



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xcv.

An Act to amend the “*Norfolk Estuary Act, 1846,*”
and to enable the *Eau Brink Commissioners* and
the Corporation of *King’s Lynn* to contribute
towards the Undertaking, and for other Purposes
connected therewith. [1st August 1849.]

WHEREAS an Act of Parliament was passed in the Session
of the Ninth and Tenth Years of Her present Majesty,
intituled *An Act for inclosing and reclaiming from the* 9 & 10 Vict.
Sea certain Tracts of Land forming Part of the Great Estuary c. 388.
called the Wash, between the Counties of Norfolk and Lincoln,
whereby it was enacted (among other things) that in citing that
Act in other Acts of Parliament, and in legal Instruments, it should
be sufficient to use the Expression “*The Norfolk Estuary Act, 1846,*”
and that the several Persons therein named, and all other Persons and
Corporations who had subscribed or should thereafter subscribe to
the said Undertaking, and their respective Executors, Administrators,
Successors, and Assigns, should be united into a Company for the
Purpose of reclaiming from the Sea, inclosing, and embanking the
Tracts of Land therein-after mentioned, and for other the Works
and Purposes therein mentioned or referred to, and that for the
Purposes aforesaid such Company should be incorporated by the
Name of the “*Company of Proprietors of the Norfolk Estuary;*” and
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it was enacted, that the Number of Directors should be Thirteen, including the Mayor of *Lynn* for the Time being, after and so soon as the Directors first therein-after named should be reduced to that Number; and it was enacted, that the said Company should commence their Works by forming a Two-Mile Cut across the Marshes between *Lynn* Harbour and the present Channel below the *Ballast Bank*, in a Line to be laid out so as to correspond with the present Harbour Lines, and that the said Company should also form a new Cut or Channel Two Miles in Length from the lower End of the *Marsh Cut* across the *Vinegar Middle*, and which Cut should fall again into the present Channel of the River *Ouse* near the *Breast Beacon* in a fair Line, so as to reclaim the Portions of the Lands which would be within a Line drawn across the Estuary to the Shores on each Side in a due East and West Direction from the Point where the last-mentioned *Marsh Cut* will fall into the River; and it was enacted, that after such new Cut should have been completed to and through the Bank adjoining *Howard's Sluice*, and a Passage for the Water of the *Ouse* obtained through the same into the said Estuary, the said Company should proceed with all practicable Despatch to form and complete an Embankment across the Channel of the River *Ouse* and the Lands adjoining, from the North Side of the said new Cut at or near its Junction with the present Harbour of *King's Lynn* to the opposite Side of the said Harbour, and which Embankment should be of such Dimensions and so formed and constructed as to resist the tidal and other Waters of the River *Ouse*, and to divert and turn them into the said new Cut; and it was enacted, that the said new Cut, and the extended and diverted Outfall of the said River *Ouse*, should be and be deemed to be to all Intents and Purposes within and Part of the Port and Harbour of *King's Lynn*, and should be subject to all the same Rights, Powers, and Remedies then vested in the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, of fixing, putting down, and removing Mooring Posts from Time to Time, and of levying and recovering Tolls and Tonnage Dues, and other Powers then vested in the said Corporation in respect of the present Channel and Outfalls; and it was enacted, that the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of that Act should not be exercised after the Expiration of Five Years from the passing thereof, and that the said new Cut thereby authorized to be made for the River *Ouse* and the Works appertaining thereto should be completed within Seven Years from the passing of the said Act; and it was provided, that if the said Company should not within the Space of Eight Years next after the passing of the said Act effectually proceed with the Embankment and Reclamation of the said Tracts of Land, all and every the Right, Title, and Powers thereby conferred upon the said Company to and over the same, except such Parts thereof, if any, as should have been purchased by the said Company, should cease and determine, and the said Tracts of Lands, except as aforesaid, should revert to and become the Property of Her Majesty, Her Heirs and Successors, or of other the Person or Persons, Body or Bodies Corporate, to whom the same would have belonged if that Act had not been passed, or if the said Company should proceed with such Embankment and Reclamation as above mentioned, but should not complete the same within

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the Term or Space of Twenty-one Years next after the passing of that Act, the Part or Parts of the said Tracts of Land of which the Embankment and Reclamation should not have been so completed should, except as aforesaid, revert to and again become the Property of Her Majesty, Her Heirs and Successors, or of other the Person or Persons, Body or Bodies Corporate, to whom the same would have belonged if that Act had not been passed, freed and discharged of and from all Claims and Demands of the said Company or their Assigns, or any Person or Persons whomsoever claiming under or through the said Company: And whereas an Act was passed in the Thirty-fifth Year of His late Majesty King *George* the Third, 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*, by which Act certain Persons, qualified as therein mentioned, were appointed to be Commissioners for the Time being for Purposes of Drainage, and for executing and supporting a certain new Cut (since executed, and now commonly called "*The Eau Brink Cut,*") for the Passage of the Waters of the River *Ouse*, and for making and supporting Two Dams sufficient to resist the tidal and other Waters running through the said River *Ouse*, and to direct and turn the same into the said new Cut, and certain other Works thereby directed to be made, with Power during the Term of Ten Years to tax and charge all the Lands and Grounds lying within certain Boundaries therein described with a yearly Tax of Four-pence *per Acre*, and with Powers to appoint One or more Treasurer or Treasurers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and other Officers, for the Purposes of the said Act, and to receive, collect, and recover the Taxes and other Monies thereby respectively charged and directed to be paid to the said Commissioners for Drainage, and to pay and apply the same as therein mentioned, and by which Act certain Tolls of Four-pence *per Ton* were authorized to be received during the Term of Ten Years, commencing from the opening of the said new Cut, by Collectors to be appointed by certain Commissioners for Navigation therein mentioned, and to be vested in the same Commissioners, but of which Tolls Three Fourth Parts were thereby directed to be paid to the said Commissioners for Drainage, for the making and Support of the said Works by them authorized to be executed and supported; and by which Act it was further enacted, that the bare Sands and Channel between the Places where the said Two Dams were therein-before directed to be made should from and after the passing of that Act vest in and the same were thereby vested in certain Persons therein named, their Heirs and Assigns, upon certain Trusts therein expressed for the Sale thereof, and upon trust to pay the Monies to arise by such Sale to the said Commissioners for Drainage, to be by them applied for the same

35 G. 3. c. 77.

Purposes

- Purposes as the Rates and Taxes thereby authorized to be laid, and Money to be borrowed thereon, were to be applied by virtue of that Act : And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted 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 Wiggenhall 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,'* whereby the said Commissioners for Drainage and for Navigation were authorized to order and direct the said Tax of Four-pence *per Acre* and the said Toll of Four-pence *per Ton* to be continued for any Term not exceeding Five Years, to commence from the respective Determinations of the said Tax and Tolls, and such Order and Direction was accordingly made : And whereas another Act was passed in the Forty-fifth Year of the Reign of His said late 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,* whereby it was enacted, that the said Tax of Four-pence *per Acre* charged by the said Act passed in the Thirty-sixth Year of the Reign of King George the Third, and so authorized to be continued, should be continued for the further Term of Five Years : And whereas another Act was passed in the Fifty-sixth Year of the Reign of His said late 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 another Act was passed in the Fifty-eighth Year of the Reign of His said late Majesty, intituled *An Act for increasing the Fund for carrying into execution several Acts by 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,* whereby the Lands and Grounds charged with the Payment of the said Tax of Four-pence *per Acre* were charged with the Payment of the further yearly Tax of One Shilling *per Acre*, as therein mentioned, for the Term of Five Years, for the Purposes of the said
- 36 G. 3. c. 33.
- 45 G. 3. c. 72.
- 56 G. 3. c. 38.
- 58 G. 3. c. 48.

said Acts: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act for* 59 G. 3. c. 79. *altering and enlarging the Powers of 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,* whereby it was enacted, that the Lands and Grounds by the said Act passed in the Fifty-eighth Year of King George the Third charged with the Payment of the yearly Tax of One Shilling *per* Acre should be charged with the Payment of the further yearly Sum of One Shilling *per* Acre for the Term of Ten Years, to commence from the Determination of the first-mentioned yearly Tax of One Shilling, and the several Tolls by the said first-recited Act and by the Authority of the secondly recited Act imposed and charged upon the Navigation of the said new River or Cut for the Term of Fifteen Years should be continued and collected for the further Term of Fifteen Years after the Expiration of the said Term of Fifteen Years, and that Three Fourth Parts of the net Money so to be collected should be paid to the said Commissioners of Drainage, for the same Purposes as directed as to the said Tolls for the said Term of Fifteen Years as aforesaid: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act for altering* 1 & 2 G. 4. c. 64. *and enlarging the Powers of several Acts of His late Majesty King George the Third, 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,* whereby it was enacted, that the Lands and Grounds in and by the said recited Acts passed in the Fifty-eighth and Fifty-ninth Years of King George the Third charged with the yearly Tax of One Shilling an Acre (save and except the Lands and Grounds in the several Parishes and Places next therein-after named) should be charged with an additional Tax of One Shilling *per* Acre for the Term of Eleven Years, commencing from the First Day of *January* One thousand eight hundred and twenty-two, and the further Tax of Two Shillings *per* Acre for the Term of One Year, to be payable on the First Day of *January* One thousand eight hundred and thirty-three, and that the said excepted Lands and Grounds should be charged with the further Tax of One Shilling *per* Acre for One Year, to be payable on the First Day of *January* One thousand eight hundred and thirty-three; and whereby it was also enacted, that the several Tolls imposed and charged in and by the said recited Acts or any of them for the Navigation on the said new River or Cut for the successive Terms of Fifteen Years and Thirty Years, making together Forty-five Years, to commence from the opening of the said new Cut, should be continued for the Term of Twenty-eight Years after the Expiration of the said Term of Forty-five Years, and that Three Fourth Parts of the net Money to be collected for the said Tolls should be paid to the said Commissioners for Drainage, for the same Purposes and in the same Manner as in and by the said recited Acts directed as to the said Tolls for the said

