ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XLV.

An Act for draining and preserving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens, commonly called *Bedford Level*, between certain old Rivers or Drains, called *Stoke River* and *Brandon River*, and a certain Level or District called *Feltwell New District*, and the Hard Lands of *Woodhall in Helgay*, and *Helgay*, in the Counties of *Norfolk* and *Suffolk*.

WHEREAS certain Fen Lands and Low Grounds, lying in that Part of the Great Level of the Fens called The South Level, and situate in the several Parishes, Hamlets, or Townships, of Hockwold with Wilton, Feltwell Saint Mary, Feltwell Saint Nicholas, Methwold, Helgay, and Southery, in the County of Norfolk, and in Lakenheath, in the County of Suffolk, and in a certain extraparochial Place called Norland, in the said County of Suffolk, and Preamble.

and bounded as follows; videlicet, By certain ancient Rivers or Streams called Brandon River, Stoke River, Methwold Load, and a certain Level or District called Feltwell District, and the Hard Lands of Woodhall in Helgay, and of Helgay aforesaid; that is to say, From the South End of a certain Load called Wilton Load, along the North Side of Brandon River, to a certain Ditch or Drain called The Old Twelve Foot Drain, about Two Furlongs below Redmore House, and from thence along the said Old Twelve Foot Drain, towards the North East, to a certain old Sewer or Drain called Stake Load, at the East End of a certain Fen called Mott's Fen, and from thence along the Outring Ditch of Mott's Fen aforesaid, next Feltwell Common, to a certain Drain called Sams's Cut Drain, and along the said Drain, on the North Side thereof, to a certain Bridge, in the Parish of Helgay aforesaid, called Modney Bridge, and from thence along the Skirts of the Hard Lands of Woodhall in Helgay, and of Helgay aforesaid, and on the South, East, and North Sides thereof, to a certain Bridge called Helgay Bridge, and then on the South Side of Stoke River to the South Bank of the said River at Helgay Eastward; and then along the South Bank of Stoke River to Methwold Load, and so along the said Load to the Skirts of the Hard Lands of Methwold aforesaid; and along the Skirts of the Hard Lands of Methwold, Feltwell, and Hockwold with Wilton aforesaid, to the North Side of the said River called Brandon River, at Wilton Load aforesaid, containing in the Whole Thirteen thousand five hundred Acres, or thereabouts (Four thousand Acres, Part whereof are Commons belonging to the several Parishes, Hamlets, and Townships of Methwold, Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton aforesaid, and the Residue and Remainder of the said Fen Lands and Low Grounds are held in Severalty by the several Owners thereof), have for many Years last past been, and still are, overflowed with Water, to the great Prejudice of the Owners and Occupiers thereof, and, by reason of their low Situation, and the Decay of the several Outfalls to the Sea, cannot be drained and preserved without the Aid and Assistance of Parliament; may it therefore

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 ſaid ſeveral Fen Lands and Low Grounds, ſo abuttalled, bounded, and deſcribed, as aforeſaid, ſhall be and are hereby made One General Diſtrict, for the Purpoſe of ſcouring, deepening, maintaining, and ſupporting, the ſaid old Sewer or Drain called Sams's Cut, otherwiſe Sams's Cut Drain, and a certain Sluice called Hunt's Sluice, at the End thereof next the River Ouze; and alſo ſhall be and are hereby made Two ſeparate Diſtricts or Diviſions for the Purpoſe of imbanking and draining the ſame; which ſaid reſpective Diſtricts ſhall be bounded as follows; that is to ſay, That ſuch Part and ſo much of the ſaid Fen Lands and Low Grounds as lies on the South Side of Stoke River, Methwold Load, and on the North Side of Sams's Cut, containing about Eight thouſand Acres, ſhall be and hereby is called and taken as and for the Firſt Diſtrict or Diviſion; and that the Reſidue of the ſaid Fen Lands and Low Grounds, bounded and deſcribed in Manner following; that is to ſay, From Wilton Load aforeſaid, along the North Side of the ſaid River called Brandon River, to the new Bank at Feltwell New Diſtrict, and along the ſaid Bank, to Sams's Cut or Drain, on the South Side thereof, and from thence along the ſame Drain to Stake Load, and on the South Side of Stake Load aforeſaid to the hard Lands of Feltwell, and along the hard Lands of Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton, to Wilton Load aforeſaid, containing about Six thouſand Acres, ſhall be and hereby is called and taken as and for the ſaid Second Diſtrict or Diviſion.

General Diſtrict.

Firſt Diſtrict.

Second Diſtrict.

And be it further enacted, That the Waters of the ſaid Diſtricts, and either of them, ſhall be conveyed from and out of the ſaid Diſtricts reſpectively into the ſaid Rivers called Stoke River, Brandon River, and Sams's Cut aforeſaid, by Engines or Mills to be erected by the reſpective Commiſſioners hereafter mentioned, in Manner following; that is to ſay, That the Waters of the

How the Waters are to be conveyed to the Sea.

said First District shall be carried and conveyed by One Mill only into Stoke River aforesaid; and that the Waters of the said Second District shall be carried and conveyed by such Mills or Engines into, by, and through Brandon River aforesaid, to the said River Ouze; and that the Downfall Waters of the said General District, and of the said Two Districts respectively, shall be carried and conveyed to Sea in, by, and through, interior Drains, to be made and supported by the Commissioners of the said Two Districts respectively, into Sams's Cut, otherwise Sams's Cut Drain aforesaid, through the said Sluice called Hunt's Sluice, into the said River Ouze.

Commissioners for the Districts.

And be it enacted by the Authority aforesaid, That the respective Lord or Lords, Lady or Ladies, of the several Manors of Methwold, on the Part of Lancaster, and of Woodhall and Helgay, otherwise Hilgay, and the Lessee or Lessees, Tenant or Tenants, of Methwold Severals, and the Owner or Owners of Twenty Acres of tarable Lands within the said First District for the Time being, Thomas Moore, Francis Dixon, Matthew Pepper Manby, Thomas Moore Clerk, Francis Dixon the younger, Robert Clough, Arthur Annesley, Henry Greene Clerk, Richard Eaton Clerk, and John Dering Clerk, shall be, and are hereby constituted and appointed Commissioners, for executing and effecting the several Powers, Authorities, and Purposes of this Act, so far as the same relates to the said First District; and that the respective Lord or Lords, Lady or Ladies of the several Manors of and in Hockwold with Wilton, of the capital Manor and the Manor of Southall, and the Manor of Wendlins, Spendlins, and Duntons in Feltwell, and also in the Manor of Sothery, otherwise Southery, and the respective Stewards of the said Manors for the Time being, and also the Owner and Proprietor of a certain Piece of Land called North Cloud for the Time being, Cyrill Wyche, Robert Clough, Robert Clough junior, Cyrill Clough Clerk, John Smith Doctor in Divinity, Master of Caius College, Cambridge; William Adamson Clerk, Henry Greene Clerk, Thomas Batman Clerk, Thomas Thompson, John Denton, Robert Grimmer, William James, John Faukes, John Cadney, Robert Gilman, Thomas Glasscock, John Ashley,

Aſhley, Henry William Wilſon, James Bentham Clerk, John Waddington, and alſo Aſhley Palmer, John Leathes, and Gibſon Lucas, as Truſtees for Thomas Browne Evans a Minor, John Drage, Edward Wright, Ambroſe Whiteman, Richard Brewſter, John Young, John Lancaſter, Thomas Grimmer, Gregory Sparkes, Thomas Ruſſell, John Rudland, Robert Stallon, Thomas Young, Thomas Young junior, Oſbert Pooley, Richard Rolfe, and Samuel Lyon, ſhall be, and are hereby conſtituted and appointed Commiſſioners for executing and effecting the ſeveral Powers, Authorities, and Purpoſes of this Act, ſo far as the ſame relates to the ſaid Second Diſtrict.

First Commiſſioners for *Hockwold with Wilton, Feltwell Saint Mary*, &c.

And be it further enacted, That Cyrill Wyche, Robert Clough, Robert Clough junior, Cyrill Clough, John Smith Doctor in Divinity, Maſter of Caius College, Cambridge; William Adamſon Clerk, and Robert Grimmer, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of Hockwold with Wilton; and that Robert Clough, Robert Clough junior, Cyrill Clough Clerk, John Waddington, Henry Greene Clerk, and Edward Wright, ſhall be the Firſt Commiſſioners for the ſaid Pariſhes of Feltwell Saint Mary and Feltwell Saint Nicholas; and that the Owner and Proprietor of a certain Piece of Land called Northcloud for the Time being, and Robert Gilman, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Lakenheath; and that the Owner or Owners of the ſaid extraparochial Place called Norland ſhall be the Firſt Commiſſioner or Commiſſioners for the ſaid extraparochial Place called Norland.

Perſons nominated to be joined with former Commiſſioners, &c.

And be it further enacted, That the ſeveral Perſons ſo nominated and appointed Commiſſioners for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall be added to, and joined with, the ſaid Commiſſioners before mentioned, for putting this Act in Execution, ſo far as the ſame relates to the ſaid Second Diſtrict; but that ſuch of the ſaid Commiſſioners as are particularly named, and are not Commiſſioners by virtue of their reſpective Eſtates for the ſaid reſpective Pariſhes, Hamlets, Townſhips, and Places, ſhall only continue Commiſſioners for the reſpective Pariſhes, Hamlets, Townſhips,

ſhips, and Places, for which they are ſo nominated, until the First Tueſday in April in the Year of our Lord One thouſand ſeven hundred and ſeventy-four.

Owners of 10 Acres of Land to appoint Commiſſioners for the Second Diſtrict.

And be it further enacted, That all ſuch Perſons for the Time being as ſhall be bona fide ſeiſed and poſſeſſed in his or her own Right of Ten Acres of Land, tared by virtue of this Act, lying within the ſaid Pariſhes of Feltwell Saint Mary, Feltwell Saint Nicholas, Hockwold with Wilton, Lakenheath, and the ſaid extraparochial Place called Norland, ſhall meet in the Pariſh Church of Feltwell Saint Mary, between the Hours of Ten and Twelve, upon the First Tueſday in April, in the Year of our Lord One thouſand ſeven hundred and ſeventy-four, and upon the First Tueſday in April in every ſucceeding Year, and ſhall reſpectively chuſe ſo many to be Commiſſioners for the ſaid Second Diſtrict for the ſaid ſeveral Pariſhes, Hamlets, Townſhips, and Places, as ſhall, together with the Perſons ſeiſed or poſſeſſed of One hundred Acres of tarable Lands as aforeſaid, make in the Whole One Commiſſioner for every One hundred Acres of Land, tared by virtue of this Act, lying within the ſaid Pariſhes, Hamlets, Townſhips, or Places reſpectively; and the Election of every ſuch Commiſſioner or Commiſſioners ſhall be certified under the Hands of the major Part of the Electors preſent at ſuch Election to the next General Meeting of the ſaid Commiſſioners: And in caſe the Perſons who are to chuſe Commiſſioners for any of the ſaid Pariſhes, Hamlets, Townſhips, or Places, ſhall neglect to meet at the Place, and at the Time appointed for ſuch Elections, and ſhall not chuſe Commiſſioners accordingly; then the Perſons who were Commiſſioners for the ſaid ſeveral Pariſhes, Hamlets, Townſhips, or Places, for the preceding Year, ſhall continue Commiſſioners for the ſame reſpectively, until other Commiſſioners ſhall be choſen as aforeſaid, upon the First Tueſday in April in the First or next ſucceeding Year after ſuch Election ſhall have been omitted, and ſo ſhall continue from Year to Year till a new Election ſhall be made.

Certificate of ſuch Election.

In caſe of no Election, the First Commiſſioners to continue.

Owner of 100 Acres may appoint a Commiſſioner in caſe he acts himſelf;

Provided always, and be it enacted, That every Perſon ſeiſed or poſſeſſed of One hundred Acres of tarable Lands, ſhall and may appoint a Commiſſioner for every

such One hundred Acres for the District in which the said One hundred Acres do lie; but that no Person, having more than One hundred Acres within either of the said Districts, shall be impowered by this Act to nominate and appoint any more than One Commissioner, in case he acts as a Commissioner himself; but in case he does not act, then he shall have Power to nominate and appoint only Two Commissioners for the said District in which the said One hundred Acres shall lie, to put this Act into Execution; and that every Agent, duly appointed by this Act, shall and may, in the Absence of the Persons respectively by whom they shall be so appointed, act as a Commissioner in the Execution of this Act, in such and the same Manner, and as fully, to all Intents and Purposes, as such Commissioners respectively might act and do if they were personally present.

but if he does not, may appoint Two.

Provided always, and be it enacted by the Authority aforesaid, That no Person, except the Lord or Lords, Lady or Ladies, of the several and respective Manors of Hockwold with Wilton, Feltwell, Methwold, Helgay, and Southery, and the Deputies or Agents to be appointed as herein is directed, Richard Paul Joddrel, or any future Lessee or Lessees of the said Methwold Severals, and his, her, or their Tenants, the Owner and Proprietor of the said Piece of Land called Northcloud, the Owner and Proprietor of the said extraparochial Place called Norland, the said Ashley Palmer, John Leathes, and Gibson Lucas, as Trustees of the said Thomas Browne Evans, the said Matthew Pepper Manby, Francis Dixon, Thomas Moore, Thomas Moore Clerk, and Francis Dixon junior, shall be enabled to act, sit, or vote, as a Commissioner for any of the Purposes of this Act, unless he shall be the real Owner of Sixteen Acres of Land tared by virtue of this Act.

Persons not to act as Commissioners, unless they have 16 Acres.

Provided always, and be it enacted, That if any Owner or Owners of One hundred Acres or more of tarable Lands lying within the said Districts respectively, and by virtue of such Ownership is or are impowered to nominate and appoint a Commissioner or Commissioners,

Trustees and Committees for Minors, Lunaticks, and Idiots, to sit, vote, and act, as Commissioners.

or to act as a Commissioner for the Purposes of carrying this Act into Execution, shall, at the Time of passing this Act, or at any Time or Times afterwards, be a Minor under the Age of Twenty-one Years, a Lunatick or Idiot, it shall and may be lawful for the Guardian or Trustee of such Minor, or in case such Minor shall have no Guardian or Trustee, for such Person being of full Age to whom the Estate of the said Minor on his or her Death may descend, or by virtue of any Deed or Settlement be conveyed, and for the Committee or Committees of such Lunatick or Idiot, either to sit, vote, or act in Person, as a Commissioner or Commissioners for the said Districts respectively, or in case no Commission shall have passed, or have been issued out for the Heir at Law of such Lunatick or Idiot, or in case of any Settlement for the Person who shall next inherit, after the Death of such Idiot or Lunatick, under and by virtue of such Settlement, or to nominate and appoint under his or her Hand, a Commissioner or Commissioners for such Lands; and that such Commissioner or Commissioners so nominated and appointed, or to be nominated and appointed by them, shall be, to all Intents and Purposes, a Commissioner or Commissioners for carrying this Act into Execution.

Joint Tenants, &c to act as Commissioners.

Provided also, and be it enacted, That all Persons who shall be joint Tenants, Tenants in Common, or Parceners, of any of the Fen Lands or Low Grounds lying within the said Districts respectively, by virtue of this Act, shall, for their several and respective Shares, be intitled to act as a Commissioner or Commissioners for the same, either by themselves or Agents, and shall have the same Powers as if such Lands so held by them as joint Tenants, Tenants in Common, or as Parceners, were actually severed and divided, so that every such joint Tenants, Tenants in Common, or as Parceners, shall be the real Owners of One hundred Acres or more, or of Sixteen Acres of Land, in his, her, or their own Right, in the said Districts respectively, and charged with the Payment of Taxes by virtue of this Act.

Provided nevertheless, That no Person whatsoever shall sit, vote, or act as a Commissioner for any of the said Districts during such Time as he shall hold any Place or Office of Profit, for or in relation to the Execution of this Act. No Persons holding Places of Profit, to act as Commissioners.

