



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 177.

An Act for more effectually draining and preserving certain Fen Lands, and Low Grounds, in the Parishes of *Stoke Ferry, Northwold, Wretton, Wereham, West Dereham, Roxham, Fordham, Denver, Downham Market, Wimbotsham, and Stow Bardolph,* in the County of *Norfolk.* [28th June 1814.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His present Majesty, intituled *An Act for draining and pre- 11 G. 3. c. 72*
serving certain Fen Lands and Low Grounds, in the Parishes of
Stoke Ferry, Northwold, Wretton, Wereham, West Dereham, and
Roxham, in the County of Norfolk, whereby certain Commissioners were appointed for draining and preserving the Lands therein mentioned and described; that is to say, from *Skipwith Corner,* parting the Parishes of *Fordham* and *Roxham,* North of the River *Wiffey,* and from thence by the North Side of the said River *Wiffey* Eastward, to a certain River called *String* or *Orton River,* leaving *Thomas Goddard's, Merchant's Yard Granary, Public-house, Garden, and Two Fish Ponds,* all lying near *Stoke Bridge,* on the South, and so on by the West Side of the said *String River* Northward to *Orton Dam,* and so along the South Side of Lands called *Orton Hills,* straight across to the East End of *Roomer Drove,* and so along the South Side of *Roomer Drove* to the Turnpike Road, and across the said Turnpike Road along the said South Side of *Roomer Drove* to a certain other Road, lately leading from *Wereham* and *Stoke* to *Oxborough,*
[*Loc. & Per.*] 37 G by

by a certain Place called *The Clay Pitts*, and from thence along the South Side of the said last-mentioned Road, called *The Old Oxborough Road*, to the North End of a certain Drove Way, near *Creeke's Close*, and from thence along the North East Side of the said Drove Way to another Part of the said Turnpike Road, and so along the South East Side of the same Turnpike Road, proceeding South West to the Turnpike House, and so across the *London Road* to the South Side of *Thomas Goddard's* Fish Pond Close, and so round the South and West Sides of the said Fish Pond Close to a Drove Way by the House of *Smith*, standing on the great Road from *Stoke* to *Wretton*, and then along the said last Road to a Drove Way, leading from *Stoke* to *Stoke Fen-house*, and so along the South East Side of the said last Drove to *Stoke Fen-house*, and from *Stoke Fen-house* along another Drove leading South West to a certain Drove Way, called *Ling Drove*, and so along the South Side of the said *Ling Drove* to the Road leading from *Wretton Fen-house* to the *Red Lion* at *Wretton*, and along the West Side of the said last Drove or Road to the low Road leading from *Stoke* to the new Bridge at *Dereham Abbey*, and so along the South Side of the said last-mentioned Road to the said new Bridge, upon the East Mote of *Dereham Abbey*, and from thence by the Side of the East and South Mote to the South West Corner of the said Mote, and from thence by the Side of a Ditch at the South End of the Twenty Acres of *Sir Simeon Stuart*, and along the said Ditch Southward, to the East End of a small Drove, and so along the said small Drove to the *Smea Drove*, and along the *Smea Drove* Westward to another Drove called *The Fifty Acre Drove*, and along the said *Fifty Acre Drove* Northward to another Drove called *Hall Close Drove*, and along the said *Hall Close Drove* Westward to the Driftway leading from the said Drove through the Lands of *Thomas Shorton* and *Rolfe*, to *Sir Simeon Stuart's* Forty Acres, and along the said Driftway to the said *Sir Simeon Stuart's* Forty Acres, and so along the Division Ditch parting *Bassil Farm* and the said Forty Acres, to the Corner of *Roxham* Boundary, and so along a Serpentine Ditch parting *Bassil Farm* and the Lands of *Pratt*, in *Roxham*, called *Pott's Piece*, to the South West Corner of the said *Bassil Farm*, and so straight across the said *Pott's Piece* Westward, to a Serpentine Ditch the North Side of *Pratt's* Lands, called *The Delves*, and so along the said Ditch Westward to a certain Place called *The Green*, and along the same Ditch at the North Side of the said *Green* Westward, to the Division Ditch between *Fordham* and *Roxham*, and from thence by the West Side of the said last-mentioned Division Ditch Southward to the River *Wiffey* by *Skipwith* Tunnel; and the said Fen Lands and Low Grounds, and all and every the respective Owner and Owners, Occupier and Occupiers thereof, were thereby rated, assessed, taxed, and charged, with the yearly Sum of Two Shillings *per* Acre, to be applied for the Purposes of the said Act; and Power was thereby given to the said Commissioners to borrow and take up at Interest any Sum or Sums of Money they should think necessary, for the making, carrying on, repairing, and preserving of the said Works, and other the Purposes of the said Act, and to assign over the said Rates and Taxes as a Security for Re-payment of the same, with Interest: And whereas the Commissioners appointed in or by virtue of the said Act, have from Time to Time proceeded in the Execution of the same, and have borrowed and taken up at Interest divers Sums of Money, amounting together to the Sum of One thousand seven hundred and twenty-five Pounds,

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 the said Sums: And whereas the Rates and Taxes, granted by the said Act, are insufficient for the Payment of the Interest 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 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 it is expedient that the said Act should be repealed, and further and other Powers granted instead thereof: And whereas it would tend to facilitate the Drainage of the said Lands, comprized within the Boundary of the said recited Act, if certain other Fen Lands and Low Grounds lying within the said several Parishes of *Fordham, Denver, Downham Market, Wimbotsham, and Stow Bardolph*, were included in and taken to be Part of the Lands to be comprized within this Act: And whereas the said Fen Lands and Low Grounds, lying within the said several Parishes of *Stoke Ferry, Northwold, Wretton, Wereham, West Dereham, Roxham, Fordham, Denver, Downham Market, Wimbotsham, and Stow Bardolph*, contain in the whole Three thousand six hundred Acres, or thereabouts, and are bounded as follows; *videlicet*, from a certain Place in the said Parish of *Stoke Ferry*, called *Orton Dam*, and from thence by the North Side of and near to the River *Wissay* or *Stoke River*, leaving *Thomas Salmon's* Public-house, Garden, Merchants' Yard Granaries, and the Two Fish Ponds, formerly of *Thomas Goddard*, and now of the said *Thomas Salmon*, all situate and being near *Stoke Bridge* on the South, and so on by the North Side of the said River *Wissay*, or *Stoke River*, to *Hilgay Bridge*, and from thence along the North and North East Sides of the Bank of the said River *Wissay*, or *Stoke River*, to a certain Place called *Hilgay Creek's End*, and adjoining the River *Ouze*, and then along the Bank of the said River *Ouze* to the Stone Bridge at *Denver*, and from thence along the East Side of the Bank of the said *Ouze* River, to a certain Place called *Stow Fall*, and from the said Place called *Stow Fall*, in a Northerly Direction, until it adjoins the Road leading from *Stow Bridge* to the Village of *Stow Bardolph*, and from thence in an Easterly Direction along the said Road to the Uplands of *Stow Bardolph*, and from thence in a South and South Easterly Direction along the Skirts of the Uplands of *Stow Bardolph, Wimbotsham, Downham Market, Denver, Fordham, Roxham, West Dereham, Wereham, Wretton, and Stoke Ferry* aforesaid, to the said Place called *Orton Dam*: And whereas great Improvement might be made in the Drainage of the whole of the said Fen Lands and Low Grounds, by opening, scouring out, and cleansing a certain Drain or Cut, called *Roxham Drain*, beginning at a certain Place called *Gravel-House Bridge*, and proceeding from thence along the said *Roxham Drain*, to a certain other Drain or Cut called *Saint John's Eau*, and extending from thence in the old Line or Direction of the said last-mentioned Drain or Cut, until it enters into the said River *Ouze* at the said Place called *Stow Fall*, and also by making a Heading or Catch Water Drain along the Skirts of the High Lands in the said several Parishes

of *Stoke Ferry, Wretton, Wereham, West Dereham, Roxham, and Fordham*, or in such Parts thereof as shall be thought requisite; and if proper Sluices and Bridges were erected, and other Works executed for improving and preserving the said Drains or Cuts, and for facilitating the Passage of Flood Waters through the same to Sea: 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 all the said Fen Lands and Low Grounds lying within the Boundaries herein-before last-mentioned and described; but the Lands and Grounds lying within the Boundary of the said recited Act shall nevertheless be and are hereby declared to be subject and liable to the Payment of all the Monies which have been borrowed, and are now due and owing on the Credit or on account of the said former Act.

