ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XX.

An Act to amend and render more effectual an Act, made in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *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 *Brook, 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; so far as the same relates to the several Fen Lands and Low Grounds lying in the First District described in the said Act.

Preamble.

WHEREAS by an Act, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, (intituled, 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* Brook, 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*;) 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, were therein and thereby taxed and charged, during the First Seven Years, to be computed from the Feast of Saint John the Baptist, 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 Sixpence, 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 the said Act, or the Interest thereof, shall remain unpaid: And whereas the Commissioners, in pursuance of the Powers and Authorities thereby granted, for the more speedy Execution of the said Act, did, from Time to Time, borrow considerable Sums of Money upon the Credit of the said Taxes, and have carried the Works of Draining into Execution, from which the Proprietors have found the greatest Benefit; but from the great Expence necessarily attending the Maintenance of those Works, the said Commissioners are unable to pay off any Part of the Money now owing upon the Credit of the said Taxes, without the further Aid of Parliament: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent

Act 33 *Geo.* II.

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 from and after the Feast of Saint John the Baptist, next following the passing of this Act, 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 Term of Ten Years, to be computed from the said Feast of Saint John the Baptist next after the passing of this Act, with the further yearly Sum of One Shilling for every Acre of the said Fen Lands and Low Grounds, over and above the before-mentioned Acre-tax of One Shilling and Sixpence per Acre, charged by the said former Act, and over and above such other Acre Rates and Taxes wherewith the said Fen Lands and Low Grounds in the said District, or any Part thereof, now are, or may be, chargeable; which said Sum or Sums of Money, to be raised by virtue hereof, shall (after the Payment of the Charges and Expences of procuring and passing of this Act, which the Commissioners appointed or chosen for the said First District, by or in pursuance of the said former Act, and who are also hereby appointed Commissioners for carrying this present Act, and all the Powers and Authorities hereby given, into Execution, or any Seven or more of them, are impowered and required to pay) be paid, collected, levied, recovered, and accounted for, in such Manner as in the said Act the said Acre-tax of One Shilling and Sixpence per Acre, is directed to be paid, collected, levied, recovered, and accounted for; and shall be applied, from Time to Time, in paying off a Part of the said principal Sum now owing upon the Credit of the said former Act, and to no other Use or Purpose whatsoever.

A further Tax to be laid.

Provided always, That no further or other Sums of Money shall, during the Continuance of the said additional Tax, be borrowed upon the Credit of the said former Act; except in Cases of an extraordinary Emergency, by a Breach or Breaches of Bank; in which

No further Sum to be borrowed during the Continuance of the additional Tax, except on Emergency.

Case the said Commissioners may borrow the Sum of One thousand Pounds, if their ordinary Revenue be not sufficient to repair the same without such borrowing: Neither shall the said Commissioners, or their Successors, have Power, at any Time after the Expiration of the said Term of Ten Years, to assign over the Taxes assessed, or to be assessed, upon the Lands within the said District, so as to make them a Security for any greater Debt than Eight thousand Pounds in the Whole, at any one Time, without the express License and Consent of Two-thirds in Value of such Persons as shall be then Creditors upon the Security of such Taxes first had and obtained in Writing for that Purpose; any Thing in this or the said former Act contained to the Contrary notwithstanding.

Commissioners may suspend the additional Tax if Monies due shall be reduced to 6000 *l.*

And be it further enacted by the Authority aforesaid, That if it shall happen that the Monies now due and owing on the Credit of the Taxes, laid on the Lands lying in the said District, shall be reduced to the Sum of Six thousand Pounds or under, before the Expiration of the said Ten Years, then, and in such Case, it shall and may be lawful to and for the said Commissioners, or the major Part of them, assembled at any of their publick half-yearly Meetings as aforesaid, to lower or suspend the Payment of the said additional Tax of One Shilling an Acre, either in Whole or in Part, as they shall see Cause; any Thing herein contained to the Contrary notwithstanding.

Additional Tax to be paid in Moieties by Landlord and Tenant.