And be it further enacted by the Authority aforesaid, That the Commissioners hereby nominated and appointed, and their Successors shall meet Twice in every Year, upon the Second Tuesday in April and the Second Tuesday in October, at some Publick House in the said Parish of Helgay or Methwold, for the said First District, and at some Publick House in the said respective Parishes of Hockwold with Wilton or Feltwell for the said Second District, to be appointed by the Commissioners of the said Districts respectively, or any Five or more of them, or at such other Time and Place near the said respective Districts as they shall respectively think proper, pursuant to Notice in Writing for that Purpose signed by any Five or more of the Commissioners for the said Districts respectively, and to be affixed upon the Outside of the Church Doors of Methwold and Helgay upon some Sunday for the said First District, and upon the Church Doors of Hockwold with Wilton and Feltwell Saint Mary for the said Second District, Seven Days at least before any such Meeting, except those appointed to be held on the Second Tuesday in April and the Second Tuesday in October; the First Meeting for the said First District to be held at the Sign of The White Swan in Helgay aforesaid, upon the Fourth Monday after the passing of this Act, and the First Meeting for the Second District to be held at the Sign of The Cock in Feltwell aforesaid, upon the Fourth Tuesday after the passing of this Act, and shall and may, from Time to Time, adjourn themselves, and meet again pursuant to such Adjournment, as often as they shall see Cause, or think convenient. Times and Places of Meeting of Commissioners.

Provided always, and it is hereby enacted, That no more Money shall be expended by the said respective Commissioners out of the Money to arise by virtue of this Act in each respective District than the Sum of Ten Shillings and Sixpence at the First respective General Meeting, or any other respective Half-yearly General Meeting, Expences ascertained to be allowed at the General and other Meetings of the Commissioners.

nor

nor more than the Sum of Two Shillings and Sixpence at any other Meeting in each respective District to be held by virtue of this Act; which shall be paid by the Collector or Receiver of the Rates and Taxes, and allowed in the Accounts as so much Money paid for the Purposes of this Act for the said Two Districts respectively.

Commissioners may bring Actions in the Name of their Treasurer, &c.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said respective Commissioners, or any Five or more of them, and they are hereby impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or of their respective Treasurer or Clerk, or to prefer, or order the preferring Bills of Indictment against any Person or Persons who shall disturb them in the Possession of their Property.

Commissioners for the Two Districts to meet Twice a Year, for the Purpose of directing the joint Works

And be it further enacted, That the Commissioners of the said Two Districts, and their Successors, shall meet Twice in every Year, upon the Second Wednesday in April, and the Second Wednesday in October, at some Publick House in Feltwell or Helgay aforesaid, for the Purpose of ordering and directing such Works as are to be jointly performed by the Commissioners for the said Two Districts, and that the first joint Meeting of the said Commissioners for such Purpose shall be held at the Sign of The White Swan in Helgay aforesaid, upon the Fourth Wednesday after the passing of this Act; and the said Commissioners shall and may, from Time to Time, adjourn themselves, and meet again pursuant to such Adjournment, as often as they shall see Cause or think convenient, for the Purpose of ordering and directing such joint Works.

Commissioners may elect Officers,

And be it further enacted by the Authority aforesaid, That the said respective Commissioners of the said Two Districts respectively or any Five or more of them, assembled at any of the Meetings to be held in pursuance of this Act, shall have full Power and Authority to appoint, for each of the said Districts respectively, One Clerk, and One or more Treasurer or Treasurers, for each of the said Two Districts, and such other proper Officer or Officers as they the said respective Commissioners, or any Five or more of them, shall think fit, for the taking Care of all such Banks and Works, and for collecting the said Rates or Assessments

2 or

Assessments which shall be laid, rated, or assessed on the Lands and Grounds lying with the said respective Districts, and to allow and appoint to be paid to such Officers, out of the Monies arising in each District respectively, such yearly and other Wages or Salaries for their Trouble and Pains, as they the said respective Commissioners, or any Five or more of them, present at such Meeting, shall think reasonable; which said Clerk, Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, and other Officer or Officers, so to be appointed as aforesaid, may be removed at the Will and Pleasure of the said respective Commissioners, or any Five or more of them, assembled at a Meeting to be held for that Purpose, of which due Notice shall be given in Writing, to be affixed upon the Church or Chapel Doors of Helgay, Methwold, Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton aforesaid, respectively, and other or others to appoint in his or their Places, as Occasion shall require; and such respective Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, shall, before they act in the Execution of their respective Offices, give such Security for the due Execution thereof, and for performing the several Trusts to them committed, as the said respective Commissioners, or any Five or more of them, assembled at any Meeting for each respective District for that Purpose, shall think fit.

and appoint their Salaries.

Treasurer to give Security.

And be it enacted by the Authority aforesaid, That Once in every Year, that is to say, at the yearly General Meeting to be held for the said Two Districts respectively, or on any subsequent Day to which the said respective Commissioners, or any Five or more of them, shall adjourn such Meeting, Inspection shall be had by the said respective Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Monies as shall have been raised and received by virtue of this Act, in relation to the said Two Districts respectively for the Year then last past; and all Accounts relating to the respective Districts, shall be, at such Meeting, made up and settled by the several Commissioners appointed for each of the said Districts, or any Five or more of them assembled

Commissioners annually to inspect Receipts and Disbursements,

and settle Accounts.

Treasurers, Collectors, &c. to attend with their Books,

assembled as aforesaid, at which Time the several Treasurers, Collectors, and Receivers of the said Taxes or Assessments, are hereby required to attend with proper Books of Accounts of their Receipts and Disbursements, and all Vouchers for the same; and on considering and examining the said Accounts, and all other Accounts of the Receipts and Disbursements of the Money raised and received by virtue of this Act, within or in relation to the said Two Districts respectively upon Oath, if the same shall be required by any Five or more of the said Commissioners for each of the said Two Districts respectively, (which Oath any One of the said Commissioners is hereby impowered to administer), the said Commissioners, or any Five or more of them, are hereby impowered to allow and pass under their Hands the said Account or Accounts, or such Part or Parts thereof as they shall think just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so passed and allowed as aforesaid, shall be fairly entered in Two distinct and separate Books to be kept for that Purpose for each of the said Districts, One of which Books to be kept by the Treasurer or Treasurers, or such other Person or Persons for each of the said Districts, as the Commissioners for such District, or any Five or more of them, shall appoint; and the other of the said Books shall be deposited in such Place in Helgay and Feltwell as the said Commissioners respectively, or any Five or more of them, shall direct and appoint, at any Meeting to be held for each of the said Districts respectively, in a strong Box to be provided by the said Commissioners respectively for that Purpose; and the Book so deposited shall and may be inspected and perused at all reasonable Times by or at the Request of any Person or Persons rated or taxed by virtue of this Act, on paying Sixpence for perusing the same,

and verify on Oath, if required.

Accounts to be entered in Two Books, and where to be deposited.

Manner and Time when Officers are to give in their Accounts.

And be it further enacted by the Authority aforesaid, That all and every such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers so to be appointed for ea chrespective District as aforesaid, shall, upon Oath, when

when thereunto required by the said respective Commissioners, or any Five or more of them, (which Oath the said respective Commissioners, or any One or more of them, is and are hereby impowered to administer), give in to the said respective Commissioners for each District, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers of all Monies which he or they, and every or any of them, shall to such Time have received, paid, or disbursed, by virtue of this Act, for or by reason of his or their respective Office; and in case any of the Monies so received shall remain in his, their, or any of their Hands, the same shall be paid to the respective Commissioners for the respective Districts, or any Five or more of them, to which such Money shall belong, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands respectively, authorize and impower to receive the same; And in case any such Clerk, Collector, Receiver, or other Officer, shall not give in and make up such Accounts and Payment as aforesaid, or shall refuse to deliver up all Books, Papers, and Writings in his Custody relating to the Execution of this Act, that then any One or more Justice or Justices of the Peace for the County of Norfolk or Suffolk, shall and may make Inquiry of and concerning such Default as aforesaid, in a summary Way, as well by the Confession of the Party as, by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice or Justices is and are hereby required and authorised to administer without Fee or Reward); and if any such Clerk, Treasurer, Collector, Receiver, or other Officer, shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit the Party to the common Goal of the said County of Norfolk or Suffolk, as the Case shall happen, there to remain without Bail or Mainprize until he shall have made a perfect Account and Payment as aforesaid, and delivered up all such Books, Papers, and Writings, in his Custody, or until he shall have compounded and agreed with the respective Commissioners

Balance (if any) to be paid to the Commissioners, or their Order.

missioners for each respective District, or any Five or more of them, and have paid such Composition-money; which Composition the said respective Commissioners, or any Five or more of them, are hereby authorised and impowered to make.

Works to be done in the First and Second District.

And in order that the Waters of the said Districts respectively may be more easily conveyed into the said Rivers called Stoke River, Brandon River, and Sams's Cut aforesaid, and the River Ouze aforesaid, and the said Districts be effectually drained and preserved, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said First District, or any Five or more of them, from Time to Time, to heighten, widen, strengthen, make, maintain, and support, or cause to be heightened, widened, strengthened, maintained, and supported, the North Bank of Sams's Cut aforesaid, in Manner hereafter mentioned, and all such interior Drains running across or through Methwold and Feltwell Commons aforesaid, within the said First District, as they shall think proper, for the preventing the Waters thereof from running over the same, or making any Breach therein, or to repair and make up any Breach that may happen by reason of the said Waters; and also to cleanse, widen, make, cut, build, erect, purchase, and support all such other Banks, Bridges, Cuts, Drains, Dams, Tunnels, Doors, Sluices, Outlets, Engines, and other Matters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act, within the said First District, except as hereinafter is mentioned: And also, that it shall and may be lawful for the Commissioners of the said Second District, or any Five or more of them, from Time to Time, to heighten, widen, strengthen, make, maintain, and support, or cause to be heightened, widened, strengthened, made, maintained, and supported, the said Bank of Wilton Load aforesaid, and the said North Bank of Brandon River aforesaid, within the said Second District, and the South Banks of the said Cut called Sams's Cut, and all such other interior Drains running across or through Feltwell, or any other Commons,

Lands, or Grounds, within the said Second District, which they shall think proper, for the preventing the Waters thereof from running over the same, or making any Breach therein, or to repair and make up any Breach that may happen by reason of the said Waters; and also to cleanse, widen, make, cut, build, erect, purchase, maintain, and support, all such other Banks, Bridges, Headings, Cuts, Drains, Dams, Tunnels, Doors, Sluices, Outlets, Mills, Engines, and other Waters and Things already made, built, or erected, or hereafter to be made, built, or erected, by virtue of this Act within the said Second District, as the said Commissioners for the said Second District, or any Five or more of them, shall think necessary or proper.

Power to contract for Repairs.

And be it further enacted, That the said Commissioners for the said Two Districts respectively, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize and appoint, may, and they are hereby impowered to contract and agree with any such Person or Persons for any certain Sum or Sums of Money for the Repairs of any of the said Banks, Drains, or Works, or for the erecting and building any Bank or Banks to be erected in or upon the said Districts respectively, or any other Point Works to be performed in pursuance of this Act; and that all such Contracts and Agreements in Writing shall be valid, and that Actions may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Commissioners to have Power to erect Staunches to keep up a Head of Water.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of the said Two Districts respectively, or any Five or more of them, to erect Staunches, Doors, Sluices, or Outfalls in such Parts of the said Districts respectively as they shall think proper, except across Sams's Gut Drain aforesaid, to prevent the Waters of the High Lands of the said Two Districts respectively from running with too great Velocity into the lower Part of the said Two Districts respectively, in order that as well a proper Head of Water may be kept up in the said High Lands

Lands for the Benefit thereof, as to prevent the lower Parts of the said Districts from being prejudiced thereby.

Commissioners to make Satisfaction to the Owners of the Soil for Damages.

And be it further enacted, That the said respective Commissioners shall pay such reasonable Satisfaction to the Person or Persons who have a Right to the Soil through or upon which any such Cut, Drain, Dam, Bank, Bridge, Heading, Tunnel, or Outlet shall be made, or whereupon any such Engines or Mills shall be erected, for the Damages he, she, or they, shall thereby sustain, or shall be agreed upon between the said Commissioners respectively, or any Five or more of them, present at their respective Meetings, and such Person or Persons having Right as aforesaid; and if the said respective Commissioners for the said Districts, or any Five or more of them assembled at their said respective Meetings, and such Person or Persons having Right to such Soil as aforesaid cannot agree concerning the Amount of such Damages, then the same shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at their next or any other General Quarter Sessions of the Peace, to be held by Adjournment at King's Lynn or Swaffham, in the said County of Norfolk, if the Damages be done within the said County of Norfolk, or at Saint Edmund's Bury, in the said County of Suffolk, if the Damages be done in the said County of Suffolk, not being interested in the Premises, who are hereby authorised, impowered, and required to hear and determine the same, and to send for, summon, and examine any Person or Persons, Books, Papers, and Writings, touching such Disputes, and to direct, if they shall see Occasion, any Person or Persons they shall think proper to view the Premises in Question, and to examine the Person taking such View upon Oath touching and concerning the same; and the Determination which shall be so made by the Justices in their said Sessions as aforesaid shall be final and conclusive to all Parties, and shall not be removed or removeable by Certiorari, or any other Writ or Writs whatsoever, into any of His Majesty's Courts of Record at Westminster.

Justices to determine Differences.

And

And be it enacted by the Authority aforesaid, That the said South Bank of Stoke River shall be, and is hereby deemed and taken to be the Works of Richard Paul Joddrel Esquire, as Lessee of the Duchy of Lancaster, so far as the same runs against the Lands belonging to the said Duchy, and shall be, from and after the passing of this Act, maintained, supported, and kept in Repair, by the present Lessee, or any future Lessee thereof, and their Successors, Heirs, Executors, Administrators, and Assigns, Tenant or Tenants, in the several Parts and Proportions herein-after mentioned; (that is to say), That the said South Bank of Stoke River, so far as the same runs against the Lands belonging to the said Duchy, shall for ever after the passing of this Act be heightened, strengthened, repaired, maintained, and supported, at the Costs and Charges of the said Lessee, his, her, or their Tenants, of such an Height, Strength, and Depth, as to prevent the Waters running over or breaking through the same; and that so much of the said South Bank of Stoke River shall, from and after the passing of this Act, from the West End of the said Severals to Helgay Bridge aforesaid, be heightened, strengthened, repaired, and kept in Repair, by the Owners and Proprietors of the said Lands and Grounds lying within the said First District, between Sams's Cut Drain and Stoke River aforesaid, in proportion to the Number of Acres belonging to every such Owner and Proprietor.

The Banks of *Stoke River*, deemed to belong to Mr. *Joddrel*, to be supported by the present Lessee, *&c.*

And be it further enacted, That the said Load called Methwold Load, together with the South Bank thereof, from the West End of Thornham Closes aforesaid, by the new Cut or Load to Stoke River aforesaid, so far as the said Common of Methwold extends; that is to say, To the Tunnel in the said River Bank at the End of the Dike or Drain (called Broad Fen Load) which parts the said Common from the Severals, shall, within Eighteen Calendar Months after the passing of this Act, be scoured and cleansed, and the said Bank heightened and strengthened in such a Manner as effectually to prevent the Waters from running over or breaking

Methwold Load with the South Bank thereof, to be scoured, *&c.* at the Costs of the Lessee.

ing through the same, at the Costs and Charges of the Lessee or Lessees of the said Severals; and that when the said Bank shall be so made, repaired, and heightened, the said Lessee or Lessees shall, at his or their own Costs and Charges, fence in Part of the same from the Common by a Soak Dike of the Width of Ten Feet, and Depth of Four Feet and an Half, and with good and substantial Posts and Rails at each End of the said Bank, and quite across the same from the said Tunnel upwards along the said River and Load Bank, so far as an old Dike now runs under or near to the said Bank, being opposite to the East Gate, which is on the North Bank of the said Load; and that when the same shall by the View of Two Justices of the Peace for the County of Norfolk be adjudged to be effectually scoured and cleansed, heightened and strengthened, and fenced off and separated from the Common in Manner aforesaid, then the said Bank shall for ever after be repaired by the Commoners having Right of Common upon Methwold Common; but the said Load from the West End of Thornham Closes to the said River shall for ever after be scoured and cleansed by and at the Charge of the said Lessee or Lessees, and all future Lessee or Lessees, or the Owner or Owners of the said Severals for the Time being.

Owners of *Methwold Severals* to repair the Tunnel in *Broad Fen Load.*

And be it further enacted, That the Lessee or Lessees, Owner or Owners, of the said Methwold Severals, shall, at his and their own Expence, from Time to Time, keep in Repair the Tunnel in Broad Fen Load aforesaid, next to Stoke River, or may, at his or their Discretion, lay down, and always keep in Repair, a new Tunnel there, so as the same shall not be of less Dimensions than the present Tunnel; and that the Commoners of the said Common, and their Servants, shall, at all Times, between Lady-day and Michaelmas-day, Old Stile, in every Year, have free Liberty and Power to let in Water through the said Tunnel for the Use of their Cattle, and also have the free Use of the ancient and accustomed Watering-place in Methwold Load, near Thornham Hills; and also occasionally, at any Time between Michaelmas-day and Lady-day, Old Stile, in every Year, to let the

Waters out of the said Broad Fen Load into the common Drain leading therefrom to Sams's Cut; any Thing herein contained to the Contrary notwithstanding.

