



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

\*\*\*\*\*

*Cap. clx.*

An Act for better enabling the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to raise and secure Monies payable by them to the *Nene Valley* Drainage and Navigation Improvement Commissioners; and for other Purposes.

[23d July 1855.]

**W**HEREAS by an Act (Local and Personal) of the Fiftieth Year of *George* the Third, Chapter Two hundred and six, intituled *An Act for establishing a Cattle Market within* 50 G. 3. the Town of *Wisbech* in the Isle of *Ely*, for taking down and c. cevi. removing the *Shambles* therein, for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein, for preserving and improving the Port and Harbour of *Wisbech*, and for regulating the Pilots belonging thereto, in this Act called the Act of 1810, the Burgesses of the Town of *Wisbech* (now called the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, and in this Act called the Corporation,) were authorized to demand and take Market Tolls, which now form Part of their Borough Fund, and were also authorized to demand and take Duties on Vessels and Goods in the Port of *Wisbech*, the net Proceeds of which were to be

[Local.] 28 S applied



*Wisbech Port Act, 1855.*10 & 11 Vict.  
c. cxcvii.11 & 12 Vict.  
c. cxliii.

applied for the Improvement of the Port and Harbour of *Wisbech*, and which Duties are in this Act called the Port and Harbour Duties: And whereas by an Act (Local) of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred and ninety-seven, intituled *An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, as Guardians of the Port and Harbour of Wisbech, to raise a Sum of Money, and for other Purposes*, (in this Act called the Act of 1847,) the Corporation were authorized to borrow not exceeding Fifteen thousand Pounds on the Credit of the Port and Harbour Duties by the Act of 1810 authorized: And whereas the Corporation have not borrowed any Money under the Authority of the Act of 1847: And whereas by an Act (Local) of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and forty-three, intituled *An Act to improve the River Nene and Wisbech River, and the Drainage of Lands discharging their Waters into the same*, (in this Act called the Act of 1848,) the Commissioners of the *Nene* Outfall were authorized to make certain Drainage and other Improvement Works, some of them for the Improvement of the *Wisbech River*, and Provision was thereby made for the Payment by the Corporation of a gross Contribution, and also of an annual Contribution, towards the Expense of making Parts of those Works, and for raising such gross and other Sums the Corporation were authorized to demand and take additional Duties on Vessels and Goods in the Port of *Wisbech*, which additional Duties are in this Act called “the *Nene* Improvement Duties,” and the Powers and Authorities of the Corporation, under the Act of 1810 or otherwise, for the Recovery of the Port and Harbour Duties, as by the Act of 1810 authorized, were extended to the recovering of the *Nene* Improvement Duties, and the Corporation were authorized to borrow on Mortgage of the *Nene* Improvement Duties any Sums not exceeding the Amount of such gross Contribution, and Provision was made for the Application of the clear Surplus (if any) of the *Nene* Improvement Duties as a Sinking Fund for paying off the Moneys so borrowed: And whereas the Amount of the gross Contribution to be paid by the Corporation, under the Act of 1848, was Fourteen thousand Pounds, and the Amount of the annual Contribution to be paid by them under that Act was fixed at Three hundred Pounds: And whereas the Corporation paid that gross Contribution of Fourteen thousand Pounds, and they have hitherto paid that annual Contribution of Three hundred Pounds: And whereas, in order to obtain Means for the Payment of that gross Contribution, the Corporation borrowed the Sum of Nine thousand five hundred Pounds on Mortgage of the *Nene* Improvement Duties, and that Sum remains on the Security thereof, and they paid Four thousand five hundred Pounds, the Residue of that gross Contribution, out of Moneys received by them from the Port and Harbour Duties



