CHAPTER clxxix.

An Act to make provision for the drainage of the lands in the valley of the River Nar in the county of Norfolk and for other purposes relating thereto. [11th August 1881.] A.D. 1881.

WHEREAS by the Act passed in the twenty-fourth year of the reign of King George the Second intituled "An Act for "making the River Nar navigable from the town and port of "King's Lynn to Westacre in the county of Norfolk" and the Act passed in the tenth year of the reign of King George the Third intituled "An Act to enlarge the powers of an Act of the twenty-"fourth year of His late Majesty for making the River Nar navi-"gable from the town and port of King's Lynn to Westacre in the "county of Norfolk and for making the said Act more effectual" commissioners were appointed and empowered to make the said River Nar navigable from the town and port of King's Lynn to Westacre in the county of Norfolk: 24 G. 2. c. 19. 10 G. 3. c. 27.

And whereas the keeping of the said River Nar navigable throughout its whole course between the said town and port of King's Lynn and Westacre as by the said Acts prescribed is attended with danger to the lands in the valley of the said River Nar from the inundations caused by the overflow of the said river and the bursting of the banks of the same and it is therefore expedient to limit the course throughout which the said River Nar shall be navigable as by this Act provided:

And whereas provisions were made for the drainage of part of the lands in the said valley of the said River Nar by the Act passed in the forty-sixth year of the reign of King George the Third intituled "An Act for enclosing and draining lands in the honor manor and "parish of Wormegay in the county of Norfolk" and by the Act passed in the fifty-fifth year of the reign of King George the Third intituled "An Act for draining and improving certain fen lands low "grounds and marshes and other lands and grounds lying in the "parishes of Wormegay Shouldham Marham Middleton Pentney 46 G. 3. c. cvii. 55 G. 3. c. xcii.

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" East Winch and West Bilney in the county of Norfolk" but the said provisions are insufficient for securing the effectual drainage of the lands in the said valley:

And whereas it is expedient to provide for the effectual drainage of the lands in the said valley of the said River Nar and for such purpose to constitute a board as by this Act provided for the purpose of executing and maintaining the drainage works and other works necessary to secure the object aforesaid and to transfer to and vest in the said board the property powers authorities and jurisdiction of the Commissioners acting in execution of the said first-mentioned Acts for making the said river navigable subject to the limitations and modifications herein-after contained and to repeal the said last-mentioned Acts making provisions for the drainage of part of the said lands in the said valley of the said River Nar and to authorise the said board to levy rates and borrow money for the purposes aforesaid in the manner and subject to the conditions limitations and provisions in this Act contained:

1 Vict. c. lxxxi.

And whereas certain lands in the said valley of the said River Nar are under the provisions of the Act passed in the first year of the reign of Her present Majesty intituled " An Act to raise and " apply funds for the future maintenance and repair of the banks of " the River Ouze between Denver Sluice and the Eau Brink Cut in " the county of Norfolk" liable to taxation for preserving the said lands from inundation and it is expedient to provide that such of the said lands as are liable to the whole tax leviable under the said Act should be wholly exempt from taxation under this Act and to limit the amount of taxation under this Act in respect of such of the said lands as are liable only to the half tax leviable under the said first-mentioned Act:

And whereas for the purposes of this Act plans and sections showing the lines and levels of the works proposed to be executed and the lands proposed to be taken for the purposes of this Act with a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace of the county of Norfolk and are in this Act referred to respectively as " the deposited plans sections and book of reference:"

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows: A.D. 1881.

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Nar Valley Drainage Act 1881.

Incorporation of Acts.

2. The following Acts and provisions of Acts so far as they are applicable for the purposes of and are not inconsistent with this Act are hereby incorporated with this Act that is to say:

The Lands Clauses Consolidation Acts 1845 1860 and 1869; — 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to works for the accommodation of lands adjoining the railway and — 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20.

The Commissioners Clauses Act 1847. — 10 & 11 Vict. c. 16.

Provided that the said incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be construed so that:

(1.) The expression "the company" therein shall mean for the purposes of this Act the Board constituted by this Act: and that

(2.) The expression "the railway" therein shall mean for the purposes of this Act any work shown on the deposited plans and by this Act authorised.

Interpretation.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively unless there be in the subject or the context something repugnant to or inconsistent with such construction (that is to say):—

"The Board" shall mean the Nar Valley Drainage Board constituted by this Act:

"The River Nar Navigation Acts" shall mean the Act passed in the twenty-fourth year of the reign of King George the Second intituled "An Act for making the River Nar navigable from "the town and port of King's Lynn to Westacre in the county "of Norfolk" and the Act passed in the tenth year of the reign of King George the Third intituled "An Act to enlarge the "powers of an Act of the twenty-fourth year of His late "Majesty for making the River Nar navigable from the town "and port of King's Lynn to Westacre in the county of Norfolk "and for making the said Act more effectual:"

"The River Nar Navigation Commissioners" shall mean the Commissioners acting in execution of the River Nar Navigation Acts:

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"The deposited map" means a map in duplicate of certain of the lands to be drained and taxed under the provisions of this Act and herein-after referred to as "the coloured areas" signed by the Right Honourable Lyon Playfair the Chairman of the Committee of the House of Commons the copies of which map have been deposited in the Private Bill Office of the House of Commons and in the office of the Clerk of the Parliaments.

"The River Nar" shall mean so much only of the River Nar as is situate below the point marked A on the deposited map immediately below the third staunch at which the boundary between the parishes of Marham and Narborough crosses the said river.

The "Upper Nar" shall mean so much of the River Nar as is situate above the point marked A on the deposited map immediately below the third staunch at which the boundary between the parishes of Marham and Narborough crosses the said river.

"The River Nar Navigation undertaking" shall mean all property real and personal and all rights with respect to the taking of tolls and duties payable by virtue of the River Nar Navigation Acts with respect to such portion of the River Nar as is situate below the point marked A on the deposited map immediately below the third staunch at which the boundary between the parishes of Marham and Narborough crosses the said river and in respect of the said portion of the said river all rights powers authorities and privileges whatsoever of the River Nar Navigation Commissioners and of Henry Spelman his executors administrators and assigns or any person claiming through or in trust for the said Commissioners or the said Henry Spelman his executors administrators or assigns under the River Nar Navigation Acts or any of them or any deed contract act matter or proceeding made done or had under or in pursuance of the said Acts or any of them by the said Commissioners or such other persons and all the estate right title and interest of the said Commissioners and such other persons in or to the same or any of the same:

"Nar frontage lands" shall mean all lands within the district now abutting upon the River Nar below the third staunch and upon the Wormegay little river and upon the north side of the drain known as "the Black Drain" which runs in a north-easterly direction from the western end of the Sandy Drain:

"Whole tax lands" and "half tax lands" shall mean respectively lands liable to the whole tax and half tax respectively leviable under the Act passed in the first year of the reign of Her present Majesty intituled "An Act to raise and apply funds "for the future maintenance and repair of the banks of the

" River Ouse between Denver Sluice and the Eau Brink Cut " in the county of Norfolk."

"Flood lands" shall mean and include all fields and inclosures of land except whole tax lands and half tax lands in the parishes of South Lynn otherwise South Lynn All Saints West Lynn Tottenhill Wormegay Shouldham Marham Middleton East Winch and West Bilney and in the hamlet of Setch in the parish of North Runcton any part of which fields or inclosures lie from time to time below the level of twenty feet above the zero point marked on the tide gauge at the Marshland Free Bridge over the River Ouse:

"The red area" "the blue area" "the green area" and "the yellow area" shall mean respectively the areas coloured red blue green and yellow respectively on the deposited map and "the coloured areas" shall mean such areas collectively The said areas are situate in the parishes of Wormegay Middleton Pentney East Winch Marham Shouldham and West Bilney the hamlet of Setch otherwise Setchey in the parish of North Runcton and the parish of Narborough all in the county of Norfolk The lands within the said areas bear respectively on the deposited map the numbers mentioned in that behalf in the first second third and fourth schedules to this Act.

"The district" shall include the Nar frontage lands the half tax lands the flood lands and the lands included in the areas coloured red blue green and yellow respectively on the deposited map as aforesaid:

"Wormegay Acts" shall mean the Act passed in the forty-sixth year of the reign of King George the Third intituled "An Act " for enclosing and draining lands in the honor manor and " parish of Wormegay in the county of Norfolk" and the Act passed in the fifty-fifth year of the reign of King George the Third intituled "An Act for draining and improving certain " fen lands low grounds and marshes and other lands and " grounds lying in the parishes of Wormegay Shouldham " Marham Middleton Pentney East Winch and West Bilney in " the county of Norfolk:"

"Drain" shall include ditch dike and tunnel:

"Person" shall include a corporation:

"Owner" in respect of any lands shall mean the person for the time being receiving the rack rent of such lands whether on his own account or as agent or trustee for any other person or who would so receive the same if such lands were let at a rack rent.

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"Rack rent" in respect of any lands shall mean rent which is not less than two thirds of the full net annual value of such lands and the full net annual value shall be taken to be the rent at which such lands might reasonably be expected to let from year to year free from all usual tenants rates and taxes and tithe commutation rentcharge (if any) and deducting therefrom the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain the same in a state to command such rent:

Words or expressions to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings shall except as otherwise provided by this Act have the same meanings respectively:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Nar Valley Drainage Board.

Constitution of Board.

4. This Act shall be carried into execution by a board of Commissioners consisting of the following persons (that is to say):

Sir Lewis Whincop Jarvis Knight of Middleton
Sir William Hovell Browne Ffolkes Baronet of Hillington
Henry Villebois of Marham
The Rev. Stephen Allen D.D. of Shouldham
Thomas Leigh Hare of Stow Bardolph
Henry Lee Warner of Little Walsingham
Anthony Hamond of Westacre
Jarman Patrick of Wiggenhall Saint Germans
Robert Barrows Household of West Bilney
Henry Winearls of Westacre
John Lewis Marriott of Narborough

all in the county of Norfolk;

One male person to be nominated from time to time by the Dean and Chapter of Norwich and every other male person of full age who is for the time being the owner of not less than one hundred statute acres within the district and nine male persons qualified and from time to time elected to be Commissioners as by this Act provided (and such last-mentioned Commissioners are in this Act referred to collectively as "elected Commissioners" and each of such commissioners is in this Act referred to as an "elected commissioner").

The Board so constituted shall be a body corporate by the name of "the Nar Valley Drainage Board" having a perpetual succession and a common seal with power to sue and be sued and to purchase take hold and dispose of lands and other property for the purposes of this Act.

Office of Board.

5. The principal office of the Board shall be in the town of King's Lynn in the county of Norfolk.

First meeting of Board.

6. The first meeting of the Board shall be held at the Crown Hotel in the town of King's Lynn aforesaid on the second Thursday after the first election of Commissioners under this Act at twelve o'clock noon and their future meetings shall be held at the principal office of the Commissioners or elsewhere as the Board may from time to time determine at twelve o'clock noon or at such other hour as the Board may from time to time determine.

Qualification of elected Commissioners under Act.

7. The qualification of an elected Commissioner under this Act shall be that he be the owner of not less than twenty statute acres or the actual occupier of not less than forty statute acres of land within the district.

Qualification and votes of electors of elected Commissioners to be elected under this Act.