And whereas there may be several Leases of Lands within the said District now subsisting between Landlord and Tenant, wherein no Provision is made for the Share or Proportion which each ought to bear of the additional Tax hereby imposed, be it further enacted, That where there shall be Three or more Years of any such Lease to come, and unexpired at the Time of passing of this Act, the said additional Tax shall be equally borne and paid by the Landlord and Tenant, Share and Share alike, (that is to say), One Moiety thereof by the Landlord, and the other Moiety by the Tenant; and in such Cases, where there shall be less than Three

Years

years to come at the Time of passing this Act, it shall and may be lawful for the Commissioners for putting this Act in Execution, assembled at any of their publick Meetings, or the major Part of them, on the Application of either Party, to settle and determine the Proportion of the additional Tax each Party ought to bear and pay, according to their respective Interests; which Determination, being fairly entered in the said Commissioners Book of Orders, shall be final and conclusive to all Parties.

Penalty for destroying the Banks by burning Lands.

And whereas it frequently happens, by the Negligence and Carelessness of Servants, or other Persons employed in burning Fen Lands, in order to their being ploughed and broke up into Tillage, that the Banks lying contiguous and adjoining to such Lands are burnt and damaged, by the Fire being suffered to remain too long on such Lands, and to spread to such Banks; be it therefore enacted by the Authority aforesaid, That if any Person or Persons, who shall be employed in burning any of the Lands or Grounds lying within the said District, shall carelessly or wilfully fire, or cause to be fired, any Bank lying near or adjoining to any of the said Lands or Grounds, so as such Bank be thereby burned, destroyed, or damaged, such Person or Persons being thereof lawfully convicted, by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties offending, before any One or more Justice or Justices of the Peace for the said Isle of Ely, or Counties of Suffolk or Norfolk, where the Offence shall be committed, (which Oath such Justice or Justices is and are hereby impowered to administer), such Justice or Justices shall and may hear and determine the said Offence, and shall award such Recompence and Satisfaction for the said Damage as such Justice or Justices shall think reasonable; and such Person or Persons, so convicted, shall pay the same, within such Time as the said Justice or Justices shall order and appoint, into the Hands of the Receiver or Receivers of the said District, (for the Time being), to be applied for the repairing and amending the said Bank; and in case of Nonpayment thereof, the same shall be levied

to be levied by Distress and Sale.

by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the ſaid Iſle or Counties reſpectively, there to be kept to hard Labour, for ſuch Time as ſuch Juſtice or Juſtices ſhall direct, not exceeding Three Months, unleſs ſuch Recompence ſhall be ſooner paid and ſatisfied.

For Offenders may be committed.

Owners and Occupiers to repair, and ſcour, Ditches and Tunnels.

And whereas the Clauſe in the former Act for obliging the Owner or Occupier of any of the ſaid Fen Lands to rode, ſcour, cleanſe, open, and repair their Dikes and Tunnels, leading to the Mill Drains for carrying off the Water, or to make proper Tunnels where neceſſary, upon Twenty-one Days Notice given to him, her, or them, by the Collector or Collectors, Receiver or Receivers, appointed by virtue of the ſaid Act, has been found inſufficient for the Purpoſes thereof, for want of a Penalty to enforce the ſame; be it enacted by the Authority aforeſaid, That from and after the paſſing of this preſent Act, every Perſon, ſo neglecting to do the ſame within Twenty-one Days after Notice given for that Purpoſe, ſhall, for every ſuch Neglect, forfeit and pay the Sum of Three-pence for every Rod of ſuch Dike, ſo neglected to be ſcoured, cleanſed, opened, and repaired; the Sum of One Penny for every Rod of ſuch Dike, ſo neglected to be roded; and the Sum of Ten Shillings for every Tunnel, ſo neglected to be made, opened, or continued: And the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required, by Warrant under their Hands and Seals, to cauſe the ſaid Penalties to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon neglecting to do the ſame, to be applied to the Uſe of the ſaid Diſtrict, over and above the Coſts and Expences of doing ſuch Work or Works (if done by the Officer) in purſuance of the ſaid former Act.

Penalty on Neglect, is 3 *d. per* Rod.

