ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

***

Preamble.

14 *Geo.* II. Cap. 24, recited.



WHEREAS an Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the effectual Draining and Preservation of* Waterbeach Level, *in the County of* Cambridge, *and to establish an Agreement made between the Lord of the Manor of* Waterbeach cum Denny, *and the Commoners within the said Manor*: And whereas by the said Act Commissioners are appointed for the draining and future Preservation of the said Level, with Power to the said Commissioners to tax, charge, and assess, all and singular the Fen Lands and Low Grounds mentioned, bounded, and described in the said Act, and all and every the respective Owner and Owners, Occupier or Occupiers, of all and singular the said Fen Lands and Low Grounds, and all and every Commoner or Commoners having Right of Common on the Commonable Parts thereof, by an equal and proportionable Annual Tax of Two Shillings *per* Acre for the Year One thousand seven hundred and forty-one, and the like Sum of Two Shillings *per* Acre for the Year One thousand seven hundred and forty-two, and for every Year after with any other Yearly Sum or Sums of Money, not exceeding One Shilling *per* Acre, for carrying on and effecting the said Work of draining, and for maintaining the same, over and above such Acre Rates and Taxes whereunto the said Fen Lands and Low Grounds, or any Part thereof, then were or might be chargeable: And whereas the said Commissioners, in pursuance of the Powers and Authorities contained in the said Act, and for the more speedy Execution thereof, have caused divers Engines and other Works to be erected and made upon divers Parts of the said Fen Lands and Low Grounds at a very considerable Expence, and have also from Time to Time borrowed considerable Sums of Money upon the Credit of the said Act for the Purpose of carrying the said Works of draining into Execution, by Means of which the Proprietors of the said Lands and Grounds have for several Years received great Benefit; but from the great Expence necessarily attending the Maintenance of those Works, and the Support of the Banks of the said Level, the said Commissioners are unable to repair, and keep in Repair, the said Engines and other Works, and the Banks of the said Level, or to pay off any Part of the Money now owing upon the Credit of the said Taxes, amounting to the Sum of Two thousand Pounds, or thereabouts: And whereas the said several Engines and other Works which have been erected and made by the Commissioners for Drainage are fallen greatly into Decay, and it will be advantageous to the Owners and Occupiers of the said Lands and Grounds to have the same put into good and sufficient Repair, and such other Engines and Works erected and made as shall be found necessary for effecting the draining and preserving the said Lands, and improving the said Level: And whereas it is necessary and proper that the Commissioners for Drainage should be empowered to raise a further Sum of Money than they are authorized or enabled to do by the said Act of the Fourteenth Year of His late Majesty King *George* the Second, and that several other Amendments and Alterations should be made in the said Act: 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,

ſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the ſeveral Clauſes, Proviſoes, Powers, and Authorities, Reſtrictions, Indemnities, Matters, and Things, contained in the ſaid Act of the Fourteenth Year of the Reign of His ſaid late Majeſty King *George* the Second, ſo far as the ſame relates to the draining, preſerving, and otherwiſe improving the ſaid Lands and Grounds within the ſaid Level, (except ſuch Part or Parts of them, or either of them, as are by this Act varied, altered, taken away, or repealed), ſhall be in Force, and from Time to Time put in Execution for draining, preſerving, and otherwiſe improving, the ſaid Lands and Grounds, and the ſaid Level, according to the true Intent and Meaning of the ſaid Act and this Act, in ſuch and the like Manner in all Reſpects, and to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in and by this Act.

Commiſſioners appointed for executing this Act.

II. And be it further enacted, That the ſeveral Perſons now acting as Commiſſioners under the Authority of the ſaid Act of the Fourteenth Year of the Reign of His ſaid late Majeſty, and who have been elected or may be elected Commiſſioners by virtue of the ſame Act, for draining and preſerving the ſaid Lands and Grounds in the ſaid Level, together with the Lord of the Manor of *Wicken* for the Time being, the Reverend *George Jennings*, and the Owner of certain Grounds called *Drainer's Grounds* for the Time being, *Andrew Miers*, and the Owner of certain Lands called *The Adventurer's Lands* for the Time being, the Owner of *Dripmere Haven* for the Time being, *Thomas Granger* of *Stretham* aforeſaid Gentleman, and *Thomas Hall* of *Cottenham*, in the ſaid County of *Cambridge* Gentleman, ſhall be Commiſſioners for putting the ſaid Act and this Act into Execution; and the ſaid Commiſſioners ſhall have the ſame Power and Authority to execute the ſaid Act and this Act, as they would have had in caſe they had been expreſsly named and appointed Commiſſioners in and by the ſaid Act and this Act.

Meeting of Commiſſioners after paſſing the Act.

III. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Houſe now or late of *Robert Wayman* at *Stretham Ferry* mentioned in the ſaid Act, on the Fourth *Thurſday* next after the paſſing of this Act, at or about the Hour of Twelve at Noon, of which Meeting the uſual publick Notice ſhall be given as preſcribed by the ſaid former Act, and that the Expences of the ſaid Commiſſioners at the ſaid Meeting, and at all ſubſequent Meetings to be held by virtue of the ſaid Act and this Act for the ſaid Level, ſhall be borne and paid by the Collector or Collectors, Receiver or Receivers, of the ſaid Level for the Time being, out of any Monies which he or they hath or have, or ſhall receive by virtue of the ſaid former Act and this Act: Provided always, that the Expences for any One General Meeting of the ſaid Commiſſioners ſhall never exceed the Sum of Four Guineas.

