ANNO PRIMO

GULIELMI IV. REGIS.

****

Cap. xxvi.

An Act for more effectually draining certain Fen Lands and Wet Grounds called the *Great West Fen*, in the Parish of *Hilgay* in the County of *Norfolk*. [30th *March* 1831.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for draining certain Fen Lands and Wet Grounds in the Parish of* Hilgay *in the County of* Norfolk: And whereas the Commissioners appointed by virtue of the said Act have proceeded in the Execution thereof, and have made great Progress in carrying into effect the Powers and Authorities thereby vested in them; but the Money, Rates, and Taxes authorized to be raised by the said Act have been found to be inadequate for the Purposes of the said Act, and Expences have been incurred by the said Commissioners which they are unable to satisfy; and it is expedient that they should be authorized to raise Money to defray such Expences, and that more extensive Powers should be given for completely effectuating the Objects of the said Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein contained, shall be and the same is hereby repealed; and in lieu and instead of the said recited Act

4 G. 3. c. 21. (Pr.)

Recited Act repealed, and this Act to take effect instead thereof.

Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Third this Act shall be put in execution for the better draining certain Fen Lands and Wet Grounds in the Parish of *Hilgay* in the County of *Norfolk*, commonly called or known by the Name of the *Great West Fen*, and containing by Estimation Six hundred Acres, or thereabouts.

Appointment of Commissioners.

II. And be it further enacted, That the Lord of the Manor of *Woodhall* and *Hilgay* for the Time being (being of the Age of Twenty-one Years), and the Rector of *Hilgay* for the Time being, and every Person who for the Time being shall be *bonâ fide* seised or possessed, in his own Right or in Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, of Ten Acres of the Lands and Grounds by the said recited Act directed to be drained, shall be a Commissioner for the Drainage and Preservation of the said Lands and Grounds in pursuance of this Act; provided that when there shall be more than One Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other inacpacitated Person, only One Trustee shall act at any One Time as a Commissioner in right of such Feme Covert, Lunatic, Minor, or other incapacitated Person respectively.

Owners of 20 Acres may appoint Deputy Commissioners.

III. And be it further enacted, That every Person who shall be *bond fide* seised or possessed as aforesaid of Twenty Acres of the said Lands or Grounds may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, a Deputy Commissioner of Drainage for executing this Act, during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed as aforesaid; but such Deputy Commissioner shall act only in the Absence of the Person by whom such Appointment shall have been made.

No Person to act as Deputy Commissioner until his Appointment be delivered in.

IV. Provided always, and be it further enacted, That no Person appointed as aforesaid shall be capable of acting as a Deputy Commissioner of Drainage in the Execution of this Act until he shall have delivered in his Appointment, or Notice or Certificate of such Appointment in Writing under the Hand of the Person appointing him, at some Meeting of the said Commissioners; and that every such Appointment or Notice or Certificate shall be filed among the Proceedings of the Meeting at which the same shall be delivered in, and a Minute thereof shall be entered by the Clerk attending such Meeting in the Book of the said Commissioners of Drainage containing the Entry of such Proceedings.

Oath of Commissioners.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in his own Right in the Execution of this Act, except in administering the Oath or Affirmation herein-after directed, until he shall have taken the Oath or Affirmation following:

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do 'solemnly affirm,] That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Ability, execute and perform 'the several Trusts, Powers, and Authorities vested and reposed in

'me as a Commissioner by virtue of an Act passed in the First Year 'of the Reign of King *William* the Fourth, intituled *An Act for, &c.* [*here insert the Title of this Act*] according to Equity and good 'Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever: And I do further 'swear, [*or, being one of the People called Quakers*, do solemnly 'affirm,] that I am duly qualified to act as a Commissioner in the 'Execution of the said Act according to the Provisions of the 'same. So help me GOD.'

[*Or, being one of the People called Quakers, omit the Words* 'So help me God.']

