Anno triceſimo primo

Georgii II. Regis.

An Act for draining and preſerving certain Fen Lands and Low Grounds in the Iſle of *Ely* and County of *Cambridge*, between the *Cam*, otherwiſe *Grant*, *Ouſe*, and *Mildenhall* Rivers, and bounded on the South Eaſt by the Hard Lands of *Iſleham*, *Fordham*, *Soham*, and *Wicken*; and for impowering the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, to ſell certain Lands within the ſaid Limits, commonly called *Inveſted Lands*.



WHEREAS certain Fen Lands and Low Grounds lying and being in the ſeveral Pariſhes of Soham, Iſleham, and Wicken, in the County of Cambridge, and in the Pariſh of Stretham cum Thetford, and Townſhip of Ely, in the Iſle of Ely and County aforeſaid, containing in the Whole Seventeen thouſand Acres, or thereabouts, and which are bounded as follows; (that is to ſay) From the Hard Lands of Wicken, along the Eaſt Bank of the River Cam, otherwiſe Grant, and the Eaſt Bank of the River Ouze, to the South Bank of the Mildenhall River; and then along the ſaid Bank of Preamble.

the Mildenhall River (including all the said Banks) to the Skirts of the Hard Lands of Isleham; and along the Skirts of the Hard Lands of Isleham, to the Skirts of the Hard Lands of Fordham; and along the Skirts of the Hard Lands of Fordham, to the Skirts of the Hard Lands of Soham; and along the Skirts of the Hard Lands of Soham, by Soham Coates, to the Counter Bank of Soham Meer; and along the West Side of the said Bank, to the Hard Lands of Wicken; and then along the Skirts of the Hard Lands of Wicken, to the East Bank of the River Cam, otherwise Grant aforesaid; have, for divers Years last past been, and still are, frequently overflowed, and annoyed with Waters, through the Defect of their Outfalls to Sea, and thereby rendered of very little Value, to the great Loss and Impoverishment of the Owners of such Lands, and of the Inhabitants of the several Parishes and Places where the same do lie: And whereas the said Fen Lands and Low Grounds cannot be drained and preserved, without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord Bishop of Ely, the Lord or Lords, Lady or Ladies, of the several and respective Manors of Soham and Fordham, Parcel of the Duchy of Lancaster, Netherhall, Wigorn, Great Isleham, with Barnets Beck otherwise Beckhall in Isleham, Newhall and Uphall in Isleham, Wicken, Thetford in the Isle, and Stuntney, for the time being, or in his, her, or their Absence respectively, his, her, or their respective Agents or Deputies appointed by Writing under his, her, or their respective Hands; an Agent appointed by the Dean and Chapter of Ely; an Agent appointed by the Master and Fellows of Pembroke Hall in Cambridge, for each of their Manors of Soham Rectory and Barway under their respective Common Seals; every Person who shall be bona fide seized or possessed, in his or her own Right, of Two hundred Acres of Land tared by virtue of this Act, not being Tenant at Rack-rent, or, in the Absence of any such Person, his or her Agent, to be appointed under his or her Hand as aforesaid; and also Seven Persons so seized or possessed as aforesaid of Thirty Acres of Land tared by virtue of this Act, lying in the Township of Ely; Nine Persons so seized or possessed of Thirty Acres of Land tared by virtue of this Act, lying in the said Parish of Soham; Six Persons so seized or possessed of Thirty Acres of Land tared by virtue

Certain Persons appointed Commissioners, with others, to be chosen for the several Places, to execute the Act.

of this Act, lying in the said Parish of Isleham, hereby nominated, and to be chosen as herein after is directed, together with the Agents of such Persons as are herein after mentioned, shall be Commissioners for putting this Act, and all the Powers and Authorities herein after contained, in Execution.

An Agent to be appointed for every 200 Acres any Commissioner shall be possessed of, more than is required for his own Qualification.

And also be it further enacted by the Authority aforesaid, That every Person who shall be bona fide seized or possessed as aforesaid of Two hundred Acres, or more, of Land tared by virtue of this Act, over and above such Two hundred Acres as is before mentioned, may, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, One Agent for every Two hundred Acres of such Land that such Person shall be so seized or possessed of over and above the first mentioned Two hundred Acres, as aforesaid, to be a Commissioner or Commissioners; and also, that all and every the Lord or Lords, Lady or Ladies, of the said several and respective Manors for the time being, who shall be bona fide seized or possessed as aforesaid of Two hundred Acres, or more, of Land tared by virtue of this Act, may, and every such Owner is hereby authorized to appoint, by Writing under his or her Hand, an Agent for every Two hundred Acres of such Land that such Lord or Lady shall be so seized or possessed of, as aforesaid, to be a Commissioner or Commissioners; and that all and every Person and Persons, so appointed, shall, during the Pleasure of the said respective Owners, and the Time that such Owners shall be so seized or possessed, as aforesaid, likewise be, and he is hereby appointed a Commissioner, together with the Persons before mentioned, for putting this Act, and all and every the Powers and Authorities herein contained, in Execution.

Lords and Ladies to appoint Agents in like Manner.

The First Commissioners for the several Places.

And be it further enacted by the Authority aforesaid, That William Cole Esquire, the Reverend Thomas Jones Clerk, Rector of Downham; Henry Morley junior, Gentleman; William Groom, John Lamb, Thomas Gotobed, and William Jugg, being severally seized or possessed as aforesaid of Thirty Acres of Land tared by virtue of this Act, lying in the said Township of Ely, shall be the First Commissioners in respect of Lands lying in that Township; and that Richard Pechey, William Mayer, Thomas Wilkin, Gentlemen; John Fletcher, Luke Staples, James Palmer, Zachary Goldsbrow, Cornelius Harvey, and John Taylor, being severally seized or possessed as aforesaid of Thirty Acres of such Land, lying in the said Parish of Soham, shall be the First Commissioners in respect of Lands lying in that Parish; and that Hugh Hare Esquire,

Edward Gunston, Robert Knight, John Rumbelow, George Gunston, and William Sharpe, being severally seized or possessed as aforesaid of Thirty Acres of such Land, lying in the said Parish of Isleham, shall be the First Commissioners in respect of Lands lying in that Parish; and that the said Persons shall continue Commissioners in respect of Lands lying in the said Townships and Parishes respectively, until the First Thursday in March, One thousand seven hundred and fifty nine: And that all such Persons who shall be bona fide seized or possessed as aforesaid of Fifteen Acres of Land, tared by virtue of this Act, lying within the said Township of Ely, shall and may meet at the Shire House in Ely; and all such Persons who shall be bona fide seized or possessed as aforesaid of Fifteen Acres of such Lands, lying within the several Parishes of Soham and Isleham, shall and may meet in the Churches of their respective Parishes, upon the First Thursday in March, One thousand seven hundred and fifty nine, and upon the First Thursday in March in every succeeding Year; and shall and may chuse, as they, or the major Part of them so met, and there present, can agree, the same Number of Owners as are herein before mentioned, so severally seized or possessed as aforesaid of Thirty Acres of Land tared by virtue of this Act, and lying in the Township or Parishes, in respect whereof they shall be so chosen to be Commissioners, together with the aforesaid Agents, and other Persons, above described, for putting this Act in Execution: And in case Neglect or Default shall be made in the chusing, as aforesaid, such Owners qualified as above mentioned to be Commissioners in respect of the said Township, or any of the said Parishes; that then the Persons who were Commissioners in respect of the said Township, or Parish or Parishes, where such Neglect or Default shall happen in the preceding Year, shall continue Commissioners in respect of the same, until other Commissioners shall be chosen as aforesaid, in respect thereof, upon the First Thursday in March in the next or some succeeding Year; and in case only Part of such Number of Owners as is above directed to be chosen in respect of the said Township, or any of the said Parishes, shall be so chosen, then it shall be lawful for the Owners who were Commissioners in the preceding Year, in respect of that Township or Parish where only Part shall be chosen as aforesaid, or the major Part of them, to determine by Lot which of the Commissioners in the preceding Year shall act in the then next Year with the new Commissioners chosen as aforesaid; and if they shall not determine the same within One Month next after such Choice of Part

Their Continuance.

