ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XL.

An Act for amending and rendering more effectual an Act, made in Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of* Crowland; so far as the same relates to the several Fen Lands lying in the Second District in the said Act described.

Preamble.

Act 27 *Geo.* II.



WHEREAS by an Act, made in the Twenty-seventh Year of the Reign of his late Majesty King George the Second, intituled, An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, commonly called *Bedford Level*, from a Debt due to the Duke of *Bedford* and Earl of *Lincoln*; and for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of *Crowland*; the Commissioners therein named, or to be nominated and appointed, in Manner therein mentioned, or the major Part of them, were authorised and impowered to assess, rate, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and singular the Lands and Grounds situate and being within the Second District or Division, (One of the Five Districts or Divisions into which the said North Level was by the said Act divided), except as in the said Act is excepted, by and with an equal and proportionable yearly Rate, Tax, or Sum of One Shilling for every Acre of Land or Ground within the said Second District, to be paid by the Owners or Occupiers thereof to such Person or Persons, at such Time or Times, as the said Commissioners for the Time being, or the major Part of them, should, from Time to Time, order, direct, or appoint, the same to be applied and disposed of, in making Works, Banks, Drains, Wills, and Engines, within the said District, necessary for draining the same, and for the other Purposes therein mentioned: And whereas the said Rates and Taxes have accordingly been applied by the Commissioners acting for the said Second District, in pursuance of the Directions given by the said Act, for and towards the erecting proper Water Engines, and making

Banks, Drains, and other Works, necessary for the proper draining the said District, and in maintaining and keeping the same in Repair: And whereas the said Rate and Tax of One Shilling an Acre, charged on the said Lands and Grounds in the said Second District, by virtue of the said Act, has not for many Years past, by reason of the Wetness of the Seasons, and many Breaches in the North Bank of Moreton's Leam, being the Great Barrier Bank of the said North Level, against the Waters of Northamptonshire and Huntingdonshire, been sufficient to pay the yearly Expences of the said District, or to defray the Debts which the said Commissioners have been obliged to contract, by reason of such Insufficiency of the said Tax of One Shilling an Acre so charged for the Purposes of the said District: And whereas the said Works already compleated are necessary to be maintained; and, in order to pay the said Debts so contracted by the said Commissioners, and to carry on the said Works with Effect, and to make other Works, a further Tax is necessary to be charged on all the Lands within the said District, (except as herein-after is excepted); and the several Owners and Proprietors of the said Lands are willing and desirous that their said Lands should be charged therewith accordingly, in order to raise Money to answer the Purposes aforesaid: And whereas such Rate or Tax cannot be laid, nor the said Lands effectually drained and preserved without the further Aid and Assistance of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Lands and Grounds, situate and being in the said Second District or Division, and every of them, (except such Lands and Grounds as in the said former Act are excepted, and except also all other Lands and Grounds in the Parish of Eye, within the said Second District), shall yearly, and every Year, from and after the passing of this Act, be, and the same are hereby rated, taxed, charged, and assessed, with an equal annual Rate, Tax, Tax of 2s. 6d. per Acre.

or Sum, not exceeding in any One Year the Sum of Two Shillings and Sixpence for every Acre of the said Lands and Grounds, over and above the said Rate or Tax of One Shilling an Acre, charged thereon by the said former Act.

Tax payable for 14 Years.

And be it further enacted, That the said Rate or Tax, hereby charged on the said Second District, shall be, and is hereby laid and made payable for the Space of Fourteen Years from the Time of the passing of this Act, or until the said Debts shall be paid and discharged, by Two equal Half-yearly Payments; (that is to say), On the Twenty-fourth Day of June, and the Twenty-fourth Day of December, in every Year, after the passing of this Act, during the Term and Time aforesaid; the First Payment thereof to be made on the Twenty-fourth Day of June next, after the passing of this Act, to the Treasurer or Receiver of the said District or Division, to be applied by the said Commissioners, in full Discharge and Satisfaction of the several Debts and Sums of Money, now due from the said Commissioners to any Person or Persons whomsoever, for or on Account of the said District.

Persons allowed to purchase off the Tax of 2 *s.* 6 *d.* an Acre.

And be it enacted by the Authority aforesaid, That in case any Owner or Proprietor, Owners or Proprietors, of any of the Lands and Grounds within the said District, and charged by this Act with the Payment of the said Rate, Tax, or Sum of Two Shillings and Sixpence an Acre for the said Term of Fourteen Years, shall be desirous to pay in any One Year the whole Rate or Tax of Two Shillings and Sixpence an Acre, so charged on his said Lands and Grounds, it shall and may be lawful for the said Commissioners, or any Five or more of them, to accept and receive the same, and to pay and apply the several Sum and Sums of Money so received in the Payment of the Debts due and owing from the said Commissioners, and for which the said Rate or Tax of Two Shillings and Sixpence an Acre is hereby directed to be paid annually, on Receipt of the said Commissioners, or any Five or more of them, for such Rate or Tax, to the Person or Persons paying the same, shall

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be a full Discharge to such Person or Persons; and, from the Date of such Receipt or Receipts for the same, as aforesaid, the Lands and Tenements charged by virtue of this Act with the Payment of the said Rate or Tax of Two Shillings and Sixpence an Acre, shall be for ever exonerated, released, and discharged from the Payment thereof; any Thing herein contained to the Contrary notwithstanding.

