



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 125.

An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called *Bedford Level*.

[24th May 1810.]

WHEREAS there are certain Rivers and Drains and divers Fen Lands and Low Grounds lying within the several Parishes or Townships of *Bury, Ramsey, Little Raveley, Upwood, Great Raveley, Stanground, Farcet, Yaxley, Stilton, Caldecot, Denton, Glatton, Holme, Connington, Sawtry All Saints, Sawtry Saint Andrew, Sawtry Saint Judith, Woodwalton, Haddon, Water Newton, Sibson-cum-Stibbington, Woodstone, Fletton, Emmeth, Outwell, Upwell, Elm, March, Doddington, Wimblington, Benwick, Chatteris, Whittlesea Saint Mary, Whittlesea Saint Andrew, Wisbech Saint Mary and Wisbech Saint Peter*, in the several Counties of *Huntingdon, Norfolk and Cambridge*, and in the *Isle of Ely*, or some of them, and in certain extra-parochial or other Places adjoining to or lying near the aforesaid Parishes or Townships, of some or one of them; all which Fen Lands and Low Grounds are situate within the North and South-west Parts of a certain Level usually called or known by the Name of *The Middle Level*, Part of the Great Level of the Fens commonly called *Bedford Level*, Part of which said

[Loc. & Per.] 31 P Fen

Fen Lands and Low Grounds are bounded as follows; that is to say, beginning at a certain Bridge over the *Sixteen Feet River* called *Bedlam Bridge*, and from thence, Southward, along the East Bank of the said River, to a certain other River called the *Forty Feet River*, and from thence, Eastward, to the Hard Lands of *Chatteris Commons*, and from thence, Northward, by the West Edge of the said Hard Lands and of the Hard Lands of *Huna* otherwise called *Honey*, to the Place upon the Bank of the said River called the *Sixteen Feet*, where certain Districts called the *Wimblington* Districts begin; and from thence, Eastward, along the Bank of the said Districts to *Twisle Lode*; and from thence, along the said *Lode*, to *Darcey Lode*; and from thence, by and along the Southward Edge of a certain District called the *Upwell* District to *Bedlam Bridge* aforesaid: other Part of the said Fen Lands and Low Grounds are bounded as follows; (that is to say), beginning at the North End of the *Sixteen Feet River*, where it joins *Popham's Eau*, and from thence, along the West Bank of the *Sixteen Feet River* aforesaid, to the North Bank of the *Forty Feet River* aforesaid; and from thence, along the said North Bank of the said *Forty Feet River*, Westwardly, to the Place where *Normoor* ends; and from thence, along the Bank or Boundary between *Normoor* and *Curf*, to the Hard Lands of *Doddington*, at the Place where a certain District called *Curffe* District ends; and from thence, along the Eastward Edge of the Hard Lands of *Doddington*, *Wimblington*, *March* and *March Town*, to the River *Nene*; and from thence, along the South Bank of the said River *Nene* to *Popham's Eau* End; and from thence, along the South Bank of *Popham's Eau* aforesaid, to the said North End of the said *Sixteen Feet River*: other Part of the said Fen Lands and Low Grounds are bounded as follows; that is to say, beginning upon the North-west Bank of the River *Nene* aforesaid, at the Place where the Southward Bank of *Ladus* ends; and from thence, along the said Bank of the said River *Nene*, to the East End of the *Twenty Feet River*, and from thence, along the North Bank of the said *Twenty Feet River*, to the Road leading from *March* to *Wisbech*, called *Coldbam Bank*, at a Place called *Tilney Hirne*; and from thence, Northwardly, along the said Road called *Coldbam Bank*, to a Paddock belonging to Sir *Henry Peyton* Baronet, in the Front of a Farm-house now in the Occupation of *William Waudby* the younger, and along the South End of the said Paddock, to *Elm Leam*, and along the said Leam to *Friday Bridge*, and from thence, Eastwardly, along the publick Road or Drove to *Ladus Drove*, and from thence, Northwardly, along the East Side of *Old Field Bank* to *Moles Drove*, and along the said Drove, Eastwardly, to *Cotton's Head House*, and from thence, along the West Side of *Burbeck Field* to the *Wisbech Canal*, and from thence, on the South Side of the said Canal, Eastwardly, to *Outwell Church*, and from thence, on the South Side of *Well Creek* or *New Podike*, to *Nortbdelf*, Eastwardly, and from thence, Westwardly, along the North Side of *Popham's Eau*, to the said River *Nene*: other Part of the said Fen Lands and Low Grounds are called *Fifth* and *Sixth Districts* in *March*, and are all the Fen Lands and Low Grounds lying within the Limits and Bounds of the said Two Districts: other Part of the said Fen Lands and Low Grounds are bounded as follows; (that is to say), beginning at a certain Bank called the *Black Bank*, at the North End of *Walderssea Bank*, opposite the *Black Hart* at *Guybirn*, in *Wisbech* aforesaid; and from thence, along the West Side of the said *Black Bank*, to the *Twenty Feet River*; and from

from thence, along the North Bank of the said *Twenty Feet River*, to the Bridge over the said *Twenty Feet River*, near a House called *Hob's Lots House*; and from thence, along the Turnpike Road leading from *Wisbeck* towards *March*, to the Hard Lands of *March*, called *Peas Hill*; and from thence, along the Westward Edge of the Hard Lands of *March*, to *March Town End*, at a Place called *Whittle End*; and from thence, along the North Bank of the said River *Nene*, to *Flood's Ferry*; and from thence, by the North Bank of *Whittlesea Dike*, to the Hard Lands of *Whittlesea*; and from thence, round by the Eastward Edge of the Hard Lands of *Whittlesea*, *Eastrea*, *Coates* and *Eldernell*, by a narrow Point, to the Toll Gate upon or near the Counter Drain Bank at *Eldernell*; and from thence, nearly in a straight Line along the South Bank of *Morton's Leam*, including the Lands between the same and the Counter Drain, to the said Corner of the said *Walderssea Black Bank*: other Part of the said Fen Lands and Low Grounds are situated in or near *Felldale*, in *Whittlesea* aforesaid, and lie within the following Boundary; (that is to say,) beginning at the said Toll Gate at *Eldernell*, and from thence, Westwardly, between the Hard Lands of *Coates* and *Eldernell*, and the said South Bank of *Morton's Leam*, up to *Whittlesea Field*, where the Corporation Great Bank ends; and round by the Northward Edge of the Hard Lands of *Whittlesea*, *Eastrea*, *Coates* and *Eldernell*, to the said Toll Gate at *Eldernell*: other Part of the said Fen Lands and Low Grounds are bounded as follows; (that is to say,) beginning at the Bridge over the River *Nene*, at *March*, and from thence, Westwardly, along the South Bank of the said River *Nene* to *Flood's Ferry*; and from thence, along the South Bank of *Whittlesea Dike* to *Field's End Bridge*, near the *Musts* in *Whittlesea*; and from thence, by and along the Western Edge of the Hard Lands of *Whittlesea Field* to the Corporation Great Bank, and along the said Bank to *Stanground Sluice*; and from thence, including all the Lands between the said Corporation Bank and the Hard Lands of *Stanground*, along and round by the Edge of the Hard Lands of *Stanground*, *Farcett*, *Yaxley*, *Stilton*, *Caldecott*, *Denton*, *Holme*, *Glatton*, *Connington*, *Sawtry All Saints*, *Sawtry Saint Andrew*, *Sawtry Saint Judith*, *Woodwalton*, *Raveley*, *Upwood*, *Bury* and *Ramsley*, to the *Forty Feet Bridge* over the *Forty Feet River* near *Ramsley*; and from thence, along the North Bank of the said *Forty Feet River* to *Carter's Bridge*; and from thence, along the Turnpike Road leading from *Gbatteris* to *Doddington*, to the Hard Lands of *Doddington* aforesaid; and from thence, round and along the Westward Edge of the Hard Lands of *Doddington*, *Wimblington* and *March* to *March Bridge* aforesaid, but not including the following Lands draining into the said *Forty Feet River*; (that is to say,) the Lands called *Betty's Nose*, the Farm belonging to Mr. *Francis Ibber-son*, called *Morris's Farm*, and *Benwick Meer*, and that Part of the Third District comprized in a certain Act of Parliament, known by the Name of the *Ramsley Act*, called *Beefelings*, and also *Curffe District*, which drain into the said *Forty Feet River*: And whereas the said Rivers and Drains are much grown up and obstructed, and the said Lands and Grounds cannot be well and effectually drained unless the said Rivers and Drains are scoured out and cleansed, and other Works are executed to improve and preserve the Drainage of the said Lands and Grounds through the said Rivers and Drains; 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

Appoint-
ment and
Qualifica-
tion of Com-
missioners.

Owners of
One hundred
Acres to be
Commis-
sioners.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who, for the Time being, shall be *bonâ fide* seised or possessed in his own Right or in the Right of his Wife, or as Trustee, Committee or Guardian for any Feme Covert, Lunatick, Minor or other incapacitated Person, of One hundred Acres of the Fen Lands and Low Grounds, subject to be taxed by virtue of this Act, shall be a Commissioner for the Purposes of carrying this Act into Execution; provided, that when there is more than One Trustee, Committee or Guardian for any Feme Covert, Lunatick, Minor or other incapacitated Person, only One such Trustee shall act at any one Time as a Commissioner in Right of such Feme Covert, Lunatick, Minor or other incapacitated Person respectively.

Owners of
Two hun-
dred Acres
to appoint a
Deputy Com-
missioner to
act in their
Absence.

II. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of Two hundred Acres of the Lands and Grounds subject to be taxed by virtue of this Act, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, a Commissioner for executing this Act, during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed as aforesaid; but such Commissioner shall act only in the Absence of the Person by whom such Appointment shall have been made.

Owners of
Five hundred
Acres to ap-
point Two
Deputies,
both of
whom may
act in their
Absence.

III. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of Five hundred Acres of the Lands and Grounds subject to be taxed by virtue of this Act, may appoint, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, Two Commissioners for executing this Act during the Pleasure of the Person so appointing, if the Person so appointing as last aforesaid shall continue so seised or possessed as aforesaid; and whenever the Person so appointing shall be absent from any Meeting of the said Commissioners, both the Persons so appointed are hereby authorized and empowered to act as Commissioners at such Meeting; but whenever the Person so appointing shall be present at any Meeting, then one only of the Persons so appointed is hereby authorized and empowered to act as a Commissioner at such last-mentioned Meeting.

No Person to
act as a De-
puty Com-
missioner
until his Ap-
pointment
shall be de-
livered in.

IV. And be it further enacted, That no Person appointed under any of the Provisions herein contained shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have delivered in his Appointment, or a Notice or Certificate of such Appointment, in Writing under the Hand of the Person appointing him, at some Meeting of the said Commissioners; and that every such Appointment or Notice or Certificate shall be filed among the Proceedings of the Meeting at which the same shall be delivered in, and a Minute thereof shall be entered by the Clerk attending such Meeting, in the Book of the said Commissioners, containing the Entry of such Proceedings.

