



ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 166.

An Act for amending an Act of the Twenty-second Year of His late Majesty, King *Charles* the Second, so far as the same relates to the River *Brandon*, otherwise the *Lesser Ouze*, from the *White House* near *Brandon Ferry* to *Thetford* in the Counties of *Norfolk* and *Suffolk*, and for improving the Navigation of the said River. [9th June 1810.]

WHEREAS by an Act made in the Twenty-second Year of the Reign of His late Majesty King *Charles* the Second, intituled, *An Act for making navigable the Rivers commonly called Brandon and Waveney*, it was (amongst other Things) enacted, that the Mayor, Burgeses, and Commonalty of *Thetford* in the Counties of *Norfolk* and *Suffolk*, in case they should undertake to make navigable the said River of *Brandon* from *Whitehouse* beneath *Brandon Ferry* to *Thetford* aforesaid, or that otherwise, such other Person or Persons as the Commissioners in and by the said Act named, or any Five or more of them, by Instrument under their Hands and Seals, should for that Purpose nominate and appoint who would undertake the same, should have full Power and were thereby authorized to make navigable and passable with Keels, Lighters, or other Boats, the said River of *Brandon* from *Whitehouse* beneath *Brandon Ferry* to *Thetford* aforesaid, by all such lawful Ways and Means as they should think fit; and for that Purpose to cleanse, scour, and open the said River, and to cut, dig, or use the Ground or Soil of any Person or Persons, Bodies Politick or Corporate, as Need or Occasion should require, for the making, enlarging, straitening, or altering of the Channel of

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the said River, or for the making of any new Channel or Channels, Banks, Weirs, Sluices, Saffes, Locks, Pens for Water, Wharfs, or other Thing or Things necessary or convenient for the making navigable the said River; and also to bring and lay in Places convenient all Materials requisite and necessary for the making, keeping and maintaining and repairing of the same from Time to Time as Occasion should require, and to the End, that the doing of any other Matters and Things aforesaid, in order to the making navigable of the said River might not be prejudicial to the Inheritance, Possession, or Property of any Person or Persons, Bodies Politic or Corporate, but that reasonable Satisfaction might be given as well for all such Ground which should be cut, digged, taken or used for the making of any Channels, Banks, Sluices, Saffes, Locks, Pens for Water, Wharfs or other Thing or Things aforesaid, in order to the making navigable the said River, or for maintaining and upholding the said Navigation, or which should in any Sort be prejudiced or annoyed thereby, several Persons in the said Act named were thereby constituted and appointed Commissioners to hear and determine all Differences and Controversies which should or might arise, touching any Matters relating to the said Navigation, in such Manner as in the said Act is mentioned: And it was thereby further enacted, that for enabling the said Undertakers and their Successors and Assigns to defray the Charges of making the said River navigable, it should be lawful for them from Time to Time to demand, receive and take such Rates for the Carriage of Coals, Corn, Timber or other Carriages whatsoever by any Boat or Vessel to be carried and conveyed between the said Towns of *Thetford* and *Brandon Ferry*, as by the said Commissioners or any Five or more of them should by an Instrument indented under their Hands and Seals, be in that Behalf assessed, limited, and appointed: And whereas the said Mayor, Burgeses, and Commonalty of *Thetford*, not being in a Condition to undertake the said Navigation, did decline the same, and thereupon the then Right Honourable *Henry Earl of Arlington* did lay out and disburse several great Sums of Money in making the said River of *Brandon* navigable from the said Place called *Whitehouse* below *Brandon* to the Town of *Thetford* aforesaid; and by an Instrument in Writing under the Hands and Seals of Seven of the Commissioners in the said recited Act named, bearing Date the Seventeenth Day of *September* One thousand six hundred and seventy-seven, it was assessed and appointed that the Sum of Sixpence should from and after the First Day of *May* then next ensuing, be received and taken by the said *Henry Earl of Arlington*, his Assign or Assigns, being legally constituted by Writing under his Hand and Seal, for the Carriage of every Last of every Sort of Corn or Grain; and that the said Sum of Sixpence should likewise be demanded, received and taken by the said *Henry Earl of Arlington*, his Assign or Assigns so constituted as aforesaid, for every Chaldron of Coals containing Forty Bushels; and for every Load of Broad Plank and Timber the like Sum of Sixpence, and for every Ton or Load of all other Goods, Wares, and Commodities, accounting Twenty Hundred Weight to the Load, of all ponderous Commodities, and as much as is generally carried at a Load of all Commodities of Bulk, the like Sum of Sixpence for the Carriage thereof upon every Boat or Vessel that should carry the same between the said Town of *Thetford* and *Brandon Ferry*: And whereas by Indenture, bearing Date the Twentieth Day of *January* One thousand six hundred and seventy-seven, made between Seven of the Commissioners appointed by the said recited Act, the then Mayor, Recorder, and Burgeses of the said Town of *Thetford*

Recital of
Indenture of
20th Jan.
1677.