No Mills to throw Water into any River, &c. except *Brandon* and *Stoke Rivers*.

Provided nevertheless, and be it enacted by the Authority aforesaid, That the Commissioners of the Two Districts shall have no Power or Authority whatsoever, by virtue of this Act, to erect any Mill or Engine for throwing Water within each of the said Districts upon Sams's Cut Drain aforesaid, or upon any other River, save and except the Rivers called Stoke River and Brandon River, except as hereafter is mentioned.

Mr. *Pepper Manby*'s Right reserved.

Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to prevent Matthew Pepper Manby Esquire, his Heirs or Assigns, from using or employing his Engine or Engines for the draining his present imbanked or other Lands, within the said First District.

Sams's Cut and *Hunt's Sluice* to be secured and repaired at the joint Costs of the Two Districts.

And be it further enacted by the Authority aforesaid, That the said Drain called Sams's Cut, and the said Sluice called Hunt's Sluice, shall for ever, after the passing of this Act, be deemed the joint common Work of the said Commissioners of the said Two Districts, and shall be opened, scoured, cleansed, and repaired, at the joint Costs and Charges of the said Two Districts respectively; and that it shall and may be lawful for the Commissioners of either of the said Two Districts, or any Five or more of them, and they are hereby authorised and required, (with the Consent of Two or more of the Commissioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His late Majesty herein-after recited), at any Meeting or Meetings, to order and direct the said Drain to be made of the full Width of Twenty-four Feet at least, to carry the Waters of the said Two Districts with greater Ease to the said River Ouze; and also, from Time to Time, to widen and repair the said Sluice called Hunt's Sluice, for the better and more easy draining the said Two Districts respectively; and, from Time to Time, to make and give such Orders and Directions for the repairing and maintaining the said Sluice, and for the cleansing, deepening, and scouring out the said

Drain, as they shall think proper; and that the Costs and Charges of repairing and maintaining the said Sluice, and of widening, scouring, and cleansing out the said Drain, except such Part of the said Costs and Charges as is directed to be borne and paid by the Commissioners acting by virtue of an Act, made in the Thirtieth Year of the Reign of His Majesty King George the Second, intituled, An Act for draining and preserving certain Fen Lands lying in the *South Level*, Part of the Great Level of the Fens commonly called *Bedford Level*, between *Brandon River* and *Sams's Cut Drain*, and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the said Great Level to sell certain Lands within the said Limits, commonly called *Invested Lands*, shall be paid by the said Commissioners of the said Two Districts respectively, according to the Proportion of the Number of Acres in each respective District, out of the Monies to be raised by virtue of this Act in each respective District.

Saving Clause respecting a certain Drain and Sluice.

Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to take away the Right of the said Commissioners, acting by virtue of the said recited Act, from making use of the said Drain and Sluice for the Benefit of the Drainage under the said Act, the said Commissioners paying a proportional Part of such Repairs as hereinafter is mentioned.

Commissioners of First District impowered to assess Land Owners in said District.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners of the said First District, or any Five or more of them, at the First General Meeting, or any other half-yearly Meeting, to assess, rate, tax, and charge, all and every the respective Owner and Owners, Occupier and Occupiers, of all and singular the Fen Lands and Low Grounds held in Severalty, or being private Property, situate and being within the said First District, (except the said Common called Methwold Common, and the several Commons of Southery and Feltwell, and such other Lands as are or shall be deemed High Lands within the said District), by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Discretion of the said Commissioners of the said First District, or any

any Five or more of them, so that the said Rates, Cares, or Sums of Money, do not exceed, in any One Year, the Sum of Sixpence for every Acre of the Lands comprised within the said First District, and so in proportion for any greater or less Quantity than an Acre, (except as before excepted), and so that no Part of the said Lands be at any Time charged, by virtue of this Act, with any greater or less Rate or Tax than the rest of the said Lands are or shall be charged with; which said Rates, Cares, and Sums of Money, shall be paid half-yearly by the respective Owner or Owners, Occupier or Occupiers, of the said Fen Lands and Low Grounds, at the Place of Abode of such Person or Persons as the said Commissioners, or any Five or more of them, shall order, direct, and appoint, to collect and receive the same, the First Payment thereof to be made on the Twenty-fourth Day of June next after the passing of this Act, and that every other Half-yearly Payment shall be made on the Twenty-fifth Day of December and the Twenty-fourth Day of June in each and every succeeding Year, to be paid, applied, and disposed of, by the said Commissioners of the said First District, or any Five or more of them, for and towards the supporting, maintaining, and repairing, the said Drain called Sams's Cut and Hunt's Sluice, in Manner herein-after mentioned, and to such other Uses and Purposes of the said District as are in and by this Act directed, and to no other Use or Purpose whatsoever.

Commissioners of the Second District impowered to assess Land Owners in said District.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said Second District, or any Five or more of them, at their First or any other Half-yearly General Meeting as aforesaid, to assess, rate, tax, and charge, all and every the respective Owner and Owners, Occupier and Occupiers, of all and singular the said Fen Lands and Low Grounds held in Severalty, or being private Property, situate and being in the said Second District, in the several Parishes, Townships, or Places, of Hockwold with Wilton, Feltwell, Lakenheath, and Norland, except the several Lands and Grounds lying within said Second District herein-after exempted and discharged from the Payment of any Rate, Tax, or Sum of Money, to be

Exceptions.

laid, rated, or tared, by virtue of this Act, and except the Commons of Methwold, Hockwold with Wilton, and Feltwell aforesaid), by and with equal and proportionable yearly Rates, Taxes, and Sums of Money, at the Discretion of the Commissioners for the said Second District, or any Five or more of them for the Time being, who shall be present at such Meeting as aforesaid, so that the said Rates, Taxes, or Sums of Money, do not exceed in any One Year the Sum of One Shilling for every Acre of the Lands comprised within the said Second District, and so in proportion for any greater or less Quantity than an Acre, except as is herein-after excepted; which said Rates, Taxes, or Sums of Money, shall be paid half-yearly by the respective Owner or Owners, Occupier or Occupiers, of the said Fen Lands and Low Grounds, at the Place of Abode of such Person or Persons as the said Commissioners, or any Five or more of them, shall order, direct, and appoint, to collect and receive the same, the First Payment thereof to be made on the Twenty-fourth Day of June next after the passing of this Act, and that every other half-yearly Payment shall be made on the Twenty-fifth Day of December, and the Twenty-fourth Day of June, in each and every succeeding Year, to be paid, applied, and disposed of, as the said Commissioners of the said Second District, or any Five or more of them, shall, from Time to Time, under their Hands, at a Meeting to be held for that Purpose, order, direct, and appoint, for the Purposes of this Act, so far as the same relates to the said Sams's Cut Drain, and Hunt's Sluice aforesaid, and the other Purposes of the said Second District.

Exemption of High Lands.

Provided always, and be it enacted, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon or in respect of any High Lands within the said Second District, 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 Commissioners for the said Second District, and Two indifferent Persons to be nominated and appointed by the Land-owners complaining of such Rate or Tax; and in case such Dispute shall not be

determined within Three Calendar Months from the Time of such Meeting, or if the Person or Persons on whose Behalf such Determination shall be made, shall think himself, herself, or themselves, aggrieved by such Determination, then it shall and may be lawful for him, her, or them, to appeal, giving Notice in Writing of such intended Appeal to the said Commissioners, or their Clerk, to the Justices of the Peace, at their General Quarter Sessions of the Peace, to be holden by Adjournment at King's Lynn or Swaffham, in the said County of Norfolk, or at Saint Edmund's Bury, in the County of Suffolk, if such Dispute shall happen in the said County of Suffolk, within Six Calendar Months after such Dispute or Determination shall happen; and the said Justices, at their said Sessions, are hereby impowered to send for, summons, and examine such Witnesses upon Oath, touching the Matters in Question, as they shall think proper; and also in case they shall not have at such Sessions sufficient Evidence before them to determine the Matter in Question, then it shall and may be lawful for such Justices, so assembled as aforesaid, to adjourn such Appeal to any future General Quarter Sessions of the Peace to be holden by Adjournment as aforesaid, then and there finally to determine the same between the Parties, and to give such Costs to either Party as they shall think reasonable; and that such Determination shall be final and conclusive to all Parties without any further or other Appeal, and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Method of determining Disputes with respect to High Lands.

And, in order that the full Sum which shall be so rated or assessed may be duly paid, be it enacted by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to pay to the Collector or Collectors, Receiver or Receivers, or any other Person or Persons appointed by the said Commissioners of the said Two Districts respectively, the Rate or Tax with which he, she, or they, shall be respectively charged, by the Space of Two Calendar Months after the same shall have become due and payable, every such Person shall forfeit and pay

On Default of Payment of Taxes,

to such Collector or Collectors the further Sum of Two Shillings and Sixpence for every Twenty Shillings which shall be so in Arrear and unpaid, and so in proportion for any greater or less Sum; to be levied by Distress and Sale of his, her, and their Goods and Chattels, in such Manner as the aforesaid Rates and Taxes are herein directed to be levied; and the Monies so forfeited and levied shall be applied towards the Works of such District where the same shall be forfeited.

Commissioners to have Power to distrain.

Exception.

Provided also, That it shall and may be lawful for the said Matthew Pepper Manby Esquire, his Heirs and Assigns, to take Water into his Decoy within the said First District out of Stoke River aforesaid, by a Tunnel to be laid into the same; and to make, maintain, and support a good and sufficient Bank round the said Decoy, at his and their own Costs and Charges, upon his own Lands, as shall be sufficient to prevent the Waters draining out of the same; and that no Assessment, Rate, or Tax, shall be made or levied upon the said Decoy.

On Neglect to make the Bank, Commissioners to order the Tunnel to be pulled up.

Provided nevertheless, That if the said Matthew Pepper Manby, his Heirs and Assigns, shall neglect or refuse to make and support the Banks of the said Decoy in Manner above-mentioned, it shall and may be lawful for the Commissioners of the said First District, or any Five or more of them, to order the said Tunnel, so to be laid down by him or them as aforesaid, to be taken up and dammed across, until such Bank shall be sufficiently repaired for the Purpose aforesaid.

A Survey to be made of the taxable Lands in each District.

And be it further enacted, That it shall and may be lawful to and for the said respective Commissioners, or any Five or more of them, to order a Survey to be made of the Quantity of Acres, Roods, and Perches, contained in the Lands and Grounds in each respective District liable to be taxed by virtue of this Act, by such Person or Persons as they shall think proper; and such Person or Persons shall and may, and they are hereby authorised and impowered to enter into and upon any of the Lands so liable to be taxed for the Purpose of making such Survey; and such Survey, when so made, shall be delivered to the Commissioners of the said Districts respectively, or any Five or more of them, at some One

of their Meetings, and shall be verified upon the Oath of the Person or Persons so making the same, (which Oath any One of the Commissioners of the said respective Districts is hereby impowered to administer); and such Survey to be given in as aforesaid, and made by Order of the Commissioners of the said Districts respectively, shall be a sufficient Authority for the said respective Commissioners to collect the said Rates and Taxes by, and shall be binding to the several Persons charged with the Payment thereof for their several Lands so charged with such Payments; and such Survey, being signed by the Person or Persons so making the same, and also by any Five or more of the Commissioners for each of the said Districts respectively present at any Meeting, shall be allowed as Evidence in all his Majesty's Courts of Law or Judicature whatsoever. on the Oath of the Surveyor.

Provided always, and be it enacted, That in case any Owner or Proprietor of the said Fen Lands or Low Grounds shall think himself aggrieved by such Survey, that it shall and may be lawful for such Owner or Proprietor to have his said Lands and Grounds re-surveyed, by such Surveyor, as he or they shall think proper; and in case, by such new Survey, it shall appear that such Owner or Proprietor shall be overcharged by such former Survey, or pay for a greater Number of Acres than the real Quantity of his said Lands or Grounds, that such Owner or Proprietor shall, upon such Re-survey, to be delivered in to the said Commissioners of the said Two Districts respectively, at any of their Meetings, on the Oath of such Surveyor, (which Oath any One of the said Commissioners is hereby impowered to administer), shall be abated in Proportion to such Overcharge; but if it shall appear, on such Re-survey, that such Owner or Proprietor shall not be overcharged to such Rates or Assessments, that then such Owner or Proprietor shall be at the Charge of making such Re-survey; but in case by such Re-survey, it shall appear that such Owner or Proprietor shall be overcharged, that then the Expences of such Re-survey shall be paid and borne by the Commissioners of such of the said Districts respectively, out of the Monies Persons aggrieved may have a Re-survey.

arising

arising in such District where such Re-survey shall be taken, as aforesaid.

Hockwold with Wilton's Poor's Thirty Acres, exempted from any Tax.

And whereas, the Poor Inhabitants of Hockwold with Wilton aforesaid, are intitled to a certain Common, called The Poor's Charity or Thirty Acres, within the said Second District, upon which they are intitled to cut Firing for the Winter Season, and to make no other Use thereof; it is hereby further enacted, That the said Common, called The Poor's Thirty Acres, shall not be liable or chargeable with any Rate or Tax, charged or rated by virtue of this Act, so long as the same shall be used by such Commoners, for the Purposes aforesaid; but that such Common shall be exempt from all Taxes whatsoever, charged, or to be charged, by virtue of this Act.

In case of Default of Payment of Rates,

And be it further enacted by the Authority aforesaid, That if any Person or Persons so rated, taxed, or assessed, as aforesaid, shall refuse or neglect to pay the Tax or Assessment charged upon him, her, or them, respectively, for or on account of their several Lands lying within the said Districts respectively, upon a Day to be appointed by the said Commissioners respectively, or any Five or more of them, for such Payment, publick Notice of such Day of Payment, Twenty-one Days before the Day of such Payment, being given in The Norwich Mercury, and Cambridge Chronicle and Journal, for that Purpose, so long as the same shall continue to be published, or any other weekly Paper circulated in the said Counties of Norfolk and Suffolk, and also affixed upon the Church or Chapel-Doors of Helgay, Southery, Methwold, Feltwell Saint Mary, Feltwell Saint Nicholas, and Hockwold with Wilton, aforesaid, which Notice so to be given in such Paper, affixed upon such Church or Chapel Doors, or other Places as aforesaid, shall be deemed and taken as publick Notice of the said Day of Payment as if Demand thereof had been actually made by the said Receiver or Collector for the said Two Districts respectively, of the Person or Persons by whom such Rates or Taxes are to be paid, as aforesaid; and that it shall and may be lawful for the respective Collector or Collectors, Receiver or Receivers, or for any other Person or Persons

21 Days Notice to be given before the Day of Payment.

sons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners for the said Two Districts respectively, (which Warrant or Precept such Commissioners, or any Three or more of them respectively, are hereby impowered and required from Time to Time to make, as Occasion shall require), to enter into and upon the said Fen Lands and Low Grounds within the said Two Districts, or either of them, so rated, assessed, and tared, as aforesaid, in Possession of such Person or Persons as shall so make Default in Payment as aforesaid, and all Messuages, Tenements, Cottages, or Buildings thereupon standing, or belonging thereunto, with their and every of their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them, payable for such Rate or Tax, and the Arrears thereof, by Distress and Sale of the Goods and Chattels which shall be found on the Premises so charged with any such Rate or Tax, or the Arrears thereof, as aforesaid; and in case no sufficient Distress can be found on the Premises, it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, or other Person or Persons, by virtue of such Warrant or Precept, as aforesaid, to levy the said Taxes, and all Arrears for the same, by Distress of the Goods and Chattels of the Person or Persons so making Default in Payment, as aforesaid, which shall be found in any other Place within the Kingdom of Great Britain; and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, carry away, impound, and keep in any other Place, for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving at such Messuages, Tenements, Cottages, Grounds, and Premises, Notice in Writing of the Cause of such Distress, and the Place where such Goods and Chattels shall be impounded; and if the Owner or Owners of the Goods and Chattels so distrained shall not pay the Sum or Sums of Money so rated, tared, or assessed, and the Arrears thereof, as aforesaid, together with the Costs and Charges attending such Distress, or replevy the said Goods and Chattels destrained, with sufficient Security to be given to the Sheriff of the

County where such Distress shall be so taken, or Chief Bailiff of the Isle of Ely, if taken within the said Isle of Ely, according to the Laws now in being for Distresses in case of Nonpayment of Rent, within Five Days next after such Distress made, and Notice thereof given as aforesaid; the Person or Persons so distraining may, with the Sheriff or Under-sheriff, or the Chief Bailiff of the Isle of Ely; Constable, or Headborough of the Parish or Place where such Distress shall be made, (who is and are hereby required to assist therein), cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons to be sworn by such Sheriff, Under-sheriff, Chief Bailiff, Constable, or Headborough, (who is and are hereby impowered to administer such Oath), to appraise the same according to the best of their Judgement; and after such Appraisement, it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, or other Person or Persons so making such Distress, to sell the Goods and Chattels so distrained for the best Price that can be got for the same, for and towards Satisfaction for the Monies for which such Distress shall be so taken, and the Charges of taking, keeping, appraising, and selling the Goods and Chattels so distrained, leaving the Overplus (if any) in the Hands of such Sheriff, Under-sheriff, Chief Bailiff, Constable, or Headborough, for the Owner's Use.

