



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

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## Cap. lxxvi.

An Act for amending and rendering more effectual several Acts for draining and preserving certain Fen Lands and Low Grounds in the *Isle of Ely* and Counties of *Norfolk* and *Suffolk*, near *Mildenhall* River, so far as relates to the several Lands in the Second District therein described; and for extending the Limits of the said Second District.  
 [4th July 1843.]

**W**HEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for draining and preserving certain Fen Lands and Low Grounds in the Isle of Ely and Counties of Suffolk and Norfolk, between Mildenhall River South, Plant Load, and Brandon River North, bounded on the West by the River Ouse, and on the East by Winter Load, Earswell Brook, and the Hard Lands of Mildenhall; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Fen Lands lying within the Limits aforesaid, commonly called Invested Lands*: And whereas an Act was passed in the Forty-seventh Year of the Reign of His Majesty

[Local.]

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Majesty

47G.3.Sess.2.  
c. 50.

Majesty King *George* the Third, intituled *An Act to amend and render more effectual so much of an Act of the Thirty-third Year of His late Majesty, for draining certain Fen Lands in the Isle of Ely and Counties of Suffolk and Norfolk, near Mildenhall River, and empowering the Conservators of Bedford Level to sell certain Fen Lands, as relates to the Lands in the Second District described in the said Act*: And whereas it is expedient that some of the Powers and Provisions of the said first-recited Act so far as the same relate to the Lands and Grounds included in the Second District therein described, and some of the Powers and Provisions of the said secondly-recited Act, should be amended, extended, and enlarged: And whereas it is expedient that additional Lands, included within the Boundary herein-after mentioned, should be added to the Lands and Grounds comprising the said Second District by the said recited Acts authorized to be drained and preserved, and that the Powers and Provisions of the said recited Acts as amended by this Act, and also this Act, should extend to the draining and preserving of all the Lands and Grounds situate in the said Parish of *Mildenhall*, and in the Parishes of *Lakenheath* and *Eriswell*, in the said County of *Suffolk*, as are included within the under-mentioned Boundary, (that is to say,) from the South-west End of the Cross Bank of the *Burnt Fen*, First District, by the North Bank of the *Mildenhall* River, to a certain Place called *Bailey's Gravel*, at *West Row*; and thence along the Skirts of the Hard Lands of *Mildenhall Rows* to a Drove-way at the South-west Corner of the *Littley Field*; and from thence, by the Skirts of the Hard Lands of *Holywell Row* and the South-east Edge of the *Poor's Fen*, to *Peavor's Lode* otherwise *Eriswell Brook*, and along the East Side of the said Brook to a Place called *Mill Water End* in the Parish of *Eriswell*; and thence, along the North Side of the Ditch separating the Parishes of *Mildenhall* and *Lakenheath*, to the Ditch called the *Severals Ditch*; and thence, along the East Side of the said *Severals Ditch*, to the North-east Corner of the Cross Bank, by *Coplow* otherwise *Cupola Gate*; and thence, along the South Side of the said Cross Bank (excluding the same), to the North Bank of the *Mildenhall* River, and the South-west End of the said Cross Bank; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the said recited Act of the Thirty-third Year of the Reign of His Majesty King *George* the Second, so far as the same relates to the Lands in the Second District described in the said Act, and also the said recited Act passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, and all the Provisions, Matters, and Things therein contained, (except so far as the same are varied, altered, or repealed,) shall extend to this Act in as full, ample, and beneficial a Manner as if the same had been re-enacted in this Act with reference to the Objects and Purposes thereof.

Powers of former Acts extended to this Act, except as hereby altered.

Lands to which this Act shall extend.

II. And be it enacted, That the Powers and Provisions of the said recited Acts having reference to the Lands included in the Second District

District therein described or referred to as altered and amended by this Act, and also the Powers and Provisions of this Act, shall extend and apply to the Lands lying within the following Boundary; (that is to say,) from the South-west End of the Cross Bank of the *Burnt Fen*, First District, by the North Bank of the *Mildenhall* River, to a certain Place called *Bailey's Gravel*, at *West Row*; and thence, along the Skirts of the Hard Lands of *Mildenhall Rows*, to a Drove-way at the South-west Corner of the *Littley Field*; and from thence, by the Skirts of the Hard Lands of *Holywell Row* and the South-east Edge of the *Poor's Fen*, to *Peavor's Lode* otherwise *Eriswell Brook*, and along the East Side of the said Brook to a Place called *Millwater End* in the Parish of *Eriswell*; and thence, along the North Side of the Ditch separating the Parishes of *Mildenhall* and *Lakenheath*, to the Ditch called the *Severals Ditch*; and thence, along the East Side of the said *Severals Ditch*, to the North-east Corner of the Cross Bank by *Coplow* otherwise *Cupola Gate*; and thence, along the South Side of the said Cross Bank (excluding the same), to the North Bank of the *Mildenhall* River and the South-west End of the said Cross Bank; and such Lands shall be called and known by the Name of "The *Mildenhall Fen District*:" Provided always, that nothing herein contained shall extend to authorize the Commissioners to rate, assess, tax, or charge the Owners or Occupiers of any Lands included in the aforesaid Boundary, but which was not heretofore comprised in the said Second District, with any Rate, Assessment, Tax, or Charge authorized to be levied or collected by the said recited Acts or either of them.

III. And be it enacted, That all the said Lands lying within such Boundary as heretofore formed Part of the First District in Three several Acts passed in the Thirty-third Year of the Reign of His said Majesty King *George* the Second, the Forty-seventh Year of the Reign of His said Majesty King *George* the Third, and in the Fourth Year of the Reign of His Majesty King *George* the Fourth mentioned, shall henceforth be separated from such First District; and the several Provisions, Matters, and Things contained in the said last-mentioned Acts shall, so far as the same relate to the said Lands heretofore forming Part of the said First District, but now included in the Lands by this Act authorized to be drained and preserved, be and the same are hereby repealed: Provided always, that the Commissioners for draining the First District of *Burnt Fen* Lands shall have and retain the same Right and Privilege of boating Earth and Materials upon and along *Baldwin's Lode* and the Ditch or Watercourse next the said Cross Bank of *Burnt Fen*, First District, communicating therewith, which they are now entitled to and enjoy.

IV. And be it enacted, That so much of the said first-recited Act as enacts, that if any Person should at any Time or Times thereafter wilfully or maliciously cut the Bank against *Peavor's Lode* above *Littley Drove-way*, and should be thereof convicted, upon the Oath of One or more credible Witness or Witnesses, before One Justice of the Peace for the said County of *Suffolk*, every Person so convicted should forfeit for every such Offence the Sum of Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Offender

Certain Lands separated from First District.

Repealing Parts of certain Acts so far as regards Lands now included in this Act.