Future Commissioners to be chosen annually.

of

of such Number, then it shall be lawful for all the rest of the Commissioners appointed to put this Act in Execution, at their then next Meeting to be held as hereafter mentioned, or the major Part of them there present, to make such Determination by Lot, as aforesaid; and in case any Person or Persons chosen to be Commissioner or Commissioners by any of the Ways or Means aforesaid, shall die or be disqualified during the Time of his or their being a Commissioner or Commissioners as aforesaid, then it shall and may be lawful to and for such Owners of Fifteen Acres of Land, as aforesaid, lying in the Township or Parish or Parishes, in respect whereof the Person or Persons so dying or becoming disqualified was or were Commissioner or Commissioners, to meet at the respective Places above mentioned, Notice in Writing of such Meeting being affixed on the Out-side of the Door of the Places respectively where the said Meeting is to be, Five Days at the least before such Meeting, and to chuse an Owner or Owners qualified as aforesaid, to be Commissioner or Commissioners in the Place of the Person or Persons so dying, or becoming disqualified.

Commissioners dying, or becoming disqualified, others to be chosen.

Provided always, and it is hereby further enacted, That if any Person not respectively qualified as aforesaid (except the Deputies or Agents to be appointed as before directed) shall presume to act, or shall depute or appoint any Person or Persons to act, or shall vote for or in the Choice of any Person or Persons to act as a Commissioner or Commissioners in the Execution of this Act, he and she shall, for every such Offence, forfeit the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, by any Person who will inform or sue for the same, in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or upon the Case, Bill, Suit, or Information; wherein no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed; and in which Action or Suit, it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner, or deputed or appointed a Person to act, or voted for, or in the Choice of any Person or Persons to act as Commissioner or Commissioners in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he or she shall prove in his or her Defence, that he or she was at the Time of his or her so acting, deputing, or appointing, or voting, qualified according to the true Intent and Meaning of this Act.

Penalty on Commissioners acting, if not qualified. Exception.

And

Commissioners to meet Twice in every Year, or oftener, if necessary.

And, for the better putting this Act in Execution; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall meet Twice in every Year; videlicet, Upon the last Thursday in March at Soham aforesaid, and upon the last Thursday in September at Ely aforesaid, or at such other Time or Times at Soham aforesaid, as they shall see Cause or think convenient (pursuant to Notice in Writing for that Purpose, signed by any Seven or more of the said Commissioners, and affixed upon the Market Cross at Ely, and the Church Doors at Soham, Isleham, and Wicken, Six Days at the least before any such Meeting, except those upon the last Thursday in March and September; the First Meeting to be at the Lamb Inn in Ely, upon the Third Thursday after the passing of this Act) and may from time to time adjourn themselves, and meet again pursuant to such Adjournments, as often as they shall think proper.

First General Meeting when to be held.

Allowance to be made to Commissioners for their Attendance.

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 Rates and Cares assessed by virtue of this Act, 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, but so that the whole Expence at any One Meeting shall not exceed the Sum of Twenty Shillings; any thing herein contained to the contrary notwithstanding.

Commissioners impowered to raise and strengthen the Banks of the Rivers *Cam*, *Ouze*, &c. and of the several Drains; and to lay proper Tunnels, and Bridges; and to repair the same, &c.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, such major Part being not less than Seven, assembled at such Meeting or Meetings to be held as aforesaid, shall have full Power, and are hereby authorized, from time to time, and at all Times hereafter, at their Wills and Pleasures, to raise and strengthen the said East Banks of the Rivers Cam or Grant, and Ouze, and the said South Bank of Mildenhall River; and also the Banks on each Side of Soham Drain, otherwise Barroway Load, and of Clipshall Rivulet; and also to cleanse out, widen and deepen, the Drain called Middle Fen Drain, from Barroway Load to Shell Tunnell; another Drain running from a Place near the said Soham Drain or Barroway Load, between Henney Hill and Soham Coates, through or under a Bridge called Delf Bridge, and from thence by or through Norney Fen and Great Metlam in Soham, unto Mildenhall

Mildenhall River; another Drain called the Sixteen Foot Drain, running from the Hard Lands of Soham into Mildenhall River; and another Drain leading from a Place near the said Hard Lands of Isleham, through Isleham Common and West Fen in Isleham, for conveying the Waters into a Drain lying between the said Common and certain Lands belonging to Bedford Level Corporation, and by a Tunnel to be made from the said Drain through the South Bank of Mildenhall River, into the said River; and also to make and support the Bridges over, and Tunnels in the said Drains, or any of them; and also to erect, work, support, and repair, such and so many Mills or Engines, not exceeding Nine in Number, unless by the Consent of the said Corporation, upon or near the Banks of the aforesaid Rivers; and to make and cause to be made, through the said Banks, such Tunnels or Outlets from each of the said Mills, for the throwing out and discharging the Waters from the said Fen Lands or Low Grounds above described, into the said Rivers; and also to cleanse, deepen, and widen, such other Drains; and likewise to make and support such other Banks, Bridges, Cuts, Drains, Dams, Outlets, and Works, within the aforesaid Boundaries of the above described Fen Lands and Low Grounds (but not in the Invested Lands belonging to the said Corporation without their Consent) for draining and conveying the Waters therefrom, into the Cam, otherwise Grant, Ouze, and Mildenhall Rivers, or any of them, through the Banks of any of those Rivers, in such Manner as shall by them the said Commissioners, or the major Part of them, as aforesaid, be thought fit, necessary, and convenient, without any Let, Hindrance, Obstruction, or Controul, of, from, or by, the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, or their Successors, in any Manner, or under any Right whatsoever; and further also, to take and use such Earth and Ground, near or adjoining to the said Banks, as shall be necessary for the making, raising, strengthening and maintaining thereof, as the said Commissioners, or the major Part of them assembled at such Meeting or Meetings, as aforesaid, shall think necessary and proper; and also to make Orders and give Directions for carrying on and for the better Government and more orderly Management of all the said Works, and the Maintenance thereof.

Invested Lands not to be medled with, without Consent of the Corporation.

Power of making Orders.

Provided always, That if the said Commissioners shall make, or cause to be made, any Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work, in or through any several Grounds, or erect or make, or cause to be

Satisfaction to be made to private Owners for Damages done to their Grounds.

erected or made, any Engine or Engines, or other Work thereupon, or shall take or use any Earth or Ground thereout, they shall pay such a reasonable Satisfaction to the Person or Persons having Right to the said several Grounds, in or through which such Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work, shall be made, or whereupon such Engine or Engines, or other Work, shall be erected, or from whence such Earth or Ground shall be taken or used, for the Damage done thereby, as shall be agreed upon between the said Commissioners assembled as aforesaid, or the major Part of them, such major Part being not less than Seven, and the Person or Persons having Right to such several Grounds; and if the said Commissioners, and such Person or Persons, cannot agree about the Value of such Damage, then as shall be assessed and adjudged reasonable, by the Justices of the Peace, or the major Part of them, not interested in the Premisses, or in the Fen Lands to be drained by virtue of this Act, at any General or Quarter Session of the Peace to be held for the said County of Cambridge, within Twelve Months after such Damage shall be done.

to be determined, in case of Difference, by the Justices at the Quarter Sessions.

Navigation of the Rivers not to be obstructed, &c.

Provided also, and it is hereby further enacted and declared, 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 erect or set up any Sluice or Dam across the Rivers Cam, otherwise Grant, Ouze, or Mildenhall, or Soham Drain otherwise Barroway Load, or to do or perform any other Work or Works which may prejudice the Navigation of the said Rivers, or obstruct or hinder any Waters from falling down the said Rivers through Lynn Chanel to Sea.