Owners of Mills reſtrained from throwing Water upon the Lands of other Perſons.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect or ſet up, or ſhall uſe or work, any Horſe-mill, Gigg, or other Engine

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gine or Device whatsoever, already erected, or to be erected, for draining or discharging Water from any Lands intended to be drained by virtue of this Act, through or upon the Lands of any other Person or Persons, or in any other Manner than directly and immediately from the Lands of the respective Owner of such Mill, Gigg, Engine, or Device, either into the River Ouse or Mildenhall or Brandon Rivers, or into Lakenheath Load, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to the Commissioners for putting this Act in Execution, to be employed towards carrying on the Works of draining, if the said Commissioners will sue for the same, within Twelve Months after such Mill, Gigg, or Engine, or Device, shall be erected and worked, otherwise to any Person who will sue for the same; and the Owner of such Mill, Gigg, Engine, or Device, shall also make full Compensation and Satisfaction to all and every Person or Persons who shall be injured thereby, for the Damage such Person or Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction, shall be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; or the said Penalty, in case the same shall not exceed the Sum of Fifty Pounds, may be levied by Distress and Sale of any Stock, Crop, Goods, or Chattels, which shall be found upon the Premises, or any other Goods and Chattels of the Offender, wherever they shall be found, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the said Isle of Ely, or Counties of Suffolk or Norfolk, before whom Proof of the said Offence shall be made; and also that it shall and may be lawful to and for the Officer of the said Commissioners for the Time being to open all the Drains and outring Dikes that may have been obstructed by such private Draining.

Acting Commissioners are to prevent any Injury from private Drainage.

Provided always, and be it further enacted, That before any Imbankment for private draining, either into the Rivers of Ouse, Mildenhall, Brandon or Lakenheath Load,

Load, shall be begun, a View shall be taken by Seven or more of the then acting Commissioners of the said District, (publick Notice of such View being inserted in The Cambridge Journal, or other publick News-paper, commonly circulated in the Isle of Ely), to see whether such Imbankment may not be detrimental or injurious to any other Lands within the said District, by obstructing the free Passage of the Waters from such other Lands to the Engines of the said Commissioners, employed for the general and publick draining of the said District: And if it be adjudged upon such View, by the major Part of the Commissioners then present, that such private draining will not be injurious to any other Lands within the said District; or in case no such View shall be taken, and Judgement given within Three Months after Application made to the said Commissioners, at any of their publick Meetings, by the Parties intending such private draining, his, her, or their Agent or Agents, giving Notice of such their Intentions, in Writing; then it shall and may be lawful to and for the Proprietor or Proprietors of the Lands so intended to be drained separately to proceed with such Imbankment and Drainage, any Thing herein before contained to the Contrary notwithstanding.

River Banks not to be cut but under the Inspection of the Commissioners Officers.

Provided also, That it shall not be lawful to cut either of the River Banks for a Water-way to such private Engine but under the Inspection of the Officer of the said Commissioners for the Time being, who shall have Power, in case of Neglect of the Owner, to cause good and sufficient Tunnels to be laid down, and such Banks well and effectually made up again and secured, at the Costs and Charges of the respective Owner or Owners of such Engine, and also subject to the Direction of the Superintendant of the Works of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called Bedford Level.

Nothing contained to prevent Mr. *Jones* from imbanking and separately draining his Lands.

Provided also, That nothing herein contained shall extend, or be construed to extend, to hinder the Reverend Thomas Jones Clerk, Owner of Six hundred Acres of Land adjoining to the Mildenhall River, his Heirs or Assigns,

Assigns, from imbanking and separately draining the said Lands; nor shall any publick Drain or Dike be cut through or across the said Lands, so as to hinder or obstruct the private Imbankment and draining thereof, upon Condition the Waters from the same are discharged immediately into Mildenhall River; and that a good and sufficient Tunnel be laid down for discharging the same; and that the Bank through which such Tunnel shall be laid be well and sufficiently secured and supported at his or their Expence, under the Inspection of the Officer appointed to superintend the Works of the said District; and also subject to the Direction of the Superintendant of the Works of the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens; and also that no Obstruction be thereby occasioned in the Mildenhall Drain, or in any of Division Dikes of the other Proprietors leading on the Outside of the said Farm into the said Drain.

Limitation for the Digging of Turf.

