



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 19.

An Act for draining and improving certain Fen Lands and Low Grounds, within the several Parishes of *Downham Market, Wimbotsham, Stow Bardolph, and Denver*, in the County of *Norfolk*.
[15th April 1802.]

WHEREAS there are, within the several Parishes of *Downham Market, Wimbotsham, Stow Bardolph, and Denver*, in the County of *Norfolk*, divers Fen Lands and Low Grounds, hereinafter more particularly described, containing together upwards of One thousand six hundred Acres; a very considerable Part whereof being liable to be flooded, and much annoyed by Waters, are at present of little Value: And whereas it would be highly advantageous and beneficial to the Owners and Proprietors thereof, if all the said Fen Lands and Low Grounds were properly drained and improved; but the same 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 from and immediately after the passing of this Act, the Lord or Lords, Lady or Ladies, of any Manor or Manors, whereof any Part of the said Fen Lands

Appointment
of Commis-
sioners.

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and

Description of
Lands.

and Low Grounds are holden, and the Lord or Lords, Lady or Ladies, of such Manor or Manors for the Time being, and every Person who for the Time being shall be *bonâ fide* seized or possessed in his or her own Right of Ten Acres or more of the said Fen Lands and Low Grounds, shall be, and are hereby appointed Commissioners for putting in Execution this Act, for the Purpose of draining and improving the Fen Lands and Low Grounds lying in the said Parishes, and bounded as follows; that is to say, One Part thereof beginning at a Sluice, called *The Tongs Sluice*, in the Parish of *Stow Bardolph* aforesaid, and proceeding in a Southward Direction, on the West Side of the River *Ouse*, as far as the Turnpike Gate, near the Bridge crossing the said River at *Downham Market* aforesaid, and proceeding from thence on the West Side of the Turnpike Road, leading from *Downham Market* aforesaid, to *Wisbeach*, as far as a Place called *Northdelph Corner*, until it adjoins a Bank called *The Tongs Bank*, and then proceeding in a Northward Direction, on the East Side of the said *Tongs Bank*, to the said Sluice called *Tongs Sluice*; other and remaining Part thereof, beginning at the South Side of a Piece of Land, late of *Thomas Hare* Esquire, and now of *Edmund Saffery* Gentleman, and proceeding from thence on the West Side of the Bank of the said River *Ouse*, to a Sluice at *Salterstode*, and from thence along the West Side of the River *Nene*, to the South West Corner of the Land of the said *Edmund Saffery*, late of *John Wrangle* Gentleman, and from thence on the East Side of the said Turnpike Road, Northward, until it adjoins the said Piece of Land, late of the said *Thomas Hare*, and now of the said *Edmund Saffery*.

Lords of Manors, etc. may appoint a Deputy.

II. And be it further enacted, That every such Lord or Lords, Lady or Ladies as aforesaid, and every Person who shall be *bonâ fide* seized or possessed as aforesaid, of at least Forty Acres of the said Fen Lands and Low Grounds, may, and is, and are hereby respectively authorized to appoint by Writing under his, her, or their Hand or Hands, an Agent to be a Commissioner for executing this Act; and that all and every Person and Persons so appointed, shall, during the Pleasure of the said Lord or Lords, Lady or Ladies, and of such Owner or respective Owners, and during the Time only that such Lord or Lords, Lady or Ladies, shall be seized and possessed of such Manor or Manors, and that such Owner or Owners shall be so seized or possessed of such Lands or Grounds as aforesaid, be, and he and they is and are hereby appointed a Commissioner and Commissioners for executing this Act, but shall act only in the Absence of the Lord or Lords, Lady or Ladies, Owner or Owners, by whom such Agent or Agents shall be respectively appointed as aforesaid.

Penalty on acting not being qualified.

III. And be it further enacted, That if any Person, not being qualified or properly appointed as herein-before mentioned and directed, shall act as a Commissioner in the Execution of this Act, he or she shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparance shall be allowed; and in such Action or Suit, it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as such Commissioner

tioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he or she shall prove, in his or her Defence, that he or she was at the Time of his or her so acting, properly qualified to act according to the true Intent and Meaning of this Act.

IV. And be it further enacted, That the said Commissioners shall hold their First Meeting at the *Queen's Head Inn*, in *Downham Market* aforesaid, on the Third *Wednesday* after the passing of this Act, at Eleven of the Clock in the Forenoon; and shall afterwards, on the First *Friday* in *October*; and on the First *Friday* in *April*, in every Year, hold a General Meeting at some publick House in *Downham Market* aforesaid; and any Three or more of the said Commissioners, (although not assembled at a Meeting) may from Time to Time appoint any Special Meeting, to be holden by Notice under their Hands, to be affixed upon the principal outer Doors of the respective Churches of the said several Parishes of *Downham Market*, *Wimbotsham*, *Stow Bardolph*, and *Denver*, at least Eight Days before such Meeting; and that the Clerk or Clerks to the Commissioners shall send or deliver Notice in Writing to each Commissioner, of the Time and Place when and where such Special Meeting shall be appointed to be held as aforesaid; and that Three or more of the Commissioners being present, shall constitute a Meeting, and that the Orders and Determinations of the Majority of the Commissioners present at any Meeting, shall be considered as the Acts of all the said Commissioners; and the Commissioners present at any Meeting may adjourn the same as they may think proper; and that in case Three or more Commissioners shall not be present at the Time and Place appointed for holding any Meeting, any One Commissioner present shall and may adjourn the same to another Day; and in case of Neglect or Omission to adjourn any Meeting, any Three of the said Commissioners, or their Clerk, shall and may call a Meeting, at the Place where the last Meeting of the said Commissioners was appointed to be held, or was held by such Notice as aforesaid; and that all Powers and Authorities by this Act granted to, or vested in, the Commissioners hereby appointed, shall and may, from Time to Time, be exercised by any Three of them, unless where herein otherwise particularly provided; and the Commissioners present at every Meeting shall and may chuse a President or Chairman, who in case of an Equality of Votes on any Question, shall have another and a casting Vote.

