ANNO UNDECIMO

Georgii III. Regis.

An Act for draining and preſerving certain Fen Lands and Low Grounds in the Pariſhes of *Stoke Ferry*, *Northwold*, *Wretton*, *Wereham*, *Weſt Dereham*, and *Roxham*, in the County of *Norfolk*.

WHEREAS certain Fen Lands and Low Grounds lying and being in the Pariſhes of Stoke Ferry, Northwold, Wretton, Wereham, Weſt Dereham, and Roxham, in the County of Norfolk, containing in the Whole Two thouſand five hundred and ſeventy Acres, or thereabouts, and bounded as follows, (viz.) From Skipwith Corner, parting the Pariſhes of Fordham and Roxham, North of the River Wiſſey, and from thence by the North Side of the ſaid River Wiſſey, Eaſtward, to a certain River called String or Orton River, leaving Mr. Thomas Goddard's Merchant's Yard, Granary, Publick-houſe, Garden, and Two Fiſh-ponds, all lying near Stoke Bridge on the South, and ſo on by the Weſt Side of the ſaid String River, Northward to Orton Dam, and Preamble

so along the South Side of Lands called Orton Hills, strait across to the East End of Roomer Drove; and so along the South Side of Roomer Drove to the Turnpike Road, and across the said Turnpike Road, along the said South Side of Roomer Drove, to a certain other Road lately leading from Wereham and Stoke to Oxborough, by a certain Place called The Clay Pitts; and from thence along the South Side of the said last mentioned Road called The Old Oxborough Road, to the North End of a certain Drove Way near Creeke's Close; and from thence along the North East Side of the said Drove Way, to another Part of the said Turnpike Road, and so along the South East Side of the same Turnpike Road, proceeding South West to the Turnpike House; and so across the London Road to the South Side of Mr. Thomas Goddard's Fish Pond Close, and so round the South and West Sides of the said Fish Pond Close, to a Drove Way by Mr. Smith's House, standing on the great Road from Stoke to Wretton; and then along the said last Road to a Drove Way leading from Stoke to Stoke Fen House, and so along the South East Side of the said last Drove to Stoke Fen House; and from Stoke Fen House along another Drove leading South West, to a certain Drove Way called Ling Drove, and so along the South Side of the said Ling Drove, to the Road leading from Wretton Fen House, to the Red Lion at Wretton; and along the West Side of the said last Drove or Road to the low Road leading from Stoke to the new Bridge at Dereham Abbey, and so along the South Side of the said last-mentioned Road to the said new Bridge, upon the East Gate of Dereham Abbey; and from thence by the Side of the East and South Gate, to the South West Corner of the said Gate, and from thence by the Side of a Ditch at the South End of the Twenty Acres of Sir Simeon Stuart; and along the said Ditch Southward, to the East End of a small Drove, and so along the said small Drove to the Smea Drove, and along the Smea Drove Westward, to another Drove called The Fifty Acre Drove; and along the said Fifty Acre Drove Northward, to another Drove called Hall Close Drove, and along the said Hall Close Drove Westward, to the Drift Way leading from the said Drove, through the Lands of Thomas Shorton and Mr. Rolfe, to Sir Simeon Stuart's Forty Acres, and along the said Drift Way to the said Sir Simeon Stuart's Forty Acres; and so along the Division Ditch parting Bassil Farm and the said Forty Acres, to the Corner of Roxham Boundary; and so along

along a Serpentine Ditch parting Baſſil Farm, and the Lands of Mr. Pratt in Roxham, called Pott's Piece, to the South Weſt Corner of the ſaid Baſſil Farm; and ſo ſtrait acroſs the ſaid Pott's Piece, Weſtward to a Serpentine Ditch the North Side of Mr. Pratt's Lands, called The Delves; and ſo along the ſaid Ditch Weſtward, to a certain Place called The Green, and along the ſame Ditch, at the North Side of the ſaid Green Weſtward, to the Diviſion Ditch between Fordham and Roxham; and from thence by the Weſt Side of the ſaid laſt-mentioned Diviſion Ditch Southward to the River Wiſſey, by Skipwith Tunnel; have, for divers Years laſt paſt, been and ſtill are frequently overflowed with Waters, through the Defects of their Out-falls to Sea, and for Want of the Repairs of the North Bank of the River Wiſſey, by which Means the ſame are of little or no Profit to the Owners thereof: And whereas it would be very advantageous to all Perſons intitled to, and intereſted in, the ſaid Fen Lands and Low Grounds, if the ſame were properly drained, imbanked, and preſerved, which cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Lord or Lords, Lady or Ladies of the reſpective Manors of Ravenham in Stoke, Wereham, and Wretton Ironhall in Stoke, Wretton, and Wereham, Wereham Hall, in Wereham, and Weſt Dereham in Weſt Dereham, and their Stewards reſpectively for the Time being; and all and every Perſon or Perſons who is, are, or ſhall be Owner or Owners of Twenty 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 after mentioned, in Execution; and alſo that all and every Perſon and Perſons who is, are, or ſhall be, Owner or Owners of One 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 his, her, or their Hand or Hands, to be yearly certified and delivered in at One of the Two General Meetings to be held on the Firſt Wedneſday in April, and the Firſt

Trustees Names.

