



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xlviii.

An Act for increasing the Fund for carrying into Execution several Acts of His present Majesty, for improving the Drainage of the *Middle and South Levels*, Part of the Great Level of the Fens called *Bedford Level*, and other Lands therein mentioned, and for improving the Navigation of the River *Ouse*, in the County of *Norfolk*, and of the several Rivers communicating therewith.

[8th May 1818.]

WHEREAS an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouse, in the County of Norfolk, draining through the same to Sea, by the Harbour of King's Lynn in the said County; and for altering and improving the Navigation of the said River Ouse from or near a Place called Eau Brink, in the Parish of Wiggshall Saint Mary, in the said County, to the said Harbour of King's Lynn; and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouse:* And whereas another Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted* 35 G. 3. c. 77.
[Local.] 12 S 36 G. 3. c. 33.
by

by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled 'An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouse, in the County of Norfolk, draining through the same to Sea, by the Harbour of King's Lynn in the said County; and for altering and improving the Navigation of the said River Ouse from or near a Place called Eau Brink, in the Parish of Wighenhall Saint Mary, in the said County, to the said Harbour of King's Lynn; and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouse:' And whereas another Act was passed in the

45 G. 3. c. 79. Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for explaining and amending an Act passed in the Thirty-fifth Year of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and certain Low Lands adjoining or near thereto, and to the River Ouse, in the County of Norfolk, and for improving the Navigation of the said River from or near a Place called Eau Brink, to the Harbour of King's Lynn, and for improving the Navigation of the several Rivers communicating with the said River Ouse:* And whereas another Act was passed in the Fifty-

56 G. 3. c. 38. sixth Year of the Reign of His present Majesty, intituled *An Act for amending several Acts of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and other Lands therein mentioned, and for improving the Navigation of the River Ouse, in the County of Norfolk, and of the several Rivers communicating therewith:* And whereas the Taxes and Fund raised and created under by virtue of the said recited Acts have been found inadequate for the Completion of the Cut and Works thereby required to be executed, and it is necessary that a further Sum of Money should be raised for the Purposes of the said Acts: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts, and all and every the Clauses, Powers, Authorities, Matters, and Things therein respectively contained (save and except such as are varied, altered, or repealed by this Act, or are repugnant to the Clauses and Provisions herein contained), shall be, remain, and continue in force, and shall be as good, valid, and effectual, to all Intents and Purposes, as if this Act had not been made.

So much of the former Acts as are not repealed or altered by this Act, to remain in force.

Bursar of St. John's College, Cambridge, for the Time being, to be a Commissioner.

II. And whereas the Masters, Fellows, and Scholars of the College of *Saint John the Evangelist*, in the University of *Cambridge*, are seized of a greater Number of Acres of Land taxed and charged in and by the said recited Acts, or some of them, than are requisite to constitute a Commissioner under this Act and the said recited Acts; be it therefore enacted, That the Bursar for the Time being of the said College of *Saint John the Evangelist*, in the University of *Cambridge*, shall from Time to Time for ever hereafter be, and he is hereby constituted and appointed, the Commissioner of Drainage under this Act and the said recited Acts, for and in respect of the Lands of the Master, Fellows, and Scholars of the said College of *Saint John the Evangelist*, in the University of *Cambridge*, charged or to be charged with the said Tax of One Shilling per Acre,

or any other Tax or Charge whatever, under and by virtue of this Act or the said recited Acts, or either of them; and as such Commissioner he is hereby constituted and appointed one of the Commissioners of Drainage under this Act and the said recited Acts, and as such he is hereby invested with, and declared to have and enjoy, the like Powers and Authorities as each of the other Commissioners under this Act and the said recited Acts.

III. And be it further enacted, That all and singular the Lands and Grounds taxed, charged, or made liable to the Payment of Three Shillings and Four-pence an Acre, or to the Payment of Four-pence an Acre, in and by the said recited Acts or either of them, shall be and the same are hereby taxed, charged, and made liable to the Payment of the further Yearly Tax of One Shilling for each and every Statute Acre, and so in proportion for any less Quantity than an Acre, for the Term of Five Years, the first Yearly Tax of One Shilling an Acre to be due and payable on such Day after the passing of this Act, and before the First Day of *January* One thousand eight hundred and nineteen, as the Commissioners of Drainage under the said recited Acts, or the Majority of them attending at any Quarterly General or Special Meeting, shall direct; the second Yearly Tax to become due and payable on the Fifth Day of *April* One thousand eight hundred and nineteen, and the Yearly Taxes for the Three remaining Years on the First Day of *January* in each succeeding Year.

Tax of One Shilling per Acre for Five Years;

IV. And be it further enacted, That the said Tax of One Shilling an Acre, together with the Penalties for the Non-payment thereof as herein-after mentioned, shall be paid by the respective Occupier and Occupiers of the Lands and Grounds so taxed and charged.

to be paid by the Occupiers.