Repealing Clauses in first-recited Act; viz. Penalties on Persons destroying Works;

Limitation of  
Actions;

Offender or Offenders by Warrant under the Hand and Seal of the Justice before whom such Conviction should be had, Five Pounds thereof to be employed in carrying on the Works and Improvements in and upon the Fen Lands and Low Grounds within the said First District, and Five Pounds thereof to be employed in carrying on the Works and Improvements in and upon the Fen Lands and Low Grounds within the said Second District; and for Want of such sufficient Distress such Offender or Offenders should by the said Justice be committed to the House of Correction or Common Gaol for the said County of *Suffolk*, for any Time not exceeding Two Months; and if any Person should wilfully or maliciously cut, throw down, or destroy any of the Banks, Works, or Engines to be made or erected as therein mentioned, or by any Ways hinder, obstruct, or lay open any of the Cuts, Drains, or other Works to be made for draining or improving the said Fen Lands or Low Grounds, and should be convicted of such Offence upon Oath before Two Justices of the Peace for the said *Isle of Ely*, if the Offence should be committed within the said Isle, or before Two Justices of the Peace for the said Counties of *Suffolk* or *Norfolk* respectively, if the Offence should be committed in either of the said Counties, every Person so convicted thereof should forfeit for every such Offence the Sum of One hundred Pounds, to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hands and Seals of any Two of the said Justices before whom such Conviction should be had, to be employed in carrying on the Works and Improvements in and upon the said Fen Lands and Low Grounds within the District or Division where such Offence was or should be committed; and for Want of such sufficient Distress such Offender or Offenders should by the said Justices be committed to the Common Gaol of the said *Isle of Ely* or Counties of *Suffolk* or *Norfolk* respectively, where the Offence should be committed, there to remain without Bail or Mainprize for any Time not exceeding Twelve Calendar Months, at the Discretion of the said Justices; and if any Person should wilfully or maliciously set fire to, burn, or otherwise destroy any of the Engines to be erected as therein mentioned, and be thereof lawfully convicted, such Person should be adjudged guilty of Felony, and should be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person should be tried should have Power and Authority to transport such Felon for Seven Years in like Manner as other Felons were directed to be transported by the Laws and Statutes of this Realm; and that if any Action, Suit, or Information should be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of that Act, every such Action or Suit should be commenced within Six Months next after the Fact committed, and should be laid or brought in the Court of Pleas of the said *Isle of Ely*, or in the Counties of *Cambridge*, *Suffolk*, or *Norfolk*, and not elsewhere; and the Defendant or Defendants in such Action or Suit should and might plead the General Issue, and, if in Replevin, might justify and avow by virtue of that Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and might give that Act and the special Matter in Evidence, without specially

specially pleading the same otherwise than as therein mentioned, at any Trial to be had thereupon, and that the Fact alleged in such Action or Suit to have been done was done in pursuance and by the Authority of that Act; and if the same should appear to have been so done, or if any such Action or Suit should be brought after the Time before limited for bringing the same, or should be brought in any other County or Place than as aforesaid, then the Jury should find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs should become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict should pass against him or them, or Judgment be given upon a Demurrer, or otherwise, then in any of the said Cases the Defendant or Defendants, Avowant or Avowants, should recover treble Costs, for which he, she, or they should have like Remedy as where Costs by Law are awarded; and that the Lord or Lords, Lady or Ladies, of the Manors of *Mildenhall* and *Aspalls* in *Mildenhall* for the Time being, or his, her, or their Deputy to be from Time to Time appointed for that Purpose by Writing under his, her, or their Hand or Hands, the Vicar of *Mildenhall* for the Time being, or his Deputy to be from Time to Time appointed by Writing under his Hand, and every Person who should be *bonâ fide* seised or possessed in his or her own Right of Two hundred Acres of Land, taxed by virtue of that Act, lying within the Second District, not being Tenant at Rack Rent, or in the Absence of any such Person his or her Agent, to be appointed under his or her Hand as therein mentioned, together with the Persons therein named and appointed or directed to be chosen, should be Commissioners for putting that Act, and all the Powers and Authorities therein-after mentioned, in execution within the said Second District; and that every Person who should be *bonâ fide* seised or possessed of Two hundred Acres or more of Land taxed by virtue of that Act over and above such Two hundred Acres as was therein-before mentioned might and every such Person was thereby authorized to appoint, by Writing under his or her Hand, One Agent for every Two hundred Acres of such Land that such Person should be so seised or possessed of, over and above the first-mentioned Two hundred Acres, to be a Commissioner or Commissioners for the said Second District; and also that all and every the Lord or Lords, Lady or Ladies of the said several and respective Manors for the Time being, who should be *bonâ fide* seised or possessed as aforesaid of Two hundred Acres or more of Land taxed by virtue of that Act, might and every such Owner was thereby authorized to appoint, by Writing under his or her Hand, an Agent, for every Two hundred Acres of such Land that such Lord or Lady should be so seised or possessed of as aforesaid, to be a Commissioner or Commissioners for the said Second District; and that all and every Person and Persons so appointed should, during the Pleasure of the said respective Owners, and the Time that such Owners should be so seised or possessed as aforesaid, likewise be and he was thereby appointed a Commissioner for the said Second District, together with the Persons before mentioned, for putting that Act, and all and every the Powers and Authorities therein contained, in execution; and that upon the Death, Disqualification,

Appointment  
 of Commis-  
 sioners for  
 the Second  
 District;

Appointment  
 of Agents;

Choosing  
 new Com-  
 or

missioners of  
the Second  
District in  
the Place of  
Persons dying  
or becoming  
disqualified ;

or Resignation, or Refusal to act, of any of the said Commissioners therein-before named for the said Second District, (other than and except the Lord or Lords, Lady or Ladies of the Manors of *Mildenhall* and *Aspalls* in *Mildenhall*, or his, her, or their respective Deputy to be appointed as therein mentioned, the Vicar of *Mildenhall*, and his Deputy to be appointed as aforesaid, and the Persons seised or possessed of Two hundred Acres as aforesaid, or their Agents,) it should and might be lawful to and for the remaining Commissioners of the said District, and for all and every other Person and Persons who for the Time being should be *bonâ fide* seised or possessed in their own Right of Twelve Acres of Fen Lands for which they pay the Taxes to be imposed by virtue of that Act, lying within the said Second District, or the major Part of them assembled at such Meetings so to be held as aforesaid for the said District, to elect and choose from Time to Time One or more fit Person or Persons, so qualified as aforesaid, to be a Commissioner or Commissioners in the Place or Places of such of the said Commissioners as should so die, be disqualified, resign, or refuse to act; and every such new Commissioner or Commissioners to be from Time to Time elected and chosen as aforesaid should have the like Power and Authority to act and do in all Things relating to the Premises as the Commissioners therein-before named for the said District were authorized and empowered to do by virtue of that Act, (which Order and Method should thereafter be observed as to the Choice of Commissioners for the said District from Time to Time as Occasion should require); and every such Election and Choice of any new Commissioner should be entered and registered *gratis* by the Collector or Receiver of the said District in a Book to be kept for that Purpose; and that so far as the same relates to the said Second District no Person (except the Lord Bishop of *Ely*, the Lord or Lords, Lady or Ladies of the several and respective Manors of *Littleport*, *Mildenhall*, and *Aspalls* in *Mildenhall*, the Vicar of *Mildenhall*, and the Deputies or Agents to be appointed as therein was directed,) should be enabled to act, sit, or meet as a Commissioner for the said District or Division, unless he was Owner of Twenty-four Acres of Land lying within such District, and pay the Taxes that should be imposed by virtue of that Act for the same, shall be and the same is hereby repealed: Provided always, that, notwithstanding the Repeal of the said recited Provisions, the Commissioners by the said first-recited Act named or elected shall continue Commissioners until Eight Commissioners are elected under and by virtue of the Provision herein-after contained.

