



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 95.

An Act for more effectually draining and preserving certain Fen Lands lying in the *South Level*, Part of the Great Level of the Fens called *Bedford Level*, between *Brandon River* and *Sams's Cut Drain*. [3d July 1806.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign 30 G. 2. c. 35. of His late Majesty King *George* the Second, for draining and preserving certain Fen Lands lying in the *South Level*, Part of the Great Level of the Fens, commonly called *Bedford Level*, between *Brandon River* and *Sam's-Cut Drain*, and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level, to sell certain Lands within the said Limits, commonly called *Invested Lands*, whereby certain Commissioners were appointed for draining and preserving the Lands therein mentioned and described, and the said Fen Lands, and all and every the respective Owner and Owners, Occupier and Occupiers thereof, were thereby assessed, rated, taxed, and charged with the yearly Sum of One Shilling for every Acre of the said Fen Lands, so long as any Money which should have been borrowed for the Purposes of the said Act, or the Interest thereof should remain unpaid, and that when there should be no such Debt remaining, it should be lawful for the said Commissioners to assess, rate, tax, and charge the said

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Fen Lands, and all and every the respective Owner or Owners, Occupier or Occupiers thereof, with such yearly Sum, not exceeding One Shilling *per Acre*, as they should judge necessary, for completing and maintaining the said Works; and Power was thereby given to the said Commissioners to borrow any Sum or Sums of Money they should think necessary, not exceeding in the Whole the Sum of Four thousand Pounds, and to assign the said Rates and Taxes as a Security for the said Loans with Interest: And whereas the said Commissioners have from Time to Time proceeded in the Execution of the same, and have borrowed and taken at Interest divers Sums of Money, amounting together to the Sum of Three thousand nine hundred and fifty-two Pounds or thereabouts, upon the Security of the said Rates and Taxes, which still remain due and owing on the Credit thereof, as also a considerable Arrear of Interest on many of the said Sums; and they have also incurred several Debts in making and repairing the several Works of Drainage by the said Act authorized to be made and repaired, which Works are now much decayed, and in their present State are inadequate to drain the said Fen Lands: And whereas the Rates and Taxes granted by the said Act are insufficient for the Payment of the said Debts of the Monies already borrowed, and for repairing, maintaining, and keeping in Repair the present Works of Drainage, and the said Commissioners are unable, under their present Powers, to raise a competent Fund to discharge the several Debts contracted by them as aforesaid, and to repair and keep in Repair the said Works, and therefore, and for the Preservation of the said Fen Lands, it is necessary they should be empowered to raise further Sums for the several Purposes aforesaid, and for making any new or additional Works, which may be found requisite, for the more effectual Drainage and Preservation of the said Fen Lands: And whereas the Powers given by the said Act, are in many Instances defective and inconvenient of Execution, and it is expedient that the said Act should be repealed, and further and other Powers granted in stead thereof, 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 after the passing of this Act the said recited Act shall be, and the same is hereby repealed; and instead thereof this Act shall take place, and be put in Execution for more effectually draining and preserving the Fen Lands in that Part of the said Great Level of the Fens called the *The South Level*, lying and being in the several Parishes of *Feltwell Saint Mary, Feltwell Saint Nicholas, Heckwold cum Wilton, Methwold, Higgay, and Southery*, in the County of Norfolk, containing Seven thousand Acres or thereabouts, which Fen Lands are bounded as follows; (that is to say), from the North Bank of *Brandon River*, about Two Furlongs below *Redmoor House*, along a certain Drain or Ditch called *The Twelve Foot Drain*, to a decayed Sewer called *Stake Load*, and by the said Load to the Drain called *Sams's Cut*, and along the South Side of the said Drain to the East Bank of the *River Ouse*, and then along the said Bank to *Brandon Creek's End*, and from thence along the North Bank of *Brandon River*, to *The Twelve Foot Drain* aforesaid.

Former Act repealed.

Appointment and Qualification of Commissioners.

II. And be it further enacted, That the Lord or Lords, Lady or Ladies for the Time being, of the Chief Manor of *Feltwell*, and of the several

veral Manors of *Methwold* on the Part of *Lancaster*, *Woodhall* in *Hilgay* and *Southery* in the said County of *Norfolk*, or in their Absence, their several and respective Deputies appointed by Writing under their Hands; a Person to be appointed by Writing under the Hands of the Trustees for the Time being of *Feltrwell* Charity School Lands, or the major Part of them; and every Person who shall for the Time being be Owner of Thirty Acres (Statute Measure) of the Fen Lands liable to be taxed by virtue of this Act, shall be, and he, she, and they is and are hereby appointed Commissioners for putting this Act in Execution.

III. And be it further enacted, That every Person who for the Time being shall be *bona fide* seised or possessed of at least One hundred Acres (Statute Measure) of the said Fen Lands, subject to be taxed by virtue of this Act, may, and every such Person is hereby authorized and empowered to appoint, by Writing under his, her, or their Hand or Hands, an Agent to be a Commissioner for executing this Act; and all and every Person and Persons so appointed shall, during the Pleasure of the Person or Persons by whom he or they shall be so appointed, and during the Time that the Person or Persons so appointing shall be so seised or possessed of such One hundred Acres at the least of the said Fen Lands as aforesaid, be and he and they is and are hereby appointed a Commissioner and Commissioners for carrying this Act into Execution, and shall have the like Powers and Authorities as if such Person or Persons so appointed was or were seised or possessed of Thirty Acres (Statute Measure) of the said Fen Lands: Provided always, that no Person so appointed shall be capable of acting as Commissioner in the Execution of this Act at any Meeting whilst the Person by whom he shall be so appointed shall be present; and that no Person so appointed shall be capable of acting as a Commissioner under the Appointment of more than One such Owner at any one Time.

IV. Provided also, and be it enacted, That no Person holding any Place or Office of Profit under the said Commissioners, shall act as a Commissioner in the Execution of this Act during such Time as he shall hold any such Place or Office.

V. And be it further enacted, That if any Person not being qualified or properly appointed as herein-before directed, shall act as a Commissioner in the Execution of this Act, or if any Person not being duly qualified, shall appoint in Manner aforesaid any Person to act as a Commissioner in the Execution of the same, and such Person so appointed shall have acted as a Commissioner, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Complaint, or Information, and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise a Verdict shall be found against him, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act, or has made such Appointment of a Commissioner who has acted as a Commissioner in the Execution of this Act, One Moiety of which Forfeiture shall be paid

Power to appoint additional Commissioners.

Who are not to act when Principal present.

No additional Commissioner to act for more than One Proprietor at the same Time.

No Officer to act as a Commissioner.

Penalty on acting, not being qualified.

to the Prosecutor, and the other Moiety thereof applied for the Purposes of this Act.

Meetings of Commissioners.

