Anno tricesimo

Georgii II. Regis.

An Act for Draining and Preserving certain Marsh and Fen Lands and Low Grounds, in the Parish of *Wiggenhall Saint Mary Magdalen*, in the County of *Norfolk*.

WHEREAS certain Fen Lands and Low Grounds, lying and being in the Parish of Wiggenhall Saint Mary Magdalen, in the County of Norfolk, containing in the Whole, Four thousand Acres, or thereabouts, and bounded as follows; viz. From the East End of Green Dyke, next West Fen Load, to the Bank of the River Ouze, and so along under the West Side of that Bank, to Staple Wear; and from thence under a certain Bank upon Wiggenhall Common, and so along the South Side of that Bank, including the same, to and cross the Mire Bank, next Marshland Fen, as far as Chancellor's Dyke, and so on by Chancellor's Dyke Northward, as far as Broad Fen; and from thence along a Dyke on the North Side of a certain Bank, called Border Bank, to another Bank, called Fen Bank, and from Fen Bank to Gillingroe Way, by the Perambulation Way, between Wiggenhall Saint Peter's and Saint Mary Magdalen's; and from thence by Gillingroe Way to the West End of Green Dyke, and along that Dyke to the aforesaid East End thereof; have, for divers Years last past, been, and still are, Preamble.

are, frequently overflowed with Waters, through the Defects of their Outfalls to Sea, by which Means the same are of little or no Profit to the Owners thereof: And whereas, notwithstanding the Powers and Provisions now in force, for draining and keeping dry the said Fen Lands and Low Grounds, by and under the Commissioners of Sewers, or any other Law, the same cannot be drained or kept dry, without the Aid of Parliament: To enable the Owners and Proprietors of the said Fen Lands and Low Grounds to drain, and to preserve and keep the same drained for the future, by which Means great Benefit will not only accrue to the Publick, but much Profit will arise to the said Owners; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Impropriator and Vicar of Wiggenhall Saint Mary Magdalen aforesaid, for the time being, and all and every Person and Persons who is, are, or shall be, Owner or Owners of Fifty Acres of Land, or upwards, lying within the Boundaries aforesaid, and chargeable with the Tax hereafter mentioned, shall be, and is and are hereby, appointed Commissioner and Commissioners, during the Time of such Ownership, to put this present Act, and all and every the Powers and Authorities herein aftermentioned, in Execution; and also that all and every Person and Persons, who is, are, or shall be, Owner or Owners of Three hundred Acres of Land, or upwards, lying within the said Boundaries, and chargeable as aforesaid, shall have full Power and Authority, during the Time of such Ownership, by Writing under Hand, to be yearly certified and delivered in at One of the Two General Meetings to be held on the First Monday in April, and the First Monday in October, as hereafter appointed, to nominate and appoint another Person also to be a Commissioner as aforesaid; and also that all and every Person and Persons, who is, are, or shall be, Owner or Owners of Fifty Acres of Land, or upwards, lying within the said Boundaries, and chargeable as aforesaid, shall have full Power and Authority, during the Time of such Ownership, by Writing under Hand, to be yearly certified and delivered in at One of the said Two General Meetings, to nominate and appoint his, her, or their Agent or Bailiff to be a Commissioner or Commissioners as aforesaid, in the Place and Stead of such Owner or Owners; and that all and every Person and Persons, so nominated and appointed as aforesaid,

Commissioners appointed.

shall

shall likewise be, and is and are hereby appointed a Commissioner and Commissioners, during such Ownership as aforesaid, shall likewise be, and is hereby appointed a Commissioner and Commissioners during such Ownership as aforesaid of the Person or Persons respectively so appointing and nominating, to put this Act, and all and every the Powers and Authorities herein after-mentioned, in Execution.

Penalty on Persons acting, if not qualified.