V. And be it further enacted, That every Person occupying the said Lands and Grounds as Tenants, and paying as Tenants any Part of the said Tax of One Shilling an Acre, shall be and he is hereby authorized and empowered to deduct the Sum and Sums from Time to Time paid for or on account of the said Tax of One Shilling an Acre, out of the Rent or Rents to be paid to the Landlord or Landlords, Landlady or Landladies of the Lands or Grounds so taxed or charged, whether the Rent shall be due for the same Year as the Tax, or due at any other Time; and such Tenant or Tenants shall stand acquitted and released for the Amount of the Tax so paid, in as full and ample a Manner as if so much Rent had been actually paid: Provided always, that nothing herein contained shall authorize or enable such Tenant or Tenants to deduct any Penalty or Penalties that shall have been incurred for the Nonpayment of the said Tax or any Part thereof.

Tenants to deduct the Tax out of their Rent, but not the Penalties.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize the Tenant or Tenants of any Lands, Tenements, and Hereditaments belonging to the Provost and Scholars of *King's College*, or to the Masters, Fellows, and Scholars of the College of *Saint John the Evangelist*, in the University of *Cambridge*, to deduct the Taxes, Rates, or Assessments which shall be paid by such Tenant or Tenants respectively, under any of the Provisions of this Act, or any of the said recited Acts, out of his, her, or their Rent;

Tenants of King's College and St. John's College, Cambridge, not to deduct Taxes.

but

but that the same Taxes, Rates, and Assessments shall be wholly borne and paid by such Tenant or Tenants respectively; any thing herein contained to the contrary notwithstanding.

Tax not to be deducted by Tenants under Agreements to pay all Taxes.

VII. Provided also, and be it further enacted, That if any Tenant or Tenants of any of the Lands or Grounds taxed or charged with the said Tax of One Shilling an Acre, shall, previous to the passing of this Act, have entered into any Agreement on hiring such Lands and Grounds for the Payment of all Drainage Taxes, or for the Payment of all Taxes whether Parliamentary or Parochial, except Land Tax, then and in either of those Cases nothing herein contained shall authorize or empower such Tenant or Tenants to deduct from his, her, or their Rents the said Tax of One Shilling an Acre, or any Part thereof.

Lessees of the Crown to pay the Tax.

VIII. And whereas the King's most Excellent Majesty, in Right of the Duchy of *Lancaster*, is seised of certain Lands, called *Methwold Severals*, in the said County of *Norfolk*; be it therefore further enacted, That the said Tax of One Shilling *per* Statute Acre, hereby charged as aforesaid, shall, in respect of any Lands and Grounds belonging to His Majesty, be paid by such Person or Persons as shall be Tenant or Tenants, or Lessee or Lessees of His said Majesty, of all or any Part of such Crown Lands and Grounds, for the Whole of such Part of the said Term of Five Years as he, she, or they shall be and continue Tenant or Tenants, or Lessee or Lessees of the same; and in case it shall happen that the Term and Interest, Terms and Interests, of any such Tenant or Tenants, or Lessee or Lessees, shall expire previous to the said First Day of *January* One thousand eight hundred and twenty-two, and shall not have been renewed and continued up to that Time, such last-mentioned Tenant or Tenants, or Lessee or Lessees, shall pay and discharge a due Proportion of the said Tax of One Shilling *per* Statute Acre, up to the Time of the Expiration or Determination of such his, her, or their Term and Interest, Terms and Interests, in proportion to the Time he, she, or they continue such Tenant or Tenants or Lessee or Lessees, and the Residue and Remainder thereof shall be paid by his, her, or their Successor or Successors, as such Tenant or Tenants, or Lessee or Lessees, of the said Crown Lands.

Beneficial Lessees to be considered as Owners.

IX. And be it further enacted, That all Lessees or Tenants of any Lands or Grounds taxed or charged with the said Tax of One Shilling an Acre, and holding the same under any Beneficial Leases under the Crown, or under any Bishop, Collegiate Church or College, or Body Corporate, shall be considered as Owners or Landlords, and shall not be entitled to charge the Crown, or such Bishop, Collegiate Church or College, or Body Corporate, with the said Tax of One Shilling an Acre, or any Part thereof.

Lammas and Half-several Land.

X. And be it further enacted, That the several Persons occupying any Lammas or Half-several Land for the Part of the Year when the same is not Common, shall be considered as the Occupiers thereof, in the same Manner as if the same had been Several Land for the whole of the Year.

XI. And

XI. And be it further enacted, That in all Cases where any Part or Parts of any Commons open for a Portion of a Year are set out for any particular Time in every Year to be mown or occupied as Several Land, sometimes by one Commoner and sometimes by another, the Tax for the same shall be paid and recovered as if the same had been commonable throughout the Year.

Shifting
Commonable
Land to be
considered as
Open Com-
mons.

XII. And be it further enacted, That the said Tax of One Shilling an Acre shall be paid for the said Five Years respectively, at such Time or Times, and at such Place or Places, and to such Person or Persons, in each Year, as the said Commissioners of Drainage, or the Majority of them attending at any Quarterly General or Special Meeting, shall from Time to Time direct: Provided always, that the Time and Place or Times and Places of such Payment for each Year be advertised Twice, previous to the Day of Payment, in *The Cambridge Chronicle*, *The Norfolk Chronicle*, *Huntingdon Gazette*, and *Bury Post*; the first Time of advertising the same not being less than Four Weeks previous to the Day appointed for each Payment; and provided also, that no Person be required to travel beyond the Distance of Ten Miles from the Land taxed for the Purpose of paying the said Tax.