Oath of Deputy Commissioners

VI. And be it further enacted, That no Person to be appointed a Deputy Commissioner by virtue of this Act shall act as a Commissioner in the Execution thereof until he shall have taken the Oath or Affirmation following:

'I *A. B.* do swear, [*or, being one of the People called Quakers*, do 'solemnly affirm,] That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Ability, execute and perform 'the several Trusts, Powers, and Authorities vested and reposed in 'me as a Deputy Commissioner by virtue of an Act passed in the 'First Year of the Reign of King *William* the Fourth, intituled *An 'Act for, &c.* [*here insert the Title of this Act*], according to Equity 'and good Conscience, and without Favour or Affection, Prejudice 'or Partiality, to any Person or Persons whomsoever: And I do 'further swear, that I do believe that [*naming the Person 'appointing him*] is duly qualified to appoint me to act as a Deputy 'Commissioner in the Execution of the said Act according to the 'Provisions of the same. So help me GOD.'

[*Or, being one of the People called Quakers, omit the Words*, 'So help me God.']

Power to administer Oaths: Minute thereof to be entered among the Proceedings.

No Person holding a Place of Profit to act as Commissioner.

VII. And be it further enacted, That it shall be lawful for any One of the Commissioners appointed or to be appointed by virtue of this Act to administer any of the Oaths or Affirmations herein-before directed to be taken; and that a Note or Minute of every such Oath or Affirmation shall be made by the Clerk of the said Commissioners of Drainage, and shall be entered among the Proceedings of the Meeting where the same shall respectively have been made; but no Person holding any Place of Profit under the said Commissioners shall act or be qualified to act as a Commissioner or Deputy Commissioner of Drainage, or to appoint a Deputy or Deputies under this Act: Provided always, that no Person acting as a Commissioner under this Act shall be concerned directly or indirectly in any Contract while he continues to act as such Commissioner.

Penalty on acting or appointing a Deputy without being qualified.

VIII. Provided always, and be it further enacted, That if any Person or Persons not being qualified or being disqualified as herein-before is prescribed shall act as a Commissioner or Commissioners of Drainage in the Execution of this Act, or if any Person or Persons not being qualified or being disqualified as herein-before is prescribed in that respect shall appoint any Deputy or Deputies to act as a Commissioner or Commissioners in the Execution of this Act, every such Person

Person or Persons shall for every such Offence respectively forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit by any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in any such Action or Suit it shall only be necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against such Defendant unless he shall prove in his Defence that he was at the Time of so acting or appointing a Deputy properly qualified to act or to appoint a Deputy according to the true Intent and Meaning of this Act.

First Meeting of Commissioners.

IX. And be it further enacted, That the said Commissioners shall hold, and they are hereby required to hold, One General Meeting within One Month after the passing of this Act at some Public House or Inn, or some other public Place, on the said Lands or Grounds, or within Five Miles thereof, and shall immediately proceed to appoint a Chairman to act at such Meeting, who shall be entitled to vote thereat as a Commissioner, and shall also, in case of an Equality of Votes, have the casting Vote.

Commissioners to meet anally.

X. And be it further enacted, That the said Commissioners shall hold, and they are hereby required to hold, One Annual General Meeting on *Wednesday* in *Easter* Week in every Year at some Public House or Inn, or some other public Place, on the said Lands or Grounds, or within Five Miles thereof, and shall immediately appoint a Chairman to act at such Meeting; and that the first Annual General Meeting of the said Commissioners shall be holden as aforesaid on *Wednesday* in *Easter* Week in the Year of our Lord One thousand eight hundred and thirty-two; and the Chairman shall be entitled to vote as a Commissioner thereat, and shall also, in case of an Equality of Votes, have the casting Vote.

Special Meetings.

XI. And be it further enacted, That Special Meetings of the said Commissioners may and shall from Time to Time be holden as often as any Five or more of the said Commissioners shall think it necessary, Notice of every such Meeting being first given by advertising the same twice in some County Newspaper generally circulated in the said County of *Norfolk*, and such Advertisement specifying the Nature of the Business proposed to be brought forward at every such Special Meeting.

Majority of Commissioners may act and adjourn.

