ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XLVI.

An Act for the more effectual draining and preserving certain Fen Lands and Low Grounds in the Parish of *Yaxley*, in the County of *Huntingdon*.

WHEREAS several Fen Lands and Low Grounds in certain Fens, called by the several Names of Horse Fen, Cow Fen, Hog Fen, and The Lord's Fen, and other Low Grounds lying together in the Parish of Yaxley, in the County of Huntingdon, from their low and flat Situation, are liable to be overflown with Water, so that no certain Advantage or Profit can be thereof made by the Owners and Occupiers of the same: And whereas the said Fen Lands and Low Grounds contain in the Whole about Six hundred Acres, and are abutted and bounded as follows; that is to say, On Part of the North by a certain Dike or Drain called The Yard's End Dike, (including the said Yard's End Dike); and from the East End of the said Yard's End Dike on the North Side thereof, by a straight Line across Preamble.

acroſs a certain River or Dike called The Load; and from thence by the ſaid Load to the North End thereof; and from thence by a certain River or Dike called Pig's Water, to and by a Dike running from the ſaid Pig's Water by the Eaſt End of a Holt belonging to Lord Carysfort, (including the ſaid Dike), to the North-eaſt Corner of the ſaid Fen called The Lord's Fen; and from thence by a Dike called Twelve Foot Dike and a certain Gateway called Drake's Gateway, on the Eaſt, to the South Bank of the ſaid Fen called The Lord's Fen; and from thence by the ſaid South Bank, (including the ſame) to the Weſt End thereof; and from thence by Part of the Weſt Bank of the ſaid Lord's Fen to that Point therein which is oppoſite in a ſtraight Line to the Eaſt End of a Dike on the South Side of a Cloſe called Gregory's Cloſe, in Hog Fen, including ſuch Part of the ſaid Weſt Bank, and from the ſaid Weſt Bank by the ſaid ſtraight Line to the ſaid Dike, and by the ſaid Dike on the South to the Weſt End thereof; and from thence by a ſtraight Line acroſs the aforeſaid River called The Load to the preſent Mill or Engine in the ſaid Fen called Cow Fen, and from the ſaid Mill or Engine by the ſaid Load to the South-eaſt Corner of a Cloſe called The Mill Cloſe, and from the ſaid Corner by the preſent Bank on the South Side of ſuch Parts of the ſaid Fens called Cow Fen and Horſe Fen, as are now under the Drainage of the ſaid Mill or Engine (including the ſaid Bank) to the Weſt End thereof, at a certain Drain called Stilton Drain; and from thence by the ſaid Stilton Drain on the South-weſt to the North-eaſt Corner of a Cloſe called Sanker's Cloſe, in the Lordſhip of Stilton; and from thence by a Dike dividing the Lordſhips of Stilton and Yaxley (including the ſaid Dike) to the South-eaſt Corner of a Cloſe of Sir Sampſon Gideon, called Muſtard Seed Cloſe; and from thence by the Dike or Watercourſe running on the Eaſt End of Muſtard Seed Cloſe, and on the Eaſt Side of Lands called The Great Wikes (including the ſaid Dike) to the South End of a Place in the ſaid Wikes called The Springs; and from thence by a ſtraight Line to and acroſs the Road called Wikes Way, at the old Gateway,

of the said Wikes to the West End of the Hedge or Bushes on the North Side of the said Wikes Way, and by the said Hedge or Bushes on the North to the South-west Corner of a Close or Ground called Mr. Newton's Allotment; and from thence by a Dike or Watercourse called The Wikes Way Dike or Field Dike, running towards the East, to and by the North Side of a Close or Ground belonging to the Vicar of Yaxley, and the North End of a Close of Mr. William Bowker, called The Brick Close, and on the North Side of a Close of Lord Carysfort, called The Holms, through Part of the said Holms, and down the East Side thereof into the West End of the said Dike or Drain called The Yard's End Dike, (including the Whole of the said Dike or Watercourse called The Wikes Way Dike, to the said Yard's End Dike, the Beginning of the said Boundaries): And whereas the said Fen Lands and Low Grounds are capable of very great Improvement, by Means of a proper Drainage; but such Drainage cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Lands herein-before abutted, bounded, and described, shall be, and are hereby made One intire District, and shall be imbanked and drained in the Manner herein-after directed.

Appointment of Commissioners.

And be it further enacted, That each and every Owner for the Time being respectively of Eight Acres or more of Lands, in their own Right, subject to be taxed by virtue of this Act, and lying respectively within the Limits aforesaid, shall be and is hereby appointed a Commissioner for putting this Act, and the Powers and Authorities herein-after contained, into Execution.

Deputies may be appointed to act in their Ablence.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful for, and every such Commissioner is hereby authorised and impowered to appoint, by Writing under his or her Hand, to be delivered to the said Commissioners, or any Five or more

of them, at some Meeting to be held in pursuance of this Act, from Time to Time, and for such Time as he or she shall think proper, a Deputy, to act in his or her Absence as a Commissioner; and such Deputies shall and may, in the Absence of the Persons respectively by whom they shall be so appointed, act as Commissioners in the Execution of this Act, in such and the same Manner, and as fully, to all Intents and Purposes, as such Commissioners respectively might act and do if they were personally present.

Owners of 50 Acres to appoint a Commissioner.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person, who is the real Owner of Fifty Acres of arable Land, lying within the Limits aforesaid, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think proper, to appoint One Commissioner for every such Fifty Acres of Land, over and above the Commissioners herein-before appointed for putting this Act, and all the Powers and Authorities herein contained, into Execution; and that such Commissioners, so nominated and appointed by such Owner or Owners of Fifty Acres respectively as aforesaid, shall be Commissioners, to all Intents and Purposes, for carrying this Act into Execution.

If Owners of 50 Acres be a Minor, such Minor or his Guardian to appoint a Commissioner during his Minority.

Provided always, and be it further enacted and declared by the Authority aforesaid, That if any Person, who by virtue of this Act is impowered to act as a Commissioner in Person, or by Deputy, shall, at the Time of passing this Act, or at any Time afterwards, be a Minor under the Age of Twenty-one Years, Idiot, Lunatick, or of unsound Mind, it shall and may be lawful for the Guardian of such Minor, and for the Committee or Trustee of such Idiot, Lunatick, or Person of unsound Mind, to act in Person as a Commissioner for putting this Act into Execution, or in his or her Absence, by Writing under his or her Hand, to appoint a Deputy for that Purpose; and also shall and may, by Writing under his or her Hand, nominate and appoint a Commissioner for every Fifty Acres of Land belonging to such Minor or other Person under such legal Disability as aforesaid; and that such

such Commissioners so nominated and appointed, shall be to all Intents and Purposes Commissioners for carrying this Act into Execution.

Joint Owners may be Commissioners, and may appoint Deputies.

Provided also, and be it further enacted, That all Persons who shall be joint Tenants, Tenants in common, or Parceners of any Lands lying within the Limits aforesaid, and subject to be taxed by virtue of this Act, shall, for their several and respective Shares, be intitled to act by virtue of such respective Shares as Commissioners by themselves or Deputies, and shall have the same Powers as if such Lands so held by them as joint Tenants, Tenants in common, or Parceners, were actually severed and divided; provided that such respective Shares shall amount unto Eight Acres or Fifty Acres respectively.

Proceedings to be entered in Books.

And be it further enacted, That every Nomination of a Commissioner or Commissioners in pursuance of this Act shall be entered gratis by the Clerk to the said Commissioners in a Book to be kept for that Purpose; and that such Commissioner or Commissioners shall and may, and is and are hereby impowered to act in the Execution of this Act, until superseded by a fresh Nomination, to be entered in such Book as aforesaid.

Meetings of Commissioners.

