



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. 1.

An Act for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*; and for making and maintaining a navigable Cut from the said River at *Carlton Shares Mill* into the said Dyke leading to *Oulton Broad* in the County of *Suffolk*.
[22d April 1831.]

WHEREAS the deepening, widening, varying, altering, and improving the Navigation of a certain Part of the River *Waveney*, situate in the Counties of *Suffolk* and *Norfolk*, beginning at or near a certain Dyke commonly called *Rosehall Fleet*, situate in the Parishes of *Barsham* and *Beccles* in the said County of *Suffolk*, and ending at or near the Junction of a certain Stream or Dyke called *Oulton Dyke*, in the Parish of *Oulton* aforesaid, with the said River *Waveney*, so as to make such Part of the same River navigable, as well for the Passage of Ships and other Seaborne Vessels as the same now is for Wherries, Keels, Boats, and other small Vessels and Craft; and the making and maintaining a navigable Cut or Canal for the Passage of Ships, Seaborne and other Vessels, from the said River *Waveney* at or near *Carlton Shares Mill*, situate in the Parish of *Carlton Colville* in the County of *Suffolk*, in an Easterly Direction, along certain Parts of the said *Oulton Dyke*,
[Local.]

Commis-
sioners.

so as to unite with the projected navigable Communication for Ships and other Vessels between the City of *Norwich* and the Sea at or near *Lowestoft* in the said County of *Suffolk*, will open a new and beneficial Communication for Vessels employed in the Coasting and other Trades, and for the Conveyance of Goods, Wares, and Merchandize, to and from the Town of *Beccles* aforesaid, and to and from divers Parts of the said Counties of *Suffolk* and *Norfolk*, and will generally be of great Public Utility; and forasmuch as a considerable Expence will necessarily be incurred by deepening, widening, varying, altering, and improving such Part of the said River *Waveney*, and maintaining the same when improved and made navigable as aforesaid, and also by making and maintaining the said navigable Cut or Canal, it is reasonable that the Sums necessary to defray the same should be paid by the Owners and Masters of Ships and other Seaborne Vessels navigating the said improved River within the Limits aforesaid, and Cut, or any Part thereof respectively, and of Wherries, Keels, and other such Vessels not being Seaborne as shall navigate the said new Cut or any Part thereof: 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 all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Suffolk* and *Norfolk* respectively, the Portreeve and Surveyors for the Time being of the Fen of *Beccles* in the said County of *Suffolk*, together with *Edward Arnold*, *Richard Bohun*, *John Crisp*, *James Crisp*, *William Henchman Crowfoot*, *William John Crowfoot*, *Charles Chinery*, *John Day*, *Thomas Farr*, *Frederick William Farn*, *Robert Fiske*, *George Fenn*, *John Garnham*, *John Garrod*, *Samuel Howard*, *Charles Maplestone*, *Thomas Norton*, *William Oswald*, *Patrick Stead*, and *William Tiptod*, [which Twenty Persons last named are all rated to the Relief of the Poor in the Parish of *Beccles*, and are (where it is necessary for the sake of distinguishing them) hereinafter denominated *Beccles Commissioners*,] and also *Archibald Lord Viscount Acheson*, *Richard Aldous Arnold Clerk*, *George Anguish Clerk*, the Right Honourable *George Thomas Beresford* commonly called *Lord George Thomas Beresford*, *William Boycott Clerk*, *William Boon*, *William Carpenter*, *Benjamin Utting Dowson*, *Henry Dowson*, the Reverend *Naunton Thomas Orgill* *Leman Clerk*, *John Potter Hamilton*, *John Lillistone Clerk*, *Samuel Last*, *Thomas Marshall*, *Edmund Norton*, *Charles Pearce*, *Robert Rede Rede Clerk*, *Robert Reeve*, *Edmund Skepper*, and *John Woodthorpe*, [which Twenty Persons last named are (where it is necessary for the sake of distinguishing them) hereinafter denominated *Country Commissioners*,] and their Successors, to be elected as after mentioned, shall be and they are hereby constituted and appointed Commissioners for putting this Act into execution.

Qualification
of Commis-
sioners.

II. And be it further enacted, That no such Person, or any Person hereafter elected a Commissioner (except the said Justices of the Peace and the Portreeve and Surveyors for the Time being of the Fen of *Beccles*), shall be capable of acting as a Commissioner for the Execution of this Act, except such as are declared to be Commissioners

sioners by virtue of any Office or Station, unless he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or in the Receipt of Rents and Profits of Lands, Tenements, or Hereditaments within the Counties of *Suffolk* and *Norfolk*, or one of them, of the clear yearly Value of Eighty Pounds, or is Heir Apparent of some Person in the actual Possession or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments in the said Counties of *Suffolk* and *Norfolk*, or one of them, of the clear yearly Value of One hundred and fifty Pounds.

III. And be it further enacted, That on the Third *Monday* in the Month of *July* in the Year of our Lord One thousand eight hundred and thirty-two, and on the Third *Monday* in the Month of *July* in every subsequent Year for the Space of Four Years, Four of the *Beccles* Commissioners hereinbefore named and appointed (exclusive of the Portreeve and Surveyors for the Time being of *Beccles* Fen), to be determined by Lot amongst themselves, shall go out of Office and cease to be Commissioners; and the Clerk of the said Commissioners shall, within Three Days after it shall have been determined by Lot which of the said *Beccles* Commissioners shall go out of Office and cease to be Commissioners, or after any of the *Beccles* Commissioners to be elected or appointed by virtue of this Act shall, by Rotation or Efflux of Time, go out of Office and cease to be Commissioners, deliver to or leave at the Dwelling House of One of the Churchwardens or Overseers for the Time being of the Parish of *Beccles* a List containing the Names of the Persons so going out of Office or ceasing to be *Beccles* Commissioners as aforesaid; and it shall be lawful for such Churchwardens or Overseers, and they are required, at any Time within Ten Days from and after the Delivery of such List as aforesaid, to convene a Meeting of such of the Inhabitants of the said Parish as shall be rated to the Relief of the Poor in the same Parish, and whose Assessment shall amount to Ten Pounds or upwards, and who shall have duly paid the said Rate and all Arrears thereof for the Year immediately preceding; and at such Meeting such Inhabitants as aforesaid shall elect so many Persons, rated to the Parochial Rates of the said Parish of *Beccles*, as shall be necessary to fill up the Vacancies occasioned by the Commissioners then going out of Office; and the said Churchwardens or Overseers of the said Parish shall deliver to or leave at the Dwelling House of the Clerk of the said Commissioners a List containing the Names of the Persons so elected to be *Beccles* Commissioners as aforesaid, within Three Days after such Election; but if the said Inhabitants shall neglect or refuse to elect Persons duly qualified to act as Commissioners in the Execution of this Act, to supply such Vacancies as they occur, or if the Churchwardens or Overseers shall neglect to deliver a List of the Persons so elected as aforesaid within the respective Times aforesaid, then it shall be lawful for the Commissioners acting in the Execution of this Act, at the then next Meeting to be held pursuant to the Directions of this Act, to nominate and appoint such Persons as they may think proper, being Persons rated to the Relief of the Poor in the said Parish of *Beccles*, and possessing the Qualification herein-before mentioned, to supply such Vacancies as aforesaid; and such *Beccles* Commissioners, so elected or appointed as aforesaid, shall continue in Office for

Annual
Election of
Beccles
Commis-
sioners.

for the Space of Five Years, (except in case of Death, Resignation, or becoming disqualified or incompetent to act as a *Beccles* Commissioner,) and until other Persons shall be elected or appointed in their Room or Stead, and no longer: Provided always, that all the Commissioners who shall go out of Office by Lot or Rotation as aforesaid shall be eligible to be re-elected or re-appointed immediately afterwards, or at any subsequent Election or Appointment.

Vacancies
of Beccles
Commis-
sioners to be
filled up.

IV. And be it further enacted, That when and so often as any of the said *Beccles* Commissioners named in or to be elected or appointed by virtue of this Act shall die or shall resign, or become disqualified or incompetent to act as a *Beccles* Commissioner, or shall cease to be a Commissioner by any other Cause than that of going out of Office by Lot or Rotation as aforesaid, it shall be lawful for some other Person duly qualified to be a Commissioner to be elected in manner aforesaid; and every such Person so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he shall have been elected would have been entitled to continue had he lived, not resigned, or not become disqualified or incompetent to act as aforesaid.

Commission-
ers Oaths.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act until he shall have taken and subscribed either or both of the Oaths to the following Effect (as the Case may require); which Oaths any One of the Commissioners is hereby empowered to administer:

[Or, being One of the People called Quakers, do solemnly affirm,] That I am truly and lawfully in my own Right [or in the Right of my Wife], in the actual possession and Enjoyment [or in the Receipt of Rents and Profits issuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments within the Counties of *Suffolk* and *Norfolk*, or either of them, of the clear yearly Value of Eighty Pounds above Reprizes, and am Her Apparent of [or, being One of the People called Quakers, do solemnly affirm,] that I am truly and lawfully in my own Right [or in the Right of my Wife], in the actual possession and Enjoyment [or in the Receipt of Rents and Profits issuing out of] Freehold or Copyhold Lands, Tenements, or Hereditaments within the Counties of *Suffolk* and *Norfolk*, or either of them, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, clear of all Debts and Incumbrances [as the Case may be]. So help me GOD.

[Or, being a Quaker, omit the Words 'So help me God.']
[Or, being One of the People called Quakers, do solemnly affirm,] That, according to the best of my Skill and Knowledge, I will faithfully, impartially, and truly execute the several Powers and Authorities vested in me by an Act passed in the First Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [here set forth the Title of this Act] according to the Tenor and Purport of the said Act. So help me GOD.

Penalty on
Commission-
ers acting
not being
qualified.

And if any Person, not being so qualified, or being disqualified for any of the Reasons hereafter mentioned, shall presume to act in the Execution of this Act, or without having been duly sworn, every such Person shall for every such Offence pay the Sum of

One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he was so qualified at the Time he acted, on Proof given of his having acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of every such Commissioner, previously to his being convicted of every such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been duly qualified and had taken the said Oaths.

VI. And be it further enacted, That if any Country Commissioner for executing this Act shall die, resign, refuse or become incapable of acting, or shall in any other Way be disqualified from acting in the Trusts hereby reposed in him, then the surviving or remaining Commissioners shall and they are hereby required, at their next General Annual Meeting after such Death, Resignation, Refusal, Incapacity, Removal, or Disqualification, appoint such Person or Persons to be a Country Commissioner or Commissioners in the Room of him or them so dying, resigning, refusing, removing, or becoming so incapacitated or disqualified to act as aforesaid, as the said Commissioners shall think fit; which said Person or Persons so to be appointed as aforesaid, being duly qualified and sworn, shall have all such and the same Powers and Authorities as the Commissioner or Commissioners in whose Room he or they shall succeed, or as the remaining or continuing Commissioners, was or were vested with.

Power to
appoint new
Commis-
sioners.

VII. And be it further enacted, That no Person hereby appointed or hereafter to be appointed a Commissioner as aforesaid shall be capable of acting as such during the Time he shall hold or enjoy any Office or Place of Profit under or be concerned in any Contract made by virtue of this Act, or in any Case where he shall be personally interested, except as a Creditor, or shall take any Contract under this Act whilst he shall be such Commissioner, upon pain of forfeiting One hundred Pounds for every Time he shall so act, to any Person who shall sue for the same.

No Person
holding any
Office to act
as a Com-
missioner.

VIII. Provided always, and be it further enacted, That it shall not be lawful for any such Commissioner to act in the Execution of this Act in any Manner in which he shall be directly or indirectly personally interested, neither shall it be lawful for the Portreeve or any One of the Surveyors for the Time being of the Fen of *Beccles* to vote both in his corporate and also in his private Capacity, as possessing the Estate herein-before specified.

Commis-
sioners in
terested not
to vote.

IX. And be it further enacted, That the said Commissioners shall hold their First Meeting at the Town or Shire Hall or at any other convenient Place in *Beccles* aforesaid upon the Third *Monday* in the Month next after the passing of this Act, or as soon thereafter as conveniently may be; and the said Commissioners then and there

Meetings of
Commis-
sioners.