XII. And be it further enacted, That it shall be lawful for the Majority of the Commissioners who shall be present at any Meeting to be holden by virtue of this Act (the Number of such Commissioners present not being less than Five) to proceed in the Execution of the Powers given to the said Commissioners by this Act in all Cases whatsoever, and to adjourn from Time to Time and from Place to Place, as they shall think necessary; and that a Minute of the Business to be transacted at every such Meeting shall be entered in the Proceedings of the Meetings from which such Adjournment shall be made: Provided always, that no Business

Business shall be transacted at any such Adjournment but such as shall relate to the Business for which such Adjournment shall be made, nor shall any Business be transacted at any Special Meeting, or any Adjournment of the same, but such as shall relate to the Objects specified in the Notice given for calling such Special Meeting.

Proceedings of Commissioners to be entered in Books, and to be Evidence.

XIII. And be it further enacted, That all Orders and Proceedings of the said Commissioners at every Meeting by them holden under the Authority of this Act shall be fairly entered into a Book or Books to be provided and kept for that Purpose, which shall be signed by the Chairman of every such Meeting; and all such Entries shall be deemed original Orders and Proceedings, and may be read and received in Evidence in all Courts whatsoever.

Commissioners Expences.

XIV. And be it further enacted, That at all Meetings whatsoever holden under the Authority of this Act, the Commissioners attending such Meetings shall bear and defray their own Expences.

Books used under former Act to be Evidence.

XV. And be it further enacted, That all and every the Books which shall have been kept by the said Commissioners acting in the Execution of the Act hereby repealed, or by their Treasurer or Clerk under their Direction, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Bonds, Contracts, &c. to remain in full Force.

XVI. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by, or entered into by any Person or Persons to or with, the said Commissioners for executing the said recited Act hereby repealed, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed; and all Bargains, Contracts, or Agreements made, entered into, or given by the said Commissioners for executing the said recited Act hereby repealed, with or to any Person or Persons, for any Purpose relating to the said Drainage or to the Execution of the said Act, shall remain in force and effect, and be observed and kept by the Commissioners under this Act, and by the other respective Parties to such Contracts or Agreements, according to the Terms and Stipulations thereof.

Works to be done by Commissioners.

XVII. And be it further enacted, That the said Commissioners shall from Time to Time repair and work all such Mills and Engines as are now erected, and scour out, widen, heighten, strengthen, and repair all such other Drains, Ditches, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites as may be used for the Drainage and Preservation of the said Lands, and shall also make, erect, set up, and build and work such other Mills, Engines, and other Devices, Ditches, Drains, Watercourses, Tunnels, Watergates, Sluices, Banks, Bridges, and other Requisites, within the said Parish of *Hilgay*, as shall in their Discretion be necessary and proper for the Drainage and Preservation of the said Lands.

Commissioners restricted from taking Land.

XVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower or authorize

rize the said Commissioners, or any Person or Persons employed by them or acting under their Authority, to take or use for any of the Purposes of this Act any of the Land to be drained under and by virtue of this Act, save and except such Land as they were authorized to use under and by virtue of the said recited Act hereby repealed, for the Purpose of scouring out or making Drains, erecting Mills, Engines, and other Works of Drainage, or for repairing the Banks of the said Fen called the *Great West Fen*.

Satisfaction to Owners of Land for Damage.

XIX. And be it further enacted, That the Owners and Occupiers of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, shall and may accept and receive Satisfaction for and on account of any Damage or Loss which may be sustained by such Owners or Occupiers by reason of the Execution of any of the Powers of this Act, in such Sums as shall be agreed upon between the said Commissioners and such Owners and Occupiers respectively.

Power to make Tunnel over Cross Drove.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to make and construct and maintain a Tunnel over *Cross Drove*, for the Purpose of carrying off the Waters from the Border Lands.

For choosing a Dyke Reeve.

XXI. And be it further enacted, That at the Annual Meeting of the said Commissioners they shall choose a Person to be Dyke Reeve for the Year ensuing, which said Dyke Reeve shall be Owner or Occupier of One Fen Lot of Land at the least; and the Dyke Reeve shall make, do, and execute all such Orders as he shall from Time to Time receive from any Three of the said Commissioners, and shall view the Banks, Drains, and other Works, and shall report the State of them to the said Commissioners at their Special Meetings, and shall take care to attend to and work all such Mills and Engines within the said Parish of *Hilgay* at all seasonable Times.

No Water to be thrown into Sam's Cut.