Wednesday 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 Twenty 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 his or her, or their Hand, to be certified and delivered in at One of the said Two General Meetings, to nominate and appoint his, her, or their Agent, Bailiff, or any other Person, 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, shall likewise be, and is, and are 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.

Qualification of Trustees.

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, qualified, or nominated or appointed, according to the true Intent and Meaning of this Act.

Two Meetings to be held in a Year.

And, for the better putting this Act in Execution, be it further enacted, That the said Commissioners, or any Five or more of them, shall Twice in every Year, to wit, on the First Wednesday in April, and the First Wednesday in October, and at any other Time or Times, as they shall see Cause, or think convenient, pursuant

to

to Notice in Writing for that Purpose, signed by Five or more of the said Commissioners, and affixed upon the Church Doors of the respective Parishes of Stoke Ferry, Wretton, Wereham, and West Dercham, at least Eight Days before every such other Meeting, meet at some Publick-house in Stoke or Wereham aforesaid, to be appointed by the said Commissioners, or any Five or more of them; the First Meeting to be at the Sign of the Crown in Stoke aforesaid, on the Second Wednesday after the passing this Act, and may adjourn themselves, and meet again pursuant to such Adjournment at that or any other Place; and at any such original or adjourned Meetings, shall be, and are hereby impowered to appoint One or more Collector or Collectors, Receiver or Receivers, and 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 any Seven or more of them, so assembled at such Meeting or Meetings so to be held as aforesaid, who shall and may chuse 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 shall in their Discretion see fit and require.

Commissioners to appoint Officers.

Officers to give Security.

Provided always, and be it further enacted, That towards defraying the Expences of the said Commissioners, upon account of their Attendance at any of the Meetings to be held as aforesaid for putting this Act in Execution, a Sum not exceeding Two Shillings shall be paid by the Collector or Receiver of the Rates and Taxes for each of the said Commissioners present at any such Meeting, and shall be allowed in the Accounts of such Collector or Receiver as so much Money paid for the Purposes of this Act; any Thing herein contained to the Contrary notwithstanding.

Allowance to Commissioners.

And be it further enacted, That the said Commissioners, or any Five or more of them, are hereby authorised, and shall have full Power, from Time to Time, to scour out, or stop up, and turn such Loads, Cuts, and Drains, and to repair and support such Banks and Sluices; and also to make such new Cuts, Drains, Dams, Banks, Sluices, Tunnels, and Outlets, through the said Fen Lands and Low Grounds, or any Part thereof, so bounded and described as aforesaid, and to erect such Works and Engines thereupon, on any of the Banks adjoining thereto; and also to scour out, rode, or cleanse, all or any Part of a certain Drain called Roxham Drain, lying within the Boundary aforesaid, and so much of the same Drain, and of another Drain called Saint John's Eau, as lie between Skipwith Corner and Saffery's Folly; and also to widen, alter, or rebuild, a certain Bridge or Tunnel across Roxham Drain, near Helgay Bridge, for draining and conveying the Waters from the same Lands into the said River Wissey, through the North Bank thereof, at or near the said Place called Skipwith Corner, or into the River Ouze, through Roxham Drain, and so along the said Roxham Drain, to a certain other Drain called Saint John's Eau, which empties itself into the said River Ouze, either through a certain Sluice called Saffery's Folly, or through a certain other Sluice called Stow Fall, 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 before appointed for the Purposes aforesaid: And whereas there are at present no Ditches or Drains of Communication from the upper Part of the said District called East Fen, to the said Drain called Roxham Drain; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, at any of their Meetings, and they are hereby required as soon as conveniently can or may be after the passing this Act, to cause one certain Drain to be made from the said East Fen to the said Roxham Drain, of such Width and Depth as they in their Discretion shall see meet, which Drain shall ever after be called a publick Drain.

Drains may be made from *East Fen* to *Roxham Drain*.

And whereas the Arches of the Bridge, commonly called Stoke Bridge, are not, at certain Times, wide enough to take off the Water which runs down the said River Wissey towards the Sea; but obstructs the same, so as to cause it to overflow the Land above the said Bridge: And whereas the said Water might be let down

so

so as to pass the said Place in a more expeditious and commodious Manner, through the Two Fish Ponds aforesaid, belonging to Mr. Thomas Goddard, and under the present Turnpike Road near to the said Bridge; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Five or more of them, to make a Bridge along the said Turnpike Road, and to make and maintain such Tunnels and Sluices, so as to convey such Water through the said Two Fish-ponds, and across the said Road, reserving to the said Thomas Goddard his Right and Title to the said Two Fish-ponds, to pass and fish therein as his private Property, as if this Act had not been made.