of

of the One Part, and the said *Henry* Earl of *Arlington* of the other Part; the said Commissioners, Mayor, Recorder, and Burgesſes, did grant and assign over unto the said Earl of *Arlington*, his Executors, Administrators, or Assigns, the said Toll or Tax of Sixpence so assessed and appointed as aforesaid, on the Carriage of every Last, Ton or Load of Coals, Corn, Timber, or other Goods which should be carried and conveyed by any Boat or Vessel between the said Towns of *Thetford* and *Brandon* as aforesaid: And whereas by an Indorsement made on the said Indenture, bearing Date the Tenth Day of *March* One thousand six hundred and ninety-six, duly executed by *Isabella*, then Duchess Dowager of *Grafton*, sole Executrix of the Will of the Right Noble *Henry*, then late Duke of *Grafton*, her deceased Husband, which said Duke was sole Executor of the Will of the said Earl of *Arlington*, she the said *Isabella*, Duchess Dowager of *Grafton*, did demise and release unto the said Mayor, Burgesſes, and Commonalty, and their Successors, all her Right and Interest of, in, and to the said Toll or Tax of Sixpence so assessed as aforesaid: And whereas the said Mayor, Burgesſes, and Commonalty of *Thetford* have erected and built several Sluices, Staunches, and Locks, and Towing Paths upon or near the said River, and have executed various other Works for making, improving, and preserving the Navigation of the said River, and have expended in such Works large Sums of Money beyond the Amount of the Tolls received by them for the Use of the said Navigation: And whereas the Inhabitants of the said Town of *Brandon*, and Persons carrying Goods to and from thence, have all along received the Benefit and Advantage of the Navigation of the said River being made navigable by virtue of the said Act, from the said Place called *Whitehouse* up to *Brandon* as aforesaid, and have paid no Toll or Duty for the Carriage of any Goods, Wares, or Merchandize from *Whitehouse* to *Brandon*, or from *Brandon* to *Whitehouse*, in regard by the Words of the said recited Act of Parliament, the Rates which are to be demanded, received and taken, are confined for the Carriage of Coals, Corn, Timber, or other Goods, by any Boat or Vessel conveyed between the said Town of *Thetford* and *Brandon* Ferry, which has been a great Discouragement to the Undertakers, and has prevented their taking Care of and preserving the same, although the Boats passing between *Brandon* and *Whitehouse* could not oftentimes get to *Brandon* without the Help and Assistance of the Sluices and Staunches aforesaid, erected between *Thetford* and *Brandon*: And whereas, in order to improve the said Navigation, and to render the Conveyance thereon more easy and expeditious, it will be necessary to expend a considerable Sum of Money in repairing and improving the present Sluices, Banks, and Towing Paths, and erecting new Sluices, Banks, and Towing Paths, and making other necessary Works in and upon the said River: And whereas it is expedient that the said recited Act should be altered and amended, and that some further Tolls, Powers, and Authorities should be granted to the said Mayor, Burgesſes, and Commonalty for effecting the beneficial Purposes aforesaid: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *John Fitzroy* commonly called *Lord John Fitzroy*, *John Julius Angerstein*, *John Angerstein*, *Henry Samuel Partridge*, *John Moseley*, *George Robert Eyres*, *Thomas Redhead*, *John Buxton*, *Thomas Thornhill*, *Thomas Crookenden*, *Jacob Franks*, *James Denton*,
Tolls released to the Corporation.

Thomas Vipin, James Gooch, John Thurlow Dering, Thomas Bidwell, Thomas Bidwell the Younger, William James Mingay, and Daniel Edgar, Esquires, the Members for the said Borough of Thetford aforesaid for the Time being; *William Parson Clerk, William Manning Clerk, Joseph Wilkinson Clerk, Woodward Bidwell, Richard Fowell, Daniel Sewell, John Naylor, James Fison the Younger, John Brewster, Field Willett, Robert Smith, Eagle Willett, James Bidwell, George Mingay, and Garner Gill, Gentlemen,* together with such other Person or Persons as were appointed Commissioners by virtue of the said recited Act or otherwise, and now continue such Commissioners, shall from and after the passing of this Act be and they are hereby invested with all the Powers and Authorities given and granted to the Commissioners nominated and appointed by or in pursuance of the said recited Act; and the Commissioners appointed or to be appointed by or in pursuance of the said recited Act and this Act, or any Five or more of them, shall be and they are hereby authorized and empowered to put the said recited Act, as well as this present Act in Execution.

Repeal of
Tolls of former Act.

II. And be it further enacted, That from and after the passing of this Act, the Tolls granted by or by virtue of the said recited Act, shall cease and determine, and in lieu thereof, there shall be demanded and taken by the said Mayor, Burgeses, and Commonalty of *Thetford* aforesaid, and their Successors or Assigns, who are hereby appointed and continued Undertakers for making, improving, and completing the Navigation of the said River between the Place called *Whitehouse* and *Thetford*, to their own Use and Uses, of and from all and every Person and Persons that shall carry or convey, or cause to be carried or conveyed, any Goods, Wares, Merchandizes, or other Things whatsoever upon the said River or any Part or Parts thereof, the several Tolls, Duties and Rates following; (that is to say), for carrying or conveying, or causing to be carried or conveyed, any Goods, Wares, Merchandize, or other Things whatsoever upon the said River between *Whitehouse* aforesaid and the Staunch or Sluice called the *Cross Gravel Staunch*:

For every Last of every Sort of Corn or Grain, the Sum of Two-pence.

For every Chaldron of Coals containing Thirty-six Bushels, the Sum of Two-pence.

For every Hundred of single Deals and Battens, the Sum of Three-pence.

For every Hundred of double Deals, the Sum of Sixpence.

For every Thousand of Reed, the Sum of Four-pence.

For every Thousand of Pantiles, the Sum of Four-pence.

For every Hundred of Spars or Poles of less than Sixteen Feet in Length, the Sum of Three-pence.

For every Hundred of Spars or Poles of and exceeding Sixteen Feet in Length, the Sum of Sixpence.

For every Ton or Load of other Goods, Wares, and Commodities amounting to Twenty Hundred Weight to the Load or Ton of all ponderous Commodities, the Sum of Two-pence.

And the several Tolls, Duties, and Rates following for carrying or conveying, or causing to be carried or conveyed, any Goods, Wares, Merchandize, or other Things whatsoever upon the said River between the said Staunch or Sluice commonly called the *Cross Gravel Staunch* and *Brandon Ferry* aforesaid:

For

For every Last of every Sort of Corn or Grain, the Sum of Four-pence.

For every Chaldron of Coals containing Thirty-six Bushels, the Sum of Four-pence.

For every Hundred of single Deals and Battens, the Sum of Sixpence.

For every Hundred of double Deals, the Sum of One Shilling.

For every Thousand of Reed, the Sum of Eight-pence.

For every Thousand of Pantiles, the Sum of Eight-pence.

For every Hundred of Spars or Poles of less than Sixteen Feet in Length, the Sum of Sixpence.

For every Hundred of Spars or Poles of and exceeding Sixteen Feet in Length, the Sum of One Shilling.

For every Ton or Load of all other Goods, Wares, and Commodities, accounting Twenty Hundred Weight to the Load or Ton of all ponderous Commodities, the Sum of Four-pence.

And the several Tolls, Duties, and Rates following, for carrying or conveying, or causing to be carried or conveyed, any Goods, Wares, Merchandize, or other Things whatsoever upon the said River, between *Brandon Ferry* aforesaid and *Thetford* aforesaid (viz.)

For every Last of every Sort of Corn or Grain the Sum of One Shilling.

For every Chaldron of Coals containing Thirty-six Bushels, the Sum of One Shilling.

For every Hundred of single Deals and Battens, the Sum of One Shilling and Sixpence.

For every Hundred of double Deals, the Sum of Three Shillings.

