



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xcvi.

An Act for draining and preserving certain Fen Lands and Low Grounds in the Parish of *Wiggenhall Saint Mary Magdalen* in the County of *Norfolk*, and other Purposes.

[18th June 1833.]

WHEREAS an Act was passed in the Thirtieth Year of the Reign of His Majesty King George the Second, intituled *An Act for draining and preserving certain Marsh and Fen Lands and Low Grounds in the Parish of Wiggenhall Saint Mary Magdalen in the County of Norfolk*: And whereas by the said Act Powers were given to certain Commissioners thereby appointed for draining and preserving certain Fen Lands lying and being in the Parish of *Wiggenhall Saint Mary Magdalen* in the County of *Norfolk*, and therein stated to contain in the whole Four thousand Acres or thereabouts, and to be bounded as follows; *videlicet*, from the East End of *Green Dyke* next *West Fen Lode* to the Bank of the River *Ouze*, and so along under the West Side of that Bank to *Staple Wear*; and from thence under a certain Bank upon *Wiggenhall Common*, and so along the South Side of that Bank, including the same, to and across the *Mire Bank* next *Marshland Fen* as far as *Chancellor's Dyke*, and so on by *Chancellor's Dyke* Northward as far as *Broad Fen*; and from thence along a Dyke on the North Side of a certain Bank called *Border Bank* to another Bank called *Fen Bank*, and from *Fen Bank* to *Gillingroe Way*, by the *Perambulation*
[Local.] 22 T Way

30 G. 2. c. 32.

Way between Wiggenhall Saint Peter's and Wiggenhall Saint Mary Magdalen's ; and from thence by Gillingroe Way to the West End of Green Dyke, and along that Dyke to the aforesaid East End thereof ; and the said Commissioners were thereby empowered to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the said Fen Lands and Low Grounds so bounded and described as aforesaid, by an equal and proportionable Acre Tax, in any Rate or Sum not exceeding Two Shillings per Acre in each Year, for making, carrying into execution, and effecting the said Drainage, and for maintaining the same ; provided that no Assessment, Rate, or Tax should be made, collected, or levied for or in respect of any High Lands within the Boundaries aforesaid not subject to Inundation, with certain Provisions for determining any Dispute which might arise respecting the Distinction of High Lands ; and Powers were also given by the said Act for borrowing any Sum of Money on the Credit of the Rates and Taxes to be so assessed, and to assign the same as a Security for the Monies borrowed : And whereas the whole of the Lands and Grounds within the said Boundaries without Distinction were rated or taxed in the Sum of Two Shillings per Acre, under the Provisions of the said Act, and several Sums of Money, amounting in the whole to the Sum of Six thousand Pounds, were borrowed on the Credit of the said Rate or Tax, which Sums are still due and owing : And whereas an Act was passed in the Twenty-fourth Year of the Reign of King George

24 G. 3. c. 9. *the Third, intituled *An Act to enlarge the Powers of an Act made in the Thirtieth Year of the Reign of His Majesty King George the Second, intituled ' An Act for draining and preserving certain Marsh and Fen Lands and Low Grounds in the Parish of Wiggenhall Saint Mary Magdalen in the County of Norfolk :'* And whereas by the said last mentioned Act the said Commissioners were empowered to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all such Part and Parts of the said Lands and Grounds on the West Side of certain Drains called the *South and North Heading Drains*, by an equal and proportionable Acre Tax, with such further Sum or Sums of Money as the said Commissioners should think proper, not exceeding the Sum of Two Shillings and Sixpence per Acre in each Year, and also to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of such Part and Parts of the said Lands and Grounds on the East Side of the said Drains, by an equal and proportionable Acre Tax, with such further Sum or Sums of Money as the said Commissioners should think proper, not exceeding the Sum of One Shilling and Three-pence per Acre in each Year, over and above the Sum of Two Shillings per Acre wherewith all the said Lands and Grounds were liable to be charged by the former Act, and over and above such other Acre Rates and Taxes whereunto the said Lands and Grounds, or any Part thereof, then were charged or chargeable ; and it was also enacted that the whole of such Taxes should not be less than One Shilling and Three-pence per Acre upon the Lands and Grounds West of the said Drains, and Seven-pence Halfpenny per Acre upon the Lands and Grounds East of the said Drains, until all the Money to be borrowed for the Purposes of the now reciting Act, with the Interest, should be discharged, and also that the Acre*

Tax

Tax for each and every Acre of the said Lands and Grounds on the East Side of the said Drains should not be more or less in any Year than One Moiety or Half Part of the Acre Tax to be rated, assessed, and charged on the Lands and Grounds West of the said Drains, and that no Acre Tax should be laid for or in respect of the said Lands and Grounds on the East Side of the said Drains in any Year when an Assessment should not be made by virtue of the now reciting Act for or in respect of the said other Lands and Grounds comprised in the Act; and Powers were also given for borrowing any Sum of Money not exceeding in the whole Three thousand Pounds, and to assign over the said yearly Rates and Taxes thereby charged or to be charged upon the said Lands and Grounds as a Security for the Repayment of the Money to be so borrowed, with Interest: And whereas the Sum of Three thousand Pounds was borrowed under the Provisions of the said last recited Act, which Sum still remains due and owing: And whereas by virtue of the Powers of the said last recited Act the whole of the Lands and Grounds within the Boundaries aforesaid were rated and taxed at the said additional Rates; that is to say, the Lands and Grounds on the West Side of the said Drains were rated and taxed at the additional Sum of Two Shillings and Sixpence *per* Acre, making in the whole Four Shillings and Sixpence *per* Acre, and the Lands and Grounds on the East Side of the said Drains were rated and taxed at the additional Sum of One Shilling and Three-pence *per* Acre, making in the whole the Sum of Three Shillings and Three-pence *per* Acre: And whereas the whole of the Lands and Grounds within the Boundaries aforesaid have been found to contain Four thousand and twelve Acres Three Roods and Thirty-eight Perches, or thereabouts; and One thousand two hundred and sixty-one Acres Three Roods and One Perch, or thereabouts, of Land and Ground, Part thereof, (being the Lands and Grounds rated and taxed at the said Sum of Three Shillings and Three-pence *per* Acre as aforesaid,) lying on the East Side of the said Drains called the *South* and *North Heading Drains*, have been ascertained and deemed to be High Land and Ground, and have been, by virtue of the Works and Drains already made and executed, sufficiently drained, and are not liable to Inundation: And whereas all the Lands and Grounds so taxed and charged at the said Sum of Four Shillings and Sixpence *per* Acre as aforesaid, and lying on the West Side of the said Drains called the *South* and *North Heading Drains*, containing altogether, by Survey, Two thousand seven hundred and fifty-one Acres and Thirty-seven Perches, or thereabouts, are deemed to be Low Fen Land and Ground, and are liable to Inundation: And whereas the present Engines, Works, and Drains are insufficient for the Purpose of draining the same Low Fen Lands and Grounds, and the Occupiers of the same Low Fen Lands and Grounds thereby sustain great Loss: And whereas the said Low Fen Lands and Grounds might be more effectually drained and improved if Powers were given for erecting an Engine, to be worked by Steam, thereon, for discharging or conveying the Waters therefrom through the Outfall to the Sea, and to scour out and deepen the present Drain leading to the Outfall, and other Drains therein, and to make such new Cuts and Drains as may be necessary to be made for the effecting the Discharge of the Waters by means of such Engine, and for more effectually draining and improving the said

said Low Fen Lands and Grounds, and for raising such further Sums of Money as may be necessary for effecting the Purposes aforesaid : And whereas the Land and Ground forming the great Bank called the *Border Bank Estate*, containing in the whole One hundred Acres, or thereabouts, has ever since the passing of the said first recited Act been deemed and considered to be vested in the Commissioners for executing the same Act and the said last recited Act, and the same Land and Ground has been from Time to Time let by the said Commissioners, and the said Commissioners have erected thereon a House or Tenement and Appurtenances for the Use of the Tenant of such Land and Ground : And whereas it is expedient that the Lands and Grounds lying on the East Side of the said Drains called the *South* and *North Heading Drains*, so deemed or considered High Lands and Grounds as aforesaid, and being sufficiently drained, and not likely to be benefited by the Works intended to be erected and made by virtue of this Act, should not be subjected to any additional Rate or Tax by virtue of this Act, and also that the Rates imposed thereon by virtue of the said Two recited Acts should be no longer charged and chargeable after the Monies borrowed under the Powers of the said recited Acts, and now due in respect thereof, amounting to the Sum of Nine thousand Pounds as aforesaid, shall have been paid off and discharged ; and that therefore the said Rates or Taxes of Three Shillings and Three-pence *per* Acre charged or chargeable thereon by virtue of the said recited Acts should be appropriated to form a Sinking Fund for paying off and discharging the said Debt of Nine thousand Pounds as aforesaid : And whereas the further Sum of Two thousand Pounds, or thereabouts, expended for the Purposes of the said recited Acts, is also due and owing from the said Commissioners : And whereas the Powers and Provisions of the said recited Acts have been found in some respects defective and insufficient for the Purposes thereof, and it is expedient that the said Acts should be repealed, and other Powers and Provisions granted and made in lieu 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 from and after the passing of this Act the said recited Acts passed in the Thirtieth Year of the Reign of King *George* the Second and the Twenty-fourth Year of the Reign of King *George* the Third shall be and the same are hereby repealed.

Recited
Acts re-
pealed.

Existing
Mortgages
or Assign-
ments of the
Rates made
under for-
mer Acts to
continue in
force, and to
be a Charge
on the Rates
by this Act
granted.

II. Provided always, and be it further enacted, That (notwithstanding the Repeal of the said recited Acts) all Mortgages or Assignments of the Rates, Taxes, or Assessments by the said Acts or either of them authorized to be assessed or charged on the Lands and Grounds herein-before described or mentioned, shall be, remain, and continue in full force and effect, and shall be and are hereby declared to be a Security for Repayment of the Sum or Sums of Money therein mentioned, and for the Payment of all Interest due or from Time to Time to grow due thereon, out of the Rates, Taxes, or Assessments granted or authorized to be raised by this Act, to the Amount or Extent charged by the said recited Acts ; (that is to say,) to the Amount or Extent of Three Shillings and Three-pence *per* Acre upon

upon the said Lands and Grounds lying on the East Side of the said Drains called the *South* and *North Heading Drains*, and to the Amount or Extent of Four Shillings and Sixpence *per* Acre upon the said Lands and Grounds lying on the West Side of the said Drains called the *South* and *North Heading Drains*, and also out of all Hereditaments and Premises, Rents and Profits comprised in such Mortgages and Assignments, to all Intents and Purposes as if such Mortgages or Assignments had been made under or in pursuance of this Act, or as if the said recited Acts or either of them had not been hereby repealed.