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Terms of Fifteen and Thirty Years; and by the same Act the said Commissioners were empowered to borrow any Sums of Money not exceeding the Sum of One hundred and twenty thousand Pounds, in addition to the Monies already borrowed, on the Security of the whole or any Part of the Taxes, Tolls, and Funds arising and payable by the said Commissioners for Drainage: And whereas another Act was passed in the Session of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and enlarge the Powers of the several Acts now in force relating to the new River or Cut from Eau Brink to King's Lynn in the County of Norfolk called the Eau Brink Cut, and to raise further Funds for carrying the said Acts into execution*; and it was thereby enacted, that the several Persons who were and from Time to Time should be duly qualified, appointed, or authorized to act as Commissioners for the Purposes of Drainage and Navigation respectively, pursuant to the said recited Acts and that Act, should be, during the Continuance of their respective Qualifications, Appointments, or Authorities, Commissioners of Drainage and Navigation respectively for executing as well the said several recited Acts as that Act; and it was thereby enacted, that the Lands and Grounds by the last-recited Act charged with a Tax of Two Shillings *per Acre*, to be payable on the First Day of *January* Eighteen hundred and thirty-three (except as therein mentioned), should be charged with the further Tax of Two Shillings *per Acre*, and the said excepted Lands and Grounds should be charged with the further Tax of One Shilling *per Acre*, to be respectively payable on the First Day of *January* One thousand eight hundred and thirty-four; and it was further enacted, that the several Lands and Grounds thereby charged with the said Tax of Two Shillings *per Acre*, to be payable on the First Day of *January* One thousand eight hundred and thirty-four, should from and after the said last-mentioned Day be charged with a yearly Tax of One Shilling *per Acre* for the further Term of Five Years from the said First Day of *January* One thousand eight hundred and thirty-four, and the said Lands and Grounds thereby charged with a Tax of One Shilling *per Acre*, to be payable on the First Day of *January* One thousand eight hundred and thirty-four, should, from and after the said last-mentioned Day, be charged with a yearly Tax of Sixpence only *per Acre* for the said further Term of Five Years, to be computed as aforesaid, and that from and after the Expiration of the said Term of Five Years all and singular the said Lands and Grounds by that Act charged with and made liable to the Payment of the said yearly Tax of One Shilling *per Acre* for the said Term of Five Years as aforesaid should be charged with a yearly Tax of Sixpence *per Acre* for the further Term of Five Years, to be computed from the First Day of *January* One thousand eight hundred and thirty-nine, and for such further Term and so long as any Debt of Two thousand Pounds or upwards Principal Money should be due and owing on any Security or Securities which should have been granted by the said Commissioners of Drainage previous to the First Day of *January* One thousand eight hundred and forty-four, of or upon the Taxes by the said recited Acts and the now-reciting Act, or any of them, charged and made payable to them the said last-mentioned Commissioners, and from and after the Expiration of the said first-mentioned Term

of Five Years all and singular the said Lands and Grounds by that Act charged with the said yearly Tax of Sixpence *per Acre* for the said first-mentioned Term of Five Years as aforesaid should be charged with a yearly Tax of Three-pence only *per Acre* for the said further Term of Five Years from the said First Day of *January* One thousand eight hundred and thirty-nine, and for such further Term and so long as any such Debt of Two thousand Pounds or upwards Principal Money should be due and owing on any such Security or Securities as aforesaid; and it was further enacted, that when and so soon as the Debt which should have been or should be due on any Security or Securities granted by the said Commissioners of Drainage as aforesaid of or upon all or any of the Taxes by the said recited Acts and that Act or any of them charged and made payable to the said Commissioners of Drainage should be wholly extinguished, or should be reduced below the Sum of Two thousand Pounds Principal Money in the whole, then it should be lawful for the said Commissioners of Drainage and they were thereby authorized and empowered, from Time to Time, after such Extinguishment or Reduction of the said Debt as aforesaid, at any General or Quarterly or Special Meeting to be holden by them between the First Day of *August* and the First Day of *November* in every or any Year, to tax and charge all and singular the said Lands and Grounds thereby respectively charged with the said respective Taxes of Sixpence *per Acre* and Three-pence *per Acre* for the said Term of Five Years, and such further Term as last aforesaid, with such further equal Tax or Taxes, not exceeding for any One Year the Sum of Three-pence *per Acre* of the said Lands and Grounds so charged with the said Tax of Sixpence *per Acre* for the said secondly mentioned Term of Five Years and such further Term as aforesaid, and not exceeding for any One Year the Sum of One Penny Halfpenny *per Acre* of the said Lands and Grounds so charged with the said Tax of Three-pence *per Acre* for the said secondly mentioned Term of Five Years, and such further Term as aforesaid as should in the Judgment of the said Commissioners of Drainage be necessary to discharge the Debts and Monies which should from Time to Time be due and owing from the said last-mentioned Commissioners, and the Charges and Expenses of making, repairing, and maintaining the several Works by the said recited Acts and that Act, or any of them, required or authorized to be made, done, or executed, and of carrying the said recited Acts and that Act into execution so that the several Lands and Grounds to be taxed with the said last-mentioned Tax not exceeding One Penny Halfpenny *per Acre* as aforesaid should from Time to Time be taxed and charged with One Half in Amount by the Acre of the Tax with which the several Lands and Grounds to be taxed with the said last-mentioned Tax not exceeding Three-pence *per Acre* as aforesaid should be taxed and charged, and no more, and every such last-mentioned Tax should be due and payable to the said Commissioners of Drainage on the First Day of *January* next after the same should from Time to Time be so charged as aforesaid for the Year preceding such First Day of *January*, and in case the said Commissioners of Drainage should in any One Year omit to tax and charge the said several Lands and Grounds with the said last-mentioned Taxes, then and in such Case it should be lawful for the said Commissioners of
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Drainage in the Year then next following; if in their Judgment it should be necessary for the Purposes aforesaid, to tax and charge the said several Lands and Grounds with the said last-mentioned respective yearly Taxes for Two Years, the same in such Case to be due and payable to the said Commissioners of Drainage on the First Day of *January* next after the same should be so charged as last aforesaid, for the Two Years next preceding such First Day of *January*; and it was thereby further enacted, that all and singular the Goods, Wares, and Merchandizes specified or referred to in and by the said recited Act of the Thirty-fifth Year of King *George* the Third, and by that Act or any other of the said recited Acts made chargeable with the Payment of any Navigation Toll or Tolls as aforesaid, which at any Time or Times upon and after the First Day of *January* One thousand eight hundred and thirty-three should be carried or conveyed on board of or attached to any Barge, Boat, Lighter, Vessel, Craft, or Raft passing or navigating in, upon, or along any Part of the said *Eau Brink Cut* between *Eau Brink* and *King's Lynn* aforesaid, or should be otherwise carried or conveyed or pass in, upon, or along any Part of the same Cut, should be respectively charged with the Payment of as well the said several Navigation Tolls by the said several recited Acts imposed or made payable in the Manner and for the several Terms therein respectively mentioned and provided as also the further Navigation Toll of One Penny for every specific Weight, Measure, and Quantity of the several Goods, Wares, and Merchandizes specified and set forth in the said recited Act of the Thirty-fifth Year of King *George* the Third, which is thereby charged with or made liable to the Payment of the Navigation Toll of Fourpence, and for every Ton Weight of all other Goods, Wares, and Merchandizes whatsoever, with such Exemptions, nevertheless, as therein mentioned, the same several Navigation Tolls of One Penny to be paid as therein mentioned, and to commence from the First Day of *January* One thousand eight hundred and thirty-three, and thenceforth to continue and be payable so long as the Navigation Tolls granted by the said herein-before recited Acts or any of them should continue payable; and it was further enacted, that all the Monies to arise from the said further Navigation Tolls by that Act imposed should be vested in the said Commissioners of Navigation, but in trust for the said Commissioners of Drainage only, and to be paid to the said Commissioners of Drainage or their Treasurer by equal half-yearly Payments in the same Manner as the Navigation Tolls imposed by the said recited Act of the Thirty-fifth Year of King *George* the Third were made payable; and it was thereby further enacted, that the Sands and Channel of the said old River *Ouse*, between the South-west End of the said *Eau Brink Cut*, where it unites with the present Channel of the said River, and the said Dam near the North-east End of the said Cut, and the Sands and Channel below the said Dam, and between the same and the said Harbour of *Lynn*, and extending from the West Side of the lower End of the said Cut in a straight Line Northward or North-westward across the said Harbour of *Lynn* to the Point at or near to a certain Building called the *Old Hall* in *West Lynn*, should be and the same were thereby vested in the said Commissioners of Drainage, their Successors and Assigns, for ever, for the several Purposes therein mentioned. and the said

said Commissioners of Drainage should have full Power and Authority, at any of their General or Quarterly Meetings, from Time to Time to make Sale and absolutely dispose of the said Sands and Channel so thereby vested in them as aforesaid, or any Part or Parts thereof, and in the meantime to let the said Sands and Channel, or any Part or Parts thereof for the Time being remaining unsold, and with Power to embank the same as therein respectively mentioned, and the said Commissioners of Drainage were thereby empowered to borrow, for any of the Purposes of the said recited Acts or that Act, any Sum or Sums of Money, upon Mortgage of all or any or any Part of the several Taxes, Navigation Tolls, and other Monies respectively charged and made payable to them by the said recited Acts or any of them, or of the now reciting Act, (except so much of the said Navigation Tolls as was by the now reciting Act directed to be applied for the Protection of the Harbour of *King's Lynn*,) which the said Commissioners of Drainage should from Time to Time think proper so to provide and raise, so that the Principal Monies which should be due and owing at any One Time upon such Mortgage should not exceed in the whole the Sum of One hundred and twenty thousand Pounds: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn* in the County of *Norfolk*, under Letters Patent granted by King *James* the First to them by their then Style or Corporate Name of the Mayor and Burgesses of the Borough of *King's Lynn*, were constituted and now are Admirals and Conservators of the Port and Harbour of *King's Lynn* and the Limits and Bounds thereof: And whereas an Act was passed in the Thirteenth Year of King *George* the Third, intituled *An Act for the better Regulation and Government of the Pilots conducting Ships or Vessels to and out of the Port of King's Lynn, and of the Bridgemen conducting Gangs of Lighters or Barges to and from the same, and for laying down Moorings in the Harbour of the said Port, and for preventing Mischiefs by Fire therein*, whereby it was enacted, that the Mayor, Recorder, Aldermen, and Common Council of the said Borough for the Time being, together with certain Merchants and Owners or Commanders of Vessels trading to and from the said Port, respectively therein named, and to be chosen or appointed from Time to Time as therein mentioned, should be Commissioners for carrying the said Act into execution, for the special Purposes therein mentioned, and were empowered to demand and receive from the Masters or Commanders of Vessels, as well those bound inward as outward, certain Rates and Duties therein mentioned, and also were authorized to raise a Sum of Money not exceeding the Sum of Five thousand Pounds upon the Credit of the said Rates or Duties, and to lay down Mooring Chains or Harbour Moorings: And whereas another Act was passed in the Session of the Fourth and Fifth Years of Her present Majesty, intituled *An Act to alter and amend an Act passed in the Thirteenth Year of the Reign of King George the Third, for the better Regulation of Pilots and Bridgemen, and for laying down Moorings, and preventing Mischief by Fire in the Port of King's Lynn*, whereby all the Powers of the Commissioners appointed pursuant to the said Act passed in the Thirteenth Year of King *George* the Third were extended to the now reciting Act, and the said Commissioners were empowered to borrow on Mortgage or Bond not exceeding

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13 G.3. c. 30.

