ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xcii.

An Act for altering and amending several Acts passed for improving the Outfall of the River *Nene*, and the Drainage of the Lands discharging their Waters into the *Wisbech* River.

[4th *July* 1836.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Outfall of the* 7 & 8 G. 4.
River Nene, *and the Drainage of the Lands discharging their Waters* c. 85.
into the Wisbech *River, and the Navigation of the said* Wisbech *River from the upper End of* Kinderley's Cut *to the Sea, and for embanking the Salt Marshes and Bare Sands lying between the said Cut and the Sea*, whereby, after reciting (amongst other Things) an Act passed in the Fifteenth Year of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for settling the draining of the Great* 15 C. 2.
Level of the Fens called Bedford Level; and also reciting an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for discharging the Corporation* 27 G. 2. c. 19.
of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called Bedford Level *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level and divers Lands adjoining thereto in the Manor of* Crowland; and also reciting an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Cor-* 11 G. 3. c. 78.

poration of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level *to complete and maintain the principal Banks and Works necessary to the well draining and preserving the North Level, Part of the said Great Level, and for laying Taxes upon the Lands within the said North Level and on divers Lands adjoining thereto in the Manor of* Crowland; and also reciting an Act passed in the Thirteenth Year of the Reign of
13 G. 3. c. 70. His said late Majesty King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of* Tid Saint Giles *and* Newton *in the* Isle of Ely *in the County of* Cambridge, *and in* Tid Saint Mary's *in the County* of Lincoln; and reciting also that the making of a new Cut or Channel for the Waters of the said *Wisbech* River, with proper Banks and other Works, would materially facilitate the Passage and Outfall of the Waters of the River *Nene* by and through the said *Wisbech* River to the Sea, and greatly contribute to the effectual draining of the Lands then discharging their Waters into the said *Wisbech* River, and to the improving of the Navigation of the same River; it was amongst other Things enacted, that the Commissioners appointed, named, or chosen by or under the Authority of the said Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, for the Five several Districts into which the said North Level and *Portsand* otherwise *Great Portsand* were thereby divided, and their Successors, together with certain other Persons in the said now reciting Act mentioned or referred to, should be and they were thereby appointed Commissioners for the Time being for executing the said now reciting Act, and the several Powers, Provisions, and Purposes thereof; and it was further enacted, that the said Commissioners should be and they were thereby constituted One Body Politic and Corporate by the Name and Style of "The Commissioners of the *Nene Outfall;*" and it was further enacted, that the Committee from Time to Time elected and to be elected for the said Five several Districts or Divisions, pursuant to the Directions of the said Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Third, together with Two Persons to be elected as therein-after mentioned (or without such Two Persons until their Election), should be and they were thereby appointed a Committee of the said Commissioners for executing the said now reciting Act, for the Purposes, with the Powers and Authorities, and under the Regulations therein-after expressed and contained; and it was further enacted, that it should be lawful for the said Commissioners for executing the said now reciting Act, and they were thereby required, to set out, make, and complete a new Cut or Channel for the Passage of the Waters of the said *Wisbech* River to the Sea, the said new Cut or Channel to join the Cut called *Kinderley's Cut* at the North or Lower End thereof, and to extend therefrom unto or near unto a certain Place called *Crab Hole*, lying in the Estuary or Bay called *Sutton Wash*, and to be in the Direction therein-after mentioned, and also to make and complete proper and sufficient Banks and Forelands along the said new Cut, and such Drains, Sluices, Tunnels, and other Works as are therein mentioned; and it was further enacted, that the Costs, Charges and Expences of making, executing, and completing the said new Cut or Channel, and the Banks and Works thereby authorized to be made (over and beyond

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several Sums of Money therein mentioned and specified to be raised and contributed by several Parties contributing to the said Costs, Charges, and Expences), and the Costs, Charges, and Expences of maintaining, preserving, and repairing the said new Cut or Channel, Banks, and Works, and the said *Kinderley's Cut*, and the Banks and Works thereto belonging, should from Time to Time be paid, satisfied, and discharged by the said Commissioners for executing the said now reciting Act from and out of the several Rates, Taxes, Sums of Money, and Funds therein-after provided, directed, and authorized to be raised and received by the said Commissioners for the Purposes of the said now reciting Act, but so nevertheless that the Sum of Forty-eight thousand Pounds only should be the actual Proportion of the said Costs, Charges, and Expences which should be eventually defrayed and borne by the said Commissioners, and that the remaining Part thereof over and beyond the said Forty-eight thousand Pounds should be liable to be repaid to the said Commissioners in the Manner therein-after provided; and after providing for the raising of the said Sum of Forty-eight thousand Pounds, as therein mentioned, it was further enacted, that it should be lawful for the said Commissioners for executing the said now reciting Act and they were thereby required from Time to Time yearly to assess, rate, tax, and charge all and singular the Lands and Grounds within the said Five several Districts or Divisions into which the said North Level and *Portsand* otherwise *Great Portsand* were divided as aforesaid (except as therein mentioned), with such yearly or other equal Acre Rates or Taxes as should be necessary and sufficient for raising, defraying, and paying from Time to Time the remaining Costs, Charges, and Expences of making, executing, and completing the said new Cut or Channel and other Works thereby authorized to be made, as therein mentioned, and for the several other Purposes therein expressed; and it was thereby further enacted, that it should be lawful for the said Commissioners for executing the said now reciting Act either to provide and raise any Part or Parts of the said Sum of Forty-eight thousand Pounds, or of the said remaining Costs, Charges, and Expences, by borrowing or taking up any Principal Sum or Sums of Money at Interest upon any Mortgage or Mortgages of the yearly Rates, Taxes, and Sums of Money to be assessed, rated, taxed, and charged by the said Commissioners as therein mentioned, or by selling or granting any Annuity or Annuities to be payable out of the said last-mentioned yearly Rates, Taxes, and Sums of Money during the Life of any One or more Person or Persons, or by both of the said Means, in the Manner in the said now reciting Act expressed; and by the said now reciting Act, as well the Entirety of the old inclosed Marsh Farm and Lands vested or claimed to be vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level* under and by virtue of the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and in a certain Plan designated as the *Bedford Level Corporation Marsh Farm*, as also the Residue (not therein-before vested or declared to be vested in His Majesty or any other Party or Parties) of and in all and singular the several open Grass and Samphire Marshes, Bare Sands, Channel, and Lands lying between the open Marsh Lands of *Richard Oldroyd* on the South Side of the Dam made under the

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Authority of the said last-mentioned Act towards the South, and the Northern Boundary Line drawn from *Terrington Marsh Corner* to *Skate's Corner* towards the North, and between the several inclosed Marsh Lands in *Walpole* and *Terrington* towards the East, and the several inclosed Marsh Lands in *Tid Saint Mary's* and *Long Sutton* otherwise *Sutton Saint Mary's* towards the West, as the same are marked and designated on the said Plan, were absolutely vested in the said Commissioners for executing the said now reciting Act and their Successors for ever, as Freehold of Inheritance in Severalty, for the several Purposes of the same Act, but subject to the Costs and Expences of taking in and embanking all the said open Grass and Samphire Marshes, Sands, Channel, and Lands, as well such Parts thereof as were thereby vested in the said last-mentioned Commissioners as aforesaid as also such Parts thereof as were thereby vested in His Majesty and the said several other Parties respectively as therein aforesaid, when and as from Time to Time it should be practicable and proper to take in and embank the same Marshes, Sands, Channel, and Lands respectively, or any Part or Parts thereof, as therein-after mentioned (such Parts of the said last-mentioned Costs and Expences as were therein-after directed to be otherwise paid or provided for only excepted): And whereas another Act was passed in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers granted by an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, for improving the Outfall of the River* Nene, *and the Drainage of the Lands discharging their Waters into the* Wisbech *River, and the Navigation of the said* Wisbech *River from the upper End of* Kinderley's Cut *to the Sea, and for embanking the Salt Marshes and Bare Sands lying between the said Cut and the Sea,* whereby (amongst other Things) the said Commissioners of the *Nene Outfall* were authorized and required to execute and perform certain other Works therein mentioned, and to raise certain other Monies for the Purposes therein expressed: And whereas another Act was passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Drainage of the Lands lying in the North Level, Part of the Great Level of the Fens called* Bedford Level, *and in* Great Portsand *in the Manor of* Crowland, *and for providing a Navigation between* Clow's Cross *and the* Nene Outfall Cut, whereby it was (amongst other Things) enacted, that all the Taxes, Rents, and Revenues then respectively arising and payable, and thereafter to arise and become payable to the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level of the Fens called *Bedford Level,* or to the said Governor, Bailiffs, and Conservators, by, from, or out of the said North Level, or by, from, or out of the said North Level and *Great Portsand* respectively, under the Authority of the said Acts passed in the Fifteenth Year of the Reign of His said late Majesty King *Charles* the Second, and certain other Acts in the said now reciting Act mentioned, should thenceforth be applied and disposed of by the said Governor, Bailiffs, and Conservators, and their Successors, in and about the several Banks and Works of the said North Level and *Great Portsand* therein-after mentioned; and it was thereby further enacted, that the several Persons for the Time being respectively nominated, appointed, elected,

