Anno tricesimo tertio

Georgii II. Regis.

An Act for draining and preserving certain Fen Lands and Low Grounds in the Isle of *Ely*, and Counties of *Suffolk* and *Norfolk*, between *Mildenhall River* South, *Plant Load* and *Brandon River* North, bounded on the West by the River *Ouse*, and on the East by *Winter Load*, *Earswell Brooke*, and the *Hard Lands* of *Mildenhall*; and for impowering the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, commonly called *Bedford Level*, to sell certain Fen Lands lying within the Limits aforesaid, commonly called *Invested Lands*.

WHEREAS certain Fen Lands and Low Grounds, lying and being in the Township of Ely, in the Isle of Ely and County of Cambridge, and in the Parish of Littleport, within the said Isle; and also in the several Parishes of Mildenhall and Lakenheath, in the County of Suffolk, and Helgay, in the County of Norfolk, situate between the Rivers of Mildenhall and Brandon, within the Great Level of the Fens, called Bedford Level, containing in the Whole Eighteen thousand Acres, or thereabouts, have, for several Years past, been, Preamble.

been, and still are, overflowed with Waters, through the Defect of their Outfalls to the Sea; by which means the said Fen Lands and Low Grounds are rendered of very little or no Value, to the Loss of the Public, as well as the great Damage 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: And whereas some Parts of the said Fen Lands and Low Grounds lying near the Highlands, are much higher in their Situation than the rest, and may be most conveniently drained into Mildenhall River separately: Therefore, to the end that the said Fen Lands and Low Grounds may be drained, improved, and preserved, 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 said Fen Lands and Low Grounds, intended to be drained under the Powers and Authorities of this present Act, shall be divided into Two separate Districts or Divisions, in manner following; that is to say, The First of the said Districts or Divisions shall contain all that Part of the said Fen Lands and Low Grounds, which are North West of an old Sewer called Baldwin's Load, and are bounded as follows; to wit, From Brandon Creek's End, by the East Bank of the River Ouse, to Prickwillow Bridge, and from thence by the North Bank of Mildenhall River, to the said Sewer called Baldwin's Load, and then along the said Load to the Outring Ditch of the Adventure Land taken out of Coplow Fen, and then by the said Ditch to the Ditch between Mildenhall Common and the Severals, and along the last mentioned Ditch to a Place called The Willows, and then along a Drove-way on the North Side of Litly Field to Peaver's Load, otherwise Earswell Brooke, and then along the West Side of the said Brooke to Winter Load, and by the said Load and Lakenheath Old Load to Plant Load, and by Plant Load to the Adventure Land called Arkinstall, and then through Arkinstall East Moor in Lakenheath and Lowell Moor to the Bank lately made by George Wright Esquire, and along the said Bank to the Adventure Land taken out of Redmoor Fen, and then by the Outring Ditch, on the South and West Sides of Redmoor Fen, to the South Bank of Brandon River, and along the last mentioned Bank to the River Ouse, at

Boundary of the First District.

Brandon Creek's End aforesaid: And the Second District or Division shall contain that Part of the said Fen Lands and Low Grounds on the South East of Baldwin's Load, lying in the said Parish of Mildenhall, amounting (over and above High and Skirt Grounds) to about Three thousand four hundred Acres, which are bounded as follows; that is to say, From the South West End of Baldwin's Load, by the North Bank of Mildenhall River to the Hardlands of West Row, and then along the Skirts of the Hardlands of Mildenhall Rows to a Drove-way at the South West Corner of Litly Field, and from thence by the Skirts of the Hardlands of Holiwell Row and the Edge of the Harst, next Elden Lane, to Peaver's Load, otherwise Earswell Brooke, and along the West Side of the said Brooke to a Drove-way at the North East End of Litly Field, and then along the said Drove-way, the Skirts of Litly Field, and the Willows, to the Ditch between Mildenhall Common and the Severals, and along the South Side of the said Ditch to the Outring Ditch of the Adventure Land taken out of Coplow Fen, and along the East Side of the last-mentioned Ditch to Baldwin's Load, and then along the South East Side of the said Load to the North Bank of Mildenhall River, at the South West End of Baldwin's Load aforesaid. Boundary of the Second District.

And be it further enacted by the Authority aforesaid, That the Lord Bishop of Ely, the Lord or Lords, Lady or Ladies of the Manor of Littleport for the time being, or in his, her, or their Absence respectively, his, her, or their respective Agent or Deputy, appointed by Writing under his, her, or their respective Hands, an Agent appointed by the Dean and Chapter of Ely, under their Common Seal, and 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, tared by virtue of this Act, lying within the said First District, 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 such other Persons as are hereby appointed and directed to be chosen for the Township of Ely, and the several Parishes of Littleport, Mildenhall, and Lakenheath, shall be Commissioners for putting this Act, and all the Powers and Authorities herein after mentioned, in Execution, within the said First District; and that James Harkness Esquire, Aungier Love Peacock, and Thomas Page, shall be the First Commissioners for the said Township of Ely; Henry Morley junior, and Henry Tansley, shall be the First Commissioners for Commissioners for the First District,

