ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xcii.

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*.

[28th *June* 1815.]

WHEREAS 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*, are ſubject to be overflowed with Water, and in their preſent State and Condition are of little Value; but the ſame might be conſiderably improved and rendered productive to the great Advantage of the ſeveral Perſons intereſted therein, and to the Public, if proper Drains and Works were made for carrying off the Water therefrom, and preſerving the ſame from being overflowed in future: And whereas it will be neceſſary for the Purpoſes of ſuch Drainage and Improvement, to ſcour out, deepen, widen, or ſtraighten the Watercourſe of the River *Nar*, or *Sandringham Eau*, from the End thereof, at or near the Bridge called *Long Bridge*, in the Pariſh of *South Lynn All Saints*, and lying in or paſſing through or by the ſeveral Pariſhes or Hamlets of *South Lynn All Saints*, *Weſt Winch*, *Seech*, *Setchy*, *Wormegay*, *Middleton*,

Middleton, *Pentney*, and *Marham*, to the Bounds of *Narborough*, croſſing the ſaid River; and alſo to ſcour out and deepen, widen, or ſtraighten the Watercourſe or River called the *Little River*, from its Junction with the aforeſaid River *Nar*, or *Sandringham Eau*, and lying in or paſſing through or by the Pariſh of *Wormegay* to the Bounds of *Shouldham*, within the ſaid County of *Norfolk*, keeping within the Bounds of the preſent Banks of the ſaid reſpective Rivers; but ſuch Drainage and Works cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Daniel Jones* of *Fakenham*, in the ſaid County of *Norfolk*, Eſquire, *John Dugmore* of *Swaffham*, in the ſaid County, Gentleman, and *Henry Bell* of *Wallington*, in the ſaid County, Eſquire, ſhall be, and they are hereby appointed General Commiſſioners for draining and improving the ſaid Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds, and for carrying this Act into Execution, with reſpect to the making and completing the aforeſaid Works of Drainage, with and ſubject to ſuch Powers, Authorities, Directions, Regulations, Reſtrictions, and Proviſions, as are herein contained; and that all Acts, Matters, and Things authorized or neceſſary to be done and executed by the ſaid General Commiſſioners, or any other General Commiſſioner or Commiſſioners who ſhall be appointed as hereinafter mentioned, may be done and executed by any Two of them; and the ſame ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters, and Things, had been done and executed by all the ſaid General Commiſſioners hereinbefore named, or to be appointed as hereinafter mentioned.

Commiſſioners.

II. And be it further enacted, That if any of the General Commiſſioners hereinbefore named, or to be appointed by virtue of this Act, ſhall refuſe or become incapable to act as a General Commiſſioner in the Execution of this Act, or ſhall die before all the Powers, Authorities, and Truſts repoſed and veſted in the ſaid General Commiſſioners ſhall be fully executed and completed, then and in every ſuch Caſe the ſurviving or remaining General Commiſſioners or Commiſſioner ſhall, within Forty Days next after his or their Knowledge of ſuch Refuſal or Incapacity to act, or of ſuch Death, by Writing under his or their Hand or Hands, appoint another Perſon (not intereſted in the Premiſes) to be a General Commiſſioner for the ſaid Purpoſes of this Act, in the Place of ſuch General Commiſſioner ſo refuſing or becoming incapable to act, or dying as aforeſaid; and every Perſon ſo to be appointed a General Commiſſioner as aforeſaid ſhall, after taking and ſubſcribing the Oath or Affirmation hereinafter ſet forth, have the like Powers and Authorities for carrying this Act into Execution, in all Reſpects, as if he had been named and appointed a General Commiſſioner in and by this Act.

For appointing new Commiſſioners.

III. Provided always, and be it further enacted, That every Perſon before he ſhall act as a Commiſſioner in the Execution of this Act ſhall take the following Oath, or being of the People called *Quakers*, the following ſolemn Affirmation; which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners, or either of them, or for any Juſtice of the

Commiſſioners to take an Oath or Affirmation.

Peace for the said County, to administer, and they are hereby required to administer the same; (*videlicet,*)

Commissioners Oath or Affirmation.

'I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do solemnly and truly declare and affirm] that I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner, appointed in and by an Act passed in the Fifty-fifth Year of the Reign of His Majesty 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. So help me GOD.'

Notice of General Commissioners Meetings.

IV. And be it further enacted, That the said General Commissioners shall and they are hereby required to cause Notice of the Time and Place of their first and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting, (Meetings by Adjournment excepted); and that all such Meetings shall be held in the said Parishes, or One of them, or within Eight Miles of any One of them; and if One only of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and in such Case, and so often as the same shall happen, it shall be lawful for the General Commissioner then and there present to adjourn such Meeting to such Place within the said Parishes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *East Winch* and *West Bilney*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners.

One Commissioner may adjourn.

Other Notices how to be given.

V. Provided always, and be it enacted, That all other Notices necessary or requisite to be given by the said General Commissioners in pursuance of this Act, shall be so given by Advertisement in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*.

Appointment of Surveyor.

VI. And be it further enacted, That all such Surveys, Admeasurements and Plans as shall be necessary and requisite to be made and taken for the Purpose of carrying this Act into Execution, shall be made and taken by *Charles Burcham* of *Holt*, in the said County, Gentleman, in case he shall in all Things conform to or comply with the Orders and Directions of the said General Commissioners; but in case the said *Charles Burcham* shall die, or decline, or be incapable to act in the Premises, or shall neglect or refuse to make such Surveys, Admeasurements and Plans, or to conform to or comply with the Orders and Directions of the said General Commissioners, then the said Surveys, Admeasurements, and Plans shall be made and completed by such Person or Persons (not interested in the Premises) as the said General Commissioners shall nominate and appoint for that Purpose.

Surveyor to take Oath.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor for the Purposes of this Act until he shall

ſhall have taken and ſubſcribed an Oath or Affirmation in the following Words; (that is to ſay),

'I do ſwear [*or*, being One of the People called *Quakers*, do ſolemnly affirm] that I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Duties incumbent on me as a Surveyor, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here repeat and inſert the Title of this Act*], according to Equity and good Conſcience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation the ſaid General Commiſſioners, or either of them, or any Juſtice of the Peace for the ſaid County, are and is hereby empowered and required to adminiſter.

General Commiſſioners may appoint Treaſurers, Clerks, &c.

VIII. And be it further enacted, That the ſaid General Commiſſioners ſhall and may alſo at their firſt or any of their General Meetings to be holden under this Act, appoint ſuch Treaſurers, Clerks, Collectors, and other Offieers, as they ſhall think neceſſary for the better Execution of this Act, and allow them or any of them ſuch Salary or Salaries, or other Remuneration out of the Monies to be raiſed by virtue of this Act, as they the ſaid General Commiſſioners ſhall think proper, and from Time to Time to remove them or any of them as they the ſaid General Commiſſioners ſhall ſee Occaſion, and in like Manner to appoint others in their Stead; and that all Treaſurers, Collectors, and other Officers who ſhall be entruſted with the Receipt or Collection of any Monies to be raiſed by virtue of this Act, ſhall reſpectively give Security for the due Execution of their reſpective Offices to the Satisfaction of the ſaid General Commiſſioners.

Treaſurers, Collectors, and other Officers to keep Accounts.

IX. And be it further enacted, That the ſaid Treaſurers, Collectors, and other Officers ſhall fairly enter in Books, to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom and to whom, and for what Purpoſes ſuch Monies were reſpectively received and paid; which Books, or true Copies thereof, to be ſigned by the ſaid Treaſurers, Clerks, Collectors, or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers in their Cuſtody reſpectively, relating to the Execution of this Act, ſhall be the Property of the ſaid General Commiſſioners, and ſhall be delivered to the ſaid General Commiſſioners at ſuch Time or Times, and as often as they the ſaid Commiſſioners ſhall require; and all Books of Orders and Accounts, and all other Books and Papers of the ſaid General Commiſſioners, ſhall at all Times be open for the Inſpection of any of the ſaid General Commiſſioners, or of any Owner of any of the Lands and Grounds ſubject to be taxed by virtue of this Act, on Payment of Two Shillings and Sixpence only for every Time ſuch Inſpection ſhall take Place.

Officers refuſing to account;

X. And be it further enacted, That in caſe any of the ſaid Treaſurers, Collectors, or other Officers, or any other Perſon or Perſons employed or

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

their Goods may be distressed;

for want of Distress to be committed.

XI. And be it further enacted, That the said Commissioners shall cause all the said Lands and Low Grounds to be surveyed, and a proper Map or Plan thereof to be made, and shall mark or distinguish and set out upon

Plan to be made and Schedule prepared,

shewing what Lands are to be rated and in what Proportion.

upon such Map or Plan, or shall make out a Schedule or Statement of all the Lands within the said Parishes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *East Winch*, and *West Bilney*, which will be benefited or improved by the Drains and Works to be made in pursuance of this Act, and shall also thereon or therein particularize and specify the particular Proportions of Advantage which some Parts of such Lands by reason of their Situation, or otherwise, will derive from such Drains and Works, with respect to other Parts of such Lands; and the said Commissioners shall give Notice in Manner aforesaid of a Meeting to be by them held (such Notice to be given or published Fourteen Days at least before such Meeting) for hearing the Objections of the several Proprietors whose Lands will, in the Judgment of the said Commissioners, be so benefited by such Drains and Works; and the said Commissioners shall upon such Hearing determine all such Objections, by amending such Plan, Schedule, or Statement, or Part or Parts thereof, or by confirming the same, as they shall think fit; and in case any of the said Proprietors shall be dissatisfied with such Determination, then such Proprietor or Proprietors may appeal to the Quarter Sessions, in Manner herein-after mentioned.

Power to make Works of Drainage.

XII. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners to make or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Fen Lands, Low Grounds, and Marshes, and other Lands and Grounds within the said Parishes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *East Winch*, and *West Bilney*, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary for the better and effectual draining of the said Lands and Grounds; and also, for the Purposes of such Drainage, to scour out, deepen, widen, or straighten the Watercourse of the River *Nar*, or *Sandringham Eau*, from the End thereof, at or near the Bridge called *Long Bridge*, in the Parish of *South Lynn All Saints*, and lying in or passing through or by the several Parishes or Hamlets of *South Lynn All Saints*, *West Winch*, *Seech*, *Setchy*, *Wormegay*, *Middleton*, *Pentney*, and *Marham*, to the Bounds of *Narborough*, crossing the said River; and to alter or make Works in or upon the said River *Nar* or *Sandringham Eau*, within the Limits of this Act, and also to scour out, deepen, widen, or straighten the Watercourse or River called the *Little River*, from its Junction with the aforesaid River *Nar*, or *Sandringham Eau*, and lying in or passing through or by the Parish of *Wormegay*, to the Bounds of *Shouldham*, all in the said County of *Norfolk*; and for all or any of such Purposes it shall and may be lawful for the said General Commissioners, and for any Person and Persons by their Order, with or without Horses, Cattle, Carriages, Boats, or Barges, to enter and continue upon any Lands or Hereditaments within the Limits of this Act, or upon any Lands or Grounds adjoining to such Lands or Hereditaments, without being deemed a Trespasser or Trespassers for so doing, and also to lay Silt or Soil upon any such adjoining Lands or Grounds, making full Satisfaction for any Damage as herein-after mentioned; and that it shall and may be lawful to and for the said General Commissioners acting under and by virtue of this Act, and they are hereby authorized and empowered, from Time to Time, to divide off, take, and use such Lands and Hereditaments within the aforesaid Parishes as they shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets,

Outlets, Forelands, or other Works under and by virtue of this Act, or which they the ſaid General Commiſſioners ſhall deem proper and requiſite; and alſo from Time to Time and at all Times to dig, take, cut, and carry away any Earth, Flag, or other Soil from the Lands or Grounds aforeſaid, or from the Waſtes thereto adjoining, within the ſaid reſpective Pariſhes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *Eaſt Winch*, and *Weſt Bilney*, for the making, ſupporting, or repairing the Banks and Works aforeſaid, they doing as little Damage as may be, and making ſuch Satisfaction for the ſame as is herein-after mentioned: Provided always, that if by the making of any Heading or Drain any public or private Road or Way, or the Paſſage of any Perſon or Perſons to or from his, her, or their Lands or Grounds with Cattle or Carriages, ſhall be obſtructed, prevented, or interrupted, the ſaid Commiſſioners ſhall and they are hereby required, before or as ſoon as may be after ſuch Road, Way, or Paſſage ſhall be obſtructed, prevented, or interrupted, to cauſe, in lieu thereof, proper and convenient Roads to be ſet out and made, and proper Bridges to be made, erected, and ſet up; and to defray the Expences of making ſuch Roads, and of erecting and making ſuch Bridges, and for ever hereafter keeping the ſame in Repair, out of the Monies to be raiſed by the Rates or Taxes upon the Lands and Grounds to be rated or taxed by virtue of this Act: Provided alſo, that ſuch of the ſaid Fen Lands and Low Grounds as are now embanked and drained by the Owner or Owners thereof, by Means of private Mills or Engines, may remain and continue ſo embanked and drained at the Expence of ſuch Owner or Owners.