III. Provided also, and be it further enacted, That all Books for registering Mortgages or Assignments, and all Entries therein, and all Books of Proceedings of the Commissioners under the said recited Acts hereby repealed, kept according to the Directions of the said Acts, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all Clerks, Surveyors, Collectors, and other Officers (except Treasurers) appointed by the Commissioners by virtue of the said Acts shall hold and enjoy their respective Offices and Employments, together with their respective Salaries, Gratuities, and Allowances thereunto annexed, until they shall be respectively removed therefrom by the Commissioners for executing this Act; and every such Officer and Person shall, while he shall continue in Office, be subject to the like Penalties and Powers of Removal, and to the like Rules, Regulations, and Proceedings, as if he had been appointed by virtue of this Act; and every such Treasurer, Clerk, Surveyor, Collector, and other Officer or Person who shall have in his Custody or Possession any Money collected or received by virtue of the said recited Acts hereby repealed, or any Books, Deeds, Papers, Writings, or Effects belonging to the Commissioners for executing the said Acts, or relating to the Execution of the said recited Acts, shall be liable to account for and pay to and deliver up all such Monies, Books, Deeds, Papers, Writings, and Effects to the Commissioners for executing this Act, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Treasurers, Clerks, Surveyors, Collectors, and other Officers and Persons had been appointed by the Commissioners for executing this Act; and all other Persons who shall owe any Sum or Sums of Money to the Commissioners for executing the said recited Acts, for or in respect of any Matter or Thing affecting or relating to the Execution of the said recited Acts, at the Time of the Commencement of this Act, shall be liable to the Payment thereof to the Commissioners for executing this Act, and be subject to the Provisions of this Act for Recovery thereof in case of Refusal or Neglect to pay.

Old Books
to be Evi-
dence.

Officers
under former
Acts to hold
their Situa-
tions till
removed;

and to ac-
count for
Monies.

IV. Provided also, and be it further enacted, That all Rates, Taxes, and Assessments made, ordered, or directed to be assessed, collected, and levied by and under the Authority of the said recited Acts or either of them (and which shall be uncollected or in arrear at the Time of the Commencement of this Act), and all Fines and Penalties, Costs, Charges, and Expences, which have been or shall be incurred under the said recited Acts (and which shall remain unpaid or

Rates and
Contracts
made under
repealed
Acts, to
continue in
force.

unrecovered at the Time of the Commencement of this Act), and all Contracts which have been entered into with the Commissioners for executing the said recited Acts, and which shall be in existence and be unperformed or undetermined at the Time of the Commencement of this Act, shall and may be collected, recovered, performed, and enforced by the Commissioners for executing this Act, in the same Manner and by the same Ways and Means as if such Rates, Taxes, and Assessments had been made or become due, and as if such Fines and Penalties, Costs, Charges, and Expences had been incurred, under the Provisions of this Act, and as if such Contracts had been entered into in pursuance of this Act.

Appointing
Commis-
sioners.

V. And be it further enacted, That the Impropiator and Vicar of *Wiggenhall Saint Mary Magdalen* aforesaid, and all and every Persons and Person who are, is, or shall be Proprietors or Owners or Proprietor or Owner of Fifty Acres of Land and Ground, or upwards, chargeable with the Rates or Taxes herein-after mentioned, shall be and are hereby appointed (during the Time of such Ownership, and during the Time their Lands and Grounds respectively shall continue to be chargeable, in pursuance of this Act, with the Rates or Taxes herein-after mentioned,) Commissioners for carrying this Act into execution.

Meetings of
Commis-
sioners.

VI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may and they are hereby required to hold their First Meeting for putting this Act into execution at the House known by the Sign of the *Cock*, in *Wiggenhall Saint Mary Magdalen* aforesaid, or at some other convenient Place in *Wiggenhall Saint Mary Magdalen* aforesaid, upon the Second *Monday* after the passing of this Act, or as soon after as conveniently may be; and the said Commissioners shall hold a General Meeting twice in every Year, that is to say, on the First *Monday* in *April* and on the First *Monday* in *October*, at the House aforesaid in *Wiggenhall Saint Mary Magdalen*, or at some other House therein, or in *King's Lynn* or *Downham Market* in the said County, as they shall think fit and order or direct; and it shall be lawful for the said Commissioners to adjourn such First Meeting, and any subsequent General or Special Meeting, to be held at the same Place, or at any other Place in *Wiggenhall Saint Mary Magdalen*, *King's Lynn*, or *Downham Market* aforesaid, and at such Time or Times as they shall think proper; and in case of any Omission or Neglect to adjourn any Meeting as aforesaid, then any Five Commissioners, or the Clerk by the Direction of any Five Commissioners, may call a Meeting by Notice as herein-after mentioned, to be held in *Wiggenhall Saint Mary Magdalen*, *King's Lynn*, or *Downham Market* aforesaid, at such Time and Place as they shall think proper; and any Five of such Commissioners, or the Clerk by their Direction, may also at any Time in like Manner call any Special Meeting of the said Commissioners, provided the Notice for every such Special Meeting do specify the Object or several Objects of such Special Meeting; and the Treasurer to be appointed by virtue of this Act shall and may and he is hereby empowered to allow and pay, out of the Rates and Taxes imposed and to be imposed upon the said Lands and Grounds lying on the West Side of the said Drains called the *South* and *North Heading*

Heading Drains, any Sum not exceeding the Sum of Three Pounds for the Expences of a General Meeting, and any Sum not exceeding Twenty Shillings for the Expences of a Special Meeting.

VII. Provided always, and be it further enacted, That at all Meetings of the Commissioners for carrying this Act into execution every Commissioner being Owner or Proprietor of Fifty Acres or upwards and under Three hundred Acres of Land and Ground chargeable with the Rates or Taxes herein-after mentioned shall have and be entitled to give (by himself or his Agent or Bailiff) One Vote upon any Question relating to the Execution of this Act, and every Commissioner being Owner or Proprietor of Three hundred Acres of Land and Ground or upwards chargeable with the Rates or Taxes herein-after mentioned shall have and be entitled to give (by himself or his Agent or Bailiff) Two Votes upon any Question relating to the Execution of this Act; and it shall be lawful for the said Commissioners respectively, or any or either of them, to appoint their, his, or her Agent or Bailiff to act and vote at any such Meeting in their, his, or her Stead; and all Proceedings, Acts, Orders, and Determinations of the said Commissioners in the Execution of this Act shall be had, made, or done at the respective Meetings to be held by virtue of this Act, and not otherwise; and Five Commissioners present, by themselves, or their Agents or Bailiffs appointed to act and vote in their Stead, shall be sufficient to constitute a Meeting for the Purposes of this Act; and at all such Meetings a Chairman shall be appointed; and all Questions relating to the Execution of this Act, in case of any Difference of Opinion thereon, shall be determined by the Majority in Number of Votes of the Commissioners present, by themselves, or their Agents or Bailiffs as aforesaid, and in case of an equal Number of Votes upon any such Question, the Chairman shall have and be entitled to give the decisive or casting Vote; and all Proceedings, Acts, Orders, and Determinations of the said Commissioners so to be had, made, or done by or before any Five or more such Commissioners so present, by themselves or their Agents or Bailiffs, and in which the Majority (according to the Number of Votes) so present shall concur, shall be as valid and effectual, and shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as if the same were had, made, or done by or before all the Commissioners for executing this Act, and as if all the said Commissioners had concurred therein, and not otherwise; and no Proceeding, Act, Order, or Determination so had, made, or done at any such Meeting shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Five or more Commissioners, by Writing under their Hands, to the Clerk to the said Commissioners at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Five or more Commissioners, shall have been affixed on the principal Door of the Parish Church of *Wiggenhall Saint Mary Magdalen* aforesaid, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to or carried by a greater Number of Votes than the Number which shall have concurred in the making of any such Order or Determination.

Proceedings
of Commis-
sioners.

VIII. Pro-

Penalty on
Persons
acting not
being qua-
lified.

VIII. Provided always, and be it further enacted, That if any Person not qualified as aforesaid shall presume to act as a Commissioner in the Execution of this Act, or to appoint an Agent or Bailiff to act or vote in his Stead, he and she shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or upon the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparlance, shall be allowed, and in which Action or Suit it shall be only necessary to prove that the Defendant acted as a Commissioner, or appointed a Person to act or vote in his or her Stead as a Commissioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he or she shall prove, in his or her Defence, that he or she was, at the Time of his or her so acting or so appointing, qualified according to the true Intent and Meaning of this Act: Provided always, that all Acts and Proceedings of any Person so acting or appointing without being duly qualified, previously to a Verdict being obtained against him or her for so acting or appointing, shall, notwithstanding such subsequent Conviction, be as valid and effectual as if such Person had been duly qualified.

Notice of
Meetings.

IX. And be it further enacted, That all Notices of Meetings to be given in pursuance of this Act (except where it shall be herein otherwise directed) shall be inserted in some Newspaper circulated in the County of *Norfolk* at least Seven Days before the Day appointed for any Meeting, and such further Notice thereof shall or may also be given and published in such Manner as the said Commissioners, at their said First Meeting, or at any Half-yearly Meeting to be held by virtue of this Act, shall order and direct.

Orders to be
entered in a
Book, and
signed by
the Chair-
man;

and the
same, or
Copies
thereof, ad-
mitted as
Evidence.

X. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said Commissioners shall from Time to Time be fairly written and entered by the Clerk for the Time being of the said Commissioners in a proper Book or Books to be kept for those Purposes, setting forth the Names of the Commissioners who shall be present at the respective Meetings, and of their Agents or Bailiffs in Cases where any such attend, and (in case of Division upon any Question) stating the Number of Votes and the Names of the Voters constituting the Majority; and such Entries shall be signed by the Chairman of such Meeting, or by the Clerk in case the Chairman shall refuse to sign; and all such Entries therein, being so signed, shall be deemed and taken to be Originals, and the same or true Copies thereof shall be admitted to be read in Evidence in all Courts whatsoever in all Causes, Suits, and Actions touching any thing to be done in pursuance of and under the Authority of this Act; and the said Book or Books shall be open to the Inspection of the said Commissioners or any of them, or to any of the Proprietors or Owners of the said Lands and Grounds, at all seasonable Times, without Fee or Reward.

Appoint-
ment and
Removal of
Officers.

XI. And be it further enacted, That it shall be lawful for the said Commissioners to appoint One or more proper Person or Persons to be

be Collector or Collectors, Receiver or Receivers of the Rates or Assessments to be assessed and levied by virtue of this Act, also a Clerk or Clerks, and a Superintendent, Engineer, Surveyor, and such other Officers, Assistants, and Servants, for the Management and keeping in repair the Works to be made or improved by virtue of this Act, as they shall think proper, and to allow and pay them such Salaries or Allowances for their respective Services as they shall think proper, out of the Rates or Taxes to be received in pursuance of this Act, and also to appoint a Banker or Treasurer for the Purposes of this Act, taking sufficient Security from any such Treasurer for the faithful Execution of his Office, and also taking such sufficient Security from such Receivers and Collectors before entering upon their respective Offices, as they the said Commissioners shall think proper; and it shall also be lawful for the said Commissioners from Time to Time to remove any such Receivers, Collectors, Clerks, Superintendent, Engineer, Surveyor, Officers, Assistants, Servants, Banker or Treasurer, and to appoint others in their Places respectively; and all such Collectors, Receivers, Clerks, Bankers, Treasurers, and other Officers, when thereunto required by the said Commissioners, shall give in to such Commissioners a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers, for all Monies which shall have been received and paid by them respectively, by virtue of their said Offices, to the Time of giving in such Account, and shall pay to the said Commissioners, or such Person or Persons as they shall by Writing under their Hands authorize to receive the same, all such Monies as shall upon balancing any such Accounts appear to the said Commissioners to be due from such Officers, and shall deliver up all Vouchers and all Books and Writings relating to such Offices respectively, or to the Execution of this Act, to the said Commissioners, or to any Person or Persons whom the said Commissioners shall order or direct to receive the same; and in case any such Collector, Receiver, Clerk, Banker, Treasurer, or other Officer shall not give in and make such Account and Payment as aforesaid, or shall refuse or neglect to deliver up all such Books and Writings to the said Commissioners or to such other Person or Persons as they shall order and direct to receive the same, then and in either of the said Cases it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to commence or cause to be commenced, in any of His Majesty's Courts of Record at *Westminster*, an Action or Actions against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person so refusing or making default as aforesaid, and to recover the same with full Costs of Suit; or it shall and may be lawful for the said Commissioners, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint to any Two Justices of the Peace; and such Justices may and they are hereby authorized and empowered, by a Warrant under their Hands and Seals, to summon the Officer or Person so refusing or making default as aforesaid to appear before them, and upon his Appearance, or having been summoned and not appearing (except on some reasonable Cause for Delay, to be allowed by such Justices), to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible

Officers to
account.

Proceedings
in case of
Default.

[*Local.*]

22 X

Witness

Witness upon Oath or Affirmation, it shall appear to such Justices that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, or shall be unaccounted for by him, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint and of making such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear and be proved to the said Justices, after such Summons as aforesaid, that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce and deliver the Vouchers relating thereto, or that any Books, Papers, Writings, or Effects belonging to the said Commissioners, or relating to the Execution of the said recited Acts or this Act, shall be retained in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in either or any of the said Cases such Justices shall commit such Offender to any Common Gaol or House of Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain until he shall have made a perfect Account and Payment as aforesaid, and delivered up all such Vouchers, Books, and Writings, or shall have compounded and agreed with the said Commissioners, which Composition and Agreement the said Commissioners are hereby empowered to make; but no such Offender shall be kept or detained in Prison by virtue of this Act for want only of sufficient Distress for any longer Term than Six Calendar Months.

Same Person
not to be
Clerk, Treas-
urer, and
Collector.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer or Collector for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk or Collector for the Purposes of this Act, or to appoint the Person who may be appointed Collector, or the Partner of any such Collector, or the Clerk or any Person in the Service or Employ of any such Collector, or the Clerk or any Person in the Service or Employ of the Partner of any such Collector, to be the Treasurer or Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer, or both the Offices of Clerk and Collector, or both the Offices of Collector and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall

shall accept the Office of Treasurer or Collector, or shall act as Deputy of such Treasurer or Collector, or in any Manner officiate for such Treasurer or Collector, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk or Collector, or shall act as Deputy of such Clerk or Collector, or in any Manner officiate for such Clerk or Collector, or being the Partner of any such Collector, or the Clerk or any Person in the Service or Employ of any such Collector, or the Clerk or any Person in the Service or Employ of the Partner of any such Collector, shall accept the Office of Treasurer or Clerk, or shall act as Deputy of such Treasurer or Clerk, or in any Manner officiate for such Treasurer or Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and 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, or Wager of Law, nor more than One Imparlance, shall be allowed.

XIII. 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 for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and any other Person or Persons whose Lands and Grounds shall be assessed or charged by virtue of this Act, without Fee or Reward; and the said Commissioners and Person or Persons 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 shall refuse to permit or shall not permit the said Commissioners, or such Person or Persons, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to be kept of Receipts and Disbursements.

XIV. And be it further enacted, That at the Meeting which shall be held on the First *Monday* in the Month of *April* in every Year, at which Meeting all and every the Proprietors or Owners of the Lands and Grounds charged or to be charged towards the Expences of executing this Act shall be entitled to attend, the said Commissioners shall then and there produce and lay before the Proprietors present, by themselves or their Agents or Bailiffs, for their Inspection and Approval, an Account in Writing for the preceding Year ending upon the First Day of *April* of the several Sums received and

Annual Meeting to be held, at which Accounts shall be examined and settled.

and paid by them under or by virtue of any of the Powers, Provisions, or Directions of this Act, and also all Vouchers for the same Accounts; and the said Commissioners shall also then and there give such Information and Explanation respecting their Proceedings in the Execution of this Act as shall be required from them by the Proprietors or Owners, or their Agents or Bailiffs, then and there present, or the major Part of them in Value according to their respective Assessments under this Act; and at such annual Meetings, or at some Adjournment thereof respectively, the Account so produced shall be examined, audited, and settled, and such Audit and Settlement shall be certified at the End of such Account by the Chairman of such Meeting under his Hand, and such Account or a Duplicate thereof shall be and remain deposited with the Clerk to the said Commissioners, and shall be open to the Inspection of all Persons concerned.

Commissioners to sue and be sued in the Name of their Clerk; and Suits not to abate by Changes.

XV. And be it further enacted, That the said Commissioners shall or may sue and be sued in any Action or Actions, Suit or Suits to be commenced or prosecuted in respect of any Matter or Thing arising out of this Act, in the Name of their Clerk or of any One of the Commissioners; and no such Action or Suit shall abate or be discontinued by reason of the total or partial Change of the said Commissioners, or by reason of the Death or Removal of their Clerk, or by the Act of such Clerk without the Consent of the said Commissioners, but the Proceedings in any such Action or Suit shall nevertheless be carried on to Execution, if necessary, in the Name of the Commissioner or Clerk by or against whom such Action or Suit shall have been commenced.

Commissioners may pay the Expenses of Prosecutions.

XVI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted, in pursuance of this Act, under the Authority or by the Direction of the said Commissioners, then and in every such Case the said Commissioners shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced or prosecuted, all such reasonable Costs and Charges as such Person or Persons shall be really and *bonâ fide* out of pocket for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any thing done in pursuance of this Act under the Authority and by the Direction of the said Commissioners.

The Appointments and other Matters of Form to stand admitted in Evidence, unless Notice given to produce them.

XVII. And be it further enacted, That in any Action or Suit to be brought by or against the said Commissioners or their Clerk for the Time being, or any of the Persons acting in the Execution of this Act, for any Cause, Matter, or Thing arising out of this Act, the Election and Qualification of Commissioners, and the Appointments of Clerks, Treasurers, Collectors, Superintendents, or other Officers or Persons appointed or to be appointed by the said Commissioners under the Authority of this Act, the Books of Entries of the said Commissioners, the Rates or Assessments made or to be made by

by virtue of this Act, and the Notices of any such Rate or Rates, shall upon the Trial of any such Action or Suit stand admitted in Evidence, unless the other Party or Parties shall, if Defendant or Defendants, at or before the Time of Pleading, or if Plaintiff or Plaintiffs, before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Plaintiffs, Defendant or Defendants, that he, she, or they intend to dispute such Election or Qualification, Appointment or Appointments, or any Entry or Entries, Proceeding or Proceedings, Rate or Assessment, Rates or Assessments, Notice or Notices, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid; and where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall at the Trial prove the Matter or Matters required to be proved in and by such Notice, or any of them, or if the other Party or Parties shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid; and such Costs shall, in case such Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict, be added to his or her Costs; and if the other Party or Parties shall obtain a Verdict, then such Costs shall be deducted from the Costs which the Party or Parties giving such Notice as aforesaid would otherwise be entitled to receive from the Person or Persons to whose Attorney such Notice shall have been given as aforesaid; and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person or Persons to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs in like Manner as if Costs had been awarded to such last-mentioned Person or Persons.

XVIII. And be it further enacted, That in all Indictments, Actions, and Proceedings whatsoever, wherein it shall be necessary to state that any Property, Effects, Articles, Materials, or Things is or are the Property of the said Commissioners, it shall be sufficient to state that all and every such Property, Effects, Articles, Materials, and Things is or are the Property of the Commissioners for executing an Act for draining Lands and Grounds in the Parish of *Wiggenhall Saint Mary Magdalen*, without particularly stating or specifying all and every the Names and Name of the said Commissioners.

Sufficient in Proceedings to state that the Property belongs to the Commissioners.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, to provide and erect and construct, or cause to be provided and erected and constructed, a Steam Engine of not less than

Power to make new Works.

