ANNO TRICESIMO SEPTIMO

# Georgii III. Regis.

***

Preamble.



WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall River *South*, Plant Load *and* Brandon River *North*, *bounded on the West by the River* Ouze, *and on the East by* Winter Load, Earswell Brook, *and the Hard Lands of* Mildenhall; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called* Bedford Level, *to sell certain Fen Lands, lying within the Limits aforesaid, commonly called* Invested Lands; by which Act the said Fen Lands and Low Grounds thereby intended to be drained, were divided into Two separate Districts, called *The First District*, and *The Second District*, as therein particularly described; and certain Commissioners were appointed for putting the said Act in Execution within each respective District, and in Manner thereby appointed; and all and singular the Fen Lands and Low Grounds within the First District, and all and every the respective Owner and Owners, Occupier and Occupiers of such Lands and Grounds, were therein and thereby taxed and charged, during the First Seven Years, to be computed from the Feast of *Saint John the Baptist* in the Year of our Lord One thousand seven hundred and sixty, with the Yearly Sum of One Shilling, and after the Expiration of the said Seven Years with the Yearly Sum of One Shilling and Sixpence, for every Acre of the said Fen Lands and Low Grounds, so long as any Money which should at any Time have been borrowed for the Purposes of the said Act, or the Interest thereof, should remain unpaid: And whereas an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to amend and render more effectual an Act, made in the Thirty-third Year of His late Majesty King* George *the Second, intituled,* '*An Act for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall River *South*, Plant Load *and* Brandon River *North*, *bounded on the West by the River* Ouse, *and on the East by* Winter Load, Earswell Brook, *and the Hard Lands of* Mildenhall; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called* Bedford Level, *to sell certain Fen Lands, lying within the Limits aforesaid, commonly called* Invested Lands,' *so far as the same relates to the several Fen Lands and Low Grounds lying in the First District described in the said Act*; whereby it was enacted, that, from and after the Feast of *Saint John the Baptist* then next following the passing of the said last-recited Act, all and singular the Fen Lands and Low Grounds within the said First District, and all and every the respective Owner and Owners, Occupier and Occupiers of such Lands and Grounds, should be, and the same were thereby rated, assessed, taxed, and charged, during the Term of Ten Years, to be computed from the said Feast of *Saint John the Baptist* then and next after the passing of the Act, with the further Yearly Sum of One Shilling for every Acre of the said Fen Lands and Low Grounds, over and above the before-mentioned Acre Tax of One Shilling and Sixpence *per* Acre, charged by the said former Act, and over and above such other Acre Rates and Taxes wherewith the said Fen Lands and Low Grounds in the said District, or any Part thereof, were or might be chargeable, and the Money so to be raised was

33 *Geo.* II, Cap. 32, and

13 *Geo* III, Cap. 20, recited.

to be applied from Time to Time as therein mentioned: And whereas the Commiſſioners of the ſaid Firſt Diſtrict, in purſuance of the ſaid recited Acts, and by virtue of the Powers and Authorities thereby given to them, made ſeveral Cuts, Drains, and Outlets, and erected ſeveral Engines, and made ſeveral Banks, and did other Works in, through, and upon the Lands and Grounds within the ſaid Diſtrict, for the draining and preſerving the ſame, and aſſeſſed the ſaid Lands and Grounds with the ſeveral Rates and Taxes authorized by the ſaid recited Acts: And whereas, for the Purpoſe of making and preſerving the ſaid Works of Drainage, the ſaid Commiſſioners have borrowed ſeveral Sums of Money upon the Security of the Rates and Taxes chargeable upon the ſaid Lands and Grounds in the ſaid Firſt Diſtrict, by virtue of the ſaid firſt-recited Act, and have aſſigned over the ſaid Rates and Taxes, for ſecuring the Monies ſo borrowed, with the Intereſt thereof, and a conſiderable Debt now remains due upon the Aſſignment of the ſaid Rates and Taxes, and otherwiſe, on Account of the ſaid Lands and Grounds: And whereas the ſaid Lands and Grounds might be further greatly improved by additional Works of Drainage, but the Rates and Taxes authorized to be raiſed by the ſaid recited Acts have been found inſufficient for the Payment of the Intereſt of the Monies already borrowed, and for maintaining and keeping in Repair the preſent Works, and the Powers given to the Commiſſioners of the ſaid Firſt Diſtrict are alſo found to be inſufficient for the effectual Drainage and Preſervation of the Lands and Grounds comprized within the ſaid Diſtrict; and it is therefore neceſſary to make ſome Alterations and Amendments therein, and alſo to make ſome further additional new Works and Drains for the more effectual draining and preſerving the ſaid Lands and Grounds, and to lay an additional Tax on the ſaid Lands and Grounds, in order to raiſe Money to anſwer the ſaid Purpoſes: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Commiſſioners for executing the ſaid recited Acts, with reſpect to the ſaid Firſt Diſtrict, ſhall be and they are hereby appointed Commiſſioners for executing this Act within ſuch Diſtrict; and that ſo much of the ſaid recited Acts as relates to the Payment of the Expences of the Commiſſioners of the ſaid ſaid Firſt Diſtrict, upon Account of their Attendance at any of the Meetings to be held for putting the ſaid recited Acts in Execution, and as relates to the roding, ſcouring, cleanſing, opening, and repairing any of the Dikes and Tunnels in the ſaid Firſt Diſtrict mentioned and ſpecified, and alſo to the Meetings and Adjournments of the Commiſſioners of the ſaid Diſtrict, ſhall be, and the ſame is hereby repealed.