And whereas the Proprietors of Fen Lands frequently dig, or cause the same to be dug into Turf, whereby the said Lands are rendered of little or no Value, and often remain unoccupied for many Years afterwards, so that no Taxes can be levied thereupon, to the manifest Damage of the other Proprietors, and also of the Creditors who have lent their Money upon the Credit of those Taxes; wherefore, for preventing this Injury, and for the better securing of the Creditors, be it enacted, That it shall not be lawful for any Person or Persons whomsoever to dig, or cause to be dug, any Turf, within the said District, except for the Purposes of Fuel, to be spent upon the Premises, or in the Dwelling-houses of the Owners and Occupiers thereof; dividing Lands into Pieces, not less than Ten Acres, planting Holts, or Manure, unless he, she, or they, shall first give Security, to be approved of by Seven or more of the Commissioners for putting this Act in Execution, for the regular Payment of the Taxes charged on the Lands so intended to be dug, for Twenty Years after such digging, or shall deposit into the Hands of the Treasurer of the said District,

District (for the Time being) as much Money as Twenty Years Tares thereof will amount to.

The Time of paying the Taxes to be appointed by Commissioners.

And whereas great Trouble and Inconvenience has arisen, and may hereafter arise, to the Collectors or Receivers of the said Tares in the said District, from the Mode of recovering the same prescribed by the said former Act; for avoiding whereof, be it further enacted by the Authority aforesaid, That the present Tax of One Shilling and Sixpence per Acre, charged by the said former Act, shall be paid to the Collector or Collectors, Receiver or Receivers, for the Time being, of the said District, within the first Seven Days in October in every Year, at such Place in Ely as the said Commissioners shall, from Time to Time, direct and appoint; and also, that the additional Tax of One Shilling an Acre, charged by this present Act, shall be paid to the Collector or Collectors, Receiver or Receivers thereof, for the Time being, within the first Seven Days of December, in every Year, at such Place in Ely as the said Commissioners shall, from Time to Time, direct and appoint for that Purpose, publick Notice of such Times and Places of Payment being first given in the Cambridge Chronicle and Journal, so long as the same shall continue to be published, or in any other Weekly Paper circulated in the said Isle of Ely, and also affixed upon the Market Cross in Ely Three Weeks at least before the respective Times of Payment: And in case of Nonpayment of either of the said Tares, at the Times and Places so prescribed for Payment thereof, every Person, so neglecting, shall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Tares, and not paid as aforesaid, and so in proportion for every greater or lesser Sum than Twenty Shillings; to be recovered in the same Manner as the Tares charged by the said former Act are directed to be recovered.

Penalty, in case of Nonpayment, is 3 *s.* 4 *d.* for every 20 *s.* due.

Commissioners may sell Lands for Payment of Taxes.

And whereas it may sometimes happen that some of the Lands and Grounds in the said District may be untenanted or unoccupied for a considerable Time, so that no Distress can be taken for levying the said Tares; therefore, for enforcing the Payment thereof in such Cases,

Cases, be it further enacted, That where any of the said Rates or Taxes shall be in Arrear and unpaid by the Space of Three Years together, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, then the said Commissioners, or any Five or more of them, at any of their Half-yearly Meetings, shall have full Power and Authority to sell to the best Bidder, at a publick Auction, so much of the said Lands and Grounds upon which any Tax shall be so in Arrear and unoccupied, as they the said Commissioners, or any Five or more of them, shall judge sufficient to raise such Taxes, and the Penalties incurred for Nonpayment thereof, as aforesaid, by Writing, under the Hands and Seals of Five or more of the said Commissioners; and the Person or Persons to whom such Sale shall be made shall be a lawful Purchaser and Assignee of so much of the said Lands and Grounds as shall be so sold to all Intents and Purposes whatsoever.

Commissioners to give Notice to Owners of Lands to be sold;

Provided always, and be it further enacted, That the said Commissioners, or any Five or more of them, shall cause personal Notice to be given to the Owner or Proprietor, Owners or Proprietors, of the Lands so to be sold, if that can be conveniently done, or shall cause Notice, in Writing, to be left at his, her, or their Place or Places of Abode, if such Place or Places of Abode be known to the Commissioners; or otherwise shall give publick Notice in the Cambridge News-paper, or some other publick News-paper circulated in the said Isle of Ely, Three Months at the least intervening between the Time of any such Sale and any such personal Notice, or between the Day of the Date of any such written or printed Notice or Notices and the Time of any such Sale, as aforesaid.

and also Notice of Sale.

