

thereof, to be payable and recoverable and to be applied as in the said Act mentioned; and for aiding the several Purposes of the said recited Act it is thereby further enacted, that it shall be lawful for the "*North Level Commissioners*," (being the Name by which the Commissioners by the said Act appointed for executing the same are therein designated,) and they are thereby empowered, at any of their Meetings, (Forty at least of the said Commissioners being then present,) to provide and raise, or to direct or authorize their Committee for the Time being to provide and raise, all or any Part or Parts of the Costs and Charges of making and completing a certain Sluice called the *North Level Sea Sluice*, and of making, executing, and completing the several Drains and other Works by the said Act authorized to be made and executed, or any of them, either by borrowing or taking up any Principal Sum or Sums of Money, at Interest, upon any Mortgage or Mortgages of all or any or any Part or Parts of the several yearly Taxes, Tolls, and other Monies respectively assessed, taxed, and charged or otherwise made payable to or for the Use of the said Commissioners by the several Provisions of the said Act, as therein mentioned, or by selling any Annuity or Annuities to be payable out of all or any Part or Parts of the same Taxes, Tolls, and Monies during the Life or Lives of any One or more Person or Persons, or by both of the said Means, as the said Commissioners assembled at any of their said Meetings shall from Time to Time think proper or see Occasion so to provide and raise, and, by Writing under the Hands and Seals of any Five of the said Commissioners present at any of their said Meetings, the Clerk of the Meeting being one of them, to assign or charge (as the Case shall require) the same Taxes, Tolls, and Monies, or any of them, or any Part or Parts thereof respectively, to any Person or Persons who shall lend or advance any such Principal Sum or Sums of Money, or purchase any such Annuity or Annuities as aforesaid, as a Security or Securities for the Repayment of such Principal Sum or Sums of Money, with Interest for the same, not exceeding the Rate of Five Pounds per Centum per Annum, or for the Payment of such Annuity or Annuities: And whereas it would facilitate the raising of the Monies necessary for carrying the said recited Act into execution, upon more favorable Terms, if the Power thereby vested in the said *North Level Commissioners*, of borrowing Monies upon Mortgage or by the Sale of Annuities upon the Credit of the said Taxes, were limited to the raising of a fixed Sum of Money as hereinafter mentioned by Mortgage only, and if a Sum were annually appropriated by way of a Sinking Fund for the Repayment of the Principal Monies to be borrowed, and if a clear annual Sum were provided to be raised for making, maintaining, and supporting the several Works by the said Act authorized to be made and completed, and for carrying the said Act into execution, after Payment of the yearly Interest of the Monies to be so borrowed, and providing for such Sinking Fund as aforesaid, and if for further securing the Monies to be so borrowed, and the Interest thereof, and for effectuating the several Purposes aforesaid, the several Lands lying within the said Five several Districts of the *North Level* and *Great Portsand*, by the said Act charged with the yearly Tax of Three Shillings per Acre as aforesaid, were charged with an additional yearly Tax of One Shilling per Acre, to be raiseable as herein-after mentioned; but which several Purposes aforesaid cannot be effected without the Aid of

of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Principal Monies to be borrowed or taken up at Interest by the said *North Level* Commissioners upon any Mortgage or Mortgages of all or any or any Part or Parts of the yearly Taxes respectively now or hereafter to be assessed, taxed, or charged upon or payable out of the several Lands lying within the said Five Districts of the said *North Level* and *Great Portsand*, under the Authority of the said recited Act or of this Act, shall not exceed the Sum of One hundred and twenty thousand Pounds Principal Money to be due or owing in the whole at any One Time.

Sum to be raised upon the Credit of the Taxes not to exceed 120,000*l*.

II. And be it further enacted, That notwithstanding any thing in the said recited Act contained, it shall not be lawful for the said *North Level* Commissioners to raise any Sum or Sums of Money by way of Annuity on the Credit of the said Taxes thereby imposed, or any of them, or of the Tax herein-after imposed.

Commissioners not to raise Money by Annuity on the Taxes.

III. Provided always, and be it further enacted, That nothing in this Act contained shall disable the said *North Level* Commissioners from raising any further Sum or Sums of Money, over and above the said Sum of One hundred and twenty thousand Pounds, which may be required for defraying the Costs and Charges of making, completing, and maintaining the several Works by the said recited Act authorized to be made, or any of them, upon any Mortgage or Mortgages of the Tolls, Rents, and other Monies respectively authorized to be demanded and received or otherwise made payable to or for the Use of the said Commissioners by the Provisions of the said recited Act, (except the said yearly Taxes,) or by selling any Annuity or Annuities to be payable out of the same Tolls, Rents, and other Monies respectively, (except as aforesaid,) pursuant to the said recited Act, so that such further Sum or Sums of Money to be so raised as last mentioned do not exceed the Sum of Ten thousand Pounds Principal Money to be due or owing in the whole at any one Time.

The Commissioners not disabled from raising Money on the Credit of the Tolls, &c.

IV. And be it further enacted, That all and singular the Lands lying within the said Five several Districts of the said *North Level* and *Great Portsand*, by the said recited Act taxed and charged with the said yearly Tax of Three Shillings *per* Acre, shall be and the same are hereby respectively assessed, taxed, and charged with an additional yearly Tax of One Shilling for every Acre of the said Lands, and so in proportion for any Quantity less than an Acre thereof, the said additional yearly Tax of One Shilling *per* Acre to begin to be charged upon and to be thenceforth payable out of the same Lands respectively at and from the same Time or Times respectively, and to be paid, collected, and received by and to the same Person or Persons respectively, and at the same Place or Places, and otherwise in such Manner, and to be recoverable by all or any of the same Ways, Remedies, and Means, and to be liable to be mortgaged in the same Manner as is and are respectively provided, directed, or authorized by the said recited Act touching or

Additional yearly Tax of 1*s*. *per* Acre.

