



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxliii.

An Act to improve the River *Nene* and *Wisbeck* River, and the Drainage of Lands discharging their Waters into the same.

[14th August 1848.]

WHEREAS an Act of Parliament was passed in the Fifteenth Year of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called Bedford Level*, by which Act it was enacted that *William* Earl of *Bedford*, and the Adventurers and Participants of *Francis* late Earl of *Bedford*, and *William* then Earl of *Bedford*, or either of them, their Heirs and Assigns, should be a Body Politic and Corporate in Deed and Name, and have Succession for ever, by the Name of "The Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens," and the said Governor, Bailiffs, and Conservators were thereby authorized to levy Taxes, and to do all other Things in order to the Support, Maintenance, and Preservation of the said Great Level and the Works thereof: And whereas another Act was passed in the Twentieth Year of King *Charles* the Second, intituled *An Act for the taxing and assessing of the Lands of the Adventurers within the Great Level of the Fens*: And whereas the said Great Level called *Bedford Level* hath been long since and is now divided into and distinguished by the several Names of the *North Level*, the *Middle Level*, and the *South Level*: And

[Local.] 21 T whereas

15 C. 2. c. 17.
20 C. 2. c. 8.

50 G. 3.
c. 206.

whereas another Act was passed in the Fiftieth Year of King *George the Third*, intituled *An Act for establishing a Cattle Market within the Town of Wisbech in the Isle of Ely, for taking down and removing the Shambles therein, for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein, for preserving and improving the Port and Harbour of Wisbech, and for regulating the Pilots belonging thereto*; and it was thereby enacted, that from and after the passing of the now-reciting Act the Port of *Wisbech* should extend to and be included within the Limits therein described and set forth or referred to, and that the Harbour of *Wisbech* should from Time to Time extend to and from such Places within the Limits of the said Port as the Capital Burgesses, now styled the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* by virtue of the Act for the Regulation of Municipal Corporations in *England and Wales*, or their Successors, should from Time to Time direct and appoint, and the said Capital Burgesses and their Successors were thereby empowered to demand, collect, receive, and take such Duties from the Masters or Commanders of Ships, Barges, or Vessels arriving at or coming to the said Port of *Wisbech*, or passing through the Limits thereof, and also to make such Banks, Wharfs, and other Works within the Limits of the said Port or Harbour, and to affix, place, take, and continue such Buoys, Beacons, and other Marks and Signals, and to affix and put down such Mooring Buoys and such Mooring Posts as respectively therein mentioned:

7 G. 4. c. 106.

George the Fourth, intituled *An Act for constructing a Bridge across Sutton Wash otherwise called Cross Keys Wash, between the Counties of Lincoln and Norfolk*, by which Act it was enacted, that certain Persons therein named and specified should be united into a Company for making, completing, and maintaining the said Bridge, and the Banks, Ways, and other Works thereby authorized to be made, and should for that Purpose be a Body Politic and Corporate, by the Name and Style of "The Company of Proprietors of the *Cross Keys Bridge*;" and it was enacted, that it should be lawful for the said Company and their Successors to construct or build, and to complete, maintain, and keep, the said Bridge, together with proper Quays and Banks at each End thereof, across the Outfall or lower Part of the River *Nene* or Channel called *Cross Keys Wash* otherwise *Sutton Wash*, in the Situation and Manner therein mentioned, and the said Company were thereby empowered to put down and maintain such Mooring Piles or Posts, and to erect and set up such Toll Gates, and to demand and take such Tolls, as respectively therein mentioned; and by the said Act certain Powers, Rights, and Privileges are given to and conferred upon the said Company: And whereas another Act was passed in the

7 & 8 G. 4.
c. 185.

Session of the Seventh and Eighth Years of King *George the Fourth*, intituled *An Act for improving the Outfall of the River Nene, and the Drainage of the Lands discharging their Waters into the Wisbech River, and the Navigation of the said Wisbech River from the upper End of Kinderley's Cut to the Sea, and for embanking the Salt Marshes and Bare Sands lying between the said Cut and the Sea*; and it was thereby enacted, that the Commissioners appointed and to be appointed as therein mentioned for executing the said Act should be and they are thereby constituted One Body Politic and Corporate by the Name and Style of "The Commissioners of the *Nene Outfall*;" and

and it was further enacted, that it should be lawful for the said Commissioners for executing the said 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 said Cut called *Kinderley's Cut* at the North or lower End thereof, and to extend therefrom unto or near unto a certain Place called *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 such other Works as therein mentioned, and Provisions were contained in the same Act for enabling the several contributing Parties towards the Costs of making the said new Cut and other Works to raise and pay the Amount of their respective Contributions; and it was enacted, that the said new Cut or Channel, and the Coasts and Shores on each Side thereof, should be deemed to be within and Part of the Port of *Wisbech*, and should be included and comprised within the several Enactments and Provisions of the said Act passed in the Fiftieth Year of King *George* the Third; and by the Act now in recital it was provided, that, notwithstanding anything contained in the herein-before recited Act of the Seventh of *George* the Fourth, the said *Cross Keys Bridge*, Embankments, and Approaches thereto should be constructed in such Situation and Direction and with such Waterways as by the said Act now in recital are provided, and which said Bridge and Embankments and other Works connected therewith have been long since built and completed; and by the said Act now in recital certain Powers, Rights, and Privileges are given to and conferred upon the said *Cross Keys Bridge* Company: And whereas another Act was passed in the Tenth Year of 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*; and it was thereby enacted, that it should be lawful for the said Commissioners of the *Nene Outfall* to alter, vary, extend, improve, and complete the Line of the said intended new Cut or Channel upwards from the Slipway of *Sutton Wash*, therein mentioned, and to carry and continue the said Line upwards from the said Slipway, through the intervening open and inclosed Marshes, and across the Drain called *Shire Drain*, therein mentioned, so as to communicate with and receive the Waters from the said *Kinderley's Cut* at or near a certain Place called *Buckworth Sluice*; and it was enacted, that the said new Cut, in its improved Line, and the Coasts and Shores thereof, should be and be deemed to be within and Part of the Port of *Wisbech* aforesaid, as therein mentioned: And whereas the said Commissioners acting in execution of the said recited Acts of Seventh and Eighth of *George* the Fourth and Tenth of *George* the Fourth made and completed the said *Nene Outfall Cut* in the Line and in the Manner directed by the same Acts: And whereas another Act was passed in the Eleventh Year of 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*

10 G. 4.
c. 104.11 G. 4. &
1 W. 4. c. 35.

Great

Great Portsand in the Manor of Crowland, and for providing a Navigation between Clows Cross and the Nene Outfall Cut; and it was thereby enacted, that the Commissioners for the Time being for executing an Act passed in the Twenty-seventh Year 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 effectually draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of Crowland,* should be the Commissioners for executing as well the said last-mentioned Act as also the Act now in recital, by the Name and Designation of "The North Level Commissioners;" and it was thereby further enacted, that it should be lawful for the said North Level Commissioners to make a new Main Drain, to be called the *North Level Main Drain*, for the passing and conveying of the Waters of the Five Districts of the said North Level and Great Portsand from a certain Place called *Clows Cross* into the said *Nene Outfall Cut*, by and through a certain new Sluice called the *North Level Sea Sluice*; and by the same Act Provisions were made for enabling the Commissioners of any District for Drainage within the Hundred of *Wisbech* to enter into Agreements with the said North Level Commissioners for the Drainage of the same Districts, through and by the Works thereby authorized to be made, and for enabling the Commissioners of such Districts respectively to assess, rate, and tax the same, in pursuance and fulfilment of any such Agreement or Agreements: And whereas the said North Level Commissioners have made the said new Main Drain, and the Waters of the said Five Districts of the North Level and Great Portsand are now conveyed by and through the said Main Drain, and through the said North Level Sea Sluice, into the said Nene Outfall Cut: And whereas another Act was passed in the Session of the Seventh and Eighth Years of King George the Fourth, intituled *An Act for repairing the Road from the High Bridge in Spalding to Tydd Goat in the County of Lincoln, and other Roads in the same County*: And whereas the Navigation and Drainage of and by the said Nene Outfall Channel is much impeded and injured by the insufficient Dimensions of the said Cross Keys Bridge, and the Contraction of the Waterways of the said Channel between and through the same, and it would greatly tend to the Improvement of the said Navigation and Drainage if the said Bridge, and all the Works and Appendages thereof, were removed, and a new Bridge of a larger Span were erected across the said Nene Outfall Cut, on the upstream Side of and near to the Site of the present Bridge, with proper Appendages and Approaches: And whereas the probable Expense of removing the said Cross Keys Bridge, and constructing a new Bridge, with the Appendages and other Works connected therewith, will, according to an Estimate thereof made, amount, together with the Costs of this Application to Parliament, to the Sum of Thirty thousand Pounds: And whereas it is just and reasonable that the several Proprietors

of

27 G. 2. c. 19.

7 & 8 G. 4.
c. 56.

of Lands lying within the Boundaries of the said *North Level* and *Gréat Portsand* and the Manor of *Crowland*, and the several other Parties herein-after mentioned, should contribute towards such estimated Expense, (that is to say,) the Most Noble *Francis* Duke of *Bedford*, Knight of the Most Noble Order of the Garter, the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* as Guardians of the Port and Harbour of *Wisbech*, the Proprietors of the several Lands and Grounds situate and lying within the Hundred of *Wisbech* in the said *Isle of Ely*, and the several Districts or Divisions thereof, herein-after mentioned, (that is to say,) the several Lands and Grounds situate in the District or Division commonly called or known by the Name of the *Wisbech North Side District*, and mentioned and comprised in a certain Act passed in the Fifteenth Year of King *George* the Third, intituled *An Act for draining and preserving certain Lands and Grounds in the Parishes of Wisbech St. Peter's and Wisbech Saint Mary's, and in the Hamlets of Wisbech Murrow and Wisbech Guyhirn, in the Isle of Ely and County of Cambridge*, and in a certain other Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for amending and rendering more effectual an Act passed in the Fifteenth Year of His present Majesty, for draining and preserving certain Lands and Grounds in the Parishes of Wisbech Saint Peter's and Wisbech Saint Mary's, and in the Hamlets of Wisbech Murrow and Wisbech Guyhirn, in the Isle of Ely and County of Cambridge*, and by the same last-mentioned Acts, or one of them, charged or made chargeable with the Payment to the Commissioners thereby appointed of certain annual Rates or Taxes for the better Drainage of the same last-mentioned Lands and Grounds, the several Lands and Grounds situate in the District or Division commonly called or known by the Name of the *Leverington and Parson Drove District*, and mentioned and comprised in a certain Act made and passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act for draining and improving certain Lands and Grounds in the Parish of Leverington and Leverington Parson Drove in the Isle of Ely and County of Cambridge*, and by the same last-mentioned Act charged or made chargeable with the Payment to the Commissioners thereby appointed of certain annual Rates or Taxes, for the better Drainage of the same last-mentioned Lands and Grounds, and also, as herein-after provided, the Proprietors of the several Lands and Grounds lying within the Hamlet of *Sutton Saint Edmunds* in the said County of *Lincoln*, on the North Side of a certain Bank called *South Eau Bank*, and also the said Company of Proprietors of the *Cross Keys Bridge*: And whereas the Banks and Channel of the *Wisbech River* upwards, in its Course from the upper End of *Kinderley's Cut* aforesaid to the Southern Extremity of the County of *Norfolk*, and the Navigation and Drainage by the said Channel, are defective, and require to be improved; and it is desirable that better Provision should be made for repairing and strengthening the said Banks, and for maintaining and improving the said Channel: And whereas the several Objects aforesaid will be of great public Utility, but the same cannot be effected without the Aid and 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 Com-

Nene Outfall Commissioners, appointed by Act fifth recited, to be the Commissioners for executing this Act.

mons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being for executing the said recited Act passed in the Session of the Seventh and Eighth Years of the Reign of King *George* the Fourth, by their Name and Style of "The Commissioners of the *Nene Outfall*," shall be the Commissioners for the Time being for executing this Act, and that the several Powers, Privileges, Immunities, and Authorities in and by the said Act of the Seventh and Eighth Years of King *George* the Fourth given to or reposed and vested in the said Commissioners of the *Nene Outfall* for executing that Act shall, so far as the same are applicable, be and are hereby given to or reposed and vested in the same Commissioners for executing this Act.

10 & 11 Vict. c. 16. and 8 & 9 Vict. c. 18., with certain Exceptions, to form Part of this Act.

II. And be it enacted, That the several Acts of Parliament following, (that is to say,) "The Commissioners Clauses Act, 1847," with the Exception of the Clauses concerning the Qualifications of Commissioners, and the Clauses with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Rate-payers or other like Class of Electors, and of such of the other Clauses of that Act as are inconsistent with the Provisions of this Act, and "The Lands Clauses Consolidation Act, 1845," so far as the same respectively are or shall be applicable to this Act, and the Provisions thereof, except as aforesaid, shall be respectively incorporated with and form Part of this Act.

