Anno vicesimo nono

Georgii II. Regis.

An Act for imbanking and preserving certain Fen Lands and Low Grounds, called *The Washes*, lying and being in the several Parishes of *Sutton*, *Mepal*, *Witcham*, *Ely*, *Witchford*, *Wentworth*, *Coveney*, and *Downham*, in the *Isle of Ely*, and County of *Cambridge*; and of *Bluntisham* with *Earith* in the County of *Huntingdon*.

WHEREAS certain Fen Lands and Low Grounds, Part of the Great Level of the Fens, commonly called The Washes, lying and being in the several Parishes of Sutton, Mepal, Witcham, Ely, Witchford, Wentworth, Coveney, and Downham, in the *Isle of Ely*, and County of Cambridge; and also Bluntisham with Earith, in the County of Huntingdon; containing in the whole Fifteen hundred Acres, or thereabouts, the Boundaries whereof are as followeth; that is to say, Beginning at a Bank called The Old Bedford Bank, and from thence over The Old Bedford River, below The Nine Holes Sluice, Preamble.

Sluice, to Earith Drove; and from thence by the said Drove, to the upper End of Bluntisham School Ground, and across the upper End of the said School Ground to The Hundred Feet, or New Bedford River; and from thence by the West Side of the said Hundred Feet, or New Bedford River, to Richard Harrison's Wash, below Ox Willow Load, and then along the said Load to the Old Bedford Bank, and so along the East Side of the said Bank to The Nine Holes Sluice aforesaid, are, except certain Parts or Parcels thereof, which are herein after described and excepted, subject to be overflowed by Tides and small Freshes, and are in Danger of being rendered useless, to the great Damage and Impoverishment of the Owners and Proprietors of such Ground, and to the Loss of the Publick; May it therefore please your most Excellent Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

Commissioners

and by the Authority of the same, That William Finch Esquire, Benjamin Vipan, Moses Oates, William Maylin, William Upsher, William Custance, Merry Read, John Feast, the Reverend John West, Read Murfit, Edward Whiting, the Reverend Joseph Layton, Anthony Gregory, John Freeman, William Saberton junior, the Agent for the Dean and Chapter of Ely for the time being, Aungier Peacocke Esquire, William Cole Esquire, Matthew Robinson Esquire, George Clay, the Reverend Richard Wakeling, Thomas Musgrave, John Cave, John Hitch, the Reverend Thomas Jones junior, John Leaford, Joseph Denston, Micah Cole, Richard Hopkin, Anthony South, and Charles Leeds; shall be, and they are hereby appointed Commissioners to put this Act in Execution, in such Manner as is herein after directed.

They are impowered to imbank the River,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, or their Successors, to be chosen pursuant to the Directions of this Act, shall be, and are hereby authorized and impowered, from time to time, to make such Banks from The Old Bedford Bank below The Nine Holes, to The Hundred Feet River, and along the West Side of the said River to Ox Willow Load aforesaid, not exceeding Two Feet and an half in Height above the Level of Sutton Causeway, or the level Soil of the said Washes, and

and lay Tunnels,

sufficient Tunnels under such Banks, through the said Fens and Low Grounds, bounded and described as aforesaid, or any Part thereof, as they shall think necessary,

paying such reasonable Satisfaction to the Person or Persons who hath or have a Right to the Soil, for the Damages he, she, or they shall sustain, by the making such Banks or Tunnels, as shall be agreed upon between the said Commissioners, or any Five or more of them, and the Person or Persons having such Right as aforesaid; and if the said Commissioners, or any Five or more of them, and such Person or Persons, cannot agree concerning the Amount of such Damage, then the same shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the next General Quarter Sessions of the Peace to be held respectively for the said Isle of Ely, or the County of Huntingdon.

making Satisfaction for Damages.

Differences to be adjusted at the Quarter Sessions.