Certain of the Proviſions of the former Act repealed.

II. And be it further enacted, That if any Perſon or Perſons, not being properly qualified as preſcribed by the ſaid firſt recited Act, ſhall act as a Commiſſioner or Commiſſioners for the ſaid Firſt Diſtrict, in the Execution of this or the ſaid recited Acts, he or they ſhall, for every ſuch Offence, forfeit any Sum not exceeding Fifty Pounds, nor leſs than Twenty-five 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*, or in the Court of Pleas to

Penalty on acting as Commiſſioners not being qualified.

be held within the ſaid *Iſle of Ely*, by Bill, Suit, or Information, wherein no Eſſoign, 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 ſuch Commiſſioner in the Execution of this or the above-recited Acts, and a Verdict ſhall be found againſt the Defendant or Defendants, unleſs he or they ſhall prove in his or their Defence, that he or they were, at the Time of his or their ſo acting, properly qualified according to the true Intent and Meaning of the ſaid firſt-recited Act.

Expence of Meetings.

III. And be it further enacted, That no greater or larger Sum of Money than Three Pounds in the Whole ſhall be paid or allowed, for the Expences of the Commiſſioners of the ſaid Firſt Diſtrict, at any One of the General Meetings to be held under or by virtue of this preſent Act and the ſaid recited Acts, or more than Thirty Shillings for the Expences of the Commiſſioners at any adjourned Meeting.

Commiſſioners to make new Works.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict to make, or cauſe to be made, raiſed, cut, built, and ſet up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits of the ſaid Firſt Diſtrict, all ſuch further and other Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works as they ſhall think neceſſary for the better draining of the ſaid Lands and Grounds in the ſaid Firſt Diſtrict, and the ſaid new Works to be made by virtue of and under this Act, as well as thoſe already made under and by virtue of the ſaid recited Acts, ſhall be veſted in, and be the Property of the ſaid Commiſſioners.

For holding Meetings of the Commiſſioners.

V. And be it further enacted, That Seven or more of the Commiſſioners of the ſaid Firſt Diſtrict ſhall conſtitute a Meeting, and that the Orders and Determinations of the Majority of the Commiſſioners preſent at any ſuch Meeting, ſhall be conſidered as the Act of all the Commiſſioners; and that the Firſt Meeting of the Commiſſioners of the ſaid Firſt Diſtrict ſhall be held at the *White Hart Inn*, in *Ely*, on the *Friday* Three Weeks next after the Day of paſſing this Act, at Ten of the Clock in the Forenoon, and that the ſaid Commiſſioners ſhall meet Twice in every Year, (to wit), on the Third *Friday* in *October*, and the *Friday* following the Firſt *Sunday* after the Eleventh Day of *April*, and may from Time to Time adjourn their ſaid Firſt and other Meetings, and may from Time to Time appoint any other Meetings to be held, and then adjourn ſuch Meetings from Time to Time; and that their ſaid Meetings (except their Firſt Meetings, which is to be held at the *White Hart Inn*, in *Ely* aforeſaid) may be held at ſuch Place in *Ely* aforeſaid, as the ſaid Commiſſioners ſhall from Time to Time appoint; and that in caſe Seven Commiſſioners ſhall not be preſent at the Time appointed for holding the ſaid reſpective Meetings, or the Commiſſioners ſhall at any Meeting omit to adjourn ſuch Meeting, then it ſhall and may be lawful for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting to a Time not exceeding Twenty-one Days from the Time the laſt Meeting was appointed to have been holden, or was holden, and to the ſame Place where the ſame was appointed to be, or was holden, of which Adjournment publick Notice ſhall be given in One of the *Cambridge*

