ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XCVI.

An Act for amending and rendering more effectual an Act, paſſed in the Thirteenth Year of His late Majeſty King *George* the Firſt, intituled, *An Act for the effectual draining and Preſervation of* Haddenham Level *in the* Iſle of Ely; and for more effectually draining and preſerving the Fen Lands and Low Grounds lying within the ſaid Level.

[22d *June* 1797.]

Preamble.

WHEREAS by an Act of Parliament, paſſed in the Thirteenth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for the effectual draining and Preſervation of* Haddenham Level *in the* Iſle of Ely, certain Commiſſioners therein named, and their Succeſſors, to be elected as therein mentioned, were empowered to make ſuch Cuts, Drains, Dams, and Outlets, through certain Fens and Low Grounds lying in *Sutton*, *Haddenham*, *Wilburton*, *Stretham*, and *Wentworth*, within the *Iſle of Ely* and County of *Cambridge*, containing Six thouſand five hundred Acres, or thereabouts, comprehended within the Limits and Bounds mentioned in the ſaid Act, other than

13 *Geo.* I. Cap. 18, recited.

than and except certain Lands and Grounds in *Haddenham* aforesaid called *The Upper Delfes*, and to make and erect such Works and Engines thereupon, for draining and conveying the Waters from the same, as they should think fit and necessary, and to rate, tax, and charge, all the Owners and Occupiers of the same Fens and Low Grounds with an Acre Tax of Two Shillings and Sixpence *per* Acre for the Year One thousand seven hundred and twenty-seven, and One Shilling and Sixpence *per* Acre for the Year One thousand seven hundred and twenty-eight, and for every Year after with any other Yearly Sum not exceeding One Shilling *per* Acre, for carrying on and effecting the Works necessary for draining the said Lands, and maintaining the same; and by the said Act the said Commissioners were authorized to raise Money for the Purposes aforesaid, by Assignment of the said Taxes for any Time not exceeding Twenty-one Years; and in the said Act were contained sundry other Powers and Provisions for effecting the Purposes of the said Act: And whereas the said Commissioners, in pursuance of the said recited Act, and by virtue of the Powers and Authorities thereby given to them, have made several Cuts, Drains, and Outlets, and erected several Engines, and done other Works in, through, and upon, the said Lands and Grounds for the draining and preserving of the same, and assessed the said Lands and Grounds with the several Rates and Taxes authorized by the said recited Act: 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 by virtue of the said Act, and have assigned over the said Rates and Taxes for securing the Money 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 it has been found that the Rates and Taxes authorized to be levied by the said recited Act are insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the Works of the present Drainage; and the Powers given to the Commissioners by the said recited Act are insufficient for the effectual Drainage and Preservation of the Lands comprized within the Limits mentioned in the said recited Act; and it is necessary to make some new Works and Drains for the more effectual draining and preserving the said Lands; and for this Purpose, and for discharging the Debts already incurred, it will be necessary to increase the Taxes to be levied, and it would tend to the more effectual Execution of the said recited Act, and this Act, if the several Owners of certain Quantities of the said Lands were empowered to carry the same into Execution, instead of the Commissioners being elected in the Manner directed by the said recited Act; and it is expedient to make some other Alterations therein: 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 so much of the said recited Act as appoints Commissioners for the Purpose of carrying the same into Execution, and as relates to the Election of new Commissioners, and to the Qualification and Meetings of such Commissioners, and inflicts or relates to any Penalty or Penalties for destroying, hindering, obstructing, or laying open any Cuts, Drains, or other Works, made under the Au-

Part of the former Act repealed.

thority

thority of the ſaid recited Act, and as relates to the making up, ſettling, allowing, and paſſing the Accounts of the Receipts and Diſburſements of the Money collected by virtue of the ſaid recited Act, ſhall be, and the ſame is hereby repealed.

Who ſhall be Commiſſioners.

II. And be it further enacted by the Authority aforeſaid, That every Perſon who is or ſhall for the Time being, be the Owner of Thirty Acres (Statute Meaſure) of Land, within the Bounds and Limits deſcribed in the ſaid recited Act, ſhall be, and is hereby appointed a Commiſſioner for the Purpoſe of executing the ſaid recited Act in the Place of the Commiſſioners thereby appointed, or to be choſen purſuant thereto; and ſhall be, and is hereby appointed a Commiſſioner for executing this Act during ſo long Time as ſuch Perſon ſhall continue ſuch Owner; and where Two or more Perſons ſhall be the Owners, as Coparceners, Joint Tenants, or Tenants in Common, of Thirty Acres of Land as aforeſaid, ſuch Perſons ſhall be conſidered as One Commiſſioner, and ſhall have but One Vote as ſuch, to be given as herein-after mentioned; but if any Perſons ſhall be Owners, as Coparceners, Joint Tenants, or Tenants in Common, of more than Thirty Acres of Land, then, if upon a Partition they reſpectively would be entitled to ſeparate Allotments of Thirty Acres of Land a-piece, they ſhall all be Commiſſioners, and have ſeparate Votes, or if any of them would be entitled to ſeparate Allotments or a ſeparate Allotment of Thirty Acres of Land, and the other or others to a leſs Quantity, then and in ſuch Caſe the Perſon or Perſons who would be entitled to a ſeparate Allotment or to ſeparate Allotments of Thirty Acres of Land, ſhall be a Commiſſioner or ſeveral Commiſſioners, and entitled to diſtinct Votes, and the other Perſon or Perſons ſhall only have One Vote in reſpect of the Shares which, added together, would entitle the Owners, upon a Partition, to ſeparate Allotments, amounting in the Whole to Thirty Acres or more of Land, or if ſuch Share or Shares would not entitle the Owner or Owners to an Allotment or Allotments amounting to Thirty Acres of Land, ſuch Perſon or Perſons ſhall not be a Commiſſioner; and where ſeveral Perſons ſhall be enti led to only One Vote, ſuch Perſons ſhall not be entitled to act perſonally, but may, by Writing by them ſigned, appoint ſome One of themſelves, or ſome other Perſon, to act as their Deputy.