Commission-
ers in their
own Right to
take an Oath.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in his own Right in the Execution of this Act, except administering the Oath or Affirmation hereinafter directed, until he shall have taken the Oath or Affirmation following:

‘ I A. B.

‘ I A. B. do swear [*or, being one of the people called Quakers, do solemnly affirm*] that I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as a Commissioner, by virtue of an Act passed in the Fiftieth Year of the Reign of King George the Third, intituled, An Act [*here insert the Title of this Act*] according to equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever; and I do further swear [*or, being one of the People called Quakers, do solemnly affirm*] That I am duly qualified to act as a Commissioner in the Execution of the said Act according to the Provisions of the same.’

VI. And be it further enacted, That no Person to be appointed a Deputy Commissioner by virtue of this Act, shall act as a Commissioner in the Execution thereof until he shall have taken the Oath or Affirmation following: Deputy Commissioners to take an Oath.

‘ I A. B. do swear [*or, being one of the People called Quakers, do solemnly affirm*] that I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as a Commissioner, by virtue of an Act passed in the Fiftieth Year of the Reign of King George the Third, intituled, An Act [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever, and I do further swear, that I do believe that C. D. [*naming the Person appointing him*] is duly qualified to appoint me to act as a Commissioner in the Execution of the said Act, according to the Provisions of the same.

‘ So help me GOD.’

VII. And be it further enacted, That it shall be lawful for any one the Commissioners appointed or to be appointed by virtue of this Act, to administer any of the Oaths or Affirmations hereinbefore directed to be taken, and that a Note or Minute of every such Oath or Affirmation shall be made by the Clerk to the said Commissioners, and shall be entered among the Proceedings of the Meetings, where the same shall respectively have been made; but no Person holding either of the Places of Engineer, Superintendant, Treasurer, Clerk, Surveyor, or Collector, or any other Place of Profit under the said Commissioners, shall act or be qualified to act as a Commissioner, or to appoint a Deputy or Deputies under this Act. A Note or Minute of Commissioners and Proprietors having taken the Oath or Affirmation aforelaid, to be entered among the Proceedings.

VIII. Provided always, and be it further enacted, That if any Person or Persons not being qualified as hereinbefore is prescribed, shall act as a Commissioner or Commissioners in the Execution of this Act, or if any Person or Persons not being qualified as hereinbefore is prescribed in that respect, shall appoint any Deputy or Deputies to act as a Commissioner or Commissioners in the Execution of this Act, every such Person or Persons shall for every such Offence respectively forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts No Person holding a Place of Profit to act as a Commissioner.
Penalty on acting or appointing a Deputy without being qualified.

[*Loc. & Per.*]

Courts of Record at *Westminster*, or in the Court of Pleas to be holden within the said *Isle of Ely*, by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, Privilege, or Wager of Law, nor more than one Imparlance shall be allowed; and in any such Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against such Defendant, unless he shall prove in his Defence that he was at the Time of his so acting or appointing a Deputy properly qualified to act or to appoint a Deputy according to the true Intent and Meaning of this Act.

Times and
Places of
holding
General
Meetings.

IX. And be it further enacted, That the said Commissioners shall hold and they are hereby required to hold Three General Meetings in every Year for the Purpose of putting this Act in Execution, until the Works hereafter first directed to be done shall be completed; One of the said Meetings to be holden on the Second *Friday* in the Month of *March*, another on the Second *Friday* in the Month of *July*, and the remaining one on the Second *Friday* in the Month of *November* in every Year, at some Publick House or Inn, or other publick Place within the Towns of *Whittlesea* and *March* alternately; and that after the said Works hereafter first directed to be done shall have been completed, the said Commissioners shall hold a General Yearly Meeting on the Second *Friday* in the Month of *March* in every Year, at some Publick House or Inn, or other publick Place within the Towns of *March* and *Whittlesea* alternately; and that all other Meetings of the said Commissioners (except Special Meetings) shall be held alternately at some Publick House or Inn, or other publick Place within the said Towns of *March* and *Whittlesea*, and that the First Meeting of the said Commissioners to be holden after the passing of this Act shall be holden at *Whittlesea* aforesaid, on the Second *Friday* after the passing of this Act, and that the Second General Meeting of the said Commissioners shall be holden at *March* aforesaid, on the Second *Friday* in such of the said Months of *March*, *July*, or *November*, as shall happen next after the said First Meeting of the said Commissioners.

Special
Meetings.

X. And be it further enacted, That Special Meetings of the said Commissioners may and shall from Time to Time be holden either at *Whittlesea* or *March* aforesaid, as often as any Seven or more of the said Commissioners shall think it necessary; Notice of every such Meeting being first given by advertising the same Twice in the *Cambridge Chronicle*, or some other Country Newspaper generally circulated in the *Isle of Ely*, and such Advertisement specifying the Nature of the Business proposed to be brought forward at every such Meeting.

Commission-
ers may ad-
journ.

XI. And be it further enacted, That it shall be lawful for the Majority of the Commissioners who shall be present at any Meeting to be holden by virtue of this Act, to proceed in the Execution of the Powers given to the said Commissioners by this Act in all Cases whatsoever, and to adjourn from Time to Time and from Place to Place as they shall think necessary; and that a Minute of the Business to be transacted at every such Adjournment shall be entered in the Proceedings of the Meeting from which such Adjournment shall be made: Provided always, that no Business shall be transacted at any such Adjournment but such as shall relate

to the Business for which such Adjournment shall be made, nor shall any Business be transacted at any Special Meeting or any Adjournment of the same, but such as shall relate to the Objects specified in the Notice given for calling such Special Meeting.

XII. And be it further enacted, That all Orders and Proceedings of the said Commissioners at every Meeting by them holden under the Authority of this Act, shall be fairly entered into a Book or Books to be provided and kept for that Purpose, which shall be signed by the Chairman of every such Meeting; and all such Entries shall be deemed original Orders and Proceedings, and may be read and received in Evidence in all Courts whatsoever.

Proceedings of Commissioners to be entered in Books.

XIII. And be it further enacted, That at all Meetings whatsoever holden under the Authority of this Act, the Commissioners attending such Meetings shall bear and defray their own Expences.

Commissioners to defray their own Expences.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings to appoint One or more Person or Persons in the Nature of an Engineer or Engineers, Superintendant or Superintendants of the several Works hereby authorized to be executed, with such Powers as to the said Commissioners shall seem meet, such Person or Persons not being interested in or connected with any of the Lands or Grounds subject to be taxed by virtue of this Act, or with the Owners or Proprietors thereof, and the Person or Persons so appointed shall have full Power to provide for and to see the said Works so executed that the Bottoms of the Rivers hereby directed to be scoured out and cleansed, be carried with regular Slopes; and that in all Cases where there shall be any higher Ground or any Contractions or Obstructions in any of the said Rivers, such Person or Persons shall have full Power so to execute or to order the Execution of the said Works that such Contractions or Obstructions shall be removed or remedied; and that the Rivers through such higher Grounds shall be made of such a Depth and in such an effectual Manner as in the Judgment of the said Person or Persons will make a good and perfect Drainage; and that such Person or Persons shall also have full Power to superintend, command and dismiss all Contractors and others who shall fail to execute any of the said Works in such Manner as shall be satisfactory to such Person or Persons; and the said Commissioners are hereby authorized and empowered to allow such Person or Persons such Salaries or Remuneration out of the Monies to be raised by virtue of this Act as to the said Commissioners shall seem meet; and the said Commissioners shall have Power to remove such Person or Persons, and to appoint another or others in his and their Stead from Time to Time as they shall think necessary; and all the Acts and Proceedings of such Person and Persons done in pursuance of the Powers and Directions hereby given to him or them or to be given to him or them by the said Commissioners, shall be deemed to be the Acts of the said Commissioners as fully and effectually to all Intents and Purposes as if such Acts and Proceedings had been done and executed by the said Commissioners, under the Powers and Authorities hereby vested in them.

Commissioners may appoint Superintendants of the Works.

XV. And be it further enacted, That the said Commissioners shall and may also at their First or any of their said General Meetings to be holden under this Act, appoint such Treasurers, Clerks, Surveyors, Collectors

Commissioners may appoint Treasurers and

Treasurers, Clerks,
Surveyors,
&c.

and other Officers as they shall think necessary for the better Execution of this Act, and allow them or any of them such Salary or Salaries or other Remuneration out of the Monies to be raised by virtue of this Act as they the said Commissioners shall think proper, and from Time to Time to remove them or any of them as they the said Commissioners shall see Occasion, and in like Manner to appoint others in their Stead; and that all Treasurers, Collectors and other Officers who shall be entrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices to the Satisfaction of the said Commissioners.

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

XVI. And be it further enacted, That the said Treasurers, Collectors and other Officers shall fairly enter in Books to be by them respectively kept for that Purpose, an Account of all Monies by them respectively received and expended, specifying the Times when and the Persons from whom and to whom and for what Purposes such Monies were respectively received and paid; which Books or true Copies thereof to be signed by the said Treasurers, Clerks, Collectors, or other Officers respectively, together with the Vouchers for such Expenditures, and also all Books and Papers in their Custody respectively relating to the Execution of this Act, shall be the Property of the said Commissioners, and shall be delivered to the said Commissioners at such Time or Times and as often as they the said Commissioners shall require; and all the Books of Orders and Accounts and all other Books and Papers of the said Commissioners shall at all Times be open for the Inspection of any of the said Commissioners or of any Owner of any of the Lands and Grounds subject to be taxed by virtue of this Act, on Payment of One Shilling only for every Time such Inspection shall take Place.

Officers re-
fusing to ac-
count, their
Goods may
be distrained.

