Tax, with an additional Acre Tax not exceeding the Amount herein-after mentioned, to be called "the District Tax," graduated according to the apportioned Rate at which the said Meadows and Lands shall have been classed and fixed with respect to the Outfall Tax by the said Valuers; the first of which said respective Taxes shall become due and payable on the First Day of *January* next after the passing of this Act, and all the subsequent respective Taxes on the First Day of *January* in every Year; and such respective Taxes shall be paid to such Person and at such Time and Place as the said incorporated Commissioners shall from Time to Time direct.

Tax on Standground Meadows.

LXXVI. That all the Meadows and Lands to be taxed to the District Tax within the First and Second Districts, and the flooded Land in *Standground* in the said Third District, shall be assessed and charged by the said Commissioners with such annual Sum of Money as they shall think necessary for the Purposes of this Act, such annual Sum of Money not to exceed in any One Year an average Sum of Five Shillings *per* Acre on the whole of the said taxable Meadows and Lands.

Time for assessing of Taxes.

LXXVII. That if the Valuers shall not have completed their primary Apportionment by the said First Day of *January* next after the passing of this Act, then the said First Outfall Tax and District Tax shall be assessed by the said incorporated Commissioners at some Meeting to be held within Three Months next after the Completion of the said Apportionment of Taxation made by the said Valuers; and if One Year only shall have elapsed since the passing of this Act, the same shall become due at the End of Three Months after the same shall have been so assessed; but if such Taxation shall not have been completed before the First Day of *January* in the Second Year after the passing of this Act, then the said Commissioners shall assess the annual Taxes for the First Year after the passing of the said Act,

and

and the Annual Taxes for the Second Year after the passing of the said Act, and both Years Taxes shall become due at the End of Three Months after the Completion of the said Apportionment of Taxation.

Apportionment of Taxation to be revised after Works completed.

LXXVIII. That as soon as conveniently may be after the Completion of the Works in the First and Second Districts by this Act authorized to be constructed, and Notice thereof shall have been given, as by this Act directed, the incorporated Commissioners shall nominate and appoint Two Persons having Experience in Works of Drainage to view the several Meadows and Lands in the First and Second Districts, and the flooded Land in *Standground* in the Third District, respectively included in the primary Apportionment of the District Tax, and also any other Lands in such Districts, or in *Standground* aforesaid; and such Valuers shall revise the primary Apportionment of the District Tax, and shall make such Alterations in such Apportionment as may appear to such Valuers to be just and reasonable; and all the Provisions of this Act relating to the Valuers under the primary Apportionment, and relating to their Powers and Proceedings, and to the Statement to be made, the Notices to be given, and to the Appointment of an Umpire, and all other Provisions relating to the primary Apportionment, shall be applicable to the revised Apportionment to be made by the Valuers under the revised Apportionment, and to all Proceedings by such Valuers or connected therewith; and after the revised Apportionment of such District Tax shall have been finally determined by the Valuers the same shall be final and conclusive upon all Parties.

Revised Apportionment, when completed, to be in substitution for primary Apportionment.

LXXIX. That when and so soon as the revised Apportionment shall have been completed and finally settled, the District Tax shall be charged and assessed according to the several Prices and Sums at which the Meadows and Lands shall have been classed and fixed by the Valuers or their Umpire in such revised Apportionment, and such revised Apportionment shall from thenceforth be in substitution for the primary Apportionment made after the passing of this Act, except in respect of any Rate or Tax which may have been made or appointed to be paid by the incorporated Commissioners previous to the Completion of such revised Apportionment.

Commissioners to assess the Outfall Tax in One Sum.

LXXX. That the incorporated Commissioners shall and they are hereby required to assess the Outfall Tax in One Sum upon the Meadows and Lands subject to such Tax, and such Tax shall be estimated and assessed at a Sum equal to Twenty-five Times the Tax which could be charged and assessed for One Year upon such Meadows and Lands by virtue of this Act.

LXXXI. That

Power to pay Rates by Instalments.

LXXXI. That it shall be lawful for any Owner or Proprietor of any Meadows or Lands who shall be so rated and charged as aforesaid to the Outfall Tax, within Two Months after Notice shall have been given to the Occupier of such Meadows or Lands that such Outfall Tax has been assessed and charged, to give Notice in Writing to the said incorporated Commissioners of his Wish to pay the said Rate or Charge by half yearly Instalments on the First *Thursday* in *January* and the First *Thursday* in *July* in every Year, and thereupon it shall be lawful and the said incorporated Commissioners are hereby required to accept the said Rate or Charge by such Instalments as aforesaid; and the said incorporated Commissioners shall have the same Powers and Remedies for recovering the same as are herein contained: Provided nevertheless, that such half-yearly Payments do not extend over a Period exceeding Three Years, and be paid, at the Expense and Costs of the said Owner or Proprietor, into the Hands of the Treasurer of the said Commissioners, together with Interest after the Rate of Five Pounds *per Centum per Annum* upon each Instalment from the Time of laying the said Rate until the Time of Payment: Provided always, that the incorporated Commissioners shall give Notice of this Provision to the Occupier of all Meadows and Lands charged with the Outfall Tax at the Time of giving Notice to such Occupier of charging and assessing the same upon such Meadows and Lands.

Persons having limited Interest may raise Money by Mortgage for Expense.

LXXXII. That it shall be lawful for the respective Proprietors of Lands subject to the Outfall Tax, being Corporations, Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, or for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, to charge their Estates with any Money not exceeding the Amount *per* Acre with which the Commissioners shall tax their respective Lands towards their respective Proportions of the Outfall Tax levied by virtue of this Act, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Estates unto or in trust for any Person who shall advance such Money, for any Term of Years; but so that every such Mortage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with Interest thereon, shall have been fully paid and satisfied; and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any Estate for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during

during his Life, and that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

Principal to be repaid by equal annual Instalments.

LXXXIII. That the Principal Money so to be charged shall be repaid by equal annual Instalments of not less than Ten nor more than Twenty in Number, the First Instalment to be payable at the Expiration of Twelve Months from the Date of the Rate or Assessment in respect of which such Advance shall be made.

Tax on the Wash Lands.

LXXXIV. That the said incorporated Commissioners shall, at the Times before mentioned with respect to the Taxes herein-before authorized to be assessed, annually tax and charge and assess all the Lands in a certain Place in the Third District called "the Wash Lands," situate in the several Parishes of *Fletton*, *Standground*, *Whittlesea Saint Mary*, and *Whittlesea Saint Andrew*, the Extraparochial Place of *Minster Precincts*, *Peterborough*, *Wisbech Saint Mary*, and *Wisbech Saint Peter* aforesaid, and bounded on the North by the high Lands of *Peterborough* and *Standground*, and the North Bank of *Hill's Cut*, *Smith's Leam*, and the River *Nene* or *Wisbech River*, exclusive of the North Bank Foreland, and on the South by the high Lands of *Fletton*, *Standground*, *Whittlesea Saint Mary*, and *Whittlesea Saint Andrew*, the South Bank and Foreland of *Moreton's Leam*, and the River *Nene* or *Wisbech River*, and containing altogether Three thousand four hundred and fifty Acres, or thereabouts, and the respective Occupiers of such Lands, with a Tax of Eight Shillings *per* Acre, and so in proportion for any less Quantity than an Acre, and which last-mentioned Taxes shall become due and payable at the Times herein-before appointed for Payment of the several other Taxes hereby authorized to be assessed.

Rate on Wash Lands for internal Drainage.

LXXXV. That the Committee for the Wash Lands appointed by the incorporated Commissioners by virtue of this Act may, in addition to the Sum of Eight Shillings *per* Acre to be paid to the incorporated Commissioners, annually tax, charge, and assess all the said Lands called "the Wash Lands," and the respective Occupiers of such Lands, with a Tax not exceeding One Shilling and Sixpence *per* Acre; and such last-mentioned Tax shall be expended solely upon the Improvement of the Drainage of such last-mentioned Lands, and in executing such internal and lesser Drainage Works within such Lands as the incorporated Commissioners are not by this Act required or compellable to execute.

Public Notice of Assessment of Taxes to be given.

LXXXVI. That public Notice of the Time and Place appointed for the Payment of the several Rates and Taxes hereby authorized to be charged by the incorporated Commissioners in any District shall be given by advertising the same at least Twenty-one Days before the Time appointed for Payment thereof in some Newspaper printed or usually circulated in the County or Counties in which the District shall be situated, and such Notice shall also be affixed once in a conspicuous Place on One of the principal outer Church Doors of One of the Parishes within the District for which such Rate or Tax shall be levied, (that is to say,) in the Parish of *All Saints Northampton*, for the First District, in the Parishes of *Wellingborough* and *Oundle*, for the Second District, and in the United Parishes of *Whittlesea Saint Mary* and *Whittlesea Saint Andrew's*, for the Third District.

Penalty on Nonpayment of Taxes.

LXXXVII. That in case the Occupiers of any of the said Meadows and Lands which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged, by virtue of this Act, shall neglect or fail to pay all such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged on or as shall become due or payable for or in respect of the Lands and Grounds in their respective Occupations, to the Collector or other Person appointed by the said incorporated Commissioners to receive the same, either before or at the Time or Place, Times or Places, to be appointed by the said incorporated Commissioners, every Person neglecting or failing to pay the same shall forfeit and pay to the said incorporated Commissioners the Sum of Three Shillings and Fourpence for every Twenty Shillings due for such Taxes, and not paid at such Time and Place as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings to be recovered as hereafter mentioned; and the Monies so forfeited and recovered shall be applied by the said incorporated Commissioners for the Purposes of this Act.

Power of Distress for unpaid Taxes.

LXXXVIII. That if any Person shall neglect to pay or make default in the Payment of the several Rates, Taxes, or Sums of Money so hereby authorized to be assessed, rated, taxed, or charged upon or for the Meadows or Lands in the Occupation of such Person respectively, by virtue or under the Authority of this Act, or any Part of such several Rates, Taxes, or Sums of Money, it shall be lawful for any Collector appointed by the said incorporated Commissioners, or for any other Person authorized by any Writing under the Hand of such Collector, to enter into and upon all or any of the said Meadows or Lands so assessed, rated, taxed, or charged as aforesaid in respect of which such 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

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 so 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 of Money for which such Distress shall have been taken, and all the 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 making such Distress shall and may cause the Goods and Chattels which shall have been so distrained as aforesaid to be appraised by Two or more indifferent Persons, who shall 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 made as aforesaid, and the Charges of taking, impounding, keeping, appraising, and selling the said Goods and Chattels, paying the Overplus of the Money arising or produced by such Distress and Sale (if any) to the Owner or Owners of the said Goods and Chattels.

The Lands to remain a Security for the Taxes.

LXXXIX. That in case any of the said Meadows, 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, and Sums of Money with which the said Meadows, Lands, or Grounds shall respectively be charged, and which shall be in arrear and unpaid as aforesaid, together with the Penalties which shall be incurred, then the said Meadows, Lands, and Grounds so respectively charged therewith shall always remain and be a Security for the Payment of the said unpaid Rates, Taxes, Penalties, and Sums of Money respectively; and all Goods and Chattels which shall at any Time or Times hereafter be found on the same Meadows and Lands or Grounds respectively, shall and may at all Time or Times be distrained, impounded, kept, appraised, and sold, in the Manner herein-before directed, until the Arrears of the said Rates,

Rates, Taxes, and Penalties, and the Charges of such Distress and Sale, and other Costs and Charges which shall have been incurred by reason of the Nonpayment of such Rates and Taxes respectively, shall be fully paid and satisfied to the said incorporated Commissioners, or to their said Treasurer or Collector.

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

XC. That in all Cases in which the said Rates and Taxes 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 Meadows or Lands which shall be charged therewith, then and in every such Case it shall and may be lawful for the said incorporated Commissioners for executing this Act, at any of their Meetings, to let the said respective Meadows or Lands for or in respect of which the said Rates, Taxes, or Sums of Money shall be so respectively in arrear and unpaid as aforesaid, or so much and such Part or Parts of the same Meadows and Lands respectively as the said incorporated Commissioners shall judge sufficient and proper, to such Person or Persons, for such Number of Years not exceeding Three 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 and Taxes and Penalties respectively, and of such Charges and Expenses as the said incorporated Commissioners 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.

Remedy by Action.

XCI. That if any annual or other Tax, Rate, or Assessment which shall be due or payable by virtue of this Act, or any Part or Parts thereof, shall not be paid within Thirty Days after the same shall become payable, then and in every such Case it shall be lawful for the incorporated Commissioners to recover such Taxes, Rates, or Assessments, and all Arrears thereof, and all Penalties for Nonpayment thereof, and with Costs of Suit, by Action, to be brought in any Court of competent Jurisdiction, against the Person or Persons liable to pay the same.

Districts of Taxation defined.

XCII. That the Powers hereby given to the incorporated Commissioners, of levying Rates and Taxes, may be exercised within the Parishes, Townships, and Extra-parochial Places following; (that is to say,) *Bugbrook*, *Kislingbury*, *Upton*, *Collingtree*, *Harpole*, *Duston*, *Rothersthorpe*, *Milton*, *Milton Malsor*, *Wootton*, *Chapel Brampton*, *Church*

Church Brampton, *Brixworth*, *Pitsford*, *Boughton*, *Kingsthorpe*, *Dallington*, *Northampton*, *Northampton Saint Peter's*, *Northampton Saint Andrew's*, *Northampton Saint Sepulchre's*, and *Northampton Saint Giles*, and such Parts of the Parishes of *Northampton All Saints* and *Hardingstone* as are situate on the Western Side of the *London* Road in the County of *Northampton*, and the same shall be constituted and called "The First District;" the remaining Portions of the Parishes of *Northampton All Saints*, and *Hardingstone*, *Far Cotton*, *Cotton End*, *Abington*, *Great Houghton*, *Little Houghton*, *Weston Favel*, *Brafield*, *Little Billing*, *Great Billing*, *Brafield-on-the-Green*, *Denton*, *Cooknoe* or *Cogenhoe*, *Ecton*, *Earls Barton*, *Whiston*, *Castle Ashby*, *Grendon*, *Bozeat*, *Strixton*, *Wilby*, *Great Doddington*, *Woollaston* or *Wollaston*, *Wellingborough*, *Great Harrowden*, *Little Harrowden*, *Finedon*, *Isham*, *Burton Latimer*, *Ditchford*, *Pytchley*, *Barton Seagrave*, *Irchester*, *Chester*, *Rushden*, *Irthlingborough*, *Higham Ferrars* otherwise *Higham Ferrers*, *Caldecot*, *Chelveston cum Caldecott*, *Knuston*, *Stanwick*, *Little Addington*, *Raunds*, *Ringstead*, *Great Addington*, *Denford*, *Woodford*, *Cranford Saint John*, *Cranford Saint Andrew's*, *Twywell*, *Islip*, *Lowick*, *Aldwinkle*, *Aldwinkle All Saints*, *Aldwinkle Saint Peter's*, *Titchmarsh*, *Thorpe*, *Thorpe Achurch*, *Wadenhoe*, *Pilton*, *Lilford*, *Lilford cum Wigsthorpe*, *Stoke Doyle*, *Barnwell*, *Barnwell Saint Andrew's*, *Barnwell All Saints*, *Polebrook*, *Armston*, *Oundle*, *Ashton*, *Glapthorne*, *Elmington*, *Cotterstock*, *Tansor*, *Southwick*, *Warmington*, *Fotheringhay*, *Wood Newton*, *Apethorpe*, *Nassington*, *Yarwell*, *Wansford*, *Thornhaugh*, *Sutton*, *Ailesworth*, *Castor*, *Castor cum Milton*, *Milton*, *Peterborough*, *Longthorpe*, and such Portion of the Parish of *Saint John the Baptist* as lies on the Western Side of *Peterborough Bridge* in the County of *Northampton*, *Elton*, *Sibson cum Stibbington*, *Stibbington*, *Wansford*, *Waternewton*, *Chesterton*, *Alwalton*, *Overton Waterville*, *Overton Longville*, *Woodstone*, and such Portion of the Parish of *Fletton* as is situate on the Western Side of *Peterborough Bridge* in the County of *Huntingdon*, and the same shall be constituted and called "The Second District;" and the remaining Portion of the Parish of *Saint John the Baptist* and *Minster Precincts* in the County of *Northampton*, the remaining Portion of the Parish of *Fletton* and *Standground* in the County of *Huntingdon*, and *Whittlesey*, *Whittlesey Saint Mary's*, *Whittlesey Saint Andrew's*, *Estrea*, *Coates*, *Eldernell*, *Guyhirn*, *Great* and *Little Waldersey*, *Standground*, *Wisbeach*, *Wisbeach Saint Peter's*, and *Wisbeach Saint Mary's*, in the *Isle of Ely* and the County of *Cambridge*, and the same shall be constituted and called "The Third District."

Railway Companies to be assessed for Land only.

XCIII. Provided always, That it shall not be lawful for the said incorporated Commissioners to assess, charge, or levy any Rate or Tax of any Description upon any Railway Company in respect of their Undertaking or the Occupation thereof, or any Receipts, Profits, or Emoluments arising therefrom; but the incorporated Commissioners

sioners may nevertheless rate or tax any Lands belonging to or in the Occupation of such Railway Company, other than the Lands forming Part of such Undertaking, in the same Manner but not to any greater Extent than agricultural Land may by virtue of this Act be rated and taxed in proportion and according to the Benefit arising or to accrue to such Lands in consequence of the Works by this Act authorized; and, further or otherwise than by this Act expressly authorized, nothing in this Act contained shall prejudice or affect the Rights, Powers, Privileges, and Authorities now vested in any such Company, but all such Rights, Powers, Privileges, and Authorities shall be saved, and after the passing of this Act continue to be enjoyed by such Company, as fully and amply and to the same Extent as if this Act had not been passed.

Tenants to pay Taxes, and deduct them from their Rents.

XCIV. That all the Occupiers of the said Lands which shall be so rated and charged by virtue of this Act shall pay all such Sums of Money as shall be so assessed, taxed, or charged in respect of the several Lands in their respective Occupations, and may retain the same out of the Rents, and the Landlords of such Lands shall allow the same to be retained out of the Rent, and every such Occupier shall be discharged of so much Money as the said Taxes so paid by him shall amount to, as if the same had been actually paid to his Landlord, but not of any Penalties which may have been incurred by such Occupier for Nonpayment thereof: Provided always, that no Occupier shall be compelled to pay a greater Sum of Money than shall from Time to Time be the Amount of the Rent then due from him or to become due from him at the next Period of Payment of Rent to his Landlord.

Tenant not to pay more than the Amount of Rent due.

No beneficial Lessee to be allowed to deduct Taxes where Six Years are unexpired in the Lease.

XCV. That no Occupier of any Lands charged with any such Rates or Taxes imposed by this Act who shall be the Lessee thereof under a Lease from any Corporation, sole or aggregate, or under any beneficial Lease for Lives, or under any Lease or Agreement of which at the Time of the passing of this Act there shall be Six Years unexpired, shall be entitled to deduct the Amount of the said Rates or Taxes out of the Rent reserved by any such Lease or Agreement.

Creditors not to deduct Rates for Penalties.

XCVI. That no Person, being a Creditor on the said Rates and Taxes imposed by this Act, and being a Proprietor or Occupier of any of the Lands to be taxed by virtue thereof, shall at any Time set off any Part of the Interest payable to him as such Creditor as aforesaid from any Sum of Money which shall be payable by him for such Rates, Taxes, or Penalties.