And, for the better putting this Act in Execution; be it enacted by the Authority aforesaid, That the said Commissioners herein before named, or their Successors, to be chosen as herein after is mentioned, or any Five or more of them, shall Twice in every Year; that is to say, On the Third Thursday in April, and on the First Wednesday in October, or oftner, as they shall see cause or think convenient, meet at some publick House at Mepal Bridge, to be appointed by the said Commissioners, or any Five or more of them; the First General Meeting to be at the Sign of the Red Lion at Mepal Bridge; and at any such Meetings are hereby impowered to make Orders, and give Directions, for the better and more orderly Management of the Work of draining and preserving the said Fens and Low Grounds, by making such proper Banks and Tunnels upon and through the same, and for the Maintenance thereof; and also to appoint such Collector or Collectors, Receiver or Receivers, or such other proper Officer or Officers as they shall think needful, for the taking care of such Works, and for collecting the Rates or Assessments which shall be made or assessed for the Maintenance thereof, and from time to time, to remove, displace, and appoint all or any of them, as often as they shall see Cause; and all and every such Collector or Collectors, Receiver or Receivers, so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners for the due Execution of their respective Offices and Trusts, as the said Commissioners, or the major Part of them then present, shall in their Discretion think fit.

Commissioners are to meet Twice a Year,

and make Orders concerning the draining and preserving the Low Grounds;

and to appoint proper Officers,

who are to give Security.

Provided always, and be it further enacted, That when and as often as it shall be found necessary, for carrying this Act into Execution, to fill up any Ditch

Where Ditches shall be filled up, Posts and Rails are to be erected.

or Ditches that are used for Fences, the said Commissioners, or any Five or more of them, shall, and they are hereby required to order and direct sufficient Posts and Rails, or other Fences to be made, in the room of such Fence or Fences so filled up, in such Manner as that the Owners or Proprietors of the adjacent Grounds may suffer no Damage by the filling up such Fence or Fences respectively.

An Acre Tax, not exceeding 1 *s.* 6 *d.* to be laid on the Fens and Low Grounds, for the Two First Years;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Five or more of them, at any of their Meetings, to be held as before directed, to assess, rate, tax, and charge, all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said Fen Lands or Low Grounds, lying in the said Washes, bounded and described as aforesaid (except such Part and so much thereof as is herein after excepted) and all and every Commoner and Commoners, having Right of Common on the commonable Parts thereof, by an equal and proportionable Tax, in any Rate or Sum not exceeding One Shilling and Six Pence per Acre, and in like Proportion for any Part or Parts less than an Acre in each of the Two First Years, to be computed from the Twenty fifth Day of March, One thousand seven hundred and fifty six, and for every Year after with any other yearly Sum or Sums of Money, not exceeding One Shilling per Acre, and in like Proportion for any Part or Parts less than an Acre, for carrying on and effecting the said Works of imbanking and draining, and for maintaining the same, and making such Fences, and defraying the other necessary Expences of executing this Act; and by Writing under their Hands, to limit and appoint such certain Days for the respective Payments thereof to the Collector or Collectors, Receiver or Receivers, for the time being, as they the said Commissioners, or any Five or more of them, shall think proper.

and for every Year after, not exceeding 1 *s.* *per* Acre.

Days for Payment thereof to be appointed.

And whereas there is a certain Piece of Ground called Middle Moors, lying and being in Sutton aforesaid, being held by a Lease from the Dean and Chapter of Ely, in Trust, that every Commonable House may have an equal Proportion or Share of the Crop of Grass or Hay, and the Lessees the After-feed; be it therefore enacted by the Authority aforesaid, That in all Rates or Taxes to be raised by virtue of this Act, the Owners or Proprietors of such Crops of Grass or Hay respectively shall pay Two Thirds of such Rate or Tax, and the Lessees of the

Proprietors of the Crops of Hay on *Middle Moors*, to pay Two Thirds of the Tax, and the Lessees One Third.

the said Dean and Chapter respectively, shall pay One Third of such Rate or Tax.