Qualification  
of Commis-  
sioners.

The Lords of  
the Manors  
of *Mildenhall*  
and *Aspalls*  
and the Vicar  
of *Mildenhall*  
to be Com-  
missioners ;

V. And be it enacted, That the Lords of the respective Manors of *Mildenhall* and *Aspalls* in *Mildenhall* for the Time being, or in their Absence their respective Agents or Deputies, to be from Time to Time appointed for that Purpose by Writing under their respective Hands, the Vicar of the Parish of *Mildenhall* for the Time being, or in his Absence his Agent or Deputy, to be from Time to Time appointed for that Purpose by Writing under his Hand, and every Person who for the Time being shall be seised or possessed in his own Right, or in the Right of his Wife, or as  
Trustee,

Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, of One hundred Acres of Land within the *Mildenhall* Fen District, together with the Persons herein-after authorized to be elected and appointed, shall be the Commissioners of the *Mildenhall* Fen District; provided that when there is more than One Trustee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Person, only One such Trustee, Committee, or Guardian shall act at any One Time as a Commissioner in right of such Feme Covert, Lunatic, Minor, or other incapacitated Person respectively.

Owners of One hundred Acres to be Commissioners.

Only One Trustee, &c. to act at One Time.

VI. And be it enacted, That every Person for the Time being seised or possessed as aforesaid of Three hundred Acres at least of Land within the *Mildenhall* Fen District may, by Writing under his Hand, for so long a Period as he shall be seised or possessed as aforesaid, appoint, during Pleasure, one Agent or Deputy to act in the Absence of such Person as a Commissioner; and for every Three hundred Acres of Land within the *Mildenhall* Fen District which any such Person shall be seised or possessed of as aforesaid, over and above the Quantity of Land necessary for his own Qualification, may in like Manner, for so long a Period as he shall be seised or possessed as aforesaid, appoint, during Pleasure, a separate Agent or Deputy to be a Commissioner, who may act notwithstanding the Person by whom he is appointed is present.

Owners of Three hundred Acres may appoint Deputies.

VII. And for the Purpose of electing additional Commissioners, be it enacted, That the Clerk to the Commissioners shall call a Meeting of the Persons seised or possessed as aforesaid of Twelve Acres of Land or upwards within the *Mildenhall* Fen District, to be held at some convenient Place in the Town of *Mildenhall*, within One Month next after the passing of this Act, by affixing Notice of the Time and Place of holding such Meeting on the principal Doors of the Parish Church of *Mildenhall* aforesaid, upon some *Sunday* before Divine Service, and by advertising the same at least Fourteen Days previously in some Newspaper printed or usually circulated in the said County of *Suffolk*; and the Persons who shall meet in pursuance of such Notice, or the major Part of them, shall and may elect Eight Persons, who shall respectively be the Owners of Eighteen Acres or upwards of Land within the *Mildenhall* Fen District, to be Commissioners during the Time they shall continue such Owners.

For appointing Commissioners by Owners of Land.

VIII. And be it enacted, That upon the Death, Resignation, or Disqualification of any Commissioner elected by the Person seised or possessed as aforesaid of Twelve Acres of Land or upwards in the *Mildenhall* Fen District, or of any succeeding Commissioner to be in like Manner elected, it shall be lawful for such last-mentioned Persons for the Time being to hold a Meeting at any Time after such Death, Resignation, or Disqualification shall occur, to elect another Person as a Commissioner, qualified as aforesaid, in his Place; and the Powers herein contained relating to the convening and holding a Meeting for and the Election of such Eight Commissioners shall extend and apply to all Meetings held for and the

How Vacancies of Commissioners are to be filled up.

the Election of Persons to supply any Vacancy occasioned in the Number of such last-mentioned Commissioners.

Declaration  
by Commis-  
sioners.

IX. And be it enacted, That no Person shall be deemed a Commissioner, or be capable of acting as such, except in administering the Declaration herein-after mentioned, until he shall have made and signed before One of the Commissioners a Declaration to the Effect following :

‘ I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me. as a Commissioner by virtue of Three several Acts of Parliament, intituled [*here insert the Titles of this and the said recited Acts, and the Qualification or Authority on which he acts*].’

Which Declaration shall be deposited with the Clerk of the Commissioners, and be kept by him with the Minutes of their Proceedings under this and the said recited Acts.

False Decla-  
ration to be  
a Misdeme-  
anor.

X. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Penalty on  
Commis-  
sioner acting  
not being  
qualified.

XI. And be it enacted, That if any Person, being incapacitated to act, or not being duly qualified, or after having become disqualified, shall wilfully act as a Commissioner of the *Mildenhall Fen* District, or shall appoint an Agent or Deputy who shall act as Agent or Deputy of such Commissioner, he shall for every such Offence forfeit the Sum of Fifty Pounds, and such Penalty may be recovered with full Costs of Suit, in any of the Superior Courts, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner, or had appointed an Agent or Deputy who had acted as such Agent or Deputy of such Commissioner; and one Moiety of such Penalty shall be paid to the Plaintiff, and the other Moiety shall be applied for the Purposes of the Drainage of the District; nevertheless, all Acts and Proceedings of any Person acting as a Commissioner, or of the Agent or Deputy of any Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

First and  
other Meet-  
ings.

XII. And whereas it is by the said recited Act of the Thirty-third Year of the Reign of His Majesty King *George* the Second enacted, that the Commissioners for the said Second District should meet at some Public House in *Mildenhall* to be appointed by them the said Commissioners, or any Seven or more of them, upon the First *Thursday* in *May* and First *Thursday* in *November*, or oftener if they saw Cause, their First Meeting to be at the *Cock* in *Mildenhall* on  
the



the Fourth *Thursday* after the passing of that Act: And whereas it is expedient that the said recited Provision should be altered; be it therefore enacted, That, instead of the Place and Times by the said recited Act appointed for the Meeting of the Commissioners, the Commissioners shall hold a Meeting on the First *Friday* in the Month of *May* and on the First *Friday* in the Month of *November* in each Year, or within Twenty-one Days after such respective Days, at such Place as any Seven or more of them, whether assembled at a Meeting or not, shall from Time to Time appoint; and the Commissioners shall hold such other Meetings as to them shall seem necessary, and may from Time to Time adjourn any Meeting to such Time and Place as they may think proper; and if at any such Meeting there shall not be Seven Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or any One Commissioner if only One be present, and if no Commissioner be present then for the Clerk to the Commissioners, to adjourn such Meeting to another Day not exceeding Twenty-one Days from such Adjournment, and if any Meeting shall not be adjourned, then it shall be lawful for any Seven of the Commissioners to appoint the next Meeting of Commissioners.

XIII. And be it enacted, That no Act of the Commissioners shall be valid unless done at some Meeting (save and except as in this Act particularly mentioned), and all Powers and Authorities granted to or vested in the Commissioners may from Time to Time be exercised by the major Part of those present at any Meeting (the whole Number present not being less than Seven).

Acts of the Commissioners.

XIV. And be it enacted, That Three Days Notice shall be given of the Time and Place of all Meetings of the Commissioners (Meetings by Adjournment only excepted), and such Notice shall be delivered at or sent by the Post to the usual Place of Abode of each of the Commissioners, as the same shall appear in the Books of the Commissioners, and shall also be affixed on the principal Door of the Parish Church of *Mildenhall*.

