ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXVII.

An Act for improving the Drainage of the *Middle* and *South Levels*, Part of the Great Level of the Fens, called *Bedford Level*, and the Low Lands adjoining or near to the ſaid Levels; as alſo the Lands adjoining or near to the River *Ouze*, in the County of *Norfolk*, draining through the ſame to Sea by the Harbour of *King's Lynn*, in the ſaid County; and for altering and improving the Navigation of the ſaid River *Ouze*, from or near a Place called *Eau Brink*, in the Pariſh of *Wiggenhall Saint Mary*, in the ſaid County, to the ſaid Harbour of *King's Lynn*; and for improving and preſerving the Navigation of the ſeveral Rivers communicating with the ſaid River *Ouze*.

[19th *May* 1795.]

Preamble.



WHEREAS there are divers Lands and Grounds, lying in the ſeveral Pariſhes or Townſhips of *Colne*, *Somerſham*, *Warboys*, *Wiſtow*, *Berry*, *Ramſey with Higney*, *Pidley and Fenton*, *Bluntiſham and Earith*, *Saint Ives*, *Houghton and Witton*, *Oldhurſt*, *Woodhurſt*, *Broughton*, *Little Raveley*, *Upwood with Great Raveley*, *Standground*, *Farcett*, *Yaxley*, *Stilton*, *Caldicott*, *Denton*, *Glatton*, *Holme*, *Cunnington*, *Sawtrey All Saints*, *Sawtrey Saint Judith and Saint Andrew*, *Woodwalton*, *Hadden*, *Waternewton*, *Stibbington with Sibſon*, *Woodſtone*, and *Fletton*, in the County of *Huntingdon*; *Iſleham*, *Fordham*, *Swaffham Prior with Reach*, *Swaffham Bulbeck*, *Burwell with Reach*, *Wickin*, *Soham*, *Barway*, *Bottiſham*, *Qui*, *Ditton*, *Horningſey*, *Waterbeach*, *Landbeach*, *Cottenham*, *Rampton*, *Willingham*, *Over*, and *Swacey*, in the County of *Cambridge*; *Brandon*, *Wangford*, *Lakenheath*, and *Mildenhall*, in the County of *Suffolk*; *Wiggenhall Saint Mary*, *Wiggenhall Saint German*, *Wiggenhall Saint Peter*, *Wiggenhall Saint Mary Magdalen*, *Weſt Lynn*, *Clenchwarton*, *Terrington*, *Saint Clement*, *Terrington Saint John*, *Walpole Saint Peter*, *Walpole Saint Andrew*, *Weſt Walton*, *Walſoken*, *Emneth*, *Tilney All Saints*, *Tilney Saint Lawrence*, *Tilney cum Iſlington*, *South Lynn*, *North Runcton*, *Hardwick and Setchy*, *Wormegay*, *Tottenhill*, *Watlington*, *Runcton Holme*, *Thorpland*, *Stow Bardolph*, *Wimbotſham*, *Downham Market*, *Roxham*, *Denver*, *Fordham*, *Hilgay*, *Southery*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, *Hockwold*, *Wilton*, *Methwold*, *Northwold*, *Oxburgh*, *Stoke Ferry*, *Wretton*, *Wereham*, *Weſt Dereham*, *Outwell*, *Upwell*, and *Welney*, in the County of *Norfolk*; *Elm*, *Outwell*, *Upwell*, *Welney*, *Maney*, *Stuntney*, *Ely Trinity*, *Ely Saint Mary*, *Churcham* otherwiſe *Chettiſham*, *Littleport*, *Stretham*, *Thetford*, *Downham*, *Coveney*, *Witchford*, *Witcham*, *Wingford* or *Wentworth*, *Wilburton*, *Haddenham*, *Mepal*, *Sutton*, *March*, *Doddington with Wimblington*, *Benwick*, *Chatteris*, *Whittleſea Saint Mary*, *Whittleſea Saint Andrew*, and *Wiſbech*, within the Iſle of *Ely*, and in certain extra Parochial Places adjoining to or lying near the aforeſaid Pariſhes or Townſhips, or ſome or One of them; containing Three hundred thouſand Acres and upwards, which drain by the River *Ouze*, through the Harbour of *King's Lynn*, in the County of *Norfolk*: And whereas certain Parts of the ſaid Lands and Grounds are ſubject to be overflowed; and are greatly injured by the Waters not having a proper Paſſage to Sea, through a certain Part of the ſaid River *Ouze*, beginning at or near a Place called *Eau Brink*, in the Pariſh of *Wiggenhall Saint Mary*, in the County of *Norfolk*, and extending from thence to *King's Lynn* aforeſaid: And whereas the Drainage through ſuch Part of the ſaid River is not only greatly defective, but the Navigation alſo is become uncertain, difficult, and dangerous, and certain Parts of the ſaid Lands, called *The Country of Marſhland*, are ſubject to very heavy Charges for maintaining and ſupporting certain Banks, known by the Names of *The Old and New Podike*, and alſo the Banks of the ſaid River, between *Eau Brink* and *King's Lynn* aforeſaid; And whereas great Improvement might be made in the Drainage of the ſaid Lands, and in the ſaid Navigation, and the Charges of ſupporting the ſaid Jetties, Counterſhores, and Banks, between *Eau Brink* and *King's Lynn* aforeſaid, ſaved, by deſerting the preſent Channel of the River from or near the ſaid Place called *Eau Brink* to *King's Lynn*, and by erecting a Dam or Dams acroſs the ſaid Channel, and by making a new River or Cut,

from or near the ſaid Place called *Eau Brink*, to or near the Town or Port of *King's Lynn*; and the Charges of ſupporting the ſaid old and new *Podike* Banks greatly leſſened, and in conſequence of ſuch Improvements and Savings great Advantage would ariſe to the Owners of the ſaid Lands, and thoſe concerned in Navigation, and to the Publick: But the ſaid ſeveral Works cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who ſhall be Owner of Two hundred Acres of Land, or who ſhall be Truſtee, Committee, or Guardian, for any Perſon having Two hundred Acres of Land, liable to the Tax herein-after directed to be aſſeſſed and charged, and every Rector, Impropriator, or Vicar, for the Time being, of any of the ſaid reſpective Pariſhes or Townſhips, and the Mayor of *Lynn* for the Time being, ſhall be and they are hereby appointed Commiſſioners for the Purpoſes of Drainage, and for executing and ſupporting all and ſingular the Works, Matters, and Things, herein-after directed to be done by them.

Appointment of Commiſſioners for Drainage.

II. Provided always, and be it further enacted, That it ſhall be lawful for every Owner of Five hundred Acres of Land, liable to the Tax herein-after directed to be aſſeſſed and charged, by Writing under his or her Hand, from Time to Time, and for ſuch Time as he or ſhe ſhall think fit, to appoint an Agent or Deputy to act in his or her Abſence, as a Commiſſioner for Drainage; and ſuch Agent or Deputy ſhall and may act as a Commiſſioner for Drainage for One Perſon only, in ſuch and the ſame Manner, and as fully to all Intents and Purpoſes, as ſuch Commiſſioner might act and do if he was perſonally preſent.

Appointment of Deputy Commiſſioners for Drainage.

III. And be it further enacted, That the Right Honourable the Earl of *Carysfort* in the Kingdom of *Ireland*, the Right Honourable *George Henry Fitzroy* commonly called *The Earl of Euſton*, the Right Honourable *Charles Fitzroy* commonly called *Lord Charles Fitzroy*, the Right Honourable *Hugh Conway* commonly called *Lord Hugh Conway*, the Honourable *Horatio Walpole*, the Honourable and Reverend *Charles Lindſay*, Sir *Charles Morgan* Baronet, Sir *Joſeph Banks* Baronet, Sir *John Rous* Baronet, Sir *Martin Browne Folkes* Baronet, Sir *Thomas Charles Bunbury* Baronet, Sir *Henry Peyton* Baronet, Sir *Charles Davers* Baronet, Sir *John Wodehouſe* Baronet, Sir *John Berney* Baronet, Sir *Thomas Gery Cullum* Baronet, Sir *Grey Cooper* Baronet, Sir *Richard Bedingfield* Baronet, the Aldermen, Recorder, Coroner, and Capital Burgeſſes, Aſſiſtant Juſtices, and Town Clerk for the Time being of the Borough of *Bury Saint Edmunds*, the Mayor and Aldermen of *King's Lynn* for the Time being, the Mayor and Aldermen of *Cambridge* for the Time being, the Recorder, Mayor, Coroner, and Aldermen of the Corporation of *Thetford* for the Time being, the Vice Chancellor of *Cambridge* for the Time being, the Conſervators of the River *Cam* for the Time being, *James Warwood Adeane*, *Thomas Audley*, *William Lee Antonie*, *Maxey Allen*, *Robert John Buxton*, *Joſeph Randyll Burch*, *William Bentinck*, *Benjamin Barker*, *William Bagge*, *Thomas Bagge*, *Thomas Philip Bagge*, *Henry Bell*, *Scarlet Browne Bell*, *Edward Billingſley*, *Samuel Baker*, *Thomas William Coke*, *John Cary*, *Briggs Cary*, *John Carter*, *Charles Nalſon Cole*, *James Coldham*, *Robert Cony*, *William Chute*,

Appointment of Commiſſioners for Navigation.

Thomas Day, *Osbert Denton*, *James Denton*, *John Richard Dashwood*, *Osbert Denton* Junior, *John Thurlow Dering*, *Edmund Rolfe Elsden*, *Edward Everard*, *Thomas Brown Evans*, *John Edwards*, *Martin William Browne Folkes*, *William Fellowes*, *Brig Price Fountaine*, *Andrew Fountaine*, *William Fellowes* Junior, *William Fisher*, *Edward Gwilt*, *John Gwilt*, *Thomas Ground*, *John Gardner*, *Henry Goodwin*, *Henry Goodwin* Junior, *William Hollick*, *Henry Hoste Henley*, *Anthony Hamond*, *Anthony Hamond* Junior, *George Hogg*, *John Holliday*, *Thomas Hare*, *John Heigham*, *David Ingersol*, *Richard Paul Jodrell*, *Samuel Lane*, *John Mortlock*, *George William Manby*, *James Mingay*, *John Mayer*, *George Nelthorpe*, *George Nelthorpe* Junior, *Thomas Berners Plestow*, *Edmund Rolfe*, *Edmund Rolfe* Junior, *John Robinson*, *Edward Roger Pratt*, *Henry Partridge*, *Owsley Rowley*, *William Squire*, *Wright Thomas Squire*, *Henry Poynter Standly*, *Henry Styleman*, *Samuel Tysson*, *Henry Hare Townsend*, *Richard Greaves Townley*, *Joseph Taylor*, *John Wilmot*, *William Walcot John Wing*, *John Waddington*, *Henry William Wilson*, *Henry William Wilson* Junior, *Charles Yorke*, Esquires; *William Hinton* D. D., *John Henry Spelman Cary*, *Cyrill Clough*, *Charles Mordaunt*, *Edmund Nelson*, *John Partridge*, *Gilbert Parke*, *John Davis Plestow*, *Henry Spelman*, *Thomas Sheepshanks*, *Richard Whish*, Clerks; *William Anderson*, *Thomas Ayre*, *William Allen*, *Samuel Pickering Beales*, *James Burleigh*, *Matthew Brackenbury*, *James Bellamy*, *Thomas Blackburne*, *Alexander Bowker*, *John Birkbeck*, *James Bradfield*, *Thomas Brame*, *Thomas Burlinson*, *Thomas Bonner*, *Thomas Buck*, *Joseph Barnard*, *Richard Bevil*, *Thomas Burgess*, *Francis Bagge*, *Richard Comings*, *Richard Comings* Junior, *Thomas Clarke*, *William Creasy*, *John Creasy*, *William Chapman*, *Edmund Harwick Chadd*, *Anthony South Canham*, *John Collison*, *John Collison* Junior, *Thomas Carr*, *William Case*, *James Case*, *Robert Cooch*, *Cornelius Corthorn*, *Henry Cole*, *James Drew*, *Robert Dix*, *Danderson Coates*, *William Danham*, *Johnson Dixon*, *John Edis*, *Edward Everard* Junior, *Scarlet Everard*, *Henry Elsden*, *Charles Elsden*, *George Edwards*, *Thomas Francis*, *Richard Foster*, *William Foster*, *John Forster*, *Thomas Fawssett*, *John Forlow*, *Robert Freeman*, *Thomas Fydell* Junior, *William Fowler*, *William Fowler* Junior, *George Fowler*, *William Frusher*, *Edward Gillam*, *John Green*, *William Gregory*, *Francis Green*, *George James Gorham*, *Owen Gray*, *Joseph Gill* Senior, *Joseph Gill* Junior, *Benjamin Howard*, *John Haggerston*, *George Hogg* Junior, *Fountain Hogg*, *Samuel Hadley*, *William Hubbard*, *Dennis Herbert*, *George Herbert*, *Levitt Hedding*, *Henry Haynes*, *Joseph Howell*, *Stephen Allen Hogg*, *Edward Ind*, *Robert Jeary*, *George Johnson*, *William Kimin*, *John Lindsell*, *Johnson Lee*, *James Lee*, *James Lee* Junior, *William Lee*, *Robert Lewin*, *George Maxwell*, *Henry Maydwell*, *John Marshall*, *John Mouell*, *James Moon*, *William Moon*, *Henry Maule*, *John Matsill*, *William Martin*, *Martin Manser*, *John Middleton* Junior, *Richard Marshall*, *James Middleton*, *John Newling*, *James Nutter*, *John Nurse*, *Thomas Oxley*, *Thomas Osborn*, *Christopher Pemberton*, *John Purchas*, *Thomas Page*, *Thomas Page* Junior, *Francis Rix*, *William Rawling*, *Edmund Saffery*, *Henry Saffery*, *Edmund Saffery* Junior, *John Soward*, *Nathan Spooner*, *Lionel Self*, *Lionel Self* Junior, *William Swatman*, *John Stockdale*, *William Theed*, *Richard Towell*, *Roger Tiffin*, *Anthony Thacker*, *John Thacker*, *David Veasey*, *Benjamin Vipan*, *Thomas Wright*, *Thomas Wright* Junior, *Edward Watson*, *James Watson*, *Samuel Wells*, *Jonah Weston*, *Peter Wedd*, *Nathaniel Wedd*, *Stephen Wilson*, *Robert Whincop*, *Robert Whincop* Junior, *Joseph Wales*, *John Wardell*, *William Wardell*, *William Watkins*, *William Wiles*, and their Successors, to be appointed as herein-

herein-after directed, ſhall be, and they are hereby appointed Commiſſioners for Navigation, with ſuch Powers and Authorities as are hereinafter expreſſed.

Proprietors of certain private Navigations to be Commiſſioners for Navigation.

IV. And be it further enacted, That *John Francklin* Eſquire, and *Suſannah Palmer* Widow, and the Proprietors of the private Navigations on the River *Ouze*, and on the River *Lark* at *Mildenhall*, ſhall be and they are hereby appointed Commiſſioners for Navigation, with ſuch Powers as are given to the ſaid Commiſſioners by this Act, and that it ſhall be lawful for each of the ſaid Proprietors, by Writing under his or her Hand, from Time to Time, and for ſuch Time as he or ſhe ſhall think fit, to appoint an Agent or Deputy to act in his or her Abſence as a Commiſſioner for Navigation, and ſuch Agent or Deputy ſhall and may act as a Commiſſioner for Navigation for One Perſon only, in ſuch and the ſame Manner, and as fully to all Intents and Purpoſes, as ſuch Commiſſioner might act and do if he or ſhe was perſonally preſent.

No Perſon holding a Place of Profit to act as a Commiſſioner.

V. Provided alſo, and be it further enacted, That no Perſon holding any Place of Profit under the ſaid Commiſſioners for Drainage or Navigation ſhall act as a Commiſſioner for Drainage or Navigation, or act as an Agent or Deputy for any other Commiſſioner, appointed under this Act.

Appointment of new Commiſſioners for Navigation in the Place of Commiſſioners dying, or reſigning, who are named.

VI. And be it further enacted, That upon the Death or Reſignation of any of the ſaid Commiſſioners for Navigation, herein-before particularly named, the ſurviving Commiſſioners for Navigation, or any Five or more of them, ſhall from Time to Time, at any of their Meetings to be holden in purſuance of this Act, nominate and appoint ſome other proper Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Place of him or them ſo dying or reſigning; which Commiſſioner or Commiſſioners, ſo nominated and appointed, ſhall have the like Power and Authority in the Execution of the Powers hereby granted, as if he or they had been expreſsly named in this Act.

Qualification of the Navigation Commiſſioners.

VII. Provided always, That no Perſon herein-before named as a Commiſſioner for Navigation, or who ſhall at any Time hereafter be appointed in the Place of any ſuch Commiſſioner dying or reſigning, ſhall act as a Commiſſioner for Navigation, in any Caſe in the Execution of this Act, unleſs he ſhall be ſeiſed in his own Right, or in the Right of his Wife, of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds.

Commiſſioners to take an Oath or Affirmation.

VIII. And be it further enacted, That every Perſon, before he ſhall act as a Commiſſioner, either for Drainage or Navigation, ſhall take the following Oath, (which they, or any Two of them, are hereby empowered to adminiſter); or, being of the People called *Quakers*, the following ſolemn Affirmation; (*videlicet*),

Commiſſioners Oath or Affirmation.

"I *A. B.* do ſwear, [*or*, being of the People called *Quakers*, do ſolemnly and truly declare and affirm], That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities, in the Execution whereof I ſhall, at any Time,

'Time, act as a Commiſſioner, appointed in and by an Act made in the 'Thirty-fifth Year of the Reign of His Majeſty King *George* the Third, 'for improving the Drainage of the Middle and South Levels, Part of the 'Great Level of the Fens, called *Bedford Level*, and other Purpoſes.

'So help me GOD.'

Any Perſon acting as a Commiſſioner before he has taken the Oath, or not being qualified, to forfeit One hundred Pounds.

IX. And be it further enacted, That in caſe any Perſon ſhall preſume to act as a Commiſſioner before he has taken the ſaid Oath or Affirmation, or if he ſhall have acted, not being duly qualified, or whilſt he was under any Diſqualification by this Act, he ſhall, upon Conviction thereof, forfeit the Sum of One hundred Pounds, to be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*; in which Action it ſhall lie on the Defendant to prove that he is or was qualified as aforeſaid, or otherwiſe he ſhall forfeit the ſaid Sum of One hundred Pounds; which Sum, when recovered, after deducting all Coſts and Charges attending the Recovery thereof, ſhall be applied to and for the Purpoſes of this Act.

Times and Places of holding Meetings Quarterly.

X. And be it further enacted, That the ſaid Commiſſioners for Drainage and Navigation reſpectively ſhall, and they are hereby required, to hold their Firſt Meeting for putting this Act in Execution, at the Town of *King's Lynn*, on the Third *Thurſday* after paſſing of this Act, and afterwards in the ſaid Year, and every ſubſequent Year, on the Second *Thurſday* in *July*, at the Town of *March*, in the *Iſle of Ely*; on the Second *Thurſday* in *October*, at the Town of *King's Lynn* aforeſaid; on the Second *Thurſday* in *January*, at the Town of *Cambridge*; and on the *Tueſday* after the Firſt *Sunday* ſubſequent to the Eleventh of *April*, at the City of *Ely*; which Meetings ſubſequent to the firſt-mentioned Meeting ſhall be called Quarterly Meetings.

At any Meetings, Five Commiſſioners reſpectively to execute this Act.