XXII. And be it further enacted, That the Commissioners for putting this Act into execution shall not erect any Engine for draining or throwing the Waters from off the said Fen Lands and Low Grounds into the Drain called *Sam's Cut*, but shall throw the same either into the *Ouse* or *Hilgay Creek*.

Commissioners may appoint Superintendent.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, at any of their Meetings, to appoint One or more Person or Persons in the Nature of Engineer or Engineers, Superintendent or Superintendents of the several Works already executed, with such Powers as to the said Commissioners shall seem meet, such Person or Persons not being interested in or connected with any of the Lands or Grounds subject to be taxed by virtue of this Act, or with any of the Owners and Proprietors thereof; and the Person or Persons so appointed shall have full Power to provide for and see the said Works so executed; and that such Person or Persons shall also have full Power to superintend, command, and dismiss all Contractors and others who shall fail to execute any of the said Works in such Manner as shall be satisfactory to such Person or

Persons; and the said Commissioners are hereby authorized and empowered to allow such Person or Persons such Salaries or Remunerations, out of the Monies to be raised by virtue of this Act, as to the said Commissioners shall seem meet; and the said Commissioners shall have Power to remove such Person or Persons, and to appoint another or others in his or their Stead, from Time to Time, as they shall think necessary; and all the Acts and Proceedings of such Person or Persons done in pursuance of the Powers and Directions hereby given to him or them, or to be given to him or them by the said Commissioners, shall be deemed to be the Acts of the said Commissioners as fully and effectually to all Intents and Purposes as if such Acts or Proceedings had been done and executed by the said Commissioners under the Powers and Authorities hereby vested in them.

Ditches not to be made nearer than Eighteen Feet from the Banks.

XXIV. And be it further enacted, That the Owners and Occupiers of Lands within the said Parish of *Hilgay* shall not make or cause to be made any Ditches nearer than Eighteen Feet from the Banks already made or hereafter to be made for the Purposes of the said Drainage; and that it shall be lawful for the said Commissioners, or any Person or Persons under their Authority, at any Time or Times to enter on the Lands on which any such Ditches shall be made, and to cause the same to be filled up.

Power to destroy Moles.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to enter on any of the Lands within the said Parish for the Purpose of destroying Moles.

Commissioners may appoint Treasurers, &c.

XXVI. And be it further enacted, That the said Commissioners shall and may appoint such Treasurers, Clerks, Surveyors, Collectors, and other Officers as they shall think necessary for carrying this Act into execution, and allow them or any of them such Salary or Salaries or other Remuneration out of the Monies to be raised by virtue of this Act as they the said Commissioners shall think proper, and from Time to Time to remove them or any of them as they the said Commissioners shall see Occasion, and in like Manner to appoint others in their Stead; and that all Treasurers, Collectors, and other Officers who shall be intrusted with the Receipt or Collections of any Monies to be raised by virtue of this Act shall respectively give Security for the due Execution of their respective Offices to the Satisfaction of the said Commissioners.

Books of Account to be kept and be open for Inspection, &c.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Drainage, and of the several Articles, Matters, and Things for which such Sum or Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Persons to which such Books shall relate, without Fee or Reward;

Reward; and the said Commissioners or other Persons interested shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Commissioners; and in case any Clerk shall refuse to permit or shall not permit any of the said Commissioners or other Person interested therein to inspect such Book or Books, or to take Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Commissioners, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Commissioners may sue and be sued in the Name of their Clerk, &c.

XXVIII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of any One of the said Commissioners, or their Clerk for the Time being; and that no Action or Suit to be brought or commenced against the said Commissioners in the Name of any One of the said Commissioners, or their Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner or Clerk, but that any One of the said Commissioners, or their Clerk, shall always be deemed Plaintiff or Defendant in every such Action or Suit: Provided always, that every such Commissioner or Clerk shall be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs, Charges, and Expences as he shall be put unto or become chargeable with or be liable to by reason of his being so made Plaintiff or Defendant.

Clerk not to act as Treasurer, and vice versâ.

XXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case,

or

or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Remedy against Officers refusing to account.