the said Parish of Littleport; John Drage Esquire, and Robert Hanslip, shall be the First Commissioners for the said Parish of Mildenhall; and John Hanslip shall be the First Commissioner for the said Parish of Lakenheath; and that these Persons shall continue Commissioners for the said First District, in respect of the said Township and Parishes, until the Second Tuesday in April, in the Year of our Lord One thousand seven hundred and sixty one; and that so many other Commissioners for the said District shall be yearly chosen at the Shire-house in Ely, by such Persons as, for the time being, shall be, bona fide, seised or possessed in his or her own Right, of Six Acres of tarable Land lying in the said District, belonging to each of the Towns of Ely and Mildenhall, as shall make in the Whole One Commissioner for every Three hundred Acres of tarable Land in the said District belonging to those Towns respectively, which shall not be vested in the Corporation of Bedford Level at the Time of such Election; and also that so many other Commissioners for the said District shall be yearly chosen in the Parish Church of Littleport, by such Persons as shall be, bona fide, seised or possessed, in his or her own Right, of Six Acres of tarable Land in the said District, belonging to each of the Parishes of Littleport and Lakenheath, as shall make in the Whole One Commissioner for every Three hundred Acres of tarable Land in the said District, belonging to those Parishes respectively, not invested as aforesaid; the Commissioners for the Year One thousand seven hundred and sixty one, and for every succeeding Year, to be chosen upon the Second Tuesday in April: And the Election of every such Commissioner or Commissioners shall be certified under the Hands of a major Part of the Electors present at such Election to the next General Meeting of the said Commissioners: And in case Neglect or Default shall be made in the chusing Commissioners, in respect of the said Township or any of the said Parishes, then the Persons who were Commissioners for the preceding Year, in respect of the Township, Parish or Parishes, where such Neglect or Default shall happen, shall continue Commissioners in respect of the same, until other Commissioners shall be chosen as aforesaid in respect thereof, upon the Second Tuesday in April, in the next or some succeeding Year.

to be annually elected.

And also be it further enacted by the Authority aforesaid, That every Person who shall be bona fide seised or possessed as aforesaid, of Three hundred Acres, or more, of Land taxed by virtue of this Act, over and above such

Agents may be appointed.

Three

Three 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 Three hundred Acres of ſuch Land that ſuch Perſon ſhall be ſo ſeiſed or poſſeſſed of, over and above the firſt mentioned Three hundred Acres as aforeſaid, to be a Commiſſioner or Commiſſioners for the ſaid Firſt Diſtrict; and alſo that all and every the Lord or Lords, Lady or Ladies of the ſeveral and reſpective Manors for the time being, who ſhall be, bona fide, ſeiſed or poſſeſſed as aforeſaid, of Three 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 Three hundred Acres of ſuch Land that ſuch Lord or Lady ſhall be ſo ſeiſed or poſſeſſed of as aforeſaid, to be a Commiſſioner or Commiſſioners for the ſaid Firſt Diſtrict; 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 ſeiſed or poſſeſſed as aforeſaid, likewiſe be, and he is hereby appointed a Commiſſioner for the ſaid Firſt Diſtrict, together with the Perſons before mentioned, for putting this Act, and all and every the Powers and Authorities herein contained, in Execution.

Commiſſioners for the Second Diſtrict.

And be it further enacted by the Authority aforeſaid, That the Lord or Lords, Lady or Ladies of the Manors of Mildenhall and Aſpalls in Mildenhall, for the time being, or his, her, or their Deputy, to be, from time to time appointed for that Purpoſe, by Writing under his, her, or their Hand or Hands, the Vicar of Mildenhall for the time being, or his Deputy, to be, from time to time, appointed by Writing under his Hand, and every Perſon who ſhall be, bona fide, ſeiſed or poſſeſſed, in his or her own Right, of Two hundred Acres of Land, tared by virtue of this Act, lying within the ſaid Second Diſtrict, 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, Barham Ruſhbrooke Eſquire, Eliſha Biſcoe Eſquire, Iſaac Cook, Richard Huſk, Abraham Bird ſenior, Joſeph Ellington, Thomas Coe, John Fuller, Thomas Swale, and Iſaac Fox, together with the Perſons appointed and to be choſen as herein after mentioned, ſhall be Commiſſioners for putting this Act, and all the Powers and Authorities herein after mentioned, in Execution, within the ſaid Second Diſtrict.

And

Agents may be appointed.

And also be it further enacted by the Authority aforesaid, That every Person who shall be, bona fide, seised 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 seised or possessed of, over and above the first-mentioned Two hundred Acres, as aforesaid, to be a Commissioner or Commissioners for the said Second District; 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, seised 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 seised or possessed of as aforesaid, to be a Commissioner or Commissioners for the said Second District; 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 seised or possessed as aforesaid, likewise be, and he is hereby appointed, a Commissioner for the said Second District, together with the Persons before-mentioned, for putting this Act, and all and every the Powers and Authorities herein contained, in Execution.

