



ANNO PRIMO & SECUNDO

# GULIELMI IV. REGIS.

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## Cap. lxxiii.

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.

[6th September 1831.]

**W**HEREAS an Act was passed in the Thirty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouze in the County of Norfolk, draining through the same to Sea by the Harbour of King's Lynn in the said County; and for altering and improving the Navigation of the said River Ouze from or near a Place called Eau Brink in the Parish of Wighenhall Saint Mary in the said County to the said Harbour of King's Lynn; and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouze*: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted by an Act passed in the Thirty-fifth Year* 35 G.3. c.77.  
[Local.] 18 P of 36 G.3. c.33.

- of the Reign of His present Majesty, intituled ' An Act for improving the  
 ' Drainage of the Middle and South Levels, Part of the Great Level of  
 ' the Fens called Bedford Level, and the Low Lands adjoining or near  
 ' to the said Levels, as also the Lands adjoining or near to the River Ouze  
 ' in the County of Norfolk, draining through the same to Sea by the  
 ' Harbour of King's Lynn in the said County; and for altering and  
 ' improving the Navigation of the said River Ouze from or near a  
 ' Place called Eau Brink in the Parish of Wiggshall Saint Mary in  
 ' the said County to the said Harbour of King's Lynn; and for improv-  
 ' ing and preserving the Navigation of the several Rivers communi-  
 ' cating with the said River Ouze: ' And whereas another Act was  
 passed in the Forty-fifth Year of the Reign of His said late Majesty,  
 45 G. 3. c. 72. intituled *An Act for explaining and amending an Act passed in the  
 Thirty-fifth Year of His present Majesty, for improving the Drainage  
 of the Middle and South Levels, Part of the Great Level of the Fens  
 called Bedford Level, and certain Low Lands adjoining or near  
 thereto and to the River Ouze in the County of Norfolk; and for  
 improving the Navigation of the said River from or near a Place called  
 Eau Brink to the Harbour of King's Lynn; and for improving the  
 Navigation of the several Rivers communicating with the said River  
 Ouze: And whereas another Act was passed in the Fifty-sixth Year  
 56 G. 3. c. 38. of the Reign of His said late Majesty, intituled *An Act for amending  
 several Acts of His present Majesty, for improving the Drainage of  
 the Middle and South Levels, Part of the Great Level of the Fens  
 called Bedford Level, and other Lands therein mentioned; and for im-  
 proving the Navigation of the River Ouze in the County of Norfolk,  
 and of the several Rivers communicating therewith: And whereas  
 another Act was passed in the Fifty-eighth Year of the Reign of His  
 58 G. 3. c. 48. said late Majesty, intituled *An Act for increasing the Fund for carry-  
 ing into execution several Acts of His present Majesty, for improving  
 the Drainage of the Middle and South Levels, Part of the Great Level  
 of the Fens called Bedford Level, and other Lands therein mentioned;  
 and for improving the Navigation of the River Ouze in the County of  
 Norfolk, and of the several Rivers communicating therewith: And  
 whereas another Act was passed in the Fifty-ninth Year of the Reign  
 59 G. 3. c. 79. of His said late Majesty, intituled *An Act for altering and enlarging  
 the Powers of several Acts of His present Majesty, for improving the  
 Drainage of the Middle and South Levels, Part of the Great Level of  
 the Fens called Bedford Level, and other Lands therein mentioned;  
 and for improving the Navigation of the River Ouze in the County of  
 Norfolk, and of the several Rivers communicating therewith: And  
 whereas another Act was passed in the First and Second Years of the  
 Reign of His late Majesty King George the Fourth, intituled *An Act  
 for altering and enlarging the Powers of several Acts of His late  
 Majesty King George the Third, for improving the Drainage of the  
 Middle and South Levels, Part of the Great Level of the Fens called  
 Bedford Level, and other Lands therein mentioned; and for improving  
 the Navigation of the River Ouze in the County of Norfolk, and of the  
 several Rivers communicating therewith: And whereas the new River  
 or Cut called the Eau Brink Cut, by the said first-recited Act  
 authorized and required to be made, has been completed, and the  
 greater Part of the Works provided for by the said several recited  
 Acts have been executed, but the Improvements thereby directed to  
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1 & 2 G. 4.  
 c. 64.

be made at a certain Sluice called *Denver Sluice* have not been effected, and some other of the said Works remain to be executed: And whereas by reason of the defective State of the Banks and Bridges of the River *Ouze* between the said *Denver Sluice* and the said *Eau Brink Cut*, at the Time of the opening of the said Cut, some Injury has been occasioned, since the opening thereof, to some Parts of the said Banks and Bridges, by the increased Velocity of the Current of the Waters of the said River in consequence of the Improvement of the Outfall of the same into the said Harbour of *King's Lynn*, and it is just and reasonable that Compensation should be made, from the Funds of the Commissioners of Drainage acting under the Authority of the said recited Acts, to the Extent of such Injury, so far as the same has been occasioned by the opening of the said Cut: And whereas by the new Direction which the said *Eau Brink Cut* has given to the Passage of the Waters of the said River *Ouze*, the Course of the Channel in and through the said Harbour of *King's Lynn* has been altered, and some of the Merchants and Inhabitants of *Lynn* aforesaid have claimed Compensation, from the Funds of the said Commissioners of Drainage, for Loss and Inconvenience sustained by them in loading and unloading their Vessels in the said Harbour, and for Deterioration in Value of their Premises adjoining to the said Harbour, in consequence of such altered Course of the Channel: And whereas by reason of the said altered Course of the Channel in and through the said Harbour of *Lynn*, an increased Expence may be incurred in preserving and keeping open the said Harbour, and it is proper that some Provision should be made, from the Funds of the said Commissioners of Drainage, for such increased Expence: And whereas the Funds which the said Commissioners of Drainage are empowered to raise under the Authority of the said recited Acts are inadequate to the several Purposes aforesaid, and it is necessary to increase the said Funds, and to alter, amend, and enlarge the Powers and Provisions of the said Acts: And whereas the said Commissioners of Drainage under the Authority of the said recited Acts have caused a Bridge to be erected across the said *Eau Brink Cut* at the lower End thereof, and the said Bridge is found to be of great public Utility, and it is expedient that some Provision should be made for the Maintenance and Repair thereof: And whereas the several Objects aforesaid cannot be effected without the further Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several recited Acts passed in the Thirty-fifth, Thirty-sixth, Forty-fifth, Fifty-sixth, Fifty-eighth, and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third, and in the First and Second Years of the Reign of His said late Majesty King *George* the Fourth, and all and every the Enactments, Powers, and Authorities, Provisions, Penalties, Matters, and Things therein contained, so far as they respectively stood in force at or immediately before the passing of this Act, shall henceforth remain and continue in force, and shall be as good, valid, and effectual for carrying this Act into execution, as if the same had been repeated and re-enacted

Recited Acts to remain in force, except as altered or repealed by this Act.

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in the Body of this Act with reference to the several Enactments and Provisions hereof, save and except only such several Provisions of the said recited Acts as are by this Act varied, altered, or repealed.

Commissioners under recited Acts to be Commissioners for this Act.

II. And be it further enacted, That the several Persons who are and from Time to Time shall be duly qualified or appointed or authorized to act as Commissioners for the Purposes of Drainage and Navigation respectively, pursuant to and according to the true Intent and Meaning of the said recited Acts and this Act, or any of them, shall be and they are hereby respectively appointed, during the Continuance of their respective Qualifications, Appointments, or Authorities, Commissioners of Drainage and Navigation respectively for executing as well the said several recited Acts as also this Act, for the several Purposes of Drainage or Navigation, for which they are or shall be respectively so qualified or appointed or authorized to act as aforesaid.

Other Navigation Commissioners to be appointed in the Place of those dying, &c.

III. And be it further enacted, That when and as often as any of the said Commissioners of Navigation, or their Successors, shall die or decline or become incapable or disqualified to act in the Execution of the said recited Acts and this Act, the surviving or remaining Commissioners of Navigation for the Time being, or the Majority of them, present at any of their General or Quarterly Meetings, shall appoint some other Person, who shall at the Time be duly qualified to act, to be a Commissioner of Navigation in the Place of every or any such Commissioner so dying or declining or becoming incapable or disqualified to act; and every such Commissioner of Navigation who shall be so appointed shall have the like Power and Authority in the Execution of the said recited Acts and of this Act as any of the other Commissioners of Navigation by whom he shall have been so appointed as aforesaid have or shall have under the Provisions of the said Acts or any of them.

Navigation Commissioners may direct either General or Quarterly Meetings to be held.

IV. And be it further enacted, That it shall be lawful for the said Commissioners of Navigation, and they are hereby authorized and empowered, from Time to Time, when and as they shall see Occasion, at any of their Quarterly Meetings, to order their said Quarterly Meetings to be discontinued, and in lieu thereof to appoint General Meetings of the said Commissioners of Navigation to be held at such Time or Times and Place or Places as they shall think fit, and in like Manner at any of their General Meetings to appoint their said Quarterly Meetings to be again held in lieu of their said General Meetings, and so from Time to Time at any of their said General or Quarterly Meetings to vary the same as they shall see Occasion: Provided nevertheless, that no such Alteration shall take place in the said General or Quarterly Meetings of the said Commissioners of Navigation unless Notice of an Intention to propose the same shall be given in the Advertisements for convening the Meeting at which such Alteration is intended to be proposed.

Notice of Commission-

V. And be it further enacted, That Notice of every Meeting of the said Commissioners of Drainage and Navigation respectively  
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(except Meetings by Adjournment from Day to Day), and every other Notice by any of the said recited Acts or by this Act required to be given by or on the Part of the said Commissioners of Drainage and Navigation respectively (except in Cases in which the same is by any of the said Acts directed to be otherwise given), shall be given by advertising the same in Two successive Weeks in One or more of the weekly Newspapers usually circulated in the several Counties of *Cambridge, Huntingdon, Norfolk, and Suffolk*; and it shall be lawful for the said Commissioners of Drainage and Navigation respectively from Time to Time, at any of their Meetings, to order in what Newspapers such Notices respectively shall be inserted; and when no such Order shall have been made or shall be in force, it shall be lawful for the Clerks to the said Commissioners respectively to select the Newspapers in which such Notices respectively shall be inserted.

ers Meetings  
to be given.

VI. And be it further enacted, That it shall not be lawful for the said Commissioners of Drainage or Navigation respectively to appoint any Person who shall be appointed their Clerk, or any Partner of such Clerk, or any Person in the Service or Employment of such Clerk or of his Partner, to be the Treasurer of the same Commissioners respectively, or to appoint any Person who shall be appointed their Treasurer, or any Partner of such Treasurer, or any Person in the Service or Employment of such Treasurer or of his Partner, to be the Clerk of the same Commissioners respectively; and if any Person shall accept both Offices of Clerk and Treasurer to the same Commissioners of Drainage or Navigation respectively, or if any Person being the Partner of such Clerk, or being in the Service or Employment of such Clerk or of his Partner, shall accept the Office of Treasurer to the same Commissioners, or in any Manner officiate for such Treasurer, or being the Partner of such Treasurer, or being in the Service or Employment of such Treasurer or of his Partner, shall accept the Office of Clerk to the same Commissioners, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners of Drainage or Navigation respectively other than that of Treasurer, every 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*.

Clerk and  
Treasurer  
not to be the  
same Person.

VII. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and Navigation respectively, and they are hereby respectively empowered, at any of their General, Quarterly, or Special Meetings, from Time to Time to appoint One or more Committee or Committees of the said Commissioners of Drainage and Navigation respectively, who at the Time shall have acted as such Commissioners in execution of the said recited Acts and this Act or any of them, as well for the several Purposes mentioned in the said recited Acts and this Act or any of them, as also for the transacting of any other Matters of Business within the Scope and Meaning of the said Acts or any of them, which the said Commissioners respectively shall be desirous of referring to a Committee or

Commission-  
ers may ap-  
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mittees.

Committees, and to direct how many of the Members of such respective Committees shall form a Quorum or be empowered to act, and to allow and pay, out of the Funds of the said Commissioners of Drainage and Navigation respectively, all the reasonable Expences of the said several Committees, or so much thereof as the said Commissioners respectively shall think proper; and a Majority in Number of the Members of the said respective Committees attending at their respective Meetings shall be binding upon the whole of the Members of the said Committees respectively, so that there be not a less Number of them present thereat than shall have been directed to form a Quorum or empowered to act as aforesaid: Provided nevertheless, that such several Committees to be from Time to Time appointed by the said Commissioners of Drainage shall be appointed and shall act for the Purposes of Drainage only, and such several Committees to be from Time to Time appointed by the said Commissioners of Navigation shall be appointed and shall act for the Purposes of Navigation only, and that no such Committee as aforesaid shall consist of more than Eleven Members, and that the Powers and Continuance of such several Committees shall be subject to the Orders and Directions to be from Time to Time given by the said Commissioners of Drainage and Navigation respectively at any of their General, Quarterly, or Special Meetings, and the Acts and Proceedings of such several Committees shall be subject to the Revision and Confirmation of the said Commissioners of Drainage and Navigation respectively at any of their said Meetings, and shall be final and conclusive in such Cases and so far only as shall be expressly ordered and directed by the said Commissioners respectively; and all the Orders, Acts, and Proceedings of such respective Committees, or of so many of them as shall have been constituted a Quorum or empowered to act as aforesaid, when the same shall have been respectively confirmed at any General, Quarterly, or Special Meeting of the said Commissioners of Drainage and Navigation respectively, or when they shall have been so ordered or directed to be final and conclusive as aforesaid, shall have the same Effect to all Intents and Purposes as if they had been made, done, or ordered by the said Commissioners of Drainage and Navigation respectively at any of their General, Quarterly, or Special Meetings held under the Authority of any of the said recited Acts or this Act.

Orders of  
Commissioners  
not to be  
rescinded  
without  
Notice.

VIII. And be it further enacted, That no Order or Resolution which shall have been made or entered into at any Meeting of the said Commissioners of Drainage or Navigation respectively shall be rescinded or annulled at any subsequent Meeting of the same Commissioners, unless previous Notice of the Meeting at which it is intended to propose the rescinding or annulling of the same shall have been given in the Manner required by any of the said recited Acts or this Act for Notices of Meetings of the said Commissioners respectively, nor unless the Intention to propose the rescinding of such Order or Resolution shall have been stated in such Notice upon the Application in Writing of Five of the said Commissioners respectively for that Purpose made to the Clerk of the same Commissioners.

IX. And

IX. And be it further enacted, That the said Commissioners of Drainage and Navigation respectively shall bear and defray their own Expences to be incurred at their said respective Meetings, and in going to and returning from the same.

Commissioners to pay their own Expences.

X. And be it further enacted, That when and as often as any one of the present or future Commissioners of Appeal elected and appointed or to be elected and appointed by the said Commissioners of Drainage pursuant to the Provisions of the said recited Acts or this Act, or any of them, shall die, or decline or become incapable to act, or shall be dismissed or discontinued by the said Commissioners of Drainage, it shall be lawful for the said Commissioners of Drainage, and they are hereby authorized and required, at any General, Special, or Quarterly Meeting, to elect and appoint another Person, being at the Time one of the said Commissioners of Drainage, to be a Commissioner of Appeal for the several Purposes mentioned in the said recited Acts and this Act, in the Place of such Commissioner of Appeal so dying, or declining or becoming incapable to act, or being dismissed or discontinued as aforesaid, any thing in the said recited Acts or any of them contained to the contrary thereof notwithstanding: Provided nevertheless, that Notice of the Intention to elect and appoint any such Commissioner of Appeal shall at all Times be given in the Advertisements of the Meeting at which his Election and Appointment is to take place as aforesaid.

Vacancies among Appeal Commissioners may be filled up at any Meeting of the Drainage Commissioners.

XI. And be it further enacted, That the Election, Appointment, and Office of Arrear Commissioners, pursuant to the said recited Act of the Fifty-sixth Year of the Reign of the said late King *George* the Third, shall from and after the passing of this Act be discontinued and cease; and the present and future Collectors of the Taxes charged by the said recited Acts and this Act shall have and they are hereby invested with all such and the same Powers and Remedies, within their respective Districts, for the Collection, Recovery, and Receipt of the said Taxes or any of them which shall from Time to Time be in arrear and unpaid, and also of the Penalties which shall be incurred and become payable for or in respect of the same Taxes or any of them under any of the Provisions of the said recited Acts or this Act, and for all other Purposes whatsoever, as are given by the said recited Acts or any of them to the said Arrear Commissioners, but subject nevertheless at all Times to all such and the same Regulations and Restrictions as are in and by the said recited Acts or any of them contained and provided in respect of the said Arrear Commissioners, and subject also to the Direction of the said Commissioners of Drainage at all Times and in all respects whatsoever.

The Office of Arrear Commissioners discontinued, and their Powers vested in the Collectors of Taxes.

XII. And whereas it is by the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third enacted and declared that the Dimensions, Figure, Form, Situation, and Direction of the said *Eau Brink Cut*, and several other Works by the same Act directed or authorized to be made by the said Commissioners of Drainage, should be executed, and several other Matters and Things therein mentioned should be done, according to the

The Office of the present Engineers to cease.

Direction

Direction of Sir *Thomas Hyde Page* Knight and *Robert Mylne* Esquire, or such other Engineers as should be appointed in the Manner directed by the said last-mentioned Act; and by the same Act it is enacted that in case of the Death of the said Sir *Thomas Hyde Page*, or of his Incapacity or Refusal to act, it should be lawful for the said Commissioners for Navigation, assembled at a Meeting to be held in pursuance of the said last-mentioned Act, and they were thereby required, to nominate and appoint some other able and experienced Engineer in the Place and Stead of the said Sir *Thomas Hyde Page*, for the Purposes therein mentioned, and so from Time to Time as often as any Engineer to be appointed by them should happen to die or become incapable or refuse to act; and that in case of the Death of the said *Robert Mylne*, or of his Incapacity or Refusal to act, it should be lawful for the said Commissioners for Drainage, assembled at a Meeting to be held in pursuance of the said last-mentioned Act, and they were thereby required, to nominate and appoint some other able and experienced Engineer in the Place and Stead of the said *Robert Mylne*, for the Purposes therein mentioned, and so from Time to Time as often as any Engineer to be appointed by them should happen to die or become incapable or refuse to act: And whereas the said Sir *Thomas Hyde Page* and *Robert Mylne* have both departed this Life, and *Thomas Telford* Esquire and Sir *John Rennie* Knight, Civil Engineers, have been respectively appointed and are now the Engineers acting in the Places of the said Sir *Thomas Hyde Page* and *Robert Mylne* respectively, for the several Purposes directed by the said last-mentioned Act and the said several other recited Acts: And whereas it is expedient that the several Works provided for by the said recited Acts which now remain unexecuted should be made and completed, and the several Powers and Authorities thereby given to Engineers on behalf of the said Commissioners of Drainage and Navigation respectively should be exercised by Engineers to be appointed in manner directed by this Act; be it therefore further enacted, That the Nomination, Appointment, Duties, and Offices of the said *Thomas Telford* and Sir *John Rennie*, and each of them, as Engineers under the Provisions of the said recited Acts or any of them, shall from and after the passing of this Act cease and be at an End, except in any Case wherein it is by this Act otherwise provided; and every Appointment of any Engineer in the Place and Stead of the said *Thomas Telford* and Sir *John Rennie* respectively under the Provisions of the said recited Acts or any of them, except as aforesaid, shall henceforth be null and void to all Intents and Purposes whatsoever, any thing in the said recited Acts or any of them contained to the contrary thereof notwithstanding: Provided nevertheless, that any Report, Decision, Order, or Direction which may have been already made or given by the said Sir *John Rennie*, under the Provisions of the said recited Acts or any of them, for the intended Alteration and Improvement of the said *Denver Sluice*, shall have the same Force and Effect, and be as good, valid, binding, and conclusive, to all Intents and Purposes whatsoever, as if the same had been made or given under the Authority and Provisions of this Act: Provided also, that nothing herein contained shall prevent or invalidate any Appointment to be hereafter made of the said *Thomas Telford* and Sir *John Rennie*, or either of them, under the Provisions

Nothing herein to prevent any future Appointment.



of this Act, for any of the Purposes of the said recited Acts and this Act or any of them.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and Navigation respectively, and they are hereby respectively authorized and empowered, from Time to Time, when and so often as they shall see Occasion, at any of their General or Special or Quarterly Meetings, to appoint any One or more Engineer or Engineers to act in the Direction, Determination, and Decision of any of the Works, Acts, Matters, or Things by the said recited Acts and this Act, or any of them, directed or authorized to be done or executed by or referred to the Determination or Decision of any Engineers, or in the Direction, Determination, and Decision of any Matter or Thing which shall at any Time or Times be in dispute or difference between the said Commissioners of Drainage and Navigation respectively, or between the said Commissioners of Drainage or Navigation and any other Body or Bodies or Person or Persons whomsoever, or which they shall respectively agree to refer to any such Direction, Determination, or Decision, and to submit such several Works, Acts, Matters, and Things, or any of them, to the Direction, Determination, Decision, or Award of such Engineer or Engineers respectively, and from Time to Time, when and as they the said Commissioners respectively shall think fit and see Occasion, to dismiss, discharge, or remove such Engineer or Engineers or any of them, and to appoint any other Engineer in the Place of every or any of them who shall be so dismissed, discharged, or removed as aforesaid, or who shall die, decline, discontinue, or become incapable to act; and it shall be lawful for the said Commissioners of Drainage and Navigation respectively to allow and pay, out of their respective Funds, all the reasonable Salaries, Charges, and Expences of such several Engineers to be so appointed by them respectively as aforesaid.

Power for Commissioners to appoint Engineers.

XIV. And be it further enacted, That it shall be lawful for every or any Body or Person who shall have a separate and distinct Interest, and for all Bodies or Persons together who shall together have one common Interest, in any of the Works, Acts, Matters, or Things done, or by any of the said recited Acts or by this Act required or authorized to be done, by or under the Authority of the said Commissioners of Drainage or Navigation respectively, or in any Matter of Dispute or Difference which may arise with the said Commissioners respectively, and he, she, and they is and are hereby authorized and empowered, from Time to Time to nominate and appoint an Engineer or Engineers on his, her, or their Part, to meet an Engineer or Engineers to be appointed by or on the Part of the said Commissioners of Drainage or Navigation respectively as aforesaid, for or in respect of any Work, Act, Matter, or Thing which they shall mutually agree to submit to the Direction, Determination, Order, or Award of any such Engineer or Engineers, or to submit any such Work, Act, Matter, or Thing to the Direction, Determination, Order, or Award of any Engineer or Engineers to be mutually agreed upon by the said Commissioners of Drainage or Navigation and such Body or Person respectively: Provided nevertheless, that no more than One Engineer shall be appointed or authorized by or on the Part of any

Power for other Parties to appoint Engineers

[*Local.*]

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Body

Body or Person or any Bodies or Persons together, to act or shall act at the same Time or upon the same Occasion with or against any One Engineer to be appointed or authorized to act by or on the Part of the said Commissioners of Drainage or Navigation respectively, without the Consent of such Commissioners respectively.

Appiointment  
of Engineers,  
in case of the  
Default of  
either Party.

XV. And be it further enacted, That in all Cases in which any Subject Matter of Reference or Dispute is by any of the said recited Acts or this Act referred, or directed or authorized to be referred to or decided by Two Engineers, or where any Works are required or authorized to be done or executed under the Direction or Controul of any Two Engineers, the said Commissioners of Drainage and Navigation respectively, and the said other Bodies and Persons respectively, who are or shall be respectively directed or authorized to appoint the said respective Engineers, as the Case may be, shall, within a reasonable Time next after such Subject Matter of Reference or Dispute shall arise, appoint their respective Engineers, and give Notice of such respective Appointments to each other; and on Notice being given by either of the said Parties by whom or on whose Behalf an Engineer shall have been appointed to the other of the said Parties, or his or their Clerk or known Agent, or where more Persons than One shall be interested, then to any One or more of them, that such Engineer has been appointed, and requiring the other of the said Parties to appoint an Engineer on his, her, or their Behalf, within such Time as shall be mentioned in such Notice (not being less than Fourteen Days from the Day of the Delivery of such Notice), such other Party shall, within the Time mentioned in such Notice, appoint an Engineer on his, her, or their Part, and give Notice of such Appointment to the said first-mentioned Party, or his or their Clerk or known Agent, or where more Persons than One shall be interested, then to any One or more of them; and in default of such Appointment and Notice as last aforesaid, then and in any such Case it shall be lawful for the said first-mentioned Party by whom or on whose Behalf an Engineer shall have been so appointed, and Notice thereof given as aforesaid, to appoint also an Engineer by or on behalf of such Party by whom such Default shall have been made as aforesaid; and the Two Engineers who shall be so appointed in any such Case as last aforesaid shall have and exercise all such and the same Powers in all respects as if they had been respectively appointed by the several Parties interested in the Subject Matter of such Reference or Dispute; and in all Cases in which Two Engineers shall have been appointed in the Manner directed or authorized by this Act, they shall meet at such Time and Place or respective Times and Places as they shall mutually agree upon, and in case they shall not agree thereon, then at such Time and Place as shall be mentioned and required in and by any Notice to be first given by either of them to the other of them, such Time not being more than Twenty-one Days nor less than Fourteen Days from the Day of the Delivery of such Notice, and such Place not being more than Twenty Miles distant from the Place in or at which the Subject Matter of Reference shall have arisen; and if after such last-mentioned Notice shall have been given either of the said Engineers shall not attend at the Time and Place therein specified, and then and there proceed in such Reference,

it shall be lawful for the other Engineer to proceed alone in such Reference, and determine and award upon the Subject Matter thereof, and his Determination and Award therein shall be as binding and conclusive on all Bodies and Persons interested therein as if both the said Engineers had been present and concurred in such Determination and Award.

XVI. And be it further enacted, That the said Engineers who shall from Time to Time be so respectively appointed as aforesaid touching or concerning any Matter or Thing which is or shall be referred to them under the Authority of the said recited Acts or any of them, or this Act, shall, before they shall proceed to act in such Reference, nominate and appoint, by some Writing under their Hands, some able and experienced Person to act as an Umpire between them in the Subject Matter of such Reference in case any Difference of Opinion shall arise between the said Engineers touching the same; and in case any such Difference of Opinion shall arise between the said Engineers, they or either of them are and is hereby required and authorized to call in to their Assistance the said Person who shall have been appointed and nominated as such Umpire as aforesaid, who, after hearing and duly considering the whole of the Matter on which such Difference of Opinion shall have arisen, shall decide thereon; and the Direction, Determination, Order, or Award of the said Two Engineers touching so much of the Subject Matter of any such Reference as they shall agree upon, and the Direction, Determination, Order, or Award of the said Umpire touching so much of the said Subject Matter of any such Reference as the said Engineers shall not agree upon, or shall not direct, determine, order, or award upon, shall be final and conclusive, as well upon the said Commissioners of Drainage and Navigation respectively, as upon the said other Bodies and Persons respectively interested in the Subject Matter of such Reference or Dispute, or in the Execution of any such Works as aforesaid.

In case of Difference of Opinion between the Engineers, an Umpire to be appointed.

XVII. And be it further enacted, That every such Engineer and Umpire as aforesaid who shall be appointed in the Manner directed or authorized by this Act shall be and he is hereby authorized and empowered to act in the same Manner, in all respects and to all Intents and Purposes, as if he had been specially named in or appointed by any of the said recited Acts or by this Act, or had been permanently appointed by or on the Behalf of the said Commissioners of Drainage or Navigation respectively, or by or on the Behalf of any other Body or Person or Bodies or Persons, or as if the Subject Matter of Reference had been specially referred to them or him by any of the said recited Acts or this Act; any thing in the said recited Acts contained to the contrary thereof notwithstanding.

Engineers and Umpire appointed as herein authorized to have the same Powers as if specially named in the Acts.

XVIII. Provided always, and be it further enacted, That no such Engineer or Umpire to be so appointed as aforesaid shall at any Time be removed or dismissed, nor his Appointment or the Reference to him vacated or revoked, pending the Reference of any Matter or Thing to him as aforesaid, until due Time shall have been allowed to him for determining or awarding thereon.

No Engineer or Umpire to be removed pending a Reference.