Forty Horse Power, upon the most convenient Site within the said Parish, for the Purpose of effectually draining the said Low Fen Lands and Grounds, and from Time to Time, at their Wills and Pleasures, to alter, remove, rebuild, or repair such Steam Engine; and also to cut and make, or cause to be made, such new Cuts, Banks, Drains, Dams, Outlets, and other Works in and through the said Lands and Grounds within the Boundaries herein-before mentioned, as shall be necessary for the effectual Drainage of the said Lands and Grounds, and to erect such Sluices, Gools, Bridges, Tunnels, Culverts, and other Works therein as they shall think proper, and also from Time to Time to alter or repair the same, and from Time to Time to scour out and cleanse any of the present Drains and Outlets for Water from the same Lands and Grounds into the River *Ouze*, through the present Outlet in the Banks of that River, so that in the scouring out and cleansing of any such Drains or Outlets they take away and remove the Silth or Deposit only, and do not in any Manner remove or disturb the Soil of the said Banks; and also to alter, remove, rebuild, or repair any of the present Works of Drainage, and to widen, deepen, and improve any of the present Drains and Outlets for Water, as they shall think expedient to be done for draining and conveying the Waters from the same Lands and Grounds into the River *Ouze*, through the present Outlet in the Banks of that River: Provided always, that it shall not be lawful for the Commissioners for carrying this Act into execution to exercise the Power herein-before vested in them to widen, deepen, and improve any of the present Drains or Outlets for Water into the River *Ouze*, through the present Outlet in the Banks of that River, unless they shall have previously obtained the Consent in Writing of the Commissioners called the *Ouze Bank* Commissioners, acting under and by virtue of an Act passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled

An Act to alter, amend, and enlarge the Powers of the several Acts now in force relating to the new River or Cut from Eau Brink to King's Lynn in the County of Norfolk, called the Eau Brink Cut, and to raise further Funds for carrying the said Acts into execution, authorizing them and expressly permitting them to widen, deepen, and improve all or any One or more of such Drains or Outlets, which Authority or Permission shall in all Things be strictly pursued, and all Conditions annexed thereto shall be fully performed and satisfied; and provided also, that it shall not be lawful for the said Commissioners, in making or constructing any Works under the Powers or Provisions of this Act, to create or occasion any Impediment or Interruption to the Discharge of the Waters draining from the Lands and Grounds lying on the East Side of the said Drains called the South and North Heading Drains into the said South Heading Drain, or any other Drain or Drains.

1 & 2 W. 4.
c. 73.

The Banks
of the River
Ouze not to
be taken or
used without
Consent.

XX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to take or use any Bank or Banks of the River *Ouze*, or any Part thereof, without the Consent in Writing of the said *Ouze Bank* Commissioners first had and obtained.

XXI. And

XXI. And be it further enacted, That all Loss, Damage, or Injury which at any Time or Times hereafter shall or may happen or be occasioned to or be sustained by any Land, Bank, Sluice, Tunnel, or other Work, or any other Property, Real or Personal, of or belonging to, or being under the Trust, Care, Management, or Direction of the *Ouze Bank* Commissioners, by or by reason or in consequence of any of the Acts or Works, or the Operation or Execution of any Acts or Works, made, done, or executed, or to be made, done, or executed, by the Commissioners acting under the Authority of this Act, or by reason or in consequence of the Insufficiency of, or any Defect in, or any Breach or Failure from any Cause whatever of any of the Works done or executed, or to be done or executed, by the said last-mentioned Commissioners, shall be from Time to Time immediately made good by the said Commissioners out of the Funds and Monies to be raised and received by them under the Authority of this Act; and all and every the Sum and Sums of Money, Costs, Charges, and Expences which the *Ouze Bank* Commissioners shall or may at any Time hereafter pay, incur, sustain, or be put into in supporting, maintaining, repairing, upholding, restoring, or strengthening any such Land, Bank, Sluice, Tunnel, or other Work as aforesaid which shall or may have been injured or damaged, or be in danger of being injured or damaged, by reason or in consequence of any such Cut or Work, or the Insufficiency of or any Defect in any such Act or Work as aforesaid, and also all and every or any Sum or Sums of Money, Costs, Charges, Damages, and Expences which the said *Ouze Bank* Commissioners shall or may pay or be called upon or be compelled or be liable to pay, to any Person or Persons whomsoever, for or on account of any Loss or Injury which may be sustained by such Person or Persons from the Irruption of Water occasioned by any such Insufficiency or Breach or Failure as aforesaid, shall be repaid to the said *Ouze Bank* Commissioners by the Commissioners acting under the Authority of this Act, upon Demand thereof made to them by the said *Ouze Bank* Commissioners.

Damages and Expences of the *Ouze Bank* Commissioners to be made good by Commissioners.

XXII. Provided also, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to empower the said Commissioners to do or perform any Work or Works which may prejudice the Navigation of the River *Ouze*, or obstruct or hinder any Waters from falling down the said River.

Commissioners not to prejudice the Navigation of the *Ouze*.

XXIII. And be it further enacted, That the Land and Ground forming the aforesaid Great Bank, and all Buildings and Erections thereon, and all the Cuts, Drains, Ditches, Dams, Banks, fore and back Forelands, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works already made and erected by virtue of the said herein-before recited Acts, or either of them, or which shall at any Time hereafter be making or erecting, or to be made, supported, erected, or maintained by virtue of this Act, and the Right and Property of, to, and in the same, and the Materials of which the same shall consist, and all Materials, Matters, and Things purchased or provided under or by virtue of the said herein-before recited Acts,

Vesting Lands, &c in Commissioners.

or

or which shall be purchased or provided by the Commissioners for executing this Act, or by their Order, for any of the Purposes of this Act, shall be and are hereby vested in the said Commissioners; and the said Commissioners are hereby authorized and empowered to insure from Fire any Engine or Engines to be erected under the Authority of this Act, or any Engines, Buildings, or Erections hereby vested in them, and to bring or cause to be brought any Action or Actions, or to prefer or order and direct the preferring of Indictments or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure any of them, or any Part thereof or of such Materials as aforesaid.

Contracts
may be en-
tered into.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Meeting to be held for that Purpose, whereof Twenty-one Days Notice shall be given in manner herein-before provided, to receive Proposals from, and enter into, make, and execute Contracts with any Engineers or competent Workmen for making or completing the Works by this Act authorized to be made or done, or any Part or Parts thereof, or for providing proper Engines, Utensils, or Materials for that Purpose, and any other Matters and Things concerning the same; and all such Contracts so to be made shall be entered in a Book to be kept for that Purpose, and shall be signed by the Chairman of the Meeting of the said Commissioners at which the same shall be entered into, and by the Parties contracting with the said Commissioners.

Commis-
sioners to let
Houses, &c.

XXV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered from Time to Time to let all or any Houses, Buildings, Lands, Banks, Forelands, and Hereditaments by this Act vested in them, or which now belong to or which may hereafter belong to the said Commissioners, by public Auction, to the best Bidder or Bidders, for any Term not exceeding Fourteen Years, subject to such Covenants and Restrictions as they the said Commissioners shall think proper; and the Rents and Profits thereof shall be applied by the said Commissioners for the Purposes of this Act.

Public
Drains to
be roaded.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to cause the several public Drains already made and used or to be made and used for the draining of the said Lands and Grounds, or any of them, to be well and sufficiently roaded, scoured, and cleansed from Weeds and other Rubbish and Obstructions, twice at least in each and every Year.

Dikes to be
kept open.

XXVII. And be it further enacted, That the several Owners and Occupiers of the said Low Fen Lands and Grounds shall from Time to Time and at all Times well and sufficiently road, cleanse, and keep free from Weeds, Rubbish, and Obstructions, and well and sufficiently deepen, widen, and repair, the several driveway Dikes, outring or partition Dikes, and division Dikes adjoining or belonging to their said respective Lands, and shall at all Times keep and maintain the

said Dikes, and every of them, Nine Feet wide and Five Feet deep from the level Soil, or of such other sufficient Width as the said Commissioners shall at any of their Meetings direct or appoint, not exceeding Nine Feet wide at the Top and Five Feet wide at the Bottom, and of a sufficient Depth from the level Soil; and in case any such Owner or Owners, Occupier or Occupiers, shall at any Time refuse or neglect so to road, cleanse, and keep free from Weeds, Rubbish, or Obstructions, or to deepen, widen, or repair, any of the said Dikes adjoining or belonging to his, her, or their said Lands, or to keep and maintain the same of the aforesaid Width and Depth, or of such other Width or Depth as aforesaid, for the Space of Fourteen Days next after the Notice in Writing under the Hands of the said Commissioners, or of their Clerk, Superintendent, or other Officer, given to such Owner or Owners, Occupier or Occupiers, or left at his, her, or their usual Place or Places of Abode, for that Purpose, every such Owner or Occupier shall for every such Neglect forfeit and pay the Sum of Five Shillings *per* Rod for every Rod of the Dike or Dikes so neglected to be roaded, cleansed, deepened, widened, or repaired as aforesaid; and it shall be lawful for the said Commissioners, or their Superintendent or other Officer, from Time to Time after such Neglect as aforesaid, to cause such Dikes to be well and sufficiently roaded, cleansed, deepened, widened, and repaired at the Charge and Expence of such respective Owners or Occupiers, and by Warrant or Precept under the Hand of any Justice of the Peace, and which Warrant or Precept any Justice of the Peace is hereby authorized and empowered from Time to Time to sign and give to the said Commissioners or their Superintendent or other Officer, to levy such Forfeitures, Charges, and Expences upon such respective Owners or Occupiers by Distress and Sale of their respective Goods, Chattels, or Effects, rendering the Overplus of the Monies which shall be thereby levied (if any there shall be) to such Owners or Occupiers respectively.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the several Proprietors or Occupiers of Lands and Grounds adjoining any of the said Drains to make Tunnels or Culverts of Communication from any of the said Drains, through the Banks thereof, with such their respective Lands and Grounds, and to make and place Sluices or Cloughs therein, for the Purpose of letting in Water from any such Drains to such their Lands and Grounds, and for retaining Water on such their Lands and Grounds in dry Seasons, or when the same shall, in their Opinion, be necessary, doing or occasioning no Injury or Damage thereby to any of the Lands and Grounds of any other Person or Persons, nor occasioning any Interruption or Damage to the Drainage of the Low Fen Lands and Grounds, and doing as little Damage as may be to such Banks, in making such Tunnels, Culverts, Sluices, and Cloughs, and forthwith making good all Damage thereby occasioned, at their own Expence; and in case of any Neglect or Default in forthwith making good any such Damage, or in case any such Work shall be insufficiently done, then it shall be lawful for the said Commissioners to order their own Engineer, Surveyor, or Workmen forthwith to make good the same, at the Expence of such Proprietors or Occupiers; and in case of Non-payment of such Expences to the said Commissioners for Ten Days

[*Local.*]

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after

Proprietors and Occupiers may make Tunnels, &c. through Banks for letting in Water to their Lands, doing no Injury or Damage to Drainage, &c.

after Demand shall have been made thereof by the said Commissioners, or any of their Officers, such Expences, with the Costs of Recovery, shall or may be levied and recovered from the Person or Persons liable to pay the same, by the same Ways and Means as the Rates or Taxes by this Act imposed are directed or authorized to be recovered in case of Nonpayment.

