



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 81.

An Act for embanking and draining a certain Level of Marshes and Fen Lands called or known by the Name of *The Minsmere Level*, within the several Parishes of *Leiston*, with the Hamlet of *Sizewell*, *Theberton*, *Dunwich*, *Westleton*, and *Middleton cum Fordley*, in the County of *Suffolk*.

[18th May 1810.]

WHEREAS there is within the Parishes of *Leiston* with the Hamlet of *Sizewell*, *Theberton*, *Dunwich*, *Westleton* and *Middleton-cum-Fordley*, in the County of *Suffolk*, a certain Level of Marshes and Fen Grounds called or known by the Name of the *The Minsmere Level*, extending from the Bridge called *Rackford Bridge*, in the said Parish of *Middleton-cum-Fordley* to the Sea, and comprising the Common Fens and Marshes called or known by the several Names of *Leiston Wet Common*, *Theberton Common Fen*, and *Theberton Bogs*; and also divers other Marshes and Fen Grounds belonging to the Right honourable *Joshua Lord Huntingfield*, *William Tatnall Esquire*, and divers other Proprietors, containing together in the whole by estimation One thousand and six hundred Acres or thereabouts: And whereas the said Marshes and Fen Grounds lying upon the said Level called *The Minsmere Level*, by reason of the low Situation thereof are frequently inundated by Land Floods or Downfall Waters, and also by High Tides from the Sea; and in consequence of the present defective Drainage of the same yield but little Profit to the Proprietors and other Persons interested therein: And whereas it would be of great Benefit to the Proprietors and other Persons interested in the said Marshes and Fen Grounds if the same were embanked, drained and improved: But such Embankment, Drainage and Improvement, cannot be effected without the Aid of Parliament; May it there-

[Loc. & Per.]

Lands to be drained.

fore please Your Majesty, that it may be enacted; And be it enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; That the said Marshes and Fen Lands shall be drained, embanked and improved, by such Ways and Means, under such Powers and Authorities, and subject to such Regulations, Directions, and Provisions, as are hereinafter mentioned, provided, enacted and contained.

Appointment of Trustees, for draining, &c.

II. And be it further enacted, That the Lord of the Manor of *Leiston* for the Time being, the Right honourable *Josua Lord Huntingfield* and *Francis Robinson* Gentleman, or the Proprietor and Occupier for the Time being of the Farm and Estate in *Westleton* aforesaid called *Scots Hall Farm*, *William Tatnall* Esquire, and *Firman Josselyn* Gentleman, or the Proprietor and Occupier for the Time being of the Farm and Estate in *Leiston* aforesaid, called *Old Lady Abbey Farm*, *Thomas Whiting Wootton* Esquire, or the Proprietor for the Time being of the Farm and Estate in *Theberton* aforesaid, called the *Mount House Farm*, *Francis Hayle* Gentleman, or the Proprietor for the Time being of the Farm and Estate in *Leiston* aforesaid, called *Sizewell Gap Farm*, the senior Bailiff of the Borough of *Dunwich* for the Time being, and each and every Person who shall for the Time being be the Owner or Proprietor of Thirty Acres or the Tenant or Occupier of Fifty Acres or upwards of the Marshes and Fen Grounds hereby directed to be drained, embanked and improved, and the Husbands, Guardians, Trustees, Committees or Attornies of any of such Owners or Proprietors respectively as shall for the Time being be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, shall be and they are hereby appointed Trustees for embanking, draining and improving the said Level of Marshes and Fen Grounds as hereinafter is directed, and for carrying this Act into Execution; and that all Matters and Things authorized and directed to be done by the said Trustees in pursuance of this Act may be done and executed by any Three or more of them, and the same shall be as valid and effectual and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all such Trustees.

Qualification of Trustees for Drainage, &c.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for the Purposes hereinbefore mentioned by virtue of this Act, or of appointing any Deputy or Agent to act for him or her in his or her Absence, unless he or she shall be possessed in his or her own Right of Twenty Acres at least of the Marshes and Fen Grounds hereby directed to be drained and improved, or the actual Tenant or Occupier of at least Fifty Acres thereof; nor shall any Person be capable of acting as such Trustee or as an Agent or Deputy for any such Trustee under the Authority of this Act (except in the administering of the Oath or Affirmation hereinafter mentioned to any of the other Trustees) until he shall have first taken and subscribed the Oath or (being of the People called Quakers) the Affirmation following; (that is to say)

Oath of Trustees.

I Do swear [or, being one of the People called Quakers, do solemnly affirm] that I will faithfully, impartially and honestly, according to the best of my Skill and Judgement, execute the several Powers and Authorities vested and reposed in me as a Trustee, in and by an Act passed in the Fiftheth Year of the Reign of His Majesty King *George* the

Third, intituled [*here insert the Title of this Act*] without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me God.

Which Oath or Affirmation any one of the said Trustees is hereby authorized and required to administer to the other or others of them at any Meeting or Meetings to be held in pursuance of this Act, and which said Oath or Affirmation so to be taken and subscribed by each of the said Trustees respectively, shall be written and entered in the Book of Orders and Proceedings of the said Trustees herinafter directed to be kept, and shall be subscribed by the Person and Persons taking or making the same; and a Caption or Certificate at the Foot thereof shall be and is hereby required to be subscribed by the Trustee by whom such Oath or Affirmation shall be administered.

IV. And be it further enacted, That it shall and may be lawful for every such Trustee for the Purposes of this Act, by Writing under his or her Hand from Time to Time, and for such Time, as he or she shall think fit, to nominate and appoint an Agent or Deputy to act in his or her Absence as a Trustee for the Purposes aforesaid, and every such Agent or Deputy shall and may in the Absence of the Person by whom he shall be so nominated and appointed act as a Trustee in such and the same Manner and with the like Power and Authority in every respect as the Person by whom he shall be so appointed might have done in case he or she had been personally present.

Power to Trustees to appoint Deputies.

V. Provided also, and be it further enacted, That no Person holding any Place of Profit under the said Trustees for the Purposes aforesaid shall act as a Trustee, or as an Agent or Deputy for any other Trustee under and by virtue of this Act, whilst he shall so hold the same.

No Person holding any Place of Profit to act as a Trustee.