For holding General Half-yearly Meetings.

IV. And whereas the Place appointed by the ſaid Act for holding General Half-yearly Meetings of the ſaid Commiſſioners has been found inconvenient, be it therefore further enacted, That inſtead of the Place appointed by the ſaid Act for holding General Half-yearly Meetings of the Commiſſioners, the General Half-yearly Meetings ſhall be holden at the Places and at the Times herein-after mentioned; (that is to ſay), on the

First *Thurſday* in the Month of *May* in every Year at *Stretham Ferry* aforeſaid, or within the Pariſh of *Stretham* aforeſaid, and on the Firſt *Thurſday* in the Month of *October* in every Year, at and within the Town and Village of *Waterbeach* aforeſaid, all which Meetings ſhall begin and be holden at the Hour of Twelve at Noon, and not before; and the Commiſſioners who ſhall attend at the Firſt Meeting herein-before appointed by this Act, and alſo at the next General Half-yearly Meeting, or at any other ſubſequent General Half-yearly Meeting, or any Five or more of them, are hereby authorized and required to rate, aſſeſs, tax, and charge, all and ſingular the Fen Lands and Low Grounds in the ſaid Act mentioned, bounded, and deſcribed, and all and every the reſpective Owner or Owners, Occupier or Occupiers of the ſame Lands and Grounds, and all and every Commoner or Commoners having Right of Common on the Commonable Parts thereof, with the additional or further annual Rate or Aſſeſſment of One Shilling for every Acre of the ſaid Fen Lands and Low Grounds, (over and above the before mentioned Acre Tax of One Shilling *per* Acre, charged by the ſaid Act), ſo that the Whole Sum to be raiſed upon the ſaid Lands and Grounds be not leſs than the Sum of Two Shillings *per* Acre in any One Year, (over and above ſuch other Acre Rates and Taxes wherewith the ſaid Fen Lands and Low Grounds, or any Part thereof, now are or may be charged or chargeable), and that after the ſaid additional Tax or Aſſeſſment ſhall have been laid and aſſeſſed as aforeſaid, the ſaid Commiſſioners, or any Five or more of them, who may attend at any ſuch Meeting or Meetings as aforeſaid, are hereby required to continue the ſame, until all the Money already borrowed or due on the Credit of the Rates or Aſſeſſments heretofore made on the ſaid Fen Lands and Low Grounds by virtue of the ſaid Act of the Fourteenth Year of His late Majeſty, and alſo the Money which may hereafter be borrowed by virtue of this Act, ſhall be paid off or otherwiſe reduced to a Sum not exceeding Fifty Pounds in the Whole, and that from and after the ſaid Debt ſhall be ſo paid off or otherwiſe reduced to a Sum not exceeding Fifty Pounds in the Whole, the ſaid additional Rate or Aſſeſſment of One Shilling an Acre may be continued and applied in Manner hereafter directed, or reduced, or ſuſpended, either in the Whole or in Part, and alſo from Time to Time again raiſed, ſo as not to exceed the ſaid Sum of Two Shillings an Acre, at the Diſcretion of the ſaid Commiſſioners, or the Majority of them, aſſembled at any of the ſaid General Half-yearly Meetings as aforeſaid, but ſo that no ſuch Reduction or Suſpenſion or Riſe, as the Caſe may happen, ſhall be made at any ſuch General Meeting, unleſs Notice of ſuch intended Reduction or Suſpenſion or Riſe ſhall be given in ſome One of the *Cambridge* Weekly Papers, in caſe ſuch Paper ſhall be then publiſhed, and alſo affixed in Writing at the reſpective Church Doors of the Pariſh Churches of *Stretham* and *Waterbeach* aforeſaid, Fourteen Days at leaſt before ſuch General Meeting; and the ſaid additional Rate or Aſſeſſment hereby authorized to be raiſed at ſuch Firſt Meeting ſhall become due and payable at the Houſe of the ſaid *Robert Wayman* at *Stretham Ferry* aforeſaid, on the ſaid Fourth *Thurſday* next after the paſſing of this Act; and all other ſuch Rates or Aſſeſſments ſo to be raiſed by virtue of this Act, in every ſucceeding Year, ſhall become due and payable at ſuch Time, and in ſuch Manner as is herein-after mentioned, and the ſame additional Rates and

Commiſſioners to tax the Lands.

Aſſeſſments ſhall be from Time to Time paid, collected, levied, recovered, and accounted for, by virtue of this Act, by ſuch Ways and Means, and in the ſame Manner as the Rates or Aſſeſſments authorized to be made by the former Act of the ſaid Fourteenth Year of His ſaid late Majeſty, are directed to be paid, collected, levied, recovered, and accounted for.

Tenants to pay the Rate and deduct it out of their Rents.