Works to be executed under the Inſpection of an Engineer to be appointed by the Owner of the Tolls.

XIII. Provided always, and it is hereby further enacted and declared, That all ſuch Sluices, Locks, Dams, or other Works that ſhall be done by virtue of the Powers of this Act, upon the ſaid River *Nar* or *Sandringham Eau*, ſhall be wholly made, executed, and performed under the Inſpection and Superintendence of a Civil Engineer, to be appointed or approved of by the Perſon or Perſons for the Time being intereſted in the Tolls, Dues, and Profits ariſing from the ſaid River *Nar* or *Sandringham Eau*, or to be collected by virtue of any Act or Acts of Parliament for making the ſaid River *Nar* or *Sandringham Eau* navigable, or for improving the ſame; and all the Coſts, Charges, and Expences, as well of ſuch Engineer, as of executing and performing all ſuch Works as aforeſaid, ſhall be defrayed and paid out of the Monies to be raiſed by the Rates, Taxes, and Aſſeſſments authorized to be levied from Time to Time by virtue of this Act, by and under the Direction of the General Commiſſioners or Special Commiſſioners appointed or to be appointed for putting this Act into Execution, and not at the Expence or Charge of the Commiſſioners of the ſaid River *Nar* or *Sandringham Eau*, or at the Expence of any Perſon or Perſons who are or ſhall be intereſted in or entitled unto any of the Tolls, Dues, and Profits ariſing or to ariſe in or upon the ſaid River *Nar* or *Sandringham Eau*, or under any Act or Acts of Parliament for making the ſaid River *Nar* or *Sandringham Eau* navigable, or improving the ſame, any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Works to be begun in a certain Part.

XIV. And be it further enacted, That the ſaid General Commiſſioners ſhall from and immediately after their qualifying themſelves as Commiſſioners in purſuance of the Directions of this Act, commence and proceed in the Execution of all ſuch new Works as ſhall be neceſſary to be done upon

upon such Parts of the aforesaid River *Nar* or *Sandringham Eau*, as are situate and being between a certain Bridge called *Long Bridge*, situate in the aforesaid Parish of *South Lynn All Saints*, and the Bridge called *Setchy Bridge*.

Works to be executed between Fifth July and Fifth October, and at no other Time.

XV. Provided also, and be it enacted, That no such Works shall be begun and carried on upon the said River *Nar*, or *Sandringham Eau*, or the Banks thereof, except between the Fifth Day of *July* and the Fifth Day of *October*, unless it be for the Purpose of finishing or completing Works, which if left unfinished would impede or obstruct the Navigation of the said River *Nar*, or *Sandringham Eau*, without the Consent in Writing of the Person or Persons interested in the said Tolls, Dues, and Profits arising on the said River *Nar*, or *Sandringham Eau*, first had and obtained; Provided also, that Ten Days Notice at the least shall be given to the Person or Persons interested in the said Tolls, Dues, and Profits of the Intention to begin any such Works; and that all the Wood to be used in the Works on the said River *Nar*, or *Sandringham Eau*, shall be good and sound Oak, and not Fir or other Wood.

Earth, &c. not to be taken within 20 Feet of the Banks.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said General, Special, or other Commissioners, or any Person or Persons acting under them, to remove or take any Earth or Soil within Twenty Feet of the Foot of the said Banks of the said River *Nar*, or *Sandringham Eau*, situate and lying between *Long Bridge* in *South Lynn All Saints*, and a certain Sluice called *Sandringham Eau Sluice*, vulgarly called *Sandringham Old Sluice*, opposite a certain Drain on the opposite Side of the said River, dividing the Parishes of *West Winch* and *South Lynn All Saints*, for the Inlet of Water from the said River *Nar*, or *Sandringham Eau*, to certain Lands called or stiled the *Golden Ball Estate*, or to lay any Earth, Soil, or Silth from the said River *Nar*, or *Sandringham Eau*, on the Land Side of the Banks of the same River, without the Consent in Writing under the Hand or Hands of the Proprietor or Proprietors of such Lands first had and obtained (save and except upon certain Lands called *Salt Marshes*, lying within the Banks of the said River *Nar*, or *Sandringham Eau*; and in case any Injury or Damage shall be done thereby the said Commissioners shall make full and ample Satisfaction and Compensation for the same.)

New Sluices to be kept in Repair by the Commissioners for executing this Act.

XVII. Provided also, and it is hereby further enacted and declared, That all such New Sluices, Locks, Dams, and other extended Works which may be so made by virtue of this Act, shall at all Times, as Occasion may require, be maintained and kept in good Repair under the Direction and Superintendence of a Civil Engineer, to be appointed or approved of by the Person or Persons entitled to the Tolls, Dues, and Profits arising on the said River *Nar*, or *Sandringham Eau*, by and out of the Rates, Taxes, and Assessments to be raised and levied from Time to Time by virtue of this Act, by and under the Direction of the said General Commissioners or Special Commissioners who may be acting in the Execution of this Act at the Time such Works shall be performed, who are hereby authorized and required to apply the same for the Purposes aforesaid, and not by or at the Expence or Charges of the Commissioners for executing the said recited Acts for making navigable the said River *Nar*, or *Sandringham*

Eau, nor by or at the Expence or Charges of any Perſon or Perſons who are or ſhall be intereſted in or entitled to the Tolls, Dues, and Profits ariſing upon the ſaid River *Nar*, or *Sandringham Eau*, or to be collected by virtue of the ſaid recited Acts, or either of them: Provided alſo, that in caſe any of the preſent Sluices, Locks, Dams, and Weirs on the ſaid River *Nar*, or *Sandringham Eau*, ſhall be extended, enlarged, or removed, or if the ſaid River ſhall be deepened in any Part thereof, a fair and equitable Proportion of the future Repairs, as well of all ſuch Sluices, Locks, Dams, or Weirs as ſhall be ſo extended, enlarged, or removed, as of the Banks of the ſaid River, where the ſame ſhall be deepened under the Powers of this Act, ſuch Proportions of the future Repairs to be ſettled by the Engineer under whoſe Directions ſuch Works ſhall be executed and performed, ſhall be partly defrayed and paid out of the ſaid Rates, Taxes, and Aſſeſſments to be raiſed by the ſaid Special Commiſſioners for executing this Act, and partly by the Perſon or Perſons who may from Time to Time be liable to the Repair of the other Sluices, Locks, Dams, or Weirs on the ſaid River *Nar*, or *Sandringham Eau*; and if any Perſon or Perſons ſhall be diſſatisfied with the ſaid Engineer's Apportionment of ſuch future Repairs, he or they may appeal to any General Quarter Seſſion of the Peace to be holden for the ſaid County of *Norfolk* within Six Calendar Months next after ſuch Engineer ſhall have apportioned the ſame; the Appellant or Appellants giving ſuch Notice as by this Act is required in Caſes of Appeal to the Quarter Seſſions, and the Juſtices aſſembled at ſuch Quarter Seſſions ſhall and may hear and finally determine the Matter of ſuch Repairs, and award ſuch Coſts to the Appellants or Reſpondents as they ſhall think proper.

Purchaſe of Lands and Satisfaction for Damages.

XVIII. And be it further enacted, That the ſaid General Commiſſioners ſhall have full Power and Authority to agree with the Owners and Proprietors of and Perſons intereſted in any Lands or Hereditaments within the ſaid reſpective Pariſhes, which they ſhall judge neceſſary to be cut, dug, taken, or uſed for ſcouring out, deepening, widening, and ſtraightening the Watercourſe of the ſaid River *Nar*, or *Sandringham Eau*, and the ſaid *Little River*, or for making any of the ſaid Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works under and by virtue of this Act, or which they the ſaid General Commiſſioners ſhall deem proper and requiſite to be left and reſerved for the Preſervation of any ſuch Banks as aforeſaid, between the ſaid Banks and the Ditches or Drains made or to be made next the ſame, for the Purchaſe of ſuch Lands and Hereditaments, or for the Recompence to be made to Owners, Proprietors, and Perſons intereſted in any adjoining Lands, for the Damages they may ſuſtain by laying Silth or other Soil on the adjoining Lands, or otherwiſe, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſuch Purchaſes, or to be paid for ſuch Damages, ſhall be paid to the ſeveral Perſons intereſted in the Premiſes.

Bodies Politic, &c. empowered to contract for Sale or Compenſation.

XIX. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique*

Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons who are or ſhall be ſeiſed or intereſted in their own Rights, and for any Perſon or Perſons whoſe Lands ſhall be limited in ſtrict or other Settlement, and to and for all and every other Perſon and Perſons whomſoever who ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, and they are hereby authorized and empowered to contract for, ſell, and convey unto the ſaid General Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands or Hereditaments for the Purpoſes of this Act, or to agree with the ſaid General Commiſſioners for any Recompence or Compenſation to be made for the Damage which may be done to any ſuch Lands or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding; and all Bodies Politic, Corporate or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in purſuance of this Act; and all ſuch Perſon or Perſons to whom any ſuch Lands or Hereditaments ſhall be conveyed, and his and their Heirs, ſhall ſtand ſeiſed thereof in Truſt, and for the Purpoſes of this Act, and convey and diſpoſe of the ſame from Time to Time as the ſaid Commiſſioners ſhall direct or appoint.

On Refuſal or Neglect of any Perſon to treat, the Value of Land or Amount of Damages to be aſcertained by a Jury.

XX. Provided always, and be it further enacted, That in caſe any Owner, Proprietor, Occupier of, or any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenant for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees, Huſbands, Guardians, Committees or other Truſtees, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments which the ſaid General Commiſſioners ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for any of the Purpoſes of this Act, ſhall for the Space of Forty Days after Notice in Writing given to the Principal Officer or Officers of ſuch Body Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively as aforeſaid, or left at his, her, or their reſpective laſt or uſual Place or Places of Abode, or at the Houſe, or laſt or uſual Place or Places of Abode of the Tenant or Tenants, Occupier or Occupiers of ſuch Lands or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners in the Premiſes, or by reaſon of Abſence, or otherwiſe, ſhall be prevented from treating, or ſhall not treat, then and in every ſuch Caſe the ſaid Commiſſioners may and they are hereby authorized and empowered, and required, Fourteen Days at leaſt before any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Norfolk*, to give or cauſe to be given to the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers of, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments to be taken, uſed, or damaged for the Purpoſes of this Act, or to leave or cauſe to be left at the laſt or uſual Place or Places of Abode of the Principal Officer or Officers of any ſuch Body Politic, Corporate or Collegiate, or at the laſt or uſual Place or Places of Abode of ſuch Party or Parties, or any of them reſpectively, or at the laſt or uſual Place or Places of Abode of the Tenant or Tenants in Poſſeſſion of the Premiſes, a Notice in Writing, purporting that the Value of ſuch Lands, Tenements, or Hereditaments, or the Amount of the Damages or Injury ſuſtained, will be adjuſted and ſettled by a Jury at the

ſaid Seſſions, or at ſome Adjournment thereof; and the Juſtices at their ſaid Seſſions, or at any Adjournment thereof, ſhall and may, upon due Proof to them made of ſuch Notice having been given or left as aforeſaid, and they are hereby anthorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the Sheriff of the ſaid County of *Norfolk*, well and truly on their Oaths to aſſeſs the Value of the Lands or Hereditaments compriſed in ſuch Notice, and the Recompence to be given for the ſame, or the Satisfaction for any Damage or Injury ſuſtained as aforeſaid, to be made to the reſpective Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſts; to which ſaid Juries the ſaid Commiſſioners, and all Parties intereſted in the ſaid Lands, Tenements, or other Hereditaments ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid County of *Norfolk* is hereby authorized and required upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices at ſuch Seſſions, or at the Adjournment thereof, any Perſon or Perſons who ſhall be thought proper to be examined touching or concerning the Premiſes; and the ſaid Jury upon their Oaths (which Oath, and alſo the Oaths to to be taken by the Perſons who ſhall appear or be ſummoned to be examined and give Evidence as aforeſaid, the ſaid Juſtices at their ſaid Seſſions are hereby empowered and required to adminiſter) ſhall aſcertain and award the Recompence to be given for the ſaid Lands, Tenements, or Hereditaments, or for any Damage or Injury which ſhall have been done as aforeſaid to the reſpective Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, Owner or Owners, Proprietor or Proprietors thereof, or intereſted therein, and the ſaid Juſtices ſhall and may give Judgment according to the Verdict of the ſaid Jury; which Verdict of the ſaid Jury, and the Judgment thereupon declared and pronounced by the ſaid Juſtices, ſhall be finally binding and concluſive to and upon the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands, Tenements, or Hereditaments; and ſuch Verdict ſhall be entered and kept among the Records of the Quarter Seſſions for the ſaid County of *Norfolk*, and the ſame or true Copies thereof, being ſigned by the Clerk of the Peace for the ſaid County of *Norfolk*, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Perſons may have Recourſe thereto, or take Copies thereof, or Extracts therefrom, on paying the uſual Fees in Caſes of the like Nature.