Meetings of
the Commis-
sioners.

V. Provided always, and be it further enacted, That no Order or Proceeding, made or had by the said Commissioners, shall be revoked or altered, unless at some Meeting to be held as aforesaid, and unless a Notice signed by Three or more Commissioners, stating their Intention to move at the then next Meeting, that such Order or Proceeding may be revoked or altered, shall be affixed upon the principal outer Doors of the respective Churches aforesaid, at least Eight Days before such Meeting; and also unless a greater Number of Commissioners shall attend such Meeting than were present when such Order or Proceeding was made or had.

Restrictions as
to revoking
Orders.

VI. And be it further enacted, That no greater or larger Sum of Money than Twenty Shillings in the Whole, shall be paid or allowed out of the Monies to be raised by virtue of this Act, for the Expences of the

Expences of
Meetings.

the Commissioners, at any Meeting or adjourned Meeting, to be held as aforesaid.

Officers.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to appoint a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Receiver or Receivers, and Collector or Collectors, and such other Officers as the said Commissioners shall think necessary, and from Time to Time remove all or any of such Officers as they shall think fit, and appoint others in the Room of such as shall be so removed, or as shall die or resign their Office, or be incapable of performing the same; and the said Commissioners shall take such Security for the due Execution of such respective Offices as they shall think proper; and the said Commissioners shall and may, by and out of the Monies to arise by virtue of this Act, allow and pay to such Clerks, Treasurers, Surveyors, Receivers, and Collectors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall anywise be employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Commissioners shall seem reasonable; and that such Treasurers, Receivers, 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, respectively signed by the said Treasurers, Collectors, or other Officers, together with the Vouchers for the Expenditure, shall be yearly and every Year produced and delivered to the said Commissioners, at their Meeting, to be held on the First *Friday* in *October*, and at such other Times as they shall appoint; and the said Commissioners are hereby empowered to allow, pass, and sign such Accounts, or such Part or Parts thereof, as to them shall seem correct and proper; and such Treasurers, Collectors, or other Officers, shall verify such Accounts upon Oath (which Oath any of the Commissioners are hereby empowered to administer), and the same, when so allowed, shall be fairly entered in Two Books to be kept for that Purpose; One whereof shall be kept by the said Commissioners or their Clerk for the Time being, and the other by the Treasurer for the Time being to the said Commissioners, or by such other Person or Persons as the Commissioners shall from Time to Time appoint, and the same shall and may, at all seasonable Times, be inspected and perused by any Owner or Owners, Proprietor or Proprietors of any of the said Fen Lands or Low Grounds, without Fee or Reward; and all such Officers and Persons shall, and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or to pay the Balance remaining in their Hands when thereunto required, in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint (within Ten Days after being thereunto required by Notice in Writing signed by the said Commissioners, or any Three of them,

Officers to account.

them, and given to, or left at the last or usual Place of Abode of such Officer or Person), all Books, Accounts, Papers, and Writings, in their respective Custody or Power, anywise relating to the Execution of this Act, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Twenty Pounds, nor less than Ten Pounds; and if Complaint shall be made of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing, shall live and reside, or be found, such Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, to be brought before him; and upon his or their appearing or not appearing, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced, in such Manner as the said Commissioners might have done; and if, upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice, that any of the Monies which shall have been collected or received by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by such Warrant or Warrants as aforesaid, to cause such Money, and also such Penalties as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and Penalty, and the Charges of distraining and selling the same, or if such Officers or Officers, Person or Persons, shall not appear before the said Justice, at the Time and Place by him appointed for that Purpose (except for some sufficient Excuse), or if appearing, shall refuse or neglect to give or deliver to such Justice, or to such Person or Persons as he shall appoint, an Account or Accounts of the Receipts and Payments as aforesaid, or to verify such Accounts as aforesaid, or to produce and deliver up to the said Justice, or to such Person or Persons as he shall appoint, the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act; then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the common Gaol or Bridewell of the County, Division, Liberty, or Place where he or they shall live, reside, or be found, there to remain without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and such Penalty as aforesaid, and the reasonable Charges of such Distress and Sale, as shall in that Respect have been made, or until he or they shall have compounded with the said Commissioners for the same, and paid the Composition Money to the Commissioners, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Commissioners are hereby empowered to make), or until he or they shall deliver up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in Respect thereof to the said Commissioners: Provided always, that no Person who shall be

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committed

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

Power to
make Works.

And to take
such Lands as
shall be neces-
sary for the
Purposes of
the Act.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to make or cause to be made, raised, cut, built, set up, and maintained in, upon, through, or over, the said Fen Lands and Low Grounds, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary, for the better draining and preserving the same; and that the said Commissioners shall have full Power and Authority over all and singular the said Works, and the same shall be vested in them and their Successors for the Time being; and that it shall be lawful for the said Commissioners, their Servants, Workmen, or Agents, and they are hereby authorized and empowered, from Time to Time, as they shall think proper, to enter upon, divide off, take, and use, any Lands and Hereditaments, which they shall judge necessary to be cut, dug, taken, or used, for making and maintaining any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, to be made, maintained, or used under and by virtue of this Act, and to lay any Tunnel or Tunnels across any Road or Roads, for the Purposes aforesaid; and from Time to Time to alter or repair the same, as shall be thought expedient, they doing as little Damage as may be, and making such Satisfaction for such Lands and Hereditaments taken, and Damages done, as is hereinafter mentioned, and putting all such Roads in their former good State and Condition.