V. And be it further enacted, That the ſeveral and reſpective Tenant and Tenants of any of the ſaid Fen Lands and Low Grounds, which ſhall be rated or aſſeſſed either by the ſaid Act of the Fourteenth Year of His ſaid late Majeſty, or by this Act, as aforeſaid, ſhall and are hereby required to pay the ſaid Rates and Aſſeſſments, and it ſhall be lawful for any ſuch Tenant having ſo paid as aforeſaid, to deduct the ſame out of the Rent which now is or ſhall become due to their reſpective Landlords for ſuch Lands or Grounds, and the ſaid Landlords, both mediate and immediate, are hereby required to allow ſuch Deductions and Payments upon proper Receipts being produced to verify ſuch Payments, in all Caſes where no particular or ſpecial Covenant, Stipulation, or Agreement touching ſuch Payments ſhall ſubſiſt between the ſaid Tenants and their reſpective Landlords; and that every Tenant paying any of the ſaid Rates or Aſſeſſments, ſhall be acquitted and diſcharged in the Manner herein-before mentioned of ſo much Money as ſuch Rates or Aſſeſſments ſhall amount to, as fully as if the ſame had been actually paid in Money unto ſuch Perſon or Perſons to whom his or her Rent ſhall have been due and payable; any Thing to the contrary thereof either in the former or this preſent Act notwithſtanding.

Directing the Application of the Rates and other Monies.

VI. And be it further enacted, That the Monies ariſing from the reſpective Rates and Aſſeſſments to be made by virtue of this Act, and alſo all Sum and Sums of Money which ſhall be raiſed by the ſaid Commiſſioners, or any Five or more of them, in purſuance of, or under and by virtue of the Power or Authority herein-after in and by this Act to them given, ſhall from Time to Time be applied and diſpoſed of in the firſt Place to defray and diſcharge the Charges and Expences of procuring and paſſing this Act, which the ſaid Commiſſioners, or any Five or more of them, are hereby empowered and required to pay, and in the next Place in Payment and Diſcharge of all Monies to be borrowed in purſuance of this Act, with Intereſt at the Rate and in the Manner herein-after mentioned; and the Reſidue and Surplus in making and cleanſing ſuch Drains, Banks, Bridges, Tunnels, Dams, and Outlets, and erecting and preparing ſuch Works and Engines as will be neceſſary for effecting the draining the ſaid Fen Lands and Low Grounds, and improving the ſaid Level, and in maintaining and keeping in Repair ſuch Drains, Banks, Bridges, Tunnels, Outlets, Dams, Works, and Engines, as aforeſaid, and to be applied and diſpoſed of to no other Uſe, Intent, or Purpoſe whatſoever.

Commiſſioners may borrow Money on the Credit of the Rates and Tolls.

VII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, aſſembled at the Firſt Meeting to be holden after the paſſing this Act, or at any General Half-yearly Meeting to be holden as aforeſaid, ſhall and may, and they are hereby empowered from Time

Time to Time to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Two thouſand Pounds, which they ſhall think neceſſary for the ſeveral Purpoſes of this Act, and by Writing under their Hands and Seals to aſſign over the ſaid additional Rates and Aſſeſſments to be made by virtue of this Act upon the ſaid Fen Lands and Low Grounds, and alſo the ſeveral Tolls or Duties to ariſe and to become payable in purſuance of this Act as hereafter mentioned, and every Part thereof reſpectively, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, not exceeding Five Pounds *per Centum per Annum*, to the Perſon or Perſons who ſhall advance or lend the ſame, or to his, her, or their Executors, Adminiſtrators, or Aſſigns; and all and every ſuch Perſon or Perſons to whom ſuch Mortgage, Aſſignment, or Transfer thereof ſhall be made, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the ſaid additional Rates and Aſſeſſments, Tolls, Duties, and Sums of Money in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Sum of Money; and that all Mortgages and Aſſignments which ſhall from henceforth be made by the ſaid Commiſſioners ſhall be numbered progreſſively, beginning with Number One, and that every ſuch Mortgage or Aſſignment ſhall be made for the Sum of One hundred Pounds.

Securities may be transferred.

VIII. And be it further enacted, That every Perſon to whom any Aſſignment of the ſaid additional Rates and Aſſeſſments, and Tolls and Duties ſhall be made, ſhall have full Power from Time to Time, by Indorſement on the original Grant or Security, or by any other Inſtrument or Writing, to aſſign and transfer the ſame to any other Perſon or Perſons whatſoever, and ſuch Aſſignment ſhall be entered in a Book to be kept by the ſaid Commiſſioners for that Purpoſe, which Entry the proper Officer belonging to the ſaid Commiſſioners is hereby required to make upon any Perſon producing ſuch Aſſignment or Transfer, and paying One Shilling for the ſaid Entry; and after ſuch Entry made ſuch Aſſignment ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the ſaid Principal Sum, and all Intereſt due and becoming due thereon; and ſuch Aſſignee or Aſſignees, and every other Aſſignee or Aſſignees, ſhall and may in the like Manner, by Indorſement or otherwiſe, aſſign and make over ſuch Mortgages and Securities ſo aſſigned as aforeſaid, and ſo *toties quoties*, as Occaſion ſhall require.

Commiſſioners may take Earth for making or repairing Banks.

IX. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and empowered, from Time to Time, to dig and take Earth from any Part of the ſaid Fen Lands and Low Grounds within the ſaid Level for the Purpoſes of making and repairing any Banks, Mills, Hills, Dams, Headings, and other Places or Works within the ſame Level, paying ſuch reaſonable Satisfaction to the Perſon or Perſons who have a Right to the Lands from which the ſame ſhall be taken, as ſhall be agreed upon between the ſaid Commiſſioners and the Proprietors of ſuch Lands; and in caſe of any Diſpute between the Parties, the ſame ſhall be ſettled and adjuſted in the ſame Manner as is directed for ſettling and adjuſting other Diſputes by the ſaid Act of the Fourteenth Year of His ſaid late Majeſty.

