



### CHAPTER xii.

An Act to transfer to the Drainage and Navigation Commissioners constituted by the Local and Personal Act 7 and 8 George IV. chapter xlvii. the property powers and duties of the Eau Brink Navigation Commissioners and to amend that Act and the Ouse Outfall Act 1860 and for other purposes. [29th April 1893.]

A.D. 1893.

**W**HEREAS the following local and personal Acts (that is to say):—

35 George III. chapter lxxvii.;	(1795).
36 George III. chapter xxxiii.;	(1796).
45 George III. chapter lxxii.;	(1805).
56 George III. chapter xxxviii.;	(1816).
58 George III. chapter xlviii.;	(1818).
59 George III. chapter lxxix.;	(1819).
1 and 2 George IV. chapter lxiv.;	(1821).
1 and 2 William IV. chapter lxxiii.;	(1831).

were severally passed in the respective years above mentioned and are commonly known and hereinafter referred to collectively as "the Eau Brink Acts" and separately under the short title given to each of them respectively in the second column of the First Schedule to this Act:

And whereas the Eau Brink Acts relate to and concern the improving of the drainage of the Middle and South Levels part of the Great Level of the Fens called "Bedford Level" and of the low lands adjoining or near to those levels and of the lands adjoining or near to the River Ouse in the county of Norfolk and draining by means of such river into the sea by the harbour of King's Lynn and the altering and improving of the navigation of the said River Ouse from or near the place called Eau Brink in the parish of Wiggshall Saint Mary in the said county to the said harbour and the improving and preserving of the navigation of the several rivers communicating with the said River Ouse which said

A.D. 1893. — improvements have been chiefly effected by diverting the channel of the River Ouse and by making a new river or cut (in this Act called "the Eau Brink Cut") from that river at or near the said place called Eau Brink to fall into the said river to or near the town or port of King's Lynn :

35 Geo. 3.  
c. lxxvii.

s. 17.

s. 24.

And whereas by the Eau Brink Act 1795 drainage commissioners (in this Act called "the Eau Brink Drainage Commissioners") were appointed and authorised (section 17) to make the Eau Brink Cut and (section 24) to make and place ebb doors and gates at Denver Sluice and staunches locks weirs sluices and other works on the Rivers Ouse Cam or Grant Brandon and Mildenhall or Lark and on certain lodes connected with those rivers and to make various gauges or fixed marks for regulating the height of the waters for the purpose of navigation also certain works for the improvement and better security of the navigation between Saint Ives Stauch and the lower end of the river known as "the Hundred Foot River":

ss. 3 & 4.

And whereas by the same Act of 1795 (sections 3 and 4) certain navigation commissioners (in this Act called "the Eau Brink Navigation Commissioners") were appointed and it was enacted to the following effect (that is to say):—

s. 79.

Section 79. That there should be paid on demand to the collectors or officers appointed by those commissioners at or near the said town or port of King's Lynn during the term of ten years from the day on which the Eau Brink Cut should be opened and made navigable tolls on all goods wares and merchandise carried on board any barge boat lighter or vessel and rafts navigating on the said cut after the rate of fourpence for every measure or number of certain of such commodities in that section mentioned and of fourpence for every ton weight of all other goods wares or merchandise whatsoever ;

s. 85.

Section 85. That the Eau Brink Navigation Commissioners should pay over three fourth parts of the net moneys so to be collected to the Eau Brink Drainage Commissioners for the making and maintaining by them of the said works and should apply the remainder of such moneys in erecting jetties removing sandbanks and obstructions and in such other works as in the judgment of the Eau Brink Navigation Commissioners should tend to the improvement of navigation ;

s. 90.

Section 90. That the Eau Brink Navigation Commissioners might borrow any sums not exceeding eight thousand pounds on their said fourth part of the said tolls and apply the said sums in the same manner as the said fourth part of the said tolls ;

s. 96.

Section 96. That when moneys borrowed by the Eau Brink Drainage Commissioners should have been paid off they should

accumulate the moneys arising from the taxes tolls and other their property to form a fund for maintenance of the said works and (section 97) that any overplus after providing for such maintenance should be employed in such other works for the improvement of the said drainage as they should think fit ;

Section 98. That in case the said fund should be insufficient for supporting the before-mentioned works the Eau Brink Navigation Commissioners might at the expiration of the said ten years collect a toll or tonnage in manner by the said Act prescribed not exceeding twopence per ton (with power to diminish or suspend that toll as from time to time occasion might require) which said toll should be vested in the Eau Brink Navigation Commissioners and applied by them for the sole purpose of renewing and supporting the said ebb doors sluices staunches and other works for the preservation and improvement of the said navigation :

And whereas by the Eau Brink Act 1819 (section 23) the position of the sluice on the Brandon River in the parish of Lakenheath required by section 24 of the Eau Brink Act 1795 was altered which sluice is known and in this Act referred to as "the Crosswater Sluice" :

