



ANNO DECIMO

GEORGII IV. REGIS.

Cap. civ.

An Act for altering, amending, and enlarging the Powers granted by an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, for improving the Outfall of the River *Nene*, and the Drainage of the Lands discharging their Waters into the *Wisbech* River, and the Navigation of the said *Wisbech* River from the upper End of *Kinderley's Cut* to the Sea, and for embanking the Salt Marshes and Bare Sands lying between the said Cut and the Sea.

[1st *June* 1829.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for improving the Outfall of the River Nene, and the Drainage of the Lands discharging their Waters into the Wisbech River, and the Navigation of the said Wisbech River from the upper End of Kinderley's Cut to the Sea, and for embanking the Salt Marshes and Bare Sands lying between the said Cut and the Sea*, whereby it was enacted, that certain Persons therein named and referred to should be and they were thereby appointed Commissioners for the Time being for executing the said Act, and the several Powers, Provisions, and Purposes thereof; and that the said Commissioners should be

[*Local.*] 27 X and

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c. 85.

and they were thereby incorporated by the Name and Style of “The Commissioners of the *Nene* Outfall;” and that certain Persons therein mentioned and referred to should be and they were thereby appointed a Committee of the said Commissioners for the Purposes, with the Powers and Authorities, and under the Regulations therein expressed and contained; and it was further enacted, that it should be lawful for the said Commissioners for executing the said Act, and they were thereby authorized and required, to set out, make, and complete a new Cut or Channel for the Passage of the Waters of the said *Wisbech* River to the Sea, the said new Cut or Channel to join the said Cut called *Kinderley’s Cut* at the North or lower End thereof, and to extend therefrom unto or near unto a certain Place called *Crab Hole*, lying in the Estuary or Bay called *Sutton Wash*; and it was further enacted, that the said new Cut or Channel should be set out and made from *Kinderley’s Cut* to *Crab Hole* aforesaid, in the following Direction; (that is to say,) from the North or lower End of the said *Kinderley’s Cut*, in, through, and along the present Channel of the said *Wisbech* River, and the present Open Marsh and Sands thereto adjoining, near to the East Front of a certain Sluice called *South Holland Sluice*, and from thence in, through, and along the said Channel, Marsh, and Sands, unto a certain Place called the *Slip-way*, at the Ford or Passage of the said *Sutton Wash*, and from thence in, through, and along the said Channel, Marsh, and Sands, and the adjoining Sea Bank, and in, through, and along the inclosed Marsh and Lands belonging to the President and Governors of *Guy’s* Hospital, situate on the West Side of the said Sea Bank, unto a certain Point or Place called *Skate’s Corner*, and from thence in, through, and along the said Channel, Marsh, and Sands, unto or near unto the said Place called *Crab Hole*; and that the said new Cut or Channel should be set out and made in the Direction aforesaid, or within the Distance of One hundred Yards therefrom; and it was further enacted, that the making and cutting of the said intended new Cut or Channel, and of the Banks and Works belonging thereto, should commence at the proposed Termination thereof at *Crab Hole* aforesaid, and should be proceeded in from thence upwards, and that all the Parts of the said new Cut or Channel, and of the Banks and Works belonging thereto, from *Crab Hole* aforesaid upwards to the *Slip-way* at *Sutton Wash* aforesaid, should be made and fully completed, by the said Commissioners for executing the said Act, or their said Committee, within the Term of Four Years next after the passing of the said Act, and that the remaining Parts of the said new Cut, and of the Banks and Works belonging thereto, from the said *Slip-way* upwards to the Junction thereof at and with the lower End of the said *Kinderley’s Cut*, should be made and fully completed, by the said Commissioners, or their said Committee, within the Term of Two Years next after the Expiration of the said first-mentioned Term of Four Years, or next after the making and completing of the said first-mentioned Parts of the said Cut and Banks and Works, if the same first-mentioned Parts should be made and fully completed before the Expiration of the said first-mentioned Term of Four Years; and it was further enacted, that as well the said new Cut or Channel, and the several Dams, Banks, Forelands, Drains, Sluices, Tunnels, Bridges, and other Works which should be made, erected,

purchased, or taken by the said Commissioners, or their said Committee, under any of the Powers and Authorities of the said Act, and all the Materials thereof, as also the said Cut called *Kinderley's Cut*, with the Dams, Banks, Forelands, and other Works therein mentioned, should be fully and solely vested in the said Commissioners for executing the said Act, and their Successors for ever, nevertheless for the Purposes of the said Act, and subject to the Rights thereby vested in the President and Governors of *Guy's Hospital* in manner therein mentioned: And whereas upon the passing of the said recited Act the said Commissioners thereby appointed began and have since proceeded to carry into execution the making and cutting of so much of the said new Cut or Channel, Banks, and other Works by the said Act authorized to be made, as lies between *Crab Hole* aforesaid and the Slip-way at *Sutton Wash* aforesaid; and the said last-mentioned Works are now far advanced towards their Completion: And whereas in the Progress of the said Works it has been found advisable and expedient to vary, extend, and improve the Line of the said intended new Cut or Channel from the said Slip-way upwards, by carrying the same from the said Slip-way, through certain open and inclosed Marshes in the several Parishes of *Sutton Saint Mary* and *Tid Saint Mary* in the County of *Lincoln*, and *Tid Saint Giles* in the *Isle of Ely*, and across a certain Drain called *Shire Drain*, so as to communicate with and receive the Waters of the said *Kinderley's Cut* at or near to a certain Sluice called *Buckworth's Sluice*, in the said Parish of *Tid Saint Giles*: And whereas the Expence of making and executing the said intended new Cut or Channel will not be increased by the said proposed Improvement of the Line thereof: And whereas the Waters of the Five Districts or Divisions of the North Level and *Portsand* otherwise *Great Porsand* are, under the Authority of a certain Act passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, intituled *An Act* 27 G. 2. c. 19. *for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level, from a Debt due to the Duke of Bedford and Earl of Lincoln; and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation, and for ascertaining and appropriating the Taxes to be laid on the said North Level, and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto in the Manor of Crowland, discharged through Shire Drain aforesaid by a certain Sluice called Gunthorpe Sluice, situate at the lower End of the said Shire Drain: And whereas the said intended new Cut or Channel will, when altered as aforesaid, cross the said Shire Drain, and cut off the Waters of the said Five Districts or Divisions from the said Sluice called Gunthorpe Sluice, and it will therefore be necessary to erect a new Sluice in lieu thereof in the Bank of the said intended new Cut or Channel: And whereas the Drainage of the said Five Districts or Divisions will be much improved by the proposed Alteration of the said intended new Cut or Channel, and the Erection of a new Sluice, and it has therefore been agreed by and between the Commissioners of the *Nene Outfall* and the Commissioners of the North Level, appointed by the said last-mentioned Act, that the said last-mentioned Commissioners shall*

shall be at the Expence of erecting and maintaining the said new Sluice beyond the Sum of Two thousand Pounds to be paid by the Commissioners of the *Nene* Outfall towards the same; but it will tend to the better and more economical Execution of the said Work if the same should be erected and completed at the same Time with the Alteration of the said intended new Cut or Channel, and should be erected and built by the said Commissioners of the *Nene* Outfall, and the Costs and Expences thereof be in the first Instance discharged out of the Monies that shall come into their Hands under the Authority of the said Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, the said Costs and Expences (save and except the Sum of Two thousand Pounds) being repaid to the said last-mentioned Commissioners by the Commissioners of the North Level appointed by the said Act of the Twenty-seventh Year of the Reign of King *George* the Second, in manner herein-after mentioned: And whereas it hath been agreed that so much and such Part of the Bed or Channel of the said *Shire Drain*, and of the Banks and Forelands thereof, as will be cut off and rendered unnecessary by the said proposed improved Line of the said new Cut or Channel, and also the present Site of the said *Gunthorpe Sluice*, shall be vested in the said Commissioners of the *Nene* Outfall, and it is desirable that so much and such Part of the Bed or Channel of the said *Kinderley's Cut*, and of the Banks, Forelands, and Halingways thereof, as will in like Manner be cut off and rendered unnecessary by the said proposed improved Line of the said new Cut or Channel, shall also be vested in the same Commissioners, for the Purposes of the said first-recited Act and of this Act: And whereas the several Purposes aforesaid cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, and all and every the Enactments, Clauses, Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Tonnage Duties, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are by this Act expressly altered, varied, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act, and had been made expressly applicable to the several Purposes thereof.