8. The qualification and votes of electors of elected Commissioners under this Act shall be as follows that is to say:

Every actual owner or occupier of land within the district shall be entitled to one vote: and every actual owner or occupier of such land in excess of twenty or forty statute acres as the case may be shall be entitled to one additional vote for every twenty or forty acres as the case may be of such excess Provided that no owner or occupier shall be entitled to more than six votes.

Property owned or occupied by two or more persons or by corporation.

9. Where any person is the owner of one hundred acres or upwards of land within the district or where two or more persons are jointly owners or occupiers of land within the district or where any corporation aggregate is the owner or occupier of any such land then such person persons and corporation may respectively in respect of such land from time to time appoint by writing under the hands of such person persons or of a majority of such persons or under the common seal of such corporation (as the case may be) one male person to be his or their deputy and such deputy shall thereupon during the continuance of such appointment be entitled:

1. To vote in respect of his or their qualification on his or their behalf and in his or their stead at any election of Commissioners under this Act: and
2. To be in respect of his or their qualification if the same be sufficient a Commissioner or an elected Commissioner as the case may be.

Every such appointment shall continue in force during the time mentioned in such writing or until a fresh appointment be made in

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manner aforesaid and upon the making of any such fresh appointment the previous appointment shall be deemed to be thereby revoked. Save by a deputy appointed as aforesaid no joint owner or occupier shall be entitled to vote at any election of commissioners or be deemed qualified to be a Commissioner or an elected Commissioner nor save by a deputy appointed as aforesaid shall any corporation be entitled to vote at any election of Commissioners.

Meeting for election of commissioners.

10. On the second Thursday in the month of September in the year one thousand eight hundred and eighty-one and on the second Thursday in the month of September of every subsequent third year a meeting of the electors under this Act shall be held for the election of elected Commissioners under this Act. The first of such meetings shall be held at such place as the Board shall determine in King's Lynn aforesaid and every subsequent meeting shall be held at the principal office of the Commissioners.

The several persons named in this Act as Commissioners shall from and after the passing of this Act do all such acts matters and things preliminary to and in connexion with the first election of elected Commissioners under this Act as may be necessary for carrying into effect the provisions of this Act with respect to the election of elected Commissioners and shall for such purpose act as Commissioners and have all the power authority and jurisdiction conferred by this Act upon the Board or any number of its members and the chairman of the board and the first-named of the said persons that is to say Sir Lewis Whincop Jarvis shall be deemed to be and shall be the Chairman of the Commissioners and they or any two or more of them may for such purposes at the Crown Hotel in King's Lynn aforesaid hold a first meeting on the second Thursday after the passing of this Act at twelve o'clock noon and such further meeting or meetings as they may think necessary for the purposes aforesaid.

Notice of meeting for election.

11. The clerk to the Board shall give not less than fourteen nor more than twenty-one days notice by advertisement in one or more newspaper or newspapers circulating in the district specifying the time and place and object of each meeting of electors under this Act: Provided that such notice of the first of such meetings shall be given in such manner as aforesaid by the Commissioners.

Triennial retirement of Commissioners.

12. On the second Thursday in the month of September one thousand eight hundred and eighty-four and on the second Thursday in the month of September of every subsequent third year the elected Commissioners shall retire from office and the vacancies occasioned by every such retirement shall be supplied by the election of elected Commissioners in their stead as by this Act is provided

but every such Commissioner so retiring as aforesaid shall be eligible for re-election.

Filling up of extraordinary vacancies.

13. In every case of an extraordinary vacancy happening by reason of death resignation refusal or incapacity to act of an elected Commissioner the Board shall within one month after notice thereof convene a special meeting of the electors under this Act for the election of an elected Commissioner to supply the vacancy and the proceedings at all such special meetings shall be conducted as nearly as may be in the same manner as the proceedings at ordinary meetings for election and every person elected an elected Commissioner under this section shall be entitled to hold office so long only as the elected Commissioner in whose stead he is elected would have been entitled to continue in office.

Appointment of officers.

14. The Board may from time to time appoint fit and proper persons to be clerk engineer collector of rates and treasurer and may appoint or employ such other officers and servants as may be necessary for the efficient execution of this Act and may regulate the duties and remuneration of the persons so appointed or employed and may from time to time remove any such officers or servants and employ others in the room of such as shall be so removed or as may die resign or discontinue their office or service and may out of the moneys to be levied or received for the purposes of this Act pay such salaries wages and allowances to such officers and servants respectively as to the Board may seem reasonable.

Members not to be interested in contracts, &c.

15. Any member of the Board who accepts any employment of profit under the Board or is interested in any contract made by the Board shall thereupon cease to be a member of the Board but a member shall not be deemed to be interested in a contract within the meaning of this section by reason only of his being a shareholder in a company contracting with the Board but he shall not vote in respect of any such contract.

Disqualification of bankrupt member.

16. A member of the Board who has become bankrupt or has compounded with his creditors or submitted his affairs to liquidation or ceased to be qualified as required by this Act shall forthwith thereafter cease to be a member of the Board.

Member of Board not incapable of acting as a justice.

17. A person shall not be incapable of acting as a justice of the peace in the execution of this Act by reason of his being a member of the Board or liable to assessment under this Act.

Resignation of members.

18. Any elected Commissioner may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board for the time being.

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Validity of proceedings of Board and minutes.

19. The constitution or any act or proceeding of the Board shall not be questioned on account of failure to elect any elected commissioner or elected Commissioners or any other vacancy or vacancies in their body.

A defect in the qualification or election of any person or persons acting as a member or members of the Board shall not be deemed to vitiate any proceedings of the Board in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act.

Any minute made of proceedings at meetings of the Board at which such proceedings took place or at the next ensuing meeting of the Board by any person purporting for the time being to be the chairman of the meeting shall be receivable in evidence of such proceedings in all legal proceedings without further proof and until the contrary is proved and every meeting of the Board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

Provisions as to auditor.

20. No qualification shall be necessary for the appointment of an auditor nor shall any declaration be required of such auditor notwithstanding anything in the Commissioners Clauses Act 1847 contained.

After first election following provisions to take effect.

21. The following provisions of this Act shall take effect from and after the first election of elected Commissioners under this Act.

Board to keep at their principal office an authenticated copy of the deposited map.

22. From and after the expiration of one calendar month after the first election of elected Commissioners under this Act the Board shall keep at their principal office a copy of the deposited map authenticated by the common seal of the Board and shall from time to time and at all reasonable times permit any person applying in that behalf to inspect the said copy and to take a copy of the same or any part thereof. Upon the said copy of the deposited map or upon a separate map to be deposited therewith and authenticated by the common seal of the Board there shall be drawn a contour line or contour lines showing the level of 20 feet above the zero point marked on the tide gauge at the Marshland Free Bridge over the River Ouze for the purpose of showing and ascertaining the lands included in this Act within the expression "flood lands."

Cesser of jurisdiction of special commissioners under Wormegay Acts saving as to rates

23. All lands tenements and hereditaments vested in the special Commissioners acting in execution of the Wormegay Acts or either of them immediately before the passing of this Act shall by virtue of this Act be transferred to and shall vest in the Board subject to all liabilities obligations and duties affecting or attached to the same and the Board shall hold the said lands tenements and hereditaments

subject to such liabilities obligations and duties and shall from time to time thereafter discharge observe and perform the same and the said special Commissioners shall save for the purposes herein-after mentioned cease to exist as such and the Wormegay Acts shall be and the same are hereby repealed except in so far as relates to the levying and collecting of any rates and taxes due immediately before the passing of this Act and the application of such rates and taxes in accordance with the provisions of the said Wormegay Acts or either of them and all such rates and taxes may be collected and shall be applied by the persons and in the manner by the said Wormegay Acts provided as though the said Acts were not repealed and this Act had not been passed; and for such purposes the said special Commissioners shall continue to act in the execution of the said Wormegay Acts and have all and the same powers authorities and remedies as though this Act had not been passed Provided that this repeal shall not affect:—

&c. due immediately before the passing of this Act.

(A.) The past operation of any enactment hereby repealed nor anything duly done or suffered under any such enactment; nor

(B.) Any right privilege obligation or liability acquired imposed or incurred under any enactment hereby repealed; nor

(C.) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(D.) Any investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid and any such investigation legal proceeding and remedy may be carried on as if this Act had not been passed:

And provided also that this repeal shall not revive any enactment right office privilege matter or thing not in force or existing at the passing of this Act.

Exemption of jurisdiction of commissioners &c. over River Nar lands drains &c. of the Board.

24. The River Nar its tributaries and all drains or watercourses and all lands within the district while they are the property of or are under the jurisdiction or control of the Board shall be exempt from the jurisdiction of all commissioners bodies or persons (other than persons acting by virtue of any commission of sewers for the county of Norfolk) now exercising or claiming to exercise or to have any powers or jurisdiction for purposes of drainage inclosure or reclamation of lands in or over the said lands or any part thereof Provided always that nothing herein contained shall prejudice alter or affect any right power authority or jurisdiction of the Commissioners acting in execution of the Act passed in the seventh year of the reign of King William IV. intituled "An Act for more effec- 7 W. 4. c. lvii.
" tually draining certain fen lands and low grounds in the honor

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" manor and parish of Wormegay in the county of Norfolk and other " lands and grounds which are now drained by means of or through " a certain drain called Polver Drain in the said county" or of the Ouze Bank Commissioners acting in execution of the Act passed in the first and second years of the reign of King William the Fourth intituled "An Act to alter amend and enlarge the powers of the " several Acts now in force relating to the new river or cut from " Eau Brink to King's Lynn in the county of Norfolk called the " 'Eau Brink Cut' and to raise further funds for carrying the said " Acts into execution."

1 & 2 W. 4. c. lxxiii.

Execution of Works.

Power to execute works.

25. Subject to the provisions of this Act the Board are hereby authorised in the lines and according to the levels shown on the deposited plans and sections so far as such lines and levels are shown thereon to execute and maintain the following works (that is to say):—

(A.) A cut (No. 1) commencing in the River Nar at a point about 13 chains measured northward in a straight line from the bridge by which the Lynn and Sutton Railway is carried over the said river and terminating in the same river at a point about 29 chains measured southward in a straight line from the bridge carrying the road from Lynn to Marshland and Saddlebow over the said river together with a sluice across the said cut for shutting out tidal waters from the southern part of the said cut and from the River Nar.

(B.) A cut or drain (No. 2) commencing in the right bank of the River Ouse at a point about 16½ chains measured along the said right bank from the Marshland Free Bridge and terminating in the Puny Drain at a point about one chain north-westward from the point (near the junction of the Lynn and Sutton Railway with the Lynn and Ely Railway) at which the Lynn and Ely Railway is carried by a bridge over the said Puny Drain together with a culvert for carrying the said cut or drain (No. 2) under the said cut (No. 1) and the sluice across the same by this Act authorised and bridges for carrying the said cut or drain (No. 2) under the public roads (formerly turnpike roads) from King's Lynn to the Marshland Free Bridge and to Saddlebow respectively and the clear width of all such bridges shall be the same as the width of the said roads themselves and such bridges shall have proper parapet walls thereto.