Provided nevertheless, and it is hereby declared and enacted, That no Assessment, Rate, or Tax, shall be made, collected, or levied by the said Commissioners, or by their Order or Direction, for or in respect of such Lands as are included within the Bounds of the Lands intended to be imbanked and drained by this Act, and are described as follows; that is to say, One Acre known by the Name of Benjamin Vipan's Malting; Three Acres belonging to the Master and Fellows of Caius College in Cambridge, and lying in Mepal; One Acre belonging to Mary Owen, and lying at Sutton Gault; One Acre belonging to William Custance, and lying at Sutton Gault; Two Acres belonging to Anthony South, and lying at Earith; Two Acres belonging to John Broadway; Two Acres, Part of Seven, belonging to Charles Leeds, and abutting upon The Hundred Feet River; Fourteen Acres belonging to Bluntisham School; One Acre belonging to John King; One Acre belonging to Benjamin Skeeles; One Acre belonging to Joseph Redman; Four Acres belonging to Thomas Aubrey; One Acre belonging to John Brown: All lying and being in Earith aforesaid; insomuch as the said Parts or Parcels of Land will receive little or no Benefit by the Works hereby intended to be made; any thing in this Act contained to the contrary thereof in any wise notwithstanding. Lands exempted from the Tax.

And forasmuch as the Money so to be rated, collected, and levied, in pursuance of this Act, will not at present be sufficient for making such Banks, Tunnels, and Fences, as will be necessary for the immediate draining and improving the said Fen Lands and Low Grounds; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall and may, and are hereby impowered, from time to time, by Writing under their Hands and Seals, to assign over the said yearly Rates and Taxes hereby chargeable, or to be charged upon the said Fen Lands and Low Grounds (the Costs and Charges of such Assignment to be borne and paid out of the said Taxes) as a Security for the Repayment of any Sum or Sums of Money, which the said Commissioners shall borrow, to any Person or Persons, or their Trustees, who shall advance and lend the same, with Interest, not exceeding Five Pounds per Centum per Annum; which Monies so borrowed, and also the said Taxes, shall be applied and disposed of to defray, in the First Place, the Charges and Commissioners may borrow Money for the Purposes of this Act, and assign over the Taxes for the same. Application of the Monies.

and Expences of obtaining this Act of Parliament; and afterwards in making such Banks and Tunnels for the draining and improving the said Fen Lands and Low Grounds before mentioned, and also such Fences, and in defraying the necessary Expences of carrying this Act into Execution, and to no other Use or Purpose whatsoever.

The Taxes, in case of Non-payment, may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That in case any Owner or Owners, Occupier or Occupiers of Lands, rated and taxed by virtue of this Act, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, within the Space of Twenty one Days after the respective Times of Payment to be appointed by the said Commissioners (publick Notice thereof being given by the Collector or Collectors, Receiver or Receivers, for the time being) it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Five or more of the said Commissioners (which said Warrant or Precept such Commissioners, or any Five or more of them, are hereby impowered and required, from time to time, to grant, as Occasion shall require) to levy the Sums so rated or taxed by Distress of the Goods and Chattles of such Person or Persons making Default, as aforesaid, upon the said Grounds and Premisses so charged with any such Rate or Tax; and the Goods and Chattles so distrained, to keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers thereof: And if the said Owner or Owners, Occupier or Occupiers, do not pay the Sum or Sums of Money so awarded, assessed, or rated, within the Space of Five Days, that then the said Goods and Chattles so distrained, shall be appraised by Two or more of the Inhabitants of the Parish where the same shall be taken, or other sufficient Persons, in order to be sold by the said Collector or Collectors, Receiver or Receivers, who is or are hereby authorized to sell the same, for Payment of the said Money; and the Overplus arising by such Sale (if any be) after deducting the Sum or Sums so awarded, rated, or assessed, and the Charges of taking, keeping, and selling the said Distress, shall be returned to such Owner or Owners, Occupier or Occupiers, upon Demand; and the several and respective Tenant and Tenants of all and singular the said Fen Lands