*Wisbech Port Act, 1855.*

Duties and the *Nene* Improvement Duties respectively : And whereas by an Act (Local) of the Session of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter One hundred and twenty-eight, intituled *An Act for constituting Commissioners for the Improvement of the River Nene and the Navigations thereof, for the more effectual Drainage of certain Lands in the Counties of Northampton, Huntingdon, and Cambridge, and for other Purposes*, (in this Act called the Act of 1852,) Commissioners for the Execution thereof were incorporated by the Name of the *Nene Valley* Drainage and Navigation Improvement Commissioners, (in this Act called the Incorporated Commissioners,) and were authorized to make certain Drainage and other Improvement Works, some of them for the Improvement of the *Wisbech River*, and Provision was thereby made for the Payment by the Corporation to the Incorporated Commissioners by Three equal Instalments of a gross Contribution of Forty thousand Pounds towards the Expense of making Parts of those Works, and that gross Sum was charged upon and made payable out of the Port and Harbour Duties and the *Nene* Improvement Duties, (those Duties collectively being in the now-reciting Act, Section One hundred and forty-nine, and in this Act, called the Harbour Tolls and Duties,) and the Corporation were authorized to borrow not exceeding the Amount of that gross Sum on Mortgage of the Harbour Tolls and Duties, and the Harbour Tolls and Duties were thereby continued until that gross Sum, and all Interest for the same, should be fully paid and satisfied, and the Corporation were thereby authorized to raise not exceeding Ten thousand Pounds, Part of that gross Sum, on Mortgage of their Real Estates ; and it was thereby provided, that, notwithstanding any such Mortgage, the Harbour Tolls and Duties should be the ultimate Fund for the Payment of the Principal Sums so borrowed on Mortgage of those Estates, and that such Principal Sums, but not the Interest thereof, should be ultimately paid out of the Harbour Tolls and Duties ; and for providing additional Means towards the Execution and Maintenance of the Works by the now-reciting Act authorized, the Corporation were authorized to demand and take a further Duty of One Halfpenny a Ton on Goods in the Port of *Wisbech* (in this Act called the Halfpenny Duty), and Provision was made for the Payment by the Corporation to the Incorporated Commissioners of the net Amount of the Halfpenny Duty, to be applied to the Maintenance of Part of those Works ; but the Corporation were authorized to redeem the Halfpenny Duty by the Payment to the Incorporated Commissioners, as the Price of such Redemption, of a gross Sum equal to Twenty-five Years Purchase of the average net Amount of the Halfpenny Duty, and to raise such Price by Mortgage of the Harbour Tolls and Duties ; and it was provided, that when the Contribution of Forty thousand Pounds, and all Sums borrowed on Mortgage of the Harbour Tolls and Duties or of the Estates of the Corporation, and all Interest for the same, and any

15 & 16 Vict.  
c. cxxviii.

*Wisbech Port Act, 1855.*

17 & 18 Vict.  
c. lxxxii.

any Sums paid by the Corporation as the Price for the Redemption of the Halfpenny Duty and the Interest thereof, should be fully paid, then the Halfpenny Duty and the *Nene* Improvement Duties should cease; and the Corporation were authorized to borrow at Interest on the Credit of the Harbour Tolls and Duties any Sums not exceeding the Sum to be contributed by them: And whereas the Corporation afterwards paid to the Incorporated Commissioners the Sum of Thirteen thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, being the First Instalment of the Contribution of Forty thousand Pounds to be made by the Corporation: And whereas, in order to enable the Corporation to make that Payment, they borrowed the Sum of Ten thousand Pounds on Mortgage of a Portion of their Real Estates, and the Sum of One thousand five hundred Pounds on Mortgage of the Harbour Tolls and Duties, and those Sums remain on the Security of such Mortgages respectively, and they paid One thousand eight hundred and thirty-three Pounds Six Shillings and Eightpence, the Residue of that First Instalment, out of Moneys received by them from the Harbour Tolls and Duties: And whereas by an Act (Local) of the Session of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-two, intituled *An Act to amend the Nene Valley Drainage and Navigation Improvement Act, 1852, and to provide additional Funds for carrying out certain of the Improvements authorized by such Act*, (in this Act called the Act of 1854,) it was provided, that the Corporation and others should contribute further Sums to the Funds of the Incorporated Commissioners, applicable for Part of the Works by the Act of 1852 authorized, and Provision was made for ascertaining and determining by Arbitration the Sums to be so contributed; and it was thereby enacted, that with respect to any increased Amount of Contribution awarded to be paid by the Corporation they should raise the Sum by which their Contribution should be increased by all or any of the Ways and Means by the Act of 1852 authorized or prescribed with reference to the Contribution to be made by them under the Provisions thereof in such Manner as they could have done if the Amount of their Contribution, with such Increase, had been the Sum by the Act of 1852 directed to be contributed, and the Harbour Tolls and Duties should continue to be levied by the Corporation for the Payment of any increased Amount of such Contribution, and they might and should, in order more effectually to provide additional Means for the Discharge as well of the Sum by the Act of 1852 directed to be contributed by them as also of any increased Amount of such Contribution which might be awarded to be paid by them by virtue of the now-reciting Act, levy such an Increase of the Harbour Tolls and Duties, and levy and assess such additional or further Tolls or Duties of the like Nature, and extend and enlarge the Term or authorize the longer