Powers of recited Act extended to this Act, except as hereby altered or repealed.

Power to vary and extend the Line of Cut.

II. And be it further enacted, That it shall and may be lawful for the said Commissioners of the *Nene* Outfall, and they are hereby fully authorized, empowered, and required, as soon as conveniently may be after the passing of this Act, to alter, vary, extend, improve, and complete the Line of the said intended new Cut or Channel by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty authorized to be made upwards from the said Slip-way at *Sutton Wash* aforesaid, and to carry and continue the said Line upwards from the said Slip-way, through the intervening open and inclosed Marshes, and across the said Drain called *Shire Drain*, in the several Parishes of *Sutton Saint Mary* and *Tid Saint Mary* in the County

County of *Lincoln*, and *Tid Saint Giles* in the *Isle of Ely*, or some or one of them, so as to communicate with and receive the Waters from the said *Kinderley's Cut*, at or near to the said Sluice called *Buckworth's Sluice*, and also to alter, vary, extend, and continue the Banks, Forelands, and Halingways by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty authorized to be made along the said intended new Cut or Channel, and the Drains, Sluices, Tunnels, and other Works by the same Act authorized to be made for discharging any Waters into the said new Cut or Channel, so that the same may respectively correspond with the altered, extended, and improved Line of the said new Cut or Channel hereby authorized to be made as aforesaid, and with the respective Alterations, Variations, Extensions, and Continuations to be made thereof under the Authority of this Act, and to make, erect, and put down all such Dams, Banks, Shores, Forelands, Drains, Sluices, Tunnels, Bridges, Headings, Fences, Slip-ways, Wharfs, Landing Places, and other Works, and in such Places, as to the said Commissioners shall seem requisite or expedient for the Purposes aforesaid.

III. And whereas a Map or Plan, describing the Line of the said intended new Cut or Channel as the same is proposed to be altered, extended, and improved, and the Lands through which the same is intended to be carried, and also Schedules of Reference to the said Map or Plan, have been deposited in the respective Offices of the several Clerks of the Peace for the *Isle of Ely*, for the County of *Norfolk*, and for the Parts of *Holland* in the County of *Lincoln*, and also at the Office of the Governor, Bailiffs, and Conservators of the *Bedford Level*, called the *Fen Office*; be it further enacted, That the said Map or Plan and Schedules shall remain in the Custody of the respective Clerks of the Peace for the said *Isle of Ely*, the said County of *Norfolk*, and the said Parts of *Holland* in the said County of *Lincoln*, or their respective Deputies for the Time being, and also in the Custody of the Register of the said *Fen Office* for the Time being, and that all Persons shall at all seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof or Extracts therefrom at their Will and Pleasure, paying to the said respective Clerks of the Peace, or their said respective Deputies, or to the said Register, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of every such Copy or Extract.

Map of new Line and Schedule deposited, to remain with Clerks of the Peace, &c.

IV. And be it further enacted, That the said new Cut or Channel in the said improved Line thereof shall be set out and made in the Direction thereof laid down in the said Map or Plan so deposited with the said respective Clerks of the Peace and Register as aforesaid, or within the Distance of One hundred Yards therefrom, and that the said Commissioners of the *Nene Outfall* shall at all Times maintain and keep in the said improved Line of the said new Cut a clear Waterway of not less than Sixty Feet at Low Water at the upper End thereof adjoining to *Kinderley's Cut* aforesaid, and a gradually increasing Waterway from thence towards the Termination of the said Cut or Channel at or near to *Crab Hole*, as in the said recited Act is required.

Dimensions of new Line.

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Time of Completion of the Works.

V. And be it further enacted, That the said improved Line of the said new Cut or Channel, and of the Banks and Works thereto belonging, from the said Slip-way upwards to the Junction thereof with the said *Kinderley's Cut* at or near to *Buckworth's Shuice* as aforesaid, shall be made and fully completed within such Time, and the making and completing thereof shall be certified in such Manner respectively, as by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty is specified or required in respect of the original Line of the said new Cut or Channel, and the Banks and Works thereof, upwards from the said Slipway as aforesaid.

New Cut and Works vested in the Commissioners.

VI. And be it further enacted, That the said new Cut or Channel, Banks, and other Works so to be made in such improved Line as aforesaid, and all and singular the Lands, Grounds, Buildings, Hereditaments, Matters, and Things which shall be erected, purchased, or taken by the said Commissioners of the *Nene* Outfall, or their Committee, under the Authority of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, or of this Act, for the said new Cut or Channel in the said improved Line thereof, or for any of the Objects or Purposes thereof, and all the Materials of the same respectively, shall be and the same are by this Act fully and solely vested in the said Commissioners of the *Nene* Outfall, and their Successors for ever, who shall at all Times, by themselves or their said Committee, have full Authority and Controul over the same and every Part thereof respectively in like Manner as in and by the said recited Act is provided in respect of the said new Cut or Channel in the original Line thereof, and of the several Banks and other Works belonging thereto.

Power to erect Lighthouses.

VII. And be it further enacted, That it shall be lawful for the said Commissioners of the *Nene* Outfall, and they are hereby authorized and empowered, if it shall to them in their Discretion seem fit and expedient, (but not otherwise,) out of any Funds at their Disposal or under their Controul, or otherwise, at the Entrance of the said new Cut or Channel from the Sea, and upon each or both of the Banks thereof, to make, erect, and maintain a Lighthouse or Lighthouses, with all suitable and proper Erections and Appurtenances, and for that Purpose to set out such Part and Parts of the said Banks and Forelands as they shall think proper, with a sufficient Portion of Land for a Yard and Garden thereto, without paying for the same, not exceeding One Half Acre in the whole for each, but with Liberty to the said Commissioners at any Time thereafter to pull down and remove the same, and afterwards to reconstruct the same in their Discretion as aforesaid.

Lights or Beacons not to be exhibited or altered without the Sanction of the Trinity House.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to exhibit any Light or Lights from any such Lighthouse or Lighthouses, or to alter the same, or to set up any Beacon or Beacons, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond* as to the Description and Power of any

such Light or Lights, or the Character of any such Beacon or Beacons, and the Mode of exhibiting the same respectively.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*. For saving the Rights of the Trinity House.

X. And be it further enacted, That for the several Purposes of an Act made and passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for establishing a Cattle Market within the Town of Wisbech in the Isle of Ely; for taking down and removing the Shambles therein; for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of Wisbech, and for increasing the Duties payable at the said Port*, and of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and of this Act, the said new Cut or Channel in its improved Line by this Act authorized to be made, and the Coasts and Shores on each Side thereof, shall be and be deemed to be within and a Part of the Port of *Wisbech* aforesaid, and shall be included and comprised within the several Enactments and Provisions of the said several Acts, in the same Manner and to the same Extent as the present Channel of the said *Wisbech* River, and the Coasts and Shores on each Side thereof, and the said intended new Cut or Channel, and the Coasts and Shores on each Side thereof, or either of them, or any Part of them respectively, are or is included and comprised in the said several Acts, or any or either of them. New Cut to be within the Port of Wisbech.
50G.3.c.206.

XI. And be it further enacted, That it shall and may be lawful for the said Commissioners of the *Nene* Outfall, and for their said Committee, and their several Officers and Servants, and any other Person and Persons acting under their Authority and Direction, and they are hereby authorized and empowered, from Time to Time and at all Times to dig, cut, take and carry away all such Earth, Clay, Sand, Gravel, Flags, Sods, and other Materials in, upon, or from any of the Common Marshes or Waste Lands lying within any of the several Parishes, Townships, or Places adjoining to the said intended new Cut or Channel either in its original or improved Line, or adjoining to any Navigable River communicating therewith, as the said Commissioners and their Committee respectively shall from Time to Time find necessary for the making, completing, maintaining, and supporting of the said new Cut or Channel either in its original or improved Line, and the several Banks, Dams, and other Works by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and this Act, authorized to be made, or any of them, without paying any Compensation for the same; and also for the same several Purposes to enter upon any private open Marshes or inclosed Lands or Grounds in any of the Parishes, Townships, or Places last aforesaid, and therein and therefrom to dig, cut, take and carry away all or any of such Materials as aforesaid, upon making such Compensation for the same, out of the Funds under their Controul or Direction, as by the said Act passed in the Seventh and Eighth Power to obtain Materials for the Works.