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I. GULIELMI IV. *Cap. xxvii.*

concerning the said yearly Tax of Three Shillings *per Acre* thereby assessed and charged as aforesaid, subject nevertheless to the Provisions in this Act contained.

Application
of the yearly
Tax of 3s.
per Acre.

V. And be it further enacted, That (notwithstanding any thing in the said recited Act contained to the contrary) the said yearly Tax of Three Shillings *per Acre*, so by the said recited Act assessed and charged as aforesaid, shall from Time to Time be applied, by or under the Authority of the said *North Level Commissioners*, in the Manner following; (that is to say,) in the first place, in paying the yearly Interest of any Principal Sum or Sums of Money to be borrowed, under the Authority of the said recited Act and of this Act, upon any Mortgage or Mortgages of both the said yearly Taxes of Three Shillings and One Shilling *per Acre*, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds to be due or owing on the said Taxes at any One Time; and, in the next place, in appropriating the yearly Sum of Five hundred Pounds Sterling as a Sinking Fund in every Year, by equal half-yearly Payments, to be from Time to Time applied in, for, or towards the Discharge of any Principal Sum or Sums of Money which shall from Time to Time be due or owing on any such Mortgage or Mortgages of the said yearly Taxes as aforesaid, or otherwise, at the Option of the Mortgagee or Mortgagees of the said Taxes for the Time being, to be invested in the Names or Name of the Trustees or Trustee to be appointed in the Manner and for the Purposes herein after mentioned, the first of such half-yearly Payments or Investments to be made on the First Day of January which will be in the Year One thousand eight hundred and thirty-three, or within One Calendar Month afterwards, if the said Sum of One hundred and twenty thousand Pounds, or any Part thereof, shall then have been borrowed upon any Mortgage of the said yearly Taxes, but if no Part of the said last-mentioned Sum shall have been so borrowed on the said First Day of January One thousand eight hundred and thirty-three, then the first of such half-yearly Payments or Investments to be made at the End of Six Calendar Months next after the Date of the first Mortgage of the said yearly Taxes which shall be made under the Authority of the said recited Act and this Act, and which several Payments or Investments are to be made and applied in the Manner hereinafter expressed; and, in the next place, in appropriating the yearly Sum of One thousand Pounds Sterling in every Year, by equal half-yearly Payments, to be from Time to Time applied, by or under the Direction of the said Commissioners, either in the respective Years of the Appropriation thereof or in any other Year or Years, as the said Commissioners shall see Occasion, in, for, or towards the making, maintaining, and supporting the several Drains and other Works by the said recited Act authorized to be made, executed, and maintained, and in, for, or towards discharging the several Expenses incidental thereto, and of carrying the said recited Act and this Act into execution, the first of such last-mentioned half-yearly Payments to be made on the said First Day of January which will be in the Year One thousand eight hundred and thirty-three; and, in the next place, and after answering the several Purposes aforesaid, the Surplus of the said Tax of Three Shillings *per Acre* shall be applied in, for, or towards the several other Purposes

poses in, for, or towards which the same is by the said recited Act from Time to Time made available or applicable.

VI. And be it further enacted, That the said yearly Tax of One Shilling *per* Acre, so by this Act assessed and charged as aforesaid, shall from Time to Time be applied, by or under the Authority of the said *North Level* Commissioners, in aid of the said yearly Tax of Three Shillings *per* Acre, for the Payment of the yearly Interest of any Principal Sum or Sums of Money to be borrowed upon any such Mortgage or Mortgages as aforesaid, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds Principal Money to be due or owing on the said Taxes at any One Time, and for appropriating the said several yearly Sums of Five hundred Pounds and One thousand Pounds for the Purposes herein-before mentioned or referred to, in the Order and Course in which such Interest and yearly Sums respectively are herein-before directed to be paid, invested, and applied.

Application
of the yearly
Tax of 1s.
per Acre.

VII. Provided always, and be it further enacted, That from Time to Time and at all Times hereafter, when and so often as any Principal Sum or Sums of Money which shall be secured by any such Mortgage or Mortgages of the said yearly Taxes as aforesaid shall have been paid off and discharged by or out of the said yearly Sum of Five hundred Pounds Sinking Fund, herein-before directed to be provided and applied for that Purpose, or by or out of the additional yearly Sinking Fund hereby also directed to be provided and applied for that Purpose, as herein-after mentioned, and so long thereafter as any Principal Sum or Sums of Money shall remain due or owing upon any such Mortgage or Mortgages as aforesaid, such a yearly Sum, not exceeding in Amount the yearly Interest at the Rate of Four Pounds *per Centum per Annum* for or in respect of the said Principal Sum or Sums of Money so paid off and discharged by means of the said yearly Sinking Funds as aforesaid, as shall from Time to Time be agreed upon by and between the Mortgagee, or the major Part in Value of the Mortgagees (if more than One) for the Time being of the said Taxes, and the said Commissioners, (the Agreement of the said Commissioners to be testified by an Order made at one of their Meetings, and signed by the Chairman of such Meeting,) or in case no such Agreement shall be made and in force, then such a yearly Sum as shall be equal in Amount to the yearly Interest at the Rate of Four Pounds *per Centum per Annum* for or in respect of the said Principal Sum or Sums of Money so paid off and discharged by means of the said yearly Sinking Funds as aforesaid shall from Time to Time, before the Appropriation of the said yearly Sum of One thousand Pounds as aforesaid, be invested by the said Commissioners, by equal half-yearly Payments in every Year, in the Names or Name of the Trustees or Trustee for the Time being, to be appointed as herein-after mentioned, for the Purpose of forming thereby an additional Sinking Fund, to be applied in aid of the said yearly Sum of Five hundred Pounds Sinking Fund in the Manner herein-after expressed; which said yearly additional Sinking Fund shall be payable out of the said yearly Tax of Three Shillings *per* Acre, and, in aid thereof, out of the said yearly Tax of One Shilling *per* Acre, in the same Manner as the Interest upon any existing Mortgage or Mortgages of the said Taxes would or will be payable as aforesaid, yet so nevertheless that

Interest on
the Prin-
cipal Monies
paid off to
be invested
from the
Taxes as an
additional
Sinking
Fund.