VI. And be it further enacted, That the first Meeting of the said Commissioners shall be holden at *The Crown Inn*, in *Stoke Ferry*, in the said County of *Norfolk*, on the *Third Friday* next after the passing of this Act, at *Eleven of the Clock* in the *Forenoon*, and that the said Commissioners, or any Five or more of them, shall meet twice in every Year at *Feltwell*, *Southery*, or *Stoke Ferry*, in the said County of *Norfolk* (or at such Place or Places as the said Commissioners shall from Time to Time appoint) on the *Second Friday* in the Month of *April*, and the *Second Friday* in the Month of *October* in each and every Year, and at such other Time or Times as they or any Five or more of them shall consider necessary, and shall by Notice under their Hands, (although not assembled at any Meeting) appoint, and the said Commissioners may from Time to Time adjourn any such General or any Special Meetings to be holden by virtue of this Act to any other Time or Place, as often as they shall think proper; and in case Five Commissioners shall not be present at the Place, and Time appointed for holding any such General, Special, or adjourned Meeting, any one Commissioner present, or the Clerk, to the said Commissioners, shall and may adjourn the same to any Time not exceeding Twenty-one Days from the Time when, and to the same Place where the last Meeting was appointed to have been holden, of which Adjournment Notice shall be given Ten Days previous to such Meeting; and no Act of the said Commissioners shall be good or valid unless it shall be done or ordered at some Meeting, or adjourned Meeting, holden under the Authority of this Act, (save and except as herein excepted); and all Powers or Authorities granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than five; and the Commissioners present at every Meeting or adjourned Meeting shall and may choose a Chairman, who in case of an Equality of Votes on any Question (including the Vote of such Chairman) shall have the decisive or casting Vote; and the first Business done at any Meeting, or adjourned Meeting, shall be the Election of such Chairman.

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No Act of Commissioners valid, unless done at some Meeting. Five Commissioners may act.

Commissioners may choose a Chairman, who is to have the casting Vote.

Notice of Meetings, and all other Notices, how to be given.

VII. And be it further enacted, That Notice of all Meetings to be holden by virtue of this Act, and all other Notices hereby required to be given, shall (unless hereby otherwise directed) be given in some Weekly Newspaper usually circulated in the Neighbourhood of the said Fen Lands, or by affixing the same on the principal Doors of the Churches of the said Parishes of *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, *Hockwold-cum Wilton*, *Methwold*, *Hilgay*, and *Southery*, or by both such Ways, if the same shall be thought requisite.

Expences of Meetings.

VIII. And be it further enacted, That no greater or larger Sum of Money than Two Pounds in the Whole shall be paid or allowed for the Expences of the Commissioners at any one of the General Meetings to be holden under or by virtue of this Act, nor more than Twenty Shillings for the Expences of the Commissioners at any adjourned or Special Meeting.

IX. Provided

IX. Provided always, and be it enacted, That no Order or Proceeding made or had by the said Commissioners, shall be revoked or altered unless at some Meeting to be holden as aforesaid, nor 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 given in Manner aforesaid at least Ten Days before such Meeting.

Directions as to revoking Orders.

X. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners, relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings, and the same shall be signed by the Clerk to the said Commissioners; and all such Entries, being so signed, shall be deemed Originals, and shall be deemed good Evidence in all Cases touching any Thing done in pursuance of this Act, and shall be allowed to be read in Evidence in all Courts whatsoever, and otherwise, as Occasion shall require.

Entries of Proceedings good Evidence.

XI. Provided always, and be it enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings relating or in anywise appertaining to the Lands and Grounds to be drained and preserved by virtue of this Act, or of any of the Commissioners or other Person or Persons acting by or under the Authority of the said recited Act (such Entry or Entries being made in such Book or Books according to the Directions of the said recited Act) shall be and be deemed to be as good and sufficient Evidence thereof in all Courts whatsoever as if the said recited Act had not been hereby repealed.

Entries of Proceedings under former Act, good Evidence.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to appoint a Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors of the Taxes, and such other Officers as they shall think necessary for the Execution of this Act, and to remove all or any of such Officers as they shall think fit, and appoint others in the Room or Stead of such of them as shall be so removed, or as shall die or resign their respective Offices, or become or be incapable of discharging the same; and the said Commissioners shall take such Security for the due Execution of such respective Offices, as they the said Commissioners 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 Officers as shall be so appointed, and also to such other Person or Persons as shall be employed in the Execution of this Act, such Salaries, Rewards, and Allowances for their respective Attendance, Care, and Service, as they the said Commissioners shall deem reasonable; and all 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, 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, Receivers, Collectors, or

Officers.

To take Security from Officers, and allow them Salaries.

other Officers, together with legal Receipts and Vouchers for the Expenditures, shall be yearly and every Year produced and delivered to the said Commissioners at their Meeting, to be holden on the Second Friday in the Month of April, in each and every Year, or at such other Times as they the said Commissioners shall direct; 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, Receivers, Collectors, and other Officers, shall verify such Accounts upon Oath or Affirmation (which Oath or Affirmation any of the Commissioners is hereby empowered to administer) and the same Accounts when so allowed, and also such Books, Receipts, and Vouchers, shall be kept by the said Commissioners or their Clerk, and shall and may at all reasonable Times be inspected and perused by any Owner or Owners, Proprietor or Proprietors of any of the said Fen Lands, liable to be taxed by virtue of this Act, 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 Officer or Person shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Books, Vouchers, and Receipts relating to the same, and to verify the Articles thereof on Oath or Affirmation, or to pay the Balance remaining in his or their Hands when thereunto required in Manner aforesaid; or if any Officer or other Person 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 the said Commissioners, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anywise relating to the Execution of this Act, then and in every such Case 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 be or reside, such Justice may, and he is hereby authorized and required, by a Warrant 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 having been summoned and not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary way; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) 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 Warrant under his Hand and Seal, 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, and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Monies and Penalty, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer or Officers, Person or Persons, shall have refused or wilfully neglected to render and give an Account or Accounts of his or their

their Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath or Affirmation as aforesaid, or to produce and deliver up to the said Justice the several Books, 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 each and every such Case such Justice may and he is hereby authorized and required by Warrant 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 be or reside, 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 or Affirmation, and shall have delivered up the Books, Vouchers, and Receipts relating thereto, and all other Books, Accounts, Papers, and Writings, in his or their Custody relating to the Execution of this Act, 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, and all other Costs and Charges arising from such Refusal or Neglect as aforesaid, or he or they shall have compounded with the said Commissioners for the same, and paid the Composition Money to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same: (which Composition the said Commissioners are hereby empowered to make): Provided always, that no Person who shall be committed for want of sufficient Distress only shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

XIII. Provided always, and be it enacted, That all and every Person and Persons who shall have been employed by the Commissioners acting by virtue of the said recited Act as Clerk, Treasurer, Surveyor, Receiver, or Collector, in the Execution of the said recited Act, who shall have in his, her, or their Hands, Custody, or Possession, any Money, Books, Accounts, Receipts, Vouchers, Papers, Writings, or other Things, received by virtue of or relating to the Execution of the said recited Act, shall account for the same, and every Part thereof, and shall deliver up the same to the Commissioners hereby appointed, in like Manner and shall be subject and liable to the like Penalties as the several Clerks, Treasurers, Surveyors, Receivers, Collectors, and other Officers appointed by virtue of this Act, are hereby made subject and liable to, for refusing or neglecting duly to account, and to pay over the Monies received by them by virtue of this Act to the said Commissioners, or for refusing or neglecting to verify any such Accounts on Oath, or to deliver up as aforesaid any Books, Accounts, Receipts, Vouchers, Papers, or Writings, relating to the Execution of this Act.

XIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners to make, raise, cut, build, and set up, or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits of this Act, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engine, Sluices, and other Works, as they shall think necessary for the better draining and preserving of the said Fen Lands liable to be taxed by virtue of this Act; and all Cuts, Drains, Banks, Bridges, Dams, Headings,

Persons employed under the former Act, to account.

Commissioners Power to make Works, &c.

ings, Outlets, Mills, Engines, Sluices, and other Works, made or erected by virtue of the said recited Act, and all Cuts, Bridges, Drains, Headings, Outlets, Mills, Engines, Sluices, and other Works, which shall be made or erected under and by virtue of this Act, shall be vested in and be the Property of the said Commissioners, and the said Commissioners shall have full Power and Authority over all and singular such Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, so made or set up, or maintained and kept in Repair, and shall also have full Power and Authority from Time to Time to cleanse, widen, deepen, alter, repair, remove, support, rebuild, and enlarge the same respectively, as they may think proper, for the better draining and preserving of the said Fen Lands; and it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to divide off, take, and use such Lands and Hereditaments as the said Commissioners shall judge necessary to be cut, dug, taken, or used for making any such Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works as aforesaid, or which they the said Commissioners shall deem proper and requisite to be left and reserved for the Preservation of any Banks made or maintained by virtue of the said recited Act, or to be made or maintained by virtue of this Act, between the same Banks and the Ditches or Drains made or to be made next the same, and also from Time to Time and at all Times to dig, cut, take, and carry away any Earth, Flag, or other Materials from off the Lands within the Boundaries of this Act, or from the Lands and Waste adjoining or near thereto, in order to heighten, widen, strengthen, make, maintain, and support the Banks and Works already and hereafter to be made within the said Boundaries, of such Width, Strength, and Dimensions as the said Commissioners shall think proper, they doing as little Damage as may be, and making Compensation for the same in Manner herein mentioned.

Commissioners may prefer Bills of Indictment, &c.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought any Action or Actions, or to prefer, or order or direct the preferring of any Indictment or Indictments, against any Person or Persons who shall steal, take away, burn, injure, hurt, damage, cut or destroy any Bank, Bridge, Cut, Drain, Dam, Heading, Outlet, Mill, Engine, Sluice, or other Work or Works, or any Part or Parts thereof respectively, made, erected, maintained, or supported by virtue of the said recited Act or of this Act, and in all such Actions and Bills of Indictment respectively, it shall be and be deemed to be sufficient to state generally, that the Work or Works, Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for draining the Fen Lands between *Brandon River* and *Sams's Cut Drain*, without particularly specifying the Name or Names of all or any of the said Commissioners.

The Waters to be thrown into the Ouse and Brandon Rivers.

XVI. Provided always, and be it enacted, That the said Commissioners shall, and they are hereby required, to throw or cause to be thrown the Waters from off the said Fen Lands into the Rivers of *Ouse* and *Brandon*, or one of them, and not elsewhere; and it shall not be lawful to or for the said Commissioners to erect or cause to be erected any Engine for throwing,

throwing, or by any other Means to throw, or cause to be thrown such Waters into the Drain called *Sams's Cut Drain*.

XVII. 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, or which they the said 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 such Owners, Proprietors and Persons interested, for the Damages they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises.

Purchase of
Lands, and
Satisfaction
for Damages.

XVIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, 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, and 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 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 of this Act, or to agree with the said 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 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 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.

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

XIX. Provided always, and be it enacted, That in case any Owner, Proprietor, Occupier of, or any Body Politick, 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

On Refusal or Neglect of any Person to treat, the Value of Land, or Amount of

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Persons

Damages, to
be ascertain-
ed at the
Sessions.

Persons interested in any Lands, Tenements, or Hereditaments, which the said 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 Politick, Corporate, or Collegiate, or to such Trustee or Trustees, or other Person or Persons, respectively as aforesaid, or left at his, her, or their 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 Politick, 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 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*, well and truly, on their Oaths, to assess the Value of the Lands or Hereditaments comprized 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 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 Interest, 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 Subpoena 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 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

Witnesses to
be summon-
ed.

Jury to ascertain the Recompence

jury 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 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.

XX. 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 Damages done to any Lands, Tenements, or Hereditaments, 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 the Witnesses attending thereon, and of recording and entering the Verdict, and Judgement thereupon, shall be settled by the said Justices, and shall be defrayed by the said Commissioners out of the Monies to arise by virtue of this Act; 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 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, and of the Witnesses attending thereupon, and of recording and entering the Verdict, and Judgement 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 and Expences shall or may be payable to the said Commissioners, such Costs and Expences shall and may be deducted by the said 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 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.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the

Expence of
Application
to Sessions.

Houses, &c.
not to be
injured.

the said 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 of the Owner or Owners, Proprietor or Proprietors thereof for the Time being.

Application
of Compensation
if
amounting to
100 l.

XXII. 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, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert or other Cestuique Trust, or to any Person 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 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 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 Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith 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 the Purchase of other 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, 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 and 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 Court, 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 and shall be sold for the Purposes aforesaid, the Dividends 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, and Hereditaments, so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application
of Compensation
if less.

XXIII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments

ments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal 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, Idiocy, or Lunacy, 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 by Five 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 Principal Money, and the Dividends arising thereon, 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.

than 200l.
and exceeding
20l.

XXIV. Provided also, and be it 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 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 Commissioners for Drainage shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid 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.

Application
of Com p n-
sation if less
than 20l.

XXV. And be it 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 by virtue of this Act, 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 Commissioners, or any Five or more of them; or in case such 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 and may be lawful to and for the said Commissioners, or any Five or more of them, 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, or Disposition of the said Court of Chancery, which said Court of Chancery, 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 Proceed-
[*Loc. & Per.*] 21 Z ing

In case of
not making
out Titles;
or if Owners
cannot be
found, Pur-
chase Money
to be paid
into the
Bank.

ing or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick 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 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 as aforesaid.

Respecting
disputed
Titles.

XXVI. Provided always, and be it 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Land, Tenements, or Hereditaments, to be purchased in pursuance of this Act, 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 Court of Chancery; and the Dividends and 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.

The Court
of Chancery
may order
reasonable
Expences of
Purchases
to be paid
by the Com-
missioners.

XXVII. Provided also, and be it enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to 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 and may be lawful to and for the said 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 the said Court shall deem reasonable, to be paid by the said 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.

Taxes to be
paid.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at their first Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and from Time to Time, at their several Meetings to be holden on the Second *Friday* in the
8 Month

Month of *April* in each and every Year, or at any Adjournment thereof, to assess, rate, tax, and charge all and singular the said Fen Lands, and the same are hereby charged with such Annual Sum or Sums of Money as the said Commissioners shall think proper not exceeding in the Whole the Sum of Four Shillings for each and every Statute Acre thereof, and so in Proportion for any less Quantity than an Acre, all which said Rates, Taxes, and Charges, shall become due and payable, and shall be paid by the respective Owner or Owners, Occupier or Occupiers, of the said Fen Lands, to the 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, as the said Commissioners shall at any of their Meetings to be holden under this Act, or at any Adjournment thereof, direct or appoint, and such Rate and Rates, Tax and Taxes, shall be raised and levied in Manner by this Act directed; and all such Rates and Taxes shall continue to be charged and paid, each and every Year, so long as shall be necessary for paying and discharging such Sum or Sums of Money as have been borrowed on the Credit of the said recited Act, and which shall be borrowed on the Credit of this Act, and all Interest which is now due, and shall hereafter become due for the same respectively, and also the several Debts incurred by the Commissioners acting under the said recited Act, and so long as shall be necessary for carrying the Purposes of this Act into Execution.