X. And

For punishing Persons damaging Banks by burning Fen Lands.

X. And whereas it frequently happens by the Negligence and Careleſsneſs of Servants or other Perſons employed in burning Fen Lands, in order to their being ploughed and broke up into Tillage, that the Banks lying contiguous and adjoining to ſuch Lands are burnt and deſtroyed by the Fire being ſuffered to remain too long on ſuch Lands, and to ſpread to ſuch Banks; be it therefore further enacted, That if any Perſon or Perſons who ſhall be employed in burning any of the Lands or Grounds lying within the ſaid Level, ſhall, by Careleſsneſs or Negligence, fire or cauſe to be fired any Bank lying near or adjoining to any of the ſaid Lands or Grounds, ſo as ſuch Bank, or any of the Bridges, Tunnels, or other Works now erected and being, or hereafter to be erected and be, in or upon any Part of the ſaid Lands and Grounds be thereby burned, deſtroyed, or damaged, ſuch Perſon or Perſons being thereof lawfully convicted by the Oath of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Party or Parties offending, before any Two or more Juſtices of the Peace for the County of *Cambridge* or *Iſle of Ely*, as the Caſe may be, (which Oath ſuch Juſtices are hereby empowered to adminiſter), ſuch Juſtices ſhall and may hear and determine the ſaid Offence, and ſhall award ſuch Recompence and Satisfaction for the Damages as ſuch Juſtices ſhall think reaſonable, and ſuch Perſon or Perſons ſo convicted, ſhall pay the ſame within ſuch Time as the ſaid Juſtices ſhall order and appoint, into the Hands of the Collector or Collectors, Receiver or Receivers, of the ſaid Level, for the Time being, to be applied for the repairing and amending ſuch Bank, or other the Purpoſes of the ſaid Act and this Act; and in caſe of Non-payment thereof, the ſame ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant under the Hands and Seals of the Juſtices before whom ſuch Conviction ſhall be made, and for Want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall, by ſuch Juſtices, be committed to the Houſe of Correction for the ſaid County of *Cambridge* or *Iſle of Ely*, as the Caſe may be, there to be kept to hard Labour for ſuch Time as ſuch Juſtices ſhall direct, not exceeding Two Calendar Months, or until ſuch Recompence ſhall be paid.

Owners and Occupiers of Lands to cleanſe and repair Dikes and Tunnels.

XI. And be it further enacted, That, from and after the paſſing of this Act, all and every the Owner and Owners, Occupier and Occupiers of any of the ſaid Fen Lands or Low Grounds ſhall, within the Space of Ten Days next after Notice given to him, her, or them, by any Perſon or Perſons employed or appointed by the ſaid Commiſſioners, or any Five or more of them, for that Purpoſe, rode, ſcour, cleanſe, open, and repair their Dikes and Tunnels leading to the Mill Drains or any other Drains for carrying off the Water, and make new and proper Tunnels where the ſame ſhall be deemed neceſſary, and continue and maintain the ſame ſo made; and in caſe ſuch Owner or Owners, Occupier or Occupiers, ſhall neglect or refuſe to do the ſame within the ſaid Space of Ten Days next after ſuch Notice given for that Purpoſe as aforeſaid, every ſuch Perſon ſhall, for ſuch Neglect or Refuſal, forfeit and pay any Sum not exceeding Two Shillings, nor leſs than One Shilling, for every Rod of ſuch Dike ſo neglected or refuſed to be ſcoured, cleanſed, opened, and repaired; any Sum not exceeding Sixpence, nor leſs than Three-pence, for every Rod of ſuch Dike ſo neglected or refuſed to be roded; and any Sum not exceeding Forty Shillings, nor leſs than One Guinea, for

every Tunnel ſo neglected or refuſed to be opened, repaired, made, or continued; and the ſaid Commiſſioners, or any Five or more of them, are hereby empowered and required, by Warrant under their Hands and Seals, to cauſe the ſaid Penalties to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon neglecting or refuſing to do the ſame, to be applied to the Uſe of the ſaid Level, over and above the Coſts and Expences of doing ſuch Work or Works, and which the ſaid Collector or Collectors, Receiver or Receivers, or other Officer belonging to the ſaid Commiſſioners, are hereby empowered and required to make and do upon every ſuch Neglect or Refuſal.

To limit the digging of Turf.

XII. And whereas the Proprietors of Fen Lands frequently dig, or cauſe the ſame to be dug into Turf, whereby the ſaid Lands are rendered of little or no Value, and often remain unoccupied for many Years together, ſo that no Taxes can be levied thereupon, to the manifeſt Damage of other Proprietors, and alſo of the Creditors who have lent their Money upon the Credit of thoſe Taxes; wherefore, for preventing this Injury, and for the better ſecuring of the Creditors, be it enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever to dig, or cauſe to be dug, any Turf, upon any Part of the Lands or Grounds within the ſaid Level, except for the Purpoſe of Fuel, to be ſpent upon the Premiſes or in the Dwelling Houſes of the Owners and Occupiers thereof, or dividing Lands into Pieces not leſs than Five Acres, or of planting Holts, unleſs he, ſhe, or they, ſhall firſt give Security, to be approved of by Five or more of the ſaid Commiſſioners, for the regular Payment of the Taxes charged on the Lands ſo intended to be dug, for Twenty Years after ſuch digging, or ſhall depoſit in the Hands of the Collector or Collectors, Receiver or Receivers, appointed by the ſaid Commiſſioners for the Time being, ſo much Money as Twenty Years Taxes thereof will amount to.

