

Who shall be
Commissioners.

Drainage can be fully effected, and the said Lands and Fen Grounds cannot be drained without the Aid and Authority 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 is or shall, for the Time being, be the Owner or Proprietor of Twenty Acres (Statute Measure) of the Lands and Grounds hereby intended to be drained, or who shall be Trustee, Committee, or Guardian for any Person having Twenty Acres of the said Lands and Grounds, shall be and is hereby appointed a Commissioner for executing this Act during so long Time as such Person shall continue such Owner, Trustee, Committee, or Guardian; and where Two or more Persons shall be the Owners, as Coparceners, Joint Tenants, or Tenants in Common, of Twenty Acres of Land as aforesaid, such Persons shall be considered as One Commissioner, and shall have but One Vote as such, to be given as hereinafter mentioned; but if any Persons shall be Owners, as Coparceners, Joint Tenants, or Tenants in Common, of more than Twenty Acres of Land, then, if upon a Partition they respectively would be entitled to separate Allotments of Twenty Acres of Land each, they shall all be Commissioners and have separate Votes; or if any of them would be entitled to separate Allotments or a separate Allotment of Twenty Acres of Land, and the other or others to a less Quantity, then and in such Case the Person or Persons who would be entitled to a separate Allotment or to separate Allotments of Twenty Acres of Land shall be a Commissioner or several Commissioners, and entitled to distinct Votes, and the other Person or Persons shall only have One Vote in respect of the Shares which, added together, would entitle the Owners, upon a Partition, to separate Allotments, amounting in the Whole to Twenty Acres or more of Land; or if such Share or Shares would not entitle the Owner or Owners to an Allotment or Allotments amounting to Twenty Acres of Land, such Person or Persons shall not be a Commissioner; and where several Persons shall be entitled to only One Vote, such Person shall not be entitled to act personally, but may by Writing, by them signed, appoint some One of themselves or some other Person to act as their Deputy.

Power to appoint Deputies.

II. Provided always, and be it further enacted, That the respective Lord or Lords, Lady or Ladies, for the Time being, of the several Manors within the Parishes of *Outwell, Stow Bardolph, Wimbotsham, and Downham*, and the respective Rectors and Vicars for the Time being of the Parishes aforesaid, and every Person, being the Owner of Forty Acres of the Lands or Grounds hereby intended to be drained, shall and may, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think fit, appoint an Agent or Deputy to act in his or her Absence as a Commissioner; and such Agent or Deputy shall and may, in the Absence of the Person by whom he shall be appointed, act as a Commissioner 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 were personally present.

No Person holding a Place of Pro-

III. Provided also, and be it further enacted, That no Person holding any Place of Profit under the said Commissioners shall act as a Commissioner,

tioner, or as a Deputy for any Commissioner, under and by virtue of this Act. fit to act as a Commissioner.

IV. And be it further enacted, That if any Person or Persons, not being qualified as aforesaid, (other than and except such Person or Persons as shall or may be appointed by virtue of the Powers aforesaid to vote and act at any of the said Meetings for any of the said Commissioners,) shall presume to act as a Commissioner or Commissioners in the Execution of this Act, he or she shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered with full Costs of Suit by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster* by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparance shall be allowed, and in which Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he or she shall prove in his or her Defence that he or she was, at the Time of his or her so acting, qualified according to the true Intent and Meaning of this Act. Penalty on acting, not being qualified.

V. And be it further enacted, That Five Commissioners shall constitute a Meeting, and that the Orders and Determinations of the Majority of the Commissioners present at any Meeting shall be considered as the Act of the Commissioners; and that the First Meeting of the said Commissioners shall be held at the *Queen's Head* in *Downham* aforesaid, on the *Thursday* Month after the Day of the passing of this Act, at Eleven of the Clock in the Forenoon; and that the said Commissioners shall meet Once in every Year, (to wit,) on the Third *Thursday* in the Month of *May*, and may from Time to Time appoint any other Meetings to be held, and then adjourn such Meetings from Time to Time; and that their said Meetings (except their First Meeting, which is to be held at the *Queen's Head* in *Downham* aforesaid) may be held at such Place within either of the Parishes of *Outwell* or *Downham* aforesaid, as the said Commissioners shall from Time to Time appoint; and that in case Five Commissioners shall not be present at the Place and Time appointed for holding the said First or any of the said General or other Meetings, or the said Commissioners shall omit to adjourn such Meetings, then it shall and may be lawful for any Two or more of the said Commissioners, or for the Clerk to the said Commissioners, to adjourn such Meeting to a Time not exceeding Thirty Days from the Time the last Meeting was appointed, and to the same Place where the same was appointed to be holden, of which Adjournment Public Notice shall be given in One of the *Norwich* and One of the *Cambridge* Weekly Newspapers; and no Act, except as hereinafter mentioned, shall be valid as an Act of the Commissioners, unless it shall be done or ordered at some Meeting held under the Authority of this Act; but it shall be lawful for any Three Commissioners from Time to Time to call Special Meetings of the said Commissioners. Times and Places of Meeting of the Commissioners.