10 G. 4. c. 104.

11 G. 4. c. 53.

elected, and chosen, and duly qualified and authorized to act as Commissioners under the said Act of the Twenty-seventh Year of the Reign of His said late Majesty King *George* the Second, should be and they were thereby appointed Commissioners for executing as well that Act as also the now reciting Act, by the Name and Designation of "The North Level Commissioners:" And whereas another Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King* George *the Fourth, intituled 'An Act for improving the Drainage of the Lands lying in the North Level, Part of the Great Level of the Fens* called Bedford Level, *and in* Great Portsand *in the Manor of* Crowland, *and for providing a Navigation between* Clow's Cross *and the* Nene Outfall Cut:" And whereas another Act was passed in the Third Year of the Reign of His said present Majesty, intituled *An Act for altering and amending several Acts passed for the Drainage and Improvement of the Lands lying in the North Level, Part of the Great Level of the Fens called* Bedford Level, *and in* Great Portsand *in the Manor of* Crowland, *and for providing additional Funds for such Drainage and Improvement by the* Nene Outfall Cut *to Sea*, whereby, after reciting (amongst other Things) that the said Commissioners of the *Nene Outfall*, in executing the said *Nene Outfall Cut* and the Works connected therewith, had incurred Debts to the Amount of Twenty-five thousand Pounds and upwards, and that it was desirable that the said North Level Commissioners should be enabled to raise for the Benefit of the said Commissioners of the *Nene Outfall* the said Sum of Twenty-five thousand Pounds upon the Credit of the several Taxes, Rents, and Revenues of the said North Level and *Great Portsand*, arising and payable to the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said *Bedford Level*, or to the said Governor, Bailiffs, and Conservators, and then rendered available for such Purpose by the Operation of the said *Nene Outfall Cut* and Works as thereinbefore mentioned, it was (amongst other Things) enacted, that it should be lawful for the said North Level Commissioners, and the were thereby authorized and empowered, at any of their Meetings to be held pursuant to the said recited Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth, (Forty at least of the said Commissioners being there present,) to borrow and take up, or to order and direct to be borrowed and taken up, at Interest, the Principal Sum of Twenty-five thousand Pounds, or any Part or Parts thereof, upon Mortgage of all or any of the said several Taxes, Rents, and Revenues so respectively arising and payable, or from Time to Time to arise and become payable to the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or to the said Governor, Bailiffs, and Conservators, by, from, and out of the said North Level, or by, from, and out of the said North Level and *Great Portsand* respectively, under the Authority of the said Act of the Fifteenth Year of the Reign of His said late Majesty King *Charles* the Second and other the Acts in the said now reciting Act mentioned; and it was by the said now reciting Act further enacted, that the several then existing Bond Creditors of the said Governor, Bailiffs, and Commonalty, and of the said Governor, Bailiffs,

1 W. 4. c. 27.

3 W. 4. c. 72.

and Conservators respectively, under the Authority of a certain Act passed in the Twenty-ninth Year of the Reign of His said late Majesty King *George* the Second, and the said Act of the Eleventh Year of the Reign of His said late Majesty King *George* the Third, and a certain other Act of the Thirty-sixth Year of the same Reign, for several Sums amounting together to the Sum of Seven thousand three hundred Pounds, as therein-before mentioned, and all Bond Creditors to be substituted in their Place under the Authority in the now reciting Act contained, should respectively, in respect of their said respective existing Bond Debts, and any Bond Debts to be substituted in lieu thereof as therein-after mentioned, to the Amount of and not exceeding the Principal Sum of Seven thousand three hundred Pounds in the whole, be preferred to and take Priority over all and every or any Mortgage Security or Securities to be made in pursuance of the now reciting Act as aforesaid, and to and over all and every or any Mortgagee or Mortgagees, or their respective Successors, Executors, Administrators, or Assigns, claiming under or by virtue of any such Mortgage Security as last aforesaid; and it was by the said now reciting Act further enacted, that it should be lawful for the said Commissioners of the *Nene Outfall*, and they were thereby authorized and empowered, if they should think proper (but not otherwise), at any of their Meetings, from Time to Time to order and direct the Payment over to the said North Level Commissioners, in aid of the Purposes of the said recited Acts respectively passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First Year of the Reign of His present Majesty, or any of them, but without Prejudice to any of the then existing Securities thereon, all and every or any Sum or Sums of Money which should be in any Year or Years remaining unapplied in the Hands of the Treasurer or Treasurers of the said Commissioners of the *Nene Outfall*, and should not be required in such Year or Years for the Purposes of the said recited Acts respectively passed in the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, or any of them; and that it should be lawful for the said North Level Commissioners and they were thereby authorized and empowered, if they should think proper (but not otherwise), at any of their Meetings from Time to Time to order and direct the Payment over to the said Commissioners of the *Nene Outfall*, in aid of the Purposes of the said recited Acts respectively passed in the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, or any of them, but without Prejudice to any of their existing Securities thereon, all and every or any Sum or Sums of Money which should be in any Year or Years remaining unapplied in the Hands of the Treasurer or Treasurers of the said North Level Commissioners, and should not be required in such Year or Years for the Purposes of the said recited Acts respectively passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First Year of the Reign of His present Majesty, or any of them; and it was thereby also further enacted, that it should be lawful for the said Commissioners of the *Nene Outfall* and the said North Level Commissioners respectively to require the Repayment, without Interest, of any Sum or Sums of Money so by them advanced

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to each other as last aforesaid, and such Commissioners respectively were thereby required to repay such Sum or Sums of Money, without Interest, out of any disposable Monies or Funds under the Direction or Management of them respectively, but without Prejudice to any Securities or Works to which such Monies or Funds might be respectively applicable: And whereas the said North Level Commissioners, in pursuance of the Power and under the Authority in that Behalf contained in the said last-recited Act, did borrow from Sir *Edward Banks* Knight, lately deceased, the Sum of Twenty-five thousand Pounds, for the Use and Benefit of the said Commissioners of the *Nene Outfall*, and did advance and pay the same Sum to the same Commissioners accordingly, and the said Commissioners of the *Nene Outfall* have since repaid to the said North Level Commissioners Part of the said Sum of Twenty-five thousand Pounds; and it is considered expedient, with a view to the raising of the Monies to be raised by the said Commissioners of the *Nene Outfall* as herein-after mentioned, that they should repay to the said North Level Commissioners the Remainder of the said Sum of Twenty-five thousand Pounds, and that the said North Level Commissioners should wholly pay off and discharge the said Sum of Twenty-five thousand Pounds to the Executors of or Persons claiming under the said Sir *Edward Banks* deceased, and that the said Commissioners of the *Nene Outfall* should also pay to the several Persons for the Time being entitled to the same the said several Sums amounting to Seven thousand three hundred Pounds, and that the Securities for the same several Sums of Twenty-five thousand Pounds and Seven thousand three hundred Pounds should be cancelled or otherwise released and discharged, and that the said Power contained in the said last-recited Act, of borrowing the said Sum of Twenty-five thousand Pounds, and the said other Sums amounting together to Seven thousand three hundred Pounds, should be repealed: And whereas the said Commissioners of the *Nene Outfall*, in pursuance of the Powers given to them by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, have proceeded to execute the several Works which by the same Acts they were directed and authorized to execute, and such Works are for the most part completed; and the said North Level Commissioners, in pursuance of the Powers given to them by the said recited Acts of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First and Third Years of the Reign of His said present Majesty, have made, executed, and completed the several Works which by the said last-mentioned Acts respectively they were directed and authorized to make and execute: And whereas the said Commissioners of the *Nene Outfall*, in executing the said *Nene Outfall Cut* and the Works connected therewith, have incurred Debts to the Amount of Ninety-one thousand Pounds, now remaining unpaid, (exclusive of the said Sum of Twenty-five thousand Pounds advanced to them by the said North Level Commissioners, and now also in part remaining unpaid,) Part of which Debts, amounting to Ninety-one thousand Pounds, are charged on or may affect the Taxes, Marsh Farm, Marshes, Sands, Channel, and Lands by the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth authorized