Provided also, That the said Commissioners shall cause a Schedule of the Lands, so to be sold for Taxes in Arrear, to be affixed upon the Church Door of the Parish where the Land shall lie, Three several Sundays before the Day of Sale.

Proviſo. Provided alſo, That nothing contained in the Power hereby given to the Commiſſioners to ſell the Lands for the Nonpayment of the Tax impoſed by the ſaid former and this preſent Act, ſhall extend, or be conſtrued to extend, to exonerate or diſcharge any Tax or Taxes that are or may be impoſed 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*; but that all Purchaſers thereof ſhall have and enjoy the ſame ſubject thereto.

Taxes to be levied on Goods of Perſons driving their Cattle off their Lands, chargeable with the Taxes. And whereas ſome Proprietors of Lands within the ſaid Diſtrict have fraudulently driven off their Stock, and removed their Property out of the ſaid Diſtrict, or to Lands not chargeable with the ſaid Tax, in order to evade the Payment of the Taxes in Arrear upon ſuch Lands, be it enacted by the Authority aforeſaid, That in every ſuch Caſe, the Collector or Collectors of the Taxes appointed, or to be appointed, in purſuance of the ſaid former Act, ſhall, and they are hereby impowered to levy the ſame, upon any Goods and Chattels of any Perſon or Perſons ſo driving off, or removing their Cattle, or other Property, from any Lands chargeable with ſuch Taxes, whenſoever and whereſoever ſuch Goods and Chattels ſhall be found, together with all the Charges of levying the ſame.

Lands to be rated to the Poor's Rates, according to reduced Rent. And whereas, before the general Undertaking for draining of the ſaid Diſtrict, the Lands therein were of ſmall Value, yielding little or no Profit to the Proprietors, or to the Publick; and their preſent improved Value intirely depends upon the large Sums of Money continually expended in the Preſervation thereof, which Sums could not be raiſed without the Aid of Parliament, ſubjecting the Owners and Occupiers of all Lands, within the ſaid Diſtrict, to an heavy annual Acre-tax, whereby it happens that the Owners of the ſaid Lands do not receive a Profit from the ſame according to their extended Rents, but according to a reduced Rent, after the above

Deductions: And whereas it is apprehended, That Advantage may be taken of such extended nominal Rents, by the Churchwardens and Overseers of the Poor of the several Parishes wherein such Lands lie, to assess the same at an higher Rate than those Lands ought in Justice to bear; for Prevention whereof, and to encourage publick Works of Draining, be it enacted by the Authority aforesaid, That in all such Assessments, Regard shall be had to all such necessary annual Outgoings and Deductions, and also to the precarious State of these Lands; so that no greater Sum shall be assessed and rated upon the same, but according to their Value reduced as aforesaid.

The South Bank of *Brandon* River, and the West Bank of *Lakenheath-Load*, how to be repaired.

And whereas the Cross Bank of the said District, from Redmoor Tunnel to the hard Lands of Undley, is much annoyed by the Waters of Bradon River overflowing into Redmoor Fen, and other Lands adjoining to the said District, from the South Bank of Brandon River, from Redmoor Tunnel to Lakenheath Load, and the West Bank of Lakenheath Load, from Brandon River, to a Part thereof lately made by the Commissioners of the said District, being neglected and suffered to fall into Decay for Want of a proper Fund to repair the same, to the Damage of the Owners of Redmoor Fen, and such other adjoining Lands, as well as the manifest Hazard of the said District; be it therefore enacted by the Authority aforesaid, That in case the Owners of such adjoining Lands shall, at any future Time, be desirous of concurring with the Commissioners of the said District, in repairing the said South Bank of Brandon River, and West Bank of Lakenheath Load, it shall and may be lawful to and for the Commissioners of the said District for the Time being, or any Seven or more of them, at any of their publick Meetings to be held in pursuance of this or the said former Act, to compound and agree with the said Owners of Redmoor Fen, and other adjacent Lands, for the new-making, repairing, and supporting, of the said Bank, in such Manner and Sort as they shall think proper. Provided always, That no Obstruction be thereby

thereby occasioned to the said Commissioners, or their Successors, Officers, or Servants, employed in boating any Materials from Brandon River, through Redmoor Tunnel aforesaid, for the Repairs of their Cross Bank, between the said Tunnel and the Hard Lands of Undley; but that a Pair of Sluice-doors shall be set down at or near the said Tunnel, of a sufficient Width and Strength, for the free Passage of Boats through the same, for the Purpose aforesaid.