Commissioners erecting a Bridge, to preserve the Property of Mr. *Goddard*,

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 Lands or Grounds within the Boundary aforesaid, or erect or make, or cause to be erected or made, any Mill or Mills, 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 Grounds, in or through which such Bank, Cut, Drain, Dam, Outlet, or other Work shall be made, or whereupon such Mill or Mills, 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 any Two or more of them, not interested in the said Parishes of Stoke Ferry, Northwold, Wretton, Wereham, West Dereham, and Roxham, or any or either of them, at any General Quarter-sessions of the Peace, or Adjournment thereof, to be held for that Division of the said County of Norfolk, wherein the said Parishes lie, within Twelve Months next after such Damages shall be done.

Commissioners making Banks, Cuts, &c.

shall pay for the Damage.

Justices to determine Differences.

Provided also, and be it further enacted, That in case the said Commissioners, or any Five or more of them, shall at any Time or Times think it necessary or proper to make or repair any Bank or Banks, for the draining and preserving the said Fen Lands and Low Grounds, it shall be lawful for them to use or

Commissioners may dig Earth for making Banks within 70 Yards of such Bank.

cause to be used, any Earth or Ground, lying or being on either Side of such Bank or Banks, or use or cause to be used any Earth or Ground, being common or waste Grounds, lying or being on either Side, and adjoining to the said River Wissey, not exceeding Seventy Yards from such Bank or Banks so to be made or repaired.

Tax to be raised, for Repayment of Money borrowed.

And whereas, for carrying on and effecting the said Works of Draining, and securing the Repayment of such Sum and Sums of Money as shall be borrowed for that Purpose, it will be necessary that certain Taxes should be laid on all the said Fen Lands and Low Grounds (except such Parts of the said Fen Lands and Low Grounds as are common to the several Parishes herein mentioned); be it therefore further enacted, That from and after the passing of this Act all and singular the said Fen Lands and Low Grounds (except as aforesaid) and all and every the several and respective Owner and Owners, Occupier and Occupiers thereof, shall be, and the same are hereby rated, assessed, taxed, and charged with the yearly Sum of Two Shillings per Acre, to be applied for the Purposes of this Act.

Commissioners may reduce the Tax, and raise them again.

Provided always, and be it further enacted, That if at any Time hereafter the Monies which shall be borrowed upon the Credit of this Act, or any Part thereof, with the Interest thereof, shall be fully paid and satisfied, then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby required, at their then next half-yearly Meeting, to lessen and reduce the said Acre-tax, charged on the said Fen Lands and Low Grounds by virtue of this Act, as they shall judge necessary, so that the same shall not exceed the Sum of One Shilling per Acre yearly: But in case it shall happen at any Time hereafter that the said Commissioners, or any Five or more of them, shall think it necessary to borrow and take up at Interest any further or other Sums of Money, for the Purposes of this Act; then, and in such Case, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to advance and raise the said Acre-tax, so that the same does not exceed the yearly Sum of Two Shillings per Acre, until the said Monies so to be borrowed, with the Interest thereof, shall be fully paid and satisfied.

Provided

Exemption of High Lands.

Provided also, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon or in respect of any High Lands, within the Boundary aforesaid, which have not been subject to Inundations; and if any Dispute shall arise, whether any such Lands are to be deemed or not deemed High Lands, the same shall be determined upon View within Twelve Months after the passing of this Act, by Two indifferent Persons, One of them to be appointed by the said Commissioners, or any Five or more of them, at any of their Meetings, and the other by the Proprietor or Proprietors of the Lands in Dispute; which said Two Persons, before they proceed to determine such Dispute, shall chuse One indifferent Person to determine the same, in case they shall afterwards be divided in their Opinions.

Power of levying Taxes.