XXX. And be it further enacted, That in case any of the said Treasurers, Collectors, or other Officers, or any other Person or Persons employed or entrusted by the said Commissioners, shall refuse or neglect to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of their respective Accounts, according to the Directions of the said Commissioners, then and in every such Case it shall be lawful, upon the Complaint of any Three or more of the said Commissioners, for any One or more of the Justices of the Peace for the said County of *Norfolk*, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account, or to pay the Money due upon the Balance of his or their Account or Accounts as aforesaid, such Sum or Sums of Money as he or they shall have been so required to account for, or as shall have been found or shall appear to be due upon the Balance of his or their Account or Accounts; and for Want of sufficient Distress it shall and may be lawful for any One or more of the said Justices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to any Gaol or House of Correction in the said County of *Norfolk*, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account, and shall have paid such Monies as shall appear to be remaining in his or their Hand or Hands on the Balance of his or their Account or Accounts, or otherwise, to the said Commissioners or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money (which Composition they the said Commissioners are hereby authorized and empowered to take and accept); or the said Commissioners may bring, and they are hereby authorized and empowered to bring or cause to be brought, any Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Officer or Officers or other Person or Persons so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Surety or Sureties, for the Recovery of the Monies which shall be due from such Officer or Officers or other Person or Persons respectively, and upon such Security or Securities as shall have been given or entered into by them respectively; and where any Clerk, Treasurer, Collector, or other Officer or Person employed by the said Commissioners shall neglect or refuse to deliver up to the said Commissioners all Books, Vouchers, and Papers in his Custody relating to any Proceedings or Accounts of the said Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of any Three or more of the said Commissioners, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to any Gaol or House of Correction for the said County of *Norfolk*, there to remain without Bail or Mainprize until he or they shall have delivered up to the said Commissioners all such Books, Vouchers, and Papers as aforesaid: Provided always, that no Person who shall be com-

mitted for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Lands to be taxed to defray Expences.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, from Time to Time as Occasion shall require, to assess, rate, tax, and charge all and singular the said Lands and Grounds hereby directed to be drained with such an annual Acre Tax, not exceeding Five Shillings an Acre in any one Year, as shall be necessary to defray the Expences of the several Works necessary for the future Drainage and Preservation of the said Lands by this Act authorized to be done.

When Taxes shall be laid and payable.

XXXII. And be it further enacted, That the said Assessments, Rates, Taxes, and Charges for the First Year shall be imposed at the First General Meeting of the said Commissioners to be holden after the passing of this Act, and shall become due and payable at such Time and Times as the said Commissioners shall from Time to Time direct; and the Taxes for the Second and every subsequent Year shall in like Manner be imposed at every subsequent Annual Meeting, and shall become due and payable as aforesaid.

Penalty on Nonpayment of Taxes.

XXXIII. And be it further enacted, That in case the Occupier or Occupiers of any of the said Lands and Grounds which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged, by virtue of this Act, shall neglect or fail to pay all such Sum or Sums of Money as shall be so assessed, rated, taxed, or charged, or shall become due or payable for or in respect of the Lands and Grounds in their respective Occupations, to the Collectors or Collector, or any Person or Persons appointed by the said Commissioners to receive the same, either before or at the Time or Place or Times or Places to be appointed by the said Commissioners, every Person neglecting or failing to pay the same shall forfeit and pay to the said Commissioners the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Taxes, and not paid at such Time and Place or Times and Places as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings, to be recovered as herein-after mentioned; and the Monies so forfeited and recovered shall be applied by the said Commissioners for the Purposes of this Act.

Application of Taxes.

XXXIV. And be it further enacted, That the Monies arising from the Taxes to be raised by virtue of this Act, and the Penalties to be incurred for Nonpayment thereof, and all other the Monies to be collected and received by the said Commissioners by virtue and under the Authority of this Act, shall be paid and applied by the said Commissioners in paying, defraying, and discharging all such Salaries, Costs, Charges, and Expences as shall be necessary and shall be sustained or incurred by them in executing the several Matters and Things herein authorized by them to be done and executed pursuant to the Powers herein contained.