XVII. And be it further enacted, That in case any of the said Treasurers, Collectors, or other Officers, or any other Person or Persons employed or entrusted by the said Commissioners, shall refuse or neglect to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of their respective Accounts, according to the Directions of the said Commissioners, then and in every such case it shall be lawful, upon the Complaint of any Three or more of the said Commissioners, for any One or more of the Justices of the Peace for the said Counties of *Huntingdon, Norfolk* and *Cambridge*, and the said *Isle of Ely*, or either of them, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account or to pay the Money due upon the Balance of his or their Account or Accounts as aforesaid, such Sum or Sums of Money as he or they shall have been so required to account for, or as shall have been found or shall appear to be due upon the Balance of his or their Account or Accounts before such Justice or Justices; and for want of sufficient Distress it shall and may be lawful for any One or more of the said Justices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in either of the Counties aforesaid or in the said *Isle of Ely*, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account, and shall have paid such Monies as shall appear to be remaining in his or their Hands on the Balance of his or their

For want of
Distress to be
committed.

their Account or Accounts or otherwise to the said Commissioners, or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money (which Composition they the said Commissioners are hereby authorized and empowered to take and accept) or the said Commissioners may bring and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster* or in the Court of Pleas for the said *Ile of Ely*, against such Officer or Officers or other Person or Persons so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Surety or Sureties, for the Recovery of the Monies that shall be due from such Officer or Officers or other Person or Persons respectively; and upon such Security or Securities as shall have been given or entered into by them respectively; and where any Clerk, Treasurer, Collector or other Officer or Person employed by the said Commissioners as aforesaid, shall neglect or refuse to deliver up to the said Commissioners all Books, Vouchers and Papers in his Custody relating to any Proceedings or Accounts of the said Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of any Three or more of the said Commissioners, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction in either of the Counties aforesaid, or in the said *Ile of Ely*, there to remain without Bail or Mainprize until he or they shall have delivered up to the said Commissioners all such Books, Vouchers and Papers as aforesaid: Provided always, That no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Twelve Calendar Months.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to assess, rate, tax and charge all and singular such Fen Lands and Low Grounds lying within the several Boundaries, Places and Districts before described, as are now subject and liable to the Payment of a certain Tax commonly called the *Eau Brink Tax*, under or by virtue of a certain Act of Parliament made and passed in the Thirty-fifth Year 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 improving and preserving the Navigation of the several Rivers communicating with the said River Ouze; or of another Act passed in the Thirty-sixth Year of the Reign of His present 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 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* Power to lay Taxes.
35G.3. c.77.
35G.3. c.33.

[Loc: & Per.] 31 R Ouze,

‘ 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 Wiggenshall Saint Mary, in the said County, to the
 ‘ said Harbour of King’s Lynn; and for improving and preserving the Na-
 ‘ vigation of the several Rivers communicating with the said River
 ‘ Ouze;’ or of another Act passed in the Forty-fifth Year of the Reign
 45 G.3. c.72. of His present Majesty, intituled, *An Act for explainning 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; or any or either
 of them, with an equal and proportionate Tax of One Shilling per Acre for
 each Year, to commence and be computed from the passing of this Act, until
 the several Works hereinafter particularly specified and directed to be done
 shall be completed; and from and after such Works shall be completed, it
 shall be lawful for the said Commissioners to assess, rate, tax and charge
 all the said Fen Lands and Low Grounds with such an equal and propor-
 tionate Tax for each Acre, not exceeding Three-pence per Acre for each
 Year, as in the Judgments of the said Commissioners shall be deemed
 necessary.*

When Taxes
 shall be paid
 and payable.

XIX. And be it further enacted, That the said Assessments, Rates,
 Taxes and Charges for the first Year after the passing of this Act, shall be
 charged and imposed at the First Meeting of the said Commissioners
 after the passing of this Act, or at some Adjournment thereof, and shall
 become due on the Twenty-fifth Day of *September* next after the passing
 of this Act, and that all future Assessments, Rates, Taxes and Charges
 shall be imposed at the General Meeting of the said Commissioners, to be
 holden on the Second *Friday* in the Month of *March*, in each subsequent
 Year, or at some Adjournment thereof, or at some subsequent Meeting
 of the said Commissioners, and shall become due and payable at such Time
 and Times as the said Commissioners shall from Time to Time direct,
 provided that if the First Meeting of the said Commissioners shall take
 place after the Ninth Day of *March* One thousand eight hundred and
 ten, then the First Year’s Tax shall be considered as ending on the Day
 before the Second *Friday* which will be in the Month of *March* in the
 Year of our Lord One thousand eight hundred and eleven; from which
 last-mentioned Time the Year for which the Second and every future
 Year’s Tax shall be assessed and charged, shall be deemed and taken as
 commencing on the Second *Friday* in the Month of *March* in every
 Year: Provided always, that there shall be at least Three Places within
 the Boundaries aforesaid where such Taxes shall be payable, that is to say,
Whittlesea, March and *Ramsay* aforesaid; and that the Times and
 Places appointed for such Payments shall be advertised in the *Cam-
 bridge Chronicle*, or some Country Newspaper usually circulated in
 the *Isle of Ely*, Twice immediately previous to each such Time of
 Payment.

XX. And

XX. And in order to obtain a fair and equal Taxation of the Fen Lands and Low Grounds hereby directed to be assessed, rated, taxed and charged; Be it further enacted, That the Clerk to the said Commissioners shall at such Time or Times within the First Year after the passing of this Act as they the said Commissioners shall direct, give Notice, by advertising the same Twice in the *Cambridge Chronicle*, or in some other Country Newspaper usually circulated in the *Isle of Ely*, to all Occupiers of Lands subject or liable to be assessed, rated, taxed or charged by virtue of this Act, to make Returns in Writing of the Number of Acres of all the Lands in their respective Occupations, lying within the several Boundaries hereinbefore described, at the Time or Times specified in such Notice, describing the Situation thereof and the Districts and Places within which the same are or shall be respectively situated, and distinguishing what Part or Parts thereof lie in any District or Districts and what not, and how much and what Part or Parts thereof in particular is or are subject to be assessed, rated, taxed or charged by virtue of this Act, and how much or what Part or Parts thereof in particular is or are not subject to be so assessed, rated, taxed or charged; all which Returns shall be signed by the respective Parties making the same, and shall be delivered by such Parties respectively to such Person and Persons and at such Times and Places as shall be specified in such Notices respectively; and the Party or Parties making such Return shall, if required by any Two or more of the said Commissioners, verify the same upon Oath; which Oath any One of the said Commissioners is hereby authorized and empowered to administer.

Clerk to Commissioners to give Notice by Advertisement to Occupiers of Lands liable to be taxed, to make Returns of all the Lands in their respective Occupations at the Dates of such Returns, specifying what Lands are taxable, and what not.

XXI. And, in order to avoid the Inconvenience of making yearly Returns where no Change of Occupation shall have taken place; Be it further enacted, That until there shall be any such Change the said Commissioners shall and may act upon any Return which shall have been delivered in as aforesaid; but that the Clerk to the said Commissioners shall at any Time or Times after such First Return shall have been made, as the said Commissioners shall direct, give general Notice to all Persons occupying any Lands or Grounds within any of the aforesaid Boundaries, in respect of which any Change of Occupation shall have taken place, to make new Returns of the Lands in their respective Occupations; which Notice shall be given and advertised in the Manner hereinbefore directed with respect to the First Notice for making Returns under this Act; and every such new Return shall be made and delivered to the said Commissioners in like Manner and Form as is hereinbefore directed with respect to such First Return, and shall set forth and distinguish the Particulars of such new Occupation, and also the Particulars of the whole of the Lands which the Parties delivering the same shall respectively occupy within the Boundaries aforesaid, as fully as if no former Return had been made; and every such new Return shall, if required by any Two or more of the said Commissioners, be verified on Oath, which Oath any One of the said Commissioners is hereby authorized and empowered to administer.

Where no Change of Occupancy shall have taken place, Commissioners may act on the Return delivered in, and they may also require new Returns as often as any Change of Occupancy shall take place.

XXII. And be it further enacted, That if any Occupier of Lands subject or liable to be assessed, rated, taxed or charged by virtue of this Act, shall neglect or omit to make such Return as aforesaid within the Time specified in any such Notice as aforesaid, or shall in such Return

Penalty on neglecting to make Returns according to Notice, or omit delivering in

Untrue or im-
Perfect Re-
turns, &c.

omit or mis-state any Lands in his or her Occupation, whereby such Occupier would upon the Statement contained in any such Return appear to be liable to be assessed, rated, taxed or charged to a less Amount than he or she would under the Provisions herein contained be liable to pay upon a true Statement of the Lands in his or her Occupation, or if any such Occupier shall refuse to verify such Return upon Oath when thereunto required by any Two or more of the said Commissioners, then and in any of the said Cases every such Occupier so neglecting or omitting to make such Return as aforesaid, or omitting or mis-stating therein any Lands in his or her Occupation, or refusing to verify the same on Oath as aforesaid, shall and may on Discovery of any such Omission or Mis-statement as aforesaid, or on such Refusal as aforesaid, be at any Time afterwards assessed, rated, and charged by the said Commissioners; and shall be liable to pay the Tax or Taxes hereby imposed for double the Quantity of Land in his or her Occupation liable to be assessed, rated, taxed or charged by virtue of this Act, at the Date of such last-mentioned Return; and the same shall be recovered in the same Manner as the Tax or Taxes for the actual Number of Acres in his or her Occupation is or are hereby directed or authorized to be recovered, subject nevertheless to such Mitigation or Abatement as the said Commissioners shall in their Discretion think it proper and reasonable to make on Complaint of the Party so surcharged, and upon satisfactory Proof being produced to them of the Causes of such Omission or Mis-statement, and that he or she is entitled to such Relief; and if it shall appear to the said Commissioners that there is any Cause to doubt the Correctness of any Return to be made in pursuance of this Act, or if any Person shall neglect or omit to make such Return as aforesaid, or to verify the same upon Oath as aforesaid, then the said Commissioners are hereby directed to appoint some Person or Persons to enter upon and survey the Lands within the Boundaries aforesaid in the Occupation of the Person neglecting or omitting to make or verify such Return as aforesaid; which Surveyor or Surveyors is and are hereby authorized to enter upon and survey the said Lands or any Part thereof, and the Charges and Expences of making such Survey shall be paid by the Person or Persons so neglecting or omitting to make or to verify such Return as aforesaid, and shall be recovered by Distress and Sale of his or her Goods and Chattels in the same Manner as is hereafter directed for the Recovery of Taxes in Arrear; but where any Return shall have been made and verified within the Time, and in Manner and Form before specified, and such Return shall, upon such Survey, be found correct, then the Charges and Expences of such Survey shall be paid by the said Commissioners out of the Taxes raised by virtue of this Act.

Where Com-
missioners
shall doubt the
Correctness of
any Return,
or where Per-
sons shall neg-
lect to make a
Return, &c.
the Commis-
sioners may
order the
Lands to be
surveyed, &c.

Commis-
sioners may dis-
pense with
Returns from
the Occupiers
at their Dis-
cretion, and
may call for
Returns from
the Commis-
sioners of Dis-
tricts if they
think fit, &c.

XXIII. Provided always, and be it further enacted, That if it shall appear to the said Commissioners that the said Taxes, Rates, and Assessments can be readily and effectually ascertained or recovered without any such Returns as aforesaid, or with Returns for particular Parts only of the said Fen Lands and Low Grounds, or by Returns from the Commissioners of the several Districts and Places within the Boundaries aforesaid, then it shall be lawful for the said Commissioners appointed or to be appointed by virtue of this Act from Time to Time at their Discretion, instead of calling for General Returns, to call for Returns of particular Parts only of the said Fen Lands and Low Grounds, or for Returns from the Com-
missioners

missioners of all or any of such Districts as aforesaid as to them shall seem meet; and whenever any Return or Returns shall be required by the said Commissioners appointed or to be appointed by virtue of this Act, after the First Year from the passing of this Act, either of the whole of the Lands within the Boundaries aforesaid, or of any Part or Parts thereof, all the Provisions hereinbefore contained shall apply to every such Return as fully and effectually to all Intents and Purposes, as to any Return or Returns which may be required by the said Commissioners within the first Year after the passing of this Act.