And be it further enacted, That if any Person or Persons so rated and taxed as aforesaid, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, within the Space of Twenty-eight Days after the respective Times of Payment to be appointed by the said Commissioners, or any Five or more of them (publick Notice thereof being affixed upon the Doors of the Parish Churches of Stoke Ferry, Wretton, Wereham, and West Dereham aforesaid, by the Collector or Receiver of the said Commissioners for the Time being) it shall be lawful for such Collector or Receiver, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners (which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby impowered and required, from Time to Time to make, as Occasion shall require) to levy the Sum or Sums so assessed and rated, by Distress and Sale of such Goods and Chattels as shall be found upon all or any of the Grounds and Premises so charged with any such Sum or Sums of Money, and the Goods and Chattels so distrained to keep by the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof; and if such Owner or Owners shall not within the said Space of Five Days, pay the Sum or Sums so assessed or rated, that then the Goods and Chattels 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

Receiver or Receivers for the Payment of the said Money; and the Overplus (if any be) coming by such Sale after the Sum or Sums so rated and assessed, and the Charges of taking, keeping, and selling the said Distress are deducted, shall be returned to the Owner or Owners thereof upon Demand; and the several and respective Tenants of all and singular the said Fen Lands and Low Grounds, which are or shall be assessed or rated by virtue of this Act, are hereby required and authorised to pay the Sum and Sums of Money which shall be so assessed and charged 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 the Tenant or Tenants in respect thereof, are or 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 Rent; and every Tenant paying such Assessment or Rate shall be acquitted and discharged for so much Money as the said Assessment or Rate shall amount to, as if the same had been actually paid to the Person or Persons intitled to the Rents of such Lands or Grounds; except where there is a Lease for Three or more Years to come from the Commencement of this Act, in which Case the Proportion of the Assessment or Rate which the Tenant ought to bear and pay in Consideration of the Benefit he receives, shall be adjusted and awarded by any Five or more of the Commissioners for putting this Act in Execution, who have no Interest in the Premises so in Lease.

Occupiers refusing to pay for the Space of 2 Months, to forfeit 5 s. for every 20 s.

And, to the End that the full Sum which shall be so rated or assessed may be duly answered and paid; be it further enacted, That if any Occupier or Occupiers shall refuse or neglect to pay to the Collector the Sum with which he, she, or they, 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 Sum of Five Shillings for every Twenty Shillings, which shall be in Arrear and unpaid; to be levied by Distress and Sale of his, her, or their Goods and Chattels, in such Manner as any other Penalty is herein 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.

Provided

Provided always, and be it further enacted, 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 Chattels 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. Lands liable to the Tax, if no Distress to be found.

And be it further enacted, That where any of the said Rates or Taxes shall be in Arrear and unpaid by the Space of Two whole Years together, then the said Commissioners, or any Seven or more of them, at any of their Half-yearly Meetings, shall have full Power and Authority to sell to the best Bidder at a publick Auction, so much of the said Lands and Grounds upon which any Tax shall be so in Arrear, as they the said Commissioners, or any Seven or more of them, shall judge sufficient to raise such Taxes, and the Penalties incurred for Non-payment thereof as aforesaid, by Writing under the Hands and Seals of Seven or more of the said Commissioners; and the Person or Persons to whom such Sale shall be made, shall be a lawful Purchaser and Assignee of so much of the said Lands and Grounds as shall be so sold, to all Intents and Purposes whatsoever. Sale of Lands.

Provided always, and be it further enacted, That the said Commissioners, or any Seven or more of them, shall cause personal Notice to be given to the Owner or Proprietor, Owners or Proprietors of the Lands so to be sold, if that can be conveniently done, or shall cause Notice in Writing to be left at his, her, or their Place or Places of Abode, if such Place or Places be known to the Commissioners, or otherwise shall give publick Notice in the Norwich Papers, if any such shall be printed, Three Months at the least intervening between the Time of any such Sale and any such personal Notice, or between the Day of the Date of any such written or printed Notice or Notices and the Time of any such Sale as aforesaid. Notice to be given.

Provided also, That by Colour of such Sale no Tenant or Tenants at Will, or by Lease at an improved Rent, shall be removed from his or their Possession, Proviso.

until he or they shall have taken the Crop from off the Premises so sold, paying a reasonable Rent to the Purchaser proportionable to the Time that such Possession shall be continued after such Sale as aforesaid; and also that such Tenant or Tenants, by Lease as aforesaid, shall and may, if he or they shall think fit, continue out their respective Terms, paying the Rent to such Purchaser in proportion to the Quantity of Land so purchased; any Thing herein contained to the Contrary notwithstanding.

Proviso. Provided also, That the said Commissioners shall cause a Schedule of the Lands so to be sold for Taxes in Arrear, to be affixed upon the Church-Doors of the Parishes of Stoke Ferry, Wretton, Wereham, and West Dereham aforesaid, Three several Sundays before the Day of Sale.

Lands dug into Turf Pools exempted for 7 Years, unless occupied in Turf Pools; and if so, to pay Half Taxes. Provided also, That no Assessment, Rate, or Tax, shall, during the first Seven Years after the making this Act, be made, collected, or levied upon any Lands within the said Boundaries, which are now dug out into Hod or Turf Pools, and shall lie unoccupied; but in case any Lands so dug shall be occupied, or if any Turf shall be dug therein during the said Term of Seven Years, then the same shall be assessed, rated, and charged, for all the Remainder of the said Term, with the same Rates and Taxes wherewith the other Fen Lands in the said Boundaries shall be charged by virtue of this Act.