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*Wisbeck Port Act, 1855.*

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longer Continuance of any Tolls or Duties already authorized to be levied, for such Period as they might think proper, and as they might consider to be requisite for the raising of the Money on Mortgage for Payment of the increased Contribution, with the Interest thereof, and all Expenses connected therewith; and the Provisions of the Act of 1852, should have the Operation and Effect, with respect to the Contribution so increased, and to the additional Tolls and Duties to be levied in respect thereof, and to the Mortgage of the same, as they would have if the increased Amount of Contribution had been originally directed to be paid under the Provisions of the Act of 1852; and every Mortgage already made by the Corporation, by virtue of the Act of 1852, of the Harbour Tolls and Duties or any of them, should be a Charge upon any increased Amount thereof, and upon any additional or further Tolls or Duties of the like Nature which might be levied or assessed by virtue of the now-reciting Act, in the same Manner and in an equal Degree as any Mortgage to be made under the Provisions of the now-reciting Act; and Provision was thereby made that the Corporation, after full Payment of the gross Sum to be contributed by them under the Act of 1852, and of any increased Amount of Contribution awarded to be paid by them by virtue of the now-reciting Act, should yearly apply the clear Surplus of the Harbour Tolls and Duties remaining after satisfying the yearly Interest of the Mortgages thereon, and the Expenses therein expressed, and the other Purposes to which the Harbour Tolls and Duties were or should be applicable, in or towards Payment of the Principal Money due on such Mortgages: And whereas by the Acts of 1852 and 1854 respectively Provision was made for enabling the Incorporated Commissioners, in default of any Payment to them by the Corporation, to take possession of and increase the Harbour Tolls and Duties, and borrow Money on the Security thereof for the Purpose of making good the Payments so in default: And whereas, after the passing of the Act of 1854, the Corporation paid to the Incorporated Commissioners the Sum of Thirteen thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, being the Second Instalment of the original Contribution of Forty thousand Pounds to be made by the Corporation: And whereas, in order to enable the Corporation to make that Payment, they borrowed the Sum of Ten thousand Pounds on Mortgage of the Harbour Tolls and Duties, and that Sum remains on that Security, and they paid Three thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, the Residue of that Second Instalment, out of Moneys received by them from the Harbour Tolls and Duties: And whereas at the Time of the borrowing of that Sum of Ten thousand Pounds, which was before the making of any Award under the Act of 1854, it was anticipated by the Corporation and the Lenders, that the Amount, if any, of the increased Contribution by

[*Local.*]28 *T*

the



*Wisbech Port Act, 1855.*

the Corporation under that Act, would probably be inconsiderable, but in order to guard against Contingencies the Lenders consented to make the Loan only as a temporary Loan, and on a Pledge by the Corporation that they would, if necessary, (meaning thereby if any considerable Increase of their Contribution should be awarded,) apply to Parliament for Power to guarantee the Repayment thereof, with Interest, by Charge on their Corporate Estates: And whereas an Award was afterwards made by the Right Honourable Sir *John Somerset Pakington* Baronet, under the Act of 1854, whereby he awarded that the following increased Contributions should be paid by the Corporation; to wit,

£	s.	d.	
12,000	0	0	to be paid in One Sum on the Second Day of <i>July</i> One thousand eight hundred and fifty-five:
4,670	12	6	to be paid in One Sum, if required, for certain contingent Works:
10,000	0	0	to be paid in One Sum, if required, for certain contingent Works:

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£ 26,670 12 6

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And whereas the Corporation have certainly to pay to the Incorporated Commissioners the Third Instalment, amounting to Thirteen thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, of the original Contribution of Forty thousand Pounds, and the certain increased Contribution of Twelve thousand Pounds, making together the Sum of Twenty-five thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, and they may also have to pay the contingent Contributions of Four thousand six hundred and seventy Pounds Twelve Shillings and Sixpence and Ten thousand Pounds, making together the Sum of Fourteen thousand six hundred and seventy Pounds Twelve Shillings and Sixpence, and which certain and contingent Payments make together the total Sum of Forty thousand and three Pounds Nineteen Shillings and Twopence: And whereas the Harbour Tolls and Duties do not afford an adequate Security for such an Amount, in addition to the annual Contribution of Three hundred Pounds, and the several Mortgages now subsisting thereon: And whereas, in order to provide for the Payment of the Interest of the Sums borrowed and to be borrowed upon the Security of the Harbour Tolls and Duties, and also to provide a moderate Sinking Fund for paying off the Principal Moneys charged thereon, it has become requisite for the Corporation to exercise their Powers of increasing the Amount of the Harbour Tolls and Duties, and it is of importance, for the Prosperity of the Port, that the Amount of the Harbour Tolls and Duties should be as low as possible: And whereas (as appears by the foregoing Recitals) the Corporation