[*Local.*]

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assembled

assembled shall proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place, as they shall think fit; and from and after such First General Meeting there shall be a Meeting of the said Commissioners on the Third *Monday* in the Month of *July* in each and every Year; or on some Day within the Space of Fourteen Days then next following, in case the said Commissioners shall at any Time or Times appoint such other Day; and the said Commissioners shall and may adjourn such General Annual Meetings from Time to Time and from Place to Place as they shall think fit; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of the said Commissioners to act or to adjourn (Three of the said Commissioners being always deemed sufficient for the Purpose of Adjournment only), or if the said Commissioners when met shall neglect to make any Adjournment, then and in every such Case any Three or more of the said Commissioners may call a Meeting at the Place where the last Meeting was held, or at any other convenient Place, giving Notice thereof Seven Days previous to such Meeting, by causing Notice in Writing to be affixed in some conspicuous Part of the said Town of *Becles*, and by causing such Notice to be inserted in some or One of the Public Newspapers circulated and published in the said Counties of *Suffolk* and *Norfolk* respectively; and the said Commissioners, when met in pursuance of such Notice, shall and they are hereby required to proceed to the Execution of this Act; and the said Commissioners shall at all their Meetings bear and pay their own Expences (except the Expence for the Use of a Room, not exceeding Ten Shillings, which shall be paid and accounted for by the Treasurer); and at every Meeting of the said Commissioners to be held by virtue of this Act One of the said Commissioners to be chosen by the said Commissioners present at such Meeting, or the major Part of them, shall preside, and be called *Chairman*; and every Question, Matter, and Thing whatsoever, which shall be proposed, discussed, or considered at any Meeting of the said Commissioners, shall be finally determined by the Majority of Commissioners then present; and the Chairman at every such Meeting shall not only have a Vote as a Commissioner, but, in case of Equality of Votes upon any such Question, Matter, or Thing, shall have the decisive, or casting Vote.

Number of
Commis-
sioners hav-
ing Power to
act.

X. And be it further enacted, That all Powers, Authorities, Directions, Matters, and Things by this Act given to or directed to be done or executed by or before the said Commissioners shall and may be exercised, had, and done by or before any Seven or more of them (except only where some other Number is appointed by this Act); and all such Matters and Things shall be of as full Force and Effect as if done or executed by or before all the said Commissioners, notwithstanding any thing herein contained to the contrary thereof; but no Act of the said Commissioners, except that of Adjournment, and in Cases where it is hereby otherwise directed, shall be valid unless done at some public Meeting to be held by virtue of this Act.

Power to
make Bye
Laws.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, present at any of their Meetings, to make such Orders, Bye Laws, and Rules as to
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the said Commissioners assembled thereat shall seem right and proper, for the good Government of the said Undertaking, and for the Regulation of all their Officers, Servants, Agents, and Workmen to be employed in and about the same, and for the well and orderly Superintendence, Conduct, and Management of the said Navigation and Cut, and the Ballast Wharfs, Towing Paths, Ways, Roads, Bridges, and other Works hereby authorized to be done, or requisite thereto, and for regulating the passing and navigating of all Ships, Boats, and other Vessels, Persons, Horses, and Carriages, which shall from Time to Time be used upon any Part of the said Navigation and Cut, Towing Paths, Roadways, Wharfs, and other Works hereby authorized to be made, and for the orderly Behaviour of all Sailors, Boatmen, and others who shall be employed in carrying or conveying Goods, Wares, or Merchandize upon any Part of the same Navigation and Cut, or shall use any of the Works by this Act authorized to be made, and for the Superintendence and Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Orders, Bye Laws, Rules, and Regulations, or any of them, and to make others, and to impose any reasonable Fines upon all Persons offending against the same, not exceeding the Sum of Five Pounds for any One Offence; which said Orders, Bye Laws, Rules, and Regulations, and the Fines and Penalties for the Nonperformance thereof, shall from Time to Time, as often as they shall be made or varied, be printed on Boards in legible Characters, and be posted up, affixed, and continued in some conspicuous Places upon or adjoining to the said Navigation, Cut, and other Works hereby authorized to be made, and shall be renewed as often as the same shall be obliterated and defaced; and a Copy of such Orders, Bye Laws, Rules, and Regulations shall be sufficient Evidence thereof in any Court of Law or Equity, and shall also be sufficient to justify all Persons who shall act under the same, provided that they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any Rights and Privileges of any Lord of a Manor or Manors, or of any Proprietor of Lands adjoining any Part of the said Navigation, Cut, and other Works hereby authorized to be made, or to the Provisions and Directions in this Act contained, or any of them; and all such Orders, Bye Laws, Rules, and Regulations shall be subject to Appeal in manner herein-after mentioned: Provided always, that no Bye Law, Rule, Order, or Regulation made by the said Commissioners shall be altered or repealed unless Ten Days previous Notice in Writing of such intended Alteration or Repeal, under the Hands of any Two or more of the said Commissioners, shall be affixed upon the Town Hall or some other conspicuous Place in the said Town of *Beccles*, and advertized once in One of the Newspapers published and circulated in each of the said Counties of *Suffolk* and *Norfolk*, nor unless a greater Number of the Commissioners than were present at the making of such Bye Law, Rule, or Regulation shall be present at the Meeting when the same shall be proposed to be altered or repealed.

Not to be altered or repealed without Notice.

XII. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings to nominate and appoint One or more Committee or Committees of the said Commissioners, such

Power to appoint Committees.

Westminster, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk and Treasurer, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors of the Rates granted by this Act, without Fee or Reward; and the said Commissioners and such Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit such Commissioners or Creditors, or any of them, to inspect the same, at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall for every such Refusal forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner hereinafter directed.

Accounts
to be kept
of Receipts
and Dis-
bursements.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required to take good and sufficient Security from their Treasurer, and may and they are hereby empowered to take Security from their Clerk, Surveyor, Collector, and other Officers, for the due Execution of their respective Offices, and of the Trusts reposed in them; and all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officers and Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay over all such Balances or Sums of Money, and deliver all such Goods, Matters, and Things, as shall remain in their respective Hands, to the said Commissioners or to such Person or Persons as they shall appoint; and if any such Officer or Person shall not render such Accounts, or shall refuse to deliver up the Vouchers relating to the same, or to make Payment of such Balances or Sums of Money as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint within Fourteen Days next after being thereunto required by Notice in Writing signed by any Three or more of the said Commissioners or their Clerk, and given to or left at the last usual Place of Abode of such Officer or Person, all Books, Papers, and Writings, Goods, Matters, and Things, in his or their Custody or Power, belonging to the said Commissioners, or relating

Treasurer
and other
Officers to
account,
and pay over
Balances,
and deliver
Goods;

or, in de-
fault, Com-
missioners
may recover
by Action;

[Local.]

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or before a
Justice, by
Distress.

For Want of
Distress, Of-
fender may
be impri-
soned.

to the Execution of this Act, within Fourteen Days next after being thereunto required by Notice in Writing signed by any Three or more of the said Commissioners or their Clerk, and given to or left at the last usual Place of Abode of such Officer or Person, then and in any of the Cases aforesaid the said Commissioners are hereby authorized to cause any Action or Actions to be brought against the Officer or Person so neglecting or refusing, for the Recovery of the Money which shall be in his Hands, with Costs of Suit; or if Complaint shall be made by the said Commissioners or any Three or more of them, or by any Person or Persons to be by them appointed for that Purpose, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place wherein such Officer or Person shall be or reside, such Justice is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Officer or Person, so neglecting or refusing, to be brought before him, and on his Appearance, or on his being summoned and not appearing, without giving some reasonable Excuse for such Non-appearance, to the Satisfaction of such Justice, or not being found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any One or more credible Witness or Witnesses, upon Oath, or, being a Quaker, upon solemn Affirmation, which Oath or Affirmation such Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of the Person against whom such Warrant shall be granted can be found sufficient to answer the said Money, and the Charges of levying such Distress, or if it shall in manner aforesaid appear to such Justice that any such Officer or Person shall refuse or neglect to render such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, Goods, Matters, or Things, belonging to the said Commissioners or relating to the Execution of this Act, shall be in the Custody or Power of any such Officer or Person, and he shall have refused or neglected to deliver the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit any such Offender to the Common Gaol or House of Correction of or for the County or Place where such Offender shall be or reside, at the Discretion of such Justice, there to remain without Bail or Mainprize until he or they shall give a true and perfect Account, and make Payment as aforesaid, or until he or they shall compound with the said Commissioners touching the same, and shall have paid such Composition, in such Manner as they the said Commissioners shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, Goods, Matters, and Things as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person shall be confined in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

XVII. Provided

XVII. Provided always, and be it further enacted, That at every General Annual Meeting the said Commissioners shall state One Cash Account of the Receipts and Payments, and One General Revenue Account, containing an Abstract of their own and of the several Accounts of all and every Person and Persons employed as an Officer or Officers under them, of their whole Transactions, to the Intent that the Accounts so stated may be open to the general Examination of all Persons interested therein, who shall assemble themselves at such General Annual Meeting; a Copy of which Accounts so stated shall at every such Meeting be signed by the Chairman for the Time being attending such Meeting, and be deposited with the Clerk to the said Commissioners for the Time being, who shall permit any Person or Persons interested therein, or Persons on his, her, or their Behalf, to inspect the same, between the Hours of Ten and Four of the Clock in every Day, paying One Shilling for such Inspection; and shall, upon Demand, forthwith give Copies of the same or any Part thereof to any such Person or Persons respectively, the Person or Persons requiring such Copies paying at the Rate of Sixpence for every One hundred Words.

Accounts to be stated at General Annual Meeting.

XVIII. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk or Treasurer for the Time being; and that no Action, Suit, or other Proceeding at Law or in Equity, which may be brought by or against the said Commissioners or any of them, by virtue of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by any Act of such Clerk or Treasurer done without the Order or Consent of the said Commissioners; but the Clerk or Treasurer for the Time being shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that such Clerk or Treasurer shall always be reimbursed, out of the Monies arising by virtue of this Act, all such Expences as he shall incur on account of or in relation to any such Action, Suit, or Proceeding.

Actions to be brought or defended in the Name of Clerk or Treasurer.

XIX. And be it further enacted, That the said Commissioners shall and may and they are hereby empowered to enter into Contracts and make Bargains with any Workmen or other Persons, for the making and doing all and every or any Part of the Work or Business in and about making and improving the said Navigation, Cut, and other Works hereby authorized to be made; which Contracts shall be signed by the Chairman of the said Commissioners at any such Meeting as aforesaid, and by the Person or Persons contracting to perform such Work or Business.

Power to make Contracts.

XX. And be it further enacted, That the Orders and Proceedings at every Meeting of the said Commissioners held by virtue of this Act shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Chairman of each respective Meeting, and such Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others; which Book or Books shall be, at all convenient Hours of Business,

Proceedings to be entered in a Book.

Business, open to the Inspection of all Persons chargeable with and liable to the Payment of the said Rates and Duties, and also of the said Commissioners or any One or more of them, and shall be from Time to Time produced and shewn to them or any One or more of them, upon Request, by the proper Officer of the said Commissioners, without Fee or Reward.