XXIV. Provided always, and be it further enacted, That in all Cases where no Returns shall have been required under the Provisions herein contained, every Person paying or tendering to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to receive the same, his or her Rates, Taxes, and Assessments, in respect of the Lands and Grounds in his or her Occupation liable to be rated, taxed, or assessed by virtue of this Act, shall, if required by such Collector or Collectors or other Person or Persons as aforesaid, declare and make known to him or them all the Particulars required in the Returns hereinbefore mentioned, and such Collector or Collectors, or other Person or Persons as aforesaid, is and are hereby authorized and required to take and receive from the Person so paying or tendering as aforesaid, as much Money as the Rates, Taxes, and Assessments for the Number of Acres stated by such Person or Persons so paying or tendering as aforesaid to be in his or her Occupation would amount unto; and if the said Commissioners shall doubt the Truth or Correctness of such Statement, they are hereby authorized and empowered to give Notice to such last-mentioned Person or Persons to make a written Return in the Manner and Form hereinbefore prescribed, at such Time and Place as the said Commissioners shall direct, and to verify the same on Oath; and in Default of making and verifying such Return in Manner aforesaid, or of making the same in due Time, or in case it shall appear to the said Commissioners either from a Survey or otherwise that such Statement or Return, or either of them, is untrue or imperfect; then and in every such Case the Person and Persons making such untrue or imperfect Statement or Return, shall pay double the Amount of the Taxes, Rates, and Assessments in respect of the Number of Acres omitted in any such Statement or Return, over and above the Penalty hereafter mentioned of Three Shillings and Four-pence in the Pound incurred for Non-payment of such Rates, Taxes, and Assessments, and to be recovered in the Manner herein directed for the Recovery of Taxes in Arrear; and if either before or after such last-mentioned Return the said Commissioners shall think it necessary to have the Lands or Grounds of such last-mentioned Person or Persons surveyed, then they the said Commissioners shall and may appoint some Person or Persons to survey the same or any Part thereof; and for that Purpose such Surveyor or Surveyors is and are hereby authorized and empowered to enter upon the said Lands and Grounds, and to survey the same or any Part thereof; and if upon such Survey it shall appear that such Statement or Return as last aforesaid is untrue or incorrect, then the Charges and Expences of such Survey shall be paid by the Person or Persons making such untrue or incorrect Statement or Return, and shall be recovered in the same Manner as is herein directed for the Recovery of Taxes in Arrear; but if both the said Statement and Return, or if such

Proceeding
where no
Return shall
have been
required.

[Loc. & Per.]

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Statement

Statement only when there shall be no Return, shall be found upon such Survey to be true or correct, then the Charge and Expences of making such Survey shall be paid by the said Commissioners out of the Taxes raised by virtue of this Act.

When correct Returns shall have been made, and the Amount of the Tax ascertained, Proprietors may pay the same to the Treasurer of the Commissioners, provided the same be paid upon the Days of Payment to the Collectors. Where any Person by whom no Return shall have been made shall be in Arrear, the Commissioners may cause his Lands to be surveyed, &c.

XXV. Provided always, and be it further enacted, That when and so soon as proper and correct Returns of the Quantity of Land liable to be assessed, rated, and taxed by virtue of this Act shall have been made, so that the Amount of the Tax actually due from any Person or Persons liable to pay the same shall have been ascertained, then it shall be lawful for such last-mentioned Person or Persons to pay the Amount of such Tax into the Hands of the Treasurer of the said Commissioners, who is hereby authorized and empowered to receive the same; provided, that the same be paid on or before the Day or Days respectively appointed for the Payment of the same to the Collector or Collectors of the said Commissioners.

XXVI. Provided always, That if any Occupier or Occupiers from whom no Returns shall have been required by the said Commissioners, shall neglect or omit to pay the said Rates, Taxes, and Assessments at the Time or Times, Place or Places appointed by the said Commissioners as aforesaid, then the said Commissioners are hereby authorized and empowered, if they shall see Occasion, to cause the Lands and Grounds of such Occupier or Occupiers within the Boundaries aforesaid or any Part thereof, to be surveyed by a proper Person or Persons to be appointed by them, and such Surveyor or Surveyors is and are hereby authorized and empowered to enter upon the said Lands or Grounds or any Part thereof for the Purpose of making such Survey, and the Costs, Charges, and Expences of making such Survey shall, over and above the said Rates, Taxes, and Penalty, be paid by such last-mentioned Occupier or Occupiers, and shall be recovered in the same Manner as is hereby directed for the Recovery of Taxes in Arrear.

Commissioners and their Officers to have access to the Books, Assessments and Surveys of the Eau Brink and District Commissioners, &c.

XXVII. And, in order the better to ascertain the Lands liable to be assessed, rated, and taxed by virtue of this Act, be it further enacted, That the said Commissioners, and their Treasurers, Clerks, Collectors, and other Officers, shall and may, at all seasonable Times, have access to and inspect all the Books, Assessments, and Surveys of the Commissioners for putting in Execution the aforesaid Act of the Thirty-fifth Year of the Reign of His present Majesty, commonly called the *Eau Brink* Act, and also all the Books, Assessments, and Surveys of or belonging to any of the Commissioners of Districts under all or any of the several Acts of Parliament now in force for the Drainage of any Part of the Fen Lands and Low Grounds included within the Boundaries hereinbefore specified, and shall and may have Copies or Extracts made from all or any of the aforesaid several Books, Assessments, and Surveys on paying One Shilling for every Twenty-four Names in every such Copy, including the Particulars relating to each Person.

Penalty on Non-payment of Taxes.

XXVIII. And be it further enacted, That in case the Occupier or Occupiers of any of the said Fen Lands and Low Grounds which shall be assessed, rated, taxed, or charged, or be liable to be assessed, rated, taxed, or charged by virtue of this Act, shall neglect or fail

to

to pay all such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged on, or as shall become due or payable for or in respect of the Lands and Grounds in their respective Occupations, to the Collector or Collectors or other Person or Persons appointed by the said Commissioners to receive the same, either before or at the Time or Place, Times or Places to be appointed by the said Commissioners, every Person neglecting or failing to pay the same shall forfeit and pay to the said Commissioners the Sum of Three Shillings and Four Pence for every Twenty Shillings due for such Taxes, and not paid at such Time and Place or Times and Places as aforesaid, and so in Proportion for any greater or less Sum than Twenty Shillings, to be recovered as hereafter mentioned; and the Monies so forfeited and recovered shall be applied by the said Commissioners for the Purposes of this Act.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall be willing to pay all or any Part of the Taxes hereby directed or authorized to be laid in Advance for One Year, or for Two or more Years, then the said Commissioners are hereby authorized and empowered to receive the same, and to allow the Person or Persons so advancing and paying the same, Discount or Interest at the Rate of Five Pounds *per Centum per Annum*, from the Time or Times of such Payment or Payments to the Time or Times when the Tax or Taxes respectively so paid in Advance would have become payable, according to the Provisions hereinbefore contained, and the Receipt and Receipts for the said Sums so paid in Advance shall be a Discharge to such Person or Persons for his or her Tax or Taxes when the same shall be rated and become payable.

Persons paying Taxes in Advance to be allowed Interest on the Sums advanced.

XXX. And be it further enacted, That the Monies arising from the aforesaid Tax of One Shilling per Acre, to be raised by virtue of this Act, and the Penalties incurred for Non-payment thereof, shall be paid and applied by the said Commissioners, in the first Place in defraying the Charges and Expences of obtaining and passing this Act, and in the Payment of all such Monies as shall be advanced by any Person or Persons whomsoever, for the Purpose of defraying such Charges and Expences with lawful Interest for the same, and then in Payment of the Interest on the Monies hereafter authorized to be borrowed on the Credit of the said Taxes, and then (subject nevertheless, and without Prejudice to the Claims of the Persons lending such Monies, and the Remedies hereafter provided for securing the Repayment thereof,) in scouring out the several Rivers and Drains hereafter specified, and in depositing the Earth, Mud and Sullage arising therefrom, as equally and impartially on both Sides of such Rivers and Drains as may be, in all Cases where such Earth, Mud and Sullage can be so deposited, and where the same cannot be so deposited, then in depositing the same in such other Places and in such other Manner as they the said Commissioners shall direct, and also in widening and deepening the said Rivers and Drains, whensoever and wheresoever they the said Commissioners shall see Occasion, and in making the same capable of draining the said Fen Lands and Low Grounds, and in removing all Obstructions and Encroachments whatsoever therein, and in altering or rebuilding all such Bridges over the said Rivers and Drains, as to them, the said Commissioners; shall seem meet; and lastly, in making and doing such other Works as in the Judgment of the said Commissioners shall be necessary

Application of the Tax, not exceeding One Shilling per Acre.

necessary in order to obtain a full and perfect Drainage of the said Fen Lands and Low Grounds through the said several Rivers and Drains in Manner directed by this Act.

Order and
Course of
scouring out
the Rivers
and Drains.

XXXI, And be it further enacted, That the said Commissioners shall proceed in scouring out the said Rivers and Drains, and in widening and deepening the same in the Order and Course following (save and except as is hereafter provided); and that all the Bridges and other Works belonging to each of the said Rivers or Drains, shall also be proceeded upon and executed in the same Course and Order: that is to say,

- 1st. *Well Creek*, from the *Tongs Drain* to *Popham's Eau*.
 - 2ndly. *Popham's Eau* from *Nordelph Corner* to the *River Nene*.
 - 3^dly. The said *River Nene* from *Outwell Church* to the westward End of *Popham's Eau*.
 - 4thly. The *Sixteen-foot River*, otherwise called *Thurlow's Drain*.
 - 5thly. The said *River Nene* from *Popham's Eau*, through the *Town of March*, to *Flood's Ferry*.
 - 6thly. The old *River Nene* from *Flood's Ferry* to *Ramsay Mere*.
 - 7thly. *Whittlesea Dike* from *Flood's Ferry* aforesaid to *Angle Bridge*.
 - 8thly. *Bevill's Leam*, from *Angle Bridge* to *Whittlesea Mere*.
 - 9thly. The *Twenty-foot River*, otherwise called *Moor's Drain*, together with the *Two Parts of Bevill's Leam* that adjoin it; that is to say, *Bevill's Leam* from *Moor's Drain* to the *Counter Drain*, and *Bevill's Leam* from *Moor's Drain* to the End of the Part that is now open at or near *Duncomb's Corner* in *Whittlesea* aforesaid.
 - 10thly. The *Counter Drain*, under *Morton's Leam Bank*, from *Whittlesea Field* to *Bevill's Leam*.
 - 11thly. The said old *River Nene* by the Side of *Ramsay Mere* aforesaid to *Ugmere*.
 - 12thly. The said old *River Nene* by the Side of *Ugmere* aforesaid to *Whittlesea Mere*.
 - 13thly. *Whittlesea Dike* from *Angle Bridge*, through *Whittlesea* to *Raven's Willow*.
 - 14thly. The said *River Nene* from *Raven's Willow* aforesaid to *Stang-ground Sluice*.
 - 15thly. The said old *River Nene* from *Raven's Willow* aforesaid, by *Farcett*, to *Conquest Lode*.
 - 16thly. *Conquest Lode*.
 - 17thly. *Yaxley Lode*.
 - 18thly. *Pig Water*, from *Yaxley Lode* to the said old *River Nene*.
 - 19thly. *Caldecott Dike*.
 - 20thly. *Holme Lode*; provided, that the same be not done without the Consent of *Thomas Wells Esquire*, his Heirs or Assigns, in Writing.
 - 21stly. *New Dike*, *Hook's Lode* and *Burbeach Stream*, or the *New Cut*, all leading from the *Hard Lands* of *Holme* to *Ugmere*.
 - 22ndly. *Monk's Lode*.
 - 23^dly. *Ravelly Drain*.
- And lastly, *Bill Lode* and *Ramsay Lode*.