*bridge* Weekly Newſpapers, if there ſhall be any ſuch Newſpaper, otherwiſe in ſome other Newſpaper which ſhall be in general Circulation in the *Iſle of Ely*; and no Act ſhall be valid as an Act of the Commiſſioners, unleſs it ſhall be done or ordered at ſome Meeting held under the Authority of this Act; but it ſhall be lawful for any Three of the ſaid Commiſſioners, although not at a Meeting, from Time to Time to call Special Meetings of the ſaid Commiſſioners, Notice thereof having been fixed on the Church Doors of *Ely Trinity*, *Ely Saint Mary*, and *Littleport* Pariſh, at leaſt Eight Days before ſuch Meeting, ſetting forth the Object thereof, ſuch Notice to be ſigned by the Clerk to the Commiſſioners.

No Act to be valid unleſs made at a Meeting of the Commiſſioners.

VI. And be it further enacted, That the ſaid Commiſſioners of the ſaid Firſt Diſtrict ſhall have full Power and Authority, at their Firſt General Meeting after the paſſing of this Act, to nominate and appoint Three competent Perſons, and not being either Owners or Occupiers of any Lands or Grounds within the ſaid Firſt Diſtrict, to ſurvey the Lands therein, and to aſcertain their different Degrees of Value, in Proportion to the Benefit they may receive from the propoſed Drainage, in order to fix a gradual Acre Tax thereon, and the ſaid Three Perſons ſhall immediately proceed in the ſaid Survey and Valuation, and the ſame ſhall be laid before the ſaid Commiſſioners, and verified upon the ſeveral Oaths of the Perſons ſo making the ſame, which Oath any One of the ſaid Commiſſioners is hereby authorized and empowered to adminiſter in the Words following:

Power to appoint Surveyors to value Lands.

'I Do ſwear, That this Survey and Valuation is faithfully, impartially, and honeſtly made, according to the beſt of my Skill and Judgement, and without Favour or Affection to any Perſon whomſoever.
'So help me GOD.'

And ſuch Valuation ſhall be binding to all Perſons whomſoever.

VII. And be it further enacted, That the Bank lying between the Tunnel called *Redmore Tunnel*, and the Eaſt End of *Lakenheath New Lode*, on the North Side of and encloſing Lands lying between the ſaid Bank and the Bank called *The Croſs Bank*, ſhall from Time to Time, and at all Times hereafter, be repaired, amended, ſupported, and kept in a good and ſufficient Manner by the Commiſſioners of the ſaid Firſt Diſtrict; and that it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict, and they are hereby authorized and empowered, at their Firſt or Second Meeting after the paſſing of this Act, to rate, tax, charge, and aſſeſs, all the Lands and Grounds lying between the ſaid Banks, and all and every the reſpective Owner and Owners, Occupier and Occupiers thereof, at and with an equal and proportionable Acre Tax of Five Shillings *per* Acre, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners of the Firſt Diſtrict ſhall direct and appoint to receive the ſame, in the Manner following; that is to ſay, One Fifth Part thereof, being One Shilling *per* Acre, upon the Twenty-fifth Day of *March* which will be in the Year of our Lord One thouſand ſeven hundred and ninety-eight; One other Fifth Part thereof upon the Twenty-fifth Day of *March* which will be in the Year One thouſand ſeven hundred and ninety-nine; One other Fifth Part thereof upon the Twenty-fifth Day of *March* which will be in the Year One thouſand eight

For ſupport of *Redmore* Bank, by paying a groſs Sum in Five Years.

eight hundred; One other Fifth Part thereof on the Twenty-fifth Day of *March* One thouſand eight hundred and one; and the remaining Fifth Part of the ſaid Tax of Five Shillings *per* Acre upon the Twenty-fifth Day of *March* which will be in the Year of our Lord One thouſand eight hundred and two; and that the ſaid Tax, and each Inſtalment thereof, ſhall be recovered and recoverable in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, to all Intents and Purpoſes, as by the ſaid firſt-recited Act is provided in reſpect to the Taxes and Penalties thereby laid and aſſeſſed; and upon Payment of ſuch Tax of Five Shillings *per* Acre, the ſaid Lands and Grounds lying between the ſaid Banks, and the reſpective Owners and Occupiers thereof, ſhall be for ever after exonerated and diſcharged of and from all and every and any Charge, Expence, and Diſburſements whatſoever for or in reſpect of the Repair, Support, Amendment, and Maintenance of the ſaid firſt-mentioned Bank; and the ſaid Commiſſioners of the ſaid Firſt Diſtrict ſhall, and they hereby have full Power and Authority, from Time to Time and at all Times, to enter upon the ſaid Bank, and alſo in and upon the Lands and Grounds lying between the ſaid reſpective Banks, for the Purpoſe only of digging, cutting, and taking Materials of Earth for the Repairs of the ſaid firſt-mentioned Bank, which they are hereby authorized and empowered to do; and the ſaid Commiſſioners ſhall pay and ſatisfy to the Perſon or Perſons who hath or have a Right to the Soil from which the ſaid Materials ſhall be ſo dug, cut, and carried away, the Value of the ſaid Materials, as ſhall be agreed upon between the ſaid Commiſſioners and the Perſon or Perſons having ſuch Right as aforeſaid; and if the ſaid Commiſſioners and ſuch Perſon or Perſons cannot agree about the Value thereof, that then the ſame ſhall be aſſeſſed, adjudged, and finally determined by the Juſtices of the Peace, or the major Part of them, at the next General or Quarter Seſſions of the Peace to be held for the *Iſle of Ely*.

