ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LX.

An Act for draining and preserving certain Lands and Grounds in the Parishes of *Tid Saint Giles* and *Newton*, in the *Isle of Ely*, in the County of *Cambridge*; and in *Tid Saint Mary's*, in the County of *Lincoln*.

WHEREAS the several Lands and Grounds lying in the Parishes of Tid Saint Giles and Newton, in the Isle of Ely, in the County of Cambridge, and in Tid Saint Mary's Fen, in the County of Lincoln, containing Five thousand three hundred Acres, or thereabouts, and abutted and bounded as follows; that is to say, By Shire Drain Bank and Eaudike, on the North and West; Lands in the Parish of Leverington, and Lands of Lord Webb Seymour, lying in Tid Saint Mary's aforesaid, South; and by a certain Bank called The Roman, or Old Sea Bank, East; are much annoyed with Waters for want of a proper Drainage; and if the same were effectually drained, great Benefit would accrue, as well to the Owners and Proprietors of Lands and Grounds, as to the Publick; but Preamble.

there are no Powers or Provisions now in Force, by virtue of or under any Commission of Sewers, or Law in being, for the effecting of the same; and the said Lands and Grounds cannot be drained 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 Sir Clement Trafford Knight, Robert Colvile Esquire, Richard Colvile Esquire, Charles Bagge Doctor in Divinity, Everard Buckworth Doctor of Laws, Marmaduke Dayrell Esquire, Richard Welby Esquire, William Welby Esquire, Thomas Jenkinson Woodward Esquire, Charles Weston Esquire, Daniel Swaine Esquire, William Greaves Clerk, John Lumpkin Clerk, Edward Cross, George Hepburn, Jacob Dixon, Nicholas Lumpkin, George Fitzwilliam Hodgson, George Burges, John Pitchford, Thomas Sharpe, John Oldham, John Morris, Edward Jackson, Thomas Hankinson, John Harber, John Ream, William Cox, Jacob Scribo, William Kirton, and Edward Dickenson, shall be, and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act into Execution.

Commissioners Names.

Provided nevertheless, and be it further enacted by the Authority aforesaid, That none of the said Persons shall be capable of acting as Commissioners under this Act, but for such Time only as they shall respectively be the Owners of Twenty Acres at the least of the said Lands and Grounds hereby intended to be drained; and upon any One of the said Persons being or becoming unqualified, as aforesaid, another Person duly qualified shall be elected in his Room, in Manner herein-after prescribed for electing Commissioners, and shall have the same Powers for executing this Act as any other Commissioner has.

Qualification of Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners shall meet Once at least in every Year; to wit, On the Second Tuesday in April, at The Rose and Crown Inn, in Wisbech Saint Peters, in the said Isle of Ely, and County of Cambridge, or at such other

Time and Place of Commissioners Meeting.

other Time or Times, Place or Places, as they shall see Cause, or think convenient; and shall and may, from Time to Time, at any of their Meetings, adjourn themselves to such other Time or Times, Place or Places, as they shall think proper; and that Three of the said Commissioners, and no less a Number, shall be deemed at all Times, to make and constitute a Meeting within the true Intent and Meaning of this Act, for doing the Business, and carrying the Purposes thereof into Execution, (except only as it is in some Cases herein-after enacted), and that the First Meeting to be held in pursuance of this Act, shall be at the Rose and Crown Inn in Wisbech Saint Peter's aforesaid, on the Tuesday Three Weeks next after the Day of the passing thereof; and that Ten Days Notice of every other Meeting, in every Year, shall be given under the Hand of Two or more of the said Commissioners, or their Clerk, and affixed in some publick Place in Wisbech Saint Peter's aforesaid, and on the Church Doors of Newton, Tid Saint Giles, and Tid Saint Mary's.

What Sums shall be allowed at Meetings, and that all Orders to be made shall be at publick Meetings only.

Provided always, That no greater or larger Sum of Money than Three Pounds in the Whole, at any One of the said General Meetings, or more than Two Pounds in the Whole at any of the said other Meetings, shall ever be paid and allowed out of the Monies to be raised by virtue of this Act, for the Charges or Expences of the said Commissioners; and that all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, by a Majority of the Commissioners present at such Meetings; and that no such Order or Determination of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Five Commissioners at least shall be present, and concur in the revoking or altering thereof, (except such Orders and Determinations as shall be made at any of the said Meetings, touching the opening and shutting down of any of the Tunnels and Sluices already set down, or to be set down, and made use of in the Execution of this Act, which shall and may be revoked or altered at any subsequent Meeting of the said Commissioners.

Commissioners, how to be chosen, and their Qualifications.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Commissioners shall happen to die, it shall and may be lawful to and for the surviving or other Commissioners, at any of their Meetings, to elect and appoint One or more Person or Persons in the Place and Stead of such other Commissioner or Commissioners as shall be then dead, out of the Owners of Twenty Acres of the said Lands and Grounds; and that no Person so elected shall be qualified to act as a Commissioner under this Act for any other or longer Time than he shall continue such Owner of the said Lands and Grounds; and that upon his ceasing to be Owner as aforesaid, the said Commissioners, at their next, or some other Meeting, shall and may elect and appoint another Person qualified as aforesaid, in the Place and Stead of each such disqualified Commissioner, in like Manner as if such disqualified Commissioner was actually dead; and all such new elected Commissioners shall be vested with the same Powers and Authorities as the Commissioners in whose Names and Steads they were respectively appointed were vested with, until their Deaths, or becoming disqualified as aforesaid.

Commissioners have power to appoint Deputies.

And be it further enacted by the Authority aforesaid, That each and every of the said Commissioners, hereby named and appointed, or to be named and appointed by virtue of this Act, shall and may, from Time to Time, by any Writing under his Hand, to be certified at the next Meeting after the signing thereof, nominate and appoint One other Person to vote and act a Commissioner in his Place and Stead at such next Meeting only; and that such Person so nominated and appointed, shall, at such Meeting, be and is hereby vested with the same Powers and Authorities as the Commissioners in appointing him was vested with by virtue of this Act; and that all and every such Order and Orders as shall be made by such Person in which he shall concur at such Meeting, shall be as valid and binding, as if the same were made by the said Commissioners; any Thing herein contained to the Contrary thereof in anywise notwithstanding.

Provided,

Provided, and it is hereby further enacted, That if any Person or Persons not being qualified as aforesaid, (other than and except such Person or Persons as shall or may be appointed, by virtue of the Power aforesaid, to vote and act at any of the said Meetings for the said Commissioners, or any of them,) shall presume to act as a Commissioner or Commissioners in the Execution of this Act, or he or they shall, for every such Offence, forfeit the Sum of Fifty Pounds; to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at Westminster, by Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in which Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he shall prove in his Defence, that he was, at the Time of his so acting, qualified according to the true Intent and Meaning of this Act. Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, to make, or cause to be made, raised, run, built, and set up, within the Lands and Grounds so described and abutted as aforesaid, and also within the Lands and Grounds lying between the East Boundary thereof, and the New Sea or River Bank, from West Walton Tunnel on the South, to any Place or Places within the Distance of One hundred Feet of the South Bank of the Reservoir on the North, all such Banks, Bridges, Cuts, Drains, Dams, Sheadings, Outlets, Mills, Engines, Sluices, or other Works, as they shall think necessary for the better draining all the said Lands and Grounds, so described and abutted as aforesaid; and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and also over all and singular the Banks, Bridges, Cuts, Drains, Dams, Sheadings, Outlets, Mills, Engines, Sluices, or other Works of draining already made or set up within the Limits of the Lands and Grounds, Commissioners Powers.