But the said Commissioners shall in all Cases whenever, any one of the aforesaid Works is begun, complete the Work which shall be then in hand before the Work next in Turn to be done, according to the Order and

and Course aforesaid, shall be begun (save and except as is hereafter provided).

XXXII. And be it further enacted, That all the Earth, Mud and Materials which shall be taken out of the Rivers, Drains and Cuts, within the Boundaries aforesaid, when the same shall, under the Authority of this Act, be cleansed or scoured out, shall in all Cases where there shall not be any Embankments of such Rivers, Drains or Cuts, be laid in such Place as the said Commissioners in their Discretion shall think proper; and where any such Rivers, Drains or Cuts shall be embanked, all such Earth, Mud, and Materials, shall be laid equally and impartially on or over both Banks of each such Rivers, Drain or Cut respectively, when and as the said Commissioners shall direct: Provided that where only one of the Banks of any such River or Drain shall belong to or be repaired by the Owner or Occupier of the Land subject to be taxed by virtue of this Act, all such Earth, Mud and Materials shall be laid upon or over the Bank of the Lands so subject to be taxed as aforesaid.

Earth and Materials, how to be deposited.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to make any Watercourse or Watercourses, as well into and out of as through any Part of the Meres called *Whittlesea Mere* and *Trundle Mere*, and of such Depth and Width as in the Judgment of the said Commissioners shall be deemed necessary to make a clear Passage for the Waters free from all Obstructions whatsoever, provided that the present Courses of the Rivers and Drains hereby intended to be improved, leading into and out of the said Meres called *Whittlesea Mere* and *Trundle Mere*, be followed and widened where the same shall become necessary: Provided that nothing herein contained shall extend or be construed to extend so as to authorize the said Commissioners to do any Act whatsoever whereby the Navigation of the River *Nene* shall be injured.

Power to make Watercourses or Channels for the free Passage of the Waters through the Meres.

XXXIV. Provided always, and be it further enacted, That if in cleansing any River which passes by the End of another River, it shall appear to the said Commissioners to be necessary to cleanse the End of the River so passed, to prevent the Mud and Sullage therein from falling into the River which shall be then cleansing out, then and in such Case it shall and may be lawful to and for the said Commissioners to cause the End of the River so passed to be cleansed so far and in such Manner as they shall think necessary for the Purposes aforesaid, any Thing hereinbefore contained to the contrary thereof in anywise notwithstanding: And provided also, that in case the said Commissioners shall at any Time or Times hereafter think it expedient to propose any Alteration or Alterations in the Order and Course of scouring out the aforesaid Rivers and Drains, or in the Execution of any other Works connected therewith, it shall be lawful for them to give Notice of such Proposal, and to appoint a Time for taking the same into Consideration, at some General or Special Meeting of the said Commissioners; and in such Case they, the said Commissioners, shall cause such Notice to be advertised in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the said *Isle of Ely*, Twice immediately previous to such Meeting; and unless Five Commissioners present at such Meeting shall object to such proposed Alteration, the same shall and may be adopted, and ordered to be done by the Commissioners present thereat; but if Five of the said Commissioners then present shall object

Power to the Commissioners to alter the above Course of scouring out the Rivers under certain Regulations.

[*Loc. & Per.*]

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thereto,

thereto, then the Alteration so proposed as aforesaid shall not take place.

When the River Nene shall be scoured out up to the End of the Twenty-foot River, the Commissioners may direct other Works to be done out of the Course before prescribed, on certain Conditions.

XXXV. Provided also, and be it further enacted, That if when the said River *Nene* shall be scoured out up to the End of the said Twenty-foot River, the Owners or Occupiers of the Lands above the End of the said Twenty-foot River, and draining through the same, shall be desirous of having the same scoured out and cleansed, or of having the Works hereby directed to be done therein executed sooner, and before they would according to the Course hereinbefore prescribed and directed come in turn to be done, and if such Owners or Occupiers shall lend and advance to the said Commissioners without Interest for the same; such Sum or Sums of Money as may be necessary for the aforesaid Purpose, then and in such case it shall be lawful for the said Commissioners, and they are hereby required when and as soon as the same can be conveniently done, to lay out and expend such Sum or Sums of Money so to be advanced and lent as aforesaid, in the cleansing and scouring out the said Twenty-foot River, and executing the other Works directed to be done therein as aforesaid; and the said Commissioners are hereby required, out of the said yearly Tax of One Shilling an Acre, to repay, but without Interest for the same, such Sum and Sums of Money so to be advanced for the said last-mentioned Purpose, at such Time and Times as the said Tax would, according to the Course hereinbefore prescribed and directed, have been applied for the same Purpose; and when and as the Periods shall respectively arrive when the said Tax would, according to the Course hereinbefore prescribed and directed, have been applicable to the last mentioned Purpose, it shall not be lawful for the said Commissioners to apply the same or any Part thereof for or towards any of the other Purposes of this Act, until such Sum and Sums of Money so advanced as last aforesaid shall be repaid, nor shall the said Tax cease until the whole of such Sum and Sums of Money shall have been fully repaid.

When the River Nene shall be scoured out up to Floods Ferry, the Commissioners may direct other Works to be done out of the Course before prescribed on certain Conditions.

XXXVI. Provided also, and be it further enacted, That if when the said River *Nene* shall be scoured out up to *Floods Ferry* aforesaid, the Owners or Occupiers of the Lands draining into any of the Rivers and Drains above *Floods Ferry*, shall be desirous of having the said Rivers and Drains scoured out and cleansed, or of having the Works hereby directed to be done therein, executed sooner and before they would according to the Course aforesaid come in turn to be done, and such Owners or Occupiers respectively shall lend and advance to the said Commissioners, without Interest for the same, such Sum or Sums of Money as may be necessary for the aforesaid Purpose, then and in such Case it shall be lawful for the said Commissioners, and they are hereby required, when and as soon as the same can be conveniently done, to lay out and expend such Sum or Sums of Money so to be advanced and lent as aforesaid, in cleansing and scouring out the said last-mentioned Rivers and Drains, and executing the other Works directed to be done therein as aforesaid; and the said Commissioners are hereby required, out of the said yearly Tax of One Shilling an Acre, to repay, but without Interest for the same, such Sum and Sums of Money so to be advanced for the said last-mentioned Purpose, at such Time and Times as the said Tax would, according to the Course hereinbefore prescribed and directed, have been applied for the same Purpose; and when and as the Periods shall respectively arrive when the said Tax would,

would, according to the Course hereinbefore prescribed and directed, have been applicable to the last-mentioned Purpose, it shall not be lawful for the said Commissioners to apply the same or any Part thereof for or towards any of the other Purposes of this Act until such Sum and Sums of Money so advanced as last-foreaid shall be repaid, nor shall the said Tax cease until the whole of such Sum and Sums of Money shall have been fully repaid.

XXXVII. And whereas the Preservation of the *Tongs Drain* and its Banks, and the River called *Well Creek*, from *Outwell Church* to *Salter's Lode Sluice*, is of the utmost Consequence to the Drainage and Security of the Fen Lands and Low Grounds comprized within the Boundaries afore-said, be it therefore further enacted, That it shall and may be lawful for the said Commissioners (notwithstanding any of the Provisions hereinbefore contained) at any Time or Times when and as they shall see Occasion, to lay out and expend any Part or Parts of the said Tax of One Shilling an Acre, in, for, or towards the Preservation of the said Drain and its Banks, and of the said River called *Well Creek*, notwithstanding a temporary Stoppage may be thereby occasioned to the doing of the several Works hereinbefore specified and directed to be done: Provided always, that the said Commissioners shall not, at any General or Special Meeting or any Adjournment of either, make any Orders or take any Steps for the Purpose of carrying the said last-mentioned Works into effect, as to the *Tongs Drain* and Banks and *Well Creek*, unless Notice of the Intention of making such Orders or instituting such Proceedings shall have been Twice advertised in the *Cambridge Chronicle*, or some other Country Newspaper generally circulated in the *Isle of Ely*, previously to the Meeting or Adjournment when it is proposed to make such Orders or institute such Proceedings; which Notice or Advertisement shall specify the Nature of the Works or Purpose intended to be executed, and shall be signed by the Person or Persons proposing or requiring the same.

For the Preservation of the *Tongs Drain* and its Banks and *Well Creek*.

XXXVIII. And be it further enacted, That the said Commissioners shall in the first Place, by and out of the Monies arising from the said Tax, not exceeding Three-pence per Acre, make, do and maintain all such Works as in their Judgment shall be necessary to preserve the afore-said Rivers, Drains and Works in good and perfect Condition; and they, the said Commissioners shall and may in the next Place apply the said last-mentioned Tax, or so much thereof as may not be wanted for the Preservation of the said Rivers, Drains and Works, in making or doing, or in joining in making or doing, any other Works that may in their Judgment be necessary or expedient for the Improvement or Preservation of the Outfall to Sea for the said Fen Lands and Low Grounds, or for any other general Purposes of Drainage, or in any other Way that may be thought by the said Commissioners to be beneficial in obtaining a quick Discharge of the Waters of the said Fen Lands and Low Grounds in their Passage to Sea through the said Rivers and Drains: Provided that the said Commissioners do not make *Popham's Eau* navigable through the afore-said Bridge called the *Three Holes*.

Application of the Tax not exceeding Three-pence an Acre.

XXXIX. Provided always, and be it further enacted, That no Application of the said last-mentioned Tax for any of the Purposes last mentioned shall be made, except at some General or Special Meeting, Notice where-

Under certain Restrictions.

whereof shall have been given by the said Commissioners in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the said *Isle of Ely*, by advertising the same Twice immediately preceding such Meeting, and describing in such Advertisement the Nature of the Plan or proposed Work, and the probable Amount of the Money it will require.