Plans and Books of Reference with Sections to be deposited and remain with Clerks of Peace for Counties to which Act applies.

III. And whereas Plans of the said Works and Duplicates of the said Plans, and Sections thereof and Duplicates of such Sections, together with Books of Reference to the said Plans, have been deposited in the respective Offices of the Clerks of the Peace respectively for the Parts of *Holland* in the County of *Lincoln*, for the County of *Norfolk*, for the County of *Cambridge*, and for the *Isle of Ely* in the said County of *Cambridge*: Be it therefore enacted, That the said Plans, Sections, and Books of Reference herein-before mentioned shall remain in the Custody of the said respective Clerks of the Peace for the Parts of *Holland* in the County of *Lincoln*, for the County of *Norfolk*, for the County of *Cambridge*, and for the *Isle of Ely* in the said County of *Cambridge*, or their respective Deputies for the Time being; and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the said respective Clerks of the Peace or their said respective Deputies the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract.

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

IV. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description 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, be it enacted, That the Correction of any such Matter may be referred by the said Commissioners for executing this Act to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they

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 several Clerks of the Peace aforesaid, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate and such Extract or Copies respectively shall be kept by such Clerks of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate; and thereupon such Documents shall be deemed to be corrected according to such Certificate, and it shall be lawful for the said Commissioners to execute the said Works in accordance with such Certificate.

Certificate
to be de-
posited.

V. And be it enacted, That true Copies of such Plans and Sections and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies of
Plans, &c. to
be Evidence

VI. And be it enacted, That the said Commissioners for executing this Act, in making the said Works hereby authorized to be made, shall have Power to deviate from the Course or Direction thereof delineated in the Plans so deposited with the Clerks of the Peace as herein-before mentioned; provided that no such Deviation shall extend to a greater Distance than One hundred Yards, nor beyond the Limits of Deviation marked upon such Plans, nor shall extend into the Lands or Property of any Person whose Name is not mentioned in the said Books 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 manner herein-before provided for in case of unintentional Errors in the said Books of Reference.

Power to
deviate from
Course on
deposited
Plans.

VII. And be it enacted, That in case and when and so soon as it shall be ascertained in manner herein-after mentioned that a Sum of Twenty-five thousand six hundred Pounds in the whole will be raised and contributed by the several herein-before mentioned Parties, other than the said *Francis Duke of Bedford*, towards the Costs and Expenses of taking down and removing and reconstructing *Cross Keys Bridge* aforesaid, with the Appendages thereof, and the Works immediately connected therewith, (but not sooner or otherwise, without the Consent in Writing of the said *Francis Duke of Bedford*, or the Duke of *Bedford* for the Time being,) it shall be lawful for the said Commissioners of the *Nene Outfall*, and they are hereby authorized, empowered, and required, as soon as conveniently may be thereafter, but subject nevertheless to the Provisions herein-after contained, to enlarge, deepen, and widen the Waterway of the said *Nene Outfall Cut* at or near the said Bridge called *Cross Keys Bridge*, according to the said Plans and Sections so respectively deposited as aforesaid, and for that Purpose to take down and remove the said *Cross Keys Bridge*, and the Piers, Piles, or Posts, Abutments, and all Appendages thereof,

Power to
construct
Works ac-
cording to
deposited
Plans, when
a certain
Sum has
been raised.

thereof, and the Toll Houses, Toll Gates, and Erections adjoining and appertaining to the said Bridge, and to erect a new Bridge across the said *Nene Outfall Cut* on the upstream Side of and adjoining or near the Site of the present Bridge there, with proper and sufficient Toll Houses, Toll Gates, Piers, Piles, Abutments, and Appendages thereto, and to make all necessary Approaches, Slipways, and other Works connected with such new Bridge, the said new Bridge to be constructed so as to open in the Centre thereof by means of a Draw or Swing Bridge of a clear Width of Fifty Feet at High-water Level of Spring Tide, and that there shall not be less than One hundred and forty lineal Feet horizontally and One thousand two hundred superficial Feet in sectional Area of Waterway in the whole under the said Bridge at Low Water, clear and exclusive of Piers, Piles, and Abutments, and also to enlarge, widen, deepen, equalize, straighten, vary, and improve the Channel of the said *Wisbech River* throughout its Course upwards from the upper End of *Kinderley's Cut* aforesaid to the Southern Extremity of the County of *Norfolk*, according to the Plans and Sections thereof so deposited as aforesaid, and to sustain and strengthen the Banks on each Side of the same Channel.

Works to be executed under the Direction of Civil Engineers to be appointed by Commissioners.

VIII. Provided always, and be it enacted, That the several Works hereby authorized to be executed by the said Commissioners of the *Nene Outfall* shall be executed under the Direction and Superintendence of One or more Civil Engineer or Civil Engineers to be from Time to Time nominated by the said Commissioners for executing this Act, and which said Engineer or Engineers shall have Authority and is and are hereby empowered, if he or they shall deem it advisable or expedient, to require that the Banks of the said *Wisbech River* between the upper End of *Kinderley's Cut* and the said Boundary of the County of *Norfolk*, or any Part thereof, shall be strengthened, and in such Manner as he or they shall direct, before the Removal of the present *Cross Keys Bridge*.

Commissioners may occupy temporarily private Roads within Five hundred Yards of the Works hereby authorized.

IX. And be it enacted, That it shall be lawful for the said Commissioners for executing this Act, at any Time before the Expiration of the Period hereby limited for the Completion of the Works hereby authorized, to enter upon and use any existing private Road, being a Road gravelled or formed with Stones or other hard Materials, and not being an Avenue or a planted or an ornamental Road, or an Approach to any Mansion House, not being more than Five hundred Yards distant from the Centre of the Works hereby authorized, as delineated on the said Plans; but before the said Commissioners shall enter upon or use any such existing Road they shall give Three Weeks Notice of their Intention to the Owners and Occupiers of such Road, and of the Lands over which the same shall pass, and shall in such Notice state the Time during which, and the Purposes for which they intend to occupy such Road, and shall pay to the Owners and Occupiers of such Road, and of the Lands through which the same shall pass, such Compensation for the Use and Occupation of such Road, either in a gross Sum of Money or by half-yearly Instalments, as shall be agreed upon between such Owners and Occupiers respectively and the said Commissioners, or in case they differ about the Compensation the same shall be settled

settled by Two Justices, in the same Manner as any Compensation not exceeding Fifty Pounds is directed to be settled by "The Lands Clauses Consolidation Act, 1845."

X. And be it enacted, That it shall be lawful for the Owners and Occupiers of any such Road, and of the Lands over which the same passes, within Ten Days after the Service of the aforesaid Notice, by Notice in Writing to the Commissioners for executing this Act, to object to the said Commissioners making use of such Road, on the ground that other Roads such as the same Commissioners are hereinbefore authorized to use for the Purposes aforesaid, or that some public Road would be more fitting to be used for the same; and upon the Objection being so made such Proceedings may be had as are in "The Railways Clauses Consolidation Act, 1845," mentioned with respect to Lands temporarily occupied by any Company under the Powers of the said Act, in respect of which Three Weeks Notice is therein required to be given, and in the same Manner as if in the Provisions relative to such Proceedings in the said Act contained the Word "Road" or "Roads," or the Words "Road and the Land" "over which the same passes," as the Case may require, had been substituted in such Provisions for the Word "Lands."

Power to Owners and Occupiers of Road and Land to object that other Roads should be taken.

XI. And be it enacted, That for the Purposes of building the said new *Cross Keys Bridge*, and the Works connected therewith, and removing the present Bridge, with the Piers, Piles, Abutments, and Appendages thereof, the said Commissioners for executing this Act shall possess and enjoy all the Rights of Access to the Banks, Shores, and Forelands of the said *Nene Outfall Cut*, and all other the Rights, Privileges, and Immunities which the said Commissioners of the *Nene Outfall* now possess or enjoy in respect of Works executed or to be executed by them in relation to the said *Nene Outfall Act*, and shall be empowered to execute all other Things necessary, useful, or convenient for constructing, building, maintaining, and supporting the said new Bridge, and for removing the said old Bridge and Appendages, according to the true Intent and Meaning of this Act, and from Time to Time to give such Orders and Directions to make such Stoppages and Limitations as may be necessary for taking down and removing such old Bridge and Appendages, and constructing such new Bridge and Appendages, in like Manner and to the same Extent as the Company of Proprietors of the *Cross Keys Bridge* are by the said recited Acts empowered and authorized with respect to the now existing Bridge.

As to the Rights of the Commissioners with respect to the *Cross Keys Bridge*.

XII. And be it enacted, That the making and Execution of the said Works by this Act authorized shall commence, subject as hereinbefore enacted, with the Construction of the said new Bridge, and next with the Removal of the old *Cross Keys Bridge*, and the enlarging, deepening, and widening of the Waterway of the said *Nene Outfall Cut* at *Cross Keys Bridge* aforesaid; and such Construction and Removal shall be made and fully completed by the said Commissioners for executing this Act within the Term of Three Years next after the passing of this Act; and the Construction and Com-

New Works to be completed within limited Time.

pletion of such Bridge shall be certified by some Writing under the Hands of the respective Engineers for the Time being of the said Commissioners and of the said *Cross Keys Bridge* Company, which Engineers the said Commissioners and Company are hereby required to appoint; and such Certificate of such Engineers for the Time being shall be forthwith published by the said Commissioners in some Newspaper or Newspapers usually circulated in the Counties of *Lincoln* and *Norfolk*: Provided always, that in case the said Engineers shall not make or agree in making a joint Certificate of such Completion, within One Month after Notice of such Completion shall have been given to the said Company by the said Commissioners, the Matter shall be referred to an Umpire, to be appointed by the Lord High Admiral or the Lords Commissioners for executing the Office of Lord High Admiral for the Time being, on the Application of either Party; and the Decision of such Umpire in the Matter shall be final and conclusive; and the Certificate of the said Engineers or Umpire shall be forthwith published by the said Commissioners for executing this Act in some Newspaper or Newspapers circulated in the Counties of *Lincoln* and *Norfolk*.

For vesting new Cross Keys Bridge, when completed, &c. in the Company of Proprietors of Cross Keys Bridge, with all the same Rights, Duties, Powers, and Remedies by 7 G. 4. c. 106. enacted in respect of the existing Bridge.

XIII. And be it enacted, That when and so soon as the said intended new Bridge across the said *Nene Outfall Cut* to be so erected in lieu of the said existing Bridge called *Cross Keys Bridge*, under the Authority of this Act, as aforesaid, with the Piers, Piles, Posts, Abutments, and Appendages thereof, and with the Toll Houses and Toll Gates and other Works to appertain thereto, shall be completed by the said Commissioners for executing this Act, and the Completion thereof shall be so certified and published as aforesaid, the said new Bridge, with the Piers, Piles, Posts, Abutments, and other Appendages thereof respectively, and with the Toll Houses and Toll Gates and other Works to appertain thereto, shall thenceforth be vested in the said Company of Proprietors of the *Cross Keys Bridge*, and their Successors for ever, and then and thenceforth all and singular the same Rights and Duties, Liabilities, Powers, Authorities, and Remedies, in and by or by the Authority of the said recited Act passed in the Seventh Year of King *George* the Fourth vested or reposed in or attaching to the said Company of Proprietors of the *Cross Keys Bridge*, touching or anywise concerning the said Bridge by the same Act authorized to be constructed and maintained, and the Piers, Piles, Posts, Abutments, and Appendages thereof, and the Toll Houses and Toll Gates and other Works and Erections appertaining thereto, and the demanding and taking and recovery of Tolls, shall be applicable to the said intended new Bridge, and the Piers, Piles, Posts, Abutments, and Appendages thereof, and the Toll Houses and Toll Gates and other Works and Erections appertaining thereto, and to the taking, demanding, and recovery of Tolls for passing over the same Bridge, to all Intents and Purposes as if the said last-mentioned Bridge, and the Piers, Piles, Posts, Abutments, and Appendages thereof, and the Toll Houses and Toll Gates and other Works and Erections appertaining thereto respectively, had been the Bridge and other Works by the last-mentioned Act authorized to be made and executed, and as if the several Clauses in the same Act contained in reference thereto, and to the demanding and taking and recovery of Tolls,

mutatis

mutatis mutandis, had been re-enacted in this Act, and expressly applied to the said intended new Bridge, and the Piers, Piles, Posts, Abutments, and Appendages thereof, and the Toll Houses and Toll Gates and other Works and Erections appertaining thereto respectively, and to the demanding, taking, and recovery of Tolls for passing the same; and the said new Bridge, and their respective Appendages, and the Tolls thereof, shall be considered to all Intents and Purposes to be included in and subject to all the Securities now affecting the present Bridge and the Tolls thereof.