For every Thousand of Reed, the Sum of Two Shillings.

For every Thousand of Pantiles, the Sum of Two Shillings.

For every Hundred of Spars or Poles of less than Sixteen Feet in Length, the Sum of One Shilling and Sixpence.

For every Hundred of Spars or Poles, of and exceeding Sixteen Feet in Length, the Sum of Three Shillings.

For every Ton or Load, of all other Goods, Wares, and Commodities, accounting Twenty Hundred Weight to the Load or Ton of all ponderous Commodities, the Sum of One Shilling.

Provided always, that as to such Goods, Wares, Merchandize, and other Things as shall not be carried or conveyed the whole Distance between *Brandon Ferry* and *Thetford* aforesaid, but shall be carried or conveyed upon that Part thereof which lies between *Brandon Ferry* and *Santon Sluice* aforesaid, only One-half of the several Tolls, Duties, and Rates lastly herein-before mentioned, shall be demanded and taken by virtue of this Act: Provided also, that any Species of Manure, carried or conveyed upon the said River, or any Part thereof, for the Use of the Farms or Lands adjacent thereto, shall be exempted from the said Tolls, Duties, and Rates, or any of them; which said respective Tolls, Duties or Rates shall be demanded and taken by such Person or Persons as the said Mayor, Burgesse, and Commonalty of *Thetford* aforesaid, and their Successors, Assigns or Lessees, shall from Time to Time authorize and appoint to receive the same; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Person or Persons authorized to receive the same, neglect or refuse to make Payment thereof, or of any Part or Parts thereof, it shall be lawful for the Person

How Tolls
to be recovered;

or Persons so authorized, to seize and distrain any Vessel, Goods, Wares, Merchandize, or Things for or in respect whereof such Tolls or any Part thereof ought to be paid respectively, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same; and if such Tolls and the reasonable Charges of such Distress and keeping the same shall not be paid within the Space of Four Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter sell the Goods and Chattels so distrained, and out of the Money which shall arise by such Sale, pay such Tolls and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unpaid (if any) upon Demand to the Owner or Owners thereof.

The former Act to continue in force except as altered by this Act.

III. And be it further enacted, That from and after the passing of this Act, all and every the Powers and Authorities, and all and every Clauses, Powers and Privileges, in the said recited Act contained (save and except such Parts thereof as are hereby altered, varied, or repealed), shall continue and be of Force for the several Purposes of the said Navigation, as fully and effectually to all Intents and Purposes, as if the same were herein again repeated and re-enacted in the Body of this present Act.

Clause in the former Act repealed.

IV. And be it further enacted, That so much of the said recited Act as declares ' That the Commissioners therein named, and their Successors, or ' any Five or more of them, should be authorized and empowered, from ' Time to Time by Examination of Witnesses upon Oath, which they ' should have Power to administer, by virtue thereof, or by such other ' lawful Ways and Means as to them should seem meet, to hear and deter- ' mine all Controversies and Differences which should or might arise ' touching any Matter or Thing relating to the Premises, or any Part ' thereof; and in case of Disability in the Owners, Occupiers, or others ' interested of, or in any Ground or Soil which should be cut, taken, ' or used, for any the Uses or Purposes in that Act mentioned, or which ' should be prejudiced by any Matter or Thing to be done in pursuance of ' that Act, or relating thereto, (to treat and agree with the said respect- ' ive Undertakers, or their several and respective Heirs, Executors, Ad- ' ministrators, Successors, or Assigns), could not otherwise come to an ' Agreement with such Owners, Occupiers, or others interested, touch- ' ing the same, should and might appoint, determine, and decree, what and ' how much Satisfaction every Person or Persons, Bodies Politic or Cor- ' porate, should or ought to have for and in respect of the Loss or ' Prejudice to be by him or them in that Behalf sustained, publick Notice ' being first given of the Meeting of the said Commissioners, Ten Days ' at the least before their Meeting, declaring the Time and Place of such ' their Meeting, in order to the hearing and determining of Differences; ' which Notice, as to the hearing and determining of such Differences as ' should relate to the said River of *Brandon*, should be by Papers publickly ' affixed and set up upon the Market Cross, in *Thetford* aforesaid, upon the ' Market Day, and of Differences relating to the said River of *Waveney*, ' to be affixed and set up upon the Market Cross in *Bungay* aforesaid, in ' like Manner; and also Notice being first left in Writing at the Dwelling ' house or Place of Abode of every Occupier of any Ground or Soil which ' should be taken or used for any the Uses or Purposes aforesaid, or ' prejudiced

6 prejudiced thereby, and like Notice being given to every other Person
 6 therein concerned, dwelling or residing within the Distance of Ten
 6 Miles from the said Rivers, or either of them respectively; to the In-
 6 tent that all Parties concerned may then and there attend to make their
 6 Complaint or Defence, as Occasion should require, before the said Com-
 6 missioners, which said Determination and Decree of the said Commission-
 6 ers, or any Five or more of them, of and concerning the Premises, or
 6 any of them, under their Hands and Seals, and the Satisfaction and Re-
 6 compence by them in that Behalf, to be limited and adjudged, should
 6 bind all Parties therein concerned, in Possession, Reversion, Remainder,
 6 or otherwise, (as well Infants, Females Covert, as others), their Heirs,
 6 Executors, Administrators, and Assigns, and upon Payment or lawful
 6 Tender and Refusal of such Sum or Sums of Money as by the said Com-
 6 missioners, or any Five or more of them, should be so ordered, or by
 6 Agreement made between the said Parties themselves, should be agreed
 6 to be paid to the Parties therein concerned for their Satisfaction as afore-
 6 said, and not otherwise; it should and might be lawful to and for the
 6 said respective Undertakers, their Heirs, Executors, Administrators,
 6 Successors, and Assigns, and his and their Servants and Workmen re-
 6 spectively, to dig, make, and use such Channels, Passages, Banks, Sluices,
 6 Sasses, Pens, Wharfs, and other Matters and Things aforesaid, and to do
 6 all such other Acts and Things, concerning which such Order or Agreements
 6 should be made as aforesaid, and according to the Tenure and Effect
 6 thereof; shall be, and the same are hereby declared to be null and
 void, to all Intents and Purposes whatsoever, so far as the same relates to
 the said River *Brandon* otherwise the *Lesser Ouse*.