Grounds so described and abutted as aforesaid, and over a certain Drain called Buckworth's Drain, and the Banks, Sluices, and other Works thereto belonging, and to widen, deepen, alter, repair, rebuild, and enlarge the same, for the better draining of the said Lands and Grounds so described and abutted as aforesaid; and that it also shall and may be lawful to and for the said Commissioners to make any Sluice or Sluices in or through any Part of the said New Sea or River Bank, between West Walton Tunnel on the South, and to within Seventy Feet Northward from the Place where Buckworth's Sluice now stands on the North, and also to make any Cut or Cuts, Sluice or Sluices, in or through the Foreland or Salt Marshes lying on the East or North-east of the said New Sea or River Bank, as the said Commissioners shall, at any Time or Times hereafter, think necessary and convenient, for the better conveying the Waters from the said Lands and Grounds so intended to be drained, into the Waters of Wilbech River, as the same shall then run: Provided that such Cut or Cuts shall not be made more than Seventy Feet Northward of the said Place where Buckworth's Sluice now stands; and that they the said Commissioners shall have full Power, and are hereby authorised, from Time to Time, and at all Times, at their Wills and Pleasures, to dig up and take Earth from the said Lands and Grounds bounded and intended to be drained as aforesaid, or from the said Lands and Grounds, Wastes, Roads, or Ways, lying between the East Boundary thereof and the New Sea or River Bank on the North Side of West Walton Tunnel, so as such Earth be not taken within the Distance of One hundred Feet of the South Bank of the Reservoir, for any of the Purposes aforesaid, except only for the Purposes of rebuilding, widening, altering, and enlarging of Buckworth's Sluice and Drain, as aforesaid; paying to such Person or Persons, Body Corporate or Bodies Corporate, as shall or may have a Right to the Lands and Grounds, or any of them, from which any Earth shall be dug up or taken, or through or upon which any such Bank, Bridge, Cut, Drain, Dam, Duties, Mill, Engine, Sluice or other

Work

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Work, shall be made or set up, such Satisfaction for the Damages which he, she, or they shall thereby sustain, as shall be agreed upon between the said Commissioners and the Person or Persons, or Bodies Corporate, having such Right as aforesaid; and if such Person or Persons, or Bodies Corporate, having such Right as aforesaid, cannot agree upon the Value and Amount of the said Damages, then paying such Satisfaction as shall be assessed by the Justices of the Peace for the Isle or County where such Damages shall be done, or the major Part of them, not interested, at any General Quarter Sessions of the Peace, or Adjournment thereof, to be holden for the said Isle or Counties, within Twelve Months next after such Damages shall be done; and such Justices are hereby authorised and required respectively to examine into, hear, and determine the Value and Amount of such Damages, upon the Oath of One or more Witness or Witnesses, and their Determination shall be final and conclusive to all Parties: Provided, that if before any such Application to the said Justices respectively, the Satisfaction agreed to be paid by the said Commissioners to such Person or Persons, or Bodies Corporate, as shall or may have a Right to the said Lands or Grounds out of which such Earth shall be so dug up and taken, or in, through, or upon which any such Work shall be made or set up as aforesaid, shall be by the said Justices adjudged a sufficient Recompence for the Damages which such Person or Persons, or Bodies Corporate, shall or may sustain thereby; then, and in such Case, the Costs and Charges of such Application to the said Justices respectively shall be borne and paid by the Person or Persons, or Bodies Corporate, making such Application; such Costs and Charges to be ascertained and taxed by the said Justices to whom such Application shall be made.

Exemptions from taking Earth.

Provided, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the said Commissioners to dig up, or take any Earth from the Banks of Shire Drain, lying between Crow's Cross and Hill's Sluice, or within the Distance of Three hundred Feet from the same, in the Parish of Tid

Saint Mary's, or One hundred and fifty Feet in the Parish of Tid Saint Giles, or from the Banks of the Reservoir, between Hill's Sluice and New Gunthorpe Sluice, or within the Distance of One hundred Feet from the same, (except as before excepted); or to make, raise, cut, build, or set up, any Bridge, Cut, Drain, Dam, Mill, Engine, or Sluice, upon the said Banks, or any of them, or within the respective Distances aforesaid from the same, (except as aforesaid), or to make or raise any other Works near to the same, that may in anywise weaken or hurt the said Banks, or any Part thereof; or to make, or cause to be made, any Works or Work whatsoever, which may in anywise prevent, hinder, or obstruct, the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, or the Commissioners appointed or elected, or to be hereafter appointed or elected, for the North Level, Part of the said Great Level, from making any Work or Works that they shall, at any Time or Times hereafter, judge necessary for conveying the Waters of the said Great Level, or any Waters that do, shall, or may annoy the said Great Level, or any Part thereof, by convenient Outfalls to the Sea; or to make, or cause to be made, any other Works which may in any Manner obstruct, hinder, or prejudice the draining of the said Great Level of the Fens, called Bedford Level, or any Part thereof, or any of the Works made, or to be made, for that Purpose.

Commissioners not to injure the Turnpike Houses.

Provided also, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the said Commissioners to take down or lessen the Turnpike House or Houses now standing, or which at any Time may be set up or standing upon or near to the Road leading from Wisbech to Tid Gote, or in anywise to hurt or damage the same, without making good such Damage, or to take any Earth from the said Road, or to make any Cut, or set down any Bridge or Tunnel therein, or to widen or in anywise alter any Bridges, Tunnels, or Cuts, in the said Road, without making, maintaining, and keeping up the Breaches occasioned thereby, and leaving the said Road in a good

Condition, and of sufficient Breadth for Horses, Carts, and Carriages, or to make or widen any Cut or Cuts, in or through the Bank of Wisbech River, without making good, supporting, and maintaining such Part or Parts of the said Bank, where the said Cut or Cuts shall be so made and widened.

Moles may be destroyed.

And be it further enacted by the Authority aforesaid, That the said Commissioners shall have full Power, and are hereby authorised, to destroy all such Moles, and other Vermin, as shall be found in and about the Lands and Grounds intended to be drained by virtue of this Act, or in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons, at such Wages as they shall think proper; and that they, and such Person or Persons as they shall so employ, shall, and lawfully may, enter into or upon the said Lands and Banks, or any of them, for that Purpose.

Commissioners to appoint Officers to open and shut Sluices.

And it is hereby further enacted by the Authority aforesaid, That the said Commissioners, at their said General Meeting in every Year, shall and may, and they are hereby authorised and required to appoint One or more Officer or Officers, for the Purpose of opening and shutting down the Tunnels and Sluices, already set down, or to be set down, and made use of in the Execution of this Act; and that no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction; and that it shall and may be lawful to and for the said Commissioners, at the said General or any other Meeting, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices, as they shall think proper: And that the said Officer or Officers, and all and every other Person and Persons who shall open and shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Commissioners, being thereof convicted before any Two or more Justices of the Peace for the Isle or County where the said Offence shall be committed, who are hereby authorised and required to hear and determine the same on the Oath of One or more Witness or

Penalty of 20l. on Officers opening or shutting Sluices contrary to Orders.

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 Commiſſioners, for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Cares, are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle, of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices before whom ſuch Conviction ſhall be made; and in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall be by the ſaid Juſtices committed to the Houſe of Correction, there to be kept to hard Labour, for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices, by whom ſuch Commitment ſhall be made.

Regulations for the old Drain.

Provided, That when and ſo often as the Waters in the old deſerted Drain, formerly belonging to the Land Owners in Leverington and Leverington Parſon Drove, and now intended to be ſcoured out and made uſe of by the Commiſſioners under this Act, ſhall run leſs than Eighteen Inches from the Top of the loweſt Part of the Banks of the ſaid Drain, then and ſo often the Tunnels and Sluices ſet down in Black Dike, for the conveying of the Waters from the Lands on the Weſt Side of Black Dike, through the ſame, into the ſaid Drain, ſhall be ſhut down by the ſaid Officer or Officers, to be appointed as aforeſaid, for the opening and ſhuting down of the Tunnels and Sluices made, or to be made, and uſed under and in the Execution of this Act, and ſhall continue ſo ſhut down until the ſaid Waters in the ſaid Drain ſhall have ſubſided, and ſhall run within Eighteen Inches of the Top of the loweſt Part of the Banks of the ſaid Drain.

Commiſſioners to make Orders for the draining of the Lands;

and appoint Officers who are to account.