XXIX. Provided always, and be it enacted, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon any of the said Fen Lands, being High Lands, which have not been and are not subject to Inundation; and that if any Dispute shall arise concerning any Lands being to be deemed or not deemed High Lands, the same shall be determined upon View by Five or more of the Commissioners hereby appointed, not interested in the Lands in Question, whose Determination shall be final and conclusive.

High Lands
not subject to
be rated.

XXX. Provided also, and be it enacted, That no Assessment, Rate, or Tax, shall be made, collected, or levied on a certain Parcel of Common Land called *Methwold* and *Southery Common*, within the Limits of this Act, bounded by *Stake Lode South*, *Adventure Land East*, and *Feltwell Drove North*, nor on such Part or Parts thereof, as, under and by virtue of the said recited Act, were set out to and is or are now enjoyed in Severalty by the Commissioners acting under such Act.

Methwold and
Southery Com-
mon, and the
Part set out to
the Commis-
sioners of the
former Act,
not to be
taxed.

XXXI. 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, 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 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 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

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

But not to deduct Penalties.

be acquitted and discharged ofasmuch 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.

No beneficial Lessee to be allowed to deduct Taxes.

XXXII 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 of this Act be more than Five 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 such Lease or Agreement, but that the said Rates and Taxes shall be charged upon, and paid by the Lessees or Tenants to holding such Lands or Grounds as aforesaid.

Leases or Agreements not to be affected.

XXXIII. Provided also, and be it enacted and declared, That nothing in the said recited Act or in this Act contained, shall extend to charge any other Lessor or Lessors with the Payment of the Rates or Taxes, or any of them, by the said recited Act or by this Act charged, 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 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.

In case of Nonpayment of Taxes, Defaulters to forfeit 3s. 4d. in the Pound.

XXXIV. 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 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 or Taxes), then and in every such Case every Person so omitting shall forfeit and pay to the said Commissioners by way of Penalty for every such Omission, Neglect, or Non-payment, the Sum of Three Shillings and Four-pence for every Twenty Shillings of the said Rates and 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 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

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 Commissioners in carrying this Act into Execution.

XXXV. And be it 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 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 thereunto 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 Sum or Sums of Money due and owing by such Person or Persons as aforesaid, by way of Penalty, for the Non-payment of such Rates and Taxes, or of any Part thereof, by Distress of the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall or may be found thereon, or of 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 Occupiers, 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, 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

Power of Distress in case of Nonpayment.

appraise the same, according to the best of their Judgement; 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 than can be reasonably had or gotten for the same for and towards 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, &c. removed from the Lands to evade the Payment of Taxes.

XXXVI. 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 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 herein-before 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.

XXXVII. 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, or any Penalty or Penalties for the Non-payment of any such Rates or Taxes, shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the same Rates or Taxes and Penalties, then and in every such Case such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and Penalties 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 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 Penalties which shall have become payable by the Nonpayment thereof at the Times aforesaid, and all Costs, Charges, and Expences, incident to every such Distress and Sale, shall be fully paid, satisfied, and discharged.

XXXVIII. And

XXXVIII. And be it further enacted, That in case it shall happen that any Part of the said Fen Lands shall be untenanted or 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 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 publick Auction to the best Bidder or Bidders, so much of the said Fen Lands upon which any Rate or Tax shall be so due and in Arrear, as they the said Commissioners, or any Five 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 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 and 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 as aforesaid; and where any of the said Rates and Taxes shall be in Arrear and unpaid by the Space of Three Years together, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at any of their said Meetings, and they are hereby authorized and empowered, to sell to the best Bidder or Bidders by publick Auction, so much of the said Fen Lands upon which any such Rate or Tax shall be so in Arrear, as they the said Commissioners, or any Five or more of them shall judge sufficient to raise such Rates, Taxes, and Penalties, incurred by the Non-payment thereof, and also the Costs, Charges, and Expences, of advertising and selling the said Lands as aforesaid, and by Writing or Writings under the Hands and Seals of any Five 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, her, and their Heirs and Assigns, and such Writing or Writings, Conveyance or Conveyances, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; but nevertheless such Fen Lands so let or sold as aforesaid, shall be subject to the Payment of all such Rates or Taxes as shall be thereafter laid and assessed thereon, and become due for the same, by virtue of this Act, and the Penalties for Non-payment thereof, and to all such other Rates or Taxes as the same were subject to, previous to such Letting or Sale (except the Rates, Taxes, and Penalties, for the Recovery of which the same shall be so sold as aforesaid).

Lands may be let or sold for Payment of Taxes.

XXXIX. Provided always, and be it enacted, That the said Commissioners shall cause a Schedule of the Lands so to be let or sold for Rates and Taxes in arrear, and Penalties to be affixed upon the Principal outer Doors 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 severall successive *Sundays* before the Day appointed for the Letting or Sale of such Lands.

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

XL. Provided also, and be it enacted, That in all Cases where any of the said Fen Lands shall, by virtue of the Provisions herein contained, be let by the said Commissioners, for raising the Rates and Taxes due for the same, and the Penalties thereon, such Fen Lands shall (after the Expiration of the Term for which the same shall be so let, and the Payment

Lands let to revert to the Owners after Satisfaction of Taxes and Penalty.

of

of the said Rates, Taxes, and Penalties, and all Expences incurred by the said Commissioners, or their Collectors, Receivers, or Agents, in and about the letting of the same, and the Recovery of such Rates, Taxes, and Penalties, and which Expences they the said Commissioners, or their Collectors, Receivers, or Agents, are hereby authorized and required to deduct and retain out of the Rent or Rents arising and received from or in respect of such Fen Lands) revert to the 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.

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

XLI. And be it enacted, That the said Commissioners shall cause Notice in Writing, signed by their Clerk or Treasurer for the Time being, of their Intention to let or sell such Fen Lands, 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 Commissioners) or otherwise shall give publick Notice in any Newspaper usually circulated in the Neighbourhood of the said Fen Lands, Three Weeks at least before the Time appointed for any such letting or Sale.

For Recovery of the Ar-rears of former Taxes.

