Anno ſeptimo

Georgii III. Regis.

CAP. LIII.

An Act for draining and preſerving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens commonly called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam*, otherwiſe *Grant*, Weſt, and the Hard-lands of *Bottiſham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, Eaſt; and for impowering 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*.

WHEREAS certain Fen Lands and Low Grounds in that Part of the Great Level of the Fens called the South Level, lying and being in the Townſhip of Swaffham Prior, and in the ſeveral Pariſhes of Fen Ditton, Horningſea, Quoi, Bottiſham, and Swaffham Bulbeck, in the County of Cambridge, containing in the Whole Seven thouſand Acres or thereabouts; about Fifteen hundred Acres whereof are Common, and the reſt are Severals, and which are bounded as follows; to wit, From the Ferry-place at Clayhithe, between the upper and lower Parts of the incloſed Graſs Grounds at the Bottom of Clayhithe Field, called Hardridge (moſt of them being divided about the Middle by Quicks and Hedges) to Common Hardridge Gate; and then along the Preamble.

the Dutring Ditch of North Hill Cloſes next Hardridge Common (including all the ſaid Common) to Bottiſham Load, at a certain Place called Barr-Hill; and round from thence between the upper and lower Parts of Sheep-North Hill Grounds, and of the incloſed Graſs Grounds called the Rough, which lie on the North Weſt Side of the Common Rough (moſt of the ſaid incloſed Rough Grounds being divided about the Middle by Quicks and Hedges) and are all on the South Eaſt Side of Clayhithe Field; and then croſſing the Common Rough Droveway, from a Gate thereupon, in a ſtraight Line over Horningſea Herdwalk, to an Holt at the upper End of an incloſed Ground of Thomas Panton Eſquire, now in the Occupation of Thomas Grain; and along the ſaid Holt to the Hundred Acres of Adventure Land taken out of High Fen; and ſo along the Dutring Ditch, on the North Weſt and South Weſt Sides of the ſaid Adventure Land, to an incloſed Ground of John Martin Eſquire, in Quoi (a ſmall Part whereof is Skirt Land, and the reſt Fen); and then by the Edge of the Skirt Part of the ſaid Ground, and along a Ditch between the upper and lower Parts of another Ground of the ſaid John Martin Eſquire, to the High-Fen Drove-way leading from Horningſea to Quoi; and croſſing the ſaid Droveway, by the lower End of a Ground of the ſaid John Martin Eſquire, now in the Occupation of Mary Leach, to Lands of Thomas Panton Eſquire, in Fen Ditton, called the Ruſh Grounds; and round the upper Sides and Ends of the ſaid Ruſh Grounds, and lower Ends of other adjoining Lots (including the ſame) to a Lot belonging to Soame Jenyns Eſquire; and up the Dutring Ditch on the Weſt Side thereof to Black Ditch Drove, and then by the ſaid Drove to the Black Ditch; and up the ſame Southward to the next Diviſion Ditch on the Quoi Side; and along the laſt-mentioned Ditch to the Skirts of the Uplands of Quoi-Hall; and then round the ſaid Skirts to the aforeſaid-mentioned Droveway leading from Horningſea to Quoi; and ſo up the ſaid Droveway to the low Droveway next the Fen; and then along the laſt-mentioned Droveway, and ſtraight on from the upper End thereof to Bottiſham Load Mill Dam; and ſo by the North Bank of the ſaid Mill Dam to Dam Droveway; and by the ſaid Droveway and Load Drove-way to Bottiſham Load; and then along the South Weſt Bank of the ſaid Load Eaſtward to the Common Gate below the Mill there; and ſo round the Skirts of the Uplands next the Dutring Ditch of Bottiſham Common, to a certain Gate called Cranney's Gate; and from thence