Separate District Accounts

XCVII. That distinct and separate Accounts shall be kept by the incorporated Commissioners of the Sums of Money received and expended

expended in each of the Three Districts, and the same shall be respectively called the First District Account, the Second District Account, and the Third District Account. Accounts to be kept.

XCVIII. That all Monies to be received from the District Taxes to be levied under this Act in the Parishes constituting the "First District," and the Contributions to be received in respect of any such Parishes or Places, and the Money arising from the Sale of Land or otherwise in any such Parishes, and the Contribution to be received from the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, shall be carried to the Account of such First District; and all such Monies and Funds, and all Monies to be raised by Mortgage thereon, shall be applied to the deepening, widening, diverting, maintaining, and improving of the said River and the Navigation and Drainage thereof, or Works connected therewith, within the Boundary of such District, or otherwise in carrying this Act into execution with reference to such District, or in paying the Principal and Interest of all Monies borrowed upon the Credit of such District Taxes and Funds, and in paying its Share of the Expenses of Management and Costs otherwise incurred in respect of such District. The Funds of First District to be applied to the Works in such District.

XCIX. That the Money to be received from the District Taxes levied under this Act in the Parishes and Places constituting the "Second District," and the Contributions to be received in respect of any such Parishes or Places, and the Money arising from the Sale of Land or otherwise in any such Parishes or Places within such Second District, or from the Tolls arising or to be received from the "First Navigation Division," shall be carried to the Account of such Second District; and all such Monies and Funds, and all Monies to be raised by Mortgage thereon, shall be applied to the deepening, widening, diverting, maintaining, and improving the said River and the Navigations and Drainage thereof or connected therewith, and executed within the Boundary of such District, and in purchasing the Rights, Interest, and Property of the Undertakers and other Persons in the Navigation and Tolls of the "First and Second Navigation Divisions," or otherwise in carrying this Act into execution with reference to such Second District, and in paying the Principal and Interest of all Monies borrowed upon the Credit of such District Taxes and Funds, and in paying its Share of the Expenses of Management and Costs incurred in respect of such Second District. The Funds of the Second District.

C. That the Money to be received from the District Taxes levied under this Act in the Parishes or Places constituting the "Third District," and all the Contributions to be received from the Mayor, Aldermen, and Burgesses of *Wisbech*, the Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Bedford Level*, his The Funds of the Third District.

his Grace the Duke of *Bedford*, the Commissioners of the *North Level*, the *Waldersey* District Commissioners, the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, and of all other Contributions payable under this Act from Corporations, Commissioners, Districts, Companies, or Parties, (except from *Northampton*, herein-before provided for,) and the Money arising from the Sale of Land or otherwise by virtue of this Act in any such Parishes and Places within such Third District, or from the Tolls arising or to be received from the "Third Navigation Division," and the Outfall Tax to be received from the First and Second Districts, and from the said flooded Land in *Standground*, and the Tolls at the *Dog-and-Doublet Bridge*, shall be carried to the Account of such Third District; and all such Monies and Funds, and all Monies to be raised by Mortgage thereon, shall be applied to the deepening, widening, diverting, maintaining, and improving the said River and the Navigation thereof, and in erecting Bridges and other Works within the Boundary of the Third District, as herein provided, or otherwise in carrying this Act into execution with reference to such Third District, or in paying the Principal and Interest of all Monies borrowed upon the Credit of such Third District Taxes and Funds, and in paying its Share of the Expenses of Management and Costs incurred in respect of such Third District, and of the Expenses of this Act and incident thereto.

Management Account.

CI. That the incorporated Commissioners shall keep an Account, to be called "The Management Account," and shall thereout pay all Expenses of Management, Salaries of Officers, Expenses of Committees, and other Expenses not herein otherwise provided for, or charged upon the District Accounts; and each of such First, Second, and Third Districts shall be charged with such Proportion of the said Management Account as the incorporated Commissioners shall think reasonable and fair.

Power to borrow Money on the Credit of the Taxes, &c.

CII. That it shall be lawful for the incorporated Commissioners from Time to Time to borrow at Interest, on Mortgage or Bond, on the separate Credit of the Taxes, Tolls, and Funds of each of the said Three Districts hereby authorized to be levied and received, any Sum or Sums of Money required for such District, or which they may think necessary for the Purposes of each of such Districts, for carrying the Provisions of this Act into effect in reference to such District, and in the event of any Part of such Sums of Money being repaid by the said incorporated Commissioners in any of such Districts, to reborrow the same, and so *toties quoties*, so that there be not at any One Time more than the Sum of Two hundred and eighty thousand Pounds due on the Credit of the whole of the said Rates, Taxes, Tolls, and Funds levied in all the Three Districts; and for securing the Repayment

Repayment of the Sum or Sums so borrowed, with Interest, the said Commissioners may assign the Rates, Taxes, Tolls, and Funds in each District hereby directed or authorized to be imposed or received by them, or any Part or Parts thereof respectively, with all Powers and Remedies whatsoever for recovering and enforcing Payment thereof to the Person who shall lend such Money, or some Person appointed by him; and any such Mortgage may contain any Provisions for continuing the Loan, and for the Payment of the Sum thereby secured by Instalments, and for reducing the Rate of Interest reserved on Payment thereof within such Period after the Time appointed for Payment thereof as shall be in that Behalf agreed upon, and may also contain any Power of Sale of the mortgaged Premises, and any Power and Provisions in connection therewith, and any such special Provisions as shall be in that Behalf agreed upon; and upon any such Loan any Receivers and Collectors may be appointed, and Provision may be made for the future Appointment of such Receivers and Collectors, and such Receivers and Collectors shall act under such Circumstances, and have such Powers, and be remunerated in such Manner as shall be in that Behalf agreed upon; and it is hereby declared that the Receipts of the incorporated Commissioners, under their Common Seal, shall be sufficient Discharges for the Money borrowed under this present Provision, and that the Person advancing any such Money shall not be bound or concerned to see to the Application of the Money advanced by him, or be liable for the Misapplication or Nonapplication thereof, or be concerned to inquire whether the Sum advanced by him ought to be raised; and it is hereby further declared that any Purchaser under any such Power of Sale as aforesaid shall be seised of the Taxes purchased by him for an absolute Estate free from any Equity or Power of Redemption whatsoever, and he and his Heirs and Assigns may recover the same by Distress and Sale, in like Manner as the said incorporated Commissioners might have done.

Mortgage to contain certain Covenants.

CIII. That every Mortgage shall contain a Covenant on the Part of the Mortgagee not to exercise such Power of Sale as aforesaid unless Default shall have been made in Payment of the Interest or some Part thereof for Six Months next after the Advertisements herein-after mentioned shall have been first inserted, and in Payment of the Principal Money for Twelve Months next after the Advertisements herein-after mentioned shall have been first inserted, nor until such Mortgagee shall, by Advertisement in the *London Gazette* and Twice in the same Month in some Newspaper published and circulated in the Counties of *Cambridge* and *Northampton*, have given Notice of his Intention to exercise such Power of Sale if such Interest shall not be paid within Six Months, and such Principal Monies shall not be paid within Twelve Months, as the Case may be, nor unless such Advertisement shall have been repeated Four Times during such Six

Months or Twelve Months respectively: Provided also, that in case of the Exercise of any such Power of Sale of the District Tax, the Rate or Tax which shall be sold, and of which the Purchaser shall be seised, shall be Five Shillings *per* Acre on the whole of the Meadows and Lands in the District the District Tax in which shall be so sold, according to the Apportionment thereof, unless it shall be otherwise expressed in the Mortgage or Security under which such Power of Sale is exercised.

Repositories for Materials.

CIV. That the said incorporated Commissioners are hereby empowered to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any One Place Forty Yards square, on the Sides of or near to the said River and Banks respectively, as Repositories for Stone, Gravel, or other Materials for making or repairing the same; and in case any Difference shall arise between the said incorporated Commissioners and the Owner of such Land or Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined in a summary Way by any Two or more of Her Majesty's Justices of the Peace acting in and for the County in which such Land is situate.

Navigation Tolls.

CV. That from the Commencement of this Act it shall be lawful for the incorporated Commissioners to demand and receive, for any Goods, Merchandise, Minerals, Articles, or Things carried on board any Boat passing or navigating upon any navigable Part of the River in the First and Second Districts, and also from the Period herein-after appointed upon any navigable Part of the River in the Third District between *Peterborough* and *Bevis Hall* aforesaid, any Sums not exceeding the Tolls herein-after mentioned; (that is to say,)

For every Ton of Coals; for every Hundred of Battens; for every Half Hundred of other Deals; for every Load of Timber, accounting Forty Feet to the Load; for every Eight Packs of Wool, accounting Ten Tod to the Pack; for every Load of Wheat, Rape Seed, Linseed, Coleseed, Barley, Rye, Oats, Peas, or Beans, accounting Five Quarters to the Load; for every Two thousand of Turf; for every Load of Reed, Sedge, Hay, Flax, or Hemp, reckoning Twenty Hundredweight to the Load; for every Last of Malt; for every Thousand of Tiles; for every Five hundred of Bricks; for every Twenty Feet of Stone; and for every Ton of Lime:

For every Ton Weight of all other Goods, Wares, Merchandises, or Commodities whatsoever, and so in proportion for any greater or less Quantity or Weight, One Shilling on the First Navigation Division herein-after described, One Shilling on the Second Navigation Division herein-after described, and Sixpence on the Third Navigation Division herein-after described:

And

The Three Divisions of Navigation.

And such respective Tolls shall be paid and payable in each of the Three following Divisions, into, within, or through which any such Boat shall enter or pass; (that is to say,) in any Place on the said River between *Northampton Bridge* and *Thrapston Bridge*, which shall be called the First Navigation Division; in any Place between *Thrapston Bridge* and *Peterborough Bridge*, which shall be called the Second Navigation Division; and in any Place on such River between *Peterborough Bridge* and the said *Bevis Hall*, which shall be called the Third Navigation Division; it being intended that such Tolls shall be paid in every One of such Divisions into, within, or through any Part of which any such Boat shall enter or pass.

Commencement of Tolls in Third Navigation Division.

CVI. That such Tolls shall not commence in the Third Navigation Division until the Expiration of Three Years from the passing of this Act, unless previously to the Expiration of such Period the incorporated Commissioners shall have deepened the navigable Channel of the Part of the River in the Third Navigation Division according to the Section deposited, and a Certificate that such Channel has been deepened been given under the Hand of the Engineer to the incorporated Commissioners, and Notice thereof published in a Newspaper circulating in the County of *Cambridge*, and then such Tolls shall commence from and after the Expiration of Twenty-one Days after such deepening shall be so certified.

Persons in charge of Boat to give Account of Lading.

CVII. That any Person in charge of any Boat shall, upon Demand made by any Collector or Officer, give a just and true Account, according to the best of his Knowledge and Belief, of the Quantity, Number, and Species of all such Goods as shall be in such Boat, and such Account shall be put into Writing by the said Collector or Officer, and the said Person shall subscribe or mark the same; and if he shall refuse so to do, or shall deliver in a false or untrue Account, or if he shall refuse or neglect to pay or in any Manner evade any of the Tolls payable in respect of such Goods, Articles, or Things, he shall for every such Offence forfeit any Sum not exceeding Five Pounds over and above the Tolls payable for such Goods.

Vessels may be distrained for Nonpayment of Rates.

CVIII. That the said Navigation Tolls shall be payable in such respective Navigation Divisions at such Places as shall be appointed by the incorporated Commissioners; and in case the Owner of any Boat or other Person having the Charge of any Boat in respect of which any Tolls or Sums of Money are payable shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector of the incorporated Commissioners to go on board such Boat to demand, collect, and receive such Toll or Sum of Money, and on Nonpayment thereof to take and distrain such Boat, and all the Tackle, Apparel, and Furniture belonging thereto,

thereto, or any Part thereof, and any Goods, Merchandise, Minerals, and Articles therein, and the same to detain until such Toll or Sum of Money shall be paid and satisfied; and in case of Neglect or Default in Payment of the said Tolls or Sums of Money for the Space of Fourteen Days next after any Distress so made or taken, then and in such Case it shall be lawful for such Collector to cause such Distress to be appraised by Two or more sworn Appraisers or other Persons not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself as well for and in respect of the Tolls or Sums of Money so neglected or refused to be paid as for and in respect of his reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus, if any, to the Owner or other Person having the Charge or Command of such Boat, upon Demand, or it shall be lawful for the incorporated Commissioners to recover the same Tolls or Sums of Money from the Owner of such Boat by Process in any Court of competent Jurisdiction.

Disputes about Tolls to be settled by a Justice.

CIX. That if any Dispute shall arise concerning the Amount of any Tolls, or concerning the Charges occasioned by any Distress, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the Amount of the Tolls due, or the Amount of the Costs of such Distress, has been ascertained by some Justice; and upon Application made to any such Justice for that Purpose he shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, or the Charge of the Distress, as the Case may require; and it shall be lawful for such Justice to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and if on Demand thereof such Costs be not paid by the Party ordered to pay the same, they shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Toll Collector to be liable for wrongful Detention of Goods.

CX. That if at any Time it be made to appear to any Justice, upon the Complaint of the incorporated Commissioners, that any such Detention of any Boat or Goods as herein-before mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, such Collector or other Officer shall himself pay the Costs of such Detention and the Damage occasioned thereby, and in default of immediate Payment of any such Costs or Damage the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Power to reduce the Tolls.

CXI. That it shall be lawful for the incorporated Commissioners from Time to Time, by and with the Consent of the Mortgagee of the Tolls, to reduce in any One or more of the Three Navigation Divisions the several Tolls granted by this Act upon the said Navigations,

vigations, or any Part thereof, for such Time as the incorporated Commissioners shall think proper, and also to raise the said Tolls again, as Occasion shall require, so as no greater Tolls be at any Time demanded or taken than are herein-before appointed to be taken.

Tolls to be charged equally.

CXII. That all Tolls for the Use of the Navigations shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton or otherwise, in respect of all Goods and Vessels of a like Description, and no Reduction or Advance in any such Tolls for the Use of the Navigations shall be made either directly or indirectly in favour of or against any particular Company or Person using the same Portion of the said Navigations.

List of Tolls to be set up.

CXIII. That the incorporated Commissioners shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed and continued in conspicuous Places where the Tolls shall be directed to be paid, a List of the several Tolls which shall from Time to Time be payable in respect of the said Navigations; and no Toll shall be payable during such Time as such List shall not continue to be affixed thereon, or for any other Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed or in the State required by this Act.

Regulations as to Toll Collectors.

CXIV. That every Collector of such Tolls authorized to be taken upon the Navigations shall place in the Front or in some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is upon Duty.

Penalties on Toll Collector.

CXV. That every such Collector of Navigation Tolls who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read or in any way hinder any Person from reading the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the incorporated Commissioners made in pursuance thereof:

If upon the legal Toll being paid or tendered he do unnecessarily detain or wilfully hinder any Boat or any Person from passing along the Navigation:

If he make use of any scurrilous or abusive Language to any Person lawfully using the Navigation.

Masters responsible for Damage done by Boatmen.

CXVI. That the respective Owners of Boats or other Vessels navigating the said River or any Part thereof shall cause their Names to be painted upon such Boats or other Vessels in legible Characters, in Black Letters on a White Ground, or in White Letters on a Black Ground, of not less than Two Inches in Height; and if such Owners fail to cause their Names to be painted upon each Boat or other Vessel belonging to them, they shall be liable to a Penalty not exceeding Forty Shillings; and every such Owner shall be answerable for all Damage done by such Boat, or by any of the Persons belonging to or employed in or about the same, to any Works erected, maintained, or repaired under the Authority of this Act; and the Compensation for every such Damage, in case the same shall not exceed the Sum ascertained, shall be recovered by the said incorporated Commissioners before Two Justices of the Peace, in the same Manner as Damages for which no special Provision is herein contained are hereby directed to be ascertained and recovered.

Pleasure Boats exempted from Tolls.

CXVII. That this Act shall not extend to restrain any Person from keeping Pleasure Boats for the Purpose of rowing or sailing upon the said River, as he or she shall think fit, nor shall any Toll or Duty be demanded or received upon account of such Pleasure Boat, so as no Goods or Merchandise be carried therein.

Other Exemptions.

CXVIII. That all Manure and Compost of any Nature or Kind whatsoever shall have free Passage upon the said River, and through all and each of the Sluices, without being subject to any Toll or Duty, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Exemptions from Navigation and Bridge Tolls of Commissioners for executing this Act.

CXIX. That no Toll or Compensation shall at any Time be demanded or taken for or in respect of any Boat, Person, Horse, Mule, Cattle, Waggon, Cart, or Carriage passing along the said Navigations, or over the said Bridge at the *Dog-in-a-Doublet*, and being engaged, used, or employed in or about any of the Works to be made, executed, or maintained by or under the Authority of the said incorporated Commissioners for executing this Act, or by or under the Authority of the *North Level* Commissioners, or the Commissioners of the *Nene Outfall*

Outfall or their Committee respectively, or for or in respect of any Officer of the said respective Commissioners or Committee respectively, or in carrying or conveying any Carriage, Implement, Toll, Material, or other Matter or Thing to or from any of the Works by this Act authorized, or any Work of the said *North Level* Commissioners or of the said Commissioners of the *Nene Outfall*, or their respective Committees, or for any of the Purposes of the said respective Works.

Navigation to be under Control of Commissioners.

CXX. That the whole of the said Navigations in the Upper Division shall be under the Direction, Superintendence, and Control of the said incorporated Commissioners, who shall from Time to Time and at all Times hereafter have full Power and Authority to regulate, suspend, stop, close, and re-open the same along or upon the whole of the said River or any Part or Parts thereof, when and as they shall from Time to Time think proper and order or direct, and shall have also full Power and Authority at any Time or Times, when and so often and so long as they shall think proper, to prevent any Boat worked by any Means or in any Manner which shall appear to the said incorporated Commissioners to be prejudicial to the said River, or to any of the Banks and Forelands thereof, or to the Drainage by or through the same, from being navigated or used on the said River or any Part thereof.

Power to lease the Tolls.

CXXI. That it shall be lawful for the said incorporated Commissioners, from Time to Time, by any Writing, under their Common Seal, pursuant to Orders for that Purpose made at any of their Meetings, by Lease, to take effect in possession within Three Months from the letting thereof, to let such Tolls or any Part thereof upon the whole or any Part of the said Navigation, in all or any of the Navigation Divisions, to any Party, for any Period not exceeding Three Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the said incorporated Commissioners by Advertisement at least Fourteen Days prior to the Meeting at which it is intended to let the said Tolls.

Power to erect Toll Gates and take Tolls at the Place called the Dog-in-a-Doublet.