(C.) A cut or drain (No. 3) partly in the line of the Puny Drain and of the new Puny Drain and of the old Black Drain

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commencing by a junction with the cut or drain (No. 2) by this Act authorised at its termination as above described and terminating in the drain along which the boundary between the parishes of East Winch and West Bilney runs and at or near the south-western corner of the field numbered 111 on the tithe commutation map of the said parish of East Winch and for the purposes of or in connexion with the said cut or drain (No. 3) to widen and reconstruct the bridge by which the Lynn and Ely Railway is carried over the Puny Drain in the parish of South Lynn otherwise South Lynn All Saints aforesaid and the bridge or culvert by which the main road from Lynn to Downham Market is carried over the said Puny Drain in the hamlet of Setch otherwise Setchey in the parish of North Runcton and to make and maintain a bridge or culvert in the parishes of Wormegay and Middleton or one of them for carrying the public road from Wormegay to Middleton over the said cut or drain (No. 3).

(d.) A cut or drain (No. 4) partly in the lines of existing drains commencing by a junction with the cut or drain (No. 3) by this Act authorised and terminating at or near the south-eastern corner of the field numbered 317 on the tithe commutation map of the parish of Shouldham together with a tunnel or culvert for carrying the said cut or drain (No. 4) under the road leading from Pentney past Pentney Mill to Shouldham Warren at or near the south-eastern corner of the field numbered 309 on the tithe commutation map of the said parish of Shouldham and a syphon for carrying the said cut or drain (No. 4) under the River Nar.

(e.) A cut or drain (No. 5) partly in the lines of existing drains commencing by a junction with the cut or drain (No. 4) by this Act authorised at its termination as above described and terminating by a junction with the drain running between the fields numbered respectively 338 and 339 on the tithe commutation map of the parish of Marham together with a tunnel or culvert for carrying the said cut or drain (No. 5) under the road from Pentney Mill to Marham.

(f.) A cut or drain (No. 6) partly in the lines of existing drains commencing by a junction with the cut or drain (No. 4) by this Act authorised at its termination and terminating at or near the south-western corner of the field numbered 208 on the tithe commutation map of the parish of Marham.

(g.) A cut or drain (No. 7) in the lines of existing drains commencing by a junction with the cut or drain (No. 6) by this Act authorised and terminating at or near the south-eastern

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corner of the field numbered 329 on the tithe commutation map of the parish of Shouldham.

(h.) A drain (No. 8) partly in the lines of existing drains and to be partly in open cutting and partly formed of pipes commencing by a junction with the cut or drain (No. 3) by this Act authorised and terminating at or near the north-western corner of the field numbered 139 on the tithe commutation map of the parish of Shouldham.

(i.) All necessary buildings embankments walls bridges arches culverts ditches drains sluices staunches roads approaches and other works and conveniences.

Protection of the Conservators of the Ouse Outfall.
23 & 24 Vict. c. lxxxviii.

26. Whereas the outfall of the said cut No. 2 is intended to pass under the right bank of the River Ouse and through the forelands of the said bank which bank and forelands are or are claimed to be the property and are under the jurisdiction of the Conservators of the Ouse outfall established by or under the authority of the Ouse Outfall Act 1860 (in this section referred to as the Outfall Board) and are necessary for the conservancy of the said river and the navigation upon the same and for the preservation of a large tract of low lands from inundation. Therefore the Board in constructing the said outfall shall be bound by the following provisions and conditions (that is to say) :—

1. The outfall from the cut No. 2 for connecting the same with the River Ouse shall consist of a sluice or other work to be made in or under the said bank and the forelands thereof.
2. The said sluice or other work shall be so constructed that the same shall not weaken or endanger the said bank or the slopes thereof or obstruct the passage of the Outfall Board their tenants servants and workmen and other persons or of horses sheep or cattle along the said bank.
3. The said sluice or other work shall be provided with sluice doors or other apparatus suitable and efficient for preventing the passage of water into the said cut No. 2 from the River Ouse and the Board shall cause the same to be maintained and used at all times so as effectually to prevent such passage of water.
4. A permanent and suitable paved crossing shall be made at a convenient site across the floor or bottom of the waterway on the seaside of the said sluice for the passage of horses towing barges or other vessels upon the said River Ouse.
5. Previously to commencing the said sluice or other work the Board shall deposit with the clerk to the Outfall Board for the inspection of the engineer for the time being to the Outfall

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Board plans sections working drawings and specifications of the said sluice or work showing amongst all other necessary details the position and level at which such sluice or work is proposed to be placed and the line or angle at which the said work and the waterway thereof are proposed to be directed into or towards the said river and if the said engineer shall within fourteen days after the making of such deposit signify to the Board his disapproval of and objections to the work or to the position level or direction of the said work or waterway and the said Board do not acquiesce in his objections nor remove the same then the matters in difference shall be referred to and determined by a civil engineer to be agreed on between the Outfall Board and the Board or if they do not within ten days after application in writing by either of them to the other so agree then to and by a competent and impartial civil engineer to be appointed on their or either of their application in writing by the Board of Trade.

6. All the costs charges and expenses of and attending such reference and determination shall be borne by the Board unless the arbitrator shall be of opinion that the disapproval or objection of the engineer of the Outfall Board is frivolous or unreasonable in which case such costs charges and expenses shall be in the discretion of the arbitrator.

7. After such signification of disapproval by the engineer to the Ouse Outfall Board the said sluice or other work shall not be constructed except if or so far as may be agreed to by him or determined by the arbitrator.

8. The said outfall and all the works incident thereto including any opening in the said bank and all dams and other works necessary for the protection of such opening against the passage of water into the district from the River Ouse shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Outfall Board but in all respects at the cost and risk of the Board and the reasonable cost of such superintendence shall be paid by the Board and if any difference arise between the two boards under this sub-section the same shall be determined in manner and subject to the conditions contained in sub-sections 5 and 6 of this section.

9. The Board shall not diminish the depth or width of the walls or tideway of the said River Ouse and if at any time any accumulation of silt or other material shall be found in the said river which shall have been caused by the flow of water through the said outfall or shall have been otherwise occasioned by the operation thereof the Board shall compensate the Outfall Board for all reasonable expenses to which that board shall be

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put in removing such accumulation and shall also pay by way of liquidated damages to the Outfall Board fifty pounds for every separate occasion on which such accumulation shall be formed to a depth exceeding at any spot one foot in depth and ten feet in width.

10. If at any time during the construction of the said sluice or work or after the same shall have been completed any injury or damage shall be occasioned or arise to the said bank or the foreshores thereof from or in consequence of the improper formation or improper or defective construction of the work or any improper materials used in the construction thereof the Board shall make good and repair such injury or damage immediately after the discovery thereof and also make full compensation to the Outfall Board or other public body or person aggrieved for such injury or damage and shall also execute such works for the prevention of any future injury or damage as shall be deemed necessary and in case of difference as to the compensation to be made or the works to be executed or the period or manner in which the same shall be executed such difference shall be settled by arbitration in manner provided by the Railways Clauses Consolidation Act 1845. If by reason of any reference to arbitration or from any other cause the works necessary for the making good and repairing of any such damage be not executed forthwith after the occurrence of such damage or injury then if in the opinion of the engineer of the Outfall Board the delay in executing the same will endanger the safety of the works of the Outfall Board they may themselves execute the necessary works and recover the reasonable cost thereof from the Board with full costs of suit in any court of competent jurisdiction. Provided that if any difference arise between the Board and the Outfall Board as to the necessity for such works or any of them or as to the amount claimed in respect thereof by the Outfall Board such difference shall be determined by arbitration in manner aforesaid and the Outfall Board shall only be entitled to recover the costs of such works as shall in such arbitration be determined to have been necessary.

11. The Board shall at all times be responsible to the owners lessees and occupiers of lands protected by the said bank for any damage or injury that may be done to any of the said lands in case of any breach of the said bank or influx of the waters of the said River Ouse arising from or caused in or by the construction of any of the works of the Board or want of any necessary repairs and shall make full compensation to such owners lessees or occupiers for such damage or injury such damage and compensation to be ascertained in the manner pro-

vided by the Lands Clauses Consolidation Act 1845 for ascertaining the amount of compensation payable in respect of lands purchased otherwise than by agreement and the Board shall indemnify and save harmless the Outfall Board from and against all claims demands costs and expenses on account of such damage or injury.

12. Nothing in this Act contained shall extend to prejudice alter lessen control or take away any of the rights powers authorities or jurisdictions now vested in or enjoyed by the Outfall Board but all such rights powers authorities and jurisdictions respectively shall remain in as full force as if this Act had not been passed.

Protection of the Great Eastern Railway Company.

27. For the protection of the Great Eastern Railway Company be it enacted as follows :—

1. The Board shall for the purposes of the cut or drain No. 3 substitute and construct a new bridge in lieu of the existing bridge by which the Lynn and Ely Railway of the Great Eastern Railway Company (herein-after called the Great Eastern Company) is carried over the Puny Drain in the parish of South Lynn otherwise South Lynn All Saints aforesaid and the new and substituted bridge to be so constructed and all works connected therewith shall be constructed and executed respectively by such means and in such manner only as not to interfere with the traffic over or the free uninterrupted and safe use of the said railway and so as to leave undisturbed the existing lines of rails thereon and the whole of such works shall be executed in accordance with plans and sections previously submitted to and approved by the engineer of the Great Eastern Company for the time being and under his superintendence and to his reasonable satisfaction in all respects but in all things at the expense of the Board. Provided that if the Great Eastern Company do not within one month after the said plans and sections shall have been so submitted to them object to the same by notice in writing served upon the clerk to the Board the said plans and sections shall be deemed to have been approved for the purposes of this Act And if the Great Eastern Company object to the same then unless the said plans and sections be agreed between the Board and the said company or their respective engineers within fourteen days after the service of notice of such objections any matter in difference shall be settled by an arbitrator appointed by the common consent of the Board and the said Company or in default of such consent to be appointed by the Board of Trade upon the application of either party and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the

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settlement of disputes by arbitration shall so far as applicable apply to every such arbitration.

2. If within fourteen days after the plans and sections of the substituted bridge mentioned in the last preceding section are submitted to the engineer for the time being of the Great Eastern Company that company elect by notice in writing under the hand of their secretary served upon the clerk to the Board to have the said substituted bridge constructed of brick and iron in lieu of the materials of which the existing bridge is constructed the Board shall construct the substituted bridge of brick and iron and the extra cost occasioned to the board by reason of the construction of the substituted bridge of such materials in lieu of the materials of which the existing bridge is constructed shall be borne and paid by the Great Eastern Company and if any dispute shall arise as to the amount of such extra cost the same shall be settled by arbitration in the manner provided by the last preceding section and all the provisions thereof except as herein expressly varied shall apply to the construction with such materials of the substituted bridge and to the plans and sections thereof.

3. The Board shall not without first obtaining the consent of the Great Eastern Company under the hand of their secretary for the time being take use vary or interfere with any of the lands rails works property or rights from time to time belonging to or in the possession or under the power of or vested in that company except only such or so much or such part or parts thereof respectively as shall be necessary for the Board to take use vary or interfere with for constructing and maintaining the substituted bridge under the said railway in accordance with the provisions in that behalf in this Act contained.

4. The Board shall not purchase and take any lands and property of the Great Eastern Company but they may purchase and take and the Great Eastern Company may and shall sell and grant accordingly an easement or right of using such lands and property for the purposes for which but for this enactment the Board might purchase and take the same.