Powers and
Duties of
Commis-
sioners.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by themselves, their Engineers, Deputies, Agents, Officers, Workmen, Servants, and others, to improve, cleanse, scour, enlarge, embank, deepen, widen, vary, alter, and render more straight and commodious the Navigation of the River *Waveney* in the Counties of *Suffolk* and *Norfolk*, from *Rosehall Fleet*, in the Parishes of *Barsham* and *Beccles* in the County of *Suffolk*, to the Mouth of *Oulton Dyke* in the Parish of *Oulton* in the same County; and also to form and maintain One or more Basin or Basins, with proper Reservoirs, at or near a certain Bridge called *Beccles Bridge*, or along, opposite, or near the said Town of *Beccles*; and also to erect, make, and maintain a Bridge across the said River *Waveney* at or near the Place where the said Bridge called *Beccles Bridge* now stands, or over any Cut that may be made immediately above the said Bridge, for the Purpose of avoiding the same Bridge, by virtue of the Power hereinafter contained; and also to make and maintain a new Cut from and out of the said River *Waveney* at or near the said Mill commonly called *Carlton Shares Mill*, in an Easterly Direction across certain Marshes in the said Parishes of *Carlton Colville* and *Oulton*, or One of them, into, along, or across certain Part or Parts of the said Stream or Dyke called *Oulton Dyke*, so as to unite in a nearer and more direct Course the said River *Waveney* at or near *Carlton Shares Mill* aforesaid with the said Broad called *Oulton Broad*; and to make, erect, and maintain all such convenient and proper Towing Paths, Ballast Wharfs, Bridges, Warehouses, Steam Engines, and other Works necessary for the Purposes of improving the said Navigation, and of the Cuts hereby authorized to be made; and, for effectuating the Purposes of this Act, to enlarge, widen, divert, alter, or vary any Roads or Ways, and the Course of any Brook, Stream, or Watercourse, which is or shall be situate within the Line or Tract of the said Navigation and the said Cuts or either of them, and other Works hereby authorized to be made, or which shall or may hinder, prevent, or otherwise obstruct the making of the said Works or any of them; and, for the Purposes aforesaid or any of them, the said Commissioners, and their Engineers, Agents, Servants, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making and completing the said Navigation, Cuts, and other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench, and excavate, and also to remove, take away, and lay, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds

of

of Gravel or Sand, or any other Matters or Things which may be dug or got in making, or which may hinder, prevent, or obstruct the making, carrying on, maintaining, or repairing the said Navigation, Cuts, and other Works respectively, according to the true Intent and Meaning of this Act; and also to make Carriage Roads and other Ways for the carrying and conveying of all Manner of Materials necessary or intended for the making, erecting, finishing, altering, repairing, widening, enlarging, or improving the said Navigation, Cuts, and other Works hereby authorized to be made, and to place, lay, work, or manufacture any Materials on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be carrying on; and also to make, set out, and appoint such Banks, Roads, and Ways, for the hauling or drawing of Ships, Wherries, Keels, Boats, and other Vessels passing upon the said Navigation, Cuts, or other Works hereby authorized to be made, or any of them, with Men, Horses, or otherwise, and such convenient Places for Ships, Wherries, Keels, Boats, and other Vessels or Rafts to turn, lie, or pass each other in, as the said Commissioners shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, or Stone which shall be proper, requisite, or convenient for the making, maintaining, and repairing the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining thereto, and also from Time to Time to make, build, erect, construct, and keep in repair any Piers, Arches, and other Works in, upon, over, or across any Road, Brook, or Valley, for making, carrying on, using, maintaining, and repairing such Part of the said Navigation, Cuts, and other Works hereby authorized to be made, or any of them; and also to construct, erect, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the same Navigation, Cuts, and other Works, or any Part of them, in pursuance of and according to the true Intent and Meaning of this Act, they the said Commissioners, their several Engineers, Surveyors, 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-after mentioned, to the Owners and Proprietors of and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, or Watercourses 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 Commissioners, and their Engineers, Surveyors, Agents, Officers, and Workmen, and all other Persons whomsoever employed by them, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Provisoos and Restrictions as are hereinafter mentioned.

XXII. Provided always, and be it further enacted, That if the said Commissioners shall deem it expedient and more convenient to make such new Cut from and out of the said River immediately above *Beccles Bridge*, and into the said River again at or near the Bottom

[Local.]

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Power to
make new
Cut to avoid
Beccles
Bridge.

of

of the Garden belonging to the said *Samuel Last*, for the Purpose of avoiding the Navigation through the said Bridge, then the said Commissioners shall and they are hereby required, immediately after the same Cut shall be made, to cause the Whole of that Part of the said River which lies between the said Bridge and the Junction of the same Cut with the River below the said Bridge to be made and kept of an equal Depth with the same Cut, but so as not to endanger the said Bridge.

Breadth of
new Cuts.

XXIII. And be it further enacted, That the Lands or Grounds to be taken or used for improving the said Navigation, and for the said Cuts and other Works hereby authorized to be made respectively, and the Ditches, Drains, and Fences to separate the same from the adjoining Lands, shall not exceed One hundred Yards in Breadth, measured horizontally, except in such Places where any Basin, Reservoir, or Recess, for the lying of Ships, Wherries, Keels, Boats, or other Vessels out of the Line of the said Navigation, Cuts, and other Works hereby authorized to be made, and also where it shall be judged necessary for Ships, Wherries, Keels, Boats, and other Vessels to turn, lie, or pass each other, or where any Ballast Wharf shall be set out, appropriated, and made, nor in any Place more than Two hundred Yards in Breadth, without the Consent in Writing of the Owner or Owners of any Lands or Grounds through which the said Navigation, Cuts, or other Works hereby authorized to be made will pass, signified in Writing under his Hand, or the Hand of his Agent lawfully appointed.

Occupation
Bridge to be
erected over
new Cut at
Carlton.

XXIV. Provided always, and be it further enacted, That in order to prevent Loss, Damage, or Inconvenience to the Owners of the Marsh Lands lying on the North Side of the said intended new Cut from *Carlton Shares Mill* to *Oulton Dyke* aforesaid, on account of cutting off the Communication or Roadway to the said Marshes, or between the same and such Marsh Lands belonging to the same Owners or any of them, lying on the South Side of the said intended new Cut as will thereby be separated therefrom, the said Commissioners are hereby required, as soon as the said Cut shall have been made, or as soon as they shall be called upon by the Proprietors of the said Marshes or any of them, forthwith to build and erect, or cause to be built and erected, and at all Times afterwards keep in proper Repair, a good and sufficient Accommodation Bridge across the said new Cut, for the Purpose of Access, with or without Cattle, Horses, or Carriages, to, from, and between the said Marshes respectively, the said Bridge to be made so as to open by means of Swivels or otherwise, to admit the Passage of Ships or Vessels navigating the said new Cut, and to remain open at all Times, except when required to be used for the Purposes of such Access to or from the said Marshes; and in case such Bridge shall be left shut longer than necessary, or shall be shut when not required for the Purposes aforesaid, every Person so offending shall forfeit and pay a Sum not exceeding Forty Shillings for every such Offence: Provided nevertheless, that it shall be lawful for the said Commissioners and the said Owners of the said Marshes, if they think proper, to agree for a Compensation in Money, or to have a Ferry Boat instead of having a Draw or Swivel Bridge as aforesaid.

XXV. And

XXV. And whereas a Map or Plan describing the Line of the said Navigation and Cuts, and the Lands and Grounds through which the same are intended to be carried, by virtue of this Act, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands and Grounds, hath been deposited at the respective Offices of the Clerks of the Peace for the said Counties of *Suffolk* and *Norfolk*; be it therefore enacted, That the said Maps or Plans and Books of Reference, so deposited, shall remain in the Custody of the said several Clerks of the Peace; and all Persons interested in any Manner therein shall have Liberty to inspect and peruse and make Extracts from and Copies of the same, at all reasonable Times, on Payment of One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy or Extract made by the said Clerks of the Peace respectively a Sum or Sums not exceeding Sixpence for every One hundred Words, and so in proportion for any other Number of Words; and the said Maps or Plans and Books of Reference respectively, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and the said Commissioners in making and improving the said Navigation, Cuts, and Works hereby uthorized to be made, shall not deviate more than One Hundred Yards from the respective Lines or Courses so described in the said Maps or Plans and Books respectively as aforesaid.

Plans and Books of Reference to remain with Clerks of Peace.

No Deviation from Plan to exceed 100 Yards.

XXVI. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Commissioners, or any Interruption be given to the making of the said Navigation, Cuts, and other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two or more Justices acting for the said Counties of *Suffolk* or *Norfolk* (as the Case may be), and be certified by Writing under their respective Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken of any Error in Book of Reference.

XXVII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Commissioners or any other Person or Persons to take, use, injure, or damage, for the Purposes of the said Navigation, Cuts, or other Works hereby authorized to be made, any Part of the Premises situate in *Gillingham* aforesaid the Property of *Samuel Last* (save and except so much and such Part of the Garden or Pleasure Ground belonging to the said Premises of the said *Samuel Last* as extends along and by the Side of the said River *Waveney* for the Length of One hundred and twenty-two Feet or thereabouts, and not exceeding in Width at the North End thereof Twelve Feet, and at the South End thereof adjoining *Beccles Bridge* Three Feet), nor any House or Building, or any Park, Paddock, Plantation, planted Walk or Avenue, Lawn or Pleasure Ground, to any House, nor any Yard, Garden, or Orchard, except as aforesaid, without the Consent in Writing of the respective Owners or Occupiers thereof.

Houses and Gardens not to be injured.

XXVIII. And

Commissioners enabled to purchase Lands, for the Improvement of the Navigation and making the new Cuts; and Bodies Politic and incapacitated Persons empowered to sell, and convey to Commissioners.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, for the Purposes of this Act or any of them, or for the Improvement of the said Navigation, or for making the said Cuts or any of the Works or Conveniences hereby authorized to be made, to purchase, pursuant to the Provisions hereinafter contained, any Lands, Tenements, Hereditaments, or Rights whatsoever which the said Commissioners shall deem it expedient to make use of for or towards any of the Purposes in this Act mentioned; and that it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for Years determinable on any Life or Lives, and any other Person or Persons having any other partial or qualified Estate or Interest therein, and to and for all Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, Husbands, Guardians, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Cestuique Trust, whether Issue unborn, Infants, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and for any other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any such Lands, Tenements, Hereditaments, or Rights, either for their own Use or Benefit, or for the Use of or in Trust for such Person or Persons as aforesaid, to contract and agree with the said Commissioners for the Sale thereof, and also to contract and agree for the Recompence and Satisfaction to be made for any Damage or Loss which may be sustained by any such Person or Persons, and Corporations, by reason or in consequence of the making of the said Cuts or either of them, or any of the Works, Wharfs, Buildings, Ways, Sluices, Drains, Matters, and Things which shall be made, provided, done, or established by virtue of this Act, and to convey the Lands, Tenements, Hereditaments, or Rights contracted to be sold as aforesaid, to the said Commissioners and their Successors; and all Contracts, Sales, Conveyances, and Assurances which shall be so made shall be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or other Matter, Cause, or Thing whatsoever to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Trustees, Executors, Administrators, Husbands, Guardians, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XXIX. And be it further enacted, That all Sales, Conveyances, and Assurances of all Lands, Tenements, Hereditaments, or Rights, to be made to the said Commissioners and their Successors, shall be made in the Form following, or as near thereto as may be, and the Circumstances of the Case will admit; *videlicet*,

‘ I [or

‘ I, [or We,] of in consideration of Form of
 ‘ the Sum of to me [or us] paid by the Conveyance.
 ‘ Commissioners of the *Beccles* Navigation, do hereby, in pursuance
 ‘ and by virtue of the Power in that Behalf contained in an Act
 ‘ passed in the First Year of the Reign of His Majesty King
 ‘ *William* the Fourth, intituled [*here insert the Title of this Act*]
 ‘ grant and release [or surrender, or assign, as the Case may
 ‘ require,] unto the said Commissioners and their Successors all
 ‘ [*describe the Premises to be conveyed*] and all my [or our]
 ‘ Estate, Right, Title, and Interest in and to the same and every
 ‘ Part thereof, to hold unto and to the Use of the said Com-
 ‘ missioners and their Successors for ever, [or, as the Case may be,
 ‘ during all the Remainder of my (or our) Estate, Term, and
 ‘ Interest in the said Premises,] for the Uses and Purposes of the
 ‘ said Navigation. In witness whereof I [or we] have hereunto set
 ‘ my Hand and Seal [or our Hands and Seals], the Day of
 ‘ in the Year of our Lord

And all such Sales, Conveyances, and Assurances which shall be so
 made shall be good, valid, and effectual to all Intents and Purposes
 as to and against the Person or Persons making the same, and his,
 her, or their Cestuique Trusts, and all other Persons claiming or to
 claim by, from, under, or in Trust for him, her, or them respectively,
 or in Remainder, Reversion, or Expectancy, or otherwise, as afore-
 said, and the same shall be and be deemed and construed to bar the
 Dower and Dowers of the Wife and Wives of such Person and Persons,
 and all Estates Tail and other Estates, Rights, Titles, Trusts, and
 Interests in Possession, Reversion, Remainder, or Expectancy, and
 the Issue of such Person and Persons claiming under them, as effec-
 tually as Fines or Common Recoveries would do if levied or suffered
 by the proper Parties in due Form of Law; any Law, Statute, Usage,
 or Custom to the contrary notwithstanding.

XXX. And be it further enacted, That if in making or improving
 the said Navigation, Cuts, and other Works hereby authorized to
 be made, or any of them, any Pieces of Land shall be cut through
 or divided so that what shall be left on each or either Sides of
 the said Navigation, Cuts, or other Works aforesaid, or any of
 them, shall be less than One Acre in Quantity, or less than Forty
 Yards in average Breadth throughout the whole Length thereof;
 and if the Owner or Owners of any such Pieces of Land shall not
 have any other Land adjoining to what shall be so left as aforesaid,
 then and in every such Case the said Commissioners shall, if there-
 unto required in Writing by such Owner or Owners, or Person
 or Persons entitled to the Possession or to the Receipt of the
 Rents and Profits of such Piece or Pieces of Land so to be left as
 aforesaid, purchase the same, and shall pay for the same after and in
 the same Manner as they shall pay for the Land adjoining thereto
 required for the Purposes of this Act; and all Conveyances or other
 Assurances made thereof in manner aforesaid shall be of the like
 Force and Effect, and be binding and operate in manner herein-
 before provided.