Penalty for making Places for watering in the Mill Drains.

XXIX. And be it further enacted, That if any Person or Persons shall at any Time make or cause to be made any Watering Place, or Place of Access for Cattle to drink, in any of the Mill Drains in the said Lands and Grounds, or shall continue to use any such Watering Place or Place of Access after Notice in Writing to the contrary thereof given to him, her, or them by any Two or more of the said Commissioners, every Person so offending, being thereof convicted before any Justice of the Peace for the said County of *Norfolk*, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit and pay for every such Offence the Sum of Ten Pounds to the said Commissioners, to be applied as aforesaid, and to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal of the said Justice before whom such Conviction shall be made.

Persons destroying Works guilty of Felony.

XXX. And be it further enacted, That all and every Person or Persons whomsoever who shall, contrary to the Powers in this Act given, at any Time or Times hereafter wilfully and maliciously cut, break down, destroy, or damage any Engine, Bank, Sluice, Drain, Tunnel, Stanch, Stopgate, Mill, Bridge, or any other of the Works erected or made, or which shall be erected and made, for the draining and embanking the said Lands and Grounds, or for the Purpose of letting Water therein, or any Part thereof, or any Banks, Sluices, Drains, Tunnels, Stanches, Stopgates, Engines, Mills, Bridges, or Works repaired, maintained, or supported in pursuance of this Act, and shall thereof be lawfully convicted, shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of simple Larceny.

Power to purchase Land for the Purposes of the Drainage.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said Commissioners shall adjudge necessary to be cut, digged, taken, or otherwise made use of for the Purposes of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietor or Proprietors, and Persons interested, for the Damage they may sustain, and also to settle and ascertain in what Proportions the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees or Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn,

Bodies Politic empowered to sell.

born, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract with the said Commissioners for the Sale of, and sell and convey unto the said Commissioners and their Successors, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to take or use any House or Houses or other Buildings erected or built before the passing of this Act, or any Yard, Garden, Orchard, Lawn, Shrubbery, or Plantation or Nursery for Trees, without the Consent of the Owner and Occupier thereof first obtained. Houses, &c. not to be taken without Consent.

XXXIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners under this Act may be made in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* of _____ in consideration of the Sum of _____ paid by the Commissioners for executing _____ an Act made in the Third Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], do hereby grant and convey to the Commissioners for executing an Act for draining Lands in the Parish of *Wiggenhall Saint Mary Magdalen* all [*here describe the Premises to be conveyed*], to hold to the said Commissioners and their Successors for ever. In witness whereof I have hereunto set my Hand and Seal this _____ Day of _____ in the Year of our Lord _____ Form of Conveyance.

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to vest the Premises so conveyed in the said Commissioners, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding.

XXXIV. And be it further enacted, That if any such Person or Persons, Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, Executors, and Administrators, or other Person in anywise interested, entitled, or empowered to sell as aforesaid, for and on behalf of himself or themselves, or for and on behalf of their respective _____ If the Parties refuse or are incapable to treat, the Value to be settled by a Jury;

to be summoned by the Sheriff.

In default of Attendance by Jurymen, Standers-by may be returned.

Witnesses may be summoned;

Jury may view the Place or Matter in question.

respective Cestuique Trusts, or of the Person entitled in Remainder after them as aforesaid, shall, for the Space of Thirty Days next after Notice in Writing signed by the Clerk of the said Commissioners for the Time being shall have been given to him or them, or left at the Dwelling House or Houses or usual or last Place or Places of Abode of him, her, or them, or of the principal or head Officer or Officers of such Bodies Politic or Corporate or Corporation, or at the House or Houses of the Tenant or Tenants in Possession of such Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act, of such Lands, Tenements, or Hereditaments being required for the Purposes of this Act, neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners, or any Three or more of them, shall and they are hereby empowered from Time to Time to issue their Warrant or Warrants to the Sheriff of the said County of *Norfolk*, or if such Sheriff shall be immediately interested in such Matter, then to one of the Coroners of the said County not so interested, and in case all such Persons shall be interested, then to the Person who last served any such Office of Sheriff or Coroner who shall not be so interested, commanding such Sheriff or Coroner to impanel, summon, and return, and the said Sheriff or Coroner is hereby required to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, qualified according to the Laws of this Realm to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff or Coroner at such Time and Place as in such Warrant or Warrants shall be appointed; and out of the Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and such Sheriff or Coroner is hereby empowered and required, by a Summons or Notice to be signed by him, either previous to or at the Time of such Meeting or Meetings, to summon and call before him every Person who shall be thought necessary to be examined as a Witness or Witnesses concerning the Premises; and the said Sheriff or Coroner may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in question; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Persons as shall be called upon to give Evidence, the said Sheriff or Coroner is hereby empowered and required to administer,) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments as aforesaid, or what Damage has been or will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or other Persons interested as aforesaid,

aforesaid; for or on account of the taking of such Lands, Tenements, or Hereditaments for the Purposes of this Act, and shall assess separate Damages for the same; and the said Sheriff or Coroner shall accordingly give Judgment for such Purchase Money or Recompence as shall be assessed by such Jury, which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be signed by the Sheriff or Coroner before whom the same shall be taken, and shall be final, binding, and conclusive, to all Intents and Purposes, against all such Bodies Politic, Corporate, and Collegiate, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Courts, any Law or Statute to the contrary notwithstanding: Provided always, that in each and every such Enquiry the Party or Parties claiming Compensation shall be deemed and taken to be the Plaintiffs, and the said Commissioners shall be deemed and taken to be the Defendants.

Verdict and Judgment thereon to be conclusive.

XXXV. And be it further enacted, That if any Sheriff or Coroner shall make default in the Premises he shall forfeit and pay the Sum of Fifty Pounds; and if any Person so to be impannelled, summoned, and returned as aforesaid upon such Jury shall not appear, without reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence as a Witness as aforesaid shall neglect or refuse to appear, after having been paid or tendered a reasonable Sum for his Costs and Expences, without a sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, then and in such Case every Person so offending shall for every such Offence forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Five Pounds.

Sheriff, Jurors, and Witnesses to be fined for neglect.

XXXVI. And be it further enacted, That every Juryman who shall be sworn for the Purposes of this Act shall be allowed the Sum of Twenty Shillings, and no more, for each Day's Attendance and Expences, notwithstanding such Juryman shall be sworn on several Enquiries and Assessments on the same Day; and the Sheriff or Coroner, for summoning, impannelling, and returning of such Jury or Juries, and taking and recording their Verdict or Verdicts, and for attending on the First Day, shall be allowed the Sum of Three Pounds, and no more, and for each Day's Attendance beyond the First the Sum of Two Pounds, and no more, whether such Jury or Juries shall be impannelled for the Purpose of one or several Enquiries.

Allowance to the Sheriff and Jury.

XXXVII. And be it further enacted, That in every Case where a Verdict shall be given for 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, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any such Damage or Injury as aforesaid, all the Costs

Expences of Jury by whom borne.

[Local.]

23 A

and

and Charges incurred in impannelling, summoning, and returning such Jury, taking such Verdict, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and all other reasonable Expences, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act, and shall and may be recovered by the Person entitled thereto by Distress and Sale of the Goods and Chattels of the said Commissioners or of their Treasurer, unless such Treasurer shall pay the same, which he is hereby authorized to do, out of any Monies received by him by virtue of this Act, under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Charges; and in every Case where a Verdict shall be given for no more or for less Money than shall have been previously offered by or on the Behalf of the said Commissioners as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party neglecting or refusing to treat or not agreeing as before mentioned and the said Commissioners; but in Cases where any Person or Party shall have been prevented by Absence or other Impediment or Disability as aforesaid from entering into any Treaty with the said Commissioners, the Costs and Charges 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 and Charges, the same shall be settled and ascertained by any Justice of the Peace 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 when the Costs shall be payable by the Party 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 Monies awarded to be paid to such Party, as so much Money advanced for his Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Money awarded and adjudged to such Party; or otherwise, if such Costs and Charges be not paid upon Demand, the same may be recovered by the said Commissioners from the Party liable to the Payment thereof, on Complaint made by them or their Clerk to some Justice of the Peace, who is hereby empowered to levy the same by such Ways and Means as Penalties are by this Act directed to be recovered.

Verdicts of
Juries to be
recorded,
and to be
good Evi-
dence.

XXXVIII. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace or other Person having the Custody of the Records of the Quarter Sessions of the said County, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts and Places whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and also to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

XXXIX. And

XXXIX. And be it further enacted, That in case where the Amount of the Compensation for any Damage done or occasioned by the said Commissioners in the Exercise of any of the Powers herein contained shall be disputed, and be alleged by the Parties claiming the Compensation to amount to any Sum under Twenty Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Two Justices of the Peace, and shall and may be levied and recovered by Warrant under the Hands and Seals of such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods of the Treasurer of the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized to do, out of any Monies received or to be received by him as such Treasurer for the Purposes of this Act.

When Compensation under 20*l.*, it may be determined by Justices.

XL. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, or ascertained by such Justices, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Compensation for Damages as herein mentioned, to the Person entitled to receive such Money, or his or her Agent or Agents, within Thirty Days after the same shall have been so agreed for, assessed, or ascertained, or on the same being deposited in the Bank of *England* in manner by this Act directed (as the Case may be), it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, thereupon, and not before, to enter upon and take and use such Lands, Tenements, or Hereditaments respectively, and then and thereupon the same Lands, Tenements, or Hereditaments, with the yearly Profits thereof, and all the Estate, Use, Trust, and Property of any Person therein, shall from thenceforth be absolutely vested in the said Commissioners for the Purposes of this Act, whether such Conveyance as aforesaid shall or shall not be made; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates, Rights, Titles, and Interests of all other Persons whomsoever therein.