Commissioners to appoint Collectors, and other Officers;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, such major Part being not less than Seven, assembled at any such Meeting or Meetings to be held as aforesaid, shall have full Power, and are hereby authorized to appoint One or more Collector or Collectors, Receiver or Receivers, and such other proper Officer or Officers, with such reasonable Salaries for making and taking care of such Works, and for collecting the Rates and Assessments assessed or to be assessed by virtue of this Act, as the said Commissioners, or the major Part of them, such major Part being not less than Seven, assembled at such Meeting or Meetings, shall think proper; which said Collector or Collectors, Receiver or Receivers, or other Officer or Officers, so to be appointed as aforesaid, may

who are to be removable,

be altered and removed at the Will and Pleasure of the said Commissioners, or the major Part of them, such major Part being not less than Seven, assembled at any such Meeting or Meetings to be held as aforesaid, who shall and may chuse and appoint another or others in the Room and Stead of the Person or Persons so altered and removed, as they the said Commissioners shall see Occasion; and such Collector or Collectors, Receiver or Receivers, and other Officer or Officers, so to be nominated and appointed, as aforesaid, before he or they shall act in the Execution of their several Offices, shall give such Security for the due and faithful Execution of such their respective Offices, and for performing the several Trusts committed to them, as the said Commissioners in their Discretion shall require.

and to give Security.

An Acre Rate to be laid on the Lands for raising Money for carrying on the Purposes of this Act.

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 by the Authority aforesaid, 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 and Occupiers, of such Lands and Grounds, shall be, and the same are hereby assessed, rated, tared, and charged, during the first Four Years after the passing of this Act, with the yearly Sum of Two Shillings, and from and after the Expiration of the said Four Years, with the yearly Sum of One Shilling and Six Pence, for every Acre of the said Fen Lands and Low Grounds, so long as any Money which shall have been borrowed for the Purposes of this Act, or the Interest thereof, shall remain unpaid; and that when there shall be no such Debt remaining, it shall and may be lawful for the said Commissioners, or the major Part of them, such major Part being not less than Seven, at any Half-yearly Meeting to be held as aforesaid, to assess, rate, tar, and charge, all and singular the said Fen Lands and Low Grounds, and all and singular 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 completeing and maintaining the said Works.

Lands exempted from Tax.

Provided always, That no Assessment, Rate, or Tar, shall be made, collected, or levied, upon the imbanked Lands of the Right Honourable William Ponsonby, commonly called Lord Viscount Duncannon in the Kingdom of Ireland, known by the Name of Wicken High Fen; nor upon the imbanked Lands of John Drage Gentleman, in Wicken High Fen aforesaid, for so long Time only,

as the Owners or Occupiers of those Lands shall keep and maintain the Bank now kept and maintained by them, of a sufficient Height and Strength to keep the Waters (except such Waters as shall overflow by Breach of the Corporation Banks) draining from the Lands which are defended by the said Bank from overflowing into the Lands without the said Bank.

Such Lands only as are subject to Inundations, are to be taxed.

Provided also, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon or in respect of any High Lands within the Boundaries aforesaid, which have not been subject to Inundations; and that no Assessment, Rate, or Tax, shall, during the first Four Years after the passing of this Act, be made, collected, or levied, upon such Low Grounds, within the Limits above mentioned, as are now so dug into Hod or Turf Pools, that no Profit can be made thereof.

Hod or Turf Pools not taxable for 4 Years.

And whereas the poor Inhabitants of Soham have a certain Common in or near the Fen called Great Metlam in Soham aforesaid, lying within the Bounds before described, containing by Estimation One hundred Acres, or thereabouts: And whereas there are Fifty Acres of Fen Land belonging to the Working Poor in Isleham, and Seventeen Acres of Fen Land belonging to the Hospital, and other Poor of Isleham, and as the charging the said Lands with the same Tax as is hereby imposed on other Lands within this District, would be taxing them more than they are able to pay; it is hereby further enacted, That the said Lands shall never be taxed or charged with more than half of the Tax wherewith other Lands within the said District are or shall be charged by virtue of this Act.

Common Grounds belonging to the Poor, to pay only half the Tax charged on other Lands.

And whereas some of the poor Inhabitants of the said Parishes of Soham and Isleham, make considerably more Use of the said Common and Lands than others of them do, by reason whereof, and of the great Number of Poor who use the same, it would be very difficult to collect the Taxes charged thereupon, from the said Poor themselves; be it therefore enacted, That it shall and may be lawful for the Commissioners for putting this Act in Execution, to sever so much of the said Common and Lands from the rest thereof, as shall be sufficient to raise the Taxes charged thereupon, and to let the same, from Year to Year; and in case Default be made in Payment of the Rent due for such Part thereof so severed and let, the said Commissioners, and their Successors, shall have the same Powers for recovering the Rent so in Arrear, that other Landlords have by the Laws and Statutes of this Realm.

Commissioners may sever so much of the Common Lands, and let the same, as shall be sufficient to pay the Taxes charged on the the rest.

And

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And be it further enacted by the Authority aforesaid, That if any Person or Persons shall neglect to pay to the Receiver or Receivers to be appointed as aforesaid, at his or their Place of Abode, the Money assessed, rated, or charged, upon him, her, or them respectively, by virtue of this Act, within the Space of Twenty eight Days after the Times of Payment, to be appointed by the said Commissioners (Public Notice thereof being affixed upon the Market Cross in Ely, and the Outside of the Door of the Parish Church, where such Lands lie, by the Collector or Collectors, Receiver or Receivers, of the said Commissioners, for the time being) it shall be lawful 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 any Three or more the said Commissioners (which said Warrant or Precept such Commissioners, or any Three or more of them, are hereby impowered and required from time to time, to make, as Occasion shall require) to distrain any Goods, Chattles, or Cattle, which shall be found upon all or any of the Grounds and Premisses for or in respect of which any such Money shall be or is so charged or assessed, or upon any other tarable Lands within the Bounds before described, belonging to the Person or Persons so neglecting to pay such Rates or Taxes; and the Goods, Chattles, and Cattle 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 Money so charged or assessed, and the Charges of taking and keeping the said Distress, that then the Goods, Chattles, and Cattle, so distrained, shall be appraised by Two or more of the Inhabitants of the Parish where the same shall be taken, or by other sufficient Persons, and shall be sold by the Collector or Collectors, Receiver or Receivers, or other Person or Persons employed by the said Commissioners, or any Three or more of them, upon such Occasion, for Payment of the said Money and Charges, and the Overplus arising by such Sale (if any be) shall be returned to the Owner or Owners thereof, upon Demand; and the several and respective Tenants or Occupiers of all and singular the said Fen Lands, and Low Grounds, so bounded and described as aforesaid, are hereby authorized and required to pay such Sum or Sums of Money as shall be so assessed, rated, or charged, as aforesaid, upon or in respect of such Fen Lands, and Low Grounds, in their several Tenures or Occupations, and to deduct the Money so paid out of

Taxes how to be levied in Default of Payment.

Tax to be paid by the Tenants, and deducted out of their Rent.

their respective Rents; and the respective Landlords, both mediate and immediate, according to their respective Interests in the Premisses, are hereby required to allow such Payment and Deduction upon Receipt of the Residue of their respective Rents; and every such Tenant or Occupier as aforesaid, paying such Assessment, shall be acquitted and discharged for so much Money as the same shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of such Lands and Grounds, except where there is a Lease for Three or more Years to come from the Tenth Day of October next after the passing this Act; in which Case, upon Request of either Landlord or Tenant, the Proportion of the Assessment or Rate which the Tenant ought to bear and pay in Consideration of the Benefit he receives by such Lease, shall be adjusted and finally determined by the said Commissioners, or the major Part of them, assembled at any of their Meetings as aforesaid, such major Part being not less than Seven, and not interested in the Premisses comprised in such Lease.