And forasmuch as the Money so to be rated, levied, collected, and gathered as aforesaid, will not be sufficient to defray the immediate Expences of making such Banks, Cuts, Drains, Dams, Tunnels, and Outlets, and for erecting such Mills, Engines, and other Works as shall be necessary for draining, and for the speedy Improvement of the said Fen Lands and Low Grounds,

Power for borrowing Money. be it further enacted, That the said Commissioners, or the major Part of them (such major Part being not less than Five) assembled at any Meeting to be held as aforesaid, shall and may, and are hereby impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, which they shall think necessary for the making, carrying on, repairing, and preserving of the said Works, and other the Purposes of this Act; and by Writing under their Hands and Seals, without Stamps, to assign over the said yearly Rates and Taxes hereby charged, or to be charged, upon the said Fen Lands and Low Grounds, and every or any Part thereof (the Costs and Charges of the Assignments

ſignments to be paid out of the ſaid Taxes) as a Security for the Repayment of ſuch Sum or Sums, with Intereſt, to the Perſon or Perſons who ſhall advance or lend ſuch Sum or Sums, his, her, or their Truſtee or Truſtees; which Money ſo to be borrowed ſhall, in the firſt Place, be applied to defray the Expences of obtaining this Act of Parliament; and the Reſidue of the Money ſo to be borrowed ſhall be applied and diſpoſed of in making ſuch Cuts, Drains, Dams, Banks, Tunnels, and Outlets, and erecting ſuch Works, Mills, and Engines, as will be neceſſary for draining and improving the ſaid Fen Lands and Low Grounds, and for other the Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

Security to be given.

And be it further enacted, That the Rates, Taxes, and Sums of Money to be aſſeſſed by virtue of this Act, upon the ſaid Fen Lands and Low Grounds, ſhall be charged and chargeable, in the firſt Place, with the Payment of the Principal Money ſo to be borrowed, and the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch Principal and Intereſt, until the ſame ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Power, Rights, and Privileges, of raiſing and recovering the ſeveral Taxes and Sums of Money payable by the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, for and in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners or their Collectors could have had in caſe the ſaid Principal and Intereſt had been regularly and fully ſatisfied and paid.

Securities transferrable.

And be it further enacted, That every Perſon to whom any Aſſignment of the ſaid Rates and Taxes ſhall be made for ſecuring any ſuch Sum or Sums of Money lent as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, ſhall have full Power, from Time to Time, by Indorſement on the original Grant or Security, without Stamps, to aſſign or transfer the ſame to any Perſon or Perſons whomſoever; and ſuch Tranſfer or Aſſignment, from and after the Time that the ſame ſhall be entered in a Book to be kept by the ſaid Commiſſioners for that Purpoſe (which Entry their Clerk or Treaſurer is hereby required to make, upon producing ſuch

Aſſignment

Assignment and Payment of Two Shillings and Sixpence for the said Entry) shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the Principal and Interest due, or to grow due thereupon; and such Assignee or Assignees may, in like Manner, assign again, and so toties quoties, as Occasion shall require, every such Assignment being entered as aforesaid.

Persons punishable for destroying Banks, &c.

And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise destroy, or cause or procure, or hire any Person or Persons, to cut, throw down, burn, or otherwise destroy any Bank, Mill, Engine, Flood-gate, or Sluice, which at any Time or Times hereafter shall be making or erecting, or made or erected, for draining and improving the said Fen Lands and Low Grounds, as aforesaid, and shall be thereof lawfully convicted, such Person and Persons shall be adjudged guilty of Felony; and the Court by or before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to transport such Person or Persons 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 or Times hereafter wilfully or maliciously destroy, stop, dam up, spoil, or damage, or cause, procure, or hire any Person to destroy, stop, dam up, spoil, or damage any Drain, Watercourse, Tunnel, Bridge, Sluice, or other Work or Works, which at any Time or Times hereafter shall be making or erecting, or made or erected, for answering the Purposes aforesaid, or shall destroy, stop, dam up, spoil, or damage the said Drains, called Roxham Drains and Saint John's Eau, or the Sluices or Doors, called Saffery's Folly and Stow Fall, or shall lay, or throw, or place any Rubbish, or any other Obstruction therein, or cause, procure, or hire any Person to lay, throw, or place, any Rubbish therein; every Person so offending, and being thereof convicted, on the Oath of One or more credible Witness or Witnesses, shall be, and is hereby declared to be guilty of a High Crime and Misdemeanor.

To prevent Annoyances on the Mill-drain and carting on the Banks.