And be it further enacted, That the ſaid Commiſſioners, ſhall and may, and they are hereby impowered to make ſuch Orders, and give ſuch Directions, for the ſaid ſeveral Works of draining herein before mentioned, and alſo for the Management of the ſame, and Maintenance thereof, as they ſhall think fit, and ſhall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or

or Collectors, and such other Officers, with reasonable Salaries, for the making and taking Care of such Works, and for the collecting of the Rates and Assessments which shall be made and assessed for the making and maintaining thereof, or for any other of the Purposes of this Act, as they the said Commissioners shall think proper; and may, from Time to Time, remove any such Collectors, Clerks, Receivers, or other Officers, and appoint others in the Room of such of them as shall be so removed, or shall die; and that every Collector and Receiver, so to be appointed as aforesaid, before he or they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners, for the due Execution of the same, as the said Commissioners shall think proper; and shall account and produce his or their Vouchers for all such Sum and Sums of Money as he or they shall receive or pay, by virtue of their said Office, at the said General Meeting in every Year, and pay over the Balance of such Accounts remaining in his or their Hands, if any such there be, unto the said Commissioners there assembled, or as they, or the major Part of them, shall direct or appoint.

Officers not accounting to be committed to Gaol.

Provided, and it is hereby further enacted by the Authority aforesaid, That if any such Collector or Collectors, Receiver or Receivers, shall neglect or refuse to account for any Sum or Sums of Money, by him or them collected or received in pursuance of this Act, at the said General Meeting in every Year, or to pay over the Balance remaining in his or their Hands to the said Commissioners there assembled; then, or in either of the said Cases, it shall and may be lawful to and for Two or more Justices of the Peace for the said Isle or County where such Collector or Collectors, Receiver or Receivers, shall reside, to enquire of and concerning such Neglect or Refusal; and if any such Collector or Receiver shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses, then the said Justices shall respectively, upon such Conviction, commit the said Collector or Collectors, Receiver or Receivers, to the common Gaol of the said Isle or County where such Collector or Collectors, Re-

ceiver or Receivers shall reside, there to remain until he or they shall have made a full, true, and perfect Account and Payment, as aforesaid.

Commissioners may assess Owners as they shall judge proper.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, at their First Meeting after the passing of this Act, and from Time to Time, at their General Meeting in every succeeding Year, to assess, rate, tax, and charge all and every of the Owners and Occupiers of all and singular the said Lands and Grounds in the said Parishes of Tid Saint Giles and Newton, which lie on the West Side of Black Dike; and also of all and singular the said Lands and Grounds in Tid Saint Mary's Fen, which lie on the West Side of Shoffendike Bank, by an equal and proportionable Acre-tax, in such Rate or Sum of Money as they shall think proper, and that the same shall be paid as soon after the assessing and charging thereof as conveniently may be.

Rates not to exceed 4 s. an Acre.

Provided, That no such Assessment, Rate, or Tax, shall at any Time exceed the Sum of Four Shillings an Acre, or be less than Three Shillings an Acre, in each Year, so long as any Sum or Sums of Money shall be due and owing thereupon; and also, that it shall and may be lawful to and for the said Commissioners, at their said First Meeting, and from Time to Time, at their said General Meeting, in every succeeding Year, to assess, rate, tax, and charge, all and every of the Owners and Occupiers of all and singular the said Lands and Grounds, in the said Parishes of Tid Saint Giles and Newton, which lie on the East Side of Black Dike, by an equal and proportionable Acre-tax, in such Rate or Sum of Money as they shall think proper; and that the same shall be paid as soon after the assessing and charging thereof as conveniently may be.

Certain Lands to pay only the Fourth Part of the Acre-tax.

Provided, That the said Acre-tax, for each and every Acre of the said Lands and Grounds on the East Side of Blake Dike, shall not exceed in any Year the Fourth Part of the Acre-tax to be rated, assessed, and charged, on the Owners and Occupiers of each and every Acre of the said Lands and Grounds on the West Side of

Black Dike, and of Shoffendike Bank; and that no Acretax shall be laid for or in respect of the said Lands and Grounds on the East Side of Black Dike, in any Year, when an Assessment shall not be made for or in respect of the said other Lands and Grounds comprised in this Act.

Lands to be surveyed.

And be it further enacted by the Authority aforesaid, That on or before the First Day of May, in the Year of our Lord One thousand seven hundred and seventy-four, or as soon after as conveniently may be, all and singular the said Lands and Grounds, so abutted and described as aforesaid, shall be truly and distinctly surveyed and measured by such Person or Persons as the said Commissioners, at any of their said Meetings, shall nominate and appoint for that Purpose; and that such Survey shall be put into Writing, and shall contain the Number of Acres, Roods, and Perches, in Statute Measure, belonging to each of the Proprietors or Owners of such Lands and Grounds; and that Three Maps thereof shall be made and deposited in the several Parish Chests of Newton, Tid Saint Giles, and Tid Saint Mary's aforesaid; and that the said Survey shall, as soon as may be, after the same shall be completed, be verified at any of the Meetings of the said Commissioners, by the Oath of such Person or Persons as shall so make the same; which Oath the said Commissioners, or any One or more of them, is or are hereby impowered to administer; and that the said Map shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantity of the said Lands and Grounds belonging to each of the Owners and Proprietors thereof.

Tenants to pay Taxes, and deduct the same out of their Rents.

And to the End that the said Rates and Taxes may be more easily and effectually collected and received, be it further enacted by the Authority aforesaid, That all and every the Tenants and Occupiers of the said Lands and Grounds, which shall be assessed or rated by virtue of this Act, shall, and are hereby authorised and required to pay all and every such Sum and Sums of Money as shall be so assessed or rated on the respective Lands

and Grounds in their Occupations, and to deduct and retain out of his, her, or their Rent, all such Sum and Sums of Money as they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deduction and Payment, upon Receipt of the Residue of their Rents; and that every such Tenant or Occupier, paying such Assessment or Rate, shall be acquitted and discharged of so much Money as the said Assessment and Rate so paid by them shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

Lessees not to be allowed to deduct Taxes.

Provided, and be it further enacted and declared, That no Lessee or Tenant of any Lands or Grounds charged with the said Rates, Taxes, or Assessments, who shall hold the same by virtue of, or under any Lease from any Bishop, or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which said other Lease or Agreement, at the Time of the passing this Act, there shall be more than Seven Years to come and unexpired, shall be intitled to deduct the said Rates, Taxes, or Assessments, chargeable by this Act, or any of them, out of the Rent reserved or payable by any such Lease or Agreement; but that the said Rates, Taxes, and Assessments, shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid; and that all and every Lessee or Lessees, Tenant or Tenants, of any Lands or Grounds charged with the said Rates, Taxes, and Assessments, by virtue of or under any other Lease of Agreement whatsoever, of which there shall be Seven Years or less to come and unexpired, shall pay such an Advance of Rent as the said Commissioners at any of their Meetings shall order, as a Consideration for the Benefit which such Tenant or Tenants shall or may receive by Means of this Act.

Manner of recovering Rates.