In case of a Lease, Tenant to pay in Proportion,

And to the End that the full Sum which is or shall be so rated or assessed may be duly answered and paid, be it enacted by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to pay, or cause to be paid, to the Collector or Collectors for the time being, the Sum with which he, she, or they, shall be respectively charged, by the Space of Two Months after a Personal Demand hath been made thereof by the said Collector or Collectors, every such Person shall forfeit and pay the further Sum of Two Shillings for every Twenty Shillings which shall be so in Arrear and unpaid, to be levied by Distress and Sale of his, her, or their Goods and Chattles, in such Manner as the aforesaid Rates, Cares, or Assessments themselves, are herein and hereby directed to be levied; and the Money so forfeited and levied, shall be applied towards carrying on the said Works of Draining, and other the Purposes of this Act.

Person not paying the Taxes within Two Months after Demand, to forfeit 2 s. for every 20 s. he shall be in Arrear.

Provided always, and be it further enacted by the Authority aforesaid, That in case any of the said Fen Lands or Low Grounds, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found whereupon to levy the Money so charged or assessed as aforesaid, then the Lands or Grounds, for or in respect of which the said Money is or shall be so charged or assessed, shall always remain a Security for Payment thereof; and it shall and may be lawful to and for the said Collector or Collectors, Receiver or Receivers, for the time being, to enter upon and let the same from Year to Year only,

Lands unoccupied, to remain a Security for Payment of the Tax.

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only, for the best Rent that can be gotten for the same, and to take the Rents and Profits thereof for the Use of the said Commissioners, to be applied for the Purposes of this Act, until all Arrears of the said Taxes, Rates, and Charges, shall be fully satisfied and paid, rendering the Overplus of such Rents and Profits (if any) after the discharging such Arrears, to the Owner or Owners of such Lands and Grounds.

And forasmuch as the Money so to be rated, levied, collected, and gathered as aforesaid, will not be sufficient to defray the immediate Expences of making such Banks, Cuts, Drains, Dams, Tunnels, Outlets, and other Works, and erecting such Engines and other Works as will be necessary for draining, and for the speedy Improvement of the said Fen Lands and Low Grounds; be it further enacted by the Authority aforesaid, That the said Commissioners, or the major Part of them, such major Part being not less than Nine, assembled at any publick Meeting to be held as aforesaid, shall and may, and are hereby impowered, from time to time, to borrow any Sum or Sums of Money which they shall think necessary for the making, carrying on, repairing, and preserving the said Works; and by Writing under their Hands and Seals, to assign over the said yearly Rates, Taxes, and Sums of Money hereby charged, and to be charged, upon the said Fen Lands and Low Grounds, and every or any Part thereof (the Costs and Charges of which Assignments shall be borne and paid out of the said Taxes) in such Manner and Form as to the said Commissioners shall seem meet, as a Security or Securities for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, as shall advance or lend the same, to secure the Repayment thereof, with Interest (not exceeding Five Pounds per Centum per Annum) which Money so borrowed, shall be applied in the first Place, to pay and discharge so much and such Part of the Charges and Expences of obtaining of this Act of Parliament, as shall remain unpaid, after the Application of the Sum of One hundred and fifty Pounds, which the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, have agreed to advance towards discharging the said Charges and Expences, and then shall be applied and disposed of, in making, repairing, carrying on, erecting, and preserving, such Banks, Cuts, Drains, Dams, Tunnels, Outlets, Engines, and other Works, for the draining and improving the said Fen Lands and Low Grounds, as are before-

Commissioners may take up Money at Interest for carrying on the Works, and assign the Rates as a Security for the same.

Charges of this Act to be paid thereout.

before-mentioned, and shall be applied and disposed of to no other Purpose whatsoever.

Rates chargeable with the Monies borrowedthereon,

And be it further enacted and declared, That the Rates, Taxes, and Sums of Money, hereby assessed, or to be assessed, upon, and paid by the Owners or Occupiers of the said Fen Lands and Low Grounds, shall be charged and chargeable in the first Place, with and for the Payment of all and every the Sum and Sums of Money so to be borrowed, and the Interest of such Money, from time to time, and shall vest in the respective Creditor or Creditors, upon Default of Payment of such Principal Money and Interest, until the same shall be fully satisfied and paid, together with the Costs and Charges occasioned by Nonpayment thereof as aforesaid; 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 paid.

and upon Default of Payment to vest in the Creditors.

Assignments may be transferred.

And be it further enacted, That all Assignments or Securities to be made by the said Commissioners as aforesaid, shall and may be transferrable or assignable by Indorsement upon such original Grant or Security thereof, or otherwise, without Stamps, to any Person or Persons whomsoever; and such Transfer or Assignment being produced to the said Receiver, to be by him entered in a Book for that Purpose, shall sufficiently intitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, or Assigns, to all the Monies due, and to grow due, on the said original Grant or Security.

Assignments to be entered in a Book.

Penalty upon Persons cutting down or destroying Banks or other Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise destroy any Bank, Mill, Engine, Flood-gate, or Sluice, which at any Time or Times hereafter shall be making and erecting, or made or erected, for draining or improving the said Fen Lands or Low Grounds as aforesaid, and shall be thereof lawfully convicted, such Person or Persons shall be 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 or Persons shall be tried and

convicted, shall, and hereby have Power and Authority to transport such Person or Persons for Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and that if any Person or Persons shall, at any Time or Times hereafter, wilfully or maliciously destroy, stop, dam up, spoil, or damage, any Drain, Watercourse, Door, Dam, Bridge, or other Work or Works, which, at any Time or Times hereafter, shall be making or erecting, or made or erected, for answering the Purposes aforesaid, or shall lay or throw, or place any Rubbish, or other Obstruction, therein, and shall be thereof convicted before Two or more Justices of the Peace for the said Isle of Ely, if the Offence shall be committed within the said Isle, or before Two or more Justices of the Peace for the said County of Cambridge, if the Offence shall be committed in the said County (which Justices are hereby respectively required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending) every such Person or Persons so convicted of destroying, stopping, damming up, spoiling, or damaging such Drain, or other Work as aforesaid, shall, for every such Offence, forfeit the Sum of Fifty Pounds; and every such Person or Persons so convicted of laying, throwing, or placing any Rubbish, or other Obstruction therein, shall forfeit, for every such Offence, the Sum of Five Pounds; which Penalties shall be paid to the said Commissioners, to be applied for the Purposes for which the said Rates and Taxes are hereby directed to be applied, and 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; and for want of such sufficient Distress, or Payment of the said full Sum of Fifty Pounds, such Offender or Offenders so convicted of destroying, stopping, damming up, spoiling, or damaging such Drain, or other Work as aforesaid, shall, by the said Justices, be committed to the House of Correction, or Common Gaol of the said Isle of Ely, or County of Cambridge, for any Time not exceeding Six Months; and such Offender or Offenders, so convicted of laying, throwing, or placing any Rubbish, or other Obstruction, therein, shall, by the said Justices, be committed to the House of Correction, or Common Gaol of the said Isle of Ely, or County of Cambridge, for such Time, not exceeding Two Months, as the Justices by whom such Commitments shall be made, shall in their Discretion order and direct.

Offender may be transported

Persons convicted of destroying, stopping, or damming up the Drains, forfeit 50 *l.*

and convicted of throwing Rubbish or other Obstruction, 5 *l.*

For want of Distress the Offender to be committed.

10 *s.* Penalty on making or continuing the Use of Watering Places for Cattle, after Notice given to the contrary;

or of driving Carriages over the Banks.