On Payment of Money, Property to vest in the Commissioners.

XLI. And be it further enacted, That all Sum and Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Committees, Executors, Administrators, Femes Covert, and all other Persons under any Disability or Incapacity whatsoever, for the Purchase of or the Damages to be done to any such Lands, Tenements, or Hereditaments, or otherwise, by virtue of the Powers in this Act contained, shall, in case the same 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 Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act made in the

Application of Purchase Money belonging to Bodies Politic, &c. when amounting to 200*l.*

First

1 G. 4. c. 35. First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the general Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporation or other Person who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, 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 Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Corporation or Person who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, taken, or used, if any such Purchase or Settlement were made.

Application
when less
than 200%.
and amount-
ing to 20%.

XLII. And be it further enacted, That if any Money so agreed or awarded to be paid to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option as aforesaid, and ap-
proved

proved of by the Commissioners for executing this Act, or any Three of them, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that the said Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction, Approbation, or Order of the said Court of Exchequer.

XLIII. And be it further enacted, That when such Money to be paid as aforesaid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, for his own Use and Benefit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his Guardian or Guardians, Committee or Committees; Trustee or Trustees, to and for the Use and Benefit of such Person so entitled thereto.

Application
of Money
when less
than 20*l.*

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

If Titles
cannot be
made, or
Persons
found, &c.
Money to be
paid into the
Bank.

If Title disputed, the Person in Possession to be deemed entitled.

XLV. And be it further enacted, That where any Question shall arise touching the Title of any Corporation or 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 said Court of Exchequer, in pursuance of this Act, for the Purchase of or for any Damage to be done to any Lands, Tenements, or Hereditaments to be purchased, taken, or used in pursuance of this Act, or of any Estate, Right, or Interest therein, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Corporation or Person who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Commissioners, and all Persons claiming under such Corporation or Person, or under the Possession of such Corporation or Person, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Corporation or Person was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court of Exchequer may order Expences of Purchases to be paid by the Trustees.

XLVI. And be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase or Compensation Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Rates on High Lands.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, yearly and in every Year from and after the Twenty-ninth Day of *September* next after the passing of this Act, to assess, tax, and charge every Owner and Proprietor of Land and Ground within the Boundaries aforesaid, lying on the East Side of the said Drains called the *South* and *North Heading Drains*, by an equal and proportionable Acre Tax, in the Sum of Three Shillings and Three-pence *per* Acre for every Acre thereof belonging to such Owners or Proprietors respectively, until the said Debt or Sum of Nine thousand Pounds shall be paid off and discharged, in manner herein-after mentioned.

XLVIII. And

XLVIII. And be it further enacted, That it shall also be lawful for the said Commissioners, and they are hereby authorized and empowered, yearly and every Year from and after the Twenty-ninth Day of *September* next after the passing of this Act, to assess, rate, tax, and charge every Owner and Proprietor of the said Low Fen Lands and Grounds lying on the West Side of the said Drains called the *South* and *North Heading Drains*, by an equal and proportionable Acre Tax, in such Sum or Sums of Money as the said Commissioners shall think proper, not exceeding in any One Year the Sum of Eight Shillings and Sixpence *per Acre*.

Rates on
Low Lands.

XLIX. Provided always, and be it further enacted, That so long as the said Debt or Sum of Nine thousand Pounds, or any Part thereof, or any Interest for the same, or any Part thereof, or any Sum or Sums of Money to be borrowed under or by virtue of this Act, or any Interest for the same respectively, shall remain due and unpaid, the Rates and Taxes to be assessed, rated, and charged by the said Commissioners by virtue of this Act upon the Lands and Grounds lying West of the said Drains called the *South* and *North Heading Drains* shall not in any One Year be less than the Sum of Four Shillings and Sixpence *per Acre* for every Acre of the same Lands and Grounds, and the said Commissioners are hereby required to assess, rate, tax, and charge every Owner and Proprietor thereof accordingly.

Lands lying
West of
South, &c.
Drains not
to be rated
at less than
4s. 6d. per
Acre, so
long as any
Part of Debt
of 9,000l.
remains
unpaid.

L. And be it further enacted, That the aforesaid Acre Rates or Taxes shall be payable and paid by the several and respective Owners or Proprietors of the said several Lands and Grounds to such Collectors, Receivers, or other Person or Persons as the said Commissioners shall appoint to collect or receive the same, and at such Time or Times, or otherwise, as the said Commissioners shall think proper, or from Time to Time order or direct; or the same shall be payable and paid by such respective Owners or Proprietors to any Banker or Treasurer, or other Person or Persons, at such Place or Places and at such Time or Times as the said Commissioners shall appoint; and the said Commissioners shall give or publish, or cause to be given or published, Notice by Advertisement in the Newspaper in which Notices of Meetings are herein-before directed to be given, and by affixing a Notice on the principal Door of the Parish Church of *Wiggenhall Saint Mary Magdalen* aforesaid, Ten Days at least before the Day of Payment, setting forth the Time and Place of Payment, and other necessary Particulars; and the Publication of such Notices shall be deemed and taken to be full and sufficient Notice to all Persons concerned of the Day of Payment of such Rates or Taxes, and of any Particulars therein contained relating to such Payment.

Payment of
Rates by
Proprietors.

LI. Provided always, and be it further enacted, That all and every the Tenants and Occupiers of the several Lands and Grounds which shall be assessed, rated, taxed, or charged by virtue of this Act, shall also be liable to the Payment as aforesaid of the aforesaid Acre Rates or Taxes assessed, rated, taxed, or charged on the Lands and Grounds in their several and respective Occupations, and

Tenants to
pay the
Taxes, and
deduct them
from their
Rents.

he,

he, she, and they is and are hereby authorized and required to pay the same in manner and subject to the Provisions herein-before contained respecting the Payment thereof by the respective Owners or Proprietors of the said Lands and Grounds; and it shall be lawful for such Tenants and Occupiers respectively paying such Acre Rates or Taxes to deduct and retain out of his, her, or their Rent or Rents all such Sum or Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners or Proprietors of such Lands and Grounds are hereby required to allow such Deductions and Payments upon Receipt of the Residue of his, her, or their Rent or Rents; and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of so much of his, her, or their Rent as the Money so paid for such Rates or Taxes by him, her, or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords (except where there shall or may be any Lease or Agreement to the contrary, and except as to Taxes which may become due and payable for or in respect of any Lands that may be held under any special Agreement or beneficial Lease for a Term of Lives, or Years determinable on Lives, which Taxes shall be borne and paid by the Lessees respectively, and shall not be deducted from the said reserved Rents): Provided always, that no such Tenant or Occupier shall be liable or compellable to pay any larger Sum towards discharging any Rate or Tax charged or imposed by virtue of this Act than shall be equal to the Amount of the Rent then actually due from such Tenant or Occupier to his, her, or their Landlord or Landlords: Provided also, that nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his or her Rent any Penalty or Forfeiture incurred by Nonpayment of the Rates and Taxes hereby imposed or authorized to be laid.

Penalty on
neglecting
to pay the
Taxes.

LII. And for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged or authorized to be laid, be it further enacted, That if any Person or Persons subject or liable to the Payment of the said Acre Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same or any Part thereof to the Collector or Collectors, Receiver or Receivers, Banker or Treasurer, or other Person or Persons appointed by the said Commissioners to collect or receive the same, for the Space of Fourteen Days next after the respective Days or Times to be appointed by Notice as aforesaid by the said Commissioners for the Payment thereof, then and in every such Case every Person so omitting or neglecting shall forfeit and pay to the said Commissioners, by way of Penalty for every such Omission, Neglect, or Nonpayment, the Sum of Five Shillings for every One Pound Sterling of the said Rates and Taxes which shall be so in arrear and unpaid, and so in proportion for any less Sum than One Pound; and such Penalty shall be paid to the Collector or Collectors, Receiver or Receivers of such Rates and Taxes, or to such Person or Persons as the said Commissioners shall appoint to receive the same; and in default of Payment thereof to such Collector or Collectors, Receiver or Receivers, or to such other Person or Persons as aforesaid, every such Penalty shall and may be

levied and recovered by such Ways and Means and in such and the same Manner as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all such Penalties, when recovered, shall be applied by the said Commissioners towards the Expences of carrying this Act into execution.

LIII. And be it further enacted, That if any Person or Persons, being Proprietor or Proprietors, Owner or Owners, or Occupier or Occupiers of any of the Lands and Grounds rated, taxed, or assessed by virtue of this Act, shall refuse or neglect to pay the Money rated, taxed, or assessed by virtue of this Act on such Lands and Grounds, within Fourteen Days after the respective Times of Payment to be appointed by Notice as aforesaid in pursuance of this Act, at such Place as shall be specified in such Notice, it shall be lawful for such Collector or Receiver, or such other Person or Persons, authorized by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners or any Three or more of them, (which Warrant or Precept such Commissioners are hereby empowered and required from Time to Time to grant as Occasion shall require,) to levy such Sum or Sums of Money so taxed or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale; or otherwise it shall and may be lawful to and for the said Commissioners from Time to Time to enter upon the Lands and Grounds belonging to or occupied by such Person or Persons so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take, until thereby or otherwise such Taxes, Rates, or Assessments, and all Arrears thereof, so from Time to Time directed to be paid by such Person or Persons as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied.

Power to
distrain for
Taxes.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to borrow any Sum or Sums of Money not exceeding in the whole the Sum of Seven thousand Pounds, which they shall think necessary for the Purposes of this Act, and by Writing under their Hands and Seals, or under the Hands and Seals of any Five or more of them, to assign over the said yearly Rates or Taxes hereby charged or authorized to be charged upon the said Low Fen Lands and Grounds lying on the West Side of the said Drains called the *South and North Heading Drains* (subject nevertheless to the Claims of the Holders of any Mortgages or Assignments of the Rates or Taxes authorized to be assessed by the said recited Acts hereby repealed), and every or any Part thereof, as a Security or Securities for the Repayment of such Sum or Sums of Money so to be borrowed, with Interest for the same, to the Person or Persons who shall advance or lend such Sum or Sums of Money; and such Rates or Taxes as shall be raised by virtue of this Act on

Power to
borrow
Money.