Lands and Low Grounds, so bounded and described as aforesaid, which shall be assessed or rated by virtue of this Act, is and are hereby required and authorized to pay such Sum or Sums of Money as shall be so assessed and rated upon such Fen Lands and Low Grounds, and to deduct out of the Rent so much of the said Assessment or Rate as the said Fen Lands or Low Grounds, or the Tenant or Tenants in respect thereof, shall be so assessed or rated at; and the Landlords, both mediate and immediate, according to their respective Interests, are hereby required to allow such Deduction and Payment, upon the Receipt of the Residue of their Rent; and every Tenant paying such Assessment or Rate shall be acquitted and discharged, for so much Money as the said Assessment or Rate shall amount unto, as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent should have been due and payable; except where there is a Lease of Three or more Years to come from the Commencement of this Act; and in such Case, the Proportion of the Assessment or Rate which the Tenant ought to bear and pay, in Consideration of the Benefit he or she receives thereby, shall be adjudged and awarded by Five or more of the Commissioners for putting this Act in Execution.

Tenants to pay the Tax, which is to be allowed them in their Rent;

except where there is a Lease subsisting of 3 or more Years.

Provided always, and be it enacted, That if any Person or Persons whatsoever shall make, or cause to be made, any Way or Road over The Old Bedford River, or The Thirty Foot Drain, into the said Washes, from the upper End of Sutton Middle Moor to the Black Sluice at the lower End of the said Thirty Foot Drain, such Person or Persons shall, for every such Offence respectively, forfeit and pay the Sum of Twenty Shillings, to be levied by Distress and Sale of the Goods and Chattles of such Offender or Offenders, wherever found, by Warrant under the Hands and Seals of any Five or more of the said Commissioners, who are hereby authorized and impowered to grant the same, returning the Overplus (if any be) upon Demand, to the Owner or Owners whose Goods and Chattles have been so distrained and sold, after deducting the said Penalty, and the reasonable Charges of distraining, keeping, and selling such Goods and Chattles.

Penalty of making a Way or Road over the Washes.

And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Fen Lands or Low Grounds above described, to which any Outring Dike, Ware Dike, Leading Dike, or Division Dike, do or doth belong, hath or have filled,

Owners neglecting to rode and scour their Dikes, and lay proper Tunnels, after Notice given,

or shall fill up or make any Way over the same, without laying a sufficient Tunnel under it, or shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair, such Outring Dike, Ware Dike, Division Dike, or Leading Dike, after Twenty one Days Notice to him, her, or them, for that Purpose given by the Collector or Collectors, Receiver or Receivers, for the time being, appointed by virtue of this Act, then it shall and may be lawful for such Collector or Collectors, Receiver or Receivers, to cause the same to be roded, scoured, and cleansed, in a sufficient Manner; and where there is no sufficient Tunnel under such Ways, to cause those Ways to be taken up to the Width and Depth which the Dike ought to be, and by Warrant or Precept under the Hands and Seals of Five or more of the said Commissioners (which Warrant or Precept such Commissioners, or any Five or more of them, are hereby impowered and required, from time to time, to grant, as Occasion shall require) to levy the Charge thereof upon the Goods and Chattles of such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattles, upon the Grounds and Premisses to which such Dike or Dikes, Way or Ways, doth or do, or shall respectively belong, or wheresoever such Goods and Chattles shall be found (over and above the other Rates and Taxes chargeable, or to be charged, as abovementioned, upon the same Ground and Premisses by virtue of this Act) rendering the Overplus, if any, after all Charges paid, to such Owner or Owners, Occupier or Occupiers respectively, when demanded.

Collectors may cause the same to be done, and levy the Charge by Distress and Sale.