thence up Cranney's Droveway to the incloſed Paſture Grounds of Soame Jenyns Eſquire, called the Holmes; and then round the South Weſt Side of the ſaid Grounds and Skirts of the other Incloſures there to Docking Droveway; and along the ſaid Droveway to the Corner of the Eight Acres of incloſed Paſture nert to Bottiſham Piece; and from thence in a ſtraight Line over the ſaid Piece, and the One hundred Acre Droveway, by the South End of Lady Downing's Forty Acres, to the Bridge called Cow Bridge; and ſo directly acroſs Swaffham Bulbeck Common to the Ditch at the Corner of the Abbey Cloſes by the Fen Gate; and then along the ſaid Ditch or Run of Water to the Croyl Gate; and ſo by the ſaid Run of Water, under the Skirts of the Highland, to Low Bridge Hole, at the Bottom of Swaffham Prior Town; and from thence, croſſing the Whiteway Droveway, along the Ditch at the South End of Low Bridge Hole Dolver to the Drieſt Droveway; and then by the Ditch or Run of Water at the Bottom of Maſter Allix's Meadow, and along the Skirts of the Eakes's and other High Lands, to the Skirts of the Hardlands of Swaffham Prior Ditch Field; and then along the Skirts of the Hard Lands at the Edge of the ſaid Field to the End of Reach Town next the Fen; and ſo by the Point of the Dock to an ancient Sewer called Reach Old Load; and then along the ſaid Sewer to a certain Place called Powt Hall; and from thence along the preſent navigable Cut, called Burwell New Load, to the Eaſt Bank of the River Cam, otherwiſe Grant; and by the ſaid Bank to the Ferry Place at Clayhithe aforeſaid; have for ſeveral Years paſt been, and ſtill are, commonly overflowed with Waters, through the Defect of their Outfalls to the Sea, by which Means the ſaid Fen Lands and Low Grounds are rendered of little or no Value, to the Loſs of the Publick, as well as the great Damage and Impoveriſhment of the Owners of ſuch Lands, and of the Inhabitants of the ſeveral Pariſhes and Places where the ſame do lie: And whereas the ſaid Fen Lands and Low Grounds cannot be drained and preſerved without the Aid of Parliament: Therefore, to the End the ſaid Fen Lands and Low Grounds may be drained, improved, and preſerved, May it 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 Lord or Lords, Lady or Ladies, of the ſeveral and reſpective Commiſſioners.

ſpective Manors of Fen Ditton with Horningſea, Stow with Quoi, Angleſea in Bottiſham, and Mitchell Hall in Swaffham Bulbeck, for the time being, or in his, her, or their Abſence, their ſeveral reſpective Deputies appointed by Writing under their reſpective Hands; an Agent appointed by the Dean and Chapter of Ely under their Common Seal; Two Perſons, being Owners or Occupiers of Lands or Common Rights in each of the Pariſhes of Fen Ditton, Horningſea, and Quoi; Three Perſons, being Owners or Occupiers of Lands or Common Rights in each of the Pariſhes of Bottiſham and Swaffham Bulbeck; and Five Perſons, being Owners or Occupiers of Lands in the Townſhip of Swaffham Prior, hereby nominated and to be choſen as herein afterwards directed, ſhall be Commiſſioners for putting this Act, and all the Powers and Authorities herein after contained, in Execution.

First Commiſſioners.

And be it further enacted by the Authority aforeſaid, That Soame Jenyns Eſquire, and William Curtis Gentleman, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Fen Ditton; that Jonathan Fiſon and John Cockle, Gentlemen, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Horningſea; that Thomas Graves and Thomas Muggleton, Gentlemen, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Quoi; that Charles Gould Eſquire, Thomas Newman, and Thomas Dennis, Gentlemen, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Bottiſham; that Peacock Rickard, Thomas Appleyard, and Edmund Beeten, Gentlemen, ſhall be the Firſt Commiſſioners for the ſaid Pariſh of Swaffham Bulbeck; and that William Ingle and Charles Allix, Eſquires, William Collier Clerk, Richard Eaton, and William Poulter, Gentlemen, ſhall be the Firſt Commiſſioners for the ſaid Townſhip of Swaffham Prior: And that the ſaid Perſons ſhall continue Commiſſioners in reſpect of Lands lying in the ſaid Townſhip and Pariſhes reſpectively, until the Firſt Wedneſday in April, which ſhall be in the Year of our Lord One thouſand ſeven hundred and ſixty nine; and that all ſuch Perſons as ſhall be, bona fide, ſeiſed or poſſeſſed of Five Acres of Land, or One Common Right, tared by virtue of this Act, ſhall and may meet in the Churches of their reſpective Towns, upon the Firſt Wedneſday in April, One thouſand ſeven hundred and ſixty nine, and upon the Firſt Wedneſday in April in every Second ſucceeding Year; and ſhall and may chuſe, as they, or the major Part of them, ſo met and there preſent, can agree, the ſame Number of Owners or Occupiers of Land, or Common