Eighth Years of the Reign of His present Majesty is required and directed to be made out of their Funds for any Lands or Grounds to be purchased, taken, or used by them for the Purposes of the said Act; and also for the several Purposes aforesaid to use any public or private and make and use any new or other Carriage and other Roads, Navigation and other Drains, and Halingways whatsoever, in, upon, through, or over the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, the said Commissioners rendering Satisfaction to the Owners and Occupiers of the said Lands and Grounds, Roads, Navigation Drains, and Halingways, and all other Persons that may be injured by any such Acts of the said Commissioners, in the Manner in the said recited Act of the Seventh and Eighth Years of His present Majesty, in regard to other Compensation or Satisfaction to be made by the said Commissioners; provided that nothing in this Provision contained shall extend to lessen, prejudice, or interfere with any of the Rights, Powers, or Privileges of the Burgesses of the Town of *Wisbech*, or of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, or of the Commissioners for the Drainage of any Lands or Grounds discharging their Waters into, by, or through the said intended new Cut or Channel to Sea, or to enable the said Commissioners of the *Nene* Outfall, for the Purpose of obtaining Materials, to dig or cut any Earth, Clay, Sand, Flags, or Sods upon or from any of the Banks under the Jurisdiction or Management of the said Burgesses or Commissioners, or any of them, by virtue of any Statute, Charter, Law, Usage, or Custom whatsoever, or within the Distance of Sixty Feet from the Base of any such Bank.

Provision for
Deficiencies
of Land
Tax.

XII. And whereas, by reason of making Alterations in pursuance of this Act or of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Places in which any of the Works thereby authorized to be made may be situated; be it therefore enacted, That for preventing the same the Commissioners of the *Nene* Outfall shall, from and after they shall become seised and possessed of any Premises charged with Land Tax, and until the Works hereby or by the said recited Act authorized to be made shall be completed and assessed to such Land Tax, (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of any such Parish or Place, out of the Monies to arise by virtue of the said recited Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments of the Land Tax within such Parish or Place by reason or means of taking down or using, for the Purposes of this Act or of the said recited Act, any Houses or Buildings liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer or Collector appointed or to be appointed under the said recited Act shall be and he is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

XIII. And

XIII. And be it further enacted; That it shall and may be lawful for the said Commissioners of the *Nene* Outfall, and they are hereby required, to remove, take down, and carry away, and make use or dispose of all and singular the Materials, Implements, and Effects of or now belonging to the said Sluice called *Gunthorpe Sluice*, and the Sluice House and Buildings appertaining thereto, and to construct and make such new Sluice and Sluice House, Drains and other Works, at such other Place or Places, and of such Depth and Dimensions, and of such Construction, as to the said Commissioners for executing the said recited Act passed in the Twenty-seventh Year of the Reign of His Majesty King *George* the Second may seem necessary and expedient, to communicate with the said new Cut or Channel at or near to its Junction with *Kinderley's Cut* as aforesaid, and to purchase, take, and use any Lands or Grounds for that Purpose, making such Compensation for the same out of the Funds under their Controul or Direction as is by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty required or directed to be made out of their Funds for any Lands or Grounds to be purchased, taken, or used by them; but that the said new Sluice and Sluice House Drains, and other Works last-mentioned, with the Materials thereof, and a sufficient Portion of Land as a Yard and Garden thereto, to be set out by the said Commissioners of the *Nene* Outfall, shall be vested in the said Commissioners of the North Level and *Portsand* for the Time being, who shall have the full and sole Property in and Controul and Authority over the same, and the exclusive Right to direct, manage, and superintend the Drainage and the Passage of the Waters into, through, and out of the same Sluice, Drains, and other Works into, from, and through the said intended new Cut or Channel, as are now enjoyed by them in respect of the said present *Gunthorpe Sluice*, into or out of the present Channel of the *Wisbech* River.

Power for
Nene Outfall
Commission-
ers to remove
Gunthorpe
Sluice, and
erect a new
Sluice in
lieu thereof,
to be vested
in North
Level Com-
missioners.

XIV. And be it further enacted, That it shall and may be lawful for the said Commissioners of the said North Level and *Portsand*, and they are hereby required, to repay, by and out of any Monies which may come into their Hands as such Commissioners, to the said Commissioners of the *Nene* Outfall all the Costs and Charges of taking down and removing the said *Gunthorpe Sluice*, and the Sluice House and Buildings appertaining thereto, after deducting the Value of the old Materials thereof, and of purchasing any Lands, and of constructing the said new Sluice and other Works thereto appertaining; save and except the said Sum of Two thousand Pounds agreed to be paid as aforesaid by the said Commissioners of the *Nene* Outfall, and which said Sum the said Commissioners of the *Nene* Outfall are hereby authorized and required to raise and pay out of all or any of the Funds at their Disposal by virtue of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty; and that the Amount of such Costs and Charges shall be ascertained and verified upon the Oath of the Surveyor or Superintendent of the Works of the said Commissioners of the *Nene* Outfall before a Justice of the Peace for the *Isle of Ely* or the Parts of *Holland* in the County of *Lincoln*, and, being so ascertained and verified, shall be determined and paid accordingly.

Sums ex-
pended by
Nene Outfall
Commis-
sioners to be
repaid by
North Level
Commission-
ers, except
2,000*l*.

[Local.]

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XV. Pro-

Power for
Lands to
enjoy their
present
Drainage.

XV. Provided always, and be it further enacted, That all and every the Lands and Grounds now lawfully draining and discharging, or by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty authorized to drain and discharge, their Waters into the said *Shire Drain*, and thereby into and through the new Cut or Channel authorized to be made by the said recited Act to the Sea, shall have the same Liberty and Right to drain and discharge their Waters into and through the said new Sluice and Drains to be so constructed and made by the said Commissioners of the *Nene Outfall* in lieu of the said present *Gunthorpe Sluice*, and into and through the said intended new Cut or Channel in the improved Line thereof, as they have or would have had to drain and discharge their Waters into and through the said present *Gunthorpe Sluice*, and into and through the said new Cut or Channel authorized to be made by the said recited Act, to Sea.

Restriction
as to Pro-
prietors of
Lands not
at present
draining by
Kinderley's
Cut, or autho-
rized to drain
by the new
Cut.

XVI. Provided always, and be it further enacted, That it shall not be lawful for any Owners or Occupiers of any Lands or Grounds not now draining or discharging their Waters into or by the said *Kinderley's Cut*, or not by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty authorized to drain or discharge their Waters by the said new Cut or Channel thereby authorized to be made, to drain or discharge their Waters into or by the said intended new Cut or Channel, either in its original or improved Line, without the Licence and Consent of the said Commissioners of the *Nene Outfall*, which Licence and Consent they are hereby empowered to give upon receiving such Payment or Contribution, Payments or Contributions, towards the Expences of making and maintaining the said new Cut or Channel, and the Banks and Works thereof, as to the said Commissioners shall seem reasonable and proper.

Beds of *Shire*
Drain and
Kinderley's
Cut cut off,
and Site of
Gunthorpe
Sluice, &c.
vested in the
Commission-
ers.

XVII. And be it further enacted, That so much and such Part and Parts, as well of the Bed or Channel of the said Drain called *Shire Drain*, and the Banks and Forelands thereof, and Waste Lands adjoining thereto, as also of the Bed or Channel of the said *Kinderley's Cut*, and the Banks and Forelands thereof, and Waste Lands adjoining thereto, as shall by the said Works by this Act authorized to be made be cut off and rendered useless or unnecessary for the Purpose of Drainage or Navigation, and also the Site of the said Sluice called *Gunthorpe Sluice*, and of the House and Appurtenances belonging thereto, so in like Manner cut off and rendered useless as aforesaid, and also so much of the Bare Sands and Channel as lies between the said original and the said improved Lines of the said new Cut or Channel, and also so much of the Waste Lands as lies between the said *Kinderley's Cut* and the said *Shire Drain*, North of the said *Buckworth's Sluice*, shall, from and immediately after the passing of this Act, become and be absolutely vested in the said Commissioners of the *Nene Outfall*, their Successors and Assigns, to and for the Purposes of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and this Act.