Tenants to pay the Tax, and deduct the same out of their Rent.

And be it further enacted, That the Tenant or Tenants of all and singular the said Fen Lands and Low Grounds which shall be rated and assessed by virtue of this Act, is and are hereby required and authorised to pay such Taxes or Assessments, and deduct the same out of his, her, or their Rent; and every Tenant paying such Taxes or Assessments shall be acquitted and discharged for so much Money as such Assessments shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of such Fen Lands and Low 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 such Taxes or Assessments which the Tenant ought to bear and pay, in consideration of the Benefit he or she receives by such Lease,

shall

shall be adjudged and awarded by the said Commissioners of each of the said Districts, or any Five or more of them, at a Meeting to be held for each of the said Districts by virtue of this Act, except in the Case of such Lease where there shall be an Agreement betwixt the Landlord and Tenant which of them shall pay such Rates or Assessments.

Lands untenanted to be charged with the Rates.

And be it enacted by the Authority aforesaid, That in case any of the said Lands and Grounds shall at any Time after the passing of this Act be untenanted or unoccupied, or the Owner or Owners thereof shall not be found, so that no sufficient Distress can be made by levying the said Rates and Taxes, the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof, and all Arrears to grow due for the same; and all Goods, Chattels, and Cattle, which shall at any Time thereafter be found therein, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of the said Rates or Taxes, and Charges attending the same, shall be fully paid and satisfied.

Commissioners may let Lands unoccupied to pay the Rates.

And be it enacted by the Authority aforesaid, That in case any of the Lands and Grounds liable to be taxed by virtue of this Act shall at any Time be untenanted or unoccupied, whereby no Distress can be taken for the Taxes in Arrear and then due, it shall and may be lawful for the said respective Commissioners, or any Five or more of them, and they are hereby impowered, at a Meeting to be held for that Purpose within the District where such Lands lie, the Taxes whereof are so in Arrear, to let such Lands and Grounds so in Arrear, or so much thereof as they shall think necessary, to any Person or Persons they shall think proper, for the best Rent they can get for the same, and to pay and apply such Rent for which such Land shall be so let in Discharge of such Taxes and Arrears, rendering the Overplus, if any, to the Owner or Owners of such Lands and Grounds so in Arrear as aforesaid; and the said respective Commissioners shall and may have the like Powers and Remedies for recovering the Rent of such Lands so let, as other Landlords by Law now have.

Commissioners of the First District impowered to borrow Money.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said First District, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they shall think proper, upon the Credit of the Taxes and Assessments in the said District, Four of whom to be real Owners of Lands within the said First District, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, assign, convey, and incumber the Taxes or Assessments so to be assessed and levied, or any Part thereof, within the said First District, with and for the Repayment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption, as shall be agreed upon between the said Commissioners and the Persons so advancing the same.

Commissioners of the Second District impowered to borrow Money.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said Second District, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they shall think proper, upon the Credit of the Taxes and Assessments in the said District, Four of whom to be real Owners of Lands within the said Second District, and, by Writing under the Hands of any Five or more of them, to mortgage, charge, assign, and convey or incumber the Taxes or Assessments so to be assessed and levied, or any Part thereof, within the said Second District, with and for the Repayment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption, as shall be agreed upon between the said Commissioners and the Persons so advancing the same.

Money borrowed to be distinguished for which District.

And be it further enacted, That such Monies shall be respectively and distinctly borrowed for the Use of the said Two Districts respectively; and it shall be particularly set forth in every Security given for the Money so borrowed, that such Monies are so respectively borrowed for the Use of the said First or Second District, as the Case shall be.

Provided always, and be it enacted by the Authority aforesaid, That no more than the Sum of One thousand Pounds shall be borrowed or owing at any One Time on the Credit or Security of the Tares or Assessments arising within the said First District, and that no more than the Sum of Three thousand Pounds shall be borrowed or owing at any One Time on the Credit or Security of the Taxes or Assessments arising within the said Second District; and that the Tax on the said First or Second District or Division shall not, during the Time any Principal or Interest Monies shall be due on the several Securities thereof, be less in any One Year than the said Sum of Sixpence, or One Shilling per Acre respectively, in which such Principal and Interest shall be respectively owing.

The Sum of 1000 *l.* may be borrowed on the Credit of the Taxes of the First District,

and no more than 3000 *l.* on the Taxes of the Second District.

And be it further enacted by the Authority aforesaid, That such Mortgages or Securities, so to be made, by the said Commissioners of the said Rates or Taxes arising within the said First or Second District, shall and may be assignable or transferrable by Indorsements on the original Grant thereof made, or otherwise, to any Person or Persons whatsoever; and the Person or Persons to whom such Assignment or Transfer shall be made, shall and may, from and after the same shall be so made, and entered in a Book to be kept for that Purpose, be well and sufficiently intitled to such Mortgage Money and Interest, and all the Monies due and to grow due thereon; which Entries are hereby required to be made on Request, upon producing such Assignment, and paying Two Shillings and Sixpence for every such Entry; and such Assignee or Assignees, and every other Assignee or Assignees, shall and may, in like Manner, by Indorsement, or otherwise, assign and make over such Mortgage or Mortgages, and Securities so assigned as aforesaid, and so toties quoties, as Occasion shall require, every such Assignment or Transfer being entered in such Book as aforesaid.

Securities to be assignable by Indorsement, &c.

2*s.* 6*d.* to be paid for Entry.

Provided always, and be it enacted, That all and every the Taxes and Assessments raised within the said First or Second District by virtue of this Act, or so much thereof as shall be assigned by the said respective

Taxes chargeable with the Monies borrowed.

Commissioners, shall be charged and chargeable with the Payment of the principal Money so to be borrowed by the Commissioners of the said First or Second District respectively, and the Interest of such Money from Time to Time shall vest in the Creditors of such respective Districts, upon Default of Payment of such principal Money and Interest, until the same, and every Part thereof, shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of assessing, raising, and recovering the several Rates and Assessments payable by the several Owners and Occupiers of Lands and Grounds within the said Districts respectively, or so much thereof as shall be assigned by the said Commissioners, for in respect of such principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners and their Collectors and Receivers would have had, in case such principal Money and Interest had been regularly and fully satisfied and paid.

Application of Money within the Two Districts.

And be it further enacted by the Authority aforesaid, That the Monies arising by virtue of this Act within the said First District, shall, in the First Place, be applied for and towards the Payment of the Charges and Expences of obtaining this Act, as herein-after directed; and after the Payment thereof, for and towards the making all and singular the several Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the said First District: And the Monies arising by virtue of this Act within the said Second District, shall be applied, in the First Place, for and towards the Payment of the Charges and Expences of obtaining this Act in Manner herein-after directed; and after the Payment thereof, for and towards the making and supporting all and singular the several Banks, Drains, Mills, Engines, and other Works herein mentioned and directed to be made within the said Second District, and also to and for all such other Works whatsoever within the said Second District, as

as the said Commissioners for the said Second District, or any Five or more of them, shall think proper to be made within the said Second District; and that the Monies arising by virtue of this Act, within the said Two Districts respectively, shall also be respectively applied to and for such joint Works, the Expence of which is directed to be jointly borne by the said Two Districts.

Lessees of *Methwold Severals*, in consideration of paying no Tax, to support the Bank of the River *Stoke*.

And whereas it is agreed that the present Lessee of certain Lands in the said First District, called Methwold Severals, or any future Lessee or Owner thereof, his, her, or their Successors, Heirs, Executors, Administrators, or Assigns, as long as they shall continue Lessees or Owners, and Proprietors thereof, shall and will, at his and their own Costs and Charges, in consideration of paying no Rate or Tax rated or assessed by virtue of this Act, (except as to the Support and Maintenance of the Banks of Sams's Cut or Drain, and the said Sams's Cut or Drain, and Hunt's Sluice as aforesaid), maintain, support, and repair the said Bank of Stoke River, so far as the same runs and lies against the said Severals of Methwold aforesaid; be it enacted by the Authority aforesaid, That from and after the passing of this Act, the said South Bank of Stoke River, so far as the same runs against the said Lands, shall be deemed and taken as the particular Works of the said Lessee or Lessees, Owner or Owners, and that he and they shall maintain, support, and repair the said Bank, of such an Height, Width, and Strength, as shall prevent the Waters, running into or through the same, from running over or making any Breach or Breaches therein; and in case the said Lessee or Lessees, or Owner or Owners of the said Lands, or any future Lessee or Lessees, or Owner or Owners thereof, his, her, or their Successors, Heirs, Executors, Administrators, or Assigns, or his, her, or their Tenant or Tenants, shall, at any Time or Times, from and after the passing of this Act, neglect or refuse to keep and maintain the said South Bank of Stoke River, so far as the same runs against the said Lands, of such sufficient Height and Strength, as to prevent the Waters of the said River from running over or breaking through the said Bank; and if the Waters thereof shall,

In case the Banks of *Stoke River*, &c. be neglected, the Officers, so authorised, to repair the Bank, stop the Breaches, &c. shall be reimbursed their Expences by the Lessees.

at

at any Time or Times after the passing of this Act, run over, or cause a Breach in the same, it shall and may be lawful for the Commissioners of the said Two Districts, or either of them, or any Five or more of them, by Writing under their Hands and Seals, to authorise and impower the Surveyor or other Officer for either of the said Two Districts or Divisions to give Notice to the said Lessee or Lessees, Owner or Owners of the said Lands, or any future Lessee or Lessees, or Owner or Owners thereof, his, her, or their Successors, Heirs, Executors, Administrators, or Assigns, or his, her, or their Tenant or Tenants, that the Waters of the said River are running over the said Bank, or that the said Bank is in Danger of being broke; and in case the said Lessee or Lessees, Owner or Owners, of the said Lands, or any future Lessee or Lessees, Owner or Owners thereof, his, her, or their Successors, Heirs, Executors, Administrators, or Assigns, or Tenant or Tenants, shall neglect or refuse, upon such Notice, to employ proper Persons to prevent the Waters of the said River from running over or breaking through the said Bank, or in case such Waters shall actually run over the said Bank, or if any actual Breach or Breaches shall happen therein before such Notice be given, such Lessee or Lessees, Owner or Owners, or any future Lessee or Lessees, Owner or Owners, of the said Lands, shall neglect or refuse to stop and make up the same, it shall and may be lawful for such Officer or Officers, so authorised as aforesaid, together with such Workmen as he or they shall think proper to employ, to enter into and upon the said Lands and Grounds, and to make good and repair the said Bank, and also to stop such Breaches; and in order to enable them so to do, it shall and may be lawful to and for such Workmen, so employed as aforesaid, to dig and take Earth out of the said Lands called Methwold Severals, for the raising and strengthening the said Bank, and stopping such Breaches as aforesaid, and the Expences necessarily incurred therein shall be reimbursed by the said Lessee or Lessees, Owner or Owners, of the said Lands, or any future Lessee or Lessees, Owner or Owners thereof, his, her, or their Successors, Heirs,

Executors, Administrators, or Assigns, Tenant or Tenants; and in case of Nonpayment thereof, it shall and may be lawful for any Five or more of the said Commissioners for the said Two Districts respectively, by Warrant under their Hands and Seals, or either of them, to levy by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of such Lands and Grounds, as aforesaid, the Charges of raising and repairing the said Bank, and of stopping and making up such Breaches, rendering the Overplus (if any) to such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforesaid; and if the Tenant or Tenants of such Lands and Grounds shall, upon such Notice as aforesaid, raise and strengthen the said Bank, or stop and make up the said Breaches therein, at his, her, or their own Expence, or shall pay the Charges thereof, if done by Order of the said Commissioners, or in case such Charges and Expences shall be levied on him, her, or them, by Distress and Sale of his, her, or their Goods and Chattels as aforesaid, it shall and may be lawful for such Tenant or Tenants to deduct the same out of his or her Rent, and the Owner or Owners of such Lands and Grounds shall allow such Deduction, unless an Agreement in Writing shall be made to the Contrary between such Owner or Owners, and his, her, or their Tenant or Tenants, in such and the same Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed: And if any Dispute shall arise touching the Amount of the Expences which shall have been incurred in raising and strengthening the said Bank, or in stopping or making up the said Breaches, such Disputes, and all Matters relating thereto, shall be finally settled and determined by the Justices of the Peace for the said County of Norfolk, in case the said Disputes shall happen in the said County, or if in the County of Suffolk, by the Justices of the Peace for the said County of Suffolk, at the First or Second General Quarter Sessions of the Peace to be held by Adjournment for the said Counties of Norfolk or Suffolk, at King's Lynn, Swaffham, or Saint Edmund's Bury aforesaid, as the Case

shall happen, who are not interested in the Premises, without any further or other Appeal whatsoever.

Commissioners refusing to repair *Sams's Cut* and *Hunt's Sluice*, Lessees of *Methwold Severals* impowered to authorise the Surveyor of the First District to repair the same,

And be it further enacted by the Authority aforesaid, That in case the Commissioners of the said Two Districts respectively, or the Commissioners acting by virtue of the said Act of the Thirtieth Year of the Reign of his late Majesty King George the Second, or the Officers appointed by them for that Purpose, shall, at any Time or Times after the passing of this Act, neglect or refuse to open, scour, cleanse, and repair, the said Drain called Sams's Cut, and the said Sluice called Hunt's Sluice, in Manner herein-before directed, it shall and may be lawful for the said Lessee or Lessees of Methwold Severals aforesaid, or the Owners and Proprietors thereof, his or their Tenant or Tenants, by Writing under his or their Hand and Seal, or Hands and Seals, to authorise and impower the Surveyor or other Officer for the said First District or Division to give Notice in Writing to the said Commissioners respectively, that the said Drain called Sams's Cut Drain, and Hunt's Sluice, are out of Repair (specifying in such Notice what Part of the said Works is out of Repair); and that if the Repairs thereof are not set about and finished within Five Days after such Notice, it shall and may be lawful for such Officer or Officers so authorised by the said Lessee or Lessees, or Owner or Owners, or Tenant or Tenants thereof, to order and direct the said Drain, or such Parts thereof as shall be so out of Repair, and also the said Sluice called Hunt's Sluice, when out of Repair, to be opened, cleansed, scoured, and repaired, and the Person or Persons so authorised as aforesaid is and are hereby impowered to enter into and upon the said Drain and Sluice, and the Lands adjoining thereto, and employ Workmen to take Earth, and other Materials, for repairing the same; and that the Treasurer or Receiver of the said respective Commissioners shall, and he or they is and are hereby required to pay the full Proportion of the Charges and Expences thereof, which is in and by this Act directed to be borne by the said respective Commissioners, to such Person or Persons, on his and their producing proper Vouchers for the Money laid out and expended therein, within

and the Expence to be borne by the said Commissioners.

Twenty

Twenty Days after Demand thereof made upon the said respective Treasurers or Receivers by such Person or Persons; and in case of Nonpayment thereof by such Treasurers or Receivers within the Time before limited for such Payment as aforesaid, then it shall and may be lawful for any Justice of the Peace for the Counties of Norfolk or Suffolk, as the Case shall happen, upon Application made to him by the Person repairing such Works, to issue a Warrant under his Hand and Seal, impowering such Person or Persons to levy such Sum or Sums of Money so laid out as aforesaid by Distress and Sale of the Goods and Chattels of the Occupier or Occupiers of the Lands or Grounds within the Limits aforesaid, lying next unto or adjoining upon, the said Bank or Sluice respectively; and that it shall and may be lawful for such Occupier or Occupiers, whose Goods and Chattels are so distrained and sold, to deduct the Sum or Sums of Money by him or them so paid out of the Rates due, and to grow due, to the said respective Commissioners for the said Lands and Grounds where such Distress or Distresses shall be so made, any Thing herein or in the said Acts contained to the Contrary notwithstanding.