XLII. And whereas several Persons have from Time to Time neglected to pay and discharge the yearly Tax or Sum of One Shilling *per* Acre mentioned in the said recited Act, in respect of certain Parts of the Lands and Grounds in the said Act described; be it therefore further enacted, That the Owner or Owners for the Time being of such Lands and Grounds shall be, and he, she, and they is and are hereby declared to be, and are hereby made liable to the Payment of the said yearly Tax, or Sum of One Shilling *per* Acre, for each and every Acre of the Lands and Grounds aforesaid, in respect of which the same now remains in Arrear and undischarged, for such Term or Number of Years as such Tax or yearly Sum shall, at the Time of passing of this Act, be in arrear and unpaid; and in case any Owner or Owners of such Lands and Grounds shall refuse or neglect to pay and discharge the same to the Receiver or Receivers, Collector or Collectors, appointed by the said Commissioners, at such Place as the said Commissioners shall direct, within the Space of Three Calendar Months next after the passing of this Act (publick Notice of such Time and Place of Payment being first affixed on the Church Doors of the several Parishes wherein such last-mentioned Lands or Grounds shall lie or be situate, for Two successive *Sundays* immediately preceding the said Time of Payment) every such Owner shall forfeit and pay the Sum of Two Shillings and Sixpence for every Twenty Shillings of such yearly Tax, or Sum of One Shilling *per* Acre so in Arrear and not paid as aforesaid, and so in Proportion for any less Sum than Twenty Shillings; and such yearly Tax or Sum of One Shilling *per* Acre, and the Penalty or Penalties last aforesaid, shall and may be levied and recovered in the same Manner, and by the same Ways and Means, as the Rates and Taxes by this Act imposed are herein directed to be levied and recovered, and shall be applied in the same Manner as the Rates and Taxes hereby charged are by this Act directed to be paid and applied.

XLIII. And

XLIII. And be it enacted, That all and every the Tenants and Occupiers of the Lands and Grounds in respect of which the said yearly Tax, or Sum of One Shilling *per* Acre, is now in Arrear as aforesaid, shall and he, she, and they is and are hereby authorized and required to pay all Arrears of the said yearly Tax, or Sum of One Shilling *per* Acre, for and in respect of 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 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 Arrears shall be acquitted and discharged of as much Money as such Arrears, 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 such Arrears as aforesaid.

Tenants to pay Taxes in arrear, and deduct them from their Rents,

but not to deduct Penalty.

XLIV. And be it further enacted, That if any Owner or Proprietor, Owners or Proprietors, of any of the said Fen Lands liable to be taxed by virtue of this Act, shall by Writing under his, her, or their Hand or Hands, give Notice to the said Commissioners, or their Treasurer or Clerk for the Time being, of his, her, or their Intention to relinquish and give up all his, her, or their said Fen Lands, and all his, her, and their Right and Interest in and to the same, unto the said Commissioners, in order to be exonerated from the Rates, Taxes, and Penalties, payable in respect thereof by virtue of this Act, then and in every such Case every such Person shall from the Delivery of such Notice, be wholly exempt from the Payment of all Rates, Taxes, and Penalties, due or to become due in respect of the said Fen Lands so by him, her, or them relinquished or given up, and then and from thenceforth all Proceedings taken by the said Commissioners, or any of their Collectors, Receivers, or Agents, against any such Owner or Proprietor, or against his, her, or their Cattle, Corn, Hay, Goods, Chattels or Effects, for Recovery of the Rates, Taxes, and Penalties in arrear, in respect of the said Fen Lands so by him, her, or them relinquished or given up, shall be null and void, and the Fen Lands so relinquished and given up, shall thereupon vest in the said Commissioners; and it shall and may be lawful to and for the said Commissioners, or any Five or more of them, after the Delivery of such Notice as aforesaid, to sell by publick Auction, and to convey and assure all and every the said Fen Lands so relinquished or given up, or any Part thereof, to any Person or Persons whomsoever, and his, her, or their Heirs and Assigns, or at the Discretion of the said Commissioners from Time to Time, to demise and let the same to any Person or Persons, for any Term or Number of Years not exceeding Seven Years, for the best and most improved yearly Rent that can or may be gotten for the same, and upon such Terms and Conditions as to the said Commissioners shall seem meet; and every Conveyance, Lease, and Demise thereof, which shall be made by the said Commissioners, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; and the Monies arising from

Owners of Lands giving Notice of their Intention to relinquish them, exempt from Payment of the Taxes, &c.

such Sale or Letting shall be paid to the Treasurer for the Time being of the said Commissioners, and be applied for the Purposes of this Act.

Lands may
be surveyed.

XLV. And be it further enacted, That the said Commissioners may order and direct all or any of the Lands by this Act made liable to any Rate or Tax, to be surveyed, admeasured, and mapped, in order to ascertain the Quantity of Land liable to such Rate or Rates, Tax or Taxes, and the exact Quantity belonging to each particular Person or Persons, and to pay the Expences thereof out of the Monies to arise by virtue of this Act, and it shall and may be lawful to and for any Person or Persons employed in making such Survey and Admeasurement, to enter on the Lands or Grounds of any Person or Persons whomsoever for that Purpose; and such Survey and Admeasurement when so made, shall be delivered to the said Commissioners at some one of their Meetings, and shall be verified upon the Oath or Affirmation of the Person or Persons making the same (which Oath or Affirmation any one of the said Commissioners is hereby authorised to administer) and the same when so verified, shall be a sufficient Authority to the said Commissioners to make and collect the said Rates and Taxes by, and shall be binding on the several Persons charged with the Payment thereof for their several Lands charged with such Payment; and such Survey and Admeasurement being signed by the Person or Persons making the same, and also by any Five or more of the said Commissioners, shall be and shall be allowed as good Evidence in all His Majesty's Courts of Law or Judicature, and in all Cases whatsoever.

Mortgages,
&c. to be
as valid, as if
former Act
not repealed.

XLVI. Provided always, and be it enacted, That all Bonds, Mortgages, Assignments, Grants, Conveyances, Leases, and all Securities whatsoever, made or granted to or by any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, or any others whomsoever, acting by or under the Authority of the said recited Act, shall be as good, valid, binding, and effectual, as if the said recited Act had not been repealed: any Thing herein contained to the contrary thereof in anywise notwithstanding.

Commissioners
may borrow
Money
by Way of
Mortgage.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, assembled at the said 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 the least shall be present) and they are hereby empowered from Time to Time to borrow any Sum or Sums of Money which they shall think necessary for the Purposes of this Act, not exceeding in the Whole at any one Time (together with the Debts already incurred and now due on the Credit of the said recited Act) the Sum of Eight thousand Pounds by way of Mortgage, and by Writing under their Hands and Seals to assign over the said Rates and Taxes, as a Security for the Repayment of any such Sum and Sums of Money 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, his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, and such Interest as aforesaid shall be payable and paid Half-yearly; and all and every Person or Persons to whom any such Mortgage or Assignment shall

shall be made, and all and every Person and Persons to whom any Mortgage or Assignment of the Rates and Taxes charged by the said recited Act hath or have been 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 of the Priority of advancing any such Sum of Money; and every such Mortgage or Assignment hereafter to be made shall be made for the Sum of One hundred Pounds only.