Power to appoint Deputies.

III. Provided always, and be it further enacted by the Authority aforeſaid, That the reſpective Lord or Lords, Lady or Ladies, for the Time being, of the ſeveral Manors within the Pariſhes of *Sutton*, *Haddenham*, *Wilburton*, *Stretham*, and *Wentworth*, and the reſpective Rectors, for the Time being, of the Pariſhes aforeſaid, and every Perſon, being the Owner of Sixty Acres of Land within the ſaid Bounds and Limits, ſhall and may, from Time to Time, by Writing under his or her Hand or Hands, nominate and appoint One other Perſon to act and vote as a Commiſſioner in his or her Place and Stead, but One Perſon ſhall act as a Deputy for One Commiſſioner only.

No Perſon holding a Place of Profit to act as a Commiſſioner.

IV. Provided alſo, and be it further enacted, That no Perſon holding any Place of Profit under the ſaid Commiſſioners, ſhall act as a Commiſſioner, or as a Deputy for any Commiſſioner, under and by virtue of this Act.

Penalty on acting, not being qualified.

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

Meetings of the Commiſſioners.

VI. And be it further enacted, That Five Commiſſioners ſhall conſtitute a Meeting, and that the Orders and Determinations of the Majority of the Commiſſioners preſent at any Meeting, ſhall be conſidered as the Act of the Commiſſioners; and that the Firſt Meeting of the ſaid Commiſſioners ſhall be held at the *Three Kings* in *Haddenham* aforeſaid, on the *Wedneſday* Three Weeks next after the Day of paſſing this Act, at Eleven of the Clock in the Forenoon; and that the ſaid Commiſſioners ſhall meet Twice in every Year, to wit, on the *Wedneſday* in *Eaſter* Week, and the *Wedneſday* after *Michaelmas Day*, 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 Meeting, which is to be held at the *Three Kings* in *Haddenham* aforeſaid) may be held at ſuch Place within the Pariſh of *Haddenham* aforeſaid as the ſaid Commiſſioners ſhall, from Time to Time, appoint; and that in caſe Five Commiſſioners ſhall not be preſent at the Place and Time appointed for holding the ſaid Firſt or any of the ſaid General Meetings, or the ſaid Commiſſioners ſhall omit to adjourn ſuch Meeting, then it ſhall and may be lawful for any Two or more of the ſaid Commiſſioners, or 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, and to the ſame Place where the ſame was appointed to be holden, of which Adjournment Publick Notice ſhall be given in One of the *Cambridge* Weekly Newſpapers; 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 Commiſſioners, from Time to Time, to call Special Meetings of the ſaid Commiſſioners.

Orders not to be revoked but at ſubſequent Meetings.

VII. Provided always, and be it further enacted, That no Order or Determination made or come to at any Meeting of the ſaid Commiſſioners, ſhall be revoked or annulled but at a ſubſequent Meeting, at which Nine Commiſſioners at leaſt ſhall be preſent and conſent thereto, nor unleſs Ten Days Notice of ſuch Meeting (and which Notice ſhall ſtate the Object

Object of such Meeting) shall be affixed on the Church Doors of the several Parishes of *Haddenham*, *Sutton*, *Wilburton*, *Stretham*, and *Wentworth* aforesaid; and that no Special Meeting of the said Commissioners shall be held without like Notice being given thereof, signed by the Commissioners who shall call such Meeting.

Expences of Meetings.

VIII. Provided also, 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 at any One of the General Meetings to be held under or by virtue of this present Act, or more than One Pound and Ten Shillings for the Expences of the Commissioners at any Adjourned or Special Meeting.

Commissioner Power to make Works, &c.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, to make or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits aforesaid, all such 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; and also to make One or more Drain or Drains, Cut or Cuts, from or near a Place called *Staples Leas*, along the Skirts of the Open Fields and High Lands in *Haddenham*, *Wilburton*, and *Stretham* aforesaid, on the East and North Sides of the Level aforesaid, for conveying the Waters from off the said Fields and High Lands in *Haddenham*, *Wilburton*, and *Stretham*, into the *Old Ouze* or West River; and also to make a Land Drain to convey the Waters from the Open Fields and High Lands in *Sutton* and *Mepal*, at or near *Sutton Gault Pits*, into the *Old Ouze* or West River aforesaid; and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and also over all and singular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works already made or set up, or maintained and kept in Repair, within the Limits of the Lands and Grounds aforesaid, under the Authority of the said recited Act; and also to widen, deepen, alter, repair, rebuild, and enlarge the same, for the better draining of the said Lands and Grounds; and that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to divide off, take, and use such Lands, Tenements, and Hereditaments, as the said Commissioners shall judge necessary to be cut, dug, taken, or used, for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, or which they the said Commissioners shall deem proper and requisite to be left and reserved for the Preservation of the North Bank of the *Old Ouze* or West River between the same Bank and the Ditches or Drains to be made next the same; and also from Time to Time, and at all Times, to dig, cut, take, and carry away, any Earth, Flag, or other Soil, from the Lands or Grounds aforesaid, or from the Wastes, Roads, and Ways thereto adjoining, for the making, supporting, or repairing, the Banks and Works aforesaid, they doing as little Damage as may be, and making such Satisfaction for the same as is herein-after mentioned.