Act repealed.

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

II. 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 Politic, 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.

Appointment of Commissioners.

III. And be it further enacted, That the Lord or Lords, Lady or Ladies for the Time being of the several Manors of *Kavenham, Stoke, Wereham, and Wretton, Wereham Hall in Wereham, Iron Hall in Wereham, Stoake and Wretton, West Dereham, Curples in West Dereham, Fordham, East Hall in Denver, West Hall in Denver, Stow Bardolph, Wimbotsham* with its Members, *Ingoldesthorpe and Carrow in Downham Market, Wimbotsham and Stow Bardolph*, and their Stewards respectively, for the Time being, and all and every Person who for the Time being, shall be *bonâ fide* seized or possessed in his own Right, or in the Right of his Wife, or as Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, of Ten Acres of the Fen Lands and Low Grounds subject to be taxed by virtue of this Act, shall be a Commissioner for the Purposes of carrying this Act into Execution; provided that if there be more than One Trustee, Committee, or Guardian for any such Feme Covert, Lunatic, Minor, or other incapacitated Person, only One of such Trustees shall act at the same Time as a Commissioner in Right of such Feme Covert, Lunatic, Minor, or other incapacitated Person respectively.

Appointment of Deputy Commissioners.

IV. And be it further enacted, That every Person who shall be *bonâ fide* seized or possessed as aforesaid of One hundred Acres of the Lands and Grounds subject to be taxed by virtue of this Act, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, a Commissioner for executing this Act, during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seized

seized or possessed as aforesaid; but the Steward of any Lord or Lords, Lady or Ladies of any Manor or Manors, or such Deputy Commissioners, shall act only in the Absence of such Lord or Lords, Lady or Ladies, or of the Person by whom such Appointment shall have been made.

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

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

VI. And be it further enacted, That no Person shall be capable of acting as a Commissioner in his own Right in the Execution of this Act, except in administering the Oath or Affirmation herein-after directed, until he shall have taken the Oath or Affirmation following :

Commissioners in their own Right to take an Oath.

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

VII. And be it further enacted, That no Person to be appointed a Deputy Commissioner by virtue of this Act shall act as a Commissioner in the Execution thereof, until he shall have taken the Oath or Affirmation following :

Deputy Commissioners to take an Oath.

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

VIII. And be it further enacted, That it shall and may be lawful for any One of the Commissioners appointed, or to be appointed by virtue of this Act, to administer any of the Oaths or Affirmations herein-before directed.

Oath or Affirmation to be entered among the Proceedings.

directed to be taken, and that a Note or Minute of every such Oath or Affirmation shall be made by the Clerk to the said Commissioners, and shall be entered among the Proceedings of the Meetings at which the same shall respectively have been made; but no Person holding the Place of Engineer, Superintendant, Treasurer, Clerk, Surveyor, or Collector, or any other Place of Profit under the said Commissioners shall act, or be qualified to act as a Commissioner, or to appoint a Deputy or Deputies under this Act.

Penalties on acting without being qualified.

IX. Provided always, and be it further enacted, That if any Person or Persons not being qualified as required by this Act shall act as a Commissioner or Commissioners in the Execution of this Act, or if any Person or Persons, not being so qualified, shall appoint any Deputy or Deputies to act as a Commissioner or Commissioners in the Execution of this Act, every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds, to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*; by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed; and in any such Action or Suit, it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act; and a Verdict shall be found against such Defendant, unless he shall prove in his Defence, that he was at the Time of his so acting, or appointing a Deputy, properly qualified to act, or to appoint a Deputy, according to the true Intent and Meaning of this Act.

Meetings of Commissioners.

X. And be it further enacted, That the First Meeting of the said Commissioners shall be holden at the *Castle Inn* in *Downham Market* aforesaid, on the Third *Wednesday* next after the passing of this Act, at Eleven of the Clock in the Forenoon; and that the said Commissioners shall hold, and they are hereby required to hold Two General Meetings in every Year, *videlicet*, One of the said Meetings to be holden on the First *Wednesday* in the Month of *April*, at some Public House or Inn in the Parish of *Stoke Ferry* aforesaid, and the other of such Meetings to be holden on the First *Wednesday* in the Month of *October*, at some Public House or Inn in the Parish of *Downham Market* aforesaid.

Five Commissioners to execute this Act.

XI. And be it further enacted, That at any Meetings of the said Commissioners to be holden by virtue of this Act it shall be lawful for any Five or more of the said Commissioners to proceed and execute the Powers given to them by this Act, and also to adjourn from Time to Time, and Place to Place, as they shall think necessary, such Adjournments to be once advertised in the Newspaper called *The Norfolk Chronicle*, or in some other public Newspaper usually circulated in the said County of *Norfolk*; but in case it shall happen that Five of the said Commissioners shall not be present at the First or at any such General or Adjourned Meeting, then and in such Case, the Clerk to the said Commissioners shall and may adjourn the Meeting to the same Place, and to any Time not exceeding One Calendar Month next after the Day when the said Meeting ought to have been held, and shall cause public Notice to be given of such Adjournment, by advertising the same in Manner aforesaid, and so adjourn, from Time

In case Five Commissioners shall not be present the Clerk may adjourn, &c.

to Time, until Five or more of the said Commissioners shall meet and be present at one Time; and the said Commissioners or any Five or more of them, although not assembled at a Meeting, are hereby empowered and authorized at any Time or Times to appoint Special Meetings of the said Commissioners for putting in Execution all or any of the Powers hereby in them vested, at such Time as they shall think proper, alternately at *Downham Market* and *Stoke Ferry* aforesaid, by Writing under their Hands to be affixed upon the principal Outer Doors of the respective Parish Churches of the Lands lying within the Boundary of this Act, at least Eight Days before such Meeting, of the Time and Place which shall be appointed for such Special Meeting, in which Advertisement the Business intended to be considered shall be stated, and at which Meetings any Five or more of the said Commissioners are hereby empowered to adjourn to such Time as they shall think proper, such Adjournment of such Special Meeting to be holden at the same Place at which such Special Meeting was appointed to be held; and all Orders and Proceedings of the said Commissioners, at every Meeting, shall be entered in a proper Book to be kept for the Purpose thereof, and shall be signed by the Commissioner who shall be Chairman of the Meetings, and such Entries shall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatsoever; and the Commissioners present at every Meeting shall and may choose a President or Chairman, who, in case of an Equality of Votes on any Question, shall have another and a casting Vote.

XII. 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. Expences of Meetings.

XIII. 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 Seven 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.

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

XV. And

Treasurers,
Collectors,
and other
Officers to
keep Ac-
counts.