XI. And be it further enacted, That at any Meetings of the ſaid Commiſſioners for Drainage and Navigation, or either of them, to be holden by virtue of this Act, it ſhall be lawful for any Five or more of the ſaid reſpective Commiſſioners to proceed and execute the Powers given to them reſpectively by this Act, and alſo to adjourn from Time to Time, and Place to Place, as they ſhall think neceſſary, ſuch Adjournments to be Twice advertiſed in the *Cambridge* and *Norfolk* Newſpapers; but in caſe it ſhall happen that Five of the ſaid Commiſſioners reſpectively ſhall not be preſent at any ſuch Quarterly or adjourned Meeting, then and in ſuch Caſe the Clerk to the ſaid Commiſſioners reſpectively, ſhall and may adjourn the Meeting to the ſame Place, and to any Time not exceeding One Calendar Month next after the Day when the ſaid Meeting ought to have been held, and ſhall cauſe Fourteen Days publick Notice to be given of ſuch Adjournment, by advertiſing the ſame in Manner aforeſaid, and ſo adjourn from Time to Time until Five or more of the ſaid reſpective Commiſſioners ſhall meet and be preſent at One Time; and the ſaid Commiſſioners reſpectively, or any Five or more of them, are hereby empowered and authorized, at any Time or Times, to appoint ſpecial Meetings of the ſaid Commiſſioners, for putting in Execution all or any of the Powers hereby in them reſpectivly veſted, at ſuch Time and Place as they ſhall think proper, in any of the Counties aforeſaid, by Twice advertiſing in the publick Newſpapers of the ſeveral Counties herein-before mentioned, the Time and Place which ſhall be appointed for ſuch ſpecial Meetings; in which Advertiſement the Buſineſs intended

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

And Five Commiſſioners to appoint ſpecial Meetings, by giving publick Notice.

to be considered shall be stated, and at which Meetings respectively any Five or more of the said Commissioners are hereby empowered to adjourn to such Time and Place, within any of the aforesaid Counties, as they shall think proper; and all Orders and Proceedings of the said Commissioners respectively at every Meeting shall be entered in Books to be kept for the respective Purposes thereof, and shall be signed by the Commissioner who shall be Chairman of the Meetings respectively; and such Entries shall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatsoever.

To examine Witnesses upon Oath.

XII. And be it further enacted, That it shall be lawful for the said Commissioners respectively at any Meeting for the Execution of this Act, to examine any Person or Persons touching any Matters or Things concerning the said Drainage or Navigation, or touching any Matters in Controversy between Party and Party, relating thereto, upon Oath, (which Oath they the said Commissioners respectively, or any Two of them, are hereby empowered to administer), and the Oath so to be administered shall be in these Words:

'I *A. B.* do swear, That the Evidence I shall give in the Matter in 'Question shall be the Truth, the whole Truth, and nothing but 'the Truth.

'So help me GOD.'

Power to compel Witnesses to appear.

XIII. And be it further enacted, That the said Commissioners respectively shall and may, whenever they shall see fit in respect to any Matters or Things concerning the said Drainage or Navigation, or touching any Matters in Controversy between Party and Party relating thereto, either for themselves, or at the Request, in Writing, of any Person or Persons, Party or Parties, interested in any Matters in Controversy as aforesaid, summon, by Writing under their Hands, such Witnesses as shall be thought necessary to appear and give Evidence before them, at such Time and Place as shall in such Summons be appointed; and if such Witnesses, being duly served with such Summons, and having been paid or tendered a Sum of Money sufficient to bear their Charges of Attendance, shall neglect or refuse to appear and give Evidence as aforesaid, then the said Commissioners respectively, on due Proof thereof made, are hereby empowered and required, by Warrant under their Hands and Seals, to levy, by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear and give Evidence, a Sum of Money not exceeding Five Pounds nor less than Forty Shillings, to the Use of such Commissioners respectively, for the Purposes of this Act, or such Person or Persons, Party or Parties, who caused such Witnesses to be summoned as aforesaid, as the Case may be, rendering the Overplus (if any) upon Demand, (deducting the reasonable Charges of such Summons, Distress and Sale), to the Person or Persons respectively whose Goods and Chattels shall have been so distrained and sold as aforesaid.

Commissioners to appoint Treasurers, Surveyors, Clerks, *etc.*

XIV. And be it further enacted, That the said Commissioners for Drainage and Navigation respectively, at the First, or at any succeeding Quarterly Meeting, shall and may, by Writing or Writings under their Hands, appoint One or more Treasurer or Treasurers, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and such other Officer

or Officers, as they ſhall find neceſſary in the Execution of this Act; who ſhall reſpectively give Security for the due Execution of their Offices, to the Satisfaction of the ſaid reſpective Commiſſioners, and the ſaid Commiſſioners ſhall allow them, or any of them, ſuch Salary or Salaries, out of the reſpective Monies to be raiſed by virtue of this Act, as they reſpectively ſhall think proper; and alſo ſhall and may, from Time to Time, remove ſuch Treaſurers, Surveyors, Clerks, Collectors, and other Officers, as they ſhall ſee Occaſion, and appoint others in their Stead.

Treaſurers, Collectors, and other Officers, to keep Accounts.

XV. And be it further enacted, That the ſaid Treaſurers, Collectors, and other Officers, ſhall fairly enter in Books, to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom, and to whom, ſuch Monies were reſpectively received and paid, and for what Purpoſes; which Books, or true Copies thereof, reſpectively ſigned by the ſaid Treaſurers, Collectors, or other Officers, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers in their Cuſtody reſpectively, relating to the Execution of this Act, ſhall be delivered to the ſaid Commiſſioners reſpectively, on the Second *Thurſday* in *January*, and Second *Thurſday* in *July*, in every Year, and at ſuch other Time or Times as the ſaid Commiſſioners reſpectively ſhall require.

Officers refuſing to account;

XVI. And be it further enacted, That in caſe any of the ſaid Treaſurers, Clerks, Collectors, or other Officers or Perſons ſo employed or entruſted as aforeſaid, ſhall refuſe or neglect to account, to the Satisfaction of the ſaid Commiſſioners reſpectively, or to pay the Money due upon the Balance of ſuch Account, according to the Directions of the ſaid Commiſſioners reſpectively, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of One or more of the ſaid Commiſſioners reſpectively, for any One or more of the Juſtices of the Peace for the Counties of *Norfolk*, *Suffolk*, *Cambridge*, *Huntingdon*, and the Iſle of *Ely*, or any of them, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to account, or to pay the Money due upon the Balance of ſuch Account as aforeſaid, ſuch Sum or Sums of Money as he or they ſhall be required to account for, or ſhall be found due upon the Balance of his or their Account or Accounts; and for Want of ſufficient Diſtreſs it ſhall and may be lawful for any One or more of the ſaid Juſtices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in any of the Counties or Iſle aforeſaid, there to remain, without Bail or Mainprize, until he or they ſhall have made a true and perfect Account, and paid ſuch Monies as ſhall appear to be remaining in his or their Hands, to the ſaid Commiſſioners reſpectively, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Money (which Compoſition the ſaid Commiſſioners reſpectively are hereby empowered to make); or the ſaid Commiſſioners reſpectively may, and are hereby empowered to bring, or cauſe to be brought, any Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt ſuch Officer or Officers, or Perſon or Perſons, ſo refuſing,

their Goods may be diſtrained.

For Want of Diſtreſs to be committed.

neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Security or Securities, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, or other Person or Persons respectively, and upon such Security or Securities as shall be entered into by them respectively.

As to the Form and Dimensions of the new River or Cut.

XVII. And be it further enacted, That the said Commissioners for Drainage shall have full Power and Authority, and they are hereby authorized and required to make, or cause to be made, a new River or Cut to branch out of the River *Ouze*, from the Common Salt Marsh, at or near a Place called *Eau Brink*, in the Parish of *Wiggenhall Saint Mary* aforesaid, through certain Lands and Grounds in that Parish, and in the Parishes of *South Lynn All Saints* and *West Lynn Saint Peter*, in the said County of *Norfolk*, and to rejoin or fall into the present Course of the said River *Ouze*, at or near the Harbour of *King's Lynn* aforesaid, for the free Passage of the Navigation, and of the Waters of the River *Ouze*; and in order that those Purposes may be effectually answered, and the said Harbour of *King's Lynn* may not be prejudiced or rendered unsafe in consequence of such new River or Cut, the same shall be made of the Dimensions and upon the Plan following, (that is to say), the Banks of the present River from *German's Bridge* to *Eau Brink*, and a certain Portion of the upper End of the intended new River or Cut, shall be formed and laid down into one general and continual Sweep or Curve, of a regular circular Form, to be described or set out with a large Radius, the Concave or West Side of such Sweep or Curve shall have the Forelands Eighty Feet in Breadth, and the Convex or East Side thereof shall have the Forelands Sixty Feet in Breadth, between the Edges or Sides of the Middle or Navigable Channel, and the Foot of the new Banks to be constructed on each Side of the said New River or Cut, and the Whole shall measure from Bank to Bank Three hundred and seventy Feet in Breadth at the upper End of the said new River or Cut, the Middle Part of the Length of the said new River or Cut shall be continued from the Termination of the said Sweep or Curve in a Line towards *King's Lynn* aforesaid, and shall be made throughout of an encreasing Width, in a regular and uniform Manner, and the remaining Part of the said new River or Cut, downward to the said Harbour of *King's Lynn*, shall be so formed that the Extent thereof, taken together with the Eastern Shore from thence to *Sandringham Eau*, along the Front of the *Ball Wharf*, and the other Wharfs and Shores as far as the *Ferry Staith*, shall form One general and continued Sweep or Curve, as near to a true circular Form as possible; and that the Width of the Channel formed by the said new River or Cut, at the Junction with the present Channel near *King's Lynn*, shall not be less than Two hundred and seventy-eight Yards, which is the present actual Width of the narrowest Part of the said Harbour, at or near to the Ferry Landing Place; and that the said Width at the said Junction shall be divided out as follows, *videlicet*, the internal Slope of the Banks shall be not less than Fifty Feet on the Base Line, the Breadth of the East Foreland shall be not less than One hundred and fifty Feet, and the Breadth of the West Foreland not less than One hundred Feet, and the said several Dimensions, as well as the Figure, Form, Situation, and Direction, of the said new River or Cut, and of the several Parts thereof, agreeably to the aforesaid general Plan or Outline, and also the Length or Extent of the

several

ſeveral Parts thereof, together with the Manner of its Junction with the preſent River between *German's Bridge* and *Eau Brink*, at the upper End thereof, and between the lower Parts of it and the *Ball Wharf*, at the lower End thereof, ſhall be determined and marked or ſtaked out by or in the Preſence, and conformably to the Orders and Directions of Sir *Thomas Hyde Page* Knight, Captain in the Royal Engineers, and *Robert Mylne* Eſquire, Civil Engineer; and the ſaid Commiſſioners for Drainage ſhall thereupon make or cauſe to be made the ſaid new River or Cut accordingly, in all Reſpects, Matters, and Things whatſoever.

For the Security of the Town and Harbour of *Lynn*.

XVIII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall have full Power and Authority, and they are hereby authorized and required to make, do, and execute, or cauſe to be made, done, and executed, all ſuch Works, Matters, and Things, as the ſaid Sir *Thomas Hyde Page* and *Robert Mylne* ſhall agree upon and direct, for the better Security and more effectual Preſervation of the Town and Harbour of *King's Lynn* aforeſaid, and the Navigation from thence to the open Sea, from all poſſible Damage or Injury in conſequence of the making of the ſaid intended new River or Cut.

Commiſſioners for Drainage to have Power to make Dams;

XIX. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall have full Power and Authority, and they are hereby authorized and required to make or cauſe to be made a Dam or Bank in and over the preſent Channel or River *Ouze*, at or near the South-weſt End of the ſaid new River or Cut, and alſo, when expedient, to make or cauſe to be made another Dam or Bank at or near the North-eaſt End of the ſaid new River or Cut, extending from the Weſt Side of the lower End of the ſaid new River or Cut to the Point at or near a certain Building called *The Old Hall* in *Weſt Lynn*; and the ſaid Dams or Banks ſhall be formed of ſuch Height, Width, and other Dimenſions, as in the Opinion of the ſaid Sir *Thomas Hyde Page* and *Robert Mylne*, ſhall be ſufficient to reſiſt the Tidal and other Waters running through the ſaid River *Ouze*, and to direct and turn the ſame into the ſaid new River or Cut; and likewiſe to make a new Sluice of Brick, Stone, or other Materials, at or above the upper End of the ſaid new River or Cut, with a clear Water Way of not leſs than Fifteen Feet, with Pointing Doors to Seaward, to convey the Waters of Part of the Country of *Marſhland* into the River *Ouze*, and Three Draw Doors, of not leſs than Five Feet each, on the Land Side of the ſaid laſt mentioned Sluice; and alſo One other Sluice of Brick, Stone, or other Materials at *Old* or *Weſt Lynn*, below the ſaid new River or Cut, of not leſs than Four Feet Water Way, with Pointing Doors to Seaward, to diſcharge other Part of the Waters of *Marſhland* to Sea, and a Draw Door, of not leſs than Four Feet on the Land Side of ſuch laſt-mentioned Sluice; and alſo ſhall make or cauſe to be made a new Drain from the preſent Drain called *Iſlington Drain*, to fall into the River *Ouze*, a little above the ſaid new River or Cut, of not leſs Width than Forty Feet on the Surface, nor leſs Width than Twenty Feet at the Bottom, and to be made of ſufficient Depth for conveying the Waters from the ſaid *Iſlington Drain*, to the ſaid Sluice to be erected at the upper End of the ſaid new River or Cut; and alſo to make or cauſe to be made One other Drain, within the Land Side of the preſent River Bank, from *Tilney Gool Drain* to *Weſt Lynn Gool*, for conveying the Waters from the Lands which now

to make a Sluice above the upper End of the ſaid Cut for *Marſhland*;

and at *Old Lynn*;

to make a new Drain from *Iſlington Drain* to the *Ouze*;

alſo a Drain from *Tilney* to *Weſt Lynn*;

drain by the Gools or Sluices of *Tilney*, *Clenchwarton*, and *West Lynn*, and which ſaid laſt-mentioned Drain ſhall be made of not leſs Width on the Surface than Twelve Feet, nor leſs Width at the Bottom than Five Feet, and of proper Depth to drain the ſaid laſt-mentioned Lands, inſtead of the Drains now uſed for the Drainage of *Marſhland*, and the Pariſhes of *Wiggenhall*, on the Weſt Side of the ſaid River the Form and Dimenſions of the ſaid Drains, Sluices, and Pointing Doors, to be directed and aſcertained by the ſaid Sir *Thomas Hyde Page*, and *Robert Mylne*, or ſuch other Engineers as ſhall be appointed in their Stead, in Manner herein-after mentioned, and alſo ſuch interior Sluices as may be deemed neceſſary to prevent any Waters from overflowing the Lands in *Clenchwarton*, *Tilney*, and *Iſlington*, from any Breach of Banks which may happen in *Weſt Lynn* aforeſaid; and alſo ſuch Drains and Sluices, for diſcharging the Waters into the ſaid new River or Cut, from the Lands on the Eaſt Side of the preſent River that will be deprived of their preſent Outfall by making the ſaid new River or Cut, and from the Sands and old Channel between the Banks of the preſent River from *Eau Brink* to *Lynn*, as the ſaid Commiſſioners for Drainage ſhall find expedient; and alſo to make proper Fence Ditches at the Back of each of the Banks of the ſaid new Cut or River, with proper and ſufficient Tunnels or Bridges acroſs the ſame, for the Uſe of the reſpective Owners or Occupiers of the Lands adjoining thereto; and alſo to maintain and ſupport the ſaid ſeveral Sluices for the Space of Two Years from the Time of erecting and turning the Waters through the ſame.

alſo ſuch other Drains and Sluices on the Eaſt Side of the preſent River as are neceſſary.

XX. Provided always, and be it further enacted, That if at the Expiration of Two Years from the opening of the ſaid intended new River or Cut, the ſaid Sir *Thomas Hyde Page*, and *Robert Mylne*, or ſuch Engineers to be appointed in their Place as herein-after mentioned, ſhall be of Opinion that the propoſed Drainage of that Part of the Country called *Marſhland*, which is intended to be effected by Means of the ſaid new Sluice to be made at the upper End of the ſaid new River or Cut, and the new Drain which ſhall be made to communicate therewith, ſhall not be properly effected, then and in ſuch Caſe the ſaid Commiſſioners for Drainage ſhall thereupon, with all convenient Speed, make or cauſe to be made a proper and ſufficient new Drain, according to the Direction of the ſaid Sir *Thomas Hyde Page*, and *Robert Mylne*, or ſuch Engineers to be appointed as aforeſaid, for the Purpoſe of conveying the Waters from the aforeſaid Part of the ſaid Country called *Marſhland* into and through the ſaid Drain herein-before directed to be made from *Tilney Gool Drain* to *Weſt Lynn Gool* aforeſaid, with proper and ſufficient Sluice or Sluices for diſcharging the ſaid Waters into the ſaid River *Ouze*.

For the Security of the Drainage of *Marſhland*.

XXI. And, for the more convenient making of the ſaid new River or Cut, be it enacted, That the ſaid Commiſſioners for Drainage ſhall have full Power and Authority, during the making of the ſaid new River or Cut, to make and open any Drain or Drains, by or through any Lands or Grounds adjoining the ſaid intended new River or Cut, or to uſe any of the preſent Drains or Ditches lying near the ſame, or purſue ſuch other Ways and Means as they may find neceſſary for carrying off the Soakage or Downfall Waters, that may annoy or hinder the

Commiſſioners to have Power to cut Drains through any Lands adjoining the ſaid Cut.

making of the said new River or Cut, tendering Satisfaction to the Owners of the said Lands, or other Persons that may be injured by such Acts of the said Commissioners.

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

XXII. And be it further enacted, That if by the making of the said intended new River or Cut, or of any Drain or other Works, by virtue or in pursuance of this Act, any publick or private Road or Way, or the Passage of any Person or Persons to or from his, her, or their Grounds, with Cattle or Carriages, shall be obstructed, prevented, or interrupted, the said Commissioners for Drainage, shall, and they are hereby required, before or as soon as may be after such Road, Way, or Passage, shall be obstructed, prevented, or interrupted, to cause in lieu thereof proper and convenient Roads to be set out and made, and proper Bridges to be made, erected, and set up, and to defray the Expences of making such Roads, and of erecting and making such Bridges, out of the Monies to be raised by the Rates or Taxes upon the Lands and Grounds to be rated or taxed by virtue of this Act.

Commissioners not to make more than One Bridge between *Eau Brink* and *Lynn*.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Commissioners for Drainage to erect or make any more than One Bridge over the said new River or Cut, between *Eau Brink* and *King's Lynn* aforesaid.