X. Provided

X. Provided always, That the ſaid Commiſſioners, in making the ſaid Drain to convey the Waters from the Place called *Staples Leas*, along the Side of the Open Fields and High Lands in *Haddenham*, *Wilburton*, and *Stretham* aforeſaid, ſhall carry the ſame Southwardly to a Place called *Aldreth*, and from thence Eaſtwardly to a Common called *Stretham Common*, and along the ſaid Common Southwardly into the River *Ouze*, at or near *Stretham Ferry*; and the ſaid Commiſſioners, when and ſo ſoon as the ſaid Drain ſhall be finiſhed and completed, ſhall, by and out of the Rates and Taxes intended to be hereby aſſeſſed, cauſe to be made over the ſaid Drain, in the Middle Part thereof, One ſubſtantial and proper Bridge, of ſufficient Width for the Paſſage of Carriages and One other Bridge at each End of the ſaid Drain for the Paſſage of Horſes and Cattle; and the ſaid Bridges ſhall, from Time to Time, repair and ſupport.

XI. Provided alſo, That the ſaid Commiſſioners ſhall not carry the ſaid Drain over or acroſs any Part of the *Wilburton* and *Stretham* Turnpike Road, leading from *Stretham* to *Stretham Ferry*, or do any Act or Thing that may injure or damage the ſaid Roads.

Commiſſioners may agree for the Purchaſe of Lands, or Satisfaction for Damages.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to agree with the Proprietors of, and Perſons intereſted in, any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall judge neceſſary to be cut, dug, taken, or uſed for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, or which they the ſaid Commiſſioners ſhall deem proper, and require to be left and reſerved for the Preſervation of the North Bank of the *Old Ouze* or Weſt River, between the ſaid Bank, and the Ditches or Drains to be made next the ſame, for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors and Perſons intereſted for the Damages they may ſuſtain; and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and

Bodies Politick, &c. may contract for the Sale of Lands, or Compenſation for Damages.

it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, who are or ſhall be ſeiſed or intereſted in their own Rights, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any ſuch Lands, Tenements, or Hereditaments, to contract for, ſell, and convey unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioners under this Act for any Recompence or Compenſation to be made for the Damages which may be done to any ſuch Lands, Tenements, and Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, Conveyances, and Agreements, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding; and all Bodies Politick, Corporate,

Corporate, or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall lawfully do in purſuance of this Act; but if it ſhall happen that any ſuch Body Politick, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned as aforeſaid, ſhall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their reſpective Place or Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or by Reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe, the ſaid Commiſſioners may, and they are hereby authorized and empowered, Fourteen Days at leaſt before any General Quarter Seſſion of the Peace, to be holden for the ſaid *Iſle of Ely* within Twelve Calendar Months after the Lands or Grounds ſhall have been uſed or the Damage done, to give, or cauſe to be given, to the Party or Parties whoſe Land or Ground ſhall have been uſed, or who ſhall have ſuſtained ſuch Damage or Injury, or leave, or cauſe to be left, at his, her, or their laſt or uſual Place or Places of Abode reſpectively, or at the Place of Abode of the Tenant or Tenants in Poſſeſſion of the Premiſes, a Notice, in Writing, purporting that the Value of ſuch Land or Ground, and the Amount of the Damage or Injury ſuſtained, will be adjuſted and ſettled by a Jury at the ſaid Seſſions; and the Juſtices at their ſaid Seſſions, or the Adjournment thereof, ſhall, and are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impanelled and returned by the Chief Bailiff of the ſaid Iſle, and cauſe them to be ſworn well and truly on their Oaths, to aſſeſs the Value of the Land or Ground, and the Recompence to be given for the ſame, or for any Damage or Injury ſuſtained as aforeſaid, to the reſpective Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſts, to which ſaid Juries the ſaid Commiſſioners, and all Parties intereſted in the ſaid Lands, ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid Iſle is hereby authorized and empowered, upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices at ſuch Seſſions, or the Adjournment thereof, any Perſon or Perſons who ſhall be thought proper to be examined touching or concerning the Premiſes, and the ſaid Jury, upon their Oaths, (which Oaths, and alſo the Oaths to be taken by the Perſons who ſhall appear, or be ſummoned to be examined and give Evidence as aforeſaid, the ſaid Juſtices at their ſaid Seſſions are hereby empowered and required to adminiſter), ſhall aſcertain and award the Recompence to be given for the ſaid Land or Ground, or for any Damage or Injury which ſhall have been done as aforeſaid, to the reſpective Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or Owner or Owners thereof; and the ſaid Juſtices ſhall and may give Judgement according to the Verdict of the ſaid Jury, which Verdict of the ſaid Jury, and the Judgement thereupon declared and pronounced by the ſaid Juſtices, ſhall finally bind and be concluſive to the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands or Grounds, and ſhall be entered and kept among the Re-

Perſons refuſing or neglecting to treat.