How Notices of Meetings are to be given.

XV. And be it enacted, That at every Meeting of the Commissioners One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

Order of Business at Meetings of Commissioners.

XVI. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such

For what Contracts may be made.

Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished; and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

How to be signed.

XVII. And be it enacted, That every such Contract shall be signed by any Five of the Commissioners and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners or the other Parties failing in the Execution thereof.

Materials for Works contracted for to be considered the Property of the Commissioners.

XVIII. And be it enacted, That the several Mills and Engines, Sluices, Tunnels, Bridges, Culverts, Catchwaters, Locks, Banks, Forelands, Drains, Watercourses, Buildings, Toll Houses, Toll Gates, and other Works made or erected by virtue of the said recited Acts, or either of them, so far as the same relate to the Second District therein described or referred to, or which shall or may be made or erected under the Authority of the said Acts and this Act, and all Tools, Implements, Timber, and other Articles and Things provided or made use of by the Commissioners in the Execution of this, or the said recited Acts, shall, for the Purpose of protecting the same from Injury, or in supporting any Indictment as herein-after mentioned, be held to be the Property of the Commissioners.

Indictments how to be preferred.

XIX. And be it enacted, That it shall be lawful for the Commissioners to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, or injure any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners of the *Mildenhall Fen* District, without naming the Commissioners.

Commissioners not to be personally liable.

Liability of their Funds.

XX. And be it enacted, That nothing in any Deed or Contract made by or on the Behalf of the Commissioners shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of his being a Commissioner, shall respectively be discharged out of the general Funds of the Commissioners, or other the Goods and Chattels vested in the Commissioners, unless such Action or Suit, or any such Damages, Costs, or Charges, have arisen in consequence of any wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions or Suits to be brought in

XXI. And be it enacted, That in all Actions and Suits brought by or against the Commissioners it shall be sufficient to state the  
Names

Names of any Two of the Commissioners, or the Name of their Clerk or Treasurer, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action or Suit shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk or Treasurer.

the Name of any Two Commissioners, or their Clerk or Treasurer.

XXII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Executions against Goods of Commissioners.

XXIII. And be it enacted, That every Commissioner, Clerk, or Treasurer in whose Name any legal Proceedings or Proceedings in Equity shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which such Commissioner, Clerk, or Treasurer may be put or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner, Clerk, or Treasurer shall be personally liable for the Payment of the same, unless such Proceedings have arisen in consequence of his own wilful Neglect or Default, or unless such Proceedings have been brought without the Order or Direction of the Commissioners.

Indemnity to Commissioners and Clerk and Treasurer.

XXIV. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered in by them, and of the Orders and Proceedings of all Meetings of the Commissioners, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and of the Persons rated or assessed by the Commissioners.

Proceedings to be entered in a Book, and open for Inspection.

XXV. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall hold the Office of Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall for every such Offence forfeit One hundred Pounds; (that is to say,)

Separation of Offices of Clerk and Treasurer.

If

If any Person accept both the Offices of Clerk and Treasurer :

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk :

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Commissioners other than that of Treasurer or Clerk, as the Case may be :

And any Person may sue for such Penalties by Action of Debt or on the Case in any of the Superior Courts, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Commissioners to take Security from all Officers entrusted with Money.

XXVI. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ entrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this and the said recited Acts, and when, of whom, and for what the same were so received or collected.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XXVII. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this and the said recited Acts for the Year ending on the First *Thursday* in *November* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Suffolk*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Limiting Power to borrow on Mortgage.

XXVIII. Provided always, and be it enacted, That it shall not be lawful for the Commissioners to borrow at Interest, on the Credit of the Taxes, Charges, or Assessments by this and the said recited Acts granted, and other Property vested in them, over and above the Sum already borrowed under the Powers of the said recited Acts, or either of them, a greater Sum than Eight thousand Pounds; but in the event of any Part of the Money borrowed under the Powers  
of

of the said recited Acts or of this Act, any or either of them, being repaid by the Commissioners, it shall be lawful for them to reborrow the same, and so *toties quoties*; but so nevertheless that there shall not be owing at any one Time on the Security aforesaid, over and above the Sums already due and owing as aforesaid, more than the Sum of Eight thousand Pounds.

XXIX. And be it enacted, That every Assignment or Mortgage of the Rates, Taxes, Charges, or Assessments for securing the Repayment of Money shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Seven of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect. Form of Mortgage.

XXX. And be it enacted, That all Persons to whom any Mortgage or Assignment has been made under or by virtue of the said recited Acts or either of them, or to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Taxes, Charges, Assessments, and Property, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively. Mortgages to be without Preference.

XXXI. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Commissioners; and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward. Register of Mortgages to be kept, and to be open to Inspection.

XXXII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto. Interest on Mortgages to be paid half-yearly.

XXXIII. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this or the said recited Acts at a lower Rate of Interest than any existing Securities shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Taxes, Charges, Assessments, and Property, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage. Power to take up Money at a less Rate of Interest.

XXXIV. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That Mode of paying off Mortgages.  
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when and as often as the Commissioners shall be enabled and think it expedient to pay off One or more out of the Number of such Mortgages or Assignments upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage or Assignment, they shall cause the several Numbers of such Mortgages or Assignments to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage or Assignment corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Commissioners may make Bye Laws to govern themselves and their Servants.

XXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Laws be contrary to the Laws of *England*, or the Provisions of this and the said recited Acts, and so as the same be reduced into Writing, and signed by Seven or more of the Commissioners.

Fines for Breach of such Bye Laws.

XXXVI. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

XXXVII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners; or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any one Commissioner, or to some Inmate of the Place of Abode of such Commissioner.

XXXVIII. And

XXXVIII. And be it enacted, That every Summons, Demand, Notice, or other such Document issued under this or the said recited Acts may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner or by the Clerk of the Commissioners shall be a sufficient Authentication. Authentica-  
tion of  
Notices.

XXXIX. And be it enacted, That in all legal Proceedings or Proceedings in Equity under this or the said recited Acts it shall be lawful for any Seven or more of the Commissioners, whether assembled at a Meeting or not, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release shall be under the Hands and Seals of the Parties giving the same. Releases to  
Witnesses.

XL. And with respect to Actions brought in respect of any Proceedings under the Provisions of this or the said recited Acts, be it enacted, That if, before an Action be brought, any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the said recited Acts, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court. Tender of  
Amends.

XLI. And be it enacted, That if the Amount of any Damage, Satisfaction, or Compensation claimed in any Case under the Provisions of this or the said recited Acts shall not exceed Fifty Pounds the same shall be settled by Two Justices. Claims not  
exceeding  
50*l.* to be  
settled by  
Justices.

XLII. And with respect to any Question as to the Amount of Damage, Satisfaction, or Compensation, or other Matter of Difference by this or the said recited Acts authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in the Presence of the Parties or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount for Damage, Satisfaction, or Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and their Determination shall be final and conclusive; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly. Reference of  
Dispute as to  
Compensa-  
tion to Jus-  
tices.