New Commissioners of the Second District to be chosen in the Place of Persons dying, or becoming disqualified:

And, for supplying and continuing a sufficient Number of Commissioners for putting this Act in Execution within the said Second District, be it further enacted by the Authority aforesaid, That, upon the Death, Disqualification, Resignation, or Refusal to act, of any of the said Commissioners herein before-named for the said Second District (other than and except the Lord or Lords, Lady or Ladies, of the Manors of Mildenhall, and Aspalls in Mildenhall, or his, her, or their respective Deputy, to be appointed as aforesaid, the Vicar of Mildenhall, and his Deputy, to be appointed as aforesaid, and the Persons seised or possessed of Two hundred Acres as aforesaid, or their Agents) it shall and may be lawful to and for the remaining Commissioners of the said District, and for all and every other Person and Persons, who, for the time being, shall be, bona fide, seised or possessed, in their own Right, of Twelve Acres of Fen Lands, for which they pay the Tares to be imposed by virtue of this

this Act, lying within the said Second District, or the major Part of them assembled at such Meetings so to be held as aforesaid for the said District, to elect and chuse, from time to time, One or more fit Person or Persons, so qualified as aforesaid, to be a Commissioner or Commissioners in the Place or Places of such of the said Commissioners as shall so die, be disqualified, resign, or refuse to act; and every such new Commissioner or Commissioners, to be from time to time elected and chosen as aforesaid, shall have the like Power and Authority to act and do, in all Things relating to the Premisses, as the Commissioners before named for the said District are authorized and impowered to do by virtue of this Act (which Order and Method shall hereafter be observed as to the Choice of Commissioners for the said District, from time to time, as Occasion shall require) and every such Election and Choice of any new Commissioner shall be entered and registered gratis, by the Collector or Receiver of the said District, in a Book to be kept for that Purpose.

Their Qualification.

Provided always, and be it enacted by the Authority aforesaid, That no Person (except the Lord Bishop of Ely, the Lord or Lords, Lady or Ladies, of the several and respective Manors of Littleport, Mildenhall, and Aspalls in Mildenhall, the Vicar of Mildenhall, and the Deputies or Agents to be appointed as herein is directed) shall be enabled to act, sit, or meet, as a Commissioner for either of the said Districts or Divisions, unless he be Owner of Twenty four Acres of Land lying within such District respectively, and pay the Taxes that shall be imposed by virtue of this Act for the same.

Commissioners to make Cuts, &c.

And be it further enacted, That the said Commissioners, or any Seven or more of them, or their Successors, in their respective Districts or Divisions, are hereby authorized, and shall have Power, from time to time, to make such Cuts, Drains, Dams, Banks, Tunnels, and Outlets, through the said Fens 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 Seven more of them, in their respective Districts or Divisions, at the Meeting or Meetings of the said Commissioners herein after appointed for the Purposes aforesaid.

erect Engines,

(except, &c.)

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall impower the said Commissioners to erect any Mill or

Engine within the Distance of One Mile from any Decoy now in being for wild Fowl.

and make Satisfaction for Damages.

Provided always, and be it further enacted, That if the Commissioners for either of the said Districts shall make, or cause to be made, any Cut, Drain, Dam, Bank, Tunnel, or Outlet, through any 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, Bank, 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, and as shall be agreed upon between the said respective Commissioners, or any Seven or more of them, and the Person or Persons having such Right as aforesaid: And if the said Commissioners, or any Seven 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 the Peace, or the major Part of them, at the next General or Quarter Session of the Peace to be held for the County of Cambridge, if the Damage be done within the Isle of Ely, or the next Quarter Session to be held at Lynn, or Swaffham, for the County of Norfolk, if the Damage be done within the said County, or at Saint Edmund's Bury, for the County of Suffolk, if the Damage be done within that County.

Meetings of the Commissioners.

And, for the better putting this Act in Execution, be it further enacted, That the Commissioners for each of the said Districts, or any Seven or more of them respectively, shall meet Twice in every Year; to wit, the Commissioners for the First District at some publick Place in Ely or Littleport, to be appointed by them the said Commissioners, or any Seven or more of them, upon the Friday following the First Sunday after the Eleventh Day of April, and the Third Friday in October, or oftener, if they see Cause; their First General Meeting to be at the Shire House in Ely, on the Third Friday after the passing this Act; their Second Meeting to be at Littleport; and all succeeding Meetings to be at Ely and Littleport alternately (except the Meeting on the aforesaid Friday following the First Sunday after the Eleventh Day of April, which shall always be held at Ely) and the Commissioners for the Second District at some Publick House in Mildenhall, to be appointed by them the said Commissioners, or any Seven or more of them, upon the First Thursday in May, and First Thursday in November, or oftener, if they see

ſee Cauſe, their Firſt Meeting to be at the Cock in Mildenhall, on the Fourth Thurſday after the paſſing this Act; and at ſuch Meetings the ſaid Commiſſioners ſhall reſpectively have full Power and Authority to make 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 Cuts and Drains 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 in each of the ſaid Diviſions, as they the ſaid Commiſſioners ſhall reſpectively think fit, for taking care of ſuch Works, and for collecting the Rates or Aſſeſſments which ſhall be made or aſſeſſed for the Maintenance thereof; and to allow and appoint to be paid to ſuch Officers, out of the ſaid Rates or Aſſeſſments, ſuch yearly or other Wages or Salaries for their Trouble and Pains in their reſpective Offices, as the ſaid Commiſſioners reſpectively, or the major Part of them preſent at ſuch Meetings, ſhall think reaſonable; and ſhall alſo have Power, at any Meeting to be held as aforeſaid, to remove any ſuch Collector or Collectors, Receiver or Receivers, or other Officer or Officers, and to appoint another, or others, in his or their Room and Stead, as Occaſion ſhall require: And ſuch Collector or Collectors, Receiver or Receivers, to be appointed as aforeſaid, ſhall, before they act in the Execution of their ſeveral Offices, give to the Commiſſioners, of the Diſtrict for which they ſerve, ſuch Security for the due Execution of their reſpective Offices, and for performing the ſeveral Truſts to them committed, as the ſaid Commiſſioners, or the major Part of them preſent at ſuch Meeting, ſhall in their Diſcretion think fit.