XVIII. And

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners of the *Nene* Outfall, by Indenture under their Common Seal, to grant and convey by way of absolute Sale, for a Consideration in Money, such Part or Parts of the Lands, Tenements, and Hereditaments which are by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, or this Act, vested in them, or which shall be purchased by and be conveyed to them pursuant to this or the said recited Act, as shall not be wanted for the Purposes thereof; and all such Conveyances from the said Commissioners shall be valid and effectual, any thing in the said recited Act or this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by Sale or Sales of such Lands, Tenements, or Hereditaments, it shall and may be lawful for the Committee of the said Commissioners for the Time being, or any Five or more of them, the Chairman or Deputy Chairman being One, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof: Provided always, that before any such Sale or Disposition of such Lands, Tenements, or Hereditaments shall be made to any other Person or Persons, the said Commissioners of the *Nene* Outfall shall first offer to sell the same to the Owner or Owners of the adjoining Lands, the Price at which the same shall be sold being adjusted and settled by a Jury in like Manner as the Price for any Land to be taken for the Purposes of and in pursuance of this Act or of the said recited Act is thereby directed to be settled, in case of Difference or Dispute as to the Value thereof; and if such Owner or Owners shall not agree or shall refuse to purchase the same, it shall and may be lawful for any Person or Persons, not interested in the Premises, to make an Affidavit, to be sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Isle, or Place where such Lands, Tenements, or Hereditaments shall be situated, stating that such Offer was made by or on behalf of the said Commissioners of the *Nene* Outfall, and that such Owner or Owners did not agree or refused to purchase such Lands, Tenements, or Hereditaments, (as the Case may be,) and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to or was refused.

Power to sell
Lands not
wanted.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners of the *Nene* Outfall, and they are hereby authorized and empowered, to let, for the Purpose of being depastured with Sheep only, the Herbage of every or any Part of the Banks of the said *Kinderley's Cut* and the said new Cut or Channel (except such Parts thereof the Herbage of which is by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty,

Herbage of
Banks may
be let.

or

or by this Act, vested in the President and Governors of *Guy's Hospital* and *Samuel Long* Esquire respectively) for the best Rent or Rents that can be got for the same or any Part thereof, and to apply all such Rents to the Purposes of the said recited Act and of this Act.

Power to
destroy
Vermin.

XX. And be it further enacted, That it shall be lawful for the said Commissioners of the *Nene Outfall* to destroy or cause to be destroyed all such Moles, Rabbits, and Vermin as shall be found or concealed in or about any Bank or Banks, or any Lands, Sands, Marshes, or Grounds adjoining or lying near to any Bank or Banks, by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, or by this Act, authorized to be made, and for that Purpose to employ such Person or Persons at such Wages or Salaries as they the said Commissioners shall think proper, and it shall be lawful for such Person or Persons to enter into and upon the said Bank or Banks, Lands, Sands, Marshes, or Grounds, for that Purpose.

Ownership
of the Soil
of Banks and
Forelands on
*Guy's Hos-
pital* and
Mr. Long's
Marshes to
remain to
them.

XXI. And be it further enacted, That notwithstanding any thing in this Act contained to the contrary the Ownership and Property of the Soil and Herbage of so much of the Banks and Forelands of the said intended new Cut or Channel as shall by virtue of this Act be made within, upon, or through any of the Marshes or Lands belonging to or by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, or this Act, vested or to become vested in the said President and Governors of *Guy's Hospital* and the said *Samuel Long* respectively, shall, for all Purposes whatsoever other than the Purposes of the said recited Act and of this Act, remain and be vested in the said President and Governors, and their Successors and Assigns, and the said *Samuel Long*, his Heirs and Assigns respectively, for ever, in such and the like Manner and for such and the same Estates as the Lands and Grounds in which the said new Cut or Channel is intended to be made are now vested in them respectively; but that the said Commissioners of the *Nene Outfall*, on Payment by them to the said President and Governors and *Samuel Long* respectively of such Compensation or Satisfaction as is by the said recited Act provided in Cases of the like Nature for the Damage and Injury which shall be done to the Soil and Site of the said last-mentioned Banks and Forelands respectively by the making of the same Banks and Forelands, and the Execution of the Works authorized by the said recited Act or this Act, at the Rate of One equal Half Part of the Value of such Soil and Site in perpetuity, shall have full Liberty and Power, at all Times, by themselves, their Agents, Officers, and Servants, and with or without Horses, Cattle, Carriages, Implements, and Materials, to go and pass to, along, and from the said last-mentioned Banks and Forelands, and every Part thereof, for the Purposes of maintaining, repairing, enlarging, or amending the same or any Part thereof, and of carrying and depositing Implements and Materials thereon and therefrom, and for any other of the Works and Purposes authorized by the said recited Act or this Act; and that it shall be lawful for all other Persons whomsoever to go or pass along and upon and to use the said several last-mentioned Banks and Forelands, or any of them, in such and the same

same Manner and for such and the same Purposes as they are severally by the said recited Act, or by this Act authorized to go or pass along or upon or to use any other of the Banks or Forelands of the said intended new Cut or Channel, or of the said *Kinderley's Cut*, but no further or otherwise.

XXII. Provided always, and be it further enacted, That it shall not be lawful for the said President and Governors of *Guy's Hospital*, their Successors and Assigns, or for the said *Samuel Long*, his Heirs or Assigns, or for any Person acting under the Authority of them or any of them, or for any other Person whomsoever, to erect or place, or to cause or suffer to be erected or placed, any Tenement, Building, or Erection whatsoever upon the said last-mentioned Banks of the said new Cut or Channel, or any Part thereof, so as to endanger the Security of the said Banks, or to diminish the Waterway between the same; or to impede the Drainage or Navigation through or by the said new Cut or Channel, or the Passage of the Waters along the same or along the Forelands thereof, or the haling upon the said Banks and Forelands; and that the said President and Governors, their Successors or Assigns, or the said *Samuel Long*, his Heirs or Assigns, shall not, nor shall any Person under the Authority of them or any of them, or any other Person, at any Time break, dig, plough, reduce, or injure the said last-mentioned Banks and Forelands, or any of them, or the Sward thereof, nor stock or depasture, or permit to be stocked or depastured, the same or any Part thereof with any Beast or Cattle, except only Sheep and Lambs.

Buildings not to be erected so as to impede Drainage or Navigation, nor the Banks to be injured.

XXIII. And be it further enacted, That the said Commissioners of the *Nene Outfall* shall and they are hereby required, at their own Costs and Charges, to cause One Sluice in the West Bank of the said new Cut or Channel to be made between the said Slip Way at *Sutton Wash* and *South Holland Sluice*, for the Purpose as well of admitting as of discharging Water into and from the old inclosed Marsh Lands of the said President and Governors of *Guy's Hospital*, lying on the West Side of the said new Cut or Channel, from and into the same Cut or Channel; and such last-mentioned Sluice or Tunnel shall be at all Times under the Controul and Management of the said President and Governors, their Successors and Assigns, and shall be repaired and maintained at all Times by them, and at their sole Costs and Charges.

Commissioners to make a Tunnel for *Guy's Hospital Estate*.

XXIV. And be it further enacted, That the said Commissioners of the *Nene Outfall* shall and they are hereby required, at their own Costs and Charges, to cause One Sluice or Tunnel in the West Bank of the said new Cut or Channel to be made for the Purpose as well of admitting as of discharging Water into and from the inclosed Marsh Lands of the said *Samuel Long* and other Persons lying on the West Side of the Line of the said new Cut or Channel from and into the same Cut or Channel; and that such last-mentioned Sluice or Tunnel shall be at all Times under the Controul and Management of the said *Samuel Long*, his Heirs and Assigns, and shall be maintained and repaired at all Times by him and them, and at his and their sole Costs and Charges.

Commissioners to make a Tunnel for *Mr. Long's Estate*.

[*Local.*]

28 A

XXV. And

Commis-
sioners not to
take Earth
from Guy's
Hospital or
Mr. Long's
Lands, except
in convenient
Places to be
set out.

XXV. And be it further enacted, That it shall not be lawful for the said Commissioners of the *Nene* Outfall, or their Committee, to take any Earth, Soil, or Materials from the present inclosed Marsh Lands of the said President and Governors of *Guy's* Hospital or of the said *Samuel Long*, for any of the Purposes of this Act, except only in such convenient Places and Parts of the said last-mentioned Lands as shall be reasonably set out and allotted by the said President and Governors and the said *Samuel Long* respectively, or their respective Agents, upon being paid such Compensation or Satisfaction for the same as is by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty provided in Cases of the like Nature.