Witneſſes to be ſummoned.

XXI. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damage done to any Lands, Tenements, or Hereditaments, than had been previouſly offered by or on Behalf of the ſaid General Commiſſioners as aforeſaid, then all the Expences of taking ſuch Inqueſt, and of the Witneſſes attending thereon, and of recording and entering the Verdict and Judgment thereupon, ſhall be ſettled by the ſaid Juſtices, and ſhall be defrayed by the ſaid General Commiſſioners out of the Monies to ariſe by virtue of this Act for making the Works of Drainage; but if a Verdict ſhall be given or made for the ſame or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid General Commiſſioners as aforeſaid, or in caſe no Damage ſhall be given by

Expence of Application to Seſſions.

by the Verdict, where the Diſpute is for Damages only, then and in every ſuch Caſe, the Coſts and Expences of taking ſuch Inqueſt, and of the Witneſſes attending thereupon, and of recording and entering the Verdict and Judgment thereupon, ſhall be ſettled in like Manner by the ſaid Juſtices, and ſhall be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Perſon or Perſons intereſted in the Lands, Tenements, or Hereditaments in Queſtion; and whenever any Coſts or Expences ſhall or may be payable to the ſaid General Commiſſioners, ſuch Coſts and Expences ſhall and may be deducted by the ſaid General Commiſſioners out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid General Commiſſioners, in and by ſuch Ways and Means as are by this Act provided for Recovery of the Monies to be raiſed and levied by virtue of this Act: Provided always, that whenever any Perſon or Perſons ſhall by reaſon of Abſence, or otherwiſe, have been prevented from treating, the Whole of ſuch Coſts, Charges, and Expences ſhall be borne and defrayed by the ſaid General Commiſſioners, out of the Monies aforeſaid.

Houſes, &c. not to be injured.

XXII. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend ſo as to enable the ſaid General Commiſſioners to take, uſe, injure, or damage any Dwelling Houſe or other Building, or any Gardens, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, without the Conſent in Writing of the Owner or Owners, Proprietor or Proprietors thereof, for the Time being.

Upon Payment of the Purchaſe Money, the Lands to be uſed, and Overplus ſold, &c.

XXIII. And be it further enacted, That every Sum of Money or Recompence, to be agreed or awarded to be paid for any Lands or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes of this Act, or made for any Loſs or Damages as aforeſaid, ſhall be paid by the ſaid General Commiſſioners, out of the Money ariſing by virtue of this Act, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or upon Payment thereof into the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Thirty Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, ſuch Lands or Hereditaments ſhall and may be taken and uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid General Commiſſioners ſhall think fit; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and in caſe any Land ſhall be purchaſed which ſhall not be neceſſary for the Purpoſes of this Act, the ſame ſhall and may be by the ſaid Commiſſioners ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act, or which ſhall be ſeparated or divided into Parcels, by virtue of the Powers of this Act; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and the Conveyances to be made of ſuch Lands ſhall be executed by the ſaid General Commiſſioners.

XXIV. Provided

First Offer to whom to be made.

XXIV. Provided always, and be it further enacted, That in caſe the ſaid General Commiſſioners ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground, not wanted for the Purpoſes of this Act, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on Account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter, or Maſter Extraordinary, in the High Court of Chancery, or before Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Norfolk*, (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons noway intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Commiſſioners ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by the Juſtices of the Peace for the County or Place wherein ſuch Lands or Grounds ſhall lie, at their General Quarter Seſſions of the Peace to be held in and for the ſame County or Place next after ſuch Difference ſhall ariſe, and on Five Days clear Notice thereof to be given by the ſaid Commiſſioners to ſuch Owner or Owners, Occupier or Occupiers, or be left at his, her, or their reſpective Places of Abode, the ſaid Juſtices ſhall hear, ſettle, and determine the Matter of the ſaid Difference, and alſo the Coſts attending the hearing and determining the ſame, whoſe Judgment and Order therein ſhall be final and concluſive to all Parties; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Commiſſioners of ſuch Piece or Pieces of Road or Ground as aforeſaid, ſhall be applied to the Purpoſes of this Act; but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſ-application or Non-application of ſuch Money.

Juſtices may determine Differences.

Application of Compenſation if amounting to 2000l.

XXV. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands or Hereditaments to be purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon or Perſons whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the General Commiſſioners for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a

ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or in or towards the Diſcharge of any Debt or Debts or other Incumbrances affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, or Purpoſes as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments which ſhall be conveyed, limited, and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined, or capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid High Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends or Intereſt and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

Where leſs than 200l. and above 20l.

XXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or amount to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid General Commiſſioners for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends and Produce ariſing thereon and therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

XXVII. Pro-

Where under 20l.

XXVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next herein-before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid General Commiſſioners ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out a good Title, the Purchaſe Money to be paid into the Bank.

XXVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed under or by virtue of the Powers of this Act, for the Purpoſes aforeſaid, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid General Commiſſioners; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid General Commiſſioners, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying therein for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank of *England* as aforeſaid.

In caſe of diſputed Titles.

XXIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or

Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by General Commiſſioners.

XXX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed, under the Authority of this Act, for the Purpoſes aforeſaid, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, to be paid by the ſaid General Commiſſioners, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Compenſation to be made for Loſs of Tolls, &c.

XXXI. And whereas by the making or erecting the ſaid Works, the Tolls, Dues and other Profits ariſing upon the ſaid River, Banks, Landing Places and Haling-paths, to the Perſon or Perſons beneficially intereſted therein, may be diminiſhed; and it is juſt and reaſonable that full Compenſation ſhould be made for any Diminution of the ſaid Tolls or Profits, and for any other Loſs or Injury which may be ſuſtained thereby; be it therefore further enacted, That in all Caſes when the Receipt of the Tolls, Dues, and Profits ariſing on the ſaid River *Nar* or *Sandringham Eau* Banks, Landing Places and Haling-paths, ſhall be leſs in any One Year after the paſſing of this Act, during which ſuch Works may be carrying on or executing, than the Receipt of the ſaid Tolls, Dues and Profits have been on an Average of the Two Years, beginning on the Eleventh Day of *October* in the Year One thouſand eight hundred and twelve, and ending on the Eleventh Day of *October* in the Year One thouſand eight hundred and fourteen, then and in each and every Year during the Time any ſuch Works may be erecting, or during the Time the ſaid River *Nar* or *Sandringham Eau* ſhall be deepening, or the Courſe thereof ſhall be altering, or the Navigation thereof in any Manner obſtructed, the Deficiency in the Receipts of ſuch Tolls, Dues, and Profits in each ſuch Year, to be computed on ſuch Average as aforeſaid, or any other Loſs or Injury which may be occaſioned by ſuch Works as aforeſaid, ſhall be made good, and paid in Preference to any other Payments whatever, out of the Rates, Taxes and Aſſeſſments to be raiſed and levied by virtue of this Act, and ſhall be paid and payable to the Perſon or Perſons beneficially intereſted in the ſaid Tolls, Dues, and Profits, under the Direction of the ſaid General Commiſſioners, or the Special Commiſſioners,

ſioners, as the Caſe may require, by the Perſon or Perſons who may be appointed to collect ſuch Rates, Taxes, or Aſſeſſments.

In caſe of Diſpute reſpecting loſs of Tolls, &c. Quarter Seſſions to determine.

XXXII. Provided always, and be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe touching or concerning the Amount of the Loſs or Injury ſuſtained by any ſuch Works as aforeſaid, or any Decreaſe of the Tolls, Dues, or other Profits on the ſaid River *Nar* or *Sandringham Eau*, or on the Banks, Landing Places or Haling Ways thereof, by the making and erecting, enlarging, extending, or removing any Sluices, Dams or other Works, or by deepening the ſaid River *Nar* or *Sandringham Eau*, or taking off the Bends or Curves thereof, or of ſtraitening the aforeſaid River *Nar*, or *Sandringham Eau*; then all ſuch Diſputes and Differences ſhall be determined by the Juſtices at the General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Norfolk*, within Six Calendar Months next after ſuch Diſpute or Difference ſhall have ariſen, the Perſon or Perſons injured or aggrieved in ſuch Difference or Diſpute giving to the ſaid General Commiſſioners, or their Clerk, if ſuch Difference or Diſpute ſhall ariſe or happen before the Execution of the ſaid Award, or if after the Execution of ſuch Award, then to the Clerk or Treaſurer to be appointed by the ſaid Special Commiſſioners, Fourteen Days Notice in Writing of ſuch Intention to apply to the ſaid Juſtices, and of the Matter thereof; and the Juſtices, not intereſted in the Premiſes, in their ſaid General Quarter Seſſions, are hereby required to hear and determine the Diſputes or Differences mentioned or referred to in ſuch Notice, and to make ſuch Order, and to award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without ſufficient Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Perſon or Perſons giving ſuch Notice, as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Compenſation for loſs of Tolls how to be recovered.

XXXIII. Provided always, and be it enacted, That all Loſſes, Damages, and Expences to be ſuſtained by the Perſon or Perſons for the Time being entitled to ſuch Tolls, Dues, and Profits aforeſaid, ſhall and may from Time to Time be recovered and recoverable in an Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the Clerk, Treaſurer, or any other Officer of the General Commiſſioners or Special Commiſſioners, acting in the Execution of this Act.

Directions for defraying the Expences of this Act.

XXXIV. And be it further enacted, That the Coſts and Expences of obtaining and paſſing this Act, and of ſcouring out, deepening, widening, and ſtraitening the Watercourſe of the ſaid River *Nar* or *Sandringham Eau*, and of ſcouring out and deepening the ſaid *Little River*,

and of making and completing all the Drains and Works by this Act authorized to be made for draining and improving the said Fen Lands, Low Grounds and Marshes, and other Lands and Grounds intended to be hereby drained and improved, and of making Compensation to any Person or Persons for all Damages, Loss or Injury to be by them sustained in the Execution of this Act, and all Expences of preparing and engrossing the Plans, Schedules, and Award, and the Copies thereof, to be made by virtue of this Act, and of all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said General Commissioners in and about the Premises (either before or after the Execution of the Award) and all other the Expences of carrying this Act into Execution, shall be borne, defrayed, and paid by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, interested in the said Fen Lands, Low Grounds and Marshes, and other Lands and Grounds intended to be drained and improved by virtue of this Act, within the several Parishes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *East Winch* and *West Bilney*, in such Shares and Proportions, at such Time and Place, and to such Person or Persons, as the said General Commissioners shall by their Award, or any Writing under their Hands appoint; and if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate shall refuse or neglect to pay his or her Share or Proportion of the said Costs, Charges, and Expences, to the Person or Persons authorized to receive the same, at the Time and Place which shall be appointed by the said General Commissioners for the Payment thereof, then and in such case the said General Commissioners shall cause the same to be raised, levied and recovered in Manner herein-after directed.