Officers to be appointed.

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 reſpective Collector or Receiver of the 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; 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 to be paid One Shilling each towards the Expences of their Meetings.

And, for carrying on and effecting the ſaid Work of draining, and ſecuring the Repayment of ſuch Sum and

Sums

Sums of Money as shall be borrowed for that Purpose, be it enacted, That all and singular the Fen Lands and Low Grounds within the said First District, and all and every the respective Owner and Owners, Occupier and Occupiers, of such Lands and Grounds, shall be, and the same are hereby rated, assessed, taxed, and charged, during the First seven Years, to be computed from the Feast of Saint John the Baptist, which shall be in the Year of our Lord, One thousand seven hundred and sixty, with the yearly Sum of One Shilling, and, after the Expiration of the said Seven 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 at any Time 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 Commissioners of the said District, or any Seven 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 within the said First District; and also that all and singular the Fen Lands and Low Grounds within the said Second District, and all and every the respective Owner and Owners, Occupier and Occupiers, of such Lands and Grounds, shall be, and the same are hereby, rated, assessed, taxed, and charged, during the First Three Years, to be computed from the Feast of Saint John the Baptist before mentioned, with the yearly Sum of Two Shillings, and after the Expiration of the said Three 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 at any Time 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 Commissioners of the said District, or any Seven or more of them, at any such Half-yearly Meeting to be held 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.

Provided always, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon the Hardlands of Sheppy, Undley, or Kenny-Hills, or upon any other Highlands, within the Boundaries aforesaid, which have not been subject to Inundations, nor upon the Bordering or Skirt Lands which are particularly described in the Schedule to this Act annexed; but all the said Lands shall be for ever exempted from all Taxes to be assessed, rated, or charged, by virtue of this Act.

High Lands, &c. included in Schedule, exempted from Taxes.

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, within the said First District, which are now dug out into Hod or Turf Pools, and shall lie unoccupied; but in case any Lands, so dug, shall be occupied, or if any Turf shall be dug therein during the said Term of Seven Years, then the same shall be assessed, rated, and charged, for all the Remainder of the said Term, with the same Rates and Taxes wherewith the other Fen Lands in the said District shall be charged by virtue of this Act.

Lands dug into Turf Pools exempted for 7 Years, unless occupied, or continued to be dug into Turf; and if so, to pay half Taxes.

And whereas the poor Inhabitants of Mildenhall have certain Commons, called Peter Fen and Coplow Delves, within the Limits of the said First District, wherein they dig their Winter's Firing, and as charging the said Lands with the same Tax as is hereby imposed on other Lands within the said 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.

Peter Fen and *Coplow Delves* to pay half Taxes only.

And whereas some of the poor Inhabitants of Mildenhall, 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 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 Commons 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 to let Part of such Lands for Payment of such Taxes.

No Taxes to be paid for Lands above *Litly Droveway*; and the Waters from those Lands to run thro' the Grip into the Ditch between *Mildenhall Common* and the *Severals*. Owners of the Land to maintain the Bank next *Peaver's Load*; in Default thereof, Commissioners to repair the same, and levy the Charge.

Provided always, and be it further enacted, That no Assessment, Rate, or Tax, shall be made, collected, or levied, upon any of the Lands above Litly Droveway; and that the Waters draining from the said Lands shall be permitted, without the Interruption of the Commissioners for either District, to run through a Place called the Grip, at the South West End of Litly Droveway, and from thence, by their usual Course, into and along the Ditch between Mildenhall Common and the Severals, which divides the Two Districts, and to be conveyed from thence, with the Delf Waters, through the First District, in such Manner as the Commissioners of the said First District shall think proper; but the Owner or Owners, Occupier or Occupiers, of the Lands next Peaver's Load, shall keep and maintain the Bank on the West Side of the said Load, now kept and maintained by them, of a sufficient Height and Strength to prevent the Waters of the said Load from flowing through the said Lands into the Lands intended to be drained by virtue of this Act: And in case any Owner or Owners, Occupier or Occupiers, of any of the Lands adjoining to the above-mentioned Bank, shall refuse or neglect sufficiently to maintain the said Bank, it shall and may be lawful for the Commissioners of either District, or any Seven or more of them respectively, to employ Workmen sufficiently to repair the same, and, by Warrant under their Hands, to authorize or impower their respective Collector or Collectors, or any other Person or Persons, to levy and raise the Charge and Expence of doing thereof by Distress and Sale of such Goods and Chattles as shall, at any Time thereafter, be found on the Lands and Grounds to which such Part of the Bank so repaired shall adjoin or belong; rendering the Overplus of the Money raised by such Distress and Sale (if any) to the Owner thereof.

