Anno tricesimo

Georgii II. Regis.

An Act for Draining and Preserving certain Fen Lands lying in the *South Level*, Part of the Great Level of the Fens, commonly called *Bedford Level*, between *Brandon River* and *Sams's Cut Drain;* and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the said Great Level, to sell certain Lands within the said Limits, commonly called *Invested Lands*.



WHereas certain Fen Lands and Low Grounds, in that Part of the Great Level of the Fens called the South Level, lying and being in the Township of Feltwell, and in the several Parishes of Helgay, Southery, Hockwold, and Methwold, in the County of Norfolk, containing Seven thousand Acres, or thereabouts, and which are bounded as follows; that is to say, From the North Bank of Brandon River, about Two Furlongs below Redmoor House, along a certain Drain or Ditch, called the Twelve Foot Drain, to a decayed Sewer, called Stake Load, and by the said Load to the Preamble.

the Drain called Sams's Cut, and along the South Side of the said Drain to the East Bank of the River Ouze, and then along the said Bank to Brandon Creek's End, and from thence along the North Bank of Brandon River to the Twelve Foot Drain aforesaid, have, for several Years past, been, and still are, very much annoyed with Waters, through the Defect of their Outfalls to Sea, by which Means the said Fen Lands and Low Grounds are rendered of little or no Value, to the Loss of the Publick, as well as the great Damage and Impoverishment of the Owners of such Lands, and of the Inhabitants of the several Parishes and Places in which the same do lie: And whereas the said Fen Lands and Low Grounds cannot be drained and preserved, without the Aid of Parliament: Therefore, May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord or Lords, Lady or Ladies, of the several and respective Manors of Feltwell, Helgay, Southery, and Methwold, for the time being, or, in their Absence, their several and respective Deputies appointed by Writing under their Hands, a Person appointed by the Trustees of Feltwell School, a Person appointed by the Fen Reeves of Methwold for the time being, every Person who, for the time being, shall be bona fide, seised or possessed in his or her own Right of Three hundred Acres of Land, which are or shall be taxed by virtue of this Act, or, in the Absence of such Person or Persons, his, her, or their Deputy, appointed under their Hands as aforesaid, and such other Persons as are hereby appointed and directed to be chosen for the Township of Feltwell, and the several Parishes of Helgay, Southery, and Methwold, shall be Commissioners for putting this present Act, and all the Powers and Authorities herein after-mentioned, in Execution; and that Thomas More Esquire, Jonathan Page, John Templeman, and John Canham, shall be the First Commissioners for the said Township of Feltwell; and that Thomas Brassett and Thomas Weasenham shall be the First Commissioners for the said Parish of Helgay; and that Joseph Gordon Gentleman, Thomas Chesterton, Edward Scotting, and William Osler, shall be the First Commissioners for the said Parish of Southery; and that James Fortrey Esquire, and William Tokelove, shall be the First Commissioners for the said Parish of Methwold; and that these Persons shall continue Commissioners for the said Township and

Who shall be Commissioners for putting the Act in Execution.

First Commissioners for *Feltwell, Helgay, Southery,* and *Methwold.*

Parishes respectively, until the last Wednesday in March, in the Year of our Lord One thousand seven hundred and fifty eight; and that all such Persons as are bona fide seised or possessed, in their own Right, of Ten Acres of Land, tared by virtue of this Act, lying within the said Township of Feltwell, shall meet in the Parish Church of Saint Mary in Feltwell; and all such Persons as are bona fide seised or possessed in their own Right, of Ten Acres of like tarable Lands, lying in the several Parishes of Helgay, Southery, and Methwold, shall meet in their respective Parish Churches, upon the last Wednesday in March, in the Year of our Lord One thousand seven hundred and fifty eight, and upon the last Wednesday in March in every succeeding Year, and shall respectively chuse so many Persons to be Commissioners for the said Township and Parishes, as shall, together with the Persons seised or possessed of Three hundred Acres of tarable Lands as aforesaid, make in the Whole One Commissioner for every Three hundred Acres of Land, tared by virtue of this Act, lying within the said Township and Parishes respectively; and in case the Persons who are to chuse Commissioners for the said Township, or for any of the said Parishes, shall neglect to meet in any Year at the Time appointed for such Elections, or shall not chuse Commissioners accordingly, then the Persons, who were Commissioners for the said Township or Parishes for the preceding Year, shall continue Commissioners for the same, until other Commissioners shall be chosen as aforesaid, upon the last Wednesday in March in the next or some succeeding Year.