Commissioners to erect Ebb Doors at *Denver Sluice*;

XXIV. And, for improving and preserving the Navigation through the several Rivers, Streams, or Lodes, communicating with the said River *Ouze*, be it further enacted, That the said Commissioners for Drainage shall, and they are hereby directed and required to make, erect, and support, a new set of Ebb Doors to each of the Five Openings of *Denver Sluice*, in Lieu of the present Ebb Doors, of such Form, Height, and Level, that the upper Part or Edge of each Pair of the said Ebb Doors respectively shall be Nine Feet Eleven Inches above the Cills of the great Gates of the Three large Stone Arches; and also to cause Gages or fixed Marks to be made, and placed upon the Bridges, Arches, or Water Ways of *Denver Sluice*, *Old Bedford Sluice*, *Littleport*, and *Ely Bridges*, and upon all other Parts or Places that may be found proper and necessary to regulate the Height, for penning or raising the Waters for the Purpose of Navigation, as shall be directed and ascertained by the said Sir *Thomas Hyde Page* and *Robert Mylne*; and shall also make, erect, and support, an additional Pair of Gates, opening upwards, at the lower End of the present Pen Sluice at *Denver Sluice* aforesaid, for the more easy Passage of Boats at all Times through the same; and shall also make, erect, and support, upon the River *Cam* or *Grant*, within the Space of Three Furlongs above the Mouth or lower End of *Reach Lode*, a new Staunch of Piles, and open Work with Tackle to put down and take up occasionally, with a Pound Lock or Pen Sluice therein; and shall also make, erect, and support, upon the said River *Cam* or *Grant*, next above the Mouth or lower End of *Bottisham Lode*, one other Staunch, Pound Lock, or Pen Sluice, and Weir, with Tackle to put down and take up occasionally, of sufficient Pen Height and Level, to float loaded Boats at all Times into the present Pound Lock or Pen Sluice at *Clayhithe*; and shall also make, erect, and support, in and upon the *Brandon River*, at the present Staunch therein,

to affix Gages or fixed Marks on the Bridges;

and to erect Gates at *Denver*;

a Staunch on the *Cam* near *Reach Lode*;

and One near *Bottisham Lode*;

and a Pen Sluice on the *Brandon* and

therein, being One Mile, or thereabouts, below *Brandon Town*; One other Pound Lock or Pen Sluice; and also upon the *Mildenhall River*, One other Pound Lock or Pen Sluice, at or near a certain Place called *Swales Reach*; and also upon *Soham* Navigation Lode, One Pair of pointing Doors towards the River *Ouze*; and also on the Lode called *Reach Lode*, One Pair of additional low Gates opening upwards, to be added to the present Pound Lock or Pen Sluice, at the Mouth or lower End thereof; and shall also make, erect, and support, on the *Swaffham* Navigation Lode, at the Mouth or lower End thereof, a new double Pound Lock or Pen Sluice, with Four Pair of Gates, to act both Ways; and also upon *Bottisham* Navigation Lode, One Pair of pointing Doors towards the River *Cam*; all which said several Staunches, Pound Locks, Pen Sluices, Ebb Doors, and other Works, shall be made of such Width as will admit the free Passage of all such Boats and Lighters as have heretofore usually navigated on the said Rivers, Streams, or Lodes respectively; and also shall make, erect, and support, all such other Locks, Staunches, Sluices, or other Works, as shall be appointed or directed by the said Sir *Thomas Hyde Page* and *Robert Mylne*, for the Improvement and better Security of the Navigation, between *Saint Ives* Staunch, and the lower End of the Hundred Foot River, and the Navigation of the River *Mildenhall* or *Lark*, between the lower Staunch and the Junction of the said River with the River *Ouze* and of the *Stoke* River, for such Boats and Lighters as have heretofore usually navigated on the said Rivers; and the said Commissioners for Drainage shall, and they are hereby directed, from Time to Time, as Occasion shall require, to vary, alter, and regulate the said Gages or fixed Marks, Staunch or Staunches, Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, or other Works aforesaid, in such Manner as shall, from Time to Time, be appointed and directed by Three Engineers, to be nominated and appointed in Manner hereafter mentioned, at the said Quarterly Meeting to be holden at *Ely*, in the Month of *April* in every Year (that is to say), One of the said Engineers by the Corporation of *Bedford Level*, and by the Commissioners for Drainage jointly, and one other by the Commissioners for Navigation appointed by this Act, and the Third to be chosen and appointed by the said Two Engineers nominated as aforesaid; and which Ebb Doors, Staunch or Staunches, Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, shall be kept and regulated by and under the Management and Direction of such Person and Persons as shall, from Time to Time, be nominated and appointed by the said Corporation of *Bedford Level*, but at the Expence of the said Commissioners for Drainage, at a yearly Salary not exceeding Twenty Pounds, and the Person or Persons who shall, from Time to Time, be so appointed to manage and regulate the respective Staunch or Staunches, Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, Ebb Doors or other Works aforesaid, shall, and they are hereby required to shut the said Staunch or Staunches, Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, Ebb Doors, or other Works aforesaid, at such Time or Times respectively as the Water shall or may fall below the respective Gages or Water Marks aforesaid, to be affixed from Time to Time by the said Engineers, under a Penalty not exceeding Ten Pounds, nor less than Forty Shillings, for every Offence, to be recovered as herein-after mentioned; and upon every Neglect and Refusal of any such Sluice Keeper in shutting the said Staunch or Staunches,

Mildenhall Rivers;

also pointing Doors on *Soham Lode*;

and a Pair of Gates on *Reach Lode*;

and a Pen Sluice on *Swaffham Lode*;

also a Pair of Doors on *Bottisham Lode*.

Commissioners for Drainage to regulate the said Staunches, &c. under the Direction of Engineers.

Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, Ebb Doors, or other Works aforeſaid, at the Times aforeſaid, it ſhall and may be lawful for any Two or more Commiſſioners for Navigation aſſembled at ſuch Staunch or Staunches, Pound Lock or Pound Locks, Pen Sluice or Pen Sluices, Ebb Doors, or other Works aforeſaid, to cauſe the ſame to be ſhut, and remain in ſuch State until the Waters of the ſaid Rivers, Streams, or Lodes, ſhall riſe and increaſe to the reſpective Gages or other Marks to be fixed in Manner as aforeſaid.

Engineers to review the Navigation after Two Years.

XXV. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, at the Expiration of Two Years after the opening of the ſaid intended new River or Cut for the Navigation of Lighters and other Veſſels, authorize and direct the ſaid Sir *Thomas Hyde Page*, or ſuch other Engineer as ſhall be nominated in his Stead as herein-after mentioned, and the ſaid *Robert Mylne*, or ſuch other Engineer as ſhall be nominated in his Stead as herein-after mentioned, to ſurvey and view the ſeveral Rivers, Streams, and Lodes, mentioned or referred to in the preceding Clauſe, the Navigation whereof is intended and thereby directed to be preſerved and improved, and to report or ſtate their Opinion of the Navigation of ſuch Rivers, Streams, and Lodes reſpectively, and how far the ſame have been preſerved and improved according to the Intent and Meaning of this Act; and if the Two Engineers who ſhall ſurvey and view ſuch Rivers, Streams, and Lodes, ſhall be of Opinion that the Navigation thereof, or of any of them, hath not been effectually preſerved and improved, ſo as to admit the free Paſſage of all ſuch Boats and Lighters as have been heretofore uſually navigated on ſuch Rivers, Streams, and Lodes reſpectively, then, and in ſuch Caſe, the ſaid Commiſſioners for Drainage ſhall immediately thereupon make, do, and execute, or cauſe to be made, done, and executed, all ſuch further or other Works, Matters, and Things, as the ſaid Two Engineers ſhall agree upon and direct, for the preſerving and improving of the Navigation of the ſaid Rivers, Streams, and Lodes reſpectively, according to the true Intent and Meaning of this Act.

For appointing other Engineers in caſe of Death, &c. of the Engineers appointed by the Act.

XXVI. And be it further enacted, That in caſe of the Death of the ſaid Sir *Thomas Hyde Page*, or of his Incapacity or Refuſal to act in the Direction and Determination of any of the Works, Matters, and Things, by this Act ſubmitted or referred, or directed to be ſubmitted or referred, to the Direction and Determination of the ſaid Sir *Thomas Hyde Page* and the ſaid *Robert Mylne*, it ſhall be lawful for the ſaid Commiſſioners for Navigation, aſſembled at a Meeting to be held in purſuance of this Act, and they are hereby required to nominate and appoint ſome other able and experienced Engineer in the Place and Stead of the ſaid Sir *Thomas Hyde Page*, for the Purpoſes aforeſaid, and ſo from Time to Time as often as any Engineer to be appointed by them ſhall happen to die, or become incapable, or refuſe to act in Manner aforeſaid; and that in caſe of the Death of the ſaid *Robert Mylne*, or of his Incapacity or Refuſal to act in the Direction and Determination of any of the Works, Matters, and Things aforeſaid, it ſhall be lawful for the ſaid Commiſſioners for Drainage, aſſembled at a Meeting to be held in purſuance of this Act, and they are hereby required to nominate and appoint ſome other able and experienced Engineer in the Place and Stead of the ſaid *Robert Mylne*, for the Purpoſes aforeſaid,

and ſo from Time to Time, as often as any Engineer to be appointed by them ſhall happen to die, or become incapable, or refuſe to act in Manner aforeſaid; and that every Engineer who ſhall be appointed in the Place and Stead of the ſaid Sir *Thomas Hyde Page* and *Robert Mylne* reſpectively as aforeſaid, ſhall have the ſame Power and Authority to act in the Direction and Determination of the ſeveral Works, Matters, and Things aforeſaid, as the Perſon in whoſe Place and Stead he ſhall be ſo appointed, and his Direction and Determination touching the ſame reſpectively ſhall be equally binding and concluſive; and that in all Caſes where there ſhall be any Difference of Opinion between the ſaid Sir *Thomas Hyde Page* and *Robert Mylne*, or between the Engineers to be appointed in their Place and Stead as aforeſaid, or between either of them, and the Engineer to be appointed in the Place and Stead of the other of them, touching any of the Works, Matters, and Things aforeſaid, ſave and except as to the Dimenſions and general Form of the ſaid intended new River or Cut, which are and is to be ſuch as herein-before directed, and no other, it ſhall be lawful for the Two Engineers ſo differing in Opinion, and they are hereby required to call in to their Aſſiſtance ſome other able and experienced Engineer by Way of Umpire, who after hearing and duly conſidering the Whole of the Matter on which ſuch Difference of Opinion ſhall have ariſen, ſhall give his Opinion in Writing as to the Works, Matters, or Things, requiſite or fit to be done, and the Mode of executing the ſame, or on whatever elſe may have been the Cauſe or Subject of the Reference to him; and his Opinion ſo given ſhall be final and concluſive, and the Works, Matters, and Things, in Queſtion ſhall be done and executed conformably thereto in all Reſpects whatſoever.

Proviſion for *Bottiſham* and *Swaffham* Fens.

XXVII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby directed and required to make, ſupport, and maintain, ſuch Drains and Sluices for conveying the Waters of the ſaid *Bottiſham* and *Swaffham* Fens into the River *Cam* or *Grant*, as ſhall be deemed neceſſary and expedient by Three Engineers, to be nominated as follows, that is to ſay, One by the ſaid Commiſſioners for Drainage, another by the ſaid Commiſſioners for the Time being for draining the ſaid *Bottiſham* and *Swaffham* Fens, and the Third by the ſaid Two Engineers ſo to be nominated as aforeſaid.

For the Security of *Waterbeach* Fen.

XXVIII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby directed and required to make, ſupport, and maintain, ſuch Drains, Banks, and Sluices, for preventing any Injury that may ariſe from the Soakage of the Waters of the *Cam* into the *Waterbeach* Fen as ſhall be deemed neceſſary and expedient by Three Engineers to be nominated as follows, that is to ſay, One by the ſaid Commiſſioners for Drainage, another by the ſaid Commiſſioners for the Time being for draining the ſaid *Waterbeach* Fen, and the Third by the ſaid Two Engineers to be nominated as aforeſaid.

Waters not to be turned into the new Cut until the Staunches, &c. are made.

XXIX. Provided always, That the Waters of the ſaid River *Ouze*, ſhall not be turned into the ſaid intended new River or Cut, until the ſeveral Works herein-before directed to be made for the Benefit of Navigation, and of the *Bottiſham* and *Swaffham* Fens, ſhall be completed to

to the Satisfaction of the Engineers to whoſe Direction and Approbation the ſame are hereby reſpectively ſubmitted and referred.

Obſtruction in Bridges between *Denver Sluice* and *Eau Brink* to be removed.

XXX. And be it further enacted, That the Owners, Truſtees, or Bridgereeves for the Time being, of the ſeveral Bridges called *Saint German's Bridge*, *Magdalen Bridge*, *Stow Bridge*, and *Downham Bridge* reſpectively, ſhall, and they are hereby directed, at their reſpective Coſts and Charges, on receiving Three Calendar Months Notice, in Writing, from the Clerk or Treaſurer for the Time being of the ſaid Commiſſioners for Drainage, to remove, or cauſe to be removed and opened, all Impediments and Contractions which now are, or ſhall at any Time or Times hereafter happen to be in the Water Ways of any of the ſaid Bridges, ſo as to make a clear Water Way through the ſame reſpectively, to the Satisfaction of Three Engineers, to be nominated and appointed, from Time to Time, at a Meeting of the Commiſſioners for Drainage to be holden under this Act (of which publick Notice ſhall be given in the *Cambridge* and *Norfolk* Newſpapers) as follows, (that is to ſay) One of the ſaid Engineers to be choſen by the ſaid Commiſſioners for Drainage, another by the Owners, Truſtees, or Bridgereeves for the Time being of the ſaid Bridges, or any of them, and the Third by the ſaid Two Engineers ſo to be nominated as aforeſaid.

To compel the *Bedford Level* Corporation to ſcour out the *Hundred Foot* River.

XXXI. And whereas it is expedient for the Improvement of the Drainage and Navigation intended to be improved by virtue of this Act, that the River called *The New Bedford* or *Hundred Foot River*, from *Earith* to *Denver Sluice*, now in the Charge of the Corporation of the Great Level of the Fens called *Bedford Level*, and alſo the River *Ouze* from *Denver Sluice* aforeſaid to *Eau Brink*, ſhould be ſcoured, cleanſed, and deepened, in a regular and uniform Manner, conſiſtent with the Depth of the intended new River or Cut, and the ſaid *Bedford Level* Corporation have conſented and agreed to do and perform the ſaid Work from *Earith* to *Denver Sluice*; be it therefore further enacted, That the ſaid Corporation of the Great Level of the Fens, called *Bedford Level*, ſhall, as ſoon as conveniently may be after the paſſing of this Act, ſcour, cleanſe, and deepen, or cauſe to be ſcoured, cleanſed, and deepened, the ſaid River, called *The New Bedford* or *Hundred Foot River*, from *Earith* to *Denver Sluice* aforeſaid, in a regular and uniform Manner, conſiſtent with the Depth of the ſaid intended new River or Cut, and ſhall cauſe all Obſtructions therein to be removed, as far as may be conſiſtent with the Safety of the Banks and of the Bridges acroſs the ſame; and that the ſaid Commiſſioners for Drainage ſhall, as ſoon as conveniently may be after the paſſing of this Act, ſcour, cleanſe, and deepen, or cauſe to be ſcoured, cleanſed, and deepened, the ſaid River *Ouze* from *Denver Sluice* to the Place near *Eau Brink* aforeſaid, where the ſaid intended new River or Cut is to branch out therefrom; and that the ſame ſhall be done on a regular Section, to the Satisfaction of the aforeſaid Sir *Thomas Hyde Page* and *Robert Mylne*, or ſuch other Engineers as aforeſaid, and that all Obſtructions therein ſhall be removed, as far as may be conſiſtent with the Safety of the Banks and of the Bridges acroſs the ſame.

Commiſſioners for Drainage to build a

XXXII. And whereas, by making the ſaid new River or Cut, ſome Parts of the Marſhes between *Eau Brink* and *Lynn* will be ſeparated

from other Parts thereof, be it therefore enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby directed and required to cauſe to be built and erected over ſuch new River or Cut, at or near the old North Sea Bank, a good and ſubſtantial Bridge, with Five Eyes or Openings, of not leſs than Forty Feet clear Water Way in the Eyes or Openings thereof, for the Owners or Occupiers of ſuch Marſhes, and all other Perſons, at their free Will and Pleaſure to paſs and repaſs with their Cattle and Carriages to and from the ſaid Marſhes which ſhall be ſo ſeparated, without paying any Conſideration for the ſame.

Bridge acroſs the new Cut.

XXXIII. And be it further enacted, That the ſaid new River or Cut, Bridge, Dams, Banks, Sluices, Forelands, Fence Ditches, Tunnels, and all other Works which ſhall or may be thought neceſſary or expedient to be done, for the Purpoſe of improving the Outfall between *Eau Brink* and *King's Lynn*, ſhall be made, done, built, and erected, by and out of the Monies to be raiſed by the ſaid Commiſſioners for Drainage by virtue of this Act, and that the ſaid new River or Cut, Bridge, Dams, Banks, Forelands, Fence Ditches, and Tunnels, ſhall at all Times hereafter be, and the ſame are hereby veſted in the Commiſſioners for Drainage, and their Succeſſors, and ſhall be from Time to Time ſupported and kept in Repair by and out of ſuch Monies.

Works for improving Outfall between *Eau Brink* and *Lynn* to be done by Commiſſioners for Drainage.

XXXIV. And be it further enacted, That the Sluices, Drains, and Works, on the Weſt Side of the ſaid River *Ouze*, herein-before directed to be made at the Coſts and Charges of the ſaid Commiſſioners for Drainage, ſhall, from and after making and completing the ſame, be and are hereby veſted in the Commiſſioners of Sewers for the Time being for the County of *Norfolk*, and ſhall for ever be repaired and ſupported, under the Power of the ſaid Commiſſioners of Sewers, in like Manner as the ſaid Gools called *Knight's Gool*, *Tilney Gool*, *Clenchwarton Gool*, and *Weſt Lynn Gool*, are now repaired and ſupported; and that the Sluices, Drains, and Works, which ſhall be made by the ſaid Commiſſioners for Drainage, for conveying the Waters off the Lands on each Side of the ſaid new River or Cut, ſhall, from and after the completing of the ſame, be alſo veſted in the ſaid Commiſſioners of Sewers, and for ever thereafter be repaired and ſupported by the Owners of ſuch laſt-mentioned Lands draining thereby, under the Power and Authority of the ſaid Commiſſioners of Sewers; any Thing herein-before contained to the contrary in anywiſe notwithſtanding, ſave and except ſuch Repairs of the ſaid ſeveral Sluices as may be neceſſary during the Firſt Two Years after erecting the ſame, which ſaid Repairs are herein-before directed to be done at the Coſts of the ſaid Commiſſioners for Drainage; and that the ſeveral old Sluices which will be rendered uſeleſs, ſhall then become veſted in the ſaid Commiſſioners for Drainage, to be by them diſpoſed of for the Purpoſes of this Act.

The Sluices to be made on the Weſt Side of the *Ouze* to be veſted in the Commiſſioners of Sewers.

The Sluices, &c. to be made for conveying the Waters off the Lands to be ſevered, ſhall be veſted in the ſaid Commiſſioners of Sewers.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for Drainage, and they are hereby directed and required to repair and amend the preſent Road from the Eaſt End of the ſaid intended Bridge, along the Old North Sea Bank, to the Turnpike Road leading from *King's Lynn* aforeſaid to *Wiſbech*, in the Iſle of *Ely*; and alſo the Road from the Weſt End of the ſaid Bridge, along the ſaid Old North Sea Bank, to the preſent River Bank, and when and ſo ſoon

Commiſſioners for Drainage to make Roads to and from the ſaid Bridge.

as the Sands and Channel of the preſent River, between *Eau Brink* and *King's Lynn*, ſhall be embanked, the ſaid Commiſſioners for Drainage ſhall, and they are hereby directed and required, to ſet out and make a Road from the Weſt End of the Old North Sea Bank acroſs the Salt Marſh of *William Lee Antonie* Eſquire, and the ſaid Sands and Channel, to a certain Place called *Tilney Common*, as near as conveniently may be to a Publick Houſe known by the Sign of *The Boat*; and likewiſe a Road from the South Weſt End of the Dam hereby directed to be made by the ſaid Commiſſioners for Drainage over the preſent Channel or River *Ouze*, along the Weſt Side of the preſent River Bank, to the Road leading from a Houſe called *Bentley's Houſe*, and from thence to the ſaid Turnpike Road, in ſuch Manner as they ſhall think proper, not exceeding Thirty Feet wide, they the ſaid Commiſſioners for Drainage firſt making Satisfaction to the Owner or Owners, Occupier or Occupiers, of the Lands over or through which the ſaid Roads ſhall be made, in ſuch Manner as is herein-after directed; and the ſaid Roads and Bridge ſhall be deemed common Highways.

Right of Paſſage over the Banks of the new River for Owners and Occupiers of Lands adjoining.

XXXVI. And be it further enacted, That the Owners and Occupiers of Land adjoining the Banks of the ſaid intended New River or Cut, their Servants or Workmen ſhall have full and free Liberty at all Times to go, come, paſs, and repaſs, on Foot, to and from the ſaid new River or Cut, over and acroſs the Banks, Fence Ditch, and Forelands belonging thereto, for the Purpoſe of loading or unloading any Goods, Wares, or Merchandizes, on Board any Boats, Barges, or other Veſſels, in the ſaid River or Cut, they the ſaid Owners and Occupiers, from Time to Time, repairing or making good all Damage or Injury which may be done to the ſaid Banks, Fence Ditch, and Forelands, reſpectively, in conſequence of their exerciſing ſuch Right of Way over the ſame, or otherwiſe making Satisfaction for ſuch Damage or Injury to the ſaid Commiſſioners for Drainage on Demand.

Puniſhing Perſons careleſsly damaging Bridge or Works.

XXXVII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall and may, and they are hereby authorized and empowered to bring Actions, or to prefer and proſecute Indictments, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any of the Timber, Stones, or other Materials, which may be provided for making or repairing the ſeveral Works herein directed to be made and executed by the ſaid Commiſſioners for Drainage, or who ſhall do any Act to hinder or obſtruct any of the Perſons employed in the Execution of the ſeveral Works under the Authority of this Act; and that if any Perſon or Perſons ſhall wilfully or negligently deface or damage any of the ſaid Works, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor leſs than Ten Shillings, to be recovered as other Forfeitures or Penalties impoſed by this Act; or the ſaid Commiſſioners for Drainage may, if they ſhall think proper, inſtead of proſecuting for the ſaid Penalty, cauſe an Action at Law to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, for any Damage which ſhall be wilfully or negligently done to any of the ſaid Works, againſt the Perſon or Perſons doing or cauſing the ſame.

Maſters of Boats to make Satisfaction for Damages.