Provided always, and it is hereby further enacted, That if any Person not qualified as aforesaid, shall presume to act, or shall appoint or nominate any Person or Persons to act, as a Commissioner in the Execution of this Act, he and she shall, for every such Offence, forfeit the Sum of Twenty Pounds, to be recovered with Full Costs of Suit, by any Person who will inform or sue for the same in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or upon the Case, Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed, and in which Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner, or nominated or appointed a Person to act as a Commissioner in the Execution of this Act; and a Verdict shall be found against the Defendant, unless he shall prove in his Defence, that he was, at the Time of his so acting, nominating, or appointing, qualified according to the true Intent and Meaning of this Act.

Commissioners Power to make Banks, &c. and to erect Engines,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, are hereby authorized, and shall have full Power, from time to time hereafter, at their Wills and Pleasures to alter, remove, rebuild, or repair, any of the Engines, Gools, or other Works already made and erected, and to make, and cause to be made, such new Banks, Cuts, Drains, Dams, Outlets, and other Works, in and through, and to make and erect, or cause to be made and erected, such Engines, Sluices, Gools, or other Works, upon the said Lands and Grounds so bounded and described as aforesaid, or any of the Banks adjoining thereto, for draining and conveying the Waters from the same Lands into the River Ouze, through the Banks of that River, as shall be thought fit, necessary, and convenient, by the said Commissioners, or any Five or more of them, at the Meeting or Meetings of the said Commissioners herein after appointed for the Purposes aforesaid.

paying for the Damage;

Provided always, That if the said Commissioners shall make, or cause to be made, any Bank, Cut, Drain,

Dam, Outlet, or other Work, in or through any several Grounds, or erect or make, or cause to be erected or made, any Engine or Engines, or other Work thereon, they shall pay such a reasonable Satisfaction to the Person or Persons having a Right to the said several Grounds, in or through which such Bank, Cut, Drain, Dam, Outlet, or other Work shall be made, or whereupon such Engine or Engines or other Work shall be erected, for the Damage done thereby, as shall be agreed upon between the said Commissioners, or any Five or more of them, and the Party or Parties having Right to such several Grounds; and if the said Commissioners, or any Five or more of them, and the said Party or Parties, cannot agree about the Value of such Damage; then, as shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, not interested, in the said Parish of Wiggenhall Saint Mary Magdalen, at any General Quarter Session of the Peace, or Adjournment thereof, to be held for that Division of the said County of Norfolk, wherein the said Parish of Wiggenhall Saint Mary Magdalen lies, within Twelve Months next after such Damages shall be done.

and if the Parties cannot agree, the same to be adjudged by the Justices in Session.

And, for the better putting this Act in Execution; be it enacted by the Authority aforesaid, That the said Commissioners herein named, or any Five or more of them, shall Twice in every Year; to wit, On the First Monday in April, and on the First Monday in October, or at any other Time or Times, as they shall see Cause, or think convenient, pursuant to Notice in Writing for that Purpose signed by Five or more of the said Commissioners, and affixed upon the Bridge of Wiggenhall Saint Mary Magdalen, at least Six Days before every such other Meeting, meet at some Publick House in Wiggenhall Saint Mary Magdalen aforesaid, King's Lynn, or Watlington in the said County, to be appointed by the said Commissioners, or any Five or more of them; the First Meeting to be at the Sign of the Dolphin in Wiggenhall Saint Mary Magdalen aforesaid, on Monday the Twentieth Day of June, One thousand seven hundred and fifty seven, and may adjourn themselves and meet again pursuant to such Adjournment; and, at any such original or adjourned Meetings, shall be, and are hereby impowered to make Orders, and give Directions for altering, removing, rebuilding, or repairing, any of the Engines, Gools, or other Works already erected, and for making such proper new Banks, Cuts, Drains, Dams, Outlets, and other Works, through the said Lands and Grounds, and for making and erecting such proper Engines

Time and Place of Trustees Meeting.