Commiſſioners may apply to the Seſſions to aſcertain Value of Land and Amount of Damages.

The Juſtices to cauſe the Jury to aſſeſs Damages.

Witneſſes to be ſummoned.

Juſtices to give Judgement.

The ſame to be final.

cords of the Quarter Seſſions for the ſaid Iſle, and the ſame, or true Copies thereof, being ſigned by the Clerk of the Peace for the ſaid Iſle, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Perſons may have Recourſe thereto, or take Copies thereof, or Extracts therefrom, on paying the uſual Fees paid in Caſes of the like Nature.

Expences of the Jury and Witneſſes by whom to be paid.

XIII. And be it further enacted, That in all Caſes where any Verdict ſhall be given for any greater Sum or Recompence than ſhall have been offered by or on the Behalf of the ſaid Commiſſioners, before the Notice of the intended Application to be made to the ſaid Seſſions, for or in reſpect of any of the Matters aforeſaid, that then all the Expences of ſuch Application, including the Charges of Witneſſes, ſhall be paid by the ſaid Commiſſioners out of the Rates and Taxes to be raiſed by virtue of this Act; but if any Verdict ſhall be given for no more, or for a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, then and in every ſuch Caſe, ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Lands, Tenements, or Hereditaments, and Premiſes, upon or in reſpect of which ſuch Application ſhall have been made.

Dwelling Houſes not to be removed.

XIV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Commiſſioners to take down or remove any Dwelling Houſe, Building, or Erection, now ſtanding on or by the Side of the North Bank of the *Old Ouze* or Weſt River.

Taxes to be laid.

XV. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners at their ſaid Firſt Meeting, and at their Annual Meeting to be held on the *Wedneſday* in *Eaſter* Week in every Year, ſhall aſſeſs, rate, tax, and charge, all and every the reſpective Owner or Owners, Occupier or Occupiers of all the Lands and Grounds within the Limits aforeſaid, with the farther Annual Sum of Four Shillings *per* Acre, to be paid to ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct; and that the ſaid additional Yearly Tax of Four Shillings *per* Acre ſhall continue to be charged and paid until the Principal of the Debt to be incurred under the Authority of this Act, and that already incurred in executing the ſaid recited Act, ſhall be reduced to Five thouſand Pounds; and that, from and after the ſaid Debt ſhall be ſo reduced, the ſaid Commiſſioners ſhall aſſeſs, rate, tax, and charge, all and every the reſpective Owner or Owners, Occupier or Occupiers of the ſame Lands and Grounds, by an equal and proportionable Acre Tax, with any Sum or Sums of Money not leſs than Two Shillings *per* Acre, nor more than Four Shillings *per* Acre, in addition to the preſent Taxes, Rates, or Charges, until the whole of the ſaid Debts ſhall be paid off, and then with ſuch Annual Sum or Sums of Money as the ſaid Commiſſioners ſhall think proper, not exceeding Three Shillings *per* Acre, together with the preſent Taxes, Rates, or Charges; and ſuch Rates, Taxes, and Charges, ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct.

That Owners of Lands in *Ewell Fen* ſhall be exempt from keeping up the Bank belonging to them, but are to be ſubject to a Tax to be paid the Commiſſioners for their Charge of it.

XVI. And whereas the Repairs of the Bank between *Earith High Bridge* and *Aldrey High Bridge*, along the River *Ouze*, lying on the South Side of and enclosing *Ewell Fen*, ought to be done by the Owners of Lands in *Ewell Fen* aforeſaid, in Proportion to the Quantity of their Lands in the ſame Fen, and the ſaid Bank has been frequently ſuffered to fall into Decay, to the great Danger and Injury of all the Lands and Grounds herein-before mentioned, and is now in very inſufficient Repair, and it will be much better that the ſaid Bank ſhould in future be kept in Repair by the ſaid Commiſſioners, and that the Owners of the Lands in *Ewell Fen* aforeſaid ſhould be exempt from ſuch Repairs, and in Lieu thereof ſhould pay a proportionate Tax towards the Expence of ſuch Repairs; be it therefore enacted by the Authority aforeſaid, That the ſaid Bank between *Earith Bridge* and *Aldrey High Bridge* ſhall, from Time to Time, and at all Times hereafter, be repaired and ſupported by the ſaid Commiſſioners as one of the Banks within and belonging to the ſaid Lands and Grounds hereby intended to be drained; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, at their Firſt Meeting after the paſſing of this Act, and from Time to Time at their Annual Meeting to be held on the *Wedneſday* in *Eaſter* Week in every ſucceeding Year, to aſſeſs, rate, tax, and charge, all and every the Owners and Occupiers of the Lands and Grounds in the ſaid Fen called *Ewell Fen*, by an equal and proportionate Acre Tax of Ten-pence *per* Acre, to be paid to ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct.

Directing the Acre Tax on *Ewell Fen* to be reduced.