Tax when
and where
to be paid.

XIII. And be it further enacted, That the respective Occupiers of the said Lands and Grounds shall pay, in addition to the said yearly Tax of One Shilling an Acre, the Penalty or Sum of Three Shillings and Fourpence for every Twenty Shillings of the said Tax, and so in proportion for any less Sum which shall be in arrear and unpaid at the Expiration of Four Weeks after the Day appointed for the Payment thereof (if one general Day of Payment should be appointed by the said Commissioners of Drainage, or if particular Days should be appointed for particular Divisions, then the said Penalty shall attach upon every Sum in arrear and unpaid for each Division at the Expiration of Four Weeks after the first Day appointed for each Division); such Sums or Penalties to be added to, received, recovered, and collected, together with and as if the same had been Part of the said Tax.

Penalty for
Nonpay-
ment.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall subject any Owner or Proprietor, not being the Occupier of Lands, to any Penalty for Nonpayment of the said Tax of One Shilling, until One Month's Notice shall have been given in Writing to any such Owner that such Tax has not been paid by the Occupier of such Lands.

Proprietors
not Occu-
piers, not to
be liable to
Penalties
until Notice
given to
them.

XV. And be it further enacted, That the said Commissioners of Drainage shall and may and they are hereby empowered from Time to Time to require from the Occupiers of the said Land and Ground taxed and charged with the said Tax of One Shilling an Acre, or from any Part or Parts thereof, Returns in Writing under their Hands respectively, to be delivered to such Person or Persons, and at such Place or Places as the said Commissioners of Drainage shall direct, containing the Number of Acres of Land in their Occupation respectively subject to the said Tax of One Shilling an Acre, and the Number of Acres of Land not subject thereto, and setting forth the Name and Situation or other sufficient Description of each Farm, where the several Pieces of Land forming such

General
Returns to be
made by the
Occupiers, if
required, by
Advertise-
ment.

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Farm

Farm adjoin each other, and of each Ground or Piece when the same do not adjoin; and also containing an Account of the Number of Acres situate within any District of Drainage under any Act of Parliament or Commission of Sewers, describing the same, or if in more than One, the Number of Acres in each District, and also the Number of Acres not within any such District, with such Descriptions as will shew where the same are situated; the Time or Times for delivering such Returns, and the Persons and Places to whom and where the same are to be delivered, being previously advertised Four Times in *The Cambridge Chronicle*, *The Norfolk Chronicle*, *Huntingdon Gazette*, and *Bury Post*.

Particular Returns if required.

XVI. And be it further enacted, That if such Return should not be required by Advertisement as above mentioned, the Person or Persons who shall be appointed by the said Commissioners of Drainage to collect or receive the said Tax of One Shilling an Acre, shall and he is hereby empowered, having an Authority in Writing for that Purpose from any Five of the Commissioners, by Writing under his or their Hand or Hands, to require from any Occupier or Occupiers, at the Time of his paying the said Tax of One Shilling an Acre, or any Part thereof, or at any other Time, a Return or Schedule in Writing under the Hand of such Occupier, containing all the Particulars which the Returns above mentioned are required to contain, in the same Manner, and within Fourteen Days from such Demand, as if such Returns had been required by Advertisement as above mentioned.

In Cases of Doubt, Part of the Tax to be paid; Appeals as to the Remainder.

XVII. And be it further enacted, That if any Doubt shall arise as to the total Amount of the Tax which any Occupier is or may be liable to pay, such Occupier shall pay the Proportion of such Tax, according to the Number of Acres admitted or allowed by such Occupier to be due, at the same Time and Place, as if no such Doubt had existed; and the Residue of such Tax for the Number of Acres for which he shall not then pay, shall be considered as Tax in Arrear, and such Occupier shall and may appeal to the Commissioners of Appeal appointed or to be appointed under the Powers of the said recited Act passed in the Fifty-sixth Year of the Reign of His present Majesty, in the same Manner as is by this Act herein-after directed as to the Arrear of the said Tax of One Shilling an Acre: Provided always, that no Person shall be allowed so to pay the said Tax of One Shilling an Acre for Part of the Land in his Occupation, unless he shall deliver to the Person receiving such Part thereof a Return or Schedule in Writing under his Hand, containing the whole of the Particulars which may have been required of him by Advertisement in manner herein-before mentioned, or by such Collector as aforesaid.

Penalty for not making Returns.

XVIII. And be it further enacted, That if any Occupier shall neglect or omit to make any Return or Schedule of the Lands in his Occupation at the Time or Times above required, or shall wilfully make a false Statement as to any of the Particulars required to be stated in such Return or Schedule as aforesaid, the Tax for the Year to which such Return or Schedule relates shall be and the same is hereby doubled and made Two Shillings an Acre for that Year for all the Lands and Grounds of such Occupier for which the Tax of One Shilling an Acre shall for that Year be then due and unpaid.