And it is hereby further enacted, That if any Person or Persons shall at any Time make, or cause to be made, any Watering Place, or Place of Access for Cattle to drink, in any of the Mill Drains within the said Fen Lands or Low Grounds, or shall continue to use any such Watering Place already made, after Notice in Writing to the contrary thereof given to him, her, or them, by any Two or more of the said Commissioners; or if any Person or Persons 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 hath been of Right used as a Cart Way, or be made upon a Common Drove Way, and a sufficient Passage shall not be left along the Side of the said Bank) every Person or Persons so offending, and being thereof convicted before One Justice of the Peace within whose Jurisdiction such Offence shall be committed, as aforesaid, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit, for every such Offence, the Sum of Ten Shillings to the said Commissioners, to be applied as aforesaid, and to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hand and Seal of the said Justice before whom such Conviction shall be made.

Outring or Division Dykes, to be kept of a certain Width and Depth, and effectually roded and scoured;

And be it further enacted by the Authority aforesaid, That all Owners and Occupiers of the said Lands intended to be drained by virtue of this Act, shall make, and, from time to time, and at all Times hereafter keep, all the Outring or Division Dykes or Drains belonging to the said Lands respectively Eight Feet Three Inches wide, and Three Feet deep from the level Soil; and shall also, from time to time, and at all Times hereafter, cause the same Dykes and Drains to be well and effectually roded, scoured, and cleansed from Weeds, and other Rubbish and Obstructions; and cause Bridges to be laid over, and Tunnels in, the said Dykes and Drains, where the said Commissioners, or the major Part of them (such major Part not being less than Seven) at any of their said Meetings shall judge necessary, and continue the same in good Repair, for the better issuing, running, and conveying away the Waters therein; and if any such Owner or Occupier shall refuse or neglect to make and keep such his or her Dykes or Drains of the Dimensions aforesaid, or to rode, scour, and cleanse, the same from Weeds or other Rubbish or Obstructions, or to make and continue such Bridges and Tunnels as aforesaid, after Twenty one Days Notice to be given to him, her, or them, by any

Bridges and Tunnels to be also laid, &c. where the Commissioners shall judge necessary, under certain Penalties;

Officer

2

Officer appointed by the said Commissioners for that Purpose, personally, or by Writing under the Hands of Two or more of the said Commissioners, left at the usual Place of Abode of such Owner or Occupier, then such Owner or Occupier shall forfeit Four Pence per Rod for every Rod neglected to be so roded, scoured, and cleansed, and Ten Shillings for every Bridge, and Ten Shillings for every Tunnel, so neglected to be made or continued as aforesaid; and it shall be lawful for the said Commissioners, or any Two or more of them, and they are hereby authorized and required, to cause such Drain, Dutring, or other Dyke, to be roded, scoured, and cleansed, and such Bridge and Tunnel to be made, in a proper and effectual Manner, and, by Warrant under their Hands and Seals, to authorize and impower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in doing thereof, and also the said Penalties of Four Pence for every Rod, and Ten Shillings for every Bridge, and Ten Shillings for every Tunnel, so neglected as aforesaid, by Distress and Sale of such Goods, Chattles, and Cattle, as shall at any Time thereafter be found upon the Grounds to which such Drains or Dykes, Bridges or Tunnels, shall respectively belong; such Penalties to be applied as is herein before directed concerning the Penalty for damaging any of the Works to be made or erected under the Authority of this Act; and the Person or Persons to whom such Warrant or Warrants shall be directed, shall and may levy the Money so expended, and the said Penalties, by Distress and Sale of the same Goods, Chattles, and Cattle, together with all incident Charges, in the same Manner as the said Rates and Taxes are herein before directed to be levied, rendering the Overplus (if any be) to the Owner or Owners thereof, when demanded.

Commissioners may cause the same to be done, and levy the Charges, with the Penalty.

Application of the Penalties.

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 Rivers Cam, otherwise Grant, Ouze, or Mildenhall, or Soham Drain, otherwise Barroway Load, into the said Fen Lands, 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 Fen Lands 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 Fen Lands, and shall be lawfully convicted thereof before any Justice of the Peace for the County or Place where such Offence shall be committed, he or she so offending, shall,

Regulations to be observed in laying Tunnels;

for

Penalty 5 *l.*

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 Chattles, by Warrant under the Hand and Seal of the Justice before whom he or she shall be convicted as aforesaid.

Rates and Assessments to be entered in proper Books; and also Accounts of Receipts and Disbursements.

And, to the End that 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 by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, shall cause a Book of Assessment to be made and kept, and all Rates and Assessments made as aforesaid under this Act, to be fairly entered therein; and also a Book of Account to be made and kept, and an Account of all the Receipts and Disbursements relating to all Monies received or disbursed by virtue of this Act, to be fairly entered in the same; and that no Accounts shall be passed or allowed, unless the same shall be kept and made up in such Books as aforesaid; and

Accounts to be audited on Oath Half-yearly;

that Twice in every Year, videlicet, On the last Thursday in September, and on the last Thursday in March in every Year, the said Commissioners, or any Seven or more of them, assembled as aforesaid, shall carefully inspect and examine all Receipts and Disbursements of such Monies as shall have been raised, received, and disbursed, by virtue of this Act, and all Accounts and Vouchers relating to the same; at which said Times the Collector or Collectors, Receiver or Receivers, of the Rates and Sums of Money to be raised as aforesaid, are hereby required to attend with his or their Books of Assessment, Receipts, and Disbursements, and all Vouchers for the same; and upon Consideration and Examination of the said Accounts upon Oath (which Oath any One of the said Commissioners is hereby impowered in that Case to administer) the said Commissioners, or the major Part of them, such major Part being not less than Seven, are hereby impowered and ordered 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 the same, as shall be allowed by the said Commissioners, or any Seven or more of them as aforesaid, 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 by the said Commissioners, and the other Set shall remain in the Parish Church of Soham aforesaid; and the said Books shall and may be inspected and perused at any Time, at reasonable

at which Times the Collectors and Receivers are to attend with their Vouchers, &c.

Accounts, after they are passed, to be entered in 2 Sets of Books, &c.

sonable Hours, by any Person or Persons (being an Owner or Owners of any of the said Fen Lands and Low Grounds) requiring the same, without Fee, or any other Reward.

And, to the End that the said Banks, or any other Banks to be raised by virtue of this Act, may be the better preserved; be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any of the said Fen Lands or Low Grounds adjoining or near to such Bank or Banks, shall neglect or refuse to catch or destroy the Moles in such Lands, after Ten Days Notice given to him, her, or them, for that Purpose, by any Officer appointed by any Two of the said Commissioners; then it shall be lawful for the said Commissioners, or any Seven or more of them, to employ some Person or Persons to catch and destroy the same, and by Warrant or Precept under their Hands and Seals (which Warrant or Precept such Commissioners, or any Seven or more of them, are hereby impowered and required from time to time to make, as Occasion shall require) to levy the usual Charge of catching such Moles by Distress and Sale of the Goods, Chattles, or Cattle, which shall be found upon the Grounds and Premisses respectively wherein such Moles shall be caught, over and above the said other Rates and Taxes charged or to be charged upon the same by virtue of this Act, and in the same Manner as the said Rates and Taxes are herein before directed to be levied, together with the Charges of making and keeping and selling such Distress, rendering the Overplus (if any be) to such Owner or Owners, Occupier or Occupiers respectively, after all Charges paid.

Moles in Lands adjoining to Banks to be destroyed by the Owners of the said Lands;

or the Charges thereof to be levied on them.