CXXII. That it shall be lawful for the incorporated Commissioners, so soon as the said Bridge over the River at the Place called or known as the *Dog-in-a-Doublet* shall be completed and made passable for Passengers, to cause to be erected and set up a Toll Gate upon or adjoining the Bridge, and from Time to Time to erect, provide, and maintain such Toll House or Toll Houses and other Conveniences near or adjoining to the said Toll Gate as the incorporated Commissioners shall think proper; and the respective Tolls following

following shall or may be demanded and taken at the Toll Gate to be erected as aforesaid, by such Person as the incorporated Commissioners shall from Time to Time appoint to receive the same; (that is to say,)

For every Horse or Beast drawing any Coach, Stage Coach, Chariot, Landau, Barouche, Sociable, Hearse, Litter, Break, Chaise, Curricle, Gig, Car, or other such Carriage, any Sum not exceeding Sixpence:

For One Horse or Beast drawing any Cart, Dray, or other such Carriage with less than Four Wheels, any Sum not exceeding Threepence; but if the same shall be drawn by more than One Horse or other Beast, then for the Second and every additional Horse or other Beast any Sum not exceeding Threepence:

For One Horse or Beast drawing any Waggon, Wain, Van, Caravan, or other such Carriage with Four Wheels, any Sum not exceeding Sixpence; but if the same shall be drawn by more than One Horse or Beast, then for the Second Horse or Beast Threepence, and every additional Horse or Beast, any Sum not exceeding Threepence:

For every Horse or Beast, laden or unladen, and not drawing any Carriage, any Sum not exceeding Twopence, including the Toll for the Person in charge of the same:

For every Truck drawn or wheeled by a Man, any Sum not exceeding One Penny:

For every Score of Cattle (Calves excepted), any Sums not exceeding Threepence, and so in proportion for any less Number:

For every Score of Calves, Pigs, or Sheep, any Sum not exceeding Twopence, and so in proportion for any less Number:

For every Carriage, of whatever Description, moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Twelvepence for each and every Wheel of such Carriage:

Which respective Tolls shall be paid before any such Person, Horse, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass through such Toll Gate; and the same Tolls shall be vested in the incorporated Commissioners, for the Purposes herein-after mentioned.

Persons having paid Tolls to return Toll-free.

CXXIII. That all Horses or Cattle or Beasts, or Carriages, (except as herein-after mentioned,) in respect whereof the Bridge Toll hereby authorized to be taken shall have been paid at any Toll Gate erected by the incorporated Commissioners, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing over the said Bridge, to pass Toll-free the same Day.

CXXIV. That

Post-chaises, &c. to pay on fresh Hiring.

CXXIV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, and for all Horses and Cattle drawing any Stage Coach, Waggon, or other State Carriage conveying Passengers or Goods for Hire or Reward, for every Time of passing and repassing, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

As to the fractional Part of a Halfpenny in Tolls.

CXXV. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of any of the Bridge or Navigation Tolls by this Act authorized to be taken, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be charged equally.

CXXVI. That the aforesaid Bridge Tolls shall at all Times be charged equally upon all Persons, for or in respect of Persons and Things under the same Circumstances, and no Reduction, Exemption, or Advance in the said Tolls shall, either directly or indirectly, be made partially or in favour of or against any particular Person.

Exemptions from Tolls.

CXXVII. That no Bridge Toll shall be demanded or taken by virtue of this Act for Horses or Carriages attending Her Majesty, or returning therefrom; or for any Horses, Cattle, Sheep, or other Animal, or Carts or other Carriages, belonging to any Owner or Occupier of Land in the United Parishes of *Whittlesea St. Mary* and *Whittlesea St. Andrew*, in going to or from such Land; or for Horses, Carts, or Waggons employed only in carrying or conveying any Vagrants sent by a legal Pass, or any Prisoner sent by a legal Warrant, or returning empty after having been so employed; or for any Horses or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other public Stores of or belonging to Her Majesty, or for the Use of Her Majesty's Forces,

or returning empty from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, or on other public Duty; or for any Horse or Carriage driven by any Person going to or returning from his usual Place of Religious Worship tolerated by Law, upon *Sundays*, or any other Day upon which Divine Worship is ordered by Authority to be celebrated; or for any Horse or other Beast drawing any Coach or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Member to serve in Parliament for the Counties of *Cambridge* and *Huntingdon* on the Day or Days of such Election; and if any Person shall claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person for every such Offence shall forfeit any Sum not exceeding Forty Shillings.

Provisions as to Navigation Tolls and Collectors to be applicable to Bridge Tolls.

CXXVIII. That the Provisions herein-before contained with reference to exhibiting a List of the Navigation Tolls, and the Powers given to the incorporated Commissioners for the Reduction or Variation of such Tolls, for leasing the same, and with reference to Toll Collectors, shall be applicable also to the Bridge Tolls hereby authorized to be taken, and to the Collectors appointed to receive the same.

Power to stop any Person refusing to pay Tolls.

CXXIX. That if any Person subject to the Payment of the Bridge Tolls hereby made payable or any of them, or any Person having Charge of any Horse, Beast, Carriage, or Thing in respect of which the Bridge Toll is payable under this Act, shall, after Demand thereof by any Collector appointed to receive Toll, neglect or refuse to pay the same or any Part thereof, it shall be lawful for such Collector, by himself, or taking such Assistance as he shall think necessary, to stop and prevent the Passage of the Person so neglecting or refusing, or of the Horse, Beast, Cattle, Carriage, or Truck for or in respect of which such Tolls ought to have been paid, until full Payment thereof, or to seize and distrain any Horses or other Cattle or Beast, together with the Bridles, Saddles, Gears, Harness, and Accoutrements thereunto belonging, or any Carriage drawn by any such Horse, Cattle, or Beast, or any Article or Thing in or upon the same or belonging to such Person; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriages, Goods, Chattels, or Things, so seized or distrained, or any Part thereof, returning the Overplus (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

CXXX. That

Penalty for evading Tolls.

CXXX. That if any Person shall evade the Payment of the said Bridge Tolls by any Means whatever, or shall forcibly pass along the said Bridge, or through the Toll Gate, without having paid the said Tolls, or shall assault, interrupt, or obstruct any Person employed in the Collection of the said Tolls, every Person offending in any of such Cases shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Persons committing any of the Offences herein named.

CXXXI. That every Person who, on the Bridge to be constructed in lieu of the Bridge at the *Dog-in-a-Doublet*, or in any of the Approaches thereto, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings for each Offence, (that is to say,)

Every Person who wilfully or negligently destroys or damages, or rides, drives, or leads any Horse, Beast, Cattle, or Carriage over or upon the Footpath or Causeway on the Side of the Bridge and Approaches, or wilfully obstructs the Passage thereof, or leaves on the Bridge or Approaches any Waggon, Wain, Cart, or Carriage, Horse or Thing, without some reasonable Cause, or lays, places, or leaves any Rubbish, or other Annoyance whatsoever, upon any Part of the Bridge or Approaches, to the Prejudice thereof, or to the Annoyance or Interruption of any Person travelling thereon:

Every Person who wilfully pulls down, breaks, injures, or damages any Table of Tolls put up or fixed at any Toll Gate or Bar of the said incorporated Commissioners, or wilfully or designedly defaces or obliterates any of the Inscriptions, Letters, Figures, or Marks thereon:

Every Person who wilfully pulls up, throws down, breaks, injures, or damages any Posts, Rails, Walls, Buildings, Gates, Lamp Posts, Lamp Irons, Lamps, Pavement, Flags, Drains, or Fences to be erected, placed, or put up by the incorporated Commissioners or their Surveyor:

Every Person who, without being authorized by the incorporated Commissioners or their Surveyor for the Time being, shovels up, scrapes, gathers, or carries away any Stones, Gravel, Sand, or other Materials, Slutch, Dirt, Mire, Drift, or Soil, from off the said Bridge and Approaches or any Part thereof:

Every Person who in any Manner wilfully prevents any other Person from passing him, or any Carriage under his Care, upon the said Bridge or Approaches.

Mooring Posts to be put down and maintained.

CXXXII. That the incorporated Commissioners shall, at their own Expense, put down and at all Times maintain on the North Shore of the said River or Channel, at or near to the said last-mentioned Bridge, on

on the East and West Sides thereof, Two proper and sufficient Mooring Piles or Posts, for the Purpose of the better enabling Boats to navigate through the said Bridge, and shall at all Times permit a free and uninterrupted Passage under the adjoining Arches of the said Bridge, for the several Persons navigating the said Boats, and the Horses used in haling or navigating the same.

Power to redeem Taxes.

CXXXIII. And whereas it is expedient, with a view of accelerating the Discharge of Debt, to enable Proprietors to purchase off the Taxes charged by virtue of this Act: Be it therefore enacted, That it shall be lawful for the incorporated Commissioners, with the Consent of the Mortgagees for the Time being entitled to receive the Consideration Money, to contract with any Proprietor for the Exoneration of his Land from Taxes charged thereon, in consideration of such Price as it shall appear to the said incorporated Commissioners just and expedient to accept; and upon Receipt of the Consideration Money the incorporated Commissioners, and the Mortgagees of the Taxes for the Time being entitled to receive the same, shall give a valid Discharge for the same, and shall execute and deliver to such Proprietor a Certificate, under the Common Seal of the said incorporated Commissioners, and under the Hands and Seals of the Mortgagees for the Time being, describing the Land so exonerated, and the Portion of Taxes from which such Land shall be exonerated as aforesaid.

Taxes and Tolls may be reduced when Debts are paid and Works done.

CXXXIV. That when the Works herein directed to be made shall be completed, and the said Rivers, Drains, and Watercourses shall have been improved, and the said other Works shall have been executed, in any of the said Three Districts, in manner herein provided, to the Satisfaction of the said incorporated Commissioners, and when the Debt that may become due on any Securities granted by the said incorporated Commissioners on the Taxes, Tolls, or other Funds received by any such District shall be fully paid, it shall be lawful for the incorporated Commissioners, at any of their Meetings, to lessen or reduce the Taxes hereby authorized to be raised, levied, and paid to them in such District, except the Outfall Tax, to any Sum or Sums of Money not exceeding *per* Acre One Fifth of the apportioned District Tax by this Act authorized to be raised upon the taxable Lands within the said District, and which said reduced Taxes shall in each of the said Three Districts be applied in the Maintenance of the Works and in further Execution of the Provisions of this Act within each District respectively whose Works shall be so executed and Debt shall be so paid off as herein mentioned.

Sinking Fund.

CXXXV. That the said incorporated Commissioners shall, after the Expiration of the First Seven Years after the passing of this Act, annually appropriate such Sum as the Rates, Taxes, and Funds hereby

hereby imposed or granted will allow, out of the Funds to be raised under this Act in each of the said Three Districts, either to the gradual Extinction of the Mortgage Debt for the Time being, or to the Formation of a Fund to be accumulated for the Discharge of such Debt, or to both these Purposes, and it shall be lawful for the said incorporated Commissioners to invest the Fund so to be accumulated as aforesaid in their Names, or in the Name of their Treasurer, in the Public Stocks or Funds, or in Government or Real Securities, and from Time to Time to vary the same.

Maintenance of Banks.

CXXXVI. That, except as in this Act otherwise provided, in consideration of the Contributions herein-after mentioned, the several Banks in the Third District between the said County Boundary and the City of *Peterborough*, and the several Forelands thereof, and the Sluices, Tunnels, Drains, and other Works in or through the same, or connected therewith or belonging thereto, shall be fully and solely vested in the said incorporated Commissioners, who shall from Time to Time and at all Times thereafter, by themselves or their said Committee or Committees, have the full Control and Management of the same respectively, and (after Payment to them by the Corporations, Commissioners, or Parties of the Contributions herein provided,) have the future Maintenance, Support, Preservation, and Repair thereof, and of any Banks which shall from Time to Time be made and executed by or under the Authority of the said incorporated Commissioners, except the intended new Portions of the North Bank of *Moreton's Leam;* and the said incorporated Commissioners shall from Time to Time and at all Times maintain and support the said Banks and Works; and all and singular the Costs, Charges, and Expenses of maintaining, supporting, preserving, and repairing the said several Banks, and the said Forelands thereof, and the 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 be defrayed and paid by the said incorporated Commissioners by, with, and out of the several Rates, Taxes, Tolls, Contributions, and Funds herein authorized to be assessed, rated, taxed, charged, and received by the said incorporated Commissioners from Time to Time within the Third District, and out of the Outfall Tax, arising in the First and Second Districts, and from the flooded Lands in *Standground*.

Not to affect the Liability of other Persons to scour out the Rivers, &c.

CXXXVII. That nothing in this Act contained shall extend or be construed to extend to or affect or alter the Liability of or the Obligation on any Body or Bodies Politic or Corporate, or any other Person or Persons, to scour out the said Rivers and Drains or any of them, or to do or repair any of the Banks or other Works hereby directed or authorized to be done or repaired, or to fix the same upon the incor-

porated Commissioners, or upon the Owners of Lands and Grounds hereby directed to be taxed, rated, or assessed, or any of them, but that such Liability shall remain as if this Act had not been made (except as is herein otherwise expressly provided).

Power to let Herbage of Banks.

CXXXVIII. That, except as herein otherwise provided for, the incorporated Commissioners may, pursuant to an Order made at any Meeting to be holden by virtue of this Act, let for any Period not exceeding Three Years the Herbage and Pasturage of the Banks, Forelands, and Lands belonging to the incorporated Commissioners: Provided always, that such Banks and Forelands shall be fed only with Sheep or young Stock under Two Years old.

Power for Owners of Land to use Water for Irrigation.

CXXXIX. That it shall be lawful for any Owner or Occupier of Land adjoining the River or any Branch thereof or any Part thereof in the First and Second Districts to use the Water of the River for the Purpose of irrigating and improving his Land, and for such Purpose to divert the Water into any Drain or Watercourse made or to be made for the Purpose of such Irrigation: Provided always, that no such Water shall be diverted or used to the Prejudice or Injury of any other Person; and all such Diversions or Use of the Waters of the River for the Purpose of Irrigation or Improvement of Land shall, except as herein provided for, be subject to the Control and Superintendence of the incorporated Commissioners, and to any Byelaw made by them with reference thereto; and if it shall appear to the incorporated Commissioners that the Diversion and Use of Water is prejudicial to the Drainage of any District or any Lands therein, it shall be lawful for the Commissioners, by Order under the Hand of an Officer appointed by them, to require such Owner to abstain from using or diverting the Water, or to make such Order thereon as they may think proper.

Penalty on throwing Ballast or Rubbish into the River.

CXL. That if any Person, upon any Pretence whatsoever, after the passing of this Act, except for the Repair and Maintenance of the Works by this Act authorized, shall unload or cast out of any Boat or from any Carriage, or from any House, Warehouse, or other Building, Quay, Yard, Garden, Bank, Place, or Ground, any Ballast, Sand, Stones, Chalk, Rubbish, Filth, Gravel, or Ashes, or any other gross Substance whatsoever, into the said River *Nene* within any of the Three Districts, the Master or Owner of any such Boat or Carriage, or any other Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Corporation of Wisbech to contribute 40,000*l.* by Three Instalments;

CXLI. And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* have agreed with the said incorporated Commissioners for executing this Act, that the said Mayor, Aldermen, and Burgesses shall raise, contribute, and pay a gross Contribution of Forty

Forty thousand Pounds, and also such Tolls of One Halfpenny *per* Ton as herein-after mentioned, as and in full for their Contribution towards the Expense of the executing and completing and of the future Maintenance of the Works by this Act authorized to be executed within the Limits of or connected with the Port and Harbour of *Wisbech*, and within the said Lower Division, upon the several Terms respectively set forth in the several Enactments herein-after contained concerning the same Contribution and Works respectively: Be it enacted, That the gross Sum of Forty thousand Pounds Sterling shall be contributed by the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* towards the Expense of the Construction of the Works within the Limits of and connected with the Port and Harbour of *Wisbech*, and that such Sum of Forty thousand Pounds shall be paid by the said Mayor, Aldermen, and Burgesses to the Treasurer or Treasurers of the said incorporated Commissioners by Three equal Instalments of Thirteen thousand three hundred and thirty-three Pounds Six Shillings and Eightpence each, the First of which Instalments shall become due and payable on the First Day of *December* in the Year One thousand eight hundred and fifty-two, and the Second of which said Instalments shall become due and be payable on the First Day of *December* One thousand eight hundred and fifty-three, and the Third and last of which said Instalments shall become due and be payable on the First Day of *December* One thousand eight hundred and fifty-four, and which said Contribution shall be raised and paid in the Manner herein-after mentioned; and that the said gross Sum of Forty thousand Pounds to be so contributed by the said Mayor, Aldermen, and Burgesses as aforesaid, together with the Toll of One Halfpenny *per* Ton by this Act authorized to be levied, collected, and received, and paid by them, as herein-after mentioned, shall be accepted by the said incorporated Commissioners in full Acquittance and Discharge of the said Mayor, Aldermen, and Burgesses, and the Trade and Navigation, and the Lands and Grounds from or in respect of which the same shall be so raised and contributed, of and from all and singular the Costs and Expenses to be incurred, sustained, or occasioned in, for, or about as well the Execution and Completion and as also the future Maintenance of the several Works by this Act authorized to be executed.

and that such Contribution, with a Toll of $\frac{1}{2}d.$ per Ton, to be in full for their Contributions, and in Discharge of all future Expenses.

CXLII. That the said Works to be so executed below and through the said Town of *Wisbech* up to *Bevis Hall* aforesaid shall be executed in accordance with a Plan and Section, or Plans and Sections, approved and signed by *James Meadows Rendel* of *Great George Street* in the City of *Westminster*, Civil Engineer, or the Engineer for the Time being of the said incorporated Commissioners, and by *Robert Stephenson* of *Great George Street* aforesaid, Civil Engineer, as the Engineer of the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*; or in case of his Death, or his Inability or declining to act, then by *Michael*

Works through Wisbech to be executed in accordance with Plans of and under Superintendence of Engineers, &c.

Michael Andrews Borthwick of *Charles Street*, *St. James's*, in the said City of *Westminster*, Civil Engineer, as the Successor hereby nominated of the said *Robert Stephenson* on the Part of the said Mayor, Aldermen, and Burgesses, or in case of his Death, or his Inability or his declining to act, then by such Engineer as the President of the Institution of Civil Engineers in *Great George Street* aforesaid shall appoint to act on the Part of the said Mayor, Aldermen, and Burgesses; and the same Works shall be respectively conducted, carried on, and executed under the Superintendence and Direction of such Two Engineers for the Time being, and shall be completed to the Satisfaction of such Engineer for the Time being of the said Mayor, Aldermen, and Burgesses; and the Execution of the same Works shall be commenced on or before the Second of *May* in the Year One thousand eight hundred and fifty-three, and shall be completed on or before the Second Day of *May* One thousand eight hundred and fifty-seven.

Commencement and Completion of Works.

Charges, &c. of Engineer to be paid by incorporated Commissioners.

CXLIII. That the Charges and Expenses of the said *Robert Stephenson*, and of such Engineer to succeed to his Place as last hereinbefore provided, shall be borne and paid by the said incorporated Commissioners.

Commisioners not to take down the present Bridge until the new Bridge is built, or a temporary one provided.

CXLIV. Provided always, That it shall not be lawful for the said incorporated Commissioners to take down and remove the present Bridge crossing the said River in the said Town of *Wisbech*, or any of the Piers, Piles, Abutments, or Appendages thereof, or to obstruct the Approaches to the same Bridge, until such new Bridge across the said River, and the Approaches thereto, or until a competent and suitable temporary Bridge across the said River near to the Site of the said present Bridge, with suitable and proper Approaches thereto, shall have been erected and completed to the Satisfaction of such Engineer for the Time being of the said Mayor, Aldermen, and Burgesses.

No Obstruction to be occasioned to Drainage or Navigation.