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

Officers re-
fusing to ac-
count, &c.

XVI. And be it further enacted, That in case any of the said Treasurers, Collectors, or other Officers, or any other Person or Persons employed or entrusted by the said Commissioners, shall refuse or neglect to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of their respective Accounts, according to the Directions of the said Commissioners, then and in every such Case it shall be lawful, upon the Complaint of any One or more of the said Commissioners, for any One or more of the Justices of the Peace for the said County of *Norfolk*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account, or to pay the Money due upon the Balance of his or their Account or Accounts as aforesaid, such Sum or Sums of Money as he or they shall have been so required to account for, or as shall have been found or shall appear to be due upon the Balance of his or their Account or Accounts, before such Justice or Justices; and for want of sufficient Distress, it shall and may be lawful for any One or more of such Justices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of the County aforesaid, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account, and shall have paid such Monies as shall appear to be remaining in his or their Hands on the Balance of his or their Account or Accounts, or otherwise, to the said Commissioners, or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money (which Composition Money they the said Commissioners are hereby authorized and empowered to take and accept), or the said Commissioners may bring, and they are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against such Officer or Officers, or other Person or Persons so refusing and neglecting or making Default as aforesaid, and against all and every such Person and Persons as shall become his or their Surety or Sureties, for the Recovery of the Monies that shall be due from such Officer or Officers, or other Person or Persons respectively, and upon such Security or Securities as shall have been given or entered into by them respectively;

respectively; and where any Clerk, Treasurer, Collector, or other Officer or Person, employed by the said Commissioners as aforesaid, shall neglect or refuse to deliver up to the said Commissioners all Books, Vouchers, and Papers, in his Custody, relating to any Proceedings or Accounts of the said Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of any One or more of the said Commissioners, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in the County aforesaid, there to remain without Bail or Mainprize, until he or they shall have delivered up to the said Commissioners all such Books, Vouchers, and Papers as aforesaid: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall by virtue of this Act be detained in Prison for any longer Time than Three Calendar Months.

XVII. And be it enacted, That the said Commissioners, or any Five or more of them, shall, and they are hereby authorized and empowered to erect, make, and put up all such Sluices, Gates, Pointing Doors, Ebb Doors, or other Works, in the said Drain or Cut called *Saint John's Eau*, at the lower End thereof, at a Place called *Stow Fall*, as in the Judgment of the said Commissioners shall be found requisite; and the said Commissioners are hereby required to open, scour out, cleanse, and deepen the said Drain or Cut called *Roxham Drain*, beginning at a certain Place called *Gravel House*, and proceeding from thence along the said *Roxham Drain*, to the said Drain or Cut called *Saint John's Eau*, and extending from thence in the old Line or Direction of the said last mentioned Drain or Cut, until it joins and empties itself into the said River *Ouze*, at the said Place called *Stow Fall*, and from thence in a Northerly Direction towards *Stow Bridge*, as far as the said Commissioners shall think necessary for draining the Lands lying on the North Side of *Gool Pit Drove*, and likewise to make a certain Heading or Catchwater Drain along the Skirts of the high Lands in and through the said several Parishes of *Stoke Ferry, Wretton, Wereham, West Dereham, Roxham* and *Fordham*, and to fall into and unite with the said *Roxham Drain*, at or near the said Place called *Gravel House*; and all Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works heretofore made or erected by virtue of the said recited Act, and all Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, which shall hereafter be made or erected by the Commissioners, 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 Cuts, Drains, Banks, Bridges, 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 Low Grounds; 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 Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, or other Works as aforesaid, or which they the

Commissioners Power to make Works.

faid 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, 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: Provided always, that the said Commissioners shall not at any Time hereafter have any Power or Authority to continue, make, or use any Cut or Drain in or through any of the Fen Lands and Low Grounds in *Roxham* aforesaid, except the said Heading or Catch Water Drain, but that all the Waters of and coming from the said Parishes of *Stoke Ferry, Northwold, Wretton, Wereham, and West Dereham*, shall be conveyed and carried off by the said Heading or Catch Water Drain herein-before directed to be made along the Skirts of the High Lands in *Roxham and Fordham* aforesaid.

To stop up
the upper
End of *Rox-*
ham Drain.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, when and so soon as the said Heading or Catch Water Drain shall be made and completed, to turn the Waters out of the said Drain called *Roxham Drain*, at or near a Place which divides the said Parish of *Roxham* from the said Parish of *West Dereham*, into the said Heading or Catch Water Drain; and also to dam or stop up the said *Roxham Drain*, at or near the said Place which divides the said Parish of *Roxham* from the said Parish of *West Dereham*, so as to prevent the Waters running into or through the said *Roxham Drain* across the said Fen Lands and Low Grounds in *Roxham* aforesaid.

Reserving
Rights and
Property of
the *Bedford*
Level Corpo-
ration.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall vest in the said Commissioners any of the Drains, Cuts, Banks, Forelands, Rights, or Property, now vested in, possessed by, belonging to, or under the Care or Authority of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, or of the Governor, Bailiffs, and Conservators of the said Corporation, or shall vest in the said Commissioners any Part or Parts of the said Drain or Cut called *Saint John's Eau*, or of the Banks, Forelands, or Sluices thereof, but that the Right, Interest, and Property in and to the whole of such Cuts, Drains, Banks, Forelands, and Sluices, or other Works, shall remain, continue, and be as if this Act had not passed.

Commission-
ers not to
have any
Power over
the Works of
the *Bedford*
Level Corpo-
ration, in
Opposition to
any Orders
made by the
Corporation.

XX. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners, or any of them, to make any Order or Orders, or execute any Order or Work, or complete any Work before begun, or do any Act or Acts contrary or in Opposition to or in any respect varying from any Order or Orders that shall be made either before or after, by the Governor, Bailiffs, and Conservators of the *Bedford Level Corporation*, or of any Five or more of them, whereof the said Governor or Bailiffs, or any of them, to be Two, touching or relating to any of the
Rivers,

Rivers, Sewers, Drains, Wear Dikes, Sluices, Tunnels, Bridges, or other Works, Banks, and the Front and Back Forelands thereof, now vested in, possessed by, belonging to, or under the Care or Authority of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, or of the said Governor, Bailiffs, and Conservators of the said Corporation.

XXI. Provided also, and be it further enacted, That nothing hereinbefore done by the Commissioners under the said recited or hereafter to be done under this present Act, shall at any Time or Times exclude or prevent the Governor, Bailiffs, and Conservators of the *Bedford* Level Corporation, or any Five of them, whereof the said Governor or Bailiffs, or any of them, to be Two, or the Owners or Occupiers, or other Persons interested in the Drainage of the South Level, under the Order and Direction of the said Governor, Bailiffs, and Conservators of the said Corporation, or any Five of them, whereof the said Governor or Bailiff to be Two, from making, altering, converting, or using the said Drain or Cut called *Saint John's Eau*, and the Sluice or Sluices from the *Ouze*, into or out of the same, for the general Drainage of the Lands in the South Level, or for passing the Waters of the *Ouze*, above *Denver Sluice*, into the *Ouze* through *Saint John's Eau*, as they shall think proper, or to prevent or hinder the said Governor, Bailiffs, and Conservators, or any Five of them, whereof the Governor or Bailiffs to be Two, or the said Owners, Occupiers, or Persons interested in the Drainage of the South Level as aforesaid, under the Order and Direction of the said Governor, Bailiffs, and Conservators of the said Corporation, or any Five of them, whereof the said Governor or Bailiffs to be Two, from removing Obstructions, or altering any of the Works of the said Commissioners, which may obstruct, hinder, or prejudice the said Drainage of the South Level, or the Discharge of the Waters of the *Ouze*, above *Denver Sluice*, through *Saint John's Eau* as aforesaid, or to subject the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, or the Governor, Bailiffs, and Conservators of the said Corporation, or the said other Person or Persons acting under the Order and Direction of the said Governor, Bailiffs, and Conservators of the said Corporation, to any Charges, Expences, or Damages for what they may do in removing, taking away, or altering any of the said Works, or for any Obstruction or Alteration which may then be necessary or occasioned to the Drainage of the said Fen Lands and Low Grounds to be drained under and by virtue of this Act.