VI. And be it further enacted, That the said Trustees shall and they are hereby required to hold their First Meeting for carrying this Act into Execution at the Public House called or known by the Name or Sign of *The White Horse* in *Leiston* aforesaid on the Third Thursday next after the passing of this Act, of the Time and Place of holding which Meeting Two Weeks previous Notice shall be given by public Advertisement in the *Ipswich Journal*; and that the said Trustees or the major Part of them present at their said First Meeting or at any subsequent Meeting to be held by them for the Purposes of this Act, shall and may from Time to Time adjourn such Meeting respectively to such Time and to such Place (not exceeding the Distance of Six Miles from *Leiston* aforesaid) as they shall think proper and appoint; but if it shall happen that at any such Meeting there shall not appear a sufficient Number of Trustees to act, or if (a sufficient Number being present) they shall omit to adjourn such Meeting, or if any Two or more of the said Trustees shall at any Time deem a Meeting of the said Trustees to be necessary or expedient to be held previously to the Time appointed for the then next adjourned or annual Meeting of the said Trustees, then and in every such case it shall be lawful for such Two or more of the said Trustees to convene a Meeting of the said Trustees to be holden at such Time and at such Place (not exceeding the Distance of Six Miles from *Leiston* aforesaid) as such two or more Trustees shall appoint, giving Two Weeks Notice of the Time and Place of holding such Meeting by Public Advertisement in the *Ipswich Journal*; and that the said Trustees shall meet on the Second Thursday in the Month of March in every Year at *Leiston* aforesaid in the Forenoon between the Hours of Ten and Twelve of the Clock for the purpose of executing the Powers given to them by this Act, and

Power to hold Meetings and adjourn same.

the said Trustees shall at all their Meetings to be held in pursuance of this Act be allowed the Sum of Seven Shillings and Sixpence each per Day and no more towards their Expences, so that such Allowance do not in the Whole exceed the Sum of Three Pounds per Day at any such Meeting of the said Trustees.

Power to
appoint
Officers.

VII. And be it further enacted, That the said Trustees shall at their first Meeting to be held after the passing of this Act appoint a Clerk or Clerks, Engineer, Surveyor, Treasurer and such other Officer or Officers to assist them in the Execution of this Act as they the said Trustees shall think proper and expedient, and shall and may from Time to Time, as they shall see Occasion, remove such Officers or any of them and appoint any other Persons in the Room of such as shall be removed, or as shall die or resign, when and as they the said Trustees shall find it necessary and convenient; and out of the Monies to be raised under the Authority of this Act shall or may and they are hereby empowered to allow and pay such Salaries and Allowances to all such Officers, and to all other Persons by whom the said Trustees to be employed in the Execution of this Act, as they the said Trustees shall from Time to Time think reasonable; and the said Trustees shall and may take such Security from the Officers so to be appointed as aforesaid, or from such of them only as the said Trustees shall think necessary, for the due Execution of their respective Offices as by them the said Trustees shall be deemed proper and sufficient; and all such Officers and Persons so to be appointed as aforesaid shall at such Time or Times and in such Manner as the said Trustees shall from Time to Time direct, deliver to them the said Trustees or to such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers and Person or Persons respectively received by Virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed and for what Purpose, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Trustees or to such other Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath verify their said Accounts (which Oath any One of the said Trustees is hereby empowered to administer); and in case any such Officer or Person shall not make and render or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver to the said Trustees or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Trustees, all Books, Papers, Writings, Plans, Surveys and other Documents in his or their Custody or Power relating to the Execution of this Act; or in case any such Officer or Person shall refuse or neglect to pay to the said Trustees, or to such other Person or Persons as they shall appoint, such Monies as upon the Balance of any such Account or Accounts shall appear to be in their respective Hands at such Time or Times and in such Manner as they the said Trustees shall direct for that Purpose, every such Person so offending and being thereof convicted before any one or more of the Justices of the Peace for the said County of *Suffolk*, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, and in order to such Conviction, it shall be lawful for any one or more Justice or Justices of the Peace in and for the County or

Place

Officers to
account.

Power to
compel Pro-
duction of
Accounts and
Vouchers
and Payment
of Balances.

Place wherein such Officer or Officers, Person or Persons so offending shall be, and reside (upon Complaint of any one or more of the said Trustees) to summon the Party or Parties so offending as aforesaid, and (upon his or their appearing or neglecting or refusing to appear pursuant to such Summons) to hear and determine the Matter of such Complaint in a summary Way, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer); and in case of Conviction it shall and may be lawful for such Justice or Justices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Monies which shall appear to be due to the said Trustees from such Person or Persons so offending as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Monies and the Charges of such Distress and Sale, or in case such Officer or Officers, Person or Persons shall still refuse to make and render such Accounts as aforesaid, or to verify the same upon Oath, or to produce and deliver up to the said Trustees all Books, Papers, Writings, Plans, Surveys and other Documents in his or their Custody or Power, relating to the Execution of this Act, then and in every or any of the Cases aforesaid such Justice or Justices shall and may commit every such Offender to the Common Goal or House of Correction for the Division of the said County of *Suffolk* wherein such Justice or Justices shall usually act, there to remain without Bail or Mainprize until such Offender shall have made and rendered a true and perfect Account, and paid such Monies as shall appear to be due to the said Trustees as aforesaid, or shall have compounded for the same, and shall have paid such Composition (which Composition the said Trustees are hereby empowered to make) or shall have given to the said Trustees satisfactory Security for Payment thereof, and until he shall deliver up such Receipts and Vouchers, Books, Papers, Writings, Plans, Surveys and other Documents as aforesaid, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no Person shall be detained in Prison for any such Offence more than Three Calendar Months.

VIII. And be it further enacted, That no Act, Order, Resolution, Determination or other Proceeding of the said Trustees shall be good or valid, unless it shall be done or ordered at some Meeting of the said Trustees to be holden by them in pursuance and for the Purposes of this Act, (except only such Acts as may be necessary to be done preparatory to or for the direct Purpose of appointing or holding such Meeting, and except as is hereinafter otherwise provided and enacted); and that no such Act, Order, Resolution, Determination or other Proceeding, done or ordered by the said Trustees at any of their said Meetings, shall be revoked, altered or made void at any of their subsequent Meetings, unless five or more of the said Trustees shall be present at such Meeting and consent thereto, nor unless ten Days Notice be given of such Meeting by public Advertisement in the *Ipswich Journal*; in which Notice the Object of such Meeting shall be declared.