Purchase of
Lands and
Satisfaction
for Damages.

Bodies Poli-
tick, &c. em-
powered to
contract for
Sale or Com-
pensation.

IX. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Owners and Proprietors of, and Persons interested in any Lands or Hereditaments, which they shall judge necessary to be cut, dug, taken, or used, for making any of the said Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, for the Purchase of such Lands and Hereditaments, or for the Recompence to be made to such Owners and Proprietors, and Persons interested, for the Damages they may sustain, and also to settle and ascertain in what Portion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and that it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, 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 on Behalf of their *cestuique* Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or 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 Commissioners, or to such Person or Persons as they shall appoint, any Lands or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages 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.

effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they, or any of them, shall lawfully do in pursuance of this Act, and all such Person or Persons to whom any such Lands or Hereditaments shall be conveyed, and his or 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.

X. Provided always, and be it further enacted, That in case any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their, or any of 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, 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, empowered, and required, Fourteen Days at least before any General Quarter Sessions of the Peace, to be holden for the said County of *Norfolk*, and within Twelve Calendar Months after the said Lands or Hereditaments shall have been used, or the said Damage done, to give, or cause to be given, to the Party or Parties, whose Lands or Hereditaments shall have been so used or damaged, or to leave, or cause to be left, 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 or Hereditaments, or the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury, at the said Sessions; and the Justices at their said Sessions, or an Adjournment thereof, shall, and are hereby authorized 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*, and cause them to be sworn well and truly on their Oaths, to assess the Value of the Land or Hereditaments, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Bodies Politick, 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 or 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 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 be taken by the Persons who shall appear, or be summoned to be examined

On Refusal or Neglect of any Person to treat, the Value of Land or Amount of Damages to be ascertained at the Sessions.

Witnesses to be summoned.

Jury to ascertain the Recompence.

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 or Hereditaments, or for any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Bodies Politick, Corporate, or Collegiate, Owner or Owners, Proprietor or Proprietors thereof, or interested therein; and the said Justices shall and may give Judgement according to the Verdict of the said Jury, which Verdict of the said Jury, and the Judgement thereupon declared and pronounced by the said Justices, shall finally bind and be conclusive to the said Commissioners, and all Persons and Parties interested in the said Lands or Hereditaments, and 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.

Expences of Application to Sessions.

XI. 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 or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered, by or on Behalf of the said Commissioners as aforesaid, then all the Expences of taking such Inquest and of ascertaining the Amount of the Sum due to such Person or Persons for such Damage, shall be settled by the said Justices, and be defrayed by the said Commissioners out of the Monies to arise by virtue of this Act; but if any 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 Commissioners as aforesaid; or in case no Damage shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case, the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands or Hereditaments in Question; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, 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 Commissioners, in and by such Ways and Means as are herein-after provided for Recovery of the Rates and Taxes 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 Commissioners.

Application of Compensation where exceeding 200%.

XII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken,

taken, or used by virtue of the Powers of this Act for the Purposes aforesaid, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same 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 said Commissioners, to the Intent that such Money shall be applied under the Directions 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 or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands 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 and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners, in Writing signed by them, and without any Order of the Court of Chancery, 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 of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments 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 not exceed the Sum of Two hundred Pounds, nor be less than 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank 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

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Persons

Application where the Compensation does not exceed 200 l. nor less than 20 l.

Persons making such Option, and approved of by Two or more of the said Commissioners (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such Monies may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20%.

XIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Taxes to be laid.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, at their First Meeting to be held after the passing of this Act, or at any Adjournment thereof; and from Time to Time, at their Meeting, to be held on the First *Friday* in *April* in every succeeding Year, or any Adjournment thereof to assess, rate, tax, and charge all and every the Owner or Owners, Occupier or Occupiers, of all and singular the said Fen Lands and Low Grounds, with such annual Sum or Sums of Money as the said Commissioners shall think proper, not exceeding in the Whole the Sum of Five Shillings *per Acre*, by an equal and proportionable yearly Acre Tax, for the more effectually draining and preserving the said Fen Lands and Low Grounds, and defraying all the Expences of obtaining and carrying this Act into Execution; all which said Rates, Taxes, and Charges, shall be paid to such Collector or Collectors, Receiver or Receivers, or other Person or Persons, and at such Time or Times, at such Place or Places, and in such Manner and Form, and under such Penalties for Non-payment thereof, (not exceeding in the Whole One Penny for each Shilling unpaid), as the said Commissioners shall at any of their Meetings, to be holden under this Act, order or direct.

Tenants to pay Taxes and deduct them from their Rents.

XVI. And, to the End that the said Rates and Taxes may be more easily and effectually collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Fen Lands and Low Grounds, which shall be assessed, rated, taxed, or charged by virtue of this Act, shall, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged on the Lands and Grounds in their respective Occupations, and to deduct and retain out of his, her, or their Rent, 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 and Low Grounds, are hereby required to allow such Deductions and Payments, upon Receipt of the Residue of their Rents; and that every such Tenant or Occupier, paying any such Rate or Tax, shall be acquitted and discharged of so much Money as the said Rate or Tax, so paid by him, her, or them respectively shall amount unto, as fully and effectually

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 him or her, by virtue of this Act.

XVII. Provided always, and be it further enacted, That where any of the said Fen Lands or Low Grounds shall be demised to any Tenant or Tenants at Rack Rent for any Term or Terms of Years, the said Commissioners shall, and they are hereby authorized and required to apportion such Rates or Taxes between the Lessor or Lessors, and the Lessee or Lessees, in such Manner as to them the said Commissioners shall seem just and reasonable; and such Lessee or Lessees shall only be authorized and empowered to deduct the Portion or Portions of such Rates or Taxes, which shall by the said Commissioners be charged on the Lessor or Lessors as aforesaid.