Appointing the Times for Payment of Rates.

XIII. And whereas great Trouble and Inconvenience have ariſen, and may hereafter ariſe to the Collectors or Receivers of the ſaid Taxes of the ſaid Lands and Grounds, from the Mode of recovering the ſame, preſcribed by the ſaid Act, for the Remedy whereof, be it further enacted, That the preſent Tax of One Shilling *per* Acre, charged by the ſaid Act, ſhall be paid and payable to the Collector or Collectors, Receiver or Receivers, for the Time being, on ſuch Day within the Firſt Twenty-eight Days after the General Meeting in *October* in every Year, and at ſuch Place within the ſaid County of *Cambridge* or *Iſle of Ely*, as the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time direct and appoint; and that all and every the additional Rates or Aſſeſſments of One Shilling an Acre, charged by this preſent Act, except only ſuch of the ſaid laſt-mentioned Rates or Aſſeſſments as is hereby authorized to be raiſed at the Firſt Meeting to be held by virtue of this Act, the Payment whereof is herein-before directed to fall due on the Fourth *Thurſday* next after the paſſing of this Act, ſhall be paid and payable to the Collector or Collectors, Receiver or Receivers thereof, for the Time being, on ſuch Day within the Firſt Twenty-eight Days after the General Meeting in *May* in every Year, and at ſuch Place in the ſaid County of *Cambridge* or *Iſle of Ely*, as the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time direct and appoint for

that Purpoſe, publick Notice of ſuch Times and Places of Payment being firſt given in the *Cambridge* Newſpapers, ſo long as the ſame ſhall continue to be publiſhed, or in any other Weekly Paper circulated in the ſaid County and *Iſle of Ely*, and alſo affixed at the ſeveral Church Doors of the Pariſh Churches of *Stretham* and *Waterbeach* aforeſaid, Twenty-one Days at leaſt before the reſpective Times of Payment; and in caſe of Non-payment of either of the ſaid Taxes at the Times and Places ſo preſcribed for Payment thereof, every Perſon ſo neglecting ſhall forfeit and pay a Sum not exceeding Three Shillings, nor leſs than Two Shillings and Sixpence, for every Twenty Shillings due for ſuch Taxes, and not paid as aforeſaid, and ſo in Proportion for every greater or leſs Sum than Twenty Shillings, to be recovered in the ſame Manner as the ſeveral Taxes charged by the ſaid Act are therein directed to be recovered.

Penalty on Perſons ſuffering Swine to ſtray on the Banks, &c.

XIV. And whereas the ſeveral Banks of the ſaid Level are frequently damaged by Swine being ſuffered to go thereon, and alſo by the foddering of Cattle on the ſaid Banks and Forelands thereof, as well as by ſetting Stacks of Hay, Straw, Fodder, Sedge, Reed, and Turf, and laying Dung upon the ſame, and alſo great Inconveniencies may ariſe by the ſetting ſuch Stacks, and laying Dung upon the Drove Ways within the ſaid Level; be it enacted, That if any Swine or Hogs ſhall, at any Time from and after the paſſing of this Act, be found treſpaſſing upon the ſaid Banks or Forelands thereof, or if any Cattle ſhall be foddered thereon, except only in Caſes of Neceſſity, and then not exceeding the Space of Ten Days at any One Time, or if any Stacks of Hay, Straw, Fodder, Sedge, Reeds, or Turf be ſet, or Dung laid thereupon, or on any Part thereof, or within the Diſtance of Fourteen Yards from the ſaid Banks or Forelands, except only in Caſes of Neceſſity, and then not exceeding the Space of Five Days at any One Time, for the Purpoſe of loading and unloading the ſame reſpectively, the Owner or Owners thereof ſhall forfeit and pay to the ſaid Commiſſioners for the Repair of the ſaid Banks, and other the Purpoſes of this Act, any Sum not exceeding Two Shillings, nor leſs than One Shilling, for every Hog found treſpaſſing thereon; and any Sum not exceeding Five Shillings, nor leſs than Two Shillings and Sixpence, for every Head of Cattle ſo foddered thereon; and any Sum not exceeding Six Pounds, nor leſs than Five Pounds, for every Stack of Hay, Straw, Fodder, Sedge, Reed, or Turf ſet, or Heap of Dung ſo laid on the ſaid Banks or Forelands thereof, or any Part thereof within the Diſtance aforeſaid, otherwiſe or for any longer Time reſpectively than is herein-before limited, or upon any Drove Way within the ſaid Level, to be levied by Diſtreſs and Sale of any Goods and Chattels of the Owner or Owners of ſuch Hogs, Cattle, Hay, Straw, Fodder, Sedge, Reed, Turf, or Dung, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Cambridge* or *Iſle of Ely*, as the Caſe may be, before whom Proof of ſuch Offence ſhall be made either by the Oath of One Witneſs, or Confeſſion of the Offender, which Penalty and Conviction ſhall and may be repeated Once every Month during all ſuch Time as ſuch Stacks of Hay, Straw, Fodder, Sedge, Reed, or Turf, or Heap of Dung ſhall be ſo continued upon ſuch Bank or Forelands, or within the aforeſaid Diſtance therefrom, or upon any of the ſaid Drove Ways.