And be it further enacted, That if any Person or Persons shall wilfully, maliciously, or unlawfully cut, or otherwise damage any of the Banks or Works to be made by virtue of this Act, or by any ways obstruct, divert, or lay open, any of the Banks or Tunnels, or other Works so to be made, as aforesaid, and shall be convicted thereof upon Oath before Two Justices of the Peace for the said Isle of Ely, if the Offence shall be committed within the said Isle, or before Two Justices of the Peace for the said County of Huntingdon, if the Offence shall be committed in the said County; every such Person or Persons so convicted, shall forfeit for every such Offence the Sum of One hundred Pounds, to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hands and Seals of any Two of the said Justices before whom such Conviction shall be made, to be applied

Penalty of damaging the Banks or Works.

ed and laid out in carrying on the Works and Improvements in and upon the ſaid Fens and Low Grounds, where ſuch Offence is or ſhall be committed; and for want of a ſufficient Diſtreſs, ſuch Offender or Offenders ſhall by the ſaid Juſtices be committed to the Common Gaol of the ſaid Iſle of Ely, or County of Huntingdon reſpectively, wherein the Offence ſhall be committed, there to remain for any Time not exceeding Twelve Months, without Bail or Mainprize, at the Diſcretion of the ſaid Juſtices.

For want of Diſtreſs Offender to be committed.

And be it further enacted, That Once in every Year, on One of the Days herein before appointed for the Meeting of the ſaid Commiſſioners, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Money as ſhall be collected or received by virtue of this Act, to the Twenty fifth Day of March then next preceding; and all Accounts relating to the ſame, ſhall then, or within Ten Days after, be adjuſted and made up by the ſaid Commiſſioners, or any Five or more of them, then aſſembled at ſuch their ſaid Meeting as aforeſaid, at which ſaid Time the Collector or Collectors, Receiver or Receivers, of the ſaid Rates and Sums of Money to be raiſed as aforeſaid, are hereby required to attend with their ſeparate and diſtinct Books of Accounts as aforeſaid of the Receipts and Diſburſements, and all Vouchers for the ſame; and upon Conſideration and Examination thereof upon Oath, to be adminiſtered by One of the ſaid Commiſſioners (which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter) the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs the ſaid Accounts, or ſuch Part or Parts of the ſame as they ſhall ſee juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts of them as ſhall be ſo allowed by the ſaid Commiſſioners, or any Five or more of them, under their Hands, ſhall be fairly entered in Two ſeveral Sets of Books to be kept for that Purpoſe, One Set whereof ſhall be kept with the ſaid Commiſſioners, and the other Set thereof in the Pariſh Church of Mepal aforeſaid; and the ſaid Books ſhall and may be inſpected and peruſed at any Time, at ſeaſonable Hours, by and at the Requeſt of any of the Perſons rated or taxed in purſuance of this Act, without Fee or Reward.

Accounts to be audited yearly;

Officers to attend, and verify the ſame on Oath.

Accounts, when paſſed, to be entered in 2 Sets of Books, &c.

Provided always, and be it further enacted by the Authority aforeſaid, That if any Tunnel or Tunnels ſhall be laid for taking Water out of The Hundred Foot

Tunnels for taking Water out of the River into the Washes, not to be laid more than 2 Feet below the Surface.

River into the said Washes, the Bottom of such Tunnel or Tunnels shall not at any Time be laid lower than Two Feet below the Surface or Level of the lowest whole Ground in that Part of the said Washes into which such Water shall be taken: And if any Person shall lay the Bottom of any such Tunnel lower than Two Feet below the Surface or Level of the lowest whole Ground in any such respective Part of the said Washes, and shall be lawfully convicted thereof before any Justice of the Peace of the County or Place where such Offence shall be committed, he or she so offending shall, for every such Offence, forfeit to the Use of the Person giving Information thereof, the Sum of Five Pounds for every such Offence, to be levied by Distress and Sale of the Offender's Goods and Chatties, by Warrant under the Hand and Seal of the Justice before whom he or she shall be convicted as aforesaid.

Penalty of laying them otherwise.