Where small
 Pieces of
 Land are in-
 tersected,
 Commission-
 ers com-
 pellable to
 purchase the
 Whole.

[Local.]

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XXXI. And

Property in
Lands, Cuts,
Engines, &c.
vested in
Commis-
sioners.

XXXI. And be it further enacted, That the Lands, Hereditaments, and Rights to be purchased by virtue of this Act, and all Buildings and Erections, Matters and Things thereon and thereunto belonging, and all Cuts, Wharfs, Works, Ways, Drains, Matters, and Things which shall at any Time be made, built, provided, or established by virtue or in pursuance of this Act, and the Right and Property of and in all Engines, Implements, Materials, Goods, Articles, and Things provided or had for the Purposes of this Act, shall be and the same are hereby vested in the said Commissioners and their Successors, and they are hereby authorized and empowered, in the Name of their Clerk or Treasurer for the Time being, to bring any Action or Actions, Suit or Suits, or to prefer any Bill or Bills of Indictment against any Person or Persons who shall cut, damage, or injure, or cause to be cut, damaged, or injured, any of the Works to be made, erected, or established by virtue of this Act, or who shall injure or destroy the same while doing, or impede the doing thereof, or who shall steal, take, carry away, or detain any of the Property, Articles, Effects, and Things hereby vested in them the said Commissioners as aforesaid, or any Part or Parts thereof; and all such Property may and shall, in any such Action or Indictment, be laid to be the Property of the Commissioners of the *Beccles* Navigation generally, and it shall not be necessary to name or specify or prove the Appointment of such Commissioners or any of them.

Power to re-
sell Lands
not wanted.

XXXII. And be it further enacted, That where the said Commissioners shall have purchased any Piece or ~~Pieces~~ of Land or other Hereditaments not wanted for the Purposes of this Act, it shall be lawful for the said Commissioners or any Five or more of them to grant and convey by way of absolute Sale all or any of such Lands and other Hereditaments to any Person or Persons willing to become the Purchaser or Purchasers thereof, and such Conveyances shall be valid and effectual in the Law to all Intents and Purposes whatsoever; and the Money which shall arise by the Sale or Sales of such last-mentioned Lands or Hereditaments shall be paid to the Treasurer for the Time being of the said Commissioners, and it shall be lawful for such Treasurer to sign and give a Receipt or Receipts for the same; and such Receipt or Receipts shall, to all Intents, Effects, and Purposes, discharge the Person or Persons paying the Money therein expressed to be received, from all Liability of seeing to the Application and all Responsibility for or on account of the Misapplication or Nonapplication of the same or any Part thereof: Provided always, that the said Commissioners, before they shall sell and dispose of such Lands or Hereditaments, shall first offer to resell the same to the Person or Persons whose Lands shall adjoin thereto, at a Price to be fixed by the said Commissioners; but in case of Dispute respecting the same, then the Price at which the same shall be resold shall be settled and adjusted by a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled, in case of Dispute as to the Value thereof; and if such Person or Persons to whom such Offer shall be made shall not then and there agree or shall refuse to purchase the same, it shall be lawful for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master

a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Suffolk* or *Norfolk*, stating that such Offer was made by or on behalf of the said Commissioners, 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 made; and such Affidavit shall in all Courts be sufficient Evidence 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.

XXXIII. And be it further enacted, That all Bodies Politic, Corporate, or Collegiate, Trustees, and other Persons hereinbefore enabled to sell and convey Lands and other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, upon, over, or by the Side of which the said Navigation, Cuts, or other Works hereby authorized shall be made, or any of them, may accept and receive Satisfaction for the Value of such Lands and other Hereditaments, and for the Damage to be sustained in making and completing the said Navigation, Cuts, or other Works hereby authorized to be made, in such gross Sums as shall be agreed upon between the said Owners and Occupiers respectively, or any of them, and the said Commissioners, and not by way of Annual Rents.

Bodies Politic, &c. may accept Money in satisfaction for Land taken, and for Damages.

XXXIV. And for settling the Differences which may arise between the said Commissioners and the several Owners of or Persons interested in any Lands, Tenements or Hereditaments which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted, be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons, so interested, for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trust, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or Compensation as shall be offered by the said Commissioners, or their Agent by or on their Behalf, and shall give Notice thereof in Writing to the said Commissioners within Fourteen Days next after such Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury, or if any Body Politic, Corporate, or Collegiate, or any other Person or Persons, seised or possessed of or interested in any such Lands, Tenements, or other Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Commissioners, or with any Person or Persons authorized by them, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not show a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners or of the Person or Persons authorized by them, then and in every such Case the said Commissioners, or any Seven or more of them, shall and they are hereby empowered and required, from Time to Time as Occasion shall require, to issue a Warrant under their Hands and Seals to the Sheriff

In case Parties refuse, or are incapable to act, the Value to be ascertained by a Jury.

Sheriff of the County wherein such Lands, Tenements, or Hereditaments shall be, or the Matter in question shall arise, or in case such Sheriff or his Under Sheriff shall happen to be one of the said Commissioners, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in question, then to any one of the Coroners of the same County not interested as aforesaid; and the said Sheriff or Coroner is hereby empowered and required to impanel, summon, and return a Jury of at least Eighteen substantial and indifferent Persons qualified according to Law to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impanelled, summoned, and returned as aforesaid are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner 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, Under Sheriff, or Coroner; and Three Days Notice at the least, in Writing under the Hands of the said Commissioners or any Three or more of them, is hereby required to be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in any such Lands or other Hereditaments, or to be left at the respective Dwelling Houses or Places of Abode of such Person or Persons, or of the head Officer or Officers of such Corporations, or at the House of the Tenants in Possession of such Lands or other Hereditaments, of the Time and Place of the said Jury being so impanelled, summoned, and returned; and the said Sheriff, Under Sheriff, or Coroner is hereby required, out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear, to swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, or Coroner shall return other substantial and indifferent Men of the By-standers, or of others who can be speedily procured to attend that Service (being qualified as herein-before required), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to summon and call before him any Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters or Things in controversy, and to use all other lawful Ways and Means, as well for his as for the Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, or Coroner shall think fit; and it shall be lawful for all Parties concerned, by themselves, their Counsel and Solicitors, to attend and be heard and to adduce Evidence before the said Sheriff, Under Sheriff, or Coroner; and such Jury shall, upon their Oaths, (which Oaths, as well as the Oaths to such Witnesses, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer,) enquire of, assess, and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands and other Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid; and

the said Sheriff, Under Sheriff, or Coroner shall give Judgment for such Purchase Money, Recompence, or Compensation so assessed by such Jury; which said Verdict, and the Judgment thereupon, shall be signed by the said Sheriff, Under Sheriff, or Coroner, and shall be binding, to all Intents and Purposes, upon all Bodies Politic, Corporate, and Collegiate, and upon all Persons whomsoever.

XXXV. And be it further enacted, That if any Sheriff, Under Sheriff, or Coroner, so directed to summon and return a Jury as aforesaid, shall make Default in the Premises, he shall for every such Offence pay any Sum not exceeding Two Hundred Pounds; and if any Person or Persons so summoned and returned as aforesaid upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or to give his or their Verdict, or shall in any other Manner wilfully neglect his or their Duty, contrary to the true Intent and Meaning of this Act; or if any Person or Persons so summoned to give Evidence shall not appear, after having been paid or tendered a reasonable Sum for his or her Expences, or appearing shall refuse to be examined or give Evidence, every Person so offending, having no reasonable Excuse, (to be allowed by the said Sheriff, Under Sheriff, or Coroner,) shall for every such Offence pay any Sum not exceeding Twenty Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the County or Place in which the same shall be, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty so recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall be paid to the Party who shall appear to the said Sheriff, Under Sheriff, or Coroner to be injured by the Default of such Person.

Penalty on Sheriffs, Jurymen, and Witnesses, for Neglect.

XXXVI. Provided always, and be it further enacted, That no Person shall be summoned or chosen to be of such Jury who shall be an Owner or Occupier of any Lands or other Hereditaments which shall be required for any of the Purposes of the said Navigation, Cuts, or other Works hereby authorized to be made, or any of them.

Owners of Lands required not to be Jurymen.

XXXVII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for the same or more Money than shall have been previously offered by or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Lands and other Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after Demand made thereof from the said Commissioners, then the same shall and may be levied by

Expences of Jury how to be paid.

[*Local.*]

7 M

Distress

Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs out of any Money received by him by virtue of this Act, which he is hereby empowered to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place in which such Lands and other Hereditaments shall be situate; which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party or Person entitled to receive such Costs; and in every Case where a Verdict shall be given by any such Jury for less Money than shall have been previously offered by or on behalf of the said Commissioners as such Recompence or Satisfaction as aforesaid, all the Costs incurred as aforesaid shall be borne in equal Proportions by the Party or Person refusing or neglecting to treat or agree as before mentioned, and by the said Commissioners; but in Cases where any Person or Party shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs, the same shall be ascertained and settled by any Justice of the Peace for such County or Place as aforesaid, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Money awarded to be paid to such Party or Person, as so much advanced for his or her Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded to such Party or Person; or otherwise, if such Costs be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Person liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons requesting
Juries to
enter into
Bonds.

XXXVIII. Provided always, and be it further enacted, That every Party and Person making Complaint and requesting a Jury to be summoned shall (before the said Commissioners shall issue their Warrant for that Purpose) enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Commissioners, in a Penalty of One hundred Pounds, with Conditions to prosecute his, her, or their Complaint, and to pay the Costs 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 Commissioners before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands or other Hereditaments, or as a Compensation for any Damages,
or

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.

XXXIX. And be it further enacted, That the said Commissioners shall not, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Person or Persons whomsoever, for any Injury by him, her, or them sustained or supposed to be sustained, unless Notice in Writing stating the Particulars of such Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given, by or on behalf of such Person or Persons, to the said Commissioners or any Three of them, or to their Clerk, within the Space of Three Calendar Months next after the Time that such supposed Injury shall have been sustained, or the doing thereof shall have ceased.

No Com-
plaint to be
attended to
unless pre-
vious Notice
has been
given to
Commission-
ers.

XL. And be it further enacted, That the said Jurors shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other, and also shall settle what Proportion of the Purchase Money or Compensation for Damages shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein.

Value of
Land and
Damages to
be assessed
separately.

XLI. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the said Sheriff, Under Sheriff, or Coroner, at the taking of such Verdicts or pronouncing of such Judgments respectively,) shall be kept by the respective Clerks of the Peace amongst the Records of the Quarter Sessions of the said Counties of *Suffolk* and *Norfolk* respectively, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and so in proportion for every less Number of Words.

Verdicts to
be recorded.

XLII. And be it further enacted, That upon Payment or Tender of such Sum or Sums of Money as shall have been agreed for between the Parties or adjusted by any Jury for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor of any such Lands or other Hereditaments, or such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation in manner herein-before provided respectively, within One Calendar Month after the same shall have been so agreed for or awarded; or if the Person

Power to
enter, on
Payment or
Tender of
Purchase
Money.

or

or Persons so entitled, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to such Lands or other Hereditaments, to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance of such Lands or other Hereditaments which shall be required for the Purposes of this Act, under the Powers herein contained; then, upon Payment of such Sums of Money, within One Calendar Month after the same shall have been so agreed for or awarded as aforesaid, into the Bank of *England*, as hereinafter directed, (in case the same shall be requisite for the Use of such Person or Persons so entitled as aforesaid, it shall be lawful for the said Commissioners, their Engineers, Agents, Servants, and Workmen, immediately to enter upon and into such Lands and other Hereditaments respectively, and the Fee Simple thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth become the sole Property of the said Commissioners and their Successors for ever, for the Purposes of this Act; and such Tender, Payment, or Investment shall not only bar all Right, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but shall extend to and bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion or Remainder of his, her, or their Issue, and of any and every other Person or Persons whomsoever therein: Provided nevertheless, that before such Tender, Payment, or Investment as aforesaid it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to dig or cut into such Lands for the Purpose of improving and making the said Navigation, Cuts, and other Works hereby authorized to be made, or any of them, unless upon the Consent of the respective Owners and Occupiers thereof, interested as aforesaid, in Writing under their respective Hands first obtained; and in case any Person shall enter upon any such Premises for the Purposes of this Act until such Payment shall have been made, every Person so offending shall pay the Sum of Ten Pounds for every Day he or they shall remain on the said Premises.