In case of Nonpayment, on Application to a Justice, the Money to be levied by Distress.

And whereas for the more effectual draining the said Two Districts, it is thought expedient to erect One or more Engine or Engines at the West End of Sams's Cut Drain aforesaid on each Side thereof, at Hunt's Sluice, to throw the Waters of the said Drain into the River Ouze; be it enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of the said Two Districts, and they are hereby respectively authorised, impowered, and required, within Twelve Calendar Months after the passing of this Act, at their joint Costs and Charges, to erect, build, and set up, One Mill or Engine for throwing of Water at the said West End of Sams's Cut aforesaid, on the North Side of Hunt's Sluice aforesaid, to throw the Waters of the said Drain into the said River Ouze, of the Dimensions and Scantlings following; that is to say, Twenty-six Feet upon the Posts thereof, with Length of Sail sufficient to carry not less than Thirty Feet of Cloth, and a Water Wheel not less than Twenty Feet Diameter, and a Bottom Cogg Wheel

Commissioners of the Two Districts impowered to erect Two Mills at the West End of *Sams's Cut*, &c.

not less than Sixteen Feet Diameter, together with Geers and Works suitable thereto; but in case the Commissioners of either of the said Two Districts, after the First of the said Engines shall be so erected as aforesaid, shall not think such Mill sufficient to answer the full Purpose of draining the said Lands and Grounds intended to be drained thereby, it shall and may be lawful for the said Commissioners, or any Seven or more of them respectively, to order and direct One other Mill or Engine for throwing of Water not less than the Dimensions and Scantlings aforesaid, to be erected at the said West End of Sams's Cut aforesaid, on the South Side of Hunt's Sluice aforesaid, at the joint Costs and Charges of the Commissioners of the said Two Districts, for throwing the Waters thereof out of the said Drain into the said River Ouze; and that the said Engine or Engines, Mill or Mills, when erected in Manner aforesaid, shall be for ever after worked and repaired at the joint Expence of the said Commissioners, and shall be vested in the said Commissioners and Lessees of Methwold Severals aforesaid jointly; and, in order that such Mills may be erected to answer the full Purpose of Drainage, the said Commissioners, or any Five or more of them, are hereby impowered to make Drains, and other Works, out of Sams's Cut aforesaid, into the said River Ouze.

Commissioners of the Second District may erect a Mill at the West End of *Sams's Cut*, for the Benefit of said District, under certain Limitations.

And whereas it may be expedient for the Commissioners of the said Second District to have Liberty to erect One Mill or Engine for throwing of Water, to throw the Waters thereof into Sams's Cut Drain aforesaid; be it enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners of the said Second District, at their own Costs and Charges, at any Time after the said Mill or Mills shall be erected at the West End of Sams's Cut Drain aforesaid, to throw the Water thereof into the said River Ouze, but not before, and to erect, if they think proper, such Engine for the Benefit of the said Second District at or near Sams's Cut Drain, provided that such Engine shall not exceed the following Dimensions and Scantlings; that is to say, Twenty Feet high upon the Posts, and a Sail not to carry more than Thirty Feet, and a Water Wheel Fourteen Feet Diameter,

and no more, with proper and suitable Gears and Works thereto; and in case the said Commissioners of the said Second District shall order such Mill, when erected, to be worked into Sams's Cut aforesaid, before the First of the said Mills directed to be erected at the West End thereof shall be completed, it shall and may be lawful for the said Commissioners of the said First District to order such Mill to be stopped from working, until the said Mill, at the West End of Sams's Cut shall be completed.

Commissioners of *Feltwell* new District to pay a proportionable Part for the Repair of *Sams's Cut*.

And whereas the Lands to be drained by virtue of the said Act of the Thirtieth Year of his late Majesty's Reign will be equally benefited by the Drain called Sams's Cut, and the Sluice called Hunt's Sluice, with the Lands to be drained by virtue of this Act, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners under the said Act, and they, or any Five or more of them, are hereby authorised and required to pay, or cause to be paid, out of any of the Monies arising by virtue of the said Act, to the Commissioners acting for either of the said Districts under this Act, or any Five or more of them, or to their respective Treasurer or Treasurers, such Proportion of any Sum or Sums of Money as shall, from Time to Time, after the passing of this Act, be expended in scouring and widening the said Drain called Sams's Cut, or the said Sluice called Hunt's Sluice, as shall bear Proportion to the Number of Acres taxed by virtue of the said Act, and by this Act respectively; any Thing in the said Act to the Contrary notwithstanding.

How Commissioners may recover Money unpaid.

And be it further enacted, That in case any Sum or Sums of Money so due from the said Commissioners acting under the said Act shall be unpaid for the Space of Twenty Days after Demand made thereof from the Treasurer to the Commissioners under the said Act, by the Commissioners of either of the Districts under this Act, or any Five or more of them, or their respective Clerk or Treasurer, then such Sum or Sums of Money, so due and unpaid, shall and may be recovered by the said Commissioners of either of the said Districts under this Act from the Commissioners under the said Act, by Action of Debt, Plaint, Bill, Suit, or Information, in

any of his Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Fen Reeves of *Methwold Common* to raise Money to repair the Bank against *Methwold Common*.

And be it further enacted, That in order to raise Money for defraying the Charge of repairing the said Bank by the said Commoners of Methwold Common, it shall and may be lawful to and for the Fen Reeves of Methwold aforesaid for the Time being, or any Two or more of them, to let the Feed or Mowing of the said Bank, so to be separated and fenced off from the said Common, and lying against the said River and Load, and also of the Piece of Land or Common lying between the said Bank and the Soke Dike or Drain, for the best Rent they can get for the same, either from Year to Year, or for any Term not exceeding Three Years; and also to tax and charge the Owners of any Cattle with which the said Common shall be stocked, or which shall be going and fed thereon at any Time between Lady Day and Michaelmas Day, old Style, in each Year, except such Cattle as shall be under the Age of One Year, with an equal and proportionable Rate, according to the Number of such Cattle belonging to each and every Owner; and in case the said Rate shall not be paid by any such Owner within Five Days after the Day appointed for such Payment, by Notice in Writing affixed on the Church Door of Methwold aforesaid, then it shall and may be lawful for any Five or more of the Commissioners for the said First District, by Warrant under their Hands and Seals, directed to the said Fen Reeves, or any Two or more of them, to levy the same on the Goods and Chattels of any Owner so making Default of Payment, by Distress and Sale of such Goods and Chattels, together with the reasonable Charges of obtaining such Warrants, and of taking, keeping, and selling the Goods and Chattels so distrained, to be ascertained by the said Commissioners granting such Warrant, rendering the Overplus on Demand to such Owner; and all such Money as shall be raised by any of the Ways and Means as aforesaid shall be applied by the said Fen Reeves to the Repair of the said Bank, and to no other Purpose whatsoever.

And

And be it further enacted, That in case the said Fen Reeves shall neglect or refuse, within Ten Days after Notice to them given by the Lessee or Lessees, Tenant or Tenants, of the said Severals, to repair the said Bank, then it shall and may be lawful to and for the Lessee or Lessees, Tenant or Tenants, of the said Severals, or the said Commissioners of the said First District, or any Five or more of them, and he and they is and are hereby impowered to repair the said Bank, and to levy the Costs and Charges of such Repairs by Distress and Sale of any Cattle stocked on the said Common, betwixt Lady Day old Stile, and Michaelmas Day old Stile, in the same Manner as the Fen Reeves are hereby impowered to repair the said Bank, and to levy the Costs and Charges thereof.

If Fen Reeves neglect to repair the Bank, Lessees of *Severals* may do it.

And be it further enacted, That in case the Lessee or Lessees, Tenant or Tenants, of the said Severals, or the said Commissioners for the said First District, shall erect any Mill or Engine, so as to drain the said Severals, then the Lands belonging to William Tokelove, Arthur Annesley, the Reverend Henry Greene, Robert Clough, and John Drage, or their Heirs or Assigns, lying on the North Side of Sams's Cut aforesaid, and adjoining upon the said Severals, shall and may upon Application to the said Lessee or Lessees of the said Severals, his, her, or their Tenant or Tenants, or to the Commissioners of the said First District, or any Five or more of them, be drained by such Mill or Engine, they the Owners of the said Lands, their Heirs or Assigns, paying, or causing to be paid, yearly and every Year, to the said Lessee or Lessees, Tenant or Tenants, of the said Severals, One Shilling for each and every Acre of such Lands so drained, so long and for such Time as such Lands shall be so drained, and no longer.

Lands of Mr. *Tokelove*, &c. may be drained by the Mill erected by the Leases of the *Severals*.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Lessee or Lessees of the said Severals, his, her, or their Tenant or Tenants, and for the said Arthur Annesley, Henry Greene, Robert Clough, and William Tokelove, or any of them, to make Tunnels, at their own Expence, out of their said Land lying next Sams's Cut Drain aforesaid, to carry the Waters off their said Lands into the said Drain, if they shall think proper. And

Mr. *Annesley*, Mr. *Green* and others, to make Tunnels next *Sams's Cut*.

Owners of *Flegg Fen* to support the South Bank of *Stoke River*.

And whereas the present Owner or Proprietor, or Owners or Proprietors, of certain Lands in the said first District called Flegg Fen, East Fen, and North Fen, leading to Helgay Bridge aforesaid, have agreed, at his and their own Costs and Charges, in consideration of their being exempted from the Payment of any Rate or Tax rated or assessed by virtue of this Act, except the Rate or Tax of Sixpence an Acre for the Support and Maintenance of the Banks of Sams's Cut or Drain and Hunt's Sluice, as aforesaid, to maintain, support, and repair the said South Bank of Stoke River from the End of Methwold Severals aforesaid, at a certain Dike called King's Dike to a certain Bridge in Helgay aforesaid called Helgay Bridge, in the several Proportions following; that is to say, The Owners and Proprietors of the said Lands, called Flegg Fen and East Fen, at their Costs and Charges to support, maintain, and repair the said South Bank of Stoke River, from King's Dike aforesaid to the East Side of a certain Piece of Land called The Thoroughfare Piece, in Helgay aforesaid, being the Property of James Callaway of Ely, Gentleman, at the Bank of the said Matthew Pepper Manby, including the said Bank and the Residue of the said South Bank to Helgay Bridge aforesaid, to be supported, maintained, and repaired by the several Owners and Proprietors of the said Lands called The North Fen or Wetside Parts, in Helgay aforesaid; be it enacted by the Authority aforesaid, That from and after the passing of this Act, the said South Bank of Stoke River, from the End of Methwold Severals aforesaid, at King's Dike aforesaid, to Helgay Bridge aforesaid, shall be deemed and taken as the particular Works of the said Owners, and they are hereby directed and required to maintain, support, and repair the said Bank of such an Height, Width, and Strength, as shall prevent the Waters running into or through the same from running over, or making any Breach or Breaches therein; and in case the said Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Successors, or Assigns, or his, her, or their Tenant or Tenants, shall at any Time or Times, from and after the passing of this Act, neglect or refuse to keep and maintain the

said South Bank of Stoke River, as aforesaid, of such sufficient Height and Strength, to prevent the Waters of the said River from running over or breaking through the said Bank; and if the Waters thereof shall at any Time or Times hereafter run over or break through the same, it shall and may be lawful for the Commissioners of either of the said Two Districts, or any Five or more of them, and for the Lessee or Lessees, or the Owners and Proprietors of Methwold Severals aforesaid, his, her, or their Tenant or Tenants, by Writing under his and their Hands and Seals, to authorise and impower the Surveyor or other Officer for either of the said Two Districts or Divisions to give Notice to the said Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Successors, or Assigns, or his, her, or their Tenant or Tenants, that the Waters in the said River is running over the said Bank, or that the said Bank is in Danger of being broke thereby; and in case the said Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Successors, or Assigns, or Tenant or Tenants, shall neglect or refuse upon such Notice to employ proper Persons to prevent the Water of the said River from running over or breaking through the said Bank, or if the said Waters shall actually run over the said Bank, or any actual Breach or Breaches shall before such Notice be made therein, and such Owner or Owners, or any future Owner or Owners of the said Lands, shall neglect or refuse to stop and make up the same, it shall and may be lawful for such Officer or Officers, so authorised as aforesaid, or for the Lessee or Lessees, Owner or Owners, Tenant or Tenants, of Methwold Severals aforesaid, together with such Workmen as he or they shall think proper to employ, to enter into and upon the said Lands and Grounds, and to make good and repair the said Bank, and also to stop such Breaches; and in order to enable them so to do, it shall and may be lawful to and for such Workmen so employed as aforesaid to dig and take Earth out of the said Fen called Flegg Fen,

In case the Banks of *Stoke River* by *Flegg Fen* are neglected, Method of Compulsion.

East Fen, and North Fen, in Helgay aforesaid, for the raising and strengthening the said Bank, and stopping such Breaches, as aforesaid; and the Expences necessarily incurred therein, shall be reimbursed by the said Owner or Owners of the said Lands, or any future Owner or Owners thereof, his, her, or their Heirs, Successors, or Assigns, Tenant or Tenants; and in case of Non-payment thereof, it shall and may be lawful for any Five or more of the said Commissioners for the said Two Districts respectively, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, Owner or Owners, of such Lands and Grounds as aforesaid, the Charges of raising and repairing the said Bank, and of stopping or making up such Breach or Breaches, rendering the Overplus, if any, to such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, as aforesaid: And if the Tenant or Tenants of such Lands and Grounds shall, upon such Notice as aforesaid, raise and strengthen the said Bank, and stop and make up the said Breaches therein, at his, her, or their own Expences, or shall pay the Charges thereof, if done by the Order of the said Commissioners, or in case such Charges and Expences shall be levied on him, her, or them, by Distress and Sale of his, her, and their Goods and Chattels, as aforesaid, it shall and may be lawful for such Tenant or Tenants to deduct the same out of his or her Rent; and the Owner or Owners of such Lands and Grounds is and are hereby required to allow such Deduction; unless an Agreement in Writing shall be made to the contrary between such Owner or Owners and his and their Tenant or Tenants, in such and the same Manner as the Taxes paid by the Tenants are by this Act to be deducted and allowed; and if any Dispute shall arise touching the Amount of the Expences which shall have been incurred in raising and strengthening the said Bank, or in stopping or making up the said Breaches, such Disputes, and all Matters relating thereto, shall be finally settled and determined in such and the same Manner as the

Distress on Non-payment.

Tenants repairing the Bank may deduct the Expence out of their Rent.

Disputes

Disputes arising between the Owners of Lands in Methwold Severals and the said Commissioners are hereinbefore directed to be finally settled and determined, and in no other Manner whatsoever.

Lessees of *Methwold Severals* to erect One Engine for throwing Water into *Stoke River*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Lessee or Lessees of Methwold Severals aforesaid, or any future Lessee or Lessees thereof, his, her, or their Tenant or Tenants, and he and they is and are hereby authorised and impowered, at any Time or Times, as he or they shall think proper, after the passing of this Act, at his, her, and their own Costs and Charges, to erect One Mill or Engine for throwing of Water upon or near the South Bank of Stoke River aforesaid, in such Part of the said Severals as he or they shall think proper, and that the Waters of the said Severals shall and may be thrown, conveyed, and carried by such Engine into the said River called Stoke River, in order that the same may be conveyed through the said River to the River Ouze, and from thence to the Sea; any Law, Statute, Power, Usage, or Custom, to the Contrary notwithstanding.

Passages may be made across any Bank that may be made in *Methwold Severals*.

And be it further enacted by the Authority aforesaid, That in case the said Commissioners of the said First District shall, at any Time or Times after the passing of this Act, make a Bank in the said Methwold Severals near Methwold Common aforesaid, it shall and may be lawful for the present Lessee or Lessees of the said Severals, or any future Lessee or Lessees thereof, his, her, or their Tenant or Tenants, to make Roads or Passages across the said Bank, in such Places as he or they shall think proper, in order for their passing over the same with Horses, Carts, and Carriages, to their said Lands; any Thing herein contained to the Contrary notwithstanding.

In case the Commissioners of the Second District neglect to repair *Wilton Load* and *Brandon River*.