Proprietors to meet in *March* annually, to chuse Commissioners.

If no Election shall be made in any Year, the Commissioners for the preceding Year to be continued.

Provided always, and be it further enacted, That no Person shall be enabled to act, sit, or meet, as a Commissioner for any of the Purposes of this Act, unless he shall be the real Owner of Forty Acres of Land tared by virtue of this Act, except the Deputy of the Trustees of Feltwell School, the Deputy of the Fen Reeves of Methwold, and the Deputies of such Persons as shall be seised or possessed of Three hundred Acres of like tarable Lands as aforesaid.

Qualification of Commissioners.

And be it further enacted, That the said Commissioners, or their Successors, or any Five or more of them, shall Twice in every Year; to wit, On the First Wednesday in April, and the Second Wednesday in October, or oftener, as they shall see Cause, meet at some publick House in Feltwell or Southery, to be appointed by the said Commissioners, or any Five or more of them; the First General Meeting to be at the Cock in Feltwell, upon

Commissioners to meet Half-yearly, or oftener.

Their First General Meeting to be held at *Feltwell*.

the Third Wednesday after the passing of this Act; and the Meeting upon the Second Wednesday in October to be at Southery; and the succeeding Half-yearly Meetings to be at Feltwell and Southery alternately; and at such Meetings shall have Power and Authority to make

Subsequent Meetings where.

Commissioners to make Orders for Draining, &c.

Orders, and give Directions, for the better and more orderly Management of the Work of draining the said Fens and Low Grounds, and for making proper Banks, Cuts, Drains, Dams, Tunnels, and Outlets, through the same; and for making and erecting proper Works and Engines thereupon, and for the Maintenance thereof; and also to appoint One or more Collector or Collectors, Receiver or Receivers, or such other proper Officer or Officers, as they the said Commissioners shall think fit, for taking care of such Works, and for collecting the Rates or Assessments made or assessed by virtue of this Act; and to allow and appoint to be paid to such Officers, out of the said Rates and Assessments, such yearly or other Wages and Salaries for their Trouble and Pains in their respective Offices, as the said Commissioners, or any Five or more of them, present at any such Meeting, shall think reasonable; which said Collector or Collectors, Receiver or Receivers, or other Officer or Officers, to be appointed as aforesaid, may be altered or removed at the Will and Pleasure of the said Commissioners, or any Five or more of them, assembled at such Meeting or Meetings to be held, as aforesaid, and another, or others, chosen and appointed in his or their Room and Stead, as Occasion shall require; and such Collector or Collectors, Receiver or Receivers, to be named and appointed as aforesaid, shall, before they act in the Execution of their several Offices, give such Security for the due Execution of such their respective Offices, and for performing the several Trusts to them committed, as the said Commissioners, or any Five or more of them then present, shall, in their Discretion, think fit.

and to appoint proper Officers.

Collectors to give Security.

1 *s.* to be paid to each Commissioner for his Attendance at any Meeting.

Provided always, and it is hereby further enacted, That towards defraying the Expences of the said Commissioners upon Account of their Attendance at any of the Meetings to be held as aforesaid, for putting this Act in Execution, the Sum of One Shilling, and no more, shall be paid by the Collector or Receiver of the said Rates and Taxes to each of the said Commissioners present at any such Meeting, and shall be allowed in the Accounts of such Collector or Receiver, as so much Money paid for the Purposes of this Act; any thing herein contained to the contrary notwithstanding.