XIV. Provided always and be it enacted, That in the meantime, until the Completion of the said new Bridge shall be so certified and published as aforesaid, all and singular the Rights, Duties, and Liabilities of the said Company of Proprietors under or by the Authority of the said Acts passed in the Seventh and Seventh and Eighth Years of King *George* the Fourth, except in so far as the same are expressly or by necessary Implication affected by this Act, shall from and after the passing of this Act remain in full force and virtue.

Rights, &c. of Bridge Company, except as affected by this Act, to remain in full force.

XV. Provided always, and be it enacted, That no Toll or Compensation shall at any Time be demanded or taken for or in respect of any Person, Horse, Mule, Cattle, Waggon, Cart, or Carriage passing over or under the present Bridge or the said new Bridge, and being engaged, used, or employed in or about the Construction of the said new *Cross Keys Bridge*, and the Removal of the present Bridge and its Appendages, or in carrying or conveying any Carriage, Implement, Tool, Material, or other Matter or Thing to or from any of the said Works, for any of the Purposes thereof; and all and singular Exemptions from Bridge Tolls enacted or provided by the said Act passed in the Session of the Seventh and Eighth Years of King *George* the Fourth shall respectively remain in full force, and extend and be applied to the Tolls of the said intended new Bridge.

Exemptions from Bridge Tolls of Commissioners for executing this Act; and all existing Exemptions to continue.

XVI. And be it enacted, That it shall not be lawful for the Commissioners for executing this Act to construct below High-water Mark at ordinary Spring Tides the Bridge or other Works hereby authorized to be made, without the previous Consent 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 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 of, such Approval being signified as last aforesaid; and when the said Bridge or other Works shall have been constructed and completed it shall not be lawful for the Commissioners for executing this Act 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 such Bridge or Works 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 and remove the same, and to restore the Site thereof to its former

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

former Condition, at the Cost and Charge of the Commissioners for executing this Act, and the Amount thereof shall be a Debt due from them to the Crown, and be recoverable accordingly.

Light to be hung out on the Bridge at Night for Guidance of Vessels.

XVII. And be it enacted, That during the Construction of the said Bridge across the said *Nene Outfall Cut*, and Works connected therewith, the Commissioners for executing this Act shall, at their Expense, 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 same Commissioners, for the Navigation and safe Guidance of Vessels; and the said Company of Proprietors of the *Cross Keys Bridge* shall for ever after the Completion of the said Bridge, if required by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, cause to be hung out or exhibited, upon or as near as may be to the Centre of the said Bridge, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the said Commissioners for executing this Act, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Commissioners during the Construction of the said Bridge, and afterwards by the said Company of Proprietors respectively, 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 Commissioners for executing this Act, or the said Company of Proprietors, as the Case shall be, shall neglect to exhibit and keep such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Admiralty empowered to order Surveys of proposed Works, at Expense of Commissioners.

XVIII. And be it enacted, That if after working Drawings of the Works hereby authorized shall have been submitted to 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 Commissioners for executing this Act shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the said 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 same Commissioners.

After Completion of Works, Bridge Company not to diminish sectional Area of Waterway between Piers of Bridge, or between Banks of River.

XIX. And be it enacted, That after the Construction and Completion by the said Commissioners of the said new Bridge and the Works connected therewith it shall not be lawful for the said Company of Proprietors, for any Cause or by any Means whatever (except for the temporary Purpose of Repair), to diminish the sectional Area of the Waterway between the Piers of the said Bridge or between the Banks of the said River; and if the said Company of Proprietors shall, for any Cause or by any Means, except as aforesaid, cause such sectional Area of the Waterway to be diminished, it shall be lawful for the said Commissioners of the *Nene Outfall* to abate and remove the Work or Works occasioning such Diminution, at the Costs and

and Charges of the said Company of Proprietors, and the Amount thereof shall be a Debt due from them to the said Commissioners, and be recoverable accordingly.

XX. And be it enacted, That within One Calendar Month after the Publication of the said Certificate the said Commissioners for executing this Act shall deliver to the said Company of Proprietors a Plan of the sectional Area of the said Bridge, and of the Waterways through the same, signed by the Engineer of the said Commissioners; and the said Company shall at all Times thereafter be entitled to execute such Works, under the Control and Direction of the said Commissioners or their Engineer, as may prevent any Danger to the Stability of the Bridge.

Plan of such sectional Area to be given to Bridge Company.

XXI. And be it enacted, That within One Calendar Month after the Publication of such Certificate as aforesaid the said Company of Proprietors shall pay to the Treasurer for the Time being of the said Commissioners the Sum of Seven hundred and fifty Pounds towards the Expenses of building the said new Bridge and the Appendages thereof, but without Interest in the meantime.

Contribution from Bridge Company.

XXII. And be it enacted, That if in the Exercise of the Powers by this Act granted it be found necessary to cross, cut through, raise, sink, or use any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, so as to render it impassable or dangerous, or extraordinarily inconvenient to Passengers or Carriages, or to the Persons entitled to the Use thereof, the Commissioners for executing this Act shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with, and shall, at their own Expense, maintain such substituted Road in a State as convenient for Passengers and Carriages as the Road to be interfered with, or as near thereto as may be.

Before Road interfered with, others to be substituted.

XXIII. And be it enacted, That if the Commissioners do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid, they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Persons having the Management of such Road, if a public Road, and shall be applied for the Purposes thereof, or in case of a private Road the same shall be paid to the Owner thereof; and every such Penalty shall be recoverable, with Costs, by Action in any of the Superior Courts.

Penalty for not substituting a Road.

XXIV. And be it enacted, That if any Party entitled to a Right of Way over any Road so interfered with by the Commissioners shall suffer any special Damage, by reason that the Commissioners shall fail to cause another sufficient Road to be made before they interfere with the existing Road, it shall be lawful for such Party to recover the Amount of such special Damage from the Commissioners, with Costs, by Action on the Case in any of the Superior Courts, and that whether any Party shall have sued for such Penalty as aforesaid or

Party suffering Damage from Interruption of Road to recover in an Action on the Case.

not, and without Prejudice to the Right of any Party to sue for the same.

Period for Restoration of Roads interfered with.

XXV. And be it enacted, That if the Road so interfered with can be restored compatibly with the Works hereby authorized to be executed, the same shall be restored to as good a Condition, as the same was in at the Time when the same was first interfered with by the said Commissioners, or as near thereto as may be; and if such Road cannot be restored compatibly with the said Works hereby authorized to be made, the said Commissioners shall cause a new or substituted Road, or some other sufficient substituted Road, to be put into a permanently substantial Condition, equally convenient as the former Road, or as near thereto as Circumstances will allow; and the former Road shall be restored, or the substituted Road put into such Condition as aforesaid, as the Case may be, within the following Periods, after the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having the Management of the Road to be restored by Writing under their Hands consent to an Extension of the Period; and in such Case within such extended Period; (that is to say,) if the Road be a Turnpike Road within Six Months, and if the Road be not a Turnpike Road within Twelve Months.

Penalty for failing to restore Road.

XXVI. And be it enacted, That if any such Road be not so restored; or the substituted Road so completed as aforesaid, within the Periods herein or in the Act fixed for that Purpose, the Commissioners shall forfeit to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Commissioners, if a public Road, or if a private Road to the Owner thereof, Five Pounds for every Day after the Expiration of such Periods respectively during which such Road shall not be so restored, or the substituted Road completed; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred.

Commissioners to repair Roads used by them.

XXVII. And be it enacted, That if in the course of making and executing any of the said Works hereby authorized to be executed the Commissioners shall use or interfere with any Road, they shall from Time to Time make good all Damage done by them to such Road; and if any Question shall arise as to the Damage done to any such Road by the Commissioners, or as to the Repair thereof by them, such Question shall be referred to the Determination of Two Justices; and such Justices may direct such Repairs to be made in the State of such Road in respect of the Damage done by the Commissioners, and within such Period, as they think reasonable, and may impose on the Commissioners for not carrying into effect such Repairs any Penalty not exceeding Five Pounds *per* Day, as to such Justices shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of the Road interfered with by the Commissioners, if a public Road, and be applied for the Purposes of such Road, or if a private Road the same shall be paid to the Owner thereof: Provided always, that in the determining any such Question with regard to a Turnpike Road the said Justices shall have regard to

to and shall make full Allowance for any Tolls that may have been paid by the said Commissioners on such Road in the course of the using thereof.

XXVIII. And be it enacted, That when and so soon as the several Works for diverting, altering, cutting off, and stopping up such Roads and Ways as are hereby authorized to be diverted, altered, cut off, and stopped up shall be respectively completed, and the Completion thereof respectively shall be so certified and published as aforesaid, then and thenceforth all such diverted and altered Roads and Ways shall be and be deemed to be respectively Parts of the previously existing Roads and Ways so respectively diverted and altered as aforesaid, and shall at all Times thereafter be supported, maintained, and kept in repair by and at the Expense of the same several Persons or Parties and in the same Manner by whom and in which such previously existing Roads and Ways were before the passing of this Act respectively supported, maintained, and kept in repair.

When Works completed for diverting Roads, and Completion certified, diverted and altered Roads to be Parts of pre-existing Roads, and to be maintained accordingly.

XXIX. And be it enacted, That in and for the repairing, strengthening, or constructing of any of the Banks or Works hereby authorized to be repaired, strengthened, or constructed, it shall not be obligatory upon the said Commissioners for executing this Act to make Compensation for any Land taken or dug, or for Earth taken from Land, between the said Banks or contiguous to the said Works, wherefrom Earth has heretofore been usually dug or taken, without making Compensation for the like Purposes, or for depositing any Earth or other Materials thereon.

No Compensation to be made for Earth taken from Lands, whence usually heretofore taken for like Purposes.

XXX. Provided always, and be it enacted, That it shall not be lawful for any Person or Body whomsoever or whatsoever to erect or place, or cause or suffer to be erected or placed, any Tenement, Building, or Erection whatsoever upon any of the Banks of such Part of the said River hereby authorized to be improved, or any Part thereof, so as to endanger the Security of the said Banks, or to diminish the Waterway between the same, or to impede the Drainage or Navigation through or by the said River, or the Passage of the Waters along the same or along the Forelands thereof, or the haling or other Traffic upon the said Banks and Forelands; and that no Person or Body, other than the said Commissioners for executing this Act, or by their Direction and for the Purposes thereof, shall at any Time break, dig, plough, reduce, or injure the said Banks and Forelands, or any of them, or the Sward thereof, nor stock or depasture or permit to be stocked or depastured the same or any Part thereof with any Beast or Cattle, except only Sheep and Lambs.

Buildings, &c. not to be erected to impede Drainage or Navigation, nor the Banks to be injured.

XXXI. And be it enacted, That the Sum of Four thousand six hundred and fifty Pounds shall be the Sum to be contributed by the Proprietors of Lands lying within the Boundaries of the *North Level* and *Great Portsand* and the Manor of *Crowland*, being the Fifth of the Five Districts into which the said *North Level* and *Great Portsand* and Manor of *Crowland* are by the said Act of the Twenty-seventh Year of King *George* the Second respectively divided, towards the removal and rebuilding of *Cross Keys Bridge*, with the Works connected

North Level Contribution of 4,650*l.* towards rebuilding Bridge.

connected therewith as aforesaid, in the Proportions following; (that is to say,) the Sum of Six hundred and fifty Pounds by the Proprietors of Lands lying within *Great Portsand* and the Manor of *Crowland* in the said Fifth District, and the remaining Sum of Four thousand Pounds by the Proprietors of Lands lying within the said *North Level*, and shall be paid to the Treasurer or Treasurers of the said Commissioners for executing this Act by Two equal Instalments, the first of which shall become due and be paid on the First Day of *December* next ensuing the passing of this Act, and the other of which Instalments shall become due and be paid on the First Day of *December* One thousand eight hundred and forty-nine, and which said Contribution shall be raised in the Manner herein-after mentioned.

Yearly Tax of One Shilling and Three-pence Farthing per Acre to be charged on the taxable Lands of North Level, and Ten pence Halfpenny for the Lands in Portsand for Two Years.

XXXII. And be it enacted, That for raising the said Sum of Four thousand six hundred and fifty Pounds to be so contributed and paid in the Proportions aforesaid by the said Proprietors of Land lying within the Boundaries of the said *North Level* and *Great Portsand* and the Manor of *Crowland* 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 recited Act of the Twenty-seventh Year of the Reign of His said 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 said recited 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* with a Tax of One Shilling and Three-pence Farthing *per Acre* in this present Year and a Tax of One Shilling and Three-pence Farthing *per Acre* in the Year One thousand eight hundred and forty-nine, and such of the said Lands and Grounds as lie within *Great Portsand* and the Manor of *Crowland* in the said Fifth District with a Tax of Ten-pence Halfpenny *per Acre* in this present Year and a Tax of Ten-pence Halfpenny *per Acre* in the Year One thousand eight hundred and forty-nine, respectively, for every Acre for 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 each of the said Two last-mentioned 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 at their respective yearly General Meetings in each of the said last-mentioned Years 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

Act in or towards Payment of the said Sum of Four thousand six hundred and fifty Pounds 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 *Great Portsand* and the Manor of *Crowland* in the said Fifth District, 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.