[*Local.*]

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such

such yearly additional Sinking Fund be not so invested as aforesaid for or in respect of any greater Amount of Principal Monies so paid off and discharged as aforesaid than what would, together with the Amount of the Principal Monies for the Time being remaining due on any existing Mortgage or Mortgages, make up the largest Amount of the Principal Monies which shall have been due on any such Mortgage, or all such Mortgages as aforesaid, at any One Time, or than what would, together with the Amount of the Principal Monies for the Time being remaining due on any such Mortgage or Mortgages then existing, make up the Principal Sum of One hundred and twenty thousand Pounds in the whole.

Tax of 1s. per Acre not to be applied to any other than the Purposes herein expressed; and so much only as is wanted, shall be raised.

Provided also, and be it further enacted, That the said yearly Tax of One Shilling per Acre, by this Act assessed and charged as aforesaid, shall not be applied to any Purpose whatever other than and except the said Purposes herein before expressed; and to which the same is hereby expressly made applicable; and that so much only of the said yearly Tax of One Shilling per Acre as shall from Time to Time be required to provide for and satisfy those Purposes for the Year next following the Day on which such last mentioned Tax shall be payable, in every Year, under the said recited Act and this Act, shall be raised, levied, or demanded; any thing herein before contained to the contrary thereof notwithstanding.

The Treasurer of the Commissioners to pay and apply the Taxes in the Manner herein before directed, and in default thereof the same to vest in the Mortgagees.

IX: And be it further enacted, That the Treasurer for the Time being of the said North Level Commissioners, or in case of his Default, then any Collector of the said Commissioners, upon receiving Notice in that Behalf from any Mortgagee or Mortgagees for the Time being entitled to any Principal Monies to be so borrowed upon the Credit of the said several yearly Taxes of Three Shillings and One Shilling per Acre as aforesaid, and of which Default by the said Treasurer the Notice to be so given to any such Collector shall be sufficient Evidence, shall and he is hereby authorized and required to pay, appropriate, and apply the said yearly Taxes of Three Shillings and One Shilling per Acre, or so much thereof as may be necessary for the Purposes to which the same are respectively made applicable as aforesaid, in the Manner herein before by this Act directed; and in default of such Payment, Appropriation, and Application by the said Treasurer or Collector, pursuant to such Notice as aforesaid, then and in any such Case the said yearly Taxes of Three Shillings and One Shilling per Acre shall thereupon from Time to Time vest in the Mortgagee or Mortgagees to whom the same yearly Taxes shall have been respectively mortgaged as aforesaid, or his, her, or their respective Successors, Executors, Administrators, or Assigns; and such Mortgagee or Mortgagees in whom the said yearly Taxes of Three Shillings and One Shilling per Acre shall so vest as aforesaid, or any Person or Persons to be from Time to Time in Writing appointed for that Purpose by such Mortgagee, or the Majority in Value of such Mortgagees (if more than One) for the Time being, shall and may, from Time to Time when and as the same yearly Taxes shall be so vested in such Mortgagee or Mortgagees as aforesaid, have and exercise such and the same Powers, Privileges, and Remedies, for recovering, collecting, and receiving, and giving Receipts and Discharges for the same Taxes respectively,

respectively, as the said Commissioners, or their Treasurer or Collector, would have had, or could or might have exercised, in case no such Default had been made as aforesaid.

X. And be it further enacted, That the Mortgagee or Mortgagees in whom the said several yearly Taxes of Three Shillings and One Shilling *per* Acre shall so become vested as herein-before mentioned, or the Person or Persons to be from Time to Time appointed by him, her, or them as lastly herein-before mentioned, shall and do appropriate and apply the same yearly Taxes in manner herein-after mentioned; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences attending or occasioned by the levying, raising, recovering, and receiving the said Taxes, and executing the Trusts herein-after declared thereof; and, in the next place, in Payment of the yearly Interest of the Principal Monies which shall be due on any Mortgage or Mortgages to be made under the Authority of the said recited Act and of this Act, as herein-before mentioned, or so much of such Interest as shall for the Time being be due and unpaid; and, in the next place, in the Payment of the said yearly Sum of Five hundred Pounds in or towards the Discharge of any such Principal Monies as aforesaid, or in the Investment of the same as a Sinking Fund in the Names or Name of the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act in that Behalf, and also in the Investment in like Manner of the Monies herein-before directed to be yearly from Time to Time invested as an additional Sinking Fund, in order that such last-mentioned Monies may from Time to Time accumulate with the said yearly Sum of Five hundred Pounds at Compound Interest, by way of a general Sinking Fund, to be applied for the Purposes herein-after declared thereof; and as to the Surplus (if any) of the said yearly Taxes which shall remain in the Hands of such Mortgagee or Mortgagees as aforesaid, or of any Person or Persons who shall have been appointed by or on behalf of such Mortgagee or Mortgagees, for recovering, collecting, and receiving the same, as herein-before mentioned, be it hereby enacted, That such Surplus shall be paid to the Treasurer for the Time being acting for or on behalf of the said *North Level* Commissioners, and the Receipt or Receipts of such Treasurer shall be a sufficient Discharge for the same, or for so much thereof as in such Receipt or Receipts shall be expressed to be received; and such Surplus shall be paid and applied by such Treasurer according to the Directions herein contained for the Application of the said yearly Taxes respectively, after such Payment of the said Interest, and such Payment or Investment of the said yearly Sum of Five hundred Pounds by way of a Sinking Fund as aforesaid, and such Investment of the said other Monies by way of an additional Sinking Fund as aforesaid.