XXXVIII. And be it further enacted, That every Maſter or Owner of any Boat, Barge, or other Veſſel, ſhall be, and is hereby made anſwerable

able and reſponſible for any Damage or Miſchief that ſhall be wilfully, maliciouſly, or negligently done by his Boat, Barge, or Veſſel, or by any Boatman, Bargeman, or Crew of or belonging to ſuch Boat, Barge, or Veſſel, to the ſaid Bridge, Sluices, or any of the Works which ſhall be erected, or be erecting, by virtue of this Act; and the ſaid Maſter or Owner of every ſuch Boat, Barge, or Veſſel, ſhall or may be ſued for ſuch Treſpaſs and Damage in any Court of Record whatſoever.

The Bridge not to be deemed a County Bridge, &c.

XXXIX. And be it further enacted, That the ſaid Bridge, when built, ſhall not be rated or aſſeſſed for or towards the Payment of any publick or parochial Taxes or Rates whatſoever, and that the ſaid Bridge ſhall not be deemed a County Bridge, ſo as to ſubject the County of *Norfolk* to the Repair or Support thereof.

Commiſſioners for Drainage may purchaſe Lands.

XL. And be it further enacted, That the ſaid Commiſſioners for Drainage are hereby impowered to purchaſe and make Satisfaction and Recompence for any Lands, Tenements, or Hereditaments, which they ſhall think neceſſary to be cut, dug, removed, or otherwiſe made uſe of, for the Purpoſes of this Act, and for all Damages to be done or occaſioned in or by the Execution of any of the Powers hereby given; and it

Incapacitated Perſons empowered to treat.

ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, whether Aggregate or Sole, and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of ſuch of the Owners or Proprietors of, or Perſons intereſted in any ſuch Lands, Tenements, or Hereditaments, as ſhall be Femes Covert, Infants, Lunaticks, Idiots, Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, to contract for, ſell, and convey, to the ſaid Commiſſioners for Drainage, or to ſuch other Perſon or Perſons as they ſhall appoint in Truſt for them, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid; or to agree with the ſaid Commiſſioners for Drainage for any Recompence to be made for Damages which may be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, and Agreements, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever; and the ſaid Commiſſioners for Drainage may adjuſt the Proportions of Damages to the Tenants, &c.

Commiſſioners for Drainage ſhall and may alſo adjuſt what Proportions of the Sums ſo agreed to be paid ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in any of the ſaid Lands, Tenements, or Hereditaments, ſo purchaſed, or ſo damaged as aforeſaid; and all Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever, are hereby indemnified for what they, or any of them, ſhall do in purſuance of this Act; but if it ſhall happen that any ſuch

Upon Refuſal to treat;

Body Politick or Corporate, Huſband, Guardian, Committee, Truſtee, or Attorney as aforeſaid, or any other Perſon or Perſons intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall, for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Huſband, Guardian, Committee, Truſtee, or Attorney, reſpectively, or to ſuch other Perſon or Perſons, or left at his, her, or their reſpective Place or Places of Abode, or with the Tenant in Poſſeſſion of the Premiſes, neglect or refuſe to treat, or to accept ſuch Satisfaction as ſhall be offered by the ſaid Commiſſioners for Drainage, or by reaſon of Abſence ſhall be prevented from treating with them, then, and in every ſuch Caſe, the ſaid Commiſſioners for Drainage are hereby empowered, from Time

to Time, to apply to Two or more Juſtices of the Peace for the County in which ſuch Lands may lie, and the ſaid Juſtices are hereby authorized and required to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the ſaid County for the Time being, or if ſuch Sheriff ſhall be immediately intereſted in the Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury, and the ſaid Sheriff or Coroner is hereby required to impannel, ſummon, and return, Twenty-four Men, qualified according to the Laws of the Realm to ſerve on Juries in the Trial of Iſſues at Law, to appear before the ſaid Juſtices of the Peace, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be directed and appointed; and the ſaid Juſtices of the Peace are hereby impowered, out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch as ſhall appear before them upon ſuch Summons, to ſwear Twelve, who ſhall be a Jury to enquire touching the Matters in queſtion; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place as aforeſaid, the ſaid Sheriff or Coroner ſhall return other qualified and indifferent Men, that may ſpeedily be procured, to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, as they come to be ſworn as aforeſaid; and the ſaid Juſtices of the Peace are hereby alſo impowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occaſion ſhall require, to ſummon and call before them all ſuch Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in queſtion, as well upon the Application of the Parties intereſted, as otherwiſe, and alſo to examine ſuch Witneſſes upon Oath, which Oath the ſaid Juſtices of the Peace are hereby impowered to adminiſter, touching the Matters in Controverſy; and the ſaid Juſtices of the Peace may authorize and order the ſaid Jury, or any Six or more of them, to view the Place or Places, and Matter in queſtion; and the ſaid Jury, ſo ſworn as aforeſaid, ſhall enquire of, aſſeſs, or aſcertain, the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, and alſo the Recompence to be made for the Damages ſo ſuſtained or to be ſuſtained as aforeſaid, and ſhall ſettle and aſcertain in what Proportions the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons reſpectively intereſted in the ſame, and the ſaid Juſtices of the Peace ſhall give Judgement for ſuch Purchaſe Monies, or Recompence, ſo aſſeſſed by ſuch Jury as aforeſaid; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Juſtices of the Peace, ſhall be binding and concluſive upon all Parties intereſted, and, being put into Writing, under the Hands and Seals of the ſaid Juſtices of the Peace, ſhall be delivered to the Clerk of the Peace for the County in which ſuch Lands may lie, to be kept among the Records of the Seſſions of the Peace for the ſaid County; and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts of Juſtice whatſoever.

Sheriff or Coroner to ſummon a Jury.

If a ſufficient Number of Jurors do not appear, Sheriff or Coroner to return Tales.

Juſtices to ſummon Witneſſes;

and order the Jury to view.

Jury to aſſeſs Damages.

Verdict and Judgement to be concluſive.

XLI. Provided always, and be it further enacted, That if ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid on ſuch Jury, ſhall not appear, or appearing ſhall refuſe to be ſworn, or being ſworn ſhall refuſe to give his Verdict, or in any other

Penalty on not returning a Jury, and on Jurors or Witneſſes not attending.

Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe to be allowed by the ſaid Juſtices of the Peace, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum as the ſaid Juſtices of the Peace ſhall appoint, not exceeding Ten Pounds for any One Offence; which ſaid reſpective Penalties ſhall be levied upon the Goods and Chattels of the Perſon or Perſons ſo offending, by Warrant or Warrants under the Hands and Seals of the ſaid Juſtices of the Peace, by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, returning the Overplus on Demand, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, are deducted, to the proper Owner thereof.

Commiſſioners for Drainage to pay Coſts, if Jury give larger Damages than offered;

XLII. And be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum, in the Caſe of purchaſing Land, or a larger Recompence when Damage has been done, than ſhall have been offered by or on Behalf of the ſaid Commiſſioners for Drainage, before the ſummoning of ſuch Jury, then all the Expences of ſuch Jury, and of the Witneſſes attending upon the ſame, and of taking ſuch Inqueſt, to be ſettled by the ſaid Juſtices as aforeſaid, ſhall be paid by the ſaid Commiſſioners for Drainage, out of the Monies to be raiſed by virtue of this Act; but if any Verdict ſhall be given for no more, or for a leſs Sum than ſhall have been previouſly offered in the Caſes aforeſaid, by or on Behalf of the ſaid Commiſſioners for Drainage, then, and in every ſuch Caſe, the Expence attending ſuch Verdict and Judgement to be ſettled as aforeſaid, ſhall be paid by the Owners of or Perſons intereſted in the ſaid Lands, Tenements, and Hereditaments in queſtion, and the Expences ſo ſettled ſhall be deducted and taken out of the Monies to be aſſeſſed as aforeſaid, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed to be a full Satisfaction for ſuch Lands, Tenements, Hereditaments, or Damages reſpectively, within the Intent and Meaning of this Act.

otherwiſe Owners of Lands to pay the ſame.

Satisfaction being made or tendered, Commiſſioners for Drainage may proceed on the Works.

XLIII. And be it further enacted, That after Payment or legal Tender of ſuch Sum or Sums of Money ſo agreed or contracted for, for the Purchaſe of any Lands, Tenements, or Hereditaments, or aſſeſſed for Damages as aforeſaid, to the Party or Parties intereſted, or if he, ſhe, or they cannot be found, or ſhall refuſe to accept ſuch Money, then upon Payment thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners for Drainage ſhall, by Writing under their Hands, appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Party or Parties reſpectively, but not before or until ſuch Payment, the ſaid Commiſſioners for Drainage, and all Perſons authorized by them, ſhall have full Power and Authority to enter upon the Lands, Tenements, or Hereditaments, in reſpect whereof ſuch Monies were ſo agreed for, or by Verdict aſſeſſed as aforeſaid, and to make uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate whatſoever, ſhall from thenceforth be, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, to or in the ſame.

XLIV. And

The Purchaſe Money for ſettled Eſtates above Twenty Pounds to be laid out for the ſame Uſes.

XLIV. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or to any Perſon or Perſons whoſe Lands or Grounds are limited in ſtrict Settlement, for the Purchaſe of any Lands, Tenements, or Hereditaments, as aforeſaid, in caſe the ſame ſhall exceed the Sum of Twenty Pounds, ſhall, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſon or Perſons ſeiſed of Lands, Tenements, or Hereditaments, ſo limited in ſtrict Settlement, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, and conveyed to or to the Uſe of ſuch Perſon or Perſons, and for ſuch Eſtates, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, or Hereditaments, for or in reſpect whereof ſuch Purchaſe Money ſhall be ſo paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Money was ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or to ſuch Uſes as ſhall be then exiſting and capable of taking Effect; ſuch Conveyances and Settlements to be made at the Expence of the ſaid Commiſſioners for Drainage; and in the mean Time, and until ſuch Purchaſe and Purchaſes ſhall be made, the ſaid Money ſhall be placed, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators Huſbands, Guardians, Committees, or other Truſtees, or Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two Perſons, the one to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Commiſſioners for Drainage; and the Intereſt ariſing, or to be produced from ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively as would, for the Time being, be entitled to the Rents and Profits of ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

And until ſuch Purchaſe, to be placed in the Funds.

Satisfaction for Damages.

XLV. And be it further enacted, That if any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, at any Time after the ſaid Commiſſioners for Drainage, or any Perſon or Perſons employed or authorized by them, ſhall have begun to carry this Act into Execution, ſhall happen to ſuſtain any Damage or Injury in his, her, or their Lands, Tenements, or Hereditaments whatſoever, by or in conſequence of any Act or Acts of the ſaid Commiſſioners for Drainage, or their Agents, Workmen, or Servants, for which ſuch Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, ſhall have had no Recompence or Satisfaction, or for which no Recompence or Satisfaction is hereby otherwiſe provided, then, and in every ſuch Caſe, if the ſaid Commiſſioners for Drainage, or their Agent or Agents, and the Party or Parties by whom ſuch Damages ſhall be ſuſtained, ſhall not agree touching ſuch Damages, the ſaid Damages ſhall be aſcertained and ſettled by a Jury, to be impannelled and returned as aforeſaid, who ſhall give Judgement for the Party or Parties aggrieved, and record the ſame reſpectively, in the

ſame Manner and Form as the Damages and Recompence are hereby appointed to be aſſeſſed and adjudged for any Lands, Tenements, and Hereditaments, which ſhall anyways be made uſe of, cut, or damaged, in the Execution of any of the Powers of this Act; and in caſe the ſaid Commiſſioners for Drainage, or their Agent or Agents, ſhall not, being thereunto required, make ſuch Satisfaction or Recompence for ſuch Damages as ſhall be ſo aſſeſſed and ſettled as aforeſaid, within Twenty Days after ſuch Requeſt made as aforeſaid, it ſhall be lawful for the Perſon or Perſons aggrieved to apply to the Juſtices of the Peace before whom the ſaid Damages were aſſeſſed, who, upon Proof made to them upon Oath of Nonpayment of ſuch Satisfaction and Recompence, ſhall, and they the ſaid Juſtices are hereby required to appoint One or more Perſon or Perſons to receive the Rates and Tolls herein directed to be raiſed and paid to the ſaid Commiſſioners for Drainage, and thereout to pay all ſuch Damages ſo aſſeſſed and ſettled as aforeſaid; and the Money to be received by ſuch Receiver or Receivers, ſhall be received to the Uſe of ſuch Perſon or Perſons receiving Damage as aforeſaid, in Order and Courſe ſucceſſively as ſuch Determinations ſhall be in Priority of Time; and after ſuch Damages ſo ſettled and aſſeſſed as aforeſaid ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes laſt-mentioned ſhall ceaſe and determine.

Satisfaction for Tythes.

XLVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made to the ſeveral Perſons entitled or to be entitled to Tythes, whether Great or Small, ariſing or accruing out of the Lands which ſhall be dug, cut, taken, uſed, or carried away, in making the aforeſaid new River or Cut between *Eau Brink* and *King's Lynn*, according to the reſpective Intereſts therein of the ſeveral Perſons ſo entitled as aforeſaid; and that the Value of the ſaid Tythes ſhall be aſcertained, (in caſe of any Difference concerning the ſame), in like Manner as the Value of ſuch Lands and Hereditaments is herein-before directed to be aſcertained, and ſhall make Part of the Conſideration Money to be paid by the ſaid Commiſſioners for Drainage, as and for the Purchaſe of the Lands ſo dug, cut, taken, uſed, or carried away, as aforeſaid; and that the Monies to be paid for the Recompence and Satisfaction for the ſaid Tythes ſhall be laid out and inveſted in the ſame Manner as is herein-before directed, with reſpect to the Purchaſe Money for ſettled Eſtates.

Proviſion not to extend to 1-4th of the Tolls belonging to Commiſſioners of Navigation.

XLVII. Provided always nevertheleſs, That the Nett Amount of One Fourth Part of the ſaid Tolls, which is herein-after directed to be retained by the ſaid Commiſſioners for Navigation, ſhall not be ſubject or liable to the Payment of the ſaid Purchaſe Monies or Damages as aforeſaid.

Satisfaction to Meſſrs. *Cary* and *Lane* for Loſs of freſh Water, and for Damages by Breach of Banks.

XLVIII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, by and out of the Monies which ſhall be received by them, or come to their Hands by virtue of this Act, make full Recompence and Satisfaction to *John Cary* Eſquire, and *Joſeph Lane* Gentleman, reſpectively, for all ſuch Loſs or Damage as ſhall be ſuſtained by them reſpectively, in caſe and by reaſon of their being deprived of the uſual Supply of freſh Water from the River *Nar*, for the Uſe of their reſpective Houſes and Cattle, in conſequence of the making of the ſaid intended new River or Cut; and that the ſaid Commiſſioners for Drainage ſhall alſo from Time to Time, by and out of the Monies which ſhall be

be received by them, or come to their Hands, by virtue of this Act, make full Recompence and Satisfaction for all Damages which ſhall be ſuſtained by any Perſon or Perſons whomſoever, by Reaſon or Means, or in conſequence of any Breach or Breaches which ſhall or may hereafter happen or be made in the Banks adjoining the ſaid intended new River or Cut, or any Part thereof, or by Reaſon or Means or in Conſequence of ſuch Banks, or any Part thereof, being undermined by the Water of the ſaid new River or Cut, ſuch Recompence or Satisfaction reſpectively to be aſcertained, in caſe of any Difference about the ſame, and to be recovered in ſuch and the ſame Manner as the Recompence for any other Damages is herein-before directed to be aſcertained and recovered.

Satisfaction to Meſſrs. *Cary* and *Lane* for Loſs of their uſual Road.

XLIX. And whereas the Owners or Occupiers of the Dwelling Houſes of *John Cary* Eſquire, and *Joſeph Lane* Gentleman, ſituate in the Pariſh of *Wiggenhall Saint Mary*, will, by the making of the ſaid new River or Cut, be deprived of the Uſe of the preſent Road or Way from the ſaid Dwelling Houſes to the Towns of *Wiggenhall Saint German* and *Wiggenhall Saint Peter*, and will have no other Way to, or Communication with, the ſaid Towns, except by a Way to be made to and acroſs the intended Bridge over the ſaid new River or Cut, which Way will be very circuitous and inconvenient, or elſe by the Road directed to be made acroſs the preſent Channel, and from thence to and by the ſaid Turnpike Road, and acroſs *Saint German's Bridge*, the Paſſage by which laſt mentioned Way or Road will be ſubject to a Toll payable at the Turnpike Gate at *Saint German's* aforeſaid, and another Toll on paſſing and repaſſing *Saint German's Bridge*; be it therefore further enacted, That due Recompence and Satisfaction ſhall be made by the ſaid Commiſſioners for Drainage to the ſaid *John Cary* and *Joſeph Lane*, or the Owners or Proprietors of the ſaid Dwelling Houſes, for ſuch future Inconvenience or Expence to which they will reſpectively be made ſubject, in conſequence of being deprived, in Manner aforeſaid, of the Uſe of their preſent Road or Way to the ſaid Towns of *Wiggenhall Saint German* and *Wiggenhall Saint Peter*, and by Reaſon of the ſaid Tolls.

The Road from the Houſes of Meſſrs. *Cary* and *Lane* not to be obſtructed till a new Road is made.

L. And be it further enacted, That it ſhall not be lawful for the ſaid Commiſſioners, or their Servants, to obſtruct the preſent Road or Way from the Houſes of *John Cary* Eſquire, and *Joſeph Lane* Gentleman, to the Turnpike Road leading from *King's Lynn* to *Wiſbech*, until another good and ſufficient Road or Way from the ſaid Houſes to the ſaid Turnpike Road ſhall have been ſet out and completed.

The preſent Channel and Sands to be veſted in Truſtees, to be by them ſold.

LI. And whereas the making the aforeſaid new River or Cut, Banks, Tunnels, Sluices, Dams, Forelands, Fence Ditches, and Bridge, and turning the Waters of the ſaid River *Ouze* out of their preſent Channel or Courſe, into, through, and along, the ſaid new River or Cut, will be a Work of great Expence and of publick Utility; and it is reaſonable that the bare Sands and Channel between the Places where the ſaid Two Dams are herein-before directed to be made, ſhould be ſold or otherwiſe diſpoſed of, and the Money ariſing therefrom applied in like Manner, and to the ſame Purpoſes, as the Rates and Taxes hereinafter mentioned are directed to be applied; be it therefore enacted, That the ſaid bare Sands and Channel ſhall, from and immediately after

the paſſing of this Act, veſt in, and the ſame are hereby veſted in Sir *Martin Browne Folkes* Baronet, *Henry Bell*, *Richard Greaves Townley*, and *Thomas Bagge*, Eſquires, their Heirs and Aſſigns, freed and diſcharged from all Right or Claim which can or may be claimed therein by any Perſon or Perſons whomſoever, to hold the ſame unto and to the Uſe of the ſaid Sir *Martin Browne Folkes*, *Henry Bell*, *Richard Greaves Townley*, and *Thomas Bagge*, their Heirs and Aſſigns, upon the Truſts, and to and for the Purpoſes herein-after mentioned, of and concerning the ſame, (that is to ſay), upon Truſt to ſell the ſaid bare Sands and Channel to the beſt Bidder or Bidders by publick Auction, giving not leſs than Three Calendar Months Notice of the Time of ſuch Sale, in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers, and to convey the ſaid bare Sands and Channel, or any Part or Parts thereof, in ſuch Manner as the ſaid Commiſſioners for Drainage ſhall, at any of their Meetings, direct and appoint; and upon further Truſt, from Time to Time, to pay and apply the Monies ariſing from Sale of the ſaid bare Sands and Channel, or any Part or Parts thereof, to the ſaid Commiſſioners for Drainage, to be by them applied to and for the ſame Uſes, Intents, and Purpoſes as the Rates, Taxes, and Aſſeſſments, hereby authorized to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act; and the Receipt or Receipts of the ſaid Sir *Martin Browne Folkes*, *Henry Bell*, *Richard Greaves Townley*, and *Thomas Bagge*, or the Survivors or Survivor of them, or the Heirs or Aſſigns of ſuch Survivor, to the Purchaſer or Purchaſers of the ſaid bare Sands and Channel, or any Part or Parts thereof, ſhall be a ſufficient Diſcharge for ſo much of the Purchaſe Money thereof as in ſuch Receipt or Receipts ſhall be expreſſed to be received, and ſuch Purchaſer or Purchaſers, having obtained ſuch Receipt or Receipts, ſhall not be liable to ſee to the Application of ſuch Purchaſe Monies, or anſwerable or accountable for the Non-application or Miſ-application thereof, or of any Part thereof.

Receipt of the ſaid Truſtees to the Purchaſer of ſuch Sands, &c. to be a ſufficient Diſcharge.