After Expiration of 14 Years, Commissioners to have Power to lay a further Tax of 1 s. 6 d. per Acre.

And be it further enacted, That from and after the Expiration of the said Term of Fourteen Years, or so soon as the said Debts shall be paid and satisfied, and the said Rate of Two Shillings and Sixpence an Acre shall cease and determine, it shall and may be lawful for the Commissioners of the said District, and their Successors, or the major Part of them, over and above the said Rate or Tax of One Shilling an Acre, charged upon the Lands and Grounds lying in the said Second District or Division by the said former Act, Once in every Year; that is to say, On the First Tuesday in July next after the Expiration of the said Term of Fourteen Years, or after the said Debts shall be so paid and satisfied, to assess, tax, and charge all and every the Owner and Owners, Occupier or Occupiers, of all and every the said Lands and Grounds, lying within the said Second District or Division, (except as in the said former Act is excepted), with a further equal annual Rate or Tax, not exceeding the Sum of One Shilling and Sixpence per Acre for every Acre of the Lands and Grounds, lying within the said Second District or Division; which said last-mentioned additional Rate and Tax so to be laid, taxed, or assessed by the said Commissioners, as aforesaid, shall be paid by the Owners and Occupiers of the Lands or Grounds comprised in the said District, to such Person or Persons, at such Time or Times, and in such Manner and Proportion, as the Commissioners for the said Second District or Division, or any Five or more of them, present at any such annual Meeting, shall, from Time to Time, order and direct; and shall, together with the Monies to be raised and borrowed on the Credit thereof, be applied and disposed of at the Discretion of the said Commissioners, or the major Part of them, present at any Meeting

ing to be held for the said District, (of which Meeting Seven Days Notice shall be given to the said Commissioners), in or about the particular Works, Banks, Drains, Mills, Engines, and other Matters and Things, necessary for draining the said District, in such and the same Manner as the said Rate or Tax of One Shilling an Acre, charged on the said District or Division by the said former Act, is directed to be applied, and to or for no other Use or Purpose whatsoever.

Quantities of Lands as in former Act.

And be it further enacted, That the Quantities of the Lands and Grounds hereby rated, taxed, charged, and assessed, shall be taken according to the respective Quantities thereof ascertained in pursuance of the said former Act, (except the Lands and Grounds in the said Parish of Eye herein-before excepted); and that the respective Owners or Occupiers of the said Lands and Grounds shall pay the said Rates and Taxes hereby rated and assessed, according to the same Number of Acres, Roods, and Perches, as they are now rated and taxed at under the said former Act; and the said Commissioners are hereby impowered and required to rate such Lands accordingly.

Tax of 2 *s.* 6 *d.* for 14 Years, vested in Commissioners, in order to pay the Debts of the District, *&c.*

And be it further enacted, That the said Rate and Tax of Two Shillings and Sixpence an Acre, hereby charged upon the Lands and Grounds within the said District, for and during the said Term of Fourteen Years, shall be vested in, and applied, and disposed of by the said Commissioners for the said District, and their Successors, for and towards the paying and discharging such Debts as shall have been incurred and contracted by the said Commissioners, in and for repairing the several Works of the said District or Division, or for repairing or rebuilding any of the Mills, Banks, Headings, Trays, Drains, Tunnels, Sluices, Doors, or other Works, within the said District or Division, or in or for the Purchase of any Piece or Pieces of Land, in order that proper Drains, Slamps, and Soak Banks, and Floor Works, might be made, cut, and laid out through the same, for conveying the Waters of the said District the more easily and quickly to their respective Engines for draining the same; but, in case the said Debts so contracted

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tracted by the said Commissioners, together with the Interest thereof, shall be fully paid and satisfied before the Expiration of the said Term of Fourteen Years; then, from and immediatly after such Payment, the said Rate, Tax, or Payment of Two Shillings and Sixpence an Acre, so charged by virtue of this Act, shall cease, determine, and be utterly void; any Thing in this Act contained to the Contrary thereof notwithstanding.

The Tax of 2 s. 6 d. per Acre to cease if the Debts are paid before the said 14 Years.