VI. Provided always, and be it further enacted, That no Order or Determination made or come to at any Meeting of the said Commissioners shall be revoked or annulled but at a subsequent Meeting, at which Nine Commissioners at least shall be present and consent thereto, not unless Orders not to be revoked but at subsequent Meetings.

unless Fourteen Days Notice of such Meeting (and which Notice shall state the Object of such Meeting) shall be affixed on the Church Doors of the several Parishes of *Outwell, Stow Bardolph, Wimbotsham,* and *Downham* aforesaid, and Notice thereof be also given in One of the *Norwich* and *Cambridge* Newspapers; and that no Special Meeting of the said Commissioners shall be held without like Notice being given thereof, signed by the Commissioners who shall call such Meeting.

Expences of Meetings.

VII. Provided also, That no greater or larger Sum of Money than Two Pounds in the Whole shall be paid or allowed out of the Monies to be raised by virtue of this Act, for the Expences of the Commissioners at any One of the General Meetings to be held under or by virtue of this Act, or more than One Pound for the Expences of the Commissioners at any Adjourned or Special Meeting.

Commissioners Power to make Works, &c.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits aforesaid, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works as they shall think necessary for the better and effectual draining of the said Lands and Grounds; and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and also over all and singular the Cuts, Drains, Dams, Headings, Outlets, and other Works already made or set up, or maintained and kept in Repair by the Dikereeve or Dikereeves, Expensitor or Expensitors, or other Officer or Officers appointed by and acting under the Authority of the Commissioners of Sewers, within the Limits of the Lands and Grounds aforesaid; and also to widen, deepen, alter, repair, rebuild, and enlarge the same for the better and effectual draining of the said Lands and Grounds: And that it shall and may be lawful to and for the said Commissioners acting under and by virtue of this Act, and they are hereby authorized and empowered from Time to Time to divide off, take, and use such Lands and Hereditaments within the Limits and Bounds aforesaid as they shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Forelands, Reservoirs, or other Works, under and by virtue of this Act, or which they the said Commissioners shall deem proper and requisite; and also from Time to Time and at all Times to dig, cut, take, and carry away any Earth, Flag, or other Soil from the Lands or Grounds aforesaid, or from the Waistes, Roads, and Ways thereto adjoining, for the making, supporting, or repairing the Banks and Works aforesaid, they doing as little Damage as may be, and making such Satisfaction for the same as is hereinafter mentioned.

but not to extend to the *Old Podyke* Bank.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the Commissioners under this Act, or any Person or Persons acting under them, to have or exercise any Right, Power, Authority, or Jurisdiction in, upon, or over the said *Old Podyke* Bank, or the Forelands thereof; or to cut or take any Flag, Earth, or other Materials therefrom, or in any Manner to lessen, diminish, or injure the said Bank or Forelands, or to make any Works of Drainage in or upon the Drain running on the South Side of the said

Podyke Bank, that shall in any Manner injure or Damage the said Bank or Forelands; but that the said Commissioners shall at all Times hereafter maintain and keep the said Drain as a good and sufficient Boundary Fence against the said *Podyke* Bank and Forelands.

X. Provided always, and be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out and allot of and from the said Lands and Grounds abutted and bounded as aforesaid a Foreland on the North-West Side of the *Tongs Drain* Bank, along the same, not less than Sixty Feet wide from the Foot of the said Bank, and to make a good and sufficient Ditch not less than Nine Feet wide at the Top, and Five Feet wide at the Bottom, on the Northern Boundary of the said Foreland, and the said Foreland shall at all Times thereafter be kept and preserved by the said Commissioners as Pasture or Grass Land, and shall not at any Time thereafter be cut, dug, taken, or carried away, or any Earth, Flag, or other Materials taken therefrom by the said Commissioners, or any of their Officers or Servants, or any other Person or Persons whomsoever, on any Account or Pretence whatsoever; but the Grass and Herbage of the said Foreland shall from Time to Time be let by the said Commissioners in Manner hereinafter directed.

To set out a Foreland on the North Side of the *Tongs Drain* Bank.

XI. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Proprietors of, and Persons interested in any Lands, Tenements, or Hereditaments, which the said Commissioners shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Forelands, Reservoirs, or other Works, under and by virtue of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietor and Persons interested for the Damages they may sustain; and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises: And it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestui que* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons who are or shall be seized or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners under this Act for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding: And all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that

Commissioners may agree for the Purchase of Lands, or Satisfaction for Damages.

Bodies Politic, &c. may contract for the Sale of Lands, or Compensation for Damages.

Persons refusing or neglecting to treat,

Commissioners may apply to the Sessions to ascertain Value of Land and Amount of Damages.

The Justices to cause the Jury to assess Damages.

Witnesses to be summoned.