Application
of Compen-
sation Mo-
ney when
amounting
to 200%.

XLIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or other Hereditaments, or for any other Matter, Right, or Interest of what Nature soever, purchased or taken for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Lunatic, or Person under any Incapacity as herein before mentioned, such Money shall, in case it shall amount to or exceed the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Commissioners of the *Beccles* Navigation," together with the Name or Names of such Person or Persons as any Three of the said Commissioners shall by Writing signed by them appoint; to the Intent that such Money shall be applied, under the Direction 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 Lands or other Hereditaments, in the Purchase of the Land Tax,
or

or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or other Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be invested, under the Direction of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands and other Hereditaments which shall be purchased or taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing and capable of taking Effect; and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *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 the 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 and other Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

XLIV. And be it further enacted, That if any Money so agreed to be paid for any Lands or other Hereditaments purchased or taken for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in 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 and other Hereditaments so purchased or taken, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, such Nomination and Approbation to be signified by 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 manner hereinbefore directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction of the Court of Exchequer.

When less than 200l. and exceeding 20l.

XLV. And be it further enacted, That where such Money so agreed or awarded to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then the same shall be applied to the Use of the

When less than 20l.

[*Local.*]

7 N

Person

Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or other Hereditaments so purchased or taken for the Purposes of this Act, as the said Commissioners or any Three 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, to and for the Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles, or
Persons en-
titled not
being found.

XLVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid shall not be able to make a good Title to the Lands and other Hereditaments so purchased as aforesaid, to the Satisfaction of the said Commissioners or any Three of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons so entitled to such Lands or other Hereditaments be not known, then it shall be lawful for the said Commissioners or any Three or more of them to order the said Sum or Sums of Money so awarded to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the same Lands or other Hereditaments (describing them), subject to the Order of the said Court; which said Court, on the Application of any Person 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 said Court shall seem meet, to order the same to be invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate, Title, or Interest of the Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem 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, specifying for what and for whose Use the same is and are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any
Question
shall arise
touching the
Title to any
Money.

XLVII. And be it further enacted, That when 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 Exchequer, in pursuance of this Act, for the Purchase of any Lands or other Hereditaments, or of any Estate, Right, or Interest in any Lands or other Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of any such Lands or other Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed to have been lawfully entitled to such Lands or other Hereditaments according to such Possession, until the contrary shall be

be shown to the Satisfaction of the said Court of Exchequer, 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 applied accordingly, unless it shall appear to the said Court that such Possession was wrongful, and that some other Person or Persons was or were lawfully entitled to such Lands or other Hereditaments, or to some Estate or Interest therein respectively.

XLVIII. And be it further enacted, That where by reason of any Incapacity of the Person or Persons, or Corporation, entitled to any Lands or other Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof respectively, 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 said Court shall deem reasonable, together with the necessary Costs of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order Expences of Purchases to be paid by Commissioners.

XLIX. Provided always, and be it further enacted, That after the Expiration of Seven Years from the passing of this Act the said Commissioners shall not be at liberty to purchase any Lands, Tenements, or other Hereditaments, without the Consent of the Owner or Owners thereof; and in case such Purchase or Purchases shall be so made with the Consent of the Owner or Owners, such Purchases shall be completed, subject to the Regulations and Provisions of this Act, in the same Manner as if the same had been made before the Expiration of the said Seven Years.

Power to purchase without Consent to determine in Seven Years.

L. And whereas by reason of making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes or Townships herein described; be it therefore enacted, That the said Commissioners shall, from and after the said Commissioners shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Township, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within any such Parish or Township, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Assessments.

Deficiencies in Land Tax to be made good by Commissioners.

LI. And

Power to
take Tolls.

LI. And be it further enacted, That from and after the Expiration of Three Calendar Months next after the passing of this Act there shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint to collect and receive the same, for and upon all Goods, Wares, and Merchandize which shall be carried or conveyed in Ships or other Seaborne Vessels upon any Part of the said Navigation, or upon the said Cuts and other Works hereby authorized to be made, the Tolls, Rates, and Duties contained in the Schedule to this Act annexed; and for and upon all Goods, Wares, and Merchandize conveyed or carried in any Wherry, Keel, Boat, or other such Vessel upon any Part of the said Cut or Canal hereby authorized to be made from the said *Carlton Shares Mill* to *Oulton Dyke* as aforesaid, such Tolls, Rates, and Duties as the said Commissioners shall order or direct to be paid, not exceeding One Moiety of the Tolls, Rates, and Duties contained in the said Schedule; all which Tolls, Rates, or Duties respectively shall be paid by the Master or Commander, or other Person or Persons having the Command or Charge of any such Ship or Seaborne Vessel, Wherry, Keel, Boat, or other such Vessel in which the same shall be conveyed or carried, or by the Merchant or Merchants or other Person or Persons conveying or carrying such Goods, Wares, and Merchandize, or into whose Custody or Possession the same shall be delivered, or by whom the same shall be laden respectively, upon the Delivery or Lading thereof respectively.

Exemption
of Goods in
River Craft
from Dues
on the River
Waveney.

LII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners to charge, collect, or receive any Tolls, Rates, or Duties whatever for, upon, or in respect of any Goods, Wares, or Merchandize which shall be carried or conveyed in any Wherry, Keel, Boat, or other such Vessel, navigating to or from the Port of *Great Yarmouth*, or to or from any other Place in or upon the River *Waveney*.

The same of
Goods in
Seaborne
Vessels be-
low *Beccles*
Bridge.

LIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to charge, collect, or receive any Tolls, Rates, or Duties whatever for, upon, or in respect of any Goods, Wares, or Merchandize which shall be carried or conveyed upon the River *Waveney* in any Ship or other Seaborne Vessel navigating from through, or to the Port of *Great Yarmouth*, to or from any Part of the said River *Waveney* below *Beccles Bridge*.

Table of
Tolls to be
painted on
Boards, and
put up.

LIV. And be it further enacted, That before the said Tolls shall begin to be collected the said Commissioners shall and they are hereby required to put up, and afterwards to be continued, at every Toll House or Toll Place which shall be erected by virtue of this Act, a Table painted in distinct and legible Black Letters on a White Ground, having at the Top thereof the Name of the House or Place at which the same shall be put up, and also containing a List of all the Tolls, Rates, and Duties payable to the said Commissioners by virtue of this Act, and to renew such Tables whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Commissioners to collect any such Tolls, unless the said Table of Tolls shall be put up as aforesaid.

LV. And

LV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any such Bye Law, Rule, Order, or Regulation shall be printed or affixed, such Person or Persons shall, upon Conviction, for each Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on
Persons de-
facing
Boards.

LVI. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required from Time to Time to nominate a sufficient Number of fit and proper Persons to be Meters and Weighers, for the Measurement or weighing of Coals, Cinders, Culm, and Corn bought or sold upon the Navigation, Cut, or other Works hereby authorized to be made; and that any One or more of His Majesty's Justices of the Peace for the County of *Suffolk* or *Norfolk* shall have the Power to swear in and appoint such Meters or Weighers before they shall be permitted to act; and that any Buyer or Seller may require the Attendance of such Meter or Weigher for the Purpose of measuring or weighing any Coals, Cinders, Culm, Corn, Malt, Seeds, or other Articles bought or sold by such Buyer or Seller, and shall pay for such measuring and weighing any Sum not exceeding Four-pence *per* Chaldron of Thirty-six Imperial Bushels, and Five-pence *per* Last of Ten Quarters, and Three-pence *per* Ton for weighing, and so in proportion for any greater or less Quantity, as the said Commissioners shall from Time to Time direct.

Meters to be
appointed
and sworn.

LVII. And in order to prevent such Meters and Weighers misbehaving, be it further enacted, That if any Meter or Weigher for the Measurement or weighing of Coals, Cinders, Culm, or Corn, shall refuse to attend for the Purpose of measuring or weighing any Coals, Cinders, Culm, Corn, Malt, Seeds, or other Articles bought or sold by any Buyer or Seller, or, attending, shall refuse or neglect to measure or weigh such Coals, Cinders, Culm, Corn, Malt, Seeds, or other Articles, having been paid or tendered at the Rate before mentioned for so doing, or shall falsely, negligently, or fraudulently measure or weigh any such Coals, Cinders, Culm, Corn, Malt, Seeds, or other Articles, every Meter or Weigher so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided always, that no Weigher or Meter shall be obliged to attend for any of the Purposes aforesaid unless Twenty-four Hours previous Notice shall have been, by the Person or Persons requiring his Attendance, given to or left at the Office or at the usual Place of Abode of such Meter or Weigher.

For punish-
ing Meters
misbehaving.

LVIII. And be it further enacted, That the Tolls, Rates, and Duties by this Act authorized to be taken shall be paid to such Person or Persons, at such Place or Places upon or near to the said Navigation, and in such Manner and under such Regulations as the said Commissioners shall in that Behalf direct; and in case of Neglect or Refusal to pay any such Tolls, Rates, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same, it shall be lawful for the Person or Persons to whom such Tolls, Rates, or Duties ought to have been paid, and he and they is and are hereby empowered, to seize and distrain the Goods, Wares,

For Reco-
very of Tolls.

[*Local.*]

7 O

and

and Merchandize for or in respect of which such Tolls, Rates, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Ship, Wherry, Keel, or other Vessel laden therewith, or any other Ship, Wherry, Keel, or other Vessel, Goods or Commodities, belonging to the Owner of such first-mentioned Ship, Wherry, Keel, or other Vessel, lying upon the said Navigation or upon any Wharf or in any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of all such Tolls, Rates, and Duties, and of all Arrears of the same which shall or may be then due from the Owner of such Ship, Wherry, Keel, or other Vessel, to the said Commissioners, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days from the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

For settling
Disputes
concerning
Tolls.

LIX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Tolls, Rates, or Duties due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Tolls, Rates, or Duties due, and the Charges of seizing, distraining, keeping, and selling such Distress, as the Case may happen, shall be ascertained by One or more Justice or Justices of the Peace acting for the County of *Suffolk* or *Norfolk*, who, upon Application made to him or them, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Tolls, Rates, or Duties due; and it shall be lawful for such Justice or Justices to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices.

Masters of
Vessels to
give an Ac-
count of
their Lading.

LX. And for the Purpose of ascertaining, and the more easy, effectual, and just Collection of the said Rates hereby directed to be paid to the said Commissioners, be it further enacted, That every Person having the Care or Command of any Ship or other Seaborne Vessel navigating upon the said Navigation, Cuts, and other Works hereby authorized to be made, or any Part thereof, and every Person having the Care or Command of any Wherry, Keel, or other such Vessel navigating upon the said Cut from *Carlton Shares Mill* to *Oulton Broad* aforesaid, shall give to the Collector of the said Rates, or to any other Officer to be appointed for such Purpose, at the Place or Places where he shall attend for that Purpose, a just Account in Writing, signed by the Person or Persons sending or consigning such Goods and other Things as shall be embarked in such Ship or other Seaborne Vessel, Wherry, Keel, or other such Vessel navigating as aforesaid, or by his or her Clerk or Agent, which Account shall contain a Statement of the Quantities and Weight of such Goods and other Things, and of their Nature, Sort, or Kind, which shall be embarked in each such Ship or other Seaborne Vessel,

Vessel, Wherry, Keel, or other such Vessel navigating as aforesaid, from whence brought, and where the same is intended to be landed; and if the Goods or other Things contained in any Ship or other Seaborne Vessel, or in any Wherry, Keel, or other such Vessel navigating as aforesaid, shall be liable to the Payment of different Rates, then such Account shall specify the Quantities liable to the Payment of each of the said Rates.

LXI. And be it further enacted, That the Tonnage of Timber and all other Goods, Wares, and Merchandize, Articles and Things whatsoever, carried or conveyed upon and along any Part of the said Navigation, Cuts, or other Works hereby authorized to be made, shall be ascertained and charged according to the real Weight thereof, and that One hundred and twelve Pounds Weight Avoirdupois shall be deemed and taken as and for One Hundred Weight, any Usage to the contrary thereof notwithstanding.

What Quantity of Goods shall be deemed a Cwt.

LXII. And for the better ascertaining the Tonnage of Timber and light Goods to be charged with the Payment of the Tolls, Rates, or Duties aforesaid, be it further enacted, That Fifty Cubic Feet of round or Forty Cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Forty Cubic Feet of Fir or Deal, Poplar or Birch, not cut into Scantlings, and Forty Cubic Feet of light Goods, shall be deemed, rated, and estimated as and for One Ton Weight.