XXXIII. And be it enacted, 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 several yearly 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 said recited Act passed in the Eleventh Year of King *George* the Fourth.

Mode of ascertaining the Quantities of the Lands for Taxation.

XXXIV. And be it enacted, That the said *North Level* Commissioners shall have and may exercise such or the like Powers and Remedies for recovering, securing, and enforcing Payment of the said several Taxes herein-before assessed and charged, and with such or the like Penalties, as are in and by the said Act passed in the Eleventh Year 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.

Powers, &c. for recovering aforesaid Taxes.

XXXV. And whereas by the said recited Act passed in the Eleventh Year of King *George* the Fourth Provision was made for the Discharge of the Waters from the several Lands and Grounds lying within the Hamlet of *Sutton Saint Edmunds* in the said County of *Lincoln* on the North Side of the *South Eau Bank* aforesaid into the *North Level Main Drain* by *Shire Drain* and *Hills Sluice*: And whereas the *North Level* Commissioners were by the same Act authorized to fix and maintain a Weir or Overfall across the said *Shire Drain*, and which Weir or Overfall the said Commissioners accordingly caused to be fixed, and now maintain the same; and by the same Act Power was given to the Owners of the said Lands and Grounds

Provision as to Sutton Saint Edmunds.

in *Sutton Saint Edmunds* and in *Sutton Saint James* and *Tid Saint Mary*, therein mentioned, to lower or remove the said *Hills Sluice*, and the said Weir or Overfall, they at their own Charge cleansing and scouring out *Shire Drain* to a corresponding Depth, and executing such other Works as therein mentioned: And whereas the said *Shire Drain* is in a very defective State, and the said Weir or Overfall and the said *Hills Sluice* are in their present State injurious to the Drainage of the said Lands and Grounds in *Sutton Saint Edmunds*: And whereas in the said last-mentioned Act Provision is made for enabling the Waters of the said last-mentioned Lands and Grounds to be discharged into the *North Level Main Drain* by Agreement with the *North Level Commissioners*, so as to have the Benefit of the said *North Level Main Drain* and the *North Level Sea Sluice*, in common with all the Lands within the Drainage intended to be provided by the said Act, but which Provision has not been carried into effect, and the Drainage of the said Lands and Grounds is now very imperfect; and it will be greatly beneficial to the Proprietors of the several Lands and Grounds lying within the said Hamlet of *Sutton Saint Edmunds* if they can procure the Right to discharge the Waters from the said Lands and Grounds for ever into the said *North Level Main Drain* at or near the Point of Intersection of old *Shire Drain* by the said *North Level Main Drain* at or near a certain Farm called the *Hundred Acre Farm*, situate at *Tid Saint Mary* aforesaid, in lieu of discharging the same as at present by *Shire Drain*, and through the said *Hills Sluice*, and over the aforesaid Weir or Overfall, which Right the said *North Level Commissioners* are willing to concede to the said last-mentioned Proprietors, in consideration of their contributing and paying to the said *North Level Commissioners* or their Treasurer for the Time being, yearly and every Year, the gross annual Sum of Two hundred Pounds, for the Benefit and Advantage to accrue to their said Lands in *Sutton Saint Edmunds* aforesaid by the Concession of such Right as aforesaid: And whereas the said Lands in *Sutton Saint Edmunds* are within and subject to the Jurisdiction of the Commissioners of Sewers for the County of *Lincoln* acting within the Hundred of *Elloe* in the said County: Be it therefore enacted, That for raising the said annual Sum to be contributed and paid by the said Lands in *Sutton Saint Edmunds*, situate and being within the Jurisdiction of the Commissioners of Sewers for the said County of *Lincoln* acting within the Hundred of *Elloe* in the said County, it shall be lawful for the said Commissioners of Sewers acting as aforesaid, and they are hereby required, from Time to Time to assess, tax, rate, and charge the said several Lands in *Sutton Saint Edmunds* lying within the said Jurisdiction by and with such yearly equal Acre Rates or Taxes as will be sufficient to provide for the Payment of the said annual Sum of Two hundred Pounds to be contributed and paid from, by, and out of the said Lands in *Sutton Saint Edmunds* aforesaid, which said annual Sum shall be paid by the same Commissioners of Sewers in every Year to the said *North Level Commissioners*, or their Treasurer or Treasurers for the Time being, 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 after the Removal of the present *Cross Keys Bridge*, and the Appendages thereto, herein-before provided for, and also by the like
Ways

Ways and Means to raise, 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 of the same last-mentioned Acre Rates or 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.

XXXVI. And be it enacted, That the Payment of the said annual Sum of Two hundred Pounds shall entitle, authorize, and empower the Owners and Occupiers for the Time being of the said Lands in *Sutton Saint Edmunds* to drain their said Lands into the said *North Level Main Drain* at or near the Point of Intersection of *Old Shire Drain* by the said *North Level Main Drain* at or near the *Hundred Acre Farm* aforesaid, for ever hereafter, without any Interruption, Hindrance, or Disturbance whatsoever.

Right to drain Lands in Sutton Saint Edmunds by the North Level Main Drain.

XXXVII. And be it enacted, That it shall and may be lawful for the said Commissioners of Sewers for the County of *Lincoln* acting within the Hundred of *Elloe* to make and execute all such Openings and Communications between the said Lands in *Sutton Saint Edmunds* and the said *North Level Main Drain* at or near the said *Hundred Acre Farm*, and to erect, make, and place all such Sluices, Bridges, and Tunnels in and through the Bank and Foreland of the said *North Level Main Drain* as shall be necessary and required, in the Judgment of the said last-mentioned Commissioners of Sewers, for effecting the Discharge of the Waters of the said Lands in *Sutton Saint Edmunds* into the said *North Level Main Drain* as aforesaid; and the said Commissioners of Sewers shall and they are hereby required to make and for ever hereafter maintain all such Dams, Headlings, and other Works in the said *Shire Drain* at the North-eastern Extremity of the said Hamlet of *Sutton Saint Edmunds* as shall be necessary to prevent the Waters of any other District from draining by means of the said *Shire Drain* into the said *North Level Main Drain*, and to raise and levy the Costs, Charges, and Expenses of executing the said Works in the same Way and Manner as the said last-mentioned Commissioners raise and levy the ordinary Ways and Means for repairing and maintaining the Works of Sewers within the said Hamlet of *Sutton Saint Edmunds*.

Commissioners of Sewers for the Hundred of Elloe to make all necessary Communications with the North Level Main Drain, for draining the Lands in Sutton Saint Edmunds.

XXXVIII. And be it enacted and declared, That, notwithstanding the said Lands in *Sutton Saint Edmunds* shall be charged in manner aforesaid for Permission to drain by the said *North Level Drain Main*, nothing herein contained shall be held or construed to tax or imply a Right

Charge on Lands in Sutton Saint Edmunds not to be construed

into a Right
for any
future
Charge.

a Right to tax the said Lands 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 or otherwise of the said *North Level* or any Part thereof, or in respect of the Removal and Re-construction of the said Bridge; and, notwithstanding this Act, or anything herein contained, or the said several herein-before recited Acts, the said Lands in *Sutton Saint Edmunds* shall be wholly exempt from all Jurisdiction, Power, or Authority given or reserved under or by virtue of the said recited Acts respectively or this Act, except such Jurisdiction, Power, or Authority as is expressly given and declared by this Act to the said last-mentioned Commissioners of Sewers in reference solely to the said Lands in *Sutton Saint Edmunds*.

Shire Drain
declared to
be within the
Jurisdiction
of the Com-
missioners of
Sewers.

XXXIX. And be it enacted, That so much of the said *Shire Drain* as shall for the Time being be used for the Purposes of Drainage shall during such User thereof be and the same is hereby declared to be within the Jurisdiction, Order, and Control of the said Commissioners of Sewers for the said County of *Lincoln*.

Not to drain
by the North
Level Main
Drain at
Hundred
Acre Farm
until Cross
Keys Bridge
removed.

XL. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the Owners and Occupiers for the Time being of the said Lands in *Sutton Saint Edmunds* to drain their said Lands into, by, and through the said *North Level Main Drain* at or near the *Hundred Acre Farm* aforesaid, until the present *Cross Keys Bridge*, and all the Appendages thereof, shall have been removed, as herein-before provided for.

North Level
Commis-
sioners may
place a Dam
in their
Drain be-
tween
Sutton
Saint James
and Sutton
Saint Ed-
munds, and
Proceeds of
Sale of
disused
Parts of
Shire Drain
to be applied
to Purposes
of this Act.

XLI. And be it enacted, That, notwithstanding anything in the said recited Act of the Eleventh Year of *George* the Fourth contained, it shall be lawful for the said *North Level* Commissioners, when and so soon as the Drainage of the said Lands in *Sutton Saint Edmunds* shall be effected by the said *North Level Main Drain* as aforesaid, to make and for ever maintain all such Dams, Headings, and other Works in the said *Shire Drain* below the North-eastern Extremity of the said Hamlet of *Sutton Saint Edmunds*, and above the Point where the Parish or Hamlet of *Sutton Saint James* drains into the said *Shire Drain*, as may be necessary for preventing the Waters of the said Parishes or Hamlets of *Sutton Saint James* and *Tidd Saint Mary* from flowing upwards in the Course of the said *Shire Drain* towards the said Hamlet of *Sutton Saint Edmunds*; and that all and singular the Monies to arise and be produced from any Sale or Sales of any disused Part of the said *Shire Drain* between the Points aforesaid and the Forelands thereof, in pursuance of the said recited Act of the Eleventh of *George* the Fourth, shall be paid by the said *North Level* Commissioners to the said Commissioners for executing this Act, and be by them applied to and for the several Purposes of this Act or any of them.

Provision as
to Sutton
Saint Ed-
munds, in
case Consent
to remove
Cross Keys

XLII. Provided always, and be it enacted, That in case the said *Francis Duke of Bedford*, or the Duke of *Bedford* for the Time being, shall not on or before the First Day of *May* One thousand eight hundred and forty-nine consent to the Commissioners of the *Nene Outfall* proceeding in the Removal of the said *Cross Keys Bridge*, and in the
Construction

Construction of the said new Bridge and the Appendages, pursuant to the Power herein-before given to the said Duke of *Bedford* of consenting to the proceeding therewith before the ascertaining that such Sum of Twenty-five thousand six hundred Pounds will be raised and contributed as aforesaid, then and in that Case all the Powers, Provisions, Rights, and Privileges by this Act herein-before enacted in relation to the said Hamlet of *Sutton Saint Edmunds* shall cease and determine, unless a Majority in Value of the Owners of Lands in the said Hamlet of *Sutton Saint Edmunds* according to the Poor Rate Assessment thereof shall, at a Meeting of the Owners of the said Lands to be specially convened for that Purpose by the Clerk to the said Commissioners for executing this Act, consent to an Extension of the Time beyond the said First Day of *May* One thousand eight hundred and forty-nine.

Bridge is not obtained before certain Time.

XLIII. And be it enacted, That it shall be lawful for the said *North Level* Commissioners to borrow Money upon the Credit of the said annual Sum of Two hundred Pounds or any Part thereof, not exceeding the Principal Sum of Five thousand Pounds in the whole, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and at any General Meeting of the said *North Level* Commissioners to execute an Assignment by way of Mortgage of the said annual Sum or any Part thereof to such Person or Persons as may be willing to advance the Money to be borrowed; and which Monies to be so borrowed shall be paid to the said Commissioners for executing this Act, or their Treasurer or Treasurers for the Time being, to be by them applied towards the Payment of the Costs of removing and re-constructing *Cross Keys Bridge* aforesaid, with the respective Appendages thereof.

Power to borrow Money on the said annual Sum, not exceeding 5,000*l.* in the whole.

XLIV. And be it enacted, That the Sum of One thousand Pounds shall be the Sum to be contributed by the Proprietors of Lands lying within the Boundaries of the *Wisbech North Side* District and of the *Leverington* and *Parson Drove* District, towards the Removal and re-constructing of *Cross Keys Bridge*, and the Works connected therewith, as aforesaid, in the Proportions following; (that is to say,) the Sum of Five hundred and sixty-two Pounds Ten Shillings by the Proprietors of Lands lying within the said *Wisbech North Side* District, and the Sum of Four hundred and thirty-seven Pounds Ten Shillings by the Proprietors of Lands lying within the said *Leverington* and *Parson Drove* District, and shall be paid to the Treasurer or Treasurers of the said Commissioners for executing this Act by Three equal Instalments, the First of which shall become due and be paid on the First Day of *December* now next ensuing, and the Second of which Instalments shall become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and forty-nine, and the Third of which Instalments shall become due and be paid on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and fifty; and which said Contributions shall be raised in the Manner herein-after mentioned.