Commissioners may make Orders, &c.

gines and other Works thereon, and also for the better Government, and more orderly Management of the said Works, and the Maintenance thereof; and to appoint One or more Collector or Collectors, Receiver or Receivers, or such other proper Officer or Officers, with reasonable Salaries, for the making and taking care of such Works, and for collecting the Rates and Assessments which shall be made or assessed for the making and Maintenance thereof, as they the said Commissioners, or any Five or more of them, shall think proper: Which said Collector or Collectors, Receiver or Receivers, or other Officer or Officers, so to be named and appointed as aforesaid, shall and may be altered and removed at the Will and Pleasure of the said Commissioners, or the major Part of them, so assembled at such Meeting or Meetings so to be held as aforesaid, who shall and may choose and appoint another or others in the Room and Stead of the Person or Persons so altered and removed, as often as Occasion shall require; and such Collector or Collectors, Receiver or Receivers, so to be named and appointed as aforesaid, before he or they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners for the due Execution of such their respective Offices, and for the executing and performing the several Trusts to them committed, as the said Commissioners, or the major Part of them, shall, in their Discretion, see fit and require.

choose Officers.

Officers may be removed.

To give Security.

And be it further enacted by the Authority aforesaid, That at all and every or any of such Meeting or Meetings, so to be held by the said Commissioners, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the said Fen Lands and Low Grounds, so bounded and described as aforesaid, by an equal and proportional Acre-tax, in any Rate or Sum not exceeding Two Shillings per Acre in each Year, for the making, carrying into Execution, and effecting the said Works of Draining, and for maintaining the same, and for other the Purposes herein mentioned; and to limit and appoint such certain Days and Places for the respective Payments thereof, half-yearly, to the Collector or Collectors, Receiver or Receivers, for the time being, as the said Commissioners, or any Five or more of them, under their Hands, shall direct or appoint.

Commissioners to lay an equal Acre-tax, not exceeding 2 s. *per* Acre each Year.

Provided always, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon, for, or in respect

High Lands not to be charged.

of

of any High Lands, within the Boundaries aforesaid, not subject to Inundations; and if any Dispute shall arise, whether any of such Lands ought to be deemed High Lands, the same shall be determined by Five or more of the said Commissioners, at any of their said Meetings; but in case they shall not determine such Dispute within Three Months after they shall be requested so to do, or if any Person or Persons shall think himself, herself, or themselves, aggrieved by such Determination of the said Commissioners, then it shall and may be lawful for him, her, or them, to apply and appeal to the Justices of the Peace, or the major Part of them, at their General Quarter Session of the Peace, or Adjournment thereof, to be holden for the aforesaid Division of the said County of Norfolk, within Six Months after such Dispute or Determination shall happen; which said Justices shall and may adjourn such Dispute and Appeal to any other Session of the Peace for the said Division of the said County, and finally determine the same at any of the said Sessions; and give such Costs to either Party as they shall think reasonable.

Justices to determine Differences.

And forasmuch as the said Money so to be rated, levied, collected, and gathered as aforesaid, will not be sufficient to defray the immediate Expence of altering, removing, rebuilding, or repairing any of the Engines, Gools, or other Works already erected, and making such new Banks, Cuts, Drains, Dams, Outlets, and other Works, and erecting such Engines and other Works as will be necessary for draining, and for the speedy Improvement of the said Fen Lands and Low Grounds; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall and may, and are hereby impowered, from time to time, to borrow any Sum or Sums of Money which they shall think necessary, for altering, removing, rebuilding, or repairing the said Engines, Gools, or other Works already erected, and the making, carrying on, and preserving the said Works; and by Writing under their Hands and Seals, to assign over the said Rates, Taxes, and Sums of Money above mentioned to be assessed, rated, taxed, and charged as aforesaid, or any Part thereof (the Costs and Charges of which Assignments shall be borne and paid out of the said Tax) for any such Time or Times, or Number of Years, and in such Manner and Form, as to the said Commissioners, or any Seven or more of them, shall seem meet, as a Security for any Sum or Sums of Money by them

Commissioners to borrow Money on the Tax.