The groſs Sum of 5*s.* may be paid at One Payment.

VIII. Provided always, and be it further enacted, That in caſe any of the Proprietors of the ſaid Lands and Grounds lying between the ſaid reſpective Banks, ſhall be deſirous of paying down the Whole of the ſaid Tax, inſtead of diſcharging the ſame by Inſtalments as aforeſaid, they ſhall have full Power and Authority ſo to do, and in every ſuch Caſe the ſaid Commiſſioners of the ſaid Firſt Diſtrict are hereby directed to receive the ſaid Tax accordingly.

Tunnels may be put down for draining Lands under *Redmore Bank*.

IX. And be it further enacted, That in caſe any of the Owners or Proprietors of the Lands and Grounds lying between *Brandon River* and *Lakenheath New Lode*, and the ſaid Bank called *The Croſs Bank*, ſhall be minded or deſirous at any Time hereafter to erect any Mill or Engine near the ſaid Bank between *Redmore Tunnel* and the Eaſt End of *Lakenheath New Lode*, for the Purpoſe of draining his, her, or their Lands and Grounds, it ſhall and may be lawful for him, her, or them ſo to do, under the Direction of the Corporation of *Bedford Level*, and to make, put down, and place a Tunnel for the neceſſary working of ſuch Mill or Engine for draining his, her, and their reſpective Lands and Grounds, he, ſhe, and they, from Time to Time, and at all Times, keeping ſuch Tunnel in good and ſufficient Repair, to the Satisfaction of the ſaid Corporation; and in caſe ſuch Tunnel ſhall at any Time, in the Opinion of the ſaid Corporation, be out of Repair, and the Perſon or Perſons liable

to keep the ſame in Repair, ſhall not put ſuch Tunnel in good and ſufficient Repair, to the Satisfaction of the ſaid Corporation, within Twenty-one Days after Notice for that Purpoſe ſhall have been given by the ſaid Corporation to him, her, or them, or left at his, her, or their laſt or uſual Place of Abode, or with or for the Tenant in the Occupation of the Premiſes, then and in ſuch Caſe it ſhall be lawful for the ſaid Corporation to cauſe the ſaid Tunnel to be repaired in ſuch Manner as they may think proper, and the Expence thereof, if not paid on Demand, ſhall and may be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by the ſaid Corporation, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, Wager of Law, nor more than One Imparlance ſhall be allowed.

Tax to be laid.

X. And be it further enacted, That the ſaid Commiſſioners for the ſaid Firſt Diſtrict ſhall, at the Meeting at which ſuch Survey and Valuation ſhall be laid before them, and verified upon Oath as aforeſaid, rate, tax, charge, and aſſeſs, all and ſingular the Fen Lands and Low Grounds within the ſaid Firſt Diſtrict, and all and every the reſpective Owner and Owners, Occupier and Occupiers of ſuch Lands and Grounds, with ſuch gradual Acre Tax as ſhall be fixed by the Perſons employed to ſettle and fix the ſame, in Addition to and over and above the Tax of One Shilling and Sixpence *per* Acre with which the Lands in the ſaid Firſt Diſtrict are now chargeable by the ſaid Act of the Thirty-third Year of the Reign of His ſaid late Majeſty King *George* the Second, ſo that the ſaid additional Tax does not exceed One Shilling and Six-pence an Acre on any of the ſaid Lands, ſuch Tax to be paid to ſuch Perſon or Perſons, at ſuch Time or Place, Times or Places, as the ſaid Commiſſioners ſhall from Time to Time direct, and that the ſaid gradual additional Acre Tax ſhall continue to be charged and paid Yearly and every Year, ſo long as it ſhall be neceſſary, in order to carry into Effect the Purpoſes of this Act, and ſhall be recovered and recoverable in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, to all Intents and Purpoſes, as by the firſt recited Act is provided with reſpect to the Rates and Taxes thereby authorized to be laid and aſſeſſed; and that in caſe Default ſhall be made by any Perſon or Perſons aſſeſſed, rated, taxed, and charged by virtue of and under this Act, in his, her, or their reſpective Payments of any of the ſaid Rates, Aſſeſſments, or Taxes, by the Space of Twenty-one Days after the Time appointed for Payment thereof, they ſhall be and are hereby ſubjected to the ſame Penalties as are impoſed, and ſuch Penalties, and the ſaid Rates or Taxes ſhall be recovered in the ſame Manner as is preſcribed, by the ſaid recited Acts, or either of them, with reſpect to the Rates and Taxes thereby impoſed, and the Penalties thereby inflicted for Non-payment thereof.