And whereas it will be necessary, in order to the draining the said Districts separately, that a Bank should be made either on the North West or South East Side of Baldwin's Load: And whereas the Lands on the South East Side of the said Load are more hard and firm, and in better Condition to erect a Bank upon, than the Lands on the opposite Side of the said Load; and the Proprietors of the Lands in the Second District are willing to be at the Expence of erecting and maintaining a Bank on the South East Side of the said Load, rather than to have the Waters of the aforesaid Grip and Delves thrown upon them by a Bank being made on the opposite Side thereof; be it therefore further enacted by the Authority aforesaid,

That the Commissioners for the said Second District shall make and maintain a Bank on the South East Side of Baldwin's Load, of sufficient Height and Strength to prevent the Waters (except such Waters as shall overflow by the Breach of Banks maintained by the Corporation of Bedford Level) draining off the Lands in the Second District from flowing into or annoying any of the Lands in the First District: And if the Commissioners for the said Second District shall refuse or neglect to make and sufficiently maintain a Bank on the South East Side of the said Load, then it shall and may be lawful for the Commissioners of the First District to make such a Bank on the North West Side thereof, up to the Hardlands of Mildenhall or Undley Commons, as they shall find necessary; any thing in this Act contained to the contrary notwithstanding.

Bank to be made by the Commissioners of the 2d District on the S. E. Side of *Baldwin's Load.*

And, to the End that a sufficient Sum of Money may be speedily raised for the Purposes of this Act, be it further enacted, That the Commissioners for the said First District, or any Nine or more of them, and the Commissioners for the said Second Division, or any Seven or more of them, shall have full Power and Authority, at any of their respective Meetings to be held as aforesaid, from time to time, and at any Time or Times hereafter, 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 Cares hereby charged, or to be charged, upon the said Fen Lands and Low Grounds within the said respective Districts or Divisions, and every or any Part thereof (the Costs and Charges of the Assignments to be paid out of the said Cares) as a Security for the Repayment of such Sum or Sums, with Interest not exceeding Five Pounds per Centum per Annum, to the Person or Persons who shall advance or lend such Sum or Sums, his, her, or their Trustee or Trustees; and that out of the Money to be borrowed for the said Second District, there shall, in the First Place, be paid to the Commissioners of the First District the Sum of One hundred and thirty Pounds, towards defraying the Expences of obtaining this Act of Parliament; and that the Commissioners of the said First District shall, out of the said One hundred and thirty Pounds to be paid to them as aforesaid, and out of the First Money which shall be borrowed for the said First District, pay and discharge so much and such Part of the Charges and Expences of obtaining this Act, as shall remain unpaid after the Application of the Sum of One hundred

Money may be borrowed;

Application thereof.

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 of the said Charges and Expences; and that the Residue of the Money so to be borrowed shall be applied and disposed of in making such Cuts, Drains, Dams, Banks, Tunnels, and Outlets, and erecting such Works and Engines as will be necessary for draining and improving the said Fen Lands and Low Grounds, and to no other Use or Purpose whatsoever.

Taxes charged with the Money borrowed, and, in Default of Payment, to vest in the Creditors;

And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money to be assessed by virtue of this Act upon the said Fen Lands and Low Grounds, in each of the said Districts or Divisions, shall be charged and chargeable, in the First Place, with the Payment of the Principal Money so to be borrowed for the Service of such District or Division respectively; and the Interest of such Money, from time to time, 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 Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Power, 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 to be assignable by Indorsement.

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 Stamps, 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

and all the Interest due or 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.

Recovery of Taxes.

And be it further enacted, That if any Person or Persons so rated and taxed as aforesaid, shall refuse or neglect to pay the Rate or Tax charged upon him, her, or them respectively, within the Space of Twenty one Days after the respective Times of Payment to be appointed by the said Commissioners (publick Notice thereof being affixed upon the Market Cross at Ely for the First District, and upon the Market Cross at Mildenhall for the Second District, by the Collector or Receiver of the said respective Districts 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 Commissioners (which said Warrant or Precept such Commissioners, or any Five or more of them, in their respective Districts or Divisions, 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 such 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 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 be) coming by such Sale, 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 assessed or rated by virtue of this Act, are hereby required and authorized to pay the Sum and Sums of Money which shall be so assessed and charged upon such Fen Lands and Low Grounds; and to deduct

out of the Rent so much of the said Assessment or Rate as the said Fen Lands or Low Grounds, or the Tenant or Tenants in respect thereof, 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 to, as if the same had been actually paid to the Person or Persons intitled to the Rents of such Lands or Grounds; except where there is a Lease for 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 adjusted and awarded by Seven or more of the Commissioners for putting this Act in Execution, within their respective Districts or Divisions; but the Cares or Assessments for and in respect of the Farm and Lands, called Sheppey Farm, or Sheppey Dairy, shall always be paid and borne by, and in case of Nonpayment, levied upon, the Tenants or Occupiers of the said Farm and Lands, and not by the Landlords thereof; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Taxes assessed upon the Lands of *Ann Braffett*, to be paid by *Thomas Smith*.