rized to be raised by and vested in the said Commissioners of the said *Nene Outfall* as aforesaid: And whereas the said North Level Commissioners, in executing the North Level Main Drain and the Works connected therewith, have borrowed and taken up at Interest, under the Authority of the said recited Act of the First Year of the Reign of His present Majesty, several Sums of Money to the Amount of One hundred and twenty thousand Pounds in the whole, upon the Security of the Taxes of Three Shillings *per* Acre and One Shilling *per* Acre authorized to be raised by the said recited Acts of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First Year of the Reign of His said present Majesty; and the said North Level Commissioners in executing their said Works have likewise incurred further Debts (exclusive of the said Sums of Twenty-five thousand Pounds and Seven thousand three hundred Pounds) to the Amount of Twenty-nine thousand seven hundred Pounds and upwards, and which said Three last-mentioned Sums, amounting together to the Sum of Sixty-two thousand Pounds and upwards, now remain unpaid and owing by the said North Level Commissioners: And whereas by means of the said *Nene Outfall Cut* the Lands of the said North Level and *Great Portsand* are not only better drained and secured against Floods than heretofore, but the Expence of maintaining the Banks and Works necessary for those Purposes will be greatly diminished; and the said *Nene Outfall Cut*, being the Outlet of Discharge for the Waters of the said North Level and *Great Portsand*, is identified with and has become an integral Part of the Works of the said North Level and *Great Portsand*, and it is therefore proper that the Funds of the one should be rendered aiding and assisting to the Funds of the other: And whereas it is expedient that the said Commissioners of the *Nene Outfall* should be empowered to borrow Monies to enable them to discharge their said Debts and the Debts so incurred by the said North Level Commissioners, over and above the said Sum of One hundred and twenty thousand Pounds borrowed by the said last-mentioned Commissioners as aforesaid; and it would greatly facilitate the raising of the Monies for discharging the said Debts, and for carrying the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth into execution, upon more favourable Terms, if the Power vested in the said Commissioners of the *Nene Outfall* by the said Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, of borrowing Monies upon Mortgage or by the Sale of Annuities upon the Credit of the Taxes by the said Two lastly mentioned Acts authorized to be levied and raised, were limited to the raising of a fixed Sum of Money as herein-after mentioned by Mortgage only, and if a Sum were annually appropriated by way of a Sinking Fund for the Repayment of the Principal Money to be so raised: And whereas it is desirable that the said Commissioners of the *Nene Outfall* acting in execution of the said recited Acts respectively passed in the Seventh and Eighth Years and in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, and the said North Level Commissioners acting in execution of the said recited Acts respectively passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth, and in the First

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and Third Years of the Reign of His said present Majesty, should be enabled from Time to Time mutually to pay over each to the other, in aid of their respective Funds, for the Purposes of their said respective Acts and of this Act, any surplus Funds from Time to Time remaining unapplied in their respective Hands, or under the Direction or Control of them respectively: But inasmuch as the several Objects aforesaid cannot be effected without the Aid of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That (notwithstanding any thing contained in the said recited Act of the Seventh and Eighth Years and of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, or either of them, to the contrary) it shall be lawful for the said Commissioners of the *Nene Outfall* and they are hereby authorized and empowered, at any of their Meetings to be held pursuant to the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth (Forty at least of the said Commissioners being then and there present), to borrow and take up, or to order and direct to be borrowed and taken up, at Interest, any Principal Sum or Sums of Money not exceeding in the whole the Sum of One hundred and sixty thousand Pounds, for the Purposes of the said Two last-mentioned Acts and of this Act, and in pursuance or by virtue of any such Order and Direction to make and execute One or more Mortgage or Mortgages under their Common Seal of all or any Part or Parts of the yearly Taxes now or hereafter to be assessed, taxed, or charged upon or made payable out of the several Lands and Grounds lying within the Boundaries of the said North Level and *Portsand* otherwise *Great Portsand*, by or under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, and which may be assessed under the Authority of this Act, and of all or any Part or Parts of the Marsh Farm, Marshes, Sands, Channel, and Lands by the said recited Acts of the Seventh and Eighth Years and of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth respectively vested in them the said Commissioners of the *Nene Outfall*, or hereafter to be vested in them by Purchase or otherwise by virtue of any of the Powers or Provisions of the same Acts (except the unembanked Marshes and Sands as herein-after mentioned), or by either of such Means, for securing the Repayment of the several Sums so to be borrowed and taken up at Interest, with Interest for the same in manner herein-after mentioned.

Power for Nene Outfall Commissioners to raise 160,000*l.* by Mortgage.

II. And be it further enacted, That notwithstanding any thing in the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth contained, it shall not be lawful for the said Commissioners of the *Nene Outfall* to raise any Sum or Sums of Money by way of Annuity or otherwise, except by Mortgage as aforesaid, on the Credit of the said Taxes, Marsh Farm, Marshes, Sands, Channel, and

Commissioners not to raise Money by Annuity or otherwise, except by Mortgage as last aforesaid.

and Lands by the said Acts authorized to be raised and vested in the said last-mentioned Commissioners as aforesaid.

Commissioners not to be disabled from borrowing Money on the unembanked Marshes.

III. Provided always, and be it further enacted, That nothing in this Act contained shall disable the said Commissioners of the *Nene Outfall* from raising any further Sum or Sums of Money over and above the said Sum of One hundred and sixty thousand Pounds, which may be required for defraying the Costs and Charges of making, completing, and maintaining the said *Nene Outfall Cut*, and the several Works by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth authorized to be made, or any of them, upon any Mortgage or Mortgages of such Part or Parts of the Marshes, Sands, Channel, and Lands by the said last-mentioned Acts respectively vested in such Commissioners as are now unembanked from the Sea, whether such Mortgage or Mortgages shall be made before or after the Embankment of the same Marshes, Sands, Channel, and Lands, or any of them.

Provision for discharging the 25,000*l.* borrowed under, the Act of 3 W. 4., and the 7300*l.* Bond Debts therein mentioned; and a Repeal of the Power thereby given for raising the same Sums.

IV. And be it further enacted, That the said Commissioners of the *Nene Outfall* shall and they are hereby required, within Six Calendar Months from and after the passing of this Act, with and out of the Monies not exceeding the said Sum of One hundred and sixty thousand Pounds to be borrowed by them as aforesaid, to repay unto the said North Level Commissioners so much of the said Sum of Twenty-five thousand Pounds herein-before mentioned to have been advanced by the said last-mentioned Commissioners to the said Commissioners of the *Nene Outfall* as now remains due and owing from the said Commissioners; and that the said North Level Commissioners shall thereupon forthwith wholly pay off and discharge to the Executors of or Persons claiming under the said Sir *Edward Banks* deceased the said Twenty-five thousand Pounds, and all Interest which may be then due in respect thereof; and also that the said Commissioners of the *Nene Outfall* shall and they are hereby required, within the said Space of Six Calendar Months, with and out of the Monies not exceeding the said Sum of One hundred and sixty thousand Pounds to be borrowed by them as aforesaid, to pay to the several Persons who for the Time being shall be entitled to the same the said several Sums, amounting together to Seven thousand three hundred Pounds, owing by the said North Level Commissioners as aforesaid; and thereupon the several Securities for the said Sum of Twenty-five thousand Pounds, and for the said Sums amounting to Seven thousand three hundred Pounds, shall be cancelled or otherwise released and discharged; and upon such several Payments being made, and such Securities being cancelled or otherwise released and discharged, so much of the said recited Act of the Third Year of the Reign of His said present Majesty as authorizes the borrowing by the said North Level Commissioners of the Sum of Twenty-five thousand Pounds for the Benefit of the said Commissioners of the *Nene Outfall*, and for borrowing the said Sums amounting to Seven thousand three hundred Pounds, shall be and the same is hereby repealed.