And, for supplying and continuing a sufficient Number of Commissioners for putting this Act in Execution; be it further enacted by the Authority aforesaid, That upon the Death, Resignation, or Refusal of any of the Commissioners herein before named to act (other than and except the Agent of the Dean and Chapter of Ely, appointed under their Common Seal, and except the Lord of the Manor of Coveney, the Rector of Mepal, the Rector of Wentworth, and the Vicar of Witcham, for the time being) it shall and may be lawful to and for the surviving Commissioners, or the major Part of them, assembled at any such Meetings to be held as aforesaid, to choose, from time to time, One or more Person or Persons being qualified as herein after mentioned, a Commissioner or Commissioners in the Place or Places of such as shall die, or resign, or refuse to act as aforesaid; and every such new Commissioner or Commissioners so to be, from time to time, chosen as aforesaid, shall have the like Power and Authority to act and do in all Things relating to the Premisses, as the Commissioners before named are authorized and impowered to act and do by virtue of this Act; but the said Commissioners shall not exceed at any One Time, the Number of Thirty one: And every such Election of new Commissioners shall be, from time to time, recorded by the Clerk of the Peace for the Isle of Ely, upon Payment only of One Shilling for his recording the same.

On Death, &c. of Commissioners, others to be chosen.

Number of Commissioners not to exceed 31. Elections to be registered.

Provided always, and be it further enacted, That no Person so to be chosen, shall be enabled to meet, sit, or act as

as a Commiſſioner for any the Purpoſes herein before-mentioned, or to elect any new Commiſſioner, or to put any the Powers of this Act in Execution, unleſs he or they ſhall be a real Owner or Owners of Eight Acres of ſeveral Lands within the ſaid Waſhes and Low Grounds, bounded and deſcribed as aforeſaid (except the Agent of the Dean and Chapter of Ely, appointed under their Common Seal, and except the Lord of the Manor of Coveney, the Rector of Mepal, the Rector of Wentworth, and the Vicar of Witcham, for the time being.) Quaalification of Commiſſioners.

Provided nevertheleſs, and it is hereby further enacted, That this Act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to impower the ſaid Commiſſioners appointed for putting this Act in Execution, to have, uſe, or exerciſe any Power or Authority over, or to intermeddle with any of the Banks, Sewers, Drains, or Works already made or hereafter to be made, by the Governor, Bailiffs, Conſervators, and Commonalty of the Great Level of the Fens, called Bedford Level, by virtue of an Act made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for ſettling the draining of the Great Level of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatſoever; or to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, and Authorities veſted in the ſaid Governor, Bailiffs, Conſervators, and Commonalty, or the ſaid Governor, Bailiffs, and Conſervators; but that all the Rights, Powers, and Authorities whatſoever, which by virtue of the ſaid Act paſſed in the Fifteenth Year of the Reign of King Charles the Second, or any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, Conſervators, or Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, Conſervators, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made. Reſervation of the Rights of the Conſervators of *Bedford Level*.

And be it further enacted by the Authority aforeſaid, 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, or in Execution of any of the Powers and Authorities hereby given, every ſuch Action, Suit, or Information, Limitation of Actions.

shall be commenced or prosecuted within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid or brought in the Court of Sessions of Pleas of the said Isle of Ely, or in the County of Cambridge or Huntingdon respectively, and not elsewhere; and the Defendant or Defendants in such Action or
General Issue. Suit, shall and may plead the General Issue, Not Guilty; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by the Authority of Commissioners of Sewers are enabled to do, and give this Act and the Special Matter in Evidence, without specially pleading the same (other than as aforesaid) at any Trial to be had thereupon; and that the same 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 such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits; or if any Verdict shall pass against him, her, or them, upon Demurrer, or otherwise; then in any of the said Cases, the Defendant or Defendants, Avowant or
Treble Costs. Avowants, shall recover Treble Costs; for which, he, she, or they shall have like Remedy as where Costs by Law are awarded.

Publick Act. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

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FINIS.