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c. 54.

exceeding Fifteen thousand Pounds, in addition to the Sum of Five thousand Pounds then due on the Credit of the said Rates and Duties; and it was enacted, that after the passing of that Act there should be paid to the said Commissioners, or their Collector or his Deputy, by the Master of every Vessel entitled to the Privileges of a *British-built Ship* under or by virtue of an Act passed in the Third and Fourth Years of King *William* the Fourth, intituled *An Act for the Encouragement of British Shipping and Navigation*, arriving from the Sea in the said Harbour of *King's Lynn*, or passing through from Sea, or going outward to Sea, whether laden with Coals or any other Goods, Wares, or Merchandize, any Sum of Money which should from Time to Time be appointed by an Order of the said Commissioners, not exceeding the Sum of Two-pence *per Ton* for each and every Ton of such Coals, Goods, Wares, or Merchandize, and that double the Amount or Sum so from Time to Time payable (but subject to be reduced by Her Majesty by an Order in Council or by the Lords Commissioners of Her Majesty's Treasury) should be payable to the said Commissioners, their Collector or his Deputy, by the Master of any Vessel not entitled to the Privileges of a *British-built Ship* by virtue of the said Act of King *William* the Fourth, and the Rates and Duties thereby required to be paid should be in lieu of and Substitution for the Rates and Duties payable to the said Commissioners under the said last-recited Act; and it was enacted, that the Monies to be received by the said Commissioners under or by virtue of the said last-recited Act or that Act should be vested in the said Commissioners, and should be applied by them as therein mentioned: And whereas the Commissioners acting in execution of the said Two last herein-before recited Acts, and herein-after called the Mooring Harbour Commissioners, for the Purposes of the same Acts, collected and received the full Amount of the Rates and Duties thereby authorized to be received, and borrowed certain Sums of Money on the Credit thereof, and the Sum of Three thousand three hundred and fifty Pounds now remains due thereon: And whereas the making of the said Two several Cuts across the Marshes between *Lynn* Harbour and the present Channel below the *Ballast Bank* and across the *Vinegar Middle* respectively, in and by the said *Norfolk Estuary Act*, 1846, authorized to be made, will contribute to improve and render more effectual the Drainage of the Lands discharging their Waters through and by means of the said *River Ouse*, and will also improve the Harbour of *Lynn* for the Purpose of Navigation: And whereas the said Commissioners of Drainage acting in execution of the said several recited Acts for improving the Drainage of the said *Middle* and *South Levels*, and the Low Lands adjoining or near to the said Levels, have, in consideration of such Improvement of the said Drainage of the said Lands, and upon Condition that the said Company shall, with all reasonable Speed, and in the first place and as their first Work to be by them executed, commence and proceed to execute the said Two-Mile Cut across the Marshes and the said Cut across the *Vinegar Middle*, and all Works appertaining thereto, and necessary for effecting the Passage of the Waters of the said *River Ouse* and of the said Harbour of *King's Lynn* through the same, at the sole and proper Costs and Charges of the said Company, save and except as to the Two several Sums of Sixty thousand

Pounds each herein-after mentioned, have agreed to contribute the Sum of Sixty thousand Pounds towards the Execution of the said Cuts and other necessary Works connected therewith, at the Time and in the Manner herein-after mentioned, being one of such Two several Sums, and the said Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, as such Admirals and Conservators as aforesaid, with the Consent of the said Commissioners acting in execution of the said several recited Acts respectively, passed in the Thirteenth Year of King *George* the Third and in the Session of the Fourth and Fifth Years of Her present Majesty respectively, in consideration of the said Improvement of the said Port and Harbour of *Lynn* for the Purposes of Navigation, and upon the like Conditions, have in like Manner agreed to contribute the Sum of Sixty thousand Pounds towards the Execution of the same Cuts and Works, at the Times and in the Manner herein-after mentioned, being the other of the said Two several Sums, and making, with the said Sum so to be contributed by the said Commissioners of Drainage, the Sum of One hundred and twenty thousand Pounds, and the said Company have thereupon agreed, with all reasonable Speed, and as their first Work, to commence and proceed to execute the said Two-Mile Cut across the Marshes and the said Cut across the *Vinegar Middle*, and all Works respectively appertaining thereto, and necessary for effecting the Passage of the Waters of the said River *Ouse* and of the said Port and Harbour of *King's Lynn* through the same, at their own sole and proper Costs and Charges (save as aforesaid): And whereas it is understood and agreed by and between the said Commissioners and the said Company that the said Sum of Sixty thousand Pounds to be paid by the said Commissioners shall be a final and complete Contribution by and on behalf of the said Commissioners towards the Cost of executing the said Cuts, Works, and Undertaking by the said Company: And whereas it is also understood and agreed by and between the said Mayor, Aldermen, and Burgesses and the said Company that the said Sum of Sixty thousand Pounds to be paid by the said Mayor, Aldermen, and Burgesses shall be a final and complete Contribution by and on behalf of the said Mayor, Aldermen, and Burgesses towards the Cost of executing the said Cuts, Works, and Undertaking by the said Company, and that no further Claim or Demand whatsoever shall at any future Time by any Means whatsoever be made by or on behalf of the said Company for any Contribution or Assistance whatsoever from or by the said Commissioners, or the said Mayor, Aldermen, or Burgesses, towards the said Cost of the said Undertaking, or any Part thereof: And whereas it is expedient that the respective Times by the said *Norfolk Estuary Act*, 1846, limited or appointed for determining the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of the same Act, and for the completing of the said new Cut and the Works appertaining thereto, by the same Act authorized to be made and executed, and for effectually proceeding with and completing the Embankment and Reclamation of the said Tracts of Land thereby authorized to be embanked and reclaimed, should be enlarged and extended, and that Power should be given to increase and reduce the Number of Directors of the said Company from Time to Time: And whereas the several Objects aforesaid will be of great public Utility;

Utility; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Norfolk* Estuary Amendment Act, 1849."

Short Title.
Power to reduce or increase the Number of Directors, and to direct the Course of Rotation.

II. And be it enacted, That it shall be lawful for the said *Norfolk* Estuary Company, notwithstanding anything contained in the said "*Norfolk* Estuary Act, 1846," to the contrary, at any Time and from Time to Time, in General Meeting, after due Notice for that Purpose, to reduce the Number of the Directors of the said Company either to the prescribed Number of Thirteen or to increase the Number of Directors above that Number, and to determine the Order of Rotation in which such reduced or increased Number shall go out of Office, as they from Time to Time shall see Occasion or think proper.

Time for compulsory Purchase of Lands extended.

III. And be it enacted, That the Term of Five Years limited by the said "*Norfolk* Estuary Act, 1846," for the Exercise of the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of that Act, shall be and is hereby prolonged and extended to the Term of Five Years, to be computed from the passing of this Act.

Period for Completion of Works extended.

IV. And be it enacted, That the Term of Seven Years by the said "*Norfolk* Estuary Act, 1846," limited for the Completion of the said new Cuts and the Works appertaining thereto shall be and is hereby prolonged and extended to the Term of Seven Years, to be computed from the passing of this Act.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

V. Provided always, and be it enacted, That the Justices, Arbitrators, Umpires, or Juries, as the Case may be, who under the Provisions of the "*Norfolk* Estuary Act, 1846," or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands which the Company are by the "*Norfolk* Estuary Act, 1846," authorized to purchase compulsorily, and which shall be taken or used for the Purposes of the Works by that Act authorized, or which may be injuriously affected by the Construction of such Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners or other Persons by reason of the Extension of Time by this Act granted.

New Cut to be commenced with all convenient Speed.

VI. And be it enacted, That the said Company shall after the passing of this Act, with all convenient Despatch, and as the first Work to be executed by them under the Authority of the said "*Norfolk* Estuary Act, 1846," commence and proceed in the making and executing of the said Two-Mile Cut across the Marshes between *Lynn* Harbour and the present Channel below the *Ballast Bank*, and the

the Works appertaining thereto, and also the said Cut across the *Vinegar Middle* so intended to fall into the present Channel of the said River *Ouse* near the *Breast Beacon* as aforesaid, and the Works appertaining thereto, and when and so soon as the same shall be respectively completed shall cause the Waters of the said River *Ouse* and Harbour of *Lynn* to pass and flow through the said Cuts; and the said Cuts across the Marshes and *Vinegar Middle* shall be constructed by the said Company in manner following; that is to say, the Bottom of the said Cuts across the Marshes and *Vinegar Middle* shall at the Commencement of the said first-mentioned Cut be at least Ten Feet below the Level of the Zero Point on the present Gauge on the *Eau Brink Free Bridge* at *Lynn*, and shall from that Point throughout both the said Cuts increase in Depth after the Rate of at least Four Inches *per* Mile; and the said Cuts shall be of the Width of at least Two hundred and fifty Feet at the Bottom of the upper End of the said first-mentioned Cut, and shall increase in Width after the Rate of Fifteen Feet at least *per* Mile throughout; and the Sides of the said Cuts shall be constructed with proper and convenient Slopes of not less than Four Feet horizontal Measurement to One Foot of vertical Measurement.

VII. And be it enacted, That if, after Working Drawings of the Works hereby or by the said "*Norfolk Estuary Act, 1846*," authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works; or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Power to Admiralty to order a local Survey, &c., at Expense of the Company.

VIII. And be it enacted, That if any Work now or hereafter to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of such Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works across tidal Waters are abandoned, Admiralty may remove the same at Expense of Company.

IX. And be it enacted, That the Term of Eight Years, within which by the said "*Norfolk Estuary Act, 1846*," upon the Pain of Forfeiture in that Case provided, the said Company were to proceed with the Embankment and Reclamation of the said Tracts of Land, and the Term of Twenty-one Years, within which by the same Act, upon the Pain of Forfeiture in that Case provided, such Embankment

Extending Time for embanking and reclaiming Lands.

[Local.]

17 X

and

and Reclamation were to be completed, shall be prolonged and extended respectively to the Terms of Eight Years and Twenty-one Years, to be respectively computed from the passing of this Act.

Power to Commissioners of Eau Brink Drainage, and for Commissioners of King's Lynn Harbour, to contribute together 120,000*l.* in equal Moieties.

Such Contributions to be paid in manner here prescribed.