Common Rights, in the Townſhip or Pariſh in reſpect whereof they ſhall be ſo choſen as herein before-mentioned, to be Commiſſioners, together with the other Perſons above deſcribed, for putting this Act in Execution; and in caſe Neglect or Default ſhall be made in the chuſing as aforeſaid ſuch Perſons qualified as herein after mentioned to be Commiſſioners in reſpect of the ſaid Townſhip, or either of the ſaid Pariſhes, that then the Perſons who were Commiſſioners in reſpect of the ſaid Townſhip, Pariſh or Pariſhes, where ſuch Neglect or Default ſhall happen, in the preceding Year, ſhall continue Commiſſioners, in reſpect of the ſame, until other Commiſſioners ſhall be choſen as aforeſaid in reſpect thereof upon the Firſt Wedneſday in April in the next or ſome ſucceeding Second Year; and in caſe only Part of ſuch Number of Owners or Occupiers, as is above directed to be choſen in reſpect of the ſaid Townſhip, or either of the ſaid Pariſhes, ſhall be ſo choſen, then it ſhall be lawful for the Owners or Occupiers who were Commiſſioners in the preceding Year, in reſpect of the Townſhip or Pariſh where only Part ſhall be choſen as aforeſaid, or the major Part of them, to determine which of the Commiſſioners in the preceding Years ſhall act in the then next Two Years with the new Commiſſioners choſen as aforeſaid; and if they ſhall not determine the ſame within One Week next after ſuch Choice of Part of ſuch Number, then it ſhall be lawful for all the reſt of the Commiſſioners appointed to put this Act in Execution, at their then next Meeting to be held as hereafter mentioned, or the major Part of them there preſent, to make ſuch Determination as aforeſaid: And in caſe any Perſon or Perſons choſen to be Commiſſioner or Commiſſioners by any of the Ways or Means aforeſaid, ſhall die, or be diſqualified, during the Time of his or their being a Commiſſioner or Commiſſioners as aforeſaid; then it ſhall and may be lawful to and for the Perſons ſo ſeized or poſſeſſed of Five Acres of Land, or One Common Right as aforeſaid, lying in the Townſhip, Pariſh or Pariſhes, in reſpect whereof the Perſon or Perſons ſo dying, or becoming diſqualified, was or were Commiſſioner or Commiſſioners, to meet at the reſpective Places above-mentioned, Notice in Writing of ſuch Meeting being affixed on the Outſide of the Door of the Churches reſpectively where the ſaid Meeting is to be, Five Days at leaſt before ſuch Meeting, and to chuſe an Owner or Owners, Occupier or Occupiers, qualified as hereinafter mentioned, to be Commiſſioner or Commiſſioners in the Place of the Perſon or Perſons ſo dying, or becoming diſqualified.

Provided

Penalty on Commissioners acting not qualified.