And, in order that the Mills or Engines to be erected or employed by virtue of this Act, may the better answer the Purposes for which they are intended; be it further enacted by the Authority aforesaid, That no Trees or Holts shall be planted, or Building erected, nearer to any Mill or Engine erected or employed for the Purposes of this Act, than One hundred and fifty Yards; and if any Trees or Holts shall be planted, or Building hereafter erected, within the Distance aforesaid, then it shall and may be lawful for the said Commissioners, or any Seven or more of them, to cause such Trees or Holts to be taken up and carried away, and such Building to be pulled down and removed; and it shall and may be lawful for the said Commissioners, or any Seven or more of them, to cause any Trees or Holts which shall be growing within the Distance of One hundred and fifty Yards from any Mill

No Trees, Holts, or Buildings, to be suffered to stand near any Mill or Engine.

to be erected or employed for the Purposes of this Act at the Time such Mill or Engine shall be first erected or used, to be cut down; making such Satisfaction to the Owner of such Trees or Holts as shall be agreed upon between such Owner and the said Commissioners, or any Seven or more of them, or as shall, in case of any Difference, be ascertained by the Justices of the Peace at any Quarter Session which shall be held for the said County of Cambridge, within Six Months after the cutting down such Trees or Holts.

And whereas Part of the said Fen Lands, lying near the Skirts of the High Lands, are higher in their Situation than the rest, and it is apprehended that such Lands, if the Sewers should lie in common, may be made too dry, by such Time as the lowest Lands are well drained: Therefore, for the avoiding this Inconvenience, be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Seven or more of them, to erect Staunches or Overfalls, at proper Places, in the Drains or Dykes leading from such Lands, as they the said Commissioners shall in their Discretion judge necessary for the keeping up a sufficient Head of Water for the Benefit of such Lands.

Commissioners impowered to erect Staunches for keeping up a Head of Water at proper Places, in the Drains leading from the Skirt Lands.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Owners or Occupiers of such Part of the said Fen Lands, lying within the Boundaries aforesaid, as are arable, and produce Winter Crops, or have actually been dug up into Turf, to erect Horse Mills, or other Small Engines, thereupon, in order to drain such Lands, so as to preserve the said Crops, and to render the Lands so dug up useful, and for no other Purpose whatsoever.

Mills may be erected for draining arable Lands which produce Winter Crops.

And whereas a considerable Tract of the said Fen Lands and Low Grounds, whereof the Right Honourable Charles Lord Viscount Townshend is Owner of far the greatest Part, is separated from the rest by an imbanked Drain or Rivulet, called Soham Drain, otherwise Barroway Load; and it is apprehended that the said Tract may be more commodiously drained, by discharging the Waters immediately into the River Ouze; be it therefore enacted, That the Commissioners for putting this Act in Execution shall erect, or cause to be erected, One proper Mill or Engine, or, if the said Lord Viscount Townshend, his Heirs, or Assigns, Owners as aforesaid, shall think Two necessary, shall erect, or cause to be erected, Two proper Mills or Engines for the Purpose aforesaid, upon such Part of the said Tract above Barroway Bridge, as the said Lord Viscount Townshend, his Heirs, or Assigns, Owners as

Mills to be erected, &c. by the Commissioners for draining the Tract of Land principally belonging to Lord *Townshend*, &c.

as aforesaid, shall direct and appoint; and shall support and maintain the same; and shall likewise make and cleanse, or cause to be made and cleansed, such proper Drain or Drains, Cuts, and Tunnels, in and through the said Tract, and the Banks thereof, as shall be necessary for draining the said Tract, and shall cause the said Mill or Mills, Engine or Engines, when erected, to be worked, as the said Lord Viscount Townshend, his Heirs, or Assigns, being principal Owners of the Lands within the said Tract, shall direct; and in Default of such Direction, then as the said Commissioners, or the major Part of them, such major Part not being less than Seven, assembled as aforesaid, shall direct.

General Reservation of Rights.

Provided always, and be it hereby enacted, That all such Right or Rights as any Lord or Lords of any Manor or Manors, Liberties, Hundred, or Half Hundred, have heretofore had within his or their respective Manor or Manors, Liberties, Hundred, or Half Hundred, within or without the said Boundaries, to Waifs, Estrays, Felons Goods, Privileges of Arrests, Escheats, and all Royalties, not prejudicial to the Draining, be hereby saved to them, their Heirs, Successors, and Assigns, severally and respectively; any thing in this Act to the contrary thereof notwithstanding.

Rights of the Conservators of the Great Level reserved.

Saving also, and always reserving to the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, and their Successors, and to all and every other Person or Persons, his, her, and their Heirs, Executors, and Administrators, all such lawful Rights, Powers, Jurisdictions, and Authorities, now vested in, and enjoyed by, them, as are not hereby taken away, altered, or repealed: And also saving and reserving to the said Lord Viscount Townshend, his Heirs, and Assigns, being the Owner or Owners of Soham Meer, the Right of draining and running the Waters from the said Meer, in such Manner as the same have been accustomed, and of Right ought to drain and run.

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

And whereas by an Act of Parliament made in the Fifteenth Year of King Charles the Second, intituled, An Act for settling the Draining the Great Level of the Fens, called *Bedford Level*, it was, amongst other Things, enacted, That the Governor, Bailiffs, and Conservators of the said Great Level should have Power to lay Tares 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

Non-payment; 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 Taxes should be in Arrear, or Penalties, in such Proportions as the said Governor, 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 Bounds herein before described, were at different Times put up to Sale in pursuance of, and according to, the Directions of the before recited Act of the Fifteenth of King Charles the Second, and of One other
& 20 *Car.* II. Act passed in the Twentieth Year of the said King, intituled, An Act for Taxing and Assessing the Lands of the Adventurers in 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 the respective Proportions in pursuance of the said Acts of the Fifteenth and Twentieth Years of the Reign 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 Cares to be assessed by virtue of this Act, upon the said Lands, for draining the same; be it therefore further enacted by the Authority aforesaid, That the Receiver for the time being of the said Corporation, shall, out of the Cares 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 Cares 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 to pay to the Commissioners Collector the Rates charged on the Invested Lands, until the same be 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 Two hundred Acres of the said Invested Lands, for which the Cares to be imposed by virtue of this Act, shall be paid as aforesaid, for so long Time as Two hundred Acres of the said Lands shall remain invested.

Conservators to appoint annually a Commissioner for every 200 Acres of the Invested Lands taxed by this Act.

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

Sale may be made of the Invested Lands; giving One Month's publick Notice thereof.

The same to be discharged of all former Taxes;

said Corporation, the Lands so sold to the respective Purchaser or Purchasers thereof, freed and discharged of and from all Rates and Taxes, 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 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 Taxes, pursuant to the said Acts of the Fifteenth and Twentieth Years of King Charles the Second.

but not from Taxes liable to be assessed thereon after such Sale.

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 Taxes 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.

Particular Lands exempted from Taxes.

Provided always, and be it further enacted, That all such Bordering or Skirt Lands as are herein after particularly mentioned, shall be for ever exempted from all Taxes assessed or to be assessed, rated or charged, by virtue of this Act; that is to say,

In the Parish of WICKEN,

In PADNEY DROVE.

FIVE Acres, Part of Nine Acres, of John Drage Gentleman.

Fourteen Acres, Part of Twenty four Acres, of Edward Gray.

Two Acres, Part of Six Acres, of Robert Hall.

Five Acres, Part of Twelve Acres, of John Drage Gentleman.

One Acre, and an Half, Part of Six Acres, of William Haylock.

One Acre and Half, Part of Six Acres, of Robert Fuller senior.

One

One Acre, Part of Six Acres, of William Pammant.
One Acre, Part of Six Acres, of John Drage Gentleman.
Two Acres, Part of Eighteen Acres (Three Parts) of Abraham Sheath.
Eight Acres, Part of Twelve Acres, of John Drage Gentleman, called Weſt Hill.

In the Pariſh of SOHAM.

In FORDY FARM, belonging to Lord *Townſhend*.

Thirty eight Acres, Part of Forty Acres, by Eſtimation.
Eighteen Acres, Part of Twenty Six Acres, by Ditto.
Three Acres, Part of Fourteen Acres, by Ditto.
Six Acres, Part of Twelve Acres, by Ditto.