XIX. And be it further enacted, That all and singular the Lands and Grounds by the said recited Act of the First and Second Years of the

Lands charged with further Taxes

for One Year,  
to be due on  
the 1st of  
January  
1834.

the Reign of the said late King *George* the Fourth charged with and made liable to the Payment of a Tax of Two Shillings for each and every Statute Acre, for the Term of One Year, to be due and payable on the First Day of *January* One thousand eight hundred and thirty-three, except as herein-after mentioned, shall be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of the further Tax of Two Shillings for each and every Acre of the said Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof; and that all and singular the Lands and Grounds by the said last-mentioned Act charged with and made liable to the Payment of a Tax of One Shilling for each and every Statute Acre, for the Term of One Year, to be due and payable on the First Day of *January* One thousand eight hundred and thirty-three, except as herein-after mentioned, shall be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of the further Tax of One Shilling for each and every Acre of the said last-mentioned Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof; which said several Taxes of Two Shillings and One Shilling *per* Acre are hereby respectively charged as aforesaid for the Year beginning on the First Day of *January* One thousand eight hundred and thirty-three, and shall be respectively due and payable to the said Commissioners of Drainage on the First Day of *January* which will be in the Year One thousand eight hundred and thirty-four.

Lands  
charged with  
further  
yearly Taxes,  
the first Pay-  
ment to be  
due on the  
1st January  
1835.

XX. And be it further enacted, That all and singular the said Lands and Grounds by this Act charged with and made liable to the Payment of the said Tax of Two Shillings *per* Acre, to be due and payable on the said First Day of *January* One thousand eight hundred and thirty-four, shall, from and after the said last-mentioned Day, be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of a yearly Tax of One Shilling only for each and every Acre of the same last-mentioned Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof, for the further Term of Five Years, to be computed from the said First Day of *January* One thousand eight hundred and thirty-four; and all and singular the said Lands and Grounds by this Act charged with and made liable to the Payment of the said Tax of One Shilling *per* Acre, to be due and payable on the First Day of *January* One thousand eight hundred and thirty-four, shall, from and after the said last-mentioned Day, be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of a yearly Tax of Sixpence only for each and every Acre of the same last-mentioned Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof, for the said further Term of Five Years, to be computed as aforesaid; the first yearly Payment of the said Two last-mentioned yearly Taxes of One Shilling *per* Acre and Sixpence *per* Acre respectively for the then preceding Year to become due and payable to the said Commissioners of Drainage on the First Day of *January* which will be in the Year One thousand eight hundred and thirty-five, and each succeeding yearly Payment thereof respectively for the then preceding Year to become due and payable to the said Commissioners of Drainage on the First Day of *January* yearly, and the last yearly Payment thereof respectively for the then preceding Year to become due

due and payable to the said Commissioners of Drainage on the First Day of *January* which will be in the Year One thousand eight hundred and thirty-nine; and that from and after the Expiration of the said Term of Five Years all and singular the said Lands and Grounds by this Act charged with and made liable to the Payment of the said yearly Tax of One Shilling *per* Acre for the said Term of Five Years as aforesaid shall be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of a yearly Tax of Sixpence only for each and every Acre of the same last-mentioned Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof, for the further Term of Five Years, to be computed from the said First Day of *January* One thousand eight hundred and thirty-nine, and for such further Term and so long as any Debt of Two thousand Pounds or upwards, Principal Money, shall be due and owing on any Security or Securities which shall have been granted by the said Commissioners of Drainage, previous to the First Day of *January* One thousand eight hundred and forty-four, of or upon the Taxes by the said recited Acts and this Act, or any of them, charged and made payable to them the said last-mentioned Commissioners; and from and after the Expiration of the said first-mentioned Term of Five Years all and singular the said Lands and Grounds by this Act charged with and made liable to the Payment of the said yearly Tax of Sixpence *per* Acre for the said first-mentioned Term of Five Years as aforesaid shall be and the same are hereby severally taxed and charged with and made subject and liable to the Payment of a yearly Tax of Three-pence only for each and every Acre of the same last-mentioned Lands and Grounds, and so in proportion for any less Quantity than an Acre thereof, for the said further Term of Five Years, to be computed from the said First Day of *January* One thousand eight hundred and thirty-nine, and for such further Term and so long as any such Debt of Two thousand Pounds or upwards, Principal Money, shall be due and owing on any such Security or Securities as aforesaid; the first yearly Payment of the said Two last-mentioned yearly Taxes of Sixpence *per* Acre and Three-pence *per* Acre respectively for the then preceding Year to become due and payable to the said Commissioners of Drainage on the First Day of *January* which will be in the Year One thousand eight hundred and forty, and each succeeding yearly Payment thereof for the then preceding Year to become due and payable to the said Commissioners of Drainage on the First Day of *January* yearly, so long as the said last-mentioned yearly Taxes shall be respectively due and payable as aforesaid,

XXI. And be it further enacted, That when and so soon as the Debt which shall have been or shall be due and owing on any Security or Securities granted by the said Commissioners of Drainage as aforesaid of or upon all or any of the Taxes by the said recited Acts and this Act, or any of them, charged and made payable to the said Commissioners of Drainage, shall be wholly extinguished, or shall be reduced below the Sum of Two thousand Pounds, Principal Money, in the whole, then it shall be lawful for the said Commissioners of Drainage, and they are hereby authorized and empowered, from Time to Time after such Extinguishment or Reduction of the said Debt as aforesaid, at any General or Quarterly or Special Meeting to be

Power for Commissioners to charge the Lands with further Taxes after Reduction of their Debt below 2,000*l.*

[*Local.*]

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holden.

holden by them between the First Day of *August* and the First Day of *November* in every or any Year, to tax and charge all and singular the said Lands and Grounds hereby respectively charged with the said respective Taxes of Sixpence *per Acre* and Three-pence *per Acre* for the said Term of Five Years, and such further Term as last aforesaid, with such further equal Tax or Taxes, not exceeding for any One Year the Sum of Three-pence for each and every Acre of the said Lands and Grounds so charged with the said Tax of Sixpence *per Acre* for the said secondly-mentioned Term of Five Years, and such further Term as aforesaid, and not exceeding for any One Year the Sum of One Penny Halfpenny for each and every Acre of the said Lands and Grounds so charged with the said Tax of Three-pence *per Acre* for the said secondly-mentioned Term of Five Years and such further Term as aforesaid, and so in proportion for any less Quantity than an Acre of the said several Lands and Grounds respectively, as shall in the Judgment of the said Commissioners of Drainage be necessary to discharge the Debts and Monies which shall from Time to Time be due and owing from the said last-mentioned Commissioners, and the Charges and Expences of making, repairing, and maintaining the several Works by the said recited Acts and this Act, or any of them, required or authorized to be made, done, or executed, and of carrying the said recited Acts and this Act into execution; so that the several Lands and Grounds to be taxed with the said last-mentioned Tax not exceeding One Penny Halfpenny *per Acre* as aforesaid shall from Time to Time be taxed and charged with One Half in Amount by the Acre of the Tax with which the several Lands and Grounds to be taxed with the said last-mentioned Tax not exceeding Three-pence *per Acre* as aforesaid shall be taxed and charged, and no more; and every such last-mentioned Tax shall be due and payable to the said Commissioners of Drainage on the First Day of *January* next after the same shall from Time to Time be so charged as aforesaid for the Year preceding such First Day of *January*; and in case the said Commissioners of Drainage shall in any one Year omit to tax and charge the said several Lands and Grounds with the said last-mentioned Taxes, then and in such Case, but not otherwise, it shall be lawful for them the said Commissioners of Drainage, and they are hereby authorized and empowered, in the Year then next following, if in their Judgment it shall be necessary for the Purposes aforesaid, to tax and charge the said several Lands and Grounds with the said last-mentioned respective yearly Taxes for Two Years, the same in such Case to be due and payable to the said Commissioners of Drainage on the First Day of *January* next after the same shall be so charged as last aforesaid for the Two Years next preceding such First Day of *January*: Provided nevertheless, that the said last-mentioned Taxes, either for One Year or for Two Years preceding, shall not at any Time be charged unless Notice of an Intention to propose the same shall have been given in the Advertisements of the Meeting at which the same shall be charged, nor unless a sufficient Number of the Commissioners of Drainage present at such Meeting to represent Three Fourth Parts of the total Quantity of Acres of the said Lands liable to the said Taxes which shall be represented by all the Commissioners present at the same Meeting shall concur in an Order for charging the said last-mentioned Taxes.

XXII. And

XXII. And be it further enacted, That the said Commissioners of Drainage shall from Time to Time cause a Notice of the several Taxes charged by this Act, or which shall be charged by the said Commissioners under the Authority thereof, to be given in the several Newspapers in which Notices of the Meetings of the said Commissioners are hereby directed to be given, in Two successive Weeks before the First Day to be from Time to Time appointed by the said Commissioners for the Payment of such Taxes.

Notice of Taxes to be given in the Newspapers.

XXIII. And be it further enacted, That the several Persons respectively made liable by the said recited Acts or any of them to the Penalty of Three Shillings and Four-pence in the Pound on the Amount of the several Taxes which by the said Acts are respectively charged or made payable, in case of the Nonpayment of the said Taxes within the respective Times by the said Acts respectively appointed or authorized to be appointed for the Payment thereof, shall be and they are by this Act severally made liable in the like Manner and in the like Cases to the Payment of the like Penalty of Three Shillings and Four-pence in the Pound on the said several Taxes by this Act charged or authorized to be charged or made payable, in case of the Nonpayment thereof respectively within the respective Times hereby appointed or authorized to be appointed for the Payment thereof respectively; and all and singular the Enactments, Clauses, Provisions, Powers, and Remedies now in force under and by virtue of the said recited Acts or any of them for the Recovery of or in relation to the several Taxes and Penalties for Nonpayment thereof by the same Acts or any of them charged, imposed, or made payable, shall be and the same are hereby made applicable in all respects (except so far as the same are hereby respectively repealed or altered) to the said several Taxes and the Penalties for Nonpayment thereof by this Act charged or made payable as aforesaid, and to the several Lands and Grounds in respect of which the same or any of them shall be payable, and to the several Owners and Occupiers of the said Lands and Grounds respectively; and the said Taxes and Penalties by this Act charged as aforesaid shall and may from Time to Time be collected, levied, and recovered by all or any of the Ways, Means, and Proceedings which are given or provided by the said recited Acts, or any of them, and are now in force, for collecting, levying, and recovering the said Taxes and Penalties thereby charged and made payable, or any of them, in as full and ample Manner, to all Intents and Purposes whatsoever, as if the said several Enactments, Clauses, Powers, Remedies, Provisions, Ways, Means, and Proceedings had been repeated or re-enacted in or by this present Act, and had been hereby made applicable to the said several Taxes and Penalties hereby charged and made payable.

Provisions of former Acts relating to the Taxes and Penalties made applicable to this Act.

XXIV. And be it further enacted, That no Owner or Occupier of any of the said Lands or Grounds shall at any Time or Times be charged with or subject or liable to the Payment of any of the said several Taxes charged or authorized to be charged by any of the said recited Acts or this Act for any greater Number of Acres of the said Lands or Grounds than shall from Time to Time be charged in the respective Schedules by the said recited Act of the First and Second Years of the Reign of the said late King *George* the Fourth directed to be yearly made and deposited in the Manner therein mentioned:

Owners or Occupiers not to be charged with Taxes for more Lands than set forth in the yearly Schedules.

Provided

Provided nevertheless, that it shall be lawful for the said Commissioners of Drainage, or their Collectors or other Officers, or the said Commissioners of Appeal, to correct any Error or Mis-statement of the Names of the Owners or Occupiers of the said Lands or Grounds respectively stated in such Schedule, Notice in Writing of every such Correction being given by the Collector of the said Taxes for the Time being to the Person or Persons affected thereby; and the several Powers and Remedies given by the said recited Acts or this Act for the Collection and Recovery of the said Taxes and Penalties shall not be affected, lessened, or weakened by reason of the Misnomer of any of such Owners or Occupiers.

Notices of yearly Schedules to be given.

XXV. And be it further enacted, That the several Collectors of the said Taxes within their respective Districts or Divisions shall yearly, in the Manner directed by the said recited Act of the First and Second Years of the Reign of the said late King *George* the Fourth, give Notice, by Writing under their respective Hands, that the said respective Schedules have been made out and deposited in the Manner therein mentioned, as well to One of the Churchwardens or Overseers of the Poor of every Parish, Township, Hamlet, or Division having a separate or distinct Churchwarden or Overseer of the Poor, or a separate or distinct Parochial Rate or Assessment, in which the several Lands and Grounds charged or set forth in such respective Schedules are or shall be situate, as also to such other Persons and in such other Manner as is directed by the said last-mentioned Act.

Appellants against Schedules not liable to set forth any Lands except those in the Parishes wherein the Appeal arises.

XXVI. And be it further enacted, That in any Notice of Appeal by any Person or Persons against any of the said yearly Schedules, or any of the Charges or Assessments therein contained, it shall not be necessary for such Person or Persons to state or set forth an Account of any other Lands or Grounds for which he, she, or they is, are, or shall be liable to pay either as Owner or Owners or Occupier or Occupiers, except only such of the said last-mentioned Lands or Grounds as are or shall be situate in the Parish, Township, Hamlet, or Place within which the Cause or alleged Cause of Appeal shall arise; any thing contained in any of the said recited Acts to the contrary thereof notwithstanding.

Lists of Appeals to be made out, and Appeal Commissioners to hold Meetings under the Direction of the Drainage Commissioners.

XXVII. And be it further enacted, That the Commissioners of Appeal from Time to Time appointed and acting under the Authority of the said recited Acts and this Act, and the several Collectors of the Taxes charged or authorized to be charged by the said recited Acts and this Act, shall and they are hereby respectively required, from Time to Time previous to the General or Quarterly Meeting of the said Commissioners of Drainage which shall be held next after the Thirtieth Day of *April* in every Year, or previous to any such other General or Quarterly Meeting or Meetings as the said Commissioners shall from Time to Time direct, to make out and send to the Clerk of the said Commissioners of Drainage a List of all such Notices of Appeal as they shall respectively have received, and which shall not have been countermanded, and shall then be undetermined or undisposed of, specifying the Names of the several Appellants, and the several Amounts of the Taxes and the several Lands in respect of which the Appeals are respectively to be made; and every such List shall



shall be laid by the said Clerk before the said Commissioners of Drainage at their said respective Meetings; and the said Commissioners of Drainage shall at their said Meetings, from Time to Time when and as they shall see Occasion, direct and authorize the said Commissioners of Appeal to hold a Meeting or Meetings for hearing such several Appeals, and such last-mentioned Meeting or Meetings shall accordingly be held by the said Commissioners of Appeal in the Manner directed by the said recited Act of the First and Second Years of the Reign of the said late King *George* the Fourth; and the said Commissioners of Appeal shall not hold any Meeting for hearing any Appeal whatsoever unless under the Direction and by the Authority of the said Commissioners of Drainage.

XXVIII. And be it further enacted, That if any Body or Bodies or Person or Persons shall at any Time give or cause to be given a Notice of his, her, or their Intention to appeal against any of the said yearly Schedules so to be from Time to Time made out and deposited as aforesaid, or against any of the Charges or Assessments therein contained, and shall not countermand such Notice Fourteen Days before the Day then next appointed for hearing such Appeal, or without having countermanded such Notice shall not appear in Person or by an authorized Agent to prosecute his, her, or their Appeal before the said Commissioners of Appeal at the Time and Place to be appointed for the hearing of such Appeal, then and in every or any such Case it shall be lawful for the said Commissioners of Appeal, if in their Discretion they shall so think fit, to order such Body or Bodies or Person or Persons to pay any Sum or Sums of Money, not exceeding the Sum of Five Pounds, for the Costs of the said Commissioners of Drainage in respect of such Appeal, which said Costs shall be paid by such Body or Bodies or Person or Persons to the said Commissioners of Drainage, or their Treasurer, and shall be applied as Part of the general Funds of the said last-mentioned Commissioners; and in case of the Nonpayment thereof on Demand, the same shall and may be recovered against the Body or Person or any of the Persons liable to the Payment thereof, in the same Manner and by the same Ways and Means as are by any of the said recited Acts or this Act provided for the Recovery of the Taxes imposed by this Act, or the Penalties for Nonpayment thereof, notwithstanding that such Person or Persons may have paid the said Taxes, and the Penalty thereon, in respect of which the said Notices may have been given, prior to the Payment of the said Costs.

Appellants  
not prosecut-  
ing their  
Appeals made  
liable to  
Costs.

XXIX. And be it further enacted, That all and singular the Goods, Wares, and Merchandizes specified, mentioned, or referred to in and by the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third, and by that Act or any other of the said recited Acts made chargeable with or liable to the Payment of any Navigation Toll or Tolls therein respectively mentioned, which at any Time or Times upon and after the First Day of *January* which will be in the Year One thousand eight hundred and thirty-three shall be carried or conveyed on board of or attached to any Barge, Boat, Lighter, Vessel, Craft, or Raft passing or navigating in, upon,

Further Na-  
vigation Toll  
of One Penny  
per Ton com-  
mencing on  
the 1st of  
*January*  
1833.

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or

or along any Part of the said *Eau Brink Cut* between *Eau Brink* and *King's Lynn* aforesaid, or shall be otherwise carried or conveyed or pass in, upon, or along any Part of the same Cut, shall be and the same are hereby respectively charged with and made liable to the Payment of as well the said several Navigation Tolls by the said several recited Acts imposed or made payable in the Manner and for the several Terms therein respectively mentioned and provided, as also the further Navigation Toll of One Penny for every specific Weight, Measure, and Quantity of the several Goods, Wares, and Merchandizes specified and set forth in the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third, which is thereby charged with or made liable to the Payment of the Navigation Toll of Four-pence thereby imposed, and for every Ton Weight of all other Goods, Wares, and Merchandizes whatsoever which said several Navigation Tolls shall be paid by the Master or other Person having the Care or Charge of every or any such Barge, Boat, Lighter, Vessel, Craft, or Raft, or Goods, Wares, or Merchandizes, to a Collector or other Officer to be from Time to Time appointed by the said Commissioners of Navigation, on Demand thereof made by such Collector or other Officer.

Duration of  
the further  
Navigation  
Tolls.

XXX. And be it further enacted, That the said further Navigation Tolls by this Act imposed and made payable shall not be payable nor shall the same be received or demanded by the said Commissioners of Navigation, or by any of their Collectors or Officers, from any Person or Persons whomsoever, before the First Day of *January* One thousand eight hundred and thirty-three, when the same shall respectively commence and become payable, and the said last-mentioned Tolls shall thenceforth continue and be payable from Time to Time and at all Times so long as the Navigation Tolls granted by the said recited Acts or any of them shall continue payable.

Exemptions  
from Naviga-  
tion Tolls.

XXXI. Provided always, and be it further enacted, That none of the said Navigation Tolls by this Act imposed or made payable shall be received, taken, or demanded by the said Commissioners of Navigation, or by any other Person whomsoever, under the Authority of the said recited Acts and this Act, or any of them, for or in respect of any Engine or Machine, or any Part of any Engine or Machine, or any Implement, Tool, Timber, Iron, Stone, or Material, being the Property of the said Commissioners of Navigation or Drainage, which shall be carried or conveyed upon or along the said Cut for the Purposes of being consumed, used, or employed, at the Charge of the said Commissioners respectively, in or about the making or repairing of any Bridge, Sluice, Tunnel, Drain, Bank, or other Work by the said recited Acts and this Act, or any of them, required or authorized to be made, repaired, maintained, or supported by or under the Authority of the said Commissioners of Drainage.

Application  
of the Navi-  
gation Tolls.

XXXII. And be it further enacted, That all the Monies which shall from Time to Time arise by or from the said further Navigation Tolls by this Act imposed or made payable shall be and the same are hereby vested in the said Commissioners of Navigation, but in Trust for the said Commissioners of Drainage only; and the said  
Commissioners

Commissioners of Navigation are hereby directed and required yearly and every Year, when and so long as the said further Navigation Tolls or any of them shall continue or be payable, to pay the full net Amount of the said Monies which shall arise by or from the same as aforesaid to the said Commissioners of Drainage, or their Treasurer, by equal half-yearly Payments, in the same Manner as the Navigation Tolls imposed by the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third are thereby made payable.

XXXIII. And be it further enacted, That the said Commissioners of Navigation shall have full Power and Authority, and they are hereby authorized and empowered, at their several General or Quarterly Meetings, from Time to Time to make, alter, amend, and order such Bye Laws, Rules, and Regulations as they shall think proper for the well using of the said Navigation of and upon the said *Eau Brink Cut*, and for the due and orderly Government of the Boatmen, Bargemen, and other Persons navigating along the same, or passing along or using any of the Towing Paths, Roads, Ways, Bridges, Wharfs, Landing Places, or other Conveniences belonging or adjoining to the said Cut, and to impose and inflict such reasonable Fines, Penalties, and Forfeitures (not being inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *Great Britain*, or any of the Provisions of the said recited Acts or this Act,) upon all Persons offending against any of such Bye Laws, Rules, or Regulations, as to the said Commissioners of Navigation at their said several General or Quarterly Meetings shall seem meet, not exceeding the Sum of Ten Pounds for each Offence; and all such Bye Laws, Rules, and Regulations, being severally reduced into Writing, and signed by the Chairman of the Meeting at which the same shall be respectively made, altered, or amended, and ordered, shall be printed and advertised twice in the several Newspapers in which Notices of the said General and Quarterly Meetings are by this Act directed to be published, and shall be binding upon and be observed by all Persons concerned therein, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same and in conformity therewith; and Copies of all such Bye Laws, Rules, and Regulations shall be painted on Boards in legible Characters, and affixed and continued in or upon some conspicuous Places near to the said Cut, and renewed as often as the same shall become illegible or imperfect; and if any Person shall at any Time destroy, break, deface, or injure any such Board, he shall forfeit and pay to the said Commissioners of Navigation, as a Penalty, any Sum not exceeding Ten Pounds: Provided nevertheless, that such several Bye Laws, Rules, and Regulations shall be subject to Appeal to the Justices of the Peace at their General Quarter Sessions of the Peace, in like Maner as is provided by the said recited Acts or any of them with respect to Appeals against the Order or Determination of any Justice of the Peace.

Power for the Navigation Commissioners to make Bye Laws for regulating the Navigation.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners of Navigation, and they are hereby authorized and empowered, to purchase, hire, or erect, in some convenient Place

Power for Navigation Commissioners to erect or Toll Houses.

or Places, One or more Toll House or Toll Houses, with all necessary Offices, Outbuildings, and other Conveniences, and to purchase, take, and use any Parcel or Parcels of Land not exceeding in Quantity Thirty Poles for every or any such Toll House, they the said Commissioners making Compensation and Satisfaction for any such Land not being the Property of the said Commissioners of Drainage or Navigation, in the Manner provided by the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third with respect to any Lands, Tenements, or Hereditaments which the said Commissioners or either of them are thereby empowered to purchase; and the Costs, Rents, Charges, and Expences of purchasing, hiring, or erecting such Toll Houses, Offices, Outbuildings, and Conveniences, and of purchasing and obtaining any Land which shall be required for the same, shall be wholly paid by the said Commissioners of Navigation from and out of the said Tolls imposed or made payable by or by virtue of the said recited Acts or any of them, before any Division or Apportionment of the said Tolls shall be made between the said Commissioners of Navigation and Drainage.

Tables of  
Navigation  
Tolls to be  
fixed up.

XXXV. And be it further enacted, That the said Commissioners of Navigation shall and they are hereby required to cause Tables of the said Navigation Tolls to be fixed up in a conspicuous Manner at or near to the Place or Places where such Tolls shall be collected or made payable, where the same can be conveniently done, and to renew or cause to be renewed such Tables when and as often as Occasion shall require.

Power for  
the Naviga-  
tion Com-  
missioners to  
let the Tolls.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners of Navigation, or any Five or more of them, from Time to Time, by any Writing or Writings under their Hands and Seals, pursuant to Orders for that Purpose to be made as well by the said Commissioners of Navigation as also by the said Commissioners of Drainage at any of their respective General or Quarterly Meetings, to assign, demise, lease, or to farm let the said several Navigation Tolls by the said recited Acts or any of them, or by this Act, imposed and made payable to the said Commissioners of Navigation, or any Portion or Portions of the same, by public Auction, to any Person or Persons who shall be willing to hire the same, either from Year to Year, or for any Term not exceeding Three Years, for such Sum or Sums, either annual or in gross, and upon such Terms and Conditions, and in such Manner, as the said Commissioners of Navigation and Drainage respectively shall think proper: Provided nevertheless, that previous Notice of the proposed Letting of such Navigation Tolls or any of them being taken into Consideration by the said Commissioners of Navigation and Drainage respectively shall be given in the Advertisements of the respective Meetings at which such Letting is to be proposed, and that Notice of the Time and Place of Letting shall be twice advertised previous to such Letting in the same Manner as is by this Act directed in respect of Notices of Meetings of the said Commissioners respectively.

Navigation  
Tolls, if dis-  
puted, to be

XXXVII. And be it further enacted, That if at any Time any Dispute shall arise concerning any of the said Navigation Tolls imposed

imposed or made payable by any of the said recited Acts or by this Act, which shall be due or payable or claimed to be due or payable, or concerning the Amount thereof, or concerning the Charges occasioned by any Distress, Seizure, Detention, or Sale, or otherwise in relation to the same or any of them, it shall be lawful for the Lessee, Farmer, Collector, or other Person authorized to receive or demand the said Tolls, to detain any Animal or Effects which shall have been seized for any such Toll as aforesaid, or any Money arising from the Sale thereof, until the Claim or Amount of such Tolls or Charges respectively shall be ascertained and determined by One or more Justice or Justices of the Peace for the Jurisdiction wherein such Tolls shall be payable or such Dispute shall have arisen; and it shall be lawful for any such Justice or Justices, in case of any such Dispute, whether any such Seizure or Detention shall have taken place or not, upon Application to him or them made for that Purpose by or on behalf of any Person or Party interested in the Subject Matter of any such Dispute, and he and they is and are hereby authorized and required, to examine the Matter in dispute upon the Oath of the Parties or any of them, or of some Witness or Witnesses, and to determine the Claim and Amount of such Tolls and Charges respectively; and it shall be lawful for such Justice or Justices to assess and award such Costs to be paid by either of the said Parties to the other of them as he or they shall think reasonable; and in case of the Nonpayment of the Tolls, Charges, and Costs which shall be so determined and awarded as aforesaid, or any Part thereof, upon Demand, the same shall and may, by virtue of a Warrant under the Hand and Seal or Hands and Seals of the same or any other Justice or Justices, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties who shall be liable to pay the same.

settled by a Justice.

XXXVIII. And be it further enacted, That every Collector of the said Navigation Tolls imposed or made payable by any of the said recited Acts or this Act shall cause a Board having his Christian Name and Surname painted thereon in legible Roman Characters to be fixed up on some conspicuous Part of his Toll House immediately on his becoming such Collector thereof as aforesaid, and shall continue such Board so fixed up as aforesaid at all Times so long as he shall continue to be such Collector; and if any such Collector shall not fix up such Board, and keep the same at all Times so fixed up as aforesaid, or shall knowingly take or demand a greater or less Toll from any Person than he shall be authorized to do by virtue of the said recited Acts or this Act, or shall knowingly take or demand any Toll from any Person who shall be legally exempt from the Payment thereof, and who shall claim such Exemption, or shall in anywise hinder any Person from reading the Table of Tolls or Name of the Collector by this Act directed to be fixed up, or shall refuse to tell or shall not tell his Christian or Surname to any Person who shall demand the same on having paid or tendered the said Tolls respectively, or shall, upon the legal Toll being paid or tendered to him, unnecessarily detain or wilfully prevent any Vessel, Person, or Animal entitled to pass along the said Cut, or the Banks or Forelands thereof, from passing along the same, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or

Duties of the Collectors of the Tolls, and Penalty on the Non-performance thereof.

other Officer of the said Commissioners of Navigation or Drainage, or any Master of any Vessel, then and in every such Case every such Collector shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Recital of Agreement with the Ouze Bank and Bridge Owners.