Justices to give Judgment;

the same to be final.

any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Fourteen Days after Notice in Writing given to the Principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may, and they are hereby authorized and empowered, Fourteen Days at least before any General Quarter Sessions of the Peace to be holden for the said County of *Norfolk* within Twelve Calendar Months after the Lands or Grounds shall have been used or the Damage done, to give or cause to be given to the Party or Parties whose Land or Ground shall have been used, or who shall have sustained such Damage or Injury, or leave or cause to be left at his, her, or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Land or Ground, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions, or at the next or subsequent Adjournment thereof, shall and are hereby authorized and required to charge the Jury which shall attend at such Sessions or Adjournment, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Sheriff of the said County, and cause them to be sworn well and truly on their Oaths to assess the Value of the Land or Ground, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Bodies Politic, Corporate, or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests, to which said Juries the said Commissioners, and all Parties interested in the said Lands, shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for the said County is hereby authorized and empowered, upon Application made to him by any of the Parties interested, by Subpœna or Summons under his Hand, to call before the Justices at such Sessions, or the Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching or concerning the Premises; and the said Jury upon their Oaths (which Oaths, and also the Oaths to be taken by the Persons who shall appear or be summoned to be examined and give Evidence as aforesaid, the said Justices at their said Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for the said Land or Ground, or for any Damage or Injury which shall have been done as aforesaid to the respective Person or Persons, Bodies Politic, Corporate, or Collegiate, or Owner or Owners thereof; and the said Justices shall and may give Judgment according to the Verdict of the said Jury, which Verdict of the said Jury, and the Judgment thereupon declared and pronounced by the said Justices, shall finally bind and be conclusive to the said Commissioners and all Persons and Parties interested in the said Lands or Grounds, and shall be entered and kept among the Records of the Quarter Sessions for the said County; and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said County,

County, shall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Persons may have recourse thereto, and take Copies thereof or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

XII. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on the Behalf of the said Commissioners before the Notice of the intended Application to be made to the said Sessions, for or in respect of any of the Matters aforesaid, that then all the Expences of such Application, including the Charges of Witnesses, shall be paid by the said Commissioners out of the Rates and Taxes 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 so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments, and Premises upon or in respect of which such Application shall have been made.

Expences of the Jury and Witnesses, by whom to be paid.

XIII. And be it further enacted, That in case any Lands to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the Commissioners for the said intended Drainage, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Commissioners are hereby authorized and required, to pay such Sum or Sums of Money after the same shall have been so agreed for and adjusted, or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the Principal Money that shall be due upon such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

For paying off Mortgages on Lands used by the Commissioners.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at their First Meeting to be held after the passing of this Act, or at any Adjournment thereof, and from Time to Time at their General Meeting in every succeeding Year, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said Lands and Grounds abutted and described as aforesaid, (except the Lands and Grounds lying in the Parish of *Outwell* aforesaid, in *Great Sandyfield* and *Little Sandyfield*;) by an equal and proportionate Acre Tax, in such Rate or Sum of Money as the said Commissioners shall think proper, not exceeding the Sum of Three Shillings and Sixpence *per Acre* in each Year: And also that it shall and may be lawful to and for the said Commissioners at their said First Meeting, or at any Adjournment thereof, and from Time to Time at their said General Meeting in every succeeding Year, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers,

Taxes to be laid.

piers, of all and singular the Lands and Grounds lying in *Little Sandyfield* aforefaid, by an equal and proportionate Acre Tax, in fuch Rate or Sum of Money as they fhall think proper, not exceeding the Sum of One Shilling and Nine-pence *per* Acre in each Year; and alfo to affefs, rate, tax, and charge all and every the refpective Owner or Owners, Occupier or Occupiers, of all and singular the Lands and Grounds lying in *Great Sandyfield* aforefaid, by an equal and proportionate Acre Tax, in fuch Rate or Sum of Money as they fhall think proper, not exceeding the Sum of Ten Pence Halfpenny *per* Acre in each Year; which faid feveral Rates, Taxes, and Charges fhall be paid to fuch Perfon or Perfons, at fuch Time or Times, and in fuch Manner and Form, and under fuch Penalties for Non-payment, not exceeding One Penny for each Shilling unpaid, as the faid Commiffioners fhall at any of their General Annual Meetings to be held under this Act order and direct.

Proportion of Taxes to be laid on the Lands in *Little Sandyfield* and *Great Sandyfield*.

XV. Provided always, and be it further enacted, That the Rates and Taxes to be laid from Time to Time on the faid Lands and Grounds lying in *Little Sandyfield* fhall not be more or lefs in any Year than One Moiety of the Acre Tax to be rated, affeffed, and charged on the other Lands and Grounds intended to be drained by virtue of this Act lying on the Eaft Side of *Little Sandyfield* aforefaid; and that the Rates and Taxes to be laid from Time to Time on the faid Lands and Grounds lying in *Great Sandyfield* fhall not be more or lefs in any Year than One Fourth Part of the Acre Tax to be rated, affeffed, and charged on the faid other Lands and Grounds intended to be drained by virtue of this Act lying on the Eaft Side of *Great Sandyfield* aforefaid; and that no Acre Tax fhall be laid for or in refpect of the faid Lands and Grounds in *Little Sandyfield* or *Great Sandyfield* in any Year when a Rate or Affeffment fhall not be made by virtue of this Act for or in refpect of the faid other Lands and Grounds comprifed in this Act.