Commissioners impowered to erect Turnpikes, and take Tolls to repair the Banks.

And whereas the North Bank of Mildenhall, and the South Bank of Brandon Rivers, against the said District, and the East Bank of the River Ouse, from Prickwillow to Scottings Ferry, were, before the passing of the said former Act, in so ruinous a Condition as to be, for the most Part, utterly impassable for Horses, or other Beasts: And whereas the Commissioners for putting the said Act in Execution have, at a very large Expence, repaired the said Banks, so that there is now a good Passage thereupon at all Seasons of the Year, to the very great Benefit of Persons navigating upon the said Rivers, who avail themselves of those Banks for haling Boats and Lighters, without contributing any Thing towards the first Repairs, or future Maintenance of the said Banks: And whereas the Damage done thereunto by such haling is so great, that the Land-owners in the said District are not alone able to support the said Banks, without a reasonable Contribution from the Navigators and others using the same: Therefore, be it enacted, That the Commissioners for putting this Act in Execution, or any Seven or more of them, shall be, and they are hereby authorised and impowered to erect a Turnpike or Turnpikes, and to build a Toll-house or Toll-houses, at such Place or Places on each of the said Banks, as to them shall seem most convenient, (so that no Horse, or other Beast, be thereby liable to a double Charge for passing Once directly up or down either of the said Banks upon the same Day), and thereat to demand and take as a Toll, before any Beast shall be permitted to pass through such Turnpikes:

For every Horse or other Beast haling a Boat or Boats on the North Bank of Mildenhall, and the South Bank of Brandon Rivers, Three-pence; and on the East Bank of the River Ouse, between Prickwillow and Scottings Ferry, as aforesaid, Sixpence; and for every other Horse, Mare, Gelding, Mule, or Ass, not haling or drawing any Boat or Boats, the Sum of Three Halfpence:

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Sixpence per Score; and so in proportion for any greater or lesser Number; but if under Five, then One Penny per Head.

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence per Score; and so in proportion for any greater or lesser Number;

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll, and shall be paid to such Person or Persons as the said Commissioners, or any Seven or more of them, shall appoint to collect the same: And all the said Tolls shall be, and they are hereby vested in the said Commissioners and their Successors, and shall be applied in the same Manner as the Tax of One Shilling and Sixpence an Acre, charged on the Lands in the said District by the said former Act, is to be applied; namely, for the better and more effectual Support of the Banks, Engines, and other Works of draining, within the said District: And if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand made thereof, neglect or refuse to pay the same, it shall and may be lawful to and for the Person or Persons appointed as aforesaid to collect such Tolls, to seize and detain any Horse or other Cattle upon which such Tolls are by this Act imposed, or any of the Goods and Chattels of such Person and Persons so refusing or neglecting to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days after

Tolls vested in the Commissioners.

Penalty on Persons refusing to pay Tolls.

such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Cattle and Goods so seized and distrained, returning the Overplus, if any be, upon Demand, to the Owner or Owners thereof, after such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, and also of such Sale, shall be deducted.

Penalty on taking off Horses to avoid the Tolls.

And be it further enacted by the Authority aforesaid, That if any Waterman or other Person haling any Boat or Boats with One or more Horse or Horses, or other Beasts, shall take off, or cause to be taken off, from the said Boat or Boats, any such Horse or other Beast, with Intent to avoid the said Tolls, or any Part thereof; or after having passed by any Turnpike to be erected by virtue of this Act, shall put on, to, or use, any more Horses or other Beasts, for haling such Boat or Boats, than he shall have paid the Toll for; or shall forcibly pass through or over such Turnpike, with any Horse or Beast, without paying the Tolls hereby directed to be paid; every Person so offending, shall for every such Horse, or other Beast, forfeit and pay to the said Commissioners the Sum of Twenty Shillings for every Offence; to be levied and recovered as Penalties for evading Turnpikes usually are, and shall be applied for the same Purposes as the Tolls hereby granted are before directed to be applied.