For Recovery of Taxes.

Diſtreſs not unlawful for Want of Form.

XI. And be it further enacted, That where any Diſtreſs ſhall be made for any Rate, Tax, or Sum or Sums of Money to be levied by virtue of the ſaid recited Acts or this Act, or for any Penalty incurred for Non-payment thereof, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Rate or Aſſeſſment to be made, or in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or

Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties ſo diſtraining, but the Perſon or Perſons ſo aggrieved by ſuch Irregularity, ſhall and may recover Satisfaction for the ſpecial Damage in an Action upon the Caſe.

This Act not to exonerate any Taxes impoſed by the Act of 15 Car. II.

XII. Provided nevertheleſs, and be it further enacted, That nothing herein, or in the ſaid firſt recited Act contained, which authorizes the ſaid Commiſſioners of the ſaid Firſt Diſtrict to ſell the Lands ſituate and lying therein, for the Payment of the Tax impoſed by the ſaid firſt recited and this preſent Act, ſhall extend, or be conſtrued to extend, to exonerate or diſcharge any Tax or Taxes that are or may be impoſed by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling and draining of the Great Level of the Fens, called* Bedford Level; but that all Purchaſers thereof ſhall ſhare and enjoy the ſame ſubject thereto.

Lands to be ſurveyed.

XIII. And be it further enacted, That the ſaid Commiſſioners may order and direct all or any of the Lands by this Act made liable to any Tax to be ſurveyed and mapped, in order to aſcertain the Quantity of Land liable to ſuch Taxes, and the exact Quantity belonging to each particular Perſon or Perſons.

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

XIV. And, to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received, be it further enacted, 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 they are hereby authorized 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 or Sums of Money as he, ſhe, or 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 Deductions and Payments 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 him, her, or them, ſhall amount to, as fully and effectually as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

No Leſſee to be allowed to deduct Taxes.

XV. Provided, and be it further enacted and declared, That no Leſſee or Tenant of any Lands or Grounds charged with the Rates, Taxes, or Aſſeſſments hereby impoſed, 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 at the Time of paſſing this Act there ſhall be more than Three Years to come and unexpired, ſhall be entitled 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.



XVI. And

Penalty on Perſons not roding or ſcouring Ditches, &c. as directed by the Act.

XVI. And be it further enacted, That, from and after the paſſing of this Act, if the Owner or Owners, Occupier or Occupiers, of any of the Lands and Grounds the Drainage whereof is intended to be preſerved under the Authority of this Act or the ſaid recited Acts, or either of them, and to which any Droveway, Dike, Outring Dike, or Diviſion Dike, doth or ſhall belong, ſhall neglect or refuſe ſufficiently to rode, ſcour, cleanſe, open, or repair the ſame, or to make ſuch Dike of a ſufficient Depth, and the Width of Nine Feet at the Top, and Four Feet and a Half at leaſt at the Bottom, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their uſual or laſt Place of Abode, from Time to Time, for that Purpoſe by the Collector, Receiver, or any other Officer or Perſon employed for that Purpoſe, he, ſhe, or they ſhall, for every ſuch Neglect or Refuſal, forfeit and pay to the ſaid Commiſſioners of the ſaid Firſt Diſtrict any Sum not exceeding One Shilling for every Rod ſo neglected to be roded, ſcoured, cleanſed, opened, deepened, and widened as aforeſaid; and it ſhall be lawful, from Time to Time, for ſuch Collector, Receiver, or other Officer, to cauſe ſuch Dike or Dikes, at the Expence and Charge of ſuch Owners or Occupiers, to be roded, ſcoured, cleanſed, opened, repaired, and deepened, in a ſufficient Manner, and made of the Width aforeſaid at the leaſt, and where any Way or Ways ſhall have been made over any Dike or Dikes, without a ſufficient Tunnel, to cauſe ſuch Way or Ways to be taken up, and ſuch Dike or Dikes to be made of the uſual and proper Width and Depth, with a ſufficient Tunnel, at the Expence and Charges of ſuch Owner or Occupier, and by Warrant or Precept under the Hands of Three or more of the ſaid Commiſſioners, to levy ſuch Penalty, and alſo ſuch Charges and Expences, upon ſuch Owner or Owners, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels; and ſuch Penalties ſhall be applied for the Purpoſes of this Act.