Where there are Leases at Rack Rent, the Commissioners to ascertain in what Proportion the Taxes are to be paid.

XVIII. And be it further enacted, That in case Default shall be made by any Person or Persons liable to the Payment of any such Rates or Taxes as aforesaid, in his, her, or their respective Payments to the Collector or Collectors, Receiver or Receivers thereof, on the Day and at the Place to be appointed by the said Commissioners for such Payments, in a Notice to be affixed upon the principal Church Doors of the several Parishes of *Downham Market, Wimbotsham, Stow Bardolph, and Denver* aforesaid respectively, at least Fourteen Days before the Time appointed for such Payments, it shall be lawful for the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands of any Three or more of the said Commissioners, (which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby empowered and required to make and give, as there shall be Occasion, either at a Meeting of them the said Commissioners, or at any other Time), to levy the Sum or Sums of Money by such Person or Persons payable and then due for such Rate or Tax as aforesaid, and for the Penalties (if any) incurred by Non-payment thereof, by Distress of the Goods, Chattels, and Cattle of such Person or Persons wheresoever the same shall be found; and the said Goods, Chattels, and Cattle to impound, sell, and dispose of, until thereby or therewith the Rates or Taxes, and Penalties then due, and the Costs and Charges attending such Distress and Sale, shall be fully paid and discharged, returning the Overplus (if any) to the Owner or Owners of such Goods, Chattels, and Cattle, so distrained and sold on Demand.

Recovery of Taxes.

XIX. Provided always, and be it further enacted, That in Case no sufficient Distress can be made for levying the Rates or Taxes hereby charged, and the Penalties to be incurred for Non-payment thereof, then the said Fen Lands and Low Grounds, which shall be so chargeable therewith, shall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle, which shall at any Time thereafter be found thereon, shall and may be distrained, impounded; kept, and sold in Manner aforesaid, until all Arrears of the said Rates and Taxes, with the Penalties accrued due thereon, and the Charges incident to such Distress and Sale, shall be fully paid and satisfied.

Where there are Lands to be main'd Security for Taxes.

Lands may be
let or sold for
Payment of
Taxes.

XX. And whereas it may happen that some Part of the Fen Land and Low Grounds aforesaid, may be untenanted or unoccupied for a considerable Time, and that no such Distress as aforesaid can be found for levying the Rates or Taxes, due in respect of the same; therefore for enforcing the Payment thereof, in all such Cases, be it further enacted, That where any of the said Rates or Taxes shall be in Arrear, and unpaid by the Space of Twelve Calendar Months together, and no sufficient Distress can be found as aforesaid, then and in every such Case, the said Commissioners, or any Three or more of them, at any of their Meetings, shall have full Power and Authority to let by publick Auction, to the best Bidder or Bidders, so much of the said Lands and Grounds upon which any Rate or Tax shall be so in Arrear, as they the said Commissioners, or any Three or more of them shall judge sufficient, for such Term or Terms of Years, at such Rent or Rents, and upon such Terms and Conditions as to them the said Commissioners, or any Three or more of them, shall seem meet; and the said Commissioners shall apply the Rent or Rents arising therefrom, in Payment and Discharge of all such Taxes and Rates, and the Penalties incurred for Non-payment thereof, and also of the Costs, Charges, and Expences of advertising and letting the said Lands or Grounds as aforesaid; and where any of the said Rates or Taxes shall be in Arrear, and unpaid by the Space of Three Years together, and no such Distress as aforesaid can be found then the said Commissioners, or any Three or more of them, at any of their said Meetings, shall have full Power and Authority, to sell to the best Bidder or Bidders by publick Auction, so much of the said Lands and Grounds upon which any Tax shall be so in Arrear, as they the said Commissioners, or any Three or more of them, shall judge sufficient to raise such Taxes, and the Penalties incurred for the Non-payment thereof, and also the Costs, Charges, and Expences of advertising and selling the said Lands or Grounds as aforesaid; and by Writing or Writings under the Hands and Seals of any Three or more of the said Commissioners, to convey and assure the same, unto any Person or Persons who shall become the Purchaser or Purchasers thereof, and to his or their Heirs and Assigns; and such Writing or Writings, Conveyance or Conveyances, shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever; but nevertheless, such Fen Lands or Low Grounds so let or sold as aforesaid, shall be subject to the Payment of all such Taxes, as shall be thereafter laid and assessed thereon by virtue of this Act, and the Penalties for Non-payment thereof, and to all such other Taxes, as the same were subject to, previous to such Letting or Sale.

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

XXI. Provided always, and be it further enacted, That the said Commissioners shall cause a Schedule of the Lands so to be let or sold, for Taxes in Arrear, to be affixed upon the principal Church Doors of the said several Parishes of *Downham Market*, *Wimbotsham*, *Stow Bardolph*, and *Denver*; Three several successive *Sundays* before the Day appointed for the Letting or Sale of such Lands and Low Grounds.

Lands let to
revert to the
Owners, &c.

XXII. Provided likewise, and be it further enacted, That in all Cases where any of the said Fen Lands and Low Grounds, shall by virtue of the Provisions herein-before contained, be let by the said Commissioners,
for

for Recovery of the Taxes and Penalties due thereon, such Fen Lands and Low Grounds shall, (after the Expiration of the Term for which the same shall be so let, and the Payment of the said Taxes and Penalties and all Expences incurred by the said Commissioners or their Collectors, Receivers, or Agents, relating to the letting of the same; and which Expences they the said Commissioners or their Collectors, Receivers, or Agents, are hereby authorized and required to deduct and retain out of any such Rent or Rents, arising and received from or in Respect of such Fen Lands and Low Grounds), revert to the original Owner and Owners, Proprietor and 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 Commissioners.