Reservation of Rights, in case *Saint John's Eau* should be used for passing the Waters of the *Ouze*, or the Down-fall Waters on the South Level.

XXII. And be it further enacted, That if by the making of the said intended Heading, or Catchwater Drain, any public or private Road or Way, or the Passage of any Person or Persons, to or from his, her, or their Lands or Grounds, with Cattle or Carriages, shall be obstructed, prevented, or interrupted, the said Commissioners shall, and they are hereby required, before, or as soon as may be after, such Road, Way, or Passage shall be obstructed, prevented, or interrupted, to cause in lieu thereof proper and convenient Roads to be set out and made, and proper Bridges to be made, erected, and set up, and to defray the Expences of making such Roads, and of erecting and making such Bridges, and for ever hereafter keeping the same in Repair, out of the Monies to be raised

Bridges to be made over Drains, and Roads set out.

by the Rates or Taxes upon the Lands and Grounds to be rated or taxed by virtue of this Act.

Bridge over Saint John's Eau to be maintained by Commissioners so long as they use the said Drain.

XXIII. And be it further enacted, That if the said Drain or Cut called *Saint John's Eau*, should, at any Time, be used for the Drainage of the general downfall Waters of the South Level, or for the Passage of the Waters of the *Ouze* above *Denver Sluice*, through the said Drain or Cut, that then and so long as the said Drain or Cut shall be so used, the Bridge over the same at *Downham Market* shall not be repaired or maintained by the said Commissioners, but shall be repaired and maintained by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, or by the said Governor, Bailiffs, and Conservators, or by the Owners and Occupiers of the Lands of the South Level, or others interested in the Drainage of the same, or by the County, as the Obligation to repair the same shall be, but that until that Time the Repairs and Maintenance of the said Bridge shall belong to and be a Charge upon the said Commissioners, unless the County shall be or be found liable to the Repairs thereof.

Lands now embanked and drained by Mills to remain so.

XXIV. And be it further enacted, That so much of the said Fen Lands and Low Grounds, as are now embanked and drained by the Owner or Owners thereof, by Means of private Mills or Engines, shall and may remain and continue so embanked and drained at the Expence of such Owner or Owners.

Private Mills may be erected.

XXV. And be it further enacted, That it shall be lawful for any Owner or Owners of the said Fen Lands and Low Grounds comprised in this Act, at any Time or Times hereafter, to build and erect, or repair any Mill or Mills, Engine or Engines, as have been or shall be built or repaired, or to make any Bank or Banks upon such Part of their own Lands they may think proper for better draining the said Lands, and to throw the Waters thereof into the said River *Wiffey* or *Stoke River*, or into the said Drain called *Roxham Drain*, or into the said Heading or Catch Water Drain, or into the said Drain or Cut called *Saint John's Eau*, as they may find most expedient; but that the Expence of erecting such Mill or Mills, Engine or Engines, Bank or Banks, and of working and keeping the same in Repair, shall be borne and paid by the Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in the Lands and Grounds to be drained thereby: Provided always, that in case any Mill or Engine shall at any Time hereafter be erected at or near the said Place called *Gravel House*, or any other Place, for the Purpose of draining the Lands lying between the Turnpike Road leading from *Fordham* to *Hilgay* and *Gravel House*, that then the Land belonging to *Anthony South Canham*, situate there, shall be included in the said Drainage, and that the Expence of building the said Mill or Engine, and of working and keeping the same in Repair, shall be borne and paid by the Owners of the Land to be drained thereby by an equal and proportionate Acre Tax; and provided also, that no Bank shall be made by *Edward Roger Pratt* Esquire, upon his Lands lying on the North Side of *Gravel House Bridge*, that may obstruct the Passage of the Waters from the Land belonging to the said *Anthony South Canham*, which adjoin the Lands of the said *Edward Roger Pratt*, but that the
Waters

Waters shall be permitted to pass from the said Lands of the said *Anthony South Canham*, in the same Course they have heretofore been used to do.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower any of the said Owner or Owners of any Banks or Mills now standing or used, or any that may hereafter be erected or built by any Person or Persons under and by virtue of this Act, upon any of the Banks, Drains, or Rivers now vested in, possessed by, or belonging to or under the Care or Authority of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, or of the Governor, Bailiffs, and Conservators of the said Corporation, to continue, erect, make, or use any such Bank or Mills, except subject to the same Provisions, Orders, Powers, and Authorities, as are above contained, as to the Orders, Powers, and Authorities of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens; or of the Governor, Bailiffs, and Conservators of the said Corporation; over the Orders and Works of the Commissioners appointed under and by virtue of this Act.

Proviso as to such Mills built on Corporation Banks.

XXVII. 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.

XXVIII. And be it further enacted, That if, in making the said Heading or Catch-water Drain, any Piece or Parcel of Land shall be cut through and divided, so that what shall be left on each or either Side of the said Drain shall be less than One Acre in Quantity, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Drain, then and in every such Case the said Commissioners shall, if required by the Owner or Owners thereof, take and purchase the said Piece or Parcel, or Pieces or Parcels of Ground, so to be left on each or either Side of the said Drain, being less than One Acre in Quantity, and shall pay for the same after the same Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Heading or Catch-water Drain, provided the Owner or Owners, or the Person or Persons entitled to the Possession, or to the Rents and Profits of such small Piece or Parcels of Ground respectively, shall require the said Commissioners to take and purchase the same, but not otherwise.

Commissioners to purchase small Pieces of Land.

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

XXIX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on the Behalf of themselves, their Heirs and Successors, and also for and on the Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights, and for any Person or Persons whose Lands shall be limited in strict or other Settlement, and to and for all and every other Person and Persons whomsoever, who shall be seised, possessed of, or interested in any such Lands or Hereditaments, and they are hereby authorized and empowered to contract for, sell, and convey unto the said 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 Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they, or any of them, shall do in pursuance of this Act; and all such Person or Persons to whom any such Lands or Hereditaments shall be conveyed, and his and their Heirs shall stand seised thereof in Trust, and for the Purposes of this Act, and convey and dispose of the same, from Time to Time, as the said Commissioners shall direct or appoint.