And, for the more effectual raising and levying Money for the general draining, and preserving the Lands comprised within the Limits aforesaid, and answering the Purposes of this Act, it is hereby further enacted by the Authority aforesaid, That the said Commissioners hereby nominated and appointed, and such other Commissioners as shall hereafter succeed them, or any Five or more of them, shall meet Twice in every Year; that is to say, Upon Monday next before the Ascension of our Lord, and the Second Monday in September, (which Meetings shall be called General Meetings), besides the First Meeting hereby appointed, at some publick House in the Parish of Yaxley aforesaid, to be appointed by the said Commissioners, or any Five or more of them, and at such other Times and Places near the Limits aforesaid as the said Commissioners, or any Five or more of them, shall see Cause for, or think convenient, pursuant to Notice in Writing for that Purpose, signed

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by any Five or more of them, and affixed upon the Outside of the South Door of the Parish Church of Yaxley aforesaid, Ten Days at least before any such Meeting, (except those held by Adjournment), and that the First Meeting shall be held at some publick House in Yaxley, upon the Monday Fortnight next after the passing of this Act; and may, from Time to Time, adjourn themselves, and meet again pursuant to such Adjournments as often as they shall think proper.

Commissioners may adjourn.

Commissioners may act as Justices.

And be it further enacted, That such of the Commissioners appointed, or to be appointed in or by virtue of this Act, as shall be a Justice or Justices of the Peace, may, and is and are hereby authorised and impowered to act as a Justice or Justices of the Peace within the Limits of his or their proper Jurisdiction respectively, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Commissioner or Commissioners; provided such Commissioner or Commissioners is or are otherwise qualified, and not interested in the Matter in Question, otherwise than as a Commissioner or Commissioners.

No Order to be valid, unless by Order of the Commissioners.

And be it further enacted, That nothing shall be done by the said Commissioners in the Execution of this Act, but at a Meeting to be held in pursuance of this Act, or in Consequence of some Order or Orders made at such Meeting or Meetings, except granting and issuing of such Notices, Warrants, and Precepts, by the said Commissioners, as they are hereby impowered to make or issue; and no Order shall be valid unless the major Part of the Commissioners present at such Meeting consent thereto.

Commissioners to make Drains, &c.

And be it further enacted, That the said Commissioners, or any Five or more of them, shall have full Power and Authority, from Time to Time, and at all Times hereafter, as they shall think proper, to make, erect, support, alter, and maintain such Cuts, Drains, Dams, Banks, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, and Mills, in, through, and upon the said Lands and Grounds, or any Part thereof, and to make, erect, remove, alter, repair, and maintain

maintain all such Works and Engines thereon, and such Cuts, Drains, Dams, Banks, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, or Mills, as are already made or erected in or upon such Lands or Grounds, to remove, alter, repair, or continue, and also to make such Orders, and to give such Directions, for the carrying on and for the better and more orderly Government and Using of the said Works, for the Purposes of this Act, as the said Commissioners, or any Five or more of them, shall at any Meeting or Meetings to be held in pursuance of this Act, think fit, order, direct, or appoint; making such reasonable Satisfaction to the Person or Persons who hath or have a Right to the Soil through or upon which any such Cut, Drain, Dam, Bank, Bridge, Tunnel, Heading, Tray, Slamp, Outlet, Work, or Engine, shall be made or erected, for the Damages, he, she, or they shall thereby sustain, as shall be agreed upon between such Commissioners, or any Five or more of them, and such Person or Persons; and in case any Difference shall arise between the said Commissioners and Land-owners, in regard to the Value of such Damages, the same shall be settled, adjudged, and determined, by the Justices of the Peace at the Quarter-sessions to be holden for the said County of Huntingdon, not interested in the Premises, who are hereby authorised and required to examine into, hear, and determine the same; and the Determination which shall be so made by the said Justices in their said Quarter-sessions as aforesaid, shall be final and conclusive to all Parties, and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster.

making reasonable Satisfaction to Proprietors of Soil.

Provided, That nothing herein contained shall extend, or be construed to extend, to impower the said Commissioners, or their Successors, to stop up the Drain running at the East End of the said Close of Sir Sampson Gideon Baronet, called Mustard Seed Close, but that the same shall always remain a common Drain for the Waters of Yaxley Fields, and the said Close; any Thing

Mustard Seed Close to remain a common Drain.

herein contained to the Contrary thereof in any-wise notwithstanding.

Commissioners may make Contracts.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to make Contracts with any Person or Persons for performing any of the Works, Matters, and Things, that shall be thought necessary in the Execution of this Act, Fourteen Days Notice being given by the said Commissioners, or any Five or more of them, upon the Outside of the said Church Door of Yaxley, of the Time and Place of their receiving Proposals for such Contracts.

Commissioners impowered to drain other Lands.

And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at any Time or Times, as they shall think convenient, to contract and agree with any Owner or Owners, Occupier or Occupiers, of any Lands or Grounds lying within the said Parish of Yaxley, for the draining of such Lands or Grounds, for such Time and Times, and at and for such yearly or other Sum or Sums of Money respectively, as they the said Commissioners, or any Five or more of them, shall think fit; which said Sum and Sums of Money so to be contracted and agreed for, shall be, from Time to Time, applied and disposed of, in, or towards executing the Purposes of this Act.

Officers to be appointed by the Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, at any of the Meetings to be held in pursuance of this Act, shall have full Power and Authority to appoint One or more Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or such other proper Officers, as they the said Commissioners shall think fit, for the taking Care of all such Works, and for collecting the Rates or Assessments which shall be made or assessed on the said Fen Lands and Low Grounds within the Limits aforesaid, by virtue of this Act; and to allow and appoint to be paid to such Officer or Officers, out of such Rates or Assessments, such yearly or other Wages or Salaries, for their Trouble and Pains, as they the said Commissioners, or any Five or more of them, present at

any such Meeting, shall think reasonable; which said Collector or Collectors, Receiver or Receivers, Clerk or Clerks, or other Officer or Officers, so to be appointed, may be removed at the Will and Pleasure of the said Commissioners, or any Five or more of them, assembled at a Meeting to be held for that Purpose, of which Fourteen Days Notice at least shall be given in Writing, to be affixed on the Church Door of Yaxley aforesaid, and another or others to appoint in his or their Stead, as Occasion shall require; and such Collectors or Receivers shall, before they act in the Execution of their Offices respectively, give such Security for the due Execution of such their respective Offices, and for performing the several Trusts to them committed, as they the said Commissioners, or any Five or more of them, assembled at any Meeting, shall think fit.

Taxes to be charged by the Commissioners.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Five or more of them, assembled at their First or other General Meeting, yearly and every Year, to assess, rate, tax, and charge all and every the said Fen Lands and Low Grounds within the Limits aforesaid, and the respective Owner and Owners, or Occupier and Occupiers thereof, (except the Lands herein-after exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Five Shillings per Acre in any Year, nor in any Rate or Sum less than Four Shillings per Acre, (so long as any Money to be borrowed by virtue of this Act shall remain due thereon), for carrying on and effecting the said Purposes of draining and preserving the same; and that such Rates or Taxes shall be paid half-yearly, on the Twenty-ninth Day of September, and the Twenty-fifth Day of March, in every Year; and that the First Payment shall be made on the Twenty-ninth Day of September next after the passing of this Act.

Surveyors appointed to view the present Works.

And whereas the Proprietors of that Part of the said Fen Lands called Horse Fen and Cow Fen have heretofore laid out and expended considerable Sums of Money in making the present Banks and Engine now used for draining the said Lands, which will be a great Saving

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ing in the Expence of the Works necessary for draining the said District: In order therefore that the said Proprietors of Lands in Horse Fen and Cow Fen may receive a proper Allowance or Compensation for the Benefit the Proprietors of Hog Fen and The Lord's Fen will have by such Saving, it is hereby enacted, That the Proprietors of Lands in the said Fens, called Hog Fen and The Lord's Fen, shall pay for such Benefit they will receive by the present Banks and Engine, as aforesaid, the Sum of Forty Pounds, to be laid out by the said Commissioners, or any Five or more of them, in the general Works for draining and preserving the said District.