CXLV. Provided also, That the said incorporated Commissioners shall not, either in making and executing the said Works below and through the said Town of *Wisbech*, or in repairing or maintaining from Time to Time of any of the said respective Works, or on any other Account make, occasion, or suffer any unnecessary Obstruction or Impediment whatever to the Drainage or Navigation by or through the said Channel or River, and that if any such Obstruction or Impediment to the said Drainage or Navigation shall at any Time be so occasioned or suffered, and the said incorporated Commissioners shall not forthwith remove the same, on Notice for that Purpose given to the said incorporated Commissioners or their Clerk for the Time being, by the Clerk of the said Mayor, Aldermen, and Burgesses, it shall be lawful for Two Justices of the Peace for the *Isle of Ely* in the County of *Cambridge* or for the County of *Huntingdon*, on the Complaint

Complaint in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* aforesaid, or any other Person or Persons acting under their Authority or the Authority of any of them, duly substantiated by Proof before the said Justices, to direct the Removal of every or any such Obstruction or Impediment as aforesaid, and that the Costs and Expenses attending the Removal thereof or in anywise relating thereto shall be borne and paid by the incorporated Commissioners.

Incorporated Commissioners to set out Ballast Ground.

CXLVI. That the said incorporated Commissioners shall and they are hereby required, before interfering with the present Ballast Ground, and from Time to Time hereafter, to set out and appropriate a suitable and convenient Ballast Ground on either or both Sides of the said River between the *Horseshoe Corner* and the County Boundary, for the ballasting of Vessels trading to the said Port of *Wisbech*, and it shall be lawful for the Navigators to take Ballast therefrom, under such Regulations as the Mayor, Aldermen, and Burgesses shall from Time to Time direct, but without paying any Compensation for the same.

The Mayor, &c. of Wisbech not liable to pay certain Instalments until certain Sums have been expended by the incorporated Commissioners.

CXLVII. Provided always, That after the First of the said Three Instalments of Thirteen thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, herein-before authorized to be contributed and paid by the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* unto the Treasurer or Treasurers of the said incorporated Commissioners, shall have been duly paid to the said Treasurer or Treasurers, the said incorporated Commissioners, or their Treasurer or Treasurers, shall not be entitled to call for or receive from the said Mayor, Aldermen, and Burgesses the Second of the said Instalments, or any Part thereof, until it shall be shown, to the Satisfaction of the said Mayor, Aldermen, and Burgesses, by the Certificate of their Engineer for the Time being, that One Third Part at the least of the estimated Costs of purchasing the requisite Lands and Buildings, and executing the several Works within or connected with the Port or Harbour of *Wisbech*, and in the said Lower Division, by this Act respectively authorized to be purchased and executed, has been expended by the said incorporated Commissioners in the effecting such Purchases and executing such Works; and that after the Second of the said Instalments shall have been duly paid to the said incorporated Commissioners, or their said Treasurer or Treasurers, by the said Mayor, Aldermen, and Burgesses, the said incorporated Commissioners, or their Treasurer or Treasurers, shall not be entitled to call for or receive from the said Mayor, Aldermen, and Burgesses the Third and last of the said Instalments, or any Part thereof, until it shall be shown to their Satisfaction that Two Third Parts at the least of the Amount of such estimated Costs as last mentioned have been

actually expended by the said incorporated Commissioners in making such Purchases and executing such Works as last mentioned.

Altered Channel to be within and form Part of the Port and Harbour of Wisbech.

CXLVIII. That for the several Purposes of the said recited Act of the Fiftieth Year of the Reign of His Majesty King *George* the Third, Chapter Two hundred and six, and of any Act or Acts directed to be construed together therewith, and also of the said recited Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and forty-three, every new or altered Cut or Channel, and every Diversion or Enlargement of the present Channel of the said River *Nene*, which shall be made, under the Authority of this Act, within the Limits of the Lower Division 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 same Acts respectively, in the same Manner and to the same Extent as the present Channel of the said *Wisbech River* within the said Lower Division, and the Coasts and Shores on each Side thereof, are therein included and comprised.

Gross Contribution charged on and made payable out of Tolls collected by virtue of 50 G. 3. c. 206. and 11 & 12 Vict. c. 143., the last being continued for the Purpose.

CXLIX. That the said gross Sum of Forty thousand Pounds to be so contributed by the said Mayor, Aldermen, and Burgesses as aforesaid shall be charged upon and payable out of the Harbour Tolls and Duties payable to and received by the said Mayor, Aldermen, and Burgesses by virtue of the said recited Acts of the Fiftieth Year of the Reign of King *George* the Third, Chapter Two hundred and six, and the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and forty-three, or any other Act or Acts relating to the said Port or Harbour of *Wisbech*, and in order thereto the Tolls and Duties collected and received by virtue of the said first-mentioned Act shall after the passing of this Act be applicable and applied, and the Tolls and Duties authorized to be collected and received by virtue of the said secondly-mentioned Act for the Purposes of that Act shall continue to be payable to and collected and received by the said Mayor, Aldermen, and Burgesses for the Purposes of this Act, and shall be applicable in manner herein-after mentioned to the Payment of the said gross Contribution of Forty thousand Pounds by the Instalments aforesaid, until the same Sum of Forty thousand Pounds, and all Interest for the same, shall be fully paid and satisfied: Provided always, that any Mortgage or other Security granted or any Sum of Money borrowed under or by virtue of any Act of Parliament on the Security of the said Tolls and Duties or any of them respectively, before the passing of this Act, shall take precedence of and be payable in priority to any Security granted or any Sum of Money borrowed under or by virtue of this Act on the Security of the said Tolls or Duties or any of them respectively.

CL. That

Power enabling Mayor, Aldermen, and Burgesses to raise 10,000*l.*, Part of Contribution of 40,000*l.*, by Mortgage of a competent Part of the Estates, &c.

CL. That for better enabling the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to pay the said Contribution of Forty thousand Pounds by the Instalments aforesaid, it shall be lawful for the said Mayor, Aldermen, and Burgesses, in aid of the Ways and Means herein-before provided for raising the same, to borrow and take up at Interest any Part or Parts of the said Sum of Forty thousand Pounds (not exceeding in the whole the Sum of Ten thousand Pounds) upon One or more Mortgage or Mortgages of a competent Part or Parts of the Messuages, Lands, Tenements, Hereditaments, and Estates of or belonging to or vested in the said Mayor, Aldermen, and Burgesses; and Copies of all such Mortgage Securities as last mentioned shall be entered by the Town Clerk of the said Mayor, Aldermen, and Burgesses in a Book or Books to be kept by him for that Purpose; and every such Book may be inspected at all reasonable Times by any Person or Persons interested therein, without Fee or Reward; and all or any Mortgages or Mortgage to be so made as last mentioned shall from Time to Time be transferable to any Person or Persons, and Copies of all such Transfers shall in like Manner be entered by the said Town Clerk in such Book or Books as aforesaid; and the Treasurer for the Time being of the said Mayor, Aldermen, and Burgesses, or in case of his Default then the Receiver or Receivers of the Rents and Profits of the Hereditaments and Estates to be so mortgaged as aforesaid, shall, upon receiving Notice in that Behalf from any Mortgagee, or the Transferee of any such Mortgage, and he and they is and are hereby required, by and out of the Rents and Profits of the said Hereditaments and Estates, to pay and keep down the yearly Interest of the Money to be so secured on Mortgage as last mentioned, by equal half-yearly Payments, when and as the same shall become due.

Treasurer and Receiver to keep down Interest.

Notwithstanding such Mortgage, the Tolls, &c. to be the ultimate Fund for the Payment of the Principal Monies to be borrowed, after Payment of Principal Monies to be borrowed on Credit of Tolls.

CLI. Provided always, That, notwithstanding any such Mortgage to be made under the Power last herein-before contained, the said Tolls and Duties herein-before charged and authorized to be collected, received, and applied as aforesaid shall (but without Prejudice to any such Mortgage Security, and the Rights of the Mortgagee or Mortgagees thereunder,) be the ultimate Fund for the Payment of any Principal Sum or Sums of Money to be so borrowed on Mortgage of the Estates of the said Mayor, Aldermen, and Burgesses as aforesaid; and such Principal Sum or Sums of Money (but not the Interest thereof) shall be ultimately paid and discharged out of the said Tolls and Duties, after full Payment and Discharge thereout of any Principal Sum or Sums of Money to be borrowed on the Credit thereof under the Power for that Purpose herein-before contained, and the Interest thereof.

CLII. And

Tonnage Duties may be received in respect of such Contributions.

CLII. And for providing additional Means towards the Execution of the said Works by this Act authorized to be made as aforesaid in the Lower Division, and for contributing towards the future Maintenance of the same Works, be it enacted, That on and after the Second Day of *May* in the Year One thousand eight hundred and fifty-three it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, and they are hereby fully authorized and required, in addition to the Tolls or Duties which can be now levied by them, to demand, collect, receive, and take, by themselves, or by any Collector, Officer, or other Person who shall be from Time to Time appointed by them for that Purpose, of and from the Master or Commander of every Ship, Barge, or Vessel belonging to any of Her Majesty's Subjects arriving at or coming to the said Port of *Wisbech* which shall be laden with Coals, Culm, or Cinders, 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, in addition to the existing Tolls or Duties now authorized to be collected or received, the Sum of One Halfpenny *per* Ton for every Ton of Coals, Culm, or Cinders 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 Her Majesty's Subjects arriving at or coming to the said Port of *Wisbech* which shall be laden with any Goods, Wares, Merchandises, or Things whatsoever, other than Coals, Culm, or Cinders, 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 Her 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 Merchandises, the Sum of One Halfpenny *per* Ton for every Ton of the Burden of every such Ship, Barge, or Vessel, such Burden 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 Her Majesty's Subjects, any Sum of Money, in the Discretion of the said Mayor, Aldermen, and 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 Her Majesty's Subjects; which said respective further or additional Tolls or 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 Mayor, Aldermen, and Burgesses, or their Successors, shall from Time to Time direct.

CLIII. Pro-

As to the Rates on Foreign Vessels, where Treaties of Reciprocity exist.

CLIII. Provided always, That the Rates chargeable by this or the Special Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessel, or upon Persons not being *British* Subjects, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity shall have been concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, nor to the Subjects of such Countries, but during such Period the same Rates shall be levied upon the Vessels of such Countries, and upon the Goods imported or exported therein, and upon the Subjects of such Countries, as may be from Time to Time payable under this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels, or upon the Subjects of such Countries.

Amount of the Halfpenny Tolls (subject to Payment of Contribution of 40,000*l.*, and to any Mortgage thereof,) to be paid yearly to incorporated Commissioners, as a Fund to be improved by them, and to be applied first in Maintenance of Works below Bevis Hall, &c.

CLIV. That the Amounts received for and in respect of the said Tolls and Duties of One Halfpenny *per* Ton shall (after first retaining the Costs of collecting and receiving the same, which it shall be lawful for the said Mayor, Aldermen, and Burgesses to retain in satisfaction of such Costs accordingly) be paid on the Second Day of *May* in every Year, beginning with the Year ending on the First Day of *May* One thousand eight hundred and fifty-four, by the said Mayor, Aldermen, and Burgesses, to the Treasurer for the Time being of the said incorporated Commissioners, to be carried by them yearly and every Year to the Account of the Third District, and applied to the Maintenance of the Works therein; but such annual Sum arising from the said last-mentioned Due of One Halfpenny *per* Ton shall be first applicable in each Year for or towards the Maintenance and Support, so far as the same will extend, in the first place of the several Works by this Act authorized to be executed between the County Boundary aforesaid and the Bridge in *Wisbech* aforesaid in any One Year, and, subject thereto, of any of the other Works by this Act authorized to be executed.

Power to the Corporation to redeem the Halfpenny Tonnage.

CLV. That, subject and without Prejudice as last aforesaid, it shall be lawful for the said Mayor, Aldermen, and Burgesses at any Time to redeem the said Tolls or Duties of One Halfpenny *per* Ton hereby authorized to be collected and received as aforesaid, by the Payment to the said incorporated Commissioners or their Treasurer for the Time being, as the Price of such Redemption, such a gross Sum of Money as shall be equal to Twenty-five Years Purchase of the average Amount of the same Tolls or Duties yearly collected and received during the previous Years of collecting and receiving the same, after first deducting the Amount of the Costs of collecting and managing the said Tolls and Duties, and to raise and pay such Price or Sum of Money by and out of the Tolls and Duties respectively hereby authorized to be collected and received by the said Mayor, Aldermen,

and Burgesses, or by One or more Mortgage or Mortgages thereof, in like Manner, and with, under, and subject to all the same Provisions in relation thereto, as herein-before provided and contained for raising and paying the said Contribution of Forty thousand Pounds and the Interest thereof.

The Redemption Money to be a Fund for Maintenance of Works.

CLVI. That in the Case of such Redemption of the said Tolls or Duties of One Halfpenny *per* Ton as aforesaid the Price or Sum to be so paid for such Redemption to the said incorporated Commissioners as aforesaid shall be by them received, invested, and improved, and for ever thereafter maintained as a Capital Fund; the Income of which Fund, so far as the same will extend, shall be applied in the same Manner as herein-before provided with respect to the Income arising to the incorporated Commissioners from the said Due of One Halfpenny *per* Ton.

When Contribution of 40,000*l.* &c. paid, and also the Price of such Redemption of the Halfpenny Toll as well said Halfpenny Toll as the Tolls under the 11 & 12 Vict. c. 143. to cease to be collected for the Purposes of this Act.

CLVII. That when and so soon as the said Sum of Forty thousand Pounds hereby authorized and required to be contributed by the said Mayor, Aldermen, and Burgesses as aforesaid, and every or any Principal Sum which shall or may be by them borrowed on Mortgage either of the said Tolls and Duties or of their Estates, under the Powers in such Behalf respectively herein-before contained, and all Interest for the same, and also any Sum or Sums which shall or may be required to be raised and paid by the said Mayor, Aldermen, and Burgesses as the Price for the Redemption of the said Tolls or Duties of One Halfpenny *per* Ton, under the Power for that Purpose last herein-before contained, and the Interest thereof, shall be fully paid and satisfied, then and thenceforth as well the said Tolls or Duties of One Halfpenny *per* Ton by this Act authorized to be collected and received, as also the said Tolls and Duties collected and received by virtue of the said Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and forty-three, and by this Act authorized to be continued to be collected and received, shall respectively cease to be collected and received for the Purposes of this Act.

Powers of other Acts for recovering the Duties to apply to this Act.

CLVIII. That the Power or Authority of seizing, distraining, detaining, and selling, and all other Powers or Authorities which by or in the said recited Act passed in the Fiftieth Year of King *George* the Third 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 Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, or their Successors, for recovering or receiving or facilitating and enforcing the Payment of the Duties by the said last-mentioned Act respectively authorized to be demanded, collected, received, and taken, or in relation thereto, shall be

be and they are hereby respectively made applicable for the recovering and receiving or facilitating and enforcing the Payment of the said 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 Her 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 for the Payment of the Duties imposed by the said last-mentioned Act, or a Certificate, as therein directed, that the Amount thereof had been consigned and lodged, or Security for the same had been given to the Satisfaction of the said Mayor, Aldermen, and Burgesses, or their Successors: Provided always, that the Collector or other chief Officer of Her Majesty's Customs at the said Port of *Wisbech* is hereby authorized, with the Sanction of the Commissioners of Her Majesty's Customs, 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.

Tolls and Duties may be reduced.

CLIX. That the Tolls and Duties by this Act continued within the Port and Harbour of *Wisbech* may from Time to Time be reduced, with the Consent of the Mortgagee of the same, by the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, subject nevertheless and without Prejudice to the Obligations and Liabilities by this Act imposed on the said Mayor, Aldermen, and Burgesses; and the incorporated Commissioners may from Time to Time reduce, or agree, with the Consent of the Mortgagee of the same, to the Reduction of the additional Toll of One Halfpenny *per* Ton by this Act granted; or, in the Event of the Redemption thereof by the said Mayor, Aldermen, and Burgesses, and after the Redemption, it shall be lawful for the said Mayor, Aldermen, and Burgesses to reduce the same as they may think proper.

Exemptions of former Act to apply to this Act.

CLX. That all Ships, Barges, Lighters, Vessels, Materials, Articles, and Things which by the Act passed in the Fiftieth Year of King *George* the Third, or by the *Nene Outfall*, *North Level*, or *Nene* Improvement Acts respectively, 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 Duties respectively by this Act authorized to be collected and received.

Power for the Mayor, &c. of Wisbech to

CLXI. That for better enabling the said Mayor, Aldermen, and Burgesses to raise and pay the Sum so to be contributed by them by the

borrow Money on the Duties, to pay Contribution.

the several Instalments aforesaid, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby empowered, at any Time or Times, 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 so to be contributed as aforesaid in the whole,) upon the Credit of the respective Tolls and Duties by this Act charged with the Payment of the said Contribution, and authorized to be collected, received, and taken by the said Mayor, Aldermen, and Burgesses, or any Part of them, but subject to any existing Charges and Incumbrances on the Tolls and Duties authorized to be collected and received previous to the passing of this Act, and to mortgage and convey the same several Tolls and Duties, or any of them, or any Part thereof, subject as aforesaid, by any Writing or Writings under the Common Seal of the said Mayor, Aldermen, and Burgesses, to any Persons who shall advance or lend to them the said Sum to be so contributed by them as aforesaid, or any Part thereof, from Time to Time, as 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 Receipts or several Receipts of the Mayor of *Wisbech* 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 same Sum or Sums or any Part thereof to the said Mayor, Aldermen, and 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 Mayor, Aldermen, and 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 Mayor, Aldermen, and Burgesses in a Book or Books to be kept by the said Mayor, Aldermen, and Burgesses for that Purpose.

Power for Commissioners, in default of Payment by the Mayor, &c., to raise the said Sum to be so contributed by them.

CLXII. That in case Default shall be made by the said Mayor, Aldermen, and Burgesses in Payment of any Instalment of the said gross Sum to be so contributed by them as aforesaid, or any Part of any such Instalment, beyond Three Calendar Months next after the several Times herein-before respectively appointed or provided for the Payment thereof, then and in such Case the said Duties by this Act authorized to be collected and received as aforesaid, and also any

Duties

Duties or Tolls now payable to the said Mayor, Aldermen, and Burgesses in the said Harbour or Port, and hereby charged with the said Contribution (but subject to any existing Incumbrances and Charges thereon), shall be and the same are hereby in such Case vested in the incorporated 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 Mayor, Aldermen, and Burgesses would have had in case such Default had not been made; and it also shall be lawful for the incorporated Commissioners 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 Credit of all or any of the said Duties by this Act authorized to be collected and received as aforesaid, or charged with the Payment of such Contribution, and to mortgage, assign, and convey the same Duties or any of them, or any Part thereof, by any Writing or Writings under the Common Seal of the incorporated Commissioners, to any Person or Persons who shall advance or lend to them the said Sum 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 of the incorporated Commissioners 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 or any Part thereof to the incorporated Commissioners, 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 incorporated Commissioners 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 last aforesaid, and also all the Costs and Expenses of the incorporated Commissioners, 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 Duties which shall be so mortgaged, assigned, or conveyed as last aforesaid; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered by the Clerk to the incorporated Commissioners in a Book or Books to be kept by the incorporated Commissioners for that Purpose.

Form of Mortgage by the Mayor, &c.

CLXIII. That every Mortgage, Assignment, and Conveyance to be made by the said Mayor, Aldermen, and Burgesses of the said Tonnage Duties 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

pulations or Provisions to be inserted therein, as the Case may require; (that is to say),

'WE, the Mayor, Aldermen, and Burgesses of Wisbech, by virtue of 'the Power and Authority given to us, by "The Nene Valley 'Drainage and Navigation Improvement Act, 1852," and in con- 'sideration of the Sum of to our Mayor for our 'Use paid by being Part of the Sum of 'Money 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 to the Use of us the said 'Mayor, Aldermen, and 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 'or any Part thereof, to hold the same Duties and every of them 'unto the said Successors [*or* Executors, Ad- 'ministrators, 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.