Provided also, and be it further enacted by the Authority aforesaid, That the Cares which are or shall be assessed by virtue of this Act, upon the Lands of Ann Braffett, Widow, now leased, for the Term of her Life, to Thomas Smith, his Executors, Administrators, and Assigns, shall, during the said Lease, be paid and borne by the said Thomas Smith, his Executors, Administrators, or Assigns, and not by the said Ann Braffett; any thing herein before contained to the contrary notwithstanding.

Lands to remain as Security for Taxes in Arrear;

Provided also, and it is hereby 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 Cares, 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 thereafter be found thereon, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of the said Rates and Cares, and the Charges of such Distress, shall be fully paid and satisfied: And also that it shall and may

may be lawful to and for the Collector or Collectors, Receiver or Receivers of the said respective Districts for the time being, to enter upon and lett the same Lands and Grounds, to be mown and fed from Year to Year 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 Profit (if any) after the discharging such Arrears, to the Owner or Owners of such Lands and Grounds. and to be lett, to satisfy the same.

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 Dyke 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 it, or shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair, such leading Dutring or Division Dyke, 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 Dyke to be roded, scoured, and cleansed, in a sufficient Manner; and where there is not a sufficient Tunnel under such Ways, to cause those Ways to be taken up, and made so wide and deep as the Dyke ought to be; and, by Warrant or Precept under the Hands and Seals of Seven or more of the said Commissioners (which Warrant or Precept such Commissioners, or any Seven or more of them, in their respective Districts or Divisions, 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 Ground and Premisses to which such Dyke or Dykes, Way or Ways, doth or do, or shall respectively belong (over and above the other Rates and Taxes chargeable or to be charged upon the same Ground and Premisses by virtue of this Act) rendering the Overplus (if any) to such Owner or Owners, Occupier or Occupiers, when demanded, after all Charges paid. Owners to keep Outring or Division Dykes good; and, in Default, Commissioners to do the same, and recover the Charges.

And be it further enacted, That if any Person shall, at any Time or Times hereafter, wilfully or maliciously cut the Penalties on destroying Works.

the Bank against Peaver's Load, above Lisly Droveway, and shall be thereof convicted upon the Oath of One or more credible Witness or Witnesses, before One Justice of the Peace for the said County of Suffolk, every Person so convicted shall forfeit, for every such Offence, the Sum of Ten Pounds, to be levied by Distress and Sale of the Goods and Chattles of such Offender or Offenders, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had; Five Pounds thereof to be employed in carrying on the Works and Improvements in and upon the Fen Lands and Low Grounds within the said First District; and Five Pounds thereof to be employed in carrying on the Works and Improvements in and upon the Fen Lands and Low Grounds within the said Second District; and, for want of such sufficient Distress, such Offender or Offenders shall, by the said Justice, be committed to the House of Correction, or Common Gaol for the said County of Suffolk, for any Time not exceeding Two Months: And if any Person shall 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, or other Works, to be made for draining or improving the said Fen Lands or Low Grounds as aforesaid, and shall be convicted of such Offence, upon Oath, before Two of the Justices of the Peace for the said Isle of Ely, if the Offence shall be committed within the said Isle, or before Two Justices of the Peace for the said Counties of Suffolk or Norfolk, respectively, if the Offence shall be committed in either of the said Counties, every Person so convicted thereof 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 within the District or Division where such Offence is or shall be committed; 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 Isle of Ely, or Counties of Suffolk or Norfolk respectively, where the Offence shall be committed, 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 Felon for Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

For making Watering Places, or driving upon 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, 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.

Concerning Trees and Holts.

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 were 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, 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, within Six Months after cutting down such Trees or Holts, at any Quarter Session to be held for the County of Cambridge, if the Damage be done within the Isle of Ely; or at any Quarter Session to be held at Lynn or Swaffham, for the County of Norfolk, if the Damage be done in the said County; or at Saint Edmundsbury, for the County of Suffolk, if the Damage be done in that County.

Moles to be destroyed.

And, to the end that the Banks to be raised or maintained 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 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, keeping, and

and selling, such Distress; rendering the Overplus, if any be, to such Owner or Owners, Occupier or Occupiers, respectively, after all Charges paid.

Stanches may be erected.

And whereas Part of the said Fen Lands lying near the Skirts of the Highlands, 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 Stanches, 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.

For preventing immoderate Turf-digging.

And, to the Intent that the Taxes charged upon the Lands in the Second District may not be diminished, but be well and duly paid, be it enacted, That if any Person or Persons shall dig, or cause to be dug, into Pods or Turf any of the Fen Lands or Low Grounds, within the said Second District taxed by virtue of this Act, more than One Turf deep, of the usual Length of Eighteen Inches, from the Poor Head, before the Expiration of Thirty Years after the last or former digging thereof, it shall and may be lawful for any Person or Persons, who shall be appointed for that Purpose, by Writing under the Hands of any Two or more of the Commissioners for the said District, to go upon the Premisses, and to throw the said Pods or Turf so cut into the Pools or Pits from whence the same were taken, and to fill the said Pools or Pits with the said Turf, and other Earth, which shall have been taken thereout.

Separate Application of Taxes in each District.