XXXIX. And whereas, in order to put an End to the Disputes and Differences which have subsisted between the said Commissioners of Drainage and the Owners of or Persons liable to the Maintenance of the Banks of the said River *Ouze*, and of the Four several Bridges over the same, called respectively *Downham Bridge*, *Stow Bridge*, *Magdalen Bridge*, and *Saint German's Bridge*, touching the Injury to the said Banks and Bridges as herein-before recited, it has been proposed and agreed that the said Commissioners of Drainage should raise and pay such a Sum of Money as Two Engineers to be named by them and Two Engineers to be named by the said Owners, or an Umpire to be named by the said Four Engineers, should agree upon and direct as a final Compensation for the Injury and Damage already occasioned and hereafter to be occasioned to those Banks of the said River *Ouze* which are situate between *Denver Sluice* and the upper or South End of the said *Eau Brink Cut*, and to the said Four Bridges, by or in consequence of the altered Course of the said River *Ouze* through the said Cut, or the Execution of any Works of the said Commissioners of Drainage authorized to be done or executed under the said recited Acts or this Act; and the said Four Engineers and Umpire have awarded the Sum of Twelve thousand Pounds for past Injury done to the said Banks, and the Sum of Forty-six thousand Pounds to be laid out in putting the said Banks into one uniform System of Repair, as the Sums which the said Commissioners of Drainage ought to pay to the said Owners of or Persons liable to the Maintenance of the said Banks, and the Sum of Four thousand Pounds to be paid to the said Owners of or Persons liable to the Maintenance of the said Four Bridges, making together the Sum of Sixty-two thousand Pounds under the Reference so made to them the said Engineers and Umpire as aforesaid; and the said Commissioners have already paid the Sum of One thousand six hundred Pounds in part of the said Sum of Twelve thousand Pounds, leaving the Sum of Ten thousand four hundred Pounds only to be paid in respect thereof; be it therefore further enacted, That the said Commissioners of Drainage shall, at the Times next herein-after mentioned, levy and raise out of the Monies to be paid to or received or borrowed by them under the Powers of the said recited Acts and this Act, or any of them, the said several Sums of Four thousand Pounds, Ten thousand four hundred Pounds, and Forty-six thousand Pounds, making, together with the said Sum of One thousand six hundred Pounds already paid by them as aforesaid, the Sum of Sixty-two thousand Pounds Sterling; (that is to say,) the Sum of Four thousand Pounds, being the Compensation to the said Bridge Owners, in such Proportions and Manner as shall be directed by *Peter Erwart* Esquire, the Umpire herein-before referred to, within Nine Calendar Months from the Twenty-fifth Day of *July* One thousand eight hundred and thirty-one, with Interest for the same, to be computed from the Expiration of the said Nine Months, after the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, in case the same shall not

Compensation Monies to be paid by the Drainage Commissioners to the Ouze Bank and Bridge Owners.

be then paid ; and the Sum of Ten thousand four hundred Pounds, being the Remainder of the said Sum of Twelve thousand Pounds awarded for past Damages to the said Bank Owners after deducting the said Sum of One thousand six hundred Pounds already paid as aforesaid, within Six Calendar Months from the said Twenty-fifth Day of *July* One thousand eight hundred and thirty-one, with Interest for the same after the like Rate, to be computed from the Expiration of the said Six Months, in case the same shall not be then paid ; and the Sum of Twenty thousand Pounds, Part of the said Sum of Forty-six thousand Pounds awarded to be laid out in putting the said Banks into repair, within Nine Calendar Months from the said Twenty-fifth Day of *July* One thousand eight hundred and thirty-one, with Interest for the same after the like Rate, to be computed from the Expiration of the said Nine Months, in case the same shall not be then paid ; and the Sum of Twenty-six thousand Pounds, Residue of the said Sum of Forty-six thousand Pounds, within Eighteen Calendar Months from the said Twenty-fifth Day of *July* One thousand eight hundred and thirty-one, with Interest for the same after the like Rate, to be computed from the Expiration of the said Eighteen Months, in case the same shall not be then paid ; and shall pay the said several Sums, when and as the same shall respectively become due and payable as aforesaid, to the Treasurer for the Time being of the *Ouze Bank* Commissioners herein-after appointed ; and the several Receipts of such last-mentioned Treasurer shall be good and effectual Discharges to the said Commissioners of Drainage for the said several Sums and every or any Part thereof ; and the said Commissioners of Drainage shall not afterwards be bound to see to the Application, nor shall their Funds be afterwards liable to make good any Misapplication, of the several Sums of Money which in such Receipts shall be respectively expressed or acknowledged to be received.

XL. And for the Purpose of regulating the Expenditure of the Sum of Sixty thousand four hundred Pounds so to be paid as aforesaid, be it further enacted, That Sir *William John Henry Browne Folkes* Baronet, Sir *Thomas Hare* Baronet, the Mayor for the Time being of the Borough of *King's Lynn*, *Charles Berners Plestow*, *Robert Peel*, *Edward Helsham Browne*, *John Thurlow Dering*, *Edward Roger Pratt*, *William Orton*, *John King Hall*, *Francis Patrick*, *Jarman Patrick*, *John Whisler*, *Richard Whisler*, *Thomas Whisler*, *John Henry Spelman Cary* Clerk, and *James Royle* Clerk, and also some one Person to be from Time to Time appointed by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation by an Order made at any of their Boards, or in default of such Appointment, and when and so long as there shall be none such in force, then the Registrar for the Time being of the said *Bedford Level* Corporation, and also some one Person to be from Time to Time appointed by the said *Eau Brink* Commissioners of Drainage by an Order made at any of their Meetings, or in default of such Appointment, and when and so long as there shall be none such in force, then the Clerk for the Time being of the said Commissioners of Drainage, and also every Owner for the Time being of Fifty Acres or more of Land lying in the several Parishes and Places of *Wiggenhall*

Appointment  
of *Ouze*  
Bank Com-  
missioners.

hall Saint Mary, Wiggenhall Saint Germans, Wiggenhall Saint Peter, Wiggenhall Saint Mary Magdalen, Watlington, South Runcton otherwise Runcton-Holme, Thorpland, Stow-Bardolph, Wimbotsham, Downham Market, and Denver, or any One or more of them, and draining into the River Ouze between Denver Sluice and the upper End of the said Eau Brink Cut, which under the several Eau Brink Acts of Parliament are now liable to be assessed and charged to the several Eau Brink Taxes at the Rate of One Shilling per Acre per Annum, and every Owner for the Time being of One hundred Acres or more of Land lying in the several Parishes and Places last mentioned, or any One or more of them, and draining into the said River Ouze between the said Denver Sluice and the upper End of the said Cut, which under the said last-mentioned Acts are now liable to be assessed and charged to the said Eau Brink Taxes at the Rate of Two Shillings per Acre per Annum, or partly at the Rate of Two Shillings per Acre per Annum and partly at the Rate of One Shilling per Acre per Annum, and the present and future Owners and Bridge-reeves for the Time being of the said Four Bridges called Downham Bridge, Stow Bridge, Magdalen Bridge, and Saint German's Bridge, shall be and they are hereby appointed Commissioners to carry this Act into execution so far as relates to the Repair and Management of the said Ouze Banks and Bridges; and such Commissioners shall for ever hereafter be designated "The Ouze Bank Commissioners".

Appointment  
of Deputy  
Ouze Bank  
Commission-  
ers.

XLI. Provided always, and be it further enacted, That it shall be lawful for every Owner for the Time being of One hundred Acres or more of Land lying in the several Parishes and Places of Wiggenhall Saint Mary, Wiggenhall Saint Germans, Wiggenhall Saint Peter, Wiggenhall Saint Mary Magdalen, Watlington, South Runcton otherwise Runcton-Holme, Thorpland, Stow-Bardolph, Wimbotsham, Downham Market, and Denver, or any One or more of them, and draining into the River Ouze between Denver Sluice and the upper End of the said Eau Brink Cut, which under the several Eau Brink Acts of Parliament are now liable to be assessed and charged to the several Eau Brink Taxes at the Rate of One Shilling per Acre per Annum, and every Owner for the Time being of Two hundred Acres or more of Land lying in the several Parishes or Places last mentioned, or any One or more of them, and draining into the said River Ouze between the said Denver Sluice and the upper End of the said Cut, which under the said last-mentioned Acts are now liable to be assessed and charged to the said Eau Brink Taxes at the Rate of Two Shillings per Acre per Annum, or partly at the Rate of Two Shillings per Acre per Annum and partly at the Rate of One Shilling per Acre per Annum, by Writing under his or her Hand, from Time to Time and for such Time as he or she shall think fit to appoint an Agent or Deputy to act in his or her Absence as an Ouze Bank Commissioner; and such Agent or Deputy shall and may act as an Ouze Bank Commissioner, for One Person only, in such and the same Manner and as fully to all Intents and Purposes as such Commissioner might act and do if he were personally present.

Ouze Bank  
Commission-  
ers may hold

XLII. And be it further enacted, That the said Ouze Bank Commissioners and their Successors shall hold General or Special Meetings at



at least once in every Year, and oftener as Occasion shall require; and Five Commissioners shall constitute a Meeting, and shall be capable of transacting any Business at a General Meeting, and any Business of which previous Notice shall have been given at a Special Meeting; and the several Proceedings of the said last-mentioned Commissioners at such Meetings shall be binding and conclusive upon all Parties concerned; and Notice of every Meeting (Meetings by Adjournment excepted) shall be given by some Writing signed by the Clerk or Five of the said Commissioners, and published in some Newspaper circulated in the said County of *Norfolk*, Seven Days at least previously to the Day appointed for the Meeting; and the Chairman shall at every Meeting, in case of an Equality of Votes, have the casting Vote.

General or  
Special Meet-  
ings.

XLIII. And be it further enacted, That the said *Ouze Bank* Commissioners shall have Power and Authority at their first or at some subsequent General Meeting, by Writing or Writings under their Hands, or the Hands of the major Part in Number of them then present, to appoint One or more Treasurer or Treasurers, Surveyor or Surveyors, Engineer or Engineers, Collector or Collectors, Superintendent or Superintendants, and such other Officers as to them the said *Ouze Bank* Commissioners shall seem proper and necessary in or for the Execution of this Act, and from Time to Time to remove any such Officer, and appoint another competent Person in his Place, taking such Security from every or any Officer for the due Execution of his respective Office, and granting to each of them respectively such Salary or Compensation, as to the said *Ouze Bank* Commissioners shall seem proper; and a Book or Books shall be kept, wherein shall be entered the Proceedings of the said *Ouze Bank* Commissioners at their several Meetings to be held in the Execution of this Act; and all such Proceedings shall at all reasonable Times be open to the Inspection of all Parties interested therein.

Power for  
*Ouze Bank*  
Commission-  
ers to appoint  
Officers.

XLIV. And be it further enacted, That the said *Ouze Bank* Commissioners shall and they are hereby authorized and required from Time to Time to make, do, construct, and execute all such Works, Acts, Matter, and Things as shall from Time to Time be deemed necessary, proper, or expedient for putting the Banks and Bridges of the said River *Ouze* between *Denver Sluice* aforesaid and the upper End of the said *Eau Brink Cut* in a permanent State of Stability and Security, and for constructing the Forelands and Slopes of the said Banks, as far as practicable, upon one uniform System, and shall be at liberty to dig, take, or otherwise make use of any Land immediately behind the said Banks, not exceeding the Distance of One hundred Yards therefrom, and to set back the said Banks where the Force of the Current or other Circumstances may require the same, and to diminish the Width of the Waterway in any Place where, in the Opinion of the Engineer or Engineers employed by the said *Ouze Bank* Commissioners, such Diminution shall be found absolutely necessary with a view to the Safety of the general Line of the said Banks; and the said *Ouze Bank* Commissioners shall and may enter into, make, and execute all necessary Contracts and Engagements in that Behalf; provided that no Diminution of the Waterway of the

Works to be  
executed by  
the *Ouze*  
*Bank* Com-  
missioners.

said River *Ouze* shall be made so as to reduce such Waterway, either in Width or in Depth, in any Part of the said River, without the Consent as well of the said Commissioners of Drainage, to be testified by some Order of the said last-mentioned Commissioners for that Purpose to be made at one of their Meetings, as also of the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, to be testified by some Order to be made at one of their Boards; and the Waterways of the said several Bridges shall be extended on each Side of the said River to such a Width as shall be correspondent with the Width of the said River, and the general Line of the Banks thereof, above and below the said Bridges respectively; and provided that the said *Ouze Bank* Commissioners shall, out of their general Funds, make Compensation for any Buildings, Lands, or Tenements which they may deem it necessary to remove or make use of in the Exercise of the Powers hereby vested in them, or which may be injured or damaged by the Execution of any of their Works or in relation thereto; nevertheless nothing in this Act contained shall render it obligatory upon the said *Ouze Bank* Commissioners to make Compensation for any Earth taken for the Repair or Construction of the said Banks from Land immediately behind the said Banks, where Earth has been heretofore dug or taken, without Compensation, for the like Purpose.

*Ouze Bank* Commissioners not to be responsible for Injury by their Works.

XLV. And be it further enacted, That the said *Ouze Bank* Commissioners or their Successors shall not in any Case be answerable or responsible for any Damage or Injury which may arise or be occasioned by any of the Works to be executed by them under the Authority of this Act, and under the Advice of their Engineer or Engineers for the Time being in pursuance of the Powers and Provisions contained in this Act, they the said last-mentioned Commissioners nevertheless making such Compensation as is herein provided.

Haling Monies to be paid to the *Ouze Bank* Commissioners.

30 G. 3. c. 83.

XLVI. And be it further enacted, That from and after the First Day of *November* next the several Sums of Money which under and by virtue of an Act of Parliament passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for empowering Persons navigating Boats, Barges, and other Vessels in the River Ouze in the County of Norfolk, to hale or tow with Horses or other Beasts on the Banks or other Sea Walls of the said River, and for making Satisfaction to the Owners of the said Banks or Sea Walls*, are now payable to the Person or Persons, and the Body or Bodies Politic, Corporate, or Collegiate heretofore liable to repair the said Banks of the said River *Ouze* between *Denver Sluice* and the upper End of the said *Eau Brink Cut*, shall from and after the passing of this Act be paid by the Commissioners acting under the last-mentioned Act to the Treasurer for the Time being of the said *Ouze Bank* Commissioners; and the Receipts of such Treasurer for the Time being shall be good and effectual Discharges to the Person or Persons liable to pay the same under the said last-mentioned Act for the Sum and Sums of Money therein acknowledged to be received.

*Ouze Bank* Commissioners to satisfy

XLVII. And be it further enacted, That the said *Ouze Bank* Commissioners shall, within One Year next after the passing of this Act, or

as soon thereafter as Circumstances will permit, pay and apply any Part of the said Sum of Ten thousand four hundred Pounds so directed to be paid to them by the said Commissioners of Drainage as aforesaid, which shall remain after deducting the Costs and Charges hereinafter provided for, in satisfying either wholly or in part, at the Discretion of them the said *Ouze Bank* Commissioners, any Claims or Demands which shall be made upon them for any extraordinary Expenditure which shall have been incurred by any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, within the Space of Three Years next before the passing of this Act, in repairing any Damage or Injury to the said Banks of the said River *Ouze* between *Denver Sluice* and the upper End of the *Eau Brink Cut* aforesaid, or any Part or Parts thereof, except the Person and Persons who have already received Compensation from the said Commissioners of Drainage in that Behalf, so that such Damage or Injury shall be satisfactorily made to appear to the said *Ouze Bank* Commissioners to have been of that Description which shall entitle the Party claiming Compensation to the Relief in question, either from the peculiar Situation of the Banks themselves, or the inadequate Quantity of Land liable to the Repair thereof, or from other special Circumstances which the said *Ouze Bank* Commissioners shall in their sole Discretion consider just and reasonable.

Claims of  
Bank Owners  
for recent  
Repairs of  
Banks.

XLVIII. And be it further enacted, That the said *Ouze Bank* Commissioners shall, out of the first Monies which shall come to their Hands by virtue of this Act, pay and discharge all the Costs, Charges, and Expences whatsoever which have been incurred in the Establishment of the Claims upon the said Commissioners of Drainage in respect of the said Banks and Bridges, and of the Reference to the said Engineers and Umpire, as far as the said Banks and Bridges are concerned, and all Costs, Charges, and Expences attending the obtaining of the Payment and Provision made to them the said last-mentioned Commissioners by this Act; and after Payment of such Costs, Charges, and Expences as aforesaid, the said *Ouze Bank* Commissioners shall pay and apply the said Sum of Four thousand Pounds, so directed to be paid to their Treasurer by the said Commissioners of Drainage as aforesaid, in and for the Execution of the several Works by this Act authorized to be executed by them the said last-mentioned Commissioners in relation to the said several Bridges called *Downham Bridge*, *Stow Bridge*, *Magdalen Bridge*, and *Saint German's Bridge* respectively, in such Proportions and Manner as shall be directed by the said *Peter Ewart*; and shall pay and apply so much of the said Sum of Ten thousand four hundred Pounds so directed to be paid to their Treasurer by the said Commissioners of Drainage as aforesaid as shall remain, if any Part thereof shall remain, after paying such Costs, Charges, and Expences, and satisfying such several Claims and Demands in respect of the said Banks of the said River *Ouze* as aforesaid, and also the said Two several Sum of Twenty thousand Pounds and Twenty-six thousand Pounds so directed to be paid to their Treasurer by the said Commissioners of Drainage as aforesaid, and also the several Sums of Money so directed to be paid to their Treasurer by the said Commissioners acting under the said Act of the Thirtieth Year of the Reign of the said late King *George* the Third

Further Ap-  
plication of  
Funds by the  
*Ouze Bank*  
Commission-  
ers.

as

as aforesaid, in and for the Execution of the several Works by this Act authorized to be executed by them the said last-mentioned Commissioners in relation to the said Banks of the said River *Ouze*, and also in repaying any Principal Monies which shall have been borrowed by the said last-mentioned Commissioners under the Authority of this Act, and in paying the Interest of the said Principal Monies, and in paying, satisfying, and discharging all other Costs, Charges, and Expences of carrying into execution the several Powers, Trusts, and Authorities by this Act vested in the said *Ouze Bank* Commissioners.

Ouze Bank  
Commissioners  
to repair  
Haling Paths.

XLIX. Provided always, and be it further enacted, That the said *Ouze Bank* Commissioners shall at all Times hereafter, with and out of the Monies to be paid to them or their Treasurer from Time to Time by the said Commissioners acting under the said Act of the Thirtieth Year of the Reign of the said late King *George* the Third, maintain and keep in repair the Haling or Towing Paths of the Banks of the said River *Ouze*, on both Sides thereof, between *Denver Sluice* and the South End of the said *Eau Brink Cut*, and the Stiles and Rails across the said Paths, in such Manner as the Land and Bank Owners now chargeable with the Maintenance of the said Banks are liable to support and maintain the said Paths, Stiles, and Rails under the Powers and Provisions of the said last-mentioned Act; and the Funds of the said *Ouze Bank* Commissioners shall be liable to the Payment of the like Penalties and Forfeitures in case the said Commissioners shall omit or neglect to maintain and support the said Paths, Stiles, and Rails, or any of them, as the said Land and Bank Owners are now subject to under the Provisions of the said last-mentioned Act, and the same may be levied and recovered, by the same Ways and Means as are provided in the said last-mentioned Act, against and from the Treasurer of the said *Ouze Bank* Commissioners, so long as he shall have Funds in his Hands to answer the same, in the same Manner as if he had been personally liable as a Land or Bank Owner to the Maintenance of the said Paths, Stiles, or Rails, or otherwise against any of the other Funds of the said *Ouze Bank* Commissioners; and for facilitating the Navigation of the said River *Ouze* it shall be lawful for the said Commissioners of Navigation, with and out of the One Fourth Part of the Tolls placed at their Disposal by the said recited Acts or any of them, to make Towing Paths or Haling Ways under such of the Eyes of the said several Bridges as shall be convenient and proper for that Purpose, and the same when made and completed shall at all Times thereafter be supported and kept in repair by the said *Ouze Bank* Commissioners, by and out of the Haling Tolls, so to be paid to them or their Treasurer as aforesaid by the said Commissioners acting under the said Act of the Thirtieth Year of the Reign of the said late King *George* the Third: Provided nevertheless, that nothing herein contained shall authorize the said Commissioners of Navigation to make such last-mentioned Towing Paths or Haling Ways so as to injure the Foundations of the said respective Bridges or any of them.

Claims upon  
the *Ouze*  
Bank Com-

L. And be it further enacted, That in case any Land shall be required to be taken by the said *Ouze Bank* Commissioners for the Purposes of this Act, or in case any Claim for Compensation shall arise

arise and be made upon the said *Ouze Bank* Commissioners in relation to any of the Matters by this Act entrusted to their Management as aforesaid, and the same Commissioners and the other Parties interested cannot agree touching the Amount of the Purchase Money or Compensation respectively, it shall be lawful for the said *Ouze Bank* Commissioners and the said other Parties respectively to proceed to a Trial by Jury for ascertaining the Amount of such Purchase Money or Compensation, in the Manner directed by the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third for ascertaining the Value of Land required to be taken for the Purposes of that Act; and in default of Payment of the Sum or Sums of Money which shall be awarded by such Jury, the same Money, with the Costs of the Inquiry, shall be recoverable in like Manner as Damages assessed by a Jury under the same last-mentioned Act are now recoverable.

missioners,  
if not agreed  
upon, to be  
determined  
by a Jury.

LI. And be it further enacted, That it shall be lawful for the said *Ouze Bank* Commissioners and they are hereby empowered, at any of their General or Special Meetings, to borrow, provide, and raise, or to order or direct to be borrowed, provided, and raised, for any of the Purposes of this Act in relation to the Objects entrusted to the said *Ouze Bank* Commissioners, either from the Commissioners for the Issue of Exchequer Bills on Loan, or from any other Body or Bodies or Person or Persons whomsoever, any Principal Sum or Sums of Money upon any Mortgage or Mortgages of all or any Part of the Monies and Funds hereby placed at the Disposal of the said *Ouze Bank* Commissioners, or any of them, or any Part thereof respectively, as the said *Ouze Bank* Commissioners shall from Time to Time think proper in this Behalf, so that the Principal Sum or several Principal Sums of Money which shall be due and owing at any One Time upon any Mortgage or Mortgages of the said Monies and Funds last mentioned do not exceed in the whole the Sum of Thirty thousand Pounds, and for any Five or more of the said *Ouze Bank* Commissioners, pursuant to any such Order or Direction as aforesaid, to mortgage or assign, by any Writing under their Hands and Seals, the same Monies and Funds last aforesaid, or any of them, or any Part thereof, to any Body or Bodies or Person or Persons who shall lend and advance any such Principal Sum or Sums of Money as last aforesaid, as a Security by way of Mortgage for the Repayment of the same Principal Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and every such Mortgage Security may be in the Form or to the Effect following, with such other Provisions, Stipulations, Terms, and Conditions to be inserted therein as the said *Ouze Bank* Commissioners and the Body or Bodies or Person or Persons who shall advance and lend such Sum or Sums of Money shall mutually agree upon, or as the Case may require; that is to say,

Power for  
*Ouze Bank*  
Commission-  
ers to borrow  
Money.

‘ WE whose Names are hereunto subscribed and Seals affixed,  
‘ being \_\_\_\_\_ of the *Ouze Bank* Commissioners, acting  
‘ in execution of an Act of Parliament passed in the First and  
‘ Second Years of the Reign of King *William* the Fourth, intituled  
‘ [here set forth the Title of this Act], do, by virtue of the Power and  
‘ [Local.] 18 Y Authority

Form of  
Security  
by Com-  
missioners.

Authority given to us by the said Act, and in consideration of the  
 Sum of \_\_\_\_\_ at or before the Execution of  
 these Presents, paid by \_\_\_\_\_ to the Treasurer of the  
 said *Ouze Bank* Commissioners, as appears by his Receipt for the  
 same hereupon indorsed, bargain, sell, and assign unto the said  
 \_\_\_\_\_ their Successors and Assigns, [or his, her, or  
 their Executors, Administrators, and Assigns, *as the Case may be,*]  
 all and singular the Sums and Sum of Money and other the Funds  
 by the said Act vested in or placed at the Disposal of the said  
*Ouze Bank* Commissioners, to have and to hold the said Sums and  
 Sum of Money and other the Funds intended to be hereby assigned  
 as aforesaid unto the said \_\_\_\_\_ their Successors  
 and Assigns, [or his, her, or their Executors, Administrators, and  
 Assigns, *as the Case may be,*] henceforth, until the said Sum of  
 \_\_\_\_\_ together with Interest for the same after  
 the Rate of \_\_\_\_\_ *per Centum per Annum*, to be computed from  
 the Day of the Date hereof, shall be fully repaid and satisfied to  
 them, [or to him, her, or them, *as the Case may be,*] such Interest  
 to be paid by half-yearly Payments on the \_\_\_\_\_ Day of  
 \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year in the meantime,  
 until the said Sum of \_\_\_\_\_ shall be fully  
 repaid and satisfied as aforesaid. Given under our Hands and  
 Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One  
 thousand eight hundred and \_\_\_\_\_ .

The Provi-  
 sions of this  
 Act to be in  
 full Satisfac-  
 tion for all  
 Claims in re-  
 spect of the  
*Ouze Banks*  
 and Bridges.

LII. And be it further enacted, That the several Sums of Money  
 so to be raised by the said Commissioners of Drainage, and paid by  
 them to the Treasurer of the said *Ouze Bank* Commissioners, and the  
 other Provisions by this Act made in respect of the several Banks  
 and Bridges of the said River *Ouze* as aforesaid, shall be deemed and  
 taken to be in full Satisfaction and Discharge of all Claims and  
 Demands whatsoever which have already been made, set up, or  
 established, or which at any Time hereafter can or could be made,  
 set up, or established, whether by virtue or under colour of any Law  
 or Statute whatsoever, or otherwise howsoever, against the said Com-  
 missioners of Drainage, or any of their Funds, for any Damage or  
 Injury already done or occasioned or hereafter to be done or  
 occasioned by the making or opening or the Operation of the said  
*Eau Brink Cut*, or by any other of the Works of the said Commis-  
 sioners of Drainage, to the several Banks of the said River *Ouze*  
 above the Dam made or intended to be made across the old Channel  
 of the said River at the lower End thereof, or any of them, or any of  
 the Forelands thereof, or to any Messuages, Buildings, Lands,  
 Tenements, or Hereditaments standing, lying, or being thereon, or  
 adjoining or near thereto, or to any of the said Bridges now erected  
 or being across the said River *Ouze*, or hereafter to be erected across  
 the same, or for the Repairs or Maintenance of the same Banks,  
 Forelands, Messuages, Buildings, Lands, Tenements, Hereditaments,  
 and Bridges, or any of them, or any Part thereof, and in full  
 Exoneration of the said Commissioners of Drainage, and their Funds,  
 Lands, Tenements, and Hereditaments, for and from all Claims and  
 Liabilities whatsoever already established or set up, or hereafter to be  
 set up, whether by virtue or under colour of any Law or Statute  
 \_\_\_\_\_ whatsoever,

whatsoever, or otherwise howsoever, against them the said Commissioners of Drainage, or any of their Funds, Lands, Tenements, or Hereditaments, by any of the Owners or Trustees of or Persons liable to the Repair or Maintenance of the said Banks, Forelands, Messuages, Buildings, Lands, Tenements, Hereditaments, and Bridges, or any of them, or by the Commissioners or Trustees of any of the adjoining Districts, or by any of the Owners or Occupiers of Lands, Tenements, or Hereditaments interested in the Maintenance and Repair thereof, or by the Commissioners acting under the Authority of the said Act of the Thirtieth Year of the Reign of the said late King *George* the Third, or any Person or Persons whomsoever entitled to any Benefit from or interested in any of the Provisions of the said last-mentioned Act or any other Act whatsoever.