Additional Taxes in *Hog Fen* and *Lord's Fen*.

And, for the raising and levying the said Sum of Forty Pounds to be paid by the said Proprietors of Lands in Hog Fen and The Lord's Fen, as aforesaid, it is hereby enacted by the Authority aforesaid, That the said Commissioners hereby appointed, or any Five or more of them, shall and may, at their First or other General Meeting, yearly and every Year, assess, rate, tax, and charge, all and every the said Fen Lands and Low Grounds, within the said Hog Fen and Lord's Fen respectively; and the respective Owner and Owners, and Occupier and Occupiers thereof, (except such as hereinafter are exempted), by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Two Shillings per Acre, over and above the Rates or Taxes herein-before directed to be rated and assessed thereon, until the whole Sum of Forty Pounds, herein-before directed to be paid by the said Proprietors of Lands in Hog Fen and The Lord's Fen, be thereby or otherwise fully paid and satisfied; such last-mentioned Rates or Taxes to be paid to the Collector or Collectors, Receiver or Receivers, at such Days and Times as the Taxes herein-before mentioned are directed to be paid.

Owners to give in the Quantities of their Lands.

Provided always, and it hereby enacted and declared by the Authority aforesaid, That the Quantities of Land so to be rated and taxed as aforesaid, shall, on or before the Day of the First General Meeting hereby appointed, be given to the Receiver or Collector of the said Taxes or Rates, by the respective Proprietors or Occupiers

piers of such Lands; and if any such Proprietors or Occupiers should neglect or refuse to give to any such Receiver or Collector a particular Account of the Number of Acres of which he, she, or they, shall be Proprietor or Occupier, or in case there shall be any Doubt touching the Fairness or Truth of such Account so delivered in, it shall be lawful for the said Commissioners, or any Five or more of them, to order a Survey to be made of any of the said Lands by a Surveyor, upon Oath; (which Oath any One of the said Commissioners is impowered to administer); and such Survey so by him made shall be a sufficient Warrant and Authority to the said Commissioners, or any Five or more of them, to rate and assess the Lands agreeable thereto; the Charge of such Survey to be borne by such Person or Persons as shall neglect or refuse to give in such Account, or who shall deliver in a false Account; such Charge to be recovered in such Manner as the Taxes are herein directed to be recovered: And in case it shall appear upon any Survey that the Number of Acres was truly delivered in, then the Charge of such Survey to be paid by the Receiver or Collector, out of the Monies to be raised by virtue of this Act.

Commissioners to borrow Money.

And forasmuch as the Money so to be rated, levied, collected, and gathered, as aforesaid, will not be sufficient to defray the immediate Expences of making such Banks, Cuts, Drains, Dams, Bridges, Tunnels, and Outlets, and erecting such Engines and other Works as shall be necessary for the draining and for the speedy Improvement of the said Fen Lands and Low Grounds; be it further enacted, That the said Commissioners, or any Seven or more of them, (Five of whom to be real Owners of Lands sufficient to qualify them to be Commissioners in their own Right), shall and may, and they are hereby impowered, from Time to Time, to borrow any Sum or Sums of Money which they shall think necessary, for the making, carrying on, repairing, and preserving, the said Works, and, by Writing under their Hands and Seals, with any Stamp or Stamps, to assign over the said yearly Rates, Taxes, and Sums of Money hereby charged, or to be charged, upon the said Fen Lands and Low Grounds, and every or any Part thereof, (the Costs and Charges of which Assignments

shall be borne and paid out of the said Taxes, in such Manner and Form as to the said Commissioners shall seem meet), as a Security or Securities for any Sum or Sums of Money (such Sum or Sums so to be borrowed not to exceed in the Whole the Sum of One thousand and four hundred Pounds) to such Person or Persons, or their Trustees, as shall advance or lend the same, to secure the Repayment thereof, with Interest: Which Money so borrowed shall be applied, in the First Place, to pay and discharge the Charges and Expences of obtaining this Act of Parliament, and, in the next Place, to defray the Charges and Expences of the Persons hereinafter appointed for ascertaining the High Lands, and then shall be applied and disposed of in making, erecting, repairing, enlarging, and maintaining, such Engines, Banks, Drains, and other Works, for the draining, imbanking, and preserving of the said Lands, as shall be thought expedient by the said Commissioners, or any Five or more of them.

Application of the Money.

No Assignment shall be made for more than 100 *l.*

And be it further enacted, That all Assignments of the said Taxes so to be made by the said Commissioners, as aforesaid, shall be numbered, beginning with Number One, and so proceeding in Arithmetical Progression; and that no Assignment shall be made for any greater or lesser Sum than One hundred Pounds.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all Assignments or Securities to be made by the said Commissioners as aforesaid, in pursuance of this Act, shall and may be assignable or transferrable by Indorsement upon such Original Grant, or Security thereof, or otherwise, without Stamps, 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 by the Clerk or Treasurer to the said Commissioners, be well and sufficiently intitled to such Mortgage Monies, and Interest, and all the Monies then due, and thereafter to grow due thereon; which Entries are hereby required to be made on Request, and producing such Assignment, and paying Two Shillings and Sixpence to the Clerk or Treasurer of the said Commissioners for every such Entry; and such

Assignee

Assignee or Assignees, and every other Assignee or Assignees, shall and may, by Indorsement, or otherwise, assign and make over such Mortgage or Mortgages, and Securities, so assigned as aforesaid, and so toties quoties as Occasion shall require, every such Assignment or Transfer being entered in such Book as aforesaid.

Commissioners may lend Money.

And be it further enacted by the Authority aforesaid, That all and every Commissioner and Commissioners appointed by this Act, or who shall hereafter be appointed, by any Power or Authority hereby given, shall and lawfully may, notwithstanding his or their being such Commissioner or Commissioners, lend any Sum or Sums of Money on Security of the Taxes or Rates to be rated, charged, or assessed, by virtue of this Act, in such Manner as any other Person or Persons may, can, or shall do, by Means or Virtue hereof; and that such Commissioner or Commissioners, so advancing or lending such Sum or Sums of Money, shall and may lawfully take a Mortgage or Mortgages, Assignment or Assignments, of the said Taxes from the said other Commissioners, or any Seven or more of them, as a Security and Securities for the said Sum and Sums of Money so by him or them advanced and lent; which Mortgage or Mortgages, Assignment or Assignments, being so executed by the said Commissioners, or any Seven or more of them, shall be effectual and binding to all Intents and Purposes whatsoever; and that the Commissioner or Commissioners so advancing or lending such Sum or Sums of Money, and accepting and taking such Security, shall, by Means and Virtue thereof, have and exercise such and the like Powers and Remedies for recovering and receiving the said Sum and Sums of Money, and the Interest thereof, and for assigning or transferring the same, as any other Mortgagee or Mortgagees of the said Rates or Taxes can, may, or shall have, and take, by Means and Virtue of this Act.

Taxes to vest in Creditors.

And be it further enacted, That the said Rates, Taxes, and Sums of Money hereby assessed, or to be assessed upon and paid by the Owners or Occupiers of the said Fen Lands and Low Grounds, shall be charged and chargeable, in the First Place, with and for the Payment of all and every the Sum and Sums of Money, and the

Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the reſpective Creditor or Creditors, upon Default of Payment of ſuch Principal Money, and Intereſt, until the ſame ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by Nonpayment thereof, as aforeſaid: And the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, and recovering of the ſeveral Taxes and Sums of Money payable by the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners or their Collector could have had, in caſe the ſaid Principal and Intereſt had been fully paid.