And be it further enacted, That the Money which shall at any Time, by virtue of this Act, be raised on that Part of the said Fen Lands and Low Grounds which lie within the said First District or Division, shall be applied to the Uses and Purposes of draining and improving the Lands in that District or Division only; and that the Money, which shall be raised on such Part of the said Fen Lands and Low Grounds as lie within the Second District or Division, shall be applied to the Uses and Purposes of draining and improving the Lands in that District or Division only.

Accounts how to be kept and entered.

And, to the end it may appear clearly what Money has been raised from time to time by virtue of this Act, and that

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 Seven or more of them, in their respective Districts, 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 Seven or more of them, then assembled at such Meeting as aforesaid; at which Times 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 of the said Commissioners is hereby impowered to administer) the said Commissioners, or any Seven 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 for the said First District or Division, or such Part or Parts of them as shall be allowed by the said Commissioners, or any Seven or more of them, under their Hands, shall be fairly entered in Three several Books to be kept for that Purpose; One of which shall remain with the Commissioners for that District or Division, One shall be kept in the Parish Church of Trinity in Ely, and the other in the Parish Church of Littleport aforesaid: And such Account or Accounts for the said Second District or Division, or such Part or Parts of them as shall be so allowed by the said Commissioners, or any Seven or more of them, under their Hands, shall be fairly entered in Two several Books, to be likewise kept for that Purpose; One whereof shall remain with the Commissioners for that District or Division, and the other shall be kept in the Parish Church of Mildenhall 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 or Low Grounds in the District or Division to which such Book does belong.

Rights of the Lords of Manors reserved.

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 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 Corporation of *Bedford Level* reserved.

Provided always, and it is hereby further enacted, That this Act, or any thing therein 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 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.

Recital of Acts 15 and 20 *Car.* II. relating to *Bedford Level* Corporation, &c.

And whereas by the said Act of the Fifteenth year of King Charles the Second, it was, among 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 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 Tax should be in Arrear, or Penalties, in such Proportion 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 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 Charles the Second, 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 remain 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 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 lett have been very small and inconsiderable, and much less than the Taxes with which such Lands have been assessed: And whereas the said Corporation have agreed with Sir Simeon Stuart, of Harteley, in the County of Southampton, Baronet, for the Sale of Part of the said Invested Lands, which have been at the Desire of the said Sir Simeon Stuart left out of the First District herein before described, for the Sum of One

hundred Pounds, discharged of all Arrears of Taxes assessed thereon, by virtue of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second; but subject to future Taxes, to be assessed by virtue of the said Acts: And whereas it will be for the Benefit of the said Corporation that the Invested Lands within the said First District 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, by virtue of the said Acts of the Fifteenth and Twentieth Years of King Charles the Second, before the said Lands shall be sold; 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 drained and 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; be it therefore further enacted, That the Receiver for the time being of the said Corporation shall, out of the Taxes 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 Commissioners for the said First District, all such Rates and Taxes as 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 Sum had been paid to and by the Order and Direction of the said Corporation.

Receiver of the Corporation to pay the Taxes for Invested Lands.

Provided always, and it is hereby 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 Taxes 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.

Corporation may appoint a Commissioner for every 300 Acres of Invested Lands,

Provided nevertheless, That One half of the Commissioners so to be appointed, who shall not be Members of the said Corporation, shall be respectively Owners of (Proviso)

Sir

Six Acres or more of taxable Lands lying within the First District.

and sell Invested Lands,

And whereas the said Corporation cannot sell the said Invested Lands, discharged of the Arrears of Taxes, without being impowered by Authority of Parliament so to do; 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 grant or convey, under the Seal of the said Corporation, unto the said Sir Simeon Stuart, the Invested Lands agreed to be sold as before mentioned, freed and discharged of and

discharged of past,

from all Rates and Taxes which, at any Time heretofore, have been rated or charged thereupon 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 being, relating to the said Great Level, pursuant to the said Agreement: And 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 Invested Lands within the said First District to be publickly sold by Auction in Parcels, as they shall think proper, to the best Bidder, at the Shire House in Ely aforesaid, at any April Meeting or Session of Sewers in October, to be there held, 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, Two Months at the least intervening between the Time of any such Sale and the Day of the Date of any such Notice; 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 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 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 Nonpayment of Taxes, pursuant

to the said Acts of the Fifteenth and Twentieth Years of King Charles the Second.

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 the Sale thereof as aforesaid, be liable to be rated or assessed with, by virtue of the said Acts of the Fifteenth and Twentieth of King Charles the Second, or by 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 this Act; any thing herein contained to the contrary notwithstanding. but subject to future Taxes.

And it is hereby 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 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 Counties of Cambridge, Suffolk, or Norfolk, and not elsewhere: And the Defendant or Defendants in such Action or Suit shall 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 Verdict shall pass against him, her, or them; or Judgement be given upon a Demurrer, or otherwise; then, in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they, shall have like Remedy as where Costs by Law are awarded. Limitation of Actions. General Issue. Treble Costs.

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

THE

THE

SCHEDULE

TO WHICH

The annexed ACT refers;

BEING

A LIST of ſuch Bordering and other High Lands as are to be exempted from the Taxes to be aſſeſſed, rated, or charged, in purſuance of the ſaid Act.

In the Firſt Diſtrict.

In Hold Fen in Mildenhall.