LIII. And whereas by the said recited Act passed in the Thirty-fifth Year of the Reign of His said late Majesty King *George* the Third it is enacted that the said Commissioners of Drainage should have full Power and Authority, and they were thereby authorized and required, to make, do, and execute, or cause to be made, done, and executed, all such Works, Matters, and Things as the said Sir *Thomas Hyde Page* and *Robert Mylne* should agree upon and direct for the better Security and more effectual Preservation of the Town and Harbour of *King's Lynn* aforesaid, and the Navigation from thence to the open Sea, from all possible Damage or Injury in consequence of the making of the said intended new River or Cut: And whereas by the said recited Act passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third it is enacted that when the said new River or Cut should be ready to be opened, and before the Waters of the said River *Ouze* should be turned into the same, and before the Bank across the said River *Ouze* at the upper End of the said Cut should be made, the Engineers under the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third, and, if they did not agree, the Umpire thereby to be appointed, should make an Estimate of the Costs and Charges in their or his Judgment required for the Preservation of the said Town and Harbour, of the said Shore and Bank on the West Side of the said River, and of the said Navigation; and the said Commissioners of Drainage were thereby required, before they opened the said new River or Cut, to invest the Amount of such Estimate in the Three *per Centum* Consolidated Bank Annuities, or in Exchequer Bills, in the Names therein mentioned; and when the said new River or Cut should be opened, and the Works so required to be done for the Preservation as aforesaid of the said Town and Harbour, and Shore and Bank on the West Side of the said River *Ouze*, and of the said Navigation, came in their Course to be done and executed, the said Sum so invested should, upon Notice in Writing for that Purpose under the Hands of any Five of the said Commissioners of Drainage, be sold out, and the Produce of such Consolidated Annuities or Exchequer Bills so sold be paid to the Treasurer of the said Commissioners of Drainage, to be applied to the said Works for completing which the Money was by that Act directed to be so invested as aforesaid; and if the whole should not be  
wanted,

Repeal of  
certain Acts  
relating to  
the Town  
and Harbour  
of *Lynn*.

wanted, the Surplus should fall into and become Part of the general Funds of the said Commissioners of Drainage; and if the Sum so deposited and set apart should not prove sufficient, the said Commissioners of Drainage, out of their general Funds, should raise and supply so much as might be necessary to complete the said Work as aforesaid: And whereas by the said Act passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third it is, after reciting as therein recited, further enacted and declared that the Powers and Remedies in and by the said Act passed in the Thirty-fifth Year of the Reign of His said late Majesty given and contained for making Satisfaction and Compensation as stated in the aforesaid Recitals should extend to all Damage and Injury in anywise occasioned by the altered Course of the said River: And whereas by the said Act passed in the Fifty-ninth Year of the Reign of the late King *George* the Third it is enacted that if at any Time before or after the Period of Five Years therein mentioned any larger Sum than the Trust Fund of Five thousand Pounds directed to be invested by the said last-mentioned Act for the Benefit of the Town and Harbour of *Lynn*, with the Dividends accumulated thereon, should, in the Opinion of the said Engineers or Umpire, be necessary for the Purpose of erecting, doing, and maintaining any further Works, Matters, and Things for the better Security and more effectual Preservation of the said Town and Harbour, and of a certain Part of the Shore and Bank on the West Side of the said Harbour, where the new made Bank of the Right Honorable Lord *William Cavendish Bentinck* commences, and also the said Navigation from thence to the open Sea, from any possible Damage or Injury in consequence of the making of the said new River or Cut, or of repairing those Works which should have been then already erected for the same Purposes, as therein-before is mentioned, but subject nevertheless to the Proviso therein-after contained, then and in that Case, and so often as the same should happen, the said Commissioners of Drainage were thereby directed and required, with or out of their general Funds received or payable or to be received or become payable under the said recited Acts or that Act, or any of them respectively, from Time to Time to pay and apply such further Sum and Sums of Money as should from Time to Time be wanted for the Purposes lastly therein-before mentioned or referred to; and the said Commissioners of Drainage were thereby directed to apply the same Sum and Sums of Money accordingly as Occasion should require, under the Direction of such Engineers or Umpire as aforesaid: And whereas by the said last-mentioned Act it is further enacted that in order to guard against the possible Event of there being a Want or Failure of Funds of the said Commissioners of Drainage, applicable to the aforesaid Purposes of erecting, doing, and maintaining such Works, Matters, and Things for the better Security and more effectual Preservation of the said Town and Harbour, and the Navigation from thence to the open Sea, from all possible Damage or Injury occasioned by the opening of the said new River or Cut as therein-before is mentioned, the said Commissioners of Drainage should from Time to Time, and as often as there should be any Want or Failure of the Funds of them the said Commissioners of Drainage applicable to the said last-mentioned Purposes, by, with, or out



out of the Monies to arise or be received for Tolls under the Authority of the said Act and the Acts therein recited, or any of them respectively, or a competent Part thereof, pay and apply such Sum and Sums of Money as should from Time to Time be wanted to supply such Deficiency, and to defray the Costs, Charges, and Expences of erecting, making, and maintaining such Works, Matters, and Things for the better Security and for the more effectual Preservation of the said Town, Harbour, and Navigation as aforesaid; and that no Part of the said Tolls so appropriated should be applied for any other Purposes than those last mentioned until the Sum and Sums of Money which should be wanted to supply such Deficiency as last aforesaid should be actually levied and raised and paid or applied accordingly: And whereas the several Sums of Money directed by the said recited Acts to be appropriated for the Security of the said Town and Harbour of *Lynn*, and the Protection of the Shore and Bank on the West Side of the said Harbour, have been raised and wholly expended according to the Directions of the said recited Acts in constructing Jetties and other Works for the Preservation of the said Town and Harbour; and several other Sums of Money, amounting in the whole to the Sum of Five thousand seven hundred Pounds, have been lately awarded against the said Commissioners of Drainage to certain Owners and Occupiers of Estates adjoining to the said Harbour of *Lynn*, as a Compensation for Damages sustained by them in consequence of the altered Course of the said River *Ouze*, and several Claims of Compensation for like Damages have been made by other Owners and Occupiers of Estates adjoining to the said Harbour, to a large Amount: And whereas in order to avoid the Litigation of the said Claims, and to put an End to the same, and to all other Claims upon the Funds of the said Commissioners of Drainage or Navigation, in respect of the said Town and Harbour of *Lynn*, and the Shore and Bank on the West Side thereof, the said Commissioners of Drainage have agreed to make, and the several Parties interested in the said Town and Harbour and Shore and Bank have agreed to accept, the Provision by this Act made, in full and final Compensation for all such Damages as aforesaid, and for all Injuries that may hereafter be occasioned to the said Town and Harbour and Shore and Bank by the Operation of the said *Eau Brink Cut*, or by any of the Acts or Works of the said Commissioners of Drainage, and for all increased Expence that may be hereafter incurred in preserving and keeping open the said Harbour by reason of the altered Course of the Channel through the same; and for giving Effect to the said Arrangements it has been mutually agreed that the said recited Provisions of the said last-mentioned Acts shall be repealed; be it therefore further enacted, That the said several recited Provisions of the said Acts of the Thirty-fifth, Fifty-eighth, and Fifty-ninth Years of the Reign of the said late King *George* the Third, for the Protection of the said Town and Harbour of *Lynn*, and the Shore and Bank on the West Side of the said Harbour, and the Navigation thereof to the open Sea, shall be and the same are hereby repealed, except so far as relates to the Recovery and Payment of the Damages and Costs already awarded against the said Commissioners of Drainage now remaining unpaid.

Drainage  
Commission-  
ers to pay  
5,500*l.* to  
Lynn Claim-  
ants.

LIV. And be it further enacted, That the said Commissioners of Drainage shall, at the Expiration of Six Calendar Months next after the passing of this Act, levy and raise, out of the Monies to be paid to or received or borrowed by them under the Powers of the said recited Acts or this Act, the Sum of Five thousand five hundred Pounds Sterling, and shall pay the same Sum to the several Claimants named in the First Schedule annexed to this Act, or to their respective Executors, Administrators, or Assigns, in the several Proportions therein specified, together with Interest for the same, from the Expiration of the said Six Calendar Months, after the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, in case the same shall not be then paid; and such Sum of Five thousand five hundred Pounds, and the several Proportions thereof, shall be received and accepted by the said several Claimants in full Satisfaction of the several and respective Claims by or on the Part of the said Claimants respectively, and their respective Heirs, Executors, Administrators, and Assigns, and all other Parties interested in the Properties to which the said Claims respectively relate, upon or against the said Commissioners of Drainage and Navigation respectively, and their respective Funds, for or in respect of any Damage or Injury already occasioned or sustained or hereafter to be occasioned or sustained to or by the said Properties, or any of them or any Part thereof respectively, or to or by any of the Owners or Occupiers thereof, or their respective Heirs, Executors, Administrators, or Assigns, by reason of the altered Course of the said River *Ouze*, or the making or opening of the said *Eau Brink Cut*, or the Operation thereof, or any of the Acts or Works of the said Commissioners of Drainage already made and executed or hereafter to be made and executed under the Authority of the said recited Acts and this Act, or any of them; and the Receipts of the said several Claimants, or of their respective Executors, Administrators, or Assigns, or of some Person or Persons authorized by them respectively, shall at all Times be good and effectual Discharges to the said Commissioners of Drainage for the said Sum of Five thousand five hundred Pounds or the several Proportions thereof, and for the Interest of the same, for which such Receipts shall be respectively given.

Drainage  
Commission-  
ers to pay  
1,000*l.* to  
Lord William  
Cavendish  
Bentinck.

LV. And be it further enacted, That the said Commissioners of Drainage shall, at the Expiration of Nine Calendar Months next after the passing of this Act, levy and raise in manner aforesaid the Sum of One thousand Pounds Sterling, and shall pay the same to the said Lord *William Cavendish Bentinck*, his Heirs or Assigns, Owners of the said new made Bank on the West Side of the said Harbour of *Lynn*, together with Interest for the same, from the Expiration of the said Nine Calendar Months, after the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, in case the same shall not be then paid, the said last-mentioned Sum to be applied in constructing Jetties or other Works which the Engineer or Engineers to be employed by the Select Trustees herein-after appointed shall from Time to Time think necessary for the Protection of the said Bank; and such Sum shall be accepted by the said Lord *William Cavendish Bentinck*, his Heirs or Assigns, in full Satisfaction of all Claims and Demands whatsoever by or on the Part of the said Lord *William Cavendish Bentinck*, his Heirs, Executors, Administrators, and Assigns, against the said

Commissioners of Drainage and Navigation respectively, and their respective Funds, for or in respect of any Damage or Injury sustained or occasioned or to be sustained or occasioned by reason or on account of the altered Course of the said River *Ouze*, or the making or opening of the said *Eau Brink Cut*, or the Operation thereof, or in anywise relating thereto, and in bar and discharge of all Actions, Suits, or other Proceedings at Law or in Equity which the said Lord *William Cavendish Bentinck*, his Heirs or Assigns, or any Person or Persons claiming or to claim under him or them or otherwise, as the Owner or Owners of the said new made Bank, might otherwise have been enabled to bring or institute against the said Commissioners of Drainage or Navigation to recover Compensation or Satisfaction for any Damage or Injury whatsoever in anywise occasioned or to be occasioned by the altered Course of the said River *Ouze*, or the making, opening, or Operation of the said *Eau Brink Cut*, or any of the Acts or Works of the said Commissioners of Drainage authorized by the said recited Acts and this Act, or any of them; and the Receipt of the said Lord *William Cavendish Bentinck*, his Heirs or Assigns, or his or their lawful Attorney or Attornies, shall be a good and effectually Discharge to the said Commissioners of Drainage for the said Sum of One thousand Pounds and every Part thereof, and for the Interest of the same.

LVI. And be it further enacted, That the said Commissioners of Drainage shall levy and raise in manner aforesaid the Sum of Twenty-four thousand five hundred Pounds Sterling at the several Times next herein-after mentioned, (that is to say,) Twelve thousand two hundred and fifty Pounds, Part thereof, at the Expiration of Nine Calendar Months next after the passing of this Act, and Twelve thousand two hundred and fifty Pounds, Residue thereof, at the Expiration of Eighteen Calendar Months next after the passing of this Act, and shall pay the same into the Hands of the Treasurer for the Time being of the Select Trustees herein-after appointed at the Expiration of the respective Times last aforesaid, together with Interest for the same at the Rate of Four Pounds and Ten Shillings *per Centum per Annum* from the Expiration of the said respective Times, in case the said Sums shall not be then respectively paid; and the Receipt of such Treasurer for the Time being shall be a good and effectual Discharge to the said Commissioners of Drainage for the said Two several Sums of Twelve thousand two hundred and fifty Pounds and Twelve thousand two hundred and fifty Pounds, and every or any Part thereof, and for the Interest of the same; and the said Commissioners of Drainage or their Funds shall not afterwards be liable to see to the Application of the said Sum of Twenty-four thousand five hundred Pounds or any Part thereof, or be answerable for any Misapplication or Nonapplication thereof; and the said Treasurer shall, on the Receipt by him of the said first-mentioned Sum of Twelve thousand two hundred and fifty Pounds, divide and pay the same between and unto the several Claimants named in the Second Schedule annexed to this Act, in the Proportions therein specified, in full Satisfaction of all Claims and Demands whatsoever by or on the Part of the said several Claimants respectively, and their respective Heirs, Executors, Administrators, and Assigns, or by or on the Part of any other Person

Drainage  
Commission-  
ers to pay  
24,500*l.* to  
Select Trus-  
tees for Lynn.

12,250*l.*  
thereof to be  
divided  
amongst the  
Claimants  
named in the  
Second  
Schedule;

or

and 12,250*l.*  
to be invested  
in Govern-  
ment Secu-  
rities.

or Persons interested in the several Properties to which the said Claims respectively relate, for or by reason or on account of the altered Course of the said *River Ouze*, or the making or Operation of the said *Eau Brink Cut*, or in anywise relating thereto, and in bar and discharge of all Actions, Suits, or other Proceedings at Law or in Equity which the said Claimants or any of them respectively, or their respective Heirs, Executors, or Administrators, or any Person or Persons claiming or to claim under them or any of them respectively, or in respect of the several Properties to which the said Claims respectively relate, might otherwise have been entitled to bring or institute against the said Commissioners of Drainage or Navigation to recover Compensation or Satisfaction for any Damage or Injury whatsoever in anywise occasioned or to be occasioned by the altered Course of the said *River Ouze*, or the making or Operation of the said *Eau Brink Cut*, or by any of the Acts or Works of the said Commissioners of Drainage authorized or directed to be executed under the Authority of the said recited Acts and this Act, or any of them; and the said secondly-mentioned Sum of Twelve thousand two hundred and fifty Pounds, after deducting therefrom the Costs, Charges, and Expences which the said Claimants shall have sustained in relation to the Establishment of the said Claims, shall be invested by the said Treasurer of the said Select Trustees, under their Direction, in the Three Pounds *per Centum* Consolidated Bank Annuities, or some other Government Securities, in the Names of Three Persons to be nominated by the said Select Trustees; and the said Trust Fund shall, on the Application in Writing of the said Select Trustees, signified at any Meeting of their Body to be held as herein-after mentioned, be from Time to Time sold out by the Persons in whose Names the same shall stand invested, in such Portions as shall be specified in such Application, for the Purpose of defraying the Costs, Charges, and Expences of constructing all such Works as shall be deemed necessary to preserve and secure the said Harbour on both Sides thereof from the Bridge and lower Dam across the said *Eau Brink Cut*, and the old Channel of the said *River Ouze*, so far as *Saint Anne's Fort* on the East Side and *Bentinck's Jetty* on the West Side, and in keeping in repair all the said Works, and also the several Jetties already constructed in the said Harbour under the Provisions of the said Acts, if such Jetties shall be deemed necessary to be continued for the Purpose aforesaid.

Appointment  
of Select  
Trustees for  
Expenditure  
of the last  
mentioned  
12,250*l.*

LVII. And for the Purpose of regulating the Expenditure of the said Sum of Twelve thousand two hundred and fifty Pounds so directed to be invested in such Government Securities as aforesaid, after such Deduction of such Costs, Charges, and Expences as aforesaid, be it further enacted, That the Mayor for the Time being of the Borough of *King's Lynn*, and also the Owners for the Time being of the several Estates in the said Town of *King's Lynn* mentioned and enumerated in the said Second Schedule annexed to this Act, shall be and they are hereby appointed Select Trustees for the Management of the Expenditure of the said last-mentioned Sum of Twelve thousand two hundred and fifty Pounds; and the said last-mentioned Sum, after such Deduction as aforesaid, shall be laid out and expended by them the said Select Trustees or their Successors in constructing and keeping in repair the several Works by this Act  
placed

placed under their Direction as aforesaid; nevertheless all such Works to be hereafter constructed for the Purposes aforesaid shall be constructed under the Direction of a competent Civil Engineer to be named and appointed by the said Select Trustees or the Majority of them present at a Meeting to be held in pursuance of the Provisions herein-after contained in that Behalf.

LVIII. And be it further enacted, That the said Commissioners of Drainage shall, on the Thirty-first Day of *August* in the Year One thousand eight hundred and thirty-two, pay to the Treasurer of the said Select Trustees, out of the Navigation Tolls to be collected and received under the Authority of the said recited Acts and this Act, and by the same Acts respectively made payable to the said Commissioners of Drainage, the Sum of Seven hundred and fifty Pounds, and shall yearly on every succeeding Thirty-first Day of *August*, so long as any such Tolls shall be receivable by the said Commissioners of Drainage under the Authority of the said recited Acts and this Act, pay to the Treasurer for the Time being of the said Select Trustees, out of the same last-mentioned Tolls, the Sum of Seven hundred and fifty Pounds; and such yearly Sum of Seven hundred and fifty Pounds shall be applied by the said Select Trustees in the Manner by this Act directed and appointed respecting the Application of the said Sum of Twelve thousand two hundred and fifty Pounds herein-before directed to be applied in the Construction and Repair of Works for the Security and Preservation of the said Town and Harbour of *Lynn*; and the Receipt of the Treasurer for the Time being of the said Select Trustees shall from Time to Time be a good and effectual Discharge to the said Commissioners of Drainage for the said yearly Sum of Seven hundred and fifty Pounds, and every or any Part thereof; and the said Commissioners of Drainage or Navigation, or their or either of their Funds, shall not afterwards from Time to Time be liable to see to the Application of the said yearly Sum of Seven hundred and fifty Pounds, or any Part thereof, or be answerable for any Misapplication or Nonapplication thereof.

Drainage Commissioners to pay 750*l.* yearly, out of the Navigation Tolls, to Select Trustees.

LIX. And be it further enacted, That the said Select Trustees or their Successors shall not in any Case be answerable or responsible for any Damage or Injury which may arise or be occasioned by any of the Works to be executed by them, under the Advice of such Engineer as aforesaid, in pursuance of the Powers and Provisions contained in this Act.

The Trustees not to be answerable for Damage by their Works.

LX. Provided always, and be it further enacted, That it shall not be lawful for the said Select Trustees, or any Engineer or other Officer or Person under their Authority or otherwise, to make or execute any Works within the said Harbour of *Lynn*, or for the Improvement, Protection, Security, or Preservation thereof, whereby the free Passage and Discharge of the Waters from the said *Eau Brink Cut* into and through the said Harbour to Sea shall or can be prevented at any Time or in any Manner howsoever.

The Works of the Trustees not to prevent the Passage of Waters from the Cut.

Meetings of  
the Trustees  
to be held.

LXI. And be it further enacted, That the said Select Trustees shall hold General or Special Meetings as often as Circumstances shall require; and Five Trustees shall constitute a Meeting; and Notice of every Meeting shall be given by a Summons in Writing, from the Mayor or his Deputy, addressed to each of the same Trustees, and left at the usual Place of his Residence within the said Borough of *King's Lynn*, if such Trustee shall have any Place of Residence there, but if he shall have no such Place of Residence, then such Summons shall be left at such Place in the said Borough as shall be agreed upon in that Behalf at any Meeting of the said Select Trustees, all such Summonses to be delivered at least Twenty-four Hours previously to any General or Special Meeting of the said Select Trustees (Meetings by Adjournment only excepted); and the Chairman shall, at every Meeting, not only vote in his own Right, but shall also in case of an Equality have the casting Vote.

Directions as  
to the Votes  
of the Trustees.

LXII. And be it further enacted, That at all Meetings of the said Select Trustees under this Act, in case the Persons present shall not be unanimous, every Trustee shall have One Vote in respect of each entire Sum of Fifty Pounds placed against his Estate in the Second Schedule annexed to this Act; and in those Cases in which any such Estate shall at any Time belong to more than One Person, then any One of such Persons to be appointed by Writing under the Hands of the others of them shall from Time to Time be the acting Trustee for all of them, and shall vote accordingly; and the Mayor for the Time being of the said Borough of *King's Lynn*, or his Deputy, shall vote in respect of the Sum placed against the Name of the said Mayor and Burgesses.

Trustees to  
appoint Officers.

LXIII. And be it further enacted, That the said Select Trustees shall at their first or some subsequent General Meeting appoint, by Writing to be signed by the Chairman or his Deputy or the Clerk, One or more Engineer or Engineers, Superintendant or Superintendants, and such other Officers as to the said Select Trustees shall seem proper, and from Time to Time remove any such Officer or Officers, and appoint other competent Persons in their respective Places, taking such Security from any Officer for the due Execution of his Office, and granting to each of them such Salary or Compensation, as the said Trustees shall think proper; and a proper Book or Books shall be kept, wherein shall be entered the Proceedings of the said Select Trustees at their several Meetings to be held in the Execution of this Act, and all such Proceedings shall, at all seasonable Times, be open to the Inspection of all Parties interested therein.

Power for  
Trustees to  
borrow  
Money.

LXIV. And be it further enacted, That it shall be lawful for the said Select Trustees and they are hereby empowered, at any of their General or Special Meetings, to borrow, provide, and raise, or to order or direct to be borrowed, provided, and raised, for any of the Purposes of this Act, in relation to the Objects entrusted to the said Select Trustees, either from the Commissioners for the Issue of Exchequer Bills, or from any other Body or Bodies, Person or Persons whomsoever,

whomsoever, any Principal Sum or Sums of Money, upon any Mortgage or Mortgages of all or any Part of the annual Sum of Money or other Funds hereby placed at the Disposal of the said Select Trustees, as the said Select Trustees shall from Time to Time think proper in this Behalf, so that the Principal Sum or several Principal Sums of Money which shall be due and owing at any One Time upon any Mortgage or Mortgages of the said annual Sum of Money or other Funds last-mentioned do not exceed in the whole the Sum of Ten thousand Pounds, and for any Five or more of the said Select Trustees, pursuant to any such Order or Direction as aforesaid, to mortgage or assign, by any Writing under their Hands and Seals, the same annual Sum of Money and other Funds as last aforesaid, or any Part thereof, to any Body or Bodies or Person or Persons who shall lend and advance any such Principal Sum or Sums of Money as last aforesaid, as a Security by way of Mortgage for the Repayment of the same Principal Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and every such Mortgage Security may be in the Form or to the Effect following, with such other Provisions, Stipulations, Terms, and Conditions to be inserted therein as the said Select Trustees and the Body or Bodies or Person or Persons who shall advance and lend such Sum or Sums of Money shall mutually agree upon, or as the Case may require; (that is to say,)

‘ WE, whose Names are hereunto subscribed and Seals affixed,  
 ‘ being \_\_\_\_\_ of the Select Trustees acting in  
 ‘ execution of an Act of Parliament passed in the First and Second  
 ‘ Years of the Reign of King *William* the Fourth, intituled [*here set*  
 ‘ *forth the Title of this Act*], do, by virtue of the Power and Authority  
 ‘ given to us by the said Act, and in consideration of the Sum of  
 ‘ \_\_\_\_\_ at or before the Execution of these Presents,  
 ‘ paid by \_\_\_\_\_ to the Treasurer of the said Select  
 ‘ Trustees, as appears by his Receipt for the same hereupon indorsed,  
 ‘ bargain, sell, and assign unto the said \_\_\_\_\_ their  
 ‘ Successors and Assigns, [*or his, her, or their Executors, Adminis-*  
 ‘ *trators, and Assigns, as the Case may be,*] all and singular the annual  
 ‘ Sum of Money and other the Funds placed at the Disposal of the said  
 ‘ Select Trustees, to have and to hold the said annual Sum of Money  
 ‘ and other the Funds aforesaid unto the said  
 ‘ their Successors and Assigns, [*or his, her, or their Executors, Ad-*  
 ‘ *ministrators, and Assigns, as the Case may be,*] henceforth, until the  
 ‘ said Sum of \_\_\_\_\_ together with Interest for  
 ‘ the same after the Rate of \_\_\_\_\_ *per Centum per Annum*,  
 ‘ to be computed from the Day of the Date hereof, shall be fully  
 ‘ repaid and satisfied to them [*or to him, her, or them*]; such Interest  
 ‘ to be paid by half-yearly Payments on the \_\_\_\_\_ Day  
 ‘ of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every  
 ‘ Year in the meantime, until the said Sum of \_\_\_\_\_  
 ‘ shall be fully repaid and satisfied as aforesaid. Given under our  
 ‘ Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
 ‘ of our Lord One thousand eight hundred and \_\_\_\_\_.

Form of  
Assignment  
by Trustees.

LXV. And be it further enacted, That it shall be lawful for the said Select Trustees to invest any Sum or Sums of Money which shall come

Power for  
Trustees to  
invest Monies.

come to their Hands by virtue of this Act in the Purchase of Exchequer Bills or other Government Securities, until the same shall be wanted for the Purposes herein-before expressed, and from Time to Time to sell out the said Trust Money or any Part thereof, and apply the Produce of the same for the Purposes herein-before expressed; and the resulting Income and Produce of the said Trust Fund shall be applied in the Manner by this Act directed concerning the Principal Sum from which the Accumulations shall have proceeded.

Unsettled  
Claims for  
Compensa-  
tion to be de-  
termined by  
a Jury.

LXVI. And whereas certain other Claims of Compensation have been made by *Richard Benstead* (Trustee under the Will of *Johnson Lee* deceased), *John English*, *Richard Matland*, and *Thomas Broadbent*, for Damages alleged to have been sustained by them to their respective Estates and Properties adjoining to the said Harbour of *Lynn*, and the said Commissioners of Drainage and the said last-mentioned Claimants have not agreed as to the Amount of the several Compensations to be paid to the said Claimants respectively, and it will be proper that the same, in case the said Parties shall not agree thereupon, shall be assessed and determined by a Jury in the Manner herein-after mentioned; be it therefore further enacted, That it shall be lawful for the said Commissioners of Drainage and the said Claimants, *Richard Benstead*, *John English*, *Richard Matland*, and *Thomas Broadbent* respectively, or their respective Heirs, Executors, Administrators, or Assigns, to agree for the Amount of Compensation in Money to be paid by the said Commissioners of Drainage to the said Claimants respectively, or to their respective Heirs, Executors, Administrators, or Assigns, for all and singular the Damages (if any) sustained and hereafter to be sustained by the said Claimants respectively, or their respective Heirs, Executors, Administrators, or Assigns, or by any other Person or Persons entitled to or interested in the respective Estates and Properties to which the said last-mentioned Claims respectively relate, by reason of the making or opening of the said *Eau Brink Cut*, or the Operation thereof, or by any of the Acts or Works of the said Commissioners of Drainage under the Authority of the said recited Acts and this Act, or any of them; and such respective Agreements shall be valid, effectual, and binding, as well upon the said Commissioners of Drainage and their Successors, as upon the said several Claimants with whom the same shall be respectively made, and their respective Heirs, Executors, Administrators, and Assigns, and all Persons claiming under them respectively, or under the said *Johnson Lee* deceased, in respect of the said several Estates and Properties; and in case the said Commissioners of Drainage and any of the said Claimants shall not agree touching the Amount of any of such Compensations to be paid as last aforesaid, then the Amount in Money of such several Compensations respecting which they shall not agree shall, upon the Application of the said Commissioners of Drainage or the said Claimants respectively, and on Twenty-one Days previous Notice being given to the other Party, be inquired into, assessed, and determined before Two or more of His Majesty's Justices of the Peace acting in and for the County of *Norfolk*, by a Jury of the said County, in the Manner directed by the said recited Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third for ascertaining and settling any  
Damages



Damages to any Lands, Tenements, or Hereditaments, sustained by or in consequence of any of the Acts of the said Commissioners of Drainage done under the Authority of the said last-mentioned Act; and it shall be lawful for the said Commissioners of Drainage or the said Claimants respectively to require that, upon every or any such Inquiry as last aforesaid, a View shall be taken by the Jury in the usual Way, and also to require that an Assessor to the said Justices shall be appointed; and in such last-mentioned Case some Barrister at Law, of at least Five Years standing, not being interested in the Question at Issue, to be appointed by the said Commissioners of Drainage and the said Claimants respectively, in case they can agree thereon, but if not, then to be appointed by the Clerk of the Peace for the County of *Norfolk* for the Time being, shall sit and act as the Assessor to such Justices upon such Inquiry; and upon every such Inquiry the Jury by whom the same shall be tried shall find whether the said *Richard Benstead* as such Trustee as aforesaid, or any other Trustee under the said Will of the said *Johnson Lee* deceased, and the said *John English*, *Richard Matland*, and *Thomas Broadbent* respectively, shall be entitled to any and what Amount of Compensation in Money for the Damages, if any, sustained or to be sustained as aforesaid, and shall assess and determine the same by their Verdict accordingly; and which said Compensations for Damages shall be paid to the said several Claimants and to the Trustee or Trustees for the Time being under the said Will of the said *Johnson Lee*, or One of them, or to the Party or Parties respectively entitled to receive the same under the Provisions of the said recited Acts or this Act; and if the Amount of Compensation which shall be so assessed and determined by the said Jury upon any such Inquiry as aforesaid shall be greater than any Sum which by or on the Part of the said Commissioners of Drainage shall have been tendered before the summoning of such Jury to the Claimant or Claimants recovering the same, then the Costs of the Claimant or Claimants upon such Inquiry, to be settled and ascertained as between Attorney and Client by the Clerk of the Peace for the said County for the Time being, or his Deputy, shall be paid by the said Commissioners of Drainage out of their Funds, to such Claimant or Claimants, their Heirs, Executors, Administrators, or Assigns; but if the Amount of such Compensation shall not be greater than any Sum which shall have been so tendered as aforesaid, then the Costs of the said Commissioners of Drainage upon such Inquiry, to be settled and ascertained as aforesaid, shall be paid by the Claimant or Claimants upon such Inquiry to the said Commissioners of Drainage, and the same or any Part thereof may be deducted by the said Commissioners or their Treasurer out of the Amount of such Compensation which shall have been so assessed and determined as aforesaid; but on settling and ascertaining any such Costs as aforesaid, no Fees shall be allowed for Counsel, except the Assessor, to a greater Amount than shall have been paid to the Counsel who shall have been employed on the opposite Side; and the said several Sums of Money which shall have been agreed or assessed to be paid to the said several Claimants in manner aforesaid shall be paid to and accepted by them respectively, or their respective Heirs, Executors, Administrators, or Assigns, in full Satisfaction of all Claims and Demands whatsoever by or on the Part of them

respectively, or their respective Heirs, Executors, Administrators, or Assigns, against the said Commissioners of Drainage and their Funds for or by reason or on account of the altered Course of the said River *Ouze*, or the making of the said *Eau Brink Cut*, or the Operation thereof or in anywise relating thereto, or for or by reason or on account of any of the Acts or Works of the said Commissioners of Drainage under the Authority of the said recited Acts and this Act, or any of them, and in bar and discharge of all Actions, Suits, and other Proceedings at Law or in Equity which the said Claimants respectively, or their respective Heirs, Executors, Administrators, or Assigns, or any Person or Persons claiming or to claim under them respectively, or under the said *Johnson Lee* deceased, or in right of the respective Estates and Properties in respect of which such Compensations shall be respectively paid, or in any other Manner, might otherwise have been enabled to bring or institute against the said Commissioners of Drainage to recover Compensation or Satisfaction for any Damage or Injury whatsoever in anywise occasioned or to be occasioned to or sustained or to be sustained by the said Claimants respectively, or any of them, or their or any of their Heirs, Executors, Administrators, or Assigns, or any other Person or Persons, or to or by any or any Part of the said several Estates or Properties by the altered Course of the said River *Ouze*, or by the making or Operation of the said *Eau Brink Cut*, or by any of the Acts or Works of the said Commissioners of Drainage under the Authority of the said recited Acts and this Act, or any of them; and in case of Nonpayment of such Compensations and Costs after the same shall be agreed upon or settled and ascertained as aforesaid, the Party or respective Parties who shall have had such Compensations or Costs so awarded and directed to be paid to him, her, or them as aforesaid, shall be enabled to recover the same in the Manner directed by the said recited Act of the Thirty-fifth Year of the Reign of His said late Majesty King *George* the Third for recovering Satisfaction or Recompence for Land taken or for Damages ascertained or settled by a Jury under the Powers and Provisions of that Act.