Power to diſtrain.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall neglect to pay to the Receiver or Collector to be appointed, as aforeſaid, at the Place of Abode of ſuch Receiver or Collector, the Money aſſeſſed, rated, or charged on him, her, or them reſpectively, by virtue of this Act, for the Space of Twenty-one Days after the reſpective Times of Payment hereinbefore appointed, it ſhall be lawful for the ſaid Collector or Receiver, or for any other Perſon or Perſons, at any Time or Times thereafter, by virtue of a Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners, (which Warrant or Precept the ſaid Commiſſioners, or any Three or more of them, are hereby impowered and required from Time to Time to make, and iſſue, as Occaſion ſhall require), to enter into and upon the ſaid Fen Lands and Low Grounds within the Limits aforeſaid for which the ſaid Taxes ſhall be ſo in Arrear, and all Meſſuages, Tenements, and Buildings thereupon ſtanding; and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Taxes ſo in Arrear, by Diſtreſs and Sale of the Goods, Chattels, and Cattle, which ſhall be found on the ſaid Premiſes ſo charged with the ſaid Tax in Arrear; and in caſe no ſufficient Diſtreſs can be found on the Premiſes, it ſhall be lawful for ſuch Collector or Receiver, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy the ſaid Taxes

in arrear by Distress and Sale of the Goods, Chattels, and Cattle, of the Person and Persons so making Default in Payment, in any other Place within the Kingdom of Great Britain; and the Goods, Chattels, and Cattle so distrained to impound on the Premises, or carry away, drive, and impound in any other Place not above the the Distance of Three Miles from the Place from whence they shall be so carried away and driven, at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing at the House or usual Place of Abode of the Owner of such Goods, Chattels, or Cattle, so distrained, or at the usual Place of Abode of the Owner or Occupier of the Land charged with such Arrear of Tax, of the Cause of such Distress, and the Place where the Goods, Chattels, and Cattle, shall be so impounded; and if the Owner or Owners of the Goods, Chattels, or Cattle, so distrained, shall not pay the Sum or Sums of Money in arrear, together with all Costs and Charges attending such Distress, or replevy the said Goods and Chattels, with sufficient Security to be given to the Sheriff of the County where such Distress shall be so taken, or other Officer or Officers usually taking such Securities, according to the Laws now in being for Distress in case of Nonpayment of Rents, within Five Days after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining may, with the Sheriff or Under Sheriff of the County, Constable, or Headborough of the Parish or Place where such Distress shall be made, (who are hereby required to assist therein), cause the said Goods and Chattels so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Sheriff, Under Sheriff, Constable, or Headborough, (who are hereby impowered to administer such Oath), to appraise the same according to their Judgement; and after such Appraisement, it shall be lawful for such Collector, Receiver, or other Person or Persons making such Distress, to sell the said Goods and Chattels so distrained for the best Price that can be got for the same, for and towards Satisfaction for the Monies for which such Distress shall be so taken, and the Charges of taking, keeping, appraising, and selling the said

Goods and Chattels, leaving the Overplus (if any be) in the Hands of such Sheriff, Under Sheriff, Constable, or Headborough, for the Owner's Use; and the Tenant and Tenants of all and singular the said Fen Lands and Low Grounds, which shall be rated and assessed by virtue of this Act, is and are hereby required and authorised to pay such Taxes or Rates, and deduct the same out of his, her, or their Rent; and every Tenant paying such Tax or Rate shall be acquitted and discharged for so much Money as such Tax or Rate he shall have so paid shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of the said Fen Lands or Low Grounds.

Penalty on Nonpayment of Taxes.

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

Commissioners may enter on and hold Premises in case of Non-payment of Taxes within 6 Months.

And whereas it may sometimes happen, that some of the Lands and Grounds hereby made chargeable with the several Rates and Taxes as aforesaid may be untenanted for a considerable Time, and no Goods or Chattels may be found of the Owner or Owners thereof, so that no Distress can be taken for levying the said Taxes or Rates: Therefore, for the enforcing the Payment thereof in such Cases, be it further enacted, That where any of the said Rates or Taxes shall be in arrear and unpaid by the Space of Six Months after the same shall become due

or

or payable, and no sufficient Distress can be found upon the Lands or Grounds charged therewith, or of the Owner or Owners thereof, then it shall and may be lawful for the said Commissioners, or any Five or more of them, or any other Person or Persons to be authorised by them, to enter into and upon, have, hold, possess, and enjoy, the said Lands and Grounds for which the said Rates or Taxes shall be so in arrear and unpaid, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith the said Rates and Taxes due for the same, and the Penalties incurred for the Nonpayment thereof, as aforesaid, and all Costs, Charges, and Expences, that shall be occasioned by or attending such Entry upon, or Perception of the Rents and Profits of the same Premises respectively, shall be fully paid and satisfied.

High Lands exeemed from Payment of Taxes.

Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to charge such of the Lands and Grounds, within the Limits aforesaid, as are High Lands, and not subject to be drowned or overflown with Water, with any Taxes or Rates to be assessed, rated, tared, or charged on the said Lands and Grounds by virtue of this Act; nor shall the Powers and Authorities hereby given to the said Commissioners for putting this Act in Execution, or any of them, extend to such High Lands not subject to be drowned or overflown with Water, otherwise than to impower the said Commissioners to scour out, cleanse, make, and preserve the Boundary Dikes, Ditches, and Banks, already made, or to be made and included within the Limits aforesaid; any Thing in this Act contained to the Contrary thereof notwithstanding.

Persons appointed to ascertain High Lands.

And, for the better ascertaining of such High Lands, it is hereby further enacted, That Robert Johnson of Whittlesey, in the Isle of Ely and County of Cambridge, Gentleman, John Garner of the same Place, Gentleman, and Daniel Plummer of Farcet Fen, in the said County of Huntingdon, Gentleman, or their Successors, (to be nominated and appointed as is herein-after directed), or any Two of them, shall and may, at any Time after the passing of this Act, view and survey the said several Lands and Grounds within the Limits aforesaid, and

adjudge and determine which Parts thereof are High Lands, and not subject to be drowned or overflown with Water.

Award to be made in Six Months.

Provided always, That if the said Robert Johnson, John Garner, and Daniel Plummer, or any Two of them, shall and do make their Award in Writing touching the Premises, under their Hands and Seals, and deliver the same within Six Calendar Months next after the passing of this Act, to the said Commissioners, or any Five or more of them, at a Meeting to be held in pursuance of this Act; and if they the said Robert Johnson, John Garner, and Daniel Plummer, or any Two of them, do and shall verify such Award, upon Oath, before the said Commissioners, or any Five or more of them, at such Meeting, (which Oath the said Commissioners, or any One or more of them, is and are hereby impowered and required to administer); that then the said Commissioners, or any Five or more of them, shall, as soon as conveniently may be after such Meeting, cause the said Award to be entered and inrolled with the Clerk of the Peace for the said County of Huntingdon, (for which Entry or Inrolment the Sum of Two-pence for every Seventy-two Words is to be paid, and no more); and that from and immediately after such Entry and Inrolment, the said Award shall be binding and conclusive to all Parties concerned therein.

On Death of the above Surveyors, others to be chosen.

Provided always, and be it enacted, That in case of the Death of the said Robert Johnson, John Garner, and Daniel Plummer, or any Two of them, or Refusal or Neglect to act by the Time herein-before directed for their completing the said Award, as aforesaid, it shall and may be lawful for the said Commissioners, or any Five or more of them, at a Meeting to be held in pursuance of this Act, to nominate and appoint One or more Person or Persons, in the Place and Stead of such of them the said Robert Johnson, John Garner, and Daniel Plummer, as shall happen to die, or refuse to act, as aforesaid; and such other Person or Persons, so nominated and appointed, shall have such and the same Power and Authority as is by this Act given to the Person or Persons who shall happen to die, or refuse to act, as aforesaid.