Provided always, and it is hereby further enacted, That no Person shall be qualified to act as a Commissioner for putting this Act in Execution, who is not seised or possessed of Thirty Acres of Land, or Three Common Rights, within the Limits of the Fen Lands and Low Grounds aforesaid, and shall pay the Taxes charged by this Act for the same; and if any Person not so qualified shall presume to act as a Commissioner or Commissioners in the Execution of this Act, he shall, for every such Offence, forfeit the Sum of Twenty Pounds; to be recovered, with full Costs of Suit, by any Person who will inform or sue for the same in any of His Majesty's Courts of Record at Westminster, by Action of Debt, or upon the Case, Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in which Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act; and a Verdict shall be found against the Defendant, unless he shall prove in his Defence, that he was at the Time of his so acting qualified according to the true Intent and Meaning of this Act.

Two Meetings to be held in a Year.

And, for the better putting this Act in Execution, be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall meet Twice in every Year; videlicet, upon the Second Wednesday in April, and the Second Wednesday in October, and at such other Time or Times as they shall see Cause or think convenient, and in such Place, in One of the Towns afore-mentioned, as shall be appointed by any Five or more of the said Commissioners, by Notice in Writing signed by any Five or more of them, and affixed upon the Church-door or Church-yard Gate of every the respective Town or Parishes Six Days at least before any such Meeting (the said Notices being first read in the respective Churches on some Lord's Day immediately after Divine Service ended;) the First Meeting to be at the Swan in Bottisham, upon the Third Wednesday after the passing this Act; but the said Commissioners may, from time to time, adjourn themselves, and meet again pursuant to such Adjournment, as often as they shall think proper, without giving such Notice as aforesaid.

Allowance to Commissioners.

Provided always, and it is hereby further enacted, That towards defraying the Expences of the said Commissioners, upon account of their Attendance at any the Meetings to be held as aforesaid for putting this Act in

Execution, a Sum not exceeding One Shilling ſhall be paid by the Collector or Receiver of the Rates and Taxes for each of the ſaid Commiſſioners preſent at any ſuch Meeting, and ſhall be allowed in the Accounts of ſuch Collector or Receiver as ſo much Money paid for the Purpoſes of this Act; any thing herein contained to the contrary notwithſtanding.

Powers of draining.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, or their Succeſſors, are hereby authorized, and ſhall have Power, from time to time, to ſcour out, or ſtop up and turn, ſuch Loads, Cuts, and Drains, and to repair and ſupport ſuch Banks and Sluices, and alſo to make ſuch new Cuts, Drains, Dams, Banks, Tunnels, and Outlets, through the ſaid Fens and Low Grounds, or any Part thereof, ſo bounded and deſcribed as aforeſaid, and to erect ſuch Works and Engines thereupon for draining and conveying the Waters from the ſame; and further to take and uſe ſuch Earth and Ground near or adjoining to the ſaid Banks as ſhall be neceſſary for the making, raiſing, ſtrengthening, and maintaining thereof, as the ſaid Commiſſioners, or the major Part of them, aſſembled at ſuch Meeting or Meetings as aforeſaid, ſhall think neceſſary and proper; and alſo to make Orders and give Directions for carrying on, and for the better Government and more orderly Management, of all the ſaid Works, and the Maintenance thereof.

Satisfaction to be made for Damages.

Provided always, That if the ſaid Commiſſioners ſhall make, or cauſe to be made, any Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work, in or through any Lands or Grounds within the Limits aforeſaid; or erect or make, or cauſe to be erected or made, any Engine or Engines, or other Work thereupon, or ſhall take or uſe any Earth or Ground thereout, they ſhall pay ſuch a reaſonable Satisfaction to the Perſon or Perſons having Right to the ſaid Grounds in or through which ſuch Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work ſhall be made, or whereupon ſuch Engine or Engines, or other Work, ſhall be erected, or from whence ſuch Earth or Ground ſhall be taken or uſed, for the Damage done thereby, as ſhall be agreed upon between the ſaid Commiſſioners aſſembled as aforeſaid, or the major Part of them, ſuch major Part not being leſs than Five, and the Perſon or Perſons having Right to ſuch ſeveral Grounds; and if the ſaid Commiſſioners and ſuch Perſons cannot agree about the Value of ſuch Damage, then as ſhall be aſſeſſed and adjudged reaſonable by the Juſtices of the Peace, or the major Part of

them not intereſted in the Premiſes, or in the Fen Lands to be drained by virtue of this Act, at any General or Quarter Seſſion of the Peace to be held for the ſaid County of Cambridge, within Twelve Months after ſuch Damage ſhall be done.