Application of the yearly Taxes when vested in the Mortgagees.

XI. Provided always, and be it further enacted, That no such Mortgagee or Mortgagees as aforesaid, nor any Person to be appointed by him, her, or them to collect and receive the said Taxes as aforesaid, shall be answerable or accountable for any more Money than he or they shall actually receive for or on account of such Taxes, nor shall such Mortgagee or Mortgagees be answerable or accountable for any Neglect or Default of any Person so to be appointed by him, her, or them to collect and receive the said Taxes as aforesaid, so that such

Mortgagees not to be answerable for more Monies than received, nor for Default of Collector appointed by them.

such Neglect or Default be not wilfully occasioned by such Mortgagee or Mortgagees.

When the Interest, &c. are paid, the yearly Taxes to become re-vested in the Commissioners.

XII. Provided also, and be it further enacted, That if the said yearly Taxes of Three Shillings and One Shilling *per* Acre shall at any Time become vested in such Mortgagee or Mortgagees as aforesaid, then, from Time to Time, when all Arrears of Interest upon the Principal Monies which shall be due or owing to any such Mortgagee or Mortgagees as aforesaid shall have been fully paid or satisfied to such Mortgagee or Mortgagees, and when no Part of the said yearly Sum of Five hundred Pounds, or of the said other Monies to be invested as an additional Sinking Fund as aforesaid, shall remain in arrear and uninvested in manner herein-before directed, and when all Damages, Costs, and Charges which shall have been occasioned by any such Default of such Treasurer or Collector of the said Commissioners, in the Payment of any Interest, or in making any Payment or Investment of the said yearly Sum or other Monies as aforesaid, shall have been fully paid or satisfied, then and immediately thereupon the said yearly Taxes of Three Shillings and One Shilling *per* Acre shall become re-vested in the said *North Level* Commissioners, in such Manner, and with such Powers, and to be applicable to and for such Purposes, and subject again to become divested from them, and vested in such Mortgagee or Mortgagees as aforesaid, in like Manner and for the like Purposes in all respects as if the same yearly Taxes had not before become vested in such Mortgagee or Mortgagees.

Trustees to be appointed by the Commissioners and Mortgagees; and Vacancies of the Trustees to be supplied as required.

XIII. And be it further enacted, That within Six Calendar Months next after the first Mortgage shall be made by the said *North Level* Commissioners, under and by virtue of the said recited Act and this Act, the said Commissioners shall and do, at some one of their Meetings to be held under the Authority of the said recited Act, elect, and, by Writing under the Hands and Seals of any Five of such Commissioners present at such Meeting, (the Chairman of the Meeting being one of them,) appoint Two fit and proper Persons to be Trustees, on the Part or Behalf of the said Commissioners, of the said annual Sum of Five hundred Pounds, and other Monies so herein-before authorized or directed to be paid, invested, and accumulated as and by way of a Sinking Fund for the Repayment of the Monies to be borrowed upon Mortgage pursuant to the said recited Act and this Act as aforesaid; and that the Mortgagee or Mortgagees in whom any such Mortgage or Mortgages which shall have been made as aforesaid shall be then vested, or the major Part in Value of such Mortgagees (if more than One) for the Time being, shall, within the said Six Calendar Months, elect, and, by Writing under his, her, or their Hand and Seal or Hands and Seals, appoint Two other fit and proper Persons to be Trustees of such annual Sum and other Monies on the Part and Behalf of such Mortgagee or Mortgagees, and of any Person or Persons to whom any Mortgage or Mortgages of the said yearly Taxes may thereafter be made, pursuant to the said recited Act and to this Act; and that from Time to Time when and as often as either of the said Trustees to be appointed on the Part or Behalf of the said *North Level* Commissioners, or any succeeding Trustee to be appointed on behalf of the said Commissioners, as herein mentioned, shall die, or desire to be discharged from his Trust, or refuse, neglect, or become incapable or unfit to act as

such Trustee, it shall be lawful for the said Commissioners, in the Manner herein-before mentioned in respect to the original Appointment of Trustees by them, or as near thereto as may be, to elect and appoint some other fit and proper Person to act as a Trustee in the Place or Stead of every such Trustee so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act as aforesaid; and that from Time to Time, when and as often as either of the said Trustees to be appointed on the Part or Behalf of such Mortgagee or Mortgagees as aforesaid, or any succeeding Trustee to be appointed on behalf of such Mortgagee or Mortgagees, as herein mentioned, shall die, or desire to be discharged from his Trust, or refuse, neglect, or become incapable or unfit to act as such Trustee, it shall be lawful for such Mortgagee, or the major Part in Value of such Mortgagees (if more than One) for the Time being, to elect, and, by Writing as aforesaid, to appoint some other fit and proper Person to act as a Trustee in the Place or Stead of such Trustee so dying, desiring to be discharged, or refusing, neglecting, or becoming incapable or unfit to act as last aforesaid.