Provided

Provided also, and be it enacted by the Authority aforesaid, That in case the said Robert Johnson, John Garner, and Daniel Plummer, or such other Person or Persons who may be appointed in their Stead, as aforesaid, or any Two of them, shall not make their said Award at or before the Time herein-before limited and appointed; then, and in such Case, it shall and may be lawful for the said Commissioners appointed by this Act, or any Five or more of them, at a Meeting to be held in pursuance hereof, by Writing, under their Hands and Seals, to nominate Three or more disinterested Persons for the settling and ascertaining such Matters and Things as the said Robert Johnson, John Garner, and Daniel Plummer, are hereby impowered to settle and ascertain, within such Time or Times as the said Commissioners, or any Five or more of them, shall see convenient, and shall specify in such Appointment; and that, from and immediately after the signing and sealing of such Nomination and Appointment, the said several Persons so thereby nominated and appointed, shall be invested with the same Powers as are hereby delegated and given to the said Robert Johnson, John Garner, and Daniel Plummer; and the Award and Determination of such Persons, or any Two of them, so to be appointed as aforesaid, touching the several Matters and Things to them referred, after the same shall be authenticated, in the same Manner as is herein-before directed respecting the Award of the said Robert Johnson, John Garner, and Daniel Plummer, and also entered with the Clerk of the Peace for the said County of Huntingdon, shall be binding and conclusive to the several Parties concerned therein.

If Persons appointed do not make their Award in Six Months, others to be appointed.

And be it further enacted, That the Oath to be taken by the said Robert Johnson, John Garner, and Daniel Plummer, or by such other Person or Persons as shall be nominated, as aforesaid, shall be administered in the Words, or to the Effect, following;

The Oath following to be taken.

I A. B.

I A. B. do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the Truſt repoſed in me by virtue of an Act "For the more effectual draining and preſerving certain "Fen Lands and Low-Grounds in the Pariſh of *Yaxley*, in "the County of *Huntingdon*," without Favour or Affection to any Perſon whomſoever.

So help me GOD.

Which Oath it ſhall and may be lawful to and for any of the Commiſſioners to adminiſter.

Soke Dikes to be made.

And be it further enacted, That a Soke Dike, not exceeding Two Feet wide and Two Feet deep, ſhall and may be cut and made by the ſaid Commiſſioners through the ſaid Lands and Grounds, at any Diſtance not exceeding Sixty Feet from the Seat of each of the ſaid Banks, and a Soke Bank laid on that Side thereof fartheſt from the ſaid Banks, for the preſerving and keeping the Soke of the ſaid Rivers, and other Outſide Waters, from the ſaid Fen Lands and Low Grounds.

Land may be purchaſed for getting Materials.

And be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, may, and they are hereby impowered to purchaſe ſuch Land, as they ſhall think proper, for the Purpoſe of getting Earth for the raiſing and ſupporting the Banks to be made or repaired in purſuance of this Act, and to pay for ſuch Land out of the Taxes to be raiſed by virtue hereof.

Surveyors may dig Gravel, &c.

And be it further enacted, That it ſhall and may be lawful for the Surveyor or Surveyors, or other Officers appointed by the ſaid Commiſſioners, or any Five or more of them, to cut, dig, take, and carry away, or cauſe to be cut, dug, taken, and carried away, any Earth, or Materials proper for repairing any of the Banks within the Limits aforeſaid, in, upon, out of, or from, any River or Brook, Waſte or Common, in any Pariſh, Town, or Place, in, adjoining to, or near, the ſaid Fen Lands or Low Grounds, without paying any Thing for the ſame; they the ſaid Surveyors, or other

Officers, filling up or sloping down the Pits and Holes made by digging such Earth or Materials with all convenient Speed; and, in the mean Time, making a sufficient Fence, to prevent any Misfortune or Accident happening in such Pits or Holes: And if a Quantity of Materials sufficient or conveniently situated for that Purpose cannot be found in or upon any such River, Brook, Waste, or Common, then it shall be lawful for such Surveyor or Surveyors, or other Officer or Officers, by virtue of a Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which Warrants and Precepts the said Commissioners, or any Five or more of them, are hereby impowered to grant), to cut, dig, take, and carry away, or cause to be cut, dug, taken, and carried away, any Quantity of Earth, or other Materials, proper and sufficient for that Purpose, in, upon, out of, or from, any of the Lands or Grounds of any Person, where the same may be had or found, except from or out of the Lands and Grounds of the said Sir Samson Gideon, Baronet, called Adventurers Lands, to be used towards repairing the said Banks, (such Lands or Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to any House), they the said Surveyors, or other Officers, paying or tendering a reasonable Compensation to the respective Owners or Occupiers of such Lands and Grounds for such Earth, or other Materials, and for the Damage done to such Lands and Grounds, by cutting, digging, and carrying away, the same: And in case of any Difference between the said Commissioners, or their Surveyor or Surveyors, or other Officer or Officers, and any of the said Owners or Occupiers, touching the Premises, any Two or more Justices of the Peace for the County, Liberty, or Place, where the same shall happen, not interested in the Premises, shall and may, on Ten Days Notice thereof, in Writing, to be given by any such Surveyor, or other Officer, to such Owner or Occupier, or by such Owner or Occupier to such Surveyor or other Officer, to be left at their respective Places of Abode with some or One of their respective Families, hear, settle,

making Satisfaction to the Owners.

Justices to determine Differences.

settle, and determine, the Matters of the said Damages; and the Determination of such Justices shall be final to the said Parties without any Appeal therefrom.

Commissioners to settle Accounts.

And be it further enacted by the Authority aforesaid, That Once in every Year, (that is to say), at either of the said General Meetings, or on any subsequent Day to which the said Commissioners, or any Five or more of them, shall adjourn, Inspection shall be had by the said Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Monies as shall have been raised and received by virtue of this Act for the Year then last past; and all Accounts relating thereto, shall, at such Meeting, be made up and settled by the said Commissioners, or any Five or more of them, at which Time the Clerk, Treasurer, Collector, and Receiver, of the said Taxes and Rates, and other Officers, are hereby required to attend with proper Books of Accounts of Receipts and Disbursements, and all Vouchers for the same; and, on considering and examining the said Accounts, and all other Vouchers of the Receipts and Disbursements of the Money raised and received by virtue of this Act, the said Commissioners, or any Five or more of them, are hereby impowered to allow and pass, under their Hands, the said Accounts, or such Part or Parts thereof, as they shall think just and reasonable; and such Account or Accounts, or such Part or Parts thereof as shall be so passed and allowed, as aforesaid, shall be fairly entered in Books to be kept for that Purpose; which said Books, as well as all other Books for the entering of any Orders or Proceedings of the said Commissioners, shall be kept by the Treasurer, or such other Person or Persons as the said Commissioners, or any Five or more of them, shall appoint, for the Inspection of the several Owners of Lands rated or taxed by virtue of this Act, or their Agents.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That all and every such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers, so appointed as aforesaid, shall, upon Oath, when thereunto required by the

said Commissioners, or any Five or more of them, (which Oath the said Commissioners, or any One or more of them, is and are hereby impowered to administer), give in to the said Commissioners, or any Five or more of them, a true, exact, and perfect Account, in Writing, under their respective Hands, with proper Vouchers, of all Monies which he or they, or every or any of them, shall, to such Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Office or Offices; and in case the Monies so received, shall remain in his, their, or any of their Hands, the same shall be paid to the said Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize and impower to receive the same: And in case any such Clerk, Collector, Receiver, Treasurer, or other Officer, shall not give in and make such Account and Payment as aforesaid, or shall refuse to deliver up all Books, Papers, and Writings, in his Custody, to the said Commissioners, or any Five or more of them, or to such other Person or Persons, as they, or any Five or more of them, shall order or direct; that, in either of the said Cases, any One or more Justice or Justices of the Peace for the said County of Huntingdon shall and may make Inquiry of and concerning such Default as aforesaid, in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice and Justices is and are hereby authorised and required to administer without Fee or Reward); and if any such Clerk, Treasurer, Receiver, Collector, or other Officer, shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit the Party to the common Gaol of the said County of Huntingdon, until he shall have made a perfect Account and Payment, as aforesaid, and delivered up all such Books, Papers, and Writings, in his Custody, or shall have compounded and agreed with the said Commissioners, or any Five or more of them, and paid such Composition-money; which

Composition the said Commissioners, or any Five or more of them, are hereby authorised and impowered to make.