Fishery to
be let.

XXVI. And be it further enacted, That the said Commissioners of the *Nene* Outfall shall have the like Power of letting the Fishery in the said new Cut or Channel, in the said improved Line thereof, and of applying the Rents and Profits thereof for the Purposes of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty and this Act, as is given to or vested in them by the Authority of the said recited Act in respect of the said intended new Cut or Channel in the original Line thereof.

When im-
proved Line
of new Cut
is completed,
Rights of
Drainage and
Navigation to
cease as to
Part of *Kin-
derley's* Cut.

XXVII. And be it further enacted and declared, That when and so soon as the said new Cut or Channel shall be made and completed according to the said improved Line thereof, so as to admit a free and perfect Passage of the Waters through the same for the Purposes of Drainage and Navigation, and not sooner, all Rights of Drainage and Navigation through such Part of the said *Kinderley's* Cut, and the present Channel of the said *Wisbech* River, and the Bay or Estuary of *Sutton Wash*, as shall be cut off and rendered unnecessary by the Junction of the said new Cut with the upper Part of the said *Kinderley's* Cut at or near to *Buckworth's* Sluice as aforesaid, shall cease and be at an end.

Navigation of
the Cut to be
free.

XXVIII. And be it further enacted and declared, That all Persons navigating Vessels between the Town of *Wisbech* and the Sea, and their respective Servants or other Persons employed by them, shall at all Times hereafter have a free Use and Passage as well of and through such Part as shall not be so cut off as aforesaid of the said *Kinderley's* Cut, as also of and through the said new Cut or Channel in the said improved Line thereof as aforesaid, for the Purpose of navigating Vessels in, along, and through the same respectively, in like Manner as they now or previously to the passing of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty had along and through the present Channel of the said *Wisbech* River, but under and subject to the Provisions and Restrictions in such recited Act contained; and that it shall and may be lawful for all such Persons and every of them, and their respective Servants or other Persons employed by them, to navigate their said Vessels accordingly, and to hale and tow the said Vessels with One or more Horse or Horses on the Banks and Forelands, as well as of such Part of the said *Kinderley's* Cut as shall not be so cut off as aforesaid, as also of the said new Cut or Channel in the improved Line thereof, on both or either of

the Sides of the said Cuts and each of them, without any Obstruction or Interruption whatsoever; provided that every Haling Line shall be fastened to the Mast or Rigging of every such Vessel so navigated as aforesaid at the Height of Twelve Feet at the least above the Deck of such Vessel; and the said Commissioners of the *Nene* Outfall are hereby required to make and provide and hereafter maintain all such or the like Slipways, and such or the like Horse or Haling Bridges, in respect of the said new Cut or Channel, Banks and Forelands, in the improved Line thereof as aforesaid, and the same shall be respectively under and subject to all such and the like Restrictions and Provisions as are respectively in and by the said recited Act required, directed, and contained in respect of the said original Cut, Banks, and Forelands thereby authorized to be made; and the Capital Burgesses of the Town of *Wisbech* aforesaid for the Time being shall have such and the like Power of fixing and putting down, or causing to be fixed and put down, Mooring Piles and Posts in and upon the Banks and Forelands of the said new Cut or Channel in the said improved Line thereof, and with such and the like Power to the said Commissioners, or their said Committee, of removing and fixing elsewhere the said Mooring Piles and Posts, and respectively under such and the like Restrictions and Provisions as are in and by the said recited Act respectively given and contained in respect of the said original Cut, Banks, Forelands, and Works thereby authorized to be made.

And Commissioners to make and maintain like Slipways and Haling Bridges.

The Corporation of *Wisbech* to have like Power to put down Mooring Posts.

XXIX. And be it further enacted, That no Tonnage or other Duties or Payments shall be demanded, received, or taken by the Burgesses or Capital Burgesses of the Town of *Wisbech* aforesaid, or by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or by the said Governor, Bailiffs, and Conservators, or by any Person by their Authority or claiming or to claim through or under them respectively, of or from the Owner or Master of any Barge or other Vessel which shall pass within the Limits of the Port of *Wisbech* aforesaid, or upon any Part of the Navigable River running from the City of *Peterborough* to and communicating with the said Port, for or in respect of any Implements, Tools, Materials, or other Matters or Things with which the same shall be or shall have been laden for the Purpose of being only employed or used, or after having been only employed or used, in or about the making, repairing, or maintaining of any of the Works by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, or by this Act, authorized to be made or executed; and all such Implements, Tools, Materials, and other Matters and Things are hereby exempted from the Payment of all and every such Tonnage and other Duties and Payments whatsoever to the said Burgesses or Capital Burgesses, or to the said Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators, or to any Person acting by their Authority, or claiming through or under them, or any of them.

Materials to be conveyed free from Tonnage Duty.

XXX. And whereas it is by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty enacted, that One Sixth Part in Value, to be set out and allotted in the Manner therein mentioned, of all the Bare Sands and Channel lying between

Recital that One Sixth Part of the Sands is vested in the King.

Power to
His Majesty
to sell, and
for the Com-
missioners to
purchase, the
Sixth Part of
the Sands
vested in the
Crown.

between *Kinderley's Cut* aforesaid and a certain Line therein mentioned, called the Northern Boundary Line, should from and immediately after the passing of the said Act belong to and be and remain vested in His Majesty, His Heirs and Successors for ever, in Demesne, in right of His Crown and of His Duchy of *Lancaster*, as such Rights might be respectively, in Severalty, in lieu and full Satisfaction and Discharge of all Right of Soil or Tithes and all other Claims or Demands by or on the Part of His said Majesty, His Heirs and Successors, to, in, from, or out of the several Marshes, Sands, and Lands by the said recited Act respectively vested in the several other Parties, Claimants therein mentioned, and in the said Commissioners for executing the same Act respectively, or otherwise comprised within the Operation of the said Act, or intended to be embanked under the Authority of the same, and that the same One Sixth Part should be and at all Times thereafter should be deemed to be extra-parochial; and it is expedient that His said Majesty should be empowered to sell, and the said Commissioners should be empowered to purchase, the same Sixth Part so vested in His said Majesty by the said recited Act as aforesaid; be it therefore further enacted, That it shall and may be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, where such Sixth Part of the said Bare Sands and Channel, or any Part thereof, by the said recited Act vested in His said Majesty, His Heirs and Successors, is or shall be within the Survey of the Exchequer, and for the Chancellor and Council of the Duchy of *Lancaster* for the Time being, where such Sixth Part of the said last-mentioned Bare Sands and Channel, or any Part thereof, is or shall be within the Survey of the said Duchy, or for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the said Chancellor and Council of the said Duchy of *Lancaster* jointly, and in concurrence with each other, and without Reference to their respective Rights, to contract and agree with the said Commissioners of the *Nene* Outfall and their Successors for the absolute Sale to them, and for the said Commissioners and their Successors to contract and agree with the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the said Chancellor and Council of the Duchy of *Lancaster*, either separately or jointly as aforesaid, for the absolute Purchase of all that the said One Sixth Part in Value allotted and set out or to be allotted and set out in the Manner in the said recited Act mentioned, and thereby vested in His said Majesty, His Heirs and Successors as aforesaid, of and in the said Bare Sands and Channel in the same Act mentioned, or any Part or Parts thereof, and either before or after the same Sixth Part shall be embanked or allotted in Severalty pursuant to the same recited Act, at such Price or Prices in Money as the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the said Chancellor and Council of the Duchy of *Lancaster*, and the said Commissioners of the *Nene* Outfall, shall respectively and mutually agree upon, and to be paid to or to the Account of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the said Chancellor and Council of the said Duchy of *Lancaster*, in such Parts and Proportions for or in respect of their said respective Rights, or to or to the Account of either of the said last-mentioned Parties wholly, as they
the

the said last-mentioned Commissioners and Chancellor and Council shall mutually agree upon and direct; the Proportion of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues of and in the said Purchase Money to be so agreed upon as aforesaid, or to be otherwise ascertained, to be paid into the Bank of *England*, and placed to the Account of the public Monies of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being the Woods and Forests Fund, and to be laid out and applied from Time to Time, by the Order of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, in such and the like Manner as is provided in respect of all or any other Monies paid into the Bank of *England* to their said Account, and of and for which Payment or Payments the Receipt or Receipts of One of the Cashiers at the said Bank shall be a sufficient Evidence and an effectual Discharge to the said Commissioners of the *Nene* Outfall for the Purchase Money or Proportion thereof which shall be so paid by them as last aforesaid; and the Proportion of the said Chancellor and Council of the said Duchy of *Lancaster* of and in the said Purchase Money to be so agreed upon as aforesaid, or to be otherwise ascertained, to be paid into the Hands of the Receiver General of the Revenues of the said Duchy, whose Receipt or Receipts shall be a sufficient Evidence and an effectual Discharge to the said Commissioners of the *Nene* Outfall for the Purchase Money or Proportion thereof which shall be so paid by them as last aforesaid; and that the said Commissioners of the *Nene* Outfall, after obtaining such respective Receipts as aforesaid, shall not be bound to see to the Application or Appropriation or be accountable for any Misapplication of the Monies which shall be thereby respectively expressed to be received, or any Part thereof.