For ascertaining the Weight of Timber and light Goods.

LXIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, or other Officer appointed for such Purpose, and the Master or other Person having the Care or Charge of any Ship or other Seaborne Vessel navigating any Part of the said Navigation, Cuts, and other Works hereby authorized to be made, or of any Wherry, Keel, or other such Vessel navigating any Part of the said Cut at *Carlton Shares Mill* to *Oulton Broad* as aforesaid, or the Owner, Factor, Consignor, or Consignee of any Goods, Wares, Merchandize, or other Things loaded or embarked therein respectively, concerning the Weight or Quantities of the Goods, Wares, or other Matters or Things therein respectively embarked or contained, it shall be lawful for any such Collector or other Person to be appointed as aforesaid to stop and detain any such Ship, Wherry, Keel, or other Vessel navigating as aforesaid, and to gauge or cause to be gauged such Ship, Wherry, Keel, or other Vessel navigating as aforesaid, and to weigh or cause to be weighed all such Goods, Wares, and Merchandize, or other Matters or Things, as shall be embarked or contained therein respectively; and in case the same shall upon such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Wherry, Keel, or other Vessel navigating as aforesaid, then it shall and may be lawful to and for the said Commissioners, or their said Collector or other Person to be appointed as aforesaid, and he and they is and are hereby empowered to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Wherry, Keel, or other Vessel navigating as aforesaid, and

Power to Collectors to weigh, measure, or gauge Goods in dispute.

and the graduated Index thereon; and the Master, Owner, or other Person giving in such Account shall pay the Costs of such weighing or gauging; and all which Costs, upon Refusal of Payment upon Demand, shall and may be levied in the same Manner as the said Rates are hereby appointed to be levied; but if such Timber, Goods, Wares, Merchandize, or such other Matters or Things, shall appear to be of the same or of less Weight or Quantity than the Account given thereof by the said Master or Owner, or other Person, then the said Commissioners shall pay the Costs of such weighing or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of the Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention; and in default of Payment thereof the same shall be recovered from the said Commissioners by Distress and Sale of the Goods and Chattels of the said Commissioners, or of their Collector or Collectors, or other Person to be appointed as aforesaid.

Tonnage
Duty how
to be ascer-
tained.

LXIV. And be it further enacted, That every *British* Ship or Vessel chargeable with the Tonnage Duty by this Act imposed or empowered to be collected shall pay the said Duty according to the Custom House Register of the Burthen or Tonnage of such Ship or Vessel; and on Failure or Delay in producing the Register, or in case the Tonnage Duty on any Foreign Ship or Vessel cannot otherwise be satisfactorily computed, it shall be lawful for the Person or Persons appointed to collect the Duties as aforesaid, to admeasure such Ship or other Vessel according to the Directions of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for registering British Vessels*.

Ballast to be
purchased of
Commis-
sioners.

LXV. And be it further enacted, That from and immediately after Three Calendar Months after the passing of this Act, every Owner, Master, or other Officer of any Ship or Vessel taking in Ballast in the said River *Waveney*, between *Roschall Fleet* and Half a Mile below *Beccles Bridge*, shall purchase the same of and from the said Commissioners, if they can furnish the same from the Soil arising from the Improvements to be made in the said Navigation, paying for the same *per Ton* at such Rate as shall be fixed on at a Meeting of the said Commissioners, so as the Charge for the same do not exceed Two Shillings *per Ton* at the Wharf; and the Money to be received for such Ballast shall be applied to and for the Purposes of this Act.

Penalty for
avoiding the
Tolls.

LXVI. And be it further enacted, That if any Act whatsoever shall be done with Intent to avoid the Payment of any of the Tolls, Rates, or Duties hereby made payable to the said Commissioners, every Person doing or causing to be done any such Act shall pay to the said Commissioners, for every such Offence, a Sum not exceeding Five Pounds, and also the Amount of the Tolls, Rates, or Duties which would have been payable to them if such Act had not been done; such Penalties, Tolls, Rates, or Duties respectively to be recovered in such Manner as the same respectively are hereby directed to be levied or recovered in other Cases.

LXVII. And

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Ten or more of them, at any Time or Times within the Space of Ten Years from the passing of this Act, to borrow and take up at Interest such Sums of Money as they shall judge necessary, not exceeding in the whole the Sum of Ten thousand Pounds, upon the Credit of the Tolls or Rates to be collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said Tolls or Rates to such Person or Persons as shall advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and every such Assignment shall be in the Words or to the Effect following:

Power to
raise Money
by Mort-
gage.

WE, being of the Commissioners of the *Beccles*
Navigation, in consideration of the Sum of
advanced, lent, and paid by *A. B.* upon the Credit and for the
Purposes of an Act passed in the First Year of the Reign of King
William the Fourth, intituled [*here set forth the Title of this Act*],
do hereby grant and assign unto the said *A. B.* [*or his Trustee or*
Trustees, as the Case may require], his Executors, Administrators,
and Assigns, such Proportion of the Tolls, Rates, and Duties
arising by virtue of the said Act as the said Sum of
doth or shall bear to the whole Sum which is due or shall be bor-
rowed or become due and owing, or be charged upon, the Credit
of the said Tolls, Rates, and Duties, to be had and holden from
this Day of until the said Sum of
together with Interest for the same after the Rate of
per Centum per Annum, shall be repaid and satisfied. In witness
whereof we have hereunto set our Hands and Seals, this
Day of in the Year .

Form of
Mortgage.

And every such Security shall be valid in the Law to all Intents and Purposes whatsoever; and the Money so to be borrowed is hereby directed to be laid out for and towards the making, completing, and maintaining the said Navigation and Works hereby authorized to be made, or any of them, and other the Purposes of this Act, and for no other Use or Purpose whatsoever; and an Entry or Memorial of every such Security, containing the Number and Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall within Fourteen Days next after the Date thereof be written and inserted *gratis* in One or more Book or Books to be kept for that Purpose by the Clerk of the said Commissioners, which Book or Books shall and may be perused at all seasonable Times by all Persons interested therein, without Fee or Reward; and all and every Person and Persons to whom any such Security shall have been made, and who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit therein to any Person or Persons whomsoever; which Transfer may be made according to the Form following; *videlicet*,

I of in consideration of the
Sum of paid by
of do hereby transfer a certain Security or
[*Local.*] 7 P Mortgage

Form of
Transfer of
Mortgage.

Mortgage made by the Commissioners of the *Beccles* Navigation,
 Number bearing Date the Day of
 for securing the Principal Sum of
 and the Interest now due and hereafter to become due thereon,
 and all my Right and Property therein, to the said
 his Executors, Administrators, and Assigns. In witness whereof
 I have hereunto set my Hand and Seal, this Day of
 in the Year

And every such Transfer shall within Fourteen Days after the
 Date thereof be produced and notified to the Clerk of the said Com-
 missioners, who shall thereupon produce an Entry or Memorial to be
 made thereof, containing the Dates and Names of the Parties, in the
 said Book or Books to be kept for entering the said original Securi-
 ties or Mortgages, for which last-mentioned Entry such Clerk shall be
 paid the Sum of Two Shillings and Sixpence, and no more; and after
 such Entry made every such Assignment shall entitle such Assignee
 or Assignees, his, her, or their Executors, Administrators, and
 Assigns, to the full Benefit of the original Security or Mortgage;
 and it shall not be in the Power of any Person or Persons who shall
 have made such a Transfer at any Time afterwards to release or dis-
 charge the original Security or Mortgage, or any Money thereby
 secured, or any Part thereof; and all Money so to be advanced and
 lent, and the Interest thereof, shall be and are hereby charged upon
 and shall be paid and payable from Time to Time out of the Duties
 hereby granted; and all Persons who shall be possessed of the said
 Securities shall be Creditors of the said Duties in equal Degree,
 without Preference in respect of the Priority of his, her, or their
 advancing the Money thereon.

Provision for
 Payment of
 Money by
 Lot.

LXVIII. And in order that no Preference may be given to any of
 the Persons who shall have advanced any Money upon any of the Rates
 to be raised by virtue of this Act, be it further enacted, That the said
 Commissioners, if there shall be more Creditors than One, shall at any
 of their Meetings cause the Numbers of all Assignments or Securities
 granted and then in force for securing the Principal Money due upon
 the Credit of the said Rates of which Part shall be then intended to
 be paid off to be written on distinct Pieces of Paper of an equal Size,
 and all such Papers shall be rolled up in the same Form as near as
 may be, and be put into a Box, and the Number or Numbers of as
 many of the said Assignments or Securities as are intended to be
 paid off shall be drawn separately out of the said Box by the Clerk
 to the said Commissioners, or such Person as the Commissioners may
 choose for that Purpose; and after every such Ballot, Notice
 signed by the Clerk shall be given to or left at the last or usual Place
 of Abode of the Person or Persons who shall be entitled to the Money
 to be paid off pursuant to such Ballot; and where there is only One
 Creditor, a like Notice shall be given to such Creditor to pay him or
 her off as aforesaid; and every such Notice shall express the Sum to
 be paid off, together with the Interest due thereupon, and that the
 same will be paid on a Day and at a Place to be specified in such
 Notice, such Day not being sooner than Six Calendar Months after
 the Day of giving or leaving such Notice as aforesaid; and the
 Interest of the Principal Money to be paid off shall from and after
 the

the Day to be so specified cease and be no longer payable, unless such Money shall be demanded pursuant to such Notice and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand.

LXIX. And be it further enacted, That all the Money to arise by or from the Tolls, Rates, and Duties to be from Time to Time received by virtue of this Act, or recovered for any Forfeitures by this Act imposed, other than so much thereof as shall be allowed to the Collector or other Officers appointed for collecting and managing the said Duties, or for the Charges of recovering the same, shall be from Time to Time applied and disposed of by the said Commissioners in the Proportions and Manner following; (*videlicet*,) all the said Tolls, Rates, Duties, and Penalties to be received during the first Five Years next after the passing of this Act shall be applied in paying and defraying the Costs and Charges which shall be in any Manner incident to and attending the obtaining and passing of this Act, and the Expence of making or purchasing Engines and other Implements and Things necessary for carrying this Act into execution, and in paying the Interest of the Money which shall have been advanced for defraying such Costs and Charges, and afterwards in paying the Interest of the Monies, if any, to be borrowed by virtue of this Act, as the same respectively shall become due, and in paying the Costs and Charges of cleansing, repairing, maintaining, deepening, straightening, widening, and otherwise improving the said Navigation, and the making, completing, and maintaining the said Cuts and the several other Works hereby authorized to be made, and all other Works and Conveniences to the same belonging, or requisite and useful thereto respectively, and in paying all Costs and Charges which the said Commissioners or any of their Officers may be put unto in purchasing Lands or otherwise in putting this Act into execution, or for prosecuting or defending any Prosecutions, Actions, or Suits for or concerning any of the Monies granted or arising by virtue of this Act, or in any Manner relating to the Execution thereof, or of any thing to be done by virtue thereof, and in paying and liquidating the Principal Monies borrowed and due on the Credit of this Act, and for carrying the several other Purposes of this Act into execution.

Application of Tolls and other Monies in the first Five Years after the passing of this Act.

LXX. And be it further enacted, That from and immediately after the Expiration of Five Years from the passing of this Act one Moiety or Half Part only of the said Tolls, Rates, Duties, and Penalties shall be applied and disposed in manner and for the Purposes herein-before mentioned, and the other Moiety or Half Part of the same Tolls, Rates, Duties, and Penalties, at the least, shall be applied and disposed of in continuing to pay and liquidate the Principal Monies borrowed and due on the Credit of this Act, with all Interest thereon, until all such Principal Monies and Interest shall be fully paid off and discharged; and from and immediately after the same Principal Monies and Interest shall be so paid off and discharged, the said last-mentioned Moiety or equal Half Part of the said Tolls, Rates, Duties, and Penalties, at the least, shall from Time to

Application of Monies after Five Years.

to Time be laid out and invested in the Purchase of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, in the Names of Four of the said Commissioners as Trustees, until the Sum of Seven thousand Pounds Three Pounds *per Centum* Consolidated Bank Annuities shall have been purchased, and shall remain so funded or invested for ever; and the Dividends from Time to Time arising from such Three Pounds *per Centum* Consolidated Bank Annuities shall be applied either annually or otherwise, as the said Commissioners may think most eligible and proper, for maintaining and improving the said Navigation, Cuts, and other Works hereby authorized to be made, and other the Purposes of this Act; and from and after the Expiration of One Year from the Time the said Sum of Seven Thousand Pounds Stock shall have been so purchased or invested, the Tolls, Rates, and Duties mentioned and set forth in the Schedule to this Act annexed shall cease and determine, and in lieu thereof the following Tolls, Rates, and Duties shall be payable and paid; *videlicet*,

For every Ship or Vessel which shall be under Eighty Tons Measure, Three Halfpence *per Ton*:

And for every Ship or Vessel which shall be of Eighty Tons and upwards, Two-pence *per Ton*.