Money not to be borrowed but at a publick Meeting, and not by less than 7 Commissioners.

them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with Interest, not exceeding Five Pounds per Centum per Annum; which said Money so borrowed, shall be applied, in the First Place, to pay and discharge the Charges and Expences of obtaining this Act of Parliament, and then shall be applied and disposed of in altering, removing, rebuilding, or repairing any of the Engines, Gools, or other Works already erected, and in making such new Banks, Cuts, Drains, Dams, Outlets, and other Works, and erecting such Engines and other Works as aforesaid, for the effecting the draining and improving the said Fen Lands and Low Grounds described as aforesaid, and to be applied and disposed of to no other Use or Purpose whatsoever. Application of the Money.

And be it further enacted by the Authority aforesaid, That in case Default shall be made by any Person or Persons so assessed, rated, tared, and charged as aforesaid, in his, her, or their respective Payments, so to be assessed and rated, and appointed to be made as aforesaid, by the Space of Twenty Days after the Time limited for the Payment thereof, and Demand made by the Collector or Collectors, Receiver or Receivers, to be appointed as aforesaid, by leaving Notice in Writing of such Demand, at the most notorious Part of the Premisses, charged with the Sum or Sums so assessed and rated, or at the usual or last Place of Abode of the Person or Persons who is, are, or ought to pay the same, or at the Door of the Church of Wiggenhall Saint Mary Magdalen aforesaid, it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the said Commissioners (which said Warrant or Precept such Commissioners, or any Two or more of them, are hereby impowered, from time to time, to make, as Occasion shall require) to distrain any Goods, Chattles, or Cattle, of any Person or Persons making Default in his, her, or their respective Payments as aforesaid, wherever the same shall be found; and also any Goods, Chattles, or Cattle, that shall be found upon the said Grounds and Premisses so charged with any such Sum or Sums of Money; and the Goods, Chattles, and Cattle so distrained, to keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Commissioners may distrain for Taxes.

Cause of such Distress at the Dwelling-house, or some other notorious Part of the said Grounds and Premisses, and to cause the same to be appraised and sold, as hereafter mentioned; and if the said Owner or Owners shall not pay the Sum or Sums of Money so assessed and rated, together with the Charges of making such Warrant, and taking such Distress, and keeping and maintaining the same, within the said Five Days, that then the said Goods, Chattles, and Cattle so distrained shall be appraised by Two or more of the Inhabitants of the Parish where the same shall be taken, or other sufficient Persons, and be sold by the said Collector or Collectors, Receiver or Receivers, for Payment of the said Money so assessed and rated, and also of the said Charges, and likewise of the Charges of appraising and selling such Distress, and the Overplus coming by such Sale (if any be) over and above the Sum or Sums so rated and assessed, and the aforesaid Charges, shall be returned, on Demand, to the Owner or Owners thereof;

Distress may be appraised and sold, after 5 Days.

and the several and respective Occupier and Occupiers of all and singular the said Fen Lands and Low Grounds so bounded and described as aforesaid, which shall be assessed or rated by virtue of this Act, are hereby required and authorized to pay such Sum and Sums of Money as shall be so assessed and rated upon such Fen Lands and Low Grounds; and to deduct out of the Rent so much of the said Assessment or Rate, as the said Fen Lands or Low Grounds, or Occupier or Occupiers in respect thereof, shall be assessed or rated at, and the Landlords, both mediate and immediate, according to their respective Interests, are hereby required to allow such Deduction and Payment, upon Receipt of the Residue of their Rents; and that every Occupier paying such Assessment or Rate, shall be acquitted and discharged for so much Money as the said Assessment or Rate shall amount unto, as if the same had been actually paid to such Person or Persons unto whom his, her, or their Rent should have been due and payable.

Tenants to pay the Rates, and deduct the same out of the Rents.