have

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have been authorized to borrow, in addition to the Amount requisite for the Redemption of the Halfpenny Duty, as follows :—

	£	s.	d.
By the Act of 1847 - - -	15,000	0	0
By the Act of 1848 - - -	14,000	0	0
By the Act of 1852 - - -	40,000	0	0
By the Act of 1854			
Certainly - - -	12,000	0	0
Contingently - - -	4,670	12	6
	10,000	0	0
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	£95,670	12	6

And they have borrowed as follows:—

	£	s.	d.
Under the Act of 1848 - - -	9,500	0	0
Under the Act of 1852 - - -	21,500	0	0
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	£31,000	0	0

And they have applied to the Purposes of the Acts of 1848 and 1852 a Sum of £9,666 13s. 4d. out of Moneys received by them from the Harbour Tolls and Duties, and it will certainly be requisite for them to pay as follows :—

	£	s.	d.
Under the Act of 1852 the Third Instal- ment of - - -	13,333	6	8
Under the Act of 1854 the certain Pay- ment of - - -	12,000	0	0
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	£25,333	6	8

And it may be requisite for them to pay as follows :

Under the Act of 1852 the Amount requisite for the Redemption of the Halfpenny Duty :

	£	s.	d.
Under the Act of 1854 the contingent Payments of - - -	4,670	12	6
	10,000	0	0
	<hr/>		
	£14,670	12	6

And it is therefore expedient that their Power to borrow the Amount requisite for the Redemption of the Halfpenny Duty and those Sums of - - - - -

	£25,333	6	8
and - - - - -	14,670	12	6
making together - - -	<hr/>		
	£40,003	19	2

be continued ; but it is expedient that the Act of 1847 be repealed, and that their Power of borrowing thereunder be not now continued, but



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but be left for the future Consideration of Parliament: And whereas the Corporation are desirous, and it is expedient that they be authorized, to mortgage their Corporate Estates and their Market Tolls, and the Rates by this Act granted, by way of collateral Security for the Sums already and to be hereafter secured by Mortgage of the Harbour Tolls and Duties, and the Interest thereon: And whereas it is expedient that the Powers of the Corporation of borrowing and reborrowing for the Purposes of the recited Acts, exclusive of the Act of 1847, be amended: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (to wit,)

Short Title. I. This Act may be cited for any Purpose as "*Wisbech Port Act, 1855.*"

11 & 12 Vict. c. cxliii. repealed, except as to Acts done. II. The recited Act of 1847 is repealed: Provided always, that, notwithstanding such Repeal, everything before the passing of this Act done and suffered respectively under the Act of 1847 shall be as valid as if this Act were not passed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened, and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered respectively.

Parts of 10 & 11 Vict. c. 16. incorporated. III. The Clauses "with respect to the Mortgages to be executed by the Commissioners" of "The Commissioners Clauses Act, 1847," are incorporated with this Act; and the Expression "Commissioners" in that Act means for the Purposes of this Act the Corporation; and the Expressions "Clerk to the Commissioners" and "Office of the Commissioners" in that Act mean for the Purposes of this Act the Town Clerk and the Town Clerk's Office.

Extinction of borrowing Powers under recited Acts, except for Redemption of Halfpenny Duty. IV. After the passing of this Act the Corporation shall not borrow or reborrow any Sum under the Authority of any of the recited Acts, save only that they may from Time to Time borrow and reborrow, under the Authority of the Act of 1852, any Sums not exceeding the Amount requisite for the Redemption of the Halfpenny Duty: Provided always, that they shall not so reborrow any Sum paid off by means of a Sinking Fund.