Navigations not to be changed.

Provided alſo, That if the ſaid Commiſſioners ſhall find it more convenient for the Draining, to turn either Bottiſham, Swaffham Bulbeck, or Reach, Loads, they ſhall turn them into their antient Channels reſpectively, and not otherwiſe; and in ſuch Caſe ſhall cauſe the reſpective old Load to be ſufficiently ſcoured out for Navigation as ſoon as conveniently may be.

Commiſſioners may appoint Officers.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, aſſembled at any ſuch Meeting or Meetings to be held as aforeſaid, ſhall have full Power, and are hereby authorized, to appoint One or more Collector or Collectors, Receiver or Receivers, and ſuch other proper Officer or Officers, with ſuch reaſonable Salaries for making and taking Care of ſuch Works, and for collecting the Rates and Aſſeſſments aſſeſſed, or to be aſſeſſed, by virtue of this Act, as the ſaid Commiſſioners, or the major Part of them (ſuch major Part being not leſs than Five) aſſembled at ſuch Meeting or Meetings, ſhall think proper; which ſaid Collector or Collectors, Receiver or Receivers, or other Officer or Officers to be appointed as aforeſaid, may be altered and removed at the Will and Pleaſure of the ſaid Commiſſioners, or the major Part of them (ſuch major Part being not leſs than Five) aſſembled at any ſuch Meeting or Meetings to be held as aforeſaid, who ſhall and may chuſe and appoint another or others in the Room or Stead of the Perſon or Perſons ſo altered and removed, as they the ſaid Commiſſioners ſhall ſee Occaſion; and ſuch Collector or Collectors, Receiver or Receivers, and other Officer or Officers, ſo to be nominated and appointed as aforeſaid, before he or they ſhall act in the Execution of their ſeveral Offices, ſhall give ſuch Security for the due and faithful Execution of ſuch their reſpective Offices, and for performing the ſeveral Truſts committed to them, as the ſaid Commiſſioners in their Diſcretion ſhall require.

Different Taxes on Lands of different Value.

And whereas, for carrying on and effecting the ſaid Work of draining, and ſecuring the Repayment of ſuch Sum and Sums of Money as ſhall be borrowed for that Purpoſe, it will be neceſſary that certain Taxes ſhould be laid on all the ſaid Fen Lands and Low Grounds, as well the Commons as Severals: And foraſmuch as the ſame are not only very different in the natural Richneſs and

and Barrenneſs of their Soil, but ſome Parts thereof will be more meliorated and improved by being better and more ſecurely drained than others, for which Reaſon it would be unjuſt to charge all the ſaid Fen Lands with an equal Acre Tax: Therefore, for preventing this, and that all the ſaid Fen Lands and Low Grounds may be taxed with as much Indifference and Equality as is poſſible, according to their reſpective Improvements by the Draining; be it enacted by the Authority aforeſaid, That the ſaid Fen Lands and Low Grounds ſhall be rated and taxed by a gradual Acre Tax of Three different Sorts and Values of Land, to be ſet out as herein after appointed.

Tax for the First 2 Years.

But becauſe the ſaid Fen Lands and Low Grounds cannot be ſo ſet out and divided into different Sorts and Degrees before the Water ſhall be wholly, or in great Part, drained from off the ſame; it is hereby enacted, That all and ſingular the ſaid Fen Lands and Low Grounds, and every the ſeveral and reſpective Owner and Owners, Occupier and Occupiers thereof, and Commoners, having Right of Common upon the commonable Parts thereof, ſhall be, and the ſame are hereby, rated, aſſeſſed, taxed, and charged, with the Sum of Two Shillings per Acre for the Firſt Two Years only after paſſing this Act.

Gradual Tax afterwards.