V. And

Application of the yearly Taxes raisable under the 7 & 8 G. 4., and of the Rents of the Marsh Farm, &c. for Payment of Interest on the Monies to be raised by Mortgage for providing an annual Sum for a Sinking Fund and another annual Sum for maintaining Works.

V. And be it further enacted, That notwithstanding any thing in the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth contained to the contrary, but without Prejudice to any Stipulations or Provisions to be contained in any Mortgage or Mortgages to be made as next herein-after mentioned, the yearly Taxes by the said first-mentioned Act and this Act authorized and required to be assessed and charged, and the clear yearly Rents and Profits of the aforesaid Marsh Farm, open Marshes, Sands, Channel, and Lands (except the said unembanked Marshes, Sands, Channel, and Lands herein-before mentioned), shall from Time to Time be applied, by or under the Authority of the said Commissioners of the *Nene Outfall*, in the Manner following; (that is to say,) in the first place, in paying the yearly Interest of any Principal Sum or Sums of Money to be borrowed on any Mortgage or Mortgages under the Authority of the said Acts of the Seventh and Eighth Years and of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and of this Act, not exceeding in the whole the Sum of One hundred and sixty thousand Pounds, to be due and owing on such Mortgage or Mortgages at one and the same Time; and in the next place, in appropriating the Sum of Seven hundred Pounds Sterling as a Sinking Fund in every Year, by equal half-yearly Payments, until the whole of such Principal Sum or Sums shall be paid off and discharged, to be from Time to Time applied in, for, and towards the Discharge of any Principal Sum or Sums of Money which shall from Time to Time be due or owing on any such Mortgage or Mortgages as last aforesaid; or otherwise, at the Option of the Mortgagee or Mortgagees for the Time being, to be invested in the Names or Name of the Trustees or Trustee to be appointed in the Manner and for the Purposes herein-after mentioned, the first of such half-yearly Payments or Investments to be made on the First Day of *January* which will be in the Year One thousand eight hundred and thirty-seven, or within Six Calendar Months afterwards, if the said Sum of One hundred and sixty thousand Pounds or any Part thereof shall then have been borrowed upon any such Mortgage or Mortgages as aforesaid, but if no Part of the same Sum shall have been then so borrowed, then the first of such half-yearly Payments or Investments to be made at the End of Six Calendar Months next after the Date of the first Mortgage which shall be made under the Authority of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and of this Act, and which several Payments and Investments are to be made and applied in the Manner herein-after expressed; and in the next place, in appropriating the yearly Sum of One thousand Pounds Sterling in every Year, by equal half-yearly Payments, to be from Time to Time applied by or under the Direction of the said Commissioners of the *Nene Outfall*, either in the respective Years of the Appropriation thereof or in any other Year or Years, as they the said Commissioners shall see Occasion, in, for, or towards the making, maintaining, and supporting the several Works by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth authorized to be made, executed, and maintained, and in, for, and towards discharging the several Expences

pences incident thereto, and of carrying the same Acts and this Act into execution; the first of such last-mentioned half-yearly Payments to be made on the said First Day of *January* which will be in the Year One thousand eight hundred and thirty-seven; and in the next place, and after answering the several Purposes aforesaid, the Surplus of the said Taxes and of the said clear yearly Rents and Profits shall be applied in, for, or towards the several other Purposes in, for, or towards which the same are by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth from Time to Time made available or applicable.

Commissioners to assess Taxes sufficient, with the Rents of the Marsh Farm, &c. to pay Interest of the Money to be raised on Mortgage, and the annual Sums for the SinkingFund and maintaining Works.

VI. And be it further enacted, That the said Commissioners of the *Nene Outfall* shall and they are hereby required, from Time to Time, in exercise of the Powers and Authorities given to or vested in them by the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, to assess, rate, tax, and charge all such Lands and Grounds lying within the said North Level and *Great Portsand* as by the same Act are made taxable by such Commissioners by and with such yearly or other equal Acre Rates or Taxes as shall be necessary and sufficient, together with the clear yearly Rents and Profits of the aforesaid Marsh Farm, open Marshes, Sands, Channel, and Lands (except as herein-before is excepted) for the Time being remaining unsold, to raise and pay the Interest of such Sum or Sums of Money to be borrowed on Mortgage as aforesaid, and the said yearly Sums of Seven hundred Pounds and One thousand Pounds for a Sinking Fund, and for making maintaining, and supporting Works as aforesaid, and the said other Monies herein-after directed to be invested as an additional Sinking Fund as aforesaid: Provided always, that all such Assessments, Rates, Taxes, and Charges shall be considered as made under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, so as to be attended with and subject to all such Penalties, Powers, Privileges, and Remedies, on Nonpayment of and for recovering, collecting, and receiving the same, and to such Regulations and Provisions as between or relating to Landlords, Lessees, and Tenants, and Persons having limited Interests in the Lands and Grounds charged with such Taxes, as in and by the said last-mentioned Act are given and contained respecting the yearly Assessments, Rates, Taxes, and Charges thereby authorized and required to be charged or imposed, and as if all and singular the same Penalties, Powers, Privileges, Remedies, Regulations, and Provisions were fully set forth and re-enacted in this Act.

Application of the Rents and Profits of the unembanked Marshes and Sands until the Sale thereof.

VII. And be it further enacted, That the clear yearly Rents and Profits of the unembanked Marshes, Sands, Channel, and Lands herein-before mentioned shall from Time to Time, until the Sale thereof, be applied, by or under the Authority of the said Commissioners of the *Nene Outfall*, in the Manner following; (that is to say,) in or towards Payment of the Costs, Charges, and Expences of the Embankment of such Marshes, Sands, Channel, and Lands from the Sea, and of otherwise carrying the said recited Acts of the Seventh and Eighth Years and of the Tenth Year of the Reign of His late Majesty

Majesty King *George* the Fourth into execution, and in or towards Payment of any Principal Money which may be borrowed by Mortgage or otherwise on the Credit of such Marshes, Sands, Channel, and Lands, and of the Interest thereof, but so that this present Clause or Enactment shall not in anywise prejudice or affect the Power given by the said Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth of selling, mortgaging, and charging the said unembanked Marshes, Sands, Channel, and Lands.

Interest on the Principal Monies paid off to be invested from the Taxes as an additional Sinking Fund.

VIII. Provided always, and be it further enacted, That from Time to Time and at all Times hereafter, when and so often as any Principal Sum or Sums of Money which shall be secured by any Mortgage or Mortgages to be made by the said Commissioners of the *Nene Outfall* as aforesaid shall have been paid off and discharged by or out of the said yearly Sum of Seven hundred Pounds Sinking Fund herein-before directed to be provided and applied for that Purpose, or by or out of the additional yearly Sinking Fund hereby also directed to be provided and applied for that Purpose as herein-after mentioned, and so long thereafter as any Principal Sum or Sums of Money shall remain due or owing upon any such last-mentioned Mortgage or Mortgages as aforesaid, such a yearly Sum, not exceeding in Amount the yearly Interest at the Rate of Four Pounds *per Centum per Annum* for or in respect of the Principal Sum or Sums of Money so paid off and discharged by means of the said yearly Sinking Funds as aforesaid as shall from Time to Time be agreed upon by and between the Mortgagee, or the major Part in Value of the Mortgagees (if more than One) for the Time being, and the said Commissioners of the *Nene Outfall* (the Agreement of the said Commissioners to be testified by an Order made at one of their Meetings, and signed by the Chairman of such Meeting), or in case no such Agreement shall be made and in force then such a yearly Sum as shall be equal in Amount to the yearly Interest at the Rate of Four Pounds *per Centum per Annum* for or in respect of the Principal Sum or Sums of Money so paid off and discharged by means of the said yearly Sinking Funds as aforesaid shall from Time to Time, before the Appropriation of the said yearly Sum of One thousand Pounds for maintaining Works as aforesaid, be invested by the said Commissioners of the *Nene Outfall*, by equal half-yearly Payments in every Year, in the Names or Name of the Trustees or Trustee for the Time being to be appointed as herein-after mentioned, for the Purpose of forming thereby an additional Sinking Fund, to be applied in aid of the said yearly Sum of Seven hundred Pounds Sinking Fund in the Manner herein-after expressed, which said yearly additional Sinking Fund shall be payable out of the said Taxes, Rents, Profits, and Revenues (except the Rents and Profits of the said unembanked Marshes, Sands, Channel, and Lands) in the same Manner as the Interest on any existing Mortgage or Mortgages would or will be payable as aforesaid, yet so nevertheless that such yearly additional Sinking Fund be not so invested as aforesaid for or in respect of any greater Amount of Principal Monies so paid off and discharged as aforesaid than what would, together with the Amount of the Principal Monies for the Time being remaining due or owing on any existing Mortgage