For appoint-
ing Trustees
of the Fund.

LXXI. And be it further enacted, That when and so often as the Number of Trustees into whose Names the Stock shall be transferred shall, by Death, or Removal to Foreign Parts, be reduced to Two, the remaining or surviving Trustees shall transfer to themselves and Two other Trustees, to be chosen out of the said Commissioners by a Majority thereof at a Meeting to be convened for that Purpose, the aforesaid Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, together with any further Stock which may have been purchased by the Accumulation of the Dividends not expended, and which accumulated Stock the Trustees for the Time being shall transfer to such Person or Persons as the said Commissioners at any Meeting shall direct, by Writing under the Hand of the Chairman of such Meeting.

Power to
take down
Beccles
Bridge and
to erect an-
other.

LXXII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by and with the Order and Consent of His Majesty's Justices of the Peace assembled at the General or Quarter Sessions holden in and for the said Counties of *Suffolk* and *Norfolk* respectively, to take down or alter and improve, or cause to be taken down, altered, and improved, at the Expence of the Undertaking, a certain Bridge, or Part thereof, called *Beccles Bridge*, over the said River *Waveney*, and to remove the Materials thence arising, and to convert the same to such Use or Uses as the said Commissioners shall think proper: Provided always, that the said Commissioners shall and do and they are hereby authorized and required with all convenient Speed to erect and set up a Bridge in lieu of such as shall be taken down by them by virtue of this Act.

Bridges to be
made across
Roads.

LXXIII. Provided always, and be it further enacted, That where the said Commissioners shall make any Cut or divert the Course of any Part

Part of the said Navigation, or any Trench or Watercourse belonging to the same, in or across any Turnpike Road or common Highway, the said Commissioners shall at the Costs of the Undertaking erect and from Time to Time maintain a good and sufficient Bridge of at least Twelve Feet wide across the same Cut and Navigation or Watercourse belonging to the same, such Bridge to be made in the most convenient Manner, by means of Swivels or otherwise, to allow of the Passage of Ships and other Vessels navigating any Part of the said Navigation, Cuts, and other Works hereby authorized to be made, to pass through the same, and shall at the Expence of the Undertaking make good the Road at each End and over such Bridge with good and proper Materials, such Bridge to be of such an Acclivity as the Surveyor of such Turnpike Road or common Highway shall direct; and if the said Commissioners shall neglect or refuse to make good the Road at each End and over any such Bridge in manner aforesaid, or to repair any such Bridge, by the Space of Seven Days after Notice in Writing from such Surveyor, it shall be lawful for such Surveyor to cause the same to be done, and the Expences thereof thereupon paid to such Surveyor, or, in the Case of a Turnpike Road, to the Treasurer thereof, by the said Commissioners, and in default thereof the same may be recovered by Distress and Sale of the Goods and Chattels of the said Commissioners in manner herein mentioned: Provided always, that the said Commissioners shall not be liable to repair any Part of the Roads over the Approaches to any such Bridge after the Roads to such Approaches shall have been first put into Repair by and at the Expence of the said Commissioners, otherwise than so much thereof respectively as shall belong to and be directly connected with and be deemed to be Part of such Bridge, and shall extend to the Distance of One hundred Yards at each End thereof: Provided further, that where it may be necessary to erect any Bridge or Bridges by virtue of the Power herein contained, to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge: Provided always, that the said Commissioners shall not divert the Course of the said Navigation, or any Part thereof, nor make any Cut, nor any Trench or Watercourse belonging to the same respectively, in or across any Turnpike Road or common Highway, until they shall at their Costs and Charges have made a good and sufficient temporary Road for the Accommodation of all Persons whomsoever, and until a good and sufficient Bridge or Bridges, Passage or Passages, Arch or Arches, over or across the said Turnpike Road or Highway, or, in the Case of a Bridgeway, some sufficient Ferry Boat or Puntage, as the Case may require, shall be made and perfected.

LXXIV. And be it further enacted, That where any Swivel or Draw Bridge shall be laid over or across the said Navigation, or any Cuts or other Work to be made in pursuance of this Act, where the same crosses a common Highway, all and every Person or Persons opening any such Swivel or Draw Bridge shall and he and they is and are hereby required, as soon as any Vessel shall have passed, to shut,

Swivel or Draw Bridges to be shut after Ships have passed.

[*Local.*]

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let

let down, and fasten the same; and every Person neglecting so to do shall pay for every such Offence a Sum not exceeding Five Pounds; and in case any such Bridge shall be left open longer than necessary for the Passage of any such Vessel, or if through the Neglect or Carelessness of any Person belonging to such Vessel, then the Master or Owner of such Vessel shall for every such Offence pay a Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully open or cause to be opened any such Swivel or Draw Bridge, when the same is not required for the Passage of any Vessel through the same, such Person or Persons shall for every such Offence pay a Sum not exceeding Five Pounds.

Penalty on
Vessels not
being
moored or
obstructing
Navigation.

Vessels sunk
to be
weighed up.

Penalty for
damaging
Works.

Penalty on
Persons
throwing
Ballast, &c.
into the
Navigation.

LXXV. And be it further enacted, That if any Ship, Wherry, Keel, or other Vessel shall be placed or shall lie abreast in any Part of the said Navigation, Cuts, or other Works hereby authorized to be made, not being moored at both Ends or by the Middle, or if any Ship, Wherry, Keel, or other Vessel shall be placed in any Part of the said Navigation, Cuts, or Works aforesaid so as to obstruct the Navigation thereof, and the Person having the Care of such Ship, Wherry, Keel, or other Vessel shall not immediately upon Request made for that Purpose remove the same, he shall for every such Offence pay a Sum not exceeding Ten Shillings nor less than Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Commissioners to cause such Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Vessel, and the Cargo thereof, or any Part thereof, until the Charges occasioned by any such unloading and Removal are paid; and if any Ship, Wherry, Keel, or other Vessel shall be sunk in any Part of the said Navigation, Cuts, or other Works aforesaid, and the Owner or Person having the Care of such Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Commissioners to cause such Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned thereby.

LXXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, or destroy any Bridges, Banks, or other Works so to be erected and made by virtue of this Act, or any Part thereof, every such Person shall be guilty of Simple Larceny, and shall be subject to the like Penalties as in Cases of Simple Larceny.

LXXVII. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or put any Ballast, Earth, Dust, Ashes, Stones, or other Things into the said Navigation, or into or upon any of the Works authorized to be made in pursuance of this Act, to the Prejudice thereof, or do any other Annoyance to the same or any Part thereof, and Complaint be made thereof upon Oath by the Clerk of the said Commissioners acting in the Execution of this Act, or other Officer, or any other Person, the same shall be examined into and determined by One or more of His Majesty's Justices of the Peace for the

the said Counties of *Suffolk* or *Norfolk*, and he and they are hereby authorized to impose upon the Offender or Offenders such Fine or Fines not exceeding Five Pounds for such Offence as the said Justice or Justices shall think reasonable.

LXXVIII. And be it further enacted, That the Owner or Master or other Person having the Command or Charge of any Ship, Wherry, Keel, Boat, or other Vessel using the said Navigation, Cuts, or other Works hereby authorized to be made, or any Part thereof, shall be and is hereby made answerable to the said Commissioners for the Amount of any Damage done by such Ship, Wherry, Keel, Boat, or other Vessel, or by any of the Mariners, Boatmen, Watermen, or Servants, or other Persons on board of or belonging to the same, to any of the Bridges, Quays, Towing Paths, Walls, Wharfs, or other Works in, upon, or belonging to the said Navigation, Cuts, and other Works hereby authorized to be made, or any of them; and if the Amount of such Damage be not forthwith paid, in case the same shall not exceed the Sum of Twenty Pounds, the same shall be levied by Distress and Sale of the Goods and Chattels of such Master or Owner in like Manner as any of the Penalties imposed by this Act may be recovered: Provided always, that if such Master or Owner shall be compelled to pay any Penalty or to make any Satisfaction for Damages, by reason of any wilful Act, Neglect, or Default of his or their Sailors, Servants, or Boatmen, then and in every such Case such Servant or Boatman shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Master or Owner; and in case of Nonpayment thereof, on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Masters and Owners answerable for Damages done by their Vessels.

LXXIX. And be it further enacted, That in case any Person shall wilfully or maliciously cut or break or in any Manner destroy any Rope or other Thing by which any Ship or other Vessel lying in the said Navigation, Cuts, or other Works hereby authorized to be made shall be moored or fastened, such Person or Persons shall for every such Offence pay a Sum not exceeding Five Pounds.

Penalty for destroying Ropes.

LXXX. And be it further enacted, That no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible or inflammable Matter shall at any Time hereafter be boiled or heated on board any Ship, Wherry, Keel, Boat, or other Vessel lying between *Rose Hall Fleet* and Half a Mile below *Beccles Bridge* aforesaid, nor in any Place or Places thereunto adjoining (except in such Place or Places and in such Manner as shall be appointed by the Commissioners acting in the Execution of this Act, or their Agent for that Purpose).

Pitch, &c. not to be heated on board Vessels.

LXXXI. And be it further enacted, That in all Cases where any Penalty imposed for Offences against the Provisions of this Act shall exceed Fifty Pounds, the same shall and may be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed; and the same shall when recovered be paid to

For Recovery of Penalties above 50l.

to the Treasurer of the Commissioners acting in the Execution of this Act, and be applied to the Purposes of this Act, unless where otherwise hereby directed.

For Recovery
of Penalties
before Jus-
tices.

LXXXII. And be it further enacted, That in all Cases in which by this Act any Penalty is made recoverable by Information before a Justice or Justices of the Peace for the County of *Suffolk* or *Norfolk* it shall be lawful for any such Justice or Justices to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender or Offenders, and to adjudge him, her, or them to pay the Penalty incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices; and all such Proceedings by Summons without Information shall be as valid to all Intents and Purposes as if an Information in Writing was exhibited.

Justices may
settle Da-
mages in
case of Dis-
pute.

LXXXIII. And be it further enacted, That where by this Act any Damages or Charges are directed to be paid in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of a Dispute respecting the same, shall be determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is and are hereby authorized and required, on Non-payment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in the Manner directed by this Act for levying any Penalties.

Recovery
and Appli-
cation of
Penalties.

LXXXIV. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to any pecuniary Penalties, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be determined by or before any Justice or Justices of the Peace acting for the said Counties of *Suffolk* or *Norfolk*, in a summary Way, upon Information or Complaint made and exhibited before him or them; and upon any such Information or Complaint as aforesaid the said Justice or Justices shall summon the Party accused, and examine into the Matter thereof; and if upon the Confession of the Party accused, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Justice is hereby empowered and required to administer), the Party accused shall have been convicted of having committed such Offence or Offences, then and in every such Case the said Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant under the Hand and Seal of any such Justice (which he is hereby empowered to grant), be levied, together with the Costs of Conviction and Recovery, to be ascertained as aforesaid, by Distress and Sale of the Goods and Chattels of such Offender or Offenders,

Offenders, wherever such Goods and Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any), after deducting the reasonable Charges of taking, keeping, and selling such Goods and Chattels, to the Party whose Goods and Chattels shall be so distrained; and (except as herein or hereby is otherwise directed) one Half of such Penalty shall be paid to the Informer, and the other Half to the Commissioners acting in the Execution of this Act, or to such Person or Persons as shall be by them in that Behalf authorized to receive the same, and shall be applied for the same Purposes as the Duties imposed by this Act are directed to be applied; and it shall and may be lawful to and for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before the said Justice on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress (such Day or Days not being more than Seven from the Time of taking any such Security), and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties and Costs may be levied were a Warrant of Distress issued, such Justice shall not be required to issue a Warrant of Distress; and thereupon it shall be lawful for such Justice, and he is hereby required, by Warrant or Warrants under his Hand and Seal, to commit such Offender or Offenders to any Common Gaol or House of Correction in and for the Counties of *Suffolk* or *Norfolk*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

LXXXV. And be it further enacted, That the Conviction of any Offence against this Act shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect :

| | | | | |
|--|---------------------------------|----------|--------------------|--|
| ‘ | } BE it remembered, That on the | | Day of | Form of Conviction for Offences. |
| ‘ to wit. | | A. B. of | was duly convicted | |
| ‘ before me [or us] C. D. and | | | of His Majesty’s | |
| ‘ Justices of the Peace for the County of <i>Suffolk</i> [or <i>Norfolk</i> , as the | | | | |
| ‘ Case may be], for that the said A. B. on [Time of committing | | | | |
| ‘ Offence] at [Place of committing Offence] did [here state the Offence | | | | |
| ‘ according to the Fact], contrary to the Form of the Statute passed | | | | |
| ‘ in the First Year of the Reign of His Majesty King <i>William</i> the | | | | |
| ‘ Fourth, intituled [here set forth the Title of this Act], and I [or | | | | |
| ‘ we] do adjudge him [her or them] to pay for the same the Sum | | | | |
| [Local.] | 7 R | | ‘ of | |

‘ of , or to be committed to [*Place of Imprisonment*], for the Term of [*Time of Imprisonment*]. Given under my Hand and Seal [*or our Hands and Seals*], the Day and Year aforesaid.’