Wisbech North Side and Leverington and Parson Drove to contribute 1,000*l.* in the Proportions herein mentioned.

XLV. And be it enacted, That the said Sum of One thousand Pounds to be so contributed and paid in the Proportions aforesaid by the said

Wisbech North Side and Lever-

ington and
Parsons
Drove Con-
tribution,
how to be
raised.

Proprietors of Lands lying within the Boundaries of the said *Wisbech North Side* and *Leverington* and *Parson Drove* Districts as aforesaid shall be raised and contributed by the respective Commissioners for the said respective Districts towards the Execution of the last-mentioned Works, and shall be paid by the respective Commissioners for or Proprietors of the several Lands, or their respective Clerks or Treasurers, to the Treasurer or Treasurers of the said Commissioners for executing this Act, by Three equal Instalments, as last aforesaid; and that the said Contribution by the several Instalments thereof aforesaid shall be respectively raised, enforced, and recovered by the respective Commissioners of the said respective Districts, and in default of Payment thereof by them within One Calendar Month after the same shall respectively become payable, then by the said Commissioners for executing this Act respectively, in like Manner and with the same or the like Powers as are respectively given or reserved to them the said District Commissioners and to the said Commissioners of the *Nene Outfall* respectively in the like Behalf by the said recited Acts of the Seventh and Eighth Years of King *George* the Fourth, for raising, recovering, and enforcing the Contributions therein provided to be raised from the said Districts respectively towards the Costs of executing the Works thereby authorized to be executed.

Charge on
Land in Wis-
bech North
Side and
Leverington
and Parson
Drove Dis-
trict not to
be construed
into a Right
for any
future
Charge
thereon.

XLVI. And be it enacted, That, notwithstanding that the Proprietors of Lands lying within the Boundaries of the *Wisbech North Side* District and of the *Leverington* and *Parson Drove* District respectively have consented and agreed that the same several last-mentioned Lands and Grounds shall be respectively charged in manner aforesaid towards the Removal and rebuilding of *Cross Keys Bridge*, and the Works connected therewith, nothing herein contained shall be construed into a Right to tax the said several last-mentioned Lands or any of them for or towards or by way of Contribution for any other Works hereafter to be made or done for the Improvement of the said *North Level*, or the Drainage thereof by and through the *North Level Main Drain* and *North Level Sea Sluice*, or for the Improvement of the River *Nene* and *Wisbech* River, or otherwise, without the Concurrence of the Proprietors of the Lands lying within the said respective Districts, and other Parties interested therein, first had and obtained.

For ascer-
taining the
Amount of
the Contri-
bution to be
paid by the
Mayor,
Aldermen,
and Bur-
gesses of the
Borough of
Wisbech.

XLVII. And for ascertaining the Amount of the Contribution which the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* ought to bear and pay of or towards the Costs and Expenses of making and executing the Works hereby authorized to be made and executed, be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses to agree with the said Commissioners for executing this Act touching the Amount as well of a gross Contribution to be paid by the said Mayor, Aldermen, and Burgesses towards the taking down and removing of the said *Cross Keys Bridge* and the Appendages thereof, and the Toll Houses, Toll Gates, and other Erections appertaining thereto, and the erecting and making of the said new Bridge, with the Toll Houses, Toll Gates, and other Appendages thereof, and the Approaches thereto, as aforesaid, as also of an annual Contribution to be paid by the said Mayor, Aldermen, and Burgesses towards such improving of the Channel of the *Wisbech*

beck River upwards from the upper End of *Kindersley's Cut* to the Southern Extremity of the County of *Norfolk*, and the sustaining and strengthening of the Banks on each Side of the same Channel, as aforesaid; and in case the said Mayor, Aldermen, and Burgesses shall not within Three Calendar Months from the passing of this Act agree with the said Commissioners touching the Amount of such Contributions, or shall refuse or neglect to treat thereupon, then and in such Case it shall be referred to Two Civil Engineers to ascertain and determine the Amount of such gross and annual Contributions to be paid by the said Mayor, Aldermen, and Burgesses towards the same respective Works, one of which Civil Engineers shall be appointed by the said Commissioners, and the other of whom shall be appointed at some Meeting of the said Mayor, Aldermen, and Burgesses to be specially convened for that Purpose, or the major Part of them present at such Meeting; and in case the said Mayor, Aldermen, and Burgesses shall refuse or neglect to appoint such Civil Engineer on their Part, to be appointed within One Calendar Month after being required so to do by the said Commissioners for executing this Act, by a Notice under the Hand of their Clerk, given to or left at the Office of the Town Clerk of the said Mayor, Aldermen, and Burgesses, then and in such Case it shall be lawful for the said Commissioners to appoint a Civil Engineer to act on the Part of the said Mayor, Aldermen, and Burgesses in the said Reference with the said Civil Engineer to be so appointed by and on the Part of the said Commissioners; and in case the said Two Engineers to be so appointed as aforesaid shall disagree in their Opinion touching the Matter to be so referred to them, the Matter or Matters in which they shall so disagree shall be referred by them to and be determined by a Third Civil Engineer, who shall be appointed by the said Two first-mentioned Referees, as an Umpire between them prior to their proceeding on the said Reference; and the Decision or Determination of such Two Referees, or of such Umpire between them, as aforesaid, shall be final, conclusive, and binding between the said Parties; provided always, that in case the said Engineers shall not appoint an Umpire in manner aforesaid, upon being required so to do by the said Commissioners for executing this Act, that then and in such Case the said Umpire shall be appointed by the said Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral for the Time being; and the Amounts of such respective gross and annual Contributions to be so agreed upon or ascertained and determined as aforesaid shall be raised and contributed by the said Mayor, Aldermen, and Burgesses towards the Execution of such respective Works aforesaid, and shall be respectively paid to the Treasurer or Treasurers of the said Commissioners for executing this Act, in manner following; that is to say, the Amount of such gross Contributions shall be paid by Three equal Instalments, the First of which shall become due and be payable on the First Day of *December* now next ensuing, and the Second of which said Instalments shall become due and be payable on the First Day of *December* which will be in the Year of our Lord One thousand eight hundred and forty-nine, and the Third of which said Instalments shall become due and be payable on the First Day of *December* which will be in the
Year

Year of our Lord One thousand eight hundred and fifty; and the Amount of such annual Contribution shall be annually paid on the First Day of *October* in every Year, the First annual Payment thereof to be made on the First Day of *October* One thousand eight hundred and forty-nine; and which said gross and annual Contributions shall be raised in the Manner herein-after mentioned.

Provision for Expenses in settling Amount of Contribution by Mayor, Aldermen, and Burgesses.

XLVIII. And be it enacted, That the Charges and Expenses of such respective Engineers as last aforesaid shall be borne and paid by the said Mayor, Aldermen, and Burgesses and the said Commissioners for executing this Act respectively by whom or on whose respective Parts the said Engineers shall be respectively appointed, and the Charges and Expenses of the Umpire of the said Engineers shall be borne and paid by the said Parties respectively in equal Moieties.

Tonnage Duties may be received in respect of such Contributions.

XLIX. And for raising such gross and annual Sums so to be contributed and paid by the said Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech* towards the Execution of the said Works by this Act authorized to be made as aforesaid, be it enacted, That from and after the Expiration of One Month next after the passing of this Act it shall be lawful for the said Mayor, Aldermen, and Burgesses, and their Successors, and they are hereby fully authorized and empowered, by themselves, or by any Collector, Officer, or other Person or Persons who shall be from Time to Time appointed by them for that Purpose, to demand, collect, receive, and take, 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, the Sum of Three-pence *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, Merchandizes, 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 Merchandizes, the Sum of Three-pence *per* Ton for every Ton of the Burthen of every such Ship, Barge, or Vessel, such Burthen to be calculated and ascertained by the registered Tonnage of every such Ship, Barge, or Vessel; and also of and from the Master or Commander of every Ship, Barge, or Vessel not belonging to any of 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

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.

L. Provided always, and be it enacted, That all Ships, Barges, Lighters, Vessels, Materials, Articles, and Things which by the said recited Act passed in the Fiftieth Year of King *George* the Third 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.

Exemptions of former Act to apply to this Act.

LI. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British* Ship, or upon Goods imported or exported in such Vessel, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but that the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British* Ships, or upon Goods imported or exported in such Vessels.

Rates of Foreign Vessels to be reduced to the Rates on British Ships, where Reciprocity Treaties entered into.

LII. And be it enacted, That the Power or Authority of seizing, distraining, detaining, and selling, and all other Powers and 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 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 of the Payment of the Duties imposed by the said last-mentioned Act, or a Certificate, as therein directed, that the Amount thereof has been consigned and lodged, or Security for the same has been given, to the Satisfaction of the said Mayor, Aldermen, and Burgesses or their Successors: Provided always, that the Collector or

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

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.

Power for the Mayor, Aldermen, and Burgesses of Wisbech to borrow Money on the Duties to pay gross Contribution.

LIII. And be it enacted, That for better enabling the said Mayor, Aldermen, and Burgesses to raise and pay the said gross Sum to be so contributed by them by the several Instalments aforesaid towards such Removal and Reconstruction of *Cross Keys Bridge* aforesaid, and the Works connected therewith, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby empowered, at any Time or Times, and from Time to Time when and as often as Occasion shall require, to borrow and take up at Interest any Sum or Sums of Money in their Discretion, not exceeding the gross Sum to be so contributed as aforesaid in the whole at any One Time upon the Credit of the respective Duties by this Act authorized to be collected, received, and taken by the said Mayor, Aldermen, and Burgesses, upon the Credit of any of the said Duties or any Part of them, and to mortgage, assign, and convey the same several Duties, or any of them, or any Part thereof, by any Writing or Writings under the Common Seal of the said Mayor, Aldermen, and Burgesses, to any Person or 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 a Security or Securities for the Repayment of the Sum or several Sums of Money that shall be so borrowed as aforesaid, and the Interest thereof; and that the Receipt or several Receipts of the 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 Non-application 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, Aldermen, and Burgesses, to raise the said

LIV. Provided always, and be it enacted, 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 for the Payment thereof, then and in such Case the said Duties by this Act authorized to be collected and received as aforesaid shall be and the same are hereby in such Case

Case vested in the said Commissioners for executing this Act, 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 and may be lawful for the said Commissioners for executing this Act to borrow and take up at Interest any such Sum or Sums of Money in Payment of which Default shall have been so made as aforesaid, upon the Credit of all or any of the said Duties by this Act authorized to be collected and received as aforesaid, 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 said 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 or Treasurers of the said Commissioners for the Time being shall be a good and sufficient Discharge or good and sufficient Discharges to all and every Persons and Person who shall advance or lend the said Sum or any Part thereof to the said 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 said 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 said 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 said 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 said Commissioners in a Book or Books to be kept by the said Commissioners for that Purpose.

Sum to be
so contri-
buted by
them.

LV. And be it enacted, That every Mortgage, Assignment, and Conveyance to be made by the said Mayor, Aldermen, and Burgesses, may be made in the Form or to the Effect following, or in such other Form or to such other Effect, and with such other Stipulations or Provisions to be inserted therein as the Case may require; (that is to say,)

Form of
Mortgage by
the Mayor,
Aldermen,
and Bur-
gesses.

WE, the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, do, by virtue of the Power and Authority given to us by an Act of Parliament passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], and in consideration 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 em-
powered to borrow and take up at Interest for the Purposes therein
mentioned,

' mentioned, do by these Presents mortgage, assign, and convey
 ' unto the said Successors and Assigns,
 ' or Executors, Administrators, and Assigns, [*as the Case may be,*]
 ' all and singular the Duties payable unto or for the Use of us the said
 ' Mayor, Aldermen, and Burgesses, which by the said Act we are em-
 ' powered 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 and Assigns, or
 ' Executors, Administrators, and Assigns, [*as the Case may be,*] until
 ' the said Sum of together with Interest
 ' for the same after the Rate of per Centum
 ' per Annum, to be computed from the Day of the Date hereof, shall
 ' be fully repaid and satisfied to him, her, or them, [*as the Case may be,*]
 ' such Interest to be paid by equal half-yearly Payments on the
 ' Day of and the Day of
 ' in every Year in the meantime.
 ' Given under our Common Seal, the Day of
 ' in the Year of our Lord One thousand eight hundred
 ' and

Form of
 Mortgage by
 the Commis-
 sioners.