And whereas by the Eau Brink Acts 1796 1819 and 1821 respectively the said toll or tonnage of fourpence was continued for various terms amounting in the whole (as appears by section 4 of the last-mentioned Act) to the term of seventy-three years from the day on which the Eau Brink Cut was opened and made navigable (which event took place on the thirty-first day of July one thousand eight hundred and twenty-one) and it was by the said section 4 provided that the said toll of twopence per ton should not be collected until the expiration of the said term of seventy-three years :

And whereas by the Eau Brink Act 1831 it was provided to the following effect :—

Sections 29 and 30. That for the period during which the said toll of fourpence should be payable a further navigation toll of one penny should be payable to the Eau Brink Navigation Commissioners (in trust for the Eau Brink Drainage Commissioners) on the commodities charged with the payment of the said toll of fourpence ;

Section 31. That no navigation tolls should be taken or demanded by the Eau Brink Navigation Commissioners in respect of any machine or material of the Eau Brink Drainage or Navigation Commissioners conveyed along the Eau Brink Cut for the

- A.D. 1893. — making or repairing of any work to be made or maintained by the Eau Brink Drainage Commissioners ;
- s. 86. Section 86. That the Eau Brink Drainage Commissioners should in the event therein mentioned on the application of the Eau Brink Navigation Commissioners or the corporation of the borough of Thetford lower the cills of the Crosswater Sluice as in that section mentioned ; and
- s. 87. Section 87. That the said works for the better securing of the navigation between Saint Ives Staunch and the lower end of the Hundred Foot River should be made and maintained out of the navigation tolls payable to the Eau Brink Drainage Commissioners :
- 7 & 8 Geo. 4. c. xlvii. And whereas by the local and personal Act seven and eight George the Fourth chapter forty-seven (in this Act referred to as “ the South Level Act 1827 ”) certain drainage and navigation commissioners (in this Act referred to as “ the South Level Commissioners ”) were constituted to make and maintain a new cut for the River Ouse from below the town of Ely at the entrance to the ancient cut called Sandy’s or Sandall’s Cut and thence to Sandhill End and thence to Sketchdole Corner and thence to Littleport Bridge and also a new cut for the River Lark from Prickwillow to Sandy’s Cut and to execute and maintain certain other works in that Act specified for the improvement of the drainage of the part of the Bedford Level known as “ the South Level ” and for the improvement of the navigation of the Rivers Ouse Lark Cam and West River and various lodes connected therewith and for those purposes to receive (section 68) from the commissioners of the districts or levels in that section specified and in this Act referred to as “ the contributory districts ” the contributory payments therein mentioned and (section 71) to levy a yearly tax after the rate of five shillings an acre on the owners or occupiers of certain fen lands and low grounds specified in that section and a yearly tax after the rate of sixpence an acre on the owners or occupiers of certain other lands in that section specified and (section 85) to levy tolls on all goods wares and merchandise carried on board any boat barge lighter or other vessel or raft navigating between certain points on the Rivers Ouse Cam and Lark respectively and on certain animals (section 90) using the banks of the said new rivers and cuts respectively :
- s. 29.
- ss. 33 35 39 40 43 44.
- s. 68.
- s. 71.
- s. 85.
- s. 90.

ss. 46 & 48. And whereas by the South Level Act 1827 certain other commissioners called “ the Padnal and Waterden Commissioners ” were constituted to execute and maintain the works specified in sections 46 and 48 of that Act for the draining and improving of the Padnal and Waterden fen lands and low grounds and for those purposes

(section 72) to levy a tax after the rate not exceeding five shillings per acre in each year on the said fen lands and low grounds in addition to the taxes by that Act authorised to be levied on those lands and grounds by the South Level Commissioners : A.D. 1893.  
s. 72.

And whereas by section 108 of the South Level Act 1827 the South Level Commissioners were required on the completion of certain of the said works to reduce the rates taxes and tolls leviabie by them to a moiety thereof but by section 109 it was provided that the said tolls should be reduced in the same proportion as the said rates and taxes : s. 108.  
s. 109.

And whereas by section 114 of the South Level Act 1827 the South Level Commissioners and the Padnal and Waterden Commissioners respectively were authorised to let for any period not exceeding three years the herbage and pasturage of the banks and forelands of such parts of the said rivers as were to be abandoned and of the droveways and waste places of the said commissioners respectively : s. 114.

And whereas by the Ouse Outfall Act 1860 (section 31) certain persons to be elected as thereby provided were incorporated under the style of the Conservators of the Ouse Outfall (in this Act called "the Ouse Outfall Board") and the Eau Brink Cut and the banks and forelands thereof and all the property of the Eau Brink Drainage Commissioners were (section 38) transferred to and vested in the Ouse Outfall Board and the Eau Brink Navigation Commissioners were required (section 39) to pay to that board the three-fourths of the net proceeds of the said toll of fourpence and the whole of the said additional toll of one penny at the time and in the manner in which they were theretofore required to pay the same to the Eau Brink Drainage Commissioners and it was provided by the said Act to the following effect (that is to say) :— 23 & 24 Vict.  
c. lxxxviii.  
s. 31.