5. The Board shall bear and on demand pay to the Great Eastern Company all reasonable expenses of the employment by them during the construction of the substituted bridge of a sufficient number of inspectors and watchmen to be appointed by the Great Eastern Company for watching their works and property with reference to and during the execution of such works of the Board and for preventing as far as may be all interference danger and accident from any of the operations or from the

acts or defaults of the Board or of their contractors or any persons in the employment of the Board or of their contractors with reference thereto or otherwise and also of the alteration and maintenance from time to time by the Great Eastern Company of any signals which they may find necessary to make during the construction of such works.

6. If by reason of the execution of any of the works or any proceedings of the Board or the failure of any such works or any act or omission of the Board or of their contractors or otherwise the Great Eastern Railway or any of the works connected therewith or any passenger or other traffic on that railway shall sustain any injury or damage such injury or damage shall be forthwith made good by the Board at their own expense or in the event of their failing so to do the Great Eastern Company may make good the same and recover the expense thereof with full costs from the Board in any court of competent jurisdiction and if any interruption shall be occasioned to such traffic by reason of any of the matters or causes aforesaid the Board shall on demand pay to the Great Eastern Company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable from the Board as last aforesaid and with full costs.

7. Nothing in this Act contained shall prejudice take away diminish or interfere with any of the property rights interests powers and privileges of the Great Eastern Company otherwise than is herein expressly provided.

Supply of the Wisbech Waterworks Company not to be interfered with.

28. And whereas some of the works by this Act authorised will be constructed near the Marham Springs in the parish of Marham whence the Wisbech Waterworks Company derive water for supplying the town of Wisbech and it is expedient that provisions should be made for protecting that company. Therefore if during the progress of any works by this Act authorised or after the completion thereof by any work or operation of the Board the level of the water from which the said company derive their supply as aforesaid shall be lowered so that such supply shall be in any way diminished or interfered with the Board shall forthwith suspend such work or operation until proper provision by damming or otherwise for preventing such diminution or interference shall be made. The Board shall not lower the bed of the Fourteen Foot or Sandy Drain shown on the deposited plans so that the same shall be less than sixty feet three inches above the datum horizontal line shown on the deposited sections of the cut or drain No. 6 by this Act authorised and except for purposes of

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irrigation the Board shall prevent any water from flowing out of the said drain into the lower system of drainage authorised by this Act.

Board to recoup to the Wisbech Water Company compensation, &c., paid under sections 23 and 24. of the Act of 1864 27 & 28 Vict. c. clxxx.

29. In the event of the Wisbech Waterworks Company failing to comply with the provisions contained in sections 23 24 and 26 of the Wisbech Waterworks Act 1864 and thereby becoming liable to pay any compensation or penalty under those sections to Sir Thomas Hare his heirs or assigns or to Henry Villebois Esquire or other the owner of Marham House the Board shall indemnify against and recoup to the said Company any such compensation or penalty which the said Company may be liable to and shall be called upon to pay under either of the said sections.

Protecting the conduit of the company.

30. The Board shall carry the conduit or pipes of the Wisbech Waterworks Company where the same are within the limits of deviation shown on the deposited plans over or under any drains crossing the same which may be made deepened or altered by the Board under the powers of this Act and all works necessary for such purpose shall be executed under the supervision of the engineer for the time being of the said Company and to the reasonable satisfaction of the said Company and at the costs and charges of the Board and shall be either reconstructed of iron pipe or properly protected and thereafter maintained by and at the costs of the Board.

Plan of subsidiary works to be submitted to Wisbech Waterworks Company.

31. If after the completion of the works shown on the deposited plans and sections the Board propose any further works within a radius of one mile from the said Marham Springs the Board shall submit plans and sections of such further works to the Wisbech Waterworks Company and such works shall not be executed if in the opinion of the engineer of the said Company they are likely to diminish or interfere with the supply of water derived by the Wisbech Company from the Marham Springs unless an arbitrator agreed upon by and between the Board and the said Company or appointed by the Board of Trade in default of such agreement on the application of either party shall determine that such apprehension of the engineer of the said Company is ill-founded and unless such arbitrator shall so determine all the said Company's costs of and incidental to such arbitration shall be defrayed by the Board.

Compensation to Wisbech Waterworks Company.

32. The Board shall make full compensation to the Wisbech Waterworks Company for any damage to any works of the said company or for any loss of water which that Company have power to take caused by any of the works or operations of the Board and shall leave unborrowed except for the purpose of making such compensation ten thousand pounds of the fifty thousand pounds authorised to be borrowed by this Act for the period of two years and a half after the completion of the works authorised by this Act and five

thousand pounds for the further period of two and a half years. If any such compensation become payable and is not paid by the Board within three months after demand in writing by the said Company the Board may and shall levy the money required for that purpose in the same manner as contributory payments are to be levied under this Act. A.D. 1881.

Saving rights to soil in and beds and banks of River Nar.

33. Nothing in this Act contained shall confer or vest or be implied to confer or vest in the Board any right or title in or to the right of soil in or bed of the River Nar except such as may be acquired by the Board by purchase under the powers of this Act or such if any as may have been vested in or acquired by the River Nar Navigation Commissioners under the River Nar Navigation Acts.

Limits of deviation.

34. In the execution of the works by this Act authorised the Board may make vertical deviations from the levels of such works shown on the deposited sections to any extent not exceeding five feet either upwards or downwards and lateral deviations from the lines of such works to any extent within the limits of lateral deviation shown on the deposited plans and to any greater extent with the consent of the owner of the land in which the deviation is intended to be made.

Power to Board to exclude and prevent waters not coming from the uplands or springs from the River Nar, and to take water from River Nar and into drains, &c. of Board.

35. The Board may prohibit and prevent the flow into the River Nar and its tributaries of any water other than water from the uplands or springs within the district and other than the waters of the Upper Nar in their natural flow and may for such purpose from time to time construct erect and maintain such dams banks and works and do all such acts matters and things as to them may seem proper and the Board may for the purpose of the letting in of the water from the River Nar or any of its tributaries into any drain or work of the Board make any drains or works or do any act matter or thing which to them may seem proper for such purpose:

The Board may subject to the provisions of this Act but by agreement only with the owners thereof enter upon take and use any lands they may require for any of the purposes aforesaid.

Power to make drains for draining off water in district.

36. For the purpose of effectually draining the district the Board may if they so think fit at any time and from time to time by agreement enter upon take and use any lands within the district and lay down and make thereon therein or thereunder such drains and works as the Board may deem necessary for draining off or receiving water into and disposing of the same through the drains and works the property of or under the control or jurisdiction of the Board. Provided always that nothing in this section contained shall authorise the making of any drain or other work which shall be more than eleven feet wide at the bottom.

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Power to agree as to draining off water in district.

37. For the purpose of effectually draining the district the Board may if they so think fit at any time and from time to time contract and agree with any owner and occupier of any lands within the district for any special works that may be required by him for draining off or receiving the waters from any such lands into and disposing of the same through the drains and works the property of or under the control or jurisdiction of the Board for such times upon such terms and conditions and for such consideration or for such yearly or other sums of money respectively as the Board shall think adequate.

Any sums of money received by the Board under any such contract or agreement shall be from time to time applied by the Board for the purposes of this Act.

Power to agree as to letting in water into district.

38. For the purpose of the letting in of water into the district the Board may if they shall so think fit at any time and from time to time contract and agree with any owner or occupier of any lands without the district for the flow of water from any such lands into any drain or work the property of or under the control or jurisdiction of the Board and may lay down and make any drains or works necessary for such purpose and every such contract or agreement may be for such time upon such terms and subject to such conditions and for such consideration or for such yearly or other sums of money respectively as the Board shall think adequate Provided always that nothing in this section contained shall authorise the making of any drain or other work which shall be more than eleven feet wide at the bottom. Provided also that it shall be lawful for the owners or occupiers of land adjoining any such drains or works to pump water therefrom for the use of their cattle or stock and other agricultural purposes.

Works of interior drainage to be kept open by occupiers of lands.

39. The several occupiers of lands within the district shall at all times well and sufficiently cleanse scour repair and maintain the several watercourses drains sewers banks and other works of internal drainage in connexion with the drains and works of the Board and being within or adjoining their respective lands and it shall be competent for the Board to determine what are internal drainage works for the purposes of this and the following section and to declare the respective liabilities of any such occupiers and their decision shall be final.

Works of interior drainage to be kept open by Board in default of occupiers.

40. If and whenever any such occupier for seven days after notice in writing from the Board fails to do such cleansing scouring repairing and maintaining as aforesaid he shall for every such failure forfeit a sum not exceeding five pounds and the Board may whether any such penalty has or has not been recovered execute the work so omitted to be done and all charges and expenses attending the same

shall be repaid to the Board by the occupier in default and the amount thereof may be recovered in the same manner as any ordinary simple contract debt of the like amount.

Board may stop up watering places in certain cases.

41. The Board may stop up and discontinue all such watering places (if any) for cattle or horses existing at the time of the passing of this Act in the River Nar or its tributaries or in any drain or watercourse under the control or jurisdiction of the Board as they may consider prejudicial to the due execution by them of this Act making in respect of any such watering place full compensation to all persons sustaining damage by the stopping up or discontinuance of the same or at the option of the owner making for the use of such persons in lieu of the watering place discontinued and stopped up a watering place of equal capacity and convenience and in case of any dispute as to the amount of such compensation or the capacity or convenience of such last-mentioned watering place the same shall be determined in manner prescribed by the Lands Clauses Consolidation Acts 1845 1860 and 1869 with respect to the settlement of questions of disputed compensation. From and after the passing of this Act it shall not be lawful for any person to make any watering place for cattle or horses in the River Nar or its tributaries or in any such drain or watercourse aforesaid without the leave in writing of the Board under their common seal and except the same be in accordance with the provisions of this Act and the byelaws made in pursuance thereof.

Alteration or removal by agreement of sluices in connexion with River Nar and its tributaries.

42. Where at the time of the passing of this Act there is any sluice or other work by means of which the owner of the lands upon which the same is placed is enabled to let water from the River Nar or any of its tributaries into the said lands or the lands adjacent thereto the Board may as and when they think fit and from time to time by agreement with such owner alter enlarge diminish or improve the same or may remove the same and place another sluice or work or other sluices or works in lieu thereof or in addition thereto in such place or places as the Board may think fit and such owner may approve; and in the absence of such agreement with the owner the existing sluice or work aforesaid shall be maintained by the Board.

Preserving existing drainage communications.

43. In case after the construction of any work under the authority of this Act it becomes necessary for the purpose of keeping up the drainage communications existing at the time of the passing of this Act with any sluice drain or other work to alter enlarge diminish or improve any sluice drain or other work used for regulating such communication or to remove the same and to place another sluice drain or work or other sluices drains or works in lieu thereof or in addition thereto then and in every such case such alteration enlargement diminution improvement removal replacing

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or addition shall be effected by and at the cost of the Board as part of the works by this Act authorised.

Protection of owners from floods.