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

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

or

or Places of Abode of the principal Officer or Officers of any such Body Politic, Corporate, or Collegiate, or at the last or usual Place or Places of Abode, of such Party or Parties, or any of them respectively, or at the last or usual Place or Places of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Lands, Tenements, or Hereditaments, or the Amount of the Damages or Injury sustained, will be adjusted and settled by a Jury, at the said Sessions, or at some Adjournment thereof; and the Justices at their said Sessions, or at any Adjournment thereof, shall and may, upon due Proof to them made of such Notice having been given or left as aforesaid, and they are hereby 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 Politic, Corporate, or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests, to which said Juries the said Commissioners, and all Parties interested in the said Lands, Tenements, or other Hereditaments, shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for the said County of *Norfolk* is hereby authorized and required, upon Application made to him by any of the Parties interested, by Subpœna or Summons under his Hand, to call before the Justices at such Sessions, or at the Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching or concerning the Premises; and the said Jury, upon their Oaths (which Oath, and also the Oaths to be taken by the Persons who shall appear, or be summoned to be examined and give Evidence as aforesaid, the said Justices, at their said Sessions, are hereby empowered and required to administer), shall ascertain and award the Recompence to be given for the said Lands, Tenements, or Hereditaments, or for any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Bodies Politic, Corporate, or Collegiate, Owner or Owners, Proprietor or Proprietors thereof, or interested therein, and the said Justices shall and may give Judgment according to the Verdict of the said Jury, which Verdict of the said Jury, and the Judgment thereupon declared and pronounced by the said Justices, shall be finally binding and conclusive to and upon the said Commissioners and all Persons and Parties interested in the said Lands, Tenements, or Hereditaments; and such Verdict shall be entered and kept among the Records of the Quarter Sessions for the said County of *Norfolk*, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said County of *Norfolk*, shall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Persons may have recourse thereto, or take Copies thereof, or Extracts therefrom, on paying the usual Fees, in Cases of the like Nature.

Witnesses to
be summoned.

Jury to ascertain the Recompence.

XXXI. 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

Expence of
Application
to Sessions.

pences

pences of taking such Inquest, and of the Witnesses attending thereon, and of recording and entering the Verdict and Judgment thereupon, shall be settled by the said Justices, and shall be defrayed by the said 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 Judgment thereupon, shall be settled in like Manner by the said Justices, and shall be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands, Tenements, or Hereditaments in question, and whenever any Costs 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.

Houses, &c.
not to be
injured.

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

Application
of Compensation,
if
amounting to
200l.

XXXIII. 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 Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, 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

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.

XXXIV. Provided always, and be it 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 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 and Approbation of the Court of Chancery.

[*Loc. & Per.*]

37 L

XXXV. Pro-

Application
of Compensation
if less
than 200l. and
exceeding 20l.

Application
of Compensation if less
than 20l.

XXXV. 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 or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, or if
Owner cannot be found,
Purchase
Money to be
paid into the
Bank.

XXXVI. 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 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 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.

XXXVII. 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 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

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.

XXXVIII. 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 to the said Court shall seem 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.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.

XXXIX. And in order to defray the Expences of obtaining and passing this Act, be it further enacted, That all the Fen Lands and Low Grounds within the Boundary herein-before described shall be, and the same are hereby declared to be taxed and charged with, and made subject and liable to such annual Sum or Sums of Money as the said Commissioners shall think proper, in the Proportions herein-after mentioned; (that is to say), the Lands comprized within the Boundary of the said recited Act of the Eleventh Year of the Reign of His present Majesty, herein-before mentioned and described, shall, and the same are hereby made subject and liable to the proportionate Rate or Tax of Two Shillings and Sixpence *per* Acre; and all other the Lands and Grounds lying within the Boundary of this Act shall and the same are hereby made subject and liable to the Payment of the proportionate Tax or Sum of One Shilling *per* Acre.

For paying the Expences of the Act.

XL. And in order to enable the said Commissioners to execute and complete the following Works, hereby authorized and directed to be done and executed by them; *videlicet*, in building and erecting the said Sluice called *Stow Fall*, in opening, scouring out, cleansing, and deepening the said Drain or Cut called *Saint John's Eau*, and from Time to Time in supporting, maintaining, and cleansing the said Sluice and Drains, and in Payment of any Debt or Debts heretofore incurred for opening, scouring out, and cleansing the said Drain or Cut called *Saint John's Eau*, and in repairing the said Sluice called *Stow Fall*, and also in paying and allowing to their Clerks, Treasurers, Surveyors, Receivers, Collectors, and to such other Officer or Officers, or other Person or Persons

Taxes to be laid for executing certain Works.

sons as shall be employed by them in the Execution of this Act, such Salaries, Rewards, and Allowances for their respective Attendances, Care, and Service as they the said Commissioners shall deem reasonable; and also in paying or allowing the Expences of the Commissioners herein-before directed to be made and allowed to them for their Attendance at their several Meetings, to be held in pursuance of this Act; be it further enacted, That all the said Fen Lands and Low Grounds herein-before described, and lying within the Boundary of this Act, (save only and except certain Lands called *Gravel House Farm*, herein-after mentioned), shall be and the same are hereby declared to be taxed and charged with, and made subject and liable to such annual Sum or Sums of Money as the said Commissioners shall think proper, in the Proportions herein-after mentioned, (*videlicet*), the Lands comprized within the Boundary of the said recited Act of the Eleventh Year of the Reign of His present Majesty, herein-before mentioned and described, shall be and the same are hereby made subject and liable to the annual Rate or Tax of or Sum not exceeding Five Shillings *per Acre*; the Lands comprized within the said Parish of *Fordham*, and the Lands in *Denver*, lying above a certain Place called *The Stone Bridge*, shall be and the same are hereby made subject and liable to the annual Rate or Tax or Sum of not exceeding Seven Shillings and Sixpence *per Acre*; and the Lands lying in the said several Parishes of *Denver*, below the said Stone Bridge, *Downham Market*, *Wimbotsham*, and *Stow Bardolph*, shall be and the same are hereby made subject and liable to the annual Rate or Tax of or Sum not exceeding Ten Shillings *per Acre*.

Taxes to be laid for executing other Works.

XLI. And, in order to enable the said Commissioners, being Owners of the Lands and Grounds lying within the Boundary of the said recited Act of the Eleventh Year of the Reign of His present Majesty, to make, maintain, and keep in repair the several Works requisite to be made and executed within the Boundary of the said Act, be it further enacted, That all the said Fen Lands and Low Grounds lying within the Boundary of the said recited Act, shall be and the same are hereby declared to be taxed with, and made subject and liable to such annual Sum or Sums of Money as the said Commissioners shall think proper, not exceeding the Sum of Five Shillings *per Acre per Annum*; which said last-mentioned Tax shall be applied in Payment and Discharge of the said Debt of One thousand seven hundred and twenty-five Pounds, and the Interest now due and to become due thereon, and also in making, maintaining, and keeping in Repair the several Works now made, and hereafter to be made upon the Lands and Grounds lying within the Boundary of the said recited Act.

Taxes to be laid for making Heading or Catch-water Drain.

XLII. And in order to enable the Commissioners being Owners of the Lands and Grounds lying within the Boundary of the said recited Act, as also the Lands lying in the said Parish of *Fordham*, within the Boundary of this Act, (save only and except a certain Farm called *Gravel House Farm*, belonging to *Edward Roger Pratt* Esquire, in the Occupation of *John Creasy*, as also a certain other Farm belonging to *Anthony South Canham* Gentleman, lying between the said River *Wiffey* and the said Drain called *Roxham Drain*, and likewise a certain Tract of Land in the said Parish of *Fordham*, lying on the North Side of the said Heading or Catch-water Drain, a little below *Gravel House Bridge*), to make, maintain, and

and for ever hereafter keep in Repair the said intended Heading, or Catch-water Drain, beginning at the West Side of a certain Piece of Land called *The Green*, situate in the said Parish of *Roxham*, which divides the said Parish of *Roxham* from the said Parish of *Fordham*, and proceeding in a Westerly Direction along the Skirts of the Highlands in the said Parish of *Fordham*, to or near the said Place called *Gravel House*; and also to maintain and keep in Repair the said *Roxham* Drain, from the said Place called *Gravel House*, to the Place where it adjoins the said Drain or Cut called *Saint John's Eau*; be it further enacted, That all the said Fen Lands and Low Grounds lying within the Boundary of the said recited Act, as also the Lands lying within the said Parish of *Fordham*, (except as above excepted), shall be and the same are hereby declared to be taxed with and made subject and liable to the proportionate Rate or Tax following; *videlicet*, the Lands lying within the Boundary of the said recited Act, at the Rate of Sixpence *per* Acre; and the Lands lying within the said Parish of *Fordham* (except as aforesaid), at the Rate of Ninepence *per* Acre.