Section 43. That in order to provide for the support of the ebb doors of the then active part of Denver Sluice the navigation staunches locks or sluices on the Cam or Grant Brandon and Mildenhall or Lark Rivers and Swaffham Lode the pointing doors towards the Rivers Ouse and Cam and the low gates on Reach Lode erected by the Eau Brink Drainage Commissioners under the Eau Brink Acts (being works executed by the Eau Brink Drainage Commissioners under the powers of the Eau Brink Act 1795) or for the removal of the same or any of them if ordered to be removed under the provisions of section 50 of the Ouse Outfall Act 1860 and for supporting and providing sluice keepers for the same until the thirty-first day of July one thousand eight hundred and ninety-four the Ouse Outfall Board should within twelve months after the s. 38.  
s. 39.  
s. 43.  
s. 50.

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commencement of that Act pay to the treasurers of the commissioners of drainage and navigation acting under the South Level Act 1827 the capital sum of six thousand and seventy-three pounds fifteen shillings and fivepence with interest after the rate of four pounds per centum per annum from the third day of October one thousand eight hundred and sixty until the day of payment and should also pay to the South Level Commissioners on the first day of January in every year until and including the first day of January one thousand eight hundred and ninety-four such annual sum as those commissioners should yearly pay to the persons having the management and direction of the said doors staunches locks sluices pointing doors and low gates ;

s. 44. Section 44. That for the purposes of that Act the said ebb doors should unless the subject or context otherwise required be taken to mean and include the three pairs of doors pointing upwards of or attached to the three drainage openings of the then active part of Denver Sluice and also the two pairs of doors pointing upwards of or attached to the then pen lock of the said sluice and the cills or pointing pieces belonging to the said ebb doors ;

s. 45. Section 45. That except as to the capital and yearly sums before mentioned the Ouse Outfall Board and the Eau Brink Drainage Commissioners should be exonerated from all obligation to maintain the said works in the said section 43 described ;

s. 47. Section 47. That the South Level Commissioners should support and keep in repair the said works until the first day of July one thousand eight hundred and ninety-four and that after that date the Eau Brink Navigation Commissioners should support and repair the same in perpetuity out of the funds arising from the said toll or tonnage dues of twopence per ton payable under the Eau Brink Act 1795 ;

s. 48. Section 48. That until July one thousand eight hundred and ninety-four the said ebb doors staunches locks and sluices and the existing gauges or fixed marks made under the Eau Brink Acts should be kept and regulated by such persons as should be appointed by the Bedford Level Corporation but under the jurisdiction and at the expense of the South Level Commissioners ;

s. 51. Section 51. That the Ouse Outfall Board should be subject to the same liability (but no other) in respect of the said works for the improvement and security of navigation between Saint Ives Staunch and the lower end of the Hundred Foot River as the

Eau Brink Drainage Commissioners were under or subject to under the Eau Brink Act 1831 : A.D. 1893.

And whereas the several works referred to in the hereinbefore recited sections 86 and 87 of the Eau Brink Act 1831 and 43 48 and 51 of the Ouse Outfall Act 1860 are in this Act referred to as "the Eau Brink Navigation works" :

And whereas by reason of the falling off in the tolls payable under the provisions of the Eau Brink Acts the Eau Brink Navigation Commissioners would be unable to support and maintain the Eau Brink Navigation works and fulfil their obligations under the Eau Brink Act 1795 from and after the thirty-first day of July one thousand eight hundred and ninety-four :

And whereas for the purpose of maintaining the drainage and navigation of the lands and rivers situate within the limits of the South Level it is necessary that the Eau Brink Navigation works should be maintained after the thirty-first day of July one thousand eight hundred and ninety-four in their present form and condition :

And whereas on the thirty-first day of October one thousand eight hundred and ninety-two the Eau Brink Navigation Commissioners were possessed of three hundred and sixty-four pounds fourteen shillings and twopence two and three-quarters per centum consolidated bank annuities and of a cash balance :

And whereas the South Level Commissioners had up to the seventh day of October one thousand eight hundred and ninety-two expended on the Eau Brink Navigation works large sums of money forming parts of the said sum of six thousand and seventy-three pounds fifteen shillings and fivepence and the balance of the said sum is now represented by the sum of one thousand two hundred and ninety-eight pounds seventeen shillings and ninepence India three per centum stock the sum of one thousand eight hundred pounds on mortgage of real estate and the sum of two hundred and fourteen pounds and sevenpence in cash :