Tenants to pay Taxes, and deduct

XXXV. And to the end that the said Taxes may be more easily collected and received, be it further enacted, That all and every the

Tenants and Occupiers of the said Lands and Grounds which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged, by virtue of this Act, shall pay and they are hereby authorized and empowered to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged on or for or in respect of their respective Lands and Grounds in their several Occupations, to the Collector or Collectors or other Person or Persons appointed by the said Commissioners to receive the same, and to deduct and retain out of his, her, and their Rent all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords; save and except as to the Taxes which may become due and payable for or in respect of any Lands that may be held under any special Agreement or beneficial Lease for a Term of Lives or Years determinable on Lives, which Taxes shall be borne and defrayed by the Lessees respectively, and shall not be deducted from the reserved Rents, nor allowed by the Lessors.

the same out of their Rents;

XXXVI. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Nonpayment of any Tax or Taxes by virtue of this Act, and such Penalty or Penalties shall have been levied by the said Commissioners by Distress upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Lands or Grounds, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty or Penalties, together with the Costs, Charges, and Expences of taking any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively, and the Landlord or Owner, Landlords or Owners of such Lands and Grounds shall not be compelled or compellable to allow or pay any such Penalty or Penalties or Expences to such Occupier or Occupiers, any thing herein contained to the contrary thereof in anywise notwithstanding.

but not to deduct Penalties.

XXXVII. And be it further enacted, That if any Person shall refuse or neglect to pay the Rates, Taxes, or Sums of Money which shall be assessed, rated, taxed, or charged on the Lands or Grounds in his, her, or their Occupation or Occupations respectively, by virtue of or under the Powers and Authorities of this Act, together with all such Penalty or Penalties as shall or may be incurred by Nonpayment thereof respectively as aforesaid, then it shall be lawful for the Collector or Collectors appointed by the said Commissioners, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners, (which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby empowered and required from Time to Time to grant and make, as Occasion shall require,) to

Power of Distress for Taxes,

to enter into and upon the Lands or Grounds, so rated and taxed as aforesaid, in the Possession of any such Person or Persons who shall so make Default in Payment as aforesaid, and into and upon all Messuages or Tenements thereupon standing or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and payable for such Rate or Tax, together with such Penalty as may be incurred by Nonpayment thereof as aforesaid, by Distress of any Goods or Chattels which shall be found on the Premises, and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive away, and keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, giving to such Owner or Owners, or leaving at the last or usual Place or Places of Abode of the Tenant or Tenants in Possession of such Messuage or Tenement, Ground or Premises, Notice in Writing of the Cause of such Distress; and if the Owner or Owners of the Goods and Chattels so distrained shall not pay the Sum or Sums of Money so due and payable for such Rate or Tax, together with such Penalties as aforesaid, and all Charges attending such Distress and Removal, or replevy the Goods and Chattels so distrained, with sufficient Sureties to be given to the Sheriff of the County, according to the Laws now in being for regulating Distresses in Cases of Nonpayment of Rent, within Five Days next after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining shall and may, with such Sheriff or his Under Sheriff or Bailiff, or the Constable or Headborough where such Distress shall be made, (which said Sheriff, Under Sheriff, Bailiff, Constable, and Headborough are hereby required and commanded to assist therein,) cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Sheriff, Under Sheriff, Bailiff, Constable, or Headborough, who are hereby respectively empowered to administer an Oath accordingly, to appraise the same according to the best of their Judgment; and after such Appraisement it shall be lawful for such Collector or Collectors or other Person or Persons making such Distress to sell the Goods and Chattels so distrained for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress shall be so made, and the Charges of taking, keeping, removing, appraising, and selling the Goods and Chattels so distrained, leaving the Overplus (if any) in the Hands of such Sheriff, Under Sheriff, Bailiff, Constable, or Headborough, for the Owner's Use.

Lands unoccupied to remain a Security for Tax, and Distress may be taken at any Time afterwards.

XXXVIII. Provided always, and be it further enacted, That in case any of the said Lands and Grounds shall at any Time or Times hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates, Taxes, and Penalty, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained, removed, impounded, kept, appraised, and sold in manner aforesaid, until all Arrears of the said Rates and Taxes, and Penalty, and the Charges of such Distress, shall be fully paid and satisfied.

XXXIX. And

Taxes to be levied on Goods of Persons driving their Cattle off their Lands.