XLIII. Provided always, That nothing herein contained shall extend to empower or authorize the said Commissioners to assess, rate, tax, or charge any of the Banks, Forelands, Holts, or Grounds now vested in or belonging to the *Bedford* Level Corporation, or to assess, rate, tax, or charge the said Lands or Grounds called or known by the Name of *Gravel House Farm*, lying in the said Parish of *Fordham*, belonging to the said *Edward Roger Pratt*, and in the Occupation of the said *John Creasy*, during so long Time as the said *Edward Roger Pratt*, or the Owner or Owners, Occupier or Occupiers for the Time being of the said Lands called *Gravel House Farm*, shall continue to drain their Waters therefrom into the said River *Ouze*; but in case the said *Edward Roger Pratt*, or the Owner or Owners, Occupier or Occupiers for the Time being of the said Farm, shall at any Time or Times hereafter drain their said Waters therefrom into the said Drain called *Roxham Drain*, or into the said Drain or Cut called *Saint John's Eau*, that then the said *Edward Roger Pratt*, or such Owner or Owners, Occupier or Occupiers for the Time being of the said Farm, shall in the First Instance be subject and liable to the Payment of such and the same Tax *per* Acre as shall have been paid by the Owner or Owners, Occupier or Occupiers for the Time being, of the Lands lying in the said Parish of *Fordham*, for the obtaining this Act, the opening, scouring out, and cleansing the said Drain or Cut called *Saint John's Eau*, and in erecting the said Sluice at *Stow Fall*, and shall afterwards be subject and liable to the Payment of the same Rates and Taxes as the Lands lying within the said Parish of *Fordham* are by this Act made subject and liable.

Certain
Lands not to
be taxed.

XLIV. And whereas the Farm belonging to the said *Anthony South Canham*, situate in the said Parish of *Fordham*, containing One hundred and twenty Acres or thereabouts, and lying between the said River *Wissiey* or *Stoke River*, and the said Drain called *Roxham Drain*, is now drained by a Mill or Engine erected thereon, and which throws the Waters thereof into the said Drain called *Roxham Drain*: And whereas it is apprehended that the said Farm, and likewise all the Lands within the Boundary of this Act, lying in the said several Parishes of *Denver*, *Downham Market*, *Wimbotsham*, and *Stow Bardolph*, will not derive any Benefit

Certain other
Lands not
taxed.

[*Loc. & Per.*]

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or

or Advantage by the making of the said Heading or Catch-water Drain, and scouring out and cleansing the said Drain called *Roxham Drain*, or in making and executing any Works that may be thought requisite to be done, made, and executed above the said Place called *The Stone Bridge*, in the said Parish of *Denver*, and ought therefore not to be contributory to the Expence thereof; be it enacted, That nothing herein contained shall extend, or be construed to extend, to charge the said Farm called *Gravel House Farm*, or the said Farm belonging to the said *Anthony South Canham*, or any of the Lands or Grounds lying in the said several Parishes of *Denver*, *Downham Market*, *Wimbotsham*, and *Stow Bardolph*, or any Part or Parts thereof, with the Expence of making and executing any Works above the said Bridge called *The Stone Bridge*, situate in the said Parish of *Denver*, but that such Lands and Grounds shall be wholly exempt from any Tax, Charge, or Assessment whatever, for or on account of any such Works.

Lands claimed to be exempted shall be referred.

XLV. And whereas there may be Lands within some of the Parishes or Townships, herein-before mentioned by this Act authorized to be charged with the said Tax, which will not derive any Benefit by the said intended Drainage, and therefore ought not to be contributory to the Expence thereof; be it further enacted, That if any Person or Persons, being Owners, Lessees, or Occupiers of any Lands within the said Parishes, Townships, or Places, or any of them, shall be of Opinion that any of such Lands will not derive any Benefit by the said intended Drainage, and ought therefore to be exempted from the Payment of the said Tax, such Person or Persons shall deliver to the said Commissioners or their Clerk, at or before the General Meeting to be holden on the First *Wednesday* in the Month of *April* One thousand eight hundred and fifteen, an Account in Writing of all such Lands which he, she, or they require to be exempted from the said Tax, and thereupon Three Persons not interested in the said Premises shall be nominated and appointed at a Meeting of the said Commissioners to view the Lands, and to enquire into the State and Condition thereof, One of which Persons shall be nominated and appointed by the said Commissioners, One other by the several Persons claiming such Exemptions, and the Third Person by such Two Persons to be chosen as aforesaid, all of whom shall be sworn well and truly to view, examine into, and report to the said Commissioners, within Three Months next after such Reference, whether such Lands ought or ought not to be rated by virtue of this Act (which Oath any Commissioner, being a Justice of the Peace, shall have full Power to administer), and the Judgment and Determination of the said Commissioners upon the Matter of such Report shall be final and conclusive to all Parties, and the Costs and Charges of which said Reference shall be paid and borne by the said Commissioners and the Persons claiming the said Exemption, in such Proportions as any Two Justices of the Peace for the said County shall determine.

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

XLVI. 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

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 acquitted and discharged of and from so much Money as such Rates or Taxes so paid by him, her, or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords, (except where there is or may be any Lease or Agreement to the contrary), but nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his or her Rent any Penalty or Forfeiture incurred by Non-payment of the Rates and Taxes hereby imposed.

but not to deduct Penalties.

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

No beneficial Lessee to be allowed to deduct Taxes.

XLVIII. 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, comprized 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.

Leases or Agreements not to be affected.

XLIX. 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 and 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

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

for every Twenty Shillings of the said Rates or Taxes which shall be so in arrear and unpaid, and so in Proportion for any less Sum than Twenty Shillings, and such Penalty shall be paid to the Collector or Collectors of the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and in default of Payment thereof to such Collector or Collectors, or to such other Person or Persons as aforesaid on demand, every such Penalty shall and may be levied and recovered by such Ways and Means, and in such and the same Manner as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all such Penalties when received, shall be applied by the said Commissioners in carrying this Act into Execution.

Power of
Distress in
case of Non-
payment.

L. 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 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, 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 sufficient Part thereof, and the Cattle, Corn, Hay, Goods, Chattels, and Effects which shall be so distrained, to impound and keep on the Premises, or to take, lead, drive, carry away, and keep, for the Space of Five Days, at the Costs and Charges of the Person or Persons liable to pay the said Rates, Taxes, and Penalties, leaving at such Messuage or Tenement, Lands, Grounds, or Premises, or delivering to the Occupier, or One of the Occupiers of the same, Notice in Writing of such Distress being made and of the Cause thereof, and of the Place or Places where such Distress is to be or is led, taken, driven away, and impounded and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Costs, Charges, and Expences attending such Distress shall not be paid and discharged to the Collector or Collectors of the said Commissioners, or to the Person or Persons making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, 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

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

LI. 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 Five or more of the said Commissioners, (which Warrant or Precept such Commissioners, or any Five 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.