X. And be it enacted, That it shall be lawful for the said Commissioners of Drainage acting in execution or under the Authority of the said several recited Acts for improving the Drainage of the said *Middle and South Levels* of the Fens, and they are hereby required, to contribute the Sum of Sixty Pounds Sterling by and out of the Tolls vested in or payable to the said Commissioners of Drainage by virtue of the same Acts or any of them, or this Act, and which Tolls are hereby accordingly charged with the Payment thereof, and by such Sale or Mortgage of the Lands and Property of the said Commissioners as herein-after mentioned; and it shall be lawful for the said Mayor, Aldermen, and Burgesses of the said Borough of *King's Lynn*, and they are hereby required, to contribute the like Sum of Sixty thousand Pounds by and out of the Tonnage Duties herein-after authorized to be received, and which Duties are hereby accordingly charged with the Payment thereof, making together the Sum of One hundred and twenty thousand Pounds, towards the making and executing of the said new Cuts and the Works connected therewith, by the said "*Norfolk Estuary Act, 1846*," authorized to be made and executed, such Contributions to be paid in the Manner following; (that is to say,) a Sum not exceeding Eighty thousand Pounds (Part of the said Sum of One hundred and twenty thousand Pounds) shall be paid by the said respective Bodies in equal Proportions to the Treasurer or Treasurers of the said *Norfolk Estuary Company*, by quarterly Instalments during the Progress of the said Works, in manner following, that is to say, the said Commissioners of Drainage shall pay or cause to be paid to the said Treasurer or Treasurers of the said *Norfolk Estuary Company* on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December* in each and every Year, upon the Production of the Certificate of the principal Engineers or Engineer for the Time being of the said Company, containing a true and detailed Statement of the Quantities, Prices, and Amounts of the Lands purchased and the Work done upon which the said Certificate shall have been granted, such Sum of Money as shall be equal to One Sixth Part of the Amount which shall, according to such Certificate of the Engineer, have been laid out, paid, and expended by the said Company or by their Contractors in and about the Construction and Execution of the said Cuts or either of them, and the Works respectively appertaining thereto, during the Three Months immediately preceding each such quarterly Day, until the said Commissioners shall have paid and advanced the Sum of Forty thousand Pounds; and in like Manner the said Mayor, Aldermen, and Burgesses shall pay or cause to be paid to the Treasurer or Treasurers of the same Company, on the same several quarterly Days, by and out of the Rates and Duties herein-after authorized to be received for their Use for this Purpose, such Sum of Money as shall be equal to One other Sixth Part of such Amount so certified to have been paid, laid out, and expended by the said Company in and about the same Cuts and Works respectively within the same Three Months as

aforesaid, until the said Mayor, Aldermen, and Burgesses shall have paid and advanced the Sum of Forty thousand Pounds: Provided always, that no such quarterly Payment as aforesaid shall be considered due or be demandable from the said Commissioners, or the said Mayor, Aldermen, and Burgesses respectively, until all Arrears of any previous quarterly Payments which shall or may be due or owing from the said Commissioners, or the said Mayor, Aldermen, and Burgesses, or either of them, shall be paid or discharged, so that the said Payments by the said Commissioners, and by the said Mayor, Aldermen, and Burgesses, shall proceed *pari passu* and equally with each other; and the Sum of Forty thousand Pounds (remaining Part of the said Sum of One hundred and twenty thousand Pounds), together with any Part or Parts of the said Two Sums of Forty thousand Pounds and Forty thousand Pounds which shall not have been so paid and advanced as aforesaid during the Progress of the said Works, shall become due and be paid by the said respective Bodies, in equal Proportions, to the said Treasurer or Treasurers of the said Company, upon the granting of the Certificate of the Completion of the said Cuts and the Works connected therewith, and of the Diversion of the Waters of the River *Ouse* into and along the said Cuts as herein-after mentioned, and for the Payment of which said Sum of One hundred and twenty thousand Pounds in manner aforesaid the Receipts of the said Treasurer or Treasurers of the said Company shall be sufficient and effectual Discharges to all Intents and Purposes; and the said Company shall, by and out of the Monies of or to be provided by the said Company, pay all the remaining Costs of making and completing the said Cuts and Works, and all other Works by them authorized to be done, performed, or executed, without any further Contribution by or Claim or Demand whatsoever upon the said Commissioners of Drainage, or the said Mayor, Aldermen, and Burgesses, or either of them.

XI. Provided always, and be it enacted, That the said Two Cuts, and the Works appertaining thereto, shall be constructed and completed under the Superintendence and Direction of a Committee to consist of Five Persons, to be from Time to Time appointed by the Directors of the said Company, of Two Persons not being Shareholders in the said Company, to be from Time to Time appointed by the said Mayor, Aldermen, and Burgesses, and of Two Persons, not being Shareholders in the said Company, to be from Time to Time appointed by the said Commissioners of Drainage at any General or Special Meeting, if they shall so think fit, of which Committee Three shall be a Quorum at any Meeting thereof: Provided nevertheless, that if the said Mayor, Aldermen, and Burgesses, or the said Commissioners, shall not, within Three Months after the passing of this Act, respectively appoint the Members of the said Committee whom they are hereby authorized to appoint, then and in such Event it shall be lawful for the said Company to proceed alone in the Execution of the said Cuts and Works; provided also, that the said Committee, if the same shall have been appointed within the Period aforesaid, shall during any Vacancy, so long as it shall consist of not less than Five Persons, by whomsoever appointed, be deemed and taken to be the Committee appointed by this Act.

The Two Cuts to be constructed under the Superintendence of a Committee to be appointed from Time to Time.

XII. Pro-

Drainage Commissioners may inspect the Company's Books during Construction of Works.

XII. Provided always, and be it enacted, That at all reasonable Times hereafter during the Construction and Execution of the said Cuts or either of them, and the Works respectively appertaining thereto, it shall be lawful for any Two of the said Commissioners of Drainage, or for the Mayor or Town Clerk of the said Borough of *King's Lynn*, or for any Person appointed by them respectively in that Behalf, by Writing under the Hands of any Two of the said Commissioners of Drainage, or of the said Mayor for the Time being, (after giving or leaving at the principal Office of the said *Norfolk Estuary Company* or their Solicitor Two Days previous Notice in Writing of their or his Intention so to do,) without Fee or Reward, to inspect, examine, peruse, and take Extracts from any of the Account Books, Contracts, Plans, and Vouchers of or under the Control of the *Norfolk Estuary Company*, or their Engineer or Servants, relating to the Construction and Execution of the said Cuts or either of them, and the Works respectively appertaining thereto, or to the Monies expended in and about the same; and the said *Norfolk Estuary Company* shall and they are hereby required, without Fee or Reward, to produce all such Account Books, Contracts, Plans, and Vouchers, for the Purposes aforesaid, at all reasonable Times when required so to do by such Notice in Writing as aforesaid.

The Contribution of the Eau Brink Commissioners of Drainage, how to raised and paid.

XIII. And be it enacted, That for providing the said Contribution of Sixty thousand Pounds so authorized and required to be paid by the said Commissioners of Drainage acting in execution or under the Authority of the said several recited Acts for improving the Drainage of the said *Middle* and *South Levels* aforesaid it shall be lawful for the said last-mentioned Commissioners, from Time to Time, at any of their General or Quarterly Meetings, to levy, raise, and pay the said Contribution of Sixty thousand Pounds, or to order the same to be levied, raised, and paid by the Instalments aforesaid, by or out of any of the Tolls or Rents for the Time being raisable and payable to them under the Authority of the said Acts last referred to, or any of them, or this Act, or by or out of any Sale or Sales to be by the said Commissioners made of the said Sands and Channel so vested in and authorized to be sold by them as aforesaid, and that for the Purposes aforesaid the said Commissioners of Drainage shall have and may exercise all the same Powers and Authorities, by the levying, collecting, receiving, and continuing of Tolls and Rents for the raising and paying of the same Sum of Sixty thousand Pounds, and every or any Instalment thereof, or any Principal Monies to be borrowed for the Payment thereof, to all Intents and Purposes as the said Commissioners now have or may exercise, or could or might at any Time heretofore have exercised, for levying, raising, and paying any Debt or Debts or Sum or Sums of Money by them authorized or liable to be raised and paid under the Authority of or for the Purposes of the said recited Acts for improving the Drainage of the said *Middle* and *South Levels*, or any of them: Provided always, that it shall not be lawful for the said Commissioners of Drainage to assess or levy any Rate or Tax under the Authority of the said Acts last referred to, or this Act, for any further Term or to any greater Amount than is provided for by the said recited Acts.

XIV. And

XIV. And be it enacted, That, for better enabling the said Commissioners of Drainage to raise and pay the said Sum of Sixty thousand Pounds to be so contributed by them by the Instalments aforesaid, it shall be lawful for the said Commissioners of Drainage, and they are hereby empowered, (over and above or in addition to the several Sums of Money by them authorized to be borrowed in and by any of the said last-mentioned Acts,) at any of their General or other Meetings, to borrow, provide, and raise, or to order and direct to be borrowed, provided, and raised, all or any Instalment or Instalments or other Part or Parts of the same Sum of Sixty thousand Pounds, from the Commissioners authorized and empowered to issue and advance Exchequer Bills for the carrying on Public Works in *Great Britain*, by virtue of any Act or Acts of Parliament now in force for that Purpose, or from any other Body or Bodies or Person or Persons, upon any Mortgage or Mortgages of all or any or any Part or Parts of the several Navigation Tolls respectively charged, imposed, and made payable, and authorized to be demanded and received, to and for the Use of the said Commissioners of Drainage, by the several Provisions of the said recited Acts for the improving of the Drainage of the said *Middle and South Levels*, or any of them, or this Act, (subject and without Prejudice to any Mortgages of the Taxes, Tolls, Revenues, and other Properties subsisting at the Time of the passing of this Act, and to the Payment of any Sum of Money arising from the said Tolls, and directed to be applied for the Protection of the Town and Harbour of *King's Lynn*, in manner mentioned in the said Act passed in the Session of the First and Second Years of King *William* the Fourth,) which the said Commissioners of Drainage shall from Time to Time think proper so to provide and raise, and for any Five or more of the said Commissioners of Drainage, pursuant to any such Order or Direction as aforesaid, to mortgage or assign, by any Deed under their Hands and Seals, duly stamped, and wherein the Consideration shall be truly stated, the said several Navigation Tolls (subject as aforesaid), to any Body or Bodies or Person or Persons who shall lend and advance any such Sum or Sums of Money as aforesaid, as a Security by way of Mortgage for the Repayment of the same Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered by the Clerk to the said Commissioners in a Book or Books to be kept by the said Commissioners for that Purpose, and every such Book may be inspected at all reasonable Times by any of the said Commissioners or any Person or Persons interested, without Fee or Reward.

Power for the Drainage Commissioners to borrow Monies on Mortgage of the Tolls.

Copies of all such Mortgages to be entered by Clerk of Commissioners, &c.

XV. And be it enacted, That every Mortgage, Assignment, and Conveyance to be made by the said Commissioners of Drainage of the said Tolls may be made in the Form or to the Effect following, with such other Provisions and Stipulations to be inserted therein as the said Commissioners of Drainage, and the Body or Bodies, Person or Persons, who shall advance or lend such Sum or Sums of Money, shall mutually agree upon, or as the Case may require; subject nevertheless as herein-after provided in respect to any Sum or Sums to be lent and advanced by the said Commissioners for the Issue of Exchequer Bills; (that is to say,)

Form of Mortgage by Commissioners of Drainage of Tolls.