XVII. Provided always, and be it further enacted, That when and ſo often as the Rates and Taxes to be laid upon the Lands and Grounds within the Limits aforeſaid, under and by virtue of this or the ſaid recited Act, ſhall be reduced or lowered One Shilling *per* Acre, then and in ſuch Caſe the ſaid Rate and Tax of Ten-pence *per* Acre, herein-before directed to be charged and aſſeſſed upon the ſaid Lands in *Ewell Fen*, ſhall alſo be reduced Two-pence *per* Acre, and ſo in Proportion for any leſſer Sum than One Shilling.

Lands may be ſurveyed.

XVIII. 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 the Land liable to ſuch Taxes, and how much belongs to any particular Perſon or Perſons.

Tenants to pay Taxes and deduct out of their Rents.

XIX. And, to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received, be it further enacted by the Authority aforeſaid, That all and every the Tenants and Occupiers of the ſaid Lands and Grounds, which ſhall be aſſeſſed or rated by virtue of this Act, ſhall, and 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 and Sums of Money as they ſhall ſo reſpectively pay as aforeſaid, and the ſeveral and reſpective Landlords or Owners of ſuch Lands and Grounds are hereby required to allow ſuch Deduction and Payment upon Receipt of the Reſidue of their Rents; and that every ſuch Tenant or Occupier paying

paying ſuch Aſſeſſment or Rate, ſhall be acquitted and diſcharged of ſo much Money as the ſaid Aſſeſſment and Rate ſo paid by them ſhall amount unto, as fully and effectually as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

Leſſees not to be allowed to deduct Taxes.

XX. Provided always, 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 authorized to be 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 the ſaid other Leaſe or Agreement at the Time of the paſſing this Act, there ſhall be more than Nine 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; and that all and every Leſſee or Leſſees, Tenant or Tenants of any Lands or Grounds, authorized to deduct the ſaid Rates, Taxes, or Aſſeſſments from his, her, or their Rent, ſhall pay ſuch an Advance of Rent as the ſaid Commiſſioners ſhall order, as a Conſideration for the Benefit which ſuch Tenant or Tenants ſhall or may receive by Means of this Act.

Manner of recovering Rates.

XXI. And be it further enacted by the Authority aforeſaid, That in caſe Default ſhall be made by any Perſon or Perſons aſſeſſed, rated, taxed, and charged as aforeſaid in his, her, or their reſpective Payments, by the Space of Thirty Days after the Time appointed for the Payment thereof, and after the ſame ſhall have been demanded by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand left at the uſual Place of Abode of the Perſon or Perſons who is, are, or ought to pay the ſame, if ſuch Place of Abode ſhall be in any of the ſaid Pariſhes of *Haddenham*, *Sutton*, *Wilburton*, *Stretham*, and *Wentworth*; or if ſuch Perſon or Perſons ſhall not have any Place of Abode within any of the ſaid Pariſhes, then, after the ſaid Payment ſhall have been demanded by the ſaid Collector or Collectors, Receiver or Receivers, by Notice in Writing of ſuch Demand affixed upon the Church Door of the Pariſh where ſuch Lands and Grounds, or any Part thereof, ſhall lie, it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the ſaid Commiſſioners, which ſaid Warrant or Precept the ſaid Commiſſioners, or any Three or more of them, are hereby empowered and required to make and give as there ſhall be Occaſion, either at a Meeting of the Commiſſioners, or at any other Time, to enter into and upon the Lands and Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhall make Default in Payment as aforeſaid, and all the Meſſuages or Tenements thereupon ſtanding, and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Rate or Tax, by Diſtreſs of the Goods, Chattels, and Cattle which ſhall be there found, and the Goods, Chattels, and Cattle to impound, keep, ſell, and diſpoſe of in the ſame Manner as by Law is to be done with reſpect to Diſtreſſes for Rent.

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

Lands untenanted to remain a Security for Taxes.

XXIII. And, foraſmuch as the ſaid Aſſeſſments, Rates, and Taxes, ſo to be charged and collected as aforeſaid will not be ſufficient to defray the immediate Expences of making the ſeveral Works neceſſary for the ſpeedy Improvement of the ſaid Lands and Grounds; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Three or more of them, ſhall and may, and they are hereby empowered, from Time to Time, purſuant to an Order for that Purpoſe, to be made at any General Meeting of the ſaid Commiſſioners, at which Seven Commiſſioners ſhall be preſent, and concur, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the Whole, together with the Debts already incurred in executing the ſaid recited Act, the Sum of Ten thouſand Pounds, which they ſhall think neceſſary for the making, carrying on, and maintaining, the ſaid Works, and by Writing under their Hands and Seals, to mortgage or aſſign the Aſſeſſments, Rates, Taxes, and Sums of Money, to be charged by the Authority of this Act, or charged or to be charged by the Authority of the ſaid recited Act, or any Part of ſuch Taxes, (the Coſts and Charges of ſuch Mortgage or Aſſignment to be paid out of the ſaid Taxes), for any ſuch Term or Number of Years, and in ſuch Manner and Form, as to the ſaid Commiſſioners, or any Three or more of them, ſhall ſeem meet, as a Security for any ſuch Sum or Sums of Money ſo borrowed, to ſuch Perſon or Perſons, his, her, or their Truſtee or Truſtees, with Intereſt for the ſame, not exceeding the Rate of Five Pounds *per Centum per Annum*, and that Copies of ſuch Mortgages and Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Commiſſioners; and that it ſhall and may be lawful for all and every Perſon and Perſons to whom any ſuch Mortgage or Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, to aſſign or transfer his, her, or their Mortgage or Security and Right to the Principal Money and Intereſt thereby ſecured; and that ſuch Aſſignment or Transfer ſhall be notified to the Clerk or Clerks within Three Calendar Months after the Date thereof; and that the ſaid Clerk or Clerks ſhall cauſe an Entry or Memorial thereof to be made, containing the Date of ſuch Aſſignment or Transfer, the Names of the Parties thereto, and the Sum or Sums of Money therein mentioned, to be aſſigned or transferred in the ſaid Book or Books to be kept for entering the original Mortgages or Aſſignments, for which he or they ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and that after ſuch Entries ſhall be made, ſuch Aſſignment or Transfer ſhall entitle ſuch Aſſignees to the Benefit and Payment thereon, and that every ſuch Aſſignee ſhall and may in like Manner, from Time to Time, aſſign or transfer his, her, or their Right and Intereſt therein