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

XL. And to the end that the said Taxes may be more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Fen Lands and Low Grounds which shall be assessed, rated, taxed or charged, or be liable to be assessed, rated, taxed or charged by virtue of this Act, shall pay, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed or charged, on or for or in respect of their respective Lands and Grounds in their several Occupations, to the Collector or Collectors or other Person or Persons appointed by the said Commissioners to receive the same, and to deduct and retain out of his, her or their Rent, all such Sum and Sums of Money as he, she or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Fen Lands and Low Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

But not to deduct Penalties.

XLI. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Tax or Taxes by virtue of this Act, and such Penalty or Penalties shall have been levied by the said Commissioners by Distress upon the Goods, Chattels or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty and Penalties, together with the Costs, Charges and Expences of taking any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners of such Fen Lands and Low Grounds shall not be compelled or compellable to allow or pay any such Penalty or Penalties or Expences to such Occupier or Occupiers, any Thing herein contained to the contrary thereof in anywise notwithstanding.

No beneficial Lessee to be allowed to deduct Taxes.

XLII. Provided also, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with any Rates or Taxes imposed or to be imposed by virtue of this Act, who shall hold the same by virtue of or under any beneficial Lease from any Bishop or Collegiate Church or College, or any Corporation sole or aggregate, or by virtue of or under any other Lease or Agreement of which at the Time appointed by the said Commissioners for the Payment of the said Rates and Taxes for any Year, there shall be Six Years or upwards to come and unexpired, shall be entitled to deduct the said Rates or Taxes, or any Part thereof, for such Year, out of the Rent reserved or payable by any such Lease or Agreement, but that the said Rates and Taxes shall be charged

charged upon and be paid and borne by the Lessees or Tenants so holding such Lands or Grounds as aforesaid.

XLIII. And be it further enacted, That where any Person or Persons, being Tenant or Tenants for Life or Lives of any Part of the said Fen Lands and Low Grounds, who shall have paid the Rates and Taxes to be assessed, rated, taxed or charged by virtue of this Act, in respect of such Fen Lands and Low Grounds, shall die before the Expiration of Four Years from the Time appointed by the said Commissioners for the Payment of the said Rates and Taxes for any Year, then it shall be lawful for him, her or them, by his, her or their last Will and Testament, or last Wills and Testaments respectively, to charge such Fen Lands and Low Grounds with the Payment of so much of such Rates and Taxes as shall have been paid by such Tenant or Tenants for Life or Lives, within the Space of Four Years previously to the Death of such last-mentioned Tenant or Tenants, and to direct and appoint the same to be paid to such Person or Persons as he, she or they shall think fit; and in default thereof the same shall be a Charge on the said Fen Lands and Low Grounds, and shall, within Three Months after the Death of such Tenant for Life or Lives, be paid by the Person or Persons entitled to the Reversion or Remainder immediately expectant on the Death of such Tenant or Tenants for Life or Lives, to the Executors or Administrators of such Tenant or Tenants, for Life or Lives, together with lawful Interest for the same, from the Death of such Tenant or Tenants for Life or Lives respectively, and shall and may be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas for the said *Isle of Ely*.

For relieving Tenants for Life from the Taxes paid by them in case of Death within Four Years.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them assembled at any General or Special Meeting, from Time to Time to borrow upon the Credit of the respective Rates and Taxes arising from the said Fen Lands and Low Grounds, any Sum or Sums of Money to be applied for the Purposes of this Act, not exceeding the Sum of Five thousand Pounds, on the Credit of the said Tax of One Shilling an Acre, nor exceeding the Sum of Three thousand Pounds, on the Credit of the said Tax not exceeding Three-pence an Acre, and by Writing under their Hands and Seals to mortgage or assign over the said Rates and Taxes respectively, as a Security for the Repayment of the Sum and Sums borrowed thereon respectively, with lawful Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her or their Executors, Administrators or Assigns; and all and every such Person and Persons to whom any such Mortgage or Assignment thereof shall be made, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said Rates and Taxes respectively, in equal Degree one with another, but without any Preference in respect to the Priority of advancing any such Sum or Sums of Money; and every such Mortgage or Assignment shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners, and the Costs and Charges of every such Mortgage or Assignment shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act.

Commissioners may borrow Money on the Credit of the Taxes.

Security may
be assigned.

XLV. And be it further enacted, That every Person to whom any Mortgage or Assignment of the said Rates and Taxes respectively shall be made, shall have full Power from Time to Time to assign and transfer the same to any Person or Persons whomsoever, and such Assignment and Transfer shall be entered in a Book to be kept by the Clerk to the said Commissioners for that Purpose, (which Entry such Clerk is hereby required to make upon the Production of such Assignment and Transfer, and on Payment of Two Shillings and Sixpence for the said Entry), and after such Entry made, such Assignment and Transfer shall entitle such Assignee and Assignees, his, her and their Executors, Administrators and Assigns, to the said Principal Sum, and all Interest then due and becoming due thereon; and such Assignee and Assignees, and every other Assignee and Assignees, shall and may in like Manner assign and make over such Mortgage and Security so assigned as aforesaid, and so *toties quoties* as Occasion shall require.

Taxes to be
chargeable
with the
Payment of
Principal and
Interest Mo-
nies, and
vested in the
Creditors.

XLVI. And be it further enacted, That the respective Rates and Taxes arising from the said Fen Lands and Low Grounds by virtue of this Act, shall be and they are hereby made charged and chargeable with the Payment of the Principal Monies to be respectively borrowed thereon by the said Commissioners as aforesaid, and with the Interest of such Monies, from Time to Time, and shall respectively vest in the Creditors upon Default of Payment of such Principal Monies and Interest until the same and every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators and Assigns respectively, shall have the same Powers, Rights and Privileges of recovering the said Rates and Taxes respectively, for or in respect of such Principal Monies and Interest, in case of Default in Payment thereof, as the said Commissioners and their Collectors and Receivers could have had, in case such Principal Monies and Interest had been regularly paid: Provided always, that no Money shall in any Case be borrowed by the said Commissioners, but at their First Meeting to be holden after the passing of this Act, or at some General or Special Meeting to be holden in pursuance of a Notice for that Purpose, to be signed by Five of the said Commissioners at least, and to be inserted in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the said *Ile of Ely*, at least Twice immediately previous to such Meeting; and that no Mortgage or Assignment of any Part of the said Rates and Taxes shall be valid, unless executed by Five of the said Commissioners assembled at such Meetings: Provided also, that the said Tax of One Shilling an Acre shall not cease until the whole Sum borrowed thereon, together with the Interest for the same shall be fully paid, nor shall the said Tax, not exceeding Three-pence an Acre cease, or be reduced below that Sum, so long as any Money borrowed thereon, or any Interest in respect thereof shall remain unpaid.

No Money
to be bor-
rowed by the
Commission-
ers, but at
their First or
some General
or Special
Meeting to
be advertised
for that Pur-
pose.

Taxes not to
cease until the
Monies bor-
rowed there-
on respective-
ly shall be
repaid.

Commission-
ers may bor-
row Money
on either of
the Taxes
for tempora-

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, until they shall be able to borrow Money under the Powers and Authorities herein contained, and also when all the Monies which shall have been so borrowed by them, with the Interest thereof, shall have been repaid at any General or Special Meeting, from
Time

Time to Time, as to them shall seem meet, to borrow and take up any Sum or Sums of Money, at their Discretion, by Way of Temporary Loan, for the Purposes of this Act, and any Five of the said Commissioners are hereby authorized to give a written Undertaking, or their own personal Security for Re-payment of such last-mentioned Sum or Sums of Money, together with lawful Interest for the same, out of the Taxes arising during the Year next ensuing the Year in which such last-Monies shall be so borrowed, and any Five of the said Commissioners, or the said Five Commissioners, giving such Undertaking or Security as aforesaid, are hereby authorized and required, at the usual Time in the then next succeeding Year, to lay and impose such a Tax, not exceeding One Shilling per Acre, or Three-pence per Acre, (as the Case may require), as will repay the said Sum or Sums of Money so borrowed respectively, together with lawful Interest for the same; and no Part of either of such last-mentioned Taxes shall be applied to any of the Purposes of this Act until the whole of such temporary Loan, together with lawful Interest for the same, shall be repaid.

ry Purposes, and pay the same out of the ensuing Year's Tax, and may lay such Tax themselves.

XLVIII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize the said Commissioners to borrow any Sum or Sums of Money on the said Tax, not exceeding Three-pence an Acre, until the said Tax of One Shilling an Acre shall have ceased: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize the laying of more than One Tax of One Shilling an Acre, or Three-pence an Acre, as the Case may be, on the Fen Lands and Low Grounds hereby subject to be taxed, in any one Year.

No Money to be borrowed on the Three-penny Tax, until the Shilling Tax shall have ceased. No more than One of the said Taxes to be laid in any one Year.

XLIX. And be it further enacted, That if any Person shall refuse or neglect to pay the Rates, Taxes or Sums of Money which shall be assessed, rated, taxed or charged on the Lands or Grounds in his, her or their Occupation or Occupations respectively, by virtue of or under the Powers and Authorities of this Act, together with all such Penalty or Penalties as shall or may be incurred by Non-payment thereof respectively as aforesaid, then it shall be lawful for any Collector or Collectors appointed by the said Commissioners, or any other Person or Persons by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which said Warrant or Precept the said Commissioners, or any Five or more of them, are hereby empowered and required, from Time to Time, to grant and make, as Occasion shall require), to enter into and upon the Lands or Grounds so rated and taxed as aforesaid, in the Possession of any such Person or Persons who shall so make Default in Payment as aforesaid, and into and upon all Messuages or Tenements thereupon standing or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and payable for such Rate or Tax, together with such Penalty as may be incurred by Non-payment thereof as aforesaid, by Distress of any Goods or Chattels which shall be found on the Premises, and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, carry away and keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, giving to such Owner or Owners, or leaving at the last or usual Place or Places of Abode of the Tenant or Tenants in Possession of such Messuage or Tenement, Grounds

Power of Distress in case of Non-payment by Persons in possession of any Land liable to be taxed.

or Premises, Notice in Writing of the Cause of such Distress; and if the Owner or Owners of the Goods and Chattels so distrained, shall not pay the Sum or Sums of Money so due and payable for such Rate of Tax, together with such Penalties as aforesaid, and all Charges attending such Distress and Removal, or replevy the Goods and Chattels so distrained, with sufficient Sureties, to be given to the Sheriff of the County where such Distress shall be taken, or to the Chief Bailiff of the said *Isle of Ely*, according to the Laws now being for regulating Distresses in Cases of Non-payment of Rent, within Five Days next after such Distress made, and Notice thereof given, as aforesaid; the Person or Persons so distraining, shall and may with such Sheriff or Chief Bailiff, or the Under Sheriff or Deputy Bailiff of such County or the said *Isle* respectively, or the Constable or Headborough of the Parish where such Distress shall be made, (which said Sheriff, Under Sheriff, Chief Bailiff, Deputy Bailiff, Constable and Headborough are hereby required and commanded to assist therein), cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Sheriff, Under Sheriff, Bailiff or Deputy Bailiff, Constable or Headborough, (who are hereby respectively empowered to administer an Oath accordingly), to appraise the same according to the best of their Judgment; and after such Appraisement it shall be lawful for such Collector or Collectors, or other Person or Persons making such Distress, to sell the Goods and Chattels so distrained for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress shall be so made, and the Charges of taking, keeping, removing, appraising and selling the Goods and Chattels so distrained, leaving the Overplus (if any) in the Hands of such Sheriff, Under Sheriff, Bailiff or Deputy Bailiff, Constable or Headborough, for the Owner's Use.