V. And be it further enacted, That it shall and may be lawful to and for
 the said Mayor, Burgesses, and Commonalty and their Successors, and they
 are hereby authorized and empowered to improve, support, and maintain
 the Navigation of the said River commonly called *The Lesser Ouse*, from
 the *White House* near *Brandon Ferry* to *Brandon* aforesaid, and from thence
 to *Thetford*, in the said Counties of *Norfolk* and *Suffolk*; and for that
 Purpose are hereby authorized and empowered by themselves, their Depu-
 ties, Agents, Officers, and Workmen, to cleanse, scour, cut, dig, open,
 deepen, enlarge, and straighten the Bed of the said River, and to dig,
 cut, raise, and alter the Banks of the said River, and from Time to
 Time to alter and repair the same; and for that Purpose are hereby au-
 thorized and empowered by themselves, their Deputies, Agents, Officers,
 and Workmen, to enter into and upon any of the Lands or Grounds of
 any Person or Persons, Body or Bodies Politic, Corporate or Collegiate,
 and to survey and take Levels of the same, or any Part thereof, and to set
 out and ascertain such Parts thereof as they shall think necessary and
 proper, lying on either Side of the said River, within the Distance of
 Fifty Yards therefrom, for preserving, improving, completing, and using
 the said Navigation, and all such other Works, Matters and Conveniences
 as they shall think necessary thereto; and also to dig, bore, cut, trench,
 fough, get, remove and carry away, and lay Earth, Clay, Stone, Soil,
 Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other
 Matters or Things which may be dug or got, in altering, maintaining,
 improving, and completing the said Navigation, out of, in, or upon the
 Lands or Grounds of any Person or Persons lying within the Distance of
 One hundred Yards thereof on each Side thereof, and which may be
 requisite,

Powers to
 the Corpora-
 tion to im-
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requisite, necessary, or proper, for making, altering, maintaining, carrying on, improving, repairing or completing the said Navigation, or other Works thereto belonging, or which may hinder, obstruct, or prevent the making, carrying on, continuing, maintaining, improving, and repairing the same; and also to lay, place, work, and manufacture all Manner of Materials necessary for the making, carrying on, continuing, maintaining, improving or repairing the said Navigation, or any of the Works thereunto belonging, on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired or done; and also, to make, set out, and appoint such Towing Paths, Banks, Roads and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said Navigation, with Men, Horses or otherwise; provided that none of such Towing Paths shall exceed Thirty Feet in Width, and proper Places for Boats, Barges, and other Vessels navigated upon the said Navigation, to turn, lie, or pass each other, as the said Corporation shall think convenient, and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Navigation, and the Towing Paths on the Sides thereof; and also to construct, make, and do all other Matters and Things which they shall think convenient and necessary for the making, extending, preserving, improving, completing, and using the said Navigation and other Works, in pursuance of and according to the true Intent of the said recited Act and of this Act, they the said Corporation, their several Deputies, Agents, Officers and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein mentioned to the Owners and Proprietors of, and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, Watercourses, Brooks or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained, in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Corporation and their Deputies, Agents, Officers, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are herein mentioned.

Bodies Corporate, &c. to convey Lands wanted for the Navigation.

VI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained, for making, maintaining, improving and repairing the said Navigation and other Works, or any Part or Parts thereof, or any of them; it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, and to and for all Tenants for Life, and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for Charitable or other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, 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, Issue unborn, Lunatics, Idiots, or other Person or Persons, and for all Femes Covert who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or other Interests therein, and to and for all and every other Person and Persons whomsoever, who is, are, are shall be seized, possessed of,

of, or interested in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same and every Part thereof to the said Corporation; and all such Contracts, Agreements, Sale, Conveyance, and Assurance, shall be made at the Expence of the said Corporation.

VII. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every Person and Persons, who is or are seised, possessed of or interested in any Lands or other Hereditaments, through, in, or upon which the said Navigation or other Works hereby authorized are intended to be made, improved, altered, and repaired, may accept and receive such Satisfaction for the Value of such Lands, Grounds, and Hereditaments, and for the Damages to be sustained by the making and completing the said Works herein-before directed, as shall be agreed upon, by and between the said Parties interested respectively, or any of them, and the said Corporation, or the said Commissioners, or any Five or more of them; and in case the said Corporation, or the said Commissioners, and the Parties interested in such Lands, Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as herein-after directed.

VIII. Provided always, and be it enacted; That if any such Body Politic, Corporate or Collegiate, or any Feoffee or Feoffees in Trust, Executor, or Administrator, Husband, Guardian, Trustee, Committee of or for any Lunatic or Idiot, or Feme Covert, or any Person, whether Tenant for Life or in Fee Tail, General or Special, or for any Years determinable on any Life or Lives, or other Person or Persons so interested or entitled as aforesaid, cannot agree with the said Corporation, or the said Commissioners, or any Five or more of them, respecting the Purchase of any Lands, Tenements, or Hereditaments, or the Satisfaction to be made for any Damages that may from Time to Time be sustained by him, her, or them by the making and maintaining of the said Navigation, or of any Part or Parts thereof, or of any of the Works thereunto belonging; and shall give Notice in Writing to the Clerk of the said Corporation, requiring a Jury to be summoned for the Purpose of determining such Purchase or Satisfaction; or if any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall, upon Notice in Writing given by the Clerk of the said Corporation to the principal Officer of any such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place of his, her or their Abode; or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made Use of for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Corporation, or by reason of Absence or otherwise shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not produce and fully disclose the State of the Title to the Premises which they respectively