LVI. And be it enacted, That every such Mortgage, Assignment,
 and Conveyance to be made by the Commissioners for executing
 this Act as aforesaid may be made in the Form or to the Effect
 following, or in such other Form or to such other Effect, and
 with such other Stipulations or Provisions to be inserted therein,
 as the Case may require, every such Mortgage being duly stamped
 with the proper Stamp for denoting the Payment of the full
 Amount of the *ad valorem* Duty charged on such Mortgage; (that
 is to say,)

' WE, the Commissioners of the Nene Outfall, by virtue of the
 ' Power and Authority given to us by an Act of Parliament passed
 ' in the Eleventh and Twelfth Years of the Reign of Her Majesty
 ' Queen Victoria, intituled [*here set forth the Title of this Act*], and in
 ' consideration of the Sum of to us paid by
 ' being Part of the Sum of Money which by the said Act we are
 ' empowered to borrow and take up at Interest on the Default of
 ' the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*
 ' in the Payment thereof, as in the said Act is mentioned, and which
 ' Default has been made by the said Mayor, Aldermen, and Burgesses,
 ' do by these Presents mortgage, assign, and convey unto the said
 ' Successors and Assigns, or Executors, Adminis-
 ' trators, and Assigns, [*as the Case may be,*] all and singular the Duties
 ' payable unto or for the Use of the said Mayor, Aldermen, and
 ' Burgesses which by the said Act the said Mayor, Aldermen, and
 ' Burgesses, or we the said Commissioners on their Default as afore-
 ' said, are empowered to mortgage, assign, and convey to any Person
 ' or Persons advancing or lending the same Sum of
 ' or any Part thereof, to hold the same Duties and every of them
 ' unto the said Successors and Assigns,
 ' or Executors, Administrators, and Assigns, [*as the Case may be,*]
 ' until the said Sum of together with Interest
 ' for the same after the Rate of per Centum per
 ' Annum,

‘ 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 _____ .’

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

Securities to
 be assign-
 able.

LVIII. And be it enacted, 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 respec-
 tively made or granted under the Common Seal of the said Mayor,
 Aldermen, and Burgesses, or by the said Commissioners for executing
 [Local.] _____ this

Mortgagees
 of Duties to
 be Creditors
 in an equal
 Degree.

this Act, 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 the
Principal,
on Notice.

LIX. And be it enacted, 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, 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 Commissioners for executing this Act, as aforesaid, from Time to Time when and as such Interest shall become due and payable, and also the Principal Money which shall be due and payable upon or by virtue of any such Mortgage or Security as aforesaid, upon Two Calendar Months previous Notice in Writing for the Payment of such Interest, and Six Calendar Months previous Notice in Writing for the Payment of such Principal Money, being given to or left at the Dwelling House or Office for the Time being of the Town 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.

LX. And be it enacted, That if the Principal Money due and payable upon or by virtue of any such Mortgage or Security which shall have been so made or granted by the said Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, or by the said Commissioners for executing this Act, as aforesaid, or the Interest thereof, shall not be paid by the Collector or Collectors of the said Duties, pursuant to such Notice given or left as aforesaid, then the said Duties comprised in such Mortgage or Security as aforesaid shall vest in the Mortgagee or Mortgagees thereof for the Time being, or in some Person or Persons to be nominated by them, or the major Part of them, in trust for all of them, according to the respective 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

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 Commissioners for executing this Act, 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.

LXI. And be it enacted, 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 said Commissioners for executing this Act, or to the Mortgagee or Mortgagees of the said several Duties by this Act authorized to be mortgaged as aforesaid, the said several Duties or any of them shall have become vested in the said Commissioners or in the said Mortgagee or Mortgagees, by virtue of any of the Provisions herein contained, then and in such Case the Collector or Collectors of the said several Duties from Time to Time appointed or employed by the said 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 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 Commissioners or of the said Mortgagee or Mortgagees in whom the said Duties shall then have become vested as aforesaid, and shall give to the said Commissioners or Mortgagee or Mortgagees, as the Case may be, such Security as they shall reasonably require for the due and faithful collecting, receiving, accounting for, and paying over of the said Duties from Time to Time to the said Commissioners or Mortgagee or Mortgagees, as the Case may be, according to the true Intent and Meaning of this Act; and that such Collector or Collectors shall thenceforth from Time to Time account for and pay over the said several Duties, when and as the same shall be collected and received by him or them, after deducting therefrom the reasonable Charges attending the Collection and Receipt thereof, unto the said Commissioners for executing this Act, or unto the said Mortgagee or Mortgagees of the said Duties, according to their respective Interests in the same Duties, or unto such other Person or Persons as the said Commissioners or the said Mortgagee or Mortgagees shall appoint or authorize to receive the same; and that in case such Collector or Collectors shall, at any Time after any such Default and Notice as aforesaid, refuse or neglect to give such Security as aforesaid, or to render to the said Commissioners or to the said Mortgagee or Mortgagees, as the Case may be, a full and true Account of the said last-mentioned Duties, or to pay over the same, after deducting the reasonable Charges attending the Collection and Receipt thereof, unto the said Commissioners or Mortgagee or Mortgagees respectively, or to such Person or Persons as they shall respectively appoint or authorize to receive the same, then and in such Case it shall be lawful for the said Commissioners, or 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

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

the said 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 Commissioners or Mortgagee or Mortgagees respectively by reason of the Nonpayment thereof, shall remain due or unsatisfied; and the said Collector or Collectors to be so from Time to Time appointed by the said Commissioners or 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 Commissioners are subject and liable to in any Manner howsoever.

Provision
for Sinking
Fund for
paying Mo-
neis bor-
rowed.

LXII. And be it enacted, 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 Commissioners for executing this Act, 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 Duties by this Act authorized to be collected and received as aforesaid which shall remain after satisfying the yearly Interest of every such Mortgage or Security to be so made or granted as aforesaid, and after satisfying all such Charges and 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 paying thereout such annual Sum to be so contributed and paid by the said Mayor, Aldermen, and Burgesses to the said Commissioners for executing this Act or their Treasurer for the Time being, towards the Improvement of the Channel and Banks of the said *Wisbech* River upwards from the upper End of *Kinderley's Cut* as aforesaid, in and towards the Reduction and Liquidation of the Principal Money due upon any One or more of such Mortgages or Securities.

The several
Contribu-
tions to ex-
onerate the
contributing
Parties from
all further
Charges.

LXIII. And be it enacted, That the said several Sums so hereinbefore authorized and required to be respectively raised and contributed towards the Removal of the said *Cross Keys Bridge*, and the Construction of a new Bridge, with the Works connected therewith, as aforesaid, and to be respectively paid to the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act by the respective Instalments herein-before mentioned, shall from Time to Time be accordingly paid and applied by the said Commissioners for executing this Act, or under their Direction, so far as the same will extend, towards the Execution of the same Works by this Act authorized to be made as aforesaid, and shall be by the said Commissioners accepted in full Acquittance, Discharge, and Exoner-
ation

ation of the said several Parties respectively contributing the same several Sums of Money as aforesaid, and the Trade and Navigation and several Lands and Grounds from or in respect of which the same several Sums of Money are or shall be so respectively raised and contributed as aforesaid, of and from all and singular the Costs, Charges, Damages, and Expenses whatsoever which shall or may in any Manner arise, or be incurred, sustained, or occasioned, at any Time or Times hereafter, in, for, about, or concerning the Removal of the said *Cross Keys Bridge*, and the Construction of such new *Bridge* with the several Works connected therewith, as aforesaid.

LXIV. And be it enacted, That all and singular other the Costs, Charges, and Expenses of removing and reconstructing the said *Cross Keys Bridge*, with the Works connected therewith, and also all and singular the Costs, Charges, and Expenses of applying for and obtaining this Act and incidental thereto, over and beyond the said several Sums of Money to be so raised and contributed as aforesaid, if the said several Contributions shall together amount to the Sum of Twenty-five thousand six hundred Pounds or upwards (but not otherwise), shall be wholly paid, satisfied, and discharged by the said *Francis Duke of Bedford*, his Heirs or Assigns, and shall be charged upon his or their Lands and Grounds lying within the said *North Level*, and may be recovered thereout by the Commissioners for executing this Act, in like Manner as the Rates and Taxes authorized to be assessed and levied upon and out of the same by the Commissioners of the *Nene Outfall*, under the Powers and Authorities of the said Act of the Seventh and Eighth Years of King *George the Fourth*, are authorized to be raised.

The remaining Expenses of removing and rebuilding *Cross Keys Bridge*, &c., and of applying for and obtaining this Act, to be defrayed by the Duke of Bedford.

LXV. Provided always, and be it enacted, That so soon as the said new *Cross Keys Bridge* shall have been completed, and such Completion thereof certified and published as aforesaid, and the present Bridge, with the Piers, Piles, Abutments, and Appendages thereof, shall have been removed by the said Commissioners for executing this Act, the Materials for the said last-mentioned Bridge, and the said Piers, Piles, Abutments, and Appendages, shall be sold by the said Commissioners, and the Proceeds of such Sale shall belong to and be paid to the said *Francis Duke of Bedford*, his Heirs or Assigns; but such Removal of the present Bridge shall not take place until after the said new *Cross Keys Bridge* shall have been completed and certified as aforesaid.

Materials of *Cross Keys Bridge* to be sold, and the Proceeds to belong to the Duke of Bedford.

LXVI. Provided always, and be it enacted, That in case the Costs, Charges, and Expenses of removing and rebuilding *Cross Keys Bridge* aforesaid, together with the Costs of applying for and obtaining this Act of Parliament, and incidental thereto, shall not amount to the Sum of Thirty thousand Pounds in the whole, then and in that Case the said several Sums so herein-before authorized and required to be respectively raised and contributed towards the removal and rebuilding of the said Bridge, with the Works connected therewith, as aforesaid, (except the said annual Sum to be so contributed thereto by the said Proprietors of Lands lying within the said Hamlet of *Sutton Saint Edmunds*, as aforesaid,) and also the Monies to be so contributed thereto by the said *Francis Duke of Bedford*, his Heirs or Assigns, as

If Costs of removing and rebuilding *Cross Keys Bridge*, and of applying for and obtaining Act of Parliament, should not amount to 30,000*l.*, Contributions to abate rateably.

aforesaid, shall abate and be retained by the several and respective Parties contributing the same Sums respectively (except as aforesaid) rateably in proportion to the Amount of their said respective Contributions; and if the said several Contributions shall have been already raised and paid, then and in such Case the Amount thereof not required for the several last-mentioned Purposes shall be repaid to the same several contributing Parties and to the said Duke of *Bedford*, his Heirs or Assigns, rateably in proportion to the Amount of their several and respective Contributions.

For ascertaining Contribution to be paid by Marsh Lands towards Improvement of Channel of Wisbech River upwards from upper End of Kinderley's Cut as aforesaid, and the Repairs and strengthening of the Banks.

LXVII. And be it enacted, That for ascertaining the Amount of the Contributions to be paid towards the Costs of improving the Channel of the said *Wisbech* River in its Course upwards from the upper End of *Kinderley's Cut* to the Southern Extremity of the County of *Norfolk*, and of repairing, sustaining, and strengthening the Banks on both Sides of the said Channel, as aforesaid, by the Proprietors of the several Lands and Grounds respectively situate in the Parishes, Townships, and extra-Parochial and other Places of *West Walton* and *Walsoken* in the County of *Norfolk*, and *Newton* and *Leverington* in the *Isle of Ely* and County of *Cambridge*, or some of them, and now liable by Custom or Statute to be charged to or with any Parish or Sewer Rate or other Assessment for or towards the Maintenance and Support of the Banks of the said *Wisbech* River on either Side thereof between the said *Kinderley's Cut* and the said County Boundary, or otherwise liable to maintain the said Banks or any Portion or Portions thereof, it shall be lawful for the last-mentioned Proprietors to agree with the said Commissioners for executing this Act for the Payment of an annual Contribution or Contributions towards the Costs and Expenses of the said last-mentioned Works, and touching the respective Proportions in which the same shall be paid by them respectively; and in case the said Proprietors shall not within Six Months after the passing of this Act agree with the said Commissioners touching the Amount of such annual Contribution or Contributions, and the respective Proportions to be paid by the said Proprietors respectively, or shall neglect to treat concerning the same, then the Matter or Matters shall be referred to and determined by Two Civil Engineers, one of whom shall be appointed by the said Commissioners, or the major Part of them present at some Meeting, and the other of whom shall be appointed by the said Proprietors, or the major Part of them to be present at a Meeting of the said Proprietors to be specially convened for the Purpose by the Clerk of the said Commissioners for executing this Act; and in case the said Proprietors shall neglect to appoint such Civil Engineer on their Part to be appointed at such Meeting, then and in such Case it shall be lawful for the said Commissioners for executing this Act to appoint a Civil Engineer to act on the Part of the said Proprietors in the said Reference with the said Civil Engineer to be so appointed by and on the Part of the said Commissioners; and in case the said Two Engineers to be so appointed as aforesaid shall disagree in opinion touching the Matters or Matter to be so referred to them, then the Matter or Matters in which they shall so disagree shall be referred by them to and be determined by a Third Civil Engineer, to be appointed by the said Two first Engineers as an Umpire between them before they shall proceed on such Reference,

ference; 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 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 several Proprietors, or by their Collector or Collectors, to be appointed as herein-after mentioned, to the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act, on the First Day of *October* in every Year, the First annual Payment to become due and be made on the First Day of *October* One thousand eight hundred and forty-nine: Provided always, that the annual Contribution or Contributions of the several Proprietors of the Lands liable to maintain the said Banks shall not exceed the average yearly Amount of Expenditure upon the Repairs of the said Banks for the last Eight Years preceding the passing of this Act.