XIX. And be it further enacted, That so much of the said Tax of One Shilling an Acre as shall from Time to Time be in arrear and unpaid after the Expiration of the Four Weeks from the first Day appointed for the Payment thereof as aforesaid, together with the Penalties which shall then have accrued and become due for the Nonpayment thereof, shall be levied and recovered in the same Manner and by the same Persons, as any Arrears of Taxes due or to become due under the said recited Acts or any of them is or are authorized to be levied or recovered by the said recited Act passed in the Fifty-sixth Year of His present Majesty; and for that Purpose all the Clauses, Provisions, Powers, and Authorities of the said recited Act of the Fifty-sixth Year of the Reign of His present Majesty, respecting the Appointment and Payment of Arrear Commissioners and Commissioners of Appeal, requiring a Schedule or Schedules of the Taxes in arrear to be made, and Copies delivered to the Parish Officers, and fixed upon the Church Doors, empowering or requiring Commissioners to enter upon and survey Land, to inspect Maps, Rates, and other Documents, to hear Appeals, to advertise the Time and Place of such Appeals, to require Returns upon such Appeals, to summon Witnesses, and which declare that the Schedules when made shall be final and conclusive; prescribing the Time and Mode of paying the Arrears, with the Penalties for the Nonpayment of the same, the Provisions for making Distresses, for selling, leasing, and conveying Lands, and Penalties for not producing Rates and Books, for not giving Evidence, and on Constables and others neglecting or refusing to execute Warrants; are hereby declared to be applicable to all Intents and Purposes to the Arrears of the said Tax of One Shilling an Acre, and the Penalties for the Nonpayment thereof, as fully and effectually as if the said several Clauses and Provisions had been fully repeated in this Act.

Arrears of the Tax of One Shilling an Acre to be recovered under the Powers of 56 G. 3. c. 38.

XX. And whereas some of the Lands hereby charged or directed to be charged with the said yearly Tax of One Shilling *per* Acre may derive a greater Benefit than others by the making of the said intended New River or Cut, or the said intended Drainage, and in such Case it will be reasonable that the Lands deriving the greatest Benefit should bear a greater Proportion of the Expence of the said Drainage Works hereby provided to be made, than the Lands which shall not derive equal Benefit therefrom; be it therefore further enacted, That for the Purpose of apportioning the said yearly Tax of One Shilling *per* Acre, the Lands hereby charged or directed to be charged therewith shall be considered as divided into Four Districts; one of which Districts shall consist of or comprize the Lands lying in the said Country called *Marshland*; one other of such Districts shall consist of or comprize the Lands lying in the said *Middle Level* of the Fens called *Bedford Level*; one other of such Districts shall consist of or comprize the Lands lying in the said *South Level* of the Fens called *Bedford Level*; and the other of such Four Districts shall consist of or comprize all the Lands hereby charged or directed to be charged with the said Tax, which are not comprized in either of the said Three other Districts; and that the said Commissioners for Drainage shall, upon Application and Request made to them in that Behalf by Twenty Proprietors possessing not less than One hundred and fifty Acres each, at their Fifth Meeting next after the opening of the said intended New River or Cut, cause the Lands in the District or Districts from which such Application and Request shall come, to be forthwith surveyed by proper and skilful

For apportioning the Tax of One Shilling *per* Acre.

skilful Surveyors, who shall divide and sort the Lands in such District or Districts respectively chargeable with the said yearly Tax of One Shilling *per Acre* into Three several Classes or Sorts, according to the Benefits which the same shall respectively appear to have derived or be likely to derive from the said intended Cut and Drainage, each Class to consist of such Number of Acres as that the Amount of the yearly Tax or Sum to be raised upon the whole of the Lands in such District or Districts respectively by virtue of this Act, at the Rate of One Shilling *per Acre* for the Number of Acres contained therein respectively as aforesaid, may, after the Expiration of One Year from the said Meeting, at which such Application and Request shall be made, instead of being raised by a Tax of One Shilling *per Acre* as herein-before directed, be apportioned and be assessed and charged upon such Lands respectively in the Proportions following; (that is to say), the yearly Tax or Sum of One Shilling and Sixpence *per Acre* upon the Lands to be comprized in the First Class, being those deriving or likely to derive the greatest Benefit from the said intended Drainage; the yearly Tax or Sum of One Shilling *per Acre* upon the Lands to be comprized in the Second Class, being those deriving or likely to derive the next greatest Benefit; and the yearly Tax or Sum of Sixpence *per Acre* upon the Lands to be comprized in the Third Class, being those deriving or likely to derive the least Benefit; and that the Surveyors to be appointed by the said Commissioners for Drainage for the Purpose aforesaid shall respectively, before they commence their Survey of the said Lands, take the following Oath, or, being of the People called *Quakers*, the following solemn Affirmation before the said Commissioners for Drainage, assembled at a Meeting to be held in pursuance of this Act or the said recited Acts (who are hereby authorized to administer the same); that is to say,

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*] That I will make a proper Survey of the Lands lying in [*here specify the District in question*] and will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, divide and sort the same into Three several Classes or Sorts, pursuant to the Directions and according to the Intent and Meaning of an Act of Parliament passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act.*]
So help me GOD.’