Provision hereby made to be in full Satisfaction of all Claims on account of the Town and Harbour of Lynn.

LXVII. And be it further enacted, That the said several Sums of Money already raised and expended by the said Commissioners of Drainage for the Security, Protection, and Preservation of the said Harbour of *Lynn* and the Shores thereof, and the said several Sums of Money already awarded against the said Commissioners for Damages sustained by the Owners and Occupiers and other Parties interested in the Estates and Properties adjoining the said Harbour, and the several Provisions made by this Act for the same Owners and Occupiers and the several other Owners and Occupiers of and Parties interested in the said Harbour, and the Estates and Properties adjoining thereto on each Side thereof, and for the Protection and Security of the said Town and Harbour of *Lynn* and the Shores and Banks thereof, shall exonerate and be deemed to exonerate the said Commissioners of Drainage and Navigation respectively, and their respective Funds, Lands, Tenements, Hereditaments, and Properties, from all Liability whatsoever henceforth to the Security, Protection, Preservation, Maintenance, or Support of the said Town and Harbour, or any of the Shores, Banks, Wharfs, or Quays thereof, or on either Side of the said Harbour,

Harbour, or any Rights or Properties, public or private, within the same Town and Harbour, or on either Side of the said Harbour, from the Bridge erected and the Dam made or intended to be made at or near to the lower End of the said Cut downwards to Sea, or of the Channel in, through, above, or below the said Harbour, or the Navigation or Outfall thereof to Sea, and shall be considered and taken to be a full Recompence and Satisfaction for all public and private Injuries or Damages whatsoever occasioned or to be occasioned, directly or indirectly or consequentially, by the making or opening or the Operation of the said *Eau Brink Cut*, or by any of the Acts or Works of the said Commissioners of Drainage and Navigation respectively, or either of them, to all and every or any Parties or Party interested in the said Town, Harbour, Shores, Banks, Wharfs, Quays, Estates, Properties, Channel, Navigation, or Outfall, or in the Trade or Navigation of the said Port or Harbour of *Lynn*, or to their or any of their several Estates, Lands, Tenements, Hereditaments, or Properties whatsoever; and the said Commissioners of Drainage and Navigation respectively, or their respective Funds, Lands, Tenements, or Hereditaments, shall not be liable or answerable in any Case to or for any direct or consequential Damages which may henceforth arise from any Change in the Course of the Upland or Sea Waters, or increased or decreased Velocity of Current or Tide in or through the said River *Ouze* or the said *Eau Brink Cut* or the said Harbour of *Lynn*, or in or through any of the Rivers or Watercourses having their Outfall by or through the said Harbour to Sea, or from the raising or lowering of the Beds of any of the said Rivers or Watercourses, or any other Change therein made or hereafter to be made, or by reason of the Discharge of the Waters from the Sands and Channel of the old River into and through the said Harbour to Sea.

LXVIII. And whereas by the said Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third it is enacted that the said Commissioners for Drainage should have full Power and Authority, and they were thereby authorized and required, to make a new Sluice of Brick, Stone, or other Materials at or above the upper End of the said new River or Cut, also one other Sluice of Brick, Stone, or other Materials at *Old* or *West Lynn*, below the said new River or Cut, and also to make or cause to be made a new Drain from the Drain called *Islington Drain*, to fall into the River *Ouze* a little above the said new River or Cut, and also to make or cause to be made one other Drain within the Land Side of the then River Bank, from *Tilney Gool Drain* to *West Lynn Gool*, for conveying the Waters from the Lands which then drained by the Gools or Sluices of *Tilney*, *Clenchwarton*, and *West Lynn*, to drain the said last-mentioned Lands instead of the Drains then used for the Drainage of *Marshland* and the Parishes of *Wiggenhall* on the West Side of the said River, the Form and Dimensions of the said Drains and Sluices to be directed and ascertained by the aforesaid Sir *Thomas Hyde Page* and *Robert Mylne*, or such other Engineers as should be appointed in their Stead in manner therein-after mentioned; and also such inferior Sluices as should be deemed necessary to prevent any Waters from overflowing the Lands in *Clenchwarton*, *Tilney*, and *Islington*,  
from

Repeal of certain Acts relating to Works for Marshland.

from any Breach of Banks which might happen in *West Lynn* aforesaid; and also such Drains and Sluices for discharging the Waters into the said new River or Cut from the Lands on the East Side of the then River that would be deprived of their then Outfall by making the said new River or Cut as the said Commissioners for Drainage should find expedient; and also to maintain and support the said several Sluices for the Space of Two Years from the Time of erecting and turning the Waters through the same: And whereas by the said Act passed in the Fifty-ninth Year of the Reign of the said late King *George* the Third, after reciting that some Doubts were entertained whether it would not be more advantageous that the Waters from the Lands which then drained by the Gools or Sluices of *Tilney*, *Clenchwarton*, and *West Lynn* should drain through the Sluices to be erected for the general Drainage of *Marshland* at the upper End of the new River or Cut, instead of draining as was directed by the said Act passed in the Thirty-fifth Year of the Reign of His then present Majesty, it was enacted that the Drain and Works to be made by the said Commissioners of Drainage, under the Acts therein recited, for the said Lands in *Tilney*, *Clenchwarton*, and *West Lynn* aforesaid, should be made in such Manner and in such Places as the said Engineers or Umpire should direct or appoint: And whereas the said Commissioners of Drainage, under the Direction of the said Engineers, have erected the several Sluices, Drains, and Works provided for by the said Acts, but some of the said Sluices, Drains, and Works intended for the Improvement of the Drainage of the said Country of *Marshland* and the Lands draining therewith are found to be inadequate to the Drainage of the said last-mentioned Country and Lands, and such Drainage would be more effectually provided for if the Waters of *Marshland Smeeth* and *Marshland Fen* were discharged separately from the Waters of the other Parts of the said Country of *Marshland* and Lands draining therewith: And whereas it hath been agreed that the several Lands herein-after particularly described as Exempt Lands shall be exempted from all further Taxes to be charged by the said Commissioners of Drainage after the said First Day of *January* One thousand eight hundred and thirty-three, and that the said Commissioners of Drainage shall, out of their Funds, raise and pay to the Commissioners for Sewers for the County of *Norfolk* the Sum of Seven thousand Pounds, to be applied by the said last-mentioned Commissioners in the Manner by this Act directed, and shall in consideration of such Payment and of such Exemption from Taxes as aforesaid be exonerated from the Execution of any further Works for the Drainage of the said Exempt Lands, or any of them, and that Provision shall be made by this Act for raising Funds for the Improvement of the Drainage of the said Lands; be it therefore further enacted, That the said several last-recited Provisions of the said recited Acts of the Thirty-fifth and Fifty-ninth Years of the Reign of the said late King *George* the Third shall be and the same are hereby repealed.

No Tax to be laid on Lands in *Marshland* after 1st *January* 1833.

LXIX. And be it further enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and thirty-three no Tax shall be laid or charged by the said Commissioners of Drainage, or by any Person or Persons by their Order or on their Behalf,

Behalf, upon any of the several Lands next herein-after mentioned and described; that is to say, the Lands lying on the West Side of the said River *Ouze*, and on the West Side of the said *Eau Brink Cut*, and on the West Side of the said Harbour of *King's Lynn*, in the respective Parishes and Places of *Wiggenhall Saint Mary the Virgin*, *Wiggenhall Saint German*, *Wiggenhall Saint Peter*, *Wiggenhall Saint Mary Magdalen*, *West Lynn Saint Peter*, *Clenchwarton*, *Terrington Saint Clement*, *Terrington Saint John*, *Walpole Saint Peter*, *Walpole Saint Andrew*, *West Walton*, *Walsoken*, *Emneth*, *Tilney All Saints*, *Tilney Saint Lawrence*, *Tilney cum Islington*, and *South Lynn* otherwise *All Saints*, and One hundred and seventy-nine Acres, by Computation, of Land lying in *Outwell*, next the said Parish of *Emneth* towards the North, *Warth Lane* towards the East, *Hunt's Drain* towards the South, and the Turnpike Road there towards the West, in the said County of *Norfolk*, and *Oldfield* and *Horstead* in *Elm* in the *Isle of Ely*, including in this Description all the Lands in *Marshland Smeeth* and *Marshland Fen*, *Well Moor*, *Broad Fen*, *Short Fen*, and *Magdalen Fen*, in the said County of *Norfolk*, lying West as aforesaid, which have heretofore been charged with the said *Eau Brink* Taxes; but the said several Lands above mentioned and described shall, from and after the First Day of *January* One thousand eight hundred and thirty-three, be and be deemed Exempt Lands, and shall as such Exempt Lands be thenceforth totally exempted from all Taxes which are by the said recited Acts and this Act, or any of them, made payable to the said Commissioners of Drainage after the said First Day of *January* One thousand eight hundred and thirty-three, and from all Penalties and Forfeitures in respect thereof, and from all Debts and Charges which shall be then due and owing or shall be thereafter incurred by the said Commissioners of Drainage; nevertheless nothing in this Act contained shall discharge the Owners or Occupiers of the said Exempt Lands from the Taxes or Penalties which shall have accrued due prior to or upon the said First Day of *January* One thousand eight hundred and thirty-three or from any Debt or Penalty which shall become due after the said First Day of *January* One thousand eight hundred and thirty-three for or in respect of any Tax which shall be due or payable previous to or upon the said last-mentioned Day under or by virtue of the said recited Acts and this Act or any of them, or from any of the Powers or Remedies by the said Acts respectively given for enforcing Payment of the said last-mentioned Taxes, Debts, and Penalties respectively.

LXX. And be it further enacted, That the said Commissioners of Drainage shall, at the several Times herein-after mentioned, levy and raise, out of the Monies to be paid to or received or borrowed by them under the Powers of the said recited Acts and this Act, the Sum of Seven thousand Pounds Sterling, that is to say, one Moiety thereof at the Expiration of Nine Calendar Months, and the other Moiety thereof at the Expiration of Eighteen Calendar Months next after the passing of this Act, together with Interest for the same, to be computed from the said respective Times of Payment, at the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, in case the same shall not be paid at the said respective Times, and shall pay the same to the Expenditors for the said Country of *Marshland* ap-

Commissioners to pay 7,000*l.* to the Expenditors of Marshland.

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pointed

pointed by the said Commissioners for Sewers, or to some other Person or Persons to be nominated and appointed by the said Commissioners for Sewers in this Behalf; and the Receipt of such Expenditors, or of such other Person or Persons so to be appointed as aforesaid, shall be a good and effectual Discharge to the said Commissioners of Drainage for the said Sum of Seven thousand Pounds and every or any Part thereof, and for the Interest of the same; and the said Commissioners of Drainage shall not afterwards be bound to see to the Application, nor shall they or their Funds be afterwards liable to make good any Misapplication or Nonapplication, of the Sum and Sums of Money which in any such last-mentioned Receipt shall be expressed or acknowledged to be received.

The Drainage Commissioners to be exonerated from further Liabilities for Marshland.

LXXI. And be it further enacted, That the Exemption of the said several Exempt Lands from any further Taxes made payable to the said Commissioners of Drainage after the said First Day of *January* One thousand eight hundred and thirty-three as aforesaid, and the Payment of the said Sum of Seven thousand Pounds to the said Commissioners for Sewers, or to the said Expenditors, or other Person or Persons as aforesaid, shall be and be deemed and taken to be, and shall be accepted by the said Commissioners for Sewers and by the several Owners and Occupiers of the said several Exempt Lands, and by all other Persons and Parties interested therein, as and for, a full and final Exoneration and Discharge of the said Commissioners of Drainage and their Funds, and the several other Lands subject to the *Eau Brink* Taxes, from all Liabilities whatsoever hereafter to execute, maintain, or support any Sluices, Drains, Roads, or other Works for the Drainage or Benefit of any of the said Exempt Lands, or in any Manner to provide for the Drainage of the said last-mentioned Lands or any of them, and as and for a full and final Compensation to all and every the Owners and Occupiers of the said several Exempt Lands and every of them, and their respective Heirs, Successors, Executors, Administrators, and Assigns, for or in respect of all or any Damages, Injuries, Claims, and Demands whatsoever which may have been already or may be hereafter sustained, occasioned, or set up by or to them or any of them, or their respective Estates and Properties, by reason of any Defect in the Drainage of the said Exempt Lands or any of them, or the Insufficiency of any of the Sluices, Drains, or Works now made or hereafter to be made for improving or perfecting the Drainage thereof, or by reason of the making or opening of the said *Eau Brink Cut*, or the Operation thereof, or by reason of any other of the Acts or Works of the said Commissioners of Drainage already done or made, or hereafter to be done, made, or maintained under the Authority of the said recited Acts and this Act, or any of them; but so that the said Commissioners of Drainage shall not hereby be discharged from the Maintenance of the Banks and Forelands of the said *Eau Brink Cut*, and the upper and lower Dams thereof, as herein-after mentioned.

No Owner of Lands exempted from the Eau Brink Tax to

LXXII. And be it further enacted, That from and after the passing of this Act no Person shall be entitled, under any Pretence whatever, to act, either by himself or by a Deputy, as a Commissioner of Drainage, under the said recited Acts or this Act, in right

or in respect of any of the said Exempt Lands, nor shall such Exempt Lands or any of them at any Time form a Part of the Qualification of any of such Commissioners of Drainage, nor shall any Person be entitled as the Rector, Impropiator, or Vicar of any of the respective Parishes or Townships in which any of the said Exempt Lands lie or are situate, and in which there shall be no other Lands contributing to the *Eau Brink* Taxes, to act as a Commissioner of Drainage under the said recited Acts or this Act.

act as a Commissioner of Drainage.

LXXIII. And whereas, by reason that the said Exempt Lands will be discharged from further Contribution to the Funds of the said Commissioners of Drainage as aforesaid, it is just and reasonable that all the said Lands shall contribute to the Rates by this Act authorized to be assessed by the said Commissioners for Sewers in the Manner herein-after mentioned; be it further enacted, That it shall be lawful for the said Commissioners for Sewers and they are hereby required, from Time to Time and as often as Occasion shall require, to rate, assess, and charge all and singular the said Exempt Lands with the Payment of all such Sums of Money as, with the said Sum of Seven thousand Pounds, shall be sufficient to defray the Costs, Charges, and Expences sustained or incurred and to be sustained or incurred, by or on behalf of the Owners of the said Exempt Lands, in or about the several Provisions of this Act in relation to the said Exempt Lands, and of carrying the same into effect, and of executing the several Powers and Authorities of this Act in relation to the said Exempt Lands or any of them, and also the Costs, Charges, and Expences of constructing all the Works which, in the Opinion of the said Sir *John Rennie*, or of some other Engineer to be approved of by the said Commissioners for Sewers, shall be necessary for giving a Drainage to such Parts of the said Exempt Lands as lie within the Districts called *Marshland Smeeth*, *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, by some Drain or Drains, Sluice or Sluices, or other Works, distinct and separate from the said Drain called *Marshland New Drain*, and also for increasing the Dimensions of the said Drain called the *Tilney* or *Clenchwarton* and *West Lynn Drain*, from *Tilney Gool* to *West Lynn Gool*, and of the Sluices thereto belonging, and also to defray the Costs, Charges, and Expences of purchasing Land required for such separate Drainage, and for increasing the said last-mentioned Drain and the Sluices thereunto belonging, and also to repay all Principal Sums of Money borrowed by the said Commissioners for Sewers under the Powers of this Act, and the Interest thereof, and all other Costs, Charges, and Expences in anywise relating to the said Works respectively, or otherwise authorized by this Act, and likewise the Costs, Charges, and Expences of keeping in repair the said respective Drains, Sluices, and Works, until the same shall have been completed to the Satisfaction of the said Commissioners for Sewers, and certified to have been so completed by some Order to be made at a Court of Sewers of the said last-mentioned Commissioners; such Assessment and Charge to be made and assessed from and after the First Day of *January* One thousand eight hundred and thirty-three, by a Rate or Acre Shot upon all the said Exempt Lands, as well Fen Lands as High Lands, in such Proportions as they are now respectively charged to the *Eau Brink*

Commissioners for Sewers may tax the Exempt Lands.

*Brink* Taxes, not being less than One Shilling *per Acre per Annum* for the Lands now charged with Two Shillings *per Acre*, nor less than Sixpence *per Acre per Annum* for the Lands now charged with One Shilling *per Acre* to the said *Eau Brink* Taxes, as by the said Commissioners for Sewers shall be deemed just and equitable in that Behalf, and the same to be collected by the Expenditors or Dike-reeves, or other Officers to be appointed by the said Commissioners for Sewers, in the same Manner in all respects as other Rates or Acre Shots are raised and collected under the Authority of the Court of Sewers, but, in case of Failure in Payment, with the like Powers of Distress and Sale, by or on the Part of the said Commissioners for Sewers, of the Goods, Chattels, and Effects in and upon any of the Lands charged therewith, or belonging to the Owner or Owners or Occupier or Occupiers of such Lands, and with the same Penalty in case of Nonpayment, and the same Powers and Remedies in every respect for Recovery of the said Taxes and Penalties, as are given by the said recited Acts or any of them to the said Commissioners of Drainage for enforcing the Payment of the said *Eau Brink* Taxes and the Penalties thereon.

Commissioners for Sewers to direct an Engineer to prepare an Estimate of the Costs of the several Works, and to borrow Money for the Execution thereof.

LXXIV. And be it further enacted, That the said Commissioners for Sewers shall, at their first General or Special Session to be held next after the passing of this Act, or as soon thereafter as Circumstances will permit, cause the said Sir *John Rennie*, or some other Engineer to be approved of by the said Commissioners for Sewers, to prepare an Estimate of the Costs, Charges, and Expences of providing for and constructing the several Works requisite for making such separate Drainage as aforesaid, and for increasing the Dimensions of the said Drain called *Tilney* or *Clenchwarton* and *West Lynn Drain*, and for improving the said Sluice called *West Lynn Sluice*; and when and as soon as such Estimate shall be presented to the said Commissioners for Sewers it shall be lawful for the said Commissioners for Sewers and they are hereby required forthwith, and from Time to Time as Occasion shall require, at any General or Special Session, to order or direct to be borrowed and taken up at Interest, either from the Exchequer Bill Loan Commissioners, or from any other Person or Persons whomsoever, any Principal Sum or Sums of Money in their Discretion, not exceeding the Sum of Sixteen thousand Pounds, upon any Mortgage or Mortgages of the Rates or Assessments to be made and assessed by the said Commissioners for Sewers upon the said Exempt Lands by virtue of the Power or Authority for that Purpose contained in this Act, and for any Five or more of the said Commissioners for Sewers, pursuant to any such Order or Direction, to grant and mortgage the last-mentioned Rates and Assessments or any Part thereof, by any Writing or Writings under their Hands and Seals, to the said Exchequer Bill Loan Commissioners, or any Person or Persons who shall agree to advance or lend to the said Commissioners for Sewers any such Sum or Sums of Money as last aforesaid, and his, her, or their Executors, Administrators, or Assigns, in such Manner and Form as shall be thought expedient and proper, as a Security or Securities for the Repayment of such Sum or Sums, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*.

LXXV. And



LXXV. And be it further enacted, That it shall be lawful for the said Commissioners for Sewers, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to make and execute, or to cause to be made and executed, all such Works as in the Opinion of the said Sir *John Rennie*, or of some other Engineer to be approved of by them, shall be necessary for providing and giving a Drainage to such Parts of the said Exempt Lands as lie within the Districts called *Marshland Smeeth*, *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, distinctly and separately from the Lands draining by the *Marshland New Drain*, and for increasing the Dimensions of the said Drain called the *Tilney* or *Clench-warton* and *West Lynn Drain*, from *Tilney Gool* to *West Lynn Gool* or *Sluice*, and for altering or rebuilding the said last-mentioned Gool or Sluice, and for carrying into effect the several Provisions of this Act for the better Drainage of all the said Exempt Lands.

Commissioners for Sewers may execute the Works ;

LXXVI. And be it further enacted, That all Land required by the said Commissioners for Sewers for the Purpose of making any Drains or Works by this Act authorized to be made by them shall and may be taken and purchased by the said Commissioners for Sewers under the several Powers and Authorities contained in the said recited Acts and this Act, or any of them; and the Price of the said Land, and all the Costs, Charges, Damages, and Expences attending the Purchase and Conveyance thereof, shall be paid by the said Commissioners for Sewers out of the Monies by this Act directed to be assessed and raised by them as aforesaid; and the Funds of the said Commissioners of Drainage shall not in any Manner be liable thereto or answerable for the same.

and may purchase Lands for that Purpose.

LXXVII. And for the Purpose of raising Money to pay and keep down the Interest of the Sum and Sums of Money to be borrowed in pursuance of the Power or Authority lastly herein-before contained, be it further enacted, That it shall be lawful for the said Commissioners for Sewers and they are hereby required, from Time to Time and as often as Occasion shall require, until the First Day of *January* One thousand eight hundred and thirty-three, to rate, assess, and charge all and singular the said Exempt Lands with the Payment, by an Acre Shot in such Proportions as aforesaid, of such yearly or half-yearly Sum of Money as in the Judgment of the said Commissioners for Sewers shall be necessary to pay and keep down the Interest of all and every Sums and Sum of Money which shall be borrowed by them the said Commissioners for Sewers under the Power and for the Purposes last aforesaid; and such last-mentioned Rate, Assessment, and Charge shall and may be made and collected in all respects in the same Manner, and subject to the same Penalties, and with the same Powers and Authorities, to all Intents and Purposes, as in this Act are expressed and contained or referred to concerning the Assessment and Collection of the said Rate or Acre Shot herein-before directed to be charged on the said Exempt Lands as aforesaid.

Commissioners for Sewers may tax all the Exempt Lands for the Purpose of discharging the Interest of Monies borrowed.

LXXVIII. And be it further enacted, That the said Commissioners for Sewers shall, with or out of the Monies to be paid to or raised by them under the Powers and Provisions of this Act, make or cause to

Commissioners for Sewers to make a Drain for the

Lands between the old Channel and the Cut.

be made, immediately after the Completion of the said Dam at the lower End of the said *Eau Brink Cut*, or sooner if they shall think it necessary, a proper and sufficient Drain for the Drainage of such Parts of the said Exempt Lands lying between the old Channel of the said River *Ouze* and the said *Eau Brink Cut* as are or shall not be drained into and through the said *Eau Brink Cut*, such Drain being made to pass through the said old Channel in the Line which shall be considered most proper and secure, from the Sluice called the *Sheepwash Tunnel*, towards and unto the said *Clenchwarton Gool*, so as to convey the Waters of the said Lands to the said *Clenchwarton Gool* either separately from or together with the Waters to be discharged from the said old Channel, and so as to discharge all the said Waters together through the said *Gool*; but the said Commissioners for Sewers shall not be required to pay to the said Commissioners of Drainage any Compensation for the Land belonging to them which shall be taken or used for the Drain so directed to be made by them the said Commissioners for Sewers as last aforesaid; and such last-mentioned Drain, and the Sluice or Sluices and other Works already made by the said Commissioners of Drainage, or hereafter to be made by the said Commissioners for Sewers, for discharging the Waters from the said Lands between the said old Channel and the said *Eau Brink Cut*, shall belong to and be under the Controul and Regulation of the said Commissioners for Sewers; and the said Commissioners of Drainage or their Funds shall not after the passing of this Act be liable to or answerable for the Repair, Maintenance, or Support of the same or any of them, or of any other Drains, Sluices, or Works for the Drainage of the said last-mentioned Lands, nor shall they be prevented from making, at their own Charges, any Occupation Bridges over the said Drain, nor from stopping and discontinuing the Drainage of the said last-mentioned Lands by any of the present Sluices into the said old Channel, except the said *Sheepwash Tunnel*, when and as soon as the said lower Dam shall be closed; and that the said Drain, when so completed, shall be maintained and supported by the said Commissioners for Sewers by a separate Rate to be imposed upon the Owners or Occupiers of Lands draining into and through the same.

Directing in what Manner the Costs of scouring out and keeping in repair the several Drains and Sluices are to be paid.