or Mortgages, make up the largest Amount of the Principal Monies which shall have been due or owing upon any such Mortgage or all such Mortgages as aforesaid at any One Time, or than what would, together with the Amount of the Principal Monies for the Time being remaining due or owing on any such Mortgage or Mortgages then existing, make up the Principal Sum of One hundred and sixty thousand Pounds in the whole.

Power for the Mortgagees to assess Taxes sufficient for the Purposes of this Act, if the Commissioners neglect to do so.

IX. Provided always, and be it further enacted, That if the said Commissioners of the *Nene Outfall* shall not from Time to Time well and effectually assess, rate, tax, and charge all such Lands and Grounds lying within the said North Level and *Great Portsand* as by the said Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth and this Act are made taxable by such Commissioners by and with such yearly and other equal Acre Rates or Taxes as shall be necessary and sufficient, together with the clear yearly Rents and Profits of the said Marsh Farm, open Marshes, Lands, Channel, and Sands (except as herein-before is excepted) for the Time being remaining unsold, to raise and pay the Interest of such Sum or Sums of Money to be borrowed on Mortgage as aforesaid, and the said yearly Sums of Seven hundred Pounds and One thousand Pounds for a Sinking Fund, and for maintaing and supporting Works as aforesaid, and the said other Monies herein-before directed to be invested as an additional Sinking Fund as aforesaid, then and in such Case it shall be lawful for the Mortgagee for the Time being for the said Sum of One hundred and sixty thousand Pounds, or of so much thereof as shall be raised and shall at the Time be due and owing, or the Majority of such Mortgagees (if more than One), by any Writing under his or their Hand or Hands, or their Common Seal, to assess, rate, tax, and charge, to the Extent herein-after mentioned, all and singular the Lands and Grounds lying with the said North Level and *Great Portsand* which the said Commissioners of the *Nene Outfall* are authorized to assess, rate, tax, and charge by the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth and this Act, as fully and effectually as such Commissioners are by such Acts authorized to assess, rate, tax, and charge the same Lands and Grounds; which Rates, Taxes, and Charges (if any) so to be assessed, rated, taxed, and charged by such Mortgagee or Mortgagees as aforesaid shall be paid in like Manner and be attended with and subject to the like Penalties, Powers, Privileges, and Remedies, and to such Regulations and Provisions as in the said lastly mentioned Act and this Act are given, contained, or referred to in reference to the yearly Rates, Taxes, and Charges thereby authorized to be imposed by the said Commissioners of the *Nene Outfall:* Provided also, that the Rates and Taxes so herein-before eventually authorized to be assessed, rated, taxed, and charged by such Mortgagee or Mortgagees as aforesaid shall be so much or to such Extent only as shall be sufficient to pay and make good the Interest on the Sum or Sums of Money, not exceeding in the whole the said Sum of One hundred and sixty thousand Pounds, which shall have been so raised by Mortgage as aforesaid, and shall at the Time be due and owing, and the said annual Sums to be applied for such Sinking Funds,

Funds, and for maintaining Works as aforesaid, or so much of such Interest and several Sums respectively as shall not be otherwise paid, together with all Costs, Charges, and Expences attending or incident to the assessing, levying, raising, recovering, and receiving the said Rates and Taxes.

The Treasurer of the Commissioners to pay and apply the Taxes and Rents in the Manner herein-before directed, and in default thereof the same to vest in the Mortgagees.

X. And be it further enacted, That the Treasurer for the Time being of the said Commissioners of the *Nene Outfall*, or in case of his Default then any Collector of the said Commissioners, after receiving Notice in that Behalf from any Mortgagee or Mortgagees for the Time being entitled to any Principal Monies to be so borrowed as aforesaid (and of which Default by the said Treasurer the Notice to be so given to any such Collector shall be sufficient Evidence), shall and he is hereby authorized and required to pay, appropriate, and apply the yearly Taxes which for the Time being shall be assessed, rated, taxed, or charged by virtue of or under the said Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth and this Act, or either of them, and the clear Rents and Profits of the said Marsh Farm, open Marshes, Sands, Channel, and Lands (except the said unembanked Marshes, Sands, Channel, and Lands herein-before mentioned and excepted), or so much of such Taxes and Rents and Profits as may be necessary for the Purposes to which the same are respectively made applicable as aforesaid, in the Manner herein-before by this Act directed; and in default of such Payment, Appropriation, and Application by the said Treasurer or Collector, pursuant to such Notice as aforesaid, then and in any such Case the said yearly Taxes and the said clear yearly Rents and Profits shall thereupon from Time to Time vest in the Mortgagee or Mortgagees to whom such Mortgage or Mortgages shall have been respectively made as aforesaid, or his, her, or their respective Successors, Executors, Administrators, or Assigns; and such Mortgagee or Mortgagees, or any Person or Persons to be from Time to Time in Writing appointed for that Purpose by such Mortgagee, or the Majority in Value of such Mortgagees (if more than One) for the Time being, shall and may from Time to Time, when and as the same yearly Taxes and clear yearly Rents and Profits shall be so vested in such Mortgagee or Mortgagees as aforesaid, have and exercise such and the same Powers, Privileges, and Remedies for recovering, collecting, and receiving, and giving Receipts and Discharges for the same Taxes and Rents and Profits, as the said Commissioners or their Treasurer or Collector would have had or could or might have exercised in case no such Default had been made as aforesaid.

Application of the yearly Taxes when vested in the Mortgagees.

XI. And be it further enacted, That the Mortgagee or Mortgagees in whom the said Taxes and clear yearly Rents and Profits shall so become vested as herein-before mentioned, or the Person or Persons to be from Time to Time appointed by him, her, or them, as lastly herein-before mentioned, shall and do appropriate and apply the same yearly Taxes, Rents, and Profits in manner herein-after mentioned; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences attending or occasioned by the levying, raising, recovering, and receiving the said Taxes and Rents and Profits, and

executing

executing the Trusts herein declared thereof; and in the next place, in Payment of the yearly Interest of the Principal Monies which shall be due on any Mortgage or Mortgages to be made under the Authority of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and of this Act, or any of them, as herein-before mentioned, or so much of such Interest as shall for the Time being be due and unpaid; and in the next place, in the Payment of the said yearly Sum of Seven hundred Pounds in or towards the Discharge of any such Principal Monies as aforesaid, or in the Investment of the same as a Sinking Fund as aforesaid in the Names or Name of the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act in that Behalf, and also in the Investment in like Manner of the Monies herein-before directed to be yearly from Time to Time invested as an additional Sinking Fund, in order that such last-mentioned Monies may from Time to Time accumulate with the said yearly Sum of Seven hundred Pounds at Compound Interest by way of a general Sinking Fund to be applied for the Purposes herein-after declared thereof; and the Surplus (if any there shall be) of the said yearly Taxes and Rents and Profits which shall remain in the Hands of such Mortgagee or Mortgagees as aforesaid, or of any Person or Persons who shall have been appointed by or on behalf of such Mortgagee or Mortgagees for recovering, collecting, and receiving the same as herein-before mentioned, shall be paid to the Treasurer for the Time being acting for or on behalf of the said Commissioners of the *Nene Outfall;* and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge for the same, or for so much thereof as in such Receipt or Receipts shall be expressed to be received; and such Surplus shall be paid and applied by such Treasurer according to the Directions herein contained for the Application of the said yearly Taxes and clear yearly Rents and Profits respectively, after such Payment of the said Interest, and such Payment or Investment of the said yearly Sum of Seven hundred Pounds by way of a Sinking Fund as aforesaid, and such Investment of the said other Monies by way of an additional Sinking Fund as aforesaid.