[*Local.*]

17 Y

WE,

WE, whose Names are hereunto subscribed and Seals affixed,
 being of the Eau Brink Commissioners of Drainage
 acting in execution of an Act of Parliament passed in the First and
 Second Years of the Reign of King William the Fourth, intituled
 "An Act to alter, amend, and enlarge the Powers of the several
 Acts now in force relating to the new River or Cut from Eau
 Brink to King's Lynn in the County of Norfolk, called the Eau
 Brink Cut, and to raise further Funds for carrying the said Acts
 into execution," and of the several other Acts to which the Title
 of the said first-mentioned Act refers, by virtue of the Power and
 Authority given to us by an Act passed in the Session of the
 Twelfth and Thirteenth Years of Queen Victoria, intituled [*here
 set forth the Title of this Act*], and in consideration of the Sum of
 at or before the Execution of these Presents paid by
 A.B. of C.D. in the County of E. to the Treasurer of the said
 Commissioners of Drainage, as appears by his Receipt for the same
 endorsed hereon, do bargain, sell, and assign unto the said A.B.,
 their Successors or Assigns, or their Executors, Administrators, and
 Assigns, [*as the Case may be,*] all and singular the
 [*as the Case may be*], and all the Monies which shall arise there-
 from or in respect thereof, which by the said first-mentioned Act
 the said Commissioners of Drainage are empowered to mortgage and
 assign as a Security by way of Mortgage for the Repayment of any
 Principal Sum or Sums of Money to be borrowed, provided, or
 raised by the said Commissioners under the Authority of the said
 first-mentioned Act, to have and to hold the said
 [*as the Case may be*], and the Monies arising therefrom, unto the
 said A.B., their Successors and Assigns, or his, her, or their
 Executors, Administrators, and Assigns, [*as the Case may be,*]
 henceforth until the said Sum of Pounds, together with
 Interest for the same after the Rate of per Centum per
 Annum, to be computed from the Day of the Date hereof, shall be
 fully repaid and satisfied to them [*or to him, her, or them, as the
 Case may be*], such Interest to be paid by half-yearly Payments on
 the Day of and the Day of
 in every Year, in the meantime, until the said Sum of
 Pounds shall be fully repaid and satisfied as aforesaid.
 Given under our Hands and Seals, the Day of
 in the Year of our Lord One thousand eight hundred and .

Power for
 Company, in
 default of
 Payment by
 Commission-
 ers of Drain-
 age, to raise
 the Sum to
 be so contri-
 buted by
 them, or any
 Sum in Pay-
 ment of
 which De-
 fault shall
 be made.

XVI. Provided always, and be it enacted, That in case Default
 shall be made by the said Commissioners of Drainage in Payment of
 any Instalment or Instalments of the said Sum of Sixty thousand
 Pounds to be so contributed by them as aforesaid, or any Part of any
 such Instalment or Instalments, beyond Six Calendar Months next
 after the Time or respective Times appointed for the Payment thereof
 respectively, then and in such Case it shall and may be lawful for the
 said Company to borrow and take up at Interest any such Sum or
 Sums of Money in Payment of which Default shall have been so made
 as aforesaid, upon the Credit of all or any of the Tolls by this Act
 charged with the Payment of the said Sum of Sixty thousand Pounds
 (subject nevertheless as aforesaid), and to mortgage, assign, and convey
 the same, or any of them, or any Part thereof, by any Deed under
 the

the Common Seal of the said Company, duly stamped, and wherein the Consideration shall be truly stated, to any Person or Persons who shall advance or lend to them the same Sum or Sums from Time to Time, as a Security or Securities for the Repayment of the Sum or several Sums of Money that shall be so borrowed as last aforesaid, and the Interest thereof; and the Receipt or Receipts of the Treasurer or Treasurers of the said Company for the Time being shall be a good and sufficient Discharge or good and sufficient Discharges to all and every Person and Persons who shall advance or lend such Sum or Sums as last aforesaid to the said Company, from Time to Time, for so much Money as shall in such Receipt or respective Receipts be expressed to be received; and the Person or Persons advancing or lending the same Sum or Sums to the said Company shall not, after taking any such Receipt, be liable to see to the Application of the Money which shall be thereby expressed to be received, nor in any way accountable for any Misapplication or Nonapplication thereof, or be required to ascertain if such Default had been made as aforesaid, or into the Propriety or Occasion of any such Mortgage or Mortgages to be made by the said Company; and the Costs of all such Mortgages, Assignments, and Conveyances as last aforesaid, and also all the Costs and Expenses of the said Company to be occasioned by reason of such Default as aforesaid, or to be otherwise incidental to the Exercise of this present Power, shall be paid from and out of the said Tolls which shall be so mortgaged, assigned, or conveyed as last aforesaid; and Copies of all such Mortgages, Assignments, and Conveyances shall be entered by the Clerk or Secretary to the said Company in a Book or Books to be kept by the said Company for that Purpose.

XVII. And be it enacted, That every such Mortgage, Assignment, and Conveyance to be made by the Company as last aforesaid may be in the Form or to the Effect following, or in such other Form or to such other Effect, and with such other Stipulations or Provisions to be inserted therein, as the Case may require; that is to say,

Form of
Mortgage by
Company.

‘ WE, the Company of Proprietors of the Norfolk Estuary, by
 ‘ virtue of the Power and Authority given to us by an Act of
 ‘ Parliament passed in the Twelfth and Thirteenth Years of the
 ‘ Reign of Her Majesty Queen Victoria, intituled [*here set forth the*
 ‘ *Title of this Act*], and in consideration of the Sum of
 ‘ Pounds to us paid by _____ being Part of the
 ‘ Sum of Money which by the said Act we are empowered to borrow
 ‘ and take up at Interest, on the Default of the Eau Brink Commis-
 ‘ sioners of Drainage in the Payment thereof, as in the said Act is
 ‘ mentioned, and which Default has been made by the said Commis-
 ‘ sioners, do by these Presents mortgage, assign, and convey unto the
 ‘ said _____ Successors and Assigns, or Executors,
 ‘ Administrators, and Assigns, [*as the Case may be,*] all and singular
 ‘ the Tolls payable unto or for the Use of the said Commissioners
 ‘ which by the said Act the said Commissioners, or we the said
 ‘ Company on their Default as aforesaid, are empowered to mortgage,
 ‘ assign, and convey to any Person or Persons advancing or lending
 ‘ the same Sum of _____ or any Part thereof, to
 ‘ hold

' hold the same Tolls and every of them unto the said
 ' Successors and Assigns, or Executors, Adminis-
 ' trators, and Assigns, [*as the Case may be,*] until the said Sum of
 ' Pounds, together with Interest for the same
 ' after the Rate of per Centum per Annum, to
 ' be computed from the Day of the Date hereof, shall be fully repaid
 ' and satisfied to him, her, or them, [*as the Case may be,*] such Interest
 ' to be paid by equal half-yearly Payments on the
 ' Day of and the Day of
 ' in every Year in the meantime. Given under our Common Seal,
 ' the Day of in the Year of our
 ' Lord

Power for
 Drainage
 Commission-
 ers to borrow
 on Mortgage
 of the Sands
 and Channel.

XVIII. And be it enacted, That it shall be lawful for the said
 Commissioners of Drainage, and they are hereby empowered, at any
 Time or Times, and from Time to Time, when and so often as
 Occasion shall require, at any of their General or other Meetings, to
 borrow and take up at Interest, or to order or direct to be borrowed
 and taken up at Interest, all or any Part or Parts, Instalment or In-
 stalments, of the said Contribution of Sixty thousand Pounds, to be so
 payable by them as aforesaid, in their Discretion, upon any Mortgage
 or Mortgages of the said several Sands and Channel so vested in them
 as aforesaid, or other the Lands or Property belonging to or vested in
 the said Commissioners of Drainage, subject nevertheless to all Mort-
 gages thereon (if any) subsisting at the Time of the passing of this
 Act, or any of them, or any Part or Parts thereof respectively; and
 for any Five or more of the said Commissioners of Drainage, pursuant
 to any such last-mentioned Order or Direction, to grant and mortgage
 the said several Sands and Channel, and other Lands and Property, or
 any of them, or any Part or Parts thereof respectively, by any Writing
 or Writings under their Hands and Seals, to any Body or Bodies,
 Person or Persons, who shall agree to advance or lend to the said
 Commissioners any such Sum or Sums of Money as last aforesaid,
 their Successors and Assigns, or, as the Case shall be, his, her, or their
 Heirs or Assigns, or his, her, or their Executors, Administrators, or
 Assigns, in such Form and Manner as shall be thought expedient and
 proper, as a Security or Securities for the Repayment of such Sum or
 Sums of Money which shall be so advanced and lent and paid to the
 said Commissioners or their Treasurer, together with Interest for the
 same at a Rate not exceeding the Rate of Five Pounds *per Centum*
per Annum; and Copies of all such Mortgage Securities as last men-
 tioned shall be entered by the Clerk of the said Commissioners of
 Drainage in a Book or Books to be kept by him for that Purpose,
 and every such Book may be inspected at all reasonable Times by
 any of the said Commissioners of Drainage, or by any Person or
 Persons interested therein, without Fee or Reward.

Copies of
 Mortgages to
 be entered.

Power for
 Mortgagees
 to transfer
 their Secu-
 rities.

XIX. And be it enacted, That it shall be lawful for all and every
 Bodies and Body, and Person and Persons, to whom any Mortgage
 Security shall have been made under any of the Powers or Provisions
 respectively aforesaid, or to whom any such Mortgage Security, or
 any Interest therein, shall have been transferred, or shall have
 descended

descended or passed, or who shall be entitled to the same, or to the Principal Money and Interest thereby secured, or any Part or Portion thereof, and he, she, and they is and are hereby respectively empowered, from Time to Time, by any Writing under their Corporate Seal or Seals, or under his, her, or their Hand and Seal or Hands and Seals, as the Case may be, to transfer such Security, or any Share thereof or Interest therein, and all or any Part of the Monies due or to become due thereon, to any Person or Persons whomsoever; and every such Transfer, and every Will, Administration, or other Evidence by which any such Security, or the Principal Sum or Interest thereby secured, or any Part thereof, shall descend or pass, shall be produced or notified to the Clerk of the said Commissioners of Drainage, or to the Clerk or Secretary of the said Company, as the Case shall be, who shall cause a Memorial thereof, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money which shall be therein mentioned to be transferred, or which shall descend or pass thereby, to be entered in the said Book or Books in which the said original Securities are hereby directed to be entered, for the Entry of which said Memorial the Clerk of the said Commissioners, or the Clerk of the said Company, as the Case shall be, shall be paid the Sum of Five Shillings, and no more, by the Person producing or notifying such Transfer, Will, Administration, or other Evidence as aforesaid; and after such Entry made of such Memorial as aforesaid, and not sooner or otherwise, the Person or Persons claiming under or by virtue of such Transfer, Will, Administration, or other Evidence as aforesaid shall be entitled to the Benefit thereof, and of the original Security, or of the Interest therein, which shall have been thereby transferred, or shall have thereby descended or passed.