And whereas the South Level Commissioners are willing to undertake from and after the said thirty-first day of July one thousand eight hundred and ninety-four such of the liabilities and duties of the Eau Brink Navigation Commissioners under section 24 of the Eau Brink Act 1795 section 86 of the Eau Brink Act 1831 and section 47 of the Ouse Outfall Act 1860 which would devolve on them from and after that day on having a transfer to them the South Level Commissioners of the property of the Eau Brink Navigation Commissioners and of their powers to levy and collect tolls under the Eau Brink Act 1795 or of a like toll as provided by this Act and upon being empowered to apply the same

A.D. 1893. and the balance which on the thirty-first day of July one thousand eight hundred and ninety-four shall be in their hands of the said sum of six thousand and seventy-three pounds fifteen shillings and fivepence to the maintenance and support of the Eau Brink Navigation works and it is expedient that such transfer and application should be sanctioned and that the Eau Brink Navigation Commissioners should upon such transfer being effected be released from all duties obligations claims and liabilities imposed on them by the Eau Brink Acts and the Ouse Outfall Act respectively :

And whereas the Eau Brink Navigation Commissioners do not owe any moneys on mortgage :

And whereas the Eau Brink Drainage Commissioners had no means whereby to form the fund referred to in the hereinbefore recited section 96 of the Eau Brink Act 1795 and no such fund has in fact been formed nor has there been any overplus as referred to in the said section 97 of that Act :

And whereas the moneys applicable to the maintenance of the Eau Brink Navigation works would be insufficient for the purpose unless the South Level Commissioners be empowered to levy from time to time the like tolls or tonnage dues to those conditionally granted by section 98 of the Eau Brink Act 1795 and it is expedient that in lieu of those tolls or tonnage dues the South Level Commissioners be authorised from and after the thirty-first day of July one thousand eight hundred and ninety-four to levy and collect the tolls set forth in the Second Schedule to this Act :

And whereas the South Level Commissioners some time since paid off all moneys owing by them on mortgage and thereupon reduced the taxes and tolls leviable by them to a moiety thereof respectively :

And whereas it was estimated at the passing of the South Level Act 1827 that the amount receivable by the South Level Commissioners on account of the said tolls or tonnage dues and the tolls for the use of the said banks would be equal to the amount receivable by them on account of the taxes leviable under that Act but by reason of the decrease in the said tolls or tonnage dues the income derived therefrom is only about one-fifth part of that derived from the said taxes and it is expedient that the said provision of section 109 for maintaining a fixed proportion between the said tolls or tonnage dues and the said taxes should cease and that the said section should be repealed and that the South Level Commissioners be authorised to levy the said tolls or tonnage dues and tolls for the use of the banks according to the rate fixed by the South



Level Act 1827 free from the provision of the said section 109 of that Act: A.D. 1893.

And whereas it is expedient that the measures and quantities of the commodities specified in the South Level Act 1827 and on which such tolls or tonnage dues are leviable should be converted into the present equivalent legal weights and measures :

And whereas owing to the consolidation of the banks maintainable by the South Level Commissioners the cost of their maintenance is permanently reduced and the produce of the taxes leviable by the South Level Commissioners upon the lands and low grounds in Padnal and Waterden Fens under the provisions of the South Level Act 1827 not only exceeds the cost of such maintenance but is also much in excess of the benefit derived by those lands and grounds as compared with the benefit derived by the said other lands by reason of the other works maintained by the South Level Commissioners and it is therefore expedient that the said fen lands and low grounds in Padnal and Waterden Fens should be relieved from a further portion of the said tax of five shillings per acre (now reduced as hereinbefore recited to two shillings and sixpence per acre) so as aforesaid leviable thereon by the South Level Commissioners :

And whereas it is expedient that provision should be made for the appointment of Padnal and Waterden Commissioners in addition to those qualified under the South Level Act 1827 :

And whereas it is expedient that further provisions be made with respect to the assessing levying and recovering of the taxes leviable by the South Level Commissioners and Padnal and Waterden Commissioners respectively :

And whereas the South Level Commissioners have had from time to time a surplus of revenue over expenditure and have invested the said surplus and it is expedient that the same should form a fund available in the hands of the South Level Commissioners for the reconstruction and permanent improvement of the works maintainable by them other than the Eau Brink Navigation works and that they should be authorised to add to such fund any surplus revenue which may from time to time accrue to them :

And whereas it is expedient that the other provisions in this Act contained should be made :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

A.D. 1893.

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the South Level and Eau Brink Act 1893.

Short titles of certain of recited Acts. 2. Such of the hereinbefore recited Acts as are specified in the first column of the First Schedule to this Act may be respectively cited by the short title set opposite to those Acts respectively in the second column of that schedule.

Act divided into parts. 3. This Act is divided into parts as follows (that is to say) :—  
Part I. Preliminary ;  
Part II. Transfer of property &c. of Eau Brink Navigation Commissioners &c. ;  
Part III. Additional Padnal and Waterden Commissioners ;  
Part IV. Amendment of South Level Act 1827 ;  
Part V. Costs of Act.