And be it further enacted, That the Commissioners nominated and appointed for the said Second District by the said former Act, or elected or chosen in pursuance thereof, and their Successors, shall be, and are hereby appointed Commissioners for carrying into Execution this present Act, and all the Powers and Authorities hereby given: And that it shall and may be lawful for the said Commissioners nominated and appointed, or to be nominated and appointed, for the said Second District or Division, as aforesaid, or any Five or more of them, to meet at the several Times and Places mentioned in the said former Act, and in this Act, as well to put in Execution the several Powers and Authorities of this Act, as of the said former Act, so far as the same relates to the said Second District or Division; and, from Time to Time, to adjourn such Meetings, and meet again at such other Times and Places as they shall think proper: And in case of the Disqualification or Resignation of any of the said Commissioners for the said Second District or Division, the Vacancy or Vacancies occasioned thereby shall, at all Times after the passing of this Act, be filled up, in such and the same Manner, as by the said former Act is directed, out of the Persons qualified by the said former Act, to sit, vote, and act as Commissioners for the said Second District, under the said Act: And that such Person or Persons, so to be chosen and elected Commissioners, as aforesaid, shall and may, after he or they shall be so chosen and elected a Commissioner or Commissioners, as aforesaid, sit, vote, and act as a Commissioner or Commissioners for the said Second District or Division, and shall be, and is, and hereby are declared to be a Commissioner or Commissioners for put-

Commissioners appointed by the former and this present Act to have equal Power.

ting this Act, and the said former Act, in Execution, and shall be, and are hereby vested with the same Powers and Authorities as the Commissioners under the said former Act are vested with; any Thing to the Contrary notwithstanding.

Commissioners to take an Oath.

Provided also, and be it enacted, That such Commissioner or Commissioners, before he or they shall take upon himself or themselves the Execution of any of the Powers or Authorities given by this Act, or the said former Act, shall take the Oath (or being of the People called Quakers, the solemn Affirmation) required and directed to be taken by the said former Act; which said Oath or Affirmation any One of the said Commissioners is hereby impowered and required to administer.

On Default of Payment of Taxes,

And, to the End the said Rates and Taxes hereby charged and assessed may be from Time to Time the more easily collected and received, be it further enacted by the Authority aforesaid, That if any Person or Persons shall refuse or neglect to pay the respective Rates, Taxes, or Sums of Money, rated, charged, or assessed, upon him, her, or them, or the Lands and Grounds in his, her, or their Possession or Occupation, by virtue of and under the Powers of this Act, or the said former Act, within Twenty-one Days next after the same shall become due and payable, and Demand made thereof by the Collector or Collectors appointed to receive the same, on the Lands or Grounds charged therewith, or at the Dwelling-house of the Tenant or Occupier thereof, it shall and may be lawful to and for such Collector or Collectors, or for any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners, (which said Warrant or Precept such Commissioners, or any Two or more of them, are hereby impowered and required, from Time to Time, to make, as Occasion shall require), to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in Possession of such Person or Persons as shall so make Default in Payment as aforesaid, and all Messuages and Tenements thereupon standing, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money by him, her, or them, payable for such

Commissioners to have Power to distrain.

Rate and Tax, by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner or Occupier, in ſuch and the ſame Manner as is directed by virtue of the ſaid former Act.

Tenant to pay Taxes, and deduct the ſame out of his Rent.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict, which ſhall be aſſeſſed, taxed, and charged, by virtue of this Act, to pay, and they are hereby required and authoriſed to pay ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed, taxed, and charged, upon their ſaid Lands and Grounds reſpectively, and to deduct the ſame out of his or her Rent or Rents, in ſuch and the ſame Manner as by the ſaid former Act is directed; and the Landlord and Landlords, both mediate and immediate, according to their reſpective Intereſts therein, are hereby required to allow ſuch Deduction and Payment accordingly: But ſuch Landlord or Landlords ſhall be intitled to the ſame Powers with reſpect to ſuch Deductions and Payments as are mentioned and contained in the ſaid former Act; any Thing herein-before contained to the Contrary notwithſtanding.

In caſe Lands are untenanted,

Tax to remain a Charge thereon,

and to be entered and diſtrained on at any future Time when tenanted.

Provided always, That in caſe any of the ſaid Lands and Grounds ſhall, at any Time after the paſſing of this Act, be unoccupied, and no Diſtreſs can be found, by reaſon whereof the Sums of Money ſo aſſeſſed, taxed, and charged thereon, cannot be raiſed; then, and in ſuch Caſe, the Rate or Tax, and the Arrears thereof, ſo due, and to become due, by virtue of this Act, or the ſaid former Act, ſhall remain a Charge upon the ſaid Lands and Grounds until the ſame ſhall be occupied; and when and ſo ſoon as the ſame ſhall be ſo occupied, it ſhall and may be lawful for ſuch reſpective Collector or Collectors, Receiver or Receivers, for the Time being, or for any other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to enter into and upon the ſaid Fen Lands and Low Grounds, and diſtrain for ſuch Taxes, and the Arrears thereof, when there ſhall be any Diſtreſs thereon to be found, in whoſe-ſoever Poſſeſſion ſuch Fen Lands or Low Grounds ſhall happen

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to come or be, and the Distress and Distresses there found to sell, as in Manner herein-before and in the said former Act, is directed.