LXXIX. And be it further enacted, That when and as soon as the said Commissioners for Sewers shall have made such Order certifying the Completion of the several Works by this Act authorized and directed to be executed by them as aforesaid, the Costs, Charges, and Expences of scouring, cleansing, and keeping in repair the several Drains and Sluices severally herein-after mentioned, shall be borne, defrayed, and paid in manner following; (that is to say,) all the Lands which shall drain into or through the said Drain called the *New Marshland Drain*, and the Sluice at the upper End of the said *Eau Brink Cut*, shall solely and exclusively bear the Charges incident to the Repair of the last-mentioned Drain and Sluice, and no other Lands shall be contributory thereto; and all the Lands which shall drain into or through the said *Tilney* or *Clenchwarton* and *West Lynn Drain* and *West Lynn Sluice* shall solely and exclusively bear the Charges incident to the Repair of the last-mentioned Drain and Sluice, and no other Lands shall be contributory thereto; and all the

Lands which shall drain into or through the intended new Drain to be made by the said Commissioners for Sewers for the separate Drainage of the said Districts called *Marshland Smeeth*, *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, shall solely and exclusively bear the Charges incident to the Repair of the said last-mentioned intended new Drain and the Sluices and Works thereto belonging, and no other Lands shall be contributory thereto; and all the Costs, Charges, and Expences incident to the Repair of the aforesaid Drain called the *Marshland New Drain*, and of the Sluices and Works thereto belonging, and of the aforesaid *Tilney* or *Clenchwarton* and *West Lynn Drain* and *West Lynn Sluice*, and of the Sluices and Works thereto belonging, shall from Time to Time, after such Certificate of the said Commissioners for Sewers as aforesaid, be borne, defrayed, and paid by the Expenditors or Dikereeves of the said Country of *Marshland* out of the Rates called the *Marshland Expenditor Rates*, to be from Time to Time assessed and laid by the Authority of the said Commissioners for Sewers in the Proportions immemorially observed in the Collection of the said Expenditor Rates, with reference to the Parochial Situation of the Lands liable thereto, the Lands lying in the said old Channel and draining by the said *Tilney Gool* being assessed together with the Lands lying in the Parishes of *Tilney*, and the Lands lying in the said old Channel and draining by the said *Clenchwarton Gool* being assessed together with the Lands lying in the Parish of *Clenchwarton*; and the said Commissioners for Sewers shall accordingly have full Power and Authority to assess all the said Lands by this Act made liable to the Repair of the last-mentioned Drains and Sluices, and from Time to Time to levy the Assessments, in the same Manner and with the same Powers and Remedies as are herein contained or referred to for the Collection of other Rates or Assessments by this Act authorized to be raised and collected by the said Commissioners for Sewers; and all the Costs, Charges, and Expences of repairing and keeping in repair the aforesaid Drain, Sluices, and Works for the separate Drainage of the said Districts called *Marshland Smeeth*, *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, shall, from and immediately after such Certificate of the said Commissioners for Sewers as aforesaid, be borne, defrayed, and paid by the Commissioners for the Time being acting in execution of the Act of Parliament passed in the Thirty-sixth Year of the Reign of His late Majesty King *George* the Third, for draining and improving the said *Marshland Smeeth* and *Marshland Fen*, with and out of the Taxes and Monies by the said last-mentioned Act authorized to be charged or raised by the said last-mentioned Commissioners, and by the Owners of all such Lands as shall from Time to Time drain through or by the said last-mentioned Drain, Sluices, or Works, by an Acre Shot on such last-mentioned Lands, at such Rate and in such Proportions as the said Commissioners for Sewers shall from Time to Time order and direct, and with full Power and Authority for the said Commissioners for Sewers from Time to Time to assess and levy the same.

LXXX. And be it further enacted, That it shall be lawful for the said Commissioners for Sewers, at any General or Special Session to be held by them for the said County of *Norfolk*, to make such

Orders,

Commissioners for Sewers may make Orders respecting the Assessments.

Orders, Rules, and Regulations touching the Construction of the said several Works, and touching the Assessments for raising Money to complete the same, and the Collection thereof, as in the Judgment of the said Court of Sewers shall be necessary for giving full Effect to the Provisions of this Act in respect of the said Exempt Lands.

Commissioners for Sewers to make Alterations in the internal Drainage of Marshland.

LXXXI. And be it further enacted, That it shall be lawful for the said Commissioners for Sewers, at any General or Special Session to be held by them for the said County of *Norfolk*, upon the Application of any Person or Persons interested, to permit, authorize, and direct such Alterations to be made in the internal Drainage of the said Country of *Marshland* as by the said Commissioners may be deemed necessary or expedient in order to facilitate the Passage of the Waters into either of the said Drains called *Marshland New Drain* and *Tilney* or *Clenchwarton* and *West Lynn Drain*, provided that the Person or Persons applying for such Alterations shall bear the whole of the Charges attending the Execution of such Alterations so to be made as aforesaid.

Commissioners of Drainage may drain the Lands in the old Channel through *Tilney* and *Clenchwarton* Gools.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage to make and execute any Drains and other Works that they may from Time to Time think necessary for conveying and discharging the Waters from the Lands lying in the said old Channel of the said River *Ouze*, and from any other Lands belonging to them the said Commissioners of Drainage to and through the present *Tilney Gool* and *Clenchwarton Gool*, or by other proper and sufficient Gools or Sluices and Drains, into the said Drain called *Tilney* or *Clenchwarton* and *West Lynn Drain*; and the said Commissioners for Sewers shall convey the said Waters through the said last-mentioned Drain to the said *West Lynn Sluice*, and through the same to their Outfall; but subject nevertheless to such Regulations for the general Benefit of the said Lands, in common with the other Lands draining through the said last-mentioned Drain, as to the said Commissioners for Sewers shall seem expedient and proper; and all such Sluices, Drains, and Works as shall be made on the West Side of the said old Channel for such Drainage as last aforesaid shall, after the Completion thereof, be and remain subject to the Jurisdiction of the said Commissioners for Sewers as public Drains, and presentable when out of Repair accordingly.

Lands purchased by Commissioners of Drainage for making Drains in Marshland to become vested in Commissioners for Sewers.

LXXXIII. And be it further enacted, That all the Land heretofore purchased by the said Commissioners of Drainage for the Purpose of making the aforesaid Drains called the *Marshland New Drain* and *Tilney* or *Clenchwarton* and *West Lynn Drain* respectively shall immediately from and after the passing of this Act be and become vested in the said Commissioners for Sewers, to be by them the said Commissioners for Sewers made use of or sold or exchanged in order to enable them to execute and complete the several Works by this Act authorized to be constructed for such separate Drainage of the said *Marshland Smeeth* and *Marshland Fen*, *Well Moor*, *Broad Fen*, and *Short Fen*, and for such Improvements of the said *Tilney* or *Clenchwarton* and *West Lynn Drain* as aforesaid; and for that Purpose it shall be lawful for the said Commissioners for Sewers to make and execute

execute all necessary Contracts, Conveyances, and Assurances in that Behalf.

LXXXIV. And be it further enacted, That all the Works so directed to be made and constructed by the said Commissioners for Sewers as aforesaid, and the Banks and Forelands thereof, and all the Sluices, Drains, and Works already made and executed by the said Commissioners of Drainage for the exclusive Drainage of the said Exempt Lands, shall at all Times be and remain subject to the sole Jurisdiction of the said Commissioners for Sewers in the same Manner to all Intents and Purposes as the other Works and Drains of the Country of *Marshland* are now subject to their Jurisdiction: Provided nevertheless, that the said Commissioners for Sewers shall not at any Time nor in any Manner intermeddle with, or have, use, or exercise any Right, Power, Controul, or Authority whatsoever over, the said *Eau Brink Cut*, or any of the Banks or Forelands thereof or Works thereto belonging, or any other of the Works by this Act vested in the said Commissioners of Drainage.

Works to be under the Jurisdiction of the Commissioners for Sewers.

LXXXV. And whereas by the said Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third it is enacted that the said Commissioners of Drainage should make, support, and maintain such Drains and Sluices for conveying the Waters of *Bottisham* and *Shaffham* Fens into the River *Cam* or *Grant* as should be deemed necessary and expedient by Three Engineers to be nominated as therein mentioned; and by the same Act it is further enacted that the said Commissioners for Drainage should make, support, and maintain such Drains, Banks, and Sluices for preventing any Injury that might arise from the Soakage of the Waters of the *Cam* into *Waterbeach* Fen as should be deemed necessary and expedient by Three Engineers to be nominated as therein mentioned: And whereas the said Commissioners of Drainage have made Compensation in Money to the Commissioners for draining the said *Waterbeach* Fen for the Injury occasioned by the Soakage of the Waters of the *Cam* into the said Fen, and which Compensation has been accepted by the said last-mentioned Commissioners in discharge of the Liability of the said Commissioners of Drainage to execute any Works for the Benefit of the said Fen, and in full Satisfaction of any Claim upon the Funds of the said Commissioners of Drainage in consequence of such Injury: And whereas the said Commissioners of Drainage have made and executed a certain Drain which was deemed necessary for the Maintenance of the Drainage of the said *Bottisham* and *Swaffham* Fens, and have agreed with the Commissioners for draining the said last-mentioned Fens that the Sum of Six hundred Pounds shall be paid to them for the Purpose of enabling them to support and maintain the said Drain, and that the said Commissioners of Drainage shall, on Payment of the said Sum, be discharged from the Repair thereof, and from all further Liability in respect of the Drainage of the said Fens; be it therefore further enacted, That the said recited Provisions of the said last-recited Act, so far as the same have not been already carried into execution, shall be and the same are hereby repealed; and the said Commissioners of Drainage and their Funds shall henceforth be exonerated from all

Recital of Act 35 G. 3. s. 27 & 28. relating to Bottisham, Swaffham, and Waterbeach Fens.

Recited Provisions for Waterbeach, Bottisham, and Swaffham Fens re-

pealed, and  
Liability of  
the Commis-  
sioners of  
Drainage in  
respect there-  
of to cease.

further Liability to make, support, or maintain any Drains, Banks, Sluices, or Works for preventing any Injury that may arise from the Soakage of the Waters of the *Cam* into the said *Waterbeach* Fen, under the said last-recited Provisions hereby repealed, or either of them; and the said Commissioners of Drainage and their Funds, on the Payment of the Sum of Six hundred Pounds, which Sum they are hereby authorized and required to pay within Two Years next after the passing of this Act, to the Treasurer of the said Commissioners for draining the said *Bottisham* and *Swaffham* Fens, whose Receipt shall be a sufficient Discharge for the same, shall be exonerated from the Maintenance of the said Drain so made and executed for the said *Bottisham* and *Swaffham* Fens as aforesaid, and from all further Liability to make, support, or maintain any Drains, Sluices, or Works for conveying the Waters of the said *Bottisham* and *Swaffham* Fens into the said River *Cam* or *Grant*, under the said last-recited Provisions hereby repealed, or either of them; and the said Commissioners for draining the said Fens shall henceforth from Time to Time, by and out of the Funds payable to them under the several Acts passed for the better Drainage of the said Fens, support and maintain the said Drain so made and executed for the said *Bottisham* and *Swaffham* Fens as aforesaid: Provided nevertheless, that if the said Commissioners for draining the said *Bottisham* and *Swaffham* Fens shall, during the said Term of Two Years, expend any Monies in supporting or maintaining the said Drain so made and executed for the said last-mentioned Fens as aforesaid, the Monies which shall have been so expended by them, not exceeding the Sum of Three hundred Pounds in the whole, shall be repaid to the said last-mentioned Commissioners by the said Commissioners of Drainage out of the Funds at their Disposal, on Demand to be made thereof during the said Term of Two Years, and shall be considered and taken as a Part of the said Sum of Six hundred Pounds so to be paid as aforesaid.

If the *Bottis-*  
*ham* and  
*Swaffham*  
Commission-  
ers shall ex-  
pend any Mo-  
ney, it shall  
be repaid by  
the Drainage  
Commis-  
sioners.

Provision for  
Crosswater  
Sluice.

LXXXVI. And whereas by the said recited Act of the Fifty-ninth Year of the Reign of the said late King *George* the Third the said Commissioners of Drainage were required to erect or cause to be erected a good and sufficient Sluice in and upon that Part of the *Brandon* River which is in the Parish of *Lakenheath*, and as near as conveniently might be above the Sluice for draining *Lakenheath* and *Brandon* Fens at a Place called *Crosswater*: And whereas the said Sluice has been erected, but the Cills thereof have been laid at a higher Level than the Cills of other Sluices erected by the said Commissioners of Drainage under the Authority of the said recited Acts, and it is expedient to provide for the lowering of the said Cills, in case it should become necessary; be it therefore further enacted, That in case the Surface of the Water in the said *Brandon* River shall at any Time be lowered to such an Extent as not to leave Three Feet of Water, for Twenty-four Hours in succession, on the present Cills of the said Sluice, and an Application shall be made to the said Commissioners of Drainage by or on the Behalf of the Mayor, Burgesses, and Commonalty of the Borough of *Thetford*, or by or on the Behalf of the said Commissioners of Navigation, to lower the said Cills, the said Commissioners of Drainage shall forthwith lower the same in such Manner and to such Depth as shall be necessary for the effectual Maintenance

Maintenance and Preservation of the said Navigation through the said Sluice at all Seasons of the Year, and that the Sums to be raised and expended for that Purpose shall be raised and paid out of the Navigation Tolls which by the said recited Acts and this Act are directed to be paid to the said Commissioners of Drainage.

LXXXVII. And whereas by the said Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third it is enacted that the said Commissioners of Drainage should make, erect, and support all such Locks, Staunches, Sluices, or other Works as should be appointed or directed by the aforesaid Sir *Thomas Hyde Page* and *Robert Mylne* for the Improvement and better Security of the Navigation between *Saint Ives' Staunch* and the lower End of the *Hundred Feet River*: And whereas no Works have at present been executed by the said Commissioners of Drainage for the Improvement of the said Navigation, and it is expedient to make Provision for raising any Monies which may be required for that Purpose in manner hereafter mentioned; be it therefore further enacted, That the said Commissioners of Drainage shall, by and out of the Navigation Tolls which shall be payable to them, raise and apply such Sum and Sums of Money as shall from Time to Time be required for making, executing, and supporting such Works for the Improvement of the said Navigation, as the said Commissioners of Drainage shall be so liable to execute as aforesaid; and that the Taxes and other Funds of the said Commissioners of Drainage, except the said Navigation Tolls, shall be henceforth discharged and exonerated from all Liability whatsoever to make and execute and support the same or any Part thereof.

Provision for Navigation between *St. Ives' Staunch* and the *Hundred Feet River*.

LXXXVIII. And be it further enacted, That if in the Judgment of Two Engineers, (one to be appointed by the said Commissioners of Drainage, and the other by the said Commissioners of Navigation,) or their Umpire, any Staunch or Sluice now or hereafter to be erected by or out of the Funds of the said Commissioners of Drainage for the Benefit of Navigation, under the Provisions of the said recited Act of the Thirty-fifth Year of the Reign of the said late King *George* the Third, or any other of the said recited Acts, shall be no longer deemed necessary for the Preservation and Security of Navigation for Vessels drawing not more than Thirty-six Inches of Water, and the said Engineers or their Umpire shall, by Writing under their or his Hands or Hand, make a Report or Decision to that Effect, it shall be lawful for the said Commissioners of Drainage, from the Time of such Report or Decision being delivered to them, to make any Order or Orders for the Discontinuance of the Repairs of such Staunch or Sluice, and, if approved by such Engineers or their Umpire, to remove the same, and to sell, use, or dispose of the Materials thereof as the Property of the said Commissioners of Drainage; and the said last-mentioned Commissioners shall thenceforth be exonerated from all Liability whatsoever in respect of every such Staunch or Sluice which shall be so rendered or declared to be unnecessary.

Staunches or Sluices no longer necessary for Navigation to be removed.

LXXXIX. And

Recital of  
Act relating  
to the Sands  
and old  
Channel,  
35 Geo. 3.  
s. 51.

LXXXIX. And whereas by the said recited Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third, the bare Sands and Channel of the old River *Ouze* between the South-west and the North-east Ends of the said new Cut are vested in Trustees therein named, their Heirs and Assigns, upon Trust to sell and convey the same, and to pay and apply the Monies arising from the Sale thereof in the Manner therein mentioned: And whereas *Richard Greaves Townley* Esquire, one of the said Trustees, survived his Co-trustees in the said Act named, but some time since departed this Life, and *Richard Greaves Townley* Esquire, as his eldest Son and Heir at Law is now the only Trustee in whom the said Sands and Channel are vested, upon the Trusts of the said recited Acts: And whereas a Portion of the said Sands and Channel has been embanked by the said Commissioners of Drainage, and is now let by them and cultivated; and another Portion thereof is partly embanked by means of the Dam made across the said Sands and Channel near the lower End thereof, but is still open to the Influx of the Tides; and the Remainder of the said Sands and Channel below the said Dam, and between the same and the said Harbour of *Lynn*, is still open to the Tides and unembanked: And whereas it is expedient that the said *Richard Greaves Townley*, the present Trustee of the said Sands and Channel, should be divested thereof, and that the same should be vested in the said Commissioners of Drainage; be it therefore further enacted, That the said *Richard Greaves Townley*, his Heirs and Assigns, shall be and he and they is and are hereby declared to be divested of the said Sands and Channel now vested in him under or by virtue of the said recited Acts or any of them as aforesaid, and of every Part thereof, and of all Right, Interest, Power, and Controul in, to, or over the same or any Part or Parts thereof.

The Trustee  
of the Sands  
and Channel  
divested  
thereof.

The Sands  
and Channel  
vested in the  
Drainage  
Commis-  
sioners, with  
Power to sell  
or let the  
same.

XC. And be it further enacted, That the Sands and Channel of the said old River *Ouze* between the South-west End of the said *Eau Brink Cut* where it unites with the present Channel of the said River, and the said Dam near the North-east End of the said Cut, and the Sands and Channel below the said Dam and between the same and the said Harbour of *Lynn*, and extending from the West Side of the lower End of the said Cut in a straight Line Northward or North-westward across the said Harbour of *Lynn* to the Point at or near to a certain Building called the *Old Hall* in *West Lynn*, shall be and the same are hereby vested in the said Commissioners of Drainage, their Successors and Assigns for ever, for the several Purposes herein mentioned; and the said Commissioners of Drainage shall have full Power and Authority, at any of their General or Quarterly Meetings, from Time to Time to make sale and absolutely dispose of all the said Sands and Channel so hereby vested in them as aforesaid, or any Part or Parts thereof, in such Portions and Parcels and in such Manner as to them in their Discretion shall appear most advantageous and expedient, and either by public Auction or private Contract, and in the meantime until such Sale or Sales shall be made as aforesaid from Time to Time to let the said Sands and Channel, or any Part or Parts thereof remaining unsold,  
unto



unto such Person or Persons, and for such Terms or Estates, and under such yearly or other Rents, and for such other Considerations, and subject to such Provisions and Conditions, as the said Commissioners of Drainage in their Discretion shall think proper; and it shall be lawful for any Five or more of the said Commissioners of Drainage from Time to Time, pursuant to any Order of the said Commissioners to be made in that Behalf, to make, sign, seal, and execute all necessary Agreements, Conveyances, Leases, Assignments, and Assurances of the said Sands and Channel, or any Part or Parts thereof; and all such Agreements, Conveyances, Leases, Assignments, and Assurances shall be good, valid, and effectual to all Intents and Purposes whatsoever: Provided nevertheless, that no Order for the Sale of the said Sands and Channel or any Part thereof shall at any Time be made by the said Commissioners of Drainage, unless Notice of the Intention of proposing the Sale thereof shall be stated in the Notices convening the Meeting at which such Proposal is intended to be taken into Consideration.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and they are hereby required, at such Time or Times and in such Manner as the Engineers appointed or to be appointed under the Provisions of the said recited Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third shall approve or direct, to complete and close up the present or lower Dam near to the North-east End of the said *Eau Brink Cut*, and in the meantime it shall be lawful for the said Commissioners of Drainage, by such Means as they the said Commissioners shall deem expedient, to facilitate the landing-up of the said old Channel, in order to the earlier completing and closing of the said Dam; and the said Commissioners of Drainage shall have full Power and Authority, at such Time or Times and in such Manner as they in their Discretion shall think proper, to begin to take in and embank and to proceed in taking in and embanking the said Sands below the said Dam, and for that Purpose to make, cut, and execute all such Banks, Dams, Forelands, Sluices, Tunnels, Drains, Bridges, and other Works as they may deem necessary and expedient for the Drainage and Improvement of the said Sands and Channel hereby vested in the said Commissioners as aforesaid, and the Discharge of their Waters to Sea, but without Prejudice to the said Harbour of *Lynn*, or to any of the Works by this Act authorized to be constructed by the said Select Trustees for the Security or Protection thereof; and all such Works so to be made, cut, and executed as aforesaid shall be vested in the said Commissioners of Drainage, and their Successors and Assigns, and shall at all Times be repaired and maintained by and at the Expence of the said Commissioners of Drainage, or of the respective Owners or Occupiers of the said Sands and Channel for the Time being, or of such Person or Persons as shall by any Contract or Agreement with the said Commissioners undertake or agree to repair and maintain the same.

The lower Dam to be completed, and other Dams and Works for the Sands to be made.

XCII. And whereas by the said Act passed in the Thirty-fifth Year of the Reign of the said late King *George* the Third it is recited that by making the said new River or Cut some Parts of the Marshes  
[*Local.*]

Drainage Commissioners to execute immediate

Repairs of  
the Bridge,  
without pre-  
judice to the  
Question of  
Liability.

between *Eau Brink* and *Lynn* would be separated from other Parts thereof; and it is enacted that the said Commissioners of Drainage should cause to be built and erected over such new River or Cut, at or near the old North Sea Bank, a good and substantial Bridge of the Dimensions therein specified, for the Owners or Occupiers of such Marshes, and all other Persons, at their free Will and Pleasure, to pass and repass with their Cattle and Carriages to and from the said Marshes which should be so separated, without paying any Consideration for the same; and it is further enacted that the said Bridge should not be deemed a County Bridge, so as to subject the County of *Norfolk* to the Repair or Support thereof: And whereas by the said Act passed in the Fifty-ninth Year of the Reign of the said late King *George* the Third it is enacted that the said Bridge should be built at such Part of the said new River or Cut as the Engineers appointed as therein mentioned, or their Umpire, should fix and determine, provided that the same should be made as therein mentioned, and should be erected as near to the lower End of the said new River or Cut as in the Opinion of the said Engineers or Umpire should be considered practicable, and that such Bridge should be at all Times open for all Persons whatsoever, at their free Will and Pleasure, to pass and repass with their Cattle and Carriages, without paying any Consideration for the same: And whereas the said Commissioners of Drainage, pursuant to the said last-recited Act, have erected a Bridge over the said *Eau Brink Cut* at the lower End thereof, and since the same has been completed a new Line of Communication has been opened into the County of *Lincoln* and the adjacent Counties by means of a new Turnpike Road and Embankment formed across the Country of *Marshland* and the *Cross Keys Wash*, and a new Bridge erected over the Channel of the *Wisbech* River, and in consequence thereof the Traffic over the Bridge so erected by the said Commissioners of Drainage over the *Eau Brink Cut* as aforesaid is much increased, and the said Bridge is found to be of great public Utility: And whereas the said Commissioners of Drainage have consented to execute the immediate Repairs necessary to be made to the said Bridge, subject nevertheless to the Proviso herein-after contained; be it therefore further enacted, That the said Commissioners of Drainage shall forthwith, out of the Funds vested in them or placed under their Management, provide and put down a new Floor upon the said Bridge, and do and execute all such other Repairs of the said Bridge as are immediately necessary to be done: Provided nevertheless, that the Provision hereby made for the Repairs of the said Bridge shall not extend or be construed to extend either to diminish or increase the Liability of the said Commissioners of Drainage to keep the said Bridge in repair under the Provisions of the said recited Acts, or to affect any Question of Liability as between the said Commissioners of Drainage and the Inhabitants or Justices of the said County of *Norfolk*.

The Drainage  
Commission-  
ers not to  
execute  
Works other  
than those  
authorized

XCIII. And be it further enacted, That it shall not be lawful for the said Commissioners of Drainage, under the Authority of the said recited Acts and this Act, or any of them, to execute any Works other than the Enlargement, deepening, and Improvement of the said *Denver Sluice*, and the several Works belonging thereto or connected

nected therewith, and the scouring, cleansing, and deepening of the said River *Ouze* from the said *Denver Sluice* to the said *Eau Brink Cut*, and the Execution of the other Works by the said recited Acts and this Act particularly directed or authorized to be made and executed, and the ordinary Repairs and Maintenance of the Works executed or to be executed by the said Commissioners of Drainage under the Authority of the said recited Acts and this Act, or any of them, until full Payment shall have been made by them of the several Principal Sums of Money by this Act directed to be paid to the said *Ouze Bank* Commissioners, the said Claimants and Select Trustees for the said Town and Harbour of *Lynn*, the said Lord *William Cavendish Bentinck*, and the said Commissioners for Sewers for the said County of *Norfolk*, and the Interest of the said Sums respectively, without the Consent of the said Commissioners, Claimants, and Trustees respectively, in respect to their several Monies and Claims.

by the Acts, and the necessary Repairs, until their Debts are discharged.

XCIV. And whereas the said Commissioners of Drainage have at different Times, under the Authority of the said recited Acts or some of them, borrowed and taken up at Interest from the Commissioners authorized and empowered to issue and advance Exchequer Bills for the carrying on of Public Works in *Great Britain*, by virtue of an Act passed in the Fifty-seventh Year of the Reign of the said late King *George the Third*, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*; and another Act passed in the same last-mentioned Year, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for the carrying on of Public Works and Fisheries and the Employment of the Poor*; and another Act passed in the First Year of the Reign of the said late King *George the Fourth*, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King George the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor*; and to extend the Powers of the Commissioners for executing the said Acts in *Great Britain*; and another Act passed in the Third Year of the said late King *George the Fourth*, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*; the Three several Principal Sums of One hundred and thirty-five thousand Pounds, Ninety thousand Pounds, and Thirty thousand Pounds: And whereas the said Advances respectively are secured by Three several Indentures of Mortgage, bearing Date respectively the Eighth Day of *November* One thousand eight hundred and nineteen, the Twelfth Day of *July* One thousand eight hundred and twenty-one, and the Eighteenth Day of *April* One thousand eight hundred and twenty-six, whereby all and singular the

Tolls, &c. made payable under this Act liable to Debt due to Commissioners for the Issue of Exchequer Bills.

57 G.3. c.34.

57 G.3.c.124.

1 G. 4. c. 60.

3 G. 4. c. 86.

the Taxes, Rates, Tolls, Sands, and Funds of the said Commissioners of Drainage, under the Provisions of the said several recited Acts relating to the said *Eau Brink Cut*, are assigned, as in the said Indentures mentioned, to *William Holden* Esquire, the Secretary of the said Commissioners for the Issue of Exchequer Bills, as a Security for the Repayment by the said Commissioners of Drainage to the said Commissioners for the Issue of Exchequer Bills, or their said Secretary, of the said Three several Principal Sums of One hundred and thirty-five thousand Pounds, Ninety thousand Pounds, and Thirty thousand Pounds, together with Interest for the same respectively at the Rate specified in the said Indentures respectively, by such several Instalments and at such several Times as in the said Three Indentures are respectively mentioned and appointed: And whereas the said Commissioners of Drainage have paid and satisfied to the said Commissioners for the Issue of Exchequer Bills the greater Part of the said Three several Principal Sums of One hundred and thirty-five thousand Pounds, Ninety thousand Pounds, and Thirty thousand Pounds, and the Interest thereof; but the Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence for Principal Money and Interest will still remain and be payable, according to the Provisions of the said Indentures respectively, and of a certain other Indenture bearing even Date with the said last-mentioned Indenture of the Eighteenth Day of *April* One thousand eight hundred and twenty-six; be it therefore further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner encumber or affect the said several Indentures bearing Date respectively the Eighth Day of *November* One thousand eight hundred and nineteen, the Twelfth Day of *July* One thousand eight hundred and twenty-one, and the Eighteenth Day of *April* One thousand eight hundred and twenty-six; and that all and every the Taxes, Rates, Tolls, Sands, and Funds leviable or receivable by the said Commissioners of Drainage, or vested in them under the Provisions of this Act, shall form a Part of and be comprehended in the several Premises and Interests assigned to the said *William Holden* by the said several Indentures bearing Date respectively the Eighth Day of *November* One thousand eight hundred and nineteen, the Twelfth Day of *July* One thousand eight hundred and twenty-one, and the Eighteenth Day of *April* One thousand eight hundred and twenty-six, in like Manner in every respect as if this Act had been particularly mentioned and referred to in and by the said several Indentures respectively, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Exchequer  
Bill Commis-  
sioners may  
postpone the  
Payment of  
the Debt due  
from the  
Drainage  
Commission-  
ers.