Part of the Taxes to be applied in Discharge of Monies to be borrowed.

XVI. And be it further enacted, That the faid Commiffioners fhall and may, and they are hereby authorized and required from Time to Time to fet apart, appropriate, and apply One full and equal Seventh Part of all the Rates, Taxes, Charges, and Affeffments that fhall be raifed, collected, and received under and by virtue of this Act for and towards paying off and difcharging the Principal Monies to be borrowed under the Authority of this Act, until all fuch Principal Monies fhall be fully paid and difcharged; and that a feparate and diftinct Account fhall be kept by the faid Commiffioners of the faid Seventh Part of the faid Rates and Taxes fo to be appropriated as aforefaid, and the fame fhall from Time to Time be paid and applied for the Purpofes aforefaid, and for no other Ufe, Intent, or Purpote whatfoever.

Lands to be furveyed.

XVII. And be it further enacted, That on or before the Twenty-ninth Day of *September* next after the paffing of this Act, or as foon after as conveniently may be, all and singular the faid Lands and Grounds fo abutted and defcribed as aforefaid fhall be truly and diftinctly furveyed and meafured by fuch Perfon or Perfons as the faid Commiffioners at any of their faid Meetings fhall nominate and appoint for that Purpofe, and that fuch Survey fhall be put into Writing, and fhall contain the Number of Acres, Roods, and Perches, in Statute Meafure, belonging to each of the Proprietors or Owners of fuch Lands and Grounds; and that Two Maps thereof,

thereof shall be made, and One of such Maps shall be left in the Hands of the Clerk and the other in the Hands of the Treasurer for the Time being to the said Commissioners, or in the Hands of such other Persons and in such Places as the said Commissioners shall at any of their Annual Meetings order and direct; and that the said Survey shall, as soon as may be after the same shall be completed, be verified at any of the Meetings of the said Commissioners by the Oath of such Person or Persons as shall so make the same; which Oath the said Commissioners, or any One or more of them, is or are hereby empowered to administer; and that the said Map shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantity of the said Lands and Grounds belonging to each of the Owners and Proprietors thereof.

XVIII. And, to the End that the said Rates and Taxes may be more easily and effectually collected and recovered, Be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed or rated by virtue of this Act shall, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed or rated on the respective Lands and Grounds in their Occupation, and to deduct and retain out of his, her, or their Rent all such Sum and Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deduction and Payment upon Receipt of the Residue of their Rents, and that every such Tenant or Occupier paying such Assessment or Rate shall be acquitted and discharged of so much Money as the said Assessment and Rate so paid by them shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

Tenants to pay Taxes, and deduct out of their Rents.

XIX. Provided always, and be it further enacted and declared, That no Lessee or Tenant of any Lands or Grounds charged with the Rates, Taxes, or Assessments hereby authorized to be imposed, 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 by virtue of or under any other Lease or Agreement, of which said other Lease or Agreement at the Time of passing this Act there shall be more than Nine Years to come and unexpired, shall be entitled to deduct the said Rates, Taxes, or Assessments chargeable by this Act, or any of them, out of the Rent reserved or payable by any such Lease or Agreement, but that the said Rates, Taxes, and Assessments, shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid; and that all and every Lessee or Lessees, Tenant or Tenants, of any Lands or Grounds, authorized to deduct the said Rates, Taxes, or Assessments from his, her, or their Rent, shall pay such an Advance of Rent as the said Commissioners shall order as a Conversion for the Benefit which such Tenant or Tenants shall or may receive by Means of this Act.

Lessees not to be allowed to deduct Taxes.

XX. And be it further enacted, That in case Default shall be made by any Person or Persons assessed, rated, taxed, and charged as aforesaid, in his, her, or their respective Payments, by the Space of Thirty Days after the Time appointed for the Payment thereof, and after the same shall have

Manner of recovering Rates.

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been demanded by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand left at the usual Place of Abode of the Person or Persons who is, are, or ought to pay the same, if such Place of Abode shall be in any of the said Parishes of *Outwell, Stow Bardolph, Wimbotsham, and Downham*, or if such Person or Persons shall not have any Place of Abode within any of the said Parishes, then after the said Payment shall have been demanded by the said Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand affixed upon the Church Door of the Parish where such Lands and Grounds, or any Part thereof, shall lie, it shall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners, (which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby empowered and required to make and give as there shall be Occasion, either at a Meeting of the Commissioners or at any other Time,) to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in Possession of such Person or Persons as shall make Default in Payment as aforesaid, and all the Messuages or Tenements thereupon standing, and to levy the Sum or Sums of Money by him, her, or them payable for such Rate or Tax, with the Penalty, if any incurred thereon, by Distress of the Goods, Chattels, and Cattle which shall be there found, and the Goods, Chattels, and Cattle to impound, keep, sell, and dispose of in the same Manner as by Law is to be done with respect to Distresses for Rent.

Lands untenanted to remain a Security for Taxes.