Proceedings of Commissioners to be entered in Books, &c.

Provided always, and be it enacted, That all Orders and Proceedings of the said Commissioners, or any of them, at any of their Meetings to be held in pursuance of this Act, shall be entered in Books to be kept for that Purpose; and that such Orders and Proceedings, so entered, shall be signed by any Five or more of the said Commissioners so assembled at such Meetings.

No Order of Commissioners to be reversed without 14 Days Notice.

Provided nevertheless, and be it enacted, That no Order which shall be made by the said Commissioners, or any Five or more of them, at any of their Meetings by virtue of this Act, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Notice in Writing, setting forth the Intent of such Meeting, be affixed on the Outside of the Church Door of Yaxley aforesaid, Fourteen Days before such subsequent Meeting, and unless Seven or more of the said Commissioners be present at such subsequent Meeting, and consent thereto.

Penalty on destroying Works, Felony;

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously burn, cut, break down, demolish, or destroy, or cause, procure, or hire, any other Person or Persons to burn, cut, break down, demolish, or destroy, any Bank, Mill, Engine, Flood-gate, Sluice, or Tunnel, already made, erected, or used, or which shall or may at any Time or Times hereafter be making or erecting, or be made, erected, supported, maintained, or used, for the Purposes of draining and preserving the Lands and Grounds within the Limits aforesaid, every Person and Persons so offending, and being convicted thereof, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by or before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to transport such Felons for Seven Years, in such Manner as other Felons are directed to be transported by the Laws of this Realm; and if any Person or Persons shall wilfully and maliciously stop, dam up, break down, demolish, damage, or destroy, or cause, procure, or hire, any Person or Persons to stop, dam up, break down,

and on damaging Works, not exceeding 50 *l.*

down, demolish, damage, or destroy, any River Drain or Watercourse, Door, Dam, Bridge, Heading, or other Work or Works already made, cut, or erected, or which shall, at any Time or Times hereafter, be making, cutting, or erecting, or made, cut, erected, supported, maintained, or used, for answering the Purposes of draining and preserving the Lands and Grounds within the Limits aforesaid, every Person so offending, and being thereof convicted on the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the County of Huntingdon, not interested therein, every Person or Persons so convicted as aforesaid shall forfeit and pay, for every such Offence, any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds; to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justices, and to be applied and disposed of in the Improvement of the Works to be made by virtue of this Act, and not otherwise; and, for want of sufficient Distress, such Offender or Offenders shall be committed by such Justices to the House of Correction of the said County of Huntingdon to hard Labour, for the Space of Six Calendar Months, without Bail or Mainprize, or until such Penalty shall be paid.

Commissioners may make Allowances for catching Moles, &c.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered, out of the Monies arising by the said Taxes, to make such Allowances for the catching and destroying of Moles, and other Vermin, in the Banks and Lands belonging to and within the Limits aforesaid, as they the said Commissioners, or any Five or more of them, shall think proper.

How Persons burning Banks are to be punished.

And whereas it frequently happens by the Negligence or Carelessness of Servants, or other Persons employed in burning Fen Lands, in order to their being converted into Tillage, that the Banks lying contiguous to such Lands are burnt and damaged, by the Fire being suffered to remain too long on such Lands, and thereby extending to such Banks; be it therefore enacted by the Authority aforesaid,

aforesaid, That if any Person or Persons, who shall be employed in burning any of the Lands or Grounds within the Limits aforesaid, shall carelessly or wilfully set fire to or burn, or cause to be fired or burned, any of the Banks lying near or adjoining to any of the said Fen Lands or Low Grounds, so as such Banks be by Means of such Fire destroyed or damaged, such Person or Persons, being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses, or by Confession, before any One or more Justice or Justices of the Peace for the said County of Huntingdon, not interested within the Limits aforesaid, (which Oath such Justice or Justices is and are hereby impowered and required to administer, and also to hear and determine the said Offence), shall give and make such Satisfaction and Recompence to the said Commissioners for Damage done to the said Banks as such Justice shall think reasonable; such Satisfaction and Recompence to be paid by such Offender or Offenders, within such Time as by such Justice or Justices shall be ordered or appointed, into the Hands of the Receiver, Collector, or Treasurer, for the Time being, to be appointed by virtue of this Act, to be applied for and towards the repairing and amending of such Banks; And in case of Nonpayment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, 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 for want of sufficient Distress such Offender or Offenders shall, by such Justice or Justices, be committed to the Common Gaol for the said County for such Time or Times as such Justice or Justices shall order and direct, not exceeding Three Months, or until such Damage or Recompence shall be paid.

Persons discharging Water through the Lands of other Persons to forfeit 50*l.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall erect, set up, use, or work, any Horse-mill, Gigg, Engine, or other Device whatsoever, for draining or discharging Water from any of the Lands and Grounds within the Limits aforesaid, through or upon the Lands of any other Person or Persons, or in any other Manner than directly and immediately

ately from the Lands of the respective Owner of such Mill, Gig, Engine, or other Device, into the said Yard's End Dike or Load, or any River Dike or Drain, on the Outside of the Boundaries of the said Fen Lands and Low Grounds, every Person so discharging or throwing Water as aforesaid, otherwise than into such Yard's End Dike or Load, or River Dike or Drain, on the Outside of the said Boundaries, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall and will sue for the same; One Moiety thereof to the Person who shall sue for the same, and the other Moiety to be paid to the Collector or Receiver of the Taxes for the Time being, to be applied for the Purposes of draining and preserving the said Fen Lands and Low Grounds; and the Owner of such Mill, Gigg, Engine, or other Device, shall also make full Compensation and Satisfaction to all and every Person and Persons who shall be injured thereby for the Damages such Person and 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, Wager of Law, or more than One Imparlance, shall be allowed.

Penalty on Persons destroying the Grounds by cutting of Firing.

And whereas the Proprietors of the several Lands and Grounds frequently cut up the same into Firing, whereby the Value thereof is so much lessened that the Rates and Taxes charged thereon cannot be levied and raised, by which Means the Security of the said Taxes become of less Value to the Person or Persons advancing Money thereon; be it therefore enacted by the Authority aforesaid, That if any Person or Persons, being Owner or Proprietor of any of the Lands and Grounds within the Limits aforesaid, shall, from and after the passing of this Act, cut or dig up, or cause or suffer to be cut or dug up, any of the said Lands or Grounds into Firing, such Owner or Owners of Lands shall, within One Calendar Month after the same shall be so cut or dug up into Firing as aforesaid, pay the said Collector or Receiver of the said Taxes for the Time being after the Rate of Seven

Pounds and Ten Shillings an Acre for the Lands or Ground which shall be so cut or dug up as aforesaid; and in case such Owners or Proprietors shall neglect or refuse to pay the same within One Calendar Month after the same shall be so cut or dug up for the Purpose aforesaid, it shall and may be lawful for the said Commissioners, or any Five or more of them, assembled at a Meeting to be called for that Purpose, by Warrant or Precept under their Hands and Seals, to order and direct the Collector or Receiver of the said Taxes for the Time being to recover the same by Distress and Sale of the Firing so cut, in such and the same Manner as the said Rates and Taxes are hereby recoverable; and the said Sum, or Sums of Money, so to be paid or recovered, shall be, and hereby is and are vested in the said Commissioners, and to be placed out by them and their Successors, in their Names, or in the Names of any Five or more of them, at Interest, as a Security for the Money so borrowed on the Security of the said Taxes, and the Interest thereof, to be yearly paid and applied, in the First Place, for and towards the Interest of Money so due on the Credit of the said Taxes, and, after Payment thereof, for and towards the necessary Works of the said District.