And be it further enacted, That if any Person or Persons shall at any Time make, or cause to be made, any Watering-place, or Places of Access for Cattle to drink, in any of the Mill-drains within the said Fen Lands

Lands or Low Grounds, or shall continue to use any Watering-place already made, after Notice in Writing to the contrary thereof given to him, her, or them, by any Two or more of the said Commissioners; or if any Person or Persons shall drive, or cause to be driven, any Waggon, Cart, or other Carriage, upon or across any Bank which shall be made or maintained by virtue of this Act, (unless such Bank hath been of Right used as a Cart Way, or be made upon a common Drove-way, and a sufficient Passage shall not be left along the Side of the said Bank) every Person or Persons so offending in either of the said Cases, 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 Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal of the said Justices before whom such Offender or Offenders shall be convicted.

To prevent the driving of Cattle upon the Banks.

And be it further enacted, That in case any Person or Persons shall at any Time hereafter ride any Beast (except for the Purpose of haling of Boats, and that only from Ware Dike to Skipwith Corner) or shall drive, or cause to be driven, any Stock or Cattle upon any Bank which shall be raised or maintained by virtue of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Shillings; to be levied and applied in the same Manner as the Penalty herein before last mentioned is directed to be levied and applied.

Where there is no Drove-way to drive Cattle upon the Banks.

Provided always, That where there is no Drove-way leading to the Lands or Grounds of any Owner or Occupier in the said Fen Lands and Low Grounds, it shall and may be lawful to and for every Owner or Occupier of such Lands and Grounds, and his and their Servants and Workmen, to drive any Cattle upon and across the said Banks to and from such Lands and Grounds; any Thing herein contained to the Contrary notwithstanding.

Penalty on feeding Cattle on the Banks or Drove-ways.

And be it further enacted, That if any Person or Persons shall permit or suffer his, her, or their Neat Cattle, or Horse Kind to depasture or feed, or if any

Neat Cattle or Horse Kind shall be found depasturing or feeding upon any of the Banks or Drove-ways which shall be maintained by virtue of this Act, without the Leave of Seven or more of the said Commissioners first had and obtained in Writing, at any of their Meetings as aforesaid; then, and in such Case, it shall and may be lawful to and for the Collector or Receiver for the Time being, or any other Person employed by him or them, to seize and impound such Neat Cattle or Horse Kind then depasturing or feeding upon such Banks or Drove-ways, and to detain and keep such Neat Cattle or Horse Kind until such Time as the Owner or Owners thereof shall have paid to the Person or Persons impounding the same, the penal Sum of One Shilling each for all such Neat Cattle or Horse Kind that shall be so impounded; and in case the same shall not be paid, together with the reasonable Charges of detaining and keeping the same, before the next Meeting of the Commissioners, or any Five or more of them, after such impounding as aforesaid, then the said Commissioners, or any Five or more of them, shall and may cause the same to be sold, returning the Overplus (if any be) to the Owner or Owners of such Cattle on Demand, after such Penalties, together with the reasonable Charges of such detaining, keeping, and selling the same, shall be fully paid and satisfied.

Owners may feed Sheep, &c. on the North Bank of the River *Wissey*.

Provided always, and it is hereby enacted, That it shall and may be lawful for the Owners or Occupiers of such of the said Fen Lands and Low Grounds within the Boundary aforesaid as lie against the North Bank of the said River Wissey, yearly, to feed with Sheep or Lambs, so much of the said North Bank, and Drove-ways as lie between the Frontage of their respective Lands and the said River Wissey; any Thing herein contained to the Contrary notwithstanding.

Owners neglecting, the said North Bank to be mown.

Provided also, That in case any such last-mentioned Owner or Owners, Occupier or Occupiers, in any Year, shall not think proper, or shall neglect to feed with Sheep or Lambs the said North Bank and Drove-ways, lying between the Frontage of their respective Lands and the said River Wissey; then, and in such Case, every such Owner or Owners, Occupier or Occupiers, shall mow, or cause to be mown, in an Husband-like Manner, and at seasonable Times the said Banks and Drove-ways, and the Hay and Fodder arising therefrom shall respectively take and carry away from off the

the said Banks and Drove-ways, to and for his, her, or their Use or Uses; and every Person so neglecting to mow and carry away the said Hay and Fodder therefrom arising shall, for every such yearly Neglect, forfeit and pay the Sum of Ten Shillings for every Furlong of such Bank and Drove-ways that shall be neglected to be mowed and carried away as aforesaid, and so in proportion for any greater or less Quantity than a Furlong; to be levied and applied in the same Manner as the Penalty herein before last mentioned is directed to be levied and applied.

Owners to keep Outring or Division Dykes good.