Clause for borrowing Money.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said Second District, or any Seven or more of them, to borrow, take up, and receive, any Sum or Sums of Money that they shall think proper, upon the Credit of the said Rate or Tax of One Shilling an Acre charged by the said former Act; and also from and after the Commencement of the said Rate or Tax of One Shilling and Sixpence an Acre, to be charged upon the Lands and Grounds within the said Second District by virtue of this Act, to borrow, take up, and receive, upon the Credit of the said Rate or Tax of One Shilling and Sixpence an Acre; and by Writing, without Stamp, under the Hands and Seals of any Seven or more of the said Commissioners, to mortgage, charge, assign, convey, or incumber, the said Rates and Taxes, or any Part or Proportion of such Rates and Taxes, with and for the Repayment of the Sums so borrowed, with such Interest, at such Times, and with such Provisoes and Conditions of Redemption, as shall be agreed upon; and it shall be particularly set forth in every such Assignment which of the said Rates or Taxes shall be charged with the Payment of the Monies so respectively borrowed.

Not to affect the Creditors under the former Acts.

Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, in any-wise to affect, impeach, or lessen, any Right or Priority of Claim, which any Person or Persons who have advanced any Money upon the Credit of any former Acts, in which any Rate, Tax, or Assessment, has been laid upon the Lands to be taxed by virtue of this Act, now have upon such Lands in respect of such Money so advanced; but that the said Lands shall, in the First Place, be liable to the Rates and Taxes charged by the said former Acts, and to the Money borrowed thereon; any Thing in this Act to the Contrary notwithstanding.

Provided

Provided always, and be it enacted, That no more than the Sum of One thousand Pounds shall be borrowed or owing, at any One Time, on the Credit or Security of the said Rate or Tax of One Shilling an Acre, charged by the said former Act on the Lands and Grounds lying within the said Second District; and that no more than the Sum of One thousand five hundred Pounds shall be borrowed or owing, at any One Time, on the Credit or Security of the said Rate or Tax of One Shilling and Sixpence an Acre, charged by virtue of this Act upon the said Second District; and that the said Rate or Tax of One Shilling an Acre, laid by the said former Act, and the said Rate or Tax of One Shilling and Sixpence an Acre, charged by this Act upon the Lands and Grounds within the said District or Division, shall not, during the Time any Principal Monies or Interest shall be due on the several Securities thereof, be less in any One Year than the several Sums charged upon the said District by the said former Act, and by this Act respectively. What Sums may be borrowed.

And be it further enacted, That the said Mortgages and Securities so to be made by the said Commissioners of the said several and respective Rates and Taxes arising within the said District, shall and may be assignable or transferrable by Indorsement on the original Grant or Security thereof made, or otherwise, without Stamp, to any Person or Persons whomsoever; and the Person or Persons to whom such Assignment or Transfer shall be made shall and may, from and after the Time that the same is entered in a Book to be kept for that Purpose, be well and sufficiently intitled to such Mortgage Monies and Interest, and all the Monies due and to grow due thereon; which Entries are hereby required to be made, on Request, and producing such Assignment, and paying Two Shillings and Sixpence for every such Entry; and such Assignee and Assignees shall and may, in like Manner, by Indorsement, or otherwise, without Stamp, assign and make over such Mortgage or Mortgages, and Securities, so assigned as aforesaid; and so toties quoties, as Occasion may require, every such Assignment or Transfer being entered in such Book, as aforesaid. Writings may be without Stamps.

Persons possessed of Assignments intitled to Mortgage Monies and Interest.

Former Tax of 1*s.* *per* Acre, and the present Tax of 1*s.* 6*d.* *per* Acre, subject to Debts.

Provided always, and be it enacted, That the said Rate or Tax of One Shilling an Acre, charged on the said District by the said former Act, and the said Rate of One Shilling and Sixpence an Acre, charged by virtue of this Act, shall be respectively chargeable with the Payment of the Principal Money so to be borrowed by the said Commissioners, and the Interest thereof, and shall vest in the Creditors of the said respective Rates or Taxes upon which the same shall be so borrowed; and, upon Default of Payment of such Principal Money and Interest, and until the same, and every Part thereof, shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Nonpayment thereof, the said Creditors, their Executors, Administrators, and Assigns, respectively, shall have the same Powers, Rights, and Privileges, of assessing, raising, and recovering, the respective Rates and Taxes payable by the several Owners and Occupiers of the several Lands and Grounds within the said District, for or in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners, and their Collectors and Receivers could have had, in case such Principal Money and Interest had been regularly and fully paid and satisfied.

Application of the 1000 *l.* to be borrowed on the 1*s.* *per* Acre, charged by the former Act.

And be it enacted by the Authority aforesaid, That the said principal Sum of One thousand Pounds, so to be raised, borrowed, or received, by the said Commissioners, upon the Credit of the said Rate or Tax of One Shilling per Acre so charged upon the said District by virtue of the said former Act, or so much thereof as the said Commissioners shall find requisite, shall be raised, paid, and applied, by the said Commissioners, for and towards paying and defraying the Charges of this present Act; and the Residue of the said Sum of One thousand Pounds, so to be raised, borrowed, or received, by the said Commissioners, upon the Credit of the said Rate or Tax of One Shilling an Acre so charged by the said former Act, shall be paid, applied, and disposed of, by the said Commissioners, and their Successors, for and towards the Works of the said District, in such Manner as the said Commissioners, or any Five or more of them, shall

direct, order, and appoint the same, and to and for no other Use, Intent, or Purpose whatsoever.