For borrowing Money by Mortgage of Taxes not exceeding 10,000 *l.*

and thereto; and all and every Perſon and Perſons to whom any ſuch Mortgage, Transfer, or Aſſignment, ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the ſaid Aſſeſſments, Rates, Taxes, and Sums of Money, in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Money; and that the ſaid Money ſo borrowed ſhall be applied in the firſt Place towards paying and diſcharging the Coſts, Charges, and Expences, of obtaining and paſſing this Act, and afterwards in making, effecting, and maintaining, the ſeveral Works and Things to be done under the Authority of this Act, and laſtly in Payment of the Debts due, or to be due and payable, out of the Taxes chargeable by the ſaid recited Act or this Act.

Taxes veſted in Creditors.

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

Puniſhing Perſons deſtroying Works, &c.

XXV. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall at any Time or Times hereafter wilfully and maliciouſly cut, throw down, burn, or otherwiſe deſtroy, any Bank, Mill, Engine, Bridge, Floodgate, Tunnel, or Sluice already made and erected, or which ſhall at any Time hereafter be making and erecting, or made and erected, for the draining and improving of the ſaid Lands and Grounds, or any of them, and ſhall be thereof lawfully convicted, ſhall be adjudged guilty of Felony, and liable to be tranſported as a Felon for Seven Years, or to be puniſhed as the Law directs in Caſes of Petit Larceny: And if any Perſon or Perſons ſhall, at any Time or Times hereafter, permit or ſuffer any of his or their Hogs or Swine to ſtray upon any of the Banks made, or to be made, or kept in Repair, under the Authority of the ſaid recited Act, or of this Act; or ſhall fodder, or cauſe or permit to be foddered, any of his, her, or their Cattle on any of the ſaid Banks, or ſhall drive, or cauſe to be driven, any Cattle, Cart, or Carriage thereon, (except Cattle immediately driven to or from Paſture or Market), or ſhall ſet or cauſe to be ſet on any of the ſame Banks, any Stack or Stacks of Hay, or Reed, without having obtained Leave in Writing for that Purpoſe from the Commiſſioners aſſembled at ſome of the Meetings to be held by virtue of this Act; or ſhall ſet down any Nets or Engines, for the catching of Fiſh in any of the Drains,

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

Penalty for working Horſe Mills.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall erect, ſet up, uſe, or work any Horſe Mill, Gigg, or other Engine or Device whatſoever, for draining or diſcharging Water from any of the ſaid Lands, the Drainage whereof is intended to be made or preſerved under the Authority of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who will ſue for the ſame, and the Owner of ſuch Mill, Gigg, Engine, or Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damage ſuch Perſon or Perſons ſhall thereby ſuſtain, and ſuch Penalty, Compenſation, and Satisfaction ſhall and may be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas of the ſaid *Iſle of Ely*, in which no Eſſoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed.

XXVII. And

No Trees to be planted, or Building erected, within Two hundred Yards of any Engines; or any Ditches to be cut within Forty Feet of the Centre of the Banks.

XXVII. And be it further enacted, That no Trees or Holts ſhall at any Time or Times hereafter be planted, nor any Building 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 as aforeſaid, than Two hundred Yards, nor ſhall any Ditch or Drain be made, cut, or continued within Forty Feet of the Centre of the Banks within or belonging to the ſaid Level, after One Month's Notice in Writing given by the ſaid Commiſſioners to the Owner or Owners of the Lands or Grounds to which ſuch Ditch or Drain ſhall or may belong; and if any Trees or Holts ſhall be planted, or any Building ſhall be hereafter made, erected, or built, or any Ditch or Drain be made, cut, or continued within the Diſtance, and after the Notice aforeſaid, then 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, upon Notice given to the Owners thereof, and their Neglect to remove the ſame for the Space of Fourteen Days, and ſuch Ditch or Drain to be filled up immediately after the Expiration of the Notice to be given for that Purpoſe.

Penalty on neglecting to cleanſe Dikes.