Half only of the Expences to be raised in one Year.

XXXV. Provided always, and be it further enacted, That it shall not be lawful for the said General Commissioners in any One Year, (such Year to be computed from the Day of the passing of this Act), to raise or levy, by any single Rate or Assessment to be made by them, upon the Proprietors of the Lands and Grounds to be drained or improved by virtue of this Act, more than a Moiety of the whole of the Costs, Charges, and Expences of obtaining and carrying this Act, or the Powers or Authorities hereby created, into Execution or Effect.

In case of Non-payment to be levied by Distress.

XXXVI. And be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall neglect or refuse to pay his, her or their Part or Share of such Costs, Charges and Expences at the respective Days and Times to be appointed for that Purpose, it shall be lawful for any Two Justices acting for the Hundred of *Clackclose*, by any Warrant or Warrants under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Costs, Charges and Expences, and Sum or Sums of Money respectively, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees or Attornies, wheresoever the same shall be found, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress and Sale being first deducted, together with the Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Share or Shares, Proportion or Proportions, from the Time the same shall be directed

to

to be paid by ſuch General Commiſſioners as aforeſaid; or otherwiſe it ſhall be lawful for ſuch General Commiſſioners, or any Perſon or Perſons authorized by them, to enter upon and take Poſſeſſion of the Premiſes ſo to be drained, and belonging to ſuch Perſon or Perſons refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof, until thereby, therewith, or otherwiſe, the Share or Shares, Proportion or Proportions, and the ſaid Coſts and Charges ſo ordered and directed by ſuch General Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt on ſuch Share or Shares, Proportion or Proportions, to be computed from the Time the ſame ſhall by ſuch General Commiſſioners be directed to be paid as aforeſaid, and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied.

Power to charge Lands with Expences.

XXXVII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees or Attornies of any of the Owners or Proprietors of any of the Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds ſo to be drained as aforeſaid, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwiſe intereſted as aforeſaid, to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as ſuch General Commiſſioners ſhall by their Award, or by Writing under their Hands, either before or after the Execution of the Award, adjudge neceſſary to pay and defray the ſaid reſpective Shares of the Charges and Expences incident to and attending the obtaining this Act, and carrying the ſame into Execution, and of charging the ſaid Lands as aforeſaid, ſo that the ſame ſhall not exceed Five Pounds for every Acre of ſuch Lands ſo to be drained; and to grant, mortgage, ſurrender, leaſe or demiſe, or otherwiſe ſubject the Lands ſo to be charged, unto ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid General Commiſſioners, by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe, or otherwiſe ſubject the ſaid Lands to ſuch Perſon or Perſons reſpectively paying and diſcharging the ſame, his, her or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum and Sums of Money ſo advanced, paid and diſcharged by him or them, with Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, or re-aſſigned when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed or entitled to any ſuch Lands, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar

Calendar Months preceding the Time when the Title to such Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

Allowance to the General Commiſſioners.

XXXVIII. And be it further enacted, That every General Commiſſioner employed by virtue of this Act ſhall be allowed the Sum of Four Pounds Four Shillings, and no more, for each Day he ſhall neceſſarily attend in the Execution of the Powers of this Act (Days of travelling to and from his Home included); the ſame to be in full Satisfaction for all the Trouble and Expences which he ſhall be put to in and concerning the Execution of this Act, and the Powers thereof.

General Commiſſioners to lay their Accounts before Harvey Goodwin Eſquire, Once in every Year.

XXXIX. And be it further enacted, That at leaſt Once in every Year during the Execution of this Act, and until the Accounts of the ſaid General Commiſſioners ſhall be finally allowed (ſuch Year to be computed from the Day of paſſing of this Act), the ſaid General Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and that ſuch Statement or Account when made ſhall, together with the Vouchers relating to the ſame, be laid before *Harvey Goodwin* of *King's Lynn*, in the ſaid County of *Norfolk*, Eſquire; or in caſe of his Death or Incapacity, before ſome Juſtice of the Peace for the ſaid County, not intereſted in the ſaid intended Drainage and Improvement, to be by the ſaid *Harvey Goodwin*, or by ſuch Juſtice, as the Caſe may be, examined and balanced, Notice of the Time and Place for examining ſuch Accounts to be given on the Church Doors of the ſeveral Pariſhes wherein ſuch Lands lie, at leaſt Fourteen Days before ſuch Meeting; and ſuch Balance ſhall be by the ſaid *Harvey Goodwin*, or by the ſaid Juſtice, as the Caſe may be, ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid General Commiſſioners; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *Harvey Goodwin*, or in caſe of his Death or Incapacity, by ſuch Juſtice as aforeſaid.

Award to be made and atteſted Copy depoſited.

XL. And be it further enacted, That as ſoon as conveniently may be after all the Works for the Drainage and Improvement of the ſaid Lands and Grounds ſhall be finiſhed, purſuant to the Directions of this Act, the ſaid General Commiſſioners ſhall form and draw up, or cauſe to be formed and drawn up, an Award in Writing, which ſhall expreſs the Quantity of Acres, Roods, and Perches in Statute Meaſure contained in the Lands and Grounds to be drained and improved by virtue of this Act, and the Quantity of each and every Part and Parcel thereof which ſhall be ſo drained and improved, and the Situations and Deſcriptions of the ſame reſpectively; and ſhall alſo contain a Deſcription of the Watercourſes, Bridges, Fences, and Land Marks ſet out and appointed by the ſaid General Commiſſioners reſpectively as aforeſaid, and all ſuch other Rules, Orders, Agreements, Regulations, Directions, and Determinations as the ſaid General Commiſſioners ſhall think neceſſary, proper, or beneficial to the Parties; and the ſaid Commiſſioners ſhall ſpecify and declare in and by their ſaid Award, in what Proportions reſpectively the ſaid Lands and Grounds ſo to be drained ſhall bear and pay the Taxes to be laid as herein-after mentioned,

for maintaining the Drains and Works in Repair; which ſaid Award ſhall be fairly engroſſed or written on Parchment, and ſhall be read and executed by the ſaid General Commiſſioners in the Preſence of the Proprietor or Proprietors who may attend at a Special General Meeting called for that Purpoſe, of which Twenty-one Days Notice at leaſt ſhall be given in the ſaid *Norfolk Chronicle* or *Norwich Mercury*; which Execution of ſuch Award ſhall be proclaimed the next *Sunday* in the Church of the Pariſh of *Wormegay* aforeſaid, from the Time of which Proclamation only, and not before, it ſhall be conſidered as complete, and ſhall within Twelve Calendar Months after the ſame ſhall be ſo ſigned and ſealed, or ſo ſoon as conveniently may be, be depoſited with the Clerk of the Peace for the ſaid County of *Norfolk*, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Premiſes, for the Reception whereof the Fee of Four Guineas ſhall be paid, and for the Inſpection or Peruſal whereof the Sum of One Shilling, and no more, ſhall be paid; and a Copy of the ſaid Award, or any Part thereof, ſigned by the ſaid Clerk of the Peace or his Deputy, purporting the ſame to be a true Copy, ſhall from Time to Time be made and delivered by ſuch Clerk of the Peace for the Time being as aforeſaid, to any Perſon requeſting the ſame, for which no more ſhall be paid than Four-pence for every Sheet of Seventy-two Words; and the ſaid Award, and each Copy of the ſame, or of any Part thereof, ſigned as aforeſaid, ſhall at all Times be admitted and allowed in all Courts whatſoever as legal Evidence thereof; and the ſaid Award or Inſtrument, and the ſeveral Regulations, Orders, Directions, Determinations, and all other Matters and Things therein mentioned and contained, ſhall to all Intents and Purpoſes be binding and concluſive (except where ſome Proviſion to the contrary is herein contained) unto and upon the Proprietors, and all Parties and Perſons concerned or intereſted in the ſame, or in any of the Lands, Grounds, or Premiſes aforeſaid; and alſo that the ſaid General Commiſſioners, if they think it neceſſary, ſhall form or draw, or cauſe to be formed and drawn, on Parchment or Vellum, a Map or Maps or Plans of the ſaid Lands and Grounds, the better to deſcribe the Drainage and Improvement to be made, and which ſhall expreſs the Quantity of each Proprietor's Land in Acres, Roods, and Perches; which ſaid Maps and Plans ſhall be annexed to and depoſited with the ſaid Award, and ſhall be deemed and conſtrued in every reſpect as and for Part of the ſaid Award; and a Copy of the ſaid Award, written on Parchment, examined and atteſted by the ſaid General Commiſſioners to be a true Copy of the ſame Award, with a reduced Map or Plan of the Lands and Grounds hereby directed to be drained and improved, to be annexed, ſhall within Two Calendar Months next after the Execution of the ſaid Award be depoſited and kept in the Pariſh Church of *Wormegay* aforeſaid, for the Inſpection of the ſeveral Perſons intereſted therein.

Appointment of Special Commiſſioners.

XLI. And be it further enacted, That the Lord or Lords, Lady or Ladies for the Time being of the ſeveral and reſpective Manors within which the Lands and Grounds to be drained and improved by virtue of this Act are ſituate, and their reſpective Succeſſors, Lords or Ladies of the ſaid Manors for the Time being, and the Steward or Stewards of the ſaid ſeveral and reſpective Manors for the Time being, and alſo every Perſon who for the Time being are or ſhall be Owner or Proprietor *bonâ fide* ſeiſed or poſſeſſed in his own Right, or in the Right of his Wife, or as Truſtee, Committee, or Guardian of any Feme Covert, Lunatic, Minor, or

or other incapacitated Perſon, of Twenty Acres or more of the Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds ſubject to be taxed by virtue of this Act, ſhall be and they are hereby appointed Special Commiſſioners for maintaining in Repair the ſeveral Works of Drainage herein-before authorized to be made, and for carrying this Act into Execution, with reſpect to the maintaining ſuch Works in good Order, Repair, and Condition; provided that if there be more than One Truſtee, Committee, or Guardian for any ſuch Feme Covert, Lunatic, Minor, or other incapacitated Perſon, only One of ſuch Truſtees ſhall act at the ſame Time as a Commiſſioner, in Right of ſuch Feme Covert, Lunatic, Minor, or other incapacitated Perſon reſpectively.

Appointment of Deputy Commiſſioners.

XLII. And be it further enacted, That every Perſon who ſhall be *bonâ fide* ſeiſed or poſſeſſed as aforeſaid of One hundred Acres or more of the Lands and Grounds ſubject to be taxed by virtue of this Act, may appoint, and every ſuch Perſon is hereby authorized to appoint by Writing under his or her Hand, a Deputy or Proxy, to act as a Deputy Special Commiſſioner, in the Place or Stead of ſuch Special Commiſſioner, during the Pleaſure of the Perſon ſo appointing, if the Perſon ſo appointing ſhall continue ſo ſeiſed or poſſeſſed as aforeſaid; but the Steward of any Lord or Lords, Lady or Ladies, of any Manor or Manors, or ſuch Deputy Special Commiſſioner, ſhall act only in the Abſence of ſuch Lord or Lords, Lady or Ladies, or of the Perſon by whom ſuch Appointment ſhall have been made.

No Perſon to act as a Deputy Commiſſioner until his Appointment ſhall have been delivered in.

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

Commiſſioners in their own Right to take an Oath.

XLIV. And be it further enacted, That no Perſon ſhall be capable of acting as a Special Commiſſioner in his own Right for the Purpoſes aforeſaid, except in adminiſtering the Oath or Affirmation herein-after directed, until he ſhall have taken the Oath or Affirmation following;

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as a Commiſſioner, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever; and I do further ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm,] that I am duly qualified to act as a Special Commiſſioner in the Execution of the ſaid Act, according to the Proviſions of the ſame. So help me GOD.'