XXIII. And be it further enacted, That the said Commissioners, or any Three or more of them, shall cause a Notice in Writing, under their Hands, to be given to the Owner or Proprietor, Owners or Proprietors of the said Fen Lands or Low Grounds, so to be let or sold, or to be left at his, her, or their Place or Places of Abode, (if such Place or Places of Abode be known to the Commissioners), or otherwise shall give publick Notice, in any Newspaper usually circulated in the Neighbourhood of the said several Parishes of *Downham Market, Wimbotsham, Stow Bardolph,* and *Denver*, Three Weeks at least before the Time appointed for any such Letting or Sale.

For giving Notice to Owners of Lands to be let or sold.

XXIV. And be it further enacted, That if any Owner or Proprietor of any of the said Fen Lands and Low Grounds, shall by Writing under his or her Hand, give Notice to the said Commissioners, or their Treasurer or Clerk for the Time being, of his or her Intention to relinquish and give up all his or her Fen Lands and Low Grounds, into the Hands of the said Commissioners, in order to be exonerated from the Taxes and Penalties payable in respect thereof, that then and in such Case, every such Person shall, from the Delivery of such Notice, be wholly exempt from the Payment of all Taxes and Penalties, in respect of the said Fen Lands and Low Grounds, so by him, her, or them relinquished or given up, as specified in such Notice, and then and from thenceforth all Proceedings taken by the said Commissioners, or any of their Collectors, Receivers, or Agents, against any Person or Persons whomsoever, or against his, her, or their Stock, Cattle, or Effects, for Recovery of the said Taxes and Penalties so in Arrear, in respect of the said Fen Lands and Low Grounds, so by him, her, or them relinquished or given up, shall be null and void; and it shall and may be lawful for the said Commissioners, or any Three or more of them, after the Delivery of such Notice as aforesaid, to let or sell by publick Auction, and to demise, convey, or assure, all and every the said Fen Lands and Low Grounds, so relinquished or given up, to any Person or Persons whomsoever, at the Discretion of them the said Commissioners, and the Monies arising from such Letting or Sale, shall be paid to the Treasurer for the Time being of the said Commissioners, and applied for the Purposes of this Act.

Owners of Lands giving Notice of their Intention to relinquish Lands shall be exempted from Payment of the Taxes, etc.

XXV. And be it further enacted, That if any Owner or Proprietor, Owners or Proprietors, or other Person or Persons, interested in any of the said Fen Lands and Low Grounds, shall be desirous of exonerating

Power to purchase off Taxes.

[*Loc. & Per.*]

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all

all or any Part of his, her, or their said Lands and Grounds, from the Tax or Taxes which shall or may be imposed by virtue of this Act, it shall and may be lawful for the said Commissioners, (by and with the Consent and Approbation in Writing, of the major Part of the Persons who shall have advanced any Sum or Sums of Money, by Way of Mortgage or Annuity, by virtue of the Authorities herein contained for that Purpose), and they are hereby authorized and directed to accept and take in Payment such Sum of Money *per* Acre, as they in their Judgement shall determine to be a proper Compensation for a total Discharge and Exemption from all Taxes and Rates, to be imposed on their said respective Lands or Grounds by virtue of the Powers and Authorities in this Act contained, and from all Penalties for Non-payment thereof, and the Receipt or Receipts of the Treasurer for the Time being of the said Commissioners, signed by him, shall, after the same shall be entered in a Book to be kept by him for that Purpose, be a sufficient Discharge or sufficient Discharges for such Compensation Money as shall be therein expressed to be received by him, to the Person or Persons paying the same, and from the Time of such Payment, the Lands and Grounds mentioned in such Receipt, shall in all Times to come, be exonerated and discharged from the Payment of any such Taxes, Rates, and Penalties as last aforesaid.

Commissioners may borrow Money.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, assembled at the First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and at any General Half-yearly Meeting, (at which respective Meetings Five Commissioners at least shall be present), and they are hereby empowered from Time to Time, to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Three thousand five hundred Pounds, which they shall think necessary for the several Purposes of this Act, either by Way of Mortgage or Annuity for Life or Lives, or by both such Ways and Means, as shall be thought expedient, and by Writing under their Hands and Seals, to assign over the said Rates and Taxes, as a Security for the Re-payment of any such Sum and Sums of Money, so to be borrowed by Way of Mortgage, with lawful Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns; and also to grant any Annuity or Annuities, to be issuing and payable out of the said Rates and Taxes, to any Person or Persons, for the Term of his, her, or their Life or Lives, or for the Life or Lives of his, her, or their Nominee or Nominees, and to assign over the said Rates and Taxes, as a Security for the due Payment of such Annuity or Annuities, in such Manner as shall be deemed proper and expedient; and all and every such Person or Persons to whom any such Mortgage, Grant, or Assignment shall be made, shall be a Creditor and Creditors on the said Rates and Taxes, hereby charged, and no such Person shall have any Preference in respect to the Priority of advancing any such Sum of Money, and that every such Mortgage or Assignment shall be made for the Sum of One hundred Pounds only, and the same and every such Grant and Assignment as aforesaid shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners, and the Costs and Charges of every such Mortgage,

gage, Grant, or Assignment, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act.