Proceedings to be entered in Books.

And be it enacted by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners, at any Meeting to be held for the said District by virtue of the said former Act, or of this Act, shall be entered in Books to be provided and kept for that Purpose, and shall be signed by Five or more of the said Commissioners, so assembled at such Meeting, and being so signed, shall be deemed and taken to be original Orders; and all such Books, and also the Books hereby directed to be kept for registering the Securities, Assignments, and Transfers, shall and may be read in Evidence on all Trials at Law, of any Suits or Actions touching any Thing done in relation to, or in pursuance of, this Act, or of the said former Act: And that no Order which shall be made by the said Commissioners of the said Second District, or any Five or more of them, at any of their Meetings to be held by virtue of this Act, or of the said former Act, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Notice in Writing, signed by Three of the said Commissioners, be delivered to all the Commissioners of the said Second District, signifying for what Purpose such Meeting is intended to be held, Seven Days before such subsequent Meeting, and affixed on the Market Cross and Church Door of Saint Mary's Church in Whittlesea in the Isle of Ely, and the Dog in the Doublet's Sluice on the North Bank of Moreton's Leam; at which Meeting no less Number than Seven of the said Commissioners shall be present, and Five of such Commissioners shall be assenting to the Reversal of such former Order.

Orders not to be without Notice.

Engines and Mills to be insured.

And be it further enacted by the Authority aforesaid, That the said Commissioners for the said District, or any Five or more of them, shall cause all and every the Engines and Mills already erected by virtue of the said former Act, or which shall be erected and employed by virtue of this Act, to be insured against Fire in some of the publick Insurance Offices; and, from Time to Time, to pay the Expence attending such Insurance out of the

the Monies arising out of the said former Act, or this Act.

Mole Catching.

And be it further enacted, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies arising in or upon the said District by virtue of this Act, or of the said former Act, to make such Allowance for catching or destroying Moles, or other Vermin, in the Banks and Lands belonging to or in the said District, as they the said Commissioners, or any Five or more of them, shall think proper.

No Houses or Buildings to be erected within 40 Poles of the Mills or Engines.

Provided always, and be it enacted, That from and after the passing of this Act, no Houses or Buildings shall be erected within the said District, or any other Obstruction whatsoever laid or placed, (except Stacks of Corn or Hay in Yards already laid out for that Purpose), or Trees or Holts planted in the said District, within Forty Poles, being the Pole of Eighteen Feet, of any Mill or Engine already built, erected, or employed, for draining the Fen Lands and Low Grounds within the said District: And if any Person or Persons shall build or erect any House, Barn, or other Building, or shall plant any Tree or Holt, or place, lay, or put any other Obstruction in the said District, within any less Distance than Forty Poles of any such Mill or Engine, or shall plant any Tree or Holt upon any of the Banks of the said District, or within Ten Feet of the said Banks, every such Person shall forfeit and pay, for every such House and Building, the Sum of One hundred Pounds; One Moiety thereof to be paid to the Person so suing for the same, and the other Moiety to be paid to the Receiver or Collector for the Time being for such District, as the Case shall happen; such Penalty, Compensation, and Satisfaction, to be recovered, together with Double 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, Wager of Law, or more than One Imparlance shall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obstruction, so planted or laid, as aforesaid, within

Penalty for offending.

in the said District: Which said Penalties of One Shilling and Five Pounds, shall and may be recovered by Distress and Sale of the Offender's Goods and Chattels within the said District, by Warrant under the Hand and Seal of any Justice of the Peace of the Isle of Ely, or Counties of Huntingdon or Northampton, (not interested in the Premises), upon Conviction of the Party so offending before such Justice, which Warrant such Justice is hereby impowered to issue; and the said Commissioners, or any Five or more of them, are hereby impowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to order their Agents or Servants to take down such Buildings so erected, and to pull up and remove such Trees, Holts, and other Obstructions, so placed contrary to this Act.

Owners to fill up their Soak Dikes and Soak Gripples.

And be it further enacted by the Authority aforesaid, That in case the Owners or Occupiers of the said Fen Lands and Low Grounds within the said Second District shall, for Sixty Days after the passing of this Act, neglect or refuse to fill up their several Soak Dikes and Soak Gripples, already cut next the several Banks within the said Second District at a less Distance from the said Banks than Sixty Feet from the same, or shall neglect or refuse to make proper Soak Dikes and Soak Gripples at the full Distance of Sixty Feet from such Banks; then, and in either of the said Cases, it shall and may be lawful for the Commissioners of the said former Act, or of this Act, or any Five or more of them, to order their Surveyor to give Notice to such Person or Persons so neglecting or refusing, that unless the same are filled up, or new Soak Dikes or Soak Gripples cut, as the Case shall be, pursuant to such Notice, that then the same will be filled up, and others cut in Manner aforesaid; and in case the Person or Persons shall, after receiving such Notice, neglect or refuse to fill up, make, and cut the same, it shall and may be lawful for the Commissioners of this Act, or of the said former Act, or any Five or more of them, to order the Surveyor of the said Second District to fill up, or make and cut the same, as the Case shall be, in such Manner as they shall

think proper; and that the Charges of filling up such Soak Dikes or Soak Gripples, or of making and cutting others in lieu thereof, shall be borne and paid by the Person or Persons so neglecting or refusing, and be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, in such and the same Manner as the Rates and Taxes by this Act are herein-before directed to be recovered.