Means of obtaining Payment of Tax on Commons and Wastes, and for inclosing competent Parts thereof.

When Taxes and Expences are paid, Commons and Wastes to be laid down again.

L. And be it further enacted, That in case the Taxes to be rated and charged in pursuance of this Act, upon such of the said Fen Lands and Low Grounds as shall be Commons or Wastes, shall not be duly paid at the Times appointed by the said Commissioners for Payment of the same, then it shall be lawful for the said Commissioners, and they are hereby required to cause competent and sufficient Parts of the said several Commons and Wastes to be divided and inclosed, and to demise and lease such Parts thereof as shall be so inclosed, to any Person or Persons willing to take the same, at such Rents as can be reasonably gotten for the same, or to mow or agist the same, as the said Commissioners shall think proper, and out of the Rents and Profits thereof to defray, discharge and deduct the Expences of making such Inclosures respectively, together with all such Sums of Money as shall become due and payable for the said Rates and Taxes, in respect of the Commons and Wastes from which such Inclosures shall respectively be made, as well prior to as during the Continuance of such Lease or Occupancy; and from and after the Payment of all such Sums of Money as shall become due and payable on Account of such Rates, Taxes, Costs, Charges and Expences as aforesaid, together with the Costs, Charges and Expences attending the making and keeping up of the said Inclosures and the Management thereof, the said Inclosures shall again be and become Part of the respective Commons and Wastes from which the same shall have been taken; and if any Surplus of the Rents and Profits arising from the said Inclosures after answering the several Payments aforesaid shall

remain

remain in the Hands of the said Commissioners, or their Treasurers, Collectors, or Receivers, the same shall be paid into the Hands of such Person or Persons, and be applied to such Uses and Purposes as a Majority in Value of such Commoners shall by Writing under their Hands respectively direct or appoint.

LII. Provided always, and be it further enacted, That no Lands so to be inclosed from any of the said Commons or Wastes shall be ploughed or converted into Tillage, or dug up for Turf by the said Commissioners, or by any Person or Persons to whom they shall let, demise or lease the same, or who shall have the Management thereof during the Time the same shall be kept enclosed for the Purpose aforesaid.

Commons or Wastes so inclosed not to be ploughed or dug up.

LII. And whereas there are several Commons and Waste Grounds which are liable to be taxed by virtue of this Act, that now lie within the Limits and are Part of certain Tracts which have been formed into Districts by divers Acts of Parliament, the Commissioners of which Districts are by the said Acts respectively authorized and empowered to levy and raise on the Lands within such respective Districts certain Rates and Taxes, for the better Drainage and Improvement of the same : Be it therefore enacted, That it shall and may be lawful for the Commissioners of such respective Districts from Time to Time to levy and raise on the Commonable and Waste Grounds within the same Districts respectively, such Sum and Sums of Money as shall be necessary to pay and discharge the Rates and Taxes which shall from Time to Time be laid by the Commissioners appointed by this Act, upon or in respect of such Commonable and Waste Grounds, in such Manner, and by such Ways and Means, and with such Powers and Remedies for recovering the same, as the Commissioners of such Districts respectively now are, or at any Time hereafter may, by any Act or Acts relating to their respective Districts, be authorized and empowered to use for the levying and raising of the Rates or Taxes within such respective Districts, by virtue of any such Act or Acts of Parliament.

Commissioners of Districts may raise the Taxes imposed by this Act in respect of any Commons or Wastes within their respective Districts.

LIII. Provided always, and be it further enacted, That in case any of the said Fen Lands and Low Grounds shall at any Time or Times hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates, Taxes, and Penalty, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof, and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained, removed, impounded, kept, appraised and sold in Manner aforesaid, until all Arrears of the said Rates and Taxes and Penalty, and the Charges of such Distress, shall be fully paid and satisfied.

Grounds unoccupied are to remain a Security for the Tax, and Distress may be taken at any Time afterwards.

LIV. And whereas it may happen that some of the Occupiers of the Fen Lands and Low Grounds liable to be taxed by virtue of this Act may drive off their Stock and remove their Property therefrom to Lands not chargeable with the said Taxes ; Be it therefore enacted, That in all Cases where no sufficient Distress can be found upon any of the said Fen Lands and Low Grounds whereon to levy the said Tax or Taxes and Penalty which shall be then in Arrear in respect thereof, it shall and may

Taxes to be levied on the Goods of Persons driving their Cattle off their Lands liable to be taxed by this Act.

be lawful for the Collector or Collectors appointed by the said Commissioners or any other Person or Persons by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which said Warrant or Precept the said Commissioners or any Five or more of them are hereby empowered and required from Time to Time to make as there shall be Occasion) to levy all and every such Tax or Taxes and Penalty as shall be then in Arrear upon any Goods or Chattels of any such Occupier or Occupiers, whensoever and wheresoever such Goods or Chattels shall be found, together with all the Charges of levying the same.

Lands may be let for Payment of Taxes.

LV. And whereas it may sometimes happen that some of the said Fen Lands and Low Grounds may be untenanted or unoccupied for a considerable Time, and that no Distress can be taken thereon for levying the said Rates or Taxes and Penalty due in respect of the same, therefore for enforcing the Payment thereof in all such Cases, be it further enacted, That where any of the said Rates or Taxes and Penalty shall be in Arrear and unpaid, by the Space of Twelve Calendar Months together, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, then and in every such Case the said Commissioners, or any Five or more of them, shall at any of their Meetings have full Power and Authority to let so much of the said Lands and Grounds upon which any such Rate or Tax and Penalty shall be so in Arrear as they shall judge sufficient, for such Term or Terms of Years not exceeding Twenty-one Years, at such Rent and Rents, and upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent or Rents arising therefrom in Payment and Discharge of all such Taxes and Rates and the Penalties incurred for Non-payment thereof, and of such other Charges and Expences as they the said Commissioners shall incur or be liable to or in consequence of all or any of such last-mentioned Proceedings.

Lands let by Commissioners not to be ploughed or dug.

LVI. And be it further enacted, That no Land or Ground which under the Authority of this Act shall be let by the said Commissioners for the Purpose of raising any Part of the said Taxes or Penalty due in respect thereof, shall be ploughed or dug up for Turf, or be occupied otherwise than as Meadow or Pasture Land, unless it shall appear to the said Commissioners, that the Rent of such Lands or Grounds to be let as Meadow or Pasture will be insufficient to discharge the said Taxes, Rates and Penalties and also the said last-mentioned Costs, Charges and Expences.

Punishment for destroying Works.

LVII. And be it further enacted, That if any Person or Persons shall at any Time hereafter maliciously cut, break down, burn, demolish or destroy any Tunnel, Bridge, or Work already made or erected, or which shall at any Time hereafter be making or erecting, or be made or erected, supported, or maintained for answering any of the Purposes of this Act, every Person so offending and being thereof convicted shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom any such Person shall be tried shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm; or in Mitigation of such Punishment, such Court may in its Discretion award such Sentence as the Law directs in Cases

of

of Petit Larceny; and if any Person or Persons shall at any Time hereafter wilfully stop, dam up or damage any Rivers, Drains, Watercourses, Doors, Dams, or other Work or Works already made or erected, or which shall at any Time or Times hereafter be making or erecting, or be made or erected, supported or maintained, for answering any of the Purposes aforesaid, or shall wilfully break or injure any Dam or other Work made by the said Commissioners, or wilfully hinder or obstruct the said Commissioners or any of their Officers, or any Servants, Workmen or Labourers employed by them the said Commissioners or any of their Officers, in scouring out the said Rivers and Drains or in making or repairing any Work or Works hereby directed or authorized to be done, every Person offending in any or either of the Cases aforesaid, and being thereof convicted before any Two or more Justices of the Peace for the County or Place wherein such Offence shall be committed (which Justices are hereby required to hear and determine the same) on the Oath of Two or more credible Witnesses, shall forfeit any Sum not exceeding Five Pounds to the said Commissioners, to be applied by them for the Purposes of this Act, and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction of the County or Place where such Offence shall be committed, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Six Calendar Months.

Penalty for damaging Works or obstructing the Officers of Commissioners under this Act.

LVIII. And be it further enacted, That all Materials arising from any Bridges, Dams, Sluices, or Works which shall be taken down for the Purpose of being rebuilt or repaired by the said Commissioners, shall be the Property of the said Commissioners: Provided always, That when any Bridge shall be so taken down or removed, a new Bridge shall be built by the said Commissioners in its Place, and if any Bridge built of Brick or Stone be so rebuilt or removed, the new Bridge shall be built of Brick or Stone.

Materials of old Works vested in the Commissioners.

LIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to enter upon the Lands of any Person or Persons adjoining or near to any of the Rivers, Cuts, or Drains which they the said Commissioners are hereby directed or authorized to make, widen or improve, and to take and dig Earth therefrom, and to do such other Acts as may be necessary to carry into Effect the Purposes of this Act, making Satisfaction to the Party or Parties injured thereby; and for that Purpose the said Commissioners are hereby empowered to agree with the Proprietors of and Persons interested in any Lands, Tenements or Hereditaments which they the said Commissioners shall cut, take or enter upon for the Purpose of making, widening, or altering any River or Drain hereby required or authorized to be made, widened or altered, or for erecting or making any Work or Works of Drainage hereby required or authorized to be erected or made, for the Purchase of any such Lands Tenements and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested, for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees and Feoffees in Trust, Committees, Executors, Administrators and all other Trustees whatsoever, not only for and on behalf of themselves,

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

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

their

their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of or interested in any such Lands, Tenements or Hereditaments, to contract for, sell and convey unto the said Commissioners or to such Person or Persons as they shall appoint, any Lands, Tenements or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements or Hereditaments by the Means aforesaid; and all such Contracts, Sales, Conveyances and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate and all Persons whomsoever are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politick, Corporate or Collegiate, Trustee or Trustees or other Person or Persons interested or concerned as aforesaid, shall for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her or their Place or respective Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may and they are hereby authorized and empowered, Fourteen Days at least before any General Quarter Sessions of the Peace to be holden for the County or Place where such Lands, Tenements, or Hereditaments shall lie, and within Twelve Calendar Months after the Lands, Tenements or other Hereditaments shall have been taken or used, or such Damage done, to give or cause to be given to the Party or Parties whose Lands, Tenements, or other Hereditaments shall have been taken or used, or who shall have sustained such Damage or Injury, or to leave or cause to be left at his, her or their last usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Lands, Tenements or other Hereditaments and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions or any Adjournment thereof shall charge, and they are hereby empowered and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Sheriffs of the said Counties of *Huntingdon*, *Norfolk*, and *Cambridge* respectively, or the Chief Bailiff of the said *Isle of Ely*, and to cause them to be sworn well and truly on their Oaths, to assess the Value of such Lands, Tenements or Hereditaments, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Body or Bodies Politick, Corporate or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests; to which said Juries the said Commissioners and all Parties interested shall have their lawful Challenges when they come to be sworn; and the Clerks of the Peace for the said Counties and *Isle* respectively