44. Notwithstanding anything in this Act it shall not be lawful for the Board to do or permit any act matter or thing whereby or by reason whereof the level of the water in the cut or drain (No. 3) by this Act authorised where it will pass through the parishes of West Winch, South Lynn, Setch and North Runcton shall at any time be raised to a greater height than 55 feet above the datum horizontal line shown on the deposited section of that cut or drain and if in consequence of the breach or non-observance of this enactment any damage by flooding shall arise to the owners or occupiers of any lands in the said parishes of South Lynn Setch North Runcton and West Winch the Board shall make full compensation for such damage the amount of such compensation to be settled in case of difference in manner provided by the Lands Clauses Consolidation Act 1845 with respect to questions of disputed compensation. Provided always that nothing in this section shall be deemed to relieve the Board from liability to make compensation to any owner or occupier under the next following section of this Act in any case in which such compensation would be payable if this section had not been enacted.

Compensation for damage.

45. Notwithstanding anything in this Act contained if any owner or occupier shall at any time or from time to time hereafter sustain any damage or injury to his her or their lands by or in consequence of any act or acts of the Board or the works by this Act authorised then full compensation shall be made to him her or them for such damage or injury the amount thereof to be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to questions of disputed compensation.

Board to remove thistles, &c. and to destroy moles, &c.

46. The Board may from time to time cause all the thistles and weeds which arise or grow upon or in any lands or banks the property of the Board to be mowed cut down and destroyed as often as shall be necessary and the Board may from time to time cause to be destroyed all such moles and other vermin as shall be found in and about the said lands and banks and any other lands and banks adjoining or lying near thereto and may for that purpose employ such persons at such wages or salaries as they shall think proper and it shall and may be lawful to and for such persons to enter into and upon the said lands and banks and the lands and banks adjoining thereto or any of them for that purpose From and after the passing of this Act it shall not be lawful for any person to mow cut down or destroy thistles or weeds in the said

lands or banks the property of the Board or to destroy moles or other vermin in and about the said lands or banks without the consent of the Board in writing under their common seal and except in accordance with the byelaws made in pursuance of this Act. A.D. 1881.

To limit the digging of turf.

47. From and after the passing of this Act it shall not be lawful to or for any person whomsoever to dig or cause to be dug any turf upon or out of any of the lands within the district otherwise than in accordance with the byelaws made in pursuance of this Act nor to dig or cause to be dug any turf upon or out of any such lands (except for the purposes of fuel to be spent in the dwelling-houses of the occupiers thereof or in the dwellings of poor persons entitled to cut turf in the commons within the district) unless such person first give security to be approved by the Board for the regular payment of the rates payable in respect of the lands so intended to be dug by virtue of this Act for twenty years after such digging or shall pay into the hands of the treasurer for the time being of the Board such sum of money as the Board shall determine to be a fair consideration for the total exoneration and discharge of the lands so intended to be dug for turf from all rates to be imposed and charged thereon by virtue of this Act and from and after such consideration money shall be paid to the treasurer for the time being of the Board such lands shall be wholly freed exonerated and discharged of and from the payment of any future rates to be imposed and charged thereon by virtue of this Act and if any person digs or causes to be dug any turf in any of the said lands (except for the purposes aforesaid) without first giving such security as herein-before directed for payment of the said rates or without first paying such consideration money for the exoneration and discharge of the said lands from such rates then and in every such case it shall be lawful for the Board or any person authorised by them by warrant under the seal of the Board to levy such sum as the Board shall at any meeting determine to be a fair consideration and compensation for such total exoneration and discharge from the said rates in respect of the whole of the lands of which any part shall be so dug as aforesaid by distress and sale of the goods and chattels of the owner or occupier of such land or of the person or persons so digging the same in the same manner as by this Act authorised for recovery of the rates by this Act authorised to be raised and the overplus of the moneys arising by such distress and sale (if any) after deducting such consideration or compensation money and the costs and expenses attending such distress and sale shall be paid to the person or persons entitled thereto.

To prevent digging

48. No person shall after the passing of this Act make or cause to be made any drain into or through or so as to injure the banks

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drains near the banks.

forelands or slopes of any drain or watercourse the property of or under the jurisdiction or control of the Board or make or cause to be made any drain in or upon any of the lands within the district within the distance of sixty feet from any bank drain or watercourse the property of or subject to the control or jurisdiction of the Board except with the consent in writing of the Board under their common seal and in accordance with the byelaws made in pursuance of this Act and in case any person shall offend herein every such person so offending shall in addition to any other penalty to which he may be liable forfeit and pay for every such offence any sum not exceeding the sum of sixpence for every foot in length of such drain and also any sum not exceeding sixpence per foot for every month such drain shall remain unfilled up after notice given by the Board or by any officer or person on their behalf to the owner or owners occupier or occupiers of the lands on which the same shall be made requiring the same to be filled up and the Board shall have full power and they are hereby authorised at any time at the cost and charges of such owner or owners occupier or occupiers to fill up and level any such drain and in case such costs and charges shall not be paid by such owner or owners occupier or occupiers within the space of fourteen days after demand made by the Board or by any person authorised by them such costs and charges may be raised and recovered by the same ways and means as are herein-after provided for the recovery of rates in case of nonpayment thereof.

Works below high water mark.

49. The Board shall not construct any works on any part of the banks or shore of the River Ouse where and so far up the same as the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing and then only according to such plan and under such restrictions and regulations as the Board of Trade approve of such approval being signified as last aforesaid and where any such work shall have been constructed with such consent as aforesaid the Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if any such work shall be commenced or completed without such consent and approval the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Board and the amount of such costs shall be a debt due to the Crown and recoverable against the Board accordingly with costs or the same may be recovered with costs from the Board as though the same were a penalty under this Act.

Abatement of work abandoned or decayed.

50. If a work constructed by the Board on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any

part of it and restore the site thereof to its former condition at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Crown and be recoverable against the Board accordingly with costs or the same may be recovered with costs from the Board as though the same were a penalty under this Act.

Survey of works by Board of Trade.

51. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Board on in over through or across tidal lands or tidal water or of the intended site of any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and be recoverable against the Board accordingly with costs or the same may be recovered with costs from the Board as though the same were a penalty under this Act.

Lights on works.

52. The Board shall on or near the works below high water mark hereby authorised during the whole time of the constructing altering or extending thereof exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade, from time to time requires or approves.

If the Board fail to comply in any respect with the provisions of the present section the Board shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Power to contract for works.

53. The Board may from time to time contract with any person for the execution of any of the works by this Act authorised and may take such bond or other security from any contractor for the due performance of his contract as they think sufficient and may from time to time (if occasion so require) compound with any contractor for any penalty contained in any such contract or in any bond or other security as aforesaid or on account of any breach or non-performance of such contract bond or other security for such pecuniary or other recompense as they think sufficient or may take such other steps or proceedings in reference to the contract or to the contractor or to the execution of the works comprised in the contract as they may think proper.

Period for completion of works.

54. The works authorised by this Act shall be completed within seven years after the passing of this Act and on the expiration of that period the powers granted to the Board for making those respec-

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tive works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

ACQUISITION OF LANDS.

Power to take lands.

55. For the purposes of this Act the Board may subject to the provisions of this Act from time to time enter on and take such of the lands delineated and described in the deposited plans and book of reference as the Board think fit. Provided that the Board shall not for those purposes take or use any greater quantity of the common lands next herein-after set forth than the quantities mentioned in connexion therewith respectively that is to say:

Parish.	Name of Common Land.	Quantity.
Wormegay - -	Wormegay Poor Lot -	1 acre
Shouldham - -	Shouldham Poor Lot No. 1 -	1½ acres
" - -	Shouldham Poor Lot No. 2 -	1 acre
Marham - -	Marham Poor Lot - -	2 acres
North Runcton (Hamlet of Setch) and West Winch -	West Winch Common -	9 acres

Application of compensation money for common lands.

56. With respect to any money paid by the Board to a committee as compensation for lands being common lands or in the nature thereof the right to the soil of which shall belong to the commoners it shall be lawful for the majority in number present at any meeting of such committee called for the purpose with not less than fourteen days notice to decide that such money shall be laid out either in the improvement of the remainder of the common land in respect of a portion of which such money has been paid or in the purchase of additional land to be used as common land and any such decision shall bind the minority and all absent parties and the Committee may apply the money accordingly.

Any land so purchased as aforesaid for use as common land shall be conveyed to and vest in the persons to whom the land so taken belonged and all such lands shall be subject to the same commonable or other rights in all respects as the land for which the purchase-money shall have been paid by the Board.

Power to acquire certain lands subject to liabilities.

57. Where any person holds any lands subject to any liability obligation or duty to maintain and repair any highways watercourses drains or banks within the district the Board may by agreement with such person acquire such lands and take over such liability obligation and duty and thereupon the said lands shall be transferred to and shall vest in the Board subject to the discharge observance and

performance of such liability obligation and duty and the Board shall from time to time thereafter discharge observe and perform such liability obligation and duty.

Power to Board to purchase existing drains.

58. The Board may if they so think fit at any time and from time to time contract and agree with the Commissioners of Sewers or with any person being the owners or owner of any existing drain or watercourse for the purchase and acquisition by the Board of such drain or watercourse upon such terms and conditions and for such price or prices as may be agreed upon and thereupon every such drain or watercourse together with all easements rights or privileges in over or affecting the same shall be transferred to and vest in the Board and the Board may at all times thereafter repair and maintain the banks and channel of every such drain or watercourse so transferred to them as aforesaid.

Transfer of lands awarded to Sir Thomas Hare Bart. 34 G. 3. c. 85. (Priv.)

59. The area of land containing thirty-five acres or thereabouts awarded to Sir Thomas Hare Baronet under and by virtue of an award made on the seventh day of December one thousand seven hundred and ninety-eight by the Commissioners acting in the execution of an Act passed in the 34th year of the reign of His late Majesty King George the Third intituled "An Act for dividing "allotting and enclosing the common fields half-year lands Lammas "meadows commons and waste lands within the parishes of Should-"ham and Shouldham-Thorpe otherwise Garbois-Thorpe in the "county of Norfolk" shall be transferred to and shall vest in the Board and the Board shall at all times thereafter repair and maintain the banks and channel of the drain or watercourse passing through the said lands and known as Sandy Drain and shall from time to time execute all such works as in the opinion of the Board may be necessary or expedient for the good and effectual drainage of the said lands and the Board shall within two years after the completion of the said drainage works offer to resell the said lands to Thomas Leigh Hare Esquire his heirs or assigns or to the trustees for the time being of the will of the late Sir Thomas Hare Baronet and if the said Thomas Leigh Hare his heirs or assigns or the said trustees shall then or at any time thereafter within three years from the date of such offer be desirous of repurchasing the said lands freed and discharged from any liability obligation or duty in relation to the maintenance of the said Sandy Drain the same shall thereupon be forthwith re-sold and re-transferred by the Board to the said Thomas Leigh Hare his heirs executors administrators or assigns or to the said trustees at such price as shall be agreed upon or failing such agreement as shall be ascertained by arbitration in manner prescribed by the Lands Clauses Consolidation Acts 1845 1860 and 1869 with respect to the settlement of questions of disputed compensation and

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the purchase money arising from such re-sale shall be applied by the Board for the purposes of this Act and from and after such re-sale the Board shall continue to maintain and repair the said Sandy Drain.

Power to acquire lands by agreement.

60. In addition to the lands which the Board are by this Act authorised to acquire compulsorily they may from time to time purchase by agreement and hold any lands not exceeding fifty acres.

Power to persons under disability to grant easements by agreement.

61. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Board any easement right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Limitation of time for compulsory purchase.

62. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the date of the passing of this Act.

Power of Board to let herbage of lands and to let and sell surplus lands.