Commissioners to have Power to remove Trees or Holts already planted, making Satisfaction to the Owners.

Provided always, and it is hereby enacted, That if any Trees or Holts are now growing in the said Second District, within the Distance of Forty Poles from any Mill or Engine already built, or hereafter to be built, within the said District, or upon any of the Banks within the said District, or within Ten Feet of such Banks, it shall and may be lawful for the said Commissioners, or any Five or more of them, by a like Order under their Hands and Seals, to order the same to be taken up or pulled down, as if the same had been planted since the passing of this Act, making such Satisfaction out of the Monies arising by virtue of this or the said former Act to the Owner or Owners of such Trees or Holts as shall be agreed upon between such Owners and the said Commissioners; and in case any Difference or Dispute shall arise between the Commissioners and such Owner, touching such Satisfaction, and the same cannot be settled between them, then such Satisfaction and Recompence shall be finally settled and determined by Two Justices of the Peace for the said Isle of Ely, (not interested in the Premises), whose Determination shall be final to all Parties.

Distress not unlawful for want of Form.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity

Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Recital of the Manner formerly used in the Navigation on the River *Nen* to the Town of *Thorney*.

And whereas the Navigation from the River Nen to the Town of Thorney had used, Time immemorial, to be carried on through The Dog and Doublet Sluice, in the North Bank of Moreton's Leam, along a certain Cut called The Delph or Slype River, in the said Second District of the said North Level, unto a certain Bridge called The Stone, otherwise Red Lyon Bridge, in the said Lordship of Thorney, which said Sluice and Delph or Slype River have been, Time immemorial, and were the sole Property of the most Noble John Duke of Bedford, and his Ancestors, Owners of Thorney aforesaid; but, since the passing of the said Act of the said Twenty-seventh Year of his late Majesty King George the Second, the said Navigation has been obstructed by some Works made by the Commissioners for executing the Powers of the said Act within the said Second District, and the Navigation from the said River Nen to the Town of Thorney aforesaid has, since that Time, being carried along Thorney Dike, from Knar Lake to the said Stone, otherwise Red Lyon Bridge, which is attended with great Inconvenience to the said Navigation, and the draining of Thorney Lordship aforesaid, as well as of the said Second District; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the Devisees in Trust under the Will of the said John late Duke of Bedford, and the Survivor and Survivors of them, and the Executors and Administrators of such Survivor, during the Minority of the Duke of Bedford, for the Time being, and, after his attaining the Age of Twenty-one Years, for the Duke of Bedford, his Heirs and Assigns, and he and they is and are hereby authorised and impowered to make One Pen Sluice in the said Delph or Slype River next the counter Drain in the said Second District, and also One other Pen Sluice in the said Delph or Slype River next Thorney Dike, in the said District, and to remove the Dams in the said Delph or Slype River against the counter Drain and Thorney Dike aforesaid; and also to lay a Tunnel under the said

Duke of *Bedford*'s present Powers under this Act.

Delph or Slype River, where the Mill Drain now croſſes the ſame, Seven Feet below the Level of the Lands adjoining thereto, and Ten Feet wide; and alſo to ſcour out and deepen the ſaid Delph or Slype River in the ſaid Second Diſtrict, from the counter Drain to Thorney Dike aforeſaid, Four Feet below the Level of the loweſt Land adjoining to the ſame.

Method of throwing Water out of *Thorney Dike.*

And be it further enacted by the Authority aforeſaid, That when the Water in Thorney Dike aforeſaid, Weſtward, or above the pointing Doors, hereafter directed to be placed in the ſaid Dike, ſhall be higher than the Level of the loweſt whole Lands in the ſaid Second Diſtrict, by any or either of the Mills or Engines in the ſaid Lordſhip of Thorney throwing the Water into the ſaid Dike Weſtward, or above the ſaid pointing Doors, the ſaid Deviſees, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, during the Minority of the Duke of Bedford for the Time being, and afterwards the Duke of Bedford, his Heirs and Aſſigns, ſhall work One Mill or Engine ſtanding near the lower End of the ſaid Thorney Dike, to drain the Water out of the ſame, for which Purpoſe a pair of pointing Doors, or Flood-gates, ſhall be placed and kept in the ſaid Thorney Dike, a little above the Place where the ſaid Mill now ſtands; and in caſe at any Time the Water in the ſaid Thorney Dike ſhall be above the Level of the loweſt whole Lands in the ſaid Second Diſtrict, by any or either of the Engines or Mills in Thorney Lordſhip throwing into the ſaid Dike, Weſtward, or above the ſaid pointing Doors, and the ſaid Mill or Engine near the lower End of the ſame, ſhall not work at the Dike to throw the Water out of the ſaid Dike, that it ſhall and may be lawful for any Five or more of the Commiſſioners appointed, or to be appointed, by virtue of this Act, or by the ſaid former Act, for the ſaid Second Diſtrict, to give Notice in Writing under their Hands to the Steward of the ſaid Deviſees, or of the Duke of Bedford, (ſuch Notice to be left at the Manor-houſe in Thorney aforeſaid), that the Water in the ſaid Dike, called Thorney Dike, Weſtward, or above the ſaid pointing Doors, is higher than the Lands in the ſaid