Commissioners to erect a Toll-house for maintaining certain Banks.

And whereas the said Commissioners have been obliged, for the better Preservation and Security of the said District, at a very great Expence, to erect and support a cross Bank from Brandon River to the Hard Lands of Undley, and also another cross Bank from the Hard Lands of Undley, along the North-east Side of Baldwin's Load, to Mildenhall River, which said Banks, though intended only for the Preservation and Security of the said District, are nevertheless made of publick Utility to Travellers and others, who frequently pass and repass thereupon, without making any Compensation for the Damage they do to the said Banks; be it therefore enacted by the Authority aforesaid, That, in order to provide a proper Fund effectually to raise, strengthen, and maintain, the said Banks, (which the said Commissioners and their

Succeſſors are hereby authoriſed and impowered from Time to Time to do), the Commiſſioners for putting this Act in Execution, or any Seven or more of them, ſhall be, and are hereby authoriſed to erect a Turnpike or Toll-houſe at ſuch Place or Places on each of the ſaid croſs Banks, as they ſhall judge moſt convenient; and thereat to demand and take, as a Toll, the ſame Sums, and under the ſame Directions, Powers, and Limitations, as are before appointed for Perſons paſſing along the Banks of the Ouſe, Mildenhall, and Brandon Rivers.

Proviſo.

Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to authoriſe any Perſon or Perſons whatſoever, to travel, paſs, or repaſs, with any Horſe or other Beaſt, over the Lands late the Eſtate of Thomas Evans Eſquire, deceaſed, called Undley Farm, or any Part thereof, except the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called Bedford Level, their Officers and Servants, and alſo the Commiſſioners and their Succeſſors, appointed or to be appointed for draining the ſaid Diſtrict, their Officers and Servants employed in imbanking, draining, ſurveying, and preſerving thereof.

No Toll on Horſes haling Boats with Materials for Repair of Banks, &c.

Provided alſo, and be it further enacted, That no Toll ſhall be demanded or taken of any Perſon or Perſons, at any Turnpike erected by virtue of this Act, for any Horſe or other Beaſt haling any Boats or Lighters employed in carrying Materials for the Repairs of the Banks within the ſaid Diſtrict, or any other Banks belonging to the Corporation of Bedford Level, or in roding or drawing any Machine for deepening or cleanſing the Rivers adjoining to the ſaid Diſtrict, or any Part thereof, nor for any Horſe, Mare, or Gelding, which ſhall be rode by any Proprietor or Occupier of Lands in the ſaid Diſtrict, his, her, or their Servants, employed in the Occupation thereof, or by any Member of the Corporation of Bedford Level, their Officers and Servants, upon the actual Buſineſs of the ſaid Corporation, and

and such Officers as are or shall be appointed by the Commissioners of the said District to superintend the Works thereof; nor for any Beast or Beasts, Sheep, or other Cattle, going to or returning from Pasture in the said District.

Appeal may be made to the Quarter Sessions.

And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace, he, she, or they may appeal to the General Quarter Sessions of the Peace, which shall be held for the said Isle of Ely, or the Counties of Suffolk or Norfolk respectively, where the Cause of Complaint shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions respectively are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Justices Determination not removable by *Certiorari*.

Rights of the Conservators of *Bedford Level* saved, as by 15 *Car.* II.

Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators, of the Great Level of the Fens, called Bedford Level, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act, made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the draining of the Great Level of the Fens, called *Bedford Level*, or by virtue of any other Act or Statute whatsoever;

soever; 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.

Limitation of Actions.

And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, every such Action, or Suit, shall be commenced within Six Months next after the Fact committed; and shall be laid or brought in the Court of Pleas of the Isle of Ely, or in the Counties of 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 Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, upon a Demurrer, or otherwise; then, in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble

General Issue.

Treble Costs. 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 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.