XLIII. And for the Purpose of making Provision respecting the Sale of Lands now belonging to or vested in the Commissioners under Lands not  
wanted to  
be sold.  
and

and by virtue of the said recited Acts or either of them, or which may be acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes of this Act, or for the Purpose of widening any Road near or adjoining thereto, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they shall deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Hands and Seals of the Commissioners, or any Seven of them, and a Receipt contained in such Conveyance shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act: Provided always, that if any Mill, Toll House, or Building shall be taken down by the Commissioners, or any Pit for obtaining Materials shall cease to be used by the Commissioners after the Expiration of the said Ten Years from the passing of this Act, it shall be lawful for the Commissioners to sell the Site of such Mill, Toll House, or Building, within Five Years after such Mill, Toll House, or Building shall be so taken down, or such Pit shall so cease to be used; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him; and the Money produced by the Sale of such Lands shall be applied for the Purposes of this and the said recited Acts.

Lands not so sold to vest in Owners of adjoining Lands.

XLIV. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Periods aforesaid, then such Lands remaining unsold at the Expiration of such Periods shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands to be offered to original or adjoining Owners.

XLV. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession one after another, in such Order as the Commissioners shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

XLVI. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Commissioners; or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease, and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the



Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Fact therein stated.

XLVII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined, they shall convey such Lands to the Party so entitled to purchase the same, and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this and the said recited Acts.

Differences as to Price to be settled as in other Cases.

XLVIII. And be it enacted, That it shall be lawful for the Commissioners at any Time, and from Time to Time, to scour out and deepen the Cuts or Watercourses called *Eriswell Brook* otherwise *Peavor's Lode*, and *Baldwin's Lode*, and also the Boundary Drain or Ditch separating the Parishes of *Mildenhall* and *Lakenheath*, and the *Severals* and the *Outring Ditches*, or any or either of them, or such Part or Parts of any or either of them as the Commissioners shall see fit, and any other Cuts, Drains, or Lodes within or near to or adjoining the said District, and also to vary and alter the Course of the said *Baldwin's Lode*.

Commissioners empowered to scour out *Eriswell Brook* and *Baldwin's Lode*, &c.

XLIX. And be it enacted, That it shall be lawful for the Commissioners to make and construct any Mills or Engines, with all proper Steam Apparatus, Machinery, Houses, and other Works, and to maintain, repair, enlarge, and cleanse the present Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Banks, Forelands, Cuts, Sewers, Drains, Watercourses, Dams, Mills, Engines, Toll Houses, Toll Gates, Buildings, and other Works made or erected by virtue of the said recited Acts, or either of them, so far as the same relate to the Second District therein mentioned; and to make all such new Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Banks, Forelands, Cuts, Sewers, Drains, Watercourses, Dams, Toll Houses, Toll Gates, Buildings, and other Works within the *Mildenhall Fen District*, as the Commissioners shall from Time to Time think necessary for effectually draining and preserving the Lands within the same; and all such Works herein-before enumerated and other Works shall from Time to Time and at all Times be supported, maintained, repaired, and renewed as Occasion may require, by the Commissioners, out of the Funds and Monies to be from Time to Time raised by virtue of this and the said recited Acts, in such Manner as the Commissioners shall think proper.

Power to make and maintain Works.

Commissioners and Officers employed by them may pass over Lands in the District.

L. And be it enacted, That it shall be lawful for the Commissioners and the Superintendent of their Works, and for all Millwrights, Labourers, and Workmen, when employed in doing the Works of the Commissioners, and for all Officers employed in carrying this and the said recited Acts into execution, from Time to Time as Occasion shall require, to enter upon and pass through, over, or across any of the Lands or Grounds within the said District, doing as little Damage as may be, and making Compensation for the same.

Droeways and Roads may be repaired by the Commissioners.

LI. And be it enacted, That it shall be lawful for the Commissioners, if they shall think proper, but not otherwise, to make, maintain, and repair the several Droeways and Roads now or hereafter to be made within the said District, in such Way and Manner as they shall see fit, out of the Funds and Monies to be from Time to Time raised by virtue of this and the said recited Acts: Provided always, that it shall not be lawful for the Commissioners to lay out or expend any greater Sum for the Purposes last aforesaid than they shall receive for the Herbage and Pasturage on the several Banks, Droeways, Forelands, Waste Places, and Roads herein-after authorized to be let.

Persons liable to repair to remain so.

LII. Provided always, and be it enacted, That nothing in this Act contained shall be construed in any Manner to affect the Liability of any Person now liable or who may hereafter become liable to make, maintain, or repair any or either of the said Droeways or Roads, or in any Manner to prejudice or affect the Right or Remedy of any Person to compel the making, maintaining, or repairing of any or either of the said Droeways or Roads.

Commissioners empowered to drain other Lands adjoining the said District.

LIII. And be it enacted, That it shall be lawful for the Commissioners at any Time, as they shall think proper and convenient, to contract and agree with any Owners or Occupiers of any Lands or Grounds lying within the said Parish of *Mildenhall*, or within any Parish or Place adjoining or near thereto, for the draining of such Lands or Grounds, for such Times and for such yearly or other Sums of Money respectively as the Commissioners shall think fit, which said Sums of Money so to be contracted and agreed for shall be from Time to Time applied and disposed of by the Commissioners for the Purposes of this and the said recited Acts.

Delivery of Matters in Possession or Custody of Toll Collector at Removal.

LIV. And be it enacted, That if any Collector of any Taxes, Charges, Assessments, or Tolls authorized to be taken under the Powers and Provisions of the said recited Acts or either of them shall be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Commissioners, in the Possession or Custody of any such

Collector at the Occurrence of any such Event as aforesaid in right of his Appointment as Collector of any Taxes, Charges, Assessments, or Tolls, then, upon Application being made by the Commissioners to any Two Justices, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take Possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Commissioners, or any Person appointed by them for that Purpose.

LV. And for the Purpose of raising additional Money for the draining and preserving the Lands and Grounds included in the *Mildenhall* Fen District, be it enacted, That it shall be lawful for the Commissioners elected under and by virtue of the said first-recited Act or this Act, or a Majority of such of them as may be present at any Meeting called for that Purpose, to nominate and appoint Four Persons, being Commissioners, and for the remaining Commissioners, who are Commissioners without being elected as aforesaid, to nominate and appoint Four other Persons, being Commissioners, which said Eight Commissioners so nominated and appointed, or the Majority of them, shall and they are hereby authorized and required to survey the Lands within the said District, and ascertain the different Degrees of Value in proportion to the Benefit to be received from the proposed Drainage by means of the Works already executed and to be executed under the Provisions of the said recited Acts and this Act, and to fix a graduated Acre Tax thereon for the Purpose of collecting an annual Sum, not exceeding in the whole the Sum of Nine hundred Pounds over and above and in addition to the Monies already authorized to be raised by virtue of the said recited Acts, or either of them, which are to be assessed, collected, and raised by the Commissioners in the same Manner and Form as they have heretofore been assessed, collected, and raised, which Survey and Valuation shall be signed by the said Eight Commissioners, or a Majority of them, and be deposited with the Clerk to the said Commissioners, who, within Fourteen Days after the Receipt of the same, shall cause Notice to be given of the same having been so deposited, and that the same will remain with him for Fourteen Days for the Inspection of all Persons intended to be rated under the same, by Advertisements to be inserted in the *Bury Post* Newspaper, or in some other Newspaper printed or circulated in the said County of *Suffolk*, and also by affixing the same on the Church Doors of the several Parishes within which the Lands and Grounds included in the said District shall be situated.