XXVIII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the Lands the Drainage whereof is intended to be preſerved or made under the Authority of this Act, 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 any ſuch Dike, or to make the ſame of a ſufficient Depth, and of the Width of Nine Feet at Top, and Four Feet and an Half at Bottom at leaſt, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their Place of Abode, from Time to Time, for that Purpoſe, by the Collector, Receiver, or other Officer to be appointed under and by virtue of this Act, (ſuch Collector, Receiver, or other Officer, having an Order in Writing for that Purpoſe, under the Hands of Three or more of the ſaid Commiſſioners), every ſuch Owner or Occupier ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of One Shilling for every Rod of the Dike ſo neglected to be roded, ſcoured, cleanſed, opened, repaired, deepened, and widened; and it ſhall be lawful, from Time to Time, for ſuch Collector, Receiver, or other Officer, to cauſe ſuch Dikes, at the Charge and Expence 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 a Way ſhall have been made over any Dike without a ſufficient Tunnel, to cauſe ſuch Ways to be taken up, and ſuch Dike to be made of a proper Width and Depth, with a ſufficient Tunnel; 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.

Moles may be deſtroyed.

XXIX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners 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, or in and about the

Lands and Banks adjoining or lying near thereto, and for that Purpoſe to employ ſuch Perſon or Perſons, at ſuch Wages 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.

Commiſſioners to make Orders for opening and ſhutting down Tunnels and Sluices, and to appoint Officers for that Purpoſe.

XXX. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, at their ſaid Annual Meeting to be held in *Eaſter* Week, or at any other Meeting, ſhall and may, and they are hereby authorized and required to appoint One or more Officer or Officers, for the Purpoſe of opening and ſhutting down the Tunnels and Sluices already ſet down, or to be ſet down, and made uſe of in the Execution of this Act; and that no ſuch Tunnel or Tunnels, Sluice or Sluices, ſhall, at any Time or Times, be opened or ſhut down but by the ſaid Officer or Officers, or by his or their Direction; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, at the ſaid Annual Meeting to be held in *Eaſter* Week, or at any other Meeting, to make ſuch Order or Orders, touching the opening or ſhutting down of the ſaid Tunnels and Sluices, as they ſhall think proper; and that the ſaid Officer or Officers, and all and every other Perſon and Perſons, who ſhall open and ſhut down the ſaid Tunnels and Sluices, or any of them, contrary to ſuch Order or Orders of the ſaid Commiſſioners, being thereof convicted before any Two or more Juſtices of the Peace for the ſaid *Iſle of Ely*, who are hereby authorized and required to hear and determine the ſame, on the Oath of One or more Witneſs or Witneſſes, or Confeſſion of the Party or Parties ſo offending, ſhall forfeit and pay for every ſuch Offence, the Sum of Twenty Pounds to the ſaid Commiſſioners, to be applied for the Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices before whom ſuch Conviction ſhall be made; and in Default of ſuch Diſtreſs or Payment, the Perſon or Perſons ſo offending ſhall by the ſaid Juſtices be committed to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices.

Penalty on opening or ſhutting down Tunnels or Sluices, contrary to Orders.

For draining Part of *Stretham Common*.

XXXI. And whereas there are certain Parcels of Land, containing together Thirty-four Acres or thereabouts, abutting upon the Hundred Feet Bank and *Haddenham* Level towards the North and North-weſt, which are Part of certain Fen Lands lying in the Pariſh of *Sutton*, near *Sutton Gault*, called *Holts* and *Holbrookes*, and adjoin the Lands and Grounds hereby intended to be drained; and of which ſaid Thirty-four Acres the ſeveral Perſons hereafter named are the Owners and Proprietors, *videlicet*, *Joſeph Vipans* Fourteen Acres and Twenty-two Perches, *Samuel Brown* Two Acres, *Moſes Oats* Four Acres One Rood and Twenty Perches, *William Finch Finch* Eſquire Nine Acres and Twenty Perches, *William Patterſon* Two Acres Two Roods and Twenty Perches, and the Dean and Chapter of *Ely* One Acre Two Roods and Twenty Perches: And whereas the above mentioned Thirty-four Acres of Land, and alſo a certain Part of *Stretham Common* containing Seventeen Acres or thereabouts, near the Ferry on the North Side of *Haddenham* Leam or Whart, will receive conſiderable Benefit by the Works of Drainage propoſed and

intended to be made and executed by virtue of this Act; be it therefore enacted by the Authority aforesaid, That the said Parcels of Fen Lands called *Holts* and *Holbrookes* containing Thirty-four Acres or thereabouts, and the said Part of *Stretham Common* containing Seventeen Acres or thereabouts, before described, shall be deemed and taken to be Part and Parcel of the Lands and Grounds intended to be drained by this Act, and be liable to the same Rates and Taxes as the said last mentioned Lands and Grounds are hereby made liable to; and that all the Powers, Authorities, and Provisions, which are hereby given with respect to the other Lands, of which the Drainage is intended to be preserved or made under the Authority of this Act, shall extend to the aforesaid Parcels of the said Lands called *Holts* and *Holbrookes*, and the said Part of *Stretham Common*; and they are hereby made subject to the same Powers, Authorities, and Provisions.

Commissioners to let the Feed of the Banks by Auction.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at their Annual Meeting to be held in *Easter* Week, from Time to Time, to let by Auction, or otherwise as they may think proper, the Feed or Pasture of the several Banks within their Jurisdiction, and also such Lands adjoining thereto as may be purchased by the said Commissioners, or any Part thereof, for the ensuing Year, for the Pasturage of Sheep and Neat Beasts 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 are to be applied.