CLXV. 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 Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, or of the said incorporated Commissioners, 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 endorsed 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 Mayor, Aldermen, and Burgesses for the Time being,

being, or to the Clerk of the incorporated Commissioners, as the Case may be, 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 or Clerk to the incorporated Commissioners 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 Successors, 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, and his, her, or their Successors, Executors, Administrators, and Assigns, 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.

CLXV. That the several Persons to whom such respective Securities as aforesaid shall be made or granted, or any Part thereof, as aforesaid, whether such Securities shall be respectively made or granted under the Common Seal of the said Mayor, Aldermen, and Burgesses, or by the said incorporated Commissioners, and the respective Successors, 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 Successors, Executors, Administrators, or Assigns, shall not have any Preference over any of the others of them, or his, her, or their Successors, 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

CLXVI. That the Collector or Collectors of the said Mayor, Aldermen, and Burgesses of the said Borough 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 this present Act, shall, and he and they is and are hereby required,

the Principal, on Notice.

required, subject as aforesaid, with and out of the said Duties, to pay and discharge the Interest of every such Mortgage or Security of or upon the same Duties or any of them which shall have been so made or granted by the said Mayor, Aldermen, and Burgesses, or by the said incorporated Commissioners, 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 Clerk of the said Mayor, Aldermen, and 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.

CLXVII. 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 Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, or by the said incorporated Commissioners, 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, subject as aforesaid, 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 Amount 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 Successors, 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 Mayor, Aldermen, and Burgesses, or the incorporated Commissioners, 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, Collector

CLXVIII. That in case by reason of any Default by or on the part of the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, in Payment of the said gross Sum to be so contributed by them as aforesaid, or any Part thereof, or any Interest for the same, to the incorporated Commissioners, or to the Mortgagee or Mortgagees of the said

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 incorporated 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 Mayor, Aldermen, and 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 incorporated Commissioners, 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 incorporated 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 incorporated 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 incorporated 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 therefrom the reasonable Charges attending the Collection and Receipt thereof, unto the said incorporated Commissioners, 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 incorporated 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 incorporated Commissioners, 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 incorporated 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 incorporated Commissioners, 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 incorporated Commissioners or the said Mortgagee or Mortgagees shall see Occasion, so long as the said Sum to be so contributed by the said Mayor, Aldermen, and Burgesses, or any Part thereof, or any Interest for the same, or any Costs or Charges incurred or sustained by the said incorporated Com-

to pay the same to them.

missioners 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 incorporated Commissioners, 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 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 incorporated Commissioners are subject and liable to in any Manner howsoever.

Sinking Fund to be raised for paying Monies borrowed.

CLXIX. That the said Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, after full Payment of the said gross Sum to be so contributed and paid by them to the said incorporated Commissioners, or their 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 Tolls and Duties by this Act authorized to be collected and received (except the said Tolls or Duties of One Halfpenny *per* Ton) 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 Expenses as shall have been incurred in making or granting such respective Mortgages or Securities, and in collecting and receiving the said Duties, or otherwise relating to such Mortgages, Securities, and Duties, or any of them, and also after satisfying the several other Purposes to which the same Tolls respectively are now or shall from Time to Time as Occasion shall or may arise, or be applicable or be required to be applied under the said recited Acts or this Act, or otherwise, in and towards the Reduction and Liquidation of the Principal Money due upon any One or more of such Mortgages or Securities.

The old Sluice in the Town of Wisbech to remain vested in the Wisbech Canal Company.

CLXX. That nothing in this Act contained shall vest in the said incorporated Commissioners a certain Sluice or Place called or referred to as the *Old Sluice* in the Town of *Wisbech* in an Act of Parliament passed in the Thirty-fourth Year of the Reign of His Majesty King *George* the Third, for making and maintaining a navigable Canal from *Wisbech* to *Outwell*, and situate at the Point of Junction between the said Canal and *Wisbech River*, but that the said Sluice, and the Right of Access from the said Canal into the said River, and from the said River into the said Canal, shall be and remain in the *Wisbech* Canal Company, their Successors and Assigns.

CLXXI. That

Reserving Rights of the Wisbech Canal Company.

CLXXI. That nothing in this Act contained shall diminish, alter, affect, or take away any of the Rights, Privileges, Powers, and Authorities of the said *Wisbech* Canal Company, but the same Rights, Privileges, Powers, and Authorities shall remain as fully to all Intents and Purposes as if this Act had not passed, save and except in so far as they are by this Act expressed or intended to be diminished, altered, affected, or taken away.

Before a certain Road in Wisbech St. Peter is interfered with, a new one shall be made.

CLXXII. That before the said incorporated Commissioners shall alter or in any way interfere with the existing public Highway numbered on the said Plans 193[a] in the Parish of *Wisbech Saint Peter*, between the Letters A and G, they shall make another Road in the Course shown upon the said Plans, and such Road shall be made Thirty Feet wide at the least, and shall be constructed of good and hard Materials, and shall be completed before the said Road between the said Points shall be interfered with; and if the said incorporated Commissioners shall fail to complete in manner aforesaid the said new or substituted Road before they shall interfere with the existing Road between the said Points, they shall forfeit and pay to the Surveyor of the Highways of the said Parish the Sum of Ten Pounds for every Day during which such substituted Road shall not be made in manner aforesaid after the existing Road between the said Points shall have been interfered with, and such Penalty shall be applied to the Purposes of the said substituted Road, and shall be recoverable, with Costs of Suit, in any Court of competent Jurisdiction.

Provisions for Works at Standground Sluice.

CLXXIII. That the incorporated Commissioners shall from Time to Time make and maintain all such Works as shall be proper and sufficient for the Purpose of preserving and maintaining a continuous Navigation as heretofore enjoyed through *Standground Sluice* in the County of *Huntingdon*, from and to the *Middle Level*, and also the Right, as heretofore enjoyed of and by the *Middle Level* Drainage Commissioners and their Officers, of drawing a Supply of fresh Water from the said River *Nene*, at a Place called *Broadwater*, through *Standground Sluice* aforesaid; and that if at any Time the *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners, or either of them, shall consider that such continuous Navigation and Supply of fresh Water, or either of them, have not been properly and sufficiently provided for, then the said *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners, or either of them, may from Time to Time, by Notice in Writing to be served on the incorporated Commissioners, require them to make such new Works, or such Improvements of the then existing Works, as shall be proper and sufficient for those Purposes respectively, and if the incorporated Commissioners shall dispute the Necessity of such new or other Works, and in every other Case of Difference as to the

Arbitration if Works insufficient to supply continuous Navigation.

the Necessity or Sufficiency of any such Works, between the said *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners, or either of them, and the incorporated Commissioners, it shall be lawful for the said *Middle Level* Drainage Commissioners and River *Nene* Navigation Commissioners, or either of them, by Notice in Writing to be served upon the incorporated Commissioners, to require such incorporated Commissioners to proceed by Arbitration as herein provided, to ascertain and determine as to the Necessity or Sufficiency of any such Works, and whether such continuous Navigation and Supply of fresh Water have been sufficiently provided for; and such Arbitrator or Arbitrators, or Umpire, shall determine every such Difference, and what Works shall be executed by the incorporated Commissioners for providing the Means of such continuous Navigation, and obtaining a Supply of fresh Water as aforesaid, and shall prescribe the Time within which such Works shall be completed; and the Cost of every such Reference shall be in the Discretion of the Arbitrator or Arbitrators, or Umpire.

Mode of Appointment.

CLXXIV. That for the Purpose of every such Arbitration the said *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners shall be deemed One of the Parties thereto, and entitled to the Appointment of One Arbitrator only, and the said incorporated Commissioners shall be deemed the other Party, and appoint the other Arbitrator; and the Neglect or Refusal of either the said *Middle Level* Drainage Commissioners or the River *Nene* Navigation Commissioners to join in any such Appointment of Arbitrator shall not vitiate any Appointment to be made by the other of them.

Power to agree as to Works and Payment.

CLXXV. That the incorporated Commissioners and the *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners may from Time to Time mutually agree as to what Works shall be made for the Purposes of such continuous Navigation and such Supply of fresh Water, or either of them, and also to agree as to what gross Sum of Money shall be paid by the incorporated Commissioners to the *Middle Level* Drainage Commissioners and the River *Nene* Navigation Commissioners in lieu of the making and maintaining by the incorporated Commissioners of any Works for the Purposes of such continuous Navigation and such Supply of fresh Water, and upon Payment of the Sum of Money so agreed upon the Liability under this Act of the incorporated Commissioners to make and maintain any such Works shall for ever cease and determine.

Exemptions from Penalties.

CLXXVI. That if at any Time or Times, by reason of any of the Provisions of this Act, or of any of the Works or Things hereby authorized to be done, there shall not be a sufficient Supply of Water from the said Water called *Broad Water* and the River *Nene* above *Standground*

Standground Sluice, through the said Sluice, for maintaining a navigable Depth of Water in the said *Whittlesey Dyke* and the River *Nene* below the said Sluice to the Extent of Three Feet Ten Inches between the said Sluice and *Ashline Sluice*, and of Four Feet below the said *Ashline Sluice* to the *Pen Sluice* between *Popham's Eau* and *Upwell*, then and in every such Case the said *Middle Level* Drainage Commissioners shall be exempt from all and every Penalties to which, under the "*Middle Level* Drainage Amendment Act, 1848," they are now or would otherwise have been subject or liable to by not keeping up such clear and navigable Depth.

Consent of Bedford Level Corporation for Works in Broadwater.

CLXXVII. Provided nevertheless, That no Works in any Part of *Broad Water* aforesaid, from its Junction with the *Nene* to *Standground Sluice*, hereby directed or authorized, or that may hereafter be awarded or agreed to be made under the Powers of this Act, except as to the Depth thereof as herein provided, shall be commenced, made, or executed without the previous Consent and Approbation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Great Level* of the Fens called *Bedford Level*, under their Common Seal, to whom due Notice of the same shall be given.

Saving Rights of Middle Level and Nene Navigation Commissioners.

CLXXVIII. That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, diminish, alter, affect, or take away any of the Rights, Powers, Privileges, and Authorities vested in the *Middle Level* Drainage Commissioners or the *Nene* Navigation Commissioners, save and except such Rights, Powers, Privileges, and Authorities as are by this Act varied or altered.

For supplying Water to the Upper Part of the Second District of the North Level.

CLXXIX. And whereas by the said Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty it is recited, that the Lands in the upper Part of the Second District of the *North Level* of the said Fens, by the Embankment of the River *Nene*, for a long Series of Years have been deprived of a Supply of fresh Water from the said River, and are thereby during the Summer and Autumn greatly lessened in Value, both for Grazing and Agriculture; therefore it is enacted, that when and so soon as the present *Cross Keys Bridge* and the several Appendages thereof shall be actually pulled down and taken away, under the Provisions of that Act, it shall be lawful for the Governor, Bailiffs, and Conservators, and they are thereby required, (subject to such Regulations as in the Judgment of the said *North Level* Commissioners may be requisite for protecting from Injury the North Bank of *Moreton's Leam*, and also the low Lands in the Second District of the *North Level*, by reason of any sudden or undue Influx of Water,) to cause a Tunnel to be laid through or under the North Bank of the said *Moreton's Leam*, for the

Purpose of admitting and conveying to the said Lands a Supply of fresh Water at proper and convenient Seasons, the said Tunnel to be made and maintained at the sole Costs of the Owners of the said Lands for the Time being, and to be placed in some fit and proper Situation between the First Milestone from *Peterborough Fen Gate* and *Northey Gravel*, and to be made of such Dimensions and Materials, and in such Manner and Form, and subject to such Regulations as to the Use of the same, as the said Governor, Bailiffs, and Conservators may from Time to Time direct; and it is provided, that the Sill of the said Tunnel shall not be laid lower than Four Feet Six Inches above the Level of the Upper Sill of *Stanground Sluice*, and shall not be more than Two Feet wide; but in case the said Tunnel, when so laid, shall not afford the Supply of Water required, the same shall be lowered so as to afford such Supply, subject to the Approval of the *North* and *Middle Level* Drainage Commissioners; and provided also, that if the said Tunnel be not kept in good and substantial Repair by the said Owners, at their own Expense, the same may be removed by Order of the said *North Level* Commissioners: And whereas it is anticipated that the ordinary Level of Low Water in the said River *Nene* will be lowered by the Works by this Act authorized to be executed: Be it therefore enacted, That the Level of the Sill of the said intended Tunnel shall be laid at such Depth, with reference to the Sill of *Standground Sluice*, and the Low-water Level in the said River *Nene*, as the said Governor, Bailiffs, and Commonalty, with the Concurrence and Approval of the said *North* and *Middle Level* Drainage Commissioners, may order and determine for effecting the Object of the said recited Enactment.

The North Bank of Moreton's Leam to remain under the Control of the North Level Committee.

CLXXX. That nothing in this Act contained shall extend to vest the Bank commonly called or known as the *North Bank* of *Moreton's Leam*, from *Peterborough Fen Gate* to *Guyhirn*, or the Foreland thereof, or the Towing-path and Haling-way on the said Foreland, or any Power, Authority, Management, Superintendence, Direction, or Control over or in respect of the same Bank, Foreland, and Towing-path and Haling-way respectively, in the said incorporated Commissioners, but the same Bank, Foreland, and Towing path and Haling-way, and the raising, making good, maintaining, and keeping in repair of the same, and the Power of letting the Herbage thereof respectively, shall, after the passing of this Act, respectively remain and continue under the Superintendence and Direction of the Committee elected and appointed and to be from Time to Time elected and appointed out of the Commissioners for the Five Districts of the *North Level* and *Great Portsand*, in the Manner directed by the Act of Parliament passed in the Eleventh Year of King *George* the Third, 11 G. 3. c. 78. intituled *An Act to enable the Corporation of the Governor, Bailiffs, and*

and Commonalty of the Company of Conservators of the Great Level *of the Fens commonly 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, in like Manner, to all Intents and Purposes, as the same stood and were previously to the passing of this Act: Provided nevertheless, that it shall be lawful for the Persons navigating the said River *Nene* at all Times hereafter to use the said Towing-path and Haling-way as heretofore, on Payment to the said *North Level* Commissioners of the Tolls or Sums of Money heretofore paid to them the said Commissioners for the Use thereof; and it shall be lawful for the said *North Level* Commissioners to demand, receive, and take, from all Persons navigating the said River *Nene*, and using the said Haling-way, the Tolls or Sums of Money heretofore demanded, received, and taken by them the said Commissioners for the Use of the said Towing-path and Haling-way.

Nothing in the last Enactment contained to prevent the Execution of Works at Abel's and Popeley's Gulls.

CLXXXI. That, notwithstanding anything in the last preceding Enactment contained, it shall be lawful for the said incorporated Commissioners to alter the Line and Direction of the said North Bank of *Moreton's Leam* at certain Places called *Abel's Gull* and *Popeley's Gull*, in the Manner described on the said deposited Plans and Sections, they the said Commissioners making and completing the intended new Portions of Bank and Foreland in a Line with the present Bank and Foreland above and below those Places respectively, according to the said Plans and Sections, and after the Completion of the said new Portions of Bank and Foreland the *North Level* Committee shall have the like Power, Right, and Interests in all respects in and over the same as are reserved by the said last Enactment in and over the Remainder of the said North Bank and Foreland.

Nothing to prejudice the Rights of the Duke of Bedford over the Dog-in-a-Doublet Sluice and Thorney River.

CLXXXII. Provided always, That, except as by this Act otherwise expressly enacted, nothing in this Act contained shall prejudice, interrupt, alter, vary, interfere with, control, or affect the existing navigable River or Canal running between the River *Nene* and the Town of *Thorney* or the Navigation thereof, or the Supply of Water from the said River *Nene*, for the Purposes of Navigation and Irrigation, at and through a certain Sluice commonly called or known by the Name of the *Dog-in-a-Doublet Sluice*, or the Drainage of Lands lying within the *North Level* and *Great Portsand*, now draining by the said River or Canal and Sluice respectively, or any Rights, Powers, Authorities, Liberties, or Privileges in reference to the said Sluice and Navigation, previously to the passing of this Act vested in the Most Noble *Francis* Duke of *Bedford* and his Heirs by a certain Act of Parliament passed in the Thirteenth Year of His late Majesty King *George*

13 G. 3. c. 40. *George* the Third, Chapter Forty, intituled *An Act for amending and rendering more effectual an Act made in the Twenty-seventh Year of the Reign of His late Majesty King* George *the Second, intituled '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* Crow-'land,' *so far as the same relates to the several Fen Lands lying in the Second District in the said Act described*, or otherwise subsisting in the said *Francis* Duke of *Bedford* and his Heirs, in any Manner howsoever.

Dimensions and Capacity of River between the County Boundary and Peterborough.

CLXXXIII. That that Part of the River which lies between *Bevis Hall* and the City of *Peterborough* shall be made to the Depth shown on the said deposited Sections, with a Bottom Thirty-three Feet wide at the least, and that Part of the said River which lies between the Toll Gate on the North Bank of *Moreton's Leam*, near *Guyhirn* and the Toll Gates on the said North Bank near *Peterborough* with Slopes of Two Feet horizontal to One Foot perpendicular, and a Foreland on the South Side of the said River, exclusive of the said Slopes, Thirty-nine Feet wide at the least; and the said incorporated Commissioners shall not diminish the Forelands on the North Side of the said River, except where such Foreland is proposed to be taken for the Purposes of the said Works as shown on the said deposited Plans and Sections.

The North Level Commissioners to maintain the Shore Edge of River in front of the North Bank, when completed and certified.

CLXXXIV. That when and so soon as the said Works by this Act authorized to be made and executed between the said County Boundary and the City of *Peterborough* shall have been fully executed and completed, and the Completion thereof certified by the Engineer under whose Direction the said Works shall have been executed, and the Certificate of Completion published in One or more Newspaper or Newspapers circulated in each of the said Counties of *Cambridge* and *Northampton*, the future Maintenance of the Foreshore of the said River next the Foreland of the said North Bank between the said Toll Gate near *Guyhirn* and the said Toll Gate near *Peterborough*, shall devolve on the said *North Level* Commissioners, who shall thenceforth keep the said Foreshore in good Repair and Condition at all Times.

Restriction on Drainage by the Nene,

CLXXXV. That after the passing of this Act no Lands lying seaward of the City of *Peterborough*, not draining by the said River *Nene* before

before the passing of this Act, shall be received into the said Drainage, or allowed to be drained by the said River, without the Consent of the said incorporated Commissioners and the said *North Level* Commissioners. without Consent.

Saving Rights of North Level and Nene Outfall Commissioners.

CLXXXVI. That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, lessen, alter, or affect in any wise howsoever any of the Jurisdictions, Powers, Rights, or Privileges now belonging to or vested in the *North Level* Commissioners or in the Commissioners of the *Nene Outfall*, or their Committees for the Time being respectively, under any Law or Statute whatsoever heretofore made or passed, but the same Jurisdictions, Powers, Rights, and Privileges so belonging to or vested in them respectively 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 anything herein contained had not been made and passed, nor shall anything in this Act contained extend or be construed to extend to divest or deprive the said *North Level* Commissioners or the Commissioners of the *Nene Outfall*, or their said Committees respectively, of any 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 respeetively.

Contribution by the Nene Outfall Commissioners.