LXVIII. And be it enacted, That for raising the said annual Sum to be so contributed from such of the said last-mentioned Lands and Grounds as are situate and being within the Jurisdiction of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, 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 and Grounds lying within the said Jurisdiction by and with such yearly Acre Rates or Taxes as will be sufficient to provide for the Payment of the proportionate 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 as aforesaid, which said proportionate annual Sum shall be paid by the said Commissioners of Sewers in every Year to the said Commissioners for executing this Act, or their Treasurer or Treasurers for the Time being, on the said First Day of *October* in every Year, 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 of 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 or are upon, in all respects and to all Intents and Purposes whatsoever.

Power for Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, to charge such of the last-mentioned Lands as are within their Jurisdiction towards the Improvement of the *Wisbech* River upwards from the upper End of *Kinderley's Cut*.

LXIX. And be it enacted, That the said Commissioners for executing this Act shall at their annual General Meeting from Time to Time assess, tax, rate, and charge all such of the said other Lands and Grounds,

Power for the Commissioners of *Nene*

Outfall to charge remaining Lands not within Jurisdiction of Sewers with yearly Acre Rates for Payment of their annual Contributions.

Grounds, being without the said last-mentioned Jurisdiction from which such annual Contribution is to be paid towards the said last-mentioned Works as aforesaid, as do not lie within the Jurisdiction of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, with such yearly Acre Rates or Taxes as will be sufficient to provide for the Payment of the proportionate 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 proportionate annual Sum shall be paid in every Year to the said Commissioners for executing this Act, or their Treasurer or Treasurers for the Time being, on the said First Day of *October* in every Year.

Commissioners to have Powers of 7 & 8 G.4. c. 85. for Purposes of Assessment.

LXX. And be it enacted, That, in default of Payment by the said last-mentioned Commissioners of Sewers of the annual Sum to be so raised and contributed by them, and for raising the annual Sum to be so contributed from the said other Land, as respectively aforesaid, the said Commissioners for executing this Act shall have and may exercise all Powers, Authorities, and Remedies touching the assessing, rating, and taxing the said last-mentioned Lands, as well those being within as without the Jurisdiction of the said last-mentioned Commissioners of Sewers, and ascertaining the Acreage thereof, and other Circumstances connected therewith or incident thereto, and for collecting, receiving, recovering, and, if necessary, enforcing the Payment of the Rates or Taxes to be so assessed and taxed as respectively last mentioned, as are by the said Act of the Seventh and Eighth Years of King *George* the Fourth vested in the said Commissioners of the *Nene Outfall* for the like Purposes in respect of the said Lands and Grounds lying within the said *North Level* and *Great Portsand* and the Manor of *Crowland*, thereby authorized to be assessed and taxed with yearly Acre Rates.

Commissioners for executing this Act may raise Money by Mortgage on the annual Contributions to be paid to them as aforesaid (not exceeding 10,000%.)

LXXI. And be it enacted, That it shall be lawful for the said Commissioners for executing this Act and they are hereby empowered, at any of their yearly or other General Meetings, to borrow or take up any Principal Sum or Sums of Money (not exceeding the Sum of Ten thousand Pounds in the whole) at Interest upon any Mortgage or Mortgages of the said annual Sums to be so respectively contributed and paid to them, or their Treasurer or Treasurers for the Time being, as aforesaid, by the said Mayor, Aldermen, and Burgesses, out of the said Duties hereby by them authorized to be received as aforesaid, and out of the said Lands and Grounds lying within the Jurisdiction of the said Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, and out of the said Lands and Grounds, not being within such Jurisdiction, but hereby authorized to be assessed and rated by the said Commissioners for executing this Act, as last mentioned, (but subject as to the said Duties to any Mortgage or Mortgages to be effected thereupon by the said Mayor, Aldermen, and Burgesses, as herein-before authorized,) as the said Commissioners assembled at any of their said Meetings shall from Time to Time think proper or see occasion so to provide and raise, and to assign, convey, or charge the same annual Sums to be so respectively contributed

buted as aforesaid, or any of them, or any Part or Parts thereof respectively, by Deed under the Common Seal of the said Commissioners, to any Person or Persons who shall lend or advance any such Principal Sum or Sums of Money, as a Security or Securities for the Repayment of such Principal Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered by the Clerk to the said Commissioners for executing this Act in a Book to be kept by them for the Purpose; and that every such Security for the Repayment of any such Principal Sum or Sums of Money, with Interest, shall state the full Consideration for the same, and be duly stamped, and may be in the Form or to the Effect following, with such other Stipulations, Provisions, or Exceptions to be inserted therein as the Case may require; (that is to say,)

‘ WE, the Commissioners of the Nene Outfall, by virtue of the
 ‘ Power and Authority given to us by an Act of Parliament
 ‘ passed in the Eleventh and Twelfth Years of the Reign of Her
 ‘ Majesty Queen Victoria, intituled [*here set forth the Title of this*
 ‘ *Act*], and in consideration of the Sum of
 ‘ to us paid by _____ do bargain, sell, and assign unto the
 ‘ said _____ Successors and Assigns, or Executors,
 ‘ Administrators, and Assigns, [*as the Case may be,*] all and singular
 ‘ the annual Sums respectively authorized to be contributed and paid
 ‘ to us by virtue of the said Act, to hold the same annual Sums
 ‘ unto the said _____ Successors and Assigns, or Executors,
 ‘ Administrators, and Assigns, [*as the Case may be,*] until the said
 ‘ Sum of _____ together with Interest for the same after
 ‘ the Rate of _____ per Centum per Annum, to be computed
 ‘ from the Day of the Date hereof, shall be fully repaid and satisfied to
 ‘ him, her, or them, [*as the Case may be,*] such Interest to be paid by
 ‘ equal half-yearly Payments on the _____ Day of
 ‘ and the _____ Day of _____ in every Year in the
 ‘ meantime.
 ‘ Given under our Common Seal, the _____ Day of
 ‘ in the Year of our Lord One thousand eight hundred and _____

Form of Mortgage.

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

Securities to be assignable.

[Local.]

22 E

Additions,

Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money therein mentioned to be transferred, to be entered in the said Book or Books to be kept for entering the said original Securities, for the Entry of which said Memorial the said Clerk shall be paid the Sum of Five Shillings and no more, by the Person or Persons producing or notifying such Assignment or Transfer as aforesaid; and after Entry made of such Memorial as aforesaid, and not otherwise, every such Assignment or Transfer shall respectively entitle the Assignee or Assignees therein named, and his, her, or their Successors, Executors, Administrators, and Assigns, to the Benefit thereof, and of the original Security or Interest therein which shall have been thereby assigned or transferred; and every such Assignee shall and may in like Manner assign and transfer such respective Securities from Time to Time, *toties quoties*.

Mortgagees to be Creditors on the Rates in an equal Degree.

LXXIII. And be it enacted, That the several Bodies or Persons to whom such respective Securities as last aforesaid shall be made or granted, and their respective Successors, Executors, Administrators, and Assigns, shall be Creditors upon the said yearly Rates or Taxes, Tolls, Duties, and Sums of Money thereby respectively charged therewith, in an equal Degree one with another, according to the Amount of the respective Principal Sums of Money which shall be thereby respectively secured to them; and that any One or more of the said several Bodies or Persons, or his, her, or their respective Successors, Executors, Administrators, or Assigns, shall not have any Preference over any of the others of them, or his, her, or their respective 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.

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

LXXIV. And be it enacted, That the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act, or in case of his or their Default or Neglect, then the Collector or Collectors of the said Commissioners, shall, upon receiving Notice in that Behalf from any Mortgagee or Mortgagees, under or by virtue of any such Security to be so granted as last aforesaid, and he and they is and are hereby authorized and required, in such Case, with and out of the said annual Sums to be so respectively contributed as last aforesaid, to pay and keep down the Interest of the said several Principal Monies to be so borrowed upon Mortgage of the same annual Sums or any of them, as last aforesaid, by equal half-yearly Payments to the several Parties entitled thereto respectively, and also to repay the Principal Money due upon any Mortgage as aforesaid on the Day or respective Days and in the Manner expressed in such Mortgage, or in case no such Day shall be appointed for that Purpose in such Mortgage, or in case the Payment of the said Principal Money shall be postponed beyond the Day or Days which shall be so appointed therein, by Consent of the Person or Persons entitled to receive such Principal Money, then upon Six Months previous Notice in Writing for the Payment of such Principal Money

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

LXXV. And be it enacted, That in case the Principal Money or Interest due and payable upon or by virtue of any Security which shall have been granted by the said Commissioners for executing this Act, as last aforesaid, shall not be paid by the said Commissioners, or by their Treasurer or Collector, on the Day or Days and in the Manner herein-before directed for the Payment thereof respectively, then and in any such Case the said annual Sums which shall have been made liable to and charged with the Payment thereof respectively, shall thereupon vest in the Mortgagee or Mortgagees to whom the same annual Sums shall have been respectively mortgaged or charged as last aforesaid, or their respective Successors, Executors, Administrators, or Assigns, or in some Person or Persons, to be nominated by them or the major Part of them, in trust for all of them, according to the respective Amounts of the several Principal Sums of Money secured to them respectively, until the same Principal Money or Interest in the Payment whereof Default shall have been made as aforesaid, and all further and accruing Interest due upon the same Security or Securities, shall be fully paid and satisfied to the said several Mortgagees, together with the Costs and Charges which shall have been occasioned by the Non-payment of the same Principal Monies and Interest; and the said Mortgagees respectively, and their respective Successors, or Executors, Administrators, and Assigns, shall have all such and the same Powers, Rights, Privileges, and Remedies for recovering, collecting, and receiving the said annual Sums, or such of them or such Part or Parts thereof respectively as shall be so mortgaged or charged to them respectively as last aforesaid, as the said Commissioners for executing this Act, or their Treasurer or Collector, would have had in case the said respective Mortgages had not been respectively made or granted.

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

LXXVI. And be it enacted, That it shall be lawful for the said Commissioners for executing this Act and they are hereby empowered, in like Manner as aforesaid, to provide and raise, from Time to Time, by any of the Ways or Means and in the Manner herein-before mentioned, any Sum or Sums of Money which shall from Time to Time be required for paying off and discharging any Principal Money or Monies theretofore borrowed or taken up at Interest as aforesaid which shall from Time to Time be called in by the Person or Persons respectively entitled thereto, or which the said Commissioners shall from Time to Time think proper to pay off and discharge, or any Part thereof respectively for the Payment of which there shall be no Fund, or no sufficient Fund available at the Disposal of the said Commissioners.

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

LXXVII. And be it enacted, That the said annual Sums to be so respectively paid and contributed as last aforesaid towards the Costs and Expenses of improving the Channel of the said *Wisbech* River upwards from the upper End of *Kinderley's Cut*, as respectively aforesaid, and the repairing, sustaining, and strengthening the Banks

The said annual Sums to be so respectively contributed by Corporation of

Wisbech and Marsh Lands to be applied accordingly to Improvement of Channel upwards from upper End of Kinderley's Cut, and to be accepted by the Commissioners of Nene Outfall in full Discharge of contributing Parties, &c.

Banks on each Side thereof, and to be respectively paid to the Treasurer or Treasurers for the Time being of the said Commissioners for executing this Act, in manner aforesaid, and any Monies to be borrowed on the Credit thereof, as aforesaid, shall from Time to Time be accordingly paid and applied by the said Commissioners for executing this Act, or under their Direction, so far as the same will extend, towards the Execution of the same Works; and the same several annual Sums shall be accepted by the said Commissioners for executing this Act in full Acquittance and Discharge of the said several Parties respectively contributing the same, and the Trade and Navigation and the Lands and Grounds from or in respect of which the same are or shall be so respectively raised and contributed as aforesaid, of and from all and singular the Costs and Expenses to be sustained or occasioned in, for, or about the Improvement of the said Channel upwards from the upper End of *Kinderley's Cut*, and such other Works as last aforesaid: Provided always, that in case in any Year the Expenditure upon the repairing, strengthening, and maintaining the said Banks of the said *Wisbech* River upwards from the upper End of *Kinderley's Cut* to the Southern Boundary of the County of *Norfolk* shall not amount to an annual Sum equal to the average Expenditure upon the said Banks for the last Eight Years, that the Proprietor of such last-mentioned Lands shall be entitled to the Benefit of such reduced Expenditure, and that such Proprietors shall not be liable, otherwise than for repairing, strengthening, and maintaining the said Banks between the Points aforesaid, to contribute towards the Costs of improving the Channel of the said *Wisbech* River.

Provision for upholding Banks between Kinderley's Cut and Southern Boundary.