Commissioners to be nominated for surveying the Lands and fixing a Tax for raising an additional annual Sum of Money.

LVI. And be it enacted, That in case a Majority of the Commissioners nominated as aforesaid shall not agree in such Survey and Valuation, it shall be lawful for the Four Commissioners who shall be nominated by the elected Commissioners as aforesaid to nominate some competent Person, and for the Four Commissioners who shall be nominated by the remaining Commissioners as aforesaid to nominate some other competent Person, and such Two Persons, or an Umpire to be appointed by them, in case of any Difference in their Opinion, shall hear and determine all Differences which may arise with

In case of Difference, Umpires to be appointed to determine the same.

with respect to such before-mentioned Survey and Valuation ; and the Determination of such Two Persons, or the Umpire to be appointed by them, shall be binding and conclusive on all Persons to all Intents and Purposes, subject to the Appeal herein-after mentioned.

Power of Appeal to Petty Sessions.

LVII. And be it enacted, That if any Owner or Occupier of any Lands within the said District shall be dissatisfied with such Survey and Valuation, he may appeal to the Justices assembled in Petty Sessions within the Division of *Mildenhall* ; but no such Appeal shall be entertained, unless Notice of the Objection in Writing, and the Grounds thereof, shall have been given to the Clerk of the Commissioners within Ten Days from the Expiration of the Time fixed for the Inspection of such Survey and Valuation.

Determination of Petty Sessions to be final.

LVIII. And be it enacted, That the Justices assembled at such Petty Sessions, for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final.

Justices in Petty Sessions may amend Survey and Valuation, and award Costs.

LIX. And be it enacted, That the Justices in Petty Sessions assembled shall have the Power of amending such Survey and Valuation, and shall likewise have the Power of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor.

When Valuation settled, Commissioners to tax Lands and Occupiers.

LX. And be it enacted, That when all Differences (if any) with respect to such Survey and Valuation shall have been determined, the Commissioners shall annually, so long as they shall consider the same necessary, tax, charge, and assess all the said Lands within the said District, and every Owner or Occupier of such Lands, with such graduated Acre Tax as shall have been fixed upon by the Persons herein-before directed to fix and settle the same, and such Tax shall be paid to such Person and at such Time and Place as the Commissioners shall from Time to Time direct, over and above the Sums authorized to be raised by virtue of the said recited Acts or either of them.

No Reduction to be made in the Taxes, &c. without the Consent of Three Fourths of the Creditors.

LXI. Provided always, and be it enacted, That so long as any Money now or hereafter to be secured or borrowed on the Credit of the Rates, Taxes, and Tolls shall remain undischarged, none of the Rates, Taxes, or Tolls authorized to be levied by the said recited Acts or this Act, or either of them, shall be lessened or reduced without the Consent of the Person or Persons entitled to Three Fourths of the Money so remaining due on the said Rates, Taxes, and Tolls.

Owners and Occupiers of Land above Littley Drove way in certain

LXII. Provided always, and be it enacted, That if the Owners or Occupiers of the Lands above *Littley Drove way* do, within the Period of Six Months from the passing of this Act, effectually, and to the Satisfaction of the Commissioners, stop up the Grip at the South-east End of *Littley Drove way*, and all other Outlets, and also maintain

maintain such a good and sufficient Bank against *Peavor's Lode*, so far as such Lands extend, by which the Water from the said Lands may be wholly hindered and prevented from flowing into the said District, the Owners and Occupiers of such Lands shall be and are hereby declared to be freed and exempted from the Payment of the first Acre Tax herein-before authorized to be taxed, charged, and assessed upon the said Lands and the Owners and Occupiers thereof; and if the Commissioners shall, on taxing, charging, and assessing the second or any future Acre Tax herein-before authorized to be laid, be satisfied that for the preceding Twelve Months the Owners or Occupiers of such Lands shall have continued stopped up the said Grip at the South-east End of *Littley Drove* and all other Outlets, and also have maintained such a good and sufficient Bank against *Peavor's Lode*, so far as such Lands extend, by which the Water from the said Lands shall be wholly hindered and prevented from flowing into the said District, the Owners and Occupiers of such Lands shall be and are hereby declared to be freed and exempted from the Payment of the second or any future Acre Tax by this Act authorized to be laid, as the Case may be.

Cases to be exempt from Tax.

LXIII. Provided always, and be it enacted, That if the Owners or Occupiers of the Lands lying on the East Side of a certain Drove way called *Slack's Drove*, and of such Portion of the *Lakenheath* and *Hockwold* Turnpike Road as lies between the said Drove way and the Hard Lands of *Holywell Row*, being Part and Parcel of the said last-mentioned Lands above *Littley Drove*, do, within the Period of Six Months from the passing of this Act, effectually and to the Satisfaction of the Commissioners stop up all the Outlets, and by a good and sufficient Bank or otherwise prevent the Water from the Lands on the East Side of the said Drove way called *Slack's Drove* and of the aforesaid Portion of the said Turnpike Road from flowing into the said District, the Owners and Occupiers of such Lands so situate on the East Side of the said Drove way called *Slack's Drove* and of the aforesaid Portion of the said Turnpike Road shall be and are hereby declared to be freed and exempted from the Payment of the first Acre Tax herein-before authorized to be taxed, charged, and assessed upon the said Lands and the Owners and Occupiers thereof; and if the Commissioners shall, on taxing, charging, and assessing the second or any future Acre Tax herein-before authorized to be laid, be satisfied that for the preceding Twelve Months the Owners or Occupiers of such Lands shall have continued stopped up all the Outlets, and by a good and sufficient Bank or otherwise prevented the Water from the said Lands on the said East Side of the said Drove way called *Slack's Drove* and of the aforesaid Portion of the said Turnpike Road from flowing into the said District, the Owners and Occupiers of such Lands shall be and are hereby declared to be freed and exempted from the Payment of the second or any future Acre Tax by this Act authorized to be laid, as the Case may be, notwithstanding the Owners or Occupiers of the Remainder of the said Lands situate above *Littley Drove* may not, under the Provision herein-before contained, have stopped up the said Grip and other Outlets, and maintained such good and sufficient Bank against *Peavor's Lode*, so far as such Lands extend, so as wholly to hinder

Owners and Occupiers of other Portions of Lands in a certain Event to be exempt from Tax.

and prevent the Water from the said Lands flowing into the said District.

Existing Surveys, Maps, &c. may be used or new ones constructed.

LXIV. And be it enacted, That it shall be lawful for the Commissioners to make use of and adopt any existing Surveys, Admeasurements, Maps, or Plans of all or any Part of the Lands by this Act made liable to the Payment of any Tax, Charge, or Assessment, or the Commissioners may, in their Discretion, from Time to Time order and direct all or any Part of such Lands to be surveyed, measured, and mapped; and it shall be lawful for any Person employed in making such Survey and Admeasurement to enter on the Lands or Grounds of any Persons for that Purpose; and such Surveys and Admeasurements, whether now existing, or which shall be prepared under the Power of this Act, when authenticated to the Satisfaction of the Commissioners, and signed by any Seven or more of them, shall be binding on the several Persons charged with the Payment of such Taxes, Charges, and Assessments for their several Lands; and shall be admitted and allowed as Evidence in all Courts whatsoever in all Cases, Suits, and Actions touching any thing done in pursuance of this and the said recited Acts.