63. The Board may from time to time let to any person from year to year or for any longer or shorter period the herbage of any lands acquired or vested in them under the provisions of this Act and from time to time may let on lease or otherwise and may sell any of such lands which they do not require for the purposes of this Act.

Purchase and Transfer of Nar Navigation Undertaking.

Board to acquire River Nar Navigation undertaking.

64. The Board shall within six months after their first meeting after the first election of Commissioners under this Act proceed to purchase and shall thereafter use all due diligence to complete the purchase of the River Nar Navigation undertaking by agreement or failing agreement otherwise than by agreement in the manner provided by the Lands Clauses Consolidation Acts 1845 1860 and 1869 and for such purpose in the construction of the said Acts the term "lands" used therein shall be construed to mean the River Nar Navigation undertaking Provided that in estimating the consideration payable in respect of the said undertaking due regard shall be had to the net annual value of the tolls payable and revenue arising in respect of the said undertaking prior to the first day of November one thousand eight hundred and eighty the state of the navigation of the River Nar and the liability to maintain the same under the River Nar Navigation Acts. Provided also that the purchase shall be evidenced by a deed of conveyance in which the consideration shall be fully set forth and the Board shall within the period of three months after such purchase produce to the Commissioners of

Inland Revenue such deed duly stamped and should such deed not be so produced the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the transfer shall be recoverable from the Board with full costs of suit and all costs and charges attending the same.

When the Board have paid the purchase money of the River Nar Navigation undertaking to the persons entitled thereto or have paid or deposited the same into or in the bank in accordance with the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 then such undertaking shall by virtue of such payment or deposit and of the aforesaid deed of conveyance and of this Act subject nevertheless to the provisions of the next succeeding section be transferred to and vested in the Board and the persons then being the River Nar Navigation Commissioners shall cease to act as such and they are hereby freed and discharged from all duties obligations and liabilities whatsoever in respect of their having been such commissioners as aforesaid and thereafter the River Nar Navigation Acts shall subject as aforesaid be read and have effect as if the Board had been therein named instead of the Commissioners and of Henry Spelman his executors administrators and assigns respectively subject to the modifications following :—

The proceedings of the Board with respect to the execution of the River Nar Navigation Acts shall be in accordance with the provisions of this Act with respect to the proceedings of the Board :

The Board shall not except as by this Act otherwise expressly provided be required to keep the River Nar navigable nor shall they have power to charge any tolls or duties in respect of any goods merchandise wares or commodities carried up or down the River Nar and all rights of navigation over the River Nar shall absolutely cease and are hereby determined. Provided always that the Board shall so far as may be necessary for the purposes of this Act repair and maintain the banks of the said River Nar and its tributaries and for such purpose may enter upon any lands adjoining or near such banks and execute such works and do such acts as they may think necessary or expedient.

But save as aforesaid the provisions of the River Nar Navigation Acts shall continue unaffected and as though the said River Nar were required to be kept navigable.

In case any person other than the persons specified in the next succeeding section shall within three months after the transfer to and the vesting in the Board of the River Nar Navigation undertaking under the provisions of this Act claim any compensation in respect of any right of navigation determined in manner aforesaid and no agreement be come to between the Board and such person as

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to such claim within two months after the making of the same then and in such case the claim of such person to such right and (if the same shall be decided to be just) to any compensation in respect thereof shall be decided by arbitration in manner provided by the Lands Clauses Consolidation Acts 1845 1860 and 1869 for the settlement of questions of disputed compensation and the provisions of the said Acts relating to the settlement by arbitration of such questions shall be deemed to apply to the decision by arbitration in manner aforesaid as to the said claim.

Sale &c. of rights, &c. of John Lewis Marriott and Horace Spelman Marriott in River Nar Navigation undertaking and in River Nar.

65. Whereas John Lewis Marriott and Horace Spelman Marriott both of Narborough in the county of Norfolk are or claim to be entitled or interested to or in the River Nar Navigation undertaking and "the River Nar" with certain rights of navigation halage and tollage over the same and also to or in the banks of and certain rights of navigation halage and tollage over "the Upper Nar." Be it enacted as follows:—

(A.) Within six months after the passing of this Act or as soon thereafter as the Board shall under the provisions of this Act be able to raise the necessary moneys (not exceeding a period of two years from the passing of this Act) the said John Lewis Marriott and Horace Spelman Marriott and all other necessary parties shall sell and convey to the Board at the costs and charges of the Board and the Board shall purchase of and from the said John Lewis Marriott and Horace Spelman Marriott and all other necessary parties all the right title and interest of the said John Lewis Marriott and Horace Spelman Marriott and of all other necessary parties in to or out of "the River Nar" and "the River Nar Navigation undertaking" together with all rights of navigation halage and tollage over the same vested in or enjoyable by them or any of them immediately before the passing of this Act at and for the price of six thousand pounds to be paid by the Board to the said John Lewis Marriott and Horace Spelman Marriott or the survivor of them or the executors or administrators of such survivor their or his assigns on or before the completion of such purchase and within the said period after the passing of this Act.

(B.) Until the said sum of six thousand pounds shall have been paid by the Board to the said John Lewis Marriott and Horace Spelman Marriott or the survivor of them or the executors or administrators of such survivor their or his assigns and the purchase completed the Board shall not in the exercise of any of the powers by this Act given to or vested in them in any way interfere with prejudice injure lessen or affect any right title or interest of the said John Lewis Marriott and Horace Spelman

Marriott in to or out of "the River Nar" or "the River Nar Navigation Undertaking":

(c.) The Board shall not in the exercise of any of the powers or authorities by this Act given to or vested in them in any way interfere with prejudice injure lessen or affect any right title or interest of the said John Lewis Marriott and Horace Spelman Marriott in or to the navigation of or the halage or tollage over "the Upper Nar" nor in to or over the banks on either side thereof:

(d.) Nothing in this Act contained shall operate or be construed to alter lessen or abrogate any existing duty of the said John Lewis Marriott and Horace Spelman Marriott with reference to the navigation of "the Upper Nar" provided always that if the effect of any act or works done or carried out by the Board under the powers of this Act shall be to render "the Upper Nar" no longer navigable then and in that case any existing duty on the part of the said John Lewis Marriott and Horace Spelman Marriott with reference to such navigation shall notwithstanding the enactment aforesaid cease and determine:

(e.) The said John Lewis Marriott and Horace Spelman Marriott or the survivor of them their heirs or assigns shall at all times to the reasonable satisfaction of the engineer for the time being of the Board keep up and maintain the banks of "the Upper Nar" and shall suffer and permit the said engineer or any person appointed by him by writing under his hand at all reasonable times to enter upon the said banks for the purpose of inspecting the condition thereof and if and whenever any repairs shall in the opinion of the said engineer be necessary for the proper keeping up and maintaining of the said banks the Board may give notice in writing to the said John Lewis Marriott and Horace Spelman Marriott or the survivor of them their or his heirs or assigns requiring them within two months from the date of such notice to execute and complete all such repairs as may be so necessary and as may be specified in such notice and if and whenever the said John Lewis Marriott and Horace Spelman Marriott or the survivor of them their or his heirs or assigns shall fail within two weeks after the receipt by them of such notice to commence the works specified therein or shall fail to execute and complete the works specified in such notice within the time fixed by such notice for such execution and completion the Board may by their servants workmen and agents with horses and carts and all necessary materials implements and machinery enter upon the said banks and execute and complete the said works at the costs and charges of the

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said John Lewis Marriott and Horace Spelman Marriott or the survivor of them their or his heirs or assigns as the case may be and any costs and charges so incurred by the Board shall constitute a debt due from the said John Lewis Marriott and Horace Spelman Marriott or the survivor of them their heirs or assigns as the case may be to the Board and may be recovered in like manner as any ordinary simple contract debt.

(F.) The costs charges and expenses of the said John Lewis Marriott and Horace Spelman Marriott and other the said necessary parties as provided for by an agreement dated the 28th day of February 1881 and made between the said John Lewis Marriott and Horace Spelman Marriott of the one part and Sir Lewis Whincop Jarvis Jarman Patrick and Robert Henry Household of the other part shall be borne and paid by the Board to the said John Lewis Marriott and Horace Spelman Marriott and other the said necessary parties on or before the completion of the said purchase and the said John Lewis Marriott and Horace Spelman Marriott and other the said necessary parties shall not be required to complete the said purchase until such payments shall have been made.

Protection of King's Lynn Gas Company.

66. For the protection of the King's Lynn Gas Company who are or claim to be owners of certain works adjoining or near the River Nar above and below the bridge known as the Long Bridge over the said river in the parish of South Lynn and to be entitled to carry and convey coals by means of the said river to or for use at their said works. Be it enacted that at all times after the construction of the sluice by this Act authorised to be made across the cut No. 1 by this Act authorised the Board unless the said Company otherwise agree in writing under their common seal shall by such ways and means as shall be proper and effectual maintain and keep open for navigation the said river below the Long Bridge aforesaid with a channel of the same width depth and capacity as the same exists at the passing of this Act.

Byelaws.

Power to make byelaws for preventing fouling of water, &c.

67. The Board may in addition to any byelaws which they may make under the provisions of the Commissioners Clauses Act 1847 incorporated with this Act from time to time make byelaws for all or any of the following purposes (namely):—

For prohibiting persons from discharging sewage into any part of the River Nar above the highest point at which any of the existing public sewers in the town of Kings Lynn fall into the said river and from discharging sewage into any of the tributaries of the said river or into any drain or watercourse for the

time being the property of or under the jurisdiction and control of the Board :

For prohibiting persons from throwing or causing or suffering to fall or flow any refuse or other injurious or offensive matter into the River Nar above the highest point aforesaid or its tributaries or into any drain or watercourse the property of or under the jurisdiction and control of the Board or otherwise fouling the water thereof or throwing or suffering to fall any earth stones or soil into such river or its tributaries or any such drain or watercourse :

For preventing netting and snaring of fish and for regulating the mode of fishing in any drain or watercourse the property of the Board but so as not to prejudice or interfere with any rights of fishery in the River Nar under the River Nar Navigation Acts or in the New Cut or any such drain or watercourse as aforesaid or to confer any right of way not heretofore enjoyed over any lands abutting upon the said River Nar or any such drain or watercourse :

For prohibiting persons from defacing marks placed by authority of the Board on any sluice or other work the property of or under the control and jurisdiction of the Board :

For prohibiting persons from injuring the stone brick wood or iron work of any sluice or other work the property of or under the control and jurisdiction of the Board :

For prohibiting persons from injuring defacing or removing notices placards and bills put up by the Board and posts railings and fences connected with the works of the Board :

For regulating the use for the watering of cattle and horses of the River Nar or its tributaries or any drain or watercourse the property of or under the jurisdiction or control of the Board and the making of such watering places and for prohibiting the making of such watering places and the user of the River Nar or any of its tributaries or of any such drain or watercourse for the watering of cattle and horses otherwise than in accordance with such byelaw :

For regulating the mowing cutting down and destroying thistles and weeds in any lands or banks the property of the Board and for prohibiting the mowing cutting down or destroying of such thistles and weeds otherwise than in accordance with such byelaw :

For regulating the destroying of moles or other vermin in or upon any lands or banks the property of the Board or in or upon any lands or banks adjoining or lying near thereto and for prohibiting the destroying of moles in or upon such lands or banks otherwise than in accordance with such byelaw :

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For regulating (but subject to the provisions of the section of this Act the marginal note of which is "to limit the digging of turf") the cutting of turf upon or out of any lands within the district and subject as aforesaid for prohibiting the digging of turf upon or out of such lands otherwise than in accordance with such byelaw:

For regulating the digging of drains within sixty feet from any bank drain or watercourse the property of or subject to the control or jurisdiction of the Board.