Penalty on straying Hogs on the Banks.

And whereas the Banks already made, or hereafter to be made, by virtue of this Act, may be greatly injured if any Hogs or Swine are suffered to wander thereon, be it further enacted, That if any Hogs or Swine shall, at any Time after the passing of this Act, be found upon the said Banks, or any of them, the Owner or Owners of such Hogs or Swine shall forfeit and pay, for every such Hog or Swine so found on any of the said Banks, the Sum of Five Shillings for every Day in which Hogs or Swine shall be found thereon.

Persons cutting Ditches, &c. within a certain Distance of any Bank to forfeit 5l.

And be it further enacted, by the Authority aforesaid, That if any Person shall cut, dig, or continue, for Six Months after passing this Act, or cause to be cut, dug or continued, as aforesaid, any Dikes or Ditches in the said Fen Lands or Low Grounds within the Distance of Sixty Feet from any Bank which shall be made or used for the Purposes of this Act, other than except such Soke-dikes, as the said Commissioners are hereinbefore impowered

(next)

impowered to make, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rod of ſuch Ditches ſo cut, dug, or continued, (except ſuch preſent Diviſion-dikes, the Owner or Occupier of which ſhall make, repair, and for ever maintain a good and ſufficient Dam in and acroſs the ſame, at the Diſtance of Sixty Feet from the ſaid Banks, to turn the Waters ſoaking through ſuch Banks into the before-mentioned Soke-dikes, thereby to prevent the ſame from running or expanding any further upon the ſaid Lands and Grounds than the ſaid Soke-dikes, ſuch Diviſion-dikes not to be within the Diſtance of Twelve Feet from the ſaid Banks); and if any Perſon or Perſons ſhall make or cut, or cauſe to be made or cut, any Watering-Places, or any Place of Acceſs for Cattle to drink, within Sixty Feet of the Seat of the ſaid Banks, or in any Gull-drain, within any of the ſaid Fen Lands and Low Grounds, every Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; and if any Perſon or Perſons ſhall make, or cauſe to be made, any Soke-dike or Ditch, (except as before excepted), in and upon any of the ſaid Fen Lands and Low Grounds within the Diſtance of Sixty Feet from any Bank now made, or hereafter to be made, by virtue of this Act, within the Limits aforeſaid, every ſuch Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Four-pence for every Foot in Length of ſuch Soke-Dike, and after the ſame Rate for every Month ſuch Soke-dike ſhall remain unfilled after Notice given by the Clerk or Agent to the ſaid Commiſſioners to ſuch Perſon or Perſons who ſhall have dug, or cauſed to be dug, the ſame; and the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power at any Time, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands wherein ſuch Soke-Dike ſhall be made, to fill up and level the ſame: All which Forfeitures ſhall, upon Conviction of the Offender or Offenders before One or more Juſtice or Juſtices of the Peace for the ſaid County of Huntingdon, not intereſted in the ſaid Fen Lands or Low Grounds, upon the Oath of One or more credible Witneſs or Witneſſes,

(which Oath the said Justice or Justices is and are hereby required and impowered to administer; and also to hear and determine the said Offences), be immediately paid into the Hands of the said Collector, Receiver, or Treasurer of the said Eares, to be applied for carrying on the Works of the said Drainage: And in case of the Nonpayment thereof, such Forfeitures shall be levied 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 of the Peace before whom such Condition shall be made; and for want of sufficient Distress, such Offender shall, by such Justice or Justices, be committed to the common Gaol of the said County of Huntingdon, for such Time as such Justice or Justices shall order and direct, not exceeding Six Months.

No Houses, &c. to be built near Mills.

Provided always, and be it enacted by the Authority aforesaid, That from and after the Thirty-first Day of May, One thousand seven hundred and seventy-three, no House or Buildings whatsoever shall be erected, or Trees or Holts planted, nearer to any Mill, Engine, or Bank already built, made, erected, or employed, or hereafter to be built, erected, made, or employed, for draining the Fen Lands and Low Grounds within the Limits aforesaid, than Forty Poles, (being the Poles of Eighteen Feet from such Mill or Engine, and Twelve Feet from such Bank respectively) and if any Person shall build or erect, or cause to be built or erected, any House, Barn, or other Buildings, or shall plant any Tree or Holt, within the Distance of Forty Poles from such Mill or Engine, or within Twelve Feet from such Bank, every such Person shall forfeit and pay for every House or Building, the Sum of One hundred Pounds; to be recovered and paid in like Manner as the Penalties herein before mentioned for erecting Horse-mills, Gigs, Engines, or other Devices for throwing of Water; and for every Tree the Sum of Ten Shillings, and Twenty Pounds for every Holt so planted; which said Penalties of Ten Shillings and Twenty Pounds are to be levied and paid in like Manner as the Penalties inflicted for cutting Dikes or Ditches within

within Sixty Feet of the Banks; 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 direct their Agents, Workmen, or Servants, to take down such Buildings so erected, and to pull up such Trees or Holts so planted, contrary to this Act.

Commissioners may cut down Trees growing near the Mills.

Provided also, and it is hereby further enacted, That if any Trees or Holts are now growing within the Distance of Forty Poles from any Mill or Engine already built, or hereafter shall be growing or standing within the said Distance from any Mill or Engine to be built, or within the Distance of Twelve Feet from any Bank already made, or which hereafter shall be made, for draining the Lands and Grounds within the Limits aforesaid, it shall be lawful for the said Commissioners, by like Order under their Hands and Seals, to direct the same to be pulled or cut down, as if the same had been planted since the passing of this Act; making such Satisfaction to the Owners of such Trees and Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them; and in case any Difference or Dispute shall arise between the said Commissioners and such Owners touching such Satisfaction, and the same cannot be settled between them, then such Satisfaction and Recompence shall be finally determined in such and the same Manner as is hereinbefore prescribed for ascertaining the Recompence to be made for Damage by erecting and making any Works in pursuance of this Act.

Fen Lands, &c. to be assessed to Poor Rates.

And whereas the several Fen Lands and Low Grounds hereby intended to be drained are in their present Situation of small Value, and yield little or no Profit to the Proprietors or to the Publick, and their improved Value entirely depends upon large Sums of Money continually to be expended in the Preservation thereof, which Sums cannot be raised without the Aid of Parliament, subjecting the Owners or Occupiers of the said Fen Lands or Low Grounds to an heavy annual Acre-tax, whereby they will not receive a Profit from the same according to their extended Rents, but according to a reduced Rent, after deducting the said Acre Rate or Tax: And whereas

it is apprehended that Advantage may be taken of such extended nominal Rents by the Churchwardens Land Overseers of the said Parish of Yaxley, wherein such Lands lie, to assess the same at a 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 the said Fen Lands and Low Grounds shall hereafter be rated and assessed to the Church and Poor Rates of the said Parish according to their Value only, after deducting the Rates or Taxes hereby imposed, and not otherwise.

Justices to administer Oaths.

And be it further enacted, That in all Cases wherein Jurisdiction is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices to administer an Oath to any Person or Persons for his or their more certain Information in the Matters then depending before such Justice or Justices.

Owner or Occupier to cleanse Dikes.