And be it further enacted by the Authority aforesaid, That in case the Commissioners of the said Second District, or the Officers appointed by them for that Purpose, shall, at any Time or Times after the passing of this Act, neglect or refuse to heighten, strengthen, and repair the Banks of Wilton Load and Brandon River aforesaid, being the outward Boundary of the said District,

strict, whereby the Waters of the said Load or River shall run over the same, or any Breach or Breaches shall happen therein, or in any Part thereof, it shall and may be lawful for the Commissioners of the said First District or Division, or any Five or more of them, or for the Lessee or Lessees, Owner, Proprietor, or Tenant, Owners, Proprietors, or Tenants, of the said Lands called Methwold Severals, or any of them, or for any Person or Persons appointed by them, or either of them respectively, to heighten and repair such Banks, or make up such Breach or Breaches, in the best Manner they can; and the Person or Persons so appointed by them, or any of them, are hereby impowered to enter upon the Lands and Grounds lying and adjoining to the said Banks respectively, and to employ Workmen to take adjoining Earth from such Lands for the raising and repairing such Banks respectively, or the making up such Breach or Breaches; and that the Treasurer or Receiver of the said Commissioners of the said Second District shall, and he or they is and are hereby required to pay the full Charges and Expences thereof to such Person or Persons, on his or their producing proper Vouchers for the Money laid out and expended therein, within Twenty Days after Demand thereof made upon the said Treasurers or Receivers by such Person or Persons; and in case of Non-payment thereof by such Treasurers or Receivers within the Time before limited for such Payment as aforesaid, then it shall and may be lawful for the said Commissioners for the said First District or Division, or any Five or more of them, and they are hereby authorized and impowered, to recover the same against such Treasurers or Receivers, by Action, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster; in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Commissioners may compel.

Earth may be taken from Commons, &c. *gratis.*

And be it further enacted, that it shall and may be lawful for the Surveyor or Surveyors, or other Officer or Officers, appointed by the said Commissioners, or any Five or more of them, for each of the said Districts, to cut, dig, gather, take, and carry away, or cause to be

cut,

cut, dug, gathered, taken, and carried away, any Materials proper for repairing the several Banks within the said Two Districts respectively, in, upon, out of, or from, any River, Brook, Washes, Waste, or Common, in any Parish, Town, or Place, in, adjoining to, or lying near, the said Banks, without paying any Thing for the same; and if a Quantity of Materials sufficient for that Purpose cannot be found in or upon any such River, Brook, Washes, Waste, or Common, then, by Order of the said respective Commissioners, or any Five or more of them, to cut, dig, gather, take, and carry away, or cause to be digged, cut, gathered, taken, and carried away, any Quantity of Materials proper and sufficient for that Purpose, in, upon, out of, or from, any of the Lands or Grounds of any Person within the Boundaries of this Act, or within any adjoining Parish, Township, or Place, (except the Common called North-wold Common, next to Methwold Load and Stoke River, or in on the North Side of the said River) where the same may be had or found, to be used towards repairing the said Banks respectively, such Lands and Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to any House, they the said Surveyors or other Officers paying or rendering a reasonable Composition to the respective Owners or Occupiers of such Lands or Grounds for such Materials, and for the Damage done by carrying the same over their Grounds; and in case of any Difference between the said Commissioners respectively, or their Surveyor or Surveyors, or other Officers, and any of the said Owners or Occupiers, any Two or more Justices of the Peace for the County, Liberty, or Place, where the same shall happen, (not interested in the Premises) shall and may, on Ten Days Notice thereof in Writing to be given by any such Surveyor to such Owner or Occupier, or by such Owner or Occupier to such Surveyor or other Officer, to be left at their respective Places of Abodes with some one of their respective Families, hear, settle, and determine the Matter of the said Damages; and that the Determination

Exceptions.

of such Justices shall be final to the said Parties, without any Appeal therefrom.

To prevent cutting Earth from *Northcloud*, but at particular Times.

Provided nevertheless, and be it enacted, That nothing in this Act contained shall extend to impower the Commissioners of the said Second District to dig or take Earth out of the said Lands of Sir Simeon Stuart Baronet, called Northcloud, next Brandon River aforesaid, for repairing the Bank of the said River, except in Times of Flood, or when Earth cannot be cut out of the Floors or Washes of the said River, at which Time it shall and may be lawful for the said Commissioners to take Earth out of the said Lands for the Purposes aforesaid, but at no other Times whatsoever; any Thing herein contained to the Contrary notwithstanding.

No Earth to be taken from the Lands of Mr. *Manby*.

Provided always, and be it enacted, That no Earth shall be taken by the said Commissioners from any of the Lands of the said Matthew Pepper Manby, but only for the Purpose of repairing the Banks already made by the said Matthew Pepper Manby.

Commissioners may act as Justices.

Provided always, and be it enacted, That it shall and may be lawful to and for any of the said Commissioners, who are Justices of the Peace, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Proceedings to be entered in Books.

Provided always, and be it enacted, That all Orders and Proceedings of the said Commissioners, or any of them, at any Meeting to be held for the said Two Districts respectively, shall be entered in distinct Books, to be provided and kept for that Purpose; and such Orders and Proceedings so entered, shall be signed by Five or more of the said Commissioners respectively so assembled at such Meetings, and being so signed, shall be deemed and taken to be Originals; and all such Books, and also the Books hereby directed to be kept for registering the Securities, Assignments, and Transfers, shall and may be read as Evidence on all Trials at Law, or any Suits or Actions touching any Thing done in relation to, or in pursuance of, this Act.

Provided

Provided always, and be it enacted, That no Order which shall be made by the said Commissioners, or any of them respectively, at any of their Meetings for each respective District by virtue of this Act, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Nine or more Commissioners be present, and Seven or more of the said Commissioners be real Owners of Lands in the said Two Districts respectively, and consenting thereto, nor unless Ten Days Notice in Writing be affixed on the Church or Chapel Doors of Helgay, Methwold, Feltwell Saint Mary, and Hockwold with Wilton aforesaid, in which said Notice the Intent and Design of such Meeting shall be declared; and that every Order for executing the Powers of this Act shall be made at a Meeting of the said respective Commissioners, to be held in such Manner as is herein-before authorised and appointed, and not otherwise, except only as to the granting Precepts or Warrants for levying Taxes, which shall and may be granted and signed by such respective Commissioners for the said Two Districts respectively, in Manner herein-before directed, whenever the same shall be necessary and required.

Orders not to be reversed, but at a Meeting for that Purpose.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously burn, cut, break down, destroy, or advise, counsel, or hire, any Person to burn, cut, break down, or otherwise destroy any Bank, Mill, Engines, Flood-gate, or Sluice, already erected, supported, maintained, or used, or hereafter to be made or erected, supported, maintained, or used, within the Limits aforesaid, for the Purpose of draining and preserving the Fen Lands and Low Grounds within the same; every Person or Persons so offending, and being thereof 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 or Persons shall be tried and convicted shall, and hereby have Power and Authority to transport such Felons for Seven Years, in such Manner as other Felons are directed to be transported by the Laws of this Realm.

Felony on burning of Mills, &c.

Penalty on destroying the Works.

And be it further enacted, That if any Person or Persons shall wilfully or maliciously stop, dam, or break down, demolish, damage, or destroy, or cause, procure, or hire, any Person to dam up, break down, demolish, damage, or destroy any River Drain or Watercourse, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which shall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, supported, maintained, or used, for answering the Purpose of draining and preserving the Fen Lands and Low Grounds within the Limits aforesaid; every Person so offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, not interested therein, every such Person or Persons so convicted as aforesaid shall forfeit and pay, for every such Offence, any Sum not exceeding Twenty Pounds, nor less than Forty Shillings; 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 or Hands and Seals of such Justice or Justices, and to be applied and disposed of in the Improvement of the Works of the District where such Offence or Offences shall be committed, and not elsewhere; and for want of sufficient Distress, such Offender or Offenders shall be committed by such Justice or Justices to the House of Correction of the County or Place where such Offence shall be committed, there to be kept to hard Labour for the Space of One Calendar Month without Bail or Mainprize, or until such Penalty shall be paid.

Mole-catching.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies arising in each respective District under this Act, to make such Allowances for the catching or destroying Moles or other Vermin within the Two Districts respectively as they the said Commissioners, or any Five or more of them, shall think proper.

And whereas it frequently happens, by the Negligence or Carelessness of Servants, or other Persons, employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to such Lands are burnt and damaged by the Fire being suffered to remain too long on such Lands, and thereby extending to such Banks; be it therefore enacted by the Authority aforesaid, That if any Person or Persons who shall be employed in burning any of the Lands and Grounds lying within the Limits aforesaid shall, by Carelessness or Negligence, set fire to or burn, or cause to be fired or burned, any of the Banks lying near or adjoining to any of the said Fen Lands or Low Grounds, so as such Banks be by Means of such Fire destroyed or damaged, such Person or Persons, being thereof convicted by the Oath of One or more credible Witness or Witnesses, or by Confession, before any One or more Justice or Justices of the Peace for the County or Liberty where such Offence shall be committed, not interested in the Premises, (which Oath such Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence), shall give such Recompence or Satisfaction to the said Commissioners for the Damage done to the said Banks, as such Justice or Justices shall think reasonable; such Damage and Recompence to be paid by such Offender or Offenders, within such Time as by such Justice or Justices shall be thought reasonable, into the Hands of the Receiver or Receivers for the Time being appointed by this Act for that District where such Offence shall be committed, to be applied by him for and towards the repairing and amending such Banks in the District where the same shall happen; and in case of Non-payment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices before whom such Conviction shall be made; and for want of sufficient Distress, such Offender or Offenders shall, by such Justice or Justices, be committed to the common Gaol for the County or Liberty where such Offence shall be committed, for any Time such Justice or Justices shall appoint, not exceeding

Penalty on Persons burning Banks.

Three Calendar Months, or until such Damage or Recompence shall be paid.

10 s. Penalty on Persons driving Carriages on the Banks.

And be it further enacted, That if any Person shall drive any Waggon, Cart, or other Carriage, upon any of the Banks already made, or hereafter to be made, within the Boundaries of this Act, unless such Bank be made upon a common Road-way, and sufficient Room for Passage of such Waggon, Cart, or other Carriage, shall not be left along the Side of such Bank, every such Person shall forfeit and pay the Sum of Ten Shillings; to be recovered, levied, and applied, as the Penalty against the digging of Turf is by this Act directed to be recovered, levied, and applied.

Penalty of 50*l.* on Persons discharging the Water upon other Persons Lands.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall erect, set up, use, or work any Horse Mill, Gig, Engine, or other Device whatsoever, for draining or discharging the Water from any Lands in the said Two Districts through or upon the Lands of any other Person or Persons, or in any other Manner than directly from the Lands of the respective Owner of such Mill, Gig, Engine, or other Device, other than into the said Rivers of Brandon and Stoke aforesaid, every Person so discharging the said Water, (other than as aforesaid), shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds; One Moiety thereof to be paid to the Person suing for the same, and the other Moiety to be paid to the Receiver or Collector for the Time being within the District where such Mill, Gig, Engine, or other Device, shall be erected, and to be applied for the Purpose of draining, imbanking, and improving the said Fen Lands and Low Grounds in the said District: And the Owner of such Mill, Gig, Engine, or other Device, shall also make such Compensation and Satisfaction to all and every Person or Persons as shall be injured thereby, for the Damages such Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction, shall be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

And

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall cut or dig any Turves, Hods, or Sesses, in the said Fen Lands and Low Grounds, within the Distance of Sixty-six Feet from any Banks which are already made, or shall be made, by virtue of this Act, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Rod of such Turf, Hods, or Sesses, so cut and dug; and if any Person or Persons shall make, or cause to be made, or cut any Watering Places, or any Place of Access for Cattle to drink, in the said Rivers of Brandon, Stoke, or Sams's Cut or Drain, within Twenty Feet of the Seat of the said Banks, or in any Mill Drain, within any of the said Fen Lands and Low Grounds hereby intended to be drained and preserved, every Person so offending shall forfeit, for every such Offence, the Sum of Five Pounds: And if any Person or Persons who shall make, or cause to be made, any Soak Dike or Ditch, or Soak Gripple, in or upon any of the Fen Lands and Low Grounds within the Distance of Thirty Feet from the Seat of any Bank now made, or hereafter to be made, within the Limits aforesaid, every Person so offending shall forfeit, for every such Offence, the Sum of Four-pence for every Foot in Length of such Soak Dike or Gripple, and after the same Rate for every Month such Soak Dike or Gripple shall remain unfilled, after Notice given in Writing by the Clerk or Agent to the said respective Commissioners to such Person or Persons who shall have dug, or caused to be digged the same: And the said respective Commissioners, or any Five or more of them, shall have full Power at any Time, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of such Lands wherein such Soak Dike or Gripple shall be made, to fill up and level the same; all which Forfeitures shall, upon Conviction of the Offender or Offenders, before any One or more Justice or Justices of the County or Liberty where such Offences shall happen, not interested in the Premises, on the Oath of One or more Witness or Witnesses, (which Oath the said Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence), be immediately

Penalty of 5 *l.* on Persons cutting Hods, &c. near the Banks;

and 5 *l.* Penalty on Persons cutting Watering-places for Cattle to drink.

ately paid into the Hands of the Treasurer of the said District where the Offence shall be committed, to be applied for carrying on the Works thereof; and in case of Non-payment thereof, such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before whom such Conviction shall be made; and for want of such sufficient Distress, such Offenders shall, by such Justice or Justices, be committed to the House of Correction for the County or Liberty where such Offence shall be committed, there to be kept to hard Labour for any Time such Justice or Justices shall order and direct, not exceeding Three Calendar Months, or until such Penalties or Forfeitures shall be paid.

No Buildings to be built near the Mills.

Provided always, and be it enacted, That from and after the passing of this Act, no Houses or Buildings, or any other Obstruction whatsoever, shall be erected, or Trees or Holts planted, either within the said Two Districts respectively, or either of them, or on the Outside thereof, near or opposite to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds within the Limits aforesaid, than Fifty Poles, (being the Pole of Eighteen Feet); and if any Person or Persons shall build or erect any House, Barn, or other Obstruction, within any less Distance than Fifty Poles, every such Person shall forfeit and pay, for every such House, Barn, or Building, the Sum of One hundred Pounds; to be recovered in like Manner as the Penalties herein-before mentioned for erecting Horse-Mills, Gigs, Engines, and other Devices for throwing off Water; for every Tree the Sum of One Shilling, and Five Pounds, for every Holt or other Obstruction so planted; which said Penalties of One Shilling and Five Pounds for the Offences aforesaid, are to be levied and paid in like Manner as the Penalties inflicted for cutting Hods, Turves, or Sedges, within Sixty-six Feet of the said Banks; and the said respective Commissioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five

Penalty.

or more of them, to direct their respective Agents or Servants to take down such Buildings so erected, and pull up and remove such Trees, Holts, and other Obstructions so planted, contrary to this Act.

Trees now growing, &c. may be removed.

Provided always, and be it enacted, That if any Trees or Holts are now growing within the Distance of Fifty Poles (the Pole being of Eighteen Feet) from any Mill or Engine already built, or hereafter to be built, within the Limits aforesaid, it shall and may be lawful for the Commissioners of the said Two Districts respectively, or any Five or more of them, by like Order, under their Hands and Seals, to order the same to be cut up and pulled down as if the same had been planted after the passing of this Act, making such Satisfaction to the Owners of such Trees and Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them respectively; and in case any Difference or Dispute shall arise between the said Commissioners and such Owner touching such Satisfaction, and the same cannot be settled between them, then such Recompence and Satisfaction shall be finally determined in such and the same Manner as is herein-before mentioned and prescribed for ascertaining the Recompence to be made for Damage by making and erecting any Work in pursuance of this Act.

Dikes, &c. to be scoured.