And that the said Commissioners for Drainage shall, from and after the Expiration of the said One Year from the said Meeting at which such Application and Request shall be made as aforesaid, rate, tax, charge, and assess each of the said Three Classes of the Lands so to be classed and sorted as aforesaid in such District or Districts respectively, during the then Residue of the aforesaid Term of Five Years, with such Proportion of the yearly Tax or Sum to be raised upon the whole of such Lands by virtue of this Act, as is herein-before mentioned and pointed out for the same, in lieu of raising such yearly Tax or Sum by a Tax of One Shilling *per Acre*, as herein-before directed; and that such Proportions of the said yearly Tax or Sum shall be paid by the same Persons at the same Times and in the same Manner as the said Tax of One Shilling *per Acre* would have been payable in case such Apportionment had not taken place: Provided always, that the Expences attending the making of such Survey,
Division,

Division, and Apportionment as aforesaid in each District, shall be charged and assessed by the said Commissioners for Drainage, upon the Lands comprized in that District, in such or the like Proportions as the said Tax of One Shilling *per* Acre may by virtue of this Act be assessed and charged thereon, and shall and may be recovered and levied, together with the Costs of levying the same, by the same Ways and Means as are by this or the said recited Acts or any of them provided for the recovering and levying of the said Tax of One Shilling *per* Acre: Provided also, that with respect to such of the said Four Districts from which no such Application and Request for an Apportionment shall be made as aforesaid, the said Tax of One Shilling *per* Acre shall continue to be raised and paid in the Manner and for the Term by this Act directed.

XXI. And be it further enacted, That the Money arising from Time to Time from the said Tax of One Shilling an Acre shall be applied by the said Commissioners of Drainage, or the Majority of them attending at any Quarterly General or Special Meeting, after paying the Expences of and incident to obtaining this Act, and the Expences of carrying the Provisions hereof into Execution, in the Completion of the Cut and other Works to be executed, and for all the other Purposes of the said several recited Acts or any of them required to be done by the said Commissioners of Drainage; and the said Commissioners of Drainage, or the Majority of them as aforesaid, are hereby authorized and empowered to borrow Money on the Security of the said Tax of One Shilling an Acre for Five Years, in the same Manner and subject to the same Provisions as are contained in the said Acts as to the Money thereby authorized to be borrowed.

XXII. And whereas the Commissioners of Drainage under the said recited Acts have borrowed the Sum of Fifteen thousand Pounds, under the Powers of Two Acts of Parliament passed in the Fifty-seventh Year of the Reign of His present Majesty, one of them intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*; and the other intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*: And the said Commissioners of Drainage, on the Twenty-second Day of September last, executed an Assignment of all and singular the Taxes and Funds now to arise under the said recited Acts, and of all future Taxes which, under any Act of Parliament to be thereafter obtained, might arise or become payable to the said Commissioners of Drainage, as a Security for the Repayment of the said Sum of Fifteen thousand Pounds within Ten Years, at the Rate of One thousand and five hundred Pounds *per Annum*, with lawful Interest for the same: Be it therefore further enacted, That all the Taxes and Funds under the said recited Acts or any of them, and also the said Tax of One Shilling an Acre for Five Years, shall be subject and liable to the Payment of the said Sum of Fifteen thousand Pounds and Interest according to the said Assignment, and to all Costs, Charges, and Expences which the Commissioners executing the said Assignment, or any or either of them, their or any or either of their Heirs, Executors, or Administrators, may in anywise

[Local.]

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sustain

Application
of the MoneyRe-payment
of 15,000l.
borrowed of
Government,
57 G.3. c. 34.

57 G.3. c. 124.

sustain or be put to in consequence of having executed the same, in preference to any other Purpose to which the said Taxes and Funds or any of them, may be applicable under the said recited Acts or any of them; and that nothing herein or in the said recited Acts or any of them contained shall authorize or empower the said Commissioners of Drainage or any of them to apply or expend any Part of the said Tax of One Shilling an Acre for Five Years, or any Part of the Taxes or Funds arising under the said recited Acts or any of them, so as to hinder, delay, or prevent the Repayment of the said Sum of Fifteen thousand Pounds, or of the Interest for the same, according to the Proviso and Stipulation contained in the said Assignment.

Works, &c.
to be done for
better Secu-
rity of King's
Lynn.