Power to borrow on Mortgage of this Act. V. The Corporation from Time to Time, under the Authority of this Act, may borrow at Interest on Mortgage of the Harbour Tolls and



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and Duties, including any increased or additional or further Duties at any Time levied under the Act of 1854, any Sums not exceeding in the whole Forty thousand and three Pounds Nineteen Shillings and Twopence: Provided always, that to the Extent of any Principal Sums from Time to Time hereafter paid by the Corporation for any of the Purposes of the Acts of 1852 and 1854 respectively, out of Moneys received from the Harbour Tolls and Duties, instead of out of Money borrowed, their Power of borrowing under this Act shall cease: Provided also, that only so much of the Sum of Fourteen thousand six hundred and seventy Pounds Twelve Shillings and Sixpence, Parcel of that Sum of Forty thousand and three Pounds Nineteen Shillings and Twopence, shall be borrowed as may be required by them to meet the said contingent Payments herein-before mentioned, as and when the same or any of them may become payable.

Tolls and  
Harbour  
Duties ;

VI. For the Purpose of paying off the several Sums of Nine thousand five hundred Pounds, Ten thousand Pounds, One thousand five hundred Pounds, and Ten thousand Pounds, which the Corporation have already borrowed as herein-before recited, or any of them or any Part thereof respectively, or of paying off any Money from Time to Time borrowed by them under the Authority of this Act, the Corporation, under the Authority of this Act, may reborrow at Interest on Mortgage of the Harbour Tolls and Duties the Amount so paid off, and so from Time to Time: Provided always, that the Sum of Ten thousand Pounds which has been borrowed by the Corporation under the Powers of the Act of One thousand eight hundred and fifty-two upon Mortgage of a Portion of their Real Estates, shall continue charged thereon until the whole Amount of the Contributions which the Corporation are liable to pay the Incorporated Commissioners shall have been fully paid to such Incorporated Commissioners.

and to re-  
borrow.

VII. Provided always, That the Amount which the Corporation may from Time to Time reborrow under the Authority of this Act shall not exceed Seventy-one thousand and three Pounds Nineteen Shillings and Twopence: Provided also, that the Corporation shall not reborrow under this Act any Sum paid off by means of a Sinking Fund, or out of Moneys received from the Harbour Tolls and Duties.

Corporation  
not to re-  
borrow  
under this  
Act more  
than 71,003*l.*  
19*s.* 2*d.*

VIII. Provided always, That the annual Contribution of Three hundred Pounds, and all Mortgages of the Harbour Tolls and Duties granted by the Corporation, under the recited Acts or any of them, and in force at the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages of the Harbour Tolls and Duties granted by the Corporation under this Act.

Priority of  
existing  
Mortgages  
of Harbour  
Tolls and  
Duties.

[*Local.*]

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IX. Every



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Form of  
Mortgage as  
in Schedule.

IX. Every Mortgage of the Harbour Tolls and Duties from Time to Time granted under this Act may be according to the Form (No. 1.) in the Schedule to this Act annexed, or to the like Effect.

Power to  
grant col-  
lateral Mort-  
gages of  
Corporate  
Estates,  
Market  
Tolls, &c.

X. The Corporation from Time to Time, under the Authority of this Act, may grant to any Mortgagee under the recited Acts and this Act, or any of them, of the Harbour Tolls and Duties, a collateral Mortgage of the Corporate Estates, and their Market Tolls, and the Rates by this Act granted, by way of collateral Security for the Principal Money and Interest secured by his Mortgage of the Harbour Tolls and Duties.

Form of col-  
lateral Mort-  
gage.

XI. Every collateral Mortgage of the Corporate Estates, Market Tolls and Rates, from Time to Time granted under this Act, may be according to the Form (No. 2.) in the Schedule to this Act annexed, or to the like Effect.

Priority of  
existing  
Mortgages  
and Charges  
on Corporate  
Estates and  
Borough  
Fund.

XII. All Mortgages and Securities to which at the passing of this Act the Corporate Estates and Market Tolls are subject shall during the Continuance thereof respectively have Priority over all collateral Mortgages on the Corporate Estates and Market Tolls granted by the Corporation under this Act.

Arrears may  
be enforced  
by Appoint-  
ment of a  
Receiver.

XIII. The several Mortgagees of the Harbour Tolls and Duties, and of the Corporate Estates, Market Tolls and Rates respectively, may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Sum to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Registers of  
Mortgages,  
&c.

XIV. The Town Clerk shall keep distinct Registers of the Mortgages of the Harbour Tolls and Duties, and the Transfers of such Mortgages, and of the collateral Mortgages of the Corporate Estates, Market Tolls and Rates, and the Transfers of such collateral Mortgages.