And be it further enacted, That the said Commissioners, or any Five or more of them, or their Successors, shall have full Power and Authority, from time to time hereafter, at their Wills and Pleasures, to scour out, cleanse, rode, repair, or make, such Banks, Cuts, Drains, Dams, Tunnels, and Outlets, through the said Fen Lands and Low Grounds, or any Part thereof, so bounded and described as aforesaid; and to erect such Works and Engines thereupon, for draining and conveying the Waters from the same, as shall be thought fit, necessary, and convenient, by the said Commissioners, or any Five or more of them, at their Meeting or Meetings to be held as herein before is appointed for the Purposes aforesaid. Commissioners impowered to scour and make Cuts, Drains, and other Works.

Provided always, That the said Commissioners shall not erect any Engine for draining or throwing the Waters from off the said Fen Lands and Low Grounds into the Drain called Sams's Cut, nor into any other Ditch or Drain; but shall throw the same into the Rivers of Ouse and Brandon only. The Waters to be thrown off into the *Ouse* and *Brandon*.

Provided also, That if the said Commissioners shall make, or cause to be made, any Cut, Drain, Dam, Tunnel, or Outlet, through any of the several Grounds, or erect any new Work or Works thereupon, then they shall pay a reasonable Satisfaction to the Person or Persons who hath or have a Right to the Soil through which such Cut, Drain, Dam, Tunnel, or Outlet, shall be made, or whereupon such Work or Works, Engine or Engines, shall be erected, for the Damages such Person or Persons shall sustain, 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 about the Amount of such Damage, that then the same shall be assessed, adjudged, and finally determined, by the Justices of Peace, or the major Part of them, at the next General or Quarter Sessions of the Peace to be held at Lynn or Swafham for the said County of Norfolk. Satisfaction to be made for Damages done in erecting new Works. Differences to be settled by the Justices at their Quarter Sessions.

And, for carrying on and effecting the said Work of draining, and securing the Repayment of such Sum and Sums of Money as shall be borrowed for that Purpose; be it enacted, That all and singular the Fen Lands and Low Grounds bounded and described as aforesaid, and all and every the respective Owner and Owners, Occupier or Occupiers, of such Lands and Grounds, shall be, and the same are hereby, assessed, rated, tared, and charged, with the yearly Sum of One Shilling for every Acre of the said Fen Lands and Low Grounds, so long as any Money which Acre Rates to be made for defraying the Expences.

which shall have been borrowed for the Purposes of this Act, or the Interest thereof, shall remain unpaid; and, when there shall be no such Debt remaining, it shall and may be lawful for the said Commissioners, or any Five or more of them, at any such Half-yearly Meeting to be held as aforesaid, to assess, rate, tax, and charge, all and singular the said Fen Lands and Low Grounds, and all and every the respective Owner or Owners, Occupier or Occupiers thereof, with such yearly Sum, not exceeding One Shilling per Acre, as they shall judge necessary for completing and maintaining the said Works.

High Lands not subject to be rated.

Provided always, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon any High Lands within the said District, which have not been subject to Inundations; and if any Dispute shall arise concerning any Lands being to be deemed, or not deemed, High Lands, the same shall be determined, upon View, by Five or more of the said Commissioners, no ways interested in the Lands in question.

Hod and Turf Pools not rateable for 7 Years.

Provided also, That no Assessment, Rate, or Tax, shall, during the First Seven Years after the making this Act, be made, collected, or levied, upon any Lands which are now so dug out into Hod or Turf Pools, that they cannot be let for the Amount of such Taxes.

Decoy of *Robert Clough* may be imbanked,

and is not rateable.

Provided also, That it shall and may be lawful for Robert Clough Esquire, notwithstanding any thing in this Act contained, to make and maintain such Bank round his Decoy, upon his own Lands, as he shall think proper, to prevent the Waters draining out of the same; and that no Assessment, Rate, or Tax, shall be made or levied upon the said Decoy.