And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Lands lying within the Boundaries aforesaid, through which any Drove-way, Dike, Outring Dike, or Division Dike, leading to any of the Mill Drains within the said Two Districts respectively, do or shall pass, shall neglect or refuse sufficiently to road, scour, cleanse, open, or repair any such Dike, or to make the same of the Depth of Four Feet, and the Width of Nine Feet at the least, after Fourteen Days Notice in Writing to him, her, or them given, from Time to Time, by the Collector or Collectors, Receiver or Receivers of the said Two Districts respectively for that Purpose, then it shall and may be lawful, from Time to Time, for such Collector or Collectors, Receiver or Receivers, to cause such Dikes to be roaded, scoured, cleansed, opened, repaired and deepened, in a sufficient Manner, of the Width

aforesaid, at the proper Costs, Charges, and Expences of such Owners or Occupiers; and that where ever a Road or Way shall have been made over or across any such Dike without a sufficient Tunnel lying therein, to cause such Ways or Roads to be taken up, and such Dike to be made of a proper Width and Depth, for conveying the Waters through the same to the several Mills or Engines erected, or to be erected, for draining the said Fen Lands and Low Grounds, and by a Warrant or Precept, under the Hands of Three or more of the said respective Commissioners, to levy all such Charges and Expences as shall be occasioned by deepening and widening the said Dikes, or taking up the said Roads, on the Owner or Owners, Occupier or Occupiers, of the Lands through which the said Dikes shall pass, or to which they shall be contiguous, and who shall make, or cause to be made, such Road as aforesaid.

Mills to be insured.

And be it further enacted by the Authority aforesaid, That the said respective Commissioners, or any Five or more of them, shall cause all and every the Engines and Mills which shall be erected and employed by virtue of this Act to be insured against Fire in some of the public Insurance Offices, and, from Time to Time, to pay the Expence attending such Insurances out of the Money arising by virtue of this Act.

Justices to administer Oaths.

And be it further enacted, That in all Cases wherein Jurisdiction is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices to administer an Oath to any Person, for his or their more certain Information in the Matters depending; and that any Justice of the Peace may act as such in the Execution of this Act, notwithstanding his being a Commissioner, except in Cases where he shall be personally interested.

Form of Conviction.

And, for the more easy and speedy Conviction of Offenders against this Act, be it enacted by the Authority aforesaid, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

County

County, } BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for by virtue of an Act of the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For draining and preserving "certain Fen Lands and Low Grounds, lying in the "South Level, Part of the Great Level of the "Fens, commonly called *Bedford Level*, between "the old Rivers or Drains called *Stoke River* and "*Brandon River* and a certain Level or District "called *Feltwell New District*, and the Hard Lands "of *Woodhall in Helgay* and *Helgay*, in the Counties of *Norfolk* and *Suffolk*"; [*Specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*]. Given under our Hands and Seals, [or Hand and Seal], the Day and Year aforesaid.

And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster. Convictions not removeable.

Provided always, That where the Plaintiff or Plaintiffs shall recover in any Action, he, she, or they, shall be paid his, her, or their full Costs of Suit, and have the like Remedies for recovering the same as for the recovering Costs in any other Case by Law. If Plaintiff recover, to have full Costs.

Provided also, That no Plaintiff shall recover in any Action for any Irregularity, if Tender of good and sufficient Amends shall have been made by or on Behalf of the Defendant or Defendants before such Action brought, nor if such Tender of Amends shall be made at any Time after the Action brought, and between Trial thereof, together with Costs of Suit to the Time of such last-mentioned Tender; but on Proof made of such Tender on any Plaintiff not to recover, if Tender made.

any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit, with Double Costs; to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law.

How Penalties may be levied.

And be it further enacted, That the said respective Commissioners, or any Five or more of them, (instead of levying the Penalties by this Act particularly imposed, and proceeding against the Offender or Offenders in the summary Manner herein-before provided), may, at their Election, prefer and prosecute with Effect, a Bill or Bills of Indictment against such Offender or Offenders, or may bring an Action or Actions in the Names of any Two or more of them, or in the Name of their Treasurer or Clerk.

Writings to be without Stamps.

And be it further enacted, That no Order, Nomination, Appointment, Mortgage, Assignment, or other Security for borrowing Money, Contract, Agreement, Information, Conviction, Judgement, Warrant, or other Writing, under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commissioner or Commissioners, Justice or Justices of the Peace, or exhibited before them, in pursuance of any of the Powers or Authorities by this Act vested in such Commissioner or Commissioners, Justice or Justices of the Peace, nor any Transfer of any Mortgage Security, nor any Bond taken from any Officers, or his Sureties, in pursuance of this Act, for the due Execution of his Office, nor any other Writing whatsoever, concerning the Execution of this Act, shall be charged or chargeable with any Stamp-duty.

Lands dug into Turf Pools, &c. exempted for 7 Years, unless occupied. &c. and then to pay One Half Rates.

Provided always, That no Assessment, Rate, or Tax, shall, during the First Seven Years after making and passing this Act, be made, collected, or levied, upon any Lands which are now dug out into Hop or Turf Pools, and shall lie unoccupied; but in case any Lands so dug as aforesaid shall be occupied, or if any Turf shall be dug therein, or other Use made thereof, during the said Term of Seven Years, then the same shall be assessed, rated, and charged, for the Remainder of the said Term, with One half of the Rates and Taxes per Acre wherewith

the

8

the other Fen Lands in the said District shall be charged by virtue of this Act.

And be it further enacted, That no Rate or Tax shall be charged on the Lands lying against the North Bank of Brandon River, in the said Second District, that now are, or hereafter shall be cut up, into Floors or Floor-work, for repairing the said Bank within the Width of Seventy-two Feet from the Fence Dike lying under the said Bank. Exemption.

And whereas the Proprietors of the several Lands and Grounds frequently cut up the same into Firing, and sell the same, whereby the Value of the said Lands so rated are so much lessened that the Rates and Taxes charged thereon cannot be levied and raised, whereby the Security of the said Taxes become of less Value to the several Person or Persons advancing Money thereon; be it therefore enacted by the Authority aforesaid, That if any Person or Persons, being Owner or Proprietor of any of the Lands or Grounds contained in the said Two Districts respectively, shall, from and after the passing of this Act, dig or cut up any of the said Lands or Grounds, into Firing for Sale, such Owner or Owners of such Lands shall, within One Calendar Month after the same shall have been so dug or cut up into Firing as aforesaid, pay to the said Commissioners of the said Two Districts respectively after the Rate of Thirty Years Purchase of the said Rates or Taxes so charged upon the said Lands or Grounds which shall be so dug up as aforesaid; and in case the said Owners or Proprietors shall neglect or refuse to pay the same within One Calendar Month after the same shall have been so dug up for the Purposes aforesaid, that it shall and may be lawful for the Commissioners of the said Two Districts, or any Five or more of them, assembled at a Meeting to be held for that Purpose respectively, to order and direct the Collector or Collectors, Receiver or Receivers, of the said Two Districts respectively to recover the same by Distress and Sale of the Firing so cut, in such and the same Manner as the said Rates and Taxes are hereby recoverable; and the said Sum or Sums of Money, so to be paid or recovered as aforesaid, shall be applied by the said Commissioners of the said To prevent cutting of Firing.

Two Districts respectively to the respective Purposes of the said Two Districts.

Commissioners may erect Stiles, &c.

And be it enacted by the Authority aforesaid, That the said respective Commissioners, or any Five or more of them, shall, and they are hereby required, from Time to Time, to set up and erect, and for ever repair and maintain, such Stiles, Headings, and other proper Fences, in and upon such of the Banks as shall be made by virtue of this Act, as are necessary to fence in and inclose the separate Property of every Person whose Lands are lying contiguous to or upon the said Banks, so as the Property of one Person shall not be open to the Property of another; and if it shall happen that any of the Mill Drains, made, or to be made, by virtue of this Act, shall be made or cut through any of the whole Lands or Farms within the said Two Districts respectively, whereby the Road or Passage to such Farm Lands shall be stopped, the said respective Commissioners, or any Five or more of them, shall, and they are hereby required, to make and lay over such Mill Drain One Bridge, for a Road and Passage of such Owner or Proprietor with Horses, Carts, and Carriages, to such Farm and Lands as aforesaid; and the Expence of making, setting up, erecting, and maintaining, such Bridges, Stiles, Headings, and other Fences, shall be paid and defrayed out of the Monies arising in the District where such Works shall be made.

To prevent haling of Boats along the Banks, &c.

And, in order to prevent the Mill Drains or Banks, within the said Two Districts respectively from being broke down, filled up, or damaged by any Person or Persons haling of Boats upon the said Banks, or down the said Drains, with Men, Horses, or other Beasts; be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners of the said Two Districts respectively, or for any Officer by them to be appointed by virtue of this Act, at any Time after the passing of this Act, to lay, or cause to be laid, Beams or Spars across the said Mill Drains; and to erect, or cause to be erected, across the said Banks, such Works, as they the said respective Commissioners, or any Five or more of them, shall think proper, to prevent the

Paſſage of ſuch Boats through ſuch Mill Drains, or the haling of ſuch Boats, by Men, Horſes, or other Beaſts, along the ſaid Banks: And in caſe any Perſon or Perſons ſhall break down or take up the ſaid Booms, Spars, or other Works, ſo laid acroſs the ſaid Drains and Banks, for the Purpoſes aforeſaid, any Perſon or Perſons ſo breaking down or taking up the ſame, ſhall forfeit and pay to the Commiſſioners reſpectively of ſuch Diſtrict where the ſaid Offence ſhall be committed any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings; to be recovered, levied, and applied, in ſuch and the ſame Manner, as the Penalties for deſtroying other Works within the Boundaries aforeſaid are herein directed to be recovered, levied, and applied. Penalty.

And whereas it is found expedient, and agreed, that the Bank called Croſs Bank (which ſeparates the Lands and Grounds in the Lands directed to be drained by virtue of the ſaid Act of the Thirtieth Year of his late Majeſty King George the Second from the Lands and Grounds comprized in the Second Diſtrict in this Act) ſhall, from Time to Time, and at all Times hereafter, be well and ſufficiently ſupported, maintained, and repaired, at the Expence, Coſts, and Charges, of the Owners and Proprietors of Lands and Grounds, and of and by the Commiſſioners acting by virtue of and under the ſaid Act; be it enacted by the Authority aforeſaid, That from and after the paſſing of this Act, the ſaid Bank called Croſs Bank, which ſeparates and divides the ſaid Lands from the Lands and Grounds comprized in the ſaid Second Diſtrict in this Act mentioned, ſo far as the ſaid Bank goes, from the Beginning to the End thereof, ſhall be deemed and taken to be the proper Bank of the Commiſſioners acting by virtue of and under the ſaid Act; and the ſaid Commiſſioners are hereby directed and required to maintain, ſupport, and repair, the ſaid Bank called Croſs Bank, of ſuch Height, Width, and Strength, as ſhall prevent the Waters running over or making any Breach or Breaches in or about the ſame: And in caſe the ſaid Commiſſioners acting by virtue of and under the ſaid Act, or their Succeſſors, ſhall, at any Time or Times, after the paſſing of this Act, neglect The Commiſſioners of *Feltwell* Diſtrict to repair *Croſs Bank*, &c.

On Neglect of maintaining the ſaid Bank,

or refuse to keep, support, and maintain, all the said Bank called Cross Bank, from the Beginning thereof, so far as it goes, which separates and divides the said Lands from the Second District in this Act mentioned, of such sufficient Height, Width, and Strength, at all Times, after the passing of this Act, to prevent the Waters from running over or breaking through the said Bank called Cross Bank; or if the said Bank called Cross Bank shall, at any Time or Times after the passing of this Act, be broke through, or neglected, and out of Repair, it shall and may be lawful for the Commissioners of either of the said Two Districts respectively, or any Five or more of them, by Writing under their Hands and Seals, to authorise and impower the Surveyor, or other Officer or Officers of the said Two Districts, or either of them, appointed by this Act, to give Notice to the Commissioners acting by virtue of and under the said Act, or their Successors, or their Clerk or Treasurer, that the said Bank called Cross Bank is broke, or in Danger of being broke, or is neglected and out of Repair; and in case the said Commissioners shall neglect or refuse, upon such Notice given, to employ proper Persons to repair, amend, and support, the said Bank, called Cross Bank, in Manner aforesaid, it shall and may be lawful for such Surveyor, Officer or Officers, so authorised as aforesaid, together with such Workmen as he or they shall think proper to employ, to enter upon the adjoining Lands and Grounds on the Side of the Lands to be drained by virtue of the said Act, and upon the said Bank called Cross Bank, and also to stop such Breaches, and make good, amend, and repair, the said Bank, called Cross Bank; and, in order to enable them so to do, it shall and may be lawful for such Workmen so employed as aforesaid to dig and take Earth from the Lands and Grounds adjoining to the said Bank called Cross Bank, on the Side of, and in, the Lands to be drained by virtue of the said Act, for stopping such Breaches, and for raising, strengthening, supporting, and maintaining, the said Bank, called Cross Bank, and the Expences necessarily incurred thereon shall be reimbursed by the said Commissioners acting by virtue of

Distress on Owners for Nonpayment.

and under the said Act; and in case of Nonpayment thereof, it shall and may be lawful for any Five or more of the said Commissioners for the said Two Districts respectively, by Warrant under their Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of any Owner or Owners, Occupier or Occupiers, of Lands and Grounds to be drained by virtue of the said Act the Charges and Expences of raising, repairing, and supporting the said Bank, called Cross Bank, and stopping and making up such Breaches as shall happen thereon, rendering the Overplus, if any, to such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, of such Lands; and if the Tenant or Tenants of such Lands and Grounds shall, upon Notice as aforesaid, raise, strengthen, and repair the said Bank, called Cross Bank, or make good any Breaches that shall happen therein, at his, her, or their Expences, or shall pay the Charges thereof due by Order of the said Commissioners of the said Two Districts respectively, or in case such Charges and Expences shall be levied on him, her, or them, by Distress and Sale of his, her, or their Goods and Chattels, as aforesaid, it shall and may be lawful for such Tenant or Tenants to deduct the Sum or Sums by him or them so paid out of the Rents due, or to grow due, to the said Commissioners acting by virtue of and under the said Act, for the Lands and Grounds where such Distress and Sale shall be so made; any Thing in the said Act contained to the Contrary notwithstanding: And if any Dispute shall arise touching the Amount of the Expences which shall have been incurred in raising, repairing, and making up the Breaches of the said Bank, called Cross Bank, such Disputes, and all Matters relating thereto, shall be finally settled and determined by the Justices of the Peace for the said County of Norfolk, at the First or Second General Quarter Sessions of the Peace to be held, by Adjournment, at King's Lynn or Swaffham, in the said County of Norfolk, who are not interested in the Premises, without any further or other Appeal whatsoever.

Distress not unlawful for want of Form.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action upon the Case.

Persons aggrieved may appeal to the next Session.

And be it further enacted, That all Persons who think themselves aggrieved by Order or Judgement of any Justice or Justices of the Peace, upon account of any Offence committed, or supposed to be committed, against this Act, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said Counties of Norfolk or Suffolk, as the Case shall happen, at the next or Second General adjourned Quarter Sessions of the Peace to be held for the said respective Counties, within Six Calendar Months after the Cause of such Appeal shall happen, the Person or Persons so appealing first entering into a Recognizance, with Two sufficient Sureties to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and pay the Costs which shall be ascertained by the said Justices in the said General or adjourned Quarter Sessions, in case such Order and Judgement shall be affirmed; and the said Justices, in their said General or adjourned Quarter Sessions, are hereby respectively authorised and required to hear and determine such Appeal, and give such Costs to either Party, as they shall think reasonable, and make such Order therein, as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His

Justices to determine Differences.

Majesty's

Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quashed for want of Form.

And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace by virtue of the Powers by this Act granted shall be quashed or vacated for want of Form only.

The Expences of the Act to be paid out of the first Monies.

And be it further enacted, That all the Charges and Expences attending the obtaining and passing this Act shall be paid and defrayed by the Commissioners of the said Two Districts respectively out of the first Monies to arise by virtue of this Act in the said Two Districts, in proportion to the Number of Acres in each District excluding such Lands of the said Matthew Pepper Manby in the said First District as are already embanked.

Commissioners for widening the River *Wissey*, and making a Bank against the Lands in *Fordham*.