XLV. And

XLV. And be it further enacted, That no Perſon to be appointed a Deputy Special Commiſſioner by virtue of this Act, ſhall act as ſuch until he ſhall have taken the Oath or Affirmation following; Deputy Commiſſioners to take an Oath:

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as a Deputy Special Commiſſioner, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever; and I do further ſwear, that I do believe that *C. D.* [*naming the Perſon appointing him*] is duly qualified to appoint me to act as a Deputy Special Commiſſioner for the Purpoſes aforeſaid, according to the Proviſions of this Act. So help me God.'

XLVI. And be it further enacted, That it ſhall and may be lawful for any Five of the Commiſſioners appointed or to be appointed by virtue of this Act to adminiſter any of the Oaths or Affirmations herein-before directed to be taken; and that a Note or Minute of every ſuch Oath or Affirmation ſhall be made by the Clerk to the ſaid Commiſſioners, and ſhall be entered among the Proceedings of the Meetings at which the ſame ſhall reſpectively have been made; but no Perſon holding the Place of Engineer, Superintendant, Treaſurer, Clerk, Surveyor, or Collector, or any other Place of Profit under the ſaid Commiſſioners, ſhall act or be qualified to act as a Special Commiſſioner, or to appoint a Deputy or Deputies under this Act. Minute of Commiſſioners having taken the Oath to be entered among the Proceedings, &c.

XLVII. Provided always, and be it further enacted, That if any Perſon or Perſons, not being qualified as required by this Act, ſhall act as a Special Commiſſioner or Commiſſioners for the Purpoſes of this Act, or if any Perſon or Perſons not being ſo qualified, ſhall appoint any Perſon or Perſons to act as a Deputy Special Commiſſioner or as Deputy Special Commiſſioners for the Purpoſes aforeſaid, every ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds, to be recovered, with full Coſts of Suit, by any Perſon or Perſons who ſhall inform or ſue for the ſame, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, Privilege or Wager of Law, nor more than One Imparlance, ſhall be allowed; and in any ſuch Action or Suit it ſhall be only neceſſary for the Plaintiff or Informer to prove that the Defendant acted as a Special Commiſſioner in the Execution of this Act, and a Verdict ſhall be found againſt ſuch Defendant, unleſs he ſhall prove in his Defence that he was, at the Time of his ſo acting or appointing a Deputy, properly qualified to act or to appoint a Deputy, according to the true Intent and Meaning of this Act. Penalties on acting, or appointing a Deputy, without being qualified.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Special Commiſſioners, or any Five or more of them, to meet from Time to Time at ſuch Times or Places as they ſhall think fit, firſt giving Ten Days Notice of ſuch Meeting by Advertiſement in ſome Newſpaper publiſhed or circulated in the ſaid County; and the ſaid Commiſſioners, or any Five or more of them, at ſuch Meeting, ſhall and may make and give ſuch Orders Meetings and Proceedings.

Orders and Directions as they ſhall think fit, for maintaining ſuch Works in Repair, and for carrying this Act into Execution with reſpect to ſuch Repairs; and that upon all Queſtions that ſhall ariſe in the Execution of this Act, every Special Commiſſioner who ſhall be ſeiſed as aforeſaid of Five hundred Acres or upwards of the ſaid Lands or Grounds, or his Deputy, ſhall have Three Votes, or if ſeiſed as aforeſaid of Two hundred Acres or upwards, and leſs than Five hundred Acres, Two Votes, and all others of ſuch Special Commiſſioners, One Vote.

Special Commiſſioners may appoint Treaſurers, Clerks, &c.

XLIX. And be it further enacted, That the ſaid Special Commiſſioners ſhall and may alſo, at their Firſt or any of their Meetings to be holden under this Act, appoint ſuch Treaſurers, Clerks, Collectors, and other Officers as they ſhall think neceſſary for the better Execution of this Act, and allow them, or any of them, ſuch Salary or Salaries or other Remuneration out of the Monies to be raiſed by virtue of this Act, as they the ſaid Special Commiſſioners ſhall think proper; and from Time to Time to remove them, or any of them, as they the ſaid Special Commiſſioners ſhall ſee Occaſion, and in like Manner to appoint others in their Stead; and that all Treaſurers, Collectors, and other Officers who ſhall be entruſted with the Receipt or Collection of any Monies to be raiſed by virtue of this Act, ſhall reſpectively give Security for the due Execution of their reſpective Offices, to the Satisfaction of the ſaid Special Commiſſioners.

Taxes or Rates to be made for Repairs.

L. And be it further enacted, That the Monies neceſſary for maintaining the ſeveral Drains and Works to be made in purſuance of this Act in repair, ſhall be raiſed by an annual Rate or Tax on the ſeveral Owners and Proprietors of the ſaid Fen Lands and Low Grounds, in ſuch reſpective Proportions as ſhall be preſcribed by the General Commiſſioners in their Award; and for that Purpoſe, it ſhall be lawful for the ſaid Special Commiſſioners or any Five or more of them, yearly and every Year, as Occaſion ſhall require, at a Meeting to be held for the Purpoſe, to aſſeſs, rate, tax, and charge the reſpective Owners and Proprietors of the ſaid Fen Lands and Low Grounds, by a proportionable Acre Tax, not exceeding in any One Year the Sum of Four Shillings *per* Acre, according to the Proportions before mentioned; and all Rates, Taxes, or Aſſeſſments hereby directed or authorized to be raiſed, ſhall be paid to the Receiver or Receivers, Collector or Collectors, or Treaſurer or Treaſurers for the Time being, to be appointed by the ſaid Commiſſioners, at ſuch Place or Places, and in ſuch Manner as they the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint for that Purpoſe; and that the firſt Rate or Tax hereby directed and authorized to be laid on the ſaid Fen Lands and Low Grounds, and all future Rates and Taxes to be charged and impoſed on all the Fen Lands and Low Grounds under the Authority of this Act, ſhall become due and payable at ſuch Times as the ſaid Special Commiſſioners ſhall appoint; and the Monies ſo to be raiſed, ſhall be applied in maintaining the ſaid Drains and Works in Repair.

Tenants to pay Taxes, and deduct them from their Rents;

LI. And, to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received, be it enacted, That all and every the Tenants and Occupiers of the ſaid Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds which ſhall be aſſeſſed, rated, taxed, or charged by virtue of this Act, ſhall, and he, ſhe, and they is and are hereby authorized and required, to pay all and every ſuch Rates

Rates and Taxes for the Lands and Grounds in their respective Occupations, and to deduct and retain out of his, her, or their Rent or Rents, all such Sum or Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords and Owners of such Fen Lands, Low Grounds, and Marshes, and other Lands and Grounds, is and are hereby required to allow such Deductions and Payments upon receipt of the Residue of his, her, or their Rent or Rents; and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of and from so much Money as such Rates or Taxes, so paid by him, her, or them respectively shall amount unto as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords, (except where there is or may be any Lease or Agreement to the contrary); but nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his or her Rent, any Penalty or Forfeiture incurred by Non-payment of the Rates and Taxes hereby imposed.

But not to deduct Penalties.

LII. Provided nevertheless, and be it enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates or Taxes imposed by this Act, who shall hold such Lands or Grounds by virtue of or under any Leases from any Bishop, or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which other Lease or Agreement there shall at the Time of passing this Act be more than Seven Years to come and unexpired, shall be entitled to deduct the said Rates or Taxes, or any of them, out of the Rent reserved or payable by any Lease or Agreement; but that the said Rates and Taxes shall be charged upon, and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid.

No beneficial Lessee to be allowed to deduct Taxes.

LIII. Provided also, and be it enacted and declared, That nothing in this Act contained shall extend to charge any other Lessee or Lessees with the Payments of the Rates or Taxes, or any of them, to be raised by the said Special Commissioners contrary to any express Stipulation made or contained in or by any Lease or Leases, Agreement or Agreements, in which it hath been agreed that the Rates, Taxes, or Assessments for the Drainage of any of the said Fen Lands, Low Grounds, and Marshes, and other Lands and Grounds comprised in or demised by any such Lease or Leases, Agreement or Agreements, shall be paid by the Lessee or Lessees thereof, any Thing herein contained to the contrary notwithstanding, (save and except the Rates or Taxes directed to be raised by this Act).

Leases or Agreements not to be affected.

LIV. And, for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged, be it enacted, That if any Person or Persons subject or liable to the Payment of the said Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same, or any Part thereof, to the Collector or Collectors, or other Person or Persons appointed by the said Special Commissioners to receive and collect the same, for the Space of Thirty Days next after the respective Days or Times which shall be limited and appointed for Payment of the same by the said Commissioners, (Twenty-one Days Notice of the respective Times of such Payments having been previously given in Manner herein directed, which Notice shall be and be deemed and taken to be full and sufficient Notice to all Persons concerned, of the Day of Payment of such Rates and Taxes), then and in every such

In case of Non-payment of Taxes Defaulters to forfeit Three Shillings and Four-pence in the Pound.

Caſe every Perſon ſo omitting ſhall forfeit and pay to the ſaid Special Commiſſioners, by way of Penalty for every ſuch Omiſſion, Neglect, or Nonpayment, the Sum of Three Shillings and Four-pence for every Twenty Shillings of the ſaid Rates or Taxes which ſhall be ſo in Arrear and unpaid, and ſo in Proportion for any leſs Sum than Twenty Shillings; and ſuch Penalty ſhall be paid to the Collector or Collectors of the ſaid Special Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in Default of Payment thereof to ſuch Collector or Collectors, or to ſuch other Perſon or Perſons as aforeſaid, on Demand, every ſuch Penalty ſhall and may be levied and recovered by ſuch Ways and Means, and in ſuch and the ſame Manner as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all ſuch Penalties when received, ſhall be applied by the ſaid Special Commiſſioners in carrying this Act into Execution.

Power of Diſtreſs in caſe of Non-payment.

LV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe, omit, or neglect to pay all or any Part of the Rates or Taxes which he, ſhe, or they is and are hereby made liable to pay and diſcharge, for the Space of Two Calendar Months next after the Days or Times which ſhall be limited and appointed for Payment of the ſame reſpectively, or ſhall refuſe, omit, or neglect to pay all or any Part of the Penalty or Penalties which ſhall become due by reaſon of the Non-payment thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for the Collector or Collectors of the ſaid Rates and Taxes, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the ſaid Special Commiſſioners, (which Warrant or Precept ſuch Commiſſioners, or any Three or more of them, are hereby authorized and required from Time to Time to grant and make, as Occaſion ſhall require, whether aſſembled at a Meeting or not,) to enter into and upon all or any Part of the Lands and Grounds hereby taxed and charged as aforeſaid, for which ſuch Rates, Taxes, and Penalties, ſhall be due and owing, and all Meſſuages and Tenements thereupon ſtanding, and thereto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing, or payable for ſuch Rates and Taxes, by ſuch Perſon or Perſons ſo refuſing, omitting, or neglecting to pay the ſame, and alſo to levy the Sums of Money due and owing by ſuch Perſon or Perſons as aforeſaid by way of Penalty for the Nonpayment of ſuch Rates and Taxes, or any Part thereof, by Diſtreſs of the Cattle, Corn, Hay, Goods, Chattels and Effects which ſhall or may be found thereon, or a ſufficient Part thereof, and the Cattle, Corn, Hay, Goods, Chattels and Effects, which ſhall be ſo diſtrained, to impound and keep on the Premiſes, or to take, lead, drive, carry away, and keep for the Space of Five Days, at the Coſts and Charges of the Perſon or Perſons liable to pay the ſaid Rates, Taxes, and Penalties, leaving at ſuch Meſſuage or Tenement, Lands, Grounds, or Premiſes, or delivering to the Occupier or One of the Occupiers of the ſame, Notice in Writing of ſuch Diſtreſs being made and of the Cauſe thereof, and of the Place or Places where ſuch Diſtreſs is to be, or is led, taken, driven away, and impounded and kept; and in caſe the Sum or Sums of Money for which any ſuch Diſtreſs ſhall be made, and all Coſts, Charges, and Expences attending ſuch Diſtreſs, ſhall not be paid and diſcharged to the Collector or Collectors of the ſaid Commiſſioners, or to the Perſon or Perſons making ſuch Diſtreſs, within Five Days next after the making of ſuch Diſtreſs, and Notice thereof given as aforeſaid,

ſaid, then and in every ſuch Caſe the Perſon or Perſons ſo making ſuch Diſtreſs ſhall or may, with the Sheriff or Under Sheriff of the ſaid County of *Norfolk*, or his Deputy, or the Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made, (who is and are hereby directed, upon being thereunto required, to aſſiſt therein) cauſe the Cattle, Corn, Hay, Goods, Chattels, and Effects ſo diſtrained, to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Conſtable or Headborough, (who is and are hereby empowered and required to adminiſter the proper and neceſſary Oath or Oaths) and ſuch Two Perſons are hereby required to appraiſe the ſame according to the beſt of their Judgment; and after ſuch Appraiſement, it ſhall and may be lawful to and for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell or cauſe to be ſold, the Cattle, Corn, Hay, Goods, Chattels, and Effects ſo diſtrained, for the beſt Price that can be reaſonably had or gotten for the ſame, for and towards the Satisfaction of the Monies for which ſuch Diſtreſs and Sale ſhall be ſo made, and the Coſts, Charges, and Expences of taking, keeping, appraiſing, and ſelling the ſame, rendering the Overplus of the Monies ariſing from any ſuch Sale (if any) on Demand, to the Perſon or Perſons entitled thereto.