XXXI. And be it further enacted, That from and immediately after such Payments shall have been so respectively made and such Receipts respectively obtained as last aforesaid, the said One Sixth Part so vested in His Majesty, His Heirs and Successors, as aforesaid, of the said Bare Sands and Channel, shall be divested out of His said Majesty, His Heirs and Successors, and shall become and be thenceforth vested in the said Commissioners of the *Nene* Outfall, their Successors and Assigns for ever, discharged of all Right, Title, Claims, and Demands whatsoever of His said Majesty, His Heirs and Successors, in right of His said Crown and Duchy, or either of them, or of any Person or Persons or Body or Bodies claiming from or under him or them; but nevertheless upon and for the several Trusts and Purposes of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and of this Act, and with the same several Powers and Authorities for the said Commissioners of the *Nene* Outfall for the Time being to let, set, and demise, make sale, dispose of, and convey the said One Sixth Part of the said Bare Sands and Channel, or any Part thereof, and to give Releases and Discharges for the several Rents and Purchase Monies for the same, as are in and by the said recited Act given to or vested in the said last-named Commissioners in respect of the Marsh Farm, Open Marshes, Sands, Channel, and Lands thereby vested in them, or any Part thereof.

The said One Sixth Part to be vested in the Commissioners on Payment of the Purchase Monies.

[*Local.*]

28 B

XXXII. And

Purchase
Monies to
be invested.

48 G. 3. c. 73.

Power to
make warp-
ing Works.

XXXII. And be it further enacted, That all Purchase Monies to be paid into the Hands of the Receiver General of the Revenues of the said Duchy as aforesaid, under and by virtue of this Act, shall from Time to Time be laid out, by the Order of the said Chancellor and Council, in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds *per Centum* Reduced Annuities, in the Name of the Duchy of *Lancaster*, in the same Manner and subject to the same Purposes, and under the same Rules, Regulations, and Provisions, as are prescribed in the Case of Sales of Duchy Lands by the Act of the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*.

XXXIII. And be it further enacted, That for the Purpose of warping and improving the said Marshes, Sands, Channel, and Lands, and Portions thereof respectively, by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and this Act, vested or hereafter by virtue of any of the Powers or Provisions of the said recited Act or this Act to be vested in the said Commissioners of the *Nene* Outfall, or any of them, or any Part or Parts thereof, it shall and may be lawful for the said Commissioners of the *Nene* Outfall, and they are hereby authorized and empowered, at any Time or Times, in their Discretion, and either before or after the said Open Marshes, Sands, Channel, and Lands shall be respectively embanked from the Sea, to build, erect, make, continue, use, and employ, or cause to be built, erected, and made, continued, used, and employed, as well in and through any of the Banks and Forelands on the East Side of the said intended new Cut and Channel, as also in, through, and over all and every or any of the said Marshes, Sands, Channel, and Lands by the said recited Act or this Act authorized to be embanked from the Sea, all such Cuts, Drains, Dams, Banks, Aqueducts, Culverts, Outlets, Sluices, Gouts, Cloughs, Engines, Bridges, Tunnels, Roads, and other Works as the said Commissioners shall think proper, and also to erect or cause to be erected such suitable Buildings for the Habitation of any Person or Persons to be appointed for superintending the said last-mentioned Works or any of them, or for depositing any Stores or Materials belonging thereto, or for any other Purposes connected with the said last-mentioned Works, or any of them, as the said Commissioners shall from Time to Time think necessary; and that for the Purpose aforesaid it shall be lawful for the said Commissioners and their Committee, and their several Engineers, Agents, Servants, and Workmen, to enter into and upon and to pass along and over as well all and every or any of the said Banks and Forelands of the said new Cut or Channel, as also over all and every or any of the Marshes, Sands, Channel, and Lands by the said recited Act or this Act authorized to be embanked from the Sea, and to take and dig Earth therefrom, and to make, fix, carry, and continue the said Cuts, Banks, Dams, Sluices, Tunnels, and other Works last-mentioned, or any of them, in, through, along, or over the said Marshes, Sands, Channel, and Lands, or any of them, making such Compensation and Satisfaction to the Parties injured thereby as may be agreed upon; and in case of any Difference respecting the same, then in such
Manner

Manner as Compensation or Satisfaction is directed to be made by the said recited Act or this Act for Land taken or used for the said new Cut or Channel, or any other Works of the said Commissioners.

XXXIV. And be it further enacted, That if any of the Owners or Proprietors of any of the said Marshes, Sands, Channel, and Lands by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, or by this Act, directed or authorized to be embanked from the Sea, shall be desirous of having their said Marshes, Sands, Channel, and Lands, or any Part thereof, warped and improved by means of any of the Works made or to be made by the said Commissioners of the *Nene* Outfall under the Provisions of the said recited Act or of this Act, and shall make Application to the said Commissioners to have the same so warped and improved by the Means aforesaid, it shall and may be lawful for the said Commissioners of the *Nene* Outfall, if they shall think it expedient, but not otherwise, to consent to any such Application, upon the Person or Persons who shall make the same paying and conforming to, or undertaking and agreeing by some Writing to be signed by him, her, or them, to pay such Sum or Sums of Money, either annually or in gross, as shall be agreed upon between them and the said Commissioners, and to conform to all such Rules, Orders, and Regulations as shall from Time to Time be made or ordered by the said Commissioners touching the same; and that such Person and Persons shall at all Times afterwards be bound by and conform to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Commissioners touching the warping and improving of any of the said last-mentioned Marshes, Sands, Channel, and Lands, or any of the Ways or Means of carrying the same into effect; and such several Rules, Orders, and Regulations shall be of the same Force and Effect, and all Persons shall be subject to the same Penalties for the Breach thereof or Noncompliance therewith, as is by the said recited Act enacted and declared touching any Bye Laws, Rules, Orders, or Regulations thereby authorized to be made by the said Commissioners for carrying that Act into execution.

Adjoining Lands may be warped, by Consent of the Commissioners.

XXXV. And be it further enacted, That as well the Monies which shall be so agreed to be paid as aforesaid for the Purchase by the said Commissioners of the *Nene* Outfall of the said One Sixth Part of the said Bare Sands and Channel, and all Costs and Expences of making and completing the Purchase thereof, as also all and singular the Costs, Charges, and Expences of applying for and obtaining this Act, and of carrying the same in all things into execution, shall and may be paid and satisfied by the said Commissioners of the *Nene* Outfall with and out of and by means of the several Rates and Taxes by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty authorized to be assessed, charged, or raised upon or from the several Lands and Grounds lying within the said Five several Districts or Divisions of the said North Level and *Portsand* by the said recited Act made chargeable with the Costs and Expences of carrying that Act into execution, or by all or any other of the Ways and Means by the said recited Act provided for carrying the same into execution; and that the said last-named

The Purchase Monies and other Charges of this Act may be raised by the Means prescribed in the former Act.

named Commissioners shall and may use and exercise in respect thereof all and singular the Powers, Authorities, and Remedies for assessing, charging, collecting, receiving, and recovering the said Monies, Costs, Charges, and Expences, and every or any Part thereof, and Penalties, in case of the Nonpayment thereof, as are in the said recited Act contained and mentioned, and as if all and singular the same Powers, Authorities, and Remedies were fully set forth and re-enacted in this Act, and as if such Monies, Costs, Charges, and Expences hereby authorized to be paid and satisfied as aforesaid were Part of the Monies, Costs, Charges, and Expences by the said recited Act authorized to be levied and raised by or from the said last-mentioned Lands and Grounds; but the same Monies, Costs, Charges, and Expences to be repaid to the said Commissioners by such Ways and Means and in such Manner and Form as by the said recited Act is provided in respect of the Costs and Expences of carrying that Act into execution, over and above the therein-mentioned Proportion of Forty-eight thousand Pounds.