For putting the North Bank of *Mildenhall River*, now lying in the Second Diſtrict, under the Power of the Commiſſioners for the Firſt Diſtrict, and declaring it Part of ſuch Diſtrict.

XVII. And be it further enacted, That, from and after the paſſing of this Act, the North Bank of *Mildenhall River*, being now Part of the Second Diſtrict deſcribed in the ſaid firſt recited Act, ſhall no longer be or be deemed to be within or Part of the ſaid Second Diſtrict, or be under the Care or Controul of the Commiſſioners for ſuch Diſtrict, but the ſame ſhall be and is hereby declared to be, to all Intents and Purpoſes, within and Part of the ſaid Firſt Diſtrict, and ſhall be under the Care and Management of the Commiſſioners for ſuch Diſtrict, and ſhall be at all Times repaired, ſupported, and maintained by them, in ſuch and the ſame Manner as any other Bank or Banks within ſuch Firſt Diſtrict is or are to be repaired, ſupported, and maintained, ſubject nevertheleſs to the Proviſo next herein-after contained; and that the Commiſſioners for the ſaid Firſt Diſtrict ſhall have full Power and Authority, from Time to Time, and at all Times, to enter upon any unincloſed Lands or Grounds within the ſaid Second Diſtrict lying near or contiguous to ſuch Bank, and to dig, cut, and take away any Materials for the Repair thereof, and the ſaid Commiſſioners for the ſaid Firſt Diſtrict ſhall have ſuch and the ſame Powers and Authorities for erecting Turnpikes and Toll Houſes on ſuch North Bank of *Mildenhall River*, as by the ſaid recited Act of the Thirteenth Year of His preſent Majeſty, and by this preſent Act, are given and granted for erecting Turnpikes and Toll Houſes on the Banks therein and herein deſcribed, and alſo ſuch and the ſame

ſame Powers and Authorities to demand, take, and recover, ſuch and the ſame Tolls for Horſes, Beaſts, and Cattle, paſſing along ſuch *Mildenhall* Bank, as by the ſaid laſt-mentioned Act, and by this preſent Act, are given and provided for demanding, taking, and recovering, Tolls for Horſes, Beaſts, and Cattle, paſſing along any ſuch other Bank: Provided nevertheleſs, that no Toll ſhall be demanded or taken, by virtue of the ſaid Act or this Act, from any of the Owners or Occupiers of Fen Lands lying within the ſaid Second Diſtrict, for any Horſes, Beaſts, or Cattle belonging to them, paſſing along *Mildenhall* Bank aforeſaid, being now Part of the ſaid Second Diſtrict, and by this Act made Part of the ſaid Firſt Diſtrict.

The Commiſſioners for the Firſt Diſtrict may nevertheleſs agree with the Commiſſioners for the Support of *Mildenhall Bank.*

XVIII. Provided nevertheleſs, and be it further enacted, That in caſe the Commiſſioners of the ſaid Firſt and Second Diſtricts ſhall, at any Time after the paſſing of this Act, be deſirous of making any Agreement reſpecting the Maintenance of the ſaid North Bank of *Mildenhall River*, it ſhall and may be lawful for any Nine or more of the Commiſſioners of each Diſtrict, at any of their publick Meetings to be held in purſuance of this Act or the ſaid recited Acts, to compound and agree for the Maintenance and Support of the ſaid Bank in ſuch Manner and Sort as they ſhall think proper, and the Agreement ſo made by the ſaid Commiſſioners ſhall be, and is hereby declared to be binding and concluſive upon the ſaid Commiſſioners and their Succeſſors reſpectively, and the ſaid Commiſſioners for the ſaid Firſt Diſtrict ſhall be, and they are hereby authorized and empowered to pay and apply any Money coming to their Hands by virtue of this Act, for the Purpoſe of carrying into Effect any ſuch Agreement.

Power to catch and deſtroy Moles.

XIX. And be it further enacted, That the ſaid Commiſſioners of the ſaid Firſt Diſtrict ſhall have full Power, and are hereby authorized to deſtroy all ſuch Moles and other Vermin as ſhall be found in and about the Lands and Grounds the Drainage whereof is intended to be preſerved or made under the Authority of this Act, and alſo 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 and Salary 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.