South Level Act 1827 and this Act to be construed together. 4. The South Level Act 1827 as amended by this Act shall be construed as one with this Act.

Incorporation of parts of Commissioners Clauses Act 1847. 5. The provisions of the Commissioners Clauses Act 1847 (that is to say) :—  
Section 37 (Election of chairmen of meetings) ;  
Section 38 (Manner of voting) ;  
Section 49 (Power to Commissioners to appoint committees) ;  
Section 50 (Quorum of committee) ;  
Section 52 (Informalities in appointment of Commissioners not to invalidate proceedings) ;  
The provisions with respect to the contracts to be entered into and the deeds to be executed by the Commissioners (except section 57) ;  
Section 60 (Commissioners not to be personally liable for acts done in the capacity of a Commissioner) ;  
so far as the same respectively are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

6. In this Act unless the subject or context otherwise requires—  
“ Padnal and Waterden taxable lands ” includes all lands liable to be taxed by the Padnal and Waterden Commissioners under the provisions of section 72 of the South Level Act 1827 ;

“ Vessel ” includes boat barge lighter and raft :

In the Commissioners Clauses Act—

A.D. 1893.

For the purposes of Part III. of this Act—

“A Commissioner” means a Commissioner for executing such of the provisions of the South Level Act 1827 and of this Act as are to be executed by the Padnal and Waterden Commissioners; and

For the purposes of Part IV. of this Act—

“The Commissioners” means the South Level Commissioners or the Padnal and Waterden Commissioners as the subject and context may require.

## PART II.

### TRANSFER OF PROPERTY &C. OF EAU BRINK NAVIGATION COMMISSIONERS &C.

7. Subject to the provisions of this Act the Eau Brink Navigation works and all lands tenements hereditaments debts moneys and securities for money deeds maps books papers chattels property rights powers authorities and jurisdiction whatsoever and where-soever which on the thirty-first day of July one thousand eight hundred and ninety-four shall be vested in or belong to or be exercisable by the Eau Brink Navigation Commissioners or any person on their behalf shall on that day by virtue of this Act and subject to all charges (if any) affecting the same respectively be transferred to vested in and shall thenceforward belong to or be exercisable by the South Level Commissioners for the like estate and interest and to the same extent as the same would have been then vested in or have belonged to or been exercisable by the Eau Brink Navigation Commissioners or any person on their behalf if this Act had not been passed.

Property of Eau Brink Navigation Commissioners transferred to South Level Commissioners.

8. The Eau Brink Navigation Commissioners shall on or forthwith after the thirty-first day of July one thousand eight hundred and ninety-four transfer or cause to be transferred all stocks funds and securities belonging to them to such persons as the South Level Commissioners shall at any meeting appoint in that behalf and shall also pay to the treasurer of the South Level Commissioners all other moneys belonging to the Eau Brink Navigation Commissioners or under their control and shall deliver over to the clerk to the South Level Commissioners all other property of the Eau Brink Navigation Commissioners.

Transfer of securities of Eau Brink Navigation Commissioners.

9. The receipts of any two of the South Level Commissioners appointed by those Commissioners in that behalf for the stocks funds and securities so transferred and of the said treasurer for the moneys so paid and of the clerk to the South Level Commissioners

Receipts to Eau Brink Navigation Commissioners.

A.D. 1893. for all other property so delivered to him shall effectually discharge the Eau Brink Navigation Commissioners from all liability with respect thereto respectively.

Repeal of section 47 of the Ouse Outfall Act 1860. Eau Brink Navigation Commissioners released from further duties and responsibilities.

10. From and after such transfer and payment by the Eau Brink Navigation Commissioners they shall by virtue of this Act be discharged from all liabilities duties and obligations imposed on them by and from all claims under and from the exercise of all powers conferred on or enjoyed by them under the Eau Brink Acts or any of them and the Eau Brink Navigation Commissioners shall cease to exist and so much of section 47 of the Ouse Outfall Act 1860 as requires the Eau Brink Navigation Commissioners to support maintain and repair the works in that section mentioned is hereby repealed and from and after the thirty-first day of July one thousand eight hundred and ninety-four the Eau Brink Navigation works shall subject to the provisions of this Act be supported maintained repaired kept and regulated by the South Level Commissioners.

As to officers and servants.

11. From and after the passing of this Act the Eau Brink Navigation Commissioners shall not make any payments to any of their officers or servants except such salaries wages and emoluments as have heretofore customarily been paid.

Actions &c. not to abate.

12. Nothing in this Act contained shall release discharge or suspend any action suit or other proceeding at law or in equity which may be pending by or against the Eau Brink Navigation Commissioners or to which the Eau Brink Navigation Commissioners may be parties on the thirty-first day of July one thousand eight hundred and ninety-four but such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the South Level Commissioners (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Eau Brink Navigation Commissioners if this Act had not been passed the South Level Commissioners being in reference to the matters aforesaid in all respects substituted for the Eau Brink Navigation Commissioners.