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

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

When the Interest, &c. are paid, the yearly Taxes and Rents to become

XIII. Provided always, and be it further enacted, That if the said yearly Taxes and Rents and Profits shall at any Time become vested in such Mortgagee or Mortgagees as aforesaid, then from Time to Time, when all Arrears of Interest upon the Principal Monies which shall

shall be due or owing to any such Mortgagee or Morgagees as aforesaid shall have been fully paid or satisfied to such Mortgagee or Mortgagees, and when no Part of the said yearly Sum of Seven hundred Pounds, or of the said other Monies to be invested as an additional Sinking Fund as aforesaid, shall remain in arrear and uninvested in manner herein directed, and when all Damages, Costs, and Charges which shall have been occasioned by any such Default of such Treasurer or Collector of the said Commissioners in the Payment of any Interest or in making any Payment or Investment of the said yearly Sum or other Monies as aforesaid shall have been fully paid or satisfied, then and immediately thereupon the said yearly Taxes and Rents and Profits shall become revested in and payable to the said Commissioners of the *Nene Outfall*, in such Manner, with such Powers, and be applicable to and for such Purposes, and subject again to become divested from them and vested in such Mortgagee or Mortgagees as aforesaid, in the like Manner and for the like Purposes in all respects as if the same yearly Taxes and Rents and Profits had not before become vested in such Mortgagee or Mortgagees.

revested in the Commissioners.

XIV. And be it further enacted, That within Six Calendar Months next after the first Mortgage shall have been made by the said Commissioners of the *Nene Outfall* under or by virtue of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and this Act, or any of them, the said Commissioners shall and do, at some One of their Meetings to be held under the Authority of the same Acts or any of them, elect, and by Writing under their Common Seal appoint, Two fit and proper Persons to be Trustees on the Part or Behalf of the said Commissioners of the said annual Sum of Seven hundred Pounds, and other Monies so herein-before authorized or directed to be paid, invested, and accumulated as and by way of a Sinking Fund, for the Repayment of the Monies to be borrowed by Mortgage, pursuant to the same Acts or any of them as aforesaid; and that the Mortgagee or Mortgagees in whom any such Mortgage or Mortgages which shall have been made as aforesaid shall be then vested, or the major Part in Value of such Mortgagees (if more than One) for the Time being, shall within the said Six Calendar Months elect, and by Writing under his, her, or their Hand and Seal or Hands and Seals, or under their Common Seal, appoint Two other fit and proper Persons to be Trustees of such annual Sum and other Monies on the Part and Behalf of such Mortgagee or Mortgagees, and of any Person or Persons to whom any Mortgage or Mortgages of the said yearly Taxes and Rents and Profits or any of them may thereafter be made, pursuant to the same Acts or any of them; and that from Time to Time, when and so often as either of the said Trustees to be appointed on the Part or Behalf of the said Commissioners of the *Nene Outfall*, or any succeeding Trustee to be appointed on behalf of the same Commissioners as herein mentioned, shall die, or desire to be discharged from his Trust, or refuse, neglect, or become incapable or unfit to act as such Trustee, it shall be lawful for the said Commissioners of the *Nene Outfall*, in the Manner herein-before mentioned in respect to the original Appointment of Trustees by them, or as near thereto as may be, to elect and appoint some

Trustees to be appointed by the Commissioners and Mortgagees, and Vacancies of the Trustees to be supplied.

other fit and proper Person to act as a Trustee in the Place or Stead of every such Trustee so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act as aforesaid; and that from Time to Time, when and as often as either of the said Trustees to be appointed on the Part or Behalf of such Mortgagee or Mortgagees as aforesaid, or any succeeding Trustee to be appointed on behalf of such Mortgagee or Mortgagees as herein mentioned, shall die, or desire to be discharged from his Trust, or refuse or neglect or become incapable or unfit to act as such Trustee, it shall be lawful for such Mortgagee, or the major Part in Value of such Mortgagees (if more than One) for the Time being, to elect and by Writing as aforesaid to appoint some other fit and proper Person to act as a Trustee in the Place or Stead of such Trustee so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act as last aforesaid,

Sinking Fund to be invested.

XV. And be it further enacted, That the said yearly Sum of Seven hundred Pounds Sterling, herein-before directed, at the Option of such Mortgagee or Mortgagees, to be invested in the Names or Name of the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act, shall from Time to Time, when and as the same shall become payable, unless such Mortgagee or Mortgagees shall, by Writing under his, her, or their Hand or Hands, or their Common Seal, declare his, her, or their Option to have the same paid to him, her, or them in or towards the Discharge of the Principal Sum or Sums which shall be due and owing to him, her, or them as aforesaid, be invested, as and by way of a Sinking Fund, in the Name or Names of such Trustees or Trustee for the Time being, in the Purchase of Stock in the Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, or in such other Stocks, Funds, or Securities as may from Time to Time be agreed upon between the said Commissioners of the *Nene Outfall* at some One of their Meetings, by an Order to be made for that Purpose, and to be signed by the Chairman of such Meeting, and such Mortgagee or Mortgagees, or the major Part in Value of such Mortgagees (if more than One) for the Time being as aforesaid; and the said other Monies which may from Time to Time be liable to be invested by way of an additional Sinking Fund as aforesaid shall from Time to Time be invested, but subject to such Option in the Mortgagee or Mortgagees as aforesaid, in like Manner as the said yearly Sum of Seven hundred Pounds is herein-before directed to be invested; and it shall be lawful for such Trustees or Trustee for the Time being, from Time to Time, with the Consent in Writing of the said Commissioners of the *Nene Outfall* and of such Mortgagee or Mortgagees, or the major Part in Value of such Mortgagees (if more than One) for the Time being (such Consent of the said Commissioners to be testified by some Order to be made at One of their Meetings to be held under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, and to be signed by the Chairman of such Meeting on behalf of the said Commissioners), to alter, vary, and transpose all or any of the Stocks, Funds, or Securities which shall from Time to Time be standing or effected in the Names or Name of such Trustees or Trustee

Trustee pursuant to the Provisions of this Act, for or into such other Stocks, Funds, or Securities as may be agreed upon by such Commissioners and such Mortgagee or Mortgagees as aforesaid, or the major Part in Value of such Mortgagees (if more than One) for the Time being; which said last-mentioned Stocks, Funds, or Securities shall be held upon the same Trusts as are herein declared of and concerning the Stocks, Funds, or Securities in lieu of which the same shall be substituted, and shall be applied accordingly.

Declaration of the Trusts of the Sinking Fund.

XVI. And be it further enacted, That the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act, with reference to the said several Investments herein-before directed to be from Time to Time made as and by way of a Sinking Fund as aforesaid, shall and do stand possessed of and interested in the said several Investments, and the Stocks, Funds, or Securities in or upon which the same shall from Time to Time be invested, and the Interest, Dividends, and annual Produce thereof, upon Trust to accumulate such several Investments, Stocks, Funds, or Securities, by investing, from Time to Time as the same shall become due, the annual Income arising therefrom, and the Stocks, Funds, or Securities in or upon which such annual Income shall be invested as aforesaid, and from the several Accumulations thereof from Time to Time, in or upon other Stocks, Funds, or Securities of the same or the like Nature, in the Names or Name of such Trustees or Trustee for the Time being, and to be from Time to Time altered, varied, and transposed in manner aforesaid; and upon further Trust that the said Trustees or Trustee for the Time being shall and do (but without Prejudice to any Stipulation which may be contained in any Mortgage or Mortgages to be made under the Authority of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and this Act, or any of them) from Time to Time, when and as often as the Fund so to be accumulated as aforesaid shall amount in Value to the Sum of Five thousand Pounds Sterling, apply the same or the Produce thereof in or towards the Payment of all such Monies as shall for the Time being be owing upon any Mortgage or Mortgages which shall have been made of or upon the said yearly Taxes as aforesaid, rateably in proportion to the Amount of the several Principal Monies due on such respective Mortgages (if more than One).