Power of Commiſſioners with reſpect to the Water Engine at the Bottom of *Thorney Dike.*

Second District, by any or either of the Engines or Mills in Thorney Lordship throwing into the said Dike above the said pointing Doors, or Flood-gates: And in case the said Engine or Mill, at or near the lower End of the said Dike, shall not, after Two Days, to be computed from the Time of delivering such Notices as aforesaid, work at and throw the Water out of the said Dike, it shall and may be lawful for the said Commissioners, or any Person appointed by them, or any Five of them, in Writing under their Hands, to work the said Engine or Mill for the Purpose aforesaid: And, in order to enable such Person and Persons so employed by the said Commissioners, as aforesaid, to work the said Engine for the Benefit of the said District, it shall and may be lawful for such Person or Persons to enter into and upon the said Lands and Mill of the said Devisees, or of the said Duke of Bedford, his Heirs or Assigns, by Order of the said Commissioners, as aforesaid, for that Purpose, without being liable or subject to any Action of Trespass, or other Prosecution whatsoever, by the said Devisees, or the said Duke of Bedford, his Heirs or Assigns, or any other Person or Persons whomsoever, for so doing.

Commissioners to have Power to enter on the Duke of *Bedford*'s Property to work the Engines.

Provided nevertheless, and it is hereby enacted by the Authority aforesaid, That if at any Time the Water in the said Second District shall overflow the Bank of Thorney Dike in the said Second District; or if, by any Means, the Water in the said Second District shall run into Thorney Dike aforesaid; that then the said Mill or Engine, at or near the lower End of Thorney Dike aforesaid, shall not work for the Benefit of throwing the Water out of the same, until such Bank shall be raised, and the Water of the said Second District shall be distrained, stopped, and prevented from running into Thorney Dike aforesaid; any Thing herein contained to the Contrary in any-wise notwithstanding.

At what Times the Mill at the lower End of *Thorney Dike* is not to work for the Benefit of the District.

And be it further enacted by the Authority aforesaid, That, during such Time as the said Devisees of the said John late Duke of Bedford, or the Duke of Bedford, his Heirs or Assigns for the Time being, shall make, erect, uphold, maintain, repair, and support, the said Delph or

The Duke of *Bedford* to have the Property of the Navigation, so long as he supports the Works thereof.

Slype River, Sluices, Tunnel, Mill, or Engine, and Doors or Flood-gates, as aforesaid, at his and their Expence, in Manner before mentioned, it shall and may be lawful for the said Devisees, and the Survivors and Survivor of them, and the Executors and Administrators of such Survivor, during the Minority of the Duke of Bedford for the Time being, and afterwards for the Duke of Bedford, his Heirs and Assigns, to have the Use and Disposal of the said Navigation, from the River Nene, through the Dog and Doublet Sluice aforesaid, along the said Delph or Slype River to Thorney aforesaid; together with all such Rights, Powers, and Authorities, in and over the said Sluices, Delph or Slype River, and the Sides thereof, and the Navigation in, through, and along the same, as have at any Time heretofore been had, used, exercised, and enjoyed, by the said John Duke of Bedford, deceased, or Wriothesly, late Duke of Bedford, deceased, or by any of their Ancestors; any Thing contained in the said recited Act of the Twenty-seventh Year of King George the Second to the Contrary thereof in any-wise notwithstanding: But in case the said Works, or any of them, shall at any Time or Times hereafter be out of Repair, and the Lands in the said Second District be endangered thereby, it shall and may be lawful for the said Commissioners, or any Five or more of them, to give Notice, in Writing at the Manor-house in Thorney aforesaid, to the Steward of the said Devisees, or the Survivor of them, or to the Duke of Bedford, his Heirs or Assigns, that such Works, or any of them, are out of Repair, specifying in such Notice what Part of such Works are out of Repair; and that if the Repairs thereof are not set about within Six Days after such Notice, it shall be lawful for the Officer to the said Commissioners for the said Second District, by an Order in Writing under the Hands of the said Commissioners, or any Five or more of them, to lock up the Sluices in the said Second District, until such Works shall be repaired: And, in no other Case, it shall be lawful for the said Commissioners, or any other Person or Persons acting under them, to intermeddle, or use any Authority in or over

over the said Navigation, or any of the Works to be made upon the same, or in Thorney Dike, or either of them.

Works of the Navigation how to be prevented from Damage.