And be it further enacted by the Authority aforesaid, That in case Default shall be made by any Person or Persons, assessed, rated, taxed, and charged as aforesaid, in his, her, or their respective Payments, by the

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Space of Twenty Days next after the Time hereby appointed for the Payment thereof, and Demand made by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand left at the usual Place of Abode of the Person or Persons who is, are, or ought to pay the same; or if such Person or Persons shall not have any Place of Abode within the Parish in which the said Lands or Grounds, for or in respect of which, he, she, or they, shall be assessed and rated as aforesaid, shall lie, then after Demand made by the said Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand, affixed upon the Church Door of the Parish where such Lands and Grounds, or any Part thereof, shall lie, it shall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the said Commissioners; which said Warrant or Precept the said Commissioners, or any Two or more of them, are hereby impowered and required to make and give, as there shall be Occasion, to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in Possession of such Person or Persons as shall make Default in Payment as aforesaid, and all Messuages or Tenements thereupon standing; and to levy the Sum or Sums of Money by him, her, or them, payable for such Rate or Tax, by Distress of the Goods, Chattels, and Cattle, which shall be there found; and in case no sufficient Distress can be there found, it shall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or other Person or Persons, by virtue of such Warrant or Precept as aforesaid, to levy all Arrears of the said Rates or Taxes by Distress of the Goods, Chattels, and Cattle, of the Person or Persons so making Default in Payment as aforesaid, which shall be found in any other Place in the Kingdom of Great Britain, and the Goods, Chattels, and Cattle, to impound, on the Messuages or Lands where the same shall be found, or take, lead, drive, or carry away, and the same to keep for the

Space

Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Cause of such Distress at the Messuage or Tenement, if any there be, belonging to the Lands or Grounds upon which such Distress shall be taken; and for want of such Messuage or Tenement, at the usual Place of Abode of the Person or Persons who is or are, or ought to pay the said Rates or Taxes; but if such Person or Persons shall not at that Time have any Place of Abode within the Parish in which the said Lands or Grounds, or any Part thereof, for or in respect of which he, she, or they shall be so assessed and rated as aforesaid, shall lie, then affixing such Notice upon the Church Door of the Parish where such Goods, Chattels, and Cattle shall be so taken in Distress; and if the said Owner or Owners of the said Goods, Chattels, and Cattle, shall not pay the Sum or Sums of Money so assessed, rated, or distrained for, as aforesaid, together with the Charges of making such Warrant, and taking such Distress, and keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in Force for the Nonpayment of Rent, within the said Five Days, that then the Goods, Chattels, and Cattle so distrained shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish where such Distress shall be made, who is hereby authorised and required to administer an Oath for that Purpose, to appraise the same according to the best of their Judgement; and that after such Appraisement as aforesaid, the said Goods, Chattels, and Cattle shall be sold by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained, for and of the said Charges, and also of the Charges of appraising and selling such Distress; and that the Overplus arising from such Sale, if any be, after Payment of the said Sum or Sums so assessed, rated, and distrained, and the said Charges, shall be returned, on Demand, to the Owner or Owners thereof.

Provided

Provided always, and it is hereby further enacted and declared, That in case any of the said Lands or Grounds, abutted and described as aforesaid, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be made for levying the said Rates and Taxes, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle, which shall at any Time thereafter be found thereon, shall and may be distrained, impounded, kept, and sold, in Manner aforesaid, till all Arrears of the said Rates and Taxes, and the Charges incident to such Distress, shall be fully paid and satisfied. Lands untenanted to remain a Security for Taxes.

And, forasmuch as the said Assessments, Rates, and Taxes, so to be charged and collected as aforesaid, will not be sufficient to defray the immediate Expence of making the several Works necessary for the speedy Improvement of the said Lands and Grounds; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Two or more of them, shall and may, and they are hereby impowered, from Time to Time, pursuant to an Order for that Purpose to be made at any of the said General or other Meetings to be held as aforesaid, at which Five Commissioners shall be present and concur, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten thousand Pounds, which they shall think necessary for the making, carrying on, and maintaining the said Works, and, by Writing under their Hands and Seals, to mortgage or assign the said Assessments, Rates, Taxes, and Sums of Money, or any Part thereof, (the Costs and Charges of such Mortgage or Assignment to be paid out of the said Taxes), for any such Term or Number of Years, and in such Manner and Form, as to the said Commissioners, or any Two or more of them, shall seem meet, as a Security for any such Sum or Sums of Money so borrowed, to such Person or Persons, his, her, or their Trustee or Trustees, with Interest for the same, not exceeding the Sum of Five Pounds per Centum per Annum; and that Copies of all such Mortgages and Assignments shall be entered in a Book or Books, to be kept Money may be borrowed by Mortgage of Taxes, not exceeding 10,000l.

for that Purpose, by the Clerk or Clerks to the said Commissioners; and that it shall and may be lawful for all and every Person and Persons to whom any such Mortgage or Assignment shall be made, as aforesaid, or who shall be intitled to the Money thereby secured, by Indorsement on his, her or their Security or Securities, or otherwise, to assign or transfer his, her, or their Mortgage or Security, and Right to the principal Money and Interest thereby secured; and that such Assignment or Transfer shall be notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the said Clerk or Clerks shall cause an Entry or Memorial thereof to be made, containing the Date of such Assignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the original Mortgages or Assignments, for which he or they shall be paid the Sum of Two Shillings and Sixpence, and no more; and that after such Entries shall be made, such Assignment or Transfer shall intitle such Assignees to the Benefit and Payment thereof; and they every such Assignee shall and may, in like Manner, from Time to Time, assign or transfer his, her or their Right and Interest therein, and thereto, and all and every Person and Persons, to whom any such Mortgage, Transfer, or Assignment, shall be made, as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the said Assignments, Rates, Taxes, and Sums of Money, in equal Degree One with another, and shall have no Preference in respect to the Priority of advancing any such Money; and that the said Money so borrowed, shall be applied, in the first Place, towards paying and discharging the Costs, Charges, and Expences of obtaining and passing this Act, and then in making, effecting, and maintaining, the said Works of draining and improving the said Lands and Grounds, so abutted and described as aforesaid, and to and for no other Intent or Purpose whatsoever.

Taxes vested in Creditors.

And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money, by virtue hereof to be assessed upon and paid by the Owners and Occupiers

piers of the said Lands and Grounds, shall be charged and chargeable, in the first Place, with and for the Payment of all and every such Sum and Sums of Money, so to be borrowed as aforesaid, and the Interest thereof, from Time to Time, and shall vest in the respective Creditors, upon Default of Payment of such Principal Money, and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors respectively, their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges, of raising and recovering the Rates, Cares, and Sums of Money, payable by the Owners or Occupiers of the said Lands and Grounds, for or in respect of such Principal Money, and Interest, if Default shall be made in Payment thereof, as the said Commissioners, or their Collector or Collectors, would have had in case the said Principal Money, and Interest, had been regularly paid and satisfied.

Writings to be without Stamps.

And it is hereby further enacted by the Authority aforesaid, That no Mortgage, Transfer, or other Security, for the borrowing of Money, or Assignment of such Mortgage or Security, Information, Contract, Warrant, Judgement, Appointment, or other Writing, in pursuance of, or relating to, the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Persons destroying Works, &c. how to be punished.

And it is further enacted by the Authority aforesaid, That all and every Person and Persons who shall at any Time or Times hereafter wilfully and maliciously cut, throw down, burn, or otherwise destroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already made and erected, or which shall at any Time hereafter be making and erecting, or made and erected, for the draining and improving of the said Lands and Grounds, or any of them, and shall be thereof lawfully convicted, shall be guilty of Felony, and liable to be transported as a Felon for Seven Years; and if any Person or Persons shall, at any Time or Times hereafter, permit or suffer any of his, her, or their Hogs or Swine to stray upon any of the said Banks, or shall set down any Nets or Engines, for the catching of Fish in any of the said Drains, or with

fully or maliciously throw any Earth, or other Obstructions, into any of the said Drains made for answering the Purposes aforesaid; or if any Person or Persons whatsoever shall dig or throw out any Pond or Watering in any of the said Lands or Grounds, intended to be drained by virtue of this Act, within Forty Feet of any Drain already made, or at any Time hereafter to be made, and used for the draining and improving of the said Lands and Grounds, as aforesaid; or shall at any Time hereafter maliciously destroy, stop, dam up, spoil, or damage any Drain, Watercourse, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works, to be made, or set up or used for the said Purposes, or shall cut through any Lane or Drove, to the Intent that the Waters of One Field, within the Limits of the said Lands and Grounds, so to be drained as aforesaid, shall and may run into any other Field within the said Limits, or shall at any Time hereafter cut or dig, or cause to be cut or dug, any Turves, Hods, or Sells, within the Distance of Two hundred Feet of any of the Banks made and thrown up by virtue of this Act, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue hereof; all and every Person and Persons so offending, being thereof convicted before Two or more of his Majesty's Justices of the Peace of the said Isle or County in which the said Offence shall be committed, who are hereby authorised and required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Pounds, nor less than Five Pounds, as the said Justices shall respectively order and direct, to the said Commissioners, for the Purposes for which the said Assessments, Rates, and Taxes, are hereby directed to be applied; and to be levied by Distress and Sale of the Goods, Chattels, and Cattle, of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices; and that, in Default of such Distress or Payment, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to

hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

And, to the Intent that it may appear clearly what is raised from Time to Time by virtue of the said Assessments or Rates, and how the same have been from Time to Time applied, and that all Accounts of the Monies raised and disbursed by virtue of this Act may be fairly examined, be it further enacted by the Authority aforesaid, That the said Commissioners shall order and cause a Book of Assessments to be made and kept, and all the Rates and Assessments made as aforesaid under this Act to be fairly entered therein; and also shall order and cause a Book of Accounts to be made and kept, and an Account of all the Receipts and Disbursements of the Monies received and disbursed by virtue of this Act to be fairly entered in the same, and that no Account shall be passed and allowed unless the same shall be kept and made up in such Books as aforesaid; and that, once in every Year, to wit, at the said General Meeting, they the said Commissioners shall carefully examine all Receipts and Disbursements of all such Monies as shall be collected, received, and disbursed, by virtue of this Act, to the Lady-day next before such Meeting, and all Vouchers relating to the same; and that, upon Inspection and Examination of the said Accounts, upon Oath, to be administered by any One or more of the said Commissioners, which Oath any One or more of them is hereby impowered to administer, the said Commissioners shall, and are hereby impowered and directed to allow and pass the said Accounts, or such Part or Parts thereof as shall appear to them just and reasonable; and the said Accounts, or such Part or Parts thereof as shall be allowed by the said Commissioners under their Hands, shall be fairly entered in a Book or Books to be kept by the said Commissioners; which Book or Books shall or may be inspected and perused, at all reasonable Times, by any Owner or Owners of the said Lands and Grounds so abutted and bounded as aforesaid, or of any Part thereof, without Fee or Reward.

Books of Assessments to be kept.

And

Proceedings to be entered in Books.

And be it further enacted and declared by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings, so entered, shall be signed by the Commissioners then present, or the major Part of them; and that such Orders, so signed, shall be deemed and taken to be original Orders, as fully and effectually as if the same were under the Hands and Seals of the said Commissioners; and that such Book or Books shall and may be inspected and perused, at all reasonable Times, by any Owner or Owners of the said Lands or Grounds so abutted and bounded as aforesaid, without Fee or Reward, and shall and may be produced and read in Evidence in all Cases of Suits or Actions, touching any Thing done in pursuance and by Authority of this Act.

Occupiers to maintain their Outring Fences.

And it is hereby further enacted by the Authority aforesaid, That all Owners and Occupiers of the Lands and Grounds by virtue of this Act to be drained, shall make, and from Time to Time, and at all Times hereafter, maintain and keep all the Outring or Division Dikes or Drains of or belonging to their respective Lands and Grounds Nine Feet wide, and of a sufficient Depth from the Level Soil; and shall also, from Time to Time, and at all Times hereafter, cause the same Dikes or Drains to be well and sufficiently roaded, scoured, and cleansed from Weeds and other Rubbish and Obstructions; and also cause Bridges or Tunnels to be laid over the said Dikes and Drains, of such Dimensions, and at such Places, as the said Commissioners, at any of their said Meetings, shall judge necessary, for the better issuing, running, and conveying away the Waters therein, and keep and maintain the said Bridges and Tunnels in Repair; and that if any such Owner or Occupier shall refuse or neglect to make or keep such Dikes or Drains of the Dimensions aforesaid, or to road, scour, or cleanse the same from Weeds or other Rubbish or Obstructions, or to lay down or repair such Tunnels or Bridges as aforesaid, after Fourteen Days Notice in Writing, under the Hands of any Two or more of the said Commissioners, to him or her given, or left at his or her usual Place of Abode; or,

in

in case he or she shall not, at that Time, have any Place of Abode within the said Parish where the said Lands shall lie, to which such Drains or Dikes, Bridges or Tunnels, shall appertain or belong; then, after affixing such Notice on the Church Door of the Parish where such Lands shall lie, the said Commissioners shall and may, and they are hereby authorised and required, to cause the same to be done in a proper and effectual Manner; and by Warrant under their Hands and Seals, to authorise and impower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in doing thereof by Distress and Sale of such Goods, Chattels, and Cattle, as shall at any Time thereafter be found on the Lands and Grounds to which such Drains or Dikes, Bridges or Tunnels, shall appertain or belong; and that the Person or Persons, to whom such Warrant shall be directed, shall and may levy the Money so expended by Distress and Sale of the same Goods, Chattels, and Cattle, together with all incident Charges, in the same Manner as the Rates, Taxes, and Assessments, herein-before mentioned, are hereby directed to be levied, rendering the Overplus, if any there be, to the Owner or Owners thereof.

Kinderley's Cut to be opened.

And whereas the opening of a certain Work, some Time since begun by the Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, and intended to have been compleated, commonly called or known by the Name of Kinderley's Cut, from the West Marsh or River's End, through the common Salt Marsh, in the Parish of Tid Saint Giles aforesaid, to near Buckworth's Drain Sluice, and continuing the same through the said Marsh, and another small Salt Marsh in the Parish of Tid Saint Mary's aforesaid, to near the Outfall of New Gunthorpe Sluice, and the making a Dam over the present Channel of the Wisbech River, near the said River's End, to turn the Waters of the said River out of their present uncertain Course amongst the shifting Sands, into, through, and along the said Cut, will be of great Benefit to the draining and preserving of the said Lands and Grounds so abutted and described, and intended by

this Act to be drained as aforesaid, and also of the said Great Level of the Fens, called Bedford Level: And whereas the Proprietors of the said Lands and Grounds, so adjoyned and described as aforesaid, are desirous of having the said Works carried into Execution, and have agreed to advance the Sum of One thousand Pounds, out of the Rates, Cares, and Monies, to be raised and borrowed by virtue of this Act, towards compleating the same: And whereas the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, are willing to advance, out of the Revenues of the Middle and South Levels, Part of the said Great Level, or out of the Monies borrowed, or to be borrowed thereon, the like Sum of One thousand Pounds, towards the compleating of the said Works: And whereas the Commissioners elected and appointed for the North Level, Part of the said Great Level, by virtue of a certain Act of Parliament, made and passed in the Twenty-seventh year of the Reign of His late Majesty King George the Second, are willing to undertake the Execution of the said Works, and to compleat the same, and pay the Expence thereof, over and beyond the said Two Sums of One thousand Pounds and One thousand Pounds, out of the Rates and Cares agreed upon the said North Level, under the said Act of the Twenty-seventh year of his said late Majesty, and the Monies to be borrowed thereon by virtue of the said Act; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the said North Level, appointed, or hereafter to be appointed, by virtue of the said Act of the Twenty-seventh year of His said late Majesty King George the Second, and they are hereby authorized and impowered, to open and make the said Cut, called Kinderley's Cut, from the South End of the West Marsh or the River's End aforesaid, through the common Salt Marsh, in the Parish of Tid Saint Giles aforesaid, to near Buckworth's Sluice, and to continue the said Cut along the said Salt Marsh, in the Parish of Tid Saint Mary's aforesaid, at or near the Outfall of New Gunthorpe Sluice, and also to make a Bank on the East and South-east Side of the said Cut, between the

the said Cut and the present shifting and bare Sands; and also to make a Dam or Bank in and over the present Channel of the Wisbech Rives, near the South End of the said West Marsh, and to continue such Bank across the Sands and Marshes on the East Side of the said Channel, to join the present Sea Bank on the Marsh Land or Norfolk Side; and that it also shall and may be lawful to and for the said Commissioners of the said North Level, and they are hereby authorised and impowered to dig and take Earth, Flag, and other Materials, from any of the Open or Salt Marshes lying in the said Parishes of Tid Saint Giles, Newton, and Tid Saint Mary's, near or adjoining to the said Cut, Banks, and Dam, from Time to Time, as they shall find necessary for the making, compleating, and supporting the said Cut, Banks, and Dam, without paying any Thing for the same; and to do all such other Acts as shall be necessary in the carrying on, compleating, and maintaining of the said Works.