LII. Provided always, and be it further enacted, That the Commiſſioners for Drainage ſhall, on the Sale of the ſaid Sands and Channel, retain in their Hands, out of the Monies to ariſe therefrom, a ſufficient Fund to anſwer the Expences of the future Maintenance and Repair of the ſaid new River or Cut, Bridge, Banks, Dams, and other Works, by this Act directed to be ſupported and repaired by the ſaid Commiſſioners for Drainage, out of the Monies to be raiſed by virtue of this Act, and the Money ſo to be retained ſhall be excluſively appropriated to defray the Expences of ſuch Maintenance and Repairs as may become neceſſary, after the ſaid new River, Bridge, and other Works ſhall have been finiſhed; and the ſaid Commiſſioners ſhall have full Power, and they are hereby required to inveſt, and from Time to Time continue the ſame Money, or ſuch Part thereof as they ſhall deem expedient, until required for the Purpoſe aforeſaid, in Government Securities or Parliamentary Funds, at Intereſt, in the Names of Three or more Perſons as Truſtees on their Behalf, and the Intereſt to ariſe from ſuch Securities ſhall be applicable in like Manner as the Monies ſo to be inveſted.

For providing a Fund for the Support of Works of Drainage.

LIII. And, for the better aſcertaining the Bounds and Limits of the ſaid bare Sands and Channel ſo veſted, or intended to be hereby veſted, in the ſaid Sir *Martin Browne Folkes*, *Henry Bell*, *Richard Greaves Townley*, and *Thomas Bagge*, their Heirs and Aſſigns, in Truſt for the ſaid Commiſſioners

Commiſſioners for Drainage to give Notice in the Pariſh Churches adjoining the

old River, Three Sundays, of their Intention of ſetting out the ſaid Sands.

Commiſſioners for Drainage, for the Time being, for the Purpoſes of this Act, and for keeping the exact Quantity of Acres and Boundary Line thereof in Memory at all Times to come, be it further enacted, That the ſaid Commiſſioners for Drainage, at any of their Meetings, ſhall, and they are hereby directed and required to cauſe publick Notice to be affixed upon the Doors of the ſeveral Pariſh Churches adjoining, and on each Side of the ſaid old River or Channel between *Eau Brink* and *King's Lynn* aforeſaid, intended to be embanked, Three ſucceſſive *Sundays*, of their Intention and Deſign of ſetting out, planning, abuttalling, and ſurveying, the ſaid bare Sands and Channel, and of the Time and Place of meeting for thoſe Purpoſes, that the ſeveral Owners of any Lands or Marſhes next adjoining the ſaid bare Sands and Channel may attend the ſaid Commiſſioners for Drainage at ſuch Time and Place ſo to be appointed as aforeſaid; and in caſe any of ſuch Owners ſo attending as aforeſaid ſhall not agree with the ſaid Commiſſioners for Drainage, as to the bounding, abuttalling, and ſurveying, of the ſaid bare Sands and Channel, then, and in ſuch Caſe, the ſaid Commiſſioners for Drainage ſhall, and they are hereby required to apply to Two or more Juſtices of the Peace for the County of *Norfolk*, and the ſaid Juſtices are hereby authorized and required to iſſue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the ſaid County for the Time being, or if ſuch Sheriff ſhall be immediately intereſted in the Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to cauſe a Jury to be ſummoned, returned, impannelled, and ſworn, and a View to be taken by ſuch Jury, and alſo to ſummon, and examine upon Oath, all ſuch Witneſſes as may be neceſſary to aſcertain the Matters in Queſtion; and that the Sheriff or Coroner, Jurors or Witneſſes, making Default in the Premiſes, ſhall be ſubject and liable to the ſame Penalties as herein-before are directed for any Default upon a Jury being impannelled to aſcertain the Value of any Land to be purchaſed for the Purpoſes of this Act; and the ſaid Jury, ſo ſworn as aforeſaid, ſhall aſcertain, bound, mark out, deſcribe, abuttal, and ſurvey, the ſaid bare Sands and Channel, and the ſaid Juſtices of the Peace ſhall give Judgement according to the Verdict of ſuch Jury; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Juſtices of the Peace, ſhall be binding and concluſive upon all Parties intereſted; the Coſts and Charges incident to and attending the aſcertaining and ſetting out ſuch Boundaries ſhall be ſettled by the ſaid Juſtices, and One Moiety thereof paid by the ſaid Commiſſioners for Drainage, and the other Moiety by the ſaid Owner or Owners; and after ſuch bare Sands, and Channel, ſhall be planned, bounded, and marked out, as aforeſaid, Two fair Copies of ſuch Plan, diſtinguiſhing therein the ſeveral Boundary Stones, Marks, or Abuttals, ſo to be ſet up as aforeſaid, ſhall be ſigned and ſealed by the ſaid Juſtices of the Peace, and One Part thereof ſhall be delivered to the Clerk of the Peace for the County of *Norfolk*, to be kept amongſt the Records of the Seſſions of the Peace for the ſaid County of *Norfolk*, and the other Part thereof to the Clerk to the ſaid Commiſſioners for Drainage, to be by them kept, with their Books and Proceedings, for the Inſpection of all Perſons who may be intereſted therein, and the ſame ſhall be admitted as Evidence in all Courts of Law and Juſtice.

If the Owners and Commiſſioners for Drainage do not agree in ſetting out the ſaid Sands, a Jury to be ſummoned.

Jury to aſcertain and deſcribe the ſaid Sands and Channel

Verdict and Judgement to be concluſive.

Two fair Copies of the Plan of ſuch Sands to be made, One for the Clerk of the Peace, the other for the Clerk to the Commiſſioners for Drainage.

If the Owners do not attend, the Commiſ-

LIV. Provided always, and be it further enacted, That in caſe any of the ſaid Owners ſhall not attend at the Time and Place appointed by the

ſaid Commiſſioners for Drainage, for ſetting out, ſurveying, and planning, the ſaid bare Sands and Channel, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe ſuch Parts of the ſaid bare Sands and Channel as next adjoin the Lands or Marſhes of ſuch Owners not attending as aforeſaid, to be ſurveyed, ſet out, and bounded with Stones or other proper and ſubſtantial Marks or Abuttals, and cauſe Two fair Copies of the Plan and Abuttals to be made and ſigned by them, and delivered and kept in like Manner as is herein-before directed, in caſe the ſame were made by the ſaid Juſtices of the Peace.

Commiſſioners for Drainage to cauſe the ſaid Sands to be ſet out.

LV. And be it further enacted, That until ſuch Sale or Sales ſhall be made as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners for Drainage to take in, incloſe, and embank, the ſaid bare Sands and Channel, or any Part thereof, and to grant Leaſes thereof to ſuch Perſon or Perſons, and for ſuch Terms, and under ſuch Yearly and other Rents, and upon ſuch Covenants and Conditions, and to order, regulate, and manage the ſame in ſuch Manner, as they ſhall from Time to Time think proper; and all and every the Rents, Iſſues, and Profits, to ariſe therefrom, ſhall from Time to Time be received by the ſaid Commiſſioners for Drainage, and applied to the ſame Purpoſes as the Taxes and Monies to be borrowed thereon are herein-after directed to be applied.

Commiſſioners for Drainage empowered to take in and embank the ſaid Sands.

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for Drainage, and they are hereby authorized and empowered from Time to Time to dig and take Earth, Flag, and other Materials, from any Lands or Grounds near or adjoining to the ſaid intended new River or Cut, Banks, Dams, Sluices, Tunnels, Bridges, Staunches, or other Works, in and by this Act authorized to be made or done, in ſuch Manner as they ſhall find neceſſary, for the making, completing, repairing, and ſupporting, of the ſaid ſeveral Works, and to do all ſuch other Acts as ſhall be neceſſary for the ſurveying, ſetting out, carrying on, completing, and maintaining of the ſaid Works, rendering Satisfaction to the Owners and Occupiers of the ſaid Lands or Grounds, or other Perſons that may be injured thereby, in Manner herein-before provided for making Satisfaction for Damages.

Commiſſioners for Drainage empowered to take Earth for ſupporting the Works.

LVII. Provided always, and be it further enacted, That the ſaid Commiſſioners for Drainage, or their Agents, ſhall not dig or take any Earth, Flag, or other Materials whatſoever, in or from any Lands or Grounds belonging to *John Cary* Eſquire, or to *Joſeph Lane* Gentleman, within Three hundred Yards from their reſpective Dwelling Houſes, or in or from any Lands or Grounds belonging to Sir *Martin Browne Folkes* Baronet, within Three hundred Yards from his Houſe, now in the Occupation of *Richard Wiltſhire*, except ſuch Lands as are within the Line of the intended Channel, Forelands, Banks, or Back Fences thereof.

Lands of certain Perſons exempted from the Power of digging Earth, &c.

LVIII. And be it further enacted, That all Lands and Grounds lying in the *Middle* and *South Level* of the Fens, called *Bedford Level*, and adjoining the ſaid Levels, now ſubject to Inundations by Land or Sea Floods, all Lands and Grounds lying in the Country called *Marſhland*, *Elm Oldfield*, *Sayers Field*, *Budbech Field*, *Hawſteads*, *Outwell*, *Wiggenhall's Weſt Side*, *Stow*, *Wimbotſham*, and *Downham*, now draining into the ſaid River *Ouze*, above *Weſt Lynn Ferry Staith*; and uſually rated by virtue

All Lands within the Boundary of this Act to pay Fourpence *per* Acre annually for 10 Years.

virtue of or under any Commiſſion of Sewers, or charged with the Repairs of any Drains or Banks opening into or lying next the ſaid River, on the Weſt Side thereof, above *Weſt Lynn Ferry Staith*; and all Lands and Grounds lying on the Eaſt Side of the ſaid River, in any of the ſaid Pariſhes, or extra-parochial Places, not within either of the ſaid Levels, uſually rated by the ſaid Commiſſioners of Sewers, or ſubject to Land or Sea Floods, and now draining into the ſaid River above *Sandringham Eau* or *Grey Friars Fleet*, and all other Lands and Grounds, as well Commons as Severals, and not herein-before deſcribed, lying within the ſeveral Pariſhes or extra-parochial Places herein-before mentioned, ſubject to Land or Sea Floods, and draining their Waters to Sea by the ſaid River *Ouze* as aforeſaid, but not including any Lands which have their Drainage through or below *Sandringham Eau* or *Grey Friars Fleet* on the Eaſt Side, or below *Weſt Lynn Ferry Staith*, on the Weſt Side of the ſaid River, ſhall yearly and every Year, for the Space of Ten Years, to be computed from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, be, and the ſame are hereby rated, taxed, charged, and aſſeſſed, and the ſaid Commiſſioners for Drainage are hereby required to rate, tax, charge, and aſſeſs the ſame, during the ſaid Term of Ten Years, with a Yearly Tax not exceeding Four-pence, for and upon every Acre of the ſaid Lands and Grounds, as well Commons as Severals; which ſaid Tax ſo to be aſſeſſed, rated, and charged, ſhall, in reſpect to any Lands on Demiſe from His Majeſty, be paid by the Leſſees thereof, ſo long as they ſhall continue Leſſees of the ſame, and on all other Lands, ſhall be paid by the reſpective Owners or Occupiers of the ſaid Lands and Grounds ſo to be charged therewith, yearly, during the ſaid Term of Ten Years, the Firſt Payment thereof to begin and be made on the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, and the remaining Payments thereof on the Twenty-fourth Day of *June* in each ſucceſſive Year, to ſuch Perſon or Perſons as the ſaid Commiſſioners for Drainage from Time to Time ſhall appoint to collect and receive the ſame, and the Monies ariſing from the ſaid Tax ſhall be applied to the Purpoſes herein particularly directed.

For apportioning the Tax of Four pence *per* Acre.

LIX. And whereas ſome of the Lands hereby charged, or directed to be charged, with the ſaid yearly Tax of Four-pence *per* Acre may derive a greater Benefit than others by the making of the ſaid intended new River or Cut, or the ſaid intended Drainage, and in ſuch Caſe it will be reaſonable that the Lands deriving the greateſt Benefit ſhould bear a greater Proportion of the Expence of the ſaid Drainage Works hereby provided to be made than the Lands which ſhall not derive equal Benefit therefrom; be it therefore further enacted, That for the Purpoſe of apportioning the ſaid yearly Tax in the Manner herein-after mentioned, the Lands hereby charged or directed to be charged therewith ſhall be conſidered as divided into Four Diſtricts; One of which Diſtricts ſhall conſiſt of or compriſe the Lands lying in the ſaid Country called *Marſhland*; One other of ſuch Diſtricts ſhall conſiſt of or compriſe the Lands lying in the ſaid Middle Level of the Fens called *Bedford Level*; One other of ſuch Diſtricts ſhall conſiſt of or compriſe the Lands lying in the ſaid South Level of the Fens called *Bedford Level*; and the other of ſuch Four Diſtricts ſhall conſiſt of or compriſe all the Lands hereby charged, or directed to be charged, with the ſaid Tax, which are not compriſed in either of the ſaid Three other Diſtricts; and that the ſaid Commiſ-

ſioners for Drainage ſhall, upon Application and Requeſt made to them in that Behalf by Thirty Proprietors poſſeſſing not leſs than One hundred and Fifty Acres each, at their Fifth Quarterly Meeting next after the Opening of the ſaid intended new River or Cut, cauſe the Lands in the Diſtrict or Diſtricts from which ſuch Application and Requeſt ſhall come, to be forthwith ſurveyed by proper and ſkilful Surveyors, who ſhall divide and ſort the Lands in ſuch Diſtrict or Diſtricts reſpectively, chargeable with the ſaid yearly Tax, into Three ſeveral Claſſes or Sorts according to the Benefits which the ſame ſhall reſpectively appear to have derived, or be likely to derive, from the ſaid intended Cut and Drainage, each Claſs to conſiſt of ſuch Number of Acres as that the Amount of the yearly Tax or Sum to be raiſed upon the Whole of the Lands in ſuch Diſtrict or Diſtricts reſpectively, by virtue of this Act, at the Rate of Four-pence *per* Acre for the Number of Acres contained therein reſpectively as aforeſaid, may, after the Expiration of One Year from the ſaid Quarterly Meeting at which ſuch Application and Requeſt ſhall be made, inſtead of being raiſed by a General Tax of Four-pence *per* Acre as herein-before directed, be apportioned, and be aſſeſſed and charged upon ſuch Lands reſpectively, in the Proportions following, (that is to ſay), the yearly Tax or Sum of Sixpence *per* Acre upon the Lands to be compriſed in the Firſt Claſs, being thoſe deriving, or likely to derive, the greateſt Benefit from the ſaid intended Drainage; the yearly Tax or Sum of Four-pence *per* Acre upon the Lands to be compriſed in the Second Claſs, being thoſe deriving, or likely to derive, the next greateſt Benefit; and the yearly Tax or Sum of Two-pence *per* Acre upon the Lands to be compriſed in the Third Claſs, being thoſe deriving, or likely to derive, the leaſt Benefit; and that the Surveyors to be appointed by the ſaid Commiſſioners for Drainage, for the Purpoſe aforeſaid, ſhall reſpectively, before they commence their Survey of the ſaid Lands, take the following Oath, or, being of the People called *Quakers*, the following ſolemn Affirmation, before the ſaid Commiſſioners for Drainage, aſſembled at a Meeting to be held in purſuance of this Act (who are hereby authorized to adminiſter the ſame); that is to ſay,

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm], That I will make a proper Survey of the Lands lying in [*here ſpecify the Diſtrict in Queſtion*], and will, without Favour or Affection, truly and impartially, according to the beſt of my Skill and Knowledge, divide and ſort the ſame into Three ſeveral Claſſes or Sorts, purſuant to the Directions, and according to the Intent and Meaning, of the Act of Parliament, paſſed in the Thirty-fifth Year of the Reign of His Majeſty King *George* the Third, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called *Bedford Level*, and other Purpoſes.'

And that the ſaid Commiſſioners for Drainage ſhall, from and after the Expiration of the ſaid One Year from the ſaid Quarterly Meeting at which ſuch Application and Requeſt ſhall be made as aforeſaid, rate, tax, charge, and aſſeſs, each of the ſaid Three Claſſes of the Lands ſo to be claſſed and ſorted as aforeſaid, in ſuch Diſtrict or Diſtricts reſpectively, during the then Reſidue of the aforeſaid Term of Ten Years, with ſuch Proportion of the yearly Tax or Sum to be raiſed upon the Whole of ſuch Lands, by virtue of this Act, as is herein-before mentioned and pointed out for the ſame, in Lieu of raiſing ſuch yearly Tax or Sum by a general Rate of Four-pence *per* Acre, as firſt herein-

herein-before directed; and that ſuch Proportions of the ſaid yearly Tax or Sum ſhall be paid by the ſame Perſons, at the ſame Times, and in the ſame Manner, as the ſaid General Tax of Four-pence *per* Acre would have been payable in caſe ſuch Apportionment had not taken place: Provided always, that the Expences attending the making of ſuch Survey, Diviſion, and Apportionment as aforeſaid, in each Diſtrict, ſhall be charged and aſſeſſed by the ſaid Commiſſioners for Drainage upon the Lands compriſed in that Diſtrict, in ſuch or the like Proportions as the ſaid Drainage Tax is by virtue of this preſent Clauſe to be aſſeſſed and charged thereon, and ſhall and may be recovered and levied, together with the Coſts of levying the ſame, by the ſame Ways and Means as are herein-after provided for the recovering and levying of the ſaid Drainage Tax: Provided alſo, that with reſpect to ſuch of the ſaid Four Diſtricts from which no ſuch Application and Requeſt for an Apportionment ſhall be made as aforeſaid, the ſaid general Tax of Four-pence *per* Acre ſhall continue to be raiſed and paid in the Manner and for the Term herein-before mentioned concerning the ſame.

For the Apportionment of Taxes at the End of Three Years.

LX. Provided always, and be it further enacted, That if the ſaid new River or Cut ſhall not be opened at the End of Three Years from the paſſing of this Act, then the ſaid Tax of Four-pence *per* Acre ſhall continue to be paid until the Apportionment which may be made under and by virtue of this Act ſhall take place; but the ſaid Apportionment ſhall have Retroſpect to the Expiration of Three Years from the paſſing of the ſaid Act; and all Perſons, whoſe Taxes ſhall be reduced by ſuch Apportionment, ſhall be repaid or allowed by the Commiſſioners for Drainage what they ſhall have paid beyond the Amount of their apportioned Taxes, from the Expiration of the ſaid Three Years; and all Perſons whoſe Taxes ſhall be increaſed by ſuch Apportionment, ſhall be liable to pay ſuch Increaſe or Addition from the Expiration of the ſaid Term of Three Years; ſuch increaſed Taxes to be levied, raiſed, and recovered, in the ſame Manner as the ſaid Tax of Four-pence *per* Acre.

No Compoſition to be affected by the Apportionment of the Taxes.

LXI. Provided aways, and be it further enacted, That the ſaid Apportionment or Graduation of Taxes herein-before mentioned, and which may be made under and by virtue of this Act, ſhall not extend to or affect any Lands or Grounds for or in reſpect of which the ſaid Tax of Four-pence *per* Acre ſhall be compounded, and the Compoſition agreed upon paid to the ſaid Commiſſioners for Drainage, but the ſaid Lands and Grounds ſhall from the Time of the Payment of ſuch Compoſition be wholly diſcharged from the ſaid Tax, and all Apportionments to be made thereof.

Lands claimed to be exempted ſhall be referred.