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

XVII. Provided always, and be it further enacted, That it shall be lawful for such Trustees or Trustee for the Time being as aforesaid, at any Time or Times, by the Direction of the said Commissioners of the *Nene Outfall*, in Writing signed by the Chairman of any Meeting of the said Commissioners held under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth at which such Direction shall be resolved upon (but without Prejudice as aforesaid), to apply the Whole or a competent Part or Parts of the said accumulated Stocks, Funds, or Securities which shall then be invested, whether the same shall or shall not amount in Value to the Sum of Five thousand Pounds Sterling, in or towards the Payment or Discharge of the Whole or any Part of the Monies for the Time being owing upon

upon any Mortgage or any One or more of the Mortgages to be made by virtue of the said Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and this Act, or any of them, towards the Payment or Discharge of which the said accumulated Stocks, Funds, or Securities would, if the same amounted to the said Sum of Five thousand Pounds, be for the Time being immediately applicable, yet so nevertheless that no Mortgage or Mortgages to be either wholly or in part paid off or discharged as aforesaid under or by virtue of this present Proviso shall be so paid off or discharged to an Amount either more or less than the Sum of Five thousand Pounds Principal Money, without the Consent in Writing as well of the Mortgagee or respective Mortgagees entitled to the same as also of the other Mortgagee or Mortgagees (if any) for the Time being.

Yearly Sums not to be applied for the Sinking Fund when the Mortgages shall have been discharged.

XVIII. Provided always, and be it further enacted, That notwithstanding any thing contained in this Act, or to be contained in any such Mortgage or Mortgages to be made as aforesaid, the said yearly Sum of Seven hundred Pounds herein-before directed to be from Time to Time applied out of the said yearly Taxes as a Sinking Fund as aforesaid, and the said other Monies herein-before directed to be from Time to Time invested as an additional Sinking Fund as aforesaid, shall in no Case be applied or appropriated for or towards such Sinking Fund as aforesaid to a greater Extent than the Amount of Principal and Interest Monies which for the Time being shall remain on the Security of any Mortgage or Mortgages to be made under or by virtue of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and this Act as aforesaid, or any of them, or as near as may be; and if after the full Payment and Satisfaction of the several Principal Monies which shall have been borrowed on Mortgages as aforesaid, and the Interest thereof, and all Costs and Expences in respect of the same, there shall remain any Surplus of the said Stocks, Funds, or Securities to be invested or accumulated by means of the said yearly Sum of Seven hundred Pounds and other Monies as aforesaid, then such Surplus shall belong to the said Commissioners of the *Nene Outfall*, and shall be paid to them or their Treasurer, and shall be applicable in such Manner as the said yearly Taxes and Rents and Profits are by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His late Majesty King *George* the Fourth made applicable for the general Purposes of the said Acts.

Power to raise by Mortgage any further Sums to the Extent of the Repayments made by the Sinking Fund.

XIX. And be it further enacted, That in case any further Sum or Sums of Money over and above the said Sum of One hundred and sixty thousand Pounds hereby limited and authorized to be raised as aforesaid shall be required for making, completing, and maintaining the said *Nene Outfall* Cut and other Works by the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth authorized to be made and completed, or any of them, then and in such Case it shall be lawful for the said Commissioners of the *Nene Outfall*, and they are hereby empowered, at any of their said Meetings to be held under the Authority of the said Acts (Forty at least of the said Commissioners being then present),

present), to provide and raise, or to direct or authorize their Committee for the Time being to provide and raise, by Mortgage of the said yearly Taxes, or of the said Marsh Farm, Marshes, Sands, Channel, and Lands vested in the same Commissioners as aforesaid (except the said unembanked Marshes, Sands, Channel, and Lands herein-before mentioned), any such further Sum or Sums as shall be required for any of the Purposes as last aforesaid (not exceeding from Time to Time the Amount of the Principal Monies which by means of the said Sinking Funds to be so formed and invested as aforesaid shall for the Time being have been actually paid off and discharged as aforesaid), in such Manner and to be applied to such Intents and Purposes in and by the said lastly mentioned Acts, and herein-before by this Act respectively provided or directed touching or concerning the said original Sum of One hundred and sixty thousand Pounds hereby limited and authorized to be raised as aforesaid; but so nevertheless that no further or greater Sum than One hundred and sixty thousand Pounds Principal Money shall at any One Time be due or owing by way of Mortgage of or upon the said Taxes, Marsh Farm, Marshes, Sands, Channel, and Lands (except as aforesaid) under the same Acts and this Act, and so that the yearly Interest of such further Sum or Sums of Money to be provided and raised as last aforesaid, together with the yearly Interest of any other Sum or Sums of Money at the Time due or owing on any other Mortgage or Mortgages to be made under the same Acts or any of them (except as aforesaid), and the yearly Interest at the Time applicable to the said additional Sinking Fund in respect of any other Principal Sum or Sums of Money which shall have been paid off and discharged to any Mortgagee or Mortgagees as herein-before provided (such last-mentioned Interest being calculated at the Rate of Four Pounds *per Centum per Annum*), shall not in the whole exceed the yearly Sum of Ten thousand Pounds.

First Offer of new Loan to be made to original Mortgagees.

XX. Provided always, and be it further enacted, That no such further Sum of Money to be raised as last mentioned shall be borrowed of any other Person or Persons until the same shall have been first offered to be borrowed of and refused to be advanced by the then subsisting Mortgagee, or any One or more of the then subsisting Mortgagees (if more than One) of the said original Sum of One hundred and sixty thousand Pounds hereby authorized to be raised as aforesaid, or of such Part thereof as shall have been raised by and shall be then due and owing upon any such Mortgage or Mortgages as aforesaid.

The Sinking Fund not to be available for Repayment of further Sums until after Payment of the original Mortgages.

XXI. Provided also, and be it further enacted, That the said Sinking Fund to be so formed and invested as aforesaid, and herein-before directed to be appropriated and applied for the Repayment of the said original Sum of One hundred and sixty thousand Pounds, or of such Part of the same last-mentioned Sum as shall have been raised by Mortgage as aforesaid, or any Part of such Sinking Fund, or any Addition thereto or Accumulation thereof, shall not at any Time be available or applicable to the Repayment of any such further Sum or Sums of Money to be so borrowed as last aforesaid until after Payment and Discharge of the said original Sum of One

hundred and sixty thousand Pounds, or such Part thereof as shall have been raised by any such Mortgage or Mortgages as aforesaid; nor shall the said yearly Taxes or Rents or Profits, or any Part thereof, be at any Time available or applicable for the Repayment of any such further Sum or Sums of Money as last aforesaid, or of any Interest for the same, without the Consent of the other Mortgagee or Mortgagees for the Time being, until after full Payment and Discharge of the yearly Interest of so much of the said original Sum of One hundred and sixty thousand Pounds as shall for the Time being remain due or owing on any such Mortgage or Mortgages as aforesaid, and the Payment or Investment of the said yearly Sum of Seven hundred Pounds Sinking Fund, and of the said additional yearly Sinking Fund, and the Appropriation and Payment of the said yearly Sum of One thousand Pounds for maintaining Works as aforesaid.

Indemnity to Trustees of the Sinking Fund.

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

Provision for the Form of Mortgages, and for the Enrolment thereof.