As to payment of debts owing before passing of Act.

13. All persons who on or before the thirty-first day of July one thousand eight hundred and ninety-four owed any money to the Eau Brink Navigation Commissioners or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the South Level Commissioners and all debts and moneys which on or before the thirty-first day of July one thousand eight hundred and ninety-four were due or recoverable from the Eau Brink Navigation Commissioners or for the payment of which

those Commissioners were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the South Level Commissioners. A.D. 1893.

14. If at any time after the said transfer and payment by the Eau Brink Navigation Commissioners any question arise between the South Level Commissioners and any body authority or person as to what works are to be supported maintained and repaired by the South Level Commissioners under the provisions of this Act as part of the Eau Brink Navigation works or as to the manner in which they are to be supported maintained and repaired such question shall be determined by an arbitrator to be appointed by the Board of Trade and the costs of and in relation to such determination shall be borne as the said arbitrator shall direct. Differences as to works.

15.—(1.) Section 98 (For forming a fund for support of ebb doors sluices and staunches) of the Eau Brink Act 1795 is hereby repealed and from and after the thirty-first day of July one thousand eight hundred and ninety-four there shall be paid at or near the town or port of King's Lynn on demand to the collectors or other officers to be appointed in that behalf by the South Level Commissioners on all commodities specified in the Second Schedule to this Act carried on board of any vessel passing or navigating any part of the Eau Brink Cut between Eau Brink and King's Lynn the tolls in that schedule specified. Repeal of section 98 of Eau Brink Act 1795 and power to levy substituted South Level (Eau Brink) Navigation tolls.

(2.) If the said tolls be not so paid on demand the said collectors or other officers to be appointed by the South Level Commissioners may seize distrain and detain the said vessel and any animal haling the same and any goods animals harness or tackle on board thereof or belonging thereto and if the said tolls be not fully paid within five days after such seizure together with any expense rightfully incurred by reason of such seizure distraining and detention then the said collectors or other officers may cause the same or any part thereof to be sold and out of the proceeds of such sale may satisfy the tolls so unpaid and the expenses of such seizure taking keeping appraising and selling the matters so distrained rendering the overplus (if any) and what shall remain unsold (if any) to the owners of such vessel.

(3.) The following sections of the Eau Brink Act 1795 (that is to say) :—

Section 80 (Table of tolls to be hung up) ;

Section 81 (Watermen to give account of cargoes to collectors) ;

Section 82 (Manure to be exempt) ;

And the following sections of the Eau Brink Act 1831 (that is to say) :—

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Section 36 (Power for the Navigation Commissioners to let the tolls);

Section 37 (Navigation tolls if disputed to be settled by a justice);

Section 38 (Duties of the collectors of the tolls and penalty on the non-performance thereof);

shall extend and apply mutatis mutandis to and in relation to the tolls by this section imposed.

(4.) The said tolls shall be called "South Level (Eau Brink) Navigation tolls."

Exempting from toll material and machinery of Ouse Outfall Board and South Level Commissioners conveyed on Eau Brink Cut.

**16.** From and after the thirty-first day of July one thousand eight hundred and ninety-four no navigation tolls then leviable or which under the provisions of this Act will be thereafter leviable shall be taken by the South Level Commissioners or their collectors or lessees in respect of any machinery or material of the Ouse Outfall Board or the South Level Commissioners conveyed along the Eau Brink Cut for the making or repairing of any work to be made or maintained by the Ouse Outfall Board or the South Level Commissioners.

Repeal of section 85 of the Eau Brink Act 1795. The South Level Eau Brink sluices account.

**17.** Section 85 (Application of tolls) of the Eau Brink Act of 1795 is hereby repealed and the South Level Commissioners shall keep a separate account to be called "the South Level Eau Brink sluices account" and shall carry to the credit of that account—

- (A) The stock funds and securities so transferred from the Eau Brink Navigation Commissioners and the moneys so paid over by them and the dividends and annual income thereof;
- (B) The said balance of the said sum of six thousand and seventy-three pounds fifteen shillings and fivepence in the hands of the South Level Commissioners on the thirty-first day of July one thousand eight hundred and ninety-four and the stocks funds and securities in or upon which the said balance is invested and the dividends and annual income thereof;
- (C) The South Level (Eau Brink) Navigation tolls; and
- (D) The annual rent of the land adjacent to the site of the old Eau Brink Sluice at Upware belonging or reputed to belong to the Eau Brink Navigation Commissioners:

And shall pay thereout—

The cost of supporting maintaining and repairing the Eau Brink Navigation works and of fulfilling the duties of the Eau Brink Navigation Commissioners in relation to those works and by this Act transferred to the South Level Commissioners;

The salaries of the persons having the management and direction of the said ebb doors staunches locks or sluices pointing doors low gates gauges and fixed marks:

The South Level Commissioners may from time to time sell and realise any of such stocks funds and securities which it may be necessary to sell or realise for the purposes of the payments in this section mentioned. A.D. 1893.