XXIII. Whereas in and by the said recited Act passed in the Thirty-fifth Year of the Reign of His present Majesty, it is provided, that all such Works, Matters, and Things shall be done as the Engineers thereby appointed shall direct for the better Security and more effectual Preservation of the Town and Harbour of *King's Lynn*, and the Navigation from thence to the open Sea, from all possible Damage or Injury in consequence of making the said new River or Cut: And whereas the same Security is required for the Shore and Bank on the opposite or West Side of the said Harbour of *Lynn*, from the Lower Bank, which by the said Act is to be made across the said River *Ouse* to the Place where the new-made Bank of the Right Honourable Lord *William Cavendish Bentinck*, on the said West Side of the said River commences, and which said new-made Bank begins about One hundred and fifty Yards above and to the Southward of the Farm House of the said Lord *William Cavendish Bentinck*, and about the same Distance above the Jetty made by the said Lord *William Cavendish Bentinck*, opposite the said Farm House which forms Part of the Boundary of the said Harbour, the Security of which said Shore and Bank may not be expressly provided for in the said recited Act: And whereas it is expedient that a further and certain Provision should be made for the due Execution of the Works so required; be it therefore further enacted, That when the said new River or Cut shall be ready to be opened, and before the Waters of the said River *Ouse* shall be turned into the same, and before the Bank across the said River *Ouse*, at the upper End of the said Cut, shall be made, the Engineers under the said recited Act, and, if they do not agree, the Umpire thereby to be appointed, shall make an Estimate of the Costs and Charges so in their or his Judgment required for the Preservation of the said Town and Harbour, of the said Shore and Bank on the said West Side of the said River, and of the said Navigation; and the said Commissioners of Drainage are hereby required, before they open the said new River or Cut, to invest the Amount of such Estimate in the Three *per Centum* Consolidated Annuities, or in Exchequer Bills, in the Names of the Right Honourable *Philip Earl of Hardwicke*, Sir *Charles Morgan* Baronet, and *William Henry Fellowes* Esquire: And when the said new River or Cut shall be opened, and the Works so required to be done for the Preservation as aforesaid of the said Town and Harbour, and Shore and Bank on the said West Side of the said River *Ouse*, and of the said Navigation, come in their course to be done and executed, the said Sum so invested shall, upon Notice in Writing for that Purpose, under the Hands of any Five of the said Commissioners of Drainage, be sold out, and the Produce of such Consolidated Annuities or Exchequer Bills so sold be paid to the Treasurer of the said Commissioners of Drainage, to be applied

applied to the said Works, for completing which the Money is by this Act directed to be so invested as aforesaid; and if the whole shall not be wanted, the Surplus shall fall into and become Part of the General Funds of the said Commissioners of Drainage: Provided always, that if the Sum so deposited and set apart shall not prove sufficient, the said Commissioners of Drainage, out of their general Funds, shall raise and supply so much as may be necessary to complete the said Work as aforesaid: Provided always, that nothing herein contained shall be construed to alter, vary, or weaken the full Force and Effect of the said Provision contained in the said Act of the Thirty-fifth Year of His said Majesty's Reign, for the Execution of such Works, Matters, and Things, as aforesaid, for the better Security and more effectual Preservation of the said Town and Harbour of *King's Lynn*, and the Navigation from thence to the open Sea, as therein mentioned.

XXIV. And whereas there are Thirty-seven Acres or thereabouts of Land situate in the Parish of *South Lynn All Saints*, within the Borough of *King's Lynn* aforesaid, which will be excavated in making the said new River or Cut, and other Land, by the making of Banks and Forelands to the said new River or Cut, may, from their then becoming of no Value for the Purposes of Occupation as Land, and the future Poor Rates of the said Parish of *South Lynn All Saints* may in consequence be decreased by the Loss of the Land so cut up, or so becoming not rateable as aforesaid; be it therefore further enacted, That from and immediately after opening the said new River or Cut, it shall and may be lawful to and for the Churchwardens and Overseers of the Poor of the said Parish, or the Majority of them for the Time being, to appoint a fit and competent Person for the Purpose of ascertaining and fixing the Amount of the annual Sum the Poor Rates in the said Parish may be afterwards decreased by the Means aforesaid, such Decrease to be computed by being compared with the annual Average Amount of the Poor Rates of the said Parish of *South Lynn All Saints*, for the Space of Fourteen Years up to *Lady-day* One thousand eight hundred and eighteen; and the said Commissioners of Drainage shall and they are hereby required, at their First or Second Quarterly General or Special Meeting to be held next after Fourteen Days Notice in Writing, under the Hands of the said Churchwardens and Overseers, to the Clerk of the said Commissioners, to appoint another fit and competent Person for the same Purpose; and in case such Two Persons shall not agree in their Opinion touching the Matter to be so referred to them, it shall and may be lawful for such Two Persons and they are hereby authorized and required, to nominate some fit and competent Person as their Umpire; and such Two Persons or their Umpire, in forming their Opinion as to the annual Amount of such Decrease of the said Poor Rates, shall take into their Consideration any Improvement which may arise to the other Lands in the said Parish, by the making of the said new River or Cut, from the better Drainage thereof, or from any saving in Bank Rates, or from the Increase of Buildings or other rateable Property, or from any other Cause whatsoever arising from the making of the said new River or Cut; and the said Referees or their Umpire are and is hereby authorized and empowered, by Writing under their Hands and Seals or his Hand and Seal, to ascertain, award, and determine whether any, and if any, what annual Sum shall be paid by the said Commissioners for Drainage to the said Church-

Churchwardens and Overseers, as a Compensation for the said Decrease in the Amount of the said Poor Rates after the said new River or Cut is made; and the said Commissioners for Drainage are hereby required to pay to the said Churchwardens and Overseers, on the First Day of *January* in every Year, or within Twenty-one Days afterwards, such Sum of Money as the said Referees or their Umpire shall so determine to be a Compensation as aforesaid: Provided always, that in case the said Commissioners for Drainage, or the Majority of them at any Quarterly General or Special Meeting, to be held after Five Years from the Commencement of the said annual Payment, shall be of Opinion that the making of the said new River or Cut has not occasioned any Decrease in the said Poor Rates, it shall and may be lawful for the said Commissioners of Drainage to nominate one fit and proper Person, and the said Churchwardens and Overseers are hereby authorized and required, within Twenty-one Days after Notice of such last-mentioned Nomination, to nominate another fit and proper Person, and such Two Persons are hereby authorized and required, in case they differ in Opinion as to the Matter referred to them, to nominate such fit and proper Person as their Umpire; and such last-mentioned Referees or their Umpire shall determine as aforesaid whether the said annual Sum to be so paid by the said Commissioners of Drainage ought to continue, or be abated, or wholly discontinued; and the Parties interested are hereby required to act according to such Determination, and so from Time to Time as often as a Reference shall be had for that Purpose.