Power of
Appeal.

LXXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act done by any Justice or Justices in pursuance of this Act, or by any Bye Law, Rule, or Order made in pursuance thereof, such Person or Persons may appeal to the next General or Quarter Sessions of the Peace to be holden in or for the County in which the Cause of Appeal shall arise, within Four Calendar Months after the Cause of Appeal shall have arisen, such Appellant first giving or causing to be given Fourteen Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and the Matter thereof, to the Clerk of the said Commissioners acting in the Execution of this Act, and to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for the same County in the Sum of Forty Pounds, with Two sufficient Sureties in the Sum of Twenty Pounds each, conditioned to try such Appeal, and to abide the Order or Determination of the said Court thereon; and the Justices at such General or Quarter Sessions, upon due Proof of such Notice being given, and Recognizance entered into as aforesaid, shall either hear and determine the Matter of such Appeal in a summary Way, or, if they think proper, adjourn the Hearing thereof; and the said Justices may, if they see Cause, mitigate any Penalty, and may order any Money to be returned which may have been levied in pursuance of this Act, or of any Bye Law, Rule, or Order, and may also award such Costs to the Party appealing or appealed against as they the said Justices shall think proper; and the Determination of the said Justices at their General or Quarter Sessions shall be final to all Intents and Purposes whatsoever.

Providing
for Payment
of Compensa-
tion for
Damages
done by
Commis-
sioners.

LXXXVII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation for any Materials or Costs, or for any Damage of any Kind whatsoever done by the said Commissioners acting in the Execution of this Act, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the same Commissioners to the Party or Parties entitled to receive the same, within Twenty-eight Days after Demand in Writing shall have been made from the Clerk of the same Commissioners, or their Treasurer, in pursuance of the Order made by such Justice or Justices; and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation may be levied by Distress and Sale of the Goods and Chattels of the same Commissioners, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices; which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on

on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation for any such Materials, Costs, Damages, or Injury as aforesaid; and in case any Surplus shall remain after Payment of such Sum or Sums of Money, and the Costs of hearing and determining the Matter in dispute, and also the Costs of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the same Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of the Monies which he shall have received in pursuance of this Act all such Damages and Costs as he shall have sustained by virtue of any Warrant as aforesaid.

LXXXVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender or Tenders shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or, in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, nor after Tender of Amends.

LXXXIX. Provided always, and be it further enacted, That no Action or Suit shall be prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then after Six Calendar Months next after the committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the County of *Suffolk* or *Norfolk*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance

Limitation of Actions.

suance of this Act ; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Ten Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants ; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have double Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Cases by Law.

Compelling
Witnesses to
attend.

XC. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, (having been paid or tendered a reasonable Sum for his, her, or their Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing,) or shall refuse to be examined upon Oath and to give such Evidence before such Justice of the Peace, or at any General or Quarter Sessions or Adjournment thereof, as herein mentioned, then and in either of the said Cases such Person shall pay for every such Offence any Sum not exceeding Ten Pounds.

Officers not
to be incom-
petent Wit-
nesses.

XCI. And be it further enacted, That in case any Dispute or Litigation shall arise touching or in anywise relating to the said Tolls, Rates, and Duties, or respecting any Matter or Thing relating to the said Navigation or Undertaking, no Person or Persons acting by or under the Authority of the said Commissioners acting in the Execution of this Act, or in the Service of the same Commissioners, shall for that Reason alone be in any Manner disqualified or incapable from giving Evidence in or upon and respecting such Dispute or Litigation.

For securing
transient
Offenders.

XCII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Commissioners acting in the Execution of this Act, and such Person or Persons as he shall call to his Assistance, to seize and detain any Person or Persons, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence or Offences against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace for the said Counties of *Suffolk* or *Norfolk*, without any other Warrant or Authority than this Act for so doing ; and such Justice or Justices is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

XCIII. And be it further enacted, That in all Cases wherein it may be necessary, under the Provisions of this Act or otherwise, for any Person or Persons or Party or Parties to serve upon the said Commissioners acting in the Execution of this Act any Notice or Notices, Writ or Writs, or other judicial or legal Proceedings in Equity, the Service thereof upon the Treasurer or Clerk, or on any Officer or Officers of the same Commissioners, or left at the Office or usual Place of Abode of such Treasurer or Clerk or Officer or Officers, shall be deemed good and sufficient Service of the same respectively upon the same Commissioners.

For Services
of Notices,
&c. on Com-
missioners.

XCIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right and Title of the Portreeve, Surveyors, and Commonalty of *Beccles Fen* in *Beccles* aforesaid, or the Lord or Lords, Lady or Ladies of any of the Manor or Manors through which the said Navigation passes, or the said Cuts or other Works hereby authorized to be made may be carried, for the Time being, of, in, or to any Seniorities, Royalties, Manorial Rights, or any other Rights or Privileges incident or belonging thereto respectively, or of the Commissioners, Officers, or other Authorities acting under the several Acts of Parliament for the Haven and Piers of *Great Yarmouth*, nor to take away, lessen, or abate any Power, Right, Privilege, Immunity, Jurisdiction, or Authority granted or belonging to, or enjoyed or legally claimed by, the Mayor, Aldermen, Burgesses, and Commonalty of the Borough of *Great Yarmouth* aforesaid, or by any Officer or Officers of or belonging to that Corporation, all and every of them, for the Time being.

Saving
Rights of
Corporation
of Beccles
Fen and
Lords of
Manors.

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

Public Act.

SCHEDULE of TOLLS, RATES, and DUTIES to which this
Act refers.

| | | | | | | |
|--|---|--|--|---|----|----|
| Corn and Seeds | For every Quarter (containing Eight Bushels Imperial Measure) of Wheat, Barley, Malt, Beans, Pease, Tares, Canary, Mustard, and other Seeds, - - - | | | £ | s. | d. |
| | | | | 0 | 0 | 1 |
| | For every Quarter of Oats, - - - | | | 0 | 0 | 1 |
| | Sack containing Five Bushels of Flour, - - - | | | 0 | 0 | 1 |
| | Quarter of Meal, Middlings and Sharps, - - - | | | 0 | 0 | 1 |
| | Ditto of Pollard and Bran, - - - | | | 0 | 0 | 1 |
| | Sack of Clover, Trefoil, and other heavy Seeds, - - - | | | 0 | 0 | 1 |
| | Ditto of Potatoes, Onions, &c. - - - | | | 0 | 0 | 0½ |
| | Bushel of Apples, Pears, &c. - - - | | | 0 | 0 | 0½ |
| | Bag of Hops, - - - | | | 0 | 0 | 2 |
| | Pocket of Hops, - - - | | | 0 | 0 | 1 |
| | Thousand of English Oil Cakes, - - - | | | 0 | 0 | 8 |
| | Ditto of Foreign ditto, - - - | | | 0 | 0 | 8 |
| | Pack of Wool, Cotton, &c. containing 240 Pounds, - - - | | | 0 | 0 | 1½ |
| Leather | For every Hundred Weight of tanned Hides, and Calf Skins, - - - | | | 0 | 0 | 1 |
| Hides and Skins } | Raw Hide, - - - | | | 0 | 0 | 0½ |
| | Hundred of Pelts, - - - | | | 0 | 0 | 3 |
| Groceries | Ton of Tan or Bark, - - - | | | 0 | 0 | 8 |
| | For every Ton of Sugar, Fruits, Bacon, Cheese, Butter, Pork, Hams, Tongues, Salt, Salted Fish, Tallow, Soap, Candles, and all heavy Grocery Goods not here specified, - - - | | | 0 | 0 | 8 |
| | Hundred Weight of Tea, Coffee, and Spices, - - - | | | 0 | 0 | 1 |
| | Chest of Oranges, Lemons, &c. - - - | | | 0 | 0 | 1 |
| | Puncheon of Molasses, - - - | | | 0 | 0 | 4 |
| | For every Butt, - - - | | | 0 | 0 | 4 |
| | Puncheon, - - - | | | 0 | 0 | 3 |
| | Hogshead, - - - | | | 0 | 0 | 2 |
| | Barrel, - - - | | | 0 | 0 | 1½ |
| | Kilderkin or Runlet, - - - | | | 0 | 0 | 1 |
| Ale, Porter, Cyder, Perry, Vinegar, and Oil Madder } | Per Dozen, in Hampers, - - - | | | 0 | 0 | 1 |
| | At per Cask, per Cwt. - - - | | | 0 | 0 | 1 |

| | | £ | s. | d. |
|--------------------------|--|---|----|----|
| Spirits and } Wines } | Pipe Clay, at per Ton, - - - | 0 | 0 | 8 |
| | For every Pipe or Butt, - - - | 0 | 0 | 4 |
| | Hogshead, - - - | 0 | 0 | 2 |
| | Half ditto, - - - | 0 | 0 | 1 |
| | Quarter ditto, - - - | 0 | 0 | 1 |
| | Under 20 Gallons, at per Gallon, - - | 0 | 0 | 0½ |
| | Per Dozen, in Hampers, - - - | 0 | 0 | 1 |
| Coals, &c. | For every Four-wheeled Carriage, - - | 0 | 2 | 0 |
| | Two-wheeled Carriage, - - - | 0 | 1 | 0 |
| | Horse, Mare, or Gelding, - - - | 0 | 2 | 0 |
| | Other Beast, - - - | 0 | 1 | 0 |
| | For every Chaldron (containing 36 Bushels Imperial Measure) of Coal, Coke, Culm, Cinders, or Breeze, | 0 | 0 | 8 |
| Hay and Straw | For every Ton of Hay, Cinquefoil, Clover, or Straw, - - - | 0 | 0 | 8 |
| Timber and } Deals } | For every Load of Oak, Elm, Pine, Beech, and Fir Timber, - - - | 0 | 0 | 8 |
| | Load of Deals, Battens, and Lath- wood, - - - | 0 | 0 | 8 |
| Mahogany, &c. | For every Cubic Foot of Mahogany, Teak- wood, or other valuable Woods, - | 0 | 0 | 0½ |
| | For every Ton of Hemp, Cordage, and Yarn, Barrel of Pitch, Tar, Grease, Rosin, &c. - - - | 0 | 0 | 8 |
| | | 0 | 0 | 1 |
| Stone, } Slate, } | For every Ton of Stone, Slate, Plaster of Paris, Alum, Unwrought Iron, Bar Iron, Lead, &c. - - - | 0 | 0 | 8 |
| | For every Cubic Foot of Marble, - - - | 0 | 0 | 1 |
| | 1000 of Gutter, Pan, Mathema- tical, and Plain Tiles, - - - | 0 | 1 | 0 |
| | 1000 of Bricks and Paving Tiles, - | 0 | 1 | 4 |
| | Crate of Glass or Earthenware, - | 0 | 0 | 3 |
| | Carboy of Vitriol or Oil, - - - | 0 | 0 | 1 |
| | Corpse, - - - | 0 | 7 | 0 |
| | Organ, - - - | 0 | 7 | 0 |
| | Piano Forte, Harpsichord, Harp, or Bass Viol, - - - | 0 | 2 | 0 |
| | 100 Pipe Staves, - - - | 0 | 0 | 8 |
| | For every Ton of Copper, Pewter, Brass, or Metals (except Lead and Iron), - | 0 | 0 | 8 |
| | For every Ton of Ballast, - - - | 0 | 0 | 4 |
| | For Bale Goods, and all other Articles, Wares, or Merchandize not specified in this Schedule, according to the Amount of Freight, at per Cwt. - - - | 0 | 0 | 1 |

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1831.