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are, or shall be in Possession of, and to the Interest which they respectively claim therein, then and in every such Case the said Commissioners, or any Five or more of them, shall within Ten Days after the Receipt of such Notice by the Clerk to the said Corporation, in case Security in Manner herein required shall be given, or after the Expiration of Thirty Days after the Delivery of such Notice by the said Clerk as the Case may be; and they are hereby empowered and required to issue a Warrant under their Hands and Seals directed to the Sheriff of the County in which the Matter in Question shall arise; and in case any such Sheriff or his Under Sheriff shall be one of the said Corporation, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to any One of the Coroners of such County who shall not be so interested as aforesaid; and in Case all the said Coroners of such County shall be so interested, then to the last Person who filled the Office of Sheriff of such County then in being, who shall not be interested as aforesaid, commanding such Sheriff, Coroner or other Person to impanel, summon and return a Jury; and the said Sheriff, Coroner or other Person is hereby required accordingly to impanel, summon and return a Jury of Twenty-four sufficient and indifferent Men qualified according to the Laws of this Realm, to be returned for the Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Corporation at such Time and Place as in such Warrant shall be appointed, such Time not being less than Seven Days nor more than Fourteen Days after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff, Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that speedily can be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve, and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: and the said Commissioners are hereby empowered and required by a Summon or Notice to be signed by any Five or more of the said Commissioners, either previous to, or at the Time of any such Meeting or Meetings, to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, and to hear and examine such Witness or Witnesses upon Oath; and the said Commissioners, or any Five or more of them, may order and authorize the said Jury or any Six or more of them, to view the Place or Places, or Matter or Matters in Question; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, any One of the said Commissioners is hereby required and empowered to administer), shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury; which said Verdict and the Judgement thereon pronounced as aforesaid,

aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate or Collegiate, and all other Persons; and shall not be removed by *Certiorari* or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court, any Law or Statute to the contrary thereof notwithstanding.

IX. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent shall make Default in the Premises, he shall for every such Offence forfeit and pay the Sum of Ten Pounds to be recovered by Action of Debt, or on the Case, by the said Corporation, or such Bodies Politic, Corporate, or Collegiate, or other Person or Persons interested in the Matter in Question; and 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, having no reasonable Excuse, upon Proof thereof made before any One of His Majesty's Justices of the Peace for the County or Place where the Matter in Question shall arise, upon the Oath of any One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of the said Justice, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by, or recovered from any Person who shall have been summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Fine upon Sheriff, &c. making Default.

X. And be it further enacted, That in each and every such Case where a Verdict shall be given for more Money, as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or Hereditaments of any Bodies Politic, Corporate or Collegiate, or of any Person or Persons whomsoever, or as a Compensation for any Damages done, or to be done to any Lands, Waters, Tenements, or other Hereditaments, or other Property, than had been previously offered by or on Behalf of the said Corporation, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Corporation, or where by reason of Absence in Foreign Countries, or other Impediment or Difficulty as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from the said Corporation as herein mentioned; then, and in all such Cases, all the Expences of summoning such Jury and taking such Verdict shall be settled by any Two or more Justices of the Peace for the County or Place where the Matter in Question shall arise, not interested therein, who are hereby required to examine into and settle the same, and shall be defrayed by the said Corporation; but if any Verdict shall be given for the same Sum that had been previously offered by or on Behalf of the said Corporation, or for a less Sum than had been so previously offered, or in Case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in Case of such Refusal or Neglect to enter into

Expences of Witnesses and Jury by whom to be paid.

Treaty

Treaty with or make Conveyances to or receive Compensation from the said Corporation by any Bodies Politic, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases, except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid, the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by such Justices, and be borne and paid by the Body or Bodies Politic, Corporate or Collegiate, or other Person or Persons with whom the said Corporation shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed, and adjudged as so much Money advanced to and for the Use of such Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

Persons requesting a Jury to enter into Bonds to prosecute.

XI. And be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, and Person or Persons requesting a Jury to be summoned, shall, before such Warrant shall be issued for that Purpose, enter into a Bond, with Two sufficient Sureties, to the Clerk to the said Corporation in a Penalty of Fifty Pounds, with Condition to bear and pay the Costs and Expences of summoning such Jury and taking such Verdict, in Case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Corporation, before the summoning and returning the said Jury or Juries for the Purchase of, or as a Recompence for any Lands, Waters, Tenements, or Hereditaments, or as a Compensation for any Damage, or in Case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

Notice of Injury to be given to the Corporation.

XII. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained, by virtue or in consequence of this Act, unless Application shall have been made in Relation thereto by or on Behalf of such Person or Persons to the Corporation or their Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing and committing thereof shall have ceased.

Verdicts to be recorded.

XIII. And be it further enacted, That each and every Verdict so given shall be transmitted to, and be kept by the Clerk of the Peace or other Persons having the Custody of the Records of the Quarter Sessions for the said County, where such Verdict shall be given, and shall be deemed to be Records of such Quarter Sessions to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One Hundred Words, and so in Proportion for any greater or less Number of Words.

XIV. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, as shall have been contracted or agreed for between the Parties, or adjusted and determined by any Jury or Juries for the Purchase of any such Lands or other Hereditaments, or as a Recompence for any yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned to the Proprietor or Proprietors of such Lands or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, or to his, her or their Agent or Agents at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon Payment of the said Sum or Sums of Money into the Bank of *England* (in Case the same shall be requisite), in Manner by this Act directed and required for the Use of such Person or Persons so interested or entitled as aforesaid; then and in every such Case it shall be lawful for the said Corporation and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, or before such Payment or Tender, or Security given by Leave of the Owners and Occupiers thereof, and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Corporation, to and for the Purposes of the said recited Act and this Act for ever; subject nevertheless to all such Ingress, Egress, and Regress for the Cattle depasturing in the adjoining Lands, to go and pass to and from Water in the said River, as they might lawfully have done before the passing of this Act, so that the same do not prejudice, hinder, or inconvenience the Use of the said Navigation and Towing Paths; and such Tender, Payment, Investment or Deposit, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever interested therein: Provided nevertheless, that before such Payment, Tender, Investment, Deposit, or Security, as aforesaid, shall be made, it shall not be lawful for the said Corporation, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making, maintaining, improving, or repairing the said Navigation, or other the Works for the Purposes of the said recited Act and this Act, or any of them, without the Consent of such Person or Persons respectively.

Lands to rest in Corporation upon their paying Compensation for Damages.

XV. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politic, Corporate or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or Persons acting as Guardians, Committees, or other Trustees, for or on Behalf of any Lunatics, Idiots, Femes Covert, or other *Cestuique* Trusts, or to any Person or Persons whose Lands or Estates are limited in strict or other Settlement, or to any Persons under any other Disability or Incapacity whatsoever for the Purchase or Exchange of, or the Damages to be done to, any Lands, Tenements, or Hereditaments, by virtue of the Powers herein or in the said recited Act contained, shall be paid and applied in Manner following, (that is to say): In case the

Purchase Monies, or Compensations due to Corporate Bodies to be laid out in Land, when the same shall exceed 200l.