Any be it further enacted, That from and after the End of the ſaid Firſt Two Years, it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, ſuch major Part being not leſs than Five, aſſembled at any Half-yearly Meeting to be held as aforeſaid, to aſſeſs, rate, tax, and charge, all and ſingular the ſaid Fen Lands and Low Grounds, and all and every the reſpective Owner and Owners, Occupier and Occupers thereof, and Commoners having Right of Common on the commonable Parts thereof, with ſuch yearly Sum according to the aforeſaid-mentioned gradual Acre Tax, and not otherwiſe, as they ſhall judge neceſſary for completing and maintaining the aforeſaid Works of draining, ſo that the Rate or Tax ſet upon One Acre of Land of the Firſt Sort does not exceed Two Shillings, the Rate or Tax ſet upon One Acre of Land of the Second Sort Three Shillings, nor the Rate or Tax ſet upon One Acre of Land of the Third Sort, exceed Four Shillings, in any One Year; and ſo that for every Penny charged upon an Acre of Land of the Firſt Sort, Three Half Pence be charged upon an Acre of the Second Sort, and Two Pence upon an Acre of the Third Sort.

Certain Tax to be paid till Debt reduced.

Provided always, and be it enacted, That the Taxes ſo to be aſſeſſed, rated, and charged, upon the ſeveral

Sorts

Sorts and Degrees of Land, ſhall not be leſs than One Shilling, One Shilling and Six Pence, and Two Shillings per Acre reſpectively in each Year, until all the Money which ſhall be borrowed for the Purpoſes of this Act, with the Intereſt thereof, ſhall be diſcharged.

Appointment of Surveyors to claſs Lands.

And, to the End the ſaid Fen Lands and Low Grounds may be more equally tared by the ſaid gradual Acre Tax, be it further enacted by the Authority aforeſaid, That Henry Morley of Ely Eſquire, Thomas Jones of Ely Clerk, Richard Dunthorne, Robert Read of Haddenham, William Hall of Waterbeach, Henry Waddelow of Little Port, and Thomas Thompſon of Stretham, Gentlemen, or any Three or more of them, or in caſe of Death or Refuſal to act, ſo that Three of them cannot be gotten to undertake the aſſorting of the ſaid Lands, then Three Perſons to be appointed by the Commiſſioners for putting this Act in Execution at One of their half-yearly Meetings, are hereby conſtituted and appointed to be Surveyors and Valuers of the ſaid Fen Lands and Low Grounds, and are, within Three Years next after paſſing of this Act, to digeſt the ſaid Fen Lands and Low Grounds, by Schedules in Writing under their Hands, into Three ſeveral Sorts or Degrees of Land, according to which the ſaid Taxation is always afterwards to be made; and the ſaid Surveyors or Valuers ſhall return the Schedule ſo made to the ſaid Commiſſioners upon Oath, the Form whereof ſhall be to the following Effect:

Form of the Oath.

I *A. B.* do ſwear, That, according to the beſt of my Skill and Knowledge, I will faithfully diſcharge the Truſt of ſurveying, ſorting, and dividing, the Fen Lands and Low Grounds particularly deſcribed in an Act of Parliament paſſed in the Seventh Year of the Reign of King *George* the Third, for draining and preſerving certain Fen Lands lying in the South Level, Part of the Great Level of the Fens commonly called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam* and the Hard Lands of *Botiſham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, Eaſt; and for impowering 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, as I, upon my Oath, ſhall think moſt equal.

Which Oath the ſaid Commiſſioners, or any Five or more of them, are hereby authorized to adminiſter; and alſo to allow unto the ſaid Surveyors or Valuers ſuch reaſonable Charges for their Travel and Pains therein, as they the ſaid Commiſſioners ſhall think fit; and with-

Execution, a Sum not exceeding One Shilling ſhall be paid by the Collector or Receiver of the Rates and Taxes for each of the ſaid Commiſſioners preſent at any ſuch Meeting, and ſhall be allowed in the Accounts of ſuch Collector or Receiver as ſo much Money paid for the Purpoſes of this Act; any thing herein contained to the contrary notwithſtanding.