Skirt Lands round BARROWAY and HENNEY.

One Acre and an Half, Part of Two Acres, of John Drage Gentleman.
Four Acres, Part of Eight Acres, of William Hall.
Five Acres and a Half, Part of Eleven Acres, of Ditto.
All Great Sandfords, except Five Acres } Of Lord
Four Acres Part of Spirits Holt } Townſhend.
The Upper Part of Lady's Dolver, except One Acre.
Four Acres, Part of Sixteen Acres, of John Taylor.

In the BLOCKMORES below the laſt Houſe in COATS.

Two Acres, Part of Three Acres, of James Palmer.
Six Acres, Part of Twelve Acres, of John Drage Gentleman.
Four Acres, Part of Eight Acres, of Doctor Piper.
Six Acres, Part of Sixteen Acres, of Doctor Piper.
Four Acres, Part of Twelve Acres, of John Taylor.
Six Acres, Part of Sixteen Acres, of Benjamin Bottle.
Nine Acres, Part of Sixteen Acres, of Joſ. Cropley.

In ROSE FIELD.

Eight Acres, of Richard Peachy Gentleman.
Seven Acres, Part of Eight Acres, of John Scurvine Clerk.

About HIGH HILL.

Six Acres, Part of Eight Acres, of Alice Marske.
Three Acres, Part of Twelve Acres, of Luke Staples.
Four Acres, Part of Sixteen Acres, of William Cropley.
Six Acres, Part of Sixteen Acres, of Jos. Arthy.
Thirty two Acres, of Thomas Cockayne Esquire.
Ten Acres, Part of Thirty two Acres, of John Power.
Four Acres, Part of Sixteen Acres, of William Fyson.
Six Acres, Part of Sixteen Acres, of Thomas Cockayne Esquire.
Six Acres, Part of Twenty Acres, of Luke Staples.
Seventeen Acres, Part of Thirty two Acres, of Lord Granby.
Seven Acres, Part of Eight Acres, of John Drage Gentleman.
Sixteen Acres, of William Fyson, being Two Dolvers.

In LITTLE BARSHAM.

Twenty Acres, Part of Thirty two Acres, of John Slater and Mistress Redmore.
Ten Acres, Part of Eleven Acres, of Ann Fyson.
Five Acres, Part of Seven Acres, of Richard Peachy Gentleman.
Four Acres, Part of Seven Acres, of John Hammond.
Four Acres, Part of Seven Acres, of William White's Heirs.
Four Acres, Part of Seven Acres, of Walter Blackbourne.
Three Acres, belonging to Soham Town by Ely Causeway.

In RED LANDS.

Seven Acres, Part of Eight Acres, of Mary Smith Widow.

Three

Three Acres, Part of Four Acres, of Zachary Goldberry.
Sixteen Acres, Part of Twenty Acres, of Rachael Mayer.
Seven Acres, Part of Twelve Acres, of Zachary Goldberry, by Ely Causeway.

In GREAT BARSHAM.

Seven Acres, Part of Eight Acres, of Morley Unwin Clerk.
Six Acres, Part of Eight Acres, of John Cropley.
Seven Acres, Part of Eleven Acres, of Widow Godfrey.
Nine Acres, Part of Eleven Acres, of John Cropley senior.
Eight Acres, Part of Eleven Acres, of Richard Peachey Gentleman.
Seven Acres, Part of Eight Acres, of William Norfolk.
Four Acres, Part of Eight Acres, of Oliver Hills.
Five Acres, Part of Eight Acres, of Thomas Harvey Esquire, in Horsefen.

In METLAM.

Seven Acres and a Half, Part of Nine Acres, of Robert Moody.
Eight Acres, Part of Sixteen Acres, of William Palmer.
Two Acres and a Half, Part of Sixteen Acres, of Barham Rusbrooke Esquire.
Three Acres, Part of Sixteen Acres, of William Hills.
Five Acres, Part of Sixteen Acres, of Sir William Bunbury.
Nine Acres, Part of Thirty two Acres, of Thomas Harvey Esquire.
Six Acres, Part of Sixteen Acres, of Sir William Bunbury.
Eight Acres, Part of Sixteen Acres, of Elizabeth Mayer.
Fourteen Acres, Part of Thirty two Acres, belonging to Soham Town.

In BROAD HILL.

Ten Acres, Part of Twenty four Acres, of Mistress Hyde.

Eight Acres of Richard Peachey Gentleman.
Seven Acres, Part of Eight Acres, of John Drage Gentleman.
Two Acres, Part of Eight Acres, of Thomas Blancher.
Six Acres, Part of Eight Acres, of Cornelius Harvey.
Eight Acres, of Cornelius Harvey.
Seven Acres and a Half, Part of Sixteen Acres, of Widow Long.
Eleven Acres, Part of Sixteen Acres, of Mils Sheppard.
Seven Acres, Part of Eight Acres, of Thomas Danby.
Eleven Acres, Part of Sixteen Acres, of William Haylock.
Nine Acres, Part of Eleven Acres, of Fran. Palmer.
Six Acres, Part of Nine Acres, of Friend Stephenson.
Seven Acres, Part of Sixteen Acres, of Mistress Long.
Six Acres, Part of Seventeen Acres, of Lord Granby.
Seven Acres, Part of Sixteen Acres, of John Drage Gentleman. } Hodsons.
Eight Acres, Part of Twelve Acres, of Mistress Cocksedge }

In STUD FIELD.

Fourteen Acres, Part of Sixteen Acres, of John Drage Gentleman.
Seven Acres, Part of Eight Acres, of William Peachey.
Seven Acres, Part of Eight Acres, of Edward Peachey.
Seven Acres and a Half, Part of Eight Acres, of John Robinson.
Twenty two Acres, Part of Twenty four Acres, of John Drage Gentleman.
Seven Acres and a Half, Part of Eight Acres, of Francis Trowell Gentleman.
Seven Acres, Part of Eight Acres, of John Howlett.
Nine Acres, Part of Sixteen Acres, of Robert Peachey's Heirs.
Thirty Two Acres, of Mils Sheppard, called Long Dolver.
Four Acres, Part of Eight Acres, of Mistress Norfolk.
Eight Acres, of William White.
Eight Acres, of Mistress Bringhurst.

In

In the HASSE.

Six Acres, Part of Eight Acres, of Mistress Bringhurst.
Five Acres and a Half, Part of Eight Acres, of James Jardine.
Twelve Acres, Part of Twenty four Acres, of Mistress Baxter.
One Acre, Part of Eight Acres, of John Drage Gentleman.
One Acre, Part of Eight Acres, of John Howlett.
One Acre, Part of Eight Acres, of John Lisle.

On the other Side the HASSE DROVE.

One Acre, Part of Eight Acres, of William Horsley.
One Acre, Part of Four Acres, of Mistress Bringhurst.
Seven Acres, Part of Eight Acres, of Robert Horsley.
Three Acres, Part of Four Acres, of Mistress Bringhurst.
Twelve Acres, Part of Twenty Acres, of Master Andrew's Heirs.
Twelve Acres, Part of Twenty Acres, of Richard Peachey Gentleman.
Seven Acres, Part of Sixteen Acres, of Mistress Chatteris.
Seven Acres and a Half, Part of Sixteen Acres, of Ellis Peachey.
Eleven Acres, Part of Sixteen Acres, of Mistress Bringhurst.
Twenty seven Acres, Part of Thirty two Acres, of John Drage Gentleman, below Calf Fen Drove.

In CALF FEN.

Seven Acres, Part of Sixteen Acres, of Thomas Bland.
Twelve Acres, Part of Sixteen Acres, of Mistress Alexander's Heirs.
Eight Acres, Part of Sixteen Acres, of William White.
Fourteen Acres, Part of Sixteen Acres, of John Wilkin.
Two Acres, Part of Twelve Acres, of Thomas Wilkin.