XXVII. And be it further enacted, That it shall be lawful for all and every Person and Persons to whom any such Mortgage, Grant, or Assignment, shall be made as aforesaid, or who shall be entitled to the Money thereby secured, to assign or transfer his, her, or their Mortgage, Grant, or Security, and Right to the principal Money, and Interest or Annuity thereby secured, to any other Person or Persons; and that every such Assignment or Transfer shall be notified within Three Calendar Months after the Date thereof, to the Clerk or Clerks to the said Commissioners, who shall enter a Copy or Memorial thereof in the said Book or Books to be kept by him or them, for entering the original Mortgages, Grants, or Assignments, for which he or they shall be paid the Sum of Two Shillings and Sixpence and no more; and that after such Copy or Memorial shall be so entered, (and not before), every such Assignment or Transfer shall intitle the Assignee or Assignees therein named, to the Benefit of the original Mortgage, Grant, or Assignment, so assigned or transferred to him or them, and to the Payment of the Monies due and to grow due thereon; and that every such Assignee or Assignees shall, and may in like Manner, from Time to Time, assign or transfer his, her, or their Right and Interest therein and thereto, to any other Person or Persons whomsoever.

Mortgagees, etc. may assign their Securities.

XXVIII. Provided always, and be it further enacted, That no Annuity shall be granted by the said Commissioners to any Person being under the Age of Forty Years, at a higher Rate than Nine Pounds *per Centum* or being above the Age of Forty Years, at more than Ten Pounds *per Centum*; or for Two or more Lives, at more than Eight Pounds *per Centum*; and all the said Annuities shall be redeemable by the said Commissioners, on their giving Six Calendar Months Notice, in Writing, to the Person or Persons entitled thereto, and paying to them respectively, the original Sum paid for such Annuity, with Six Calendar Months Annuity in Advance for the same.

Rates of Annuities to be granted.

XXIX. And be it further enacted, That the Rates and Taxes to be assessed, rated, taxed, or charged, under the Authority of this Act, shall be charged and chargeable with and for the Payment of all and every Sum and Sums of Money, so to be borrowed as aforesaid, and the Interest thereof, and of any Annuity or Annuities which may be granted as aforesaid, and shall vest in the respective Creditors and Annuitants, upon Default of Payment of such principal Money and Interest, and Annuities, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof, and the said Creditors and Annuitants respectively, and their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges, of raising and recovering the Rates and Taxes for the satisfying and discharging to them, such principal Money and Interest, and Annuities, (if Default shall be made in Payment thereof, as the same shall become due), as the said Commissioners, or their Collector or Collectors have, or would have had, by virtue of this Act, in case the said principal Money, Interest, and Annuities, had been regularly paid and satisfied.

Taxes vested in Creditors and Annuitants.

XXX. And

Application
of Taxes and
Monies bor-
rowed.

XXX. And be it further enacted, That the said Rates and Taxes to be assessed and charged, under the Authority of this Act, and the Monies to be borrowed and raised as aforesaid, and all other Monies which shall come to the Hands of the said Commissioners, or their Treasurer for the Time being, by virtue of this Act, shall be vested in, and applied and disposed of by the said Commissioners, in the First Place towards paying and discharging the Costs, Charges, and Expences, preparatory to and attending the obtaining and passing this Act, and lawful Interest for all such Monies as shall be advanced, by any Person or Persons whomsoever, for the Payment of Fees, and other Expences attending the obtaining and passing the same; and then in Payment of the Costs, Charges, Expences, and Disbursements, which shall be necessarily incurred and made in the Execution of this Act, and in Payment of the several Sums of Money which shall be borrowed, and the Interest thereof, as the same shall become due, and of the Annuities that shall be granted as aforesaid when payable, and for the Purposes of this Act, but for no other Purpose whatsoever.

Hundred Acre
Common vested
in Church-
wardens.

XXXI. And be it further enacted, That a certain Piece or Parcel of Land called *The Hundred Acre Common*, situate within the Limits of this Act, shall from and immediately after the passing of this Act, be vested in the Churchwardens of the said several Parishes of *Downham Market*, *Wimbotsham*, and *Stow Bardolph*, and their Successors, Churchwardens of the said several Parishes for the Time being; and the said Churchwardens and their Successors shall, and they are hereby authorized from Time to Time, and at all Times hereafter, to demise or let the same to any Person or Persons whomsoever, for any Term or Number of Years, at such Rent or Rents, and upon such Terms and Conditions, as to them shall appear most advantageous and proper; and the said Churchwardens, and their Successors for the Time being, shall in the First Place apply the Rent or Rents arising therefrom in Payment and Discharge of the Rates, Taxes, and Charges by this Act imposed, and of all such other Rates, Taxes, and Charges, as are now, or which shall at any Time or Times hereafter be rated, taxed, charged, or imposed on the said Common, or any Part thereof; and of the Costs, Charges, and Expences attending such demising or letting as aforesaid, and after full Payment and Discharge thereof, the said Churchwardens, and their Successors for the Time being, shall apply the Overplus of such Rent or Rents unto or for the Benefit of the poor Inhabitants of the said several Parishes, in the Proportion and Manner, and for the Purpose herein-after mentioned; (that is to say), One Third Part thereof for the poor Inhabitants of the said Parish of *Downham Market*; another Third Part thereof for the poor Inhabitants of the said Parish of *Wimbotsham*, and the remaining Third Part thereof, for the poor Inhabitants of the said Parish of *Stow Bardolph*; and the said respective Third Parts or Proportions shall be paid to, or deducted or retained by the Churchwardens of the said respective Parishes for the Time being, and be laid out and expended by them respectively, in the Purchase of Fuel, to be distributed by them respectively, amongst all or such of the poor Inhabitants of their respective Parishes, as they shall judge most proper, and shall stand most in Need thereof.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, personally to charge or make liable the said Churchwardens, or their Successors for the Time being, or any of them, or their or any of their Goods, Chattels, or Effects, with or to the Payment of any Rates, Taxes, or Charges, to be taxed, charged, assessed, or imposed on the said Common, or in respect thereof, or with or to any Powers or Remedies for recovering and compelling Payment thereof.