For explain-
ing Doubts
respecting
the Construc-
tion of certain
Clauses in re-
cited Act of
35 G. 3.

XXV. And whereas in and by the said in part recited Act of the Thirty-fifth Year of His said Majesty's Reign, it is also enacted, that if any Person or Persons, Bodies Politic, Corporate, or Collegiate, at any Time after the said Commissioners for Drainage, or any Person or Persons employed or authorized by them, shall have begun to carry the Act now in Recital into Execution, should sustain any Damage or Injury to his, her, or their Lands, Tenements, or Hereditaments whatsoever, by or in consequence of any Act or Acts of the said Commissioners for Drainage, or their Agents, Workmen, or Servants, for which such Person or Persons, Bodies Politic, Corporate, or Collegiate, shall have had no Recompence or Satisfaction, or for which no Recompence or Satisfaction is thereby otherwise provided, then and in every such Case, if the said Commissioners for Drainage, or their Agent or Agents, and the Party or Parties by whom such Damages shall be sustained, should not agree touching such Damages, the said Damages shall be ascertained and settled by a Jury to be impannelled and returned as therein-before is mentioned, who should give Judgment for the Party or Parties aggrieved, and record the same respectively, in the same Manner and Form as the Damages and Recompence are thereby appointed to be assessed and adjudged for any Lands, Tenements, and Hereditaments which should be anyways made use of, cut, or damaged in the Execution of any of the Powers of the Act now in Recital; and that in case the said Commissioners for Drainage, or their Agent or Agents, should not, being thereunto required, make such Satisfaction or Recompence for such Damages as should be so assessed and settled as aforesaid, within Twenty Days after such Request made as aforesaid, it should be lawful for the Person or Persons aggrieved to apply to the Justices of the Peace before whom the said Damages were assessed, who, upon Proof made to them upon Oath
of

of Non-payment of such Recompence and Satisfaction, should and they are thereby required to appoint One or more Person or Persons to receive the Rates and Tolls therein directed to be raised and paid to the said Commissioners for Drainage, and thereout to pay all such Damages so assessed and settled as aforesaid; and the Money to be received by such Receiver or Receivers should be received to the Use of such Person or Persons receiving Damage as aforesaid in Order and Course successively as such Determinations should be in Priority of Time; and after such Damages so settled and assessed as aforesaid should be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes last mentioned should cease and determine: And whereas Doubts have been entertained whether, under the last recited Clause, the said Commissioners for Drainage would be authorized and required to make Satisfaction for any Damage or Injury which might be sustained after the Works by the last-recited Act directed to be made shall have been fully executed, and it is apprehended that, notwithstanding great Precaution may be taken to prevent Injury to the said Town and Harbour of *King's Lynn*, to the Shore and Bank on the opposite or West Side of the *River Ouse*, from the Effects of the said intended new Cut, considerable Injury may accrue; be it therefore further enacted and declared, That the Powers and Remedies in and by the said last-recited Act given and contained, for making Satisfaction and Compensation as aforesaid, shall extend to all Damage and Injury in anywise occasioned by the altered Course of the said River.

XXVI. Provided always, and be it further enacted, That nothing herein or in the said recited Acts contained shall authorize or require the said Commissioners of Drainage and Navigation, or either of them, to make, do, execute, or maintain any Works, or to incur any Charge or Expence, to defend, maintain, or secure any of the Wharfs, Piers, Jetties, Banks or Shores on either Side of the said Port or Harbour of *Lynn*, or of the said *River Ouse*, or Navigation below the Mouth or lower End of the said New River or Cut, from any Damage or Injury to which such Wharfs, Piers, Jetties, Banks, or Shores, or any of them, now are or hereafter may be subject or liable from the Flow or Ebb of the Waters through the said Harbour or Navigation, except from such increased Damage and Injury as may arise and be occasioned by the Waters passing through the said new River or Cut, instead of passing, as such Waters do now, through the present Course of the said *River Ouse*; but the Bodies Politic or Corporate, and the Party and Parties now liable to the Preservation of the said Navigation, or to the Repairs and Maintenance of the said Wharfs, Piers, Jetties, Banks, and Shores, against the Damage and Injury to which they are now subject, shall remain and continue liable and chargeable therewith and thereto, in the same Manner as they have heretofore been liable and chargeable, as to all Damage and Injury to which the said Wharfs, Piers, Jetties, Banks, or Shores, are or hereafter may be liable to, not occasioned by the opening of the said new River or Cut.

Nothing in this Act to extend to charge the Commissioners with the Expence of any Wharfs or other Works below the lower End of the new Cut.