Additional Tolls.

XX. And whereas the Tolls fixed and made payable by the ſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty, for Horſes and other Cattle paſſing along the Banks as therein mentioned, are or may be found to be inadequate to the Damages done to the ſaid Banks by ſuch Horſes and Cattle; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict, and they are hereby authorized to demand, take, and receive, of all Perſons liable to any Toll before the paſſing of this Act, over and above the Tolls appointed by the aforeſaid Act of the Thirteenth Year of the Reign of His preſent Majeſty to be demanded, taken, and received, the further following additional Tolls; (*videlicet*),

For every Horſe, or other Beaſt, haling a Boat or Boats on the North Bank of *Mildenhall* and the South Bank of *Brandon* Rivers, Three-pence;

and on the East Bank of the River *Ouze*, between *Pickwillow* and *Scottings Ferry* as aforesaid, Sixpence; and for every other Horse, Mare, Gelding, Mule, or Ass, not haling or drawing any Boat or Boats, the Sum of Three Halfpence:

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in Proportion for any greater or less Number, but if under Five, then One Penny *per* Head:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number.

Neglecting or refusing to pay Tolls.

All which said Tolls shall be, and they are hereby vested in the Commissioners of the said First District, and their Successors, and shall be applied to the better and more effectual Support of the Banks, Engines, and other Works within the said First District; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand made, neglect or refuse to pay the same, they shall be recovered in the same Manner as is prescribed for the Recovery of Tolls by the said Act of the Thirteenth Year of the Reign of His present Majesty.

Commissioners empowered to let the Feed of the Banks by Auction.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any of their Meetings, from Time to Time, to let by Auction, or otherwise, as they may think proper, the Feed or Pasture of the several Banks and Droveways within their Jurisdiction, and also such Lands adjoining thereto as may be purchased by the Commissioners, or any Part thereof, (save and except the Feed and Pasture of such Banks and Drove Ways as are the Property of any of the respective Owners within the said District), for the ensuing Year, for the Pasturage of Sheep and Neat Beasts, not exceeding Two Years old only, and the Rents and Profits arising therefrom, shall be paid and applied in the same Manner as the Taxes to be raised by virtue of this Act and the said former Acts are to be applied.

Restrictions as to planting Trees or Holts, erecting Buildings, or cutting Ditches near Engines or Banks.

XXII. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Buildings be placed, erected, or built, (except by the Order or Permission of the said Commissioners), nearer to any Mill or Engine made or to be made, erected, or employed, for the Purposes of the said Act and this Act, than Two hundred Yards, nor shall any Ditch or Drain hereafter be made or cut within Forty Feet of the Centre of any Bank within the said District; and if any Trees or Holts shall hereafter be planted, or any Buildings made, erected, or built, or any Ditch or Drain made or cut within the said respective Distances, and such Trees or Holts shall not be taken up and carried away, or such Buildings pulled down and removed, or such Ditch or Drain filled up within the Space of Twenty-one Days after Notice for that Purpose, by Order of the said Commissioners, to the Owner or Proprietor of the Land or Ground where such Trees, Holts, Buildings, Ditches, or Drains respectively shall be, given to him, her, or them, or left at his, her, or their last or usual Place of Abode, or with or for the Tenant in Possession of the Premises, then and in every such Case it shall and may be lawful for the said Commissioners to cause such Trees and Holts to be taken up and carried away, and such Building to be pulled down and removed, and such Ditch or Drain to be

filled up, immediately after the Expiration of the Notice ſo given for that Purpoſe, and the Coſts and Expences thereby incurred, ſhall be reimburſed to the ſaid Commiſſioners by the Perſon or Perſons who committed the Offence, and may be recovered by the ſaid Commiſſioners in ſuch and the ſame Manner as by the ſaid former Act is provided for the Recovery of the Rates and Taxes thereby impoſed; any Thing in the ſaid recited Acts, or either of them, contained to the contrary notwithſtanding.

This Act not to alter the Powers of the former Act with reſpect to Trees, &c.

XXIII. Provided nevertheleſs, and be it further enacted, That nothing herein contained ſhall leſſen, take away, or in any Manner affect any of the Powers or Authorities given to the Commiſſioners of the ſaid Firſt Diſtrict by the ſaid firſt-recited Act, for cauſing Trees and Holts to be taken up and carried away, and Buildings to be pulled down and removed, and Ditches and Drains to be filled up.

Commiſſioners may borrow Money.

XXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Firſt Diſtrict or the major Part of them (ſuch major Part of them not being leſs than Nine) aſſembled at the ſaid Firſt Meeting to be holden after the paſſing of this Act, or at any General Half Yearly Meeting to be holden as aforeſaid, and they are hereby empowered from Time to Time to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Five 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 as a Security for the Re-payment of ſuch Sum and Sums, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and 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 or Aſſignment thereof ſhall be made, ſhall be, in Proportion to the Sum or Sums therein mentioned Creditors on the ſaid additional Rates and Aſſeſſments 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 no ſuch Mortgage or Aſſignment ſhall be made for any greater or leſs Sum than One hundred Pounds.

Security to be aſſigned.

XXV. And be it further enacted, That every Perſon to whom any Aſſignment of the ſaid Rates and Aſſeſſments to be made by virtue of this Act ſhall be made, ſhall have full Power from Time to Time, by Indorſement on the original Grant or Security, to aſſign and transfer the ſame to any Perſon or Perſons whomſoever, and ſuch Aſſignment ſhall be entered in a Book to be kept by the Commiſſioners for that Purpoſe (which Entry their Clerk is hereby required to make, upon any Perſon producing ſuch Aſſignment or Transfer, and paying Two Shillings 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 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.

XXVI. And

Taxes charged with the Principal Monies and veſted in the Creditors

XXVI. And be it further enacted, That all the additional Rates or Aſſeſſments to be made by virtue of this Act, ſhall be charged and chargeable with the Payment of the Principal Monies to be borrowed by the ſaid Commiſſioners as aforeſaid, and with the Intereſt of ſuch Monies from Time to Time, and ſhall veſt in the Creditors upon Default of Payment of ſuch Principal Monies and Intereſt, until the ſame and every Part thereof ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Nonpayment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, or Aſſigns reſpectively, ſhall have the ſame Powers, Right, and Privileges of recovering the ſaid Rates or Aſſeſſments, for or in reſpect of ſuch Principal Monies and Intereſt, in caſe of Default in Payment thereof, as the ſaid Commiſſioners, and their Collectors and Receivers, could have had in caſe ſuch Principal Monies and Intereſt had been regularly paid.

Application of Money and Taxes.

XXVII. And be it further enacted, That the Taxes and Tolls hereby charged and impoſed, and to be paid, levied, and raiſed as aforeſaid, and alſo all and every Sum and Sums of Money to be raiſed by Mortgage of the ſaid Taxes ſo hereby impoſed, and to be borrowed upon the Credit of this Act, or of the ſaid Taxes hereby impoſed, and all other Monies coming to the Hands of the ſaid Commiſſioners by virtue of this Act, ſhall be applied in the firſt Place to the paying and defraying the Charges and Expences of obtaining and paſſing this Act, and afterwards in and towards the more effectual Support of the Banks, Engines, and other Works, for the Preſervation of the ſaid Fen Lands and Low Grounds in the ſaid Firſt Diſtrict, and for the Purpoſes of this Act,

Expences of obtaining the Act.

XXVIII. And be it further enacted, That all ſuch Monies as ſhall be advanced and paid by any Perſon or Perſons in Diſcharge of the Fees or other Expences in obtaining and paſſing this Act, ſhall be repaid and ſatisfied by the ſaid Commiſſioners, with lawful Intereſt for the ſame, out of the Firſt Monies to be raiſed by them by virtue of this Act.

Extending the Proviſions of the former Act to this Act.

XXIX. And be it further enacted, That all the Powers, Proviſions, Penalties, Exemptions, Matters, and Things contained in, or preſcribed or appointed by the ſaid Acts of the Thirty-third Year of the Reign of His late Majeſty, and of the Thirteenth Year of the Reign of His preſent Majeſty, not hereby taken away, altered, or repealed, ſhall be of full Force and Effect, and extend to this Act, and to the ſeveral Tolls, Taxes, Rates, and Aſſeſſments hereby granted, or authorized to be laid and impoſed, and be executed with this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein repeated and re-enacted.

Reſervation of the Rights of the *Bedford Level* Company.

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

Limitation of Actions.

XXXI. And be it further enacted, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and ſhall be laid or brought in the County of *Cambridge*, *Suffolk*, or *Norfolk*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit, ſhall and may plead the General Iſſue, and give the Special Matter in Evidence, and if in Replevin may avow as acting by Authority of Commiſſioners of Sewers; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowwants, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or Judgement be given upon a Demurrer, or otherwiſe, then in any of the ſaid Caſes the Defendant or Defendants, Avowant or Avowants, ſhall recocover Treble Coſts, for which he, ſhe, or they ſhall have like Remedy as where Coſts by Law are awarded.

Publick Act.

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

FINIS.