Churchwardens not to be personally liable for Taxes.

XXXIII. 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, burn, or otherwise destroy any Bank, Mill, Engine, Bridge, Flood Gate, Tunnel, or Sluice, made and erected, or which shall be making and erecting for the draining and improving of the said Fen Lands and Low Grounds, or any of them, 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; and 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, or wilfully or maliciously throw any Earth, or other Obstructions, in any of the Drains made, or to be made, for answering the Purposes aforesaid, or if any Person or Persons shall at any Time hereafter wilfully or maliciously stop, dam-up, spoil, or damage any Drain, Watercourse, Engine, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works already made, or which shall hereafter be making or erecting, made, erected, or used for draining the said Fen Lands and Low Grounds, then or in any of the said Cases, all and every such Person and Persons so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, (who are hereby authorized and required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending), shall, for every such Offence, forfeit and pay any Sum of Money not exceeding Forty Pounds, nor less than Forty Shillings, as the said Justices shall order and direct.

Punishing Persons destroying Works.

Penalty on setting Nets &c.

XXXIV. And be it further enacted, That from and after the passing of this Act, if the Owner or Owners, Occupier or Occupiers of any of the said Fen Lands and Low Grounds, to which any Dike, Ditch, or Tunnel, Dikes, Ditches, or Tunnels whatsoever, leading to any Mill Drain or Mill Drains for carrying off the Waters there, 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 and proper Tunnel or Tunnels on any Part of the said Fen Lands or Low 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 One Shilling, nor less than Twopence, for every Rod of such Dike so neglected to be scoured, cleansed, opened,

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

[Loc. & Per.]

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opened,

opened, and repaired; any Sum not exceeding Sixpence, nor less than One Penny, for every Rod of such Dike so neglected to be roded; and any Sum not exceeding Twenty Shillings, nor less than Five Shillings, for every Tunnel so neglected to be made, repaired, or opened as aforesaid; and it shall be lawful for the said Collector or Collectors, Receiver or Receivers, or other Officer or Officers, to cause such Dikes, Ditches, and Tunnels, to be roded, opened, made, or repaired, as the Case may be; and the said Commissioners are hereby authorized and empowered, by Warrant under their Hands, to cause the said respective Penalties, and the Costs and Charges incurred in roding, opening, making, or repairing such Dikes, Ditches, and Tunnels, as the Case may be, to be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds, so neglecting or refusing to do the same, rendering the Overplus of the Monies arising from such Distress and Sale, (if any), after deducting such Penalties, Costs, and Expences, and the Costs and Charges attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels.

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

XXXV. And be it further enacted, That if any Person or Persons shall at any Time make, or cause to be made, any Watering Place or Places of Access for Cattle to drink, in any of the publick Drains made or maintained by virtue of this Act, or shall continue to use any such Watering Place already made, after Ten Days Notice in Writing to the contrary thereof given to him, her, or them, by the Collector or Receiver, or any other Person or Persons authorized by the said Commissioners, every such Person shall forfeit for every such Offence any Sum not exceeding Forty Shillings, for every Month he shall continue to use the same respectively.

Penalty for erecting any Buildings, etc.

Commissioners may remove Obstructions.

XXXVI. And be it further enacted, That no House or Building shall be erected, or any Tree, Hedge, or Holt planted, or any Stack of Hay, Fodder, Reed, Tuff, or other Obstruction, set or placed within One hundred Yards of any Mill or Engine, which shall be erected or employed for draining the said Fen Lands or Low Grounds; and if any Person or Persons shall build or erect any House or other Building, or plant any Tree, Hedge, or Holt, or set or place any Stack, or other Obstruction, within such Distance as aforesaid, every such Person shall forfeit and pay for every such House or Building, any Sum not exceeding Twenty Pounds; for every Hedge or Holt, any Sum not exceeding Five Pounds; for every Tree, any Sum not exceeding Five Shillings; and for every such Stack or other Obstruction, any Sum not exceeding Forty Shillings; and that it shall be lawful for the said Commissioners, by Warrant under their Hands, to cause such Building, Stack, Tree, Hedge, Holt, or other Obstruction, to be pulled down, taken up, and removed, and the Costs and Expences thereby incurred shall be reimbursed to the said Commissioners by the Person or Persons who committed the Offence, and may, with the Penalties aforesaid, be levied and recovered by Distress and Sale of his, her, or their Goods, Chattels, and Stock, wheresoever the same shall be found, by Warrant under the Hands of any Three or more of the said Commissioners; and that it shall also be lawful for the said Commissioners, by Warrant under their Hands, to cause any Tree, Hedge, or Holt, which shall be growing within the Distance of One hundred Yards

Yards from the Place where any Mill or Engine shall be erected, by virtue of this Act, to be cut down, the said Commissioners making such Satisfaction to the Owner or Owners of such last mentioned Tree, Hedge, or Holt, as shall be fair and reasonable.

XXXVII. And be it further enacted, That the said Commissioners shall 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 that they 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.

To mow
Thistles, &c.
on the Banks,
&c.

XXXVIII. And be it further enacted, That the said Commissioners shall have full Power, and they are hereby authorized to destroy all such Moles and other Vermin, as shall be found in and about the said Fen Lands and Low 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 shall think proper; and such Person or Persons shall, and lawfully may enter into and upon the said Fen Lands and Low Grounds, and the Lands and Banks adjoining thereto, or any of them for that Purpose.

Power to de-
stroy Moles,
etc.