General Distress where Cattle, &c. removed from the Lands to evade the Payment of Taxes.

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

Lands to remain liable if no Distress found.

[Loc. & Per.]

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shall

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

Lands may be let for Payment of Taxes.

LIII. 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 public 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.

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

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

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

LV. Provided always, 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, such Fen Lands shall, after the Expiration of the Term (for which the same shall be so let, and the Payment of the said Rates, Taxes, and all Expences incurred by the said Commissioners or their Collectors, Receivers, or Agents in and about the letting of the same, and the Recovery of such Rates and Taxes, and which Expences they the said 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 or 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.

LVI. 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 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 public 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.

LVII. And whereas several Persons have from Time to Time neglected to pay and discharge the yearly Tax or Sum of Two Shillings *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 Two Shillings *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 (public Notice of such Time and Place of Payment being first affixed on the outer Church Door 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 Two Shillings *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 Two Shillings *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.

For Recovery
of the Arrears
of former
Taxes.

LVIII. 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 Two Shillings *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 Two Shillings *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 de-
duct them
from their
Rents;

but not to de-
duct Penalty.

LIX. And

Commissioners may borrow Money by way of Mortgage.

LIX. 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 first Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and at any General Half-yearly Meeting (at which respective Meetings Five Commissioners at 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 Time the Sum of Three 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 so to be borrowed by way of Mortgage with lawful Interest for the same, to the Person or Persons who shall advance and lend the same, 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 of the Rates and Taxes charged by the said recited Act hath or have been made, shall be a Creditor and Creditors on the Rates and Taxes charged upon the Lands lying within the Boundary of the said recited Act only; and all and every Person and Persons to whom any Mortgage or Assignments shall hereafter be made shall be a Creditor and Creditors on the said Rates and Taxes charged upon the Whole of the Lands and Grounds lying within the Boundary of this Act, and no such Person shall have any Preference in respect of the Priority of advancing any such Sum of Money; and every such Mortgage and Assignment hereafter to be made shall be made for the Sum of One hundred Pounds only.

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

Form of Mortgage.

WE of the Commissioners appointed by or in pursuance of an Act of Parliament passed in the Fifty-fourth 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 to the said *A. B.* (or to his Trustee or Trustees, as the Case may require) his Executors, Administrators and Assigns, such Proportion of the Rates, Taxes or Assessments, 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 Assessments 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 hereunto 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 a numerical Progress, 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 Intent and Meaning of this Act.

LXI. And

LXI. 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 adviseable 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 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:

Powers for Commissioners to raise Money by Annuities.

WE of the Commissioners appointed by or in pursuance of an Act of Parliament made in the Fifty-fourth 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 _____

Form of Grant of Annuity.

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 Rates, Taxes, or Assessments, according to the Grant of such Annuity.

LXII. 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

Powers of transferring Assignments and Annuities in a prescribed Form.

[*Loc. & Per.*]

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 Execu-
 ‘ tors, 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 Fifty-fourth Year of the Reign of King *George*
 ‘ the Third, intituled [*set forth the Title of this Act*] ; or of an Act made
 ‘ in the Eleventh Year of the Reign of King *George* the Third, intituled
 ‘ [*set forth the Title of the said recited Act*] upon the Credit of the 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 such Security, Mortgage, or Assignment, made by virtue of the said recited Act, and a Copy of every such 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 Commissioners, 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.

Provision for
the Payment
of Creditors
by Ballot.

LXIII. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of Rates, Taxes, or Assessments, imposed by the said recited Act, be it further enacted, That the said Commissioners (if there shall be more Creditors than one) shall cause the Numbers 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 Securities 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 Commissioners 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 entitled to the Money to be paid off, pursuant to such Ballot ; and where there is only one Creditor,

ditor, 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 on 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 so to be 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 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.

LXIV. 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 or Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

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

LXV. 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.

Taxes vested in Creditors and Annuitants.

LXVI. And

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

LXVI. 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.

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

LXVII. 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 destroy Moles.

LXVIII. And be it further enacted, That it shall and may be lawful to and 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, 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.

To limit the digging of Turf.

LXIX. 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, wheresoever such Cattle, Corn, Hay, Goods, Chattels, and Effects, shall be found, in the same Manner as herein authorized and directed for Recovery of the Rates and Taxes herein-before directed to be raised; and the Overplus of the Monies arising 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 to the Person or Persons entitled thereto.

LXX. And be it further 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, lying within the Boundary of the said recited Act, 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.

To prevent digging Ditches near the Banks.

LXXI. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the said Fen Lands, to which any Out-
ring, Dike, Division, or other Dike, Ditch, or Tunnel, Dikes, Ditches, or Tunnels whatsoever, now made or to be made within the Boundary of the said 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 Month's Notice given to him, her, or them, or left at his, her, or their last or usual Place of Abode for that Purpose, by the Collector or Collectors, Receiver or Receivers, or other Officer or Officers for the Time being, appointed, by virtue of this Act, he, she, or they shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding

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

[*Loc. & Per.*]

37 P

Two

Two Shillings for every Rod of such Dike or Ditch so neglected to be scoured, cleansed, opened, and repaired; and also any Sum not exceeding One Shilling for every Rod of such Dike or Ditch so neglected to be roded; and also any Sum not exceeding Forty Shillings for every Tunnel so neglected to be made, repaired, or opened as aforesaid; and it shall and may be lawful to and for the said Collector or Collectors, Receiver or Receivers, or other Officer or Officers, to cause all such Dikes, Ditches, and Tunnels to be roded, opened, made, or repaired, as the Case may require; and the said Commissioners, or any Five 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 Rates and Taxes to be raised under and by virtue of this Act, rendering on Demand the Overplus of the Monies arising from such Distress and Sale (if any), after deducting such Penalties, Costs, and Expences, and the Costs and Expences attending such Distress and Sale, to the Person or Persons entitled thereto.

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

LXXII. 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 public Drains, made or maintained, or to be made or maintained by virtue of the said recited Act or 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 are hereby authorized and empowered, by Warrant under their Hands and Seals, to cause such Penalties to be levied by Distress and Sale of the Cattle, Corn, Hay, Goods, Chattels, and Effects, of the Occupier or Occupiers of the Lands and Grounds, in which any such Watering Place shall be so made or continued as aforesaid, wheresoever the same shall be found, in the same Manner as herein authorized and directed for Recovery of the Rates and Taxes to be raised under and by virtue of this Act, rendering on Demand the Overplus of the Monies arising from such Distress and Sale (if any), after deducting such Penalties, and the Costs, Charges, and Expences, attending such Distress and Sale, to the Person or Persons entitled thereto.

Punishing Persons destroying Works.

LXXIII. And be it further enacted, That all and every Person and Persons who shall at any Time or Times hereafter, wilfully and maliciously cut, throw down, injure, or destroy, any Bank, Engine, Bridge, Flood-gate, Tunnel, or Sluice, or any of the Works belonging thereto, made and erected, or which shall be making and erecting, for the draining or improving the said Fen Lands, or any of them, under the Authority of the said former Act, or of this Act, and shall be thereof lawfully convicted,

vised, 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.

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

Penalty on setting Nets, or throwing Obstructions in the Drains, &c.

LXXV. 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: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to restrain or prevent the Person or Persons hiring any such Bank or Banks of the said Commissioners, from feeding the same with Sheep and Lambs.