And be it further enacted, 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 Four 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 roded, scoured, 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 any Five or more of them, at any of the said Meetings shall judge necessary for the better issuing, running, and conveying away the Waters therefrom; 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 rode, scour, or cleanse the same from Weeds or other Rubbish or Obstructions, after Twenty 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 any 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 roded, scoured, and cleansed; and the said Commissioners, or any Two or more of them, shall and may, and they are hereby authorised and required, to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals, to authorise 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 Chattels as shall at any Time thereafter be found on the Lands

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or Grounds to which such Drains or Dykes, Bridges or Tunnels shall appertain or belong; such Penalty to be applied for the Purposes for which the said Rates and Cares are hereby directed to be applied, 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 Chattels, together with all incident Charges, in the same Manner as the said Rates and Cares are herein before directed to be levied, rendering the Overplus (if any be) to the Owner or Owners thereof.

For destroying Moles.

And, to the End that the Banks to be raised and maintained by virtue of this Act may be the better preserved, be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the said Fen Lands or Low Grounds adjoining or near to such Bank or Banks, shall neglect or refuse to catch or destroy the Moles in such Lands, after Ten Days Notice given to him, her, or them, for that Purpose, by any Officer appointed by any Two or more of the said Commissioners, then it shall be lawful for the said Commissioners, or any Five or more of them, to employ some Person or Persons to catch and destroy the same, and by Warrant or Precept under their Hands and Seals, (which Warrant or Precept such Commissioners, or any Five or more of them, are hereby impowered and required, from Time to Time to make, as Occasion shall require) to levy the usual Charge of catching such Moles by Distress and Sale of the Goods, Chattels, or Cattle, which shall be found upon the Grounds and Premises respectively whereon such Moles shall be caught, over and above the other Rates and Cares charged, or to be charged, upon the same by virtue of this Act, and in the same Manner as the said Rates and Cares are herein before directed to be levied, together with the Charges of making, keeping, and selling such Distress, rendering the Overplus (if any be) to such Owner or Owners, Occupier or Occupiers respectively, after all Charges paid.

Destroying Plantations near Mills.

And, in order that the Mills and Engines to be erected or employed by virtue of this Act may the better answer the Purposes for which they were intended, be it further enacted, That no Trees or Holts shall be planted, or Building erected nearer to any Mill or Engine erected or employed for the Purposes of this Act than One hundred and fifty Yards; and if any Trees or Holts shall be

be planted, or Building hereafter erected, within the Distance aforesaid, then it shall and may be lawful for the said Commissioners, or any Five or more of them, to cause such Trees or Holts to be taken up and carried away, and such Building to be pulled down and removed; and it shall and may be lawful for the said Commissioners, or any Five or more of them, to cause any Trees or Holts which shall be growing within the Distance of One hundred and fifty Yards from any Mill to be erected or employed for the Purposes of this Act, at the Time such Mill or Engine shall be first erected or used, to be cut down, making such Satisfaction to the Owner of such Trees or Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them, or as shall, in case of any Difference, be ascertained by the Justices of the Peace, within Six Months after cutting down such Trees or Holts, at any Quarter-session to be held for the County of Norfolk, at Lynn or Swaffham, in the said County.

Staunches may be erected.

And whereas Part of the said Fen Lands lying near the Skirts of the High Lands are higher in their Situation than the rest, and it is apprehended that such Lands, if the Sewers should lie in common, may be made too dry by such Times as the lowest Lands are well drained; therefore, for the avoiding this Inconvenience, be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to erect Staunches or Overfalls at proper Places in the Drains or Dykes leading from such Lands, as they the said Commissioners shall in their Discretion judge necessary for the keeping up a sufficient Head of Water, for the Benefit of such Lands.

For immoderate Turf digging.

And, to the Intent that the Taxes charged upon the said Fen Lands and Low Grounds may not be diminished, but be well and duly paid, be it further enacted, That if any Person or Persons shall dig, or cause to be dug into Hods or Turf, any of the said Fen Lands or Low Grounds, taxed by virtue of this Act, more than One Turf deep, of the usual Length of Eighteen Inches from the Moor Head, before the Expiration of Thirty Years after the last or former digging thereof, it shall and may be lawful for any Person or Persons who shall be appointed for that Purpose, by Writing under the Hands of any Two or more of the said Commissioners, to go upon the Premises, and to throw the said Hods or Turf so cut into the Pools or Pits from whence the same were taken, and to fill the said Pools or Pits with

the said Turf and other Earth, which shall have been taken thereout.

The Tenure of Lands not to be altered by any Forfeiture incurred by this Act.

Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to defeat, alter, or change the Nature or Tenure of the said Fen Lands or Low Grounds, or any of them, for or by reason of the Nonpayment of Taxes, or on any other Account mentioned in this Act; but the same shall remain, continue, and be under the several Tenures they were holden before the Commencement of this Act; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

Commissioners to rode or crab the River *Wissey*.