And, to the end that the full Sum which shall be so rated or assessed, may be duly answered and paid; be it enacted by the Authority aforesaid, That if any Person shall refuse or neglect to pay to the Collector the Sum with which he or she shall be respectively charged by the Space of Two Months, after a personal Demand hath been made thereof by the said Collector, every such Person shall forfeit and pay the further Sum of Five Shillings for every Twenty Shillings which shall be in Arrear and unpaid, to be levied by Distress and Sale

Person neglecting to pay the Rates, for 2 Months after Demand, forfeits 5 s. for every 20 s. he shall be in Arrear;

of his, her, or their Goods and Chattles, in such Manner as any other Penalty is herein before directed to be levied; and the Money arising by such Distress and Sale, shall be applied towards carrying on the said Works of Draining, and other the Purposes of this Act.

to be levied by Distress and Sale;

Provided always, and it is hereby enacted and declared, That in case any of the said Lands and Grounds shall at any Time hereafter be untenanted or unoccupied, or the Owner or Owners thereof shall not be found, so that no sufficient Distress can be made for levying the said Rates and Taxes, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattles which shall at any Time thereafter be found thereon, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of the said Rates and Taxes, and Charges, shall be fully paid and satisfied.

if no Distress be found, the Lands to remain a Security for the Tax, &c.

And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money hereby enacted to be assessed upon, and paid by, the Owners or Occupiers of the Lands, Grounds, and Premisses aforesaid, shall be charged and chargeable, in the first Place, with and for the Payment of all and every such Sum and Sums of Money, so to be borrowed as aforesaid, and the Interest thereof, from time to time, and shall vest in the respective Creditors, upon Default of Payment of such Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof.

Rates liable to the Payment of the Money borrowed, &c.

And, for the more effectually securing unto such Creditors as aforesaid the regular Payment of all Interest that shall, from time to time, become due unto them for or in respect of any such Principal Money, so to be lent and advanced by them as aforesaid, it is hereby further enacted, That when and so often as any half-yearly or yearly Payments of Interest shall become due unto any such Creditors as aforesaid, his, her, or their Executors, Administrators, or Assigns; and the same shall have remained in Arrear and unpaid by the Space of Three Months next after the Day or Days on which the same ought to have been paid, Demand thereof having been first made of the Receiver or Collector of the said Rates and Taxes for the time being, if there should then be any such Officer residing in or within Five Miles of the said Parish of Wiggenhall Saint Mary Magdalen; then, and in every such Case, it shall and may be lawful to and for every such Creditor, his, her, or their Executors, Administrators,

Creditors may distrain for Interest, if not paid half-yearly, or within 3 Months after.

strators, or Assigns, forthwith to raise and levy by Distress and Sale of any Goods, Chattles, or Cattle, that shall be found upon any Part of the said Lands, Grounds, and Premisses, so charged or chargeable, as aforesaid, with the Payment of the said Rates and Taxes, all and every such Arrear and Arrears of Interest as aforesaid, together with the Costs and Charges of raising and levying the same, returning the Overplus to the Owner or Owners of such Goods, Chattles, or Cattle, so distrained and sold; and the aforesaid Commissioners, at their next Meeting which shall be held after such Distress so taken as aforesaid, shall and are hereby required, out of the said Rates and Taxes, to reimburse unto such Owner or Owners all and every such Sum and Sums of Money as shall have been so raised and levied upon him, her, or them, by such Creditor or Creditors as aforesaid.

Assignments transferrable without Stamp.

And it is hereby further enacted, That the said Assignments or Securities, so to be made as aforesaid, under the Hands and Seals of Seven or more of the said Commissioners, shall and may be assignable or transferrable by Indorsement on the original Grant or Security thereof, or otherwise, without Stamp, to any Person or Persons whatsoever; and the Person or Persons to whom such Transfer or Assignment shall be made, shall, from thenceforth, be well and sufficiently intitled to all the Monies due and to grow due on the said original Grant or Security.

Person maliciously destroying the Works, guilty of Felony.