All Acts of Trustees, to be done at some Meeting.

Proceedings
to be entered
in a Book.

IX. And be it further enacted, That all Orders and Proceedings of the said Trustees, at any of their Meetings to be held in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose; and that such Orders and Proceedings so entered shall be signed by the Trustees then present, or the major Part of them; and that such Orders so signed, shall be deemed and taken to be original Orders as fully and effectually as if the same were under the Hands and Seals of all the said Trustees; and that such Book or Books shall and may be inspected and perused by any Owner or Owners of any Lands or Grounds to be drained, embanked and improved under the Authority of this Act, at their Pleasure, without Fee or Reward; and that the same shall and may be produced and allowed to be received in evidence in all Cases, Suits and Actions in any Court of Law or Equity, touching any Matter or Thing done in Pursuance or under the Authority of this Act.

Trustees to
sue and be
sued in the
Name of
their Clerk.

X. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk, and that no Action that may be brought or commenced by or against the said Trustees or any of them by virtue or on account of this Act in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk; or by the Act of such Clerk, without the Consent of the said Trustees; but the Clerk for the Time being to the said Trustees shall always be deemed Plaintiff or Defendant in such Action or Actions (as the Case may be), except in such Action or Actions as may be prosecuted between the said Trustees and their Clerk for the Time being; in which Action any one of the said Trustees shall or may be made Plaintiff or Defendant (as the Case may be): Provided always, That every such Clerk or Trustee in whose Name any Action or Suit shall be commenced, prosecuted or defended in pursuance and under the Authority of this Act, shall be reimbursed out of the Monies to be raised by the said Trustees by Virtue of this Act for the Purposes of the said Embankment and Drainage, all such Costs, Charges and Expences as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Plaintiff or Defendant therein.

Power to
Trustees to
embank and
drain
Marshes,
&c.

XI. And be it further enacted, That the said Trustees shall be and they are hereby fully empowered from Time to Time to embank and drain, or cause to be embanked and drained, the said Level of Marshes and Fen Lands, called or known by the Name of *The Minsmere Level* hereinbefore mentioned, and every or any Part thereof, in the Manner and with and under the Powers, Provisions and Regulations hereinafter provided and enacted concerning the same; and for that Purpose it shall be lawful for the said Trustees, their Officers and Agents, and all other Persons to be by them employed under or by Virtue and in Execution of this Act, and they are hereby authorized and empowered from Time to Time and at all seasonable Times, either on Foot or otherwise, to go and travel, pass and repass as well into and over all the said Marshes and Fen Grounds hereby directed to be embanked and drained; as also the High Lands adjoining thereto, when and as often as occasion shall require for the due and proper Execution of this Act, doing as little Hurt or Damage as may be; and also as soon as conveniently can be after the passing of this Act, and from Time to Time and at all Times thereafter to support, strengthen, raise and amend the natural Sea Bank or Beach

Beach to protect the said Level from Inundation by the Sea; and also to cut, make, raise, erect, construct, support, alter, repair and maintain, or cause to be cut, made, raised, erected, constructed, supported, altered, repaired and maintained, all such Cuts, Drains, Ditches, Dams, Walls, Banks, Tunnels, Outlets, Sluices, Bridges, Engines, Paths, Ways, Roads and other Works, in, through, upon and over the said Marshes and Fen Lands hereby directed to be embanked and drained, or any Part thereof; and also to use, alter, embank, deepen and widen all such of the present Drains, Outlets and Tunnels which now are in and upon the said Marshes and Fen Lands hereby directed to be embanked and drained as they the said Trustees or the Engineer for the Time being under whose Direction the said Embankment and Drainage shall from Time to Time be placed, shall deem necessary and proper for the Purposes thereof; and also to dig, take and carry away any Quantity or Quantities of Earth, Soil, Ooze, Clay, Sand, Gravel or Stone, requisite and convenient for making and repairing any Walls, Banks, Dams, Paths, Ways, Roads and other Works for the Purposes of this Act, in, upon or from the Lands and Grounds of any Person or Persons adjoining or lying near to any such Works, they the said Trustees, their Officers and Agents doing as little Damage as may be done, and making reasonable Satisfaction to the Owner or Owners of such Lands and Grounds respectively, as hereinafter is mentioned and provided; and also to build, erect, maintain and support such Buildings or Erections for the Habitations of the Workmen or any Person to be appointed for superintending the said Works of Embankment and Drainage, and for depositing Stores and Materials belonging thereto, and to make such Orders for executing the Powers and Purposes of this Act in Relation to such Embankment and Drainage as they the said Trustees shall from Time to Time think proper; All which said Cuts, Drains, Ditches, Dams, Walls, Banks, Tunnels, Outlets, Sluices, Bridges, Engines, Paths, Ways, Roads and other Works of Drainage now cut, made, raised, erected and constructed, or which shall hereafter by virtue of this Act be cut, made, raised, erected and constructed upon or adjoining to the said Level of Marshes and Fen Lands, for the Purpose of embanking and draining the same or any Part thereof, and the Right and Property to and in the same, and the Materials of which the same do or shall respectively consist, shall be, and the same are hereby fully vested in the said Trustees for the Time being.

Power to erect and maintain Works of Drainage.

Works to be vested in Trustee.

XII. Provided always, and be it further enacted, That all and every the Cuts, Drains, Dams, Walls, Banks, Tunnels, Outlets, Sluices, Bridges, Engines and other Works to be made, erected and constructed by virtue or under the Authority of this Act, shall be planned, set out, made, erected, built and executed by and under the Advice, Superintendance and Direction of the Engineer to the said Trustees for the Time being.

Works to be planned and constructed under the Direction of an Engineer.