XIV. And be it further enacted, That the said yearly Sum of Five hundred Pounds Sterling, herein-before directed, at the Option of such Mortgagee or Mortgagees, to be invested in the Names or Name of the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act, shall from Time to Time, when and as the same shall become payable, unless such Mortgagee or Mortgagees shall, by Writing under his, her, or their Hand or Hands, declare his, her, or their Option to have the same paid to him, her, or them, in or towards the Discharge of the Principal Sum or Sums which shall be due and owing to him, her, or them as aforesaid, be invested, as and by way of a Sinking Fund, in the Names or Name of such Trustees or Trustee for the Time being, in the Purchase of Stock in the Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, or in such other Stocks, Funds, or Securities as may from Time to Time be agreed upon between the said *North Level* Commissioners at some one of their Meetings, by an Order to be made for that Purpose, and to be signed by the Chairman of such Meeting, and such Mortgagee or Mortgagees, or the major Part in Value of such Mortgagees (if more than One) for the Time being as aforesaid; and the said other Monies which may from Time to Time become liable to be invested by way of an additional Sinking Fund as aforesaid shall from Time to Time be invested in like Manner as the said yearly Sum of Five hundred Pounds is herein-before directed to be invested; and it shall be lawful for such Trustees or Trustee for the Time being, from Time to Time, with the Consent in Writing of the said *North Level* Commissioners and of such Mortgagee or Mortgagees, or the major Part in Value of such Mortgagees (if more than One) for the Time being, (such Consent of the said Commissioners to be testified by some Order to be made at one of their Meetings to be held under the Authority of the said recited Act, and to be signed by the Chairman of such Meeting on behalf of the said Commissioners,) to alter, vary, and transpose all or any of the Stocks, Funds, or Securities which shall from Time to Time be standing or effected in the Names or Name of such Trustees or Trustee, pursuant to the Provisions of this Act, for or into such other Stocks, Funds, or Securities as may be agreed

Sinking
Fund to be
invested.

[*Local.*]

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upon

upon between such Commissioners and such Mortgagee or Mortgagees as aforesaid, or the major Part in Value of such Mortgagees (if more than One) for the Time being; which said last-mentioned Stocks, Funds, or Securities shall be held upon the same Trusts as are herein declared of and concerning the Stocks, Funds, or Securities in lieu of which the same shall be substituted, and shall be applied accordingly.

Declaration
of the Trusts
of the Sink-
ing Fund.

XV. And be it further enacted, That the Trustees or Trustee for the Time being acting under or in execution of the Provisions of this Act with reference to the said several Investments herein-before directed to be from Time to Time made as and by way of a Sinking Fund as aforesaid, shall and do stand possessed of and interested in the said several Investments, and the Stocks, Funds, or Securities in or upon which the same shall from Time to Time be invested, and the Interest, Dividends, and annual Produce thereof, upon Trust to accumulate such several Investments, Stocks, Funds, or Securities, by investing, from Time to Time as the same shall become due, the annual Income arising therefrom, and from the Stocks, Funds, or Securities in or upon which such annual Income shall be invested as aforesaid, and from the several Accumulations thereof, from Time to Time in or upon other Stocks, Funds, or Securities of the same or the like Nature, in the Names or Name of such Trustees or Trustee for the Time being, and to be from Time to Time altered, varied, and transposed in manner aforesaid, and upon further Trust that the said Trustees or Trustee for the Time being shall and do, (but without Prejudice to any Stipulation which may be contained in any Mortgage or Mortgages to be made under the Authority of the said recited Act and this Act,) from Time to Time (when and as often as the Fund so to be accumulated as aforesaid shall amount in Value to the Sum of Five thousand Pounds Sterling, apply the same or the Produce thereof in or towards the Payment of all such Monies as shall for the Time being be owing upon any Mortgage or Mortgages which shall have been made, or upon the said yearly Taxes as aforesaid, rateably in proportion to the Amount of the several Principal Monies due on such respective Mortgages (if more than One).

Power for
Trustees, by
Direction of
Commission-
ers, to apply
the Sinking
Fund to-
wards dis-
charging
any of the
Mortgages,
but not with-
out Consent
of the Mort-
gagees.

XVI. Provided always, and be it further enacted, That it shall be lawful for such Trustees or Trustee for the Time being, at any Time or Times, by the Direction of the said Commissioners, in Writing signed by the Chairman of any Meeting of the said Commissioners held under the Authority of the said recited Act, which such Direction shall be resolved upon (but without Prejudice as aforesaid) to apply the Whole, or a competent Part or Parts of the said accumulated Stocks, Funds, or Securities which shall then be invested, whether the same shall or shall not amount in Value to the Sum of Five thousand Pounds Sterling, in or towards the Payment or Discharge of the Whole or any Part of the Monies for the Time being owing upon any Mortgage or any One or more of the Mortgages of the said yearly Taxes, towards the Payment or Discharge of which the said accumulated Stocks, Funds, or Securities would, if the same amounted to the said Sum of Five thousand Pounds, be for the Time being immediately applicable, yet so nevertheless that no Mortgage or Mortgages, to be either wholly or in part paid off or discharged as aforesaid under or by virtue of this present Proviso, shall be so paid

paid off or discharged without the Consent in Writing as well of the Mortgagee or respective Mortgagees entitled to the same as also of the other Mortgagee or Mortgagees (if any) of the said Taxes for the Time being.

XVII. Provided also, and be it further enacted, That notwithstanding any thing contained in this Act, or to be contained in any such Mortgage or Mortgages to be made as aforesaid, the said yearly Sum of Five hundred Pounds herein-before directed to be from Time to Time applied out of the said yearly Taxes as a Sinking Fund as aforesaid, and the said other Monies herein-before directed to be from Time to Time invested as an additional Sinking Fund as aforesaid, shall in no Case be applied or appropriated for or towards such Sinking Funds as aforesaid to a greater Extent than the Amount of Principal and Interest Monies which for the Time being shall remain on the Security of any Mortgage or Mortgages to be made under or by virtue of the said recited Act and this Act as aforesaid, or as near as may be; and if after the full Payment and Satisfaction of the several Principal Monies which shall have been borrowed on Mortgage of the said yearly Taxes as aforesaid, and the Interest thereof, and all Costs and Expences in respect of the same, there shall remain any Surplus of the said Stocks, Funds, or Securities to be invested or accumulated by means of the said yearly Sum of Five hundred Pounds, and other Monies aforesaid, then such Surplus shall belong to the said *North Level* Commissioners, and shall be paid to them or their Treasurer, and shall be applicable in such Manner as the said yearly Tax of Three Shillings *per* Acre is by the said recited Act made applicable for the general Purposes of the said Act.