Commissioners may let the Herbage of the Banks, &c.;

LXV. And be it enacted, That the Commissioners may from Time to Time let, for any Period not exceeding Three Years, under such Conditions and Restrictions as they shall see fit, the Herbage of the North Bank of *Mildenhall* River, and the Forelands thereof, and also the Herbage of the several Banks, Forelands, Drove ways, and Waste Places within the said District, the Herbage of which said last-mentioned Banks, Forelands, Drove ways, and Waste Places are hereby vested in and declared to belong to the Commissioners: Provided always, that such Banks and Forelands shall be fed only with Sheep or young Stock under Two Years old.

and destroy Moles, &c.;

LXVI. And be it enacted, That it shall be lawful for the Commissioners to destroy all such Moles or other Vermin as shall be found in the Lands and Grounds severally intended to be taxed by virtue of this Act, and the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Persons at such Wages or Salary as they the Commissioners shall think proper; and it shall be lawful for such Persons to enter into and upon the said Lands for that Purpose.

and cut Thistles.

LXVII. And be it enacted, That the Commissioners may cause all the Thistles and Weeds which shall arise or grow upon any Bank, Drove way, or Waste Land within the said District, or upon any Bank, Drove way, or Waste Land thereto adjoining, to be mowed, cut down, and destroyed as often as shall be necessary.

Monies advanced for obtaining this Act to be repaid, with Interest.

LXVIII. And be it enacted, That if any of the Proprietors or Persons interested in the said Lands within the said District, or the Persons by them employed to solicit and obtain this Act, or any other Person whomsoever, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences of obtaining this Act, or preparatory or incident thereto, or shall already have advanced any

any Money for those Purposes, such Persons shall, out of the first Monies which shall be raised by the Commissioners by virtue of this and the said recited Acts, be repaid the same, with lawful Interest, from the respective Times of advancing such Money.

LXIX. And be it enacted, That the several Taxes, Charges, Assessments, Tolls, and Monies levied, raised, received, and taken by the Commissioners, and all Penalties directed to be paid to the Commissioners, shall be applied by them, in the first place, in Payment of the Expences of obtaining and passing this Act or incident thereto; in the next place, in Payment of the Interest of the Monies borrowed on Mortgage by virtue of the recited Acts and of this Act, or either of them, and afterwards in defraying the Expence of maintaining, executing, and completing the several Works of Drainage, and in carrying the several Purposes of this and the said recited Acts into execution.

Application of the Funds of the Commissioners.

LXX. And be it enacted, That so much of the said recited Act of the Forty-seventh Year of the Reign of King *George* the Third as enact, that the Majority of the said Commissioners assembled at any public Meeting held by Authority of that Act might authorize any Owner or Occupier of Lands within the said Second District to erect or cause to be erected any Mill or Mills, Engine or Engines, for the Purpose of throwing the Water out of the said Fen into *Mildenhall* River, or any public Drain belonging to the said Commissioners, subject to such Rules, Regulations, and Charges as should be agreed upon between the said Commissioners and the said Owners and Occupiers, and every such Agreement should be registered amongst the other Proceedings of the said Commissioners, shall be and is hereby repealed.

Repeal of Provision in Act 47 G. 3. as to private Mills.

LXXI. And be it enacted, That if any Person shall, without the Consent in Writing of the Commissioners, at any Time erect or set up any Embankment, Sluice, Mill, or other Engine or Device whatsoever for draining or discharging Water from any Lands within the said District, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to the Commissioners, if the Commissioners sue for the same within Three Months after such Embankment, Sluice, Mill, or other Engine or Device shall be erected, set up, or worked, or otherwise to any Person who may sue for the same, to be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case; and the Owner of such Embankment, Sluice, Mill, Engine, or Device shall also make full Compensation and Satisfaction to all Persons who shall be injured thereby for the Damage such Persons shall thereby sustain.

No private Mill, &c. to be erected.

LXXII. Provided always, and be it enacted, That if any such Embankment, Sluice, Mill, Engine, or Device shall not be pulled down, removed, taken up, and carried away within the Space of Twenty-one Days after Notice for that Purpose shall be given by Order of the Commissioners to the Owner of the Land or Ground on which the same shall be as aforesaid, or left at his last or usual Place of Abode, or with or for the Tenant in possession of the Premises, then

If Owner neglects to remove any such Embankment, &c. Commissioners may remove same.

then and in such Case it shall be lawful for the Commissioners to cause all such Embankments, Sluices, Mills, Engines, or Devices to be taken up, pulled down, and removed immediately after the Expiration of the Time specified in such Notice; and the Costs and Expences thereby incurred shall be reimbursed to the Commissioners by the Owner or Occupier of the Land or Ground from which such Embankment, Sluice, Mill, Engine, or Device shall be pulled down, removed, taken up, or carried away, and may be recovered by the Commissioners in the same Manner as any Damages for which no special Provision is herein contained are hereby directed to be ascertained and recovered.

Dams, &c. not to be removed, except with Consent of Two Thirds of the Commissioners.

LXXIII. And be it enacted, That where any Dams, Stanches, or Overfalls shall have been or shall hereafter be erected by the Commissioners for the Purpose of keeping up a sufficient Head of Water for the Benefit of the Fen Lands lying higher in their Situation than the rest, such Dams, Stanches, or Overfalls shall not be removed, nor shall any Door, Slat, or other Aperture be made in any such Dam, Stanch, or Overfall so as to reduce the Height of Water at any such Dam, Stanch, or Overfall, unless Two Thirds at least of the Commissioners present at a Meeting shall so direct.

Power to let Water into the District.

LXXIV. And be it enacted, That it shall be lawful for the Commissioners to continue any Tunnel already made from the *Mildenhall* River, or from any of the Lodes or Drains within or near the said District, into the Ditches belonging to the Lands liable to be taxed by virtue of this Act, and to order any other Tunnel to be laid down at any Time or Times hereafter from the said River, Lodes, or Drains into the said Ditches, for the Purpose of letting Water into the said District, in such Way and Manner and subject to such Regulations as they shall think fit, or for any other Purpose that they may think necessary.

Penalty for placing Tunnels under Banks without Consent of Commissioners.

LXXV. And be it enacted, That if any Person shall at any Time place any Tunnel through any of the Banks of the said River, Lodes, or Drains without the Consent of the Commissioners, every Person so offending shall for every such Offence forfeit to the Commissioners the Sum of Fifty Pounds, to be recovered with full Costs of Suit in any of the Superior Courts, by Action of Debt or on the Case.

Penalty for using Nets, &c. in public Drains or impeding Drainage.