XLVIII. And be it further enacted, That every such Mortgage or Assignment may be in the Words, or to the Effect following:

WE of the Commissioners appointed by or Form of Mortgage.
 in pursuance of an Act of Parliament, passed in the Forty-sixth
 Year of the Reign of King *George* the Third, intituled, [*here set forth*
the Title of this Act] in Consideration of the Sum of
 advanced and lent by *A. B.* upon the Credit and for the Purposes of the
 said Act, do hereby grant and assign unto the said *A. B.* [*or, to his*
Trustee or Trustees, as the Case may require] his Executors, Admini-
 strators, and Assigns, such Proportion of the Rates, Taxes, or Assess-
 ments, to be raised, levied, and collected by virtue of the said Act, as
 the said Sum of doth or shall bear to the whole
 Sum charged, which may at any Time be borrowed or become due and
 owing, or be charged upon the Credit of the said Rates, Taxes, or As-
 sessments, to be had and holden from this Day of
 until the said Sum of with Interest
 at *per Centum per Annum* for the same, shall be repaid
 and satisfied. In Witness whereof we the said Commissioners have here-
 unto set our Hands and Seals the Day of
 in the Year

And all such Mortgages or Assignments, and all Mortgages or Assignments granted by virtue of the said recited Act, shall be numbered, commencing with Number one, and so proceeding in an Arithmetical Progression ascending, whereof the common Excess or Difference shall always be one; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

XLIX. And be it further enacted, That in case the said Commissioners shall, at any of their Meetings to be holden in pursuance of this Act, think it advisable to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives instead of Mortgages or Assignments as aforesaid, it shall and may be lawful to and for any Five or more of the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor, at the Time of Payment of his or her Contribution or Purchase Money, so that no such Annuity Power for Commissioners to raise Money by Annuities.
do

do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in such Cases where the Person for whose Life any such Annuity shall be granted shall be of the Age of Sixty Years or upwards ; and the Expence of every such Grant shall be paid by the said Commissioners, out of the Monies so contributed ; and the Grant of every such Annuity may be in the Words, or to the Effect following ;

Form of Grant of Annuity.

WE of the Commissioners appointed by or in pursuance of an Act of Parliament, made in the Forty-sixth Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*] in Consideration of the Sum of paid by A. B. to C. D. the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said A. B. an Annuity or yearly Sum of to be paid out of the Rates, Taxes, or Assessments, to be raised, levied, and collected by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said A. B. or his Assigns, during the Term of his natural Life [*or as the Case may be, to the said A. B. his Executors, Administrators, or Assigns, during the natural Life of C. D.*] upon the Day of in every Year, during the natural Life of him the said at the the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In Witness whereof we the said Commissioners have hereunto set our Hands and Seals the Day of in the Year

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding ; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates, Taxes, or Assessments, according to the Grant of such Annuity.

Power of transferring Assignments and Annuities in a prescribed Form.

And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money borrowed by virtue of the said recited Act, or to be borrowed upon legal Interest as aforesaid by virtue of this Act, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever ; and every such Transfer may be in the Words or to the Effect following ;

I A. B. being entitled to the Sum of [or, an Annuity of] secured to C. D. and his Assigns, or his Executors, Administrators, and Assigns, [*as the Case may be*] by virtue of a Mortgage or Assignment [*or, Grant of an Annuity*] bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act of Parliament, made in the Forty-sixth Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*] or of an Act passed in the Thirtieth Year of the Reign of King George the Second, intituled, [*set forth the Title of the said recited Act*] upon the Credit of the Rates,

Rates, Taxes, and Assessments, granted or payable by the said Act, do hereby
 transfer all my Right and Title in and to the same Sum [or, Annuity]
 and all Interest, and other Money now due and arising thereon unto
 E. F. his Executors, Administrators, and Assigns. Dated the
 Day of

And a Copy of every Security, Mortgage, or Assignment, made by virtue
 of the said recited Act, and a Copy of every Security, Mortgage, or
 Assignment, together with the Number or Numbers thereof, and of every
 Grant of Annuity which shall be made in pursuance of this Act, and an
 Extract or Memorial of every Transfer thereof respectively shall be entered
 in a Book to be kept for that Purpose by the Clerk to the said Commis-
 sioners, which Extract or Memorial shall specify and contain the Date,
 Names of the Parties, and Sums of Money thereby transferred, to which
 Book any Person interested shall at all reasonable Times have Access, and
 shall have free Liberty to inspect the same without Fee or Reward; and for
 the entering of every such Transfer the said Clerk shall be paid by the
 Person to whom such Transfer shall be made, the Sum of Two Shillings
 and Sixpence and no more; and every such Transfer, after Entry thereof
 as aforesaid, shall entitle the Person to whom the Transfer shall be made,
 and his or her Executors, Administrators, and Assigns, to the Benefit of
 the Security thereby transferred, without any other Registry or Enrolment
 whatsoever.

LI. And, in order that no Preference may be given to any of the Per-
 sons who shall have advanced and lent Money upon the Credit of Rates,
 Taxes, or Assessments imposed by this or the said recited Act; be it fur-
 ther enacted, That the said Commissioners (if there shall be more Creditors
 than one) shall cause the Number of all Mortgages, Assignments, or
 Securities granted, and then in force, for securing the Principal Monies
 lent and advanced upon the Credit of such Rates, Taxes, or Assessments,
 of which Part shall be then intended to be paid off, to be written upon
 distinct Pieces of Paper of an equal Size, and all such Papers shall be
 rolled up in the same Form as near as may be, and be put into a Box or
 Wheel, and the Number or Numbers of the said Assignments or Secu-
 rities shall be drawn separately out of the said Box or Wheel by the Clerk
 to the said Commissioners; and after every such Ballot the said Commis-
 sioners shall cause Notice, signed by their Clerk, to be given to or left at
 the last or usual Place of Abode of the Person or Persons who shall be en-
 titled to the Money to be paid off pursuant to such Ballot, and where
 there is only one Creditor, to give Six Calendar Months Notice to such
 Creditor of the Intention of the said Commissioners to pay him or her as
 aforesaid; and every such Notice shall express the Sum to be paid off,
 together with the Interest due thereon, and that the same shall be paid off
 a Day, and at a Place to be specified in such Notice, such Day not being
 sooner than Six Calendar Months after the Day of giving or leaving such
 Notice as aforesaid, and the Interest of the Principal Money to be so paid
 off shall, from and after the Day to be so specified, cease and be no longer
 paid or payable, unless such Money shall be demanded pursuant to such
 Notice, and not paid, but the Principal Money in respect whereof such
 Notice shall be given, and also the Interest thereof to the Day to be so
 specified, shall nevertheless be payable on Demand; but nothing herein

Provision for
 the Payment
 of Creditors
 by Ballot.

contained shall extend, or be construed to extend, so as to require the said Commissioners to pay off and discharge any Monies lent on the Credit of the said Rates, Taxes, or Assessments, by way of Annuity, until all other the Creditors on the said Rates, Taxes, or Assessments, shall be paid off and discharged, and the several Parties so lending Money by way of Annuity shall agree to accept the Sum or Sums of Money offered by the said Commissioners, for the Re-purchase of such his, her, or their Annuity or Annuities.

Power to borrow Money at a lower Interest to discharge Securities at a higher Rate.

LII. Provided always, and be it enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities, which shall be then in force, shall bear, it shall and may be lawful to and for the said Commissioners from Time to Time to charge the said Rates, Taxes, or Assessments, in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Mortgages, Assignments, or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Taxes vested in Creditors and Annuitants.