XCV. And whereas it may tend to the more speedy Execution and Completion of the several Works by the said recited Acts relating to the said *Eau Brink Cut* and this Act respectively required and authorized to be executed, and will afford Facilities to the said Commissioners of Drainage in the Execution thereof, and in compromising the several Claims against the said last-mentioned Commissioners, if the Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence so remaining due as aforesaid, and the respective Instalments thereof, shall

shall be postponed beyond the respective Times so mentioned and appointed for the Payment thereof as aforesaid; be it therefore further enacted, That it shall be lawful for the said Commissioners for the Issue of Exchequer Bills, at any Time or Times and from Time to Time, upon any Application in Writing made to them by any Five or more of the said Commissioners of Drainage, pursuant to any Order to be made for that Purpose by the said last-mentioned Commissioners at any of their General or Quarterly or Special Meetings, by any Deed or Writing to postpone and extend the Time for the Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence so remaining payable to them from the said Commissioners of Drainage as aforesaid, or any Portion or Portions thereof, beyond the respective Times at which the same or the respective Instalments thereof are in and by the said several Indentures of Mortgage mentioned and appointed to be paid respectively, and to appoint and direct the said last-mentioned Sum, or any Portion or Portions thereof, and such further Interest as shall accrue and become payable for or in respect of the same, to be paid by the said Commissioners of Drainage to them the said Commissioners for the Issue of Exchequer Bills, or their Secretary for the Time being, at such Time or respective Times, and either altogether or by such several Instalments, and with such Rate of Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, and upon such Terms and Conditions, and in such manner in all respects, as they the said Commissioners for the Issue of Exchequer Bills and the said Commissioners of Drainage shall mutually agree and determine upon; and every such Order of the said Commissioners of Drainage which shall be made at any of their said General, Quarterly, or Special Meetings, pursuant to this Provision, and for carrying the same into effect, and every such Act of the said last-mentioned Commissioners as shall be done by them or any of them in pursuance of any such Order, shall be good and valid to all Intents and Purposes whatsoever.

XCVI. And be it further enacted, That after such Postponement shall be made in the Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence so remaining unpaid of the said several Sums of One hundred and thirty-five thousand Pounds, Ninety thousand Pounds, and Thirty thousand Pounds so advanced by the said Commissioners for the Issue of Exchequer Bills as aforesaid, or of any Portion or Portions thereof, as well the said several Taxes, Tolls, and Funds already charged with the Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence by or by virtue of the said recited Acts or any of them, or by the said Indentures of Mortgage or either of them, as also the said several Taxes and Navigation Tolls by this Act respectively charged, imposed, or made payable, shall be and they are hereby respectively charged with and made liable to the Payment of so much and such Portion or several Portions of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence the Payment of which shall be so postponed as aforesaid, and the Interest for the same, at such Time or Times and in such

Priority to  
Exchequer  
Bill Com-  
missioners.

[*Local.*]

19 G

Manner

Manner as shall be appointed by the said Commissioners for the Issue of Exchequer Bills for the Payment thereof, in preference to all other Claims, Demands, Securities, or Liabilities of what Nature or Kind soever, except such Portion of the Navigation Tolls as is by this Act directed to be applied for the Protection of the Harbour of *Lynn*; and the said Commissioners for the Issue of Exchequer Bills shall have and are hereby vested with all such and the same Powers, Means, and Remedies for recovering and obtaining Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence, and the several Portions thereof, and the Interest for the same, at the Time or respective Times at which the same shall be appointed to be paid as aforesaid, from and out of the said Taxes, Tolls, and Funds so charged therewith as aforesaid, or any of them, and of possessing and receiving the said last-mentioned Taxes, Tolls, and Funds, or any of them, or any Part or Parts thereof respectively, as are already given to or vested in the said last-mentioned Commissioners by or by virtue of the said several Acts or any of them, or by the said Indentures of Mortgage or either of them, for recovering and obtaining Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence, and the several Instalments thereof, at the several Times already mentioned and appointed for the Payment of the same, from, out of, or by means of the said several Taxes, Tolls, and Funds already charged with the Payment thereof as aforesaid.

Drainage Commissioners may apply their Funds until the Time to which the Exchequer Debt shall be postponed.

XCVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent the said Commissioners of Drainage or their Treasurer from paying and applying any Part of the Taxes, Tolls, and other annual Revenues and Funds under their Authority or Management by virtue of the said recited Acts and this Act, or any of them, in any Manner authorized by the said Acts respectively, in the meantime until the Time or respective Times to which the Payment of the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence, or of any Portion thereof, shall be postponed as aforesaid, having regard nevertheless at all Times to such Priority as aforesaid.

The Exchequer Bill Commissioners may advance Monies to the Commissioners of Drainage.

XCVIII. And be it further enacted, That it shall be lawful for the said Commissioners for the Issue of Exchequer Bills, with and out of the Monies placed or to be placed at their Disposal by or under the Authority of the said several recited Acts of Parliament relating to the Issue of Exchequer Bills, or any of them, or by any other Act passed or to be passed in relation thereto, to lend and advance to the said Commissioners of Drainage, for the Purpose of carrying this Act and the several Objects and Provisions hereof into effect, any Sum or Sums of Money which the said Commissioners of Drainage are hereby empowered to borrow, provide, and raise as aforesaid; and such Security or Securities of and upon all or any of the Taxes, Tolls, Rents, Revenues, and other Monies and Funds respectively charged, imposed, and made payable, and authorized to be demanded and received, to and for the Use of the said Commissioners of

Drainage as aforesaid, or otherwise vested in them by the said recited Acts and this Act, or any of them, (except the said Portion of the said Navigation Tolls by this Act directed to be applied for the Protection of the Harbour of *King's Lynn* aforesaid,) shall be made and granted by the said Commissioners of Drainage to the said Commissioners for the Issue of Exchequer Bills as they the said last-mentioned Commissioners shall think proper to require and take for the Repayment of the said Sum or Sums of Money to be lent and advanced by them as last aforesaid, together with Interest for the same, either wholly at One Time, or by such several Instalments, and at such several Times, and at such Rate of Interest, and with such Preference and Priority, and upon such Terms and Conditions, and in such Manner and Form in all respects, as the said last-mentioned Commissioners and the said Commissioners of Drainage shall mutually agree upon and appoint, as they are hereby fully authorized and empowered to do; any thing contained in the said recited Acts relating to the Issue of Exchequer Bills, or this Act, to the contrary thereof notwithstanding.

XCIX. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and they are hereby empowered, at any of their General or Quarterly Meetings, to borrow, provide, and raise, or to order and direct to be borrowed, provided, and raised, for any of the Purposes of the said recited Acts or this Act, from the said Commissioners for the Issue of Exchequer Bills, or from any other Body or Bodies or Person or Persons, any Principal Sum or Sums of Money upon any Mortgage or Mortgages of all or any Part or Parts of the several Taxes, Navigation Tolls, and other Monies respectively charged, imposed, and made payable, and authorized to be demanded and received, to and for the Use of the said Commissioners of Drainage by the several Provisions of the said recited Acts or any of them, or of this Act, (except so much and such Portion or several Portions of the said Navigation Tolls as is or are by this Act directed to be applied for the Protection of the Harbour of *King's Lynn* in the Manner herein mentioned,) which the said Commissioners of Drainage shall from Time to Time think proper so to provide and raise, so that the Principal Sum or several Principal Sums of Money which shall be due and owing at any One Time upon any Mortgage or Mortgages of the said Taxes, Navigation Tolls, and Sands granted and to be granted under the Authority of the said recited Acts and this Act, or any of them, do not exceed in the whole the Sum of One hundred and twenty thousand Pounds, and for any Five or more of the said Commissioners of Drainage, pursuant to any such Order or Direction as aforesaid, to mortgage or assign, by any Writing under their Hands and Seals, the said several Taxes, Navigation Tolls, and Monies respectively, or any of them, or any Part or Parts thereof respectively, (except as is before excepted,) to any Body or Bodies or Person or Persons who shall lend and advance any such Principal Sum or Sums of Money as aforesaid, as a Security, by way of Mortgage, for the Repayment of the same Principal Sum or Sums of Money, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*; and every such Mortgage Security may be in the Form or to the Effect following, with such

Drainage  
Commission-  
ers may bor-  
row Monies  
on Mort-  
gage of the  
Taxes and  
Tolls.

such other Provisions, Stipulations, Terms, and Conditions to be inserted therein as the said Commissioners of Drainage and the Body or Bodies or Person or Persons who shall advance and lend such Sum or Sums of Money shall mutually agree upon or the Case may require, subject nevertheless as herein provided in respect to any Sum or Sums to be lent and advanced by the said Commissioners for the Issue of Exchequer Bills; (that is to say,)

Form of  
Mortgage.

‘ WE whose Names are hereunto subscribed and Seals affixed,  
 ‘ being of the *Eau Brink* Commissioners of Drain-  
 ‘ age, acting in execution of an Act of Parliament passed in the  
 ‘ First and Second Years of the Reign of King *William* the Fourth,  
 ‘ intituled [*here set forth the Title of this Act*], and of the several  
 ‘ other Acts to which the Title of the said Act refers, by virtue of  
 ‘ the Power and Authority given to us by the said first-mentioned  
 ‘ Act, and in consideration of the Sum of  
 ‘ at or before the Execution of these Presents, paid by *A. B.* of *C. D.*  
 ‘ in the County of *E.* to the Treasurer of the said Commissioners of  
 ‘ Drainage, as appears by his Receipt for the same indorsed hereon,  
 ‘ do bargain, sell, and assign unto the said *A. B.*, their Successors and  
 ‘ Assigns, or his, her, or their Executors, Administrators, and  
 ‘ Assigns, (*as the Case may be,*) all and singular the Taxes and Navi-  
 ‘ gation Tolls, or all and singular the Taxes, or all and singular the  
 ‘ Navigation Tolls, (*as the Case may be,*) and all the Monies which  
 ‘ shall arise therefrom or in respect thereof, which by the said first-  
 ‘ mentioned Act the said Commissioners of Drainage are empowered  
 ‘ to mortgage and assign as a Security, by way of Mortgage, for the  
 ‘ Repayment of any Principal Sum or Sums of Money to be borrowed,  
 ‘ provided, or raised by the said Commissioners under the Authority  
 ‘ of the said first-mentioned Act, to have and to hold the said Taxes  
 ‘ and Navigation Tolls, or the said Taxes, or the said Navigation  
 ‘ Tolls, (*as the Case may be,*) and the Monies arising therefrom, unto  
 ‘ the said *A. B.*, their Successors and Assigns, or his, her, or their  
 ‘ Executors, Administrators, and Assigns, (*as the Case may be,*)  
 ‘ henceforth until the said Sum of together with Interest  
 ‘ for the same after the Rate of *per Centum per Annum*, to be  
 ‘ computed from the Day of the Date hereof, shall be fully repaid and  
 ‘ satisfied to them, (*or to him, her, or them, as the Case may be,*) such  
 ‘ Interest to be paid by half-yearly Payments on the Day of  
 ‘ and the Day of in every Year, in  
 ‘ the meantime until the said Sum of shall be fully  
 ‘ repaid and satisfied as aforesaid. Given under our Hands and Seals  
 ‘ the Day of in the Year of our Lord One thou-  
 ‘ sand eight hundred and .’

Drainage  
Commission-  
ers may bor-  
row Money  
on Mortgage  
of the Sands.

C. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and they are hereby empowered, at any Time or Times and from Time to Time when and so often as Occasion shall require, at any of their General or Special or Quarterly Meetings, to order or direct to be borrowed and taken up at Interest any Principal Sum or Sums of Money, in their Discretion, upon any Mortgage or Mortgages of the said several Sands and Channel so vested in them by this Act as aforesaid, or any of them, or any Part or Parts thereof, and for any Five or more of the said Commis-



Commissioners of Drainage, pursuant to any such last-mentioned Order or Direction, to grant and mortgage the said several Sands and Channel, or any of them, or any Part or Parts thereof, by any Writing or Writings under their Hands and Seals, to any Person or Persons who shall agree to advance or lend to the said Commissioners any such Sum or Sums of Money as last aforesaid, and his, her, or their Heirs or Assigns, or his, her, or their Executors, Administrators, or Assigns, in such Form and Manner as shall be thought expedient and proper, as a Security or Securities for the Repayment of such Sum or Sums of Money which shall be so advanced and lent and paid to the said Commissioners or their Treasurer, together with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum.*

CI. And be it further enacted, That Copies of all such Mortgage Securities as shall from Time to Time be granted by the said Commissioners of Drainage upon the said Taxes, Tolls, and Monies, and Sands and Channel respectively, or any of them, shall be entered by the Clerk of the said Commissioners in a Book or Books to be kept by him for that Purpose; and every such Book may be inspected at all reasonable Times by any of the said Commissioners of Drainage, or by any Person or Persons holding or entitled to or having an Interest in any such Mortgage Security, without Fee or Reward.

Copies of  
Mortgages to  
be entered.

CII. And be it further enacted, That it shall be lawful for all and every Bodies and Body and Persons and Person to whom any Mortgage Security shall have been granted by the said Commissioners of Drainage under any of the Powers or Provisions of this Act, or to whom any such Mortgage Security or any Interest therein shall have been transferred, or shall have descended or passed, or who shall be entitled to the same or to the Principal Money and Interest thereby secured, or any Part or Portion thereof, and he, she, and they is and are hereby respectively empowered, from Time to Time, by any Writing under their Corporate Seal or Seals, or under his, her, or their Hand and Seal or Hands and Seals, as the Case may be, to transfer such Security, or any Share thereof, or Interest therein, and all or any Part of the Monies due or to become due thereon, to any Person or Persons whomsoever; and every such Transfer, and every Will, Administration, or other Evidence, by which any such Security, or the Principal Sum or Interest thereby secured, or any Part thereof, shall descend or pass, shall be produced or notified to the Clerk of the said Commissioners of Drainage, who shall cause a Memorial thereof, specifying the Date thereof, and the Names, Additions, and Places of Abode of the several Parties thereto, and the Sum or Sums of Money which shall be therein mentioned to be transferred, or which shall descend or pass thereby, to be entered in the said Book or Books in which the said original Securities are hereby directed to be entered, for the Entry of which said Memorial the said Clerk shall be paid the Sum of Five Shillings, and no more, by the Person producing or notifying such Transfer, Will, Administration, or other Evidence as aforesaid; and after such Entry made of such Memorial as aforesaid, and not sooner or otherwise, the Person or Persons claiming under or by virtue of such Transfer, Will, Administration,

Power for  
Mortgagees  
to transfer  
their Securities.

nistration, or other Evidence as aforesaid, shall be entitled to the Benefit thereof, and of the original Security or of the Interest therein which shall have been thereby transferred, or shall have thereby descended or passed.

Mortgagees to be Creditors in an equal Degree.

CIII. And be it further enacted, That the several Bodies and Persons to whom such several Mortgage Securities shall have been respectively made or granted by the said Commissioners of Drainage as aforesaid, and their respective Successors, Heirs, Executors, Administrators, and Assigns, who shall from Time to Time by virtue of their several Securities be Creditors respectively upon the said several Taxes, Tolls, Monies, Sands, Channel, and Premises, except the said Commissioners for the Issue of Exchequer Bills, shall be Creditors in an equal Degree, one with another, upon and in respect of the same Taxes, Tolls, Monies, Sands, Channel, and Premises respectively which shall be comprised in their respective Securities, and according to the respective Securities and Interests which the said Bodies and Persons respectively may have upon and in the said Taxes, Tolls, Monies, Sands, Channel, and Premises respectively, and according to the Amount or Portion of the respective Principal Sums of Money secured to them respectively; and any One or more of the said several Bodies or Persons, or his, her, or their respective Successors, Heirs, Executors, Administrators, or Assigns, except as aforesaid, shall not have any Preference over any of the others of them claiming under any such Security of the same Nature and upon the same Premises, or his, her, or their respective Successors, Heirs, Executors, Administrators, or Assigns, by reason of any Priority in the Date of such respective Securities or any of them, or in the Time of advancing the Monies for which the same shall have been respectively granted.

The Treasurer of the Commissioners to pay the Interest of the Monies half-yearly.

CIV. And be it further enacted, That the Treasurer for the Time being of the said Commissioners of Drainage, or in case of his Default, then any Collector of the said Commissioners, shall, upon receiving Notice in that Behalf from any Mortgagee or Assignee for the Time being entitled to any Security which shall have been so granted as aforesaid, and he is hereby authorized and required, with and out of the respective Taxes, Tolls, and Monies, and the Rents and Profits of the Sands and Channel respectively, comprised in or charged by such Security, to pay and keep down the yearly Interest mentioned in and secured by such Security, by equal half-yearly Payments, when and as the same shall become due, from and out of the Monies, Funds, or Premises respectively charged therewith, to the Body or Bodies or Person or Persons for the Time being entitled thereto.

In default of Payment, the Taxes and Tolls to vest in and to be received by the Mortgagees.

CV. And be it further enacted, That in case the Interest of any Principal Sum or Sums of Money which shall be due by virtue of any such Mortgage Security as aforesaid shall not be paid by the said Commissioners of Drainage, or their Treasurer or Collector, half-yearly, in the Manner herein-before directed for the Payment thereof, or in case any such Principal Sum or Sums of Money shall not be paid by the said Commissioners, or their Treasurer or Collector, to any Body or Bodies or Person or Persons entitled to receive the same at the Expiration of Twelve Calendar Months next after

Notice for that Purpose given by him or them to the said Commissioners or their Treasurer, then and in such Case the said several Taxes, Tolls, Monies, Sands, Channel, and Premises which shall have been made liable to and charged with the Payment thereof respectively, shall thereupon and thenceforth vest in the Mortgagee or all the Mortgagees thereof for the Time being, and their respective Successors, Heirs, Executors, Administrators, and Assigns, or in some Person or Persons to be nominated by them, or by the major Part of them in Number and Amount, in Trust for all of them, according to the respective Amounts of the several Principal Monies which shall then be due and owing to them respectively by virtue of their said several Securities, until all the said Principal Monies and Interest, and all further and accruing Interest due thereon respectively, shall be proportionably and fully paid and satisfied to the said several Mortgagees, or their respective Successors, Executors, Administrators, or Assigns, together with the Costs and Charges which shall have been occasioned to them respectively by the Nonpayment of the same Principal Monies and Interest, or any of them, or any Part thereof respectively; and the said several Mortgagees, and their respective Successors, Heirs, Executors, Administrators, and Assigns, shall have all such and the same Powers, Means, Rights, and Remedies for collecting, recovering, and receiving the said Taxes, Tolls, and Monies, and the Rents, Profits, and Proceeds of the said Sands, Channel, and Premises, or such of them or such Part or Parts thereof as shall be so mortgaged to them respectively as aforesaid, as the said Commissioners of Drainage or their Treasurer or Collectors would have had in case the said Mortgage Securities had not been respectively granted.

CVI. Provided always, and be it further enacted, That no such Mortgage Security of or upon the said several Taxes, Tolls, and Monies, or of or upon the said Sands, Channel, and Premises, so to be granted by the said Commissioners of Drainage as aforesaid, shall lessen, weaken, prejudice, or affect any Security or Securities already granted or hereafter to be granted by the said Commissioners of Drainage to the said Commissioners for the Issue of Exchequer Bills for the said Sum of Fifty-three thousand three hundred and ninety-two Pounds Two Shillings and Two-pence so now remaining due from the said Commissioners of Drainage to the said Commissioners for the Issue of Exchequer Bills as aforesaid, or for any further or other Sum or Sums of Money which shall be advanced or lent by the said last-mentioned Commissioners to the said Commissioners of Drainage under the Authority of this Act, but every such Mortgage Security to be granted by the said Commissioners of Drainage as aforesaid shall be subject and postponed to any such Security or Securities to the said Commissioners for the Issue of Exchequer Bills as aforesaid; and the Powers and Remedies hereby given to the several Bodies and Persons to whom such Mortgage Securities shall be so respectively granted as aforesaid, and to their respective Successors, Heirs, Executors, Administrators, and Assigns, for recovering and obtaining Payment of their respective Principal Monies and Interest, and for receiving the said Taxes, Tolls, and Monies, and the Rents, Profits, and Proceeds of the said Sands, Channel, and Premises,

Mortgages to be granted not to prejudice Securities to the Exchequer Bill Commissioners.

Premises, which shall be respectively charged with or made liable to the Payment of the same, shall in no Case be exercised by such several last-mentioned Bodies or Persons, or any of them, or their respective Successors, Executors, Administrators, or Assigns, so long as any of the Principal Monies due to the said Commissioners for the Issue of Exchequer Bills under or by virtue of the said recited Acts and this Act, or any of them, and the several Mortgages which shall have been or shall be granted in pursuance thereof, or any Interest for the same, shall remain due and owing to the said last-mentioned Commissioners, without the Consent of the said last-mentioned Commissioners, which Consent they are hereby authorized to give in such Form and upon such Conditions as they may appoint.

Power for Commissioners to borrow Money for temporary Purposes.

CVII. And inasmuch as it is expedient that the said Commissioners of Drainage should be enabled for any urgent or immediate Purposes of the said recited Acts or this Act to borrow Money by way of temporary Loan, be it therefore further enacted, That it shall be lawful for any Five or more of the said Commissioners of Drainage, pursuant to any Order to be made for that Purpose at any General or Quarterly or Special Meeting of the said last-mentioned Commissioners, from Time to Time to borrow and take up any Sum or Sums of Money by way of temporary Loan for any of the Purposes of the said recited Acts or of this Act, and to secure the Repayment of such Sum or Sums, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*, by and upon the Bond or Bonds of any such Five or more of the said last-mentioned Commissioners to the Body or Bodies or Person or Persons who shall advance or lend the same, and to his, her, or their Successors, Executors, Administrators, and Assigns; and it shall be lawful for the said Commissioners of Drainage and they are hereby required to repay such Sum or Sums of Money as shall from Time to Time be so borrowed as last aforesaid, with the Interest thereof, to the Body or Bodies or Person or Persons who shall have advanced or lent the same, or to his, her, or their Successors, Executors, Administrators, or Assigns, from and out of the several Taxes, Tolls, and Funds vested in and made payable to the said Commissioners of Drainage by or under the Authority of the said recited Acts and this Act, or any of them: Provided nevertheless, that every Sum of Money which shall be so borrowed and taken up by the said Commissioners of Drainage upon any such Bond as aforesaid shall be made repayable to the Body or Bodies or Person or Persons by whom the same shall have been advanced and lent as aforesaid at One or more Period or Periods, not exceeding in the whole Three Years from the Date of such Bond, and that all the Principal Monies which shall be owing upon any such Bond or Bonds as aforesaid shall not together and in the whole exceed the Sum of Three thousand Pounds at any One Time: Provided also, that any such Bond as aforesaid shall not in any way lessen, prejudice, or affect any Mortgage Security or Securities whatsoever which shall have been made or granted by the said Commissioners of Drainage under the Provisions or Authority of the said recited Acts and this Act, or any of them, upon any of the said Taxes, Tolls, or Funds of the said last-mentioned Commissioners.

CVIII. Pro-

CVIII. Provided always, and be it further enacted, That no Sum or Sums of Money shall be borrowed or taken up at Interest by the said Commissioners of Drainage upon any Mortgage or Bond or other Security, under the Authority of this Act, unless the Intention to propose the borrowing of the same shall be advertised in the Notice of the Meeting at which the borrowing thereof shall be ordered or directed.

Notice to be given of Intention to borrow Monies.

CIX. And be it further enacted, That the several Receipts of the Treasurer or Treasurers for the Time being of the said Commissioners of Drainage and Navigation respectively shall from Time to Time be good, sufficient, and effectual Releases, Acquittances, and Discharges to all Persons and Parties whomsoever for all and every or any of the Monies which by the said recited Acts and this Act, or any of them, are directed, authorized, or intended to be lent or advanced to the said Commissioners of Drainage and Navigation respectively, or to be paid to or raised or received by the said Commissioners respectively, or their respective Committees or Treasurers, or for so much of the said respective Monies as in such several Receipts shall be respectively acknowledged to be received; and that after taking such Receipts respectively, the Body or Bodies, Person or Persons, Party or Parties, respectively paying the several Sums of Money therein respectively acknowledged to be received, shall not be liable to see to the Application of the same respective Sums of Money or any Part thereof, nor be answerable or accountable for any Misapplication or Nonapplication thereof.

The Receipts of the Treasurer of the Commissioners to be good Discharges.

CX. And be it further enacted, That all Monies which shall from Time to Time arise by or from the said several Taxes and Navigation Tolls by this Act respectively charged and imposed or made payable to the said Commissioners of Drainage, and by or from any Mortgage or Mortgages of the said Taxes and Tolls respectively, shall be and the same are hereby vested in the said Commissioners of Drainage, and shall from Time to Time, after paying and satisfying all Charges and Expences which shall from Time to Time arise or be incurred by the said Commissioners for or in respect of such several Taxes and Tolls respectively, and the Management, Collection, Receipt, and Application thereof, or otherwise in relation thereto, and for or in respect of any such Mortgage or Mortgages, be applied and disposed of, by or under the Direction of the said Commissioners of Drainage, for such several Purposes as are by the said recited Acts and this Act directed or provided in relation to the said Taxes and Tolls respectively, and in executing, repairing, and maintaining all or any of the Works by any of the said recited Acts or this Act directed or authorized to be executed, repaired, or maintained by or under the Authority of the said Commissioners of Drainage, and in satisfying and discharging all or any of the Costs, Charges, and Expences which they the said last-mentioned Commissioners shall from Time to Time incur or sustain in the Execution of any of the Powers or Provisions of the said Acts or any of them.

Application of Monies arising from the Taxes, Tolls, and Mortgages.

CXI. And be it further enacted, That the said Commissioners of Drainage shall and they are hereby authorized and required from Time to Time to pay, apply, and dispose of the several Monies which

Application of Monies arising from the Sands and Channel.

[*Local.*]

shall

shall be raised by any Mortgage or Mortgages or other Security or Securities of or upon the said Sands and Channel or any Part or Parts thereof, or shall arise or be produced by or from the Sale or Sales herein-before authorized to be made of the said Sands and Channel, and also the intermediate Rents, Issues, and Profits which shall arise or be received after the passing of this Act for or in respect of the same, in manner following; that is to say, the said Commissioners shall in the first place thereout pay and discharge all and singular the Costs, Charges, Damages, and Expences which shall be by them henceforth from Time to Time incurred in or about the taking in, fencing, draining, and embanking of the said Sands and Channel or any Part or Parts thereof, or the making, repairing, maintaining, supporting, or executing of any Works connected therewith, and in or about the completing of the said Dam at or near the lower End of the said Cut, and in or about the letting or selling of the same Sands and Channel, or in anywise incidental to or occasioned by any such Sale or Letting, or by any Matter or Thing connected with the said Sands and Channel or in relation thereto, or such Portion of the said Costs, Charges, Damages, and Expences as the said Commissioners of Drainage shall not think fit to raise and pay out of their general Funds; and shall in the next place, with and out of the said Monies, Rents, Issues, and Profits, if the same will so far extend; and if not, then so far as the same will extend, pay and discharge the several Principal Sums of Money and the Interest thereon respectively which may from Time to Time have been borrowed upon the Security of the said Sands and Channel, or any Part thereof, in pursuance of the Power herein-before contained; and then shall pay and apply all the Residue of such Monies, Rents, Issues, and Profits, if any, as a Part of the general Funds of the said Commissioners of Drainage.

Power for  
Commissioners of Drainage to invest  
Monies.

CXII. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and they are hereby empowered at any Time or Times to invest or cause to be invested in any of the Public Stocks or Funds of *Great Britain*, or to place in the Hands of any Banker or Bankers, any Monies which shall from Time to Time be in the Hands of their Treasurer or at their Disposal, and which shall not be immediately required for the Purposes of the said recited Acts or of this Act, and to sell out or call in the same, and convert the same or any Part or Parts thereof into Money, when and as they shall think it expedient, and to appropriate and apply the same or the Proceeds thereof from Time to Time, as they shall see Occasion, in or for any of the Purposes to which the same are or shall be applicable under or by virtue of this Act; and the said Commissioners or any of them, or their Treasurer, shall not be answerable for any involuntary Loss or Deficiency of the said Monies, Stocks, and Funds, or any Part thereof.

Commissioners Funds not to be answerable for Damages occasioned by

CXIII. And be it further enacted, That the said Commissioners of Drainage, or any Committee appointed or to be appointed by them, or any Officer or Person acting under the Authority of the said Commissioners or of any of their said Committees, or any of the Lands, Taxes, Tolls, Rents, Revenues, or other Property or Funds of the

said Commissioners of Drainage, or under their Controul or Management, shall not at any Time or in any Manner, nor shall the Owner or Owners of any Lands whatsoever liable to the Payment of the *Eau Brink* Taxes, or any of the said last-mentioned Lands, by reason of any Liability to the Payment of such Taxes, at any Time or in any Manner, be answerable or accountable for any Loss, Damage, or Injury which at any Time or Times shall happen or be occasioned to or sustained by any District or Districts, Body or Bodies, Commissioner or Commissioners, Owner or Owners, Occupier or Occupiers, or any other Person or Persons, or to or by any Districts, Lands, Buildings, Banks, Forelands, Wharfs, Sluices, Tunnels, or other Works, or any other Property, Real or Personal, of or belonging to, or being under the Trust, Care, Management, or Direction of, any Body or Bodies, Commissioner or Commissioners, Owner or Owners, Occupier or Occupiers, or any other Person or Persons, by reason of the said *Eau Brink Cut*, or the making or opening of the same, or of the Operation thereof, or the Execution of any Works made or executed or to be made or executed by the said Commissioners of Drainage under the Authority of the said recited Acts or this Act, or by reason of the Scour, Pressure, Violence, or Irruption of any Land or Sea Waters passing through the said Cut, or through any of the Rivers, Channels, or Watercourses communicating therewith, or by reason of any Breach or Failure of any of the Banks or Forelands of the said Cut, or of any of the said Rivers, Channels, or Watercourses, save and except such Compensation and Satisfaction as by the said recited Acts and this Act, or any of them, is required to be made for any Lands, Buildings, or Hereditaments which shall be taken or used by the said Commissioners of Drainage, or any Person or Persons under their Authority, for the Purpose of making, executing, or maintaining the Works of the said Commissioners or any of them, and save and except all such Loss, Damage, or Injury, if any, as shall be occasioned or sustained by or in consequence of any wilful or negligent Default of the said Commissioners of Drainage in not repairing the Banks and Forelands of the said *Eau Brink Cut*, or the upper or lower Dams of the said old Channel.