Yearly Sums not to be applied to the Sinking Fund when the Mortgages shall have been discharged.

XVIII. And be it further enacted, That in case any further Sum or Sums of Money, over and above the said Sum of One hundred and twenty thousand Pounds hereby limited and authorized to be raised upon the Credit of the said yearly Taxes as aforesaid, shall be required for making, completing, or maintaining the several Drains and other Works by the said recited Act authorized to be made and completed, or any of them, then and in such Case it shall be lawful for the said *North Level* Commissioners, and they are hereby empowered, at any of their said Meetings to be held under the Authority of the said recited Act (Forty at least of the said Commissioners being there present), to provide and raise, or to direct or authorize their Committee for the Time being to provide and raise, by Mortgage of the said yearly Taxes of Three Shillings and One Shilling *per* Acre, or either of them, any such further Sum or Sums as shall be required for any of the Purposes last aforesaid (not exceeding from Time to Time the Amount of the Principal Monies which by means of the said Sinking Funds to be so formed and invested as aforesaid shall for the Time being have been actually paid off and discharged as aforesaid), in such Manner and to be applied to such Intents and Purposes as in and by the said recited Act and herein-before by this Act respectively provided or directed touching or concerning the said original Sum of One hundred and twenty thousand Pounds hereby limited or authorized to be raised as aforesaid, but so nevertheless that no further or greater Sum than One hundred and twenty thousand Pounds Principal Money shall at any One Time be due or owing by way of Mortgage on the aforesaid

Power to raise by Mortgage any further Sums to the Extent of the Repayments made by the Sinking Fund.

said Taxes under the said recited Act or this Act, and so that the yearly Interest of such further Sum or Sums of Money to be provided and raised as last aforesaid, together with the yearly Interest of any other Sum or Sums of Money at the Time due or owing on any other Mortgage or Mortgages of the said Taxes, and the yearly Interest at the Time applicable to the said additional Sinking Fund in respect of any other Principal Sum or Sums of Money which shall have been paid off and discharged to any Mortgagee or Mortgagees of the said Taxes as herein-before provided, such last-mentioned Interest being calculated at the Rate of Four Pounds *per Centum per Annum*, shall not in the whole exceed the yearly Sum of Six thousand Pounds.

**First Offer of
new Loan to
be made to
original
Mortgagees.**

XIX. Provided always, and be it further enacted, That no such further Sum of Money to be so raised as last mentioned shall be borrowed of any other Person or Persons until the same shall have been first offered to be borrowed of and refused to be advanced by the then subsisting Mortgagee, or any One or more of the then subsisting Mortgagees (if more than One) of the said original Sum of One Hundred and twenty thousand Pounds hereby limited or authorized to be raised as aforesaid, or of such Part thereof as shall have been raised by and shall be then due or owing upon any such Mortgage as aforesaid.

The Sinking Fund not to be available for Repayment of further Sums until after Payment of the original Mortgages.

XX. Provided also, and be it further enacted, That the said Sinking Fund to be so formed and invested as aforesaid, and herein-before directed to be appropriated and applied for the Repayment of the said original Sum of One hundred and twenty thousand Pounds, or of such Part of the same last-mentioned Sum as shall have been raised by Mortgage of the said yearly Taxes as aforesaid, or any Part of such Sinking Fund, or any Addition thereto or Accumulation thereof, shall not at any time be available or applicable to the Repayment of any such further Sum or Sums of Money to be so borrowed as last aforesaid, until after the Payment and Discharge of the said original Sum of One hundred and twenty thousand Pounds, or such Part thereof as shall have been raised by any such Mortgage or Mortgages as aforesaid: nor shall the said yearly Taxes of Three Shillings and One Shilling per Acre, or any Part thereof, be at any time available or applicable for the Repayment of any such further Sum or Sums of Money as last aforesaid, or of any interest for the same, without the Consent of the other Mortgagees or Mortgagees of the said yearly Taxes for the same being until after the Payment and Discharge of the yearly interest of so much of the said original Sum of One hundred and twenty thousand Pounds as shall for the time being remain due or owing on any such Mortgage or Mortgages as aforesaid, as being paid in or towards the Redemption of the said yearly Sum of Five hundred Pounds Sinking Fund, and of the said additional yearly Sinking Fund as aforesaid, and the Appropriation and Payment of the said yearly Sum of One thousand Pounds as aforesaid: nor shall such further Sum or Sums to be so borrowed as aforesaid, or any Part thereof, be paid off or discharged by or out of the said yearly Taxes of Three Shillings and One Shilling per Acre, or either of them, so long as any Part of the Principal Sum or Sums of Money originally borrowed upon any Mortgage or Mortgages of the said Taxes, not exceeding One hundred and twenty thousand Pounds in the Whole, shall remain due or owing upon such

Mortgage or Mortgages, without the Consent of the Body or Person, or Bodies or Persons, for the Time being entitled to such original Mortgage or Mortgages.