**18.** If in any year the income of the South Level Commissioners applicable to the maintenance support or repair of their works other than the Eau Brink Navigation works shall be more than sufficient for such maintenance they may if they think fit pay over the whole or any part of the surplus income for that year to the credit of the South Level Eau Brink sluices account but except as by this section provided no taxes tolls rates charges rents dividends interest or property of the South Level Commissioners shall be applicable to the maintenance support or repair of the Eau Brink Navigation works or for any costs charges or expenses in relation thereto. South Level Commissioners may apply surplus income to Eau Brink Navigation works.

### PART III.

#### ADDITIONAL PADNAL AND WATERDEN COMMISSIONERS.

**19.** With respect to the qualification of the Padnal and Waterden Commissioners the following provisions shall from and after the passing of this Act have effect (that is to say) :— As to qualification of additional Commissioners.

- (1.) If two or more persons be joint owners in their own right of Padnal and Waterden taxable lands each of them shall be deemed to be the owner in severalty of so much Padnal and Waterden taxable lands as the quantity of such lands if divided by the number of joint owners shall give to each of them :
- (2.) Every corporation and body of commissioners and the trustees under any settlement or testamentary disposition and the trustees and feoffees for charitable or other purposes being seised or possessed of or entitled to forty acres of Padnal and Waterden taxable lands may from time to time appoint one person to act as a Commissioner and any person so to be appointed may or may not be a member of the corporation body or trustees or feoffees who appoint him.

### PART IV.

#### AMENDMENT OF SOUTH LEVEL ACT 1827.

**20.** Section 17 (Chairman to be appointed) and section 18 (Orders how to be rescinded) of the South Level Act 1827 are hereby repealed. Repeal of sections 17 and 18 of South Level Act 1827.

**21.** No resolution at any meeting of the Commissioners shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the No resolution to be revoked or altered at subsequent

A.D. 1893.

meeting except with previous notice.

Variation of section 21 of the South Level Act 1827. Minutes of meetings to be signed by chairman of same or next subsequent meeting.

Annual meetings.

Committees of Commissioners may let herbage of banks &c.

Reduction of tax of 2s. 6d. per acre now leviable by South Level Commissioners.

Repeal of section 109 of the South Level Act 1827.

Reduced tax of 3d. per acre leviable by South Level Commissioners not to be increased.

clerk to the Commissioners seven days at least before holding the meeting.

**22.** The entries by section 21 (Entries of proceedings to be good evidence) of the South Level Act 1827 directed to be made of the acts orders rules regulations and proceedings of the South Level Commissioners and the Padnal and Waterden Commissioners respectively and of the names of the several Commissioners who shall be present at their respective meetings shall be signed either by the chairman of the meeting to which such entries respectively relate or by the chairman of the meeting of the said Commissioners respectively which shall next follow the meeting of the respective Commissioners to which the entries relate and the said section shall be read and construed accordingly.

**23.** The respective general meetings of the South Level Commissioners and of the Padnal and Waterden Commissioners held annually in the month of April and any adjournment thereof shall be deemed to be the annual meetings of those Commissioners respectively.

**24.** A committee of the South Level Commissioners and of the Padnal and Waterden Commissioners respectively may respectively exercise the powers conferred on the said Commissioners respectively by section 114 (Commissioners may let herbage of banks &c.) of the South Level Act 1827.

**25.** The tax of five shillings per acre leviable by the South Level Commissioners under the provisions of section 71 of the South Level Act 1827 on Padnal and Waterden taxable lands (and now reduced under the provisions of section 108 of that Act to two shillings and sixpence per acre) shall in each year be such a sum not exceeding the rate of one shilling and ninepence per acre as the South Level Commissioners shall deem necessary.

**26.—(1.)** The tax of sixpence per acre leviable by the South Level Commissioners under the provisions of section 71 of the South Level Act 1827 on the lands in that behalf specified in that section (and now reduced under the provisions of section 108 of that Act to threepence per acre) shall not in any year exceed the sum of threepence per acre.

**(2.)** The respective annual payments or contributions payable by the contributory districts specified in section 68 of the South Level Act 1827 (and now reduced under the provisions of the said section 109 to one half of such contributions) shall not in any year exceed such one half and any variation in the said tax of three-



pence per acre shall be accompanied by a proportionate variation in the said respective annual contributions. A.D. 1893.

(3) The said section 109 is hereby repealed.

27. The said taxes and annual contributions shall be applied by the South Level Commissioners for the general purposes of carrying into effect the provisions of the South Level Act 1827 as amended by this Act. Application of taxes &c.

28. From and after the first day of November one thousand eight hundred and ninety-three the tolls payable to the South Level Commissioners on such of the commodities specified in section 85 of the South Level Act 1827 as are set forth in the Third Schedule to this Act shall be payable on the quantities of those commodities as specified in that schedule. Quantities of commodities on which tolls are payable under the South Level Act 1827 converted into legal weights and measures.