And it is further enacted, That all and every Person or Persons whomsoever, who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise destroy, any Bank, Mill, Engine, Floodgate, or Sluice, already erected or made, or which shall, at any Time hereafter, be making or erecting, or made or erected, for the draining or improving the said Fen Lands or Low Grounds as aforesaid, or any Part thereof, and shall thereof be lawfully convicted, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by or before whom such Person shall be tried, shall, and have hereby Power and Authority to transport such Felons for Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and if any Person or Persons shall, at any Time hereafter, maliciously destroy, stop, dam up, spoil, or damage, any Drain, Watercourse, Door, Dam, Bridge, or other Work or Works already made or erected, or which shall, at any Time hereafter, be making or erecting, or made or erected, for answering the Purposes aforesaid, or shall lay or set any Nets or other Engines therein, every

Persons maliciously stopping up, &c. any Drain, &c.

Person or Persons so offending, being thereof convicted before Two or more Justices of the Peace for the County of Norfolk, who are hereby required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit, for every such Offence, the Sum of Twenty Pounds to the said Commissioners, to be applied for the Purposes for which the said Rates and Cares are hereby directed to be applied, and to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hands and Seals of any Two of the said Justices, before whom such Conviction shall be made; and, in Default of such Distress, or Payment of the said full Sum of Twenty Pounds, the Person or Persons so offending shall, by the said Justices, be committed to the House of Correction of the said County, there to be kept to hard Labour, for such Time as such Justices shall order and direct, not exceeding Six Months, at the Discretion of the said Justices by whom such Commitment shall be made.

shall forfeit 20*l.*

or be kept to hard Labour.

And it is hereby further enacted, That if any Person or Persons shall at any Time make, or cause to be made, any Watering-place or Place of Access for Cattle to drink in any of the Mill-drains within the said Fen Lands or Low Grounds, or shall continue to use any such Watering-place or Place of Access, after Notice in Writing to the contrary thereof, given to him, her, or them, by any Two or more of the said Commissioners, every Person or Persons so offending, being thereof convicted before One Justice of the Peace for the said County of Norfolk, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit for every such Offence the Sum of Ten Shillings to the said Commissioners, to be applied as aforesaid, and to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hand and Seal of the said Justice before whom such Conviction shall be made.

Penalty for making Places for Watering in the Mill-drains.

And, to the end that it may appear clearly what is raised from time to time, by virtue of the said Assessments or Rates, and how the same hath been applied, and that all Accounts relating to the Monies raised and disbursed by virtue of this Act, may be fairly examined; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall cause a Book of Assessment to be made and kept, and all Rates and Assessments made as aforesaid under this Act to be fairly entered therein; and also a Book of Account to be made

Accounts how to be kept and entered.

and kept, and an Account of all the Receipts and Disbursements, relating to all Monies received or disbursed by virtue of this Act, to be fairly entered in the same; and that no Accounts shall be passed or allowed, unless the same shall be kept and made up in such Books as aforesaid; and that Once in every Year, to wit, The First Monday in April, they the said Commissioners, or any Five or more of them, being the major Part of the Commissioners present at such Meeting, shall carefully inspect and examine all Receipts and Disbursements of such Monies as shall be collected, received, or disbursed, by virtue of this Act, to the Twenty fifth Day of March then next before such Meeting, and Vouchers relating to the same; at which said Time, the Collector or Collectors, Receiver or Receivers, of the said Rates and Sums of Money to be raised as aforesaid, are hereby required to attend with his or their Books of Assessment, Receipts, and Disbursements, and all Vouchers for the same; and upon Consideration and Examination of the said Accounts upon Oath, to be administered by Five of the said Commissioners, and which Oath Five of the said Commissioners are hereby impowered to administer, the said Commissioners or any such Five or more of them, as aforesaid, are hereby impowered and ordered to allow and pass the said Account as they shall think fit, or such Part or Parts of the same as they shall see just and reasonable; and such Account or Accounts, or such Part or Parts of them, as shall be allowed by the said Commissioners, or any Five or more of them as aforesaid, under their Hands, shall be fairly entered into Two several Sets of Books to be kept for those Purposes; One Set whereof shall be kept by the said Commissioners, and the other Set shall remain in the Church Chest of the Parish of Wiggenhall Saint Mary Magdalen aforesaid; and the said Books shall and may be inspected and perused, at any Time at seasonable Hours, by any Person or Persons, being an Owner or Owners of any Part of the said Fen Lands and Low Grounds, requiring the same, without Fee or any other Reward.