XXI. And be it further enacted, That the Trustees or Trustee for the Time being of the aforesaid Sinking Fund and Investments shall be chargeable only for so much Money as they and he shall respectively actually receive by virtue of or under this Act, or the Trusts or Powers aforesaid, notwithstanding their or his joining in Receipts for Conformity, and that they shall be respectively answerable for their own respective Acts, Receipts, Neglects, and Defaults only, and that they or any of them shall not be answerable for any Misfortune, Loss, or Damage which may happen in the Execution of any of the aforesaid Trusts, or in relation thereto, unless the same shall happen by or through their or his own wilful Neglect or Default respectively; and also that the said Trustees respectively shall and may, by and out of the Monies which shall come to their or his Hands under the Trusts or Powers aforesaid, retain and reimburse themselves and himself respectively, and allow to their or his Co-trustee or Co-trustees, all such Costs, Damages, and Expences as they or he shall respectively suffer, sustain, or be put unto on account or in consequence of the Trusts hereby in them and him reposed, or in the Execution thereof, or otherwise howsoever relating thereto.

Indemnity
to Trustees
of the Sink-
ing Fund.

XXII. And be it further enacted, That every or any Mortgage to be made under the Authority of the said recited Act and this Act, or either of them, of or upon the said yearly Taxes of Three Shillings and One Shilling *per* Acre, may be in the Form of Mortgage prescribed or set forth in the said recited Act, with the Addition in such respective Mortgages of a Reference to this Act and to the said yearly Tax of One Shilling *per* Acre hereby charged and assessed as aforesaid, or in such other Form, and with or subject to such other Provisions and Stipulations for varying the Rate of Interest, and for securing the Payment of the Interest, and the Repayment or Discharge of the Principal Money, and otherwise relating to such respective Mortgages, as the said *North Level* Commissioners, and the Mortgagee or Mortgagees in such respective Mortgages to be named, shall think proper to insert in such respective Mortgages, or therein to refer to, but so as not by any such Mortgage, or any thing to be referred to therein, to prejudice any prior Mortgage which may have been made, or any subsequent Mortgage which may thereafter be made, of or upon the said yearly Taxes, for the said original Sum of One hundred and twenty thousand Pounds hereby authorized and limited to be first raised as aforesaid, or any Part thereof, nor to create or give any Preference or Priority over any such subsequent Mortgage for any Part of the said last-mentioned Sum; and that the several Mortgages of or upon the said yearly Taxes, to be made under or by virtue of the said recited Act and this Act, shall be assignable in the same Manner and subject to the same Regulations and Provisions as in the said recited Act is and are mentioned in respect of any Mortgage of or upon the said yearly Taxes thereby authorized to be made, except so far as the same is or are hereby respectively superseded, annulled, or varied; and that every or any Assignment or Transfer of any such Mortgage may contain therein or refer to

Provision for
the Form of
Mortgages,
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such further Provisions and Stipulations, and be accompanied by such other Deed or Deeds, by way of additional or further Security, for the Benefit of or relating to the Assignee or Assignees of such Mortgage or Mortgages, as the said *North Level* Commissioners and such Assignee or Assignees shall think proper and agree upon, but without any such Prejudice and so as not create any such Preference or Priority as lastly herein-before mentioned; and every such Mortgage of or upon the said yearly Taxes shall be enrolled in His Majesty's Court of Common Pleas at *Westminster*; and no such Mortgage shall be valid or effectual against any subsequent Mortgage of or upon the said yearly Taxes for a valuable Consideration, unless the same shall be so enrolled prior to the Enrolment of such subsequent Mortgage.

Power for the Commissioners to pay off Mortgages on the Taxes out of their other Revenues.

XXIII. And be it further enacted, That notwithstanding any thing herein contained, it shall be lawful for the said *North Level* Commissioners, at any Time or Times, from and out of any of the Tolls, Rents, or Revenues of the said Commissioners, (other than the said yearly Taxes of Three Shillings and One Shilling *per Acre*,) to pay off and discharge any Part or Parts of any Mortgage or Mortgages of or upon the said yearly Taxes, with the Consent of the Mortgagee or Mortgagees to be so paid off, or to pay off and discharge the whole of any such Mortgage or Mortgages, either with such Consent as aforesaid, or on giving Six Calendar Months previous Notice to such Mortgagee or Mortgagees, but without Prejudice nevertheless to any Security or Securities which shall be existing at the Time of such Payment and Discharge, upon the said Tolls, Rents, or Revenues from or out of which such Mortgage or Mortgages shall be so paid off and discharged.

When Mortgages are paid off, the additional Tax of 1s. *per Acre* to cease.

XXIV. And be it further enacted, That notwithstanding any thing before contained in this Act, or to be contained in any such Mortgage or Mortgages to be made as aforesaid, when and so soon as the several Principal Monies to be so borrowed upon Mortgage of the said yearly Taxes of Three Shillings and One Shilling *per Acre* as aforesaid, and the Interest thereof, and all Costs and Expences in respect of the same, shall be fully paid off and satisfied, the said additional yearly Tax of One Shilling *per Acre* shall cease and absolutely determine, and be no longer raised or raisable; and the said yearly Tax of Three Shillings *per Acre* shall thenceforth be applicable in such Manner only as the same would have been applicable under or by virtue of the said recited Act if this Act had not been made.

Commissioners may invest a Portion of the Monies borrowed for Payment of the Interest, for a limited Time.

XXV. Provided always, and be it further enacted, That it shall be lawful for the said *North Level* Commissioners, from and out of any of the Principal Monies which shall be borrowed or taken up at Interest by them upon any Mortgage or Mortgages of the said yearly Taxes before the First Day of *December* One thousand eight hundred and thirty-two, to invest, or otherwise to appropriate and set apart, any Portion or Portions of the said Principal Monies which shall be necessary for providing for and discharging the Interest of the said Principal Monies which shall be so borrowed as last aforesaid, up to and until the said First Day of *December* One thousand eight hundred and thirty-two, or up to and until any antecedent Period, in such Manner and under such Conditions as shall be stipulated in any such Mortgage

Mortgage or Mortgages, or as shall be otherwise agreed upon by and between the said *North Level* Commissioners and the Body or Person or Bodies or Persons by whom such last-mentioned Principal Monies respectively shall be lent or advanced, and to pay and apply the same accordingly.