29. The South Level Commissioners and the Padnal and Waterden Commissioners respectively may invest in and upon any securities in or upon which trustees are for the time being authorised to invest trust moneys any of their respective income which in any year shall exceed the expenditure for that year and may accumulate the same to form a fund for reconstructing or substantially improving the works of the said respective Commissioners. Surplus income of Commissioners may be invested.

#### PART V.

#### COSTS OF ACT.

30. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act shall be paid by the South Level Commissioners. Costs of Act.

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The SCHEDULES referred to in the foregoing Act.THE FIRST SCHEDULE.

35 George III. cap. lxxvii.	- - -	Eau Brink Act 1795.
36 George III. cap. xxxiii.	- - -	Eau Brink Act 1796.
45 George III. cap. lxxii.	- - -	Eau Brink Act 1805.
56 George III. cap. xxxviii.	- - -	Eau Brink Act 1816.
58 George III. cap. xlviii.	- - -	Eau Brink Act 1818.
59 George III. cap. lxxix.	- - -	Eau Brink Act 1819.
1 & 2 George IV. cap. lxiv.	- - -	Eau Brink Act 1821.
1 & 2 William IV. cap. lxxiii.	- - -	Eau Brink Act 1831.
7 & 8 George IV. cap. xlvii.	- - -	South Level Act 1827.

THE SECOND SCHEDULE.SOUTH LEVEL (EAU BRINK) NAVIGATION TOLLS PAYABLE FOR THE USE OF  
THE EAU BRINK CUT.

Description of Goods.	Quantity.	Tolls.
Bricks - - - - -	per 500 - - - - -	<i>d.</i> 2
Coals or Cinders - - - - -	per 25 cwt. - - - - -	2
Corn <i>see</i> Seeds.		
Flax - - - - -	per ton - - - - -	2
Hay - - - - -	per ton - - - - -	2
Hemp - - - - -	per ton - - - - -	2
Lime - - - - -	per 25 cwt. - - - - -	2
Reed - - - - -	per ton - - - - -	2
Seeds—		
Wheat - - - - -	} per 40 bushels - - - - -	2
Rye - - - - -		
Peas - - - - -		
Beans - - - - -		
Barley - - - - -		
Rape - - - - -		
Linseed - - - - -		
Coleseed - - - - -		
Mustard - - - - -		
Hemp - - - - -		
Oats - - - - -	per 80 bushels - - - - -	2
Barley Bigg - - - - -	per 80 bushels - - - - -	2

Description of Goods.	Quantity.	Tolls.	A.D. 1893.
Sedge - - - - -	per ton - - - - -	2	
Spirits—			
Brandy - - - - -	per 42 gallons - - - - -	2	
Geneva - - - - -	per 42 gallons - - - - -	2	
Rum - - - - -	per 84 gallons - - - - -	2	
Stone—			
Flags - - - - -	per 24 - - - - -	2	
Other stone - - - - -	per 20 cubic feet - - - - -	2	
Straw - - - - -	per ton - - - - -	2	
Timber <i>see</i> Wood.			
Tiles - - - - -	per 500 - - - - -	2	
Turves - - - - -	per 2,000 - - - - -	2	
Wine - - - - -	per 126 gallons - - - - -	2	
Wood—			
Fir - - - - -	per load of 50 cubic feet.	2	
Oak - - - - -	per load of 40 cubic feet.	2	
Mahogany logs - - - - -	per 2 - - - - -	2	
Battens - - - - -	per 100 - - - - -	2	
Deals (spars or baulks) - - - - -	per 50 - - - - -	2	
Half deals - - - - -	per 100 - - - - -	2	
Paling - - - - -	per 100 - - - - -	2	
Staves - - - - -	per 100 - - - - -	2	
Laths - - - - -	per 100 bundles - - - - -	2	
Wainscot logs - - - - -	per 3 - - - - -	2	
Wool - - - - -	per 8 packs (at 10 tods of 28 lbs. each to the pack) 280 lbs. each pack.	2	

For every ton of goods wares or merchandise not enumerated 2*d.* per ton.

In charging the toll on goods wares and merchandise the gross weight or measurement is to be taken and for any less weights measures or quantities than those above specified a proportion of the respective toll shall be charged.

Fractions of a penny will be charged as a penny.

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## THE THIRD SCHEDULE.

Weights and Quantities of Tollable Commodities as in South Level Act 1827.	Local equivalents in imperial weights and measures.
1 chaldron of coals or cinders - - -	25 hundredweight.
1 last of wheat beans peas or rye - - -	80 bushels.
1 last of oats barley or malt - - -	80 bushels.
One hundred of sedge - - -	One hundred bundles.
1 last of seeds - - -	80 bushels.
1 tun of wine or cider - - -	252 gallons
A pocket of hops - - -	168 lbs.

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