XX. And be it enacted, That the several Bodies and Persons to whom such several Mortgage Securities shall have been respectively made or granted by the said Commissioners of Drainage or by the said Company, as the Case shall be, by the Authority of this Act as aforesaid, and their respective Successors, Heirs, Executors, Administrators, and Assigns, who shall from Time to Time, by virtue of their several Securities, be Creditors respectively upon the said several Tolls, Sands, Channel, and Premises, except the said Commissioners for the Issue of Exchequer Bills, shall be Creditors in an equal Degree one with another upon and in respect of the same Tolls, Sands, Channel, and Premises respectively, which shall be comprised in their respective Securities, and according to the respective Securities and Interests which the said Bodies and Persons respectively may have upon and in the said Tolls, Sands, Channel, and Premises respectively, and according to the Amount or Portion of the respective Principal Sums of Money secured to them respectively; and any One or more of the said several Bodies or Persons, or his, her, or their respective Successors, Heirs, Executors, Administrators, or Assigns, except as aforesaid, shall not have any Preference over any of the others of them claiming under any such Security of the same Nature and upon the same Premises, or his, her, or their respective Successors, Heirs, Executors, Administrators, or Assigns, by reason of any Priority in the Date of such respective Securities or any of

Mortgagees
to be Cre-
ditors in an
equal
Degree.

them, or in the Time of advancing the Monies for which the same shall have been respectively granted.

The Treasurer, &c. of the Commissioners to pay the Interest of the Monies half-yearly.

XXI. And be it enacted, That the Treasurer for the Time being of the said Commissioners of Drainage, or, in case of his Default, then any Collector of the said Commissioners, shall, upon receiving Notice in that Behalf from any Mortgagee or Assignee for the Time being entitled to any Security which shall have been so granted as aforesaid, and he is hereby authorized and required, with and out of the Tolls and the Rents and Profits of the Sands and Channel respectively comprised in or charged by such Security, to pay and keep down the yearly Interest mentioned in and secured by such Security, by equal half-yearly Payments, when and as the same shall become due, from and out of the Monies, Funds, or Premises respectively charged therewith, to the Body or Bodies or Person or Persons for the Time being entitled thereto.

In default of Payment, Tolls to vest in and be received by the Mortgagees.

XXII. And be it enacted, That in case any such Principal Sum or Sums of Money shall not be paid by the said Commissioners, or their Treasurer or Collector, to any Body or Bodies or Person or Persons entitled to receive the same, at the Expiration of Twelve Calendar Months next after Notice for that Purpose given by him or them to the said Commissioners or their Treasurer, then and in such Case the said several Tolls, Monies, Sands, Channel, and Premises which shall have been made liable to and charged with the Payment thereof respectively shall thereupon and thenceforth vest in the Mortgagee or all the Mortgagees thereof for the Time being, and their respective Successors, Heirs, Executors, Administrators, and Assigns, or in some other Person or Persons to be nominated by them, or by the major Part of them in Number and Amount, in trust for all of them, according to their respective Amounts, of the several Principal Monies which shall then be due and owing to them respectively by virtue of their said several Securities, until all the said Principal Monies and Interest, and all further and accruing Interest due thereon respectively, shall be proportionably and fully paid and satisfied to the said several Mortgagees, or their respective Successors, Executors, Administrators, or Assigns, together with the Costs and Charges which shall have been occasioned to them respectively by the Nonpayment of the same Principal Monies and Interest, or any of them, or any Part thereof respectively; and the said several Mortgagees, and their respective Successors, Heirs, Executors, Administrators, and Assigns, shall have all such and the same Powers, Means, Rights, and Remedies for collecting, recovering, and receiving the said Tolls and Monies, and the Rents, Profits, and Proceeds of the said Sands, Channel, and Premises, or such of them, or such Part or Parts thereof, as shall be so mortgaged to them respectively as aforesaid, as the said Commissioners of Drainage, or their Treasurer or Collectors, would have had in case the said Mortgage Securities had not been respectively granted.

Notice to be given of Intention to borrow Money.

XXIII. Provided always, and be it enacted, That no Sum of Money or Sums of Money shall be borrowed or taken up at Interest by the said Commissioners of Drainage upon any Mortgage or other Security

Security under the Authority of this Act, unless the Intention to propose the borrowing of the same shall be advertised in the Notice of the Meeting at which the borrowing thereof shall be ordered or directed.

XXIV. And whereas there is due and owing from the said Commissioners of Drainage a large Sum of Money payable to the said Commissioners for the Issue of Exchequer Bills, and to divers other Persons, and amounting in the whole to the Sum of Twenty-five thousand Pounds or thereabouts, and secured upon the Taxes payable to the said Commissioners of Drainage, and upon the several Lands, Tolls, and other Property of or belonging to or vested in the said Commissioners of Drainage, or upon some Part of the said Taxes, Lands, Tolls, and Property: And whereas the Amount of the said Debt is diminished in each Year by the Amount of large annual Payments from the said Taxes and the other Monies of the said Commissioners of Drainage, and will shortly be paid and satisfied: Be it enacted, That when and so soon as the said Debt shall have been paid and satisfied out of and by means of the said Taxes and Revenues, they the said Commissioners of Drainage shall and they are hereby required, for better enabling them to raise and pay the said Sum of Sixty thousand Pounds or any Part thereof so authorized and required to be paid by them as aforesaid, to proceed, under the Powers and Provisions of the said recited Act passed in the Session of the First and Second Years of the Reign of King *William* the Fourth, to make sale and absolutely dispose of so much and such Parts of the said Sands and Channel vested in them by the said Act as is or are situate above the Lower Dam made by the Commissioners, and now forming Part of the Turnpike Road between *Lynn* and *Marshland*, and as may be necessary for such Purpose; and that until such Sale so much of the said Sum of Sixty thousand Pounds as shall become payable previous to such Sale, and after such Sale so much thereof as the Produce of such Sale or Sales shall be insufficient to satisfy, shall be raised by the said Commissioners, under the Provisions for that Purpose herein contained, by such Mortgage as in this Act mentioned of the said Tolls, or of the said Sands and Channel and other Lands and Property, or any Part thereof respectively, belonging to or vested in the said Commissioners.

Directing the Sale of the Sands and Channel towards raising the Contribution of the Drainage Commissioners.

XXV. And be it enacted, That, notwithstanding the said Drainage Commissioners have consented and agreed to the Payment of the said Sixty thousand Pounds as aforesaid, nothing herein contained shall be construed into a Right at any Time or Times hereafter, under any future Act of Parliament, to tax the Lands subject to the Payment of the said *Eau Brink* Tax, or the Owners or Tenants thereof or of any of them, for or towards or by way of Contribution to the said Cuts, Works, or Undertaking, or any Part thereof, or any other Works hereafter to be made or done for carrying out the said Undertaking, it being fully understood and agreed by all Parties that the Consent of the said Drainage Commissioners to the said Payment of Sixty thousand Pounds was given expressly on the Condition and Understanding that the said Sum of Sixty thousand Pounds should be by the said Company accepted in full Acquittance, Discharge, and Exoneration for ever hereafter of the said Parties

Contribution of 60,000*l.* to be accepted in full, and be final.

ties and their Lands from further contributing to the same, and should be accepted as a final and complete Contribution by and on behalf of the said Commissioners and the Owners of Land subject to the *Eau Brink* Tax towards the said Costs of executing the said Cuts and Works by the said Company.

The Receipts of the Treasurer of the Commissioners to be good Discharges.

XXVI. And be it enacted, That the Receipts of the Treasurer or Treasurers for the Time being of the said Commissioners of Drainage respectively shall from Time to Time be good, sufficient, and effectual Releases, Acquittances, and Discharges to all Persons and Parties whomsoever for all and every or any of the Monies which by this Act are authorized to be lent or advanced to the said Commissioners of Drainage, or to be paid to or raised or received by the said Commissioners, or their Treasurer or Treasurers, or for so much of the respective Monies as in such several Receipts shall be respectively acknowledged to be received, and that after taking such Receipts respectively the Body or Bodies, Person or Persons, Party or Parties respectively, paying the several Sums of Money therein respectively acknowledged to be received, shall not be liable to see to the Application of the same respective Sums of Money or any Part thereof, nor be answerable or accountable for any Misapplication or Nonapplication thereof.

Duties on Vessels using the Harbour of Lynn, for enabling Commissioners of Harbour to pay their Contributions.

3 & 4 W. 4. c. 54.

XXVII. And be it enacted, That from and after the Delivery to the Mayor and to the Town Clerk of the said Borough and to the Clerk of the Mooring Harbour Commissioners, or One of them, of a Certificate, signed by the Chairman of the said Company, that a Contract or Contracts has or have been made and entered into for the making and executing of the said new Cuts and the Works connected therewith, there shall be paid to the said Mooring Harbour Commissioners acting in execution of the said recited Acts respectively passed in the Thirteenth Year of King *George* the Third and in the Session of the Fourth and Fifth Years of Her present Majesty, for the Use of the said Mayor, Aldermen, and Burgesses, for the Purposes of this Act, or to the Collector of the said Mooring Harbour Commissioners, or his Deputy, by the Master of every Vessel entitled to the Privileges of a *British*-built Ship under or by virtue of an Act passed in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of British Shipping and Navigation*, such Vessel arriving from Sea in the said Harbour of *King's Lynn*, or passing through from Sea or going outward to Sea, or navigating the said new Cuts or either of them, whether laden with Coals or any other Goods, Wares, or Merchandize, the Sum of Four-pence *per* Ton for each and every Ton of such Coals, Goods, Wares, or Merchandize, and that double the Amount or Sum so from Time to Time payable shall from and after the passing of this Act be payable to the said Mooring Harbour Commissioners, their Collector or his Deputy, by the Master of any Vessel not entitled to the Privileges of a *British*-built Ship by virtue of the said Act of His late Majesty King *William* the Fourth; and the Rates and Duties hereby required to be paid shall be over and above and in addition to the Rates and Duties now payable to the said Mooring Harbour Commissioners under the said recited Acts or either of them.

XXVIII. And

XXVIII. And be it enacted, That the several Clauses of the "Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Rates to be taken by the Undertakers, and with respect to the Collection and Recovery of Rates, shall be incorporated with and form Part of this Act.

Certain Clauses of 10 & 11 Vict. c. 27. incorporated with this Act.