Amount of  
Sinking  
Fund.

XV. The Amount to be set apart yearly by the Corporation as a Sinking Fund for the Payment of the Principal Moneys from Time to Time secured by Mortgages granted by them under the recited Acts and this Act, or any of them, shall be at least Five hundred Pounds: Provided always, that no Money shall be set apart for a Sinking Fund until all the Contributions payable to the Incorporated Commissioners, except the contingent Contributions of Four thousand six hundred and seventy Pounds Twelve Shillings and Sixpence and Ten thousand Pounds, and the said Halfpenny Duty, herein-before mentioned, or its Redemption Price, shall have been paid, nor, after such contin-  
gent



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gent Funds respectively shall become payable, until after the same are actually paid.

XVI. The Harbour Tolls and Duties shall, by way of complete Indemnity to the Corporate Estates, be liable to the Repayment to the Credit of the Borough Fund of all Principal Moneys whatsoever already or hereafter paid out of the Corporate Estates and Market Tolls and the Rates by this Act granted respectively, or any Part thereof, by reason of any Mortgage or collateral Mortgage already or hereafter granted under or otherwise for any of the Purposes of the recited Acts and this Act or any of them: Provided always, that no Money arising from the Harbour Tolls and Duties shall be applicable towards such Repayment until the whole of the Contributions now or hereafter actually payable by the Corporation to the Incorporated Commissioners shall have been fully paid and discharged.

Indemnification of Corporate Estates and Borough Fund by Port and Harbour Duties.

XVII. Whenever the Moneys arising from the Harbour Tolls and Duties in any Year ending with the Thirty-first Day of *August* applicable to the Payment of the Interest of the Principal Moneys then secured on the Harbour Tolls and Duties, and for which collateral Mortgages are granted under this Act, and for providing to the Extent of Five hundred Pounds the Sinking Fund by this Act required, are insufficient for those Purposes, and the net Rents and Profits arising in that Year from the Corporate Estates and Market Tolls comprised in such collateral Mortgages or any of them are not enough to make good such Insufficiency, the eventual Deficiency shall be made good by means of the Rates by this Act granted: Provided also, that no such Rate shall be made in respect of any Year ending with the Thirty-first Day of *August* in which the Proceeds of the Harbour Tolls and Duties are sufficient to pay such Interest, and to provide Five hundred Pounds for such Sinking Fund.

If Harbour Tolls and Dues are insufficient in any One Year for Payment of Interest on collateral Mortgages, &c., Deficiency to be made up by Rates.

XVIII. For the Purpose of making good such eventual Deficiency, the Corporation from Time to Time, under the Authority of this Act, may make, levy, collect, recover, and receive, upon and from the several Persons from Time to Time liable to be rated for the Watch Rate for the Borough, and in respect of the Property within that Part of the Borough which is from Time to Time liable to be rated to the Watch Rate, One or more Rate or Rates; and every such Rate shall be made in respect of all Property so rateable to the Watch Rate, and according to the yearly rateable Value for that Purpose of such Property; and the Amount of every such Rate shall be such an Amount as the Corporation from Time to Time think requisite for making good such eventual Deficiency, including the Costs, Charges, and Expenses of and incidental to the making, levying, collecting, recovering, and receiving of the Rate: Provided always, that the aggregate

Power to make Rate accordingly.



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aggregate Amount of such Rates to be made, levied, or collected in any One Year shall not exceed Tenpence in the Pound upon the yearly rateable Value of such Property as aforesaid.

Production  
of Poor Rate  
and Watch  
Rate Assess-  
ments.

XIX. The Overseers of the Poor or other Officers from Time to Time having the Custody of the Poor Rate or Watch Rate Assessments of the Parish of *Wisbech St. Peter* in the Borough shall, on Request, produce such Poor Rate and Watch Rate Assessments respectively to the Corporation, or to such Persons as they appoint, and permit them to take Copies thereof or Extracts therefrom; and every Person offending against this Enactment shall for every such Offence forfeit Ten Pounds.

Recovery of  
Rates.