Commissioners to take the Accounts upon Oath.

Directions concerning Dykes and Drains,

And it is hereby further enacted by the Authority aforesaid, That all Owners and Occupiers of Lands, lying and being within the Boundaries aforesaid, shall make, and from time to time, and at all Times hereafter, keep all the Outring or Division Dykes, or Drains, belonging to their said Lands respectively, Nine Feet wide and Five Feet deep from the level Soil; and shall also, from time to time, and at all Times hereafter, cause the same Dykes or Drains to be well and effectually roaded, scour-

Bridges and Tunnels.

ed, and cleansed from Weeds, and other Rubbish and Obstructions, and cause Bridges or Tunnels to be laid over the said Dykes and Drains, where the said Commissioners, or the major Part of them, at any of the said Meetings, shall judge necessary for the better issuing, running, and conveying away the Waters therein; and if any such Owner or Occupier shall refuse or neglect to make or keep such his or her Dykes or Drains of the Dimensions aforesaid, or to road, scour, or cleanse the same from Weeds, or other Rubbish or Obstructions, after Fourteen Days Notice to him or her given, or left at his or her last or usual Place of Abode, in Writing under the Hands of Two or more of the said Commissioners, then shall such Owner or Occupier forfeit Two Pence per Rod for every Rod neglected to be so roaded, scoured, and cleansed; and the said Commissioners, or any Two or more of them, shall and may, and they are hereby authorized and required to cause the same to be done in a proper and effectual Manner; and by Warrant under their Hands and Seals, to authorize and impower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in doing thereof, and also the said Penalty of Two Pence for every Rod so neglected as aforesaid, by Distress and Sale of such Goods and Chattles as shall at any Time thereafter be found on the Lands or Grounds to which such Drains or Dykes, Bridges or Tunnels, shall appertain or belong; such Penalty to be applied as is herein before directed concerning the Penalty for damaging any of the Works made or erected, or to be made or erected, by or under the Authority of this Act; and the Person or Persons to whom such Warrant or Warrants shall be directed, shall and may levy the Money so expended, by Distress and Sale of the same Goods and Chattles, together with all incident Charges, in the same Manner as the said Rates and Taxes are herein before directed to be levied, rendering the Overplus, if any be, to the Owner or Owners thereof.

If Owners neglect, Commissioners may order Drains, &c. to be made and scoured.

Penalty *per* Rod.

Money to be expended to be levied with Charges.

Provided also, and it is hereby further enacted and declared, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners appointed for putting this Act in Execution, to erect or set up any Sluice or Dam across the River Ouze, or to do or perform any other Work or Works, which may prejudice the Navigation of the said River Ouze, or obstruct or hinder any Waters from falling down the said River, through Lynn Channel to Sea.

Commissioners not to prejudice the Navigation of the *Ouze*.

And

Limitation of Actions. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, for any thing done or to be done, in pursuance of this Act, and in the Execution of any of the Powers and Authorities hereby given, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Norfolk, and not elsewhere; and the Defendant or Defendants in such Actions or Suits, shall and may plead the General Issue; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do; and give this Act, and the Special Matter in Evidence, without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon; and that the same was done in Pursuance and by the Authority of the said Act; and if the same shall appear to have been so done; or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought or laid in any other County; then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits; or if any Verdict shall pass against him, her, or them; or Judgement be given against him, her, or them, upon a Demurrer, or otherwise; then and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have like Remedy, as where Costs by Law are awarded.

General Issue.

Treble Costs.

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

FINIS.