XXIX. And be it enacted, That when and so soon as the whole Sum of Sixty thousand Pounds, in this Act mentioned as the Contribution by and on the Part of the said Mayor, Aldermen, and Burgesses, shall have been fully paid and advanced to the said Company in manner in this Act in that Behalf provided, it shall be lawful for the said Mooring Harbour Commissioners, with the Consent of the said Mayor, Aldermen, and Burgesses, and of such Persons as shall have advanced Money on the Credit of the Rates or Duties by this Act granted, and which shall then remain unpaid, from Time to Time to reduce all or any of the said Rates or Duties by this Act granted, and again, and as often as they shall think proper, either with or without such Consent as aforesaid, to raise the same to any Sum or Sums of Money not exceeding the respective Rates or Duties by this Act granted, and such advanced or lowered Rates and Duties may be collected, recovered, and applied in the same Manner as the Rates and Duties herein mentioned are directed to be collected, recovered, and applied.

Rates and Duties may be varied.

XXX. And be it enacted, That for enabling the said Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn* to pay the said Sum of Sixty thousand Pounds to be so contributed by them by Instalments as aforesaid, it shall be lawful for the said Mooring Harbour Commissioners acting in execution of the said Acts respectively passed in the Thirteenth Year of King *George* the Third and in the Session of the Fourth and Fifth Years of Her present Majesty, and they are hereby required, by the Order and for the Use of the said Mayor, Aldermen, and Burgesses, for the Purposes of this Act, (over and above and in addition to the Sums of Money by the said last-mentioned Acts or either of them authorized to be borrowed,) to borrow on Mortgage or on Bond all or any Instalment or Instalments or Part or Parts of the same Sum of Sixty thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates and Duties last herein-before authorized to be received, or give Bonds in manner herein-after mentioned.

Power to borrow all or any Part of the 60,000*l.* on Mortgage or Bond.

XXXI. And be it enacted, That in case Default shall be made by the said Mayor, Aldermen, and Burgesses in Payment to the said Company of Proprietors of the *Norfolk* Estuary of any Instalment or Part of any Instalment of the said last-mentioned Sum of Sixty thousand Pounds, for the Space of Three Calendar Months next after the Time or respective Times at which the same is hereby appointed to be paid, and whereon the same ought to be paid, under the Authority of this Act, then and in such Case, and at any Time after the Expiration of such Three Calendar Months as last aforesaid, it shall be lawful for the said Company of Proprietors of the *Norfolk* Estuary from Time to Time to borrow on Mortgage every or any such Instalment in Payment of which such Default shall happen to be

In case of Default in Payment by Mayor, &c., Power to *Norfolk* Estuary Company to raise the Sum unpaid by Mortgage.

made, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates and Duties last herein-before by this Act authorized to be received, in manner herein-after mentioned.

Power to
re-borrow
Money.

XXXII. And be it enacted, That if any Sum so authorized to be borrowed on Mortgage or Bond shall be paid off by the said Mooring Harbour Commissioners, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of re-borrowing shall not be exercised unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Mortgages
and Bonds of
Commis-
sioners.

XXXIII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the said Mooring Harbour Commissioners shall be by Deed under the Hands and Seals of any Three or more of the same Commissioners, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed or Bond may be according to the Form in the Schedule (A.) or (B.) to this Act annexed, or to the like Effect.

Mortgages
of Company.

XXXIV. And be it enacted, That every Mortgage for securing Money to be borrowed by the said Company as last aforesaid shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage Deed may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Rights of
Mortgagees.

XXXV. And be it enacted, That the respective Mortgagees for any Part of the said last-mentioned Sum of Sixty thousand Pounds so authorized by this Act to be borrowed as last aforesaid shall be entitled one with another to their respective Proportions of the Rates and Duties comprised in such Mortgage, according to the respective Sums in such Mortgage mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the said Mooring Harbour Commissioners, by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of
Obligees.

XXXVI. And be it enacted, That the respective Obligees in such Bonds authorized by this Act shall proportionably according to the Amount of the Monies secured thereby be entitled to be paid out of the said Rates or Duties the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the said Mooring Harbour Commissioners, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Register of
Mortgages
and Bonds.

XXXVII. And be it enacted, That a Register of Mortgages and Bonds shall be kept by the said Mooring Harbour Commissioners, or, as the Case shall be, by the Clerk or Secretary of the said Company, and within Fourteen Days after the Date of any such Mortgage or
Bond

Bond an Entry or Memorial, specifying the Number and Date of such Mortgage or Bond, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Mortgagee or Bond Creditor, or by any Person interested in any such Mortgage or Bond, without Fee or Reward.

XXXVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule (D.) to this Act annexed, or to the like Effect.

Transfer of
Mortgages
and Bonds.

XXXIX. And be it enacted, That within Thirty Days after the Date of every such Transfer if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Clerk of the said Mooring Harbour Commissioners, or, as the Case shall be, the Clerk or Secretary of the said Company, and thereupon such Clerk or Secretary, as the Case may be, shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Bond in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Bond so transferred, or any Money thereby secured; and for such Entry the said Mooring Harbour Commissioners, or the Clerk or Secretary of the said Company, as the Case shall be, may demand a Sum not exceeding the Amount of Two Shillings and Sixpence.

Entry of
Transfers of
Mortgages
and Bonds.

XL. And be it enacted, That the Interest of the Money borrowed upon any such Mortgage or Bond shall be payable and paid half-yearly to the several Parties entitled thereto.

Payment of
Interest.

XLI. And be it enacted, That the Interest on any such Mortgage or Bond shall not be transferable except by Deed duly stamped.

Transfer of
Interest to
be stamped.

XLII. And be it enacted, That the said Mooring Harbour Commissioners, or, as the Case shall be, the said Company, may, if they think proper, fix a Period for the Repayment of the Principal Money so borrowed, with the Interest thereof; and in such Case the said Commissioners or the said Company shall cause such Period to be inserted in the Mortgage Deed or Bond, and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall be paid to the Party entitled to such Mortgage or Bond.

Repayment
of Money
borrowed at
fixed Time.

XLIII. And be it enacted, That if no Time be fixed in the Mortgage Deed or Bond for the Repayment of the Money so borrowed, the Party entitled to the Mortgage or Bond may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Mortgage or Bond, demand Payment of the Principal Money thereby

Repayment
of Money
borrowed
where no
Time fixed.

thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Mooring Harbour Commissioners may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee or Bond Creditor, shall be by Writing delivered to the Clerk, and if given by the said Mooring Harbour Commissioners shall be by Writing given either personally to such Mortgagee or Bond Creditor, or left at his last or usual Place of Abode, or, if such Mortgagee or Bond Creditor be unknown or cannot be found, such Notice shall be given by Advertisement in the "*London Gazette*" and in some Newspaper circulated in the County of *Norfolk*, and at the Expiration of the said Notice, when given by the said Mooring Harbour Commissioners, Interest shall cease to be payable on the Money secured by such Mortgage or Bond, unless, on Demand of such Money, the said Mooring Harbour Commissioners fail to pay the same, pursuant to such Notice.

For enforcing Payment of Interest.

XLIV. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any such Mortgage or Bond, at the respective Times at which such Interest, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest or any Part thereof shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Bond Creditor may sue for the Interest so in arrear by Action of Debt in any Court of competent Jurisdiction.

Payment of Principal, &c. may be enforced by Appointment of a Receiver.

XLV. And with respect to such Principal Money, Interest, and Costs, be it enacted, that if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee or Bond Creditor may sue for the same in any Court of competent Jurisdiction, or if his Debt amount to the Sum of Three thousand Pounds he may alone, or if his Debt does not amount to the Sum of Three thousand Pounds he may, in conjunction with other Mortgagees or Bond Creditors whose Debts, being so in arrear after Demand as aforesaid, shall together with his amount to the Sum of Six thousand Pounds, require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment of Receiver.

XLVI. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Norfolk*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the whole or a competent Part of the Rates and Duties liable to the Payment of such Interest, or such Principal and Interest, as the Case may be, until such Interest, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Rates and Duties aforesaid, be fully paid; and upon such Appointment being made all such Rates and Duties as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest, or such Principal and Interest, as

the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

XLVII. And be it enacted, That the Receiver or Receivers of the Treasurer or Treasurers for the Time being of the said Mooring Harbour Commissioners, or, as the Case shall be, of the said Company of Proprietors of the *Norfolk* Estuary, shall be a good and sufficient Discharge or good and sufficient Discharges to all and every Person and Persons who shall advance or lend any Monies to the said Mooring Harbour Commissioners, or, as the Case shall be, to the said Company, under the Powers of borrowing respectively last aforesaid, for so much Money as shall in such Receipt or Receipts be expressed to be received; and the Person or Persons advancing or lending the said Monies shall not be liable to see to the Application of the Monies which shall in such Receipt or Receipts be expressed to be received, nor anywise accountable for the Misapplication or Nonapplication thereof, or, in the Case of a Loan to the said Company, shall be required to ascertain if such Default in Payment had been made as aforesaid, or into the Propriety or Occasion for any such Loan to the said Company.

Receipts of Treasurer to be good Discharges.

XLVIII. And be it enacted, That the said Tonnage Rates or Duties by this Act authorized to be received as aforesaid shall be appropriated and be applied, in the first place, in Payment of all Interest from Time to Time due on all Principal Monies to be borrowed on the Credit of the said Rates and Duties, and, in the second place, in or towards the Reduction and Payment from Time to Time of the Principal Monies to be so borrowed on the Credit of the said Rates and Duties.

Application of surplus Tonnage Rates and Duties.

XLIX. And be it enacted, That when and so soon as the said Sum of Sixty thousand Pounds to be so contributed by the said Mayor, Aldermen, and Burgesses as aforesaid shall be by them paid to the said Company, and when and so soon as all Principal Monies hereby authorized to be borrowed on the Credit of the said Rates and Duties, and all Interest for the same, shall be paid off and discharged, the said Rates and Duties shall cease to be received and receivable.

For Reduction of said Rates, &c., on Payment of Contributions, &c.

L. And be it enacted, That it shall not be lawful for the said Company, save as herein-after expressly mentioned, to begin to execute or construct, or to pay, lay out, or expend any Monies in or about the Execution or Construction of any Works, other than the said Two-Mile Cut across the Marshes and the said Cut across *Vinegar Middle*, and the Works appertaining thereto, and necessary for the Passage of the Waters of the said River *Ouse* through the same, until the said Cuts, and the Works appertaining thereto and connected therewith, shall be fully completed, and the Completion thereof certified in manner herein mentioned; and the said Company shall for ever thereafter, at their own Costs and Charges, and without any Claim or Demand whatsoever upon or Contribution of the said Commissioners of Drainage, or the said Mayor, Aldermen, and Burgesses,

Not to execute other Works until Two-Mile Cut completed.

or either of them, keep, uphold, cleanse, scour, and maintain the said Cuts across the Marshes and *Vinegar Middle*, and the Works appertaining thereto, in all respects in at least as deep, wide, ample, and efficient State and Condition as the same shall or may be in at the Time of the Completion of the said Works, and of the granting of the Certificate of Completion, as herein mentioned: Provided always, that it shall be lawful for the said Company, if they think fit, to pay, lay out, and expend any Sum not exceeding Five thousand Pounds in and about general Works of warping, under the said "*Norfolk Estuary Act, 1846*," either previously to, contemporaneously with, and during the Construction of the said Cuts, and the Works immediately appertaining thereto.