LIII. And be it further enacted, That the Rates and Taxes hereby charged, and such Rates and Taxes as are now due under the said recited Act, shall be and are hereby charged and chargeable with and for the Payment of all and every Sum and Sums of Money which have or hath been borrowed by virtue of the said recited Act, and now remain due, and which shall or may hereafter be borrowed under the Authority of this present Act, and the Interest of such Monies respectively, and of any Annuity or Annuities which shall be granted as aforesaid, and shall vest in such respective Creditors and Annuitants, until such Principal Money and Interest, and Annuities, 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, recovering, and enforcing Payment of the said Rates and Taxes, for the satisfying and discharging to them respectively such Principal Money, 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.

Application of Monies.

LIV. And be it further enacted, That the Monies now in the Hands of the Treasurers, Collectors, or other Officers of the Commissioners acting under the said recited Act, received by them under and by virtue of the said recited Act, and all Arrears of Rates and Taxes now due upon or by virtue of the said recited Act, and the Monies to arise from the Rates and Taxes hereby charged as aforesaid, and the Money to be borrowed or raised by the granting of any Annuity or Annuities under and by virtue of this Act, and all pecuniary Penalties, Forfeitures, and all other Monies to be received, levied, or recovered by virtue of this Act, not otherwise disposed of, shall be and the same are hereby vested in the Commissioners

Commissioners acting under and by virtue of this Act, and shall be by them applied and disposed of in Manner following; (that is to say), in the first Place, in paying and defraying the Costs, Charges, and Expences which shall be incurred in, incident to, and attending the obtaining and passing of this Act, and the Interest of all Monies which have been, or shall or may be advanced for that Purpose, and then in Discharge of all such Debts as have been contracted by the Commissioners acting under the said recited Act, in making and repairing the several Works of Drainage thereby authorized to be made, or otherwise for the Purposes of the said recited Act, and which are now due and unpaid, and in Discharge of the Interest of all such Monies as have been borrowed and taken up at Interest under and by virtue of the said recited Act, and of all such Monies as shall be borrowed and taken up at Interest, and of all such Annuities as shall be granted by virtue of this Act, and for and towards the several Works of Drainage, and other Works by this Act authorized to be made, done, and executed, and towards the Support and Maintenance of the same, and of the present Works of Drainage, and also in Discharge of all such Principal Monies as have been borrowed and taken up at Interest, under the Authority or on Account of the said former Act, and of all such Principal Monies as shall be borrowed and taken up at Interest, or by way of Annuity, by virtue of this Act, and for the general Purposes of this Act.

LV. And be it further enacted, That no Person or Persons who is, are, or shall be a Creditor or Creditors on the Rates and Taxes imposed by the said recited Act or this Act, and who is, are, or shall be a Proprietor or Proprietors, Occupier or Occupiers, of any of the Fen Lands to be taxed by virtue of this Act, shall at any Time hereafter deduct or set off, or be allowed or permitted by the said Commissioners to deduct or set off all or any Part of the Interest payable to him, her, or them respectively, as such Creditor or Creditors as aforesaid, out of or from any Sum or Sums of Money which shall be due from or payable by him, her, or them respectively, for such Rates and Taxes, as such Proprietor or Proprietors, Occupier or Occupiers as aforesaid; but the Rates and Taxes payable by him, her, or them, shall from Time to Time be paid to the Collector or Collectors, Receiver or Receivers of the said Commissioners, in the same Manner as if such Person or Persons was or were in no ways interested as a Creditor or Creditors.

Proprietors being Creditors not allowed to deduct the Interest due to them out of their Taxes.

LVI. And be it further enacted, That such Part or Parts of the said Common Land bounded by *Stake Lode South, Adventure Land East, and Feltwell Drove North*, as under and by virtue of the said former Act, was set out to the Commissioners thereby appointed, and which is or are now held and enjoyed by them in Severalty, as thereby directed, shall be held and enjoyed in Severalty by the Commissioners hereby appointed, and their Successors, for ever, for the Purposes of this Act.

Such Part of the Common Land as was vested in the Commissioners of the former Act to be vested in the Commissioners of this Act.

LVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized, at any Meeting to be holden by virtue of this Act, to let to the best Bidder or Bidders, such Part of the said Common Land as by virtue of the said recited Act became vested in the Commissioners thereby appointed, and as is hereby vested in the Commissioners

Power to let the Common Land and the Herbage of Banks, &c.

missioners appointed by this Act, for any Term not exceeding Three Years at any one Time; and also the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places, lying within the Limits of this Act (except of the Residue of the said Common Land) for any Term not exceeding Three Years, such Banks to be fed with Sheep only) 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 respectively shall have the exclusive Use and Benefit thereof respectively for such Term of Years as he or they shall hire the same, and the Rent or Rents, Sum or Sums, for which the same shall be respectively let as aforesaid, shall be paid to the Treasurer, Receiver, or Collector to the said Commissioners, and be applied for the same Purposes as the Rates and Taxes hereby charged upon the said Fen Lands are directed to be applied; and in case the Person or Persons hiring such Common Land as aforesaid, or the Herbage and Pasturage of any such Banks, Common Drove Ways, and Waste Places, or any Part thereof respectively, shall, omit, refuse, or neglect to pay the Rent or Rents agreed by him, her, or them respectively to be given for the same, or any Part thereof, on the Days and Times appointed for Payment thereof, it shall and may be lawful for the Collector or Collectors of the said Commissioners, or any other Person or Persons whomsoever, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners (which Warrant or Precept such Commissioners, or any Five or more of them, are hereby authorized and required from Time to Time to grant and make, as Occasion shall require) to enter into and upon any Messuage or Tenement, Lands, Grounds, and Hereditaments, in the Occupation of any such Person or Persons, and to levy the Sum or Sums of Money due from or payable by him, her, or them, for such Rent, by Distress of the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall or may be found thereon, or of a sufficient Part thereof, and the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall be so distrained, to impound and keep, appraise, sell, and dispose of, in like Manner, and at such Times as are herein authorized and directed respecting the impounding, Appraisalment, Sale, and Disposition of the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall be distrained for Recovery of Rates and Taxes in arrear; and the Overplus of the Monies arising from any such Distress and Sale (if any) after deducting such Rent or Rents, and the Costs and Expences attending such Distress and Sale, shall be paid on Demand to the Person or Persons entitled thereto.

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

LVIII. And be it further enacted, That the said 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 de-
stroy Moles.

LIX. And be it further enacted, That it shall and may be lawful for the said 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

Lands, 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 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, and the Lands and Banks adjoining thereto, or any of them for that Purpose.

LX. 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 (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 Five or more of the said 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 Commissioners, such Sum of Money as the said 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 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 said Fen Lands (except for the Purpose 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 Commissioners, or any Person or Persons authorized by them, by Warrant under the Hands and Seals of any Five or more of them the said Commissioners, whether assembled at a Meeting or not (which Warrant they the said Commissioners are hereby authorized and directed to grant from Time to Time) to levy such Sum as the said 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, wherever such Cattle, Corn, Hay, Goods, Chattels, and Effects, shall be found, in the same Manner as herein authorized and directed for Recovery of the Rents of the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places within the Limits of this Act; and the Overplus of the Monies arising from 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 on Demand to the Person or Persons entitled thereto.

To limit the digging of Turf.