[*Local.*]

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the

the said Low Fen Lands and Grounds shall vest in the respective Holders of any Mortgage or Mortgages, Assignment or Assignments, made under or by virtue of this Act (subject as aforesaid), upon default in Payment of such their Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers and Authorities to recover and receive such Rates or Taxes as are by this Act given to the said Commissioners, or their Collector or Receiver for the Time being, or other Persons as herein-before mentioned: Provided always, that every Person to whom any Mortgage or Assignment shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein mentioned, Creditors on the same Rates and Taxes equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Assignments.

Form of
Mortgage.

LV. And be it further enacted, That every Mortgage or Assignment to be made in pursuance of this Act may be in the Form or to the Effect following; (that is to say,)

‘ BY virtue of an Act passed in the Third Year of the Reign of
 ‘ King *William* the Fourth, intituled [*here set forth the Title of*
 ‘ *this Act*], we the undersigned, being of the Commissioners
 ‘ acting in the Execution of the said Act, in consideration of the
 ‘ Sum of Pounds advanced and lent by
 ‘ of to the said Commissioners upon the Credit of the
 ‘ Rates and Taxes authorized by the said Act to be assessed and
 ‘ charged on the Lands and Grounds within the Boundaries in the
 ‘ said Act mentioned lying on the West Side of certain Drains
 ‘ called the *South* and *North Heading Drains*, [*or, (in case of an*
 ‘ *Assignment on borrowing Money at a lower or the same Rate of*
 ‘ *Interest for paying off Mortgages made under the former Acts at a*
 ‘ *higher or the same Rate of Interest,*) upon the Credit of the Rates
 ‘ and Taxes authorized by the said Act to be assessed and charged
 ‘ on the Lands and Grounds within the Boundaries in the said Act
 ‘ mentioned lying on the East Side of certain Drains in the said
 ‘ Act called the *South* and *North Heading Drains*, and also upon
 ‘ the Credit of the Rates and Taxes to the Amount or Extent of
 ‘ Four Shillings and Sixpence *per Acre* authorized by the said Act
 ‘ to be assessed and charged on the Lands and Grounds within
 ‘ the Boundaries in the said Act mentioned, lying on the West
 ‘ Side of the said Drains,] do hereby grant and assign unto the said
 ‘ his Executors, Administrators, and Assigns, such Pro-
 ‘ portion of the said Rates and Taxes as the said Sum of
 ‘ Pounds doth or shall bear to the whole Sum borrowed or charged
 ‘ or to be borrowed or charged upon the Credit of the same Rates
 ‘ and Taxes, to be had and holden (subject as in the said Act is men-
 ‘ tioned) from the Day of the Date of these Presents until the said
 ‘ Sum of Pounds, with Interest for the same after the
 ‘ Rate of Pounds *per Centum per Annum*, shall be fully repaid
 ‘ and

and satisfied. In witness whereof we have hereunto set our Hands
and Seals the Day of in the Year of our Lord
One thousand eight hundred and

LVI. And be it further enacted, That it shall be lawful for all and every Person or Persons entitled to any of the Securities for the Money to be borrowed on the Credit of this Act, or to whom any Mortgage or Assignment thereof shall be made by virtue of this Act as a Security for any Sum or Sums of Money, and all and every Person and Persons entitled to any of the Securities for the Money borrowed on the Credit of the said recited Acts hereby repealed, or who shall be entitled to the Money thereby secured, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time and from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, to assign or transfer the Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, unto any other Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them or any of them, shall be and are hereby invested with all and every the same Powers, Authorities, and Privileges as the original Mortgagee or Mortgagees is or are invested with by virtue of this Act, or shall and may use, take, and pursue all such Methods, Causes, and Expedients in Law or Equity for recovering and obtaining Possession of the Rates, Taxes, or Premises so mortgaged, demised, or assigned, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature; and every such Assignment or Transfer may be in the Form or to the Effect following; (that is to say,)

Mortgages
may be
transferred.

I being entitled to the Sum of
secured to Executors, Administrators, and
Assigns, by virtue of a Mortgage or Assignment bearing Date the
Day of under the Hands and Seals of
of the Commissioners acting in the Execution of an Act passed
[*here set forth the Year and Title of the Act or Acts under which*
the said Mortgage or Assignment intended to be transferred was
made], upon the Credit of the Rates and Taxes authorized to be
assessed and raised [*here describe shortly the particular Rates and*
Assessments which under this Act shall be charged as a Security for
the Sum mentioned in the Mortgage, as the Case may be], do hereby
transfer the said Mortgage or Assignment, and all my Right and
Interest in and to the same, and all Interest and other Money now
due and owing thereupon, and all Benefit thereof, unto
of his Executors, Administrators, and Assigns. In
witness whereof I have hereunto set my Hand and Seal this
Day of One thousand eight hundred and

Form of
Transfer of
Mortgage.

LVII. And

Power to borrow at lower or the same Rate of Interest, to pay off existing Mortgages at a higher or same Rate of Interest, on Credit of Taxes on High Lands, and to the Extent of 4s. 6d. per Acre on Low Lands.

LVII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the Mortgages or Securities made under or by virtue of the said recited Acts, or either of them, or at the same Rate of Interest, it shall be lawful for the said Commissioners from Time to Time to borrow upon the Credit of and to charge the whole of the Rates and Taxes by this Act directed to be assessed on the Owners and Proprietors of Lands and Grounds on the East Side of the said Drains called the *South* and *North Heading Drains*, and also a Proportion of the Rates and Taxes by this Act authorized and directed to be assessed on the Owners and Proprietors of Lands and Grounds on the West Side of the same Drains, to the Extent of Four Shillings and Sixpence *per* Acre in any One Year, with such Sum or Sums of Money as they shall think proper, at such lower or the same Rate of Interest, and therewith to pay off and discharge any of the said Mortgages or Assignments made by virtue of the said recited Acts as aforesaid bearing a higher or the same Rate of Interest, so that the whole Sum to be so charged shall not at any Time exceed the said Sum of Nine thousand Pounds, or such Proportion thereof as at the Time of so borrowing shall remain unpaid under the Provisions of this Act.

Power to borrow at lower Interest, to pay off existing Mortgages at a higher Rate of Interest, on the Credit of the Low Lands.

LVIII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the Mortgages which may be granted by the said Commissioners under the Authority of this Act, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to borrow upon the Credit of and to charge the Rates and Taxes by this Act authorized to be assessed on the Owners and Proprietors of the Low Fen Lands and Grounds lying on the West Side of the said Drains called the *South* and *North Heading Drains*, with such Sum or Sums of Money as they shall think proper, at such lower Rate of Interest, and therewith to pay off and discharge any of the said Mortgages bearing a higher Rate of Interest, so that the whole Sum to be charged on the said last-mentioned Rates and Taxes shall not at any One Time exceed the Sums authorized to be raised and charged thereon by this Act.

Taxes on the High Lands to be appropriated to form a Sinking Fund to pay off Debts.

LIX. And in order to create a Fund for the Purpose of paying off and discharging the said Debt or Sum of Nine thousand Pounds, be it further enacted, That the said Commissioners shall and they are hereby directed and required to appropriate all Monies arising from the Taxes to be rated, taxed, charged, or assessed upon the said High Lands, by virtue of this Act, in order to form a Sinking Fund for the gradual Discharge of such Debt or Sum of Nine thousand Pounds; and it shall be lawful for the said Commissioners or their Treasurer, and they or such Treasurer shall and they and he are and is hereby required from Time to Time to lay out and invest the Money arising from the Rates and Taxes of such High Lands as aforesaid, at Interest, in the Names of "The Commissioners for executing an Act for draining Lands and Grounds in the Parish of *Wiggenhall Saint Mary Magdalen*," upon Government or Real Securities in *England*;

and the said Commissioners shall receive the Interest from Time to Time to accrue and become due on such last-mentioned Sum or Sums of Money, and apply the same in the Purchase of Government or other Real Securities, in like Manner and for the like Purposes and with like Powers as they are herein directed to lay out and invest such Sum and Sums of Money arising from such Rates and Taxes as aforesaid, and so *toties quoties*; and the said Commissioners may also from Time to Time vary, alter, and transpose any such Securities, and from Time to Time, as often as the same shall amount to the Sum of One thousand Pounds, the said Commissioners shall and they are hereby required therewith to pay off a proportionate Part of the said Debt or Sum of Nine thousand Pounds by Ballot, without any Priority to any Security given for the same, until the whole of such Debt or Sum of Nine thousand Pounds shall be paid off and discharged: Provided always, and in case at any Time it shall not require the Sum of One thousand Pounds to pay off the said Debt or Sum of Nine thousand Pounds, or such Part thereof as shall at any Time remain due and unpaid, then, as soon as such Securities, or the Monies invested or liable to be invested therein, shall amount to such Sum of Money as shall be required or necessary to pay off the said Debt or Sum of Nine thousand Pounds, or such Part thereof as aforesaid, the said Commissioners shall and they are hereby required immediately to pay off the said Debt or Sum of Nine thousand Pounds, or such Part thereof as aforesaid, and the Overplus of such Securities or Monies after such Payment shall be applied towards the Purposes of this Act.

LX. And be it further enacted, That from and immediately after the Period when a sufficient Sum shall have been so raised and applied in the Discharge of the said Debt or Sum of Nine thousand Pounds, it shall not be lawful for the Commissioners to assess, rate, tax, or charge the said High Lands or any Part thereof, or the Owners or the Occupiers thereof, in respect thereof, with any Acre Tax, Charge, or Payment, or Sum of Money whatsoever, but the said High Lands shall thenceforth cease to be taxed or rated under or by virtue of this Act.

When Debts are paid, the Taxes on High Lands to cease.

LXI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and preparatory or incident thereto, and of all preparatory Surveys and Reports in relation to the Improvement of the said Drainage, shall be paid and satisfied by the said Commissioners out of the first Monies which shall be received by them in pursuance of this Act from the Monies to be borrowed as aforesaid, or to be raised by Rates and Taxes on the Low Lands as aforesaid, in preference to all other Payments whatsoever; and all Persons advancing any Sum or Sums of Money for or towards paying such Expences shall be repaid the Sum or Sums of Money so advanced by the said Commissioners, together with lawful Interest from the Time of advancing the same.