Engineers to certify the Completion of the Cut and Works connected therewith.

LI. And be it enacted, That when and so soon as the said new Cuts across the Marshes and the *Vinegar Middle*, and the Works connected therewith, shall be fully completed, in the Opinion of the Engineer for the Time being of the said Company, and the Waters of the said River *Ouse* diverted into and along the same, he shall notify the same by Writing under his Hand to the Engineer for the Time being of the said Commissioners of Drainage, and both the said Engineers shall thereupon proceed to inspect the same Works, and if they shall be satisfied with the same they shall grant a Certificate of such Completion and Diversion by Writing under their Hands, and the same shall be published in One or more Newspaper or Newspapers circulating in the County of *Norfolk* and in the Borough of *King's Lynn*.

Power to appoint a Referee.

LII. Provided always, and be it enacted, That before entering upon such Inspection as aforesaid the Engineers hereby authorized to make such Inspection shall name an Engineer as their Referee for the Purposes herein-after mentioned; and in case from any Cause whatever such Referee shall not be so named as aforesaid within Twenty-eight Days after such Completion and Diversion shall be so notified as aforesaid, then it shall be lawful for the Lord High Admiral or for the Lords Commissioners of the Admiralty for the Time being, and they are hereby empowered, upon Application to him or them for that Purpose by either of the said Engineers, to appoint an Engineer to act as such Referee; and if from any Cause whatever the said Engineer for the Time being acting in the Direction or Superintendence of the Execution of the said Cuts and the Engineer for the Time being of the said Commissioners of Drainage shall not for the Space of Two Calendar Months after such Notification of such Completion or Diversion as aforesaid agree whether the said Cuts and Works are fully complete, and such Diversion has taken place, then the Engineer so appointed or to be appointed as a Referee as aforesaid shall, upon the Request in Writing for that Purpose either of the said Engineer for the Time being acting in the Direction or Superintendence of the Execution of the said Works, or of the Engineer of the said Drainage Commissioners, proceed to inspect the same Works, and if he shall be satisfied that the same are fully complete according to the true Intent and Meaning of this Act, he shall certify such Completion as aforesaid by Writing under his Hand, and the same shall be published in manner aforesaid, and such Certificate shall be binding
0 and

and conclusive on all Parties: Provided always, that in case the said Referee shall not be fully satisfied with such Completion or Diversion, he shall forthwith give Notice thereof by Writing under his Hand to both the said Engineers, specifying the Particulars with which he shall be dissatisfied; and in that Case it shall be lawful for the Engineer for the Time being acting in the Direction or Superintendence of the Execution of the said Works, after the same shall in his Opinion have been completed or rectified in the Particulars specified in such last-mentioned Notice, to notify the same by Writing under his Hand to the Engineer for the Time being of the said Commissioners of Drainage, and thereupon the same Proceedings shall be had in reference thereto as are herein-before specified on the first Notification in manner afore-said of such Completion and Diversion, and so from Time to Time until such Completion and Diversion shall be duly certified.

LIII. And be it enacted, That if the said Two-Mile Cut across the Marshes and the said Cut across *Vinegar Middle*, and the Works connected therewith, shall not be fully completed, and the Waters of the River *Ouse* diverted and caused to flow through the same, on or before the First Day of *September* One thousand eight hundred and fifty-four, it shall be lawful for the said Drainage Commissioners and also for the said Mooring Harbour Commissioners to sue for and recover, together with full Costs of Suit, from the said Company, in an Action of Debt for Money lent in any of Her Majesty's Superior Courts of Law at *Westminster*, all Sums of Money which previous to the said First Day of *September* One thousand eight hundred and fifty-four shall have been paid and advanced by the Commissioners by whom or on whose Behalf such Action shall have been brought or instituted, to the said Company, under the Provisions of this Act, together with Interest after the Rate of Five Pounds *per Centum per Annum* thereon; and the Debt, Interest, Damages, and Costs to be recovered in any such Action shall be and constitute an express and specific Charge and Lien upon all the Lands, Funds, and other Property, of what Nature or Kind soever, vested in or belonging to the said Company, in priority and preference to all other Charges and Liens thereon, and may be levied by the Commissioners by whom or on whose Behalf the same shall have been recovered, by Sale or Mortgage of the same Lands, Funds, and Property, whose Receipts shall be sufficient Discharges to Purchasers or Mortgagees, and shall exonerate them from seeing to the Application of their Mortgage or Purchase Monies, and from inquiring into the Necessity or Propriety of any such Sale or Mortgage.

If Cut not completed within a certain Time, Advances to be repaid.

LIV. And be it enacted, That all Monies which shall be received or recovered from the said Company by the said Mooring Harbour Commissioners, under the Provision lastly herein-before contained, shall be applied, in the first place, in paying and discharging the Interest and Principal of all Monies borrowed by them under the Provisions of this Act and then remaining due; and the Surplus, if exceeding the Sum of Three thousand Pounds, shall be held by the said Mooring Harbour Commissioners as a Fund for the Improvement of the said Harbour or of the Navigation of the River *Ouse*, to be applied by them in such Manner as Parliament shall authorize or allow;

Application of Monies so recovered by Mooring Harbour Commissioners.

allow ; and if such Surplus shall not exceed the Sum of Three thousand Pounds it shall be lawful for the said Mooring Harbour Commissioners to apply the same in or towards the Maintenance or Improvement of the said Harbour, in such Manner and at such Times as they in their Discretion shall think fit.

Expenses
of Act.

LV. And be it enacted, That all and singular the Costs and Expenses of soliciting, applying for, and obtaining this Act of Parliament, and all the Costs and Expenses preliminary, attendant upon, and incident to the same, as well as those incurred and to be incurred by the said Commissioners of Drainage, and the said Mayor, Aldermen, and Burgesses, and the Commissioners acting in execution of the said Acts of the Thirteenth Year of King *George* the Third and the Fourth and Fifth Years of Her present Majesty, as those incurred and to be incurred by the said Company, shall be wholly borne and defrayed by the said Company of Proprietors of the *Norfolk* Estuary out of the Monies now in their Hands, or which shall hereafter come into their Hands, and in preference to all other Payments whatsoever.

Saving Right
of Mr. Ben-
tinck.

LVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever any of the Powers, Estates, Rights, or Interests of *George William Pierrepont Bentinck*, his Heirs or Assigns, by the said "*Norfolk* Estuary Act, 1846," respectively reserved or given, save and except so far as the same may interfere with the making and completing of the said Cuts, and the Banks and Forelands thereof, by the said Company authorized to be done, performed, or executed ; and further, that nothing in this Act contained shall in anywise prejudice or alter the Right or Powers by the said "*Norfolk* Estuary Act, 1846," given or reserved to the said *George William Pierrepont Bentinck*, his Heirs and Assigns, to try such Rights and Interests as in the said Act mentioned within Six Years next after the passing of the said Act, or to refer the Determination thereof to Arbitration, as in the said Act is mentioned ; except that it shall be lawful for the said *George William Pierrepont Bentinck* to try such Rights or Interests in all respects as in the said Act is mentioned at any Time within Six Years after the passing of this Act, instead of within Six Years from the passing of the said Act, and in all respects and in manner in the said Act mentioned, and as if the same Power or Provision were (subject to the Alteration extending the Time for the Trial of such Rights or Interests) herein repeated and set forth : Provided always, that for all Land (if any) belonging to the said *George William Pierrepont Bentinck* taken for the Purposes of the said Cuts, Banks, and Forelands thereof, and for all Damage which he shall sustain by the Construction thereof, he shall receive Compensation in the Manner prescribed in the Lands Clauses Consolidation Act, 1845 ; and provided also, that nothing herein contained shall repeal, prejudice, or affect the Rights reserved to the said *George William Pierrepont Bentinck*, his Heirs, Executors, Administrators, or Assigns, or the Liability of the said Company in the said *Norfolk* Estuary Act, 1846, touching the maintaining and repairing the Banks, Fences, or Boundaries of or adjoining to the Lands of the said *George William*

William Pierrepont Bentinck, and the Costs, Damages, and Expenses which may be incurred by reason of any Default in the Maintenance of the same.

LVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever any of the Jurisdictions, Powers, Rights, Privileges, or Revenues of, belonging, or appertaining to any of the Bodies Corporate or Commissioners or Trustees, or others, by the said "*Norfolk Estuary Act, 1846*," respectively saved and reserved, and save and except in so far as the same are by the said recited "*Norfolk Estuary Act, 1846*," 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.

Saving of
other exist-
ing Rights.

LVIII. Provided always, and be it enacted, That nothing contained in this Act, or in the said "*Norfolk Estuary Act, 1846*," shall extend to take away, alter, diminish, or prejudice any Rights belonging to the Duchy of *Cornwall*, or to authorize any Interference with the Possessions, Property, Profits, or Privileges vested in or claimed by Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the same Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose.

Saving
Rights of
the Duchy
of Cornwall.

LIX. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, (other than the said Tracts of Land granted to or vested in the said Company by the said "*Norfolk Estuary Act, 1846*,") without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, or otherwise than as affected by the said last-mentioned Act or this Act.

Saving
Rights of
the Crown.

LX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

SCHEDULE (C.)

Form of Mortgage Deed.

Mortgage, Number £

- By virtue of an Act passed in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we, the Company of Proprietors of the Norfolk Estuary, in consideration of the Sum of £ paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Tonnage Rates and Duties granted by the said Act as the said Sum of £ doth or shall bear to the whole Sum borrowed and to be borrowed, and which shall from Time to Time be owing upon the Credit of the said Rates and Duties, to hold unto the said *A.B.*, his Executors, Administrators, and Assigns, until the said Sum of £ together with Interest for the same at the Rate of £ for every One hundred Pounds by the Year, be satisfied, the Principal Sum to be repaid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*].

In witness whereof we have hereunto set our Common Seal, this
Day of in the Year of our Lord .

SCHEDULE (D.)

Form of Transfer of Mortgage or Bond.

I *A.B.* of in consideration of the Sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, or Assigns, a certain Bond [*or Mortgage*] Number made by the "Commissioners for the Regulation of the Port of King's Lynn," to bearing Date the Day of for securing the Sum of £ and Interest [*or, if such Transfer be by Endorsement, the within Security*], and all my Right, Estate, and Interest in and to the Money thereby secured [*and if the Transfer be of a Mortgage, and in and to the Rates, Duties, Money, and Property thereby assigned*]. Dated this Day of .

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