XXI. Provided always, and be it further enacted, That in case any of the said Lands or Grounds hereby made chargeable with any Rate, Tax, or Assessment shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be made for levying the said Rates and Taxes, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle which shall at any Time thereafter be found thereon shall and may be distrained, impounded, kept, and sold in Manner aforesaid, till all Arrears of the said Rates and Taxes, and the Charges incident to such Distress, shall be fully paid and satisfied.

Power for Commissioners to let Lands for Payment of Taxes in Arrear.

XXII. Provided also, and be it further enacted, That in case any of the said Lands or Grounds hereby made chargeable with any Rate, Tax, or Assessment to be laid by virtue of this Act shall remain untenanted or unoccupied for the Space of Twelve Calendar Months, so that no sufficient Distress can be made for levying the said Rates and Taxes, and there shall remain One Year's Tax in Arrear for and in respect of the said Lands, then and in every such Case it shall and may be lawful to and for the said Commissioners, from Time to Time, at any of their subsequent Meetings to be holden by virtue of this Act, (Ten Days previous Notice being given in One of the *Norwich* and One of the *Cambridge Weekly Newspapers* of such Meeting, and of the Lands to be then let by Auction,) to demise and let by Public Auction, for the Space of One or more Year or Years until the said Rates and Taxes shall be fully paid, all and singular the said Lands and Grounds for which the said Taxes shall be so in Arrear, to such Person or Persons and under such Terms and Conditions as the said Commissioners shall think proper; and that the said Commissioners, or their Collector or other Officer, shall from

from Time to Time receive and take the Rents, Issues, and Profits of all the said Lands and Grounds, and apply the same in Payment of the said Rates and Taxes, and all such Charges and Expences as may be incurred in letting the same, until all the said Rates, Taxes, Charges, and Expences shall be fully paid and discharged.

XXIII. Provided also, and be it further enacted, That in case it shall happen that after the Expiration of Three Years from the Time of letting any of the said Lands or Grounds by Auction as aforesaid, and Receipt of the Rents and Profits thereof during that Time, there should remain One Year's Tax in Arrear in respect of the said Lands, then and in every such Case it shall and may be lawful to and for the said Commissioners at any of their Meetings to be holden by virtue of this Act, after the Expiration of the said Term of Three Years, (Twenty Days previous Notice being given in One of the *Norwich* and One of the *Cambridge* Weekly Newspapers, and a like Notice being affixed on the Church Door of the Parish where such Lands may lie, of such Meeting, and of the Lands then to be offered for Sale by Auction,) to sell by Public Auction to any Person or Persons all such or so much of the said Lands and Grounds remaining in Arrear for the said Rates and Taxes as may be necessary for raising Monies sufficient to pay and discharge the said Rates and Taxes, and the Expences attending such Sale; and that it shall be lawful for the said Commissioners, or any Three of them, to convey the said Lands and Grounds so sold to the Purchaser or Purchasers thereof, and his, her, or their Heirs, free from all Right, Interest, Claims, and Demands of the Owner or Owners thereof, (but subject to the Rates and Taxes to be from thenceforth laid thereon by virtue of this Act,) and the said Commissioners shall from Time to Time apply the Monies arising from such Sale or Sales in Payment and Satisfaction of the said Taxes so in Arrear, and the Expences attending the Sale of the said Lands.

Power for Commissioners to sell Lands for Payment of Taxes in Arrear.

XXIV. And forasmuch as the said Assessments, Rates, and Taxes so to be charged and collected as aforesaid will not be sufficient to defray the immediate Expences of making the several Works necessary for the speedy Improvement of the said Lands and Grounds; Be it further enacted, That the said Commissioners, or any Three or more of them, shall and may, and they are hereby empowered from Time to Time, pursuant to an Order for that Purpose to be made at any General Meeting of the said Commissioners, at which Seven Commissioners shall be present and concur, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Eight Thousand Pounds, which they shall think necessary for the making, carrying on, and maintaining the said Works, and by Writing under their Hands and Seals to mortgage or assign the Assessments, Rates, Taxes, and Sums of Money to be charged by the Authority of this Act (the Costs and Charges of such Mortgage or Assignment to be paid out of the said Taxes) for any such Term or Number of Years, and in such Manner and Form as to the said Commissioners, or any Three or more of them, shall seem meet as a Security for any such Sum or Sums of Money so borrowed to such Person or Persons, his, her, or their Trustee or Trustees, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*; and that Copies of such Mortgages and Assignments

For borrowing Money by Mortgage of Taxes not exceeding 8000 £.

Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners: And that it shall and may be lawful for all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, to assign or transfer his, her, or their Mortgage or Security and Right to the Principal Money and Interest thereby secured; and that such Assignment or Transfer shall be notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the said Clerk or Clerks shall cause an Entry or Memorial thereof to be made, containing the Date of such Assignment or Transfer, the Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be assigned or transferred in the said Book or Books to be kept for entering the original Mortgages or Assignments, for which he or they shall be paid the Sum of Two Shillings and Six Pence and no more; and that after such Entries shall be made, such Assignment or Transfer shall entitle such Assignees to the Benefit and Payment thereon; and that every such Assignee shall and may in like Manner from Time to Time assign or transfer his, her, or their Right and Interest therein and thereto; and all and every Person and Persons to whom any such Mortgage, Transfer, or Assignment shall be made as aforesaid, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said Assignments, Rates, Taxes, and Sums of Money, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Money; and that the said Money so borrowed shall be applied in the first Place towards paying and discharging the Costs, Charges, and Expences of obtaining and passing this Act, and afterwards in making, effecting, and maintaining the several Works and Things to be done under and by Authority of this Act, and lastly in Payment of the Debts to be due and payable out of the Taxes chargeable by this Act.