And whereas the Inhabitants of Methwold and Southery, or One of them, have Common, without Stint, in a certain Parcel of Land within the said District, bounded by Stake Load South, the Adventure Land East, and Feltwell Drove North, by reason whereof the same cannot conveniently be charged with an Acre Tax; be it therefore

Two Persons to be appointed to set out the Commissioners Portion of Common, to be enjoyed in Severalty,

and to vest in the Commissioners in Trust, &c.

enacted by the Authority aforesaid, That Two Persons indifferently appointed, One by the Fen Reeves of Methwold, and the other by Five or more of the Commissioners for putting this Act in Execution, shall, on or before the Feast Day of Saint Michael the Archangel, One thousand seven hundred and fifty seven, set out by Metes and Bounds One Fourth Part of the said Common, to be enjoyed in Severalty by the said Commissioners; and the said Fourth Part, immediately after it shall be so set out, shall vest, and the same is hereby vested, in the said Commissioners and their Successors for ever, in Trust nevertheless,

theless, for the Benefit and Advantage of the Proprietors of all the tarable Lands within the Limits above-mentioned, and so that the Rents and Profits thereof shall be, from time to time, applied, in common with the Tares on the other Lands, for the Erection and Maintenance of the Works necessary to drain the said Fen Lands and Low Grounds: And in case the Two Persons, to be appointed pursuant to this Act, shall not agree in setting out such Part of the said Common, then they shall attend the Justices at the next General Quarter Sessions of the Peace to be held at Lynn or Swafham for the said County of Norfolk; which said Justices, or the major Part of them, then present, shall finally determine the said Dispute.

The Fen Reeves neglecting, the Justices are to appoint a proper Person.

Provided always, and be it enacted, That if the said Fen Reeves shall not, on or before the First Day of July next after the passing of this Act, appoint a Person to set out such Part of the said Common, then it shall be lawful for the Justices of the Peace, or the major Part of them assembled, at the Quarter Sessions of the Peace then next following, to be held at Lynn or Swafham as aforesaid, to appoint a Person for that Purpose, who shall have like Power and Authority as if he had been appointed by the said Fen Reeves.

Commissioners may borrow Money on the Rates,

And, to the end that a sufficient Sum of Money may be speedily raised for the Purposes of this Act; be it enacted, That the said Commissioners, or any Nine or more of them, shall have Power and Authority at any of their Meetings as aforesaid, from time to time, to borrow any Sum or Sums of Money which they shall think necessary; and by Writing under their Hands and Seals, to assign over the said yearly Rates and Tares hereby charged or to be charged upon the said Fen Lands and Low Grounds, and every or any Part thereof (the Costs and Charges of such Assignment to be paid out of the said Tar) as a Security for the Payment of such Sum or Sums, with Interest, not exceeding Five Pounds per Centum per Annum, to the Person or Persons, his, her, or their Trustee or Trustees, who shall advance or lend such Sum or Sums; and that the Expences of obtaining this Act of Parliament shall, in the First Place, be paid and discharged out of the Money so borrowed, and the Residue of the Money shall be applied and disposed of in making such Drains, Dams, Banks, Tunnels, and Outlets, erecting such Works and Engines, and doing such other Works as shall be necessary for draining and improving the said Fen Lands and Low Grounds; and to no other Use or Purpose whatsoever.

with Interest.

Application of the Money borrowed.

Principal not to exceed 4000 *l.*

Provided always, That the principal Money to be borrowed shall never exceed in the Whole the Sum of Four thousand Pounds.

Rates charged with the Principal and Interest;

And be it further enacted and declared, That the Rates, Taxes, and Sums of Money, assessed and to be assessed by virtue of this Act, upon the said Fen Lands and Low Grounds, shall be charged and chargeable, in the First Place, with the Payment of the Principal Money so to be borrowed, and the Interest of such Money, from time to time, and shall vest in the respective Creditors, upon Default of Payment of such Principal and Interest, until the same 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 raising and recovering the several Taxes and Sums of Money payable by the several Owners and Occupiers of the said Fen Lands and Low Grounds, for and in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners, or their Collectors, could have had in case the said Principal and Interest had been regularly and fully satisfied and paid.

and on Non-payment to vest in the Creditors.