ONE Ground of Thomas Thompſon, a Minor, North of the Willows.
One Ground of John Drage Eſquire adjoining
Twenty five Acres, Part of Thirty Acres, of Simon Godfrey, in Two Lots.
Sixteen Acres, Part of Forty eight Acres, of John Drage Eſquire, in Three Lots.
Five Acres, Part of Eighteen Acres, of William Brown.
Eight Acres, Part of Sixteen Acres, of Sir William Bunbury, Baronet.
Eleven Acres, Part of Fifteen Acres, of John Drage Eſquire.
One Ground of Thomas Swale, by Peaver's Load.

The

The Skirts of Coplow Delves, called Coplow Hills, and the Milking Hill.

In the Adventure Land, taken out of Coplow and Undley Fens, belonging to Robert Hanſlip.

Fifteen Acres, Part of Fifty Acres, near Baldwin's Load.
Six Acres, Part of Fourteen Acres, nearer Undley.
Ten Acres, called Thiſtle Hill.

The Skirts of Undley Common.
The Skirts of Undley Field, and the Skirt and Border Land on the North-eaſt Side of Undley Paſtures, as far as Winter Load.
Fifty Acres in Undley Fen, next the Field Skirts.

In the Second Diſtrict.

Between Holiwell Droveway and the Outring Ditch which divides the Two Diſtricts, beginning at the Outring Ditch of the Adventure Land taken out of Coplow Fen.

A Ground or Lot of Robert Hanſlip.
Two Grounds of Thomas Evans Eſquire, late May's.
One Ground of Robert Hanſlip, near the Head of Baldwin's Load.
Four Lots of Sir William Bunbury, Baronet, and all the other Grounds from thence Eaſtwards to the Hard Lands.

Eighteen Acres, Part of Thirty ſix Acres, of Iſaac Cook, at Burchin Hills.
Sixteen Acres, Part of Twenty four Acres, of Edmund Balls, there.
Four Acres, Part of a Ground of Iſaac Cook, there.

Between Holiwell Droveway and Skelton's Droveway, on the South-weſt Side of Holiwell Droveway, beginning next Three Lots of Sir William Bunbury.

Two Grounds or Lots of Iſaac Cook Gentleman.
One Ground of Garard Ward's Heirs.
One Ground, late of the Reverend Maſter John Hunt, deceaſed.
One Ground of the Widow Clark.

One Ground of Sir William Bunbury.
One Ground of Thomas Evans Esquire, and all the other Grounds from thence to the Hard Lands.

On the North-east Side of Skelton's Droveway, beginning next a Ground of Isaac Cook Gentleman.

One Ground of Isaac Cook Gentleman.
One Ground of Richard Husk, Gentleman.
One Ground of Sir William Bunbury.
One Ground of Susan Peachey, Widow.
Four Acres, Part of a Ground of Thomas Thompson, a Minor, in the Pan, and all the other Grounds from thence to the Hard Lands, except Two Acres, Part of a Ground of Sir William Bunbury, late Johnson's.

Between Skelton's Droveway and Stock Droveway, on the South Side of Skelton's Droveway.

Eight Acres Part of Forty seven Acres, of Thomas Evan's, Esquire.
One Ground of Henry Coats.
Two Grounds of Francis Fuller.
One Ground of Benjamin Powel.
One Ground of Sir William Bunbury, at the Hard Lands.

On the North Side of Stock Droveway.

Eight Acres, Part of Sixteen Acres, of Thomas Evans Esquire.
Eight Grounds or Lots of Francis Fuller, except Eight Acres below, neareſt Kenny Hills.
One Ground of Sir William Bunbury, Baronet, at the Hard Lands.

Between Stock Droveway and Snare Droveway, on the South Side of Stock Droveway.

Two Lots of Richard Husk, called the Horse Dolvers.
Three Lots of Isaac Cook.
One Ground of Robert Shave, and all the other Grounds from thence to the Hard Lands.

On the North Side of Snare Droveway.

Two Grounds or Lots of Richard Husk, called Ropers.
Two Grounds of Elizabeth Bugg and Hannah Bugg, or One of them.

Two Grounds of John Abbot,
One Ground of Elizabeth Bugg.
Two Grounds of Henry Morley, called the Hurdle Dolvers, and all other Grounds from thence to the Hard Lands.

Between Snare Droveway and Cook's Droveway, on the South Side of Snare Droveway.

Two Grounds of Henry Morley, called High Posts.
One other Ground of the said Henry Morley.
Two Grounds of Sir William Bunbury, Baronet,
One Ground of John Thompson, a Minor, and all the other Grounds from thence to the Hard Lands.

On the North Side of Cook's Droveway.

Four Acres, Part of Twelve Acres, of John Williamson.
Six Acres, Part of Twenty four Acres, of Abraham Bird, senior.
Four Acres, Part of Twelve Acres, of Joseph Ellington, late Macro's.
One Ground of John Poulter, late Ellington's.
One Ground of Richard Peachey, Gentleman, and all the other Grounds from thence to the Hard Lands.

Between Cook's Droveway and the North Bank of Mildenhall River.

The Grounds of Sir William Bunbury, Barham Rushbrooke Esquire, and Adam Aves, on the South-east Side of Hayland Droveway, and all the other Grounds from thence to the Hard Lands. 8

FINIS.