XXVI. And for the Purpose of restoring and continuing the Communication between *Tid Gote* and *Kinderley's Cut* and the *Nene Outfall Cut*, which will be obstructed and interrupted by the Intersection by the *North Level Main Drain* (by the said recited Act authorized to be made) of the present Roads or Ways leading from *Tid Gote* aforesaid to the said *Kinderley's Cut*, be it further enacted, That, for and in lieu of all or any of such Roads, Ways, Bridges, and Approaches as the said *North Level* Commissioners are or may be liable under the Provisions of the said recited Act to set out or make between *Tid Gote* aforesaid and the said *Kinderley's Cut* and *Nene Outfall Cut*, or either of them, the said *North Level* Commissioners shall and they are hereby required, at the Costs and Charges of the several Funds at their Disposal or under their Controul, before such Communication as aforesaid shall be obstructed or interrupted by the making of the said *North Level Main Drain*, to make and complete, for the Use of all His Majesty's liege Subjects, upon and along the Banks on each Side of the said *North Level Main Drain*, One free and uninterrupted public common Carriage Road, from the Bridge by the said recited Act provided to be erected by the said *North Level* Commissioners across the said *North Level Main Drain*, (where the same will intersect the Turnpike Road leading from *Wisbech* to *Tid Gote* aforesaid,) towards, unto, and over the said *North Level Sea Sluice*, and thence towards and unto the said *Nene Outfall Cut*; and also to erect and complete, for the Use and Convenience of all His Majesty's liege Subjects, across the Drain called *Shire Drain*, on the Northern Side of the said *North Level Main Drain*, to connect together the Northern Bank of the said *North Level Main Drain* (at the Place where such Bank is or will be intersected by the said *Shire Drain*), One good and substantial public Carriage Bridge, with proper and sufficient Parapets or Rail Fences thereon, and a proper and convenient Carriage Slipway or Slope, and Approach thereto, from the present Highway lying on the Southern Side of the said *Shire Drain*, leading from *Tid Gote* aforesaid towards the said *Kinderley's Cut*; and also to make, and permit to be for ever continued, of the Width of Thirty Feet throughout, so much of the present Highway in the Parish of *Tid Saint Mary's*, in the said recited Act mentioned, lying on the Northern Side of the said *Shire Drain* leading from *Tid Gote* aforesaid towards the said *Nene Outfall Cut*, as extends or will extend from the Place where the said Northern Bank of the said *North Level Main Drain* will cross the said last-mentioned Highway unto the South-western Corner of the Estate there now or late the Property of *Samuel Long* Esquire, and now in the Occupation of *William Snushall*, together with a free and uninterrupted Carriage Slipway or Passage for the Use of all His Majesty's liege Subjects, off and from the said Northern Bank of the said Main Drain at the Place last aforesaid, to, into, and out of the said last-mentioned Highway; and also to make, at or near to the said *North Level Sea Sluice*, on each Side thereof, a convenient Lading and Landing Place, with proper Slopes and Passages from

The Commissioners to make certain Roads, &c. in lieu of obstructed Roads between *Tid Gote* and the *Nene Outfall Cut*.

from the same to the said *Nene Outfall Cut*, and proper Slopes or Slipways and Passages from the Banks of the said Main Drain and *Nene Outfall Cut* to the said Lading and Landing Places, for the free and uninterrupted Delivery, at each or either of such Lading and Landing Places, of Goods, Wares, and Merchandizes, at all Times, into and out of Vessels lying in the said *Nene Outfall Cut*, and at all Times there to permit Corn, Coals, and other Goods, Wares, and Merchandizes, and also Materials for Roads, to be delivered by all His Majesty's liege Subjects into and from and out of Vessels lying in the said *Nene Outfall Cut*, without any Charge to be demanded, had, or taken for so doing by the said *North Level* Commissioners, or by any other Body or Person whomsoever; and the said *North Level* Commissioners shall and they are hereby required, at all Times, at the Costs and Charges of the Funds at their Disposal or under their Controul, (but without Prejudice to any such Mortgage or Mortgages to be made of or upon the said yearly Taxes as aforesaid, or to the said Sinking Funds to be so formed as aforesaid,) to maintain, support, and keep in repair the said Roads, Bridge, Lading and Landing Places, Slopes, Passages, Slipways, and other Works aforesaid, and every of them, save and except the said present Highway in the said Parish of *Tid Saint Mary's* lying on the Northern Side of the said *Shire Drain*, either in its present or enlarged State.

No Toll to be taken on the Northern Bank of the Main Drain between the Turnpike Road and the *Nene Outfall Cut*.

XXVII. And be it further enacted, That the said *North Level* Commissioners shall not demand or receive any Toll of or for any Person, Horse, Mule, Ass, Beast, Cattle, or Carriage, passing upon or along the said Northern Bank of the said *North Level Main Drain*, or over any Bridge along the same, between the said Turnpike Road leading from *Wisbech* to *Tid Gate* and the said *Nene Outfall Cut*; nor shall the said *North Level* Commissioners erect or set up any Toll Bar or Toll Chain, or other Impediment, upon or by the Side of the said last-mentioned Bank, or any Bridge along the same, between the said Turnpike Road and the said *Nene Outfall Cut*, for the Purpose of demanding or receiving thereat any such Toll.

Expences of this Act to be first paid.

XXVIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences whatsoever preparatory or incidental to or concerning this Act, with all lawful Interest for all such Monies as shall have been paid or expended by any Person or Persons whomsoever on account thereof, shall be paid and discharged by the said *North Level* Commissioners by and out of the first Monies that shall come into their Hands, or into the Hands of their Treasurer or Treasurers; after the passing of this Act, by virtue of the said recited Act or of this Act.

Public Act.

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

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