General Diſtreſs where Cattle are removed from the Lands to evade the Payment of Taxes.

LVI. And whereas Perſons liable to the Payment of the ſaid Rates and Taxes may, in order to evade the Payment of the ſame, and of the Penalties due thereon, remove their Cattle, Corn, Hay, Goods, Chattels, and Effects, from off the Lands and Grounds hereby taxed and charged as aforeſaid, belonging to or in the Occupation of ſuch Perſon or Perſons, be it therefore enacted, That in all Caſes where no ſufficient Diſtreſs can be found on ſuch Lands and Grounds, whereon to levy and raiſe the Rate or Rates, Tax or Taxes due and payable by any ſuch Perſon or Perſons, and the Penalty or Penalties which ſhall have become due by Reaſon of the Non-payment thereof, it ſhall and may be lawful to and for the Collector or Collectors of the ſaid Rates and Taxes, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the ſaid Special Commiſſioners (which Warrant or Precept ſuch Commiſſioners, or any Three or more of them, are hereby empowered and required from Time to Time to grant and make, as Occaſion ſhall require, whether aſſembled at a Meeting or not), to levy all and every ſuch Rate or Rates, Tax or Taxes, and Penalties, by Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels, and Effects of any ſuch Perſon or Perſons, whenſoever and whereſoever ſuch Cattle, Corn, Hay, Goods, Chattels, and Effects ſhall be found, in like Manner as hereinbefore authorized and directed reſpecting the Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels and Effects which ſhall be found on the Lands and Grounds hereby taxed and charged as aforeſaid, together with all Coſts, Charges, and Expences attending ſuch Diſtreſs and Sale.

Lands to remain liable if no Diſtreſs found.

LVII. And be it further enacted, That when and ſo often as it ſhall happen that the Lands for or in reſpect of which any ſuch Rates or Taxes as aforeſaid or any Part thereof ſhall be due and unpaid, ſhall be unoccupied, or that no ſufficient Diſtreſs can be found thereon for levying the ſame Rates or Taxes, then and in every ſuch Caſe, ſuch Lands ſhall be and remain a Security for the Payment of all ſuch Rates and Taxes reſpectively ſo due and unpaid; and all Cattle, Corn, Hay, Goods, Chattels and Effects, which ſhall at any Time thereafter be found on ſuch Lands, ſhall

ſhall and may be diſtrained, impounded, kept, appraiſed and ſold in Manner aforeſaid, until all the Rates and Taxes then due and owing for or in reſpect of ſuch Lands, and all Coſts, Charges, and Expences incident to every ſuch Diſtreſs and Sale, ſhall be fully paid, ſatisfied, and diſcharged.

Lands may be let for Payment of Taxes.

LVIII. And be it further enacted, That in caſe it ſhall happen that any Part of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds ſhall be unoccupied by the Space of Twelve Calendar Months together, and no ſuch Diſtreſs as aforeſaid can be found for levying the Rates and Taxes due in reſpect of the ſame, the ſaid Special Commiſſioners, or any Five or more of them, at any of their Meetings, ſhall have full Power and they are hereby authorized to let by Public Auction, to the beſt Bidder or Bidders, ſo much of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds upon which any Rate or Tax ſhall be ſo due and in Arrear, as they the ſaid Special Commiſſioners or any Five or more of them ſhall adjudge ſufficient, for ſuch Term or Terms of Years, not exceeding Fourteen Years, at ſuch Rent or Rents, and upon ſuch Terms and Conditions as to them the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem meet; and the ſaid Commiſſioners ſhall apply the net or clear Rent or Rents ariſing and received therefrom in Payment or Diſcharge of all ſuch Rates and Taxes as aforeſaid, and the Penalties incurred by Non-payment thereof, and alſo the Coſts, Charges, and Expences of advertiſing and letting the ſaid Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds.

A Schedule of the Lands to be let to be affixed on Church Doors.

LIX. Provided always, and be it enacted, That the ſaid Special Commiſſioners ſhall cauſe a Schedule of the Lands ſo to be let for Rates and Taxes in Arrear, to be affixed upon the Principal outer Door of the Church or Churches of the Pariſh or Pariſhes in which ſuch Lands are ſituate, and being, or in or to which the ſame ſhall extend, Three ſeveral ſucceſſive *Sundays* before the Day appointed for the letting of ſuch Lands.

Lands let to revert to the Owners after Satisfaction.

LX. Provided always, and be it enacted, That in all Caſes where any of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, ſhall by virtue of the Proviſions herein contained, be let by the ſaid Special Commiſſioners for raiſing the Rates and Taxes due for the ſame, ſuch Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds, ſhall (after the Expiration of the Term for which the ſame ſhall be ſo let, and the Payment of the ſaid Rates, Taxes, and all Expences incurred by the ſaid Special Commiſſioners or their Collectors, Receivers, or Agents in and about the letting of the ſame, and the Recovery of ſuch Rates and Taxes, and which Expences they the ſaid Special Commiſſioners, or their Collectors, Receivers, or Agents, are hereby authorized and required to deduct and retain out of the Rent and Rents ariſing and received from or in reſpect of ſuch Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds, or in caſe the ſaid Special Commiſſioners ſhall before the Expiration of the ſaid Term be paid ſuch Rates, Taxes, and Expences as aforeſaid, then on ſuch Payment) revert to the Owner or Owners, Proprietor or Proprietors thereof, and be as fully and effectually veſted in him, her, or them, to all Intents and Purpoſes whatſoever, as if the ſame had never been let by the ſaid Special Commiſſioners.

LXI. And

For giving Notice to Owners of Lands to be let.

LXI. And be it enacted, That the ſaid Special Commiſſioners ſhall cauſe Notice in Writing, ſigned by their Clerk or Treaſurer for the Time being, of their Intention to let ſuch Fen Lands, Low Grounds, and Marſhes, and other Lands and Grounds to be given to the Owner or Proprietor, Owners or Proprietors of the ſame, or to be left at his, her, or their laſt or uſual Place or Places of Abode, (if ſuch Place or Places of Abode ſhall be known to the ſaid Special Commiſſioners) or otherwiſe ſhall give public Notice in the Newſpapers uſually circulated in the Neighbourhood of the ſaid Lands and Grounds, Three Weeks at leaſt before the Time appointed for any ſuch Letting.

Commiſſioners to lay their Accounts before One Juſtice Once in every Year.

LXII. And be it further enacted, That Once at leaſt in every Year during the Execution of this Act (ſuch Year to be computed from the Day of paſſing thereof) the ſaid Special Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Monies by them received and expended in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Norfolk*, to be by him or them examined and balanced; Notice of the Time and Place for examining ſuch Accounts to be given on the Church Doors of the ſeveral Pariſhes wherein ſuch Lands lie, at leaſt Fourteen Days before ſuch Meeting; and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts, to be kept by the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Juſtice or Juſtices.

Leaſes at Rack Rent may be vacated.

LXIII. And be it further enacted, That all Leaſes, Demiſes and Agreements at Rack Rent now ſubſiſting, for any Term or Terms of Years, or from Year to Year, or at Will, of or for any Part or Parts of the ſaid Fen Lands and Low Grounds within the ſaid Pariſhes of *Wormegay*, *Shouldham*, *Marham*, *Middleton*, *Pentney*, *Eaſt Winch* and *Weſt Bilney*, ſhall upon the written Requeſt of the reſpective Landlords of the Premiſes reſpectively compriſed in ſuch Leaſes, Demiſes, or Agreements reſpectively, be made to ceaſe and be void by the ſaid General Commiſſioners, at ſuch Time or Times reſpectively as the ſaid General Commiſſioners by any Writing or Writings under their Hands ſhall declare and appoint; and the reſpective Leſſees or Tenants holding any Lands or Grounds under any of ſuch Leaſes, Demiſes, or Agreements which ſhall be ſo avoided, ſhall thereupon be entitled to demand and receive of and from the reſpective Landlords or Owners of the ſame Premiſes, ſuch Allowance or Satisfaction in Money, and at ſuch Time or Times, as the ſaid General Commiſſioners ſhall aſcertain, order, and direct, (in caſe the Parties cannot agree upon the ſame) as reaſonable to be paid to ſuch Leſſees or Tenants reſpectively, on Account of or as an Equivalent for ſuch Avoidance of any ſuch Leaſes, Demiſes, or Agreements reſpectively; and ſuch Leſſees or Tenants reſpectively ſhall, upon the Determination of their reſpective Leaſes, Demiſes, or Agreements as aforeſaid, be liable to pay to the reſpective Landlords or Owners of the ſame Premiſes, ſuch Rents or Sums of Money, up to the Time of vacating ſuch Demiſes, Leaſes, or Agreements reſpectively, for the Uſe and Occupation of the ſaid Premiſes reſpectively, as the ſaid Commiſſioners ſhall in like Manner aſcertain, order, and direct, (in caſe the

Parties cannot agree upon the ſame) as reaſonable and proper in that Behalf; but in aſcertaining and ſettling the Sum or Sums of Money to be paid by or to any ſuch Leſſee or Leſſees, or Tenant or Tenants as aforeſaid, the ſaid Commiſſioners ſhall have due Regard to the ſeveral Covenants and Stipulations of the Leaſe or Leaſes, Demiſe or Demiſes, Agreement or Agreements to be vacated, and ſhall make ſuch Addition to ſuch Sum or Sums, or Abatement therefrom, as they ſhall deem to be juſt, in caſe any of ſuch Covenants or Stipulations ſhall not have been or ſhall not be fulfilled.

Other Leaſes to continue with an additional Rent.

LXIV. Provided always, and be it further enacted, That as to all ſuch other Leaſes, Demiſes, and Agreements as ſhall not have been made or declared to ceaſe and be void upon the Requeſt of the reſpective Landlords as aforeſaid, the ſame ſhall continue unimpeached by any Thing in this Act contained; and the reſpective Leſſees or Tenants holding under the ſame, ſhall continue to hold the Lands and Grounds compriſed in ſuch Leaſes, for and during all ſuch Term or Terms as ſuch Leſſees or Tenants reſpectively ſhall have to come and unexpired in ſuch Lands or Grounds, he, ſhe, or they entering into an Agreement or Agreements in Writing with his, her, or their Landlords reſpectively, to pay, and paying to ſuch Landlords reſpectively, and their reſpective Heirs or Succeſſors and Aſſigns, for the Reſidue of ſuch Term and Terms, ſuch further or additional Rent or Rents, and conforming to ſuch Orders and Regulations reſpecting the Tillage and Management of ſuch Lands and Grounds ſo to be drained as aforeſaid, as ſhall be aſcertained and determined by the ſaid Commiſſioners, and be ſpecified in and by ſome Inſtrument or Inſtruments in Writing under their Hands, to be made at the Joint Expence of ſuch Landlords and Leſſees or Tenants reſpectively; which Rent or Rents ſhall be ſettled by the ſaid Commiſſioners upon a due Conſideration of the Improvements which ſhall take place, and the Advantages which ſhall accrue to ſuch Leſſees or Tenants reſpectively, and of the Expences which ſhall be incurred by ſuch Landlords reſpectively under this Act; and ſuch Rent or Rents ſhall be paid at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall by ſuch Inſtrument or Inſtruments reſpectively appoint; and ſuch Landlords reſpectively ſhall have ſuch Powers and Remedies for recovering and obtaining ſuch further or additional Rent or Rents, as they reſpectively had or were or are entitled to have for recovering and obtaining the original Rent or Rents reſerved by or upon ſuch Leaſe or Leaſes, Demiſe or Demiſes, Agreement or Agreements.