XIII. And be it further enacted, That if any Person or Persons shall be aggrieved or injured by any of the Works of the said Trustees, which shall be made, done or executed by virtue or in pursuance of this Act, they the said Trustees shall and are hereby required to make such reasonable Satisfaction to the Owners or Occupiers, or other Persons having any Right or Interest to or in the Lands or Grounds through or upon

Persons injured by Works to be entitled to Compensation.

upon which any such Cuts, Drains, Dams, Walls, Banks, Tunnels, Outlets, Engines, Bridges or other Works shall be made or erected, and also to all and every other Person and Persons who shall be injured or aggrieved by any of the Works of the said Trustees which shall be made, done, executed or erected by virtue or in pursuance of this Act, for the Damage he, she or they shall thereby sustain, as shall be agreed upon between such Trustees or any Three or more of them, and the Person or Persons having such Right, or who shall be injured or aggrieved as aforesaid; and if such respective Trustees or any Three or more of them, and such Person or Persons cannot agree touching the Amount of such Damage, that then the same shall be assessed, adjudged and finally determined by the Justices of the Peace or the major Part of them assembled at any General or Quarter Sessions of the Peace which shall be held for the said County of *Suffolk*, within Six Months after such Dispute shall arise; and in such Case such Person or Persons shall make Oath that in his, her or their Opinion and Judgement such Damage amounts to more than Forty Shillings, and request that such Damage and Recompence may be assessed by a Jury, then the Justices at such Sessions shall and they are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest indifferent Men (to be then and there impannelled and returned by the proper Officer without Fee or Reward), and cause them to be sworn well and truly on their Oaths to assess the Recompence to be made for such Damage, (which Oath the said Justices are hereby empowered and required to administer to the said Jury) and to which Jury the said respective Trustees and the Party complaining shall have their lawful Challenges; and the said Jury being so charged and sworn, and after proper Evidence upon Oath to them given of the Nature of such Demand and Injury, shall by their Verdict assess the Damages and Recompence to be made for the same to such Person or Persons; and the Verdict of such Jury, and the Judgement of the said Justices thereupon, shall be final and conclusive to all Parties.

Trustees to
purchase
Lands.

XIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and required to treat and agree with the Owners and Occupiers of and other Persons interested in any Lands, Tenements, or Hereditaments within the Limits of this Act which the said Trustees shall think necessary, to dig, cut, take, use or remove, for making, repairing, or altering any of the said Works to be made, repaired or altered, under the Authority of this Act, for the purchase of any such Lands, Tenements, or Hereditaments, or for the Compensation to be made for such Damages as may happen to be done to the same, and to settle and ascertain in what Proportions the Sum or Sums by them agreed to be paid for any such Purchase or Compensation as aforesaid, shall be paid to and divided amongst the several Persons interested therein; and also that it shall be lawful for all Bodies Politic, Corporate or Collegiate, and Corporations aggregate or sole, on behalf of themselves respectively and their respective Heirs and Successors, and for all Husbands, Guardians, Committees, Executors and Administrators and all other Trustees whatsoever, on behalf of their respective Wives, Infants, Lunatics or other Cestuique Trusts, and for all other Persons whomsoever who shall be possessed of or interested in any such Lands, Tenements, or Hereditaments as aforesaid, to treat and agree

agree with the said Trustees for the purposes of this Act for the Sale to them of such Lands, Tenements or Hereditaments, and to convey the same unto such Trustees or unto such Person or Persons and in such Manner as they shall direct, or to treat and agree with such Trustees for the Compensation to be made for such Damages as may happen to be done to any such Lands, Tenements or Hereditaments in the Execution of any of the Powers of this Act; and that all such Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute or Custom to the contrary notwithstanding; and that all Bodies Politick or Corporate, Trustees and other Persons whosever, shall be and they are hereby fully indemnified for all such Acts as they or any of them shall lawfully do or cause to be done by virtue or in pursuance of this Act.

XV. Provided always, and be it further enacted, That in case the said Trustees for executing this Act or any such Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Trustee or Trustees, or other Person or Persons possessed or interested as aforesaid shall refuse or neglect to treat or be prevented from treating and agreeing, or shall not agree touching the Sale of any such Lands, Tenements or Hereditaments which shall be so dug, cut, taken, used, or removed as aforesaid, or for the Compensation to be made for the Value thereof, or for any Damage that may happen to be done thereto, according to the true Intent and Meaning of this Act, then and in such case it shall be lawful for the said Trustees for executing this Act (giving Fourteen Days previous Notice in Writing to the principal Officer of such Body or Corporation, or to such Trustee or Trustees or other Person or Persons as aforesaid or any of them, or leaving such Notice at his, her or their, or any of their Place or Places of Abode) or for any such Body or Corporation, Trustee or Trustees or other Person or Persons as aforesaid giving fourteen Days previous Notice in Writing to the Clerk of the said Trustees, or leaving such Notice at his Place of Abode, to apply to the Justices of the Peace to be assembled at the General Quarter Sessions of the Peace to be holden at *Beccles*, in and for the said County of *Suffolk*, for the purpose of having the Compensation to be made by the said Trustees for the Value of such Lands, Tenements, or Hereditaments, or for the Damage done thereto, assessed by a Jury at the said Sessions; and that on such Application being so made the said Justices at their said Sessions, or at some Adjournment thereof, shall and they are hereby authorized and required to cause such Compensation to be ascertained, settled and determined by a Jury of Twelve indifferent Men, to be impannelled and returned by the proper Officer in such and the like Manner in every respect as is hereinbefore provided and directed respecting the Compensation to be made for any Injury or Damage which shall be done to any Person or Persons by any of the said Works of Drainage, and that the said Justices shall then and there declare Judgement according to the Verdict of the said Jury, which said Verdict and Judgement shall finally bind and be conclusive upon as well the said Trustees as also the Bodies Corporate, Trustees or other Persons or Parties interested therein, and shall be entered and kept among the Records of the Sessions of the Peace for the said County; and that the same or true Copies thereof, being signed by the Clerk of the Peace or his Deputies shall be deemed and taken as good Evidence in all Courts of Law or Equity whatsoever; and that all Persons shall

Mode of settling and ascertaining Purchase Monies prescribed.

and may have recourse thereto, and take Copies thereof or Extracts therefrom at all reasonable Times, on paying the Fees usual in cases of a like Nature.

Power to
Justices to
award Costs.

XVI. And be it further enacted, That in all cases when the Compensation which shall be awarded by such Jury, for or on account of any such Damages or Sale as aforesaid, shall be greater than the Compensation which shall have been previously offered by or on behalf of the said Trustees, the Costs attending the Application to the said Justices, the Charges of the Witnesses thereon and all other Expences relating thereto, to be allowed by the said Justices at their said Sessions, shall be paid by the said Trustees out of the Monies to be raised, received and collected by them under the Authority of this Act; and that in all cases where such Compensation shall not be greater than the Compensation which shall have been so previously offered, such Costs, Charges and Expences to be allowed as aforesaid, shall be paid by the Body Corporate, Trustee or Trustees or other Person or Persons possessed or interested as aforesaid: Provided always, that in all cases where any Person or Persons shall by reason of unavoidable Absence have been prevented from treating with the said Trustees, acting under the Authority of this Act, such Costs, Charges and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Purchase
Monies of
Lands in
Mortgage to
be paid to the
Mortgagees.