Assignments may be transferred.

And be it further enacted, That every Person to whom any Assignment of the said Rates and Taxes shall be made for securing any such Sum or Sums of Money lent as aforesaid, or who shall be intitled to the Money thereby secured, shall have full Power, from time to time, by Indorsement on the original Grant or Security, without Stamp, to assign or transfer the same to any Person or Persons whomsoever; and such Transfer or Assignment, from and after the Time that the same is entered in a Book to be kept by the said Commissioners for that Purpose (which Entry their Clerk or Treasurer is hereby required to make upon producing such Assignment, and Payment of One Shilling for the said Entry) shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the said principal Sum, and all Interest due and to grow due thereupon; and such Assignee or Assignees may, in like Manner, assign again, and so toties quoties, as Occasion shall require; every such Assignment being entered as aforesaid.

Entry to be made thereof.

Rates on Non-payment, after Notice, may be levied by Distress and Sale.

And be it further enacted, That if any Person or Persons so rated and taxed as aforesaid, shall refuse or neglect to pay the Rates or Taxes charged upon him, her, or them, respectively, for the Space of Twenty one Days after the respective Times of Payment to be appointed by the said Commissioners (publick Notice thereof being affixed upon the Door of the Parish Church

where

where such Lands shall lie, by the Collector or Receiver for the time being) it shall be lawful for such Collector or Receiver respectively, 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 Warrant or Precept such Commissioners, or any Five or more of them, are hereby impowered and required, from time to time, to make, as Occasion shall require) to levy the Sum or Sums so assessed and rated, by Distress and Sale of such Goods and Chattles as shall be found upon all or any of the Grounds and Premisses so charged with any Sum or Sums of Money (if any Distress can be found thereon) and the Goods and Chattles so distrained, to keep, by the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof; and if such Owner or Owners shall not within the said Space of Five Days pay the Sum or Sums so assessed or rated, that then the Goods and Chattles so distrained, shall be appraised by Two or more of the Inhabitants of the Township or Parish where the same shall be taken, or other sufficient Persons, and be sold by the said Collector or Collectors, Receiver or Receivers, for Payment of the said Money; and the Overplus (if any) after the Sum or Sums so rated and assessed, and the Charges of taking, keeping, and selling the said Distress, are deducted, shall be returned to the Owner or Owners thereof, upon Demand; and the several and respective Tenants of all and singular the said Fen Lands and Low Grounds bounded and described as aforesaid, which are or shall be rated or assessed by virtue of this Act, are hereby required and authorized to pay the Sum or Sums of Money so assessed and charged upon such Fen Lands and Low Grounds, and to deduct out of the Rents so much of the said Assessment or Rate, as the said Fen Lands or Low Grounds, or the Tenant or Tenants in respect thereof, are or shall be 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 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 to the Person or Persons intitled to the Rent of such Lands or Grounds; except where there is a Lease of Three or more Years to come from the Commencement of this Act; in which Case the Proportion of the Assessment or Rate, which the Tenant ought to bear and pay in Consideration of the Benefit he receives, shall be adjudged and awarded,

Tenants to pay the Rates, and deduct the same out of the Rent.

Exception.

awarded, by Five or more of the said Commissioners, for putting this Act in Execution.

Where no Distress can be found, the Lands are to remain a Security;

Provided always, and be it enacted and declared, That in case any of the said Fen Lands and Low Grounds shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates and Taxes, then the Lands and Grounds chargeable therewith, shall always remain a Security for Payment thereof; and all Goods and Chattles which shall at any Time hereafter be found thereon, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of the said Rates and Taxes, and the Charges of such Distress, shall be fully paid and satisfied; and if any Owner or Owners of any of the said Fen Lands, shall at any Time hereafter, dig up, or permit such Lands or any Part thereof, to be dug up, into Hods or Turf, whereby the said Lands shall lie unoccupied and waste; then the Taxes charged thereupon shall and may be levied by Distress and Sale of any Goods and Chattles of such Owner or Owners, wheresoever such Goods or Chattles shall be found, by virtue of any Warrant or Precept under the Hands or Seals of any 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 to make, as Occasion shall require.

and if Lands shall be dug up into Hods or Turf, Taxes are to be levied on Owner's Goods, wheresoever found.