CLXXXVII. And whereas the said *Francis Duke* of *Bedford* and the said *North Level* Commissioners respectively have agreed to contribute and pay to the said incorporated Commissioners towards the Expense of carrying this Act into execution the Sums herein-after mentioned; that is to say, the said *Francis Duke* of *Bedford* the Sum of Two thousand Pounds, and the said *North Level* Commissioners the Sum of Two thousand five hundred Pounds, they the said incorporated Commissioners agreeing on their Part to relieve the Commissioners of the *Nene Outfall* from and to take upon themselves the Liabilities to which the said Commissioners of the *Nene Outfall* are now subject for or towards supporting and repairing the Banks on each Side of the said *Wisbech River*, called respectively the *Horse Shoe Bank* on the West and the *East Field Bank* on the East Side of the same, and the other Banks on each Side of the said River between the *Great Bridge* in the Town of *Wisbech* and the said County Boundary, and for Compensation to the Owners for the Time being of Granaries, Wharfs, and Buildings situate in the Town of *Wisbech* abutting upon the said *Wisbech River* between the said *Great Bridge* and the said *Horse Shoe Bank* and *East Field Bank* respectively, and of the Estates liable to the Repairs of the same for any Damage which may from Time to Time accrue to the said Granaries, Wharfs, and Buildings by

reason or in consequence of the Works authorized to be executed by or under the Authority of the said Act passed in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act to improve the River* Nene *and* Wisbech River, *and the Drainage of Lands discharging their Waters into the same:* Be it therefore enacted, That the said Sum of Two thousand Pounds shall be contributed by the said *Francis* Duke of *Bedford*, his Heirs or Assigns, and the Sum of Two thousand five hundred Pounds by the Proprietors of Lands lying within the Boundaries of the said *North Level* and *Great Portsand*, towards the making and executing of the Works by this Act authorized to be made and executed, and which Contribution of Two thousand five hundred Pounds shall be raised by the Proprietors of Lands lying within the Boundaries of the said *North Level* and *Great Portsand* respectively in the Proportions and Manner herein-after mentioned, (that is to say,) the Sum of Two thousand Pounds (Part thereof) by the Proprietors of Lands lying within the said *North Level* exclusive of *Great Portsand*, and the Sum of Five hundred Pounds (Residue thereof) by the Proprietors of Lands lying within the said *North Level* and *Great Portsand;* and such respective Sums shall be paid to the Treasurer of the incorporated Commissioners as follows, the said Sum of Two thousand Pounds to be contributed by the said *Francis* Duke of *Bedford*, his Heirs or Assigns, and the said Sum of Two thousand Pounds to be contributed by the Proprietors of the Lands before-mentioned respectively, at and immediately upon the Expiration of Six Months after the passing of this Act, and the said Sum of Five hundred Pounds to be contributed by the Proprietors of Lands within the said *North Level* and *Great Portsand* at and upon the Expiration of Eighteen Months from the passing of this Act.

11 & 12 Vict. c. 143.

Yearly Tax to be charged on the taxable Lands of North Level and Portsand.

CLXXXVIII. That for raising the said Sum agreed to be contributed and paid by the Commissioners of the *North Level* as aforesaid all and singular the Lands lying within the Five several Districts of the said *North Level* and *Great Portsand* and the Manor of *Crowland*, as bounded and described in the said Act of the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, save and except only the several Lands and Grounds lying within the said *North Level* and *Great Portsand*, and the Manor of *Crowland* aforesaid, by the *Nene Outfall* Act of the Seventh and Eighth Years of King *George* the Fourth wholly exempted from the Payment of any gross or direct Rate or Tax, or Rates or Taxes, or made liable to the Payment only of a limited Rate or Tax, or gross Sum, as therein mentioned, shall be and the same are hereby respectively assessed, taxed at, and charged with the Taxes *per* Acre following, (that is to say,) such of the said Lands and Grounds being within the said Boundaries as lie within the said *North Level* exclusive of *Great Portsand* and the Manor of *Crowland*,

land, with a Tax of One Shilling and Threepence Farthing *per* Acre in this Year, and such of the said Lands and Grounds as lie within the said *North Level* and *Great Portsand* and the Manor of *Crowland* in the said Fifth District, with a Tax of Threepence Farthing *per* Acre in the Year One thousand eight hundred and fifty-three, for every Acre of the same several and respective Lands and Grounds (except as is before excepted), and so in proportion for any less Quantity than an Acre thereof; which said Taxes shall be payable and paid by the respective Owners or Occupiers of the said several Lands and Grounds so respectively charged therewith as aforesaid, on the First Day of *December* in the said respective Years, to the Collector or Collectors of the said *North Level* Commissioners, or to such Person or Persons and at such Place or Places as the same Commissioners shall order or direct, or otherwise to the said Collector or Collectors, at his or their Dwelling House or Dwelling Houses, and shall be by such Collector or Collectors paid to the Treasurer or Treasurers of the said Commissioners for executing this Act, in or towards Payment of the said Sum so agreed to be so contributed from the *North Level* and *Great Portsand* and the Manor of *Crowland* as aforesaid: Provided always, that nothing herein contained shall be construed into a Right to tax the said Lands and Grounds lying within the said *North Level* and *Great Portsand* and the Manor of *Crowland*, 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 *Wisbech River* or River *Nene*, and the Drainage thereby.

Mode of ascertaining the Quantities of the Lands for Taxation.

CLXXXIX. That all and singular the said Lands and Grounds lying within the said Boundaries of the *North Level* and *Great Portsand* and the Manor of *Crowland* respectively, by this Act assessed, taxed, and charged with the said Taxes respectively herein-before mentioned, shall be and the same are hereby respectively assessed, taxed, and charged with the said Taxes respectively according to the respective admeasured Quantities for which the same Lands are or have been respectively charged under the Authority of any Act or Acts of Parliament heretofore passed, if the said Quantities can be so respectively ascertained, and all such of the said several Lands the respective Quantities of which cannot be ascertained by the Means aforesaid shall be and the same are hereby respectively assessed, taxed, and charged with the said Taxes respectively according to the respective admeasured Quantities thereof, to be ascertained with the Powers, by the Means, and in the Manner in that Behalf directed by the *North Level* Act of the Eleventh Year of the Reign of King *George* the Fourth.

Powers, &c. for recovering aforesaid Taxes.

CXC. That the said *North Level* Commissioners shall have and may exercise such or the like Powers and Remedies for recovering, securing,

securing, and enforcing Payment of the said several Taxes hereinbefore assessed and charged, and with such or the like Penalties, as are in and by the said Act passed in the Eleventh Year of the Reign of King *George* the Fourth given to or vested in the same Commissioners for recovering, securing, and enforcing Payment of the Taxes thereby assessed and charged, and all Powers and Remedies by the same Act given to or vested in the Owners or Tenants or Occupiers, touching the last-mentioned Taxes, shall be vested in and may be exercised by the Owners or Tenants or Occupiers of the said last-mentioned Lands and Grounds in respect of the Taxes hereby assessed thereupon.

Incorporated Commissioners to indemnify Commissioners of Nene Outfall against Liabilities, &c.

CXCI. That from and after the Expiration of Six Months from the passing of this Act the said incorporated Commissioners shall and they are hereby required to take upon themselves and bear, and from Time to Time and at all Times thereafter exonerate, discharge, and indemnify the Commissioners of the *Nene Outfall*, and the Funds and Revenues of the said Commissioners of the *Nene Outfall*, from and against all and singular the Liabilities to which they the said Commissioners of the *Nene Outfall* may after such Period or but for this Act would or might be subject for or towards supporting and repairing the Banks on each Side of the said *Wisbech River*, called respectively the *Horse Shoe Bank* on the West and the *East Field Bank* on the East Side of the same, and the other Banks on each Side of the said River, between the *Great Bridge* in the said Town of *Wisbech* and the said County Boundary, and for Compensation to the Owners for the Time being of Granaries, Wharfs, and Buildings, and of the Estates liable to the Repairs of the same, for any Damage which may at any Time and from Time to Time after the Expiration of the said Six Months from the passing of this Act accrue to the said Granaries, Wharfs, and Buildings by reason or in consequence of the Execution of the Works authorized by the said Act passed in the Session of the Eleventh and Twelfth Years of Her present Majesty, and from and against all Costs, Charges, Damages, and Expenses whatsoever which the said Commissioners of the *Nene Outfall* may after that Time in any Manner incur, sustain, or be put unto in relation thereto: Provided always, that until the Expiration of such Six Months the Commissioners of the *Nene Outfall* shall continue subject to the same Liabilities as if this Act had not passed.

Further Indemnity in respect of Buildings in Wisbech.

CXCII. That in order the more effectually to provide for the Indemnity lastly herein-before contained in respect to the said Granaries, Wharfs, and Buildings, the said incorporated Commissioners shall and they are hereby required, from and after the Expiration of Six Months from the passing of this Act, to make Compensation to the Owners for the Time being of the said Granaries, Wharfs, and Buildings,

Buildings, and of the Estates liable to the Repairs of the said Wharfs, for any Damage, if any, which may from Time to Time after the Expiration of the said Six Months accrue to the said Granaries, Wharfs, and Buildings by reason or in consequence of the Execution of the Works authorized by the said Act passed in the Session of the Eleventh and Twelfth Years of Her present Majesty, or any of them, the Amount of such Compensation, if disputed, to be ascertained by Arbitration in the Form and Manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation; and the Amount, when ascertained, shall be recoverable in an Action of Debt against the said incorporated Commissioners, or by Distress upon the Goods of the said incorporated Commissioners, or by any other Means by which Damages or Compensation are under or by virtue of the said Consolidation Act recoverable.

Certain Works to be done under the Superintendence of Mr. Stephenson.

CXCIII. That the several Works by this Act authorized to be executed for altering the Line and Direction of the *North Level* Bank and Foreshore thereof shall, if required by the said *North Level* Commissioners, be executed by the said incorporated Commissioners to the Satisfaction of *Robert Stephenson* of *Great George Street* in the City of *Westminster*, the Civil Engineer of the *North Level* Commissioners, and in the Event of his declining to act in the said Matter, or of his Death or Disability before the said Works are completed, then to the Satisfaction of *Michael Andrews Borthwick* of *Charles Street, St. James's*, Civil Engineer; and the Costs and Charges of the said *Robert Stephenson* and *Michael Andrews Borthwick* shall be paid by the said *North Level* Commissioners.

Respecting Arbitration as to Dog-in-a-Doublet Sluice and Supply of Fresh Water.

CXCIV. That the incorporated Commissioners shall from Time to Time make and maintain all such Works as shall be proper and sufficient for the Purposes of preserving and maintaining a continuous Navigation, as heretofore enjoyed, through the *Dog-in-a-Doublet Sluice*, and also the Right, as heretofore enjoyed, of and by the said *Francis* Duke of *Bedford* and his Officers, of drawing a Supply of fresh Water from the said River *Nene* through the said Sluice; and that if at any Time the said *Francis* Duke of *Bedford*, his Heirs or Assigns, shall consider that such continuous Navigation, and Supply of fresh Water, or either of them, have not been properly and sufficiently provided for, then the said *Francis* Duke of *Bedford*, his Heirs or Assigns, may from Time to Time, by Notice in Writing to be served on the incorporated Commissioners, require them to make such new Works, or such Improvements of the then existing Works, as shall be proper and sufficient for those Purposes respectively; and if the incorporated Commissioners shall dispute the Necessity of such new or other Works, and in every other Case of

Difference as to the Necessity or Sufficiency of any such Works, between the said *Francis* Duke of *Bedford*, his Heirs or Assigns, and the incorporated Commissioners, it shall be lawful for the said *Francis* Duke of *Bedford*, and his Heirs or Assigns, by Notice in Writing to be served upon the incorporated Commissioners, to require such incorporated Commissioners to proceed by Arbitration as herein provided to ascertain and determine as to the Necessity or Sufficiency of any such Works, and whether such continuous Navigation and Supply of fresh Water have been sufficiently provided for; and such Arbitrator or Arbitrators, or Umpire, shall determine every such Difference, and what Works shall be executed by the incorporated Commissioners for providing the Means of such continuous Navigation and obtaining a Supply of fresh Water as aforesaid, and shall prescribe the Time within which such Works shall be completed; and the Cost of every such Reference shall be in the Discretion of the Arbitrator or Arbitrators or Umpire: Provided always, that for the Purpose of every such Arbitration the said *Francis* Duke of *Bedford* shall be deemed One of the Parties thereto, and entitled to the Appointment of One Arbitrator, and the said incorporated Commissioners shall be deemed the other Party, and appoint the other Arbitrator: Provided always, that the incorporated Commissioners and the said *Francis* Duke of *Bedford*, his Heirs or Assigns, may from Time to Time mutually agree as to what Works shall be made for the Purposes of such continuous Navigation and such Supply of fresh Water, or either of them, and also at any Time agree as to what gross Sum of Money shall be paid by the incorporated Commissioners to the said *Francis* Duke of *Bedford*, his Heirs or Assigns, in lieu of the making and maintaining by the incorporated Commissioners of any Works for the Purposes of such continuous Navigation and such Supply of fresh Water, and upon Payment of the Sum of Money so agreed upon the Liability under this Act of the incorporated Commissioners to make and maintain any such Works shall for ever cease and determine.

The South Bank of Moreton's Leam and Standground Sluice to remain in and under the Control of the Bedford Level Corporation.

CXCV. That nothing in this Act contained shall extend to vest in the said incorporated Commissioners the Bank commonly called or known as the *South Bank* of *Moreton's Leam*, from *Peterborough* to *Guyhirn*, or the Forelands thereof, or the Sluice called *Standground Sluice*, or to enable the said incorporated Commissioners to interfere and intermeddle in any respect with the said Banks, Forelands, and Sluice, without the Consent in Writing of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Great Level* of the Fens called *Bedford Level*, but that such Banks, Forelands, and Sluice, and any Buildings standing on or near the same, and being now the Property of the Governor, Bailiffs, and Commonalty of the Company

Company of Conservators of the *Great Level* of the Fens called *Bedford Level*, and all Rights extending to or over the same, shall after the passing of this Act remain, continue, and be vested in the said Governor, Bailiffs, and Commonalty, in like Manner, to all Intents and Purposes, as the same stood and were previously to the passing of this Act.

Commissioners to make a Drain for the Drainage of the Wash Lands.

CXCVI. That the said incorporated Commissioners shall make and maintain a Drain for conveying into the said River *Nene* the Waters from the Wash Lands in the said Third District between *Standground* and *Guyhirn*, which Drain shall be made on the Northern Side, and shall extend to the Northern Boundary of *Moreton's Leam*, and the Earth excavated from the said Drain shall be deposited in the said Leam Southward of the said Drain, or on the Forelands of the South Bank of the said Leam adjacent thereto, and in consideration thereof the said incorporated Commissioners shall not be liable to pay to the said Governor, Bailiffs, and Commonalty any Compensation for taking or using any Land forming Part of the said Leam, and belonging to them, for the Purpose of the said Drain; and if any Dispute shall arise as to the Northern Boundary of *Moreton's Leam*, it shall be referred to the Arbitration of Two competent Persons, One to be appointed by and at the Cost of the said Governor, Bailiffs, and Commonalty, and the other by and at the Cost of the incorporated Commissioners, and an Umpire, named by such Two Persons, in case they shall differ in opinion, the Cost of such Umpire to be borne jointly by the incorporated Commissioners and the said Governor, Bailiffs, and Commonalty.

Contribution by the Bedford Level Corporation.

CXCVII. That in consideration that the Works to be executed by the said incorporated Commissioners for the Embankment of the River *Nene* between *Guyhirn* and *Peterborough* on the South Side may have the Effect of lessening the Cost of maintaining the South Bank of *Moreton's Leam*, now under the Charge of and maintained by the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Great Level* of the Fens, the said Governors, Bailiffs, and Commonalty shall contribute the Sum of One thousand five hundred Pounds in aid of the Funds to be raised under the Provisions hereof for the Works to be executed by the said incorporated Commissioners, and that Sum shall be paid to the Treasurer to the said incorporated Commissioners, or such Person as they shall empower from Time to Time to receive the same, in manner following; that is to say, One Third Part thereof when the Excavation shall be completed from the County Boundary up to *Wisbech Bridge*, and the remaining Two Thirds when the Work shall be completed to *Peterborough Bridge*; and that the Receipts of the Treasurer to the said incorporated Commissioners

sioners or Person authorized as aforesaid shall be good and sufficient Discharges to the said Governor, Bailiffs, and Commonalty for the said Contribution or any Part thereof; 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 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 One of Her Majesty's Courts of Record at *Westminster*, and the said incorporated Commissioners shall on any such Recovery be entitled to full Costs of Suit.

Saving Rights of Bedford Level Corporation.

CXCVIII. That all the Estates and Interests, Rights, Powers, Privileges, and Authorities whatsoever which by virtue of any Act of Parliament or otherwise are now vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the *Great Level* of the Fens called *Bedford Level*, shall be in the said Governor, Bailiffs, and Commonalty as fully as if this Act had not been passed, so far as the same are not hereby altered or varied.

Contribution by the Waldersey District.

CXCIX. And whereas the *Waldersey* Drainage District will be benefited by the Works in the Third District, and an improved Outfall provided for the same: Be it enacted, That the respective Proprietors of Land in the same District shall contribute and pay to the said incorporated Commissioners the Sum of Five thousand five hundred Pounds, and also pay the same to the Treasurer of the said incorporated Commissioners by the Instalments following; (that is to say,) the Sum of Two thousand Pounds, Part thereof, on the First Day of *January* next ensuing the passing of this Act; the Sum of Two thousand Pounds, further Part thereof, when the Waterway and Banks in the Third District shall be completed beyond the *Waldersey* Steam Engine; and the Sum of One thousand five hundred Pounds, Residue thereof, at the Expiration of Six Calendar Months from the Time the last-mentioned Instalment is made payable; and which said several Instalments shall be raised in the Manner herein-after mentioned.

Power for Waldersey Drainage Commissioners to charge the Lands in that District with Contribution.

CC. That for raising the said Sum of Five thousand five hundred Pounds to be contributed by the Proprietors of Land in the said *Waldersey* District it shall be lawful for the Commissioners for the Time being of the same District, and they are hereby required from Time to Time to assess, tax, rate, and charge the said several Lands and Grounds lying within the said *Waldersey* District 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 last-mentioned Lands and Grounds are now respectively liable, as will be sufficient to

to raise and pay the said Contribution of Five thousand five hundred Pounds by the several Instalments aforesaid, and the Costs and Charges of collecting the same Rates and Taxes hereby authorized to be assessed, taxed, rated, and charged as last aforesaid; and that the several Rates and Taxes so to be assessed, taxed, rated, and charged as last aforesaid shall be respectively collected and received and be recoverable by such and the same Means or Remedies, and in such or the same Manner and Form, and under and subject to 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, as the present Rates or Taxes to which the said Lands or Grounds within the said *Waldersey* District are now liable under or by virtue of the *Waldersey* Drainage Act passed in the Ninth Year of the Reign of King *George* the Fourth are now collected and received or recoverable, or now respectively stand or are upon, in all respects and to all Intents and Purposes whatsoever; and in case of any Default of Payment of any Instalment 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 such Part thereof as may then be in arrear, by an Action of Law, in Debt, or on the Case, against the said *Waldersey* Drainage Commissioners in any One of Her Majesty's Courts of Record at *Westminster*; and the said incorporated Commissioners shall on any such Recovery be entitled to full Costs of Suit: Provided always, that nothing herein contained shall be construed into a Right to tax the said Lands and Grounds lying within the said *Waldersey* District for or towards or by way of Contribution for any other Works hereafter to be made or done for the Improvement of the said *Wisbech River* or River *Nene* and the Drainage thereby.