And whereas, in the Eleventh Year of the Reign of His present Majesty, an Act of Parliament was made 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, which Lands are situate on the North Side of the River Wissey or Stoke River, and the Owners of the said Lands have, at a great Expence, caused the North Bank of the said River to be raised and strengthened: And whereas the Commissioners appointed for draining the Lands lying on the South Side of the said River in the said First District are impowered to raise and make the Bank on the South Side of the said River, and when such Bank shall be made, the said North Bank will in Times of Flood be liable to be broken or washed down, unless the said River shall be widened, and a Bank made on the said North Side thereof from Skipwith Tunnel to the River Ouze; be it therefore further enacted by the Authority aforesaid, That Sir Simeon Stuart Baronet, Sir Clement Trafford Knight, Edward Pratt Esquire, John Heaton Esquire, Gamaliel Nightingale Esquire, Benjamin Adamson Esquire, Christopher Adamson Esquire, Thomas Goddard Gentleman, the present Lord or Lady of the Manor of Fordham, in the said County of Norfolk, and the Lord or Lady of the said Manor for the Time being, Richard Paul Jodrell Esquire, the

the present Lessee, and also the Lessees for the Time being of Methwold Severals within the said First District, under this Act, his, her, or their Tenant or Tenants, Matthew Pepper Manby Esquire, Francis Dixon Esquire, Thomas Moore Gentleman, Thomas Moore Clerk, Francis Dixon the younger, Gentleman; Robert Clough the younger, Gentleman; Arthur Annesley Esquire, Cyril Clough Clerk; shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for the Care of the said River Wissey, or Stoke River; and the said Commissioners, or any Five or more of them, are hereby authorised and impowered to widen, deepen, scour, and cleanse, the said River Wissey, or Stoke River, from Skipwith Tunnel to the River Ouze, and for raising and making a Bank, or repairing the present Bank on the North Side of the said River, from Skipwith Tunnel aforesaid to the said River Ouze, and for keeping the said River Wissey or Stoke River properly widened, roded, and scoured, and the said Bank on the North Side thereof properly supported and maintained for the future.

Who may be Commissioners for the Care of the River *Wissey* in case of Death, *&c.*

And be it further enacted by the Authority aforesaid, That when any Commissioner herein-before appointed for the Care of the said River Wissey, or Stoke River, whose Qualification shall be in Lands lying on the North Side thereof, (except the Lord or Lady of the said Manor of Fordham), shall die, the surviving Commissioners, whose Qualifications shall lie on the same Side of the said River, or any Three or more of them, shall, at the next Meeting to be held in pursuance of this Act after the Death of such Commissioner, elect and appoint a Commissioner, having Twenty Acres of Land on the same Side of the said River, in the Room of every such Commissioner so deceased, and so in like Manner when any Commissioner herein-before appointed for the Care of the said River, whose Qualification shall be in Lands lying on the South Side thereof, shall die, the surviving Commissioners, whose Qualifications shall lie on the said South Side of the said River, shall elect and appoint a Commissioner, having Twenty Acres of Land lying on the

same Side thereof, in the Room of such Commissioner so deceased.

Commissioners may appoint Deputies.

And be it further enacted by the Authority aforesaid, That any One or more of the said Commissioners for the Care of the said River Wissey or Stoke River, shall and may, from Time to Time, if such Commissioner or Commissioners shall think proper, by any Writing or Writings under the Hand and Seal, or Hands and Seals, of such Commissioner or Commissioners, nominate and appoint an Agent or Deputy to act in the Place or Stead of such Commissioner or Commissioners, in the following Form of Words; (that is to say),

Form of Appointment.

I being a Commissioner appointed by an Act of Parliament, made in the Thirteenth Year of the Reign of King *George* the Third, "For draining and preserving "certain Fen Lands and Low Grounds lying in the South "Level, Part of the Great Level of the Fens, commonly "called *Bedford Level*, between the old Rivers or Drains "called *Stoke River* and *Brandon River* and a certain Level "or District called *Feltwell New District*, and the Hard "Lands of *Woodhall* in *Helgay* and *Helgay*, in the Coun-"ties of *Norfolk* and *Suffolk*," for the Care of the River *Wissey* or *Stoke River*, do hereby nominate and appoint to sit, vote, and act, as a Commissioner or Commissioners for the Care of the said River *Wissey* or *Stoke River*, as and for my Deputy during my Will and Pleasure. Given under my Hand and Seal the Day of

And every such Deputy or Agent, so nominated and appointed, shall, in the Absence of the Commissioner or Commissioners by whom he or they shall be appointed, have full Power and Authority to act as a Commissioner or Commissioners for the Care of the said River Wissey or Stoke River, in as full, large, and ample Manner, to all Intents and Purposes, as any of the Commissioners for the Care of the said River Wissey or Stoke River are impowered to act, although such Deputy or Agent shall not be qualified according to the Directions of this Act; any Thing in this Act to the Contrary notwithstanding.

No more than One Person for the Lordship of *Fordham*, &c. to act for the Care of the River.

Provided always, That no more than One Person shall at any One Time be capable of acting as a Commissioner for the Care of the said River, by virtue of being Lord or Lady of the said Manor of Fordham, and that no more than One Person shall, at any One Time, be capable of acting as a Commissioner by virtue of being Lessee or Lessees of any of the Lands called The Methwold Severals, lying within the said First District; nor shall any more than One Deputy or Agent be appointed at the same Time for the Lordship of Fordham, nor more than One Deputy for or on account of any future Lessee or Lessees of the said Methwold Severals; any Thing herein-before contained to the Contrary hereof notwithstanding.

Time, and Place where the Commissioners are to meet.

And be it further enacted by the Authority aforesaid, That the said Commissioners for the Care of the said River Wissey or Stock River, or any Five or more of them, shall meet upon the Thursday Three Weeks next after the passing of this Act, at The Crown Inn in Downham Market, in the said County of Norfolk, and adjourn themselves from Time to Time, and meet at such Place and Places as they shall think fit, as often as they shall find it necessary for the Purposes herein-before mentioned; and shall at their First, and at any other of their Meetings, order and direct the said River Wissey or Stoke River, from Skipwith Tunnel aforesaid to the said River Ouze, to be properly widened, cleansed, and scoured out, so as the same shall be Thirty Feet wide at the Surface of the Water in the said River, at the common Low-water Mark, and of such Depth as shall be sufficient to carry off the Water into the said River Ouze; and shall and may at all Times hereafter cause the said River Wissey or Stoke River to be roded and kept free and clear from Weeds between a Place called Methwold Load and the said River Ouze.

Commissioners of *Stoke River* neglecting to meet, or to adjourn, how the next Meeting may be called.

Provided always, That if at any Time hereafter the said Commissioners for the Care of the said River Wissey or Stoke River, shall neglect to meet and to adjourn, it shall and may be lawful for any Two or more of the said Commissioners, by Notice to be given in the Cambridge or Norwich News-papers, if any such News-paper shall then

then be published, to appoint the said Commissioners, or any Five or more of them, to meet at such Time and Place as shall be expressed in such Notice; and all Meetings held by the said Commissioners, or any Five or more of them, pursuant to such Notice, shall be deemed legal Meetings of the said Commissioners in pursuance of this Act.

Commissioners to cause a proper Bank to be built.

And be it further enacted, That the said Commissioners for the Care of the said River Wissey or Stoke River, or any Five or more of them, shall also cause a proper and substantial Bank to be made and raised on the North Side of the said River Wissey or Stoke River, from Skip-with Tunnel aforesaid to the said River Ouze, and at all Times hereafter to be repaired, heightened, and strengthened, in a proper and substantial Manner, so as to protect the said Lands lying on the North Side of the said River Wissey or Stoke River from being overflowed; and for that Purpose the said Commissioners for the Care of the said River Wissey or Stoke River, or any Five or more of them, or such Person or Persons as they shall appoint, shall, and are hereby authorised and impowered to dig, cut, and take away such Quantities of Earth from any Lands or Grounds adjoining to the said River Wissey or Stoke River, on the North Side thereof, as they shall find necessary to be used for making the said North Bank of the said River.

Commissioners to cause *Helgay* Bridge to be enlarged.

Provided always, That nothing herein contained shall impower the said Commissioners, or their Successors, to take or cut Earth out of the said Lands for the Repairs of the said Bank, except in Time of Flood, or when a sufficient Quantity of Earth cannot be taken from the said River Wissey or Stoke River, for repairing the said Bank in a proper and substantial Manner; and the said Commissioners, or any Five or more of them, shall and may also cause to be erected and built an additional Arch or Arches of Stone, Brick, or Timber, to the present Bridge called Helgay Bridge, which Arch or Arches, together with the present Water Way under the said Bridge, shall be Thirty Feet in the Clear; and shall and may make use of such Part of the Turnpike Road running near and over the said Bridge as shall be necessary

for the Purpose of erecting and building such additional Arch or Arches; and the said Commissioners, or any Five or more of them, shall and may, from Time to Time, employ such Person and Persons in doing and performing the several Works, Matters, and Things, herein-before directed to be done and performed as they the said Commissioners, or any Five or more of them, shall think proper to be employed therein, and pay and defray all the Charges and Expences attending the same, as herein-after is mentioned.

By whom the Expences of the Works shall be paid.

And whereas it is agreed, That the Owners of Lands on the North Side of the said River Wissey or Stoke River should contribute towards the Expences that will attend the several Works herein-before directed to be done and performed; be it therefore enacted by the Authority aforesaid, That the several Charges and Expences which shall be incurred in doing and performing the several Works and Matters herein-before directed to be done and performed shall be borne and defrayed by the said Commissioners of the First District of Lands hereby directed to be drained and improved, and by the said Commissioners for draining and improving the said Fen Lands and Low Grounds, by the said Act of the Eleventh Year of the Reign of His present Majesty, and by the several Owners and Proprietors of Fen Lands and Low Grounds in the said Parish of Fordham, in the several Proportions following; (that is to say), Two-third Parts of all such Charges and Expences shall be borne and defrayed by the Commissioners for the said First District, and the remaining Third Part shall be borne and paid by the Commissioners appointed by the said Act of the Eleventh Year of His present Majesty, for draining the Fen Lands and Low Grounds lying on the North Side of the said River, and the several Owners of Fen Lands and Low Grounds in the said Parish of Fordham, in the Proportions following; (that is to say), Four-fifth Parts thereof shall be paid by the said Commissioners appointed by the said Act of the Eleventh Year of His present Majesty, and the remaining One-fifth Part by the said Owners of Fen Lands and Low Grounds in the said Parish of Fordham, in equal Proportions, according to the Quantity of their respective

respective Lands; such last-mentioned Propositions to be settled by the Commissioners for the Care of the said River Wissey or Stoke River, or any Five or more of them; and that the said Bank directed to be made on the North Side of the said River Wissey or Stoke River, from Skipwith's Tunnel aforesaid to the said River Ouze, shall, at all Times afterwards, be supported and maintained by and at the Expence of the Owners of Fen Lands and Low Grounds within the said Parish of Fordham, under the Direction of the Commissioners appointed for the Care of the said River.

Commissioners to advance 400 *l.* for carrying on the Works.

And whereas, in order to enable the said Commissioners for the Care of the River Wissey or Stoke River to proceed in the Execution of the several Works aforesaid, it will be necessary that a Sum of Money should be forthwith advanced for that Purpose; be it therefore further enacted by the Authority aforesaid, That the Sum of Four hundred Pounds shall be advanced by the Commissioners for the said First District, the Commissioners appointed by the said Act of the Eleventh Year of His present Majesty, for draining the said Lands on the North Side the River Wissey or Stoke River, and by the Owners of Fen Lands lying in the said Parish of Fordham, according to the several Proportions which they are respectively to contribute and pay towards making and completing the several Cuts herein before directed to be done by the said Commissioners for the Care of the said River Wissey or Stoke River; which said Sum of Four hundred Pounds, herein before directed to be advanced, shall, within One Calendar Month next after the First Meeting of the Commissioners for the said First District, which shall be held by virtue of this Act, be paid to such Person as the Commissioners for the Care of the said River Wissey or Stoke River, or any Five or more of them, shall, by Writing under their Hands, authorise and appoint to receive the same; and the Receipt of such Person shall be a Discharge for such Money as he shall so receive.

Persons contributing towards the Works impowered to apply the Money for those Purposes.

And be it further enacted by the Authority aforesaid, That the said Commissioners appointed or to be elected by or in pursuance of the said Act of the Eleventh Year of the Reign of His present Majesty, for draining and improving the Fen Lands and Low Grounds thereinmentioned, are hereby authorised and impowered, out of any Money to be raised and assessed by virtue of the said Act, to pay such Sum and Sums of Money as shall be necessary to be paid for defraying the Proportion of the Charges and Expences herein-before directed to be paid by such Commissioners, towards widening, deepening, and scouring the said River Wissey or Stoke River, and building and erecting an additional Arch or Archers to the said Bridge called Helgay Bridge, and making the said Bank on the North Side of the said River Wissey or Stoke River, from Skipwith Tunnel aforesaid to the River Ouze aforesaid, and also of roding and keeping the said River Wissey or Stoke River, from Time to Time, free and clear from Weeds, from Methwold Load to the said River Ouze, as herein-before is directed; any Thing in the said Act to the Contrary hereof notwithstanding.

For enforcing the Payment of the several Proportions of Money to be paid.

And be it further enacted, That in case the said Commissioners of the First District of Lands directed to be drained by this Act, or the said Commissioners appointed by the said Act of the Eleventh Year of the Reign of His present Majesty, or the Owner or Owners of Fen Lands and Low Grounds in the said Parish of Fordham, shall refuse or neglect to pay and discharge their several Shares or Proportions of the said Four hundred Pounds, directed to be advanced and paid as aforesaid, or of any of the Charges and Expences which may be incurred in making and completing the several Works directed to be done by the Commissioners for the Care of the said River Wissey or Stoke River, or of maintaining, supporting, and keeping in proper Order and Repair any of the several Works herein-before directed to be done and performed as aforesaid by Direction of the said last-mentioned Commissioners, for the Space of Ten Days

after the same shall have been demanded by the said Commissioners for the Care of the said River, or any Five or more of them, of the respective Treasurers or Collectors to the Commissioners so refusing or neglecting as aforesaid, or of any of the Owners of Fen Lands lying within the said Parish of Fordham, so refusing or neglecting as aforesaid; that then, and in all, any, or either of the Cases aforesaid, it shall and may be lawful to and for the said Commissioners for the Care of the said River Wissey or Stoke River, or any Five or more of them, and they are hereby authorised and impowered to sue for and recover the same from such respective Treasurers or Collectors as aforesaid, or from the Owner or Owners of Fen Lands aforesaid, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed, together with Full Costs of Suit.

No more than One Mill and One Gig to drain into *Stoke River*.

Provided always, and be it enacted and declared by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise or impower the said Commissioners for the said First District, or any of them, or the Lessee or Lessee of Methwold Severals, or any future Lessee or Lessees thereof, his, her, or their Tenant or Tenants, or any other Person or Persons whomsoever, to erect or set up more than One Mill within the said First District, upon any Account or Pretence whatsoever, or to mill or throw Water into the said River Wissey or Stoke River; and that no more than One Mill shall ever be erected or set up at the same Time within the said First District, for milling or throwing Water into the said River Wissey or Stoke River; any Thing in this Act to the Contrary hereof notwithstanding.

Proviso.

Provided nevertheless, That nothing hereinbefore contained shall prevent the Owner and Proprietor, or Owners or Proprietors, for the Time being, of a certain Fen called Flegg Fen, East Fen, or North Fen, from erecting, at

at his or their own Costs and Charges, One Gigg or Mill only in the said Fen, not exceeding Fifteen Feet upon the Post, for the sole Purpose of draining the said Fen into the said River Wissey or Stoke River.

Commissioners for draining shall not interfere with the Commissioners for widening *Stoke River*.

And be it further enacted, That nothing in this Act contained shall authorise or impower the respective Commissioners for draining or improving the said Fen Lands and Low Grounds, or any of them, by virtue of this Act, or the Commissioners appointed by the said Act of the Eleventh Year of the Reign of his present Majesty, to exercise any Power or Authority over such Works as are directed to be done and performed by the Commissioners for the Care of the said River Wissey, or Stoke River, but that all such Works shall be done and performed under the Direction of the said Commissioners for the Care of the said River Wissey or Stoke River only; any Thing in the said Act of the Eleventh Year of his present Majesty, or this Act, to the Contrary notwithstanding.

Saving Clause to the Corporation of *Bedford Level*.

Provided also, and it is hereby enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend to impower the said Commissioners, or any of them, to have, use, or exercise, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the said Great Level of the Fens called Bedford Level, by virtue of an Act of Parliament, made in the Fifteenth Year of King Charles the Second, intituled, An Act for settling the draining of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, or Conservators; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act, made in the said Fifteenth Year of the said King Charles the Second, or any other Act or Statute whatsoever,

ever, now are vested 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, and the said Governor, Bailiffs, or Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

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, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the particular County or Liberty where such Offence shall be supposed to have been done, but 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 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 to have been done was done in pursuance and by 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 for bringing the same, or shall be brought in any other County, Liberty, or Place, as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; but if the Plaintiff or Plaintiffs 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, upon Demurrer; then, and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, for which he, she, or they, shall have the like Remedy as where Costs by Law are awarded. General Issue.

Double Costs.

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

FINIS.