And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Land lying within the Limits aforesaid, through which any Doveway-dike, Outring-dike, or Division-dike, leading to any of the Mill-drains within the Limits aforesaid, both or shall pass, shall neglect or refuse sufficiently to load, scour, cleanse, open, or repair any such Dike, or to make the same of the Depth of Four Feet, and the Width of Nine Feet at the least, after Ten Days Notice in Writing to him, her, or them, from Time to Time, given by the Collector, Receiver, or other Officer of the said Commissioners, pursuant to an Order in Writing under the Hands of Five or more of the said Commissioners, then it shall be lawful for such Collector, Receiver, or other Officer, from Time to Time, to cause such Dikes to be loaded, scoured, cleansed, opened, deepened, and repaired, in a sufficient Manner, and made of the Width aforesaid, at the proper Costs, Charges, and Expences of such Owners or Occupiers; and that where-ever a Road or Way shall have been made over or across any such Dike, without a sufficient

a ſufficient Tunnel lying therein, to cauſe ſuch Ways or Roads to be taken up, and ſuch Dike to be made of a proper Width and Depth for conveying the Waters through the ſame to the Mill or Mills, Engine or Engines, erected, or to be erected, for draining the ſaid Fen Lands and Low Grounds; and by a Warrant or Precept, under the Hands of Five or more of the ſaid Commiſſioners, to levy all ſuch Charges and Expences as ſhall be occaſioned by the deepening and widening of the ſaid Dikes, or the taking up of ſuch Roads, upon the Goods and Chattels of the Owner or Owners, Occupier or Occupiers, of the ſaid Lands through which the ſaid Dikes ſhall paſs, or upon which they ſhall adjoin, and who ſhall make or continue, or cauſe to be made or continued, ſuch Road or Way as aforeſaid.

Commiſſioners to have no Power upon *The Twelve Foot Drain.*

Provided always, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners, or their Succeſſors, to have, uſe, or exerciſe, any Power or Authority whatſoever, over any of the Banks, Dams, Headings, Bridges, or other Works, made, or to be made, by the ſaid Sir Sampſon Gideon, his Heirs or Aſſigns, in or upon a certain Drain called The Twelve Foot Drain, being the Diviſion Fence between the Lands of the ſaid Sir Sampſon Gideon, called Adventurers Lands, and the Eaſt End of the ſaid Diſtrict; but that the ſame ſhall for ever, after the paſſing of this Act, continue veſted in the ſaid Sir Sampſon Gideon, his Heirs and Aſſigns, as if this Act had never been made; any Thing herein contained to the Contrary notwithſtanding.

Road to be made in *Hog Fen.*

And whereas the Owners and Occupiers of the ſeveral Cloſes or Grounds lying in Hog Fen, on the Eaſt Side of the aforeſaid River called The Load, have heretofore had, and uſed to have and enjoy, a Driftway for Cattle to their ſaid ſeveral Cloſes, between ſuch Cloſes and the aforeſaid River, but by Means of the Boats navigating and being hauled on that Side of the ſaid River, the Land or Ground where ſuch Way was is now in a great Meaſure worn away, and become Part of the ſaid River, whereby the ſaid Owners and Occupiers are deprived of a Road or Way to their ſaid reſpective Cloſes or Grounds:

Grounds: Therefore, for providing a Way for the said several Owners and Occupiers to their said respective Closes or Grounds for the future, it is hereby enacted, That in all such Places where the said Road or Way by the said River Side, within the said District, is not of the Width of Twelve Feet, the said Commissioners, or any Five or more of them, shall and may have full Power and Authority to set out and take Twelve Feet in Width of the Land, Ground, or Dikes, from the East Side of the said River, and to level and fill up the said Land, Ground, and Dikes, with Earth, effectually, to be used as a Road or Way to the said several Closes or Grounds, in as full and ample a Manner as the Way by the said River Side has heretofore been used or enjoyed, and to make Banks thereon, notwithstanding such Twelve Feet in Width to be taken for the said Way and Banks may extend into the Lands, Grounds, or Dikes, of private Property, the said Commissioners, or any Five or more of them, making such reasonable Satisfaction to the Owner or Owners who have a Right to the Soil, for the Damages he or they, shall sustain thereby, as shall be agreed upon between such Commissioners, or any Five or more of them, at their respective Meetings for the Time being, and such Owner or Owners; and in case they cannot agree concerning the Amount of such Damages, then the same shall be settled and finally determined by the Justices of the Peace at the Quarter Sessions, to be holden for the County of Huntingdon, in the same Manner as the Damages to be done by the making of Banks or other Works, in pursuance of this Act, are hereby before directed to be adjudged and determined; the Expences of making such aforesaid Road or Way, and Satisfaction to such Owners of the Soil, to be paid for out of the Monies to be raised by virtue of this Act.

Mills to be insured.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall cause all and every the Engines and Mills, which shall be erected and employed by virtue of this Act, to be insured against Fire in some of the publick Insurance Offices,

Offices, and, from Time to Time, to pay the Expence attending such Insurances out of the Money arising by virtue of this Act.

Writings to be without Stamps.

And be it further enacted, That no Order, Nomination, Appointment, Mortgage, or other Security for Money, Contract, Agreement, Information, Conviction, Judgement, Warrant under the Hand or Hands, Hand and Seal, or Hands and Seals, of any Commissioner or Commissioners, Justice or Justices of the Peace, or exhibited before any of them, in pursuance of any of the Powers or Authorities by this Act vested in such Commissioner or Commissioners, Justice or Justices of the Peace, nor any Transfer of any Mortgage or Security, nor any Bond taken from any Officer or Officers for the due Execution of their respective Offices, in pursuance of this Act, nor any other Writing whatsoever concerning the Execution of this Act, shall be charged or chargeable with any Stamp-duty.

Persons aggrieved may appeal to the next Session.

And be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice or Justices of the Peace, on account of any Offence committed, or supposed to be committed, against this Act, or any Penalties to be levied by virtue thereof, may appeal to the Justices of the Peace for the said County of Huntingdon, at the next General or Quarter Sessions of the Peace to be held for the said County, after the Cause of Appeal shall happen, the Person or Persons so appealing first entering into a Recognizance, with sufficient Sureties, to the Satisfaction of the said Justice or Justices, to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices in the said General or Quarter Sessions, in case such Order or Judgement shall be affirmed; and the said Justices, in their said General or Quarter Sessions, are hereby authorised and required to hear and determine such Appeal, and give such Costs to either Party, as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by any Writ of Certiorari, or otherwise, into any of His

Justices to determine Differences.

Majesty's Courts of Record at Westminster, or elsewhere.

Proceedings not to be quashed for want of Form.

And be it further enacted, That no Order or other Proceeding to be made or had before any Justice or Justices of the Peace, by virtue of the Powers by this Act granted, shall be quashed or made void for want of Form only.

Distress not unlawful for want of Form.

And be it further enacted, 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, 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 which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in any Action upon the Case.

Saving Clause to the Corporation of *Bedford Level.*

Provided always, and it is hereby further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners, or any of them, to have, use, or exercise, any Authority over, or intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens called Bedford Level, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the draining of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the said Governors, Bailiffs, and Commonalty, or in the said Governors, Bailiffs, or Conservators; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act, made in the said Fifteenth Year of the said King Charles the Second, or any other Act or Statute whatsoever,

ever, now are vested in the said Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter continue, remain, 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:

This Act not to prevent the Navigation in *The Yard's End Dike* and *Load*.

Provided also, and it is hereby further enacted and declared, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to prevent any Person or Persons from navigating with their Boats and Vessels as heretofore has been accustomed in and upon the aforesaid Dike or Drain called The Yard's End Dyke, and the said River or Dike called The Load, or either of them, or any Part thereof, (except only for such Time and Times as shall be necessary for damming and draining the same respectively, for the Purposes of laying such Tunnels, and for doing and executing such other Works therein, as to the said Commissioners, or any Five or more of them, shall seem expedient for the draining and preserving the said Fen Lands and Low Grounds).

Limitation of Actions.

And be it further enacted by the Authority aforesaid, 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, such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; 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 give 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 to have been done was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time limited for bringing the same,

General Issue.

then

then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, upon Demurrer, or otherwise; then, or in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they, shall have the like Remedies as where Costs by Law are awarded.

Treble Costs.

Publick Act. And be it further enacted and declared by the Authority aforesaid, That this Act shall be deemed a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same. 9

FINIS.