Persons having limited Interest may raise Money by Mortgage for Expense.

CCI. That it shall be lawful for the respective Proprietors of Lands for or in respect of which the said Sum of Five thousand five hundred Pounds is hereby required and authorized to be raised, being Corporations, Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, or the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, to charge their Estates 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 in respect of the said Sum to be so raised

and contributed as aforesaid, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Estates unto or in trust for any Person who shall advance such Money, for any Term of Years or otherwise, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured with Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any Estate for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, and that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence, and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended, and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of a like Nature.

Contribution by the Wisbech Southside and Elm Westside District.

CCII. And whereas the *Wisbech* Southside and the *Elm* Westside District, which is under the Jurisdiction of the Court of Sewers for the Hundred of *Wisbech* and Parts adjacent, will be benefited by the Works in the Third District, and an improved Outfall provided for the same: Be it enacted, That the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent shall, in respect of the Lands in the *Wisbech* Southside and *Elm* Westside District, comprising One thousand Seven hundred and seventy-nine Acres of Land, or thereabouts, contribute towards the Expenses of the Works in the Third District; and it shall be lawful for the said Commissioners of Sewers and they are hereby required from Time to Time to assess, tax, rate, and charge the said several Lands in the said District by and with the Taxes *per* Acre following (that is to say,) with a yearly equal Tax of Sixpence *per* Acre until the Waterway and Bank shall be completed upwards beyond the *Redmore Sluice*, and with a yearly equal Tax of Two Shillings *per* Acre after the Waterway and Bank shall be completed beyond the *Redmore Sluice*, and so on in proportion for any less Quantity than an Acre thereof; which said respective Taxes shall be payable and paid by the same Commissioners of Sewers in every Year to the said incorporated Commissioners, or their Treasurer or Treasurers for the Time being, (clear of all Deductions for collecting or otherwise,) on the First Day of *January* in every Year, the First of such Payments to begin and be made on the First Day of *January* next; and also by the like Ways and Means to raise, pay, and satisfy all Charges and Expenses of collecting the same Taxes hereby authorized to be assessed, taxed, rated, and charged as last aforesaid; and that the said Taxes to be assessed,

taxed,

taxed, rated, and charged as aforesaid shall be respectively collected and received and be recoverable 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, as far as regards the assessing, charging, collecting, receiving, and recovering of the same last-mentioned Taxes respectively, as the present Rates or Taxes to which the said Lands 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: Provided always, that nothing herein contained shall be construed into a Right to tax the said Lands and Grounds lying within the said *Wisbech* Southside and *Elm* Westside District for or towards or by way of Contribution for any other Works hereafter to be made or done for the Improvement of the said *Wisbech River* or River *Nene*, and the Drainage thereby; and in case of any Default of Payment of any annual 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 such Part thereof as may then be in arrear, by Action of Law, on Debt, or on the Case, against the said Commissioners of Sewers in any One of Her Majesty's Courts of Record at *Westminster*; and the said incorporated Commissioners shall on any Recovery be entitled to full Costs of Suit.

Power to redeem Taxes charged on Lands by the Commissioners of Sewers for the Hundred of Wisbech.

CCIII. That it shall be lawful for the incorporated Commissioners, with the Consent of the Mortgagees for the Time being entitled to receive the Consideration Money, to contract with any Proprietor of Land in the *Wisbech* Southside and *Elm* Westside District, and in the District of the East Side of *Wisenham's Lane*, for the Exoneration of his Land from the Taxes by this Act authorized and required to be charged thereon by the said Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, in consideration of such Price as it shall appear to the said incorporated Commissioners just and expedient to accept; and upon Receipt of the Consideration Money the incorporated Commissioners, and the Mortgagees of the Taxes for the Time being entitled to receive the same, shall give a valid Discharge for the same, and shall execute and deliver to such Proprietor a Certificate under the Common Seal of the said incorporated Commissioners, and under the Hands and Seals of the Mortgagees for the Time being, describing the Lands so exonerated, and the Portion of Taxes from which such Land shall be exonerated as aforesaid.

Reservation of existing Rights of

CCIV. That, except by this Act expressly enacted or intended, nothing in this Act contained shall prejudice or affect any Rights or Privileges

Wisbech Northside and other Districts in their Sluices and other Works, and of taking in fresh Water.

vileges of the *Wisbech* Northside Drainage Commissioners, the *Leverington* and *Leverington Parson Drove* Drainage Commissioners, the *Waldersey* Drainage Commissioners, and the Commissioners of Sewers of the Hundred of *Wisbech* and Parts adjacent, respectively, to take fresh Water for the said Districts respectively or any of them, or in regard to the Property in or Control or Management of any Sluices, Tunnels, Drains, or other Works in or through the Banks of the said River, now belonging to or under the Control or Management of the said Drainage Commissioners and Commissioners of Sewers, or any of them respectively, but they shall respectively have the same Property in and Control and Management of the said Sluices, Tunnels, Drains, and other Works, and any Sluices, Tunnels, Drains, or other Works substituted by them for the same respectively, and the same Right or Privilege of taking in fresh Water from the River into their respective Districts, that they have heretofore had; and if any new Works shall be rendered necessary by the Execution of any of the Works by this Act authorized, in order to enable them to take fresh Water into the said Districts, it shall be lawful for the said incorporated Commissioners and they are hereby required to construct such Works as may be necessary for that Purpose, at the Cost and Charge of them the said incorporated Commissioners.

New Banks to be erected in lieu of Banks removed.

CCV. And whereas it will be necessary, in the Execution of the Powers of this Act, to remove or set back some Parts of the Banks adjoining the River *Nene*: Be it enacted, That the incorporated Commissioners shall, in every Case where they shall deem it expedient to alter the Situation of the said Banks, reconstruct and form them of proper Materials to render them equally effectual for the Protection of the adjoining Lands with the said Banks previously to such Alteration or Removal.

In case of Difference between Commissioners, the same to be left to Arbitration.

CCVI. That in case any Difference shall arise between the said incorporated Commissioners and the said respective Commissioners of the said Districts of *Wisbech* Northside, *Leverington* and *Leverington Parson Drove*, and *Waldersey*, and the Commissioners of Sewers of the Hundred of *Wisbech* and Parts adjacent, with respect to the Alteration or Reconstruction of the said Banks, and of the said Sluices, Tunnels, Culverts, or new Works, the Matters in difference shall from Time to Time be referred to Two Arbitrators, One to be chosen by the incorporated Commissioners, and the other by the said respective Commissioners of the said Districts and of the said Court of Sewers, or by the Umpire of such Two Arbitrators, to be appointed by them before entering upon the Reference, in case of Difference, and that the Costs of the said Reference shall be in the Discretion of the Arbitrators.

CCVII. That

Contribution by the Commissioners of Sewers for the Hundred of Wisbech and Waldersey Commissioners for Maintenance of Banks.

CCVII. That it shall be lawful for the incorporated Commissioners and the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent and the *Waldersey* Drainage Commissioners respectively to treat and agree as to an annual Sum or Sums to be contributed by the said Commissioners of Sewers and *Waldersey* Drainage Commissioners respectively, towards the Expense of maintaining the Banks of the *Wisbech River* between *Guyhirn* and the County Boundary, and as to the respective Proportions in which the same shall be paid by the Proprietors of the Lands and Grounds now liable to be charged with any Sewer Rate or other Assessment for or towards the Maintenance and Support of the Banks of the *Wisbech River* on both Sides thereof from the County Boundary upwards to *Guyhirn*; and if the said Commissioners of Sewers and *Waldersey* Drainage Commissioners respectively shall not, within Six Months after the passing of this Act, agree with the incorporated Commissioners touching the Amount of such annual Contribution or Contributions, and the respective Proportions to be paid by the said Proprietors respectively, except so far as the same are herein provided for, or shall neglect to treat concerning the same, then that the Matter or Matters in difference shall be referred to and determined by Arbitration, in manner by this Act provided, by Two Civil Engineers, One of whom shall be appointed by the Commissioners of Sewers and the *Waldersey* Drainage Commissioners, as the Case may be, and the other by the incorporated Commissioners, and the Determination of the said Two Engineers, or their Umpire, shall be final and conclusive, and binding upon and conformed to by all the said Parties; and such annual Contribution or Contributions, and the respective Proportions thereof to be so respectively paid by the said several Proprietors as shall be so agreed upon or ascertained and determined as respectively aforesaid, shall be contributed and paid by the said Commissioners of Sewers and *Waldersey* Drainage Commissioners to the Treasurer or Treasurers for the Time being of the said incorporated Commissioners on the Thirty-first Day of *December* in every Year, the first annual Payment to become due and be made on the Thirty-first Day of *December* One thousand eight hundred and fifty-two: Provided always, that the annual Contribution of the several Proprietors liable to maintain the said Banks (except the Bank on the South Side of the River from the *Waldersey* Steam Engine to the Sluice on the West Side of *Wisbech Bridge*) shall be the average yearly Amount of Expenditure upon the Repairs of the said Banks for the last Eight Years preceding the passing of this Act, and that the annual Amount of Contribution to be paid in respect of the said excepted Bank on the South Side of the River shall be at and after the Rate of One Shilling and Sixpence *per* Acre upon the Lands and Grounds now liable to the Maintenance and Repair of the said last-mentioned Bank, being One thousand six hundred and fifteen Acres, or

thereabouts, lying on the *Wisbech* Southside and *Elm* West District, and in the District lying on the East Side of *Wesenham's Lane:* Provided further, that if the said Banks or any of them shall at any Time be out of repair, it shall be lawful for the said Commissioners of Sewers and *Waldersey* Drainage Commissioners respectively, after Ten Days Notice from such respective Commissioners to the incorporated Commissioners, and Default made by such incorporated Commissioners in such needful Repairs, to do all Works necessary for restoring such Banks to a proper State, and from Time to Time to deduct from the Sums which would otherwise be payable to the said incorporated Commissioners such Sums as may have been expended by them in such Repairs; and in case there shall be a Deficiency in the Funds applicable thereto, and the said incorporated Commissioners shall make default in paying the Amount of such Deficiency, on Demand, the said Commissioners respectively shall sue for and recover such Deficiency from the said incorporated Commissioners, with full Costs of Suit, in any Court of competent Jurisdiction.

Power to charge Lands for Payment of Contributions.

CCVIII. That for raising the said annual Sum or Sums to be so contributed by the said Commissioners of Sewers and the *Waldersey* Drainage Commissioners, it shall be lawful for the said Commissioners, in respect of the said Banks respectively, and they are hereby required, from Time to Time to assess, tax, rate, and charge the said several Lands and Grounds so liable to maintain the said Banks, by and with such yearly Acre Rates or Taxes as will be sufficient to provide for the Payment of the annual Sum to be so agreed upon or ascertained and determined as aforesaid to be contributed and paid from and out of the said last-mentioned Lands and Grounds towards the Costs of the said last-mentioned Works, which said annual Sum shall be paid by the said Commissioners of Sewers and *Waldersey* Drainage Commissioners to the said incorporated Commissioners in every Year as aforesaid, and also to pay and satisfy all Charges and Expenses of collecting the same Rates or Taxes by this Act authorized to be assessed, taxed, rated, and charged as last aforesaid; 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 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 the same last-mentioned Acre Rates or Taxes respectively, as the present Rates or Taxes to which the said Lands and Grounds 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

stand or are upon, in all respects and to all Intents and Purposes whatsoever.

Saving Rights of Corporation of Wisbech.

CCIX. Provided always, That nothing in this Act contained shall 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, Immunities, or Revenues given, granted, appertaining, or belonging to the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, or to the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, save and except in so far as the same are by this Act severally expressed or intended to be taken away, defeated, invalidated, altered, lessened, or affected.

As to Supply of Water to the Wash Lands.

CCX. That the said incorporated Commissioners shall make and maintain a Tunnel through or under the intended South Bank of the said River *Nene*, at or near its Junction with the *Broadwater*, for the Purpose of continuing or providing a sufficient Supply of Water to the said Wash Lands, the said Tunnel to be of such Dimensions and to be laid at such Depth as the said incorporated Commissioners, with the Concurrence and Approval of the said *North Level* Commissioners, may order.

Not to interfere with existing Rights in Water.

CCXI. Provided always, That nothing in this Act contained shall be held or taken to alter, diminish, or in anywise affect the Right or accustomed Privilege of the Commissioners of any District, or of any Owners or Occupiers of Lands, or of any other Person or Persons, to draw or take or have the Use and Enjoyment of Water at all Times from the said River, for the Use of the said Districts or any Lands lying therein, but that the said Commissioners, and Owners and Occupiers of Lands, and other Persons, shall, subject to the Provisions of this Act and the Works hereby authorized, from and after the passing of this Act continue to have and enjoy such Right or Privilege as they have heretofore had or enjoyed.

The Sum of 1,000*l.* to be contributed by the City of Peterborough.

CCXII. And whereas it has been contracted and agreed by and between the Commissioners appointed by this Act and "The *Peterborough* Improvement Commissioners," appointed under or by virtue of "The *Peterborough* Improvement and Cemetery Act, 1850," that the Sum of One thousand Pounds shall be the Contribution from such Improvement Commissioners for the Benefit which will be received by the Town or City of *Peterborough*, including the *Minster Precincts*, by reason of the Execution of the Works by this Act authorized: Be it therefore enacted, That the Dean and Chapter of the Cathedral Church of *Peterborough* shall, within Six Months after the passing of this

this Act, pay to the Treasurer of the said Improvement Commissioners the Sum of One hundred and fifty Pounds, as and for the Proportion of the said Sum of One thousand Pounds, which is or may be payable in respect of rateable Property within the said *Minster Precincts*; and that on such Payment being made the said *Minster Precincts* shall be discharged from all future Liability to contribute thereto.

Mode of raising Residue of Contribution.

CCXIII. And for raising the Residue of the said Sum of One thousand Pounds, be it enacted, That it shall be lawful for the Improvement Commissioners from Time to Time to borrow the Sum of Eight hundred and fifty Pounds on Mortgage, on the Credit of "The *Peterborough* Drainage Rate," herein-after authorized to be made and levied; and for securing the Repayment of the Monies so to be borrowed, with Interest at a Rate not exceeding Five Pounds *per Centum per Annum*, the said Commissioners may mortgage and assign over the said Drainage Rate or any Part thereof to the Person or Persons who shall advance or lend such Money, or his or their Trustee or Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to raise 150*l.* in the Minster Precincts.

CCXIV. That for raising the said Sum of One hundred and fifty Pounds it shall be lawful for the said Dean and Chapter to contribute One hundred Pounds thereof out of their Common Fund; and the said Dean and Chapter may raise and levy the Residue thereof, with Interest thereon not exceeding Five Pounds *per Centum per Annum*, by Two annual Instalments, by a Rate or Assessment upon the Occupiers or Holders of rateable Property within the said *Minster Precincts*, to be made and levied in like Manner in every respect, and with the like Powers and Authorities for collecting and raising the same, as are provided with respect to "The *Minster Precincts* Improvement Rate," in and by "The *Peterborough* Improvement and Cemetery Act, 1850."

Improvement Commissioners to make Rates.

CCXV. And in order to raise the said Sum of Eight hundred and fifty Pounds and Interest, be it enacted, That it shall be lawful for the Improvement Commissioners, once in the present and the next ensuing Years, to make an equal Rate upon all rateable Property as defined by "The Towns Improvement Clauses Act, 1847," within the Limits of "The *Peterborough* Improvement and Cemetery Act, 1850," according to the annual rateable Value for the same, whether the same shall be occupied or not, to be called "The *Peterborough* Drainage Rate," not exceeding in any One Year the Sum of Twopence in the Pound on such annual rateable Value: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Rights or Interests of the respective Railway Companies whose Lines

Lines of Railway may be constructed within the Limits of the last-mentioned Act, otherwise than is by this Act expressly provided; and the said Railway Companies, in respect of so much of their respective Properties as are for the Time being used as Lines of Railway within the Limits of such last-mentioned Act, shall be assessed to the Drainage Rate by this Act authorized in the Proportion of One Fourth only of the net annual Value thereof.

Recovery of Rates.

CCXVI. That the Provisions of "The *Peterborough* Improvement and Cemetery Act, 1850," for the Appointment of Assessors and Collectors, and for the Recovery of Rates thereby imposed, and the Costs of distraining for the same, shall apply to the Drainage Rate hereby authorized to be made.

When the Sum of 1,000*l.* to be paid.

CCXVII. That the said Sum of One thousand Pounds shall be paid by the said Improvement Commissioners to the incorporated Commissioners within Six Months next after the passing of this Act.

Sinking Fund.

CCXVIII. That the Sum to be set apart and appropriated out of the said Drainage Rate as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed on Mortgage of such Rate, shall be the net Residue after Payment of Interest and Cost of Collection of such Rate.

Application of Surplus.

CCXIX. That the Surplus, if any, of the Monies to be raised and levied by the Improvement Commissioners under the Powers of this Act contained shall, as soon as the said Principal Sum of Eight hundred and fifty Pounds, and Interest, together with the Costs and Charges of assessing and collecting the said Drainage Rate, are fully paid and satisfied, be carried to the Credit of "The *Peterborough* Improvement Rate," and when the said Principal Sum, and all Interest thereon, and the Costs and Charges aforesaid, shall have been paid off, the said Drainage Rate shall cease.

Mortgages.

CCXX. That with respect to the Mortgages to be executed by the said Improvement Commissioners, so much of "The Commissioners Clauses Act, 1847," as is contained in the Sections thereof numbered LXXV. to LXXXVIII. inclusive in the Copies of the said Act printed by the Queen's Printers, except so far as the same are repugnant thereto, shall be incorporated with and form Part of this Act.

Outfall Drain and Works to be executed for

CCXXI. That if in carrying out the Works in the Second District the Staunch or Weir across the River in the Parish of *Woodstone* in the County of *Huntingdon* called *Woodstone Staunch* shall not

the Drainage of the Estates of the Marquis of Huntly.

not be removed, or if at any Time thereafter the same Staunch or Weir shall be removed, and another Staunch, Weir, Lock, or other Works shall be erected by the incorporated Commissioners at any Point between *Peterborough* and the Staunch or Weir across the River called *Orton Staunch*, so as in any Manner to raise or continue the Level of the Water in the same River between the same Points above the Level shown on the Section deposited as aforesaid with the Clerk of the Peace for the County of *Huntingdon*, as the intended ordinary Level of the River there, then and in either of the said Cases it shall be lawful for the said incorporated Commissioners and they are hereby required, at their own Expense, immediately after the Receipt of a Notice in Writing to that Effect under the Hand of the Most Honourable *George* Marquis of *Huntly*, his Heirs or Assigns, or other the Person entitled for the Time being to the Estates of the said Marquis in the Parishes of *Orton Longville* and *Orton Waterville* in the same County, or any Part thereof respectively, to construct and make, and for ever thereafter to maintain, scour, cleanse, and keep in a proper and sufficient Manner, an Outlet or Outfall Drain, to commence at such Point near *Orton Staunch* aforesaid in the Lands of the said Marquis, and to continue Eastward through the same Lands, in such Line or Course as shall be respectively indicated in such Notice, following, as near as may be, the Direction of the said River, and thence through the Lands intervening between the Eastern Boundary of the Lands of the said Marquis, into the same River at some convenient Point below *Woodstone Staunch*, or below any such substituted Staunch, Weir, or other Lock, as the Case may be; and the same Drain shall be so made and maintained by the said incorporated Commissioners as at all Times to furnish a convenient Outlet and Outfall for the Drainage of the Estates now as aforesaid of the said Marquis into and by means of the Level and Course of the same River below the said present or any such future Staunch, Weir, Lock, or other Work as aforesaid.