XVII. And be it further enacted, That in case any Lands, Tenements, or Hereditaments, which shall be purchased, taken, used or damaged by the said Trustees under the Authority of this Act, shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Trustees, and they are hereby required, upon Application in Writing being made to them by the Mortgagee or Mortgagees thereof, or his, her, or their Executors, Administrators or Assigns for that purpose, to pay to him, her or them such Sum or Sums of Money as shall have been agreed or awarded to be paid by the said Trustees, for or in respect of such Lands, Tenements or Hereditaments as aforesaid, in Part of the Principal Money which shall be then due upon the Mortgage or Mortgages thereof, and upon Payment of such Sum or Sums of Money to such Mortgagee or Mortgagees, or his, her, or their Executors, Administrators, or Assigns, he, she or they shall acknowledge the Receipt thereof, in Satisfaction of so much of the principal Money due upon such Mortgage or Mortgages by an Endorsement to that Effect to be made on the Back of such Mortgage or Mortgages, and to be signed by him, her or them, in the Presence of One or more credible Witness or Witnesses.

Application
of Compensa-
tion where
exceeding
200l.

XVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for 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 Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Trustees, 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 Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, 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, Messuages, 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 Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited; or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall on the Request of any Three or more of the said Trustees in Writing signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation or to an Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties) in order that such Money may be applied in any Manner hereinbefore directed, so far as the case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

XX. Provided

Application where the Money is less than 20l.

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

Power to Trustees to pay Purchase Monies into the Bank of England in certain Cases.

XXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements or Hereditaments to be purchased 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 Trustees, or any Five or more of them, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees 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 Account-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 and Disposition of the said Court of Chancery, which said Court, on the Application of any Person or Persons making Claim to any such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the same 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.

In cases of Disputes as to the Title to Purchase Monies, the Person in Possession to be prima facie deemed entitled.

XXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General in pursuance of this Act, for the Purchase of any Lands, 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

such Possession until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Estates therein.

XXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, entitled to any Lands, Tenements or Hereditaments to be purchased by the said Trustees 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 be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made by the said Trustees, in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be raised and 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.

Court of Chancery may order Expences of Purchases to be paid by the Trustees in certain Cases.

XXIV. And be it further enacted, That if any Person or Persons shall wilfully or negligently suffer any of his, her, or their Cattle, Stock, or Swine, to stray or feed upon, or to root up the Soil of, or shall drive, or cause, or permit to be driven any Waggon, Cart, or other Carriage, upon any of the Walls or Banks, to be by the said Trustees made, raised, altered or used, under the Authority of this Act, or shall otherwise damage the same or any of them, such Person or Persons shall on Conviction before one or more of His Majesty's Justices of the Peace for the said County of *Suffolk*, on the Oath of one or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending, forfeit and pay for any such Offence any Sum not exceeding Forty Shillings, to be levied and applied in Manner hereafter directed, concerning all Penalties to be levied by Virtue and under the Authority of this Act: Provided always, that Nothing herein contained shall extend or be construed to extend to restrain or prevent any Person or Persons who for the Time being may be entitled to the Use and Occupation of the said Walls and Banks from feeding the same with Sheep and Lambs at such Times of the Year and under such Regulations and Restrictions only as the said Trustees shall from Time to Time direct and appoint.

Penalty on Persons turning Stock or driving Carriages on Marsh Walls.

XXV. And be it further enacted, That no Trees or Hedges shall at any Time or Times hereafter be planted, nor any Building, Stack or Rick erected, except by the Order or Permission of the said Trustees, within the Distance of Two hundred Yards from any Mill or Engine which shall be made, erected or employed under the Authority of this Act; and that no Ditch or Drain shall be made, cut, or continued, within the Distance of Eight Yards from the Base of any of the Walls or Banks now

No Trees to be planted or Buildings erected within a given Distance of Mills, Engines, &c.

standing and being, or which shall be raised or made in or upon any Part of the said Level of Marshes and Fen Lands hereby directed to be embanked or drained for the Purposes hereinbefore mentioned; and that no Pond or Watering Place shall be made, cut, or continued in any of the Drains, Ditches, Sewers, or Watercourses, which shall be made or used by the said Trustees, or within the Distance of Twenty Yards from the same; and that if any Person or Persons shall at any Time or Times hereafter plant any such Trees or Hedges, or place or erect any Building, Stack or Rick, or make, cut or continue any such Ditch, Drain, Pond, or Watering Place, as aforesaid contrary to the Directions hereinbefore contained, and shall not well and effectually remove, or fill up the same within Thirty Days next after Notice in Writing for that Purpose under the Hands of Three or more of the said Trustees or their Clerk shall be given to such Person or Persons, or left at his, her or their usual Place or Places of Abode, it shall be lawful for the said Trustees by Warrant under their Hands and Seals, to cause such Trees, Hedges, Buildings, Stacks or Ricks to be removed, and such Ditches, Drains, Ponds, or Watering Places, to be filled up at the Costs, Charges and Expences, of such Person or Persons so offending as aforesaid, and by Warrant or Precept, under the Hands of any Three or more of them the said Trustees, to cause such Costs, Charges and Expences to be levied upon such Offender or Offenders by Distress and Sale of his, her or their Goods, Chattels, or Effects, rendering the Overplus of the Monies which shall be thereby levied (if any) unto the Owner or Owners thereof.

Persons maliciously destroying Works to be deemed guilty of Felony.

XXVI. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, demolish or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Sluice, Tunnel or other Work already made, or which shall at any Time hereafter be made or erected, supported, maintained or used for answering the Purposes of this Act, every Person so offending and being convicted thereof shall be guilty of Felony; and the Court before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for seven Years, or in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of petit Larceny.

Punishment of Persons damaging Works.

XXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously stop, dam up, or damage any Drain, Watercourse, Dam, Bridge, Sluice, Stile or any other Work or Works already made or erected, or which at any Time hereafter shall be making or erecting or made or erected, supported, maintained or used, for the Purposes of this Act, or shall wilfully or maliciously damage the Sluices or Tunnels to be made, erected, or laid down by the said Trustees, under the Authority of this Act, for conveying the Waters from the said Level into the Sea, by laying Boats, Ships or Vessels against the Mouths or Ends of the said Sluices or Tunnels, or fastening any such Boats, Ships, or Vessels thereto by Ropes or otherwise; or shall take, remove, and carry away any Sand, Gravel or Stones from the Sea Beach, Wall or Bank, protecting the said Level from the Sea, or shall cut or carry away any Bents or Marrums upon or from such Sea Beach, Wall or Bank, or remove or carry away any Brushwood, Heath or other Materials laid or placed in or about the same for the Purpose of strengthening or repairing

repairing such Sea-Beach, Wall or Bank, all and every Person or Persons so offending in any of the Cases aforesaid, and being thereof convicted before anyone or more of the Justices of the Peace in and for the said County of *Suffolk*, on the Oath of any one or more credible Witness or Witnesses, shall forfeit and pay any Sum not exceeding Twenty Pounds, to be levied, raised and applied in Manner hereinafter mentioned and directed, concerning the Recovery and Application of Penalties for Offences against the Provisions of this Act.

XXVIII. And be it further enacted, That the several Owners and Occupiers of the Marshes and Fen Lands hereby directed to be embanked and drained, shall and they are hereby required at all Times hereafter well and sufficiently to scour out, cleanse, deepen, widen, amend and repair the several Division and other Ditches and Drains, adjoining and belonging to their said respective Lands and Grounds, and shall also at all Times keep and maintain their said Ditches and Drains of such Depth and Width, as by the said Trustees or their Engineer or Surveyor for the Time being shall be deemed proper and sufficient; and where there shall be any Roads, Ways or Bridges over any such Ditches or Drains, shall provide and lay down and at all Times keep and maintain clear Tunnels and Waterways of sufficient Dimensions, and at a sufficient Depth under such respective Roads, Ways or Bridges; and that in case any such Owner or Owners, Occupier or Occupiers shall at any Time refuse or neglect so to scour out, cleanse, deepen, widen, amend and repair any of the said Division or other Ditches and Drains adjoining or belonging to his, her or their said Lands and Grounds, or to keep and maintain sufficient Tunnels and Waterways as aforesaid, for the Space of Fourteen Days next after Notice in Writing under the Hands of two or more of the said Trustees, or of their Engineer or Surveyor, shall be given to such Owner or Owners, Occupier or Occupiers, or left at his, her, or their usual Place or Places of Abode for that Purpose, every such Owner or Occupier shall for every such Neglect forfeit and pay the Sum of Two Shillings for every Rod of the Ditches and Drains so neglected to be scoured out, cleansed, deepened, widened, amended and repaired, and the Sum of twenty Shillings for every such Tunnel or Waterway so neglected to be laid down or maintained as aforesaid; and that it shall be lawful for the said Trustees from Time to Time, after such Neglect as aforesaid, to cause such Ditches and Drains to be well and sufficiently scoured out, cleansed, deepened, widened, amended and repaired, and such Tunnels and Waterways to be laid down and maintained as aforesaid, at the Charges and Expences of such respective Owners or Occupiers, and by Warrant or Precept under the Hands of any Three or more of the said Trustees, to levy such Forfeitures, Charges and Expences upon such respective Owners and Occupiers by Distress and Sale of their Goods, Chattels or Effects, rendering the Overplus of the Money (if any) arising from such Sale or Sales to such Owners or Occupiers respectively.

Marshes,
Ditches, &c.
to be
cleansed.

XXIX. And for raising the Money necessary for defraying the Expences incident to and attending the obtaining and passing of this Act, and the Expences of cutting, making, raising, erecting and constructing, and at all Times thereafter of supporting, altering, maintaining and repairing the several Cuts, Drains, Ditches, Dams, Walls, Banks, Tunnels, Outlets, Sluices, Bridges, Engines, Paths, Ways, Roads and other Works

Power to the
Trustees to
raise Money
for the Pur-
poses of the
Act by a
Rate.

Works by this Act authorized and directed to be made, done, and executed by the said Trustees for effecting the said Embankment and Drainage; Be it further enacted, That the said Trustees shall and they are hereby authorized and empowered, at any of their Meetings to be holden under and in pursuance of this Act, to tax and charge all and singular the said Marshes and Fen Lands to be embanked and drained by Virtue of this Act, and the Proprietors or Occupiers thereof respectively, with such Sum and Sums of Money as they the said Trustees shall from Time to Time judge necessary for the Purposes aforesaid, and to rate and assess any Proprietor of the said Marshes and Fen Lands, and the Tenants and Occupiers of the same respectively, with a reasonable and proportionate Share and Part of such Sum and Sums of Money, according and in proportion to the Number of Acres of the said Marshes and Fen Lands which each such Proprietor or Occupier shall have or be reputed to have in his, her, or their respective Use or Occupation, and to the Benefit and Improvement which they shall respectively derive from the said Embankment and Drainage, which Proportion shall be settled and ascertained in Manner hereinafter directed, concerning the same; and the Share, Part and Proportion of such Sum or Sums of Money with which every such Proprietor shall from Time to Time be so rated and charged in Manner aforesaid, shall be paid to such Person or Persons at such Place and at such Time or Times as they the said Trustees shall order, direct or appoint; and the said Trustees shall cause Twenty-one Days Notice in Writing under their Hands or the Hands of any Three or more of them of the Amount of such Rate, Charge or Assessment, and of the Place and Time or Times so ordered, directed and appointed for Payment thereof to be given to or left at the usual or last known Place of Abode of every such Proprietor, Tenant or Occupier of the said Marshes and Fen Lands respectively.

Occupiers of
Lands to pay
the Rates,
and deduct
the same
from their
Rents.