Horse-mills and other Engines may be erected on arable Lands, to drain the same.

Provided also, and be it further enacted, That it shall be lawful for the Owners and Occupiers of such Parts of the said Fen Lands and Low Grounds as are arable, and produce Winter Crops, to erect Horse-mills, or other small Engines thereon, in order to drain the said Lands, so as to preserve the said Crops; and for no other Purpose whatsoever.

Owners neglecting to rode, &c. the leading Dikes and lay proper Tunnels, Collectors to cause the same to be done, and levy the Expence.

And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the said Fen Lands or Low Grounds, to which any Leading, Dutring, or Division Dike doth or shall belong, hath or have filled up, or shall fill up or make any Way over the same, without laying a sufficient Tunnel under such Way, or shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair such Leading, Dutring, or Division Dike, after Twenty one Days Notice given to him, her, or them, for that Purpose by the respective Collector or Collectors, Receiver or Receivers for the time being, appointed by virtue of this Act; then it shall be lawful for such Collector or Collectors, Receiver or Receivers, to cause such Dike to be roded, scoured, and cleansed, in a sufficient Manner; and where there is not a sufficient Tun-

nel under such Way, to cause those Ways to be taken up, and made so wide and deep as 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 make, 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 (over and above the other Rates and Cares charged or to be charged upon the same Grounds and Premisses by virtue of this Act) rendering the Overplus, if any, to such Owner or Owners, Occupier or Occupiers respectively, when demanded, after all Charges paid.

Penalty on Persons making Watering-places for Cattle in Mill-drains, or driving Waggons on the Banks.

And be it further enacted, That if any Person or Persons shall make or cause to be made any Watering-place for Cattle to drink at, in any Mill-drain which shall be made within the said Fen Lands or Low Grounds; or shall drive or cause to be driven, any Waggon, Cart, or other Carriage, upon any Bank which shall be made or maintained by virtue of this Act (unless such Bank be made upon a common Droveway, and a sufficient Passage shall not be left along the Side of the said Bank) and be thereof lawfully convicted before any Justice of Peace for the said County of Norfolk, such Person so offending, shall, for every such Offence, forfeit to the Use of the Person giving Information thereof, the Sum of Ten Shillings, to be levied by Distress and Sale of the Goods and Chattles of the Offender, by Warrant under the Hand and Seal of the Justice before whom he or she shall be so convicted.

Penalty of destroying the Banks, or other Works, &c.

And be it further enacted, That if any Person or Persons, shall at any Time or Times hereafter, wilfully or maliciously cut, throw down, or destroy, any of the Banks, Works, or Engines, so to be made or erected as aforesaid, or by any Ways hinder, obstruct, or lay open, any of the Cuts, Drains, Dams, or other Works, to be made for draining or improving the said Fen Lands and Low Grounds as aforesaid, and shall be convicted of such Offence, by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party, before Two Justices of the Peace for the said County of Norfolk, every such Person 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 had, to be employed in carrying on the Works and Improvements in and upon the said Fen Lands and Low Grounds; and for want of such sufficient Distress, such Offender or Offenders shall by the said Justices be committed to the Common Gaol of the said County of Norfolk, there to remain without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, at the Discretion of the said Justices; and if any Person shall wilfully or maliciously set fire to, burn, or otherwise destroy, any of the said Engines to be erected as aforesaid, and be thereof lawfully convicted, such Person shall be adjudged guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by or before whom such Person shall be tried, shall and have hereby Power and Authority, to transport such Felons for Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