LXXVIII. And be it enacted, That all and singular other the Costs and Expenses of sustaining, strengthening, and upholding the said Banks of the said *Wisbech* River between the upper End of *Kinderley's Cut* and the Southern Boundary of the County of *Norfolk* (over and beyond the said Contributions thereto respectively herein-before mentioned) shall from Time to Time be wholly paid, satisfied, and discharged by the said Commissioners of the *Nene Outfall* from and out of the Revenues of the said Commissioners derived to them under the said Act passed in the Seventh and Eighth Years of King *George* the Fourth, and the said Acts for amending the same.

Application of surplus Tolls.

LXXIX. And be it enacted, That the clear Surplus (if any) which shall remain in any Year or Years of the said Tolls of Three-pence *per* Ton, by this Act authorized to be raised as aforesaid, after fully satisfying the several Purposes thereof herein-before directed, shall be appropriated and paid and applied in or towards the Payment from Time to Time of the said Principal Sum or Sums to be so borrowed on the Credit of the said Tolls as aforesaid.

For Reduction of Tolls.

LXXX. And be it enacted, That when and so soon as all Principal Monies hereby authorized to be borrowed upon the Credit of the said Tolls herein-before authorized to be received as aforesaid shall be paid off and discharged, it shall be lawful for the said Mayor, Aldermen, and Burgesses to reduce the Amount of the said Tolls to the Extent of the Interest of the Principal Monies so paid off and discharged as aforesaid.

LXXXI. And

LXXXI. And whereas 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 be it 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 this Act, it shall be lawful for the said Governor, Bailiffs, and Conservators, and they are hereby 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 said 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; 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 *Standground 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 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*.

For supply-
ing Water to
the upper
Part of the
Second Dis-
trict of the
North Level.

LXXXII. And be it enacted, That nothing in the Provision last herein-before enacted shall authorize any Works to be done to the Injury of the Navigation through *Standground Sluice*, or to the Detriment of the Lands in the *Middle Level* now obtaining a Supply of Water through the same Sluice.

Not to injure
Navigation,
and Supply
of Water in
the *Middle
Level*.

LXXXIII. And whereas it is expedient that further Provision should be made for 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 so much of the Banks on each Side of the *Wisbech River*, from the upper End of *Kinderley's Cut* to the *Horse Shoe Corner*, as are not intended and hereby enacted to be hereafter maintained by the Commissioners for executing this Act, all which Banks are now maintained and repaired by the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent: Be it therefore enacted, That the Commissioners for executing this Act shall be bound and liable to indemnify and compensate the said Commissioners of Sewers,

Provisions
as to *Horse
Shoe Bank
East Field,
and other
Banks*.

and the Funds, Taxes, and Lands applicable or liable to the Maintenance and Repair of the said Banks and Parts of Banks, from or for any Amount of Expenditure which the Works authorized by this Act shall render necessary for the Maintenance and Repair of the said Banks beyond the average yearly Amount of such Expenditure for the last Eight Years preceding the passing of this Act; and the Indemnity or Compensation so to be made as aforesaid shall be considered as a Debt from the said Commissioners for executing this Act to the said Commissioners of Sewers, and may be recoverable in an Action of Debt against the said Commissioners for executing this Act, or by Distress upon any Goods of the said Commissioners, or by any other Means by which Damages or Compensations are under or by virtue of the said Consolidation Acts or any of them recoverable.

If Security of certain Property is endangered, Commissioners to make Compensation.

LXXXIV. And whereas the Works hereby authorized may endanger the Security of certain Granaries, Wharfs, and Buildings situate in the Town of *Wisbech* abutting upon the said *Wisbech* River between the *Great Bridge* in the said Town and the said *Horse Shoe Bank* and *East Field Bank* respectively: Be it enacted, That the Commissioners for executing this Act shall and they are hereby required to make Compensation to the Owners for the Time being of the said Granaries, Wharfs, and Buildings, and of the Estates liable to the Repairs of the said Wharfs, for any Damage which may from Time to Time accrue to the said Granaries, Wharfs, and Buildings by reason or in consequence of the Execution of the Works authorized by this Act, 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 Commissioners, or by Distress upon the Goods of the said Commissioners, or by any other Means by which Damages or Compensations are under or by virtue of the said Consolidation Act recoverable.

Revenues of the Commissioners to be Security for such Damage.

LXXXV. And be it enacted, That for further securing the Payment of the Indemnity or Compensation from Time to Time to become payable to the said Commissioners of Sewers, and the Compensation to the other Parties last aforesaid, the same shall respectively be charged upon and payable out of the Revenues of the said Commissioners of the *Nene Outfall* derived to them under the said Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of King *George* the Fourth, and the said Acts for amending the same Act.

Proviso as to Great Port-sand.

LXXXVI. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said last-mentioned Commissioners or the said Commissioners of Sewers to levy or assess any gross or annual Tax or Rate for the Purposes last aforesaid, or for the Purpose of maintaining or repairing the said Banks and Parts of Banks between the upper End of *Kinderley's Cut* and the said County Boundary, or between the said County Boundary and *Horse Shoe Corner*, upon the Lands and Grounds situate and being within the District

tract of *Great Portsand* and the Manor of *Crowland*, in the said Fifth District of the *North Level* and *Great Portsand*, as aforesaid.

LXXXVII. And be it enacted, That the Indemnity or Compensation which the said Commissioners are herein-before directed to make as last aforesaid shall be considered as extending to the increased Expenditure to be occasioned by Damage done to the said Banks called "The *Horse Shoe Bank*" and "*Eastfield Bank*," and so much of the Banks on each Side of the *Wisbech* River from the upper End of *Kinderley's Cut* to the *Horse Shoe Corner*, now maintained by the said Commissioners of Sewers for the Hundred of *Wisbech*, as are not intended and hereby enacted to be hereafter maintained by the Commissioners for executing this Act, in consequence of the Works hereby authorized to be executed, whether by the increased Velocity of either the Flood or the Ebb Tide, or by the scouring or otherwise shifting of the Bed of the said *Wisbech* River.

Principle on which Indemnity is to be calculated.

LXXXVIII. And be it enacted, That no Indemnity or Compensation shall be due or payable from the said Commissioners for executing this Act (except by Agreement, or by Arbitration of Engineers to be appointed for the Purpose,) unless and until the Existence of any such Damage, and the Amount of the Indemnity or Compensation proper to be made for the same, shall have been determined by a Jury to be summoned on the Requisition of the said Commissioners of Sewers, or Bodies or Persons claiming such Indemnity or Compensation, and to proceed in the Manner directed by the said Lands Clauses Consolidation Act; and in the Inquiry to be made before the Jury the said Commissioners of Sewers, or Bodies or Persons claiming Indemnity or Compensation, shall be considered as the Plaintiffs, and the said Commissioners for executing this Act as the Defendants; and the Costs of such Inquiry shall be borne in equal Proportions by the several Parties thereto, unless the Sheriff or other Officer presiding over the said Jury shall determine otherwise, in which case the Costs shall be at his Discretion.

In case of Dispute, the Amount to be settled by Jury.

LXXXIX. And be it enacted, That as well in the meantime and until such Damage shall have accrued as at all Times thereafter the said Commissioners of Sewers shall well and effectually repair the said Banks and Parts of Banks by the same Means and in like Manner as heretofore, to the Satisfaction of the Engineer for the Time being of the said Commissioners for executing this Act, they the said Commissioners for executing this Act being under the like Liability, at all Times after an Agreement or Award shall have been come to or made under the Provisions of this Act, effectually to repair the Banks between the upper End of *Kinderley's Cut* and the County Boundary so hereby enacted to be hereafter maintained by the said Commissioners for executing this Act as aforesaid, to the Satisfaction of the Engineer for the Time being of the said Commissioners of Sewers.

Banks to be maintained in efficient Repair by Commissioners of Sewers.

XC. And be it enacted, That it shall and may be lawful for the said Commissioners for executing this Act to contract and agree with the said Commissioners of Sewers for the Maintenance and Support by the said

Power to agree with Commissioners of Sewers

for Support
of Banks.

said Commissioners for executing this Act of the said Banks and Parts of Banks, on Payment by the said Commissioners of Sewers to the said Commissioners for executing this Act of such annual Sum or Sums, Rate or Rates, as may be mutually agreed upon, for or in respect of the Funds, Taxes, and Lands now and from Time to Time applicable and liable to the Expense of maintaining the said Banks and Parts of Banks.

Masters to
be respon-
sible for
Damages
done by
Watermen.

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

Damages
paid by
Masters to
be repaid by
Watermen.

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

Boatman, Bargeman, Waterman, or other Person as aforesaid, in like Manner as any Penalty is hereby directed to be levied and recovered by Warrant under the Hand and Seal of such Justice or Justices.

XCIIL. And be it enacted, That if any Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle of any kind whatsoever, shall at any Time be found trespassing upon any of the Banks, Forelands, or other Works which shall have been made or executed or improved by or under the Direction of the said Commissioners for executing this Act, it shall and may be lawful for the Surveyor or other Officer for the Time being of the said Commissioners for executing this Act, and also for any other Person or Persons whomsoever, to seize every such Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle, and to impound the same in the Common Pound of the Parish, Township, or Place where the same shall be, or in such other Place or Places as the said Commissioners for executing this Act shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle, so impounded, forfeit and pay as a Penalty a Sum not exceeding Twenty Shillings, together with the reasonable Charges of seizing, impounding, and keeping the same; and in case the said Penalty and Charges shall not be paid within Five Days after such impounding, it shall and may be lawful for the said Surveyor, Officer, or other Person impounding the same to sell or cause to be sold every or any such Horse, Mare, Ass, Ox, Cow, Sheep, Swine, or other Beast or Cattle; and the Overplus of the Money arising from such Sale, after deducting the said Penalty and Charges of impounding, keeping, and selling every such Horse, Mare, Ass, Ox, Cow, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person or Persons whose Property the same shall appear to have been.

Penalty for
Cattle tres-
passing.

XCIIV. And be it enacted, That in any Action, Suit, Information, Indictment, or Prosecution which shall be commenced, prosecuted, or carried on by or against the said Commissioners for executing this Act, or their Committee, or any of them, or by or against any Person or Persons acting under the Authority of them or any of them, or otherwise relating to the Execution of this Act, or of any of the Powers or Authorities hereby granted, no Person shall be an incompetent Witness by reason of his or her being a Commissioner for executing this Act, or an Owner or Occupier of or otherwise interested in any of the Lands, Grounds, Tenements, or Hereditaments liable to be assessed, rated, taxed, or charged under any of the Provisions of this Act, or otherwise affected hereby, save and except in any Case wherein any such Person shall be immediately and personally interested in the Matter in question.

Commission-
ers and their
Officers, and
Owners and
Occupiers of
Lands, not
to be incom-
petent Wit-
nesses.

XCV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, lessen, alter, or affect in anywise howsoever any of the Jurisdictions, Powers, Rights, or Privileges now belonging to or vested in the aforesaid Governor, Bailiffs, and Commonalty of the Company of Conservators, or in the aforesaid Governor, Bailiffs, and Conserva-

Saving of
Rights of
Bedford
Level Cor-
poration.

[Local.]

[22 G]

tors

tors of the Great Level of the Fens called *Bedford Level*, as Commissioners of Sewers, as well within as without the said Great Level, under or by virtue of any Law, Decree, Statute, or Usage whatsoever heretofore made, passed, or used, but the same Jurisdictions, Powers, Rights, and Privileges so belonging to or vested in them as such Commissioners of Sewers as aforesaid immediately before the passing of this Act shall remain, continue, and be to all Intents and Purposes as full, ample, and beneficial as if this Act or 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 Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators respectively, of any other Jurisdiction, Power, Right, or Privilege now belonging to or vested in them respectively, save and except in so far as they are by this Act expressed or intended to be divested or deprived of the same respectively.

Saving of
Bedford
Level Cor-
poration
from Charge
of Works.

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

Saving of
other exist-
ing Rights.

XCVII. Provided also, and be it enacted, 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 Mayor, Aldermen, and Burgesses of the Town of *Wisbech* aforesaid, or to the Commissioners of Sewers for the Hundred of *Wisbech* aforesaid, and Parts adjacent, or to any Commissioners or Trustees acting under any Act of Parliament for the Drainage of the Fens or any of them, or of any District or Lands in the said *Isle of Ely*, or in the said Counties of *Northampton*, *Cambridge*, *Norfolk*, and *Lincoln*, or any of them, or of the said Company of Proprietors of the *Cross Keys Bridge*, save and except in so far as the same are by this Act severally and respectively expressed to be taken away, defeated, invalidated, altered, lessened, or affected, and in so far as regards the several Powers and Authorities given and granted by this Act, which are to be exercised nevertheless with due Regard to such Jurisdictions, Powers, Rights, Privileges, and Revenues respectively hereby declared to be saved or reserved.

Expenses of
this Act to
be first paid.

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

XCIX. And

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

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