Expences of Act.

LXII. And be it further enacted, That the said Commissioners shall out of the Monies to be borrowed by virtue of this Act, (after Payment of all the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, as herein-before mentioned,) and they are hereby required, in the next place to pay off and discharge the

The Debt of 2000*l.* to be paid off out of the Money borrowed.

[*Local.*]

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said

said Debt or Sum of Two thousand Pounds, or thereabouts, now due and owing from the said Commissioners as aforesaid, together with all Arrears of Interest due thereon at the Time of Payment.

Application
of Residue
of Money to
be borrowed.

LXIII. And be it further enacted, That the said Sum of Seven thousand Pounds so to be borrowed as aforesaid shall (after Payment of all the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, as herein-before mentioned, and after Payment of the said Sum of Two thousand Pounds or thereabouts,) be applied by the said Commissioners in erecting and constructing the said Steam Engine, and in making and executing such Works for the effectual Drainage of the said Lands and Grounds as are by this Act authorized to be made and executed, and in altering, removing, rebuilding, or repairing from Time to Time the said Steam Engine and other Works, and in the Payment of any Money authorized to be paid by this Act for the Purchase of any Lands, or by way of Compensation for any Damage whatsoever done under the Authority of this Act; and any surplus Money or Balance which may remain after the Payments aforesaid shall be applied for any of the Purposes of this Act.

Application
of Residue
of Monies.

LXIV. And be it further enacted, That (subject and without Prejudice to the Mortgages or Assignments for the said Sum of Nine thousand Pounds and the Interest thereof, or such of the said Mortgages or Assignments as shall for the Time being, and from Time to Time, be existing and unsatisfied, and to the Rights and Interests and Remedies of the Person or Persons for the Time being entitled to or under the same,) all Monies to be raised by virtue of this Act by or from the said several Rates or Taxes and Penalties hereby authorized to be charged and levied, and all Rents and other Monies to be received, levied, or recovered by virtue of this Act, the Application whereof is not otherwise by this Act directed, shall be and the same are hereby vested in the said Commissioners, and shall (after Payment of all the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, as herein-before mentioned,) be by them applied and disposed of in manner following; (that is to say,) in the first place, in paying and discharging the Interest of all such Monies as shall be borrowed and taken up at Interest under or by virtue of this Act, and the Costs and Charges of borrowing and raising the said Monies and making the Securities for the same, and the several Charges and Expences to be incurred in maintaining the several Works by this Act authorized to be made, done, and executed, and of the several Works of Drainage already made in the said Low Fen Lands and Grounds, and in Payment of the Salaries of Officers to be appointed under this Act; and any surplus Money or Balance which may from Time to Time remain after the Payments aforesaid shall be applied, as the Circumstances of the Case shall require, in the Discharge of Monies borrowed and taken up at Interest under the Authority and for the Purposes of this Act.

Damages,
how to be
recovered of
the Commis-
sioners.

LXV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Commissioners, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for

for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority or Direction, and such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the same, shall not be paid by the said Commissioners or their Treasurer to the Party entitled to receive the same within Five Days after Demand thereof in Writing shall have been made and delivered to the Clerk to the said Commissioners, or to any One of the said Commissioners for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs of such Distress and Sale, 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 upon Application made to him or them for that Purpose by the Party entitled to receive such Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which shall come to his Hands by virtue of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

LXVI. And be it further enacted, That it shall and may be lawful for any of the said Commissioners or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, or other Officers,) who shall commit any Offence or Offences against this Act or any of the Provisions thereof, and to take him, her, or them before any Justice or Justices of the Peace; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing
transient
Offenders.

LXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by or in pursuance of this Act, the Manner of levying and recovering whereof is not otherwise herein particularly directed, shall and may in case of Nonpayment thereof be recovered in a summary Way, by the Order and Adjudication of any One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon any Witness or Witnesses upon Oath, and to examine him, her, or them of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so to be levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences

Fines and
Penalties,
how to be
recovered.

Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods and Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are 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 Fines, Penalties, and Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Fines, Penalties, and Forfeitures, Costs and Expences, can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to any Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and the Monies arising by such Fines, Penalties, and Forfeitures, when paid or levied, if not directed to be otherwise applied by this Act, shall be paid, one Moiety thereof to the Informer or Person suing for or recovering the same, and the other Moiety thereof to the Treasurer for the Time being acting in pursuance of this Act, to be applied and disposed of for the Purposes of this Act.

Justices may proceed by Summons in the Recovery of Penalties.

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

Power to give In-

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners, whenever they shall see cause, to direct any

Part of such Penalty or Forfeiture which they shall think reasonable to be paid to or for the Use of any Informer or Informers, or any Person or Persons aiding or assisting in the Apprehension or in the Prosecution to Conviction of any Offender or Offenders. formers Part of Penalties.

LXX. 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 or 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, on being paid or tendered a reasonable Sum for his, her, or their Loss of Time, Costs, Charges, and Expences, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, or in case of a Quaker on solemn Affirmation, and to give Evidence, before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds. Compelling Witnesses to attend.

LXXI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Notice or Notices, or any Writ or Writs, or other legal Proceeding, or Proceedings in Equity, upon the Commissioners for executing this Act, the Service of such Notice, Writ, or other Proceeding in Writing upon the Clerk to the said Commissioners, or upon delivering the same to some Inmate at the Office of the said Commissioners, or at the Office or Dwelling House of the Clerk to the said Commissioners, or in case there shall be no such Clerk or Officer, then on delivering the same to some Inmate at the usual Place of Abode of any One of the said Commissioners (as the Case may be), shall be deemed a sufficient Service of the same respectively upon the said Commissioners. Notices on the Commissioners how to be served.

LXXII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Owner or Occupier or other Person interested in the Lands and Grounds lying within the Purview of this Act, or Clerk, Treasurer, Collector, or other Officer, shall by reason of his or her Ownership, Occupancy, or Interest, or Office, be deemed an incompetent Witness. Persons interested, not on that Account incompetent Witnesses.

LXXIII. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act or the Provisions thereof shall and may cause the Conviction to be drawn up in the Form or to the Effect following; (that is to say,) Form of Conviction.

‘ to wit. } BE it remembered, That on the Day of
‘ in the Year of our Lord
‘ at in the said County of
‘ *Norfolk*, *A. B.* is convicted before me [*or us*] of His
‘ Majesty’s Justices of the Peace for the by virtue
‘ of an Act passed in the Third Year of the Reign of His Majesty
[*Local.*] 23 E ‘ King

‘ King *William* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act, and state the Offence, and the Time and Place when and where the same was committed*], contrary to the said Act; and I [or we] the Justice [or Justices] aforesaid do adjudge and determine the said *A. B.* for the said Offence to forfeit and pay the Sum of _____ and do order the same to be forthwith paid into my [or our] Hands, one Moiety thereof for the Use of the Commissioners under the said Act, for the Purposes thereof, and the other Moiety thereof to the Use of *C. D.* [*name the Informant*], who informed me [or us] of the said Offence; and I [or we] do further order the said *A. B.* forthwith to pay to the said *C. D.* the Sum of _____ as and for the reasonable Costs by him incurred in and about the said Conviction. Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.’

Proceedings
not to be
quashed for
Want of
Form.

LXXIV. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof notwithstanding.

Distress not
to be deemed
unlawful for
Want of
Form, &c.

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

Plaintiff not
to recover
after Tender
of Damages.

LXXVI. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person or Persons, Bodies Corporate or Politic, for any thing done in execution or pursuance of this Act (other than in an Action of Replevin), unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, and specifying the Cause of Action, shall have been given to the Defendant or Defendants, or left at his or their last or usual Place or Places of Abode, Fourteen Days before such Action shall be commenced; nor shall the Plaintiff or Plaintiffs recover in any such Action as aforesaid if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought, but on Proof of such Tender at any Trial to be had in such Action, the Plaintiff or Plaintiffs shall suffer Judgment as in Cases of Nonsuit, with 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 such Tender shall have been made before

Action

Action brought, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, 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.

LXXVII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or in case of any consequential Damage upon any Cause of Action, within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party or Parties aggrieved by or on the Behalf of the Defendant or Defendants in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, or if it shall appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover his, her, or their Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LXXVIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Rule or Order, or by any Determination or Judgment, or any other Matter or Thing, to be made, given, or done by virtue or in pursuance of this Act, such Person or Persons, Body or Bodies Politic or Corporate, shall or may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the County of *Norfolk* within Four Calendar Months next

Limitation
of Actions.

Allowing an
Appeal.

next after the Cause of Complaint shall have arisen, such Appellant or Appellants having given or caused to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause and Matter thereof, to the Clerk for the Time being acting in pursuance of this Act, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, with Two sufficient Persons as Sureties, conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General or Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Cause and Matter of such Appeal in a summary Way, and shall or may mitigate any Fine, Penalty, or Forfeiture, and may order such Money to be returned which shall have been paid or levied in pursuance of any such Rule, Order, Regulation, or Determination, and may also order such further Satisfaction to be made to the Party injured as the said Justices shall think proper; and the Determination of such Justices at their said General or Quarter Sessions shall be binding and conclusive.

Saving the
Right of the
Ouze Bank
Commis-
sioners.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever any of the Powers, Authorities, Rights, Privileges, or Jurisdictions of the *Ouze Bank* Commissioners, but all such Powers, Authorities, Rights, Privileges, and Jurisdictions shall for ever hereafter remain, continue, and be in force, and be exercised and enjoyed by the said *Ouze Bank* Commissioners, as fully and amply, to all Intents and Purposes, as if this Act had not passed; and all Powers and Authorities given and granted by this Act to the Commissioners hereby appointed shall be exercised with due Regard to the Powers, Authorities, Rights, Privileges, and Jurisdictions hereby declared to be saved and reserved.

General
Saving.

LXXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politic, Collegiate, and Corporate, his, her, and their Heirs, Successors, Administrators, and Assigns, all such Estates and Interests as he, they, every or any of them, had and enjoyed of, in, to, or out of or in respect of the Lands, Grounds, and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Public Act.

LXXXI. 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.

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