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same shall amount to or exceed the Sum of Two hundred Pounds, it shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Mayor, Burgeses, and Commonalty of *Thetford*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Redemption or Purchase of the Land-Tax, or towards the Discharge of any Debt or Debts, or such other Charge or Incumbrance, or Part thereof as the Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect, and in the Meantime and until such Purchase shall be made, the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three *per Centum* Consolidated, or Three *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased in Case such Purchase and Settlement were made.

Application where the Compensation Money does not exceed 200l. and is above 20l.

XVI. Provided always, and be it further enacted, That in Case the Money so payable to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, in respect whereof the same shall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such as aforesaid, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved by Five of the said Commissioners (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed,

directed, so far as the Case may be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVII. And be it further enacted, That in Case the Money payable to such Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments in respect whereof the same shall be paid, in such Manner as the said Commissioners or any Five or more of them shall think fit, or in Case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, or other Person or Persons acting as such, to and for the Use and Benefit of such Person or Persons so entitled respectively, and the Receipt or Receipts of the Person or Persons to whom the said Commissioners shall direct the same to be paid shall be sufficient Discharges for the same.

Application
when less
than 20l.

XVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or any Five or more of them, or in Case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [*describing them*], subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Uses the same is or are received, to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

In Case of
not making
out Titles.

XIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments,

Respecting
disputed
Titles.

to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been so paid at the Time of passing this Act, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed or taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XX. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Five or more of them, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Houses and Gardens not to be injured.

XXI. Provided always, and be it further enacted, That nothing herein or in the said recited Act contained, shall extend or be construed to extend to enable the said Mayor, Burgesses, and Commonalty, or their Successors, or the said Commissioners, or any of them, or any Person or Persons acting by their Authority, to take, use, injure or damage, for any of the Purposes of the said recited Act or this Act, any House or Building which was erected or built at or before the passing of this Act, or any Land or Ground which at or before that Time was set apart and used as or for a Yard, Paddock, Garden, Planted Walk or Avenue to a House, without the Consent of the Owner or Owners thereof for the Time being.

For preventing Damage being done to the Navigation.

XXII. And for preventing Mischiefs being done or committed by any Person or Persons who shall be employed in or about the said Navigation, or by the Owners or Masters of Boats, Keels, or other Vessels navigating on the said River; be it further enacted, That the Owner, Commander, Ruler, or Master of any Boat, Keel, or Vessel, shall be and is hereby made answerable for any Damage or Mischief that shall be done by such Boat, Keel, or Vessel, or by any of the Crew of Boatmen, Keelmen, or Watermen, belonging to any such Boat, Keel or Vessel, to any of the Weirs, Locks, Dams, or Bridges, in or upon the said River or Cuts, or for any Imbezzlement, Damage, or Injury, that shall be done to any Goods carried in such Boat, Keel, or Vessel, or for any Trespass done to the Owner, Occupier,

Occupier, or Possessor, of any Lands, Mills, Milldams, Tenements, or Premises, adjoining to the said River, or by raising the Water above its proper Level, or by not drawing or leaving running any Locks, Staunches, or Pens, when such Boat, Keel, or Vessel shall have passed the same; and such Owner, Master, or Person, having the Command or Rule of any Boat, Keel, or Vessel, shall and may be sued for the same as if such Trespass or Damage had been done or committed by himself, and if such Owner, Master, or Person, having the Command or Rule of such Boat, Keel, or Vessel, shall be found guilty, the Plaintiff or Plaintiffs shall not only recover his or their Damage thereby sustained, but also his, her, or their full Costs of Suit.

XXIII. And be it further enacted, That it shall and may be lawful for the said Corporation to sell and dispose of, and by Indenture under their Common Seal to grant and convey in Fee such Part or Parts of the Lands, Tenements, and Hereditaments as may be purchased by the said Corporation in pursuance of this Act; and shall not be wanted for the Purposes of the Navigation: Provided always, that before the said Corporation shall sell and dispose of such Part or Parts of the Lands, Tenements, and Hereditaments last aforesaid, they shall first offer to resell the same to the Owner or Owners of the Lands of whom the same were purchased by the said Corporation, their Heirs or Assigns; and in Case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, an Affidavit stating that such Offer was made by, or on the Behalf of, the said Corporation, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County aforesaid, by some Person or Persons not interested, shall be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be), and in Case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Corporation shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed respecting the disputed Value of Lands to be purchased by the said Corporation in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before mentioned with respect to Purchases made by the said Corporation *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Corporation as aforesaid, shall be applied for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Purchase Money.

Enabling Corporation to resell Premises purchased and not wanted.

XXIV. And for continuing a sufficient Number of Commissioners for the Purpose mentioned in the said former and this present Act; be it further enacted, That when and often as any Commissioner or Commissioners nominated and appointed for carrying into Execution the said recited Act and this present Act, shall die, remove, or refuse to act, it shall and may be lawful to and for the surviving and remaining Commissioners, or any Five or more of them, from Time to Time by Instrument in Writing under their respective Hands and Seals, to nominate, elect, and appoint some other Person or Persons so qualified as aforesaid in the Place of him or them so dying, removing, or refusing to act, the said sur-

How future Commissioners to be appointed.

viving or remaining Commissioners, or any Five or more of them, always giving Ten Days Notice in Writing, to be affixed on the Market-Cross or Market Place in the Town of *Thetford*, of such intended Nomination, Election, and Appointment, and all and every Person and Persons so nominated, elected, and appointed, shall from thenceforth have the like Power and Authority in all Things relating to the Matters in the said recited Act and this Act contained, as if he or they had been expressly named and appointed in and by this present Act.

Penalty on
Persons wil-
fully draw-
ing any
Locks.