Power to
borrow Mo-
ney by way
of temporary
Loan.

XXXVI. And whereas it is expedient that the said Commissioners of the *Nene* Outfall should be enabled, as well for the Purposes of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty as for the Purposes of this Act, to borrow Money by way of temporary Loan; be it therefore further enacted, That it shall and may be lawful for the said Commissioners of the *Nene* Outfall, or for their Committee for the Time being, pursuant to any Order to be made at any General or Special Meeting of the said Commissioners, from Time to Time to borrow and take up any Sum or Sums of Money, at their Discretion, by way of temporary Loan for the Purposes as well of the said recited Act as of this Act, and to give the Bond or Bonds of the said Commissioners under their Corporate Seal for the Repayment of such Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*, to the Body or Bodies or Person or Persons who shall advance or lend the same, or to their, his, or her Successors, Executors, Administrators, or Assigns; and that it shall be lawful for the said Commissioners and they are hereby required to repay such Sum or Sums of Money which shall from Time to Time be so borrowed and taken up as aforesaid, with the Interest thereof, out of any of the Funds or Monies vested or to be vested in the said Commissioners by or under the Authority of the said recited Act or of this Act: Provided nevertheless, that the Sum or Sums of Money which shall be borrowed or taken up by the said Commissioners upon any such Bond as aforesaid shall be made repayable at a Period not exceeding Two Years from the Date of such Bond, and that all the Principal Monies which shall be owing upon any such Bond or Bonds as aforesaid shall not together and in the whole exceed the Sum of Ten thousand Pounds at any One Time: Provided also, that the said Commissioners, or any of them, or the Heirs, Executors, or Administrators of any of them, shall not personally, nor shall the Goods, Chattels, Lands, or Tenements of any of them, be liable to or chargeable with the Repayment of such Principal Monies or any of them, or any Part thereof, or any Interest for the same respectively.

XXXVII. And whereas it is expedient that the said Commissioners of the *Nene* Outfall should be authorized and empowered to borrow and take up at Interest any Principal Sum or Sums of Money upon any Mortgage or Mortgages of the Marsh Farm, Open Marshes, Sands, Channel, and Lands by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and this Act, respectively vested and to be vested in them, until the same can be respectively sold and disposed of pursuant to the Powers and Provisions of the said Act and of this Act; be it therefore further enacted, That it shall and may be lawful for the said Commissioners of the *Nene* Outfall and they are hereby empowered in the meantime, and from Time to Time until Sale of the said Marsh Farm, Marshes, Sands, Channels, and Lands by the said recited Act and by this Act respectively vested in them or hereafter to be vested in them, by Purchase or otherwise, by virtue of any of the Powers or Provisions of the said recited Act or of this Act, if to them it shall appear expedient, by any Order or Resolution to be made at any of their yearly or other General Meetings, Forty at least of the said Commissioners being then and there present, either themselves to borrow and take up, or to direct or authorize their said Committee to borrow and take up, at Interest not exceeding the Rate of Five Pounds *per Centum per Annum*, any Principal Sum or Sums of Money which the said Commissioners shall from Time to Time require or think necessary for enabling them to defray and satisfy all or any of the Monies, Costs, Charges, and Expences by the said recited Act or by this Act required or authorized to be raised and paid by the said Commissioners, by or upon any Mortgage or Mortgages of the same Marsh Farm, Marshes, Sands, Channel, and Lands, or any of them, or any Part thereof, to be made and granted by the said Commissioners, or their said Committee, pursuant to the Order or Resolution of the said Commissioners at any such Meeting as last aforesaid; and that every such Mortgage shall be in the Form or to the Effect following; (that is to say,)

Power to borrow Money upon Mortgage of the Marsh Farm and other Lands.

WE the Commissioners of the *Nene* Outfall, incorporated by an Act of Parliament passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of that Act*], by virtue of the Power and Authority given to us by another Act of Parliament, passed in the Tenth Year of the same Reign, intituled [*here set forth the Title of this Act*], and in consideration of the Sum of _____ to us paid by _____ do grant, bargain, sell, and by way of Mortgage convey unto the said _____ Successors and Assigns, or _____ Heirs and Assigns, [*as the Case may be,*] all that [*insert a sufficient Description to ascertain the Property intended to be mortgaged*], together with the Appurtenances to the said Premises belonging, to hold the said Premises intended to be hereby granted, bargained, sold, and conveyed, with their Appurtenances, unto the said _____ Successors and Assigns, or _____ Heirs and Assigns, [*as the Case may be,*] until the said Sum of _____ shall be fully repaid and satisfied to the said _____ Successors and Assigns, or Executors, Administrators, or Assigns, [*as the Case may be,*] together with Interest for the same after the Rate of _____ *per* [*Local.*] 28 C

Form of Mortgage.

' per Centum per Annum, to be computed from the Day of the Date
' hereof, such Interest to be paid by equal half-yearly Payments, on
' the Day of and the
' Day of in every Year in the meantime.
' Given under our Common Seal on the in the
' Year of our Lord .'

And that Copies of all such Mortgages to be so made or granted by the said Commissioners, or their said Committee as aforesaid, shall be respectively entered in a Book or Books to be kept for that Purpose by the Clerk of the said Commissioners; and such Book or Books may be inspected at all seasonable Times by any Person or Persons whomsoever, on Payment of the Sum of One Shilling to the Clerk for every such Inspection.

Securities to be assignable.

XXXVIII. And be it further enacted, That it shall and may be lawful for all and every Body and Bodies and Person and Persons to whom any such Mortgage shall be so made as aforesaid, or who shall be entitled to the same, or to the Principal Money and Interest thereby secured, and he, she, and they is and are hereby respectively empowered, from Time to Time, by any Writing under his, her, or their Hand and Seal or Hands and Seals to be indorsed on his, her, or their Mortgage, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to assign such Mortgage, and the Monies due or to become due thereon, to any Person or Persons whomsoever; and every such Assignment shall be produced or notified to the Clerk of the said Commissioners, who shall cause a Memorial thereof, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, to be entered in the said Book or Books to be kept for entering the said original Mortgages; for the Entry of which said Memorial the said Clerk shall be paid the Sum of Ten Shillings, and no more, by the Person producing or notifying such Assignment as aforesaid; and after Entry made of such Memorial as aforesaid, and not otherwise, every such Assignment shall respectively entitle the Assignee or Assignees therein named, and his, her, or their Successors, Executors, Administrators, and Assigns, to the Benefit thereof, and of the original Mortgage which shall have been thereby assigned; and every such Assignee shall and may in like Manner assign such respective Securities from Time to Time, *toties quoties*.

The Treasurer of the Commissioners to pay the Interest and Principal of the Mortgages on Six Months Notice.

XXXIX. And be it further enacted, That the Treasurer or Treasurers for the Time being of the said Commissioners shall, upon receiving Notice in that Behalf from any Mortgagee or Mortgagees under or by virtue of any such Mortgage to be so granted as aforesaid, or from his, her, or their Assignee or Assignees, and he and they is and are hereby authorized and required in such Case, with and out of the yearly Rents and Profits of the Hereditaments comprised in such Mortgage, to pay and keep down the Interest of the Principal Money thereby secured by equal half-yearly Payments to the Party or Parties entitled thereto, and also to repay the Principal Money due upon such Mortgage, upon Six Months previous Notice in Writing for the Payment of such Principal Money being given to or left at

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

XL. And be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby empowered in like Manner as aforesaid to provide and raise, or to direct and authorize their said Committee to provide and raise, from Time to Time, by any of the Ways or Means by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, or by this Act, provided, any Sum or Sums of Money which shall from Time to Time be required for paying off and discharging any Principal Money or Monies theretofore borrowed or taken up at Interest as aforesaid, which shall from Time to Time be called in by the Person or Persons respectively entitled thereto, or which the said Commissioners or their said Committee shall from Time to Time think proper to pay off and discharge, or any Part thereof respectively, for the Payment of which there shall be no Fund or no sufficient Fund available at the Disposal of the said Commissioners.