Power to
borrow
3000l. upon
Annuities.

XXV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, and they are hereby empowered pursuant to an Order for that Purpose to be made at any of their General Meetings, at which Seven Commissioners shall be present and concur, to borrow any Part of the said Sum of Eight Thousand Pounds hereinbefore authorized to be borrowed, not exceeding in the Whole the Sum of Three Thousand Pounds, by way of Annuity upon Lives, and for that Purpose by Writing under their Hands and Seals to grant and demise the Assignments, Rates, Taxes, and Sums of Money to be charged by the Authority of this Act, (the Costs and Charges thereof to be paid out of the said Taxes,) to any Person or Persons for the Term of his, her, or their Life or Lives, or the Life or Lives of his, her, or their Nominee or Nominees, and in such Manner and Form as to the said Commissioners, or any Three or more of them, shall seem meet, as a Security for such Annuity or Annuities to be granted as aforesaid.

Rates of Annuities to be granted.

XXVI. Provided also, and be it further enacted, That no Annuity shall be granted by the said Commissioners to any Person being under the Age of Forty Years at a higher Rate than Nine Pounds *per Centum*, or being above the Age of Forty Years at more than Ten Pounds *per Centum*, or for Two or more Lives at more than Eight Pounds *per Centum*;

Centum; and all the said Annuities shall be redeemable by the said Commissioners on their giving Six Calendar Months Notice in Writing to the Person or Persons entitled thereto, and paying to them respectively the original Sum paid for such Annuity, with Six Months Annuity in Advance for the same.

XXVII. And be it further enacted, That the Rates, Taxes, and Sums of Money by virtue of this Act to be assessed upon and paid by the Owners and Occupiers of the said Lands and Grounds shall be charged and chargeable, in the first Place, with and for Payment of all and every such Sum and Sums of Money so to be borrowed as aforesaid, and the Interest thereof, and of any Annuities that may be granted as aforesaid, and shall vest in the respective Creditors and Annuitants, upon Default of Payment of such Principal Money and Interest and Annuities, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors and Annuitants respectively, and their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges of raising and recovering the Rates, Taxes, and Sums of Money payable by the Owners or Occupiers of the said Lands and Grounds for or in respect of such Principal Money and Interest and Annuities, if Default shall be made in Payment thereof, as the said Commissioners, or their Collector or Collectors, would have had in case the said Principal Money and Interest had been regularly paid and satisfied.

Taxes vested in Creditors and Annuitants.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners at any of their Annual Meetings to be held under this Act, from Time to Time, to let by Auction or otherwise, as they may think proper, the Feed or Pasture of the Forelands and Banks within the Limits and Bounds aforesaid, or any Part thereof, for the ensuing Year, for Pasturage only; and the Rents and Profits arising therefrom shall be paid and applied in the same Manner as the Taxes to be raised by virtue of this Act are to be applied.

Commissioners to let the Feed of the Banks by Auction.

XXIX. And be it further enacted, That all and every Person and Persons who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise destroy any Bank, Mill, Engine, Bridge, Floodgate, Tunnel, or Sluice already made and erected, or which shall at any Time hereafter be making and erecting, or made and erected for the draining and improving of the said Lands and Grounds, or any of them, and shall be thereof lawfully convicted, such Person or Persons shall be adjudged to be guilty of Felony, and be transported for Seven Years, or to be punished as the Law directs in Cases of Petit Larceny: And if any Person or Persons shall at any Time or Times hereafter permit or suffer any of his or their Hogs or Swine to stray upon any of the Banks or Drove ways made or to be made or kept in Repair under the Authority of this Act, or shall fodder or cause or permit to be foddered any of his, her, or their Cattle on any of the said Banks, or shall drive or cause to be driven any Cattle, Cart, or Carriage thereon, (except Cattle immediately driven to or from Pasture or Market,) or shall let or cause to be let on any of the same Banks any Stack or Stacks of Hay, Fodder, Reed, Sedge, Faggots, Turves, or Manure, without having obtained Leave in Writing for that Purpose from the

Punishing Persons destroying Works.

Penalties on suffering Swine to stray upon the Banks, or foddering or driving Cattle, or setting Stacks of Hay or Reed thereon;

or setting
Nets, or
throwing
Obstructions
in the Drains;
or throwing
out Ponds or
Watering
Places near
Public
Drains;
or cutting
Droveways;
or cutting
Turves, &c.
near the
Banks;

or maliciously
damaging
Works.