Powers of draining.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, or their Succeſſors, are hereby authorized, and ſhall have Power, from time to time, to ſcour out, or ſtop up and turn, ſuch Loads, Cuts, and Drains, and to repair and ſupport ſuch Banks and Sluices, and alſo to make ſuch new Cuts, Drains, Dams, Banks, Tunnels, and Outlets, through the ſaid Fens and Low Grounds, or any Part thereof, ſo bounded and deſcribed as aforeſaid, and to erect ſuch Works and Engines thereupon for draining and conveying the Waters from the ſame; and further to take and uſe ſuch Earth and Ground near or adjoining to the ſaid Banks as ſhall be neceſſary for the making, raiſing, ſtrengthening, and maintaining thereof, as the ſaid Commiſſioners, or the major Part of them, aſſembled at ſuch Meeting or Meetings as aforeſaid, ſhall think neceſſary and proper; and alſo to make Orders and give Directions for carrying on, and for the better Government and more orderly Management, of all the ſaid Works, and the Maintenance thereof.

Satisfaction to be made for Damages.

Provided always, That if the ſaid Commiſſioners ſhall make, or cauſe to be made, any Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work, in or through any Lands or Grounds within the Limits aforeſaid; or erect or make, or cauſe to be erected or made, any Engine or Engines, or other Work thereupon, or ſhall take or uſe any Earth or Ground thereout, they ſhall pay ſuch a reaſonable Satisfaction to the Perſon or Perſons having Right to the ſaid Grounds in or through which ſuch Bank, Cut, Drain, Dam, Tunnel, Outlet, or other Work ſhall be made, or whereupon ſuch Engine or Engines, or other Work, ſhall be erected, or from whence ſuch Earth or Ground ſhall be taken or uſed, for the Damage done thereby, as ſhall be agreed upon between the ſaid Commiſſioners aſſembled as aforeſaid, or the major Part of them, ſuch major Part not being leſs than Five, and the Perſon or Perſons having Right to ſuch ſeveral Grounds; and if the ſaid Commiſſioners and ſuch Perſons cannot agree about the Value of ſuch Damage, then as ſhall be aſſeſſed and adjudged reaſonable by the Juſtices of the Peace, or the major Part of

them not intereſted in the Premiſes, or in the Fen Lands to be drained by virtue of this Act, at any General or Quarter Seſſion of the Peace to be held for the ſaid County of Cambridge, within Twelve Months after ſuch Damage ſhall be done.

Navigations not to be changed.

Provided alſo, That if the ſaid Commiſſioners ſhall find it more convenient for the Draining, to turn either Bottiſham, Swaffham Bulbeck, or Reach, Loads, they ſhall turn them into their antient Channels reſpectively, and not otherwiſe; and in ſuch Caſe ſhall cauſe the reſpective old Load to be ſufficiently ſcoured out for Navigation as ſoon as conveniently may be.

Commiſſioners may appoint Officers.

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, aſſembled at any ſuch Meeting or Meetings to be held as aforeſaid, ſhall have full Power, and are hereby authorized, to appoint One or more Collector or Collectors, Receiver or Receivers, and ſuch other proper Officer or Officers, with ſuch reaſonable Salaries for making and taking Care of ſuch Works, and for collecting the Rates and Aſſeſſments aſſeſſed, or to be aſſeſſed, by virtue of this Act, as the ſaid Commiſſioners, or the major Part of them (ſuch major Part being not leſs than Five) aſſembled at ſuch Meeting or Meetings, ſhall think proper; which ſaid Collector or Collectors, Receiver or Receivers, or other Officer or Officers to be appointed as aforeſaid, may be altered and removed at the Will and Pleaſure of the ſaid Commiſſioners, or the major Part of them (ſuch major Part being not leſs than Five) aſſembled at any ſuch Meeting or Meetings to be held as aforeſaid, who ſhall and may chuſe and appoint another or