To mow Thiſtles, &c. on the Banks, &c

LXV. And be it further enacted, That the ſaid reſpective Commiſſioners ſhall and they are hereby authorized to cauſe all the Thiſtles and Weeds which ſhall ariſe or grow upon or in any Bank, Drove, or Waſte within the Limits of this Act, or upon or in any Bank, Drove, or Waſte thereto immediately adjoining, to be mowed, cut down, and deſtroyed as often as ſhall be neceſſary, and ſhall and may make ſuch Payments and Allowances for that Purpoſe, out of the Monies to ariſe by virtue of this Act, as they ſhall think proper.

Power to deſtroy Moles, &c.

LXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners to deſtroy, or cauſe to be deſtroyed, all ſuch Moles and other Vermin as ſhall be found in and about the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, and alſo in and about the Lands and Banks adjoining or lying

near thereto, and for that Purpoſe to employ ſuch Perſon or Perſons at ſuch Wages or Salary as they the ſaid reſpective Commiſſioners ſhall think proper; and it ſhall and may be lawful to and for ſuch Perſon or Perſons to enter into and upon the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, and the Lands and Banks adjoining thereto, or any of them for that Purpoſe.

To limit the digging of Turf.

LXVII. And be it further enacted, That it ſhall not be lawful to or for any Perſon or Perſons whomſoever to dig or cauſe to be dug any Turf upon or out of any of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, (except for the Purpoſes of Fuel to be ſpent in the Dwelling Houſes of the Occupiers thereof), unleſs he, ſhe, or they ſhall firſt give Security, to be approved by Five or more of the ſaid Special Commiſſioners, for the regular Payment of the Rates and Taxes charged on the Lands ſo intended to be dug, for Twenty Years after ſuch digging, or ſhall pay into the Hands of the Treaſurer for the Time being of the ſaid Special Commiſſioners ſuch Sum of Money as the ſaid Special Commiſſioners 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 and Taxes 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 to the ſaid Special Commiſſioners, ſuch Lands ſhall be wholly freed, exonerated and diſcharged of, and from the Payment of any future Rates or Taxes to be impoſed and charged thereon by virtue of this Act, and of and from all Penalties for Non-payment of the ſame; and if any Perſon or Perſons ſhall dig or cauſe to be dug any Turf in any of the Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, (except for the Purpoſes aforeſaid), without firſt giving ſuch Security as herein-before directed for Payment of the ſaid Rates and Taxes, or without firſt paying ſuch Conſideration Money for the Exoneration and Diſcharge of the ſaid Lands from ſuch Rates and Taxes, then and in every ſuch Caſe it ſhall be lawful for the ſaid Special Commiſſioners, or any Perſon or Perſons authorized by them, by Warrant under the Hands and Seals of any Three or more of them the ſaid Special Commiſſioners, whether aſſembled at a Meeting or not (which Warrant they the ſaid Special Commiſſioners are hereby authorized and directed to grant from Time to Time) to levy ſuch Sum as the ſaid Special Commiſſioners ſhall at any Meeting determine to be a fair Conſideration and Compenſation for ſuch total Exoneration and Diſcharge from the ſaid Rates and Taxes, in reſpect of the whole of the Land or Ground of which any Part ſhall be ſo dug as aforeſaid, by Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels and Effects of the Owner or Occupier of ſuch Land or Ground, or of the Perſon or Perſons ſo digging the ſame, whereſoever ſuch Cattle, Corn, Hay, Goods, Chattels and Effects ſhall be found, in the ſame Manner as herein authorized and directed for Recovery of the Rates and Taxes herein-before directed to be raiſed; and the Overplus of the Monies ariſing by ſuch Diſtreſs and Sale (if any) after deducting ſuch Conſideration or Compenſation Money, and the Coſts and Expences attending ſuch Diſtreſs and Sale, ſhall be paid to the Perſon or Perſons entitled thereto.

To prevent digging Ditches near the Banks.

LXVIII. And be it further enacted, That no Perſon or Perſons ſhall, after the paſſing of this Act, make or cauſe to be made any Dike or Ditch in or upon any of the ſaid Fen Lands, Low Grounds and Marſhes, and other

other Lands and Grounds lying within the Boundary of this Act, within the Diſtance of Sixty Feet from any Bank now made or hereafter to be made by virtue of this Act; and in caſe any Perſon ſhall offend herein, every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding the Sum of Sixpence for every Foot in Length of ſuch Dike or Ditch, and alſo any Sum not exceeding Sixpence *per* Foot for every Month ſuch Dike or Ditch ſhall remain unfilled, after Notice given by the ſaid Commiſſioners, or by any Collector or other 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 ſaid Commiſſioners ſhall have full Power, and they are hereby authorized at any Time, at the Coſts and Charges of ſuch Owner or Owners, Occupier or Occupiers, to fill up and level any ſuch Dike or Ditch; 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 ſaid Commiſſioners, or by any Perſon authorized by them, or any Five or more of them, ſuch Coſts and Charges may be raiſed and recovered by the ſame Ways and Means as are herein-before provided for the Recovery of Taxes, in caſe of Non-payment thereof.

Penalty on neglecting to keep Ditches and Tunnels in Repair, and to rode Ditches.

LXIX. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds to which any Out-ring Dike, Diviſion or other Dike, Ditch or Tunnel, Dikes, Ditches, or Tunnels whatſoever, to be made under or by virtue of this Act for carrying off the Waters, doth, do, or ſhall belong, ſhall neglect or refuſe ſufficiently to rode, ſcour, cleanſe, open or repair the ſame, or to make and place any new, proper and ſufficient Tunnel or Tunnels on any Part of the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds, of which he, ſhe, or they ſhall be Owner or Owners, Occupier or Occupiers as aforeſaid, after One Calendar Month's Notice given to him, her, or them, or left at his, her, or their laſt or uſual Place of Abode for that Purpoſe, by the Collector or Collectors, Receiver or Receivers, or other Officer or Officers for the Time being appointed by virtue of this Act, he, ſhe, or they ſhall for every ſuch Neglect or Refuſal forfeit and pay any Sum not exceeding Two Shillings for every Rod of ſuch Dike or Ditch ſo neglected to be ſcoured, cleanſed, opened and repaired, and alſo any Sum not exceeding One Shilling for every Rod of ſuch Dike or Ditch ſo neglected to be roded, and alſo any Sum not exceeding Forty Shillings for every Tunnel ſo neglected to be made, repaired, or opened as aforeſaid; and it ſhall and may be lawful to and for the ſaid Collector or Collectors, Receiver or Receivers, or other Officer or Officers, to cauſe all ſuch Dikes, Ditches and Tunnels to be roded, opened, made or repaired, as the Caſe may require; and the ſaid Special Commiſſioners, or any Three or more of them, whether aſſembled at a Meeting or not, are hereby authorized and empowered, by Warrant under their Hands and Seals, to cauſe the ſaid reſpective Penalties, and the Coſts and Charges incurred in roding, opening, making or repairing any ſuch Dikes, Ditches, and Tunnels, as the Caſe may be, to be levied by Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels and Effects of the Owner or Owners, or Occupier or Occupiers of ſuch Lands or Grounds ſo neglecting or refuſing to do the ſame, whereſoever the ſame ſhall be found, in the ſame Manner as herein authorized and directed, for

Recovery

Recovery of the Rates and Taxes to be raiſed under and by virtue of this Act, rendering on Demand, the Overplus of the Monies ariſing from ſuch Diſtreſs and Sale (if any) after deducting ſuch Penalties, Coſts, and Expences, and the Coſts and Expences attending ſuch Diſtreſs and Sale, to the Perſon or Perſons entitled thereto.

Penalty for making Watering Places in any of the Public Drains.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid General Commiſſioners to ſtop up and diſcontinue, or cauſe to be ſtopped up and diſcontinued, all ſuch Watering Places for Cattle in any of the Public Drains in the ſaid Fen Lands, as they ſhall conſider prejudicial to the Works of Drainage; and no Perſon ſhall after Ten Days Notice in Writing make or cauſe to be made any Watering Place or Places of Acceſs for Cattle to drink, in any of the Public Drains made or maintained, or to be made or maintained by virtue of this Act, nor ſhall uſe any Watering Places already made for ſuch Purpoſes, without an Order in Writing firſt had and obtained, ſigned by the ſaid General Commiſſioners, or by Five or more of the ſaid Special Commiſſioners; and if any Perſon or Perſons not ſo authorized ſhall offend herein, every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding the Sum of Forty Shillings, and the additional Sum of Forty Shillings for every Month he or ſhe ſhall continue to uſe the ſame; and the ſaid reſpective Commiſſioners are hereby authorized and empowered, by Warrant under their Hands and Seals, to cauſe ſuch Penalties to be levied by Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels and Effects of the Occupier or Occupiers of the Lands and Grounds in which any ſuch Watering Place ſhall be ſo made or continued as aforeſaid, whereſoever the ſame ſhall be found, in the ſame Manner as herein authorized and directed for Recovery of the Rates and Taxes to be raiſed under and by virtue of this Act; rendering on Demand, the Overplus of the Monies ariſing from ſuch Diſtreſs and Sale (if any), after deducting ſuch Penalties, and the Coſts, Charges and Expences attending ſuch Diſtreſs and Sale, to the Perſon or Perſons entitled thereto.

Puniſhing Perſons deſtroying Works.

LXXI. And be it further enacted, That all and every Perſon and Perſons who ſhall at any Time or Times hereafter wilfully and maliciouſly cut, throw down, injure, or deſtroy any Bank, Engine, Bridge, Flood Gate, Tunnel or Sluice, or any of the Works belonging thereto, made and erected, or which ſhall be making and erecting for the draining or improving the ſaid Fen Lands, Low Ground and Marſhes, and other Lands and Grounds, or any of them, under the Authority of this Act, and ſhall be thereof lawfully convicted, ſuch Perſon or Perſons ſhall be adjudged to be guilty of Felony, and be tranſported for Seven Years, or be puniſhed as the Law directs in Caſes of Petit Larceny.

Penalty on ſetting Nets, or throwing Obſtructions in the Drains, or maliciouſly damaging Works.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter ſet down any Nets or Engines for the catching of Fiſh in any of the Drains made or to be made within the Boundaries of this Act, or wilfully or maliciouſly throw any Earth, or other Obſtructions into any of ſuch Drains; or if any Perſon or Perſons ſhall at any Time hereafter wilfully or maliciouſly ſtop, dam up, ſpoil or damage any Drain or Watercourſe already made, or which ſhall hereafter be making, made or uſed for draining the ſaid Fen Lands, Low Grounds and Marſhes, and other Lands and Grounds under and by the

Authority of this Act, then and in every of the ſaid Caſes all and every ſuch Perſon and Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum of Money not exceeding Forty Pounds.

Penalty on ſuffering Cattle, Swine, &c. to ſtray on or injure Banks, and for driving Waggons, &c. thereon.

LXXIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or negligently ſuffer his, her or their Cattle, Stock, or Swine to ſtray upon, or to feed or root up the Soil, or otherwiſe damage any Bank or Banks made or uſed, or to be made or uſed under the Authority of this Act; or if any Perſon or Perſons ſhall fodder, or cauſe or permit to be foddered any of his, her, or their Cattle or Stock upon any of ſuch Bank or Banks, or ſhall drive or cauſe to be driven any Waggon, Cart or other Carriage upon any ſuch Bank or Banks as aforeſaid, ſuch Perſon or Perſons ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend ſo as to reſtrain or prevent the Perſon or Perſons hiring any ſuch Bank or Banks of the ſaid Special Commiſſioners, from feeding the ſame with Sheep and Lambs.