XXXIX. And whereas it may happen that some of the Occupiers of the said Lands and Grounds liable to be taxed by virtue of this Act may drive off their Stock and remove their Property therefrom to Lands not chargeable with the said Taxes, be it therefore enacted, That in all Cases where no sufficient Distress can be found upon any of the said Lands and Grounds whereon to levy the said Tax or Taxes and Penalty which shall be then in arrear in respect thereof, it shall and may be lawful for the Collector or Collectors appointed by the said Commissioners, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners, (which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby empowered and required from Time to Time to make as there shall be Occasion,) to levy all and every such Tax or Taxes and Penalty as shall be then in arrear upon any Goods or Chattels of any such Occupier or Occupiers, whensoever and wheresoever such Goods and Chattels shall be found, together with all the Charges of levying the same, by Distress and Sale in manner aforesaid.

Lands may be let for Payment of Taxes.

XL. And whereas it may sometimes happen that some of the said Fen Lands and Low Grounds may be untenanted or unoccupied for a considerable Time, and that no Distress can be taken thereon for levying the said Rates or Taxes and Penalty due in respect of the same, therefore, for enforcing the Payment thereof in all such Cases, be it further enacted, That where any of the said Rates or Taxes and Penalty shall be in arrear and unpaid by the Space of Six Calendar Months together, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, then and in every such Case the said Commissioners, or any Three or more of them, shall at any of their Meetings have full Power and Authority to let so much of the said Lands and Grounds for which any such Rate or Tax or Penalty shall be so in arrear, as they shall adjudge sufficient, for such Term or Terms of Years, not exceeding Fourteen Years, at such Rent and Rents, upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent or Rents arising therefrom in Payment and Discharge of all such Taxes and Rates, and the Penalties incurred for Nonpayment thereof, and of such other Charges and Expences as they the said Commissioners shall incur or be liable to in consequence of all or any of such last-mentioned Proceedings.

Taxes due to be levied in same Manner as future Taxes.

XLI. And be it further enacted, That all Sums which shall have become due for Taxes under the said recited Act hereby repealed shall and may be levied in the same Manner in every respect as is hereby provided with respect to Taxes to be imposed in pursuance of this Act.

Commissioners empowered to raise 500*l.* on Credit of the Taxes.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to borrow and raise upon the Credit of the Taxes to be raised in pursuance of this Act, and for that Purpose to mortgage the same in such Manner as they shall think proper, any Sum or Sums of Money, not exceeding in the whole the Sum of Five hundred Pounds, on such Terms, with respect to the Rate of Interest and the Periods at

which such Sum and Sums shall be paid off, as to the said Commissioners shall seem proper; and the said Commissioners are hereby empowered to appropriate and accumulate a Part of the Taxes, annually or otherwise, so as to form a Fund for the Discharge of any Sum or Sums which shall have been borrowed by them as aforesaid.

Treasurer's Receipt to be a sufficient Discharge for such Sums.

XLIII. And be it further enacted, That the Receipt of the Treasurer appointed in pursuance of this Act shall be a sufficient Discharge for any Sum or Sums which shall be advanced on the Credit of the Taxes as aforesaid; and that the Concurrence of any Five of the said Commissioners in any such Mortgage as aforesaid shall be sufficient for the Validity thereof, and shall be conclusive Evidence that the Money thereby expressed to be secured was authorized to be raised in pursuance of the Powers aforesaid, and upon the Terms expressed in such Mortgage, and also that the Person signing the Receipt for such Money as Treasurer was the Person duly appointed to and then filling that Office.

Application of Monies.

XLIV. And be it further enacted, That the Monies to be raised by Mortgage as aforesaid shall be applied in Payment of all Expences and Debts incurred in and about the aforesaid Drainage, and which are a Debt from the Commissioners under the said recited Act hereby repealed, and in Payment of the Expences of procuring this Act; and so much of the said Monies as shall not be so applied shall be applied to the Payment of any of the Expences of carying this Act into execution.

Punishment for destroying Works.