And, to the end it may appear clearly what Money has been raised, from time to time, by virtue of this Act, and that the Owners and Occupiers of the said Fen Lands and Low Grounds may be satisfied that the Monies so raised have been duly applied; 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 have been raised by virtue of this Act, to the Twenty fifth Day of March, then next preceding; and all Accounts relating to the same, shall be then, or within Ten Days after, made up and settled by the said Commissioners, or any Five or more of them, then assembled at such Meeting as aforesaid; at which Time the respective 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 proper Books of Accounts of their respective Receipts and Disbursements, and all Vouchers for the same; and upon Consideration and Examination thereof upon Oath (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 as they shall think fit, 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

Accounts of Receipts and Disbursements to be audited annually;

and the Vouchers to be produced, &c.

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 Three several Books to be kept for that Purpose; One whereof shall remain with the said Commissioners, One shall be kept in the Parish Church of Saint Mary in Feltwell, and the other in the Parish Church of Southery aforesaid; and any of the said Books shall and may be inspected and perused without Fee or any other Reward, at any Time, at seasonable Hours, by any Person requiring the same, being an Owner of any of the said Fen Lands and Low Grounds.

Accounts when allowed to be entered in 3 Books, &c.

Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, or in the said Governor, Bailiffs, and Conservators, 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; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act of the Fifteenth of King Charles the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or in any of them, shall, for ever hereafter, remain, continue, and be, in the said Governor, Bailiffs, 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.

Rights of the Conservators of *Bedford Level* reserved to them.

And whereas by the said Act of the Fifteenth Year of King Charles the Second, it was, amongst other Things, enacted, That the Governor, Bailiffs, and Conservators, of the said Great Level should have Power to lay Cares upon the Ninety five thousand Acres of Land (allotted as a Recompence for the Draining of the said Great Level) for the Support, Maintenance, and Preservation, of the said Great Level, and to levy the same, with Penalties for Nonpayment; and that the said Governor, Bailiffs, and Conservators, should have Power to sell so much of such Parts and Proportions of the said Ninety five thousand Acres, upon which any Cares should be in Arrear, or Penalties, in such Proportions, as the said Go-

Recital of Clauses in Act 15 *Car.* II.

vernor, Bailiffs, and Conservators, should judge to be sufficient to raise such Taxes and Penalties: And whereas several Parcels of the said Ninety five thousand Acres of Land, lying within the said Bounds herein before described, were, at different Times, put up to Sale, in pursuance, and according to the Directions, of the before recited Act of the Fifteenth of King Charles the Second, and of One other Act passed in the Twentieth Year of the said King, intituled, An Act for the Taxing and Assessing of the Lands of the Adventurers within the Great Level of the Fens; in order to raise the Taxes and Penalties in Arrear, for and in respect of the said Lands; but the same not being thought worth the Taxes and Penalties due thereon, such Lands could not be sold, so as to raise such Penalties and Taxes; and the said Governor, Bailiffs, and Conservators, having directed their Officers, from time to time, to bid for such Lands as could not be sold for the Amount of the Taxes and Penalties respectively due thereon, they the said Officers became the Purchasers of such Lands, and have either conveyed the same to the said Governor, Bailiffs, and Commonalty, or declared such Purchases to have been made in Trust for the said Corporation; and the Lands so purchased have remained vested in the said Corporation, and are called Invested Lands, and have been annually rated and assessed to the Taxes laid upon the said Ninety five thousand Acres, according to their respective Proportions, in pursuance of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second; but such Taxes not having been raised or paid, the said Corporation have, from time to time, let such Invested Lands, or such Parts of them as they could find Tenants for, at such Rents as could be procured for the same; but the Profits arising from the Lands so let, have been very small and inconsiderable, and much less than the Taxes with which such Lands have been assessed: And whereas it will be for the Benefit of the said Corporation, that the said Invested Lands should be sold for the best Price that can be gotten for the same, discharged of all Arrears of Taxes assessed, or to be assessed, thereon, before the said Lands shall be sold by virtue of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second; but subject nevertheless, in like Manner as the rest of the said Ninety five thousand Acres, to the Taxes to be assessed by virtue of the said Acts, after the said Lands shall be so sold; and that, in the mean Time, and until such Lands can be sold, the said Corporation should be enabled to pay the Rates and Taxes to be assessed, by virtue of this Act, upon the said Lands, for draining the same;

and 20 *Car.* II.