XV. And

For regulating the Parochial Rates on the Lands in the Level.

XV. And whereas, before the general Undertaking for draining of the ſaid Level, the Lands thereon were of ſmall Value, yielding little or no Profit to the Proprietors or to the Publick, and their preſent improved Value entirely depends upon the large Sums of Money continually expended in the Preſervation thereof, which Sums could not be raiſed without the Aid of Parliament, whereby the Owners and Occupiers of all Lands within the ſaid Level are ſubjected to an heavy Annual Acre Tax, whereby it happens that the Owners of the ſaid Lands do not receive a Profit from the ſame according to their extended Rents, but according to a reduced Rent after the above Deductions: And whereas it may happen that Advantage may be taken of ſuch extended nominal Rents by the Churchwardens and Overſeers of the Poor of the ſeveral Pariſhes wherein ſuch Lands lie, to aſſeſs the ſame at an higher Rate than thoſe Lands ought in Juſtice to bear, for Prevention whereof, and to encourage publick Works of Draining, be it enacted, That in all ſuch Aſſeſſments Regard ſhall be had to all ſuch neceſſary Annual Outgoings and Deductions, and alſo to the precarious State of theſe Lands, ſo that no greater Sum ſhall be aſſeſſed and rated upon the ſame than according to their Value reduced as aforeſaid.

For collecting a Toll for Horſes hauling Boats on the River *Ouze*, and paſſing along the Bank ſet up by the Commiſſioners.

XVI. And whereas the Commiſſioners for putting in Execution the ſaid recited Act have been obliged, for the better Preſervation and Security of the ſaid Fen Lands and Low Grounds in the ſame Act mentioned, at a very conſiderable Expence to repair, ſupport, and keep in Repair, the Banks of the ſaid Level, from a certain Place on the ſaid Banks in the ſaid recited Act called *The Brewhouſe* in *Waterbeach Midload Fen*, near the Weſt Bank of the River *Grant* to that Bank, and along the Weſt Side of that Bank to *Harrymere Head* at the old River *Ouze*, and from thence by the South Side of the South Bank of the ſaid River *Ouze* to *Stretham Ferry*, being a Space of Ten Miles or thereabouts, ſo that there is now a good Paſſage thereupon at all Seaſons of the Year, to the very great Benefit of the Perſons navigating upon the ſaid Rivers, who avail themſelves of thoſe Banks for the hauling or towing Boats or Lighters, without having contributed any Thing towards the firſt Repairs, or being liable to contribute to the future Maintenance of the ſame: And whereas the Damage done thereunto by ſuch hauling or towing is ſo great, that the Land Owners of the ſaid Fen Lands and Low Grounds in the ſaid Level are not alone able to maintain, ſupport, and keep in Repair the ſaid Banks, without a reaſonable Contribution from the Navigators and others uſing the ſame; therefore be it enacted, That, from and after paſſing this Act, the Commiſſioners for putting this Act into Execution, or any Five or more of them, ſhall, and they are hereby authorized and empowered to erect any Turnpike Gate or Gates, Bar or Bars, and to build a Toll Houſe or Toll Houſes at ſuch Place or Places on the ſaid Banks of the ſaid Level between the ſaid Places called *The Brewhouſe* in *Waterbeach Midload Fen*, and *Harrymere Head*, and between the ſaid Places called *Harrymere Head* and *Stretham Ferry*, or any Part thereof, as to them ſhall ſeem moſt convenient, ſo that no Horſe or other Beaſt be thereby liable to a double Charge for paſſing Once directly up or down the ſaid Banks between the reſpective Places aforeſaid, and that the ſaid Commiſſioners, or any Five or more of them, or any Perſon or Perſons by them duly authorized, ſhall and may, at ſuch Turnpike Gate