Rules as to making allowance &c. of byelaws.

68. With respect to byelaws to be made by the Board under the last preceding section of this Act the following provisions shall have effect (namely):

(1.) Nothing in this Act shall authorise the Board to make any byelaw repugnant to law or to the provisions of this Act:

(2.) All such byelaws shall be made under the corporate seal of the Board:

(3.) Any such byelaws may impose reasonable penalties for offences against the same not exceeding five pounds for each offence with or without further penalties for continuing offences not exceeding for any continuing offence forty shillings for every day after the first day during which the offence continues:

(4.) All such byelaws shall be so framed as to allow of the Court of Summary Jurisdiction before whom any penalty imposed thereby is sought to be recovered ordering part only of the maximum penalty to be paid:

(5.) Any such byelaws shall not have effect until they are allowed by the Local Government Board and the Local Government Board shall on the request of the Board inquire into any byelaws tendered to them for allowance and allow or disallow the same as they think meet:

(6.) Any such byelaw shall not be allowed unless notice of intention to apply for the allowance thereof has been given by advertisement inserted by the clerk or other officer of the Board in some newspaper circulating in the district one month at least before the application for allowance is made:

(7.) Any person desiring to object to any such byelaw on giving to the Board notice of the nature of his objection not less than ten days before the hearing of the application for allowance may by himself or his counsel attorney or agent be heard thereon:

(8.) For one month at least before the hearing of any such application a copy of the proposed byelaws shall be kept at the office of the Board and at the office of the clerk of the peace for the county of Norfolk and all persons may at all reasonable times inspect the copy so kept without payment and the clerk

to the Board shall furnish every person applying for the same with a copy thereof or of any part thereof on payment of sixpence for every one hundred words copied :

(9.) All byelaws when allowed shall be printed and the clerk to the Board shall deliver a printed copy thereof to every person applying for the same on payment of such reasonable price as the Board may from time to time direct not exceeding sixpence for each copy :

(10.) A printed copy purporting to be signed by the clerk to the Board of byelaws purporting to be duly made by the Board and to be allowed as aforesaid shall be evidence of the existence and due making and allowance of such byelaws without proof of the signature of such clerk.

Financial.

Payment of expenses of Board.

69. The Board shall provide the moneys required from time to time by them for carrying the several purposes of this Act into execution by means of contributions (in this Act referred to as "contributory payments") to be assessed and levied in every half year as by this Act provided in respect of the Nar frontage lands the half tax lands the flood lands and the lands within the coloured areas :

Provided always that the total amount to be assessed and levied in any half-year shall be apportioned amongst the said several lands in manner following that is to say :

So much of the said amount as will be produced by the payment of five pounds for every lineal mile and so in proportion for any fraction of a lineal mile of frontage of the Nar frontage lands shall be assessed and levied in respect of the Nar frontage lands and

So much of the said amount as will be produced by the payment of threepence for every acre of the half tax lands shall be assessed and levied in respect of the said lands And the moneys necessary together with the moneys so assessed and levied to make up the said amount shall be assessed and levied in respect of all the lands within the district including such of the flood lands as form part of the coloured areas but excluding the Nar frontage lands and the half tax lands in the proportions following that is to say : The flood lands shall bear twelve per centum of such moneys and the coloured areas (including in each area such of the flood lands as form part of such area) shall bear the following proportions that is to say ; The lands within the red area shall bear twenty-three and three quarters per centum of such moneys the lands within the blue area shall bear fifty-two and a half per centum of such moneys the lands within the green

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area shall bear eight and three-quarters per centum of such moneys and the lands within the yellow area shall bear three per centum of such moneys.

Drainage rates to be levied to make up contributory payments.

70. For the purpose of raising the contributory payments from time to time required by the Board the Board may from time to time by virtue of and under the authority of this Act make and levy rates in each and every half-year after the passing of this Act to be called "Nar Valley Drainage Rates" on the said Nar frontage lands the half tax lands the flood lands and the lands within the coloured areas and the said rates shall in each case be levied on the persons and in respect of the property herein-after mentioned and the amount of such rates from time to time to be levied shall be as nearly as practicable the amount of the contributory payments for which the Nar frontage lands the half tax lands the flood lands and the lands within each of the coloured areas respectively shall from time to time be liable under this Act together with all the costs charges and expenses of the Board necessary for assessing making levying collecting and recovering the same respectively or otherwise in relation thereto respectively.

The amount from time to time to be levied in respect of the Nar frontage lands shall be levied on the occupiers of the same respectively by equal and sufficient rates according to the lineal extent of the frontage to the said river of such lands in their respective occupation and the amount from time to time paid in respect of Nar Valley drainage rates by the occupier of any of the Nar frontage lands may be deducted by him from any rent or other moneys from time to time payable by him to the owner of such lands.

The several amounts from time to time to be levied in respect of the half tax lands flood lands and lands within the coloured areas shall be levied on the occupiers of such lands respectively by equal and sufficient rates according to the superficial extent of such lands in their respective occupation and the amount from time to time paid in respect of such last mentioned rates by the occupier of any of such lands may in the absence of any agreement to the contrary be deducted by him from any rent or other moneys from time to time payable by him to the owner of such lands.

In case the Board in any year be unable to collect the whole of any contributory payments to be levied in respect of the Nar frontage lands the half tax lands the flood lands or the lands in any of the coloured areas or have collected more than the whole amount of such contributory payment the deficiency or excess as the case may be shall be taken into account in fixing the contributory payments to be levied by them for the next succeeding half-year in respect of such lands or areas respectively.

Where any person liable to pay any rate under this Act fails for twenty-eight days after the receipt of notice in that behalf to pay any rate due from him the Board may issue a warrant of distress under their seal in such form as the Board may think fit and the bailiff or other person to whom the warrant is addressed may and shall seize and distrain any goods or chattels of the person so failing being on the lands in respect of which the rate is payable and the distress may be impounded sold or replevied dealt with and disposed of as in case of distress for rent in arrear reserved on a common lease for years and the surplus if any arising from the sale of any such goods and chattels after paying thereout the rate and the expenses of the distress and sale and the unsold goods and chattels if any shall be returned on demand to the person whose goods are distrained.

Where no sufficient distress is found on the land in respect of which it is payable the Board may after giving ten days notice to the owner of their intention in this behalf let such part of the land as they think sufficient to any fit person for any term not exceeding three years at the best yearly rent that can be reasonably had and may appoint a person to deliver to the lessee possession of the land let and he shall deliver possession thereof accordingly and the Board may distrain for any rent so reserved and enforce the covenants of the lease as if the Board were entitled to the immediate reversion of the land let.

Notice of the intention to let and of the time and place of the letting with a short description of the land to be let shall twenty-one days at least before the day appointed for the letting be posted by the Board on some conspicuous place on or near the land.

The Board shall apply the rent received by them under any such letting in or towards payment of the rate from time to time payable in respect of such land and expenses unpaid rendering the surplus (if any) on demand to the person entitled thereto.

Power to Board to borrow on mortgage

71. For any of the purposes of this Act the Board may from time to time borrow at interest on mortgage of all moneys which they are authorised by this Act to receive and levy any sums of money not exceeding in the whole fifty thousand pounds:

Coupons for interest on mortgages.

(1.) The Board may from time to time if they think fit issue to holders of their mortgages coupons for the interest from time to time to fall due thereon in such form as the Board think fit so as every coupon do refer to the mortgage to which it relates and do specify the amount and time of payment of one half-year's interest to fall due on the principal moneys secured by the mortgage and be authenticated in such manner as may be authorised by the Board (which authorisation shall be presumed until the contrary

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is shown) and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest thereon expressed and thereby appearing to be payable and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment of the amount for which it was issued but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Board then in his hands and applicable in that behalf:

Money borrowed on mortgage may be repaid by instalments.

(2.) All moneys borrowed or re-borrowed by the Board on mortgage under this Act may be borrowed and re-borrowed for any term not exceeding sixty years from the date of the first borrowing of the same and subject as aforesaid shall be repaid by yearly or half-yearly instalments or by means of a sinking fund provided that when the payments shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum:

Sinking fund for payment of money borrowed on mortgage.

(3.) The board shall within twelve months after borrowing any moneys on mortgage under this Act and thenceforth annually on the same days set apart as a sinking fund for the payment of such moneys out of the moneys upon the security of which such moneys have been borrowed such a sum as will be sufficient to pay within a period (not exceeding sixty years from the time of borrowing) such portion of the principal moneys so borrowed as shall not be repayable by yearly or half-yearly instalments to be accumulated in the way of compound interest by investing in any securities in which trustees are for the time being authorised to invest trust funds and the Board may from time to time apply the said sinking fund respectively in repayment of such portion of the principal moneys until thereby or otherwise the whole of such portion has been fully paid off. Provided always that whenever any of such principal moneys have been so paid off the Board shall thenceforward until the whole of such principal moneys have been paid off pay in to the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal money so paid off. Provided also that whenever and so long as the yearly income arising from the sinking fund is equal to the annual interest of the principal moneys then due and outstanding the Board may in lieu of investing the said yearly income apply the same in payment of such interest and

may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto: Provided that the sums to be from time to time set apart and paid into the sinking fund by the Board during such last-mentioned periods shall be such as the Local Government Board shall from time to time approve. Provided further that where from time to time any moneys received in respect of the sales of land acquired under and not required for the purposes of this Act have been applied in reduction of debt or carried to the sinking fund the said Local Government Board shall on the application of the Board determine the extent to which the subsequent payments into the sinking fund shall be reduced and thereupon such payments shall notwithstanding anything herein-before contained be reduced accordingly:

(4.) In case the Board borrow any moneys on mortgage under this Act at any time within three years after the passing of this Act the period of sixty years for which moneys may be borrowed under this Act shall in relation to the moneys so borrowed be deemed for the purposes of this Act with respect to the repayment of the same to commence upon the expiration of the third year after the passing of this Act and the Board shall not be required to pay any instalment on account of the same or set apart any moneys as a sinking fund in respect of the same at any earlier time than they would have been required to do had such moneys been borrowed immediately after the expiration of the said period of three years after the passing of this Act and the borrowing of such moneys shall with respect to instalments or sinking fund in relation thereto and the time for which the same may be borrowed be deemed to have taken place at the commencement of the fourth year after the passing of this Act and this Act shall in relation to such matters be construed accordingly:

Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage.

(5.) The clerk to the Board shall within twenty-one days after the first day of January of each year during which any sum is required to be paid as an instalment or set apart for a sinking fund in respect of moneys borrowed on mortgage under this Act transmit to the said Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund

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and the interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appears to the said Local Government Board by such return or otherwise that the Board have failed to pay any instalment or to set aside the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this Act the said Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default has been made shall be set apart and invested by the Board as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the said Local Government Board out of the High Court of Justice :

Power to mortgagees to appoint a receiver.