Power to appoint Officers.

XXXIII. And be it further enacted, That the said Commissioners shall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Treasurer or Treasurers, and such other Officers as to the said Commissioners shall appear necessary or proper, to assist in the Execution of the Powers of this Act, and shall and may allow such Officers and every of them reasonable Salaries for their Trouble, and shall and may, from Time to Time, as they shall see Occasion, remove any such Clerk, Receiver, Collector, Surveyor, Treasurer, or other Officers, and appoint another or others in the Place of such of them as shall be so removed, and in case of the Death of any of them, in the Place of such of them as shall so die; and that every Receiver, Collector, and Treasurer, so to be appointed as aforesaid, before he or they shall act in the Execution of his or their Office, shall give such Security to the said Commissioners for the due Execution of the same, as the said Commissioners shall think proper.

Treasurers, Collectors, and other Officers, to keep Accounts.

XXXIV. And be it further enacted, That the said Treasurers, Collectors, and other Officers, shall fairly enter into Books to be by them respectively kept for that Purpose, an Account of all Monies by them respectively received and expended, specifying the Times when, and the Persons from whom and to whom such Monies were respectively received and paid, and for what Purposes; which Books, or true Copies thereof, respectively signed by the said Treasurers, Collectors, or other Officers, together with the Vouchers for such Expenditures, and also all Books and Papers in their Custody respectively, relating to the Execution of this Act, shall be delivered to the said Commissioners at their said Annual Meeting to be held in *Easter* Week in every Year, and at such other Time or Times as the said Commissioners shall require.

XXXV. And

XXXV. And be it further enacted, That in caſe any of the ſaid Treaſurers, Clerks, Collectors, or other Officers, or Perſons ſo employed as aforeſaid, ſhall wilfully refuſe, upon Requiſition and Ten Days Notice in Writing given to them under the Hands of Three of the ſaid Commiſſioners for that Purpoſe, to produce before the ſaid Commiſſioners, the ſeveral Books, Papers, and Vouchers in their Cuſtody or Poſſeſſion relating to their ſaid Offices, every Perſon ſo offending, and being thereof convicted before any Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, upon the Oath of One or more Witneſs or Witneſſes, or upon the Confeſſion of the Party, ſhall, for every ſuch Offence, forfeit and pay any Sum of Money, not exceeding Fifty Pounds, nor leſs than Five Pounds, as ſuch Juſtice or Juſtices ſhall direct, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, and to be applied in the ſame Manner with the Taxes to be impoſed under the Authority of this Act; and in caſe any of the ſaid Officers, or other Perſons ſo employed as aforeſaid, ſhall neglect or refuſe to account to the Satisfaction of the ſaid Commiſſioners, or to pay the Money due upon the Balance of ſuch Account, according to the Directions of the ſaid Commiſſioners, then and in every ſuch Caſe, it ſhall be lawful, upon the Complaint of One or more of the ſaid Commiſſioners, for any Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to account, or to pay the Money due upon the Balance of ſuch Account as aforeſaid, ſuch Sum or Sums of Money as he or they ſhall be required to account for, or ſhall be found due upon the Balance of his or their Account or Accounts; and for Want of ſufficient Diſtreſs, it ſhall and may be lawful for any ſuch Juſtice or Juſtices of the Peace, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol, or Houſe of Correction, there to remain, without Bail or Mainprize, until he or they ſhall have made a true and perfect Account, and paid ſuch Monies as ſhall appear to be remaining in his or their Hands, to the ſaid Commiſſioners, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Money, (which Compoſition the ſaid Commiſſioners are hereby empowered to make), or otherwiſe the ſaid Commiſſioners may, and are hereby empowered to bring, or cauſe to be brought, any Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas of the ſaid *Iſle of Ely*, againſt ſuch Officer or Officers, or Perſon or Perſons ſo refuſing, neglecting, or making Default as aforeſaid, and againſt all and every ſuch Perſon or Perſons as ſhall become his or their Security or Securities, for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, or other Perſon or Perſons reſpectively.

Officers refuſing to produce Books and Papers, or to account;

their Goods may be diſtrained.

For Want of Diſtreſs, to be committed.

XXXVI. Provided always, and be it further enacted by the Authority aforeſaid, That this Act, or any Thing herein contained, ſhall not extend, or be conſtrued to extend, to empower the ſaid Commiſſioners appointed by virtue of this Act, or any of them, to have, uſe, or exerciſe, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the Governor, Bailiffs, and Commonalty, of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of

Saving Rights of Governor, &c. of *Bedford Level*.

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

Limitation of Actions.

XXXVII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information, ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the Court of Pleas of the ſaid *Iſle of Ely*, and the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, ſhall and may plead the General Iſſue, and if in Replevin, juſtify and avow by virtue of this Act as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and ſhall and may, without ſpecially pleading the ſame other than as aforeſaid, at any Trial to be had thereupon, give this Act and the ſpecial Matter in Evidence, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff ſhall become Nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Action or Actions, Suit or Suits, or if a Verdict ſhall paſs, or upon Demurrer or otherwiſe Judgement be given againſt the Plaintiff or Plaintiffs, then, or in any of theſe Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedy for the ſame as where Coſts by Law are awarded.

For diſcharging the Expences of this Act.

XXXVIII. 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.

Publick Act.

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

FINIS.