LXI. And be it enacted, That if any Person or Persons shall make or cause to be made any Dike or Ditch in or upon any of the said Fen Lands,
 [Loc. & Per.] 24 D within

To prevent digging Ditches near the Banks.

within the Distance of Sixty Feet from any Bank now made or hereafter to be made by virtue of this Act, 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 Collector or other Officer to the said Commissioners, 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.

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

LXII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the said Fen Lands, to which any Dike, Ditch, or Tunnel, Dikes, Ditches, or Tunnels whatsoever, leading to any Mill Drain or Mill Drains made or maintained, or to be made or maintained by virtue of the said recited Act or 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, of which he, she, or they shall be Owner or Owners, Occupier or Occupiers as aforesaid, after One Calendar Months 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 Two-pence, for every Rod of such Dike or Ditch so neglected to be scoured, cleansed, opened, and repaired; and also any Sum not exceeding Sixpence nor less than One Penny, for every Rod of such Dike or Ditch so neglected to be roded; and also 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 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 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, 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 of the Rents of the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places aforesaid, 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.

LXIII. 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, or to be made or maintained by virtue of the said recited Act or 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 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 Commissioners, or any Five or more of them, 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 Rents of the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places aforesaid, 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.

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

LXIV And be it enacted, That no House or Building shall be erected, or any Tree, Hedge or Holt planted, or any Stack of Hay, Fodder, Reed, Turf, or other Obstruction, set or placed within Three hundred Yards of any Mill or Engine now erected, or which shall be erected or employed for draining the said Fen Lands; 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 so offending 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 it shall and may be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, to cause every 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 shall have committed the Offence, and may, with the Penalties aforesaid, be levied and recovered by Distress and Sale of the Goods, Chattels, and Effects of the Offender or Offenders, wheresoever the same shall be found, in the same Manner as herein authorized and directed for Recovery of the Rents of the Herbage and Pasturage of the Banks, Common Drove Ways, and Waste Places aforesaid; and the Overplus arising from any such Sale or Sales (if any) after deducting such Costs, Expences, and Penalties, and the Costs, Charges, and Expences, attending such Distress and Sale, shall be paid on Demand to the Person or Persons entitled thereto; and it shall and may be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, to cause any Tree, Hedge, or Holt, which shall

Penalty for erecting any Buildings, &c. and for planting any Trees, &c. near any Mill.

Commissioners may remove Obstructions.

Commissioners may remove any Trees, &c.

growing
within Three
hundred
Yards, of the
Spot where
any Mill is or
shall be
erected, mak-
ing Compen-
sation.

shall be growing within the said Distance of Three hundred Yards from the Place where any such Mill or Engine is now standing, or shall be erected, to be cut down, the said Commissioners making such Compensation to the Owner or Owners of such last-mentioned Tree, Hedge, or Holt, as shall be fair and reasonable, such Compensation to be settled and determined in case of Difference or Dispute about the same, in such and the like Manner as the Compensation for Damages committed, by the said Commissioners in the Execution of this Act is herein directed to be settled and determined.

Punishment
Persons de-
stroying
Works.

LXV. 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, damage, or destroy any Bank, Engine, Bridge, Floodgate, 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, or any of them, under the Authority of the said former Act or 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.

LXVI. 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, under and by the Authority of the said recited Act or of this Act, then and 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 Witnesses 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 such Justices shall order and direct.

Penalty for
suffering
Cattle,
Swine, &c. to
stray on or
injure Banks,
and for driv-
ing Wag-
gons, &c.
thereon.

LXVII. 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 the said recited Act or 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 nor less than Forty Shillings: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to restrain or prevent the Person or Persons
hiring

hiring any such Bank or Banks of the said Commissioners, from feeding the same with Sheep and Lambs.

LXVIII. And be it further enacted, That the Master and Owner of every Boat, Barge, Lighter, or other Vessel, navigating within the Limits of this Act, or in any River or Drain adjoining thereto, 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, Weirs, Locks, Basons, Dams, Mills, or other Works erected, maintained, or repaired, or erecting, or to be erected, maintained, or repaired, by virtue of the said recited Act or of this Act, either by the loading or unloading of any Boat, Barge, Lighter, or other Vessel, or by any other Means whatsoever; and the Master or Owner of any such Boat, Barge, Lighter, or other Vessel, shall for every such Trespass, Damage, Spoil, or Mischief, upon Conviction of any such Boatman, Bargeman, Waterman, 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, and 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 Judgement 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.

Owners accountable for Damage done by Boatmen.

LXIX. 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, and Compensation, and Penalty, so ascertained, fixed, and determined by such Justice, 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) 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.

Masters to recover from Boatmen.

[*Loc. & Per.*]

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LXX. And

Recovery
and Applica-
tion of Pe-
nalties.

LXX. 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 directed) 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, 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 shall have been committed, or the Offender or Offenders shall be or reside, 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 are by this Act directed to be paid and applied.

Form of
Conviction
of Offenders.

LXXI. 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 _____ 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.

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

Commissioners may administer Oaths.

LXXII. 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,

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 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.

Justices and Commissioners not to act when interested.

LXXIII. 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 he, she, or they being Owner or Owners, Occupier or Occupiers, or otherwise interested in any Lands taxed, or to be taxed, by virtue of this Act.

Evidence of Persons being Owners of Taxable Land to be admitted.

LXXIV. 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.

Persons giving false Evidence to be deemed guilty of Perjury.

LXXV. 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.

Commissioners may be sued in the Name of their Officers.

Officers to be reimbursed Expences.

LXXVI. 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

Persons aggrieved may appeal to the Quarter Sessions.

County of *Norfolk*, first giving to the Person or Persons appealed against, or to the Clerk to the said Commissioners, in case the Appeal shall be made against any Act or Determination of the said Commissioners, Ten Days Notice in Writing of such Appeal, and of the Nature thereof, and within Two 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 Sessions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace 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.

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

LXXVII. And be it enacted, That no Order, Verdict, Rate, Assessment, Warrant, or Notice of Distress, Judgement, or Conviction, or other Proceeding, 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.

Distresses not unlawful for Want of Form.

LXXVIII. 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 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, 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, or in such manner as shall be appointed by the Statute in that behalf made.

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

LXXIX. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done or pursued 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,

his, her, or their Attorney, by or on 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 Judgement, 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;

LXXX. 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 said County of *Norfolk*, and not elsewhere, and the Defendant or Defendants, in every such Action and 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 alledged 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 Judgement 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.

LXXXI. Provided always, and be it 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 now are vested in the said Governor, Bailiffs, and Commonalty, or in

[Loc. & Per.]

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the

Limitation
of Actions.The Rights
of Bedford
Level Corpo-
ration reserv-
ed.

the said Governor, Bailiffs, and Conservators, and every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made,

Saving Rights of Lords of Manors.

LXXXII. Provided likewise, and be it enacted, That all such Right or Rights as are now vested in any Lord or Lords, Lady or Ladies, of any Hundreds, Liberties, or Manors, within his, her, or their respective Hundreds, Liberties, or Manors, within or without the said Fen Lands and Low Grounds, to Waifs, Estray, Felons Goods, Privileges of Arrest, 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.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1806.

The Rights of the Corporation of London

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