Bedford Level Corporation, and the Commissioners of this Act, shall contribute certain Sums towards carrying on the said Works.

And be it further enacted by the Authority aforesaid, That the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, shall and do, out of the Revenues of the said Middle and South Levels, or out of the Monies borrowed, or to be borrowed thereon, pay the Sum of One thousand Pounds, and that the Commissioners, to be appointed by virtue of this present Act, shall and do, out of the Rates, Tares, and Revenues, to be raised, and the Monies to be borrowed thereon, by virtue of this Act, pay the like Sum of One thousand Pounds, for and towards the carrying on the said last-mentioned Works, unto the Commissioners of the said North Level, or to such Person or Persons as shall be appointed by them, or any Seven or more of them, at any of their Meetings, to receive the same, at the Times, and in Manner following; that is to say, The Sum of Three hundred Pounds each, when and so soon as the said Commissioners of the said North Level shall begin the said Works; and when and so soon as the said Commissioners of the said North Level shall have expended the Sum of One thousand eight hundred Pounds (including

the said Two Sums of Three hundred Pounds and Three hundred Pounds) in the carrying on the said Works, then the further Sum of Three hundred Pounds each; and when and so soon as the said Commissioners of the said North Level shall have expended the further Sum of One thousand eight hundred Pounds (including the said Two last-mentioned Sums of Three hundred Pounds and Three hundred Pounds) in carrying on the said Works, then the further Sum of Four hundred Pounds each, being the Residue of the said Two Sums of One thousand Pounds and One thousand Pounds, so to be respectively advanced and paid towards the said Works, by the said Governor, Bailiffs, and Commonalty, and by the said Commissioners to be appointed by virtue of this Act, as aforesaid.

The Remainder of the Expence of opening the said Cut out of the North Level Taxes, how to be payed.

And be it further enacted by the Authority aforesaid, That the said Commissioners of the said North Level shall and do, as soon as conveniently may be after the passing of this Act, begin and proceed in the said last-mentioned Works, and perfect and compleat the same; and that the Expence thereof, over and beyond the said Two Sums of One thousand Pounds and One thousand Pounds, so to be advanced and paid towards the same in Manner aforesaid, shall be paid by the said Commissioners of the said North Level, out of the Rates and Taxes assessed upon the said North Level, under the aforesaid Act of Parliament of the Twenty-seventh Year of his late Majesty King George the Second, and out of the Monies to be borrowed thereon, by virtue of the Powers in the same Act contained.

Persons damaging the Works how to be punished.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously stop, dam up, break down, demolish, damage, or destroy, or cause, procure, advise, counsel, or hire any Person or Persons to dam up, break down, demolish, damage, or destroy the said Cut, Dam, or Banks, which shall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, or erected, supported, maintained, or used, for the Purpose of turning the present Channel of the Wisbech Waters out of the shifting Sands, into, through, and along the said Cut, intended to be opened

and made as aforesaid, or shall take, carry away, break, demolish, or destroy any of the Wheel-barrows, Planks, Tressels, or other Materials, that shall be procured to be used, or that shall be used, in making the said Cut, Dam, or Banks, or in the Repair or Support thereof, all and every such Person and Persons shall be adjudged guilty of Felony, and every such Felon shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Courts by and before whom such Person or Persons shall be tried, shall, and are hereby authorised and impowered to transport any such Felon for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

The Navigation of the Cut shall be free.

And be it further enacted and declared by the Authority aforesaid, That all Persons navigating Vessels between the Town of Wisbech and the Sea, shall, at all Times hereafter, have the free Usage of the said Cut, to navigate in, along, and through the same, in like Manner as they now have along and through the present Channel, except as is herein after mentioned; and also that it shall and may be lawful to and for the Owner or Owners of such Vessels, and the Servants and Workmen, or Persons employed to navigate the same, to hale and tow the said Vessels with One or more Horse or Horses, on the Foreland and Bank on the West or North-west (but not on the East or South-east) Side of the said Cut; provided that only One Horse shall hale or tow by One Line, and that every such Line be fastened to the Mast or Rigging of every such Vessel so navigating as aforesaid, at least Twelve Foot above the Deck of such Vessel or Vessels, and not otherwise.

The Manner of towing on the Side of the Cut.

Provided, and it is hereby further enacted by the Authority aforesaid, That no Horse or Horses shall at any Time or Times be made Use of for haling or towing over or upon the said Sluice called New Gunthorpe Sluice, or any other Sluice or Sluices erected, or to be erected, on the Side of the said Cut, or over or upon any Wheel or other Works to such Sluice or Sluices belonging; but that such Horse or Horses as shall be used in the haling or towing of Vessels along the said Cut shall be loosened

loosened from the Lines fixed to the said Vessels, and being so loosened, shall be led or conducted over such Sluice or Sluices, and Wharfs, and other Works thereto belonging, without haling or towing over the same; and that it shall and may be lawful to and for the Capital Burgesses of the Town of Wisbech for the Time being, or any Person or Persons by them to be appointed, by and with the Approbation of the Superintendant General for the Time being of the Corporation of the Bedford Level, to fix and put down such Mooring Posts as shall be necessary for mooring and stopping the Vessels passing the said Sluices, or navigating in the said Cut, so as such Posts shall be fixed in such Places and Manner as that no Damage shall be done thereby, or by using the same, to any such Sluice or Sluices, or any Wharf or other Works thereto belonging, or any Part thereof, and as that no Stoppage shall be thereby occasioned to the Passage of the Water running from any such Sluice or Sluices: And in case such Mooring Posts, or any of them, shall at any Time or Times be apprehended by the said Superintendant General, or any other Person or Persons appointed to superintend the Works of the said Sluices, Cuts and Banks, to be prejudicial to such Sluice or Sluices, Cut or Banks, it shall and may be lawful to and for the said Superintendant General, or such other Person or Persons as aforesaid, to cause such Mooring Posts to be cut down, fixing other Posts in such other Places and Manner as may answer the Purpose of mooring the said Vessels, without being prejudicial to the said Sluices, Cut, Banks, or Works; and if the said Superintendant General shall refuse or neglect to give Directions for placing the said Posts as aforesaid for the Space of Twenty Days next after such Notice, in Writing, signed by the said Capital Burgesses for the Time being, or the major Part of them, then it shall be lawful for the said Capital Burgesses for the Time being, or the major Part of them, to cause such Posts to be placed in such Manner, and subject to such Restrictions, as aforesaid.

And

And whereas the making the aforesaid Cut, Bank, and Dam, and turning the Waters of the said Wisbech River out of their present uncertain and shifting Course amongst the Quick Sands, into, through, and along the said Cut, will be a Work of publick Utility, in regard the same will not only be for the Benefit of Draining, as herein-before is mentioned, but of very considerable Advantage to the Navigation to and from the Port of Wisbech, and by Means thereof the present shifting and bare Sands, situate on the North and East of the said Dam and Cut, and lying between, or bounded by, the present Salt Marshes on the Cambridgeshire and Lincolnshire Coasts on the West and North-west, and the present Course or Channel of the Wisbech River on the East and South-east, will be raised, and may become capable of Cultivation: And whereas the supporting and preserving the said Dam, Cut, and Banks, after the same shall be completed, will be attended with great Labour and Expence; be it therefore enacted by the Authority aforesaid, That the said shifting and bare Sands, so situated and bounded as aforesaid; and also the present Channel of the Wisbech River, to the Low-water Mark, on the South and South-east Side thereof, shall, from and immediately after the passing of this Act, vest in, and the same are hereby vested in, the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, and their Successors, to have and to hold the same unto and to the Use of them and their Successors for ever, for such Uses, Intents, and Purposes, as are herein-after mentioned concerning the same, any Law, Statute, or Custom whatsoever, to the Contrary thereof in any-wise notwithstanding; and that the said shifting and bare Sands and Channel, so vested in the said Governor, Bailiffs, and Commonalty, and their Successors, shall for ever hereafter be deemed and taken to lie and be within the respective Parishes in the Isle of Ely and County of Cambridge, and in the County of Lincoln, which abut or adjoin on the West and North-west Sides of the said Sands, so far as such Parishes do respectively abut, front, or adjoin thereupon.