Pressure of  
Waters or  
Breach of  
Banks.

CXIV. And be it further enacted, That no Contract, Covenant, Bond, Mortgage, or Security which shall be made or entered into by the said Commissioners of Drainage and Navigation respectively, or their respective Committees, for any of the Purposes of the said recited Acts or this Act, shall be binding upon the said Commissioners or their said Committees, or any of them, personally or as Individuals in their private Capacity, nor shall the said Commissioners or their said Committees, or any of them, personally, or their respective Estates or Effects, be answerable for or subject to the Payment of any Sum or Sums of Money which the said Commissioners or their said Committees shall, in the Execution or under the Authority of the said recited Acts or this Act, contract, covenant, engage, or agrée to pay to any Person or Persons whomsoever (except only in those Cases wherein they shall respectively think proper to make themselves personally and individually liable to the Payment thereof); and all Costs, Damages, Charges, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against the said Commissioners or their said

Commissioners or their  
Committee  
not to be personally liable.

said Committees, or any of them, or their or any of their Officers or Servants, for or by reason of any such Contract, Covenant, Bond, Mortgage or Security, or Engagement, or Agreement as aforesaid, and also all Costs, Charges, Damages, and Expences which they or any of them shall pay, expend, sustain, or incur, or which shall be occasioned to them or any of them, for or by reason of any such Contract, Covenant, Bond, Mortgage or Security, or Engagement or Agreement as aforesaid, or in or in consequence of any Suit or Suits to be brought or prosecuted by or against them or any of them for any thing done or omitted to be done by or under the Authority of the said Commissioners or their said Committees, shall be paid and discharged by the said Commissioners out of the Funds and Monies to be raised and received by the said Commissioners under the Authority of the said recited Acts or this Act.

Indemnity  
to the Treasur-  
er.

CXV. And be it further enacted, That in any Action or Proceeding which may be commenced, prosecuted, or taken against the said Commissioners of Drainage and Navigation respectively, or their respective Treasurers, the said Treasurers or either of them shall not be answerable for or liable to pay any Damages or Costs which shall be recovered against the said Commissioners respectively, or against the said Treasurers or either of them, or which the Funds of the said Commissioners respectively may be liable to satisfy, to any further Extent than the Amount of the Funds and Monies belonging to the said Commissioners respectively which shall be or remain in the Hands of such Treasurers respectively at the Time or Times when Notice in Writing shall be given to such Treasurers respectively of the Recovery of such Damages or Costs, or shall afterwards come into their Hands respectively; and the said respective Treasurers shall be entitled to charge the Funds of the said Commissioners respectively with all Payments made by them or either of them for or on account of such Damages or Costs as aforesaid, and to receive and retain the same from any Monies which shall afterwards come into their Hands respectively on account of the said respective Commissioners.

Application  
of Compens-  
ation Money  
when  
amounting to  
200*l.*

CXVI. And be it further enacted, That (notwithstanding any thing in the said recited Acts or any of them contained to the contrary) if any Money shall be agreed or awarded to be paid for the Purchase of or Damage to any Lands, Tenements, or Hereditaments to be purchased, taken, used, or damaged by virtue of the said recited Acts or any of them, or of this Act, for any of the Purposes thereof, which shall belong to any Body Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Feme Covert, Lunatic, Idiot, or other Cestuique Trust, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money 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 of the *Eau Brink* Drainage,



Drainage, pursuant to the Method prescribed by an Act passed in the 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 may be applied, under the Direction and by and with the Approbation of the said Court to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who for the Time being would have been or shall be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in or towards the Purchase or Redemption of Land Tax, or the Discharge of any Debt, or any other Incumbrance, or Part thereof, 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, Intents, or Purposes, as the said Court shall authorize and direct; or in case such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in or towards the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited to, for, and upon or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be and continue invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for any of the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so directed to be purchased by virtue of the said recited Acts or any of them, or of this Act, in case such Purchase, Conveyance, and Settlement thereof had been made.

CXVII. And be it further enacted, That if any Money so agreed or awarded to be paid for the Purchase of or Damage to any Lands, Tenements, or Hereditaments to be purchased, taken, used, or damaged for any of the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or damaged as aforesaid, or of his, her, or their Guardian, Husband,

[*Local.*]

19 K

Committee,

Application  
of Compen-  
sation Money  
when less  
than 200*l.*  
and not less  
than 20*l.*

Committee, or Trustee, in case of Infancy, Coverture, Idiocy, Lunacy, or other Incapacity as aforesaid, 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 Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall, at the like Option, be paid to Two Trustees to be nominated by the Person or Persons making such Option, and to be approved by Five or more of the said Commissioners of Drainage, pursuant to any Order made at a Meeting of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Money and the Dividends arising therefrom may be applied in the Manner herein-before directed in Cases where such Money shall amount to or exceed the Sum of Two hundred Pounds, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

Application of Compensation Money when less than 20*l*.

CXVIII. And be it further enacted, That in all Cases in which such Money so agreed or awarded to be paid as before mentioned shall be less than the Sum of Twenty Pounds, the same shall be paid or applied to or to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or damaged for any of the Purposes of the said recited Acts or any of them, or of this Act, as aforesaid, in such Manner as the said Commissioners of Drainage shall think fit; or in case of Infancy, Coverture, Lunacy, Idiocy, or other Incapacity as aforesaid, then such Money shall be paid to his, her, or their Guardian, Husband, Committee, or Trustee, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c. Monies to be paid into the Bank of *England*.

CXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or awarded to be paid for the Purchase of or Damage to any Lands, Tenements, or Hereditaments to be purchased, taken, used, or damaged by virtue of the said recited Acts or any of them, or of this Act, as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises in respect of which the same shall have been agreed or awarded to be paid, to the Satisfaction of the said Commissioners of Drainage, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments shall not be known or discovered, or cannot be found, then and in every such Case it shall be lawful for the said Commissioners of Drainage to order any such Sum or Sums of Money which shall have been agreed or awarded in respect of such Lands, Tenements, or Hereditaments 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 interested in the said Lands, Tenements, or Hereditaments, subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be

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and

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 Estates, Titles, or Interests of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable.

CXX. And be it further enacted, That the Cashier or Cashiers of the Bank of *England*, who shall receive any such Sum or Sums of Money as shall be paid into the said Bank pursuant to the several Directions herein-before contained, shall and he and they is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what Purpose and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the said Bank as aforesaid.

Cashier of the Bank of England to give Receipts for Monies.

CXXI. And be it further enacted, That in all Cases wherein any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of or for any Damage done to any Lands, Tenements, or Hereditaments purchased, taken, used, or damaged as aforesaid in pursuance of the said recited Acts or any of them, or of this Act, or of or to any Estate, Right, or Interest therein, or touching the Title to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession and Enjoyment of such Lands, Tenements, or Hereditaments at the Time of so purchasing, taking, using, or damaging the same as aforesaid, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, 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 shewn to the Satisfaction of the said Court of Exchequer; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise as to the Title to Money, the Person in Possession shall be deemed entitled until the contrary shall be shewn.

CXXII. And be it further enacted, That in Cases wherein, by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, used, or damaged under the Authority of the said recited Acts or any of them, or of this Act, as aforesaid, the Purchase or Compensation Money for the same is by the said recited Acts or any of them, or by this Act, required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses,

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

it

it shall be lawful for the said Court of Exchequer to order the Expences of such last-mentioned Purchase, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners of Drainage out of the Monies and Funds to be received by them by virtue of the said recited Acts or any of them, or of this Act, and the said Commissioners shall from Time to Time pay all such last-mentioned Expences as the said Court shall direct.

Power to demand and recover Books, Plans, and Papers from the Officers.

CXXIII. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage and Navigation respectively, at any of their General or Quarterly Meetings, and for any other Person or Persons in that Behalf authorized by the said Commissioners respectively at any of their said respective Meetings, and they are hereby severally empowered, to demand and require from the Clerks, Treasurers, Collectors, and other Officers who shall from Time to Time be appointed or authorized to act by the said Commissioners of Drainage and Navigation respectively, and from every or any of them, all and every or any of the Books, Maps, Plans, Papers, Writings, Vouchers, Documents, Matters, and Things whatsoever which shall or ought to be in their respective Custodies or Powers, and which shall belong to the said Commissioners of Drainage or Navigation respectively, or shall have been made or used in the Execution of the Offices of such Clerks, Treasurers, or other Officers respectively, at the Charge or Expence of the said Commissioners of Drainage and Navigation respectively, or of their respective Funds; and if any of the said Officers shall refuse or wilfully neglect, for the Space of Fourteen Days next after they shall have been thereunto respectively required, to produce and deliver up all or any of the said Books, Maps, Plans, Papers, Writings, Vouchers, Documents, Matters, and Things, every Person so offending shall forfeit and pay as a Penalty for every such Offence any Sum not exceeding Twenty Pounds; and it shall be lawful for any Justice of the Peace, in case of such Refusal or Neglect as aforesaid, on the Complaint upon Oath of any One or more of the said Commissioners of Drainage or Navigation respectively, or of their respective Officers, to issue his Warrant to search the Dwelling House and Premises of the Offender, or any other Place wherein it shall appear to such Justice that all or any of such Books, Maps, Plans, Papers, Writings, Vouchers, Documents, Matters, or Things so required as aforesaid are to be found, and to cause the same and every of them to be seized and delivered to the said Commissioners of Drainage or Navigation, or to the Person making such Complaint as aforesaid, or to whom the said Commissioners respectively shall appoint; and in case the said Books, Maps, Plans, Papers, Writings, Vouchers, Documents, Matters, and Things, or any of them, cannot be found, or cannot be accounted for to the Satisfaction of the said Justice, such Justice may commit the Person so offending as aforesaid to the House of Correction or Common Gaol of the Jurisdiction wherein such Justice shall be acting or wherein such Offender shall reside or be, for any Time not exceeding Six Calendar Months, unless the said Books, Maps, Plans, Papers, Writings, Documents, Vouchers, Matters, and Things shall be in the meantime produced and delivered up, or Satisfaction given to the said

said Commissioners of Drainage or Navigation respectively concerning the same: Provided nevertheless, that no such Clerk, Treasurer, Collector, or other Officer shall be liable to deliver up any Voucher or Document proving the Payment of any Sum or Sums of Money by him on the Account of the said Commissioners of Drainage or Navigation respectively until such Payment shall have been allowed or admitted by the said last-mentioned Commissioners respectively.

CXXIV. And be it further enacted, That if any Lessee, Farmer, or Collector of any of the said Taxes or Tolls charged, imposed, or made payable by any of the said recited Acts or by this Act, or any Officer or Person employed for any Purpose by the said Commissioners of Drainage or Navigation respectively, shall, when and so soon as the Period of his or her Hiring, Collection, Office, Employment, or Service shall have expired, or been determined by Time, Dismissal, or otherwise, refuse or delay to remove from all or any of the Houses, Buildings, Lands, or Premises occupied by him belonging to the said Commissioners of Drainage or Navigation respectively, and to deliver up the full and entire Possession thereof to the said Commissioners of Drainage or Navigation respectively, or to whomsoever they shall respectively appoint for that Purpose, upon being thereunto required by the said Commissioners of Drainage or Navigation, or by any of their Officers, or by any other Person duly authorized by the said Commissioners, it shall be lawful for any Justice or Justices of the Peace, on the Complaint upon Oath of any One or more of the said Commissioners of Drainage or Navigation respectively, or their respective Officers, to summon such Lessee, Farmer, Collector, Officer, or other Person to appear before him or them, and upon his or her appearing or not appearing pursuant to such Summons to hear and determine the Matter of the said Complaint, and to cause such Houses, Buildings, Lands, and Premises respectively to be entered, and all or any of the Goods or Chattels which shall be found therein or thereon to be removed therefrom, and the Possession of such Houses, Buildings, Lands, and Premises to be delivered up to the said Commissioners respectively, or to any of their Officers, or to such Person as they shall respectively appoint, and to allow and direct the Payment by the Person or Persons who shall have so refused or delayed to deliver up such Possession as aforesaid, to the said Commissioners of Drainage or Navigation respectively, of all or any of the Costs which shall have been incurred or occasioned by or in consequence of such Refusal or Delay as aforesaid; which said Costs shall and may be recovered in the same Manner as any Fine, Forfeiture, or Penalty may be recovered by virtue of any of the said recited Acts or this Act; and every such Lessee, Farmer, Collector, Officer, or other Person so offending by any such Refusal or Delay as aforesaid shall also for every such Offence pay as a Penalty any Sum not exceeding Twenty Pounds, in the Discretion of the said Justice or Justices.

Power to obtain Possession of Premises from Lessees and Officers.

CXXV. And be it further enacted, That in any Case wherein any Damage or Mischief shall have been done or occasioned by any Boat, Barge, or Vessel, or by any Boatman, Bargeman, or Crew of or belonging to any Boat, Barge, or Vessel, to any Bridge, Sluice, Tunnel, Bank, Foreland, or any other Work erected, made, or executed

Damages paid by Masters of Vessels to be repaid by Boatmen.

by virtue of the said recited Acts or any of them, or of this Act, or of or belonging to the said Commissioners of Navigation or Drainage respectively, for which Damage or Mischief any Compensation or Penalty shall have been paid by the Master or Owner of any such Boat, Barge, or Vessel, pursuant to the Provisions of the said Acts or any of them, then and in every such Case the Boatman, Barge-man, or other Person by whom or by whose Act, Means, or Default such Damage or Mischief shall have been done or occasioned, shall be answerable for and shall repay to such Master or Owner all such Compensation as shall have been so paid by him or her as aforesaid, and all Costs which shall have been incurred or paid by him or her in respect thereof; and in case of the Nonpayment thereof, on Demand, to such Master or Owner, then upon Oath made before any Justice of the Peace of the Payment by him or her of such Compensation and Costs, or either of them, and that the same have been demanded from such Boatman, Barge-man, or other Person respectively, but that the same have not been repaid to him or her, the Amount thereof shall be recovered by such Master or Owner from such Boatman, Barge-man, or other Person in like Manner as any Penalty is by any of the said recited Acts or this Act directed or authorized to be levied and recovered before a Justice or Justices of the Peace.

Penalty for suffering Cattle to stray on the Banks.

CXXVI. And be it further enacted, That if any Person or Persons shall suffer his, her, or their Cattle, Stock, or Swine to stray or feed upon the Banks of the said *Eau Brink Cut*, or either of them, or the respective Forelands thereof, or to root up the Soil thereof, or in any Manner to damage the said Banks or Forelands, or either of them, or shall drive or cause to be driven any Waggon, Cart, or other Carriage upon, over, or across the said Banks or Forelands, or any or either of them, save and except such Parts thereof as the said Commissioners of Drainage shall from Time to Time allow for the Passage of Waggons, Carts, or Carriages thereon, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; but nothing herein contained shall extend or be construed to extend to restrain or prevent any Person or Persons who may hire the Herbage of any such Banks or Forelands of the said Commissioners of Drainage from feeding the same with Cattle (except Swine) according to the Terms and Conditions of any such Hiring.

Power to secure transient Offenders.

CXXVII. And be it further enacted, That it shall be lawful for the respective Surveyors and other Officers of the said Commissioners of Drainage and Navigation respectively, or any of them, to seize and detain any Person or Persons, unknown to them respectively, who shall be guilty of any Offence against any of the Provisions of the said recited Acts and this Act, or any of them, and to convey such Person or Persons before any One or more Justice or Justices of the Peace for the Jurisdiction where such Offence shall have been committed, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the hearing of the Matter in question, and to the Conviction or Acquittal of such Person or Persons.

CXXVIII. And

CXXVIII. And be it further enacted, That every Complaint or Information of or for any Offence against any of the Provisions of the said recited Acts and this Act, or any of them, or against any Rule, Order, or Bye Law to be made by the said Commissioners of Drainage or Navigation respectively under the Authority of the said Acts or any of them, or for the Recovery of any Penalty, Fine, or Forfeiture imposed or made payable by the said Acts or any of them, except in Cases wherein the Manner of hearing and determining such Offence, or recovering such Penalty, Fine, or Forfeiture, is therein otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the Jurisdiction wherein the Offence shall have been committed or shall be alleged to have been committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or to issue his or their Warrant or Warrants for the Apprehension of such Person or Persons or any of them, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons or Warrant, or upon such Person or Persons being apprehended upon such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath, or by the Confession of the Offender or Offenders, and to make such Determination thereon as such Justice or Justices shall think just and equitable; and upon the Conviction of any Person or Persons of any such Offence, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Penalty, Fine, or Forfeiture by the said Acts or any of them, or by any Rule, Order, or Bye Law made in pursuance thereof, imposed or made payable, and by the said Justice or Justices adjudged to be paid for such Offence, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall be convicted of such Offence; and in case it shall appear to such Justice or Justices, either by the Confession of the Offender, or otherwise, that any such Offender hath not sufficient Goods or Chattels whereupon such Penalty, Fine, or Forfeiture, with the reasonable Costs and Charges of levying the same, may be levied, within the Jurisdiction of such Justice or Justices, no Sale shall take place of the Goods and Chattels (if any there shall be) of such Offender within such Jurisdiction, but it shall be lawful for such Justice or Justices to commit such Offender to the Common Gaol or House of Correction within the Jurisdiction of such Justice or Justices, for any Term not exceeding Six Calendar Months; and it shall be lawful for any such Justice or Justices at his or their Discretion to order any Offender who shall have been so convicted as aforesaid to be kept and detained in safe Custody until Return shall be made to the Warrant of Distress which shall have been issued by such Justice or Justices, unless such Offender 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 Five Days from the Time of taking such Security, which Security such Justice or Justices is and are hereby empowered to take by way of Recognizance, or otherwise, as to him or them shall seem right;

Mode of proceeding against Offenders and recovering Penalties.

or

or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of any such Offender, or otherwise, that he or she hath not sufficient Goods or Chattels within the Jurisdiction of such Justice or Justices whereon to levy such Penalty, Fine, or Forfeiture, with reasonable Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit such Offender to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months: Provided nevertheless, that if it shall appear to any such Justice or Justices, in his or their Judgment and Discretion, that the Payment or Recovery of any such Penalty, Fine, or Forfeiture will be attended with Consequences ruinous or in an especial Manner injurious to any such Offender or to his or her Family, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized, in such Case, if he or they shall think fit, and if such Offender shall signify his Consent thereto in Writing, but not otherwise, to cause to be withheld the Issue of any Warrant of Distress against such Offender, and to commit such Offender, immediately after his or her Conviction, in default of the Payment by him, her, or them of such Penalty, Fine, or Forfeiture, with the Costs and Charges incurred as aforesaid, to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months: Provided also, if any such Offender who shall be so committed as aforesaid shall, at any Time during the Time of his or her Imprisonment, pay or cause to be paid to the Governor or Keeper of the Gaol or House of Correction in which he or she shall be imprisoned the full Amount of such Penalty, Fine, or Forfeiture adjudged to be paid by him or her as aforesaid; together with the Costs and Charges incurred, it shall be lawful for such Governor or Keeper, and he is hereby required, forthwith to discharge such Offender from his Custody; and the Overplus (if any) of the Monies which shall arise from any such Distress and Sale to be made as aforesaid, after Payment of the Penalty, Fine, or Forfeiture for which such Distress and Sale shall have been made, and after Payment of all Charges attending such Distress and Sale, shall be paid, and the Goods and Chattels which shall have been distrained and shall not have been sold shall be restored, upon Demand, to the Owner or Owners or reputed or apparent Owner or Owners of the Goods and Chattels which shall have been so distrained as aforesaid; and all such Penalties, Fines, and Forfeitures, when levied, shall be paid into the Hands of the Treasurer to the said Commissioners of Drainage, to be applied in the same Manner as is directed by the said first herein-recited Act respecting Penalties, Fines, and Forfeitures recovered or levied under the Provisions thereof.

Justices, in Cases not being Felony, may proceed by Summons without Information in Writing.

CXXIX. Provided always, and be it further enacted, That in all Cases in which any Offence is or shall be by virtue or under any of the Provisions of the said recited Acts and this Act, or any of them, cognizable before any Justice or Justices of the Peace, (all Cases of Felony excepted,) it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any such Offence to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter  
of



of such Complaint, and on Proof of the Offence, or on Confession of the Offender or Offenders, to convict such Offender or Offenders, and to adjudge him, her, or them to pay the Fine, Penalty, or Forfeiture imposed or made payable by the said Acts or any of them, with the Costs and Charges incurred, and to proceed to recover the same in Manner herein-before directed and authorized, although no Information in Writing shall have been exhibited or taken before or by such Justice or Justices; and all the Proceedings of such Justice or Justices, upon such Complaint without Information in Writing as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been previously exhibited and taken.

CXXX. And be it further enacted, That in any Action, Suit, Information, Indictment, or Prosecution which shall be commenced, prosecuted, or carried on by or against the said Commissioners of Drainage or Navigation, or their Committees, or any of them, or by or against any Person or Persons acting under the Authority of them or any of them, or otherwise relating to the Execution of the said recited Acts or this Act, or of any of the Powers or Authorities thereby respectively granted, no Person shall be an incompetent Witness by reason of his being a Commissioner for executing the said recited Acts or this Act, or a Committee-man, Officer, Agent, or Servant of the said Commissioners respectively, or an Owner or Occupier of or otherwise interested in any of the Lands or Grounds liable to be taxed or charged under any of the Provisions of the said recited Acts and this Act, or any of them, or otherwise affected thereby, save and except in any Case wherein any such Person shall be immediately and personally interested in the Matter in question.

Commissioners and their Officers not to be incompetent Witnesses.

CXXXI. Provided always, 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 appointed or to be appointed by virtue of the said recited Acts and this Act, or any of them, to have, use, or exercise any Power or Authority over or to intermeddle with any of the Sewers, Drains, or Works already made or hereafter to be made by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the draining of the Great Level of the Fens called Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever which by virtue of the said Act made in the Fifteenth Year of the Reign of King *Charles* the Second, or any other Act or Statute, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been made, save and

Saving the Rights of the Bedford Level Corporation.

[*Local.*]

[19 M]

except

except what is by the said recited Acts and this Act, or any of them, directed or authorized to be done and executed by the said Commissioners of Drainage and Navigation respectively.

Saving the Rights of the Corporation of Lynn and of Commissioners of Sewers.

CXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect in anywise howsoever any of the Jurisdictions, Powers, Rights, Privileges, or Revenues given, granted, appertaining, or belonging to the Mayor and Burgesses of the Town of *Lynn*, or to any Commissioners of Sewers acting for the Drainage of any District or Lands in the said County of *Norfolk*, save and except so far as the same are by this Act severally and respectively expressed to be taken away, defeated, invalidated, altered, lessened, or affected, and so far as regards the several Powers and Authorities given and granted by this Act, which are to be exercised nevertheless with due Regard to such Jurisdictions, Powers, Rights, Privileges, and Revenues respectively hereby declared to be saved or reserved.

Expences of the Act to be first paid.

CXXXIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of the several Surveys, Estimates, Reports, and Plans preparatory thereto, and all other Costs, Charges, and Expences whatsoever preparatory or incidental to or concerning this Act, with all lawful Interest for all such Monies as shall have been paid or expended by any Person or Persons whomsoever on account thereof, shall be paid and discharged by the said Commissioners of Drainage by and out of the first Monies which shall come into their Hands or into the Hands of their Treasurer or Treasurers, after the passing of this Act, by virtue of the said recited Acts and this Act, or any of them.

Public Act.

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

The FIRST SCHEDULE to which the foregoing Act refers.

Names of Claimants.	Sums payable to Claimants.		
	£	s.	d.
Aikman, John - - - -	120	0	0
Bowker, Alexander, and } Bowker, James - - - - }	1,000	0	0
Carter, Thomas Augustus - - - -	467	0	0
Clifton, William - - - -	500	0	0
Dawber, Matthew - - - -	500	0	0
Garrad, William - - - -	300	0	0
Guy, Thomas - - - -	600	0	0
Jackson, Thomas - - - -	280	0	0
Sayer, George Frederick - - - -	400	0	0
Self, Lionel, - - - - } Self, Lionel, the younger, and } Self, Edward, in equal Proportions }	525	0	0
Stockdale, John Bailey - - - -	20	0	0
Thompson, John - - - -	200	0	0
Towell, James - - - -	588	0	0
£	5,500	0	0

The SECOND SCHEDULE to which the foregoing Act refers.

Names of Claimants.	Description of Estates.	Names of Occupiers.	Sums payable.		
			£	s.	d.
Aikman, John - - - -	{ Messuage and Warehouse } next the Harbour - - }	Himself - - - -	88	2	10
Allen, Thomas - - - -	{ Messuage called the Mitre } and Buildings next the } Harbour - - - - }	Benjamin Witting - -	132	3	10
Bagge, William - - - -	{ Messuage and Granaries next } the Harbour - - - - }	Wm. and Thomas Bagg -	176	6	0
Bagge, Richard - - - -	{ Messuage and Granaries next } the Harbour - - - - }	Ditto - - - -	881	5	9
Blencowe, John Prescott	{ Messuage and Granaries next } the Harbour - - - - }	Himself and others -	660	19	6
Bowker, Alexander, and } Bowker, James - - - - }	{ Granaries and Warehouses } next the Harbour - - }	Themselves - - - -	1,982	18	1
Clifton, William - - - -	{ Messuage and Granaries next } the Harbour - - - - }	Himself - - - -	440	12	11
Curtis, William - - - -	{ Messuage, Brewery, and } Buildings next the Har- } bour - - - - }	Ditto - - - -	88	2	7
Dawber, Matthew - - - -	{ Messuage and Granaries next } the Harbour - - - - }	Ditto - - - -	969	8	6

Names of Claimants.	Description of Estates.	Names of Occupiers.	Sums payable.
			£ s. d.
English, John	Deal Yard and Buildings next the Harbour	Himself and Wm. Oxley	132 3 10
Everard, Edward			
Everard, Scarlet	Messuage, Yard, and Granaries next the Harbour, called the King Street Estate	Themselves	132 3 10
Blencowe, John Prescott			
Everard, William			
Everard, James Elsdon			
Fysh, James	Granaries and Warehouses called the King Staith Estate	John Bailey Stockdale and others	220 6 6
Garrad, William	Messuage and Granaries next the Harbour	Thomas Augustus Carter and others	528 15 6
Ditto	Ditto	Donald M'Pherson and others	220 6 6
Guy, Thomas	Ditto	Himself	881 5 10
Ditto	Ditto	Thomas Jackson	440 12 10
Hogge, George	Granaries next the Harbour called the Hampton Court Estate	William and Robert Clif- ton and others	440 12 10
Ditto	Messuage and Granaries next the Harbour	Himself	220 6 6
King, William	Messuage and Granaries called Littleport Estate	Himself and others	132 3 10
Nurse, Richard	Messuage and Granaries next the Harbour	George Frederick Sayer	132 3 10
Sayer, George Frederick	Ditto	Himself	440 12 10
Self, Lionel, the elder	Ditto	Themselves	440 12 10
Self, Lionel, the younger			
Self, Edward			
Stockdale, John Bailey	Ditto	Himself	352 10 4
Ditto	Ditto	Thomas Ingle and others	176 5 3
Thompson, John	Ditto	Himself	176 5 3
Towell, James	Ditto	Himself and John Kendle	881 5 10
The Mayor and Burgesses of King's Lynn	Buildings, Wharfs, and Quays next the Harbour		881 5 10
			£ 12,250 0 0

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