LXII. And whereas there may be Lands within ſome of the Pariſhes or Townſhips herein-before mentioned, or in ſome extra-parochial Place or Places by this Act authorized to be charged with the ſaid Tax, which will not derive any Benefit by the ſaid intended Drainage, and therefore ought not to be contributory to the Expence thereof; be it therefore further enacted, That if any Perſon or Perſons, being Owners, Leſſees, or Occupiers, of any Lands within the ſaid Pariſhes, Townſhips, or Places, or any of them, ſhall be of Opinion that any of ſuch Lands will not derive any Benefit by the ſaid intended Drainage, and ought therefore to be exempted from the Payment of the ſaid Tax, ſuch Perſon or Perſons ſhall deliver to the ſaid Commiſſioners for Drainage,

or their Clerk, at or before the Quarterly Meeting to be holden on the Second *Thurſday* in *January* next after the paſſing of this Act, an Account in Writing of all ſuch Lands which he, ſhe, or they require to be exempted from the ſaid Tax, then Three Perſons, not intereſted in the ſaid Premiſes, ſhall be nominated and appointed at a General Meeting of the ſaid Commiſſioners, of which publick Notice ſhall be given in the *Cambridge*, *Norwich*, and *Bury* Newſpapers, to view the ſaid Lands, and to enquire into the State and Condition thereof, One of which Perſons ſhall be nominated by the ſaid Commiſſioners for Drainage, One other by the ſeveral Perſons claiming ſuch Exemptions, and the Third Perſon by ſuch Two Perſons to be choſen as aforeſaid, all of whom ſhall be ſworn well and truly to view, examine into, and determine, whether ſuch Lands ought or ought not to be rated by virtue of this Act, which Oath any Commiſſioner for Drainage ſhall have full Power to adminiſter; and the ſaid Three Referrees, or any Two of them, ſhall deliver to the ſaid Commiſſioners for Drainage, and ſuch Claimants reſpectively, their Determination in Writing, within Three Months next after ſuch Reference, whoſe Judgement in the Premiſes ſhall be final and concluſive to all Parties; the Coſts and Charges of which ſaid Reference ſhall be paid and borne by the ſaid Commiſſioners for Drainage, and the Perſons claiming the ſaid Exemption, in ſuch Proportions as the ſaid Referrees ſhall determine.

Lands not to be exempted.

LXIII. Provided always, That none of the ſaid Lands or Grounds ſhall be exempt from the Payment of the ſaid Rates or Taxes, which are now rated, taxed, or charged, by virtue of or under any Commiſſion of Sewers, or with the Repairs of any Mill, Bank, Drain, or Sluice, for draining or preſerving the ſaid Lands or Grounds.

For aſcertaining the Number of Acres to be rated.

LXIV. Provided always, and be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby required to aſcertain the Number of Acres of the Lands intended to be rated by virtue of this Act in Manner following; (that is to ſay), the Lands comprized in various Diſtricts, according to the reſpective Surveys made, or to be made, of ſuch Diſtricts, and for Want of ſuch Surveys then by the Number of Acres ſuch Diſtricts have been uſually rated at; and all Commons and other Lands in any of the Pariſhes or Townſhips hereinbefore mentioned, or in any extra-parochial Place, ſubject to Inundations and Draining as aforeſaid, ſhall, in caſe of any Difference between the ſaid Commiſſioners for Drainage and the Perſons intereſted in the ſaid Commons and other Lands, be rated and taxed by ſuch Number of Acres as ſhall be aſcertained and determined upon View, Survey, or other ſufficient Information, on or before the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninety-five, or as ſoon after as may be, by Three proper Perſons, for each of the ſaid Counties, and the Iſle aforeſaid reſpectively, not intereſted in the Premiſes, to be nominated and appointed at any Meeting to be advertiſed in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers, for that Purpoſe; One of which ſaid Perſons ſhall be then nominated by the Commiſſioners for Drainage; One other Perſon ſhall be alſo then nominated by the Majority of ſuch laſt mentioned Land Owners to be affected by ſuch Taxation, who ſhall be aſſembled at ſuch Meeting; and the Third Perſon ſhall be nominated by the ſaid Two Perſons ſo to be choſen as aforeſaid; and ſuch Perſons reſpectively, ſo to be nominated and appointed, before they proceed to

Where the Quantity of Acres cannot be aſcertained, the ſame to be determined upon View.

determine the Quantity of ſuch Lands and Grounds, ſhall take an Oath well and truly, to the beſt of their Judgement and Knowledge, to determine the Quantity of ſuch laſt-mentioned Lands to be taxed or rated by virtue of this Act, (which Oath any One of the ſaid Commiſſioners for Drainage is hereby empowered to adminiſter); and the Determination of the ſaid Three Referrees, or any Two of them, ſhall be final; and they ſhall ſet forth their Determination in Writing, and ſhall ſign and deliver the ſame to the Commiſſioners for Drainage, at any of their Meetings to be holden under this Act, which ſhall be by them depoſited in the Place where their Books and Proceedings ſhall be kept; and the Expences attending all ſuch Views, Surveys, and Determinations, ſhall be borne and paid by the ſaid Commiſſioners for Drainage, and the Owners of the ſaid Lands, and Perſons intereſted in the ſaid Commons reſpectively, in ſuch Proportions as the ſaid Referrees ſhall determine.

Lands may be entered upon.

LXV. And be it further enacted, That the ſaid Perſon or Perſons employed as aforeſaid for the Purpoſe of aſcertaining and determining the Quantity of ſuch Lands, ſhall, and they are hereby empowered to enter on the Land or Lands of any Perſon or Perſons they ſhall think proper and find neceſſary for the due aſcertaining the ſame.

Commiſſioners for Drainage to cauſe a Schedule of Lands to be affixed on the Church Doors.

LXVI. Provided always, and be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby required and directed, within Three Calendar Months next after the ſaid Determination ſhall be returned to them, ſigned as aforeſaid, to cauſe a true Copy thereof to be affixed on the Church Door of every Pariſh in which any ſuch laſt mentioned Lands ſhall happen to lie.

Commiſſioners of Sewers to raiſe the Taxes within their Juriſdictions.

LXVII. And be it further enacted, That it ſhall be lawful for all Commiſſioners of Sewers within their reſpective Juriſdictions, and they are hereby authorized and required, from Time to Time, during the ſaid Term of Ten Years, by their uſual and accuſtomed Mode of raiſing and levying Dikereeve Rates and Drainage Taxes, to raiſe and levy, for the Purpoſes of this Act, Yearly, the ſaid Tax of Four-pence *per* Acre on the Owners and Occupiers of Lands within their ſaid Juriſdictions chargeable with the ſaid Tax; and the ſaid Commiſſioners of Sewers ſhall aſſeſs ſuch Lands as they have uſually aſſeſſed to Works of Sewers and Expenditors Rates, within their ſaid Juriſdictions, and by ſuch Quantities and Number of Acres as ſuch Lands have been uſually rated at, and the Monies ſo to be raiſed ſhall, from Time to Time, be collected and levied by the ſaid Commiſſioners of Sewers, or their reſpective Dikereeves, Expenditors, or Collectors, and be by them paid into the Hands of the Treaſurer or Receiver General for the Time being of the ſaid Commiſſioners for Drainage, to be applied to the general Purpoſes of this Act.

The Commiſſioners of Diſtricts to raiſe the Taxes according to the Methods preſcribed by certain Acts.

LXVIII. And foraſmuch as ſeveral Parts of the ſaid Lands have been formed into Diſtricts by Acts of Parliament, which have been from Time to Time paſſed for the Erection of interior Works, for the better Drainage of ſuch Diſtricts; and by ſuch Acts of Parliament Commiſſioners have been appointed for ſuch Diſtricts reſpectively; be it therefore further enacted, That the ſaid Commiſſioners of ſuch Diſtricts are hereby reſpectively authorized and required, from Time to Time, to levy and raiſe on the Lands within their reſpective Diſtricts, ſuch Sum and Sums

of Money as ſhall be equal to the Rates and Taxes which the Commiſſioners for Drainage, hereby appointed for this Act, are hereby empowered and directed to aſſeſs, rate, and charge, on ſuch Lands reſpectively; and the Monies ſo to be collected and raiſed ſhall, from Time to Time, be paid over by the ſaid Commiſſioners for the ſaid Diſtricts, or their Collectors, into the Hands of the Treaſurer or Receiver General of the ſaid Commiſſioners for Drainage, to be applied to the general Purpoſes of this Act; and the ſaid Commiſſioners for Drainage ſhall, and they are hereby authorized to pay or allow unto the ſeveral and reſpective Collectors for the Time being of the Taxes aſſeſſed for the Purpoſes of this Act, ſuch Sum of Money for collecting the ſame, as they the ſaid Commiſſioners for Drainage ſhall think reaſonable, not exceeding Twopence in the Pound.

Collectors to be allowed not exceeding 2*d.* in the Pound.

LXIX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners of Sewers, or the Commiſſioners of any of the ſaid Diſtricts herein-before authorized and directed to raiſe the ſaid Taxes, on their reſpective Lands and Diſtricts, ſhall neglect to raiſe and levy the ſaid Taxes for the Space of Two Months next after the reſpective Times when ſuch Rates ought to be raiſed, under and by virtue, and according to the Intent of this Act; then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage to levy and raiſe the ſaid Taxes, together with Sixpence in the Pound for the Collection thereof, on the reſpective Owners and Occupiers of the ſaid Lands, in ſuch and the ſame Manner as they are hereby authorized and enabled to levy and raiſe the Rates and Taxes upon the other Lands directed to be taxed under this Act.

In caſe Commiſſioners of Sewers or Diſtricts neglect to levy Taxes, Commiſſioners for Drainage to levy the ſame, with 6*d.* in the Pound for collecting.

LXX. And be it further enacted, That if the Owners of any Lands or Commons, or other Perſons intereſted in any of the ſaid Lands or Commons, ſhall be deſirous of exonerating any of their reſpective Lands or Commons from the ſaid Annual Tax of Four-pence *per* Acre, it ſhall and may be lawful, and the ſaid Commiſſioners for Drainage are hereby authorized and directed to accept and take in Payment ſuch Sum of Money *per* Acre as they in their Judgement ſhall determine to be a proper Compoſition for a total Diſcharge and Exemption from all Taxes to be impoſed on the ſaid reſpective Lands or Commons, by virtue of the Powers and Authorities aforeſaid; and the Receipt or Receipts of the Treaſurer or Receiver General of the ſaid Commiſſioners for Drainage for the Time being ſhall be a ſufficient Diſcharge to the Perſon or Perſons ſo paying the ſame, and ſhall be allowed as good Evidence of ſuch Payment in any of His Majeſty's Courts at *Weſtminſter*.

Owners of Lands deſirous of exonerating their Lands from the Tax to pay ſuch Compoſition as the Commiſſioners ſhall determine.

LXXI. And, to the End that the ſaid Rates and Taxes herein-before directed to be aſſeſſed and charged upon the ſaid Lands may be more eaſily and effectually collected and received by the reſpective Receivers to be appointed by the ſaid Commiſſioners for Drainage, be it further enacted, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds which ſhall be aſſeſſed and rated with the ſaid Tax of Four-pence *per* Acre, by virtue of this Act, ſhall be liable, and they are hereby required to pay all and every ſuch Sum and Sums of Money as ſhall be ſo rated, aſſeſſed, and charged upon the Lands and Grounds in their reſpective Occupations; and ſuch Tenant or Tenants, ſo holding his, her, or their Lands or Grounds at a Rack Rent, ſhall be at Liber-

Taxes to be paid by Tenants, and ſuch as hold at Rack Rents may deduct the ſame out of their Rents:

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ty, and is and are hereby empowered to deduct and retain, out of his, her, or their Rent or Rents, all such Rates, Taxes, or Sums of Money, as he, she, or they, shall so respectively pay as aforesaid; and all and every Tenant and Tenants so holding at a Rack Rent, and paying such Assessment or Rate, shall be acquitted and discharged from and against his, her, or their Landlord or Landlords, of and from so much Money as the Assessment or Rate by him, her, or them, so paid as aforesaid, shall amount unto, in as full and ample a Manner as if the same had been actually paid to his, her, or their Landlord or Landlords.

But not such as hold beneficial Leases.

LXXII. Provided always, and it is hereby further enacted and declared, That no Lessee or Tenant of any Land or Ground charged with the said Taxes, who shall hold the same by virtue of or under any Lease from any Bishop or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or the Trustees of any Charity, or other beneficial Lease whatsoever, or by any Lease for any Term of Years at Rack Rent, whereof Ten Years of the said Term granted by such Lease shall be unexpired at the Time of passing this Act, shall be entitled to deduct the Taxes chargeable by this Act out of the Rent reserved and made payable by any such Lease to his, her, or their Landlord or Landlords, but the said Taxes shall be charged upon, borne, and paid, by the Lessees or Tenants so holding such Lands or Grounds under any such Lease as aforesaid; any Thing herein-before contained to the contrary thereof notwithstanding.

The Four-pence *per* Acre not to affect or extend to any Leases or Agreements.

LXXIII. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall extend to charge the King's Majesty, or any other Lessor or Lessors, with the Payment of the said Tax of Four-pence *per* Acre, contrary to any express Stipulation made or contained in or by any Lease or Leases in which it hath been agreed that the Taxes or Assessments for the Drainage of any Land or Ground comprized in or demised by such Lease or Leases, shall be paid by the Lessee or Lessees thereof, or otherwise extend to affect any existing Agreement between Landlord and Tenant in respect to any such Taxes or Assessments; any Thing herein-before contained to the contrary notwithstanding.

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

LXXIV. And, in order that the full Sum which shall be so rated or assessed may be duly paid; be it enacted, That if any Person or Persons shall refuse or neglect to pay the Rate or Tax with which he, she, or they, shall be respectively charged, to the Collector or Collectors, or other Persons appointed by the said Commissioners for Drainage to receive the same, by the Space of Two Calendar Months after the same shall have become due and payable, (Twenty-one Days Notice of the Day of such Payment being given in the *Norfolk*, *Suffolk*, and *Cambridge* Newspapers, which Notice so to be given 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 Collector), then every such Person shall forfeit and pay to such Collector or Collectors the further Sum of Three Shillings and Four-pence 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 Drainage.

Power of Diſtreſs in caſe of Non-payment.

LXXV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money, which ſhall be taxed, charged, or aſſeſſed upon him, her, or them, or the Lands or Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of and under the Powers and Authorities of this Act, within the ſaid Two Calendar Months herein-before limited for Payment of the ſame, then it ſhall be lawful for ſuch Collector or Collectors, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners for Drainage, (which ſaid Warrant or Precept ſuch Commiſſioners for Drainage, or any Five or more of them, are hereby empowered and required from Time to Time to grant and make, as Occaſion ſhall require), to enter into and upon the Lands or Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall ſo make Default in Payment as aforeſaid, and all Meſſuages or Tenements thereupon ſtanding, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Rate or Tax, together with ſuch Penalty as may be incurred by Non-payment thereof as aforeſaid, by Diſtreſs of the Goods and Chattels which ſhall be found on the Premiſes, and the Goods and Chattels ſo diſtrained to empound on the Premiſes, or take, lead, drive, carry away, and keep, for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuage or Tenement, Grounds or Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs; and if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhall not pay the Sum or Sums of Money ſo aſſeſſed or rated and in Arrear, with ſuch Penalties as aforeſaid, and all Charges attending ſuch Diſtreſs, or replevy the Goods and Chattels ſo diſtrained, with ſufficient Sureties to be given to the Sheriff of the County, or High Bailiff of the Iſle of *Ely*, according to the Laws now in being for regulating Diſtreſſes in Caſes of Non-payment of Rent, within Five Days next after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining ſhall and may, with the Sheriff or Under Sheriff of the County, Bailiff of the Iſle of *Ely*, or his Deputy, or Conſtable, or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made, (who 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, Bailiff or Deputy Bailiff, Conſtable or Headborough, (who are hereby empowered to adminiſter ſuch Oath), to appraiſe the ſame, according to the beſt of their Judgement; and after ſuch Appraiſement it ſhall be lawful for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can reaſonably be had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs ſhall be ſo made, 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, Bailiff or his Deputy, Conſtable or Headborough, for the Owner's Uſe.

If Grounds are unoccupied, they are to remain a Security;

LXXVI. Provided always, and be it further enacted and declared, That in caſe any of the ſaid Lands and Grounds ſhall, at any Time or Times hereafter, be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can

and Diſtreſs may be made in future.

be found for levying the ſaid Rates and Taxes, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Goods and Chattels which ſhall at any Time thereafter be found thereon ſhall and may be diſtrained, impounded, kept, appraiſed, and ſold, in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Means of obtaining Payment of the Tax on the Commons, by incloſing competent Parts thereof.

LXXVII. And, in order to ſecure and obtain Payment of the ſaid Taxes, to be rated and charged in purſuance of this Act upon ſuch of the Lands and Grounds as ſhall be Commons, be it further enacted, That in caſe the ſaid Taxes hereby laid on the ſaid Commons, ſhall not be duly paid at the Times herein-before appointed for Payment of the ſame, then it ſhall be lawful for the ſaid Commiſſioners for Drainage, and they are hereby required to cauſe competent and ſufficient Parts of the ſaid ſeveral Commons, ſo to be rated, taxed, and charged with the ſaid Taxes of Four-pence an Acre in purſuance of this Act, to be divided and encloſed, and to demiſe and leaſe ſuch Parts of the ſaid Commons as ſhall be ſo encloſed, to any Perſon or Perſons willing to take ſuch Lands, at ſuch Rents as can be reaſonably gotten for the ſame, or to agiſt the ſaid Lands, or otherwiſe, as ſuch Commiſſioners for Drainage ſhall think proper, and out of the Rents and Profits of ſuch Parts of the ſaid Commons as ſhall be ſo encloſed, to defray and diſcharge the Expences of making ſuch Incloſures reſpectively, and likewiſe by and out of ſuch Rents and Profits to pay, deduct, and retain, all and every Sum and Sums of Money, which ſhall become due and payable for the Rates and Taxes which in purſuance of this Act ſhall be reſpectively rated, aſſeſſed, and charged upon the ſaid Commons from which ſuch Incloſures ſhall be made; and from and after the Payment and diſcharging of all and every Sum and Sums of Money, which ſhall become due and payable for the ſaid Rates and Taxes, ſo hereby directed to be rated and aſſeſſed upon the ſaid Commons Yearly, for the ſaid Term of Ten Years as aforeſaid, and all Coſts, Charges, and Expences whatſoever attending the making and keeping up ſuch Incloſures, and the Management thereof, the ſaid Incloſures ſo made ſhall become Part of the reſpective Commons from which the ſame ſhall be taken; and if any Surplus of the Rents and Profits ariſing from the ſaid Incloſures, after anſwering the ſeveral Payments aforeſaid, ſhall remain in the Hands of the Commiſſioners for Drainage, or their Treaſurers or Receivers, the ſame ſhall be paid into the Hands of the Surveyors of the Highways of the reſpective Pariſhes or Townſhips within which ſuch Commons ſhall be ſituate, and ſhall be applied in and towards the Repair and Improvement of the Highways within the ſaid Pariſhes or Townſhips.

When Taxes and Expences are paid, Commons to be laid down again.

Such Incloſures not to be ploughed.

LXXVIII. Provided always, and be it further enacted, That the Lands ſo to be encloſed from any of the ſaid Commons within the ſeveral Pariſhes or Townſhips herein-before mentioned, ſhall not be ploughed or dug up by the ſaid Commiſſioners for Drainage, or any Perſon or Perſons to whom they ſhall reſpectively demiſe or leaſe the ſame, or who ſhall have the Management thereof during the Time the ſame ſhall be kept encloſed for the Purpoſe aforeſaid.

Aſcertaining the Tolls.

LXXIX. And whereas the improving of the Navigation by Means of the ſaid new River or Cut, and other Works herein-before mentioned, will greatly promote Trade and Commerce, and be of publick

Utility; be it therefore further enacted, That there ſhall be paid on Demand, at or near the Town or Port of *King's Lynn* aforeſaid, during the Term of Ten Years, commencing from the Day on which the ſaid new River or Cut ſhall be open and made navigable, to the Collectors or other Officers to be appointed by the Commiſſioners for Navigation, on all Goods, Wares, and Merchandizes, carried on Board any Barge, Boat, Lighter, or Veſſel, and Rafts paſſing or navigating on the ſaid new River or Cut between *Eau Brink* and *King's Lynn* aforeſaid, ſuch Tolls as are herein-after mentioned and expreſſed; (that is to ſay), The Sum of Four-pence for each and every Chaldron of Coals or Cinders; and for each and every Chaldron of Lime; for each and every Half Hundred of Deals, Spars, or Baulks; for each and every Hundred of Battens, Half Deals, Pipe Staves, Paling, or Bunches of Lath; for each and every Load of Fir Timber, accounting Fifty Feet to the Load, Calliper Meaſure; for each and every Load of Oak Timber, accounting Forty Feet to the Load; for every Three Wainſcot Logs; for every Two Mahogany Logs; for every Five hundred of Bricks; for every Five hundred of Tiles; for every Pipe of Wine; for every Puncheon of Rum; for every Piece of Brandy or Geneva; for every Eight Packs of Wool, accounting Ten Tods to the Pack; for every Half Laſt of Wheat, Rye, Peaſe, Beans, Barley, Rapeſeed, Linſeed, Coleſeed, Muſtardſeed, or Hempſeed; for every Laſt of Oats or Barley Bigg; for every Load of Reed, Sedge, Hay, Flax, or Hemp, reckoning Twenty hundred Weight to the Load; for every Two Dozen of Flag Stones; for every Two thouſand of Turves; for every Twenty Feet of Stone; and for every Ton Weight of all other Goods, Wares, or Merchandize whatſoever; and ſo in Proportion for a greater or leſs Weight, Quantity, or Number, contained in any Barge, Boat, Lighter, Veſſel, or Raft, navigated between *King's Lynn* and *Eau Brink* aforeſaid: And in caſe the ſaid Tolls or Duties ſhall not be paid on Demand, it ſhall be lawful for the ſaid Collector and Collectors, Officer and Officers, ſo to be appointed by the ſaid Commiſſioners for Navigation, or any Five or more of them, to ſeize and detain any ſuch Barge, Boat, Lighter, Veſſel, or Raft, and the Horſes or other Beaſts employed in haling or towing the ſame, or any of them, or any of the Goods, Horſes, or Beaſts, Tackle, or Things, on Board or belonging thereto, for the Payment of the ſaid Tolls; and if the ſaid Tolls ſhall not be paid within Five Days after ſuch Seizure made, then ſuch Officer and Officers ſhall and may ſell and diſpoſe of ſuch Diſtreſs and Diſtreſſes, or any Part or Parts thereof, and out of the Monies ariſing by ſuch Sale deduct the ſaid Tolls, together with the Charges attending ſuch Seizure, Detention, and Sale, rendering the Overplus, and what ſhall remain unſold, (if any), on Demand, to the Owner or Owners of ſuch Barge, Boat, Lighter, Veſſel, or Raft.