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

LXXVI. 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, 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 Boatmen, Bargemen, Watermen, or other Person or Persons, before any Justice of the Peace for the said County of *Norfolk*, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer) or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured, such Damages, Satisfaction or Compensation, as shall be ascertained, fixed, and determined by such Justice, provided that no such Damage, Satisfaction, or Compensation shall exceed the Sum of Ten Pounds, and shall also forfeit and pay to the

Owners accountable for Damages done by Boatmen.

Informers or Informers, any Sum not exceeding Forty Shillings, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Ten Pounds, the said Master or Owner of such Boat, Barge, Lighter, or other Vessel, may be sued and prosecuted for such Damages, Satisfaction, and Compensation, in any of His Majesty's Courts of Record at *Westminster*, and if a Verdict or Judgment shall be given against him or her, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in every such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Masters to
recover from
Boatmen.

LXXVII. Provided always, and be it enacted, That such Boatmen, Bargemen, Watermen, and other Person or Persons, and each and every of them, shall be liable to repay such Damages, Satisfaction, Compensation, and Penalty, so ascertained, fixed, and determined by such Justice, with the Costs of levying and recovering thereof, to such Matter 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.

Commission-
ers to rode or
crab the
River *Wiffey*.

LXXVIII. And whereas the roding, scouring, and widening of the River *Wiffey*, between *Stoke Bridge* and *Hilgay Creek's End*, will greatly benefit the draining of the said Fen Lands, and Low Grounds, comprized within the Boundary of the said recited Act as herein-before described; be it therefore enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, as they in their Discretion shall judge necessary, to widen, rode, or crab the said River *Wiffey*, between *Stoke Bridge* and *Hilgay Creek's End*, so as such widening, roding, or crabbing shall not injure the Navigation of the said River *Wiffey*, and which said widening, roding, or crabbing shall be done at the sole Costs and Charges of the Owners and Occupiers of the Lands, lying within the Boundary of the said recited Act.

Toll on the
North Bank.

LXXIX. And be it further enacted, That every Person or Persons who shall hale any Boat or Boats, with one or more Horse or Horses, or other Beast or Beasts, upon the North Bank of the said River *Wiffey*, between *Hilgay Bridge* and *Stoke Bridge*, shall, for every such Horse or Horses, Beast or Beasts, so used in one Day, pay the Toll or Sum of One Shilling *per Head*, to such Person or Persons as shall be appointed to receive the same, by the Commissioners for putting this Act in Execution, or any Five or more of them, to be laid out only in repairing the said Bank, and for no other Purpose whatsoever, and in case of Neglect or Denial of Payment of the said Toll, on Demand, the Collector or Collectors thereof (to be appointed by the said Commissioners) are hereby authorized and required to seize and detain any Horse or other Beast, upon which such Toll is hereby imposed, and if the said Toll so neglected or refused to be paid, and the reasonable Charges of such Seizure and Distress shall not be paid
within

within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse or other Beast so seized and distrained, returning the Overplus of the Money to arise by such Sale (if any), upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress and Sale, shall be deducted.

LXXX. Provided always, That the said Commissioners, or any Five or more of them, at any of their Half-yearly Meetings as aforesaid, shall have full Power and Authority to compound with Persons haling on the said Bank, for the said Toll. Commissioners to compound.

LXXXI. And be it further enacted, That the said Commissioners, or any Five or more of them, at any of their Half-yearly Meetings, may let the said Toll hereby granted on Lease, by public Auction, to the best Bidder, for any Time not exceeding Three Years; Notice in Writing of such Letting being affixed upon the Bridges now standing across the said River *Wiffey*, at *Stoke Ferry* and *Hilgay*, Ten Days at least before such Meeting. To let Tolls.

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

LXXXIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not herein-before particularly described), and all Costs and Charges attending the Recovery thereof, shall be levied and recovered by Distress and Sale of the Cattle, Corn, Hay, Goods, Chattels, and Effects of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County, Division, Liberty, or Place, wherein the Offence shall have been committed, which Warrant such Justice or Justices is and are hereby authorized and empowered to grant as often as shall be necessary, upon the Confession of the Party, or on the Information of any credible Witness, upon Oath (which Oath such Justice or Justices is and are hereby empowered to administer); and in case no sufficient Distress can be found, such Justice or Justices shall issue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, for the Apprehension of such Offender or Offenders, and shall commit such Offender or Offenders, when brought before him or them, to the Common Gaol Recovery and Application of Penalties.

[*Los. & Per.*]

37 Q

or

effect Persons guilty of wilful and corrupt Perjury are subject and liable to:

LXXXVIII. 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 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 sue and be sued in the Name of their Officers.

Officers to be reimbursed Expences.

LXXXIX. And be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, he, she, or they may within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the said County of *Norfolk*, or at any Adjournment thereof, first giving to the Person or Persons appealed against, or to the Clerk 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 Adjournment thereof, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace or Adjournment thereof, to be holden for such County, and the said Justices on the hearing and determining of every such Appeal, may award such Costs to the Party appealing, or appealed against, as the said Justices shall think proper, and shall and may at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, and the Determination of the said Justices in the said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Persons aggrieved may appeal to the Quarter Sessions.

XC. And be it enacted, That no Order, Verdict, Rate, Assessment, Warrant, or Notice of Distress, Judgment, or Conviction, or other Proceedings

Proceedings not to be vacated for

want of Form
or removed
by Certiorari.

ceedings touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Distress not
unlawful for
want of
Form.

XCI. And be it further enacted, That where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties taking the same be deemed a Trespasser or Trespassers, on account of any want of Form in the Warrant or Warrants of Distress, or other Proceedings relating thereto, but such Warrant or Warrants shall be good, valid and effectual, to all Intents and Purposes whatsoever, as if the Commissioners had Power to issue a Warrant or Warrants for any Part of the Sum or Sums stated therein; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the special Damage in an Action on the Case.

Plaintiff not
to recover
without No-
tice, or after
Tender of
Amends.

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

Limitation of
Actions.

XCIII. 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 or Suit shall and may plead the General Issue, and if in Replevin, may justify and avow, by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and may give this Act and the special Matter in Evidence, without specially pleading the same otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact 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 all Cases where a Verdict shall be found for the Defendant or Defendants, Avowant or Avowants, in such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or forbear Prosecution, and discontinue his, her, or their Suit or Suits, Action or Actions, after the Defendant or Defendants, Avowant or Avowants shall have appeared thereto, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every of the said Cases the Defendant or Defendants, Avowant or Avowants shall recover Treble Costs, and shall have such and the like Remedy for the Recovery thereof, as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law, where Costs by Law are awarded.

XCIV. 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 to take away any of the Rights, Powers, and Authorities vested in the said 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 of the *Bedford Level Corporation*, 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 any other Act, Statute or Charter, Law of Sewers or otherwise howsoever, but all Rights, Powers and Authorities which now are vested in the said Governor, Bailiffs, and Commonalty, or in 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.

The Rights of Bedford Level Corporation preserved.

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

Saving Rights of Commissioners of Sewers.

XCVI. Provided always, and be it enacted, That all such Right or Rights as are now vested in any Lord or Lords, Lady or Ladies of any Hundred, Liberties or Manors within his or their respective Hundreds, Liberties, or Manors, within or without the said Fen Lands and Low Grounds, to Waifs, Estrays, Felons Goods, Privileges of Arrests, Escheats, and all Royalties, not contrary to the Provisions of this Act, shall be and are

Saving Rights of Lords of Manors.

[Loc. & Per.]

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hereby

hereby saved to them, their Heirs, Successors, and Assigns, any Thing in this Act contained to the contrary thereof notwithstanding.

Public Act.

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

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