or Gates, Bar or Bars, ſo to be erected in purſuance of this Act, demand, have, receive, and take, as a Toll, before any Beaſt ſhall be permitted to paſs through ſuch Turnpike Gate or Gates, Bar or Bars reſpectively, the following Tolls or Duties; (that is to ſay), for every Horſe or other Beaſt (except an Aſs or Aſſes) hauling or towing a Boat or Boats, or other Veſſel, on the Banks of the ſaid Level, from the ſaid Place called *The Brewhouſe* in *Waterbeach Midload Fen* to *Harrymere Head*, on the Banks of the ſaid Level, and from *Harrymere Head* to the ſaid other Place on the ſaid Level, called *Stretham Ferry*, or any Part thereof, the Sum of One Shilling, and the like Sum of One Shilling for every Horſe or other Beaſt hauling or towing any Boat or Boats, or other Veſſel on the ſaid Banks, back again from the ſaid Place called *Stretham Ferry* to the ſaid Place called *Harrymere Head*, and from *Harrymere Head* to the Place called *The Brewhouſe* in *Waterbeach Midload Fen*, or any Part thereof; and for every Aſs hauling or towing a Boat or Boats, or other Veſſel upon the Banks of the ſaid Level, from, to, and between, the reſpective Places aforeſaid on the ſaid Banks, and ſo back again in like Manner, the Sum of Three-pence; and for every other Horſe, Mare, or Gelding, Mule, or Aſs, paſſing or going upon the Banks of the ſaid Level, from and to, or between the reſpective Places aforeſaid on the ſaid Banks, and ſo back again, not hauling or drawing any Boat or Boats, or other Veſſel, the Sum of One Penny; for every Drove of Oxen, or other Neat Cattle, the Sum of Ten-pence *per* Score, and ſo in proportion for every greater or leſs Number, but if under Five then One Halfpenny *per* Head; and for every Drove of Calves, Swine Sheep, or Lambs, the Sum of Five-pence *per* Score, and ſo in proportion for any greater or leſs Number, which ſaid reſpective Sum and Sums of Money ſhall be demanded and taken in the Name of and as a Toll, and ſhall be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five of them, ſhall appoint to collect the ſame; and all the ſaid Tolls ſhall be, and they are hereby veſted in the ſaid Commiſſioners and their Succeſſors, and ſhall be applied in the ſame Manner as the ſaid additional Tax of One Shilling *per* Acre, charged on the ſaid Fen Lands and Low Grounds by this Act, is to be applied, and alſo for the better and more effectual ſupporting, maintaining, and keeping in Repair the ſaid Banks of the ſaid Level, and for other the Purpoſes in the ſaid recited Act and this Act particularly mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand made thereof, neglect or refuſe to pay the ſame, it ſhall and may be lawful for ſuch Perſon or Perſons as ſhall from Time to Time be appointed to collect and receive ſuch Tolls, to ſeize and detain any Horſe or other Cattle upon which ſuch Tolls are by this Act impoſed; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and Sale, and of detaining and keeping the ſame, ſhall not be paid within the Space of Five Days after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining ſhall and may ſell the Cattle and Goods ſo ſeized and diſtrained, returning the Overplus (if any be) upon Demand, to the Owner or Owners thereof, after ſuch Tolls and the reaſonable Charges of ſuch Seizure and Diſtreſs, and of detaining and keeping the ſame, and alſo of ſuch Sale, ſhall be deducted.

Exemptions from Tolls.

XVII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken of any Perſon or Perſons at any Turnpike or Gate erected by virtue of this Act, for any Horſe or other Beaſt hauling or towing any Boat or Boats, or Veſſel employed in carrying Materials for the Repair of the ſaid Banks within the ſaid Level, or in roding or drawing any Machine for deepening or cleanſing the Rivers adjoining to the ſaid Level, or any Part thereof, nor for any Horſe, Mare, or Gelding, which ſhall be rode by any Proprietor or Proprietors, Occupier or Occupiers of any Part of the ſaid Lands and Grounds within the ſaid Level, his, her, or their Servants going or returning to or from any Part of the ſaid Lands or Grounds, or by any Member of the Corporation of *Bedford Level*, their Officers and Servants, upon the actual Buſineſs of the ſaid Corporation, and ſuch Officers as are or ſhall be appointed by the Commiſſioners of the ſaid Level to ſuperintend the Works thereof, nor for any Beaſt or Beaſts, Sheep or other Cattle going to or returning from Paſture within the ſaid Level, or Beaſts being the Property of any Occupier of Lands within the ſaid Level, and which have been or are immediately intended to be depaſtured upon ſuch Lands; and if any Perſon or Perſons ſhall claim or take the Benefit of any ſuch Exemption as aforeſaid, not being entitled thereto, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings.

Penalties on Perſons permitting private Ways in fraud of Toll;

XVIII. And be it further enacted, That if any Perſon or Perſons whatſoever owning or occupying any Lands or Tenements near to any of the ſaid Turnpike Gate or Gates, Bar or Bars, to be erected by virtue of this Act, ſhall permit or ſuffer any Perſon or Perſons to paſs through any Land, Gate, Paſſage, or private Way, with any Sort of Cattle for which any Toll or Duty is granted by this Act, whereby the Payment of any ſuch Toll or Duty ſhall or may be avoided, or if any Waterman or other Perſon hauling or towing any Boat or Boats, or other Veſſel, with One or more Horſe or Horſes, or other Beaſts, ſhall take off or cauſe to be taken off from the ſaid Boat or Boats, or Veſſel, any ſuch Horſe or other Beaſt, with Intent to avoid the Payment of the ſaid Tolls, or any Part thereof, or after having paſſed by any Turnpike to be erected by virtue of this Act, ſhall put on, to, or uſe any more Horſes or other Beaſts for hauling or towing ſuch Boat or Boats, or Veſſel, than he ſhall have paid the Toll for, or ſhall force by, paſs through or over ſuch Turnpike with any Horſe or other Beaſt, without paying the Tolls hereby directed to be paid, any Perſon ſo offending ſhall, for every ſuch Horſe or other Beaſt, forfeit and pay to the ſaid Commiſſioners, or any Five or more of them, any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, for every Offence, to be levied and applied in ſuch Manner as herein-after is mentioned.

or taking off Horſes to avoid Toll.

Penalty on Perſons fraudulently giving away or altering Tickets.

XIX. And be it further enacted, That if any Perſon or Perſons ſhall give or diſpoſe of any Ticket or Tickets to be given in or for Payment of Toll as aforeſaid, (and which Tickets the Perſon or Perſons receiving ſuch Tolls is and are hereby required to give on Receipt thereof), in order to avoid Payment of any of the ſaid Tolls or Duties granted by this Act, or if any Perſon ſhall write on or alter any ſuch Ticket, or any Figures or Letters thereon, with ſuch Intent as aforeſaid, every Perſon giving,

ing, and every Perſon receiving, writing on, or altering ſuch Ticket as aforeſaid, ſhall forfeit and pay any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, for every ſuch Offence, to be levied and applied as hereafter directed.