And whereas the roding, scouring, and widening of the River Wissey, between Stoke Bridge and Hillgay Creek's End, will greatly benefit the draining of the said Fen Lands and Low Grounds; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, as they in their Discretion shall judge necessary, to widen, rode, or crab the River Wissey, between the said Stoke Bridge and Hillgay Creek's End, so as such Widening, Roding, or Crabbing, shall not injure the Navigation of the said River Wissey.

Toll on the North Bank.

And whereas the North Bank of the River Wissey from Skipwith's Tunnel, to a certain Place called Ware Dyke, is by Length of Time become so ruinous and decayed, that Horses cannot pass with Safety for the Purpose of haling Gangs of Boats or Lighters, and the repairing thereof will be attended with considerable Expence; therefore, towards defraying the same, be it further enacted, That every Person who shall hale any Boat or Boats with One or more Horse or Horses, or other Beast or Beasts, upon the said North Bank of the said River Wissey, shall, for every such Horse or Horses, Beast or Beasts, so used in One Day, pay the Toll or Sum of One Shilling per Head, to such Person or Persons as shall be appointed to receive the same by the Commissioners for putting this Act in Execution, or any Five or more of them, to be laid out only in repairing the said Bank, and for no other Purpose whatsoever; and in case of Neglect or Denial of Payment of the said Toll on Demand, the Collector or Collectors thereof (to be appointed by the said Commissioners) are hereby authorised and required to seize and detain any Horse or other Beast upon which such Toll is hereby imposed,

imposed, and the same to keep, appraise, and sell for Satisfaction thereof, as is herein before directed, in respect of the Taxes set and imposed by virtue of this Act.

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

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

And, to the End it may appear clearly what Money has been raised, from Time to Time, by virtue of this Act, and that the Owners and Occupiers of the said Fen Lands and Low Grounds may be satisfied that the Monies so raised have been duly applied, be it further enacted, That Once in every Year (to wit) at the half-yearly Meeting to be held upon the first Wednesday in April, Inspection shall be had by the said Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Money as shall have been raised by virtue of this Act, to the Twenty-fifth Day of March then next preceding; and all Accounts relating to the same, shall be then, or within Fourteen Days after, made up and settled by the said Commissioners, or any Five or more of them, then assembled at such Meeting as aforesaid, at which Times the respective 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 proper Books of Accounts of their respective Receipts and Disbursements, and all Vouchers for the same, and upon Consideration and Examination upon Oath (which Oath any of the said Commissioners are hereby impowered to administer) the said Commissioners, or any Five or more of them, are hereby impowered to allow and pass the said Accounts, 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, Settling Accounts.

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or any Five or more of them, under their Hands, shall be entered in Two several Books to be kept for that Purpose; One of which shall remain with the said Commissioners, and the other shall remain in the Hands of the Treasurer to be appointed by virtue of this Act; and either of the said Books shall and may be inspected and perused without Fee or any other Reward, at any seasonable Hours, by any Person requiring the same, being an Owner of any of the Fen Lands or Low Grounds hereby directed to be drained, imbanked, and preserved.

Reservation of Rights.

And be it further enacted, That nothing in this Act contained, shall prejudice, lessen, or defeat, the Right, Title, or Interest, of the Lord or Lords of any Manor or Manors within the Jurisdiction or Limits whereof any of the said Fen Lands or Low Grounds, by this Act directed to be drained, imbanked, and preserved do lie, of, in, or to the Seignories, Royalties, and Rights incident and belonging to the said Manor or Manors; but that such Lord or Lords shall at all Times hereafter hold and enjoy all Waifs, Estrays, Felons Goods, Escheats, Rights, Royalties, Privileges, and Jurisdictions (except such as may be prejudicial to the draining the said Fen Lands and Low Grounds hereby directed to be drained, imbanked, and preserved) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same, in case this Act had not been made; any Thing herein contained to the Contrary notwithstanding.

Preserving of Rights of the Corporation of *Bedford Level.*

Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Authorities, vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the draining of the Great Level of the Fens called *Bedford Level,* or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of King Charles the Second,

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

Justices may administer Oaths.

And be it further enacted, That in all Cases wherein Jurisdiction is given to any Justice of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Witness or Witnesses.

Limitation of Actions.

And be it further enacted, 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, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and shall be laid or brought in the County of Norfolk, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do; and may give this Act, and the Special Matter in Evidence, without specially pleading the same, otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alledged in such Action or Suit to have been done, was done in pursuance and by the Authority of this Act; and if 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 in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited, or forbear Prosecution, or discontinue his, her, or their Suit or Suits; or if any Verdict shall pass against him, her, or them, upon a Demurrer, or otherwise; then, 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 and declared, That this Act shall be deemed 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.