(6.) With respect to a receiver the following provisions shall have effect namely the mortgagees of the Board under this Act may enforce payment of arrears of principal or interest or principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth of the amount of the moneys then due on any mortgage under this Act :

Power to re-borrow.

(7.) If the Board pay off any part of any money borrowed by them by mortgage under this Act otherwise than by instalments or by means of a sinking fund they may re-borrow the same and so from time to time Provided always that all moneys so re-borrowed shall be repaid within the same time as the moneys originally were required to be repaid and shall be deemed to form part of the original loan by means of which the same were raised.

Protection of lenders from enquiry.

(8.) A person lending money to the Board secured by mortgage shall not be bound or entitled to enquire as to observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application or misapplication of the money lent or any part thereof.

Application of moneys borrowed.

72. All moneys from time to time borrowed on mortgage under this Act by the Board shall be applied :

First. In payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act

Secondly. In payment of the purchase-money of property purchased including the Nar navigation undertaking and the costs of the execution of the works authorised under this Act: and

Thirdly. In otherwise carrying the provisions of this Act into effect so far as relates to expenditure on capital account.

Provided always that during a period of three years after the passing of this Act but so long only during such period as the works by this Act authorised are not completed) the Board may apply such of the moneys so borrowed as may be necessary for such purpose in payment of the interest from time to time accruing on moneys borrowed on mortgage and for the time being owing by the Board.

Application of general revenue.

73. Except as by this Act specially provided all moneys whatsoever from time to time received and levied by the Board shall be applied as follows:—

First. In payment of the establishment charges of and the expenses incurred in the maintenance of the works executed or acquired under the authority of this Act by the Board:

Secondly. In payment of the interest from time to time payable on the principal sums secured by mortgage under the authority of this Act:

Thirdly. In providing any sinking fund or in otherwise paying off the principal sums or any part thereof secured by such mortgages as by this Act provided: and

Fourthly. In otherwise carrying this Act into execution.

Miscellaneous.

Recovery and application of penalties. 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49.

74. All offences sums and penalties under this Act or any byelaw made under the authority of this Act may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act 1848 and the Summary Jurisdiction Act 1879 and any Act amending the same respectively and all penalties under this Act or any byelaw made under the authority of this Act recovered by or on behalf of the Board shall be awarded and paid to the Board.

Saving rights of the Crown in the foreshore.

75. Nothing contained in this Act shall authorise the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any

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of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act 29 & 30 Vict. c. 62.

76. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjcets or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Act.

77. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Board out of the first moneys which may come to their hands under this Act.

The SCHEDULES referred to in the foregoing Act.

The numbers of the fields in the several parishes correspond respectively to the numbers marked on the deposited map referred to in the foregoing Act.

THE FIRST SCHEDULE.

Description of the "Red Area."

(1.) The lands in the parish of Wormegay numbered respectively as follows :—

204,	204A,	205,	205A,	206,
207,	207A,	208,	209,	210,
211,	212,	212A,	213,	214,
215,	216,	217,	218,	219,
220,	221,	222,	223, and	224.

(2.) The lands in the parish of Middleton numbered respectively as follows :—

236, 237, and 238.

(3.) The lands in the parish of Pentney numbered respectively as follows :—

1,	2,	3,	4,	5,	6,
7,	8,	9,	10,	11,	12,
15,	19,	20,	22, and	23.	

(4.) The lands in the parish of East Winch numbered respectively as follows :—

98,	99,	100,	101,	108,
109,	110,	111,	112,	113,
114,	123,	124,	124A,	125,
127,	128,	158,	159 and	169.

(5.) The lands in the parish of Marham numbered 221 and 222.

(6.) The lands in the parish of Shouldham numbered respectively as follows :—

138	139,	140,	147,	148,
149	150,	300,	303,	309,
336	337,	338,	339,	340,
341	342,	343,	344,	345,
346,	356,	357,	358,	359,
360,	361,	362,	364,	365,
and	367.			

Provided always that for the purpose of taxation under this Act the lands numbered 150 shall be deemed to contain 75 acres and no more.

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(7.) The lands in the parish of West Bilney numbered respectively as follows:—

22, 24, 29, 30, 31, 26, and 27.

Provided always that for the purpose of taxation under this Act the area of the lands numbered 22 and 24 as a whole shall be deemed to contain 43A. 3R. 11P. and no more.

THE SECOND SCHEDULE.

Description of the "Blue Area."

(1.) The lands in the parish of Wormegay numbered respectively as follows:—

14,	15,	16,	17,	18,
19,	37,	44,	48,	49,
50,	51,	52,	53,	98,
101,	102,	102A,	106,	107,
108,	109,	110,	111,	112,
113,	114,	117,	119,	120,
122,	133,	134,	135,	139,
140,	142,	143,	144,	145,
147,	148,	149,	150,	150A,
151,	152,	153,	154,	171,
188,	189,	190,	191,	192,
193,	194,	195,	196,	197,
198,	199,	200,	201,	201A,
202,	203,	225,	226,	227,
228,	229,	230,	237,	238,
239,	240,	255,	256,	257,
258,	259,	260,	266,	267,
268,	270,	271,	272,	273,
274,	275,	275A,	276,	277,
278,	279,	280,	281,	282,
284,	285,	286,	287,	288,
289,	289A,	290,	291,	292,
293,	294,	295,	296,	297,
298,	299,	300,	301,	302,
303,	304,	305,	and	306.

(2.) The lands in the parish of Middleton numbered respectively as follows:—

235,	239	240,	241,	257,
258,	258A,	266,	267,	268,
273,	274,	281,	282,	283,
284,	285,	286,	287,	293,
294,	295,	295A,	296	297,

298, 300, 301, 302, 303,
304, 305, 306, 307, 308,
329, 330, 331, 332, 333,
334, 335, 336, 337, 338,
339, 340, 341, 342, 343,
and 344.

(3.) The lands in the parish of Pentney numbered respectively as follows:—

13, 14, 16, 17, 18, 26,
27, 28, 29, 30, 140, 140A.
141, and 141A.

(4.) The lands in the parish of Shouldham numbered respectively as follows:—

157, 158, 159, 160, 161,
292, 293, 294, 295, 296,
297, 298, 299, 304, 305,
306, 307, 308, 310, 311,
312, 313, 314, 315, 316,
317, 318, 319, 320, 322,
323, 324, 325, 326, 327,
328, 329, 330, 331, 332,
333, 334, 335, 347, 348,
349, 350, 351, 352, 353,
355, 366, 368, 369, 370,
371, 372, 373, 374, and 376.

(5.) The lands in the hamlet of Setch, otherwise Setchey, in the parish of North Runcton numbered respectievly as follows:—

391, 392, 393, 405, 406,
407, 409, 410, 411, 412,
413, 414, 416, 417, 418,
419, 420, 421, 422, 423,
424, 425, 426, 427, 428,
429, 430, 431, 432, 433,
434, 435, 436, 437, 438,
439, 440, 441. 442, 443,
444, 445, 446, 447, 448,
449, 450, 451, 452, 453,
454, 455, 456, 457, 458,
459, 460, 461, 462, 463
and 464.

(6.) The lands in the parish of Marham numbered respectively as follows:—

187, 194, 199, 204, 205,
206, 207, 208, 209, 210,
211, 212, 213, 214, 215,
216, 224, 225, 226, 229,
234, 235, 239, 242, 243,

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244, 245, 247, 248, 253,
254, 255, 256, 261, 263,
275, 276, 277, 278, 279,
280, 281, 282, 283, 283A,
284, 284A, 285, 286, 287,
287A, 288, 289, 290, 291,
292, 293, 294, 296 297,
298, 299, 301, 302, 303,
304, 305, 307, 308, 309,
310, 311, 316, 317, 318,
319, 320, 324, 325, 326,
326A, 328 328A, 329, 330,
331, 333, 334, 335, 338,
339, 341, 342, 343, 345,
347, 380, 381, 382, and 384.

(7.) The lands in the parish of East Winch numbered respectively as follows:—

96, 97, 102, 103, 104,
105, 106, 107, 115, 116,
117, 118, 119, 120, 121,
122, 129, 130, 131, 132,
168, 170, and 171.

(8.) The lands in the parish of West Bilney numbered respectively as follows:—

17 and 25.

THE THIRD SCHEDULE.

Description of the "Green Area."

(1.) The lands in the parish of Narborough numbered respectively as follows:—

1, 2, and 3.

(2.) The lands in the parish of Marham numbered respectively as follows:—

170, 171, 172, 173, 174,
175, 176, 182, 183, 184,
185, 186, 188, 189, 190,
191, 192, 193, 200 201
202, 203, 203A, 217, and 340.

Provided always that for the purpose of taxation under this Act the lands numbered 340 shall be taxed for that part only north of the D drove

(3.) The lands in the parish of Middleton numbered respectively as follows:— A.D. 1881.

242, 259, 260, 261, 262,
263, 264, 265, 269, 270,
271, 272, 275, 276, 277,
278, 279, 280, 288, 289,
290, 291, 292, 299, 326,
327, 328, and 328A.

(4.) The lands in the parish of West Bilney numbered respectively as follows:—

12, 15, 32, and 33.

Provided always that for the purpose of taxation under this Act the lands numbered 15 shall be deemed to contain 6 acres and no more.

(5.) The lands in the parish of Pentney numbered respectively as follows:—

21A, 24, 25, 40, 43,
45, 139, 138A, 138, 138B,
and 138C.

(6.) The lands in the parish of East Winch numbered respectively as follows:—

93, 95, 133, 134, 135,
157, 160, 161, 162, 163,
164, 165, 166, 167, 172,
173, 174, 175, and 177.

(7.) The lands in the parish of Shouldham numbered respectively as follows:—

141, 143, 144, 145, 163,
164, 165, 166, 167, 168,
377 378, 379, 380, 381,
382, 383, 384, 385, 386,
387 388, 389, 390, 391,
392, 393, 394, 395, 396,
398, 399, 407, 408, 409,
410, 411, 412, 413, 414,
415, 416, 418, and 419.

(8.) The lands in the parish of Wormegay numbered respectively as follows:—

40, 41, 46, 47 and 105.

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THE FOURTH SCHEDULE.

Description of the "Yellow Area."

(1) The lands in the parish of Shouldham numbered respectively as follows:—

132, 142, 169, 289, 290,
291, 400, 401, 403, 406,
407, 417, 422, 423, 424,
and 425.

(2.) The lands in the parish of West Bilney numbered respectively as follows:—

3, 4, 5, 6, 9, 10,
13, 14, 20, and 34.

Provided always that for the purpose of taxation under this Act the land numbered 34 shall be deemed to contain 6 acres and no more.

(3.) The lands in the parish of Narborough numbered respectively as follows:—

68, 213, 218, and 219.

Provided always that for the purpose of taxation under this Act the lands numbered 68 and 218 shall be deemed to contain 44 and 20 acres respectively and no more.

(4.) The lands in the parish of Marham numbered respectively as follows:—

177, 180, 181, 195, 389,
and 390.

(5.) The field or enclosure in the parish of East Winch numbered 178.

(6.) The lands in the parish of Pentney numbered respectively as follows:—

21, 34, 44, 46, 50,
and 52.

Provided always that for the purpose of taxation under this Act the lands numbered 21 shall be deemed to contain 9A. 1R. 13P. and no more.

(7.) The lands in the parish of Middleton numbered respectively as follows:—

243, 309, and 325.

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