XXIII. And be it further enacted, That every or any Mortgage to be made under the Authority of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and this Act, or any of them, may be in the Form of Mortgage prescribed or set forth in the same recited Acts or either of them, with the Addition in such respective Mortgages of a Reference to this Act, or in such other Form, and with or subject to such other Provisions and Stipulations, for varying the Rate of Interest, and for securing the Payment of the Interest, and the Repayment or Discharge of the Principal Money, and either with or without a Power of Sale of the said Marsh Farm, Marshes, Sands, Channel, and Lands (except as aforesaid), and Direction as to the Application of Purchase Monies arising therefrom, and otherwise relating to such respective Mortgages, as

as the said Commissioners of the *Nene Outfall* and the Mortgagee or Mortgagees in such respective Mortgages to be named shall think proper to insert in such respective Mortgages, or therein to refer to, but so as not by any such Mortgage, or any thing to be referred to therein, to prejudice any prior Mortgage which may have been made, or any subsequent Mortgage which may thereafter be made for the said original Sum of One hundred and sixty thousand Pounds hereby authorized and limited to be first raised as aforesaid, or any Part thereof, nor to create or give any Preference or Priority over any such subsequent Mortgage for any Part of the said last-mentioned Sum; and that the several Mortgages to be made under or by virtue of the same Acts and this Act, or any of them, shall be assignable in the same Manner, and subject to the same Regulations and Provisions as in the same recited Acts are mentioned in respect of any Mortgage thereby respectively authorized to be made, except so far as the same are hereby respectively superseded, annulled, or varied; and that every or any Assignment or Transfer of any such Mortgage may contain therein or refer to such further Provisions and Stipulations, and be accompanied by such other Deed or Deeds by way of additional or further Security for the Benefit of or relating to the Assignee or Assignees of such Mortgage or Mortgages, as the said Commissioners of the *Nene Outfall* and such Assignee or Assignees shall think proper and agree upon, which other Deed or Deeds may be lawfully executed by and shall be binding upon the said Commissioners and their Successors, but without any such Prejudice, and so as not to create any such Preference or Priority as lastly herein-before mentioned; and every such Mortgage shall be enrolled in His Majesty's Court of Common Pleas at *Westminster*; and no such Mortgage shall be valid or effectual against any subsequent Mortgage for a valuable Consideration unless the same shall be so enrolled prior to the Enrolment of such subsequent Mortgage.

The Nene Outfall Commissioners not to be personally answerable.

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

Power for Commissioners to invest a Portion of the Monies borrowed for Payment of the Interest for a limited Time.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners of the *Nene Outfall*, from and out of any of the Principal Monies which shall be borrowed or taken up at Interest by them upon any Mortgage or Mortgages to be made as aforesaid before the First Day of *December* One thousand eight hundred and thirty-seven, to invest or otherwise to appropriate and set apart any Portion or Portions of the said Principal Monies which shall be necessary for providing for and discharging the Interest of the

the said Principal Monies which shall be so borrowed as last aforesaid, up to and until the said First Day of *December* One thousand eight hundred and thirty-seven, or up to and until any antecedent Period, in such Manner and under such Conditions as shall be stipulated in any such Mortgage or Mortgages, or as shall be otherwise agreed upon by and between the said Commissioners of the *Nene Outfall* and the Body or Person or Bodies or Persons by whom such last-mentioned Principal Monies respectively shall be lent or advanced, and to pay and apply the same accordingly.

Power for North Level Commissioners and the Nene Outfall Commissioners to pay over to each other any surplus unapplied Funds in their respective Hands.

XXVI. And be it further enacted, That notwithstanding any thing contained in the said several recited Acts or any of them to the contrary, it shall be lawful for the said North Level Commissioners, and they are hereby authorized and empowered, if they shall think proper (but not otherwise), after Payment of the Interest of their said Debt of One hundred and twenty thousand Pounds, and after making Provision for the several other yearly Purposes of the said recited Acts of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First Year of the Reign of His present Majesty, or any of them, and such of the yearly Purposes of the said recited Act of the Third Year of the Reign of His said present Majesty as are not hereby repealed, but without Prejudice to any Stipulations or Provisions to be contained in any Mortgage or Mortgages made or to be made for the said last-mentioned Sum or any Part thereof, at any of their Meetings from Time to Time to order and direct the Payment over to the said Commissioners of the *Nene Outfall*, either absolutely, or conditionally by way of Loan, or upon and subject to such Stipulations, Provisoes, and Agreements, as the said respective Commissioners shall mutually agree upon (but if by way of Loan then the Mortgage or Mortgages for the same to be without Prejudice to any Mortgage to be otherwise made according to this Act), in aid of the Purposes of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and of this Act, or any of them, all and every or any surplus Money or Monies which shall be in any Year or Years remaining unapplied in the Hands of the Treasurer or Treasurers of the said North Level Commissioners; and that it shall be lawful for the said Commissioners of the *Nene Outfall*, and they are hereby authorized and empowered, if they shall think proper (but not otherwise), after Payment of the Interest of any Money or Monies to be borrowed under the Powers of this Act, and after making Provision for the several other yearly Purposes of the said recited Acts of the Seventh and Eighth Years and the Tenth Year of the Reign of His said late Majesty King *George* the Fourth and of this Act, or any of them, but without Prejudice to any Stipulations or Provisions to be contained in any Mortgage or Mortgages to be made according to this Act, at any of their Meetings from Time to Time to order and direct the Payment over to the said North Level Commissioners, either absolutely, or conditionally by way of Loan, or upon and subject to such Stipulations, Provisoes, and Agreements as the said respective Commissioners shall mutually agree upon (but if by way of Loan then the Mortgage or Mortgages for the same to be without

without Prejudice to any Mortgage or Security made or to be made for the said Sum of One hundred and twenty thousand Pounds raised under the said Act of the First Year of Reign of His present Majesty), in aid of the Purposes of the said recited Acts of the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth and the First and Third Years of the Reign of His said present Majesty, or any of them, all and every or any surplus Money or Monies which shall be in any Year or Years remaining unapplied in the Hands of the Treasurer or Treasurers of the said Commissioners of the *Nene Outfall.*

No Tax to be raised for creating surplus Fund.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners of the *Nene Outfall* or the said North Level Commissioners at any Time or Times to charge, raise, or levy any Rate, Tax, or Sum of Money for the Purpose only of creating or increasing any surplus Fund or Balance in the Hands of their respective Treasurers, to be applied or paid over to each other in aid of their respective Funds in the Manner last hereinbefore mentioned.

Nene Outfall and North Level Commissioners to repay Sums advanced respectively.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners of the *Nene Outfall* and the said North Level Commissioners respectively to require the Repayment, without Interest, of any Sum or Sums of Money so by them advanced to each other conditionally by way of Loan as last aforesaid; and such Commissioners respectively are hereby required to repay such Sum or Sums of Money, without Interest, out of any disposable Monies or Funds under the Direction or Management of them respectively, but without Prejudice to any Securities or Works to which such Monies may be respectively applicable.

Expences of this Act to be first paid.

XXIX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences whatsoever preparatory or incidental to or concerning this Act, with all lawful Interest for all such Monies as shall have been paid or expended by any Person or Persons whomsoever on account thereof, shall be paid and discharged by the said Commissioners of the *Nene Outfall* by and out of the first Monies that shall come to their Hands, or to the Hands of their Treasurer or Treasurers, after the passing of this Act, by virtue of the said recited Acts of the Seventh and Eighth Years and Tenth Year of the Reign of His said late Majesty King *George* the Fourth or of this Act.

Existing Charges not to be affected.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or affect any Mortgage or other Security now upon or affecting any of the Taxes, Marsh Farm, Marshes, Sands, Channel, and Lands raiseable by or vested in the said Commissioners of the *Nene Outfall* or the said North Level Commissioners under or by virtue of the said before-mentioned Acts or any of them, although it is intended that all Mortgages and other Securities upon or affecting the said Taxes, Marsh Farm, Marshes, Sands, Channel, and Lands, or any of them (other than the said Sum of One hundred and twenty thousand Pounds raised by the

said North Level Commissioners as aforesaid), shall be paid off and discharged with and out of the Monies (not exceeding the Sum of One hundred and sixty thousand Pounds) so to be borrowed as aforesaid.

Recited Acts and this Act to be construed together.

XXXI. And be it enacted, That the said recited Acts and this Act shall be construed together, and the said recited Acts shall remain in force and continue to receive effect in all respects, excepting in so far as they are altered by this Act.

Public Act.

XXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.