be it therefore further enacted, That the Receiver for the time being of the said Corporation, shall, out of the Tares and Revenues of the South and Middle Levels (Part of the said Great Level) pay, upon Demand, to the Collector or Collectors to be appointed by the said Commissioners, all such Rates and Tares as are, or shall be, charged by virtue of this Act upon the said Invested Lands, or any Part thereof, until the same shall be sold, as herein after is directed; and such Receiver shall be, and he is hereby, absolutely discharged and indemnified of and for the Sums so by him paid to the said Collector or Collectors, as if such Sums had been paid to, and by the Order and Direction of, the said Corporation. The Corporation's Receiver is to pay out of the Taxes of the South and Middle Levels, the Rates chargeable hereby on the Invested Lands, until the said Lands are sold.

Provided always, and be it further enacted, That the said Governor, Bailiffs, and Conservators, or any Five or more of them, whereof the said Governor or Bailiffs, or any of them, to be Two, shall have full Power and Authority to appoint annually, at their April Meeting, One Commissioner for every Three hundred Acres of the said Invested Lands, for which the Tares to be imposed by virtue of this Act shall be paid as aforesaid, for so long Time as Three hundred Acres of the said Lands shall remain invested. Commissioners to be appointed annually for the Invested Lands.

And be it further enacted, That it shall be lawful for the said Governor, Bailiffs, and Conservators, or any Seven or more of them, whereof the said Governor or Bailiffs or any of them, to be Two, to cause the said Invested Lands to be publickly sold by Auction, either all together, or in Lots, as they now lie, to the best Bidder or Bidders, at the Shire-house in Ely, at any April Meeting of the said Corporation; of which Sale or Sales publick Notice shall be given in the London Gazette, and also in the Cambridge and Ipswich Journals, if such News Papers shall then continue to be published; and shall also be affixed in Writing, under the Seal of the said Corporation, at or upon the said Shire-house, One Month at the least before the Time of such Sale; and that after any of the said Lands shall be so sold, the said Governor, Bailiffs, and Conservators, or any Seven or more of them, as aforesaid, shall grant or convey, under the Seal of the said Corporation, the Lands so sold, to the respective Purchaser or Purchasers thereof, freed and discharged of and from all Rates and Tares which, at any Time before such Sale, shall have been rated or charged upon the said Lands by virtue of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second, or of any other Act or Acts of Parliament now in Force relating to the said The said Lands may be sold by Auction, giving Notice of such Sale. Corporation to make a Conveyance thereof to the Purchasers.

Great Level; and every such Grant or Conveyance shall be valid and effectual, to all Intents and Purposes, as if such Lands had been sold for Non-payment of Tares, pursuant to the said Acts of the Fifteenth and Twentieth Years of King Charles the Second.

The said Lands are liable to be rated after Sale, as they were before.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to impower the said Corporation to discharge the said Invested Lands, or any Part thereof, from any Rates or Tares which the same shall, after Sale thereof, as aforesaid, be liable to be rated or assessed with by virtue of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second, or by virtue of any other Act or Acts of Parliament whatsoever, relating to the said Great Level; but that the said Invested Lands, after they shall be so sold, shall be liable to be rated and assessed in the same Manner as they were before the making of this Act; any thing herein before contained to the contrary notwithstanding.

Limitation of Actions.

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 said County of Norfolk, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and

General Issue.

may plead the General Issue; and, if 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 such 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 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 a Demurrer, or otherwise; then, or in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall re-

Treble Costs.

cover Treble Costs, for which he, she, or they shall have like Remedy, as where Costs by Law are awarded.

And be it further enacted and declared, That this Act shall be deemed, 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. Publick Act.

FINIS.