The Channel of the *Wisbech River*, and the Sands adjacent, in the *Bedford Level* Corporation, how vested.

And

The said Corporation allowed to mark out the said Sands

And for the better ascertaining the Bounds and Limits of the said shifting and bare Sands, and Channel, so vested, or intended to be hereby vested in the said Governor, Bailiffs, and Commonalty, and their Successors, as aforesaid, and for keeping the same in Memory in all Times to come, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor, Bailiffs, and Commonalty, and they are hereby authorised, impowered, and required, to cause the same to be surveyed and planned, and also to cause the same to be set out and bounded with Stones, or other substantial Marks or Abuttals, so as at all Times to ascertain and distinguish the same from the present Salt Marshes and Sands, lying on each Side thereof; and after such Sands and Channel shall be planned, bounded, and marked out, as aforesaid, the said Governor, Bailiffs, and Commonalty, shall cause One fair Copy of such Plan, marking or distinguishing therein the several Bounder Stones or Abuttals, so to be set up as aforesaid, to the Clerk of the Peace for the County of Cambridge aforesaid, to be kept amongst the Records of the Sessions of the Peace for the said County, and One other fair Copy of such Plan, marked and distinguished as aforesaid, to the Clerk of the Peace for the Parts of Holland, in the County of Lincoln, to be kept amongst the Records of the Sessions of the Peace for those Parts.

and to grant Leases thereof, as soon as they are capable of Cultivation.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, to take in and embank the said Sands and Channel, so vested, or intended to be hereby vested in them, as aforesaid, when and as often as any Part or Parts thereof shall be grassed over, or become capable of Cultivation, and to grant Leases thereof to such Person or Persons, and for such Terms or Estates, and under such yearly and other Rents, and for such Considerations, and upon such Conditions, as they shall from Time to Time think fit, and to order, regulate, and

and manage the same, in such Manner as they shall, from Time to Time, think proper.

Receiver of the Taxes to take the Rents and Profits of the Sands, &c.

And be it further enacted by the Authority aforesaid, That all and every the Rents, Issues, Fines, and other Profits, which shall from Time to Time be reserved or paid for or in respect of the said Sands and Channel, so hereby vested, or intended to be vested, in the said Governor, Bailiffs, and Commonalty, as aforesaid, or shall arise from the same, shall, from Time to Time, be received by the Receiver of the Taxes rated, assessed, or imposed upon the said North Level, by virtue of a certain Act of Parliament, made and passed in the Eleventh Year of the Reign of his present Majesty; and that the said Fines, Rents, Issues, Profits, and Monies, shall be applied, in the first Place, in Payment of the Expences of inclosing, embanking, and securing the said Sands and Channel, and then, from Time to Time, in and towards the repairing, supporting, and maintaining the said Cut, Dam, and Banks, and in continuing the said Cut and Banks towards the Sea, and in making such other Works and Improvements in the Outfall of the Wisbech River to the Sea, as shall from Time to Time be found necessary or convenient, and to or for no other Use, Intent, or Purpose whatsoever, save in purchasing of Salt Marshes adjoining or lying contiguous to the said Sands, as herein-after is mentioned.

The Corporation may purchase Salt Marshes in *Tid St. Giles*.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens, called Bedford Level, and they are hereby authorized and impowered, from Time to Time, to contract for and purchase any Salt Marsh or Marshes in the Parishes of Tid Saint Giles's and Tid Saint Mary's, adjoining or lying near to the said Sands hereby vested in them as aforesaid, and to direct the Purchase-monies agreed to be paid for the same to be paid out of the Fines, Rents, Issues, and Profits, of the said Sands and Channel so vested in them, as aforesaid; and that such Salt Marsh or Salt Marshes, so to be purchased, shall be conveyed to

and vested in the said Governor, Bailiffs, and Commonalty, and their Successors, for such and the same Uses, Intents, and Purposes, as the said Sands and Channel are hereby vested in them as aforesaid, and to or for no other Use, Intent, or Purpose whatsoever.

The Committee of the *North Level* Commissioners shall superintend such Works as shall be done with the Profits of the said Sands;

And be it further enacted by the Authority aforesaid, That the Committee from Time to Time to be elected or chosen by and out of the Commissioners of the several Districts of the said North Level, in pursuance of the said Act of the Eleventh Year of His present Majesty, shall, from Time to Time, direct and superintend the Repairs and Amendments to be made in the said Cut, Dam, and Banks, and such other Works, as the said Rents, Issues, Fines, and Profits, arising as aforesaid, shall, from Time to Time, be applied in; and which said Committee shall transmit to the Register of the said Corporation a yearly Account of their Orders, Agreements, and Transactions, relative to such Repairs, Amendments, and other Works, and of the Application of such Fines, Rents, Issues, and Profits therein.

and make up any Deficiency that may be therein.

And be it further enacted by the Authority aforesaid, That all such Repairs and Amendments, for supporting and maintaining the said Cut, Dam, and Banks, as shall be necessary to be done and made before any Profits shall arise from the said Sands and Channel, hereby vested in the said Governor, Bailiffs, and Commonalty, as aforesaid, or as such Profits, when the same shall arise, may at any Time or Times be deficient to answer, shall, from Time to Time, be done and made by the said Commissioners of the said North Level out of the Rates, Cares, and Monies, to be assessed or raised by virtue of the aforesaid Act of the Twenty-seventh Year of His said late Majesty King George the Second, so as that the said Cut, Dam, and Banks, may at all Times hereafter be properly upheld, maintained, and supported.

Walpole and other Marshes, may be drained.

And be it further enacted, That it shall and may be lawful to and for the Owner and Owners of Walpole Marshes, and all other Marshes lying on the East and South-east Side of the said Channel and Sands, at all Times hereafter, to drain the Water off and from the

the said Marshes in and through the said Sands, into the Wisbech Channel, below the North End of the said Cut and Bank, in such Manner as they shall think proper.

The River Bank on the North and North west of *Kinderley's Cut* may be repaired.

And be it further enacted by the Authority aforesaid, That the said Commissioners of the North Level shall and do, when and as the said intended Cut, called Kinderley's Cut, shall be dug and opened, amend, and repair the River Bank lying on the North and North-west Side of the said Cut, from a certain Place called The River's End, to Buckworth's Sluice, with Six Floors of Earth at the least to each and every Rod thereof, and with proper and sufficient Flagging, under the Direction of such Person or Persons as is, are, shall, or may be appointed by the Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, as Expenditor or Expenditors for the Repair of the said Bank; and that it shall and may be lawful to and for the said Commissioners of the North Level to dig, cut, and take Earth and Flag from the said Salt Marshes lying on the East and North-east of the said River Bank, or any Part thereof, for the Purposes aforesaid, without paying any Thing for the same; and that all Monies to be expended in the amending and repairing of the said Bank, as aforesaid, shall be paid out of the Rates and Taxes to be laid by virtue of the said Act of the Twenty-seventh Year of the Reign of His said late Majesty King George the Second, and the Monies to be borrowed thereon: Provided, that nothing herein shall extend, or be construed to extend, to charge the said Commissioners of the North Level with any subsequent Amendments or Reparations of the said Bank, from the River's End, to Buckworth's Sluice aforesaid, or any Part thereof, or to alter, lessen, or take away any of the Rights, Powers, or Authorities, of the Commissioners of Sewers for the said Hundred of Wisbech, and Parts adjacent, in and over the same Bank; but that all such Rights, Powers, and Authorities, as are now vested in the said Commissioners of Sewers, or any other Person or Persons, in and over the said Bank, shall be and continue

nue in full Force and Effect, and the said Bank, from and after such Amendment and Reparation as aforesaid by the said Commissioners of the North Level, shall be, from Time to Time, maintained and supported by and at the Expence of such Persons, and in such Manner, as if this Act had not been made; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

A certain Piece of Land in *Tid Saint Giles* vested in certain Persons, to be sold, and how the Money is to be applied.