XXX. And to the end that the said Rates and Taxes may be more easily and effectually collected and received; Be it further enacted, That the Tenants and Occupiers of all and singular the Lands and Grounds which shall be assessed, rated, taxed or charged by Virtue of this Act or any Part thereof, shall and they are hereby authorized and required to pay to the Collector or Collectors or other Person or Persons for the Time being to be appointed or authorized by the said Trustees to receive the same, all such Sums of Money as shall from Time to Time be so assessed on or in respect of the Lands and Grounds so occupied by them respectively, and that it shall and may be lawful for every such Tenant or Occupier to deduct and retain the same out of his, her or their Rent or Rents; and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow all such Deductions and Payments, and every such Tenant or Occupier paying any such Rates, Taxes or Assessments shall be acquitted and discharged of so much Money as the same shall amount to, as fully and effectually as if the same had been actually paid to his, her or their Landlord or Landlords (except in Cases where there shall be any written Agreement between any such Landlords and Tenants to the contrary): Provided always, that 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 to be incurred by Means or in Consequence of the Non-payment of any of the Rates, Taxes or Assessments to be imposed by virtue of this Act.

XXXI. And

XXXI. And be it further enacted, That in case any Proprietor, Tenant or Occupier of any Lands or Grounds to be embanked or drained by virtue of this Act, shall refuse or neglect to pay his, her or their Part, Share or Proportion of any Sum or Sums of Money to be from Time to Time taxed, charged and assessed upon him, her or them, for and in respect of such Lands or Grounds or any Part thereof, at the Time and Place so to be appointed by the said Trustees for Payment thereof in Manner aforesaid, it shall be lawful for the said Trustees, by Warrant under their Hands and Seals or the Hands and Seals of any Three or more of them (which Warrant any such Three or more of the said Trustees are hereby empowered to execute as there shall be Occasion, although not assembled at any Meeting in pursuance of this Act) to cause such Sum and Sums of Money so taxed, charged and assessed as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Proprietor, Tenant or Occupier so making such Default, his, her or their Husbands, Guardians, Trustees or Attornies, wheresoever the same shall be found, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, all Costs, Charges and Expences at tending such Distress and Sale being first deducted, together with Interest at and after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Sum and Sums of Money from the Time the same shall have been directed by such Trustees to be paid as aforesaid; or otherwise to enter into and upon the Marshes and Fen Grounds belonging to or occupied by such Person or Persons so making Default as aforesaid, in respect of which such Default shall be made, and to receive and take all the Rents and Profits thereof until thereby or therewith the Sum or Sums of Money so to be taxed, charged or assessed upon him, her or them with Interest as aforesaid, and also all Costs, Charges and Expences occasioned by or attending such Distress and Entry, and the Receipt of such Rents and Profits as aforesaid, shall be fully paid and satisfied.

Power to
compel the
Payment of
Rates.

XXXII. And for better ascertaining the Benefit which the several Lands and Grounds lying within or upon the said Level shall or may respectively receive from the Embankment and Drainage intended to be effected under the Authority of this Act, and the fair and equitable Proportions of the several Rates and Taxes to be paid in respect of the same; Be it further enacted, That as soon as conveniently may be after the passing of this Act, and from Time to Time thereafter as often as Occasion shall require, all and singular the Marshes and Fen Lands lying in or upon the said Level shall be viewed by some disinterested and competent Person or Persons to be for that Purpose named and appointed by the said Trustees, which said Person or Persons shall deliver to the said Trustees, at one of their Meetings to be held by virtue of this Act, a Statement in Writing of the several Lands and Grounds in or upon the said Level, and of the respective Valuations and Proportions at which the same and the several Parts thereof respectively ought justly, in the Judgment of such Person or Persons, to be rated, taxed and charged by the said Trustees according and in Proportion to the Benefit which such Lands and Grounds and the several Parts thereof respectively will receive from the Embankment and Drainage intended to be effected under the Authority of this Act; which said Statement shall be signed by the Person or Persons making the same, and shall be verified by him upon Oath at One of the Meetings of the said Trustees (any One of whom is hereby empowered to administer such Oath;) and the said Statement being

Mode of
making Af-
fessment pre-
scribed.

so signed and verified shall be final, binding and conclusive; and all and singular the said Lands and Grounds in or upon the said Level, and the respective Owners and Occupiers thereof, shall at all Times hereafter be rated, taxed and charged with such proportionate Rates, Taxes and Assessments by the Acre for and in respect of the said Lands and Grounds and the several Parts thereof, as shall in such Statement be stated and adjudged to be justly due and payable for and in respect of the same and the several Parts thereof respectively.

Lands to be surveyed.

XXXIII. And be it further enacted, That the said Trustees shall or 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 Rates or Taxes, and the exact Quantity belonging to each particular Person, and to pay the Expenses attending such Survey, Admeasurement and Map out of the Monies to be raised by the said Trustees 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 upon the Lands and Grounds of any Person or Persons whomsoever for that Purpose; and such Survey, Admeasurement and Map when so made, shall be delivered to the said Trustees at one of their Meetings, to be held in pursuance of this Act, and verified upon the Oath or Affirmation of the Person or Persons making the same, (which Oath or Affirmation any one of the said Trustees is hereby authorized to administer,) and such Survey, Admeasurement and Map when so verified, shall be a sufficient Rule and Authority to the said Trustees by which to assess, make and collect the said Rates and Taxes, and shall be binding on the several Persons charged with the Payment thereof; and such Survey, Admeasurement and Map being signed by the Person or Persons making the same, and also by any Three or more of the said Trustees, shall be allowed as good Evidence in any of His Majesty's Courts of Law or Judicature, and in all Cases whatsoever.

High Lands not to be rated.

XXXIV. Provided always, and be it enacted, That no Tax, Rate or Assessment shall be made, collected or levied upon or in respect of any of the said Marshes and Fen Lands, being High Lands, which have not been and are not subject to Inundation, or to be otherwise annoyed by Flood Water; and that if any Dispute or Question shall arise as to whether any of such Lands shall or shall not be deemed High Lands or subject to Inundation, or to be otherwise annoyed by Water, the same shall be determined by the View and Opinion of the Person or Persons to be named and appointed by the said Trustees for the ascertaining and settling the Valuations or Proportions by which the several Lands and Grounds in and upon the said Level are to be taxed and charged as aforesaid.

Power to Proprietors under any Disabilities to borrow Money.