Dimensions of Outfall Drain.

CCXXII. That the said Outlet or Outfall Drain shall be of such Dimensions as the said Marquis or his Heirs or Assigns, or such other Person as aforesaid, shall in such Notice indicate and require, so nevertheless that the Width thereof at the Bottom shall not exceed Four Feet nor the Depth thereof Five Feet.

Power to agree with the Northampton Corporation for a Contribution.

CCXXIII. That it shall be lawful for the incorporated Commissioners to treat and agree with the Mayor, Aldermen, and Burgesses of the Borough of *Northampton*, herein-after called the *Northampton* Corporation, for a Contribution from such Corporation for any Benefit or Relief which will be received by such Corporation by reason of the Execution of the Works by this Act authorized, and if any Contribution

tribution has been already agreed to be paid, the same shall be contributed accordingly.

Saving Rights of Northampton Town Commissioners.

CCXXIV. That, further or otherwise than is by this Act expressly enacted, nothing in this Act, or in any Act incorporated herewith, contained, shall defeat, diminish, abridge, or otherwise prejudicially affect any of the Rights, Powers, or Privileges of the *Northampton* Town Commissioners, or authorize any Interference with any Works or Property vested in or belonging to them, or under their Management or Control.

As to the Works of the Northampton Town Commissioners.

CCXXV. That, notwithstanding anything in this Act contained, the *Northampton* Town Commissioners may maintain and continue any Sluices, Tunnels, Sewers, Drains, Culverts, Watercourses, and other Works vested in or belonging to them, or under their Management or Control, which now drain into the River *Nene*, and may construct any other Sluices, Tunnels, Sewers, Drains, Bridges, Culverts, Watercourses, and other Works for securing an effectual Drainage into the said River, and may from Time to Time alter, repair, or discontinue any such Works or any of them, and construct others in their Stead, and may do all other Acts which they may deem necessary for connecting their present or future Sluices, Tunnels, Sewers, Drains, Culverts, and Watercourses, or any of them, with the said River, and making or preserving any Communication therewith.

Northampton Corporation may require Access from navigable Part of the River to be made.

CCXXVI. That if at any Time or Times hereafter, before the Expiration of the Period by this Act limited for the Completion of Works in the First District, the *Northampton* Corporation shall, by Notice in Writing under their Common Seal, served upon the incorporated Commissioners, require the incorporated Commissioners to render available for the Passage of Boats any Part of the River either wholly within or in part within and in part without the Borough of *Northampton* which at the Time of giving any such Notice may not be navigable, the incorporated Commissioners shall, within Twelve Months next after the Service of any such Notice, do such Works as 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.

Northampton Corporation to pay Expenses thereof.

CCXXVII. That the *Northampton* Corporation shall, previous to the Commencement of the said Works, pay to the incorporated Commissioners the estimated Expenses to be incurred in or about the Execution and Completion of any such Works required to be performed by any such Notice given by the *Northampton* Corporation as last aforesaid, the Amount of such Expenses, in case of Difference, to be ascertained

ascertained by an Engineer to be named by the Board of Trade, whose Decision thereon shall be final, and the Expenses of such Engineer to be borne in equal Moieties by the incorporated Commissioners and the *Northampton* Corporation; and after the Completion of such Works the Expense thereof shall be ascertained and determined and settled between the *Northampton* Corporation and the incorporated Commissioners, and any Balance appearing to be due by either of such Parties shall be repaid to the other of them.

For levying the Funds payable by Northampton Corporation.

CCXXVIII. That the Monies payable by the *Northampton* Corporation by virtue of this Act shall be charged upon and paid out of the Borough Fund of such Borough.

Power for Northampton Corporation to raise Money.

CCXXIX. That it shall be lawful for the *Northampton* Corporation to raise any Monies which they are by this Act authorized to pay upon Bonds under their Common Seal, or on Mortgage of their Lands, Buildings, and other Property: Provided always, that nothing in this Act contained shall extend to enable the *Northampton* Corporation to take, appropriate, use, sell, demise, mortgage, or alienate for the Purposes of this Act, without the Approbation of the Lords Commissioners of Her Majesty's Treasury or any Two of them, any Lands, Tenements, or Hereditaments which they could not have taken, appropriated, used, sold, demised, mortgaged, or alienated without such Approbation before the passing of this Act.

Lord Melbourne and others may require Access from navigable Part of the River to be made.

CCXXX. That if at any Time or Times hereafter, before the Expiration of the Period by this Act limited for the Completion of Works in the First District, Lord *Melbourne*, Mrs. *Wilson*, *James* and *W. Rice*, *Marmaduke Wetherell*, Mr. *Willsden*, and *Anne Savage*, or other the Owners or Owner for the Time being 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, 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 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 Nineteen in the deposited Plan and Section, and described in the Book of Reference thereto as the Land of Lord *Melbourne*, in the Occupation of Mr. *James Garratt*.

CCXXXI. That

Estimated Expense to be paid to incorporated Commissioners.

CCXXXI. That the said Lord *Melbourne*, Mrs. *Wilson*, *James* and *W. Rice*, *Marmaduke Wetherell*, Mr. *Willsden*, and *Anne Savage*, shall, previous to the Commencement of the said Works, pay to the incorporated Commissioners the estimated Expense to be incurred in or about the Execution and Completion of any such Works required to be performed by any such Notice given by the said Parties as last aforesaid, rateably, and in such Parts, Shares, and Proportions respectively, as the said incorporated Commissioners shall apportion the same, the Amount of such Expenses, in case of Difference, to be ascertained by an Engineer to be named by the Board of Trade, whose Decision thereon shall be final, and the Expenses of such Engineer to be borne in equal Moieties by the incorporated Commissioners and the said Parties rateably as aforesaid; and after the Completion of such Works the Expense thereof shall be ascertained and determined and settled between the said Parties and the incorporated Commissioners, and any Balance appearing to be due by either of such Parties shall be repaid to the other of them, such Balance to be paid or received, as the Case may be, by the said Landowners, rateably as aforesaid.

Plans to be deposited at the Admiralty previous to commencing Works affecting tidal Waters.

CCXXXII. That previously to commencing the Bridge at *Wisbech* over the River *Nene*, or of the Works connected therewith, or any Bridge or Works in, under, or across any tidal Water, the incorporated Commissioners shall deposit at the Admiralty Office, Plans, Sections, and Working Drawings of the said Bridge and Works, and of all Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval.

Works to commence in Lower Division.

CCXXXIII. That the incorporated Commissioners shall first commence and complete the Works hereby authorized in the Lower Division, and shall not commence any other Works until the Works in the Lower Division be completed.

Navigation to Standground Sluice to be made of equal Depth with River.

CCXXXIV. That the Navigation to *Standground Sluice* shall be made and maintained by the incorporated Commissioners of a Depth not less than that of the Main Channel of the *Nene* at its Point of Junction with the said River.

No Tolls upon Stores for Service of Her Majesty.

CCXXXV. That nothing in this Act contained shall authorize the levying or charging with any Toll or Duty whatsoever upon or for any Stores, Goods, Merchandise, Minerals, Articles, or Things belonging to or for the Service of Her Majesty, Her Heirs and Successors.

During construction of Works Lights to be exhibited on Bridges.

CCXXXVI. That during the Construction of the said Bridges and Works connected therewith at *Wisbech* and *Dog-in-a-Doublet* the said incorporated Commissioners shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the incorporated Commissioners, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridges the said incorporated Commissioners shall cause to be hung out or exhibited upon or near to the Centre of each of the said Bridges, every Night, from Sunset to Sunrise, a good and sufficient Light to be kept burning by and at the Expense of the incorporated Commissioners, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said incorporated Commissioners in such Manner, and be of such Description, and be so used, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said incorporated Commissioners shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Works below High-water Mark not to be executed without Consent of the Admiralty.

CCXXXVII. That it shall not be lawful for the incorporated Commissioners to construct below High-water Mark at ordinary Spring Tides any Work hereby authorized to be made without the previous Consent of the Lord High Admiral of the United Kingdon of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the incorporated Commissioners at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the incorporated Commissioners, and the Amount thereof shall be a Debt due to the Crown, and recoverable accordingly, with Costs of Suit.

Admiralty may order local Survey,

CCXXXVIII. That if after Working Drawings of the Works hereby authorized which affect any tidal Water shall have been submitted to the

the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the incorporated Commissioners shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the incorporated Commissioners, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the incorporated Commissioners.

at Expense of incorporated Commissioners.

CCXXXIX. That if any Bridge or Work in the Third District to be constructed by the incorporated Commissioners in or across any tidal Water or navigable River in the Third District, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, by the incorporated Commissioners, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the incorporated Commissioners, and the Amount thereof shall be a Debt due from the incorporated Commissioners to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works across tidal Waters are abandoned, Admiralty may remove them, at Expense of incorporated Commissioners.

CCXL. And whereas other Commissioners of Drainage or other Parties than such as are herein specified, and with reference to Contributions from whom special Provision is herein made, are liable to the Maintenance and Repair of certain of the Banks in the Third District, and inasmuch as the Works by this Act authorized will be beneficial to such Commissioners and Parties, by releasing them from such Repairs and Maintenance, and from other Liabilities connected with the River and Works, (it being intended that the incorporated Commissioners should hereafter maintain the Banks of the River, except as herein otherwise provided for,) it is expedient to make Provision for Payment by any such Commissioners or Parties of Contributions in respect of the Repairs and Maintenance of the Banks which such Commissioners or Parties are liable to maintain, and other Works connected with the River which such Commissioners or Parties are liable to execute, or other Liabilities, as aforesaid: Be it enacted, That all Commissioners or Parties whomsoever, other than those with respect to whom special Provision is herein made, who are liable to the Repair and Maintenance of the Banks of the River in the Third District, or to the Execution of any Works connected with the River, and which are hereby placed under the Control of the incorporated Commissioners,

Contributions of other Commissioners.

missioners, shall and they are hereby empowered and required to contribute towards the Execution of the Works in the Third District, as herein-after mentioned.

Power to agree, and Cases of Dispute to be determined by Abritration.

CCXLI. That it shall be lawful for the incorporated Commissioners, and such other Commissioners and Parties liable by any of the Provisions of this Act to contribute towards the Expenses or Maintenance of the Works in the Third District, except such Commissioners and Parties with respect to whom special Provision is herein otherwise made or provided for, to treat and agree as to the Sum to be contributed by such Commissioners or Parties respectively towards the Expense of carrying this Act into execution in the Third District; and if such Commissioners or Parties, or any of them, shall not agree with the incorporated Commissioners as to the Sum to be paid by the Commissioners or Parties respectively as the Contribution to be made by them respectively, the Sum or Sums of Money to be paid by such respective Commissioners or Parties, as the Case may be, shall be ascertained and determined by Arbitrators, One to be appointed by the Commissioners or Party not agreeing, and the other by the said incorporated Commissioners; and such Arbitrators shall fix and determine the Sum of Money which in their Judgment shall be an Equivalent to and an adequate Compensation for the Relief such Commissioners or Parties, or the Districts they respectively represent, will derive from the Execution of any of the Works by this Act authorized to be made, and by being relieved from the Costs of the future Maintenance of any of the Banks, Cuts, Sluices, or Navigations connected therewith; and such Arbitrators shall either award a Sum of Money in gross, or annual or other Payments to be made to the said incorporated Commissioners, and shall fix the Time when such Payments shall be made; and such Sums of Money shall be applied in aid of the Funds to be raised under this Act within the Third District; and in case the gross or annual Sum of Money shall at any Time remain unpaid for the Space of Forty Days after the Time fixed for Payment thereof by the Arbitrators, it shall be lawful for the said incorporated Commissioners to sue for and recover the same against the Commissioners or Parties liable to the Payment of the same in any Court of competent Jurisdiction.

Payment of Contributions.

CCXLII. That it shall be lawful for such Commissioners or Parties, by and out of their respective Funds or Monies, to pay and satisfy to the incorporated Commissioners, or to such Person as they shall from Time to Time empower to receive the same, all such Sums of Money as shall from and after the passing of this Act become due and payable by such Commissioners or Parties as Contributions to the said incorporated Commissioners under this Act, when and as the

same

same shall severally become due and payable, and the Receipts of the said incorporated Commissioners, or of their Treasurer or Collectors, for any Sum of Money paid to them by the said Commissioners or Parties under the Authority hereby given, shall at all Times be good and sufficient Discharges to the said Commissioners or Parties, and to the several Proprietors of the Lands in the Districts under the Control of such Commissioners in respect of which such Payment is made; and after such Contribution shall be fully paid to the incorporated Commissioners or their Treasurer, the Commissioners and Parties paying the same shall thenceforth and for ever be relieved and released from all future Liability to repair or maintain the Banks and Works in respect of which such Contribution shall be paid.

In case of Default, Power to enter and collect Rates.

CCXLIII. That in case the said Commissioners or Parties shall neglect to raise, levy, and pay the said Contributions to which they are liable to the said incorporated Commissioners, or to such Person or Persons as they shall authorize to receive the same, within One Month next after the same shall become payable under the Provisions of this Act, then it shall be lawful for the said incorporated Commissioners to enter upon, receive, and collect the Rates, Taxes, or Funds which such Commissioners or Parties have Power to raise, as fully and effectually as any such Commissioners or Parties could raise and levy the same Rates and Taxes.

Respecting Arbitration as to other Districts.

CCXLIV. That if by reason of the Works by this Act authorized any of the Drainage Commissioners or Commissioners of Sewers of any Districts between *Guyhirn* and *Wisbech Bridge* are unable to take in fresh Water, or are put to increased Expense in taking in fresh Water for such Districts, it shall be lawful for the said Commissioners, by Notice from them in Writing, to be served upon the incorporated Commissioners, to require such incorporated Commissioners to proceed by Arbitration, as herein provided, to ascertain the same; and the Arbitrator or Arbitrators, or Umpire, as the Case may be, shall inquire respecting and ascertain the same; and if the Arbitrator or Arbitrators, or their Umpire, shall be of opinion that the said Commissioners are unable to take in fresh Water, or are put to increased Expense in taking in fresh Water for the said Districts, such Arbitrator or Arbitrators, or Umpire, shall determine what Works shall be done by the incorporated Commissioners for the future Prevention of the Injury so sustained in any such Districts or Lands between *Guyhirn* and *Wisbech Bridge* aforesaid, and shall prescribe the Time within which such Works shall be completed, and by whom the Costs, Charges, and Expenses of executing the same shall be paid; and the Cost of every such Reference shall be in the Discretion of the Arbitrator or Arbitrators, or Umpire.

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

CCXLV. That the said several Sums so herein-before authorized and required or agreed to be respectively raised and contributed towards the Works as aforesaid, and to be respectively paid to the Treasurer or Treasurers for the Time being of the said incorporated Commissioners, shall from Time to Time be accordingly paid and applied by the incorporated Commissioners, or under their Direction, so far as the same will extend, towards the Execution of the Works by this Act authorized to be made in the District in which such Contribution is made as aforesaid, and shall be by the incorporated Commissioners accepted in full and final 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 future Traders and Navigators to and from the Port and Town of *Wisbech* aforesaid, and the Shipowners, 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 Merchandises, and all and every the present and future Owners and Occupiers of the several Lands and Grounds from or in respect of which the same several Sums of Money are or shall be respectively raised and contributed as aforesaid of and from all and singular the Costs, Charges, Damages, and Expenses whatsoever which shall or may in any Manner or from any Cause whatever arise or be incurred, sustained, or occasioned at any Time or Times hereafter, in, for, about, or concerning the making the several Works authorized by this Act to be made, executed, and completed, or any of them, or in, for, about, or concerning the future Maintenance, Preservation, and Repair of the same Works or any of them.

As to Arbitration.

CCXLVI. That the Clauses of the Railway Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this Act, and, except as otherwise specially provided for, shall be applicable to all Cases by this Act authorized or required to be referred to Arbitration.

Compensation to Owners of Wisbech Granaries.

CCXLVII. That the said incorporated Commissioners shall and they are hereby required to make Compensation to the Owners for the Time being of the Granaries, Wharfs, and Buildings situate in the Town of *Wisbech* abutting upon the said River *Nene* between the *Great Bridge* in the said Town and the *Horse Shoe Bank* and *East Field Bank* respectively, and to the Owners for the Time being of the Estates liable to the Repairs of the said Wharfs, for the Damage, if any, which may from Time to Time accrue to the said Granaries, Wharfs, and Buildings by reason or in consequence of the Execution of any Works or other Act which may be done by the said incorporated Commissioners, or by any Person or Persons employed by them, or acting under

under their Authority, or by reason or in consequence of any Neglect, Omission, or Misfeasance of the said incorporated Commissioners, or of any Person or Persons so employed or acting as aforesaid, the Amount of such Compensation, if disputed, to be ascertained by Arbitration in the Form and Manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation; and the Amount, when ascertained, shall be recoverable in an Action of Debt against the said incorporated Commissioners, or by Distress upon the Goods of the said incorporated Commissioners, or by any other Means by which Damages or Compensation are under or by virtue of the said Consolidation Act recoverable.

Application to be made to Parliament, if additional Powers necessary.

CCXLVIII. That if it shall appear that any Works which the incorporated Commissioners may deem necessary for the Improvement of the Drainage of the said Meadows, Lands, and Grounds cannot lawfully be carried into effect by the said incorporated Commissioners, under the Powers vested in them by this Act, by reason either that the Monies authorized to be raised by them are insufficient for the Purpose, or that any Lands are required which the said incorporated Commissioners are not authorized to take or use, or for any other Reason, the said incorporated Commissioners may, by Order and Resolution, to be made and agreed to by the said incorporated Commissioners at a Special Meeting of the said incorporated Commissioners to be duly called for that Purpose, cause Application to be made to Parliament for an Act to enable them to execute such further Works, to raise such further Monies, or to take and use such further Lands, or otherwise, and to defray the Expenses of such Application out of the Rates, Taxes, and Monies authorized to be levied and raised by them under this Act.

Informalities.

CCXLIX. That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior or other Courts.

Expenses of Committees.

CCL. That it shall be lawful for the said incorporated Commissioners to allow and pay out of the Funds of the said incorporated Commissioners all the reasonable Expenses of any Committee or Committees appointed or to be appointed under or by virtue of this Act, or so much thereof as the said incorporated Commissioners respectively shall think proper.

Expenses of Act.

CCLI. That the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the incorporated Commissioners as follows; that is to say, as to Four One-eighth Parts thereof, out of the First Rates, Taxes,

Taxes, and Contributions to be levied and and received by virtue of this Act in the said Third District, or out of the Money to be raised by Mortgage upon such Rates and Taxes; and as to other Three One-eighth Parts thereof, out of the First District Rates and Taxes and Contributions to be levied and received by virtue of this Act in the Second District, or out of the Money to be raised by Mortgage upon such District Taxes; and as to the remaining One-eighth Part thereof, out of the First District Rates and Taxes and Contributions to be levied and received by virtue of this Act in the First District, or out of the Money to be raised by Mortgage upon such District Taxes; and if any Person shall advance any Money for defraying the Charges and Expenses of obtaining this Act, or preparatory or incidental thereto, or shall already have advanced any Money for those Purposes, such Person shall, out of the First Monies which shall be raised by the said incorporated Commissioners by virtue of this Act, be repaid the same, with lawful Interest from the respective Times of advancing such Money.

Monies advanced for obtaining this Act to be repaid, with Interest.

Saving the Rights of the Crown.

CCLII. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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