XXV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously draw any Pen, Lock or Staunch, in the said River, or let the Water run waste, or set any of the said Pens, Locks, or Staunches, to the Prejudice of the Navigation on the said River, all and every such Person or Persons offending in any of the said Particulars, and being thereof convicted before One or more Justice or Justices of the Peace for the Counties of *Norfolk* or *Suffolk*, by the Oath of One or more Witness or Witnesses, the Person or Persons so convicted shall forfeit and pay to the said Undertakers, their Successors or Assigns, any Sum not exceeding Ten Pounds, and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction, there to be kept to hard Labour, as such Justice of the Peace shall direct, not exceeding Three Months: Provided always, that the respective Owner or Owners, Occupier or Occupiers for the Time being of the Mills, upon or adjacent to the said River *Brandon*, otherwise *Lesser Ouze*, shall and may have full Liberty to draw and continue drawn, the Lock, Pen, or Staunch, next or nearest to *Thetford* aforesaid in the said River, when not intercepting, stopping, molesting, delaying, or impeding the Passage of the Boats, Lighters, or Vessels trading thereon, and also that the Occupier or Occupiers, Proprietor or Proprietors of any Lands adjacent to the said River, shall and may have full Liberty to stop and set any of the Locks, Pens, or Staunches, in the said River, and to lay any Tunnel or Tunnels through the said Banks or Haling or Towing Paths, and also to make any Cut or Cuts in or upon any of the adjoining Lands from the Tunnel next above to the Tunnel next below the two nearest Staunches, for the Purposes of irrigating, draining, or otherwise improving the same Lands, doing or permitting to be done no Interruption, Molestation, Injury, Delay, or Impediment to the Trade of the said Navigation or the Passage thereof, and also keeping and thenceforth continuing to keep in a proper State of Repair and Condition the Haling or Towing-Paths along and between the Two Staunches next above or Eastward of the Lands so irrigated, drained, or otherwise improved; and such Occupier or Occupiers, Owner or Owners, also within One Hour after he or they shall be thereunto required by any Person or Persons navigating any Boat or other Vessel on the said River, or owning any such Boat or other Vessel shutting such Tunnel or Tunnels, and effectually stopping or preventing the Water flowing through the same, and keeping the same Tunnel or Tunnels so shut and stopped, until such Boat or other Vessel shall have passed through the Staunch or Sluice immediately above or below such Tunnel or Tunnels; and if any Occupier or Occupiers, Owner or Owners, shall refuse or neglect so to do, he or they so refusing or neglecting, shall forfeit and pay to the Owner or Owners of such Boat or other Vessel any Sum not exceeding Twenty Shillings for every such Refusal or Neglect as aforesaid.

For prevent-
ing Damage
to Mills.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall authorize, empower, or allow the Owner or Owners, Occupier

Occupier or Occupiers, for the Time being of any of the Lands adjacent to the said River between the Town of *Thetford* and the said Lock, Pen or Staunch nearest to *Thetford* aforesaid, for the Purpose of irrigating, draining or improving the said Lands, to stop or set the said Lock, Pen or Staunch oftener than Three Times, nor longer than Twelve Days in any One Year to be computed from the Thirty-first Day of *December* Yearly, or to continue the said Lock, Pen, or Staunch stopped, or set for any longer Time than shall be absolutely necessary for the Purposes aforesaid, and not exceeding Five Days at any One Time, nor at any Time to pen or keep up the Water higher than One Inch above the Top of the Sluice Gate when shut down; and that such Lock, Pen, or Staunch shall not at any Time be stopped or set in Manner aforesaid, until Twenty-four Hours previous Notice in Writing of the Time of stopping or setting the same shall have been left at each of the said Mills, with or for the Occupiers thereof, on Pain that every Person for every such Offence shall forfeit and pay to the Occupiers of the said Mills a Sum not exceeding Twenty Shillings.

XXVII. And be it further enacted, That the said River *Brandon*, or any of the Cuts or Works, Matters or Things, already made or erected or which shall be made or erected, by the said Corporation, their Successors, Heirs, or Assigns, for making, preserving, and continuing navigable, portable, and passable the said River, and the said Cuts, Trenches and Passages within the Limits aforesaid, shall not be under the Order or Survey of any Commission of Sewers, or subject thereunto, any Law or Statute to the contrary notwithstanding.

Works not to be subject to the Survey of Commissioners of Sewers.

XXVIII. And for preventing the throwing down, destroying, demolishing, or damaging, any of the Works which shall be made or erected, or that have been made or erected on the River *Brandon*, or any Works to be made or erected in pursuance of the said recited Act or of this present Act, or the throwing of any Stones, Dirt, or Rubbish, into the said River or Cuts, be it further enacted, That if any Person or Persons shall wilfully or maliciously cut, break down, demolish, damage or destroy, any Banks or other Works that shall be making or erecting, or that have been made or erected for the Purposes aforesaid, or shall throw any Stones, Dirt, or Rubbish, or any other Thing into the said River *Brandon*, which shall in any Manner prejudice or obstruct the said Navigation hereby intended and directed to be made, maintained, repaired, improved, and completed, such Person or Persons so offending in either Case, and being convicted thereof before any Justice of the Peace of the Counties of *Norfolk* or *Suffolk*, upon the Oath of One or more Witnesses or Witnesses, shall forfeit any Sum not exceeding Ten Pounds to the said Corporation, their Successors and Assigns, and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding Three Months.

Penalty on Persons damaging Works.

XXIX. And be it further enacted, That it shall or may be lawful for the said Commissioners, or any Ten or more of them, at any Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest any Sum or Sums of Money, so that there be not remaining due at any One Time of the Money borrowed, more than the Sum of Ten Thousand Pounds, which they or any Ten or more of them shall

Power to borrow Money on Credit of Tolls.

think fit ; and they or any Ten or more of them are hereby empowered from Time to Time, by any Writing or Writings under their Hands and Seals, to mortgage and assign over the said Tolls or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls,) to any Person or Persons for any Term or Number of Years, as a Security or Securities for the several Sums of Money which shall be borrowed as aforesaid, and the Interest thereof; and Copies of 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, and all and every Person or Persons to whom such Mortgage or Assignment shall be made as aforesaid, is and are hereby empowered from Time to Time by Assignment under his, her, or their Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, and Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money both Principal and Interest which shall be due thereon to any Person or Persons whomsoever ; all which Assignments or Transfers shall be produced and notified to the Clerk to the said Commissioners within Six Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties and Sums of Money therein mentioned, to be assigned or transferred in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward ; and after such Entry made, such Assignment or Transfer shall entitle such Assignee, his, her or their Executors and Administrators, to the Benefit thereof and Payment thereon ; and such Assignee may in like Manner assign or transfer again, and so *toties quoties* ; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer to make void, release, or discharge the same, or any Monies due thereon ; and all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be in Proportion to the Sum or Sums therein mentioned, Creditor on such Tolls in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies.

Application
of the Money.