LXXVI. And be it enacted, That if any Person shall, without the Consent of the Commissioners, set or make use of any Net, Grig, or other Instrument for catching Fish, or for any other Purpose whatsoever, in or against any Division Dike or Ditch, or any Drain or Tunnel within the said District, or shall make, erect, or continue, or cause to be made, erected, or continued, any Dam, Heading, Stanch, or Sluice or other Obstruction in any Division or other Dike or Ditch, Drain or Tunnel, or shall do any Act whatsoever whereby the free Passage of the Waters through such Division or other Dike, Ditch, Drain, or Tunnel shall in any respect be impeded or obstructed, or shall in any other Manner impede or obstruct the said Drainage, or injure or destroy any of  
the



the Works formed for the Purpose of the said Drainage, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Twenty Shillings *per* Day for each and every Day the said Drainage shall be impeded or obstructed, or such Works shall continue injured or destroyed.

LXXVII. And be it enacted, That if any Person shall wilfully or negligently suffer any Cattle, Stock, or Swine to stray upon, or to feed or root up the Soil, or otherwise damage the North Bank of *Mildenhall* River, or any Bank made or used under the Authority of the said recited Acts, or either of them, within the said District, or which may be made or used under the Authority of this Act, or if any Person shall fodder or cause or permit to be foddered or driven to water upon any such Banks any Cattle or Stock, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall be construed or extend to prevent any Person hiring any of the said Banks of the Commissioners from feeding the same with Sheep and Lambs, and with Calves under Two Years old.

Penalty for permitting Cattle, Swine, &c. to stray on or injure the Banks.

LXXVIII. And be it enacted, That if any Person shall at any Time make, cut, or scour out, or cause to be made, cut, or scoured out, any Ditch or Drain within the Distance of Sixty Feet from the Centre of any Bank made or maintained under the Authority of this and the said recited Acts, without the Consent in Writing of the Commissioners, or shall plant any Tree or Holt, or place any Stack, or erect any Building, within the Distance of Two hundred Yards from any Mill or Engine belonging to or used by the Commissioners, without having obtained such Consent as aforesaid, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners, or their Superintendent or Workmen, to fill up every such Ditch or Drain, and to cut down such Tree or Holt, and to pull down and remove every such Stack or Building.

Penalty for cutting Ditches within Sixty Feet of the Centre of the Banks.

LXXIX. And be it enacted, That if any Person shall, without the Consent in Writing of the Commissioners, at any Time make or use or cause to be made or used any Watering Place or Places of Access for Cattle to drink in any of the public Drains made or maintained by the Commissioners, every such Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalty for making Watering Places in public Drains.

LXXX. And be it enacted, That in all Cases where any Damages or Charges are by this or the said recited Acts directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this or the said recited Acts any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any

Provision for Damages and Charges not otherwise provided for.

Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

LXXXI. And be it enacted, That where in this or the said recited Acts any Question of Compensation or Damages is referred to the Determination of any Justices, it shall be lawful for such Justices to examine the Parties to such Question and their Witnesses on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justices for going into any such Question, without reasonable Excuse, to the Satisfaction of such Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justices to proceed *ex parte*.

Penalties to be summarily recovered before Two or more Justices.

LXXXII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this or the said recited Acts, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before Two or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons, requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any Two or more Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

LXXXIII. And be it enacted, That if upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

LXXXIV. And be it enacted, That it shall be lawful for any Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeitures and Costs, unless the Offender give sufficient Security,  
by

by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing his Warrant of Distress, it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to Two or more Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

LXXXV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this or the said recited Acts, the Application whereof is not otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners, and the other Half thereof to the Informer or any Person suing for the same, or, if the Commissioners be the offending Party, shall award one Half thereof to the Informer, and the other Half thereof to the Overseer of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of the said Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Application  
of Penalties.

LXXXVI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by this or the said recited Acts for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to  
be sued for  
within Six  
Months.

LXXXVII. And be it enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this or the said recited Acts shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on  
Witnesses  
making De-  
fault.

LXXXVIII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Commissioners, or any Person authorized by them in that Behalf, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Pro-  
visions

Transient  
Offenders.

visions of this or the said recited Acts, and whose Names and Residence shall be unknown to such Officer or Person authorized as aforesaid, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall, with all convenient Speed, proceed to the hearing and determining of the Complaint against the Offender.

Form of Conviction.

LXXXIX. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this or the said recited Act may cause the Conviction to be drawn up in the Form in the Schedule (B.) to this Act annexed.

Informalities.

XC. And be it enacted, That no Proceedings in pursuance of this or the said recited Acts shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress not unlawful for Want of Form.

XCI. And be it enacted, That no Distress levied by virtue of this or the said recited Acts shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

Persons giving false Testimony guilty of Perjury.

XCII. And be it enacted, That every Person who in any Examination to be taken by virtue of this or the said recited Acts shall wilfully and corruptly give false Evidence before any Justice, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any Laws and Statutes of this Realm.

Preserving Rights of the Bedford Level Corporation and Commissioners of South Level.

XCIII. Provided always, and be it enacted, That all the Rights, Powers, and Authorities whatsoever which, by virtue of any Act or Acts of Parliament or otherwise, are now vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Commissioners of the *South Level* of the Fens, or in the Commissioners for draining the First District of *Burnt Fen* Lands, by virtue of any Act of Parliament, shall be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and *South Level* Commissioners, and the said Commissioners for draining the First District of *Burnt Fen* Lands, respectively, except so far as such Rights, Powers, and Authorities are hereby varied, altered, or repealed, as fully as if this Act had not been passed.

General Saving.

XCIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Persons, Bodies Politic, Collegiate, and Corporate, and their Heirs, Successors, Administrators, or Assigns, all such Estates and Interests, not prejudicial to the said draining,

draining, as they had and enjoyed of, in, to, or out of or in respect of the Lands, Grounds, and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

XCV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word "Person" shall include any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole :

The Word "Month" shall mean Calendar Month :

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Word "Justice" shall mean Justice of the Peace for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :

The Expression "the Commissioners" shall mean the Commissioners for the Time being of "The *Mildenhall Fen District*:"

The Words "said District" shall mean "The *Mildenhall Fen District*."

XCVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

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SCHEDULE (A.)

*Form of Mortgage Deed.*

By virtue of an Act passed in the \_\_\_\_\_ Year of the Reign of Queen Victoria, intituled [*here insert the Title of the foregoing Act*], we \_\_\_\_\_ the Commissioners for executing the said Act, in consideration of the Sum of \_\_\_\_\_ advanced and paid by *A.B.* of \_\_\_\_\_ to the Treasurer appointed by virtue of the said Act, do hereby assign unto the said *A.B.*, his Executors, Administrators, and Assigns, the Taxes, Charges, Assessments, and Tolls authorized to be collected by virtue of the said Act and of the Acts therein recited, with all Powers and Authorities for collecting and raising the same, to hold the same to and for his and their own Use and Benefit from the \_\_\_\_\_ Day of \_\_\_\_\_ until the said Sum of \_\_\_\_\_ with Interest at the Rate of \_\_\_\_\_ per Centum per Annum, shall be repaid. In witness whereof we, the said Commissioners, have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

SCHEDULE (B.)

*Form of Conviction.*

to wit. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in  
us *C.D.* and *E.F.*, Two of Her Majesty's Justices of the Peace for  
the County of \_\_\_\_\_ [*here describe the Offence generally, and  
the Time and Place when and where committed*], contrary to the  
Mildenhall Drainage Act, 1843. Given under our Hands and Seals  
the Day and Year first above written.

*C.D.*  
*E.F.*