Property of Gates, &c. veſted in the Commiſſioners.

XX. And be it further enacted, That the Right and Property of all and every the Gates, Bars, Turnpikes, Toll Houſes, Poſts, Rails, Implements, Utenſils, and Things whatſoever, which ſhall be erected and ſet up, or bought and purchaſed by the ſaid Commiſſioners, or any Five or more of them, or by their Order, or otherwiſe belonging to and uſed by them for the putting in Execution the ſaid Act and this Act, ſhall be veſted in the ſaid Commiſſioners, and they, or any Five or more of them, are hereby empowered to diſpoſe of the ſame, and to bring any Action or Actions in the Name of any Five or more of them, or in the Name of their Treaſurer, Collector, Receiver, or Clerk for the Time being, or to prefer and proſecute with Effect any Bill or Bills of Indictment, in which it ſhall be deemed a ſufficient Deſcription of the Property to alledge the ſame to be in any Five or more of the ſaid Commiſſioners, againſt any Perſon or Perſons who ſhall ſteal, ſecrete, injure, damage, pull down, throw down, take away, or diſpoſe of the ſame or any of them, to his, her, or their own Uſe or Uſes, or ſhall diſturb them the ſaid Commiſſioners in the Poſſeſſion of the Property thereof.

Power to appoint Officers.

XXI. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may appoint ſuch Officers and other Perſons as they ſhall think neceſſary to employ in the Execution of this Act, and ſuch Officers and other Perſons, or any or either of them, from Time to Time to remove and to appoint others in caſe of Death or ſuch Removal, and may, out of the Monies which ſhall be raiſed by and from the ſaid Tolls or Duties by virtue of this Act, make ſuch Allowance to ſuch Officers and other Perſons for their Services as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem reaſonable.

Officers to give Security.

XXII. Provided always, That the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required to take ſuch Security from the ſaid ſeveral Officers and Perſons for the due Execution of their reſpective Offices, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem meet.

To let the Tolls.

XXIII. And be it further enacted, That, from and after the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninety-ſeven, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, by any Writing under their Hands and Seals, to aſſign, demiſe, leaſe, and to farm let the Tolls or Duties by this Act granted, to any Perſon or Perſons who ſhall be willing to farm the ſame from Year to Year, (each Year always to commence from the Twenty-ninth Day of *September*), or for any Term not exceeding Three Years, for the beſt Price, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall think fit; which Money ſo received by the ſaid Commiſſioners, or their Order, ſhall be applied and

and disposed of as the Tolls and Duties granted by this Act are directed to be applied and disposed of.

Not to let the Tolls but at a publick Meeting.

XXIV. Provided nevertheless, That the said Tolls or Duties shall not be so let but at some publick Meeting to be held for that Purpose, and after Notice given that the said Commissioners will then let the said Tolls and Duties, by Advertisements in some Newspaper published or circulated in the said County of *Cambridge* and *Isle of Ely*, for One Month preceding such Meeting.

Recovery and Application of Penalties.

XXV. And be it further enacted, That all the Penalties and Forfeitures relating to or concerning the said Tolls or Duties hereby inflicted, (the Manner of levying and recovering whereof is not herein particularly directed), shall, upon Proof made of the Offences respectively, before any One or more Justice or Justices of the Peace for the County of *Cambridge* or *Isle of Ely*, as the Case may be, either by the Confession of the Offender, or the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby empowered and required to administer, without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of such Justice or Justices, and the Overplus (if any) shall, after such Penalties and Forfeitures, with the Charges of such Distress and Sale, are deducted, be returned, upon Demand, to the Owner or Owners of such Goods or Chattels, and the said Penalties and Forfeitures, when paid or levied, shall be, from Time to Time, paid to the said Commissioners, or any Five or more of them, or to their Receiver or Clerk for the Time being, and applied in the Execution of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Cambridge* or *Isle of Ely*, as the Case may be, there to remain, without Bail or Mainprize, for any Time not exceeding Two Months, nor less than Twenty-one Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner fully paid and satisfied.

To commit if no Distress can be found.

Reserving the Rights of the Corporation of *Bedford Level*.

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

over the Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter enure, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Limitation of Actions.

XXVII. And be it further enacted, That if any Suit, Action, or Proſecution ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, every ſuch Action or Suit ſhall be ſo commenced within Three Calendar Months next after the Fact committed, and ſhall be laid in the County of *Cambridge* or *Iſle of Ely*, as the Caſe may be, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and if in Replevin may juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and may give this Act and the ſpecial Matter in Evidence without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alledged in ſuch Action or Suit to have been done, was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become 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 a Demurrer or otherwiſe, then in any of the ſaid Caſes the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they ſhall have the like Remedy as when Coſts at Law are awarded.

Appeal.

XXVIII. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act with reſpect to the Tolls hereby granted, ſuch Perſon may appeal to the Juſtices at any General Quarter Seſſions of the Peace to be holden for the County or Place wherein the Cauſe of Complaint ſhall ariſe, within Three Calendar Months next after ſuch Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Twenty-one Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk, Treaſurer, or Receiver of the ſaid Commiſſioners, and within Ten Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſion, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes.

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

FINIS.