XX. If any Person rated under this Act fail, after Demand thereof, to pay any Rate by this Act authorized or any Part thereof, the Corporation, or the Person appointed to collect such Rate, may recover the same in any Court of competent Jurisdiction, or as a Penalty, or may seize or distrain any of the Goods or Chattels belonging to or in possession of the Person liable to pay the same; and if any such Rate or any Part thereof, and the reasonable Charges of Distress, be not paid within Five Days after such Distress is made, the Person so distraining may and shall sell the Goods and Chattels so distrained, or a sufficient Part thereof, returning, upon Demand, after deducting such Rate, and the reasonable Charges of such Distress and Sale, the Overplus, if any, of the Money arising by such Sale, and the Goods and Chattels, if any, remaining unsold, to the Owners thereof; and the Remedies by this Act provided for the Recovery of the Rates shall be cumulative.

Incidents of  
Rate.

XXI. Except as is by this Act otherwise provided, every such Rate shall be made, levied, and recovered, and may be amended and appealed against, and may be dealt with on Appeal, and shall have all other Incidents whatever as if it were a Watch Rate.

Harbour  
Tolls and  
Duties  
Account to  
be kept.

XXII. In order the more clearly to show their Receipts and Expenditure, and the due Application of Moneys for the Purposes of this Act, the Corporation shall keep a proper Account of their Receipts, Credits, Payments, and Liabilities with respect to the Execution of the recited Acts and this Act respectively distinct from their other Accounts, and to be called "The Harbour Tolls and Duties Account;" and an Abstract of that Account shall be published yearly in *September* or *October* in like Manner as the Accounts of the Borough Fund are from Time to Time published, and as Part of the Abstract of those Accounts.

Moneys to  
be carried to  
Credit

XXIII. The Corporation from Time to Time shall carry to the Credit of the Harbour Tolls and Duties Account all Sums received  
by



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by them on account of the Harbour Tolls and Duties, and all Sums raised by them under this Act by any Rate, and all Sums borrowed by them under this Act, and all other Sums, if any, received by them under or for the Purposes of this Act. Harbour  
Tolls and  
Duties  
Account.

XXIV. The Corporation from Time to Time shall apply the Monies borrowed and reborrowed by them under this Act as follows, (to wit,) Application  
of Moneys  
borrowed.

First, the Moneys borrowed for paying Contributions to the Incorporated Commissioners, in paying such Contributions :

Second, the Moneys reborrowed for paying off Moneys borrowed by them under the recited Acts and this Act or any of them, in paying off the Moneys so borrowed :

Third, the Moneys borrowed for any other Purposes, for the several Purposes by the recited Acts or any of them respectively prescribed or authorized.

XXV. The Corporation from Time to Time (but subject and without Prejudice to the Rights of all Persons under the several Mortgages of the Harbour Tolls and Duties, and Mortgages and Securities on the Corporate Estates and Market Tolls and Rates, respectively in force on the passing of this Act,) shall apply the Moneys carried to the Credit of the Harbour Tolls and Duties Account, other than Moneys borrowed or reborrowed under this Act, as follows ; (to wit,) Application  
of other  
Moneys.

First, in Payment of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act :

Second, in Payment of the Salaries of the Harbour Masters and other Officers appointed by the Corporation for Purposes having reference to the Port and Harbour, and of the Expense of the several Works authorized by the Act of 1810, Section 57, and of executing the other Powers of that Act having reference to the Port and Harbour, as the Corporation from Time to Time think necessary :

Third, in Payment of the annual Contribution of Three hundred Pounds :

Fourth, in Payment of the Interest on the Principal Moneys from Time to Time secured by Mortgages of the Harbour Tolls and Duties :

Fifth, in providing the Sinking Fund by this Act required :

Sixth, in Repayment to the Credit of the Borough Fund of all Sums from Time to Time paid out of the Corporate Estates and Market Tolls, or any Part thereof, by reason of any collateral Mortgage granted under this Act.

XXVI. From and after full Payment of all Principal Moneys under the recited Acts and this Act or any of them from Time to Time borrowed or reborrowed on Mortgage of the Harbour Tolls and Duties, Eventual  
Cesser of  
Harbour  
Tolls and  
Duties.

[*Local.*]

28 X

Duties,



*Wisbech Port Act, 1855.*

Duties, and of the Interest thereon, and full Payment or Satisfaction of all other Charges, Liabilities, and Purposes whatsoever to which, under the recited Acts and this Act or any of them, the Harbour Tolls and Duties are or shall be subject or applicable, the Harbour Tolls and Duties shall cease.

Saving  
Rights of  
Charity  
Trustees of  
the Borough  
and of the  
Master of  
the Free  
Grammar  
School.