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

XLI. And be it further enacted, That all and singular the Monies which shall be so borrowed and taken up at Interest upon any such Mortgage or Mortgages as aforesaid shall be wholly applied by the said Commissioners of the *Nene* Outfall to or for the Purposes of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and of this Act, or One of them.

Application of Monies borrowed.

XLII. And be it further enacted, That it shall and may be lawful for all Persons, and Bodies Politic and Corporate, being Tenants for Life in Possession, whether actually or in effect, and all others having only partial or limited Estates or Interests of or in any of the Lands and Grounds by the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, or by this Act, charged or authorized to be charged with the Payment of any gross or Principal Sum or Sums of Money for the Purposes of the same Acts respectively, and for all Husbands, Guardians, Committees, or Trustees of or for any Person being such Tenant for Life, or having only such partial or limited Estates or Interests respectively as aforesaid, or of or for any Person being a Feme Covert, Infant, Lunatic, or under any legal Incapacity or Disability, by any Deed or Deeds under their respective Hands and Seals, to charge the same Lands and Grounds respectively with all or any of the gross and direct Rates, Taxes, or Sums of Money which they respectively have been or shall be required or liable to pay or allow under the Authority of the said recited Act or this Act, and which have been or shall be charged upon and payable from or in respect of the same Lands and Grounds respectively, for or towards the Costs, Charges, and Expences of making, executing, and completing the said new Cut or Channel and other Works by the said recited Act and this Act authorized to be made and executed, but not with any yearly Rates charged or to be charged upon or payable from or in respect of the said Lands and Grounds respectively for or towards the Payment of the Interest of any Mortgage or Mortgages or

Power for Persons having limited Interests to charge the gross Rates upon the Inheritance of their Lands.

or the Payment of any Annuity or Annuities to be respectively made or granted under any Powers in that Behalf in the said recited Act contained, nor for or towards any of the Costs, Charges, or Expences of maintaining, repairing, or preserving the said new Cut or Channel and Works, or any of them, when and after the same shall have been made, executed, and completed, or of maintaining, repairing, or preserving the said *Kinderley's Cut*, or any of the Banks or Works thereto belonging; and by the same or any other Deed or Deeds under their respective Hands and Seals from Time to Time to mortgage the same Lands and Grounds respectively, by Demise or otherwise, either for any Term or Terms of Years, or in Fee Simple or otherwise, to any Person or Persons, or to a Trustee or Trustees for any Person or Persons, who shall be willing to lend or advance to them respectively the Amount of such gross and direct Rates, Taxes, or Sums of Money, or any Part or Parts thereof respectively, for the Repayment to such Person or Persons of the Principal Money or Monies which shall have been so lent or advanced by him, her, or them, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; provided nevertheless, that all such Mortgages to be so made as last-mentioned shall be expressly made redeemable upon Payment of the Principal and Interest Monies to be thereby respectively secured, and that all such Tenants for Life and other Persons respectively as last aforesaid shall, by and out of the Rents and Profits of the said respective Lands and Grounds to be so charged and mortgaged respectively as last aforesaid, pay and keep down the Interest of the same Mortgages respectively when and as the said Interest shall from Time to Time become due and payable during the Continuance of their respective Estates and Interests in the said Lands and Grounds respectively.

Power for every Proprietor of 300 Acres to act as a Commissioner or to appoint a Commissioner for the Embankment of the Marshes and Sands.

XLIII. And be it further enacted, That it shall and may be lawful for every Proprietor for the Time being of Three hundred Acres in the whole of the said Marshes and Bare Sands by the said recited Act of the Seventh and Eighth Year of the Reign of His present Majesty, and this Act, respectively authorized to be embanked, and also for every Proprietor who for the Time being shall be a joint Owner or be jointly interested in the said Marshes and Bare Sands to an Extent which, if reduced into Severalty, would appear to constitute him or her a Proprietor of Three hundred Acres in the whole of the said Marshes and Bare Sands, or any Part thereof, from Time to Time respectively to be and act as a Commissioner, or to nominate One Person to be and act as a Commissioner in his Place and during his Pleasure, and also for the said respective Owners and Proprietors of the said Marshes and Bare Sands, being less than Three hundred Acres each, by uniting their Properties respectively until the same shall amount to Three hundred Acres in the whole, to nominate and appoint One Person to be and act as a Commissioner in respect of every Three hundred Acres so united, jointly with the said Commissioners of the *Nene* Outfall, for the Purpose of acting and assisting in the Proceedings of the said Commissioners for the Embankment from the Sea of the said Marshes, Sands, and Channel, when such Embankment shall take place or be intended, under the Powers and Provisions of the said recited Act, and for the future Drainage, Maintenance, or Assessment

Assessment of the said Marshes, Sands, and Channels, or otherwise in relation thereto; and every such Person being such Proprietor, or being nominated by any such Proprietor as aforesaid, (his Nomination being certified in the Manner by the said recited Act directed as to other Persons nominated and elected to be Commissioners for executing that Act,) shall be and he is hereby appointed a Commissioner for executing the said recited Act and this Act for such Embankment and such other Purposes as are last mentioned only.

XLIV. Provided always, and be it further enacted, That the Communication Drain or Channel from the *South Holland Outfall sluice* to and through the West Bank of the said intended new Cut or Channel for affording a Passage for the Waters of the *South Holland Drain* into the said intended new Cut or Channel, with the Banks made or to be made on each Side of such Communication Drain or Channel, but not including any Part of the said intended new Cut or Channel, or the Banks and Forelands thereof, shall and the same is and are hereby declared to belong to and accordingly shall be and remain, for the Purpose of affording and protecting such Passage as aforesaid, vested in the Trustees of the *South Holland Drainage* for the Time being under an Act of Parliament passed in the Fifty-seventh Year of the Reign of His late Majesty, relating to such Drainage, any thing in the said recited Act or this Act to the contrary notwithstanding; but nevertheless the said Communication Channel shall at all Times hereafter be made, preserved, and maintained by and at the Expence of the said Commissioners of the *Nene Outfall*, pursuant to the Provisions in the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty in that Behalf contained.

Provision as to Communication Drain from South Holland Outfall.

XLV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, Privileges, and Authorities vested in the Company of Proprietors of the *Cross Keys Bridge* under or by virtue of an Act of Parliament passed in the Seventh Year of the Reign of King George the Fourth, intituled *An Act for constructing a Bridge across Sutton Wash otherwise called Cross Keys Wash, between the Counties of Lincoln and Norfolk*, nor any of the Rights, Powers, Privileges, and Authorities vested in the said Company under or by virtue of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty; but that all such Rights, Powers, Privileges, and Authorities shall remain, continue, and be in the said Company, as fully and amply to all Intents and Purposes as if this Act had not been passed; and the said Company shall not, under or by virtue of any of the Powers and Authorities in this Act contained, be subject to any other Liabilities whatsoever than those to which the said Company are subject at or previous to the Time of passing this Act.

Saving of Rights of Cross Keys Bridge Company.

7 G.4. c.106.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever

Saving of other existing Rights.

[*Local.*]

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any

any of the Jurisdictions, Powers, Rights, Privileges, or Revenues given, granted, appertaining, or belonging to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or the said Governor, Bailiffs, and Conservators, in their Capacity of Commissioners of Sewers, as well within as without the said Great Level, or the Burgesses of the Town of *Wisbech* aforesaid, or their Capital Burgesses, or to the Commissioners of Sewers for the Hundred of *Wisbech* aforesaid and Parts adjacent, or to any Commissioners or Trustees acting under any Act of Parliament for the Drainage of the Fens, or any of them, or of any District or Lands in the said *Isle of Ely*, or in the said Counties of *Northampton, Cambridge, Norfolk, and Lincoln*, or any of them, save and except in so far as the same are by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, or this Act, severally and respectively expressed to be taken away, defeated, invalidated, altered, lessened, or affected, and in so far as regards the several Powers and Authorities given and granted by this Act, which are to be exercised nevertheless with due Regard to such Jurisdictions, Powers, Rights, Privileges, and Revenues respectively hereby declared to be saved or reserved.

Public Act.

XLVII. And be it lastly enacted, That this Act shall be and shall be deemed and taken to be a Public Act in all Courts and Places and for all Purposes whatsoever, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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