And whereas there is in the said Parish of Tid Saint Giles a certain Parcel of Salt Marsh or waste Land, bounded by the said Sands, East; the Place where the said Cut, called Kinderley's Cut, is intended to be made, West; Tid Saint Mary's Salt Marsh, North; and the present Course of Wisbech River, South; which has been heretofore used and enjoyed for the Intercommonage of Cattle by the Owners and Occupiers of the Lands in Tid Saint Giles aforesaid, intended to be drained and preserved by virtue of this Act, but will by the said Cut, called Kinderley's Cut, be severed therefrom, or otherwise rendered of very little Use or Benefit to the Persons intitled to such Intercommon; and it would be of Advantage to all Parties interested therein, if the same was to be sold, or otherwise disposed of, and the Money arising therefrom applied to the Purposes of this Act; be it therefore further enacted by the Authority aforesaid, That from and immediately after the passing of this Act, the said Salt Marsh or waste Land, described as aforesaid, shall be, and is hereby vested in Sir Clement Trafford of Dunton Hall, in the County of Lincoln, Knight; Robert Colvile of Wisbech Saint Peter's, in the Isle of Ely, in the County of Cambridge, Esquire; Richard Colvile of Hemingston, in the County of Suffolk, Esquire; and William Greaves of Sutton Saint Mary's, in the said County of Lincoln, Clerk; their Heirs and Assigns, freed and absolutely exonerated and discharged from all Right of Common which can or may be claimed therein by any Person or Persons whomsoever, to hold the same unto and to the Use of the said Sir Clement Trafford, Robert Colvile, Richard Colvile, and William Greaves, their Heirs and Assigns, upon the Trusts, and to and for the Purposes hereinafter mentioned of and concerning the same; that

that is to say, Upon Trust to sell, convey, mortgage, demise, lease, or otherwise dispose of the said Salt Marsh or waste Land, or any Part or Parts thereof, in such Manner as the said Commissioners acting in the Execution of this Act, or any Three or more of them, shall, from Time to Time, at any of their Meetings, direct and appoint; and, in Default of, and until such Direction or Appointment, from Time to Time, to let, use, and manage the same, in Trust, for the said Commissioners under this Act for the Time being; and upon further Trust, from Time to Time, to pay and apply the Monies arising from Sale or Mortgage of the said Salt Marsh or waste Land, or any Part or Parts thereof, and the Rents, Issues, and Profits thereof, till Sale, to and for the same Uses, Intents, and Purposes, as the Rates, Taxes, and Assessments, hereby authorised to be laid, and Money to be borrowed thereon, are to be paid and applied by virtue of this Act: Provided, that the Receipt or Receipts of the said Sir Clement Trafford, Robert Colvile, Richard Colvile, and William Greaves, or the Survivors or Survivor of them, or the Heirs or Assigns of such Survivor, to the Purchaser or Purchasers, Mortgagee or Mortgagees, of the said Salt Marsh or waste Land, or any Part or Parts thereof, shall be a sufficient Discharge for so much of the Purchase or Mortgage Money thereof as in such Receipt or Receipts shall be expressed to be received; and such Purchaser or Purchasers, Mortgagee or Mortgagees, having obtained such Receipt or Receipts, shall not be liable to see to the Application of such Purchase or Mortgage Monies, or answerable or accountable for the Nonapplication or Misapplication thereof, or of any Part thereof, and that nothing herein shall in anywise prejudice or affect the Rights or Claims of any Person or Persons whatsoever, as Mortgagee or Mortgagees of the said Salt Marsh or waste Land, or any Part or Parts thereof, by virtue of this Act.

Rights of Governors, &c. of *Bedford Level* saved.

Provided always, and be it 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 appointed, or to be appointed, by virtue of this Act, or any of them, to have, use, or exercise

exercise any Power or Authority over, or to 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 the settling the draining of the Great Level of the Fens, called *Bedford Level*, or by virtue of any other Act or Statute whatsoever, or invalidate, lessen, diminish, or take away, any of the Rights, Powers, or Authorities, vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act, made in the Fifteenth Year of King Charles the Second, or any other Act or Statute, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, shall, for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had not been made.

Powers of *Wisbech* Commissioners over *Tid Saint Giles* to cease.

And be it further enacted, That all such Rights, Powers, and Authorities, as the said Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, have at any Time or Times heretofore had or exercised over the said Lands and Grounds in Tid Saint Giles and Newton, so abutted and intended to be drained as aforesaid, or the Works within the Limits thereof, or in or over Buckworth's Drain, and the Banks, Sluices, and other Works thereto belonging, or any of them, by virtue of any Act of Parliament or Statute whatsoever, shall from henceforth cease, and be utterly void and determined.

Right of Commissioners of Sewers saved.

Provided, That nothing herein contained shall extend, or be construed to extend, to invalidate, lessen, diminish, or take away the Rights, Powers, and Authorites, now vested in the Commissioners of Sewers for the Hundred of Wisbech, and Parts adjacent, by virtue of any Act of Parliament or Statute, or any Commission of Sewers whatsoever, for the raising of the Rate or Tax known by the Name of The Halfpenny Acre Shot, upon or from the said Lands and Grounds in Tid Saint Giles and Newton, abutted and described as aforesaid, or any of them, or for the raising of any Rates, Taxes, or Sums of Money, from such of the said Lands and Grounds in Tid Saint Giles and Newton as are lying on the East Side of Black Dike,

Dike, for the repairing, maintaining, and supporting of the said Bank or Banks from Clow's Cross to Guyhirn Cross, and from thence to Wisbech Bridge, and so to a Place called The Horseshoe, in the Parish of Leverington, but that the said Lands and Grounds shall still remain charged and chargeable with the said Rate or Tax, known by the Name of The Halfpenny Acre Shot, and shall still remain charged and chargeable towards the repairing of the said Bank or Banks, in such Proportion, Manner, and Form, as before the passing of this Act they have been used to be charged towards the said Repairs; and that the said Commissioners of Sewers shall have full Power and Authority to assess, rate, and tax the said Lands and Grounds respectively for and towards the said Halfpenny Acre Shot, and for and towards the repairing of the said Bank or Banks, in the Proportion and Manner before mentioned; and shall have the same Powers and Remedies for the Recovery and compelling Payment of the said Halfpenny Acre Shot, and also for the other Rates and Assessments to be by them imposed on the said Lands and Grounds in Tid Saint Giles and Newton, on the East Side of Black Dike, for the repairing of the said Bank or Banks, as they have heretofore had and exercised by or under any Law or Commission of Sewers; any Thing herein-before contained to the Contrary thereof in any-wise notwithstanding.

The Commissioners under this Act may agree with the Commissioners of Sewers, &c. for draining of Lands into *Buckworth's* Drain.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners appointed, or to be appointed, by virtue of this Act, from Time to Time, and at all Times hereafter, to agree with the said Commissioners of Sewers, or with the Proprietors and Owners of Lands in Tid Saint Giles High or Low Marsh, Newton Marsh, or West Walton Marsh, or any of them, for the draining of the Lands in the said Marshes, or any of them, into the Drain called Buckworth's Drain, upon such Terms and Conditions as they shall think proper; and that after such Agreement shall be so made, it shall and may be lawful to and for the said Commissioners of Sewers, and to and for the said Land Owners and Proprietors, to drain the said Lands by and through the said Drain, and not otherwise; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

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, or in the Execution of any of the Powers or Authorities hereby

hereby given, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said Isle, or in the County where the Cause of Action shall arise; and the Defendant or Defendants in such Action or Actions, Suit or Suits, shall and may plead the General Issue, and, if in Replevin, justify and avow, by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do; and shall and may, without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon, give this Act, and the Special Matter, in Evidence, 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 herein-before limited for bringing the same, or shall be brought or laid in any other County or Liberty than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Action or Actions, Suit or Suits; or if a Verdict shall pass, or, upon Demurrer, or otherwise, Judgement be given against the Plaintiff or Plaintiffs; then, or in any of these Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and have such and the like Remedy for the same, as where Costs by Law are awarded.

General Issue.

Treble Costs.

Publick Act.

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

FINIS.