Table of Tolls to be hung up.

LXXX. And be it further enacted, That the ſaid Commiſſioners for Navigation ſhall, and they are hereby required to cauſe printed or written Tables of the ſaid Tolls to be fixed up in a conſpicuous Manner at the Place or Places where the ſaid Tolls ſhall be by them authorized and directed to be collected and paid.

Watermen to give Account of Cargoes to Collectors.

LXXXI. And be it further enacted, That every Waterman or other Perſon who ſhall at any Time navigate any Barge, Boat, Lighter, Veſſel, or Raft, upon the ſaid new River or Cut between *Eau Brink* and *King's Lynn* aforeſaid, ſhall, upon Demand made by any Collector or Collectors, give a juſt and true Account, according to the beſt of his Knowledge and

and Belief, of the Quantity, Number, and Species, of all ſuch Goods, Wares, and Merchandize, that ſhall be in ſuch Barge, Boat, Lighter, or other Veſſel, or towed thereto, and the Account being put into Writing by the ſaid Collector or Collectors, the ſaid Waterman or other Perſon ſhall ſubſcribe or put his Name or Mark to the ſame; and if he ſhall refuſe ſo to do, or ſhall deliver in a falſe or untrue Account, he ſhall for every ſuch Refuſal or untrue Account ſo by him delivered in, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, over and above the Tolls payable for ſuch Goods, Wares, and Merchandize, by virtue of this Act, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, by Warrant under the Hand and Seal of any One Juſtice of the Peace for the ſaid County of *Norfolk*; and in caſe the Perſon ſo offending ſhall not have ſufficient Goods and Chattels whereupon the ſaid Forfeiture can be levied, it ſhall be lawful for the ſaid Juſtice to commit the Perſon ſo offending to the Houſe of Correction, there to remain, without Bail or Mainprize, for the Space of One Month, or until the ſaid Forfeiture ſhall be paid.

Manure to be exempt.

LXXXII. Provided always, and be it further enacted, That Oil Cakes, (except Linſeed Cakes), Malt Duſt, Pigeons Dung, and all other Manure and Compoſt, of any Nature or Kind whatſoever ſhall have free Paſſage upon the ſaid new River or Cut, without Payment of any Toll; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Recital of 30 *Geo.* III, reſpecting haling on the Banks.

LXXXIII. And whereas, in and by an Act of Parliament, made and paſſed in the Thirtieth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for empowering Perſons navigating Boats, Barges, and other Veſſels, in the River* Ouze, *in the County of* Norfolk, *to hale or tow, with Horſes or other Beaſts, on the Banks or Sea Walls of the ſaid River, and for making Satisfaction to the Owners of the ſaid Banks or Sea Walls*, it is enacted, that if it ſhould there-after happen that the Courſe of the ſaid River ſhould be changed, and the preſent Banks ſhould be deſerted by the Waters, ſo as not to be haled or towed on with Horſes, and new Banks ſhould be raiſed, and uſed for the Purpoſe of haling or towing Boats, or other Veſſels, with Horſes or other Beaſts, then and in ſuch Caſe ſuch deſerted Banks ſhould ceaſe to be paid for under the ſaid recited Act, ſo long as the ſame ſhould continue free from ſuch haling and towing, and the ſeveral Owners of the reſpective ſubſtituted Banks, which may be towed or haled upon as aforeſaid, ſhould be entitled to a Recompence *per* Rod, according to the Diſtrict in which ſuch Bank might lie; and in caſe ſuch deſerted Banks ſhould by any future Alteration of the ſaid River be again haled or towed on, then the ſeveral Payments therein directed ſhould re-commence, and ſo *toties quoties*, ſo long as either or both of the ſaid Banks ſhould be haled or towed on with any Horſes or other Beaſts, and no longer, it being the Intention of the ſaid recited Act, that all Banks or Marſhes towed or haled on between the Town and Port of *King's Lynn* aforeſaid and *Denver Sluice* ſhould at all Times be paid for: And whereas, by the making of the ſaid new River or Cut, between *Eau Brink* and *King's Lynn* aforeſaid, and deſerting the old Channel of the *Ouze*, the Navigation will be carried on through the ſaid new River or Cut; but in Conſideration that a Tonnage of Four-pence *per* Ton will be paid for all Goods, Wares, and Merchandize paſſing through the ſaid new River or Cut, it is reaſonable that no Tolls ſhall be paid for haling on the Banks or Forelands of the ſaid new

River or Cut: Be it therefore further enacted, That all Goods, Wares, and Merchandizes, carried through the ſaid new River or Cut, on Board any Barge, Boat, Lighter, or Veſſel, and Rafts, towed or haled, by any Horſe or other Beaſt, upon the Banks or Forelands of the ſaid new River or Cut, ſhall paſs through and along the ſame without paying any Tax or Tonnage for haling on the Banks of the ſaid new River or Cut, under or by virtue of the ſaid recited Act; any Thing therein contained to the contrary notwithſtanding.

All Goods, *etc.* carried through the new Cut ſhall not pay any Tax for haling on the Banks thereof.

LXXXIV. Provided always, and be it further enacted, That the Owner or Owners of every Barge, Boat, Lighter, or Veſſel, which ſhall be haled or towed, by any Horſe or other Beaſt, upon the Banks or Forelands of the ſaid new River or Cut, and his and their Servants, ſhall be ſubject and liable to the ſame Rules, Regulations, Fines, Pains, and Penalties, as are in and by the ſaid laſt recited Act directed and fixed for the good Government and Order of the ſaid Owners and Servants; and all Offenders upon the ſaid new River or Cut, or the Banks thereof, ſhall and may be proceeded againſt in the ſame Manner as directed by the ſaid recited Act, againſt Offenders upon the ſaid River *Ouze*, or the Banks thereof.

Owners of Barges, *etc.* and Servants, liable to ſame Rules as they are by 30 *Geo.* III.

LXXXV. And be it further enacted, That the Monies to ariſe by or from the Tolls to be collected or to be raiſed by the Commiſſioners for Navigation by virtue of this Act, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners for Navigation, and they are hereby directed and required, in the Firſt Place, yearly and every Year, during the Continuance of the ſaid Tolls, to commence from the Day of opening the ſaid new River or Cut for Navigation, to pay to the ſaid Commiſſioners for Drainage, or their Treaſurer, by Half-yearly Payments, the Firſt Payment to be made at the End of Six Months after the ſaid new River or Cut ſhall be opened for Navigation, Three Fourth Parts of the Nett Monies ſo to be collected by Way of Tolls as aforeſaid, in Part of the Expences of obtaining this Act, and of making the ſaid new River or Cut, Ebb Doors, Staunches, Locks, and Sluices, and the Support and Maintenance of the ſame reſpectively; and the Remainder of the ſaid Monies yearly to ariſe from the ſaid Tolls, the ſaid Commiſſioners for Navigation are hereby directed and required to lay out in erecting Jetties, removing Sand Banks and Obſtructions, and in ſuch other Works as in their Judgement ſhall tend to the Improvement of Navigation.

Application of the Tolls.

LXXXVI. Provided always, and be it further enacted, That in all the Works to be erected or done under the Powers given by this Act, ſuch Means ſhall be uſed, and ſuch Matters and Things done and performed, for preventing any Detriment, Prejudice, or Hindrance whatſoever to the Drainage of the Lands or Grounds intended to be drained by virtue of this Act, and any Damage or Injury to any Works which ſhall be erected for that Purpoſe, as the aforeſaid Sir *Thomas Hyde Page* and *Robert Mylne*, or ſuch other Engineers as ſhall be appointed in their Place and Stead, as herein-before is mentioned, ſhall direct or require in that Behalf.

For preventing Detriment to the Drainage by Works for Navigation.

LXXXVII. And be it further enacted, That in all Caſes where the Corporation of *Bedford Level*, the ſeveral Commiſſioners for Drainage and Navigation, the Owners, Truſtees, or Bridge Reeves of the ſeveral Bridges, or the Owners of Lands, or other Perſons claiming Exemptions

If One Party refuſe to nominate an Engineer or Referree, the other Party may do it.

emptions from, or to be affected by the Taxation thereof, under or by virtue of this Act, are hereby jointly or severally authorized and required to nominate and appoint an Engineer or Engineers, Referree or Referrees, for the several Purposes herein-before mentioned, and the said Corporation, Commissioners, or other Person or Persons so authorized and required, shall, at any of the Meetings herein-before directed to be held for that Purpose, refuse, neglect, or decline, to nominate and appoint such Engineer or Referree, or to concur and join in such Appointment, in pursuance of and according to the true Intent and Meaning of this Act, then and in every such Case, and immediately after such Refusal or Neglect, it shall and may be lawful to and for the other or others of the said Corporation, Commissioners, or Persons aforesaid, to nominate and appoint such Engineers or Referrees as are required for determining and carrying into Effect the several Matters and Things to be referred to such Engineers or Referrees, by virtue of this Act; and the said Engineers or Referrees so to be appointed shall have full Power and Authority to elect and choose another, or Third, Engineer or Referree, and with such Engineer or Referree to view, order, settle, and determine, the several Works, Matters, and Things aforesaid, as fully and effectually, to all Intents and Purposes, as if the said Two Engineers or Referrees had been appointed by the several Parties herein-before named; and the Costs and Charges of the said Engineers and Referrees shall be borne and paid in the same Manner as if they had been appointed according to the Powers and Directions of this Act, any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

In case all Parties agree in One or Two Engineers, his or their Determination shall be final.

LXXXVIII. Provided always, and be it further enacted, That in all Matters herein-before referred to Engineers or Referrees, in case the Parties can agree in the Appointment of One Engineer or Referree, that then the Determination of that One Engineer or Referree so appointed shall be final; and in case the Two Engineers or Referrees herein-before directed to be chosen by the Parties severally can agree in their Determination, that then and in that Case no Third Engineer or Referree shall be appointed.

Commissioners for Drainage may borrow Money on Security of the Taxes, etc.

LXXXIX. And be it further enacted, That the said Commissioners for Drainage may, and they are hereby empowered, at any Meeting to be holden in pursuance of this Act, to borrow and take up at Interest any Sum or Sums of Money they shall think proper, not exceeding the Sum of Seventy thousand Pounds, upon the Credit of the Taxes payable by virtue of this Act, and on such Part of the Tolls as is herein-before directed to be paid to the Commissioners for Drainage, and also on the bare Sands and Channel herein-before vested in Trust for the said Commissioners for Drainage, and to mortgage, assign, and convey over the said Taxes, Tolls, bare Sands, and Channel, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals (the Charges of such Assignments and Conveyances to be paid out of such Taxes and Tolls, and the Rents of the said bare Sands and Channel) to any Person or Persons who shall advance and lend their Monies thereon, as a Security or Securities for the several Sums of Money that shall be so borrowed, and the Interest thereof; and the Money so to be borrowed on the said Taxes and Tolls shall be applied in such Manner, and for such Purposes only, as the Taxes and Tolls, bare Sands and Channel, so assigned and conveyed, are hereby directed to be applied, and the Money so to be borrowed on the said bare Sands and Channel shall be applied in such Manner, and for such Purposes only as herein-

before directed in reſpect to the Rents of the ſaid bare Sands and Channel; and that Copies of all ſuch Mortgages, Aſſignments, and Conveyances, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners for Drainage; but no Money ſhall be borrowed on the Credit of the ſaid Taxes, Tolls, Sands, and Channel, after the Firſt Meeting of the Commiſſioners for Drainage, unleſs Notice for that Purpoſe be inſerted Twice in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers, at leaſt Twenty-one Days before the borrowing of ſuch Money; and all and every Perſon or Perſons to whom any ſuch Mortgage, Aſſignment, or Conveyance, ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered from Time to Time, by an Indorſement under his, her, or their Hand or Hands, to be made on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer ſuch Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever; all which Aſſignments and Transfers ſhall be produced or notified to the Clerk of the ſaid Commiſſioners for Drainage within Thirty Days after the Date thereof, and ſuch Clerk ſhall cauſe an Entry or Memorial to be made of every ſuch Transfer, ſpecifying the Date thereof, and the Names, Additions, and Places of Abode, of the ſeveral Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witneſſes to the Execution thereof, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages, Aſſignments, or Conveyances, for which the ſaid Clerk ſhall be paid Two Shillings and Sixpence, and no more, by the Perſon or Perſons to whom ſuch reſpective Aſſignments or Transfers ſhall be made; which ſaid Book or Books may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling, and no more, ſhall be paid to ſuch Clerk for every ſuch Inſpection; and after ſuch Entry made, and not otherwiſe, ſuch Aſſignments or Transfers reſpectively ſhall entitle the Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and every ſuch Aſſignee may, in like Manner, aſſign again, and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities, or any ſuch Aſſignment or Aſſignments thereof, ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid Taxes, Tolls, Sands, and Channel, in an equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of Aſſignment, or of advancing ſuch Monies aforeſaid.

Securities may be transferred.

XC. And be it further enacted, That the ſaid Commiſſioners for Navigation may, and they are hereby empowered, at any Meeting to be holden in purſuance of this Act, to borrow and take up at Intereſt any Sum or Sums of Money they ſhall think proper, not exceeding in the Whole the Sum of Eight thouſand Pounds upon the Credit of the Fourth Part of the ſaid Tolls, by this Act authorized to be collected and made payable to them as herein-before is directed, and to mortgage and aſſign the ſaid Fourth Part of the ſaid Tolls, or any Part thereof, by any Writing or Writings under their Hands and Seals, (the Charges of ſuch Mortgages and Aſſignments to be paid out of ſuch Fourth Part of the ſaid Tolls),

Commiſſioners for Navigation may borrow Money on their Fourth Part of the Tolls.

Tolls), to any Perſon or Perſons who ſhall advance and lend their Money thereon, as a Security or Securities for the ſeveral Sums of Money that ſhall be ſo borrowed, and the Intereſt thereof; and the Money ſo to be borrowed ſhall be applied in ſuch Manner, and for ſuch Purpoſes only, as the Fourth Part of the ſaid Tolls ſo aſſigned is hereby directed to be applied; and that Copies of all ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners for Navigation, but no Money ſhall be borrowed on the Credit of the ſaid Fourth Part of the ſaid Tolls after the Firſt Meeting of the ſaid Commiſſioners for Navigation, unleſs Notice for that Purpoſe be inſerted Twice in the *Cambridge*, *Norfolk*, and *Suffolk*, Newſpapers, at leaſt Twenty-one Days before the borrowing of ſuch Money; and all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered, by an Indorſement under his, her, or their Hand or Hands, to be made on his, her, or their Security or Securities, or by any other Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, to aſſign over or transfer ſuch Security or Securities, or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever, all which Aſſignments and Transfers ſhall be produced or notified to the Clerk to the ſaid Commiſſioners for Navigation within Thirty Days after the Date thereof; and ſuch Clerk ſhall cauſe an Entry or Memorial to be made of every ſuch Transfer, ſpecifying the Date thereof, and the Names, Additions, and Places of Abode, of the ſeveral Parties, and the Sum or Sums therein mentioned to be transferred, and the Names, Additions, and Places of Abode, of the Witneſſes to the Execution thereof, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments, for which the ſaid Clerk ſhall be paid Two Shillings and Sixpence, and no more, by the Perſon or Perſons to whom ſuch reſpective Aſſignments or Transfers ſhall be made; which ſaid Book or Books may be inſpected at all ſeaſonable Times by any Perſon or Perſons whomſoever, and the Sum of One Shilling, and no more, ſhall be paid to ſuch Clerk for every ſuch Inſpection; and after ſuch Entry made, and not otherwiſe, ſuch Aſſignments or Transfers reſpectively ſhall entitle the Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and every ſuch Aſſignee may in like Manner aſſign again, and ſo *toties quoties*; and the Perſon or Perſons to whom ſuch Security or Securities, or any Aſſignment or Aſſignments thereof ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be Creditors upon the ſaid Fourth Part of the ſaid Tolls in an equal Degree one with another, and ſhall not have any Preference with reſpect to the Priority of Aſſignment, or of advancing ſuch Monies.

Treaſurer or Receiver to pay the Intereſt of the Monies borrowed, and alſo the Principal on Six Months Notice.

XCI. And be it further enacted, That the ſeveral Treaſurers of the ſaid Commiſſioners for Drainage and Navigation reſpectively, ſhall duly and regularly pay the Intereſt of all and every the ſaid Mortgages which ſhall be made or given by the ſaid reſpective Commiſſioners in purſuance of this Act as aforeſaid, by Half-yearly Payments as and when the ſame ſhall become due, and alſo the Principal Monies due on ſuch Mortgages, upon Six Calendar Months Notice in Writing, under the Hands of the reſpective Mortgagees or Obligees, their Executors, Adminiſtrators,

miniſtrators, or Aſſigns, being left for that Purpoſe at the Dwelling Houſe of the ſaid reſpective Treaſurers.

In Default of Payment, Taxes to veſt in Creditors.

XCII. Provided always, and be it further enacted, That in Default of Payment of the Intereſt due on ſuch reſpective Mortgages, or of the ſaid Principal Monies, after ſuch Notice as aforeſaid, the ſeveral Taxes, Tolls, bare Sands, and Channel before mentioned, or ſuch of them, or ſuch Part or Parts, Share or Shares thereof reſpectively, as ſhall have been made liable to and charged and chargeable with the ſaid reſpective Mortgages, ſhall thereupon reſpectively veſt in the Perſons entitled to ſuch Mortgages, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Nonpayment of the ſame; and the ſaid Mortgagees and Obligees reſpectively, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers, Rights, Privileges, and Remedies, of recovering, collecting, and receiving, the ſaid Taxes, Tolls, Sands, and Channel, or ſuch Share or Shares, Part or Parts, thereof, as ſhall be ſo veſted in them reſpectively, as the ſaid reſpective Commiſſioners for Drainage and Navigation, or their ſeveral Collectors or Receivers, could have had in caſe the ſaid Mortgages had not been made.

The Monies borrowed to be carried to certain Accounts.

XCIII. And be it further enacted, That all and every the Monies which ſhall be borrowed and raiſed on the ſaid ſeveral Mortgages and Securities aforeſaid, ſhall be carried and placed to the reſpective Accounts herein-before directed to be kept.

Application of the Money borrowed on the Taxes.

XCIV. And be it further enacted, That the Money to ariſe by or from the ſaid Taxes, Sands, and Channel, and the ſaid Three Fourth Parts of the ſaid Nett Tolls, and the Money to be borrowed by virtue of this Act, on the Credit thereof, and all Monies to ariſe by the Letting, or by Sale of the ſaid Sands and Channel, as herein-before mentioned, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act not hereby otherwiſe diſpoſed of, ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners for Drainage, and ſhall be by them applied and diſpoſed of in Manner following, (that is to ſay), in the Firſt Place in paying and defraying all reaſonable Charges and Expences which ſhall be incurred, incident to, and attending the obtaining and paſſing of this Act; and in the next Place, for and towards the ſeveral Works of Drainage, and other Works hereby directed to be done and executed by the ſaid Commiſſioners for Drainage, and towards the Support and Maintenance of the ſame, and of carrying the ſeveral Powers and Authorities herein-contained into effectual Execution, ſo far as affects the Works of Drainage; and then in Diſcharge of all Principal Monies to be borrowed on the Credit of this Act, with all Intereſt thereon.