XXXV. And be it further enacted, That it shall and may be lawful for the Husbands, Guardians, Committees, Trustees or Attornies of any of the said Proprietors of the said Marshes and Fen Lands or any Part thereof, being under Coverture, Minors, Lunatics or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for every or any of the said Proprietors being Tenants in Tail or for Life only for the Time being, to charge their

their said Marshes and Fen Lands which shall be embanked and drained under or by virtue of this Act with such Sum and Sums of Money as they shall be respectively taxed with and required to pay to the said Trustees for or towards the defraying the Charges and Expences of passing this Act and carrying the same into Execution, and for embanking and draining the said Marshes, until such Embankment and Drainage shall be completed; and for securing the Repayment of all and every such Sum or Sums of Money with Interest, to grant Mortgage, Lease, Demise or Surrender, or otherwise subject the said Lands hereinbefore directed to be embanked and drained, belonging to them respectively, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively for any Term or Number of Years or in Fee, according to the Natures and Tenures of such respective Estates, so as every such Grant, Mortgage, Lease, Demise or Surrender be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured with the Interest thereof shall be fully paid and satisfied; and so as every such Grant, Mortgage, Lease or Demise do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to any such Lands shall not be liable upon his, her or their becoming possessed thereof to the Payment of any further or larger Arrear or Interest than for Six Calendar Months preceding the Time that his, her or their Title to such Possession shall have commenced.

XXXVI. Provided always, and be it further enacted, That in case any of the said Lands or Grounds hereby directed to be embanked and drained as aforesaid shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found or made for levying the said Rates and Assessments so to be rated and assessed in respect thereof as aforesaid, then the Lands and Grounds chargeable therewith shall remain a Security for Payment of such Rates and Assessments, and all Goods, Chattels and Cattle which shall at any Time thereafter be found thereon, shall and may be distrained and sold in Manner aforesaid, until such Rates and Taxes and all Arrears thereof, and the Charges incident to such Distress and Sale be fully paid and satisfied.

Lands unoccupied to remain a Security for the Rate.

XXXVII. And be it further enacted, That for the more effectual Execution of this Act, all and singular the Sewers, Ditches, Drains, Water-courses, Sloices, Tunnels, Walls, Banks, Dams, Engines and all other Works, Matters and Things whatsoever within or upon the said Level of Marshes and Fen Lands hereby directed to be embanked and drained now already made, or to be made under and by virtue of this Act, shall from and immediately after the Passing hereof be subject only to the Controul, Direction, Survey, Order and Jurisdiction of the said Trustees, and not to the Controul, Direction, Survey, Order or Jurisdiction of any Commission of Sewers whatsoever, any Law or Statute to the contrary thereof notwithstanding.

Lands not to be subject to any Commission of Sewers.

XXXVIII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes and other Proceedings whatsoever relating to or concerning the Execution of this Act, no Person or Persons shall be prevented from giving his, her or their Evidence, or be deemed or taken to be an incompetent Witness or Witnesses on account of his, her

Owners and Occupiers of Lands not to be incompetent Witnesses, &c.

or

made in the Fiftieth Year of the Reign of King George the Third, intitled [*here set forth the Title of this Act*] and I [*or we*] the said Justice or Justices do adjudge him, [*her or them*] to forfeit and pay for the same the Sum of *£* *Given* under my Hand and Seal [*or our Hands and Seals*] the Day and Year aforesaid.

XLII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate shall think himself, herself or themselves aggrieved by any Thing done or omitted to be done in Pursuance of this Act (other than and except as to such Claims, Matters and Things as are to be ascertained, settled, tried or determined by the Verdict of a Jury under the Power and Authority hereinbefore contained, and except such Cases wherein by any of the Provisions or Clauses of this Act, the Determinations, Orders, Acts or Proceedings of the said Trustees are declared and directed to be final and conclusive), then and in every such case he, she or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Suffolk* within Four Calendar Months next after such Cause of Complaint shall have arisen, on giving to the Clerk of the said Trustees Ten Days' Notice in Writing of such Appeal and the Grounds thereof, and the Justices, or such of them as shall not be interested in the Matter of such Complaint at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Power to Appeal to the Sessions.

XLIII. And be it further enacted, That no Order, Determination, Judgement, Conviction, Warrant or other Proceeding to be had, made, signed or executed touching the Conviction of any Offender or Offenders against this Act, or any Order, Rate or Assessment to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari* or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Statute, Law or Usage to the contrary thereof notwithstanding.

Proceedings not to be quashed for want of Form.

XLIV. And be it further enacted, That where any Distress shall be made for Recovery of any Tax, Rate, Assessment or Sum of Money to be levied by virtue and under the Authority of this Act, the Distress it-

Distresses not to be deemed unlawful for want of Form.

self shall not be deemed unlawful; nor the Party or Parties making the same be deemed a Trespasser, or Trespassers on Account of any Defect or Want of Form in the Rate or Assessment so to be made, or in the Information, Summons, Conviction, Warrant, Distress or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done or committed by the Party or Parties to distraining; but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained by him, her or them, by or in Consequence of such Irregularity in an Action upon the Case.

Limitation of Actions.

XLV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done or omitted to be done by virtue or in pursuance of this Act, until after Thirty Days Notice thereof in Writing signed by the Party or Parties aggrieved shall have been given to the Party or Parties complained of, or left at his or their last or usual Place or Places of Abode, thereby setting forth the Cause of such Action or Suit, nor after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons for any Thing done in pursuance of this Act shall be brought and laid in the said County of *Suffolk* and not elsewhere; and if upon the Trial of such Action or Suit it shall appear that such Action or Suit shall have been brought before the Expiration of Thirty Days next after such Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereinbefore limited for bringing the same, or be brought or laid in any other County than the said County of *Suffolk*; then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict or Verdicts shall be found for the Defendant or Defendants in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs; then and in every such Case the Defendant or Defendants shall recover double Costs against such Plaintiff or Plaintiffs, and shall and may have such and the like Remedy for recovering the same as any Defendant or Defendants now hath, or have, or can or may have for recovering Costs of Suit in any other Case by Law.

Saving of Manorial Rights.

XLVI. Provided always, and be it further enacted and declared, That nothing herein contained shall extend or be construed to extend to defeat, prejudice or affect the Rights, Royalties, and Liberties of any Lord or Lords, Lady or Ladies of any Manor or Manors within the Jurisdiction or Limits whereof respectively the Lands and Grounds hereby directed to be embanked and drained or any Part thereof are or is situated, so as the Exercise of such Rights, Royalties and Liberties shall not obstruct or hinder the Execution of this Act.

XLVII. And

50° GEORGII III. Cap. 81.

1911

XLVII. 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. Act to be deemed a Publick Act.

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