In EAST FEN.

Three Acres, Part of Eight Acres, of Sir William Bunbury.

Sir

Six Acres, Part of Twelve Acres, of William Mayer.
Six Acres, Part of Twelve Acres, of Ditto.
Eight Acres, Part of Thirty two Acres, belonging to Soham Feoffees.
Three Acres, Part of Eight Acres, of Walter William Mayer.

In HALF-ACRE FARM, belonging to Lord *Townſhend.*

Seventeen Acres, Part of Twenty Acres, the Great Hill.
Eight Acres, Part of Eleven Acres, the Little Hill.
Three Acres, Part of Four Acres, the Ploughed Piece.

In the Pariſh of ISLEHAM.

In the Firſt Went, from the Diviſion Ditch called *Soham Load*, which divides the Grounds in *Fordham* and *Soham* from thoſe in *Iſleham*, beginning next the *High Lands*, at Ten Acres of *Robert Moody* Gentleman.

Ten Acres of George Coote
Ten Acres of Robert Moody junior
Ten Acres of Miſs Shepheard
Forty Acres of James Buller Eſquire, called the Bank Ground
Ten Acres of Robert Moody junior
Ten Acres, called the Hoſpital Ground
} West Side of Bank Ground Drove Way.

In the SECOND WENT.

Twenty two Acres of James Buller Eſquire
Twenty Acres of Ditto
Thirteen Acres of Ditto
Ten Acres of Ditto
Sixty Acres of James Buller Eſquire, called the Sheep Walk, Part of Two hundred Acres and upwards, in his Ground called Weſt Fen
} East Side of Bank Ground Drove Way.

In the THIRD WENT.

At Five Acres of *Robert Sharpe*.

Five Acres of Miſtreſs Overſtow	West Side of Norman's Drove Way.
Five Acres of Francis Norman	
Five Acres of Joſeph Sharpe	
Five Acres of Lord Sandys	
Five Acres of Robert Sharpe	
Five Acres of Bradwell Brown	
Five Acres of James Buller Eſquire	East Side of Ditto.
Five Acres of Joſeph Sharpe	
Five Acres of Francis Norman	
Fifteen Acres of Alice Moore	
Ten Acres of Robert and Edward Cropley	Siding next Croſs Cauſey Drove Way, South.
Ten Acres of Robert Sharpe	
Twenty Acres of Edward Pearſon	
Ten Acres of Humphry Diver	

In the FOURTH WENT.

Lord Sandys's Acre	Abutting on Croſs Cauſey Drove Way, South.
Twenty Acres of Robert Moody junior	
Twenty Acres of The Hoſpital	
Twenty Acres of King's College	

In the FIFTH WENT.

The Skirts of the Hives, and other Grounds, to Sheeplayer Drove Way.
Fifteen Acres of Robert Knight.
Six Acres, Part of Fifteen Acres, of George Edwards.
Four Acres, Part of Fifteen Acres, of Elizabeth Wells.

In the Townſhip of ELY.

Skirt Lands about Stuntney.
Two Acres, Part of Three Acres, of Joſ. Long, called The Aſh Holt.

Below STUNTNEY FIELD.

Half an Acre, Part of Five Acres, of Thomas Gotobed.
Two Acres, Part of Thirty Acres, of Morley Unwin Clerk.

In the DAIRYS.

Four Acres, Part of Twelve Acres, of Richard Egney.
Five Acres and an half, Part of Twelve Acres, of Thomas Lawrence.
Eight Acres, Part of Twelve Acres, of William Hall.
Five Acres of Henry Robinson Esquire.
Two Acres, Part of Six Acres, of William Jugg.
Two Acres, Part of Five Acres, of Lord Townshend (Long Half Acre.)

In the TURF FEN Parts.

Ten Acres, Part of Thirteen Acres, of Thomas Lawrence.
Seven Acres and a Half, Part of Twelve Acres, of William Jugg.
Eight Acres, Part of Twelve Acres, of Master Brokalsby.
Six Acres, Part of Twelve Acres, of William Jugg.
Four Acres, Part of Thirty two Acres, of Jos. Long (Long Swaths.)
Twelve Acres of Thomas Lawrence.
Twelve Acres of Henry Gunning Clerk.
Twenty six Acres, Part of Twenty eight Acres, of Mrs Sheppard (Bugs Close)
Three Acres, Part of Thirty two Acres, of Mistress Leeds (Delf Bridge Holts)
Eight Acres, Part of Eleven Acres, of Mrs Sheppard
Thirteen Acres, Part of Twenty four Acres, of the Lay Clerks.
Fourteen Acres, Part of Seventeen Acres, of Ditto.
Thirty five Acres and a half, Part of Forty seven Acres, of the Lay Clerks, in Four Pieces.
Thirty Acres, Part of Thirty four Acres, of Thomas Evans.
Seventeen Acres, Part of Twenty Acres, of Henry Robinson Esquire.
Two Acres, Part of Eighteen Acres, of Thomas Gotobed.
One Acre, Part of Nine Acres, of Master Outlaw.
One Acre and a Half, Part of Nine Acres, of Joseph Long.
Half an Acre, Part of Nine Acres, of William Hall.
Half an Acre, Part of One Acre, of Henry Robinson Esquire, Fenside Yare.
One Acre, Part of Six Acres, of Ditto. (Long Holt.)

Half an Acre, Part of Four Acres, of Ditto. (Kitchin Holt.)
Six Acres, Part of Seven Acres, of Ditto. (The Hill.)

In NORNEY FARM belonging to *Thomas Cockayne* Esquire.

One Acre and a Half, Part of Three Acres.

The SIX ACRES CLOSE.

Four Acres, Part of Twenty four Acres.
Sixteen Acres, the Little Hill.
Twenty three Acres, Part of Twenty four Acres, the Middle Hill.
Seven Acres and a Half, Part of Nine Acres, of Mistress Leeds, called The Thorowfare Ground.

In THORNEY FARM belonging to Mrs. *Markham*.

Six Acres, Part of Twenty one Acres, in Three Pieces.
Five Acres, Part of Seven Acres.
Ten Acres, Part of Fifteen Acres.
Six Acres, Part of Sixteen Acres.
Nine Acres, Part of Sixteen Acres.

In QUANEY FARM belonging to *Thomas Jones* Clerk.

Four Acres, Part of Seven Acres.

And whereas all Lands which ought to be exempted from Tares, may not have been before particularly mentioned; be it further enacted, That if any Dispute shall arise concerning the Exemption of such Lands from Tares, the same shall be determined upon View within Four Months after passing this Act, by Nine or more of the said Commissioners no ways interested in the Property of the Lands in question; and all such Commissioners, before they proceed to determine such Disputes, shall take an Oath well and truly, to the best of their Judgement, to determine whether such Lands ought, or ought not, to be exempted from Tares; which Oath any One or more of the Commissioners

Disputes concerning the Exemption of Lands herein omitted to be exempted, to be determined by View of 9 Commissioners on Oath.

Two Copies to be made of such Determinations, &c.

missioners are hereby impowered to administer; and such Commissioners shall set forth their Determination in Two distinct Writings, and shall sign the same; and One of such Writings shall be delivered to the Owner or Owners of such Lands, and the other of such Writings shall be deposited in the Parish Church of the Holy Trinity in Ely.

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, and in the Execution of any of the Powers and Authorities hereby given, 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 Court of Pleas of the said Isle of Ely, or in the said County of Cambridge, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall

General Issue.

and 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 Judgement shall be given against him, her, or them, upon a Demurrer, or otherwise; then, or in any of the said Cases, the Defendant or Defendants, Avowant or Avow-

Treble Costs.

ants, 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 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.

FINIS.