XXVII. And be it further enacted, That the said Commissioners of Drainage, or the Majority of them at any Quarterly or General Meeting, be and they are hereby authorized and empowered to appoint from Time to Time One or more Committee or Committees out of the said Com-

Committee for particular Purposes.

[Local.]

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missioners

missioners of Drainage, for all or any of the following Purposes; (that is, to say), for carrying into Execution such Directions as the said Commissioners of Drainage, or the Majority of them as aforesaid, may from Time to Time give in all Matters relating to the Collection and Receipt of the Taxes and other Funds of the said Commissioners of Drainage; and also for making Contracts for all such Works as shall be ordered to be executed by the said Commissioners of Drainage, or the Majority of them, and for the Superintendence and Direction of all such Matters as the Execution of such Works may from Time to Time require; and also for making or directing all or any of the Payments ordered to be made by or on account of the said Commissioners of Drainage, and for examining all or any of the Accounts of the Expenditure under the said recited Acts or any of them: Provided always, that nothing be ordered or done at any Meeting of any of the said Committees by less than Three Commissioners; and that if at any Meeting of any such Committee there shall be any Difference of Opinion as to any Order to be made, no Order relating thereto shall be made or passed at that Meeting, except by the Majority attending such Meeting, such Majority not being less than Three: Provided also, that the Powers and Continuance of all such Committees shall be subject to the Orders and Directions from Time to Time given by the said Commissioners of Drainage, or the Majority of them, at any Quarterly General or Special Meeting; and the Acts and Proceedings of such Committees shall be subject to the Revision and Confirmation of the said Commissioners of Drainage, or of the Majority of them, as aforesaid, and shall be final and conclusive in those Cases, and so far only, as shall be so expressly ordered and directed; and all the Orders, Acts, and Proceedings of such Committees, when confirmed at any Quarterly or General Meeting, and when they are so directed to be final and conclusive, shall have the same Effect to all Intents and Purposes as if they had been done and ordered by the Commissioners of Drainage at any Quarterly General or Special Meeting.

Committee
not to be
personally
liable.

XXVIII. Provided always, and be it further enacted, That the several Commissioners of Drainage constituting such Committee respectively shall not be personally liable or subject to any Action, Suit, or other Proceeding, for what he or they shall or may do, order, or direct in compliance with or in carrying into Execution any Order or Direction of the said Commissioners of Drainage, or the Majority of them as aforesaid; but that all Actions, Suits, and other Proceedings for what shall be so done by such Committees respectively, shall be against the said Commissioners of Drainage, as if the Acts so done or ordered had been done or ordered by the said Commissioners at any Quarterly General or Special Meeting.

Discount to
be allowed
for Taxes
paid in Ad-
vance.

XXIX. Provided always, and be it further enacted, That if any Person shall pay all or any Part of the said Tax of One Shilling an Acre in Advance for One or more Years, the said Commissioners of Drainage are hereby authorized and empowered to receive the same, and to allow a Discount or Interest at the Rate of Five Pounds *per Centum per Annum* from the Time of such Payment to the Time or Times when the Tax so paid in Advance would have become due according to the Provisions herein-before contained; and the Receipt or Receipts for the said Sums

so paid in Advance shall discharge the Lands and Grounds, and the Landlords and Occupiers thereof, from the Tax so paid.

XXX. And be it further enacted, That all Collectors, Officers, and other Persons who have received for the said Commissioners of Drainage any Part of the Taxes or Penalties under the said recited Acts or any of them, shall account for and pay the same, although Six Years shall have passed subsequent to the Time of such Receipt or Collection, in the same Manner as if the same had been within that Period.

Collectors, &c. to account, although not called upon within the last Six Years.

XXXI. And be it further enacted, That all Acts and Proceedings of the said Commissioners of Drainage to be done or executed under this Act, or under the said recited Acts or any of them, shall be ordered or done at some Quarterly General or Special Meeting, and shall be ordered or done by the Commissioners of Drainage attending such Meetings, or the Majority of them.

Orders, &c. to be made at Meetings by the Majority attending.

XXXII. And be it further enacted, That all Advertisements or Notices of Acts to be done by or for the Owners or Occupiers, or relating to the Taxes of Lands or Grounds in the County of *Suffolk*, and not elsewhere, under this or the said recited Acts or any of them, shall be advertised in the *Bury Post* only, notwithstanding any Provisions of the said recited Acts, which require such Advertisements to be inserted in *The Cambridge Chronicle*, *The Norfolk Chronicle*, *Huntingdon Gazette*, and *Bury Post*; and all similar Advertisements and Notices to the Owners or Occupiers, or relating to the Taxes of the Lands or Grounds in the County of *Norfolk*, shall be advertised in *The Norfolk Chronicle* only, and all similar Advertisements and Notices to the Owners or Occupiers, or relating to the Taxes of the Lands or Grounds not within either of the Counties of *Norfolk* or *Suffolk*, shall be advertised in *The Cambridge Chronicle* and *Huntingdon Gazette*; any Thing herein-before, or in the said recited Acts or any of them, to the contrary thereof in anywise notwithstanding.

Advertisements relating to the Occupiers of Lands in particular Counties, to be inserted in the Papers for those Counties only.

XXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