Commissioners assembled at some of the Meetings to be held by virtue of this Act; or shall set down any Nets or Engines for the Catching of Fish in any of the Drains, or wilfully or maliciously throw any Earth or other Obstructions in any of the Drains made or to be made for answering the Purposes aforesaid; or if any Person or Persons whatsoever shall dig or throw out any Pond or Watering Place in any of the said Lands or Grounds intended to be drained by virtue of this Act, in any Public Drain already made, or within Twenty Feet thereof, or at any Time hereafter to be made and used for the draining and improving of the said Lands and Grounds as aforesaid; or shall cut through any Lane or Drove, to the Intent that the Waters of one Field within the said Lands and Grounds so to be drained as aforesaid shall and may run into any other Field within the said Limits; or shall at any Time hereafter cut or dig, or cause to be cut or dug any Turves, Hods, or Sesses within the Distance of Sixty Feet of any of the Banks made and thrown up by virtue of this Act, or any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue hereof; or if any Person or Persons shall at any Time hereafter wilfully or maliciously stop, dam up, spoil, or damage any River, Drain, Watercourse, Engine, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works to be made or set up or used for the said Purposes; then or in any of the said Cases all and every such Person and Persons so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, who are hereby authorized and required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending, shall for every such Offence forfeit and pay any Sum of Money not exceeding Fifty Pounds nor less than Forty Shillings, as the said Justices shall respectively order and direct, to be paid to the said Commissioners, and applied for the Purposes for which the said Assessments, Rates, and Taxes are hereby directed to be applied, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices; and in Default of such Distress or Payment the Person or Persons so offending shall be committed by such Justices to One of the Houses of Correction for the said County, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

Penalty for
working
Horse Mills.

XXX. And be it further enacted, That if any Person or Persons shall erect, set up, use, or work any Horse Mill, Gig, or other Engine or Device whatsoever for draining or discharging Water from any of the said Lands, the Drainage whereof is intended to be made or preserved under the Authority of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who will sue for the same; and the Owner of such Mill, Gig, Engine, or Device shall also make full Compensation and Satisfaction to all and every Person and Persons who shall be injured thereby, for the Damage such Person or Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction shall and may be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection,

tection, Privilege, or Wager of Law, or more than One Impar lance shall be allowed.

XXXI. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Building placed, erected, or built, except by the Order or Permission of the said Commissioners, nearer to any Mill or Engine to be made, erected, or employed as aforesaid than Two Hundred Yards; nor shall any Ditch or Drain be made, cut, or continued within Ten Feet of the Centre of the Banks within or belonging to the said Level, after One Month's Notice in Writing given by the said Commissioners to the Owner or Owners of the Lands or Grounds to which such Ditch or Drain shall or may belong; and if any Trees or Holts shall be planted, or any Building shall be hereafter made, erected, or built, or any Ditch or Drain be made, cut, or continued within the Distance and after the Notice aforesaid, then it shall and may be lawful for the said Commissioners to cause such Trees and Holts to be taken up and carried away, and such Building to be pulled down and removed, upon Notice given to the Owners thereof, and their Neglect to remove the same for the Space of Forty Days, and such Ditch or Drain to be filled up immediately after the Expiration of the Notice to be given for that Purpose.

No Trees to be planted or Building erected within 200 Yards of any Engines, or any Ditches to be cut within 10 Feet of the Centre of the Banks.

XXXII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the Lands, the Drainage whereof is intended to be preserved or made under the Authority of this Act, to which any Drove-way-Dike, Outring-Dike, or Division-Dike doth or shall belong, shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair any such Dike, or to make the same of a sufficient Depth, and of the Width of Nine Feet at Top and Four Feet at Bottom, at least after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their Place of Abode from Time to Time for that Purpose by the Collector, Receiver, or other Officer to be appointed under and by virtue of this Act, (such Collector, Receiver, or other Officer having an Order in Writing for that Purpose under the Hands of Three or more of the said Commissioners,) every such Owner or Occupier shall for every such Neglect or Refusal forfeit and pay the Sum of One Shilling for every Rod of the Dike so neglected to be roded, scoured, cleansed, opened, repaired, deepened, and widened; and it shall be lawful from Time to Time for such Collector, Receiver, or other Officer to cause such Dike at the Charge and Expence of such Owners or Occupiers to be roded, scoured, cleansed, opened, repaired, and deepened in a sufficient Manner, and made of the Width aforesaid at the least; and where a Way shall have been made over any Dike without a sufficient Tunnel, to cause such Ways to be taken up, and such Dike to be made of a proper Width and Depth with a sufficient Tunnel, and by Warrant or Precept under the Hands of Three or more of the said Commissioners to levy such Penalty, and also such Charges and Expences upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, and such Penalties shall be applied for the Purposes of this Act.

Penalty on neglecting to cleanse Dikes.

XXXIII. And be it further enacted, That the said Commissioners shall have full Power, and are hereby authorized to destroy all such Moles and other

Moles may be destroyed.

other

other Vermin as shall be found in and about the Lands and Grounds, the Drainage whereof is intended to be preserved or made under the Authority of this Act, or in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons at such Wages and Salary as they shall think proper; and that they and such Person or Persons as they shall so employ shall and lawfully may enter into or upon the said Lands and Banks, or any of them, for that Purpose.