XXX. And be it further enacted, That all the Monies which shall arise from the Tolls by this Act granted, together with the Monies which shall from Time to Time be borrowed in pursuance of this Act, and all other Monies which shall arise and be produced by virtue of this Act, shall be vested in the said Corporation, and so much thereof as shall be necessary shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following ; that is to say, in the First Place, in Payment of the Costs, Charges, and Expences of preparing and passing this Act ; in the Second Place, in paying the Debts or Sums of Money borrowed or due and owing on the Credit and Security of the said recited Act ; in the Third Place, in paying the Interest accruing upon the several Principal Sums of Money which shall from Time to Time be due and owing on the several Mortgages or Securities made in pursuance of this Act ; in the Fourth Place, in defraying the Expences of repairing and improving the Sluices, Staunches, Banks and Towing Paths, and erecting, making, and raising necessary Sluices, Staunches, Banks and Towing Paths, and cleansing, straightening, widening and deepening the Bed of the said River where necessary, and making all other necessary Works for improving the Navigation thereof,

of, and executing the several other Powers and Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums due on such Mortgages or Securities as aforesaid.

XXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Ten or more of them, to determine all and every or any Lease or Leases, Agreement or Agreements, now subsisting for any Term of Years, or from Year to Year, or at Will, of all or any Part or Parts of the said Tolls, Rates or Duties of the said Navigation, demised or leased by virtue of the said recited Act, at such Time or Times as the said Commissioners or any Ten or more of them, shall direct; and it shall be lawful for the said Commissioners or any Ten or more of them, to adjudge and determine what Satisfaction shall be made to the Lessees or Tenants respectively for the Determination of their Interests in such Lease or Leases, Agreement or Agreements, and upon Payment at the Time or Times by the said Commissioners or any Ten or more of them to be appointed, of the Sum or Sums which shall be so adjudged to be paid, and not otherwise, such respective Interests shall cease and determine; and in Case any Dispute or Difference shall arise touching or concerning the Amount of such Satisfaction and Compensation, such Satisfaction and Compensation shall be determined, settled, and ascertained by a Jury in such and the like Manner as the Satisfaction and Compensation to be made for the Purchase of any Lands, Tenements, or Hereditaments to be taken or made Use of for the Purposes of the said recited Act and this Act is herein directed to be settled, determined, and ascertained.

Power for Commissioners to determine Leases.

XXXII. And be it further enacted, That when and so often as the said Corporation, their Successors or Assigns shall neglect or fail to do and perform, or cause to be done and performed, the several Acts, Matters, and Things by them or any of them by virtue of this Act, or the said recited Act directed to be done, of or concerning any of the said Navigation, Sluices, Staunches, Towing or Haling Paths, and Ways, it shall and may be lawful to and for the said Commissioners or any Five or more of them (Notice in Writing under the Hands of the said Commissioners or any Five or more of them, requiring the same to be done and performed, having been given to the said Corporation, their Successors or Assigns, or to the Mayor of the said Borough for the Time being, at least Fourteen Days previous thereto), to direct and order the said Repairs or Amendments, or any of them, to be then forthwith proceeded upon and completed; and the said Commissioners making the said Order shall and may seize and take the said Tolls or any of them, until they shall have been reimbursed or repaid by the said Corporation, their Successors, or Assigns, the necessary Expence attendant upon the doing of such Repairs or Amendments.

Power for Commissioners in Default of the Corporation to execute necessary Works for the Navigation.

XXXIII. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act imposed or authorized to be imposed, (the Manner of levying and recovering which is not herein otherwise particularly directed), shall upon Proof of the Offences, and upon Conviction of the Offenders respectively before any One or more Justice or Justices of the Peace for the County or District wherein such Offences 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, to be believed by Distress and Sale of the Goods and Chattels of the Party or Parties offending by

How Penalties, Forfeitures, and Fines, are to be recovered and applied.

virtue of a Warrant or Warrants under the Hand and Seal, or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice and Justices is and are hereby authorized and required to grant, and to administer such Oath), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines (if not otherwise directed by this Act) shall be paid to the said Corporation or their Treasurer, and applied for the Purposes of this Act, and in Case sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Goal or House of Correction for such County or District, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Form of
Conviction.

XXXIV. And for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form or Words to the Effect following, *mutatis mutandis*, as the Case shall happen to be.

County of }
to wit. } **BE** it remembered, That on (*Time of Conviction*) at (*Place of Conviction*) A. B. (*Name of Offender*) of (*Addition of Offender*) was duly convicted before me, (*or us*) *Name and Style of convicting Justice or Justices*) for that the said A. B. (*Name of Offender on Time of committing Offence*) at (*Place of committing Offence*) did (*here state the Offence against the Act according to the Fact*) contrary to the Form of the Statute made in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled (*here set forth the Title of this Act*) and I, or We, do therefore declare and adjudge that the said A. B. (*Name of Offender*) has forfeited for his said Offence the Sum of (*Fine*), or shall be committed to (*Place of Imprisonment*) for the Space of (*Time of Imprisonment*). Given under my Hand and Seal (*or our Hands and Seals*) the Day and Year first above written.'

Limitation of
Actions.

XXXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of the said recited Act, or of this Act, for which no particular Relief hath been herein-before provided, (save and except by the Verdict of the Jury, or by any Determination, Proceeding, Matter or Thing herein-before directed to be final), such Person or Persons may within Six Calendar Months after the Cause of Complaint shall arise, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the County or District in which the Matter or Cause of such Appeal shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Mayor or Head Officer of the said Corporation, and within Four Days after such

Notice, entering into a Recognizance before some Justice of the Peace for the said County or District, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of the Justices at such Quarter Sessions, and to pay such Costs as shall be awarded against him, her, or them by such Justices; and such Justices at their said Sessions on due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award Costs to the Party appealing or appealed against as they shall think proper, and their Determination shall be final, binding, and conclusive to all Intents and Purposes.

XXXVI. And be it further enacted, That if any Action, Suit, or Information, shall be brought or commenced against the said Corporation, their Successors, Heirs or Assigns, or against any Person or Persons, for any Thing done or to be done in pursuance of the said recited Act or this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein-before given or granted, every such Action, Suit, or Information, shall be commenced and brought within Three Months next after the Fact committed and not afterwards, and shall be laid, brought and tried in the County in which the Matter in Dispute shall arise, and not elsewhere, and the Person or Persons so sued or prosecuted, shall or may plead the General Issue, and give the said recited and this Act, and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said recited and this Act; and if it shall appear so to be done, or that 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 or Counties, that then the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against him, her, or them, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Appeal to the
Quarter
Sessions.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices and others, without being specially pleaded.

Publick Act.