Owners accountable for Damage done by Boatmen.

LXXIV. And be it further enacted, That the Maſter and Owner of every Boat, Barge, Lighter or other Veſſel, ſhall be, and he, ſhe, and they is and are hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief that ſhall be done by ſuch Boat, Barge, Lighter, or other Veſſel, or by any of the Boatmen, Bargemen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, to any of the Buildings, Bridges, Banks, Stiles, Gates, Fences, Weirs, Locks, Baſins, Dams, Mills, or other Works erected, maintained or repaired, or erecting, or to be erected, maintained, or repaired by virtue of this Act, either by loading or unloading of any Boat, Barge, Lighter or other Veſſel, or by any other Means whatſoever; and the Maſter or Owner of ſuch Boat, Barge, Lighter or other Veſſel ſhall, for every ſuch Treſpaſs, Damage, Spoil or Miſchief, upon Conviction of any ſuch Boatmen, Bargemen, Watermen, or other Perſon or Perſons, before any Juſtice of the Peace for the ſaid County of *Norfolk*, on the Oath of any credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby authorized and required to adminiſter), or on the Confeſſion of the Party or Parties offending, forfeit and pay to the Party or Parties injured, ſuch Damages, Satisfaction or Compenſation as ſhall be aſcertained, fixed and determined by ſuch Juſtice; provided that no ſuch Damages, Satisfaction, or Compenſation ſhall exceed the Sum of Ten Pounds, and ſhall alſo forfeit and pay to the Informer or Informers, any Sum not exceeding Forty Shillings, to be ſettled and determined by ſuch Juſtice; but in caſe ſuch Damages ſhall exceed the Sum of Ten Pounds, the ſaid Maſter or Owner of ſuch Boat, Barge, Lighter, or other Veſſel, may be ſued and proſecuted for ſuch Damages, Satisfaction and Compenſation, in any of His Majeſty's Courts of Record at *Weſtminſter*; and if a Verdict or Judgment ſhall be given againſt him or her, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in every ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Maſters to recover from Boatmen.

LXXV. Provided always, and be it enacted, That ſuch Boatmen, Bargemen, Watermen and other Perſon or Perſons, and each and every of them, ſhall be liable to repay ſuch Damages, Satisfaction, Compenſation and Penalty, ſo aſcertained, fixed and determined by ſuch Juſtices with

with the Coſts of levying and recovering thereof, to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter or Maſters, Owner or Owners, of the Payment made by him, her, or them, of ſuch Damages, Satisfaction and Compenſation or Penalty, and that the ſame, and the Coſts thereof, have or hath not been repaid to him, her, or them, by ſuch Servants, Boatmen, Bargemen or Watermen, or any of them, although demanded, (ſuch Oath to be made before any One of His Majeſty's Juſtices of the Peace, who are hereby reſpectively authorized to adminiſter the ſame), the Amount thereof ſhall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered, by Warrant under the Hand and Seal of any Juſtice or Juſtices.

Recovery and Application of Penalties.

LXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, (the Manner of levying and recovering whereof is not herein-before particularly deſcribed), and all Coſts and Charges attending the Recovery thereof, ſhall be levied and recovered by Diſtreſs and Sale of the Cattle, Corn, Hay, Goods, Chattels and Effects of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Juſtice or Juſtices of the Peace for the County, Diviſion, Liberty or Place wherein the Offence ſhall have been committed; which Warrant ſuch Juſtice or Juſtices is and are hereby authorized and empowered to grant as often as ſhall be neceſſary, upon the Confeſſion of the Party, or on the Information of any credible Witneſs upon Oath (which Oath ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter); and in caſe no ſufficient Diſtreſs can be found, ſuch Juſtice or Juſtices ſhall iſſue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, for the Apprehenſion of ſuch Offender or Offenders, and ſhall commit ſuch Offender or Offenders, when brought before him or them, to the Common Gaol or Houſe of Correction for the County, Diviſion, Liberty or Place wherein ſuch Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Term not exceeding Six Calendar Months, at the Diſcretion of ſuch Juſtice or Juſtices; and all Penalties and Forfeitures by this Act impoſed, if not hereby otherwiſe directed to be paid and applied, ſhall be paid to the Treaſurer for the Time being to the ſaid Commiſſioners, and applied for the ſame Purpoſes as the Rates and Taxes charged upon the ſaid Fen Lands, Low Grounds, Marſhes and other Lands and Grounds, are by this Act directed to be paid and applied.

Form of Conviction of Offenders.

LXXVII. And be it further enacted, That in all Caſes where any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, the Conviction may be in the Words, or to the Effect following; *videlicet*,

'BE it remembered, That on this Day of in the Year of our Lord *A. B.* is duly convicted before of His Majeſty's Juſtices of the Peace for the County of *Norfolk*, of having [*here ſtate the Offence againſt the Act, as the Caſe may be*] contrary to the Form of the Statute in that Caſe made and provided; and I [*or*, we, *as the Caſe may be*] do declare and adjudge, that the ſaid *A. B.* hath forfeited for his [*or*, her, *as the Caſe may be*] ſaid Offence, the Sum of

Given under my Hand and Seal [*or*, our Hands and Seals, *as the Caſe may be*] the Day and Year firſt above written.'

LXXVIII. And

Commissioners being Justices may act in the Execution of this Act, &c.

LXXVIII. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person for his or their more certain Information in the Matter then depending, and that any Justice of the Peace may act as such in the Execution of this Act, notwithstanding his being a Commissioner; and that in all Cases where any Parties, Witnesses, or other Persons are to be heard or examined by or before or in the Presence of the said Commissioners, in any Matter or Thing relating to this Act, it shall be lawful for any Five of the said Commissioners, or for any Justice of the Peace, to administer an Oath to or take the Affirmation of such Parties, Witnesses or Persons: Provided always, that no Person shall act either as a Justice of the Peace or as a Commissioner, in any Case where he shall be personally interested.

Evidence of Persons being Owners for taxable Land to be admitted.

LXXIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Person or Persons shall be prevented from giving his, her, or their Evidence, or be deemed or taken to be an incompetent Witness or Witnesses, on account of his, her, or their being Owner or Owners, Occupier or Occupiers, or otherwise interested in any Lands taxed or to be taxed by virtue of this Act.

Persons giving false Evidence to be deemed guilty of Perjury.

LXXX. And be it further enacted, That if any Person or Persons shall, upon his, her, or their Examination upon Oath before any Justice or Justices of the Peace, or before the said Commissioners, touching or concerning any Matter or Thing relating to the Execution of this Act, wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in Force and Effect Persons guilty of wilful and corrupt Perjury are subject and liable to.

Proceedings not to be vacated for Want of Form, or removed by Certiorari.

LXXXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Warrant, or Notice of Distress, Judgment or Conviction, or other Proceedings, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Distress not unlawful for Want of Form.

LXXXII. And be it further enacted, That where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties taking the same be deemed a Trespasser or Trespassers on account of any Want of Form in the Warrant or Warrants of Distress, or other Proceedings relating thereto; but such Warrant or Warrants shall be good, valid and effectual to all Intents and Purposes whatsoever, as if the Commissioners had Power to issue a Warrant or Warrants for any Part of the Sum or Sums stated therein; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall

recover

recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Avowant or Avowants, or left at his, her, or their last or usual Place or Places of Abode, Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, Avowant or Avowants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants, Avowant or Avowants, in any such Action, by leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order and Judgment shall be had, made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after a Tender of Amends.

LXXXIII. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, he, she, or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at the General Quarter Sessions to be holden in and for the said County of *Norfolk*, or at any Adjournment thereof, first giving to the Person or Persons appealed against, or to the Clerk of the said respective Commissioners, in case the Appeal shall be made against any Act or Determination of the said respective Commissioners, Ten Days Notice in Writing of such Appeal, and of the Matter thereof, and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall upon due Proof of such Notice and Recognizance having been given and entered into, hear and determine the said Appeal at such General Quarter Session, or Adjournment thereof, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace, or Adjournment thereof, to be holden for such County; and the said Justices, on the hearing and determining of every such Appeal, may award such Costs to the Party appealing or appealed against, as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices in the said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Persons aggrieved may appeal to Quarter Sessions.

LXXXIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance or by virtue of this Act, after Six Calendar Months after the Fact committed; and every such Action or Suit shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and may give this Act and the Special Matter in Evidence, without specially pleading the same, otherwise than

Limitation of Actions.

than as aforesaid, at any Trial to be had thereupon, and that the Fact alleged in such Action or Suit to have been done, was done in pursuance and by the Authority of this Act; and if upon the Trial of such Action or Suit, the same shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or shall be brought after the Time before limited for bringing the same, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought or laid in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find for the Defendant or Defendants, Avowant or Avowants; and in all Cases where a Verdict shall be found for the Defendant or Defendants, Avowant or Avowants, in such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or forbear Prosecution and discontinue his, her, or their Suit or Suits, Action or Actions, after the Defendant or Defendants, Avowant or Avowants, shall have appeared thereto, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and shall have such and the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law, where Costs by Law are awarded.

Commissioners may sue and be sued in the Name of their Officers.

LXXXV. And be it further enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of their Treasurer, Clerk, Collector, or other Officer; and that no Action, Suit, or Information which may be brought, commenced, or filed, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them respectively, by virtue or on account of this Act, in the Name of their Treasurer, Clerk, Collector, or other Officer, shall abate or be discontinued by the Death or Removal of any such Treasurer, Clerk, Collector, or other Officer, or by the Act of any such Treasurer, Clerk, Collector, or other Officer, without the Consent of the said Commissioners; but the Treasurer, Clerk, Collector, or other Officer for the Time being to the said Commissioners, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, Information, or Indictment, as the Case may be: Provided always, that every such Treasurer, Clerk, Collector, or other Officer in whose Name any Action, Suit, Information, or Indictment shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant therein.

Officers to be reimbursed Expences.

Saving Rights of Commissioners of Sewers.

LXXXVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to lessen or take away, in any respect whatsoever, the Power of the present or any future Commissioners of Sewers, but that the same shall continue in full Force and Effect, and the Commissioners of Sewers for the Time being shall have the same Power over all Ditches, Drains, Sewers, Banks, and other Works in or upon the same, within the Limits appointed by the present or any other Commission of Sewers hereafter to be granted for the said County of *Norfolk*, or such Part thereof wherein the said Lands do or may lie, as such Commissioners would have had in case this Act had not been made.

LXXXVII. Pro-

Certain Parishes, &c. not to be rated.

LXXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge or subject any of the Lands, Grounds, or other Hereditaments within the Parishes or Hamlets of *South Lynn All Saints*, *West Winch*, *Setch*, and *Setchy* aforesaid, with the Payment of any of the Costs, Charges, and Expences to be raised or levied by the General or Special Commissioners appointed or to be appointed by virtue of this Act.

This Act not to interfere with the Powers of Commissioners of the River Nar.

LXXXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to or invest any Commissioners for executing this Act, or any other Person or Persons whomsoever, with any Right, Power, or Authority which may at all interfere with the Rights, Powers, Authorities, or Provisions heretofore granted by a certain Act of Parliament, passed in the Twenty-fourth Year of the Reign of His late Majesty 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; or of another Act of Parliament passed in the Tenth Year of the Reign of His present Majesty, 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.*

Works to be completed in Five Years.

LXXXIX. Provided always, and be it further enacted, That unless the Works by this Act authorized to be made shall be completed within the Space of Five Years from the passing of this Act, all the Powers and Authorities by this Act given to the said General Commissioners shall cease and determine.

Saving Rights of Lords of Manors.

XC. Provided always, and be it enacted, That all such Right or Rights as are now vested in any Lord or Lords, Lady or Ladies of any Hundred, Liberties, or Manors within his or their respective Hundreds, Liberties, or Manors within or without the said Fen Lands and Low Grounds, Marshes, and other Lands and Grounds, to Waifs, Estrays, Felons Goods, Privileges of Arrests, Escheats, and all Royalties, not contrary to the Provisions of this Act, shall be and are hereby saved to them, their Heirs, Successors, and Assigns, any Thing in this Act contained to the contrary thereof notwithstanding.

Public Act.

XCI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others without being specially pleaded.

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