Commissioners to make Orders for opening and shutting down Tunnels and Sluices, and to appoint Officers for that Purpose.

XXXIV. And be it further enacted, That the said Commissioners at their said General Meeting in every Year shall and may, and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening and shutting down the Tunnels and Sluices to be set down and made use of in the Execution of this Act, and that no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction; and that it shall and may be lawful to and for the said Commissioners at the said General or any other Meeting to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and that the said Officer or Officers, and all and every other Person and Persons who shall open and shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Commissioners, being thereof convicted before any Two or more Justices of the Peace for the County where the said Offence shall be committed, who are hereby authorized and required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, or Confession of the Party or Parties so offending, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds to the said Commissioners, to be applied for the Purposes for which the said Assessments, Rates, and Taxes are hereby directed to be applied, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices before whom such Conviction shall be made, and in Default of such Distress or Payment, the Person or Persons so offending shall be by the said Justices committed to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices by whom such Commitment shall be made.

Power to appoint Officers.

XXXV. And be it further enacted, That the said Commissioners shall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Treasurer or Treasurers, and such other Officer or Officers as to the said Commissioners shall appear necessary or proper to assist in the Execution of the Powers of this Act, and shall and may allow such Officers and every of them reasonable Salaries for their Trouble; and shall and may from Time to Time as they shall see Occasion remove any such Clerk, Receiver, Collector, Surveyor, Treasurer, or other Officer, and appoint another or others in the Place of such of them as shall be so removed, and in case of the Death of any of them, in the Place of such of them as shall so die; and that every Receiver, Collector, and Treasurer so to be appointed as aforesaid, before he or they shall act in the Execution of his or their Office, shall give such Security

to the said Commissioners for the due Execution of the same as the said Commissioners shall think proper.

XXXVI. And be it further enacted, That the said Treasurers, Collectors, and other Officers shall fairly enter into 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 touching or relating to the Execution of this Act, shall be delivered to the said Commissioners at their said Annual Meeting to be held in the Month of *May* in every Year, and at such other Time or Times as the said Commissioners shall require.

Treasurers,
Collectors,
and other
Officers to
keep Ac-
counts.

XXXVII. And be it further enacted, That in case any of the said Treasurers, Clerks, Collectors, or other Officers or Persons so employed as aforesaid shall wilfully refuse upon Requisition, and Ten Days Notice in Writing given to them under the Hands of Three of the said Commissioners for that Purpose, to produce before the said Commissioners the several Books, Papers, and Vouchers in their Custody or Possession relating to their said Offices, every Person so offending, and being thereof convicted before any Justice or Justices of the Peace for the said County of *Norfolk*, upon the Oath of One or more Witnesses or Witnessess, or upon the Confession of the Party, shall for every such Offence forfeit and pay any Sum of Money not exceeding Fifty Pounds nor less than Five Pounds as such Justice or Justices shall direct, to be recovered by Distress and Sale of the Goods and Chattels of the Offender, and to be applied in the same Manner as the Taxes to be imposed under the Authority of this Act: And in case any of the said Officers or other Persons so employed as aforesaid shall neglect or refuse to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of such Account according to the Directions of the said Commissioners, then and in every such Case it shall be lawful, upon the Complaint of One or more of the said Commissioners, for any Justice or Justices of the Peace for the said County of *Norfolk*, by Warrant or Warrants under his, her, 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, as 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 such Justice or Justices of the Peace, 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, 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, or according to their Appointment, or shall have compounded for the same and shall have paid such Composition Money, (which Composition the said Commissioners are hereby empowered

Officers re-
fusing to
produce
Books and
Papers, or to
account.

Their Goods
may be dis-
trained.

For Want of
Distress, to
be commit-
ted.

to make,) or otherwise the said Commissioners 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 any such Officer or Officers, or Person or Persons so refusing, 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.

Limitation
of Actions.

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

Saving
Rights of
Commis-
sioners of
Sewers.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities vested in any Person or Persons whomsoever by virtue of any Commission of Sewers for the County of *Norfolk*, but the same shall be and continue as full and effectual to all Intents and Purposes as if this Act had not been made, save and except such Rights, Powers, and Authorities as are in and by this Act altered, restricted, or taken away.

The Rights
of *Bedford*
Level Cor-
poration re-
served.

XL. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Drainage of the Great Level of the Fens called Bedford Level*, or by any Act, Statute, or otherwise; nor to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Au-
thorities

thorities of the Governor, Bailiffs, and Conservators of the said Corporation, as Commissioners of Sewers acting by Presentment and Trial by Jury under the said Act.

For discharging the Expences of this Act.

XLI. And be it further enacted, That all Monies that shall be advanced and paid by any Person or Persons in discharging the Fees or other Expences in obtaining and passing this Act shall be repaid and satisfied by the said Commissioners, with lawful Interest for the same, out of the First Monies to be raised by them by virtue of this Act.

Publick Act.

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

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