XXVII. Provided always, That nothing in this Act shall take away, lessen, prejudice, or affect any of the Rights, Interests, or Claims of the Charity Trustees of the Borough, or of the Master of the Free Grammar School of the Borough, but the Corporate Estates of the Corporation of the Borough Fund of the Borough shall be liable, as if this Act were not passed, to make the several Payments heretofore rightfully made by the Corporation to those Trustees and that Master respectively, and all Mortgages of those Estates made under this Act shall accordingly be subject and without Prejudice to those Payments.

Saving  
Rights of  
Incorporated  
Commission-  
ers ;

XXVIII. Provided always, That nothing in this Act shall take away, lessen, prejudice, or affect any of the Powers of borrowing Money on Mortgage of the Harbour Tolls and Duties, and of entering upon and taking possession of the same, given or authorized by the Acts of 1852 and 1854, or by either of such Acts, to the Incorporated Commissioners, in case they become entitled to exercise such Powers in any of the Events contemplated by such Acts or either of them, nor to take away, lessen, prejudice, or affect any other Rights, Interests, Powers, or Authorities of the Incorporated Commissioners, but all the Powers, Rights, Interests, and Authorities of the Incorporated Commissioners shall be and remain in full Force and Effect, in as full and ample a Manner, to all Intents and Purposes, as they would have been if this Act had not passed.

and of Com-  
missioners of  
the Nene  
Outfall.

XXIX. Provided always, That nothing in this Act shall take away, lessen, prejudice, or affect any of the Rights, Interests, or Claims of the Commissioners of the *Nene* Outfall.

Saving  
Rights of  
Corporation.

XXX. Provided always, That, except as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or affect any of the Rights, Interests, Powers, or Authorities of the Corporation.



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*Wisbech Port Act, 1855.*

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**SCHEDULE** to which the foregoing Act refers.  

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*Form of Mortgage of Harbour Tolls and Duties.*

No. [                      ]                      £ [                      ]

We, the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, by virtue of "The Wisbech Port Act, 1855," and in consideration of the Sum of £ [                      ] to our Mayor for our Use paid by [A.B. of, &c.], being Part of the Sum of Money which by the said Act we are empowered to borrow [or reborrow] and take up at Interest for the Purposes therein mentioned, do hereby mortgage, assign, and convey unto the said [A.B.], his Executors, Administrators, and Assigns, such Proportion of the Harbour Tolls and Duties payable unto or to the Use of us, the said Mayor, Aldermen, and Burgesses, which by the said Act we are empowered to mortgage, as that Sum of £ [                      ] doth or shall bear to the whole Sum which is or shall be secured under the said Act, or any Act therein recited, by Mortgages of the said Harbour Tolls and Duties or any Part thereof, to hold the same to the said [A.B.], his Executors, Administrators, and Assigns, from this Day until the said Sum of £ [                      ], together with Interest for the same after the Rate of £ [                      ] per Centum per Annum, to be computed from the Day of the Date hereof, shall be fully repaid and satisfied to him or them, 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 Corporate Seal, this [                      ] Day of [                      ] in the Year of our Lord 18 [                      ].

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*Form of Collateral Mortgage of Corporate Estate, Market Tolls, and Rates.*

No. [                      ]                      £ [                      ]

By virtue of "The Wisbech Port Act, 1855," we, the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, by way of collateral Security for the Principal Sum of £ [                      ] and Interest primarily secured to [A. B. of, &c.] by a Mortgage of our Harbour Tolls and Duties made by us under [here state the Act under which the primary Mortgage was granted], and dated [                      ] and numbered [                      ], do grant unto the said



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*Wisbech Port Act, 1855.*

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said [*A. B.*], his Executors, Administrators, and Assigns, such Proportion of the Corporate Estates and Market Tolls of the Borough of Wisbech, and of the Rates by "The Wisbech Port Act, 1855," granted, as that Principal Sum doth or shall bear to the whole Sum which is or shall be secured under "The Wisbech Port Act, 1855," by collateral Mortgages of the Corporate Estates, Market Tolls and Rates, to hold to the said [*A. B.*], his Executors, Administrators, and Assigns, from this Day until that Principal Sum, with the Interest thereon, be fully paid or satisfied, according to the Terms of that primary Mortgage.

Given under our Corporate Seal, this [                      ] Day of  
[                      ] in the Year of our Lord 18[    ].

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