XXXIX. And be it further enacted, That it shall and may be lawful for the Owner or Owners, Occupier or Occupiers, of such of the said Fen Lands and Low Grounds, as are, or shall be arable, to erect any Horse Mill thereon, in order to drain such Arable Lands only, and for no other Purpose whatsoever; and that in Case any Person or Persons shall use any Horse, or other Mill or Engine, on any of the said Fen Lands and Low Grounds, for any other Purpose whatsoever, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Pounds, nor less than Twenty Pounds: Provided always, That the Waters to be collected by any Horse Mill to be erected as aforesaid, shall be thrown into some Drain or Ditch leading to some Mill Drain or Mill Drains, to be made or used by virtue of this Act.

Power to erect
Horse Mills to
drain Arable
Lands only,
etc.

XL. And be it further enacted, That it shall not be lawful 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 or Low 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 of by Three or more of the said Commissioners, for the regular Payment of the 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 Commissioners, a Sum of Money equal to the Amount of Twenty Years Taxes thereof; and if any Person or Persons shall dig any Turf in any of the said Fen Lands and Low Grounds, (except for the Purpose aforesaid), without first paying down the Amount of Twenty Years Taxes thereon, or giving such Security as herein-before directed for Payment of the same, it shall be lawful for the said Commissioners, or any Person or Persons authorized by them,

To limit the
digging Turf.

by

by Warrant under the Hands of any Three or more of the said Commissioners, (which Warrant they are hereby authorized and directed to grant), to levy the Amount of Twenty Years Taxes, in respect of the whole of the Land or Ground, any Part whereof shall be so dug as aforesaid, upon the Goods, Chattels, or Cattle of the Owner or Occupier of such Land or Ground, or of the Person or Persons so digging the same, wherever such Goods, Chattels, or Cattle shall be found.

Power to let
the Herbage
of Banks, etc.

XLI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized at any Meeting, to let to the best Bidder or Bidders, for any Term not exceeding Three Years at any One Time, the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places, (except of the said Common called *The Hundred Acre Common*) lying within the Limits of this Act, in such Lot or Lots; and at such Rent or Rents, and upon such Terms and Conditions, and under such Rules and Regulations, as they the said Commissioners shall think proper; and the Person or Persons hiring the same, shall have the exclusive Use and Benefit of such Herbage and Pasturage; and the Rent or Rents, Sum or Sums, for which such Herbage and Pasturage shall be let as aforesaid, shall be paid to the Treasurer, Receiver, or Collector to the said Commissioners, and be applied to the same Purposes as the Rates and Taxes hereby charged upon the said Fen Lands and Low Grounds, are directed to be applied to; and the said Commissioners shall have the same Powers and Remedies for recovering and enforcing Payment of such Rent or Rents, as are hereby given them for Recovery of the Rates and Taxes aforesaid.

Commissioners
may sue or be
sued in the
Name of their
Treasurer or
Clerk.

Actions not to
abate on the
Death of the
Treasurer or
Clerk.

XLII. And be it further enacted, That the said Commissioners may sue or be sued in the Name of their Treasurer or Clerk, and that it shall be lawful for the said Commissioners to commence or bring, or cause to be commenced or brought, any Action or Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case or otherwise; and that no Action to be brought by or against the said Commissioners, or any of them, by virtue of this Act, shall abate or be discontinued, by the Death or Removal of any such Treasurer or Clerk; but that the Treasurer or Clerk for the Time being to the said Commissioners, shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be.

Recovery and
Application of
Penalties.

XLIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed the Amount and Extent whereof is not hereby positively and expressly limited and ascertained, may be fixed and ascertained by the said Commissioners or any Three or more of them, assembled at any General or Special Meeting, to be held by virtue of this Act; and that all Penalties and Forfeitures whatsoever hereby imposed (the Recovery whereof is not hereby otherwise directed), and all Costs and Charges attending the Recovery thereof, shall be levied and recovered by Distress and Sale of the Goods, Chattels, and Stock of the Offender or Offenders, wheresoever the same shall be found, 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

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; 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 and Low Grounds, are by this Act directed to be paid and applied.

XLIV. 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, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be done by him or them; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage in an Action on the Case.

Distress not unlawful for Want of Form.

XLV. And be it further enacted, That all such of the said Commissioners as are, or shall be Justices of the Peace, may act as Justices in all Matters under the Authority of this Act, notwithstanding their being Commissioners as aforesaid; 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 One of the said Commissioners to administer an Oath to, or take the Affirmations of such Parties, Witnesses, or Persons.

Commissioners being Justices may act as such in the Execution of this Act.

Commissioners may administer an Oath.

XLVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Person or Persons against whom such Action or Suit shall be intended to be brought; or after sufficient Satisfaction, or Tender thereof hath been made to the Party aggrieved, or after Six Calendar Months after the Fact committed; and every such Action or Suit shall be laid or brought in the said County of *Norfolk*, 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 as aforesaid, at any Trial to be had thereupon; and that the Fact

Limitation of Actions.

[*Loc. & Per.*]

3 R

alleged

alleged in such Action or Suit to have been done, was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or after sufficient Satisfaction or Tender thereof shall have been made as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; and in such Case, or if the Plaintiff or Plaintiffs shall be nonsuited or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, upon a Demurrer or otherwise, then and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded.

Treble Costs.

Saving Rights of Commissioners of Sewers.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend, to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities, vested in any Person or Persons whomsoever, by virtue of any Commission of Sewers for the County of *Norfolk*, but the same shall be and continue as full and effectual, to all Intents and Purposes, as if this Act had not been made, save and except such Rights, Powers, and Authorities as are in and by this Act expressly altered, restricted, or taken away.

The Rights of Bedford Level Corporation reserved.

XLVIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend or be construed to extend, to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act passed in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Drainage of the Great Level of the Fens, called Bedford Level*, or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, and every of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Saving Rights of Lords of Manors.

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

L. And

L. And be it further enacted and declared, That this Act shall be deemed and allowed a publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same. Publick Act.

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