For paying the Expences of the Act.

XCV. And be it further enacted, That for the better Aſcertainment of all ſuch reaſonable Charges and Expences incurred, incident to, and attending the obtaining and paſſing of this Act, as ought to be paid and defrayed, according to the true Intent and Meaning thereof, all Claims or Demands which ſhall be made for or in reſpect of any ſuch Charges or Expences ſhall be referred unto, and examined and ſettled by Five impartial and ſufficient Perſons, not being the Solicitors or Agents for either Party, to be nominated and choſen in Manner following; (that is to ſay), Two of them by the Commiſſioners for Drainage, and Two

of them by the Commiſſioners for Navigation; (which Nomination the ſaid Commiſſioners are hereby reſpectively authorized and required to make at their Firſt or Second Meeting to be held purſuant to the Directions of this Act, after the paſſing thereof), and the Fifth or remaining Perſon ſhall be choſen by the Four Perſons ſo to be nominated as aforeſaid; and the ſaid Commiſſioners ſo choſen and nominated, or the major Part of them, ſhall have Power, and are hereby authorized and required to examine and ſettle all Claims and Demands referred to, or laid before them, as ſpeedily as may be, and to allow ſuch as may appear to them to be reaſonable, ſignifying ſuch Allowance, or their Reaſons for diſallowing any ſuch Claim or Demands, if they ſhall ſee Cauſe ſo to do, by Writing under their Hands, upon ſuch Claims or Demands reſpectively, and alſo from Time to Time to nominate and chuſe ſome other impartial and ſufficient Perſon in the Place or Stead of any of them who may happen to die, or decline to act; and the ſaid Commiſſioners for Drainage ſhall not be authorized by this Act to pay or defray any Charges or Expences which may be claimed as incurred, incident to, or attending the obtaining and paſſing of this Act, other than and except ſuch as ſhall have been examined, ſettled, and allowed, to be reaſonable by the ſaid Commiſſioners ſo appointed as aforeſaid, or the major Part of them.

When borrowed Money is paid, the Commiſſioners for Drainage to inveſt the Monies ariſing from the Taxes in Parliamentary or other Securities.

XCVI. Provided always, and be it further enacted, That when all the Sums of Money which the ſaid Commiſſioners for Drainage are herein-before enabled to borrow upon the Credit of the ſaid Taxes, Tolls, Sands, and Channel, together with all Intereſt for the ſame, ſhall be paid off, and alſo all Expences of ſupporting the ſaid Banks, Tunnels, Sluices, Ebb Doors, Bridge Pens, and other Works, and incidental Charges, ſhall be paid and ſatisfied, then the ſaid Commiſſioners for Drainage ſhall from Time to Time, as they ſhall think convenient, inveſt ſo much of the Monies ariſing from the ſaid Taxes, Tolls, Sands, and Channel, as the Surpluſage will from Time to Time permit, in the Purchaſe of Parliamentary Securities, or Government Funds, in the Names of Three or more Perſons to be nominated and appointed by the ſaid Commiſſioners for Drainage, as Truſtees for them, and in like Manner ſhall apply the Intereſt ariſing from ſuch Securities or Funds; and ſuch Sums ſo to be inveſted ſhall be from Time to Time ſubject to the ſame Application as the Taxes, Tolls, Sands, and Channel, are ſubject to, whenever the Execution of the Truſts hereby repoſed in the ſaid Commiſſioners for Drainage ſhall ſo require.

Overplus Money to be applied as the Commiſſioners for Drainage ſhall direct.

XCVII. Provided alſo, and be it further enacted, That if at any Time after making the Inveſtment aforeſaid, for ſupporting the ſaid Works, there ſhall, in the Opinion and Judgement of the ſaid Commiſſioners for Drainage, be any Overplus Monies remaining in their Hands, then ſuch Overplus Monies ſhall be applied to ſuch other Works of Improvement in the ſaid Drainage, as they ſhall from Time to Time direct and appoint.

For forming a Fund for Support of Ebb Doors, Sluices, and Staunches.

XCVIII. And be it further enacted, That in caſe the ſaid Monies ſo to be inveſted as aforeſaid, and intended as a Fund for ſupporting the ſeveral Works herein-before mentioned, ſhould prove inſufficient for thoſe Purpoſes, it ſhall and may be lawful for the Commiſſioners for Navigation, at any Meeting ſubſequent to the Expiration of the ſaid Term of Ten Years herein-before limited for taking the ſaid Toll or Tonnage of Four-pence *per* Ton, ſuch Meeting being firſt advertiſed, at leaſt

Three Times, in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers, to collect a Toll or Tonnage in Manner aforeſaid, not exceeding Twopence *per* Ton, that a ſufficient Fund may be raiſed for renewing and ſupporting the ſaid Ebb Doors, Sluices, Staunches, and other Works neceſſary for the Preſervation and Improvement of the ſaid Navigation, with Power to diminiſh and totally ſuſpend the ſaid laſt mentioned Toll or Tonnage, from Time to Time, as they ſhall ſee Occaſion, firſt advertiſing in Manner aforeſaid ſuch Alteration, which ſaid laſt mentioned Toll or Tonnage ſhall be and is hereby veſted in the Commiſſioners for Navigation, and ſhall be by them applied for the ſole Purpoſe of renewing and ſupporting the ſaid Ebb Doors, Sluices, Staunches, and other Works neceſſary for the Preſervation and Improvement of the ſaid Navigation; and the ſaid Commiſſioners for Navigation are hereby empowered to raiſe and borrow, upon ſuch laſt mentioned Toll or Tonnage, ſuch Sum or Sums of Money as they ſhall think expedient, in the ſame Manner as is herein-before directed, with reſpect to the raiſing of Money on the ſaid Fourth Part of the Tolls reſerved to the Commiſſioners for Navigation: Provided always, that the ſaid laſt mentioned Toll or Tonnage ſhall not be ſuſpended when any Sum or Sums of Money which ſhall have been borrowed upon the Credit thereof, or any Intereſt due for the ſame, ſhall remain unpaid.

Tolls to be free from Taxes.

XCIX. And be it further enacted, That the ſaid ſeveral Tolls ſhall at all Times hereafter be exempted from the Payment of any Parochial or other Rates, Taxes, or Aſſeſſments whatſoever.

Saving Rights of Governors, &c. of *Bedford Level*.

C. Provided alſo, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners, appointed or to be appointed by virtue of this Act, 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 Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the Settling the Draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatſoever, or invalidate, leſſen, diminiſh, or take away, any of the Rights, Powers, or Authorities, veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators; but that all Rights, Powers, and Authorities whatſoever which, by virtue of the ſaid Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, or any other Act or Statute, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had not been made, ſave and except what is herein-before particularly directed and appointed by this Act to be done and executed by the Commiſſioners for Drainage and Navigation reſpectively.

Commiſſioners of Sewers not to exerciſe any Right over the new River

CI. And be it further enacted, That the ſaid Commiſſioners of Sewers for the County of *Norfolk* ſhall not, at any Time or Times hereafter, exerciſe any Right, Power, or Authority, over the ſaid new River or Cut, or

or Cut, or Banks thereof.

or the Banks thereof, or over any Dams to be made acroſs the preſent Channel, or over the Bridge to be made acroſs the ſaid new River or Cut.

Saving Rights of Commiſſioners of Sewers.

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

Reſerving Rights of Fiſhing, &c.

CIII. Provided, and it is enacted, That the Right of Fiſhing and Fowling in the ſeveral Cuts and Drains in *Marſhland* to be made purſuant to this Act, ſhall belong to the Lord or Lords, Owner or Owners of the Soil of the Commons or ſeveral Lands or Grounds in or through which ſuch Cuts or Drains ſhall be made, ſuch Owner or Owners being duly qualified by Law to uſe or exerciſe ſuch Right.

Commiſſioners may ſue or be ſued in the Name of their Clerk or Treaſurer.

CIV. And be it further enacted, That the ſaid reſpective Commiſſioners appointed or to be appointed by virtue of this Act, may and ſhall, in all Caſes, ſue or be ſued in the Name of their reſpective Clerk or Treaſurer, and that no Action which may be brought or commenced, or Indictment which may be preferred or proſecuted by or againſt the ſaid Commiſſioners, or any of them reſpectively, by virtue or on Account of this Act, in the Name of their reſpective Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch reſpective Clerk or Treaſurer, or by the Act of ſuch reſpective Clerk or Treaſurer, without the Conſent of the ſaid Commiſſioners, but the Clerk or Treaſurer to the ſaid Commiſſioners reſpectively, for the Time being, ſhall always be deemed Plaintiff, Proſecutor, or Defendant, in ſuch Action, Indictment, or Suit, as the Caſe may be: Provided always, that every ſuch Clerk or Treaſurer, in whoſe Name any Action, Indictment, or Suit, ſhall be commenced, preferred, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to, or become chargeable with, by reaſon of his being made Plaintiff or Defendant therein.

Penalty on Perſons wilfully placing Veſſels ſo as to obſtruct the Navigation.

CV. And be it further enacted, That if any Boat, Barge, Lighter, Veſſel, or Raft, ſhall be placed in any Part of the ſaid new River or Cut, ſo as to obſtruct the Navigation, and the Perſon or Perſons having the Care of ſuch Boat, Barge, Lighter, Veſſel, or Raft, ſhall not immediately, upon Requeſt to him or them for that Purpoſe made, remove the ſame, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Ten Shillings, nor leſs than Five Shillings, for every Hour ſuch Obſtruction ſhall continue; and it ſhall be lawful for any of the Agents or Servants of the Commiſſioners for Navigation to cauſe any ſuch Boat, Barge, Lighter, Veſſel, or Raft, to be removed in

ſuch Manner as ſhall be proper to prevent any ſuch Obſtruction, and to ſeize and detain ſuch Boat, Barge, Lighter, Veſſel, or Raft, until the Charges occaſioned by ſuch Removal ſhall be paid; and if any Boat, Barge, Lighter, or other Veſſel, ſhall be ſunk in the ſaid new River or Cut, and the Owner or Owners, Perſon or Perſons, having the Care of any ſuch Boat, Barge, Lighter, or other Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for any of the Agents or Servants of the ſaid Commiſſioners for Navigation to cauſe ſuch Boat, Barge, Lighter, or other Veſſel, to be weighed or drawn up, and to detain and keep, and after Five Days ſell and diſpoſe of the ſame, towards Payment of all Charges and Expences that may be neceſſarily occaſioned thereby, rendering the Overplus thereof (if any) to the Owner or Owners of the ſaid Boat, Barge, Lighter, or other Veſſel.

Veſſels ſunk may be weighed by the Commiſſioners for Navigation, at the Expence of the Owners.

CVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully prejudice the ſaid Navigation or Drainage, or damage or deſtroy any Towing Paths, Gates, Stiles, or other Works, to be erected or made for the Purpoſes aforeſaid, or ſhall put or throw any Ballaſt, Gravel, Sand, Stones, or Rubbiſh, into the ſaid new River or Cut, or any Watercourſes, to be made or maintained by virtue of this Act, he or they ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds, nor leſs than Ten Shillings.

Penalty on Perſons wilfully injuring Banks, Sluices, or other Works.

CVII. And be it further enacted, That all Fines, Penalties, and Forfeitures, which ſhall be impoſed by virtue of this Act, the Manner of levying and recovering whereof is not otherwiſe hereby particularly directed, ſhall, upon Proof of the reſpective Offences before any Juſtice of the Peace for the County, Iſle, Place, or Liberty, wherein the Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oath of One or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, or liable to pay the ſame, by Warrrant or Warrants under the Hand and Seal of ſuch Juſtice; and the Overplus, after ſuch Fines, Penalties, and Forfeitures, and the Charges of ſuch Diſtreſs and Sale are recovered and deducted, ſhall be returned, upon Demand, unto the Owner or Owners of ſuch Goods and Chattels; and the Monies ariſing from ſuch Fines, Penalties, and Forfeitures, when levied, ſhall, (if not herein otherwiſe directed to be applied), be paid into the Hands of the Treaſurer to the ſaid Commiſſioners for Drainage, One Moiety thereof to be paid to the Informer, and the other Moiety to be applied and diſpoſed of for the Purpoſes of the ſaid Drainage, and to and for no other Uſe or Purpoſe whatſoever; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Fines, Penalties, and Forfeitures, ſhall not forthwith be paid, it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County, Iſle, Place, or Liberty, where the Offence ſhall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Fines, Penalties, and Forfeitures, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Recovery and Application of the Penalties and Forfeitures.

CVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted

Manner of proceeding for Conviction of Offenders.

victed of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up in the following Form of Words; (*videlicet*):

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me, *C. D.* One of His Majeſty's Juſtices of the Peace for the County [Iſle, Place, *or* Liberty, *as the Caſe may be, ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*] Given under my Hand and Seal, the Day and Year aforeſaid.'

Proceedings not to be vacated for Want of Form; or removed by *Certiorari*.

Diſtreſs not to be deemed illegal for Irregularity.

CIX. And be it further enacted, That no Order, or other Proceeding to be made or had by or before any Juſtice of the Peace, or to be otherwiſe made or had in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed by *Certiorari* into any of His Majeſty's Courts of Record at *Weſtminſter*; and 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 Want of Form in the Summons, Conviction, 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 committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover Satisfaction for the ſpecial Damage, in an Action upon the Caſe.

Perſons aggrieved may appeal to the Quarter Seſſions.

CX. Provided always, and be it further enacted, That all and every Perſon or Perſons, who ſhall think himſelf, herſelf, or themſelves aggrieved by the Order or Determination of any Juſtice or Juſtices of the Peace, in purſuance of this Act (where ſuch Order or Determination is not declared to be final), may, within Three Calendar Months after ſuch Order ſhall have been made or given, appeal to the Juſtices of the Peace, at their next General Quarter Seſſions of the Peace to be holden in and for the County, Iſle, Place, or Liberty, in which ſuch Order or Determination ſhall be made, and not elſewhere, who ſhall either hear and determine the ſaid Appeal, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be holden for ſuch County, Iſle, Place, or Liberty, and if they ſee Cauſe, may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Order or Determination, and may alſo order ſuch Satisfaction as they ſhall think reaſonable to the Party injured by ſuch Order, Determination, or Appeal.

Juſtices empowered to adminiſter Oaths, and to act as a Juſtice though a Commiſſioner, except where intereſted.

CXI. And be it further enacted, That in all Caſes wherein Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon, for his or their more certain Information in the Matters then depending, and that any Juſtice of the Peace may act as ſuch in the Execution of this Act notwithſtanding his being a Commiſſioner: Provided always, that no Perſon ſhall act either as a Juſtice of the Peace or as a Commiſſioner, in any Caſe where he ſhall be perſonally intereſted.

CXII. And be it further enacted, That all and every Perſon and Perſons, who, in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners reſpectively, or before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications, as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm. Perſons giving falſe Evidence to be deemed guilty of Perjury.

CXIII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time hereafter maliciouſly cut, break down, burn, demoliſh, or deſtroy, any Bank, Engine, Flood Gate, Ebb Gate, Sluice, Tunnel, or Bridge, already made or erected, or which ſhall at any Time hereafter be erecting or making, or made or erected, ſupported or maintained, for anſwering any of the Purpoſes of this Act, every Perſon or Perſons ſo offending, being thereof convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the Court by or before whom any ſuch Perſon ſhall be tried, ſhall have Power and Authority to cauſe ſuch Perſon to be puniſhed in like Manner as Felons are directed to be puniſhed by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment ſuch Court may, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petit Larceny; and if any Perſon or Perſons ſhall maliciouſly ſtop, dam up, demoliſh, damage, or deſtroy, any River, Drain, Watercourſe, Door, Dam, Bridge, or other Work or Works already made or erected, or which ſhall at any Time or Times hereafter be making or erecting, or made or erected, ſupported or maintained, for anſwering the Purpoſes aforeſaid, every Perſon or Perſons ſo offending, being thereof convicted before any Two or more Juſtices of the Peace for the County, Iſle, Place, or Liberty aforeſaid, wherein ſuch Offence ſhall be committed (who are hereby required to hear and determine the ſame), on the Oath of Two or more credible Witneſſes, ſhall forfeit any Sum not exceeding One Hundred Pounds, nor leſs than Fifty Pounds, to the ſaid Commiſſioners for Drainage, or their Succeſſors, to be applied for the Purpoſes of this Act, and in Default of Payment thereof, the Perſon or Perſons ſo offending ſhall be ſent to the Houſe of Correction of the County, Iſle, Place, or Liberty, where ſuch Offence ſhall be committed, there to be kept to hard Labour for ſuch Time as ſuch Juſtices ſhall order and direct, not exceeding Six Calendar Months. Puniſhment for deſtroying Works.

CXIV. And be it further enacted and declared, That if any Action, Suit, or Information, ſhall at any Time or Times be commenced, brought, or proſecuted, againſt the ſaid Commiſſioners reſpectively hereby appointed, or their Succeſſors, or any of them, or againſt any other Perſon or Perſons, for any Thing done or to be done in purſuance of this Act, or in Execution of any of the Powers and Authorities hereby given, or of any of the Purpoſes hereof, every ſuch Action, Suit, or Information, ſhall be commenced or proſecuted within Twelve Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the ſaid Counties of *Huntingdon*, *Cambridge*, *Suffolk*, *Norfolk*, or One of them, or in the ſaid Iſle of *Ely*, and not elſewhere; and the Defendant or Defendants in every ſuch Action, Suit, or Information, ſhall and may plead the General Iſſue, Not Guilty, and if in Replevin, may juſtify and avow by virtue of this Act, Limitation of Actions. General Iſſue.

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as Perſons acting under the Authority of Commiſſioners of Sewers are enabled to do, and give this Act and the ſpecial Matter in Evidence without ſpecially pleading the ſame at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action, Suit, or Information, ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; and in ſuch Caſe, or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or if any Judgement ſhall be given againſt him, her, or them, upon Demurrer or otherwiſe, then 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 like Remedy as where Coſts by Law are awarded.

Double Coſts.

Saving the Rights of the Corporation of *Lynn*.

CXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, defeat, invalidate, alter, or leſſen in anywiſe howſoever, any of the Royalties, Juriſdictions, Powers, Rights, Liberties, Franchiſes, Privileges, or Revenues, given, granted, or reſerved, to the Mayor and Burgeſſes of the Borough of *King's Lynn* aforeſaid, in and by an Act of Parliament paſſed in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act for the better Regulation and Government of the Pilots conducting Ships and Veſſels to and out of the Port of* King's Lynn, *and of the Bridgemen conducting Gangs of Lighters or Barges to and from the ſame, and for laying down Moorings in the Harbour of the ſaid Port, and for preventing Miſchiefs by Fire therein*, or which have been heretofore given, granted, enjoyed, exerciſed, uſed, received, or taken, by the ſaid Mayor and Burgeſſes, under and by virtue of any Charter, ancient Uſage, Preſcription, or Cuſtom whatſoever, ſave only and except ſuch Royalties, Juriſdictions, Powers, Rights, Liberties, Franchiſes, Privileges, and Revenues, as the ſaid Mayor and Burgeſſes might have enjoyed, exerciſed, uſed, received, and taken, in, over, and upon ſuch Part of the River *Ouze* as will be ſhut up in purſuance of this Act, and that in lieu thereof the ſaid Mayor and Burgeſſes ſhall and may have, enjoy, exerciſe, uſe, receive, and take, ſuch and the ſame Royalties, Juriſdictions, Powers, Rights, Liberties, Franchiſes, Privileges, and Revenues, in, over, and upon, the aforeſaid new River or Cut to be made in purſuance of this Act, as they might have had, enjoyed, exerciſed, uſed, received, and taken, in, over, and upon ſuch Part of the ſaid River *Ouze* as ſhall be ſo ſhut up as aforeſaid, in caſe this Act had not been made, ſave only and except that no Perſon or Perſons who ſhall uſe or navigate any Boat, Barge, or Veſſel, between *Saint German's Bridge* and the Harbour of *King's Lynn* aforeſaid, ſhall be compelled or compellable to take on board or employ any Bridgeman, Bargeman, or Pilot, appointed or to be appointed under or by virtue of the ſaid recited Act.

Publick Act.

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

FINIS.