And, for preventing the damming up, stopping, throwing down, demolishing, destroying, or damaging the said Delph or Slype River, or the Sides thereof, and the said Tunnel, Sluices, pointing Doors, or Flood Gates, herein-before directed to be made, kept, and preserved, for the Benefit of the said Navigation, and the draining Thorney Dike as aforesaid, it is hereby enacted by the Authority aforesaid, That if any Person or Persons shall at any Time hereafter, wilfully or maliciously dam up, cut, break down, demolish, damage, or destroy any of the Works in the said Delph or Slype River, or the Sides thereof, or the said Tunnel, Sluices, pointing Doors, Flood Gates, or other Works, made, or hereafter to be made, for the Benefit of the said Navigation, and draining Thorney Dike aforesaid; every Person so offending, being thereof lawfully convicted before One or more Justice or Justices of the Peace for the Isle of Ely aforesaid, not interested in the Premises, who are hereby required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, or Confession of the Party or Parties so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds to the said Devisees, their Executors and Administrators, during the Minority of the Duke of Bedford, and afterwards to the Duke of Bedford, his Heirs and Assigns; and in Default of such Payment, the same shall be levied by Distress and Sale of the Goods and Chattles of all and every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of the said Justice or Justices before whom such Conviction shall be made; and in Default of such Payment, or Distress, the Person or Persons so offending shall be sent by the said Justice or Justices to the House of Correction of the Isle of Ely aforesaid, there to be kept to hard Labour for such Time as such Justice or Justices shall order and direct, not exceeding Six Calendar Months, nor less than Three Calendar Months.

Conviction of Offenders to be drawn up in the following

And, for the more easy and speedy Conviction of Offenders against this Act, and the said former Act, be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, or the said former Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen, (videlicet:)

Form.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the *Isle of Ely*, (either on his own Confession, or on the Oath of One or more credible Witness or Witnesses, *(as the Case shall be)*, by virtue of an Act, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "for "amending and rendering more effectual an Act made in "the Twenty-seventh Year of the Reign of His late Ma- "jesty King *George* the Second, intituled, *An Act for* "*discharging the Corporation of the Governor, Bailiffs, and* "*Commonalty, of the Company of Conservators of the Great* "*Level of the Fens, commonly called* Bedford Level, *from a* "*Debt due to the Duke of* Bedford, *and Earl of* Lin- "coln; *and for enabling the Proprietors of Lands in the* "North Level, *Part of the said Great Level, to raise Mo-* "*ney to discharge the Proportion of the said* North Level, "*in the Debts of the said Corporation; and for ascertain-* "*ing and appropriating the Taxes to be laid on the said* "North Level; *and for the more effectual draining and pre-* "*serving the said* North Level, *and divers Lands adjoining* "*thereto, in the Manor of* Crowland; so far as the same "relates to the several Fen Lands lying in the Second "District in the said Act described;" [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*]. Given under my Hand and Seal, the Day and Year above written.

Limitation of Actions.

Provided always, and be it enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted

prosecuted against any Person or Persons, for any Thing done, or to be done, in pursuance of this Act, or in Execution of any of the Powers or Authorities hereby given, every such Action, Suit, or Information, shall be commenced or prosecuted within Twelve Calendar Months next after the Fact committed, and not afterwards; and shall be laid or brought in the Counties of Cambridge, Huntingdon, or Northampton, or in the Isle of Ely, or One of them, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, Not Guilty; and if in Replevin, may justify and avow, by virtue of this Act, as Persons acting under and by Authority of Commissioners of Sewers are intitled to do, and give this Act, and the Special Matter, in Evidence, without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Jurisdiction, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits; or if any Judgement shall be given against him, her, or them, upon Demurrer, or otherwise; then, or in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded. General Issue. Double Costs.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to repeal, alter, or take away any of the Clauses, Powers, and Authorities, given by the said former Act to the Commissioners acting by virtue and in pursuance thereof; but that every Clause, Power, and Authority, therein contained, shall remain, and be in the same Force and Effect, as if this Act had never been made; any Thing herein This Act not to alter the former Act.

contained to the Contrary thereof notwithstanding: But that all the Clauses, Powers, and Authorities given by the said former Act, so far as the same relate to the said Second District or Division, shall extend, and be construed to extend, to this Act, as fully and effectually as if the same were repeated and re-enacted in this present Act; save only and except such Part or Parts thereof as are altered and taken away by virtue of this Act,

Rights of Corporation of *Bedford Level* reserved.

Provided always, and be it enacted, That all and every the Rights, Powers, Jurisdictions, and Authorities, shall be saved and reserved unto the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called Bedford Level, and their Successors, and to all and every other Person and Persons, his, her, and their Heirs, Executors, and Administrators, now vested in and enjoyed by them.

Publick Act.

And be it further enacted and declared, That this Act shall be deemed and allowed, in all Courts within this Kingdom, and upon all Occasions whatsoever, to be a Publick Act; and shall be judicially taken Notice of as such by all Courts, Judges, and other Persons, without specially pleading the same.

FINIS.