XLV. And be it further enacted, That if any Person or Persons shall at any Time hereafter maliciously cut, break down, demolish, or destroy any Mills, Banks, and Bridges already made or erected, or which shall at any Time hereafter be making or erecting or be made or erected, supported or maintained for answering any of the Purposes of this Act, every Person so offending, and being thereof convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by or before whom any such Person shall be tried shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or, in mitigation of such Punishment, such Court may in its Discretion award such Sentence as the Law directs in Cases of Petit Larceny; and if any Person or Persons shall at any Time hereafter wilfully stop, dam up, or damage any Rivers, Drains, Watercourses, Tunnels, Doors, Dams, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be making or erecting or be made or erected, supported or maintained for any of the Purposes aforesaid, or shall wilfully break or injure any Dam or other Work made by the said Commissioners, or wilfully hinder or obstruct the said Commissioners or any of their Officers, or any Servants, Workmen, or Labourers employed by them the said Commissioners or any of their Officers, in making or repairing any Work or Works, in any or either of the Cases aforesaid, and being thereof convicted before any Two or more Justices of the Peace for the said County of *Norfolk*, (which Justices are hereby required to hear and determine the same,) on the

Oath of Two or more credible Witnesses, shall forfeit any Sum not exceeding Five Pounds to the said Commissioners, to be applied by them for the Purposes of this Act; and in default of Payment thereof, the Person or Persons so offending shall be sent to the House of Correction for the said County of *Norfolk*, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Six Calendar Months.

Recovery and Application of Penalties.

XLVI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath, Affirmation, or Confession such Justice is hereby authorized to administer or receive); and in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); the Penalties and Forfeitures, when recovered, shall be paid and applied to the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance, or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, City, Division, or Place wherein the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

XLVII. And

Form of Conviction.

XLVII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justices and Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or to the same Effect, as the Case shall happen; (that is to say,)

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'*A B.* of is
'convicted before me *C. D.* one of His Majesty's Justices of the
'Peace for the said County [*or* Place, *as the Case may be, specifying*
'*the Offence, and Time and Place when and where the same was*
'*committed*]. Given under my Hand and Seal the Day and Year
'aforesaid.'

Justices may proceed by Summons for the Recovery of Penalties.

XLVIII. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Appeal.

XLIX. And be it further enacted, That if any Person or Persons, Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, then and in every such Case (except where the Orders or Determinations of the said Commissioners or of any Justice or Justices are directed to be binding, final, or conclusive, or where any other Mode of Relief is hereby appointed,) such Person or Persons, Bodies Politic, Corporate, or Collegiate, may appeal to any General or Quarter Sessions of the Peace to be holden for the County of *Norfolk* within Four Calendar Months after the Cause of Appeal shall have arisen, first giving Ten Days Notice at least in Writing of such Intention to appeal to the Parties interested therein; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem meet and reasonable, and by their Order or Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus, if any, on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be binding and conclusive on all Parties, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

L. Pro-

Justices may relieve on Appeal from Rates of Commissioners without quashing the whole.

L. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, the Justices at the General or Quarter Sessions to be holden for the said County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for the giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; and if upon Appeal against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for the said Justices to order a new Rate or Assessment to be made.

Limitation of Actions.

LI. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any thing done in pursuance of this Act, unless Thirty Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, and of the particular Nature and Cause of such Action, to the Person or Persons against whom the same shall be brought, nor after Tender of sufficient Amends shall be made to the Party aggrieved, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, and shall be laid and brought in the County of *Norfolk*, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give all Matters in Evidence under the said Issue at any Trial to be had thereupon; and if it shall appear to have been done in pursuance and by the Authority of this Act, and in execution of the Powers and Authorities herein contained, or if such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or without Notice given, or after Tender of sufficient Amends as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his or her Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if on Demurrer, or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his or their Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Expences of this Act to be first paid.

LII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and all lawful Interest for all such Monies as shall have been paid or expended by any Person or Persons whatsoever on account thereof, shall be paid and discharged by the said Commissioners by and out of the first Monies that shall come into their Hands, or into the Hands of their Treasurer, after the passing of this Act.

Rights of the Corporation of the Bed-

LIII. Provided always, and be it hereby further enacted, That this Act or any thing herein contained shall not extend or be construed to extend

ford Level reserved.

extend to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the said Governor, Bailiffs, and Conservatory, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever which by virtue of the said Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been made.

15 C. 2. c. 17.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1831.