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

Justices to cause the Jury to assess Damages.

tively are hereby authorized, empowered and required, upon Application made to them or either of them by any of the Parties interested, by Subpoena or Summons under their respective Hands, to call before the Justices at such Sessions or any Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching or concerning the Premises; and the said Jury upon their Oaths (which Oaths, and also the Oaths to be taken by the Persons who shall appear or be summoned to be examined and give Evidence as aforesaid, the said Justices at their Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for such Lands, Tenements or Hereditaments, or any Damage or Injury which shall have been done as aforesaid to the respective Person or Persons, Body or Bodies Politick, Corporate or Collegiate, or Owner or Owners thereof; and the said Justices shall and may give Judgment according to the Verdict of the said Jury, and the Judgment thereupon declared and pronounced by the said Justices shall finally bind and be conclusive to the said Commissioners and all Persons and Parties interested in the said Lands, Tenements or Hereditaments, and shall be entered and kept among the Records of the Quarter Sessions of the said Counties and Isle respectively, and the same or a true Copy thereof, being signed by the Clerks of the Peace for the said Counties and Isle respectively shall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Persons may have Recourse thereto, or take Copies thereof or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

Witnesses
to be sum-
moned.

Justices to
give Judg-
ment. The
same to be
final.

LX. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on Behalf of the said Commissioners before the Notice of the intended Application to be made to the said Sessions for or in respect of any of the Matters aforesaid, that then all the Expences of such Application, including the Charges of Witnesses, shall be paid by the said Commissioners out of the Rates and Taxes to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on Behalf of the said Commissioners; then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements or Hereditaments upon or in respect of which such Application shall have been made; all which Expences shall be regulated, settled and allowed by the Justices in Sessions before whom the Matter shall be heard and determined; Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Commissioners out of the Money to be raised or received under or by virtue of this Act.

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

And settled
by the Jus-
tices.

LXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme, Covert, Infant, Lunatick or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same 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

Application
of Compen-
sation where
exceeding
200l.

[Loc. & Per.]

General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order to be made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Messuages, Lands, Tenements and Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking effect; and in the Meantime, and until such Purchase shall be made, the said Money shall on the Request of any Three or more of the said Commissioners in Writing signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor is less than 20l.

LXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than 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 or used, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified by Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more 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 may be applied in any Manner hereinbefore directed, so far as the Case be applicable, without obtaining or being

being required to obtain the Direction or Approbation of the Court of Chancery.

LXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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 or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20l.

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

In case of not making out Titles:

or if Persons cannot be found Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession at the Time any

of such Purchase shall be deemed entitled thereto, according to such Possession.

any such Bank Annuities; the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons or under the Possession of such Person or Persons, shall be deemed 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 Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements or Hereditaments, or to some Estate or Interest therein.

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

LXVI. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Recital of Bedford Level Act (15 Ch. 2.) and of the River Nene Navigation Act. (27 G. 2.)

Nothing contained in either of those Acts to impede the Commissioners of this Act from executing their Works.

Rights of the Corporation of Bedford Level, &c. preserved.

LXVII. And whereas by virtue of an Act of Parliament passed in the Fifteenth Year of the Reign of His late Majesty King *Charles* the Second, for settling the Drainage of the Great Level of the Fens called *Bedford Level*, and of another Act of Parliament passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for improving and preserving the Navigation from Salter's Load Sluice in the County of Norfolk, to Standground Sluice in the County of Huntingdon, and from Flood's Ferry in the Isle of Ely in the County of Cambridge, to Ramsey High Load in the said County of Huntingdon; and also the Navigation from Old Bedford Sluice in the said County of Norfolk, to the River Nene in the Parish of Ramsey in the said County of Huntingdon*; the Governor, Bailiffs and Commonalty of the Company of Conservators of the said Great Level, and the Commissioners of the said River *Nene*, have respectively Power and Jurisdiction over the Rivers, Drains and Works hereby intended to be scoured out, improved and made, or some of them; be it therefore further enacted, That nothing in the said last mentioned Acts contained, or either of them, shall extend or be construed to extend so as to hinder, impede or interrupt the Commissioners appointed or to be appointed by virtue of this Act, in scouring out the said Rivers and Drains, or in improving or doing the several Works hereinbefore specified and described by Name to be improved and done: Provided always, that all the Rights, Powers and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of *Charles* the Second, or any other Act or Statute whatsoever, or otherwise, are now vested in the said Governors, Bailiffs and Commonalty, or in the said Governors, Bailiffs and Conservators,

tors, or any of them, except as to such Rights and Powers as are hereby given to the said Commissioners as to the several Works herein specified and described by Name shall for ever hereafter remain, continue and be in the said Governors, Bailiffs and Commonalty, and in the said Governors, Bailiffs and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been made: Provided always, that the said Commissioners shall not remove or alter the Situation of the Banks of *Popham's Eau* aforesaid between a certain Bridge called the *Three Holes* and the End of *Popham's Eau* aforesaid, at the aforesaid Place called *Nordelph*, nor do any Act whatever whereby *Popham's Eau* may become navigable otherwise than it now is.

Banks between the Three Holes Bridge and Nordelph not to be altered.

LXVIII. And be it further enacted, That Nothing in this Act contained shall extend or be construed to extend to affect or alter the Liability of or the Obligation on any Body or Bodies Politic or Corporate, or any other Person or Persons to scour out the said Rivers and Drains or any of them, or to do or repair any of the Works hereby directed or authorized to be done or repaired, or to fix the same upon the Commissioners appointed or to be appointed by virtue of this Act, or upon the Owners of the Fen Lands and Low Grounds hereby directed to be taxed, rated or assessed, or any of them; but that such Liability shall remain as if this Act had not been made.

Not to affect the Liability of other Persons to scour out the Rivers, &c.

LXIX. And for the more easy and speedy Conviction of any Offender or Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words; (*videlicet*)

Manner of proceeding for Conviction of Offenders.

BE it remembered, That on the
 Day of _____ in the Year of our Lord
 _____ A. B. is convicted before
 me C. D. one [or, us C. D. and E. F. two] of His Majesty's Justices
 of the Peace for the County [Isle, Place or Liberty as the Case may be]
 of [specifying the Offence and the Time and Place when and where the
 same was committed, as the Case shall be]. Given under my Hand and
 Seal [or, our Hands and Seals] the Day and Year first before written.

Form of Conviction.

LXX. And be it further enacted, That no Order or other Proceeding to be made or had by or before any Justice or Justices of the Peace, or to be otherwise made or had in pursuance of this Act shall be quashed or vacated for want of Form only, or be removed by *Certiorari* into any of His Majesty's Courts of Record at *Westminster*.

Proceedings not to be vacated for want of Form, nor removed by Certiorari.

LXXI. And be it further enacted, That where any Distress shall be made for any Rate, Tax, Penalty or Forfeiture, or Sum or Sums of Money whatever, to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant of Distress, or other Pro-

Distress not unlawful for want of Form.

ceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the special Damage in an Action upon the Case.

Justices may administer Oaths and Commissioners may act as Justices unless personally interested.

LXXII. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons for his or their more certain Information in the Matters then depending; and that any Justice of the Peace may act as such in the Execution of this Act (except where personally interested) notwithstanding his being a Commissioner under the Authority of this Act.

Persons giving false Evidence to be deemed guilty of Perjury.

LXXIII. And be it further enacted, That all and every Person and Persons who in any Examination to be taken by virtue of this Act, shall give false Evidence before any Justice or Justices of the Peace, or before any Commissioner appointed or to be appointed by virtue of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Commissioners may sue and be sued in the Name of their Clerk or Treasurer.

LXXIV. And be it further enacted, That the said Commissioners may and shall in all Cases sue and be sued in the Name of their Clerk or Treasurer, and that no Action which shall be brought or commenced, or Indictment or Appeal which shall be preferred or prosecuted by or against the said Commissioners by virtue or on account of this Act, in the Name of such Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Commissioners, but the Clerk or Treasurer for the Time being shall always be deemed Plaintiff, Prosecutor or Defendant in any such Action, Indictment, Suit or Appeal, as the Case may be: Provided always, that every such Clerk or Treasurer in whose Name any Action, Indictment, Suit or Appeal shall be commenced, preferred, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being made Plaintiff, Defendant or Appellant therein.

Allowing an Appeal to the Quarter Sessions from the Determination of the Justices.

LXXV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace, he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the County or Place where the Cause of Complaint shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions respectively are hereby required to hear and determine the Matter of every such Appeal
and

and to make such Order and award such Costs therein as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same wherever they shall be found, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*.

LXXVI. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall, under or by virtue of any of the Powers and Provisions herein before contained, intend to have any Matter of Dispute, Complaint or Appeal determined by the Justices in their said General Quarter Sessions, every such Person or Persons shall give at least One Calendar Month's Notice to the Party or Parties against whom such Matter of Dispute, Complaint or Appeal shall be intended to be preferred, of such his, her or their Intention, specifying the Matter of such Dispute, Complaint or Appeal; and where any such Dispute, Complaint or Appeal shall be intended to be preferred against the said Commissioners such Notice shall be delivered to their Treasurer or Clerk, and in Cases where the said Commissioners shall be Appellants such Notice shall be signed by their Treasurer or Clerk; and it shall and may be lawful for the said Justices in their said General Quarter Sessions, in default of Proof of such Notice, or for any other just and reasonable Cause to postpone the Hearing of such Matter to any Adjournment of the said Sessions, or until the General Quarter Sessions then next following, at the Discretion of the said Justices.

Party appealing to give One Month's Notice of Intention to appeal.

LXXVII. And be it further enacted, That if any Action, Suit or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and shall be laid or brought in the Counties of *Huntingdon*, *Norfolk*, or *Cambridge*, or in the Court of Pleas for the *Isle of Ely*, as the Case may be, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and in *Replevin* may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and may give this Act and the special Matter in Evidence without specially pleading the same otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alledged in such Action or Suit to have been done was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited or forbear Prosecution, or discontinue his, her or their Suit or Suits, or if any Verdict shall pass against him, her or them upon a Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants shall recover Treble Costs, for which

Limitation of Actions.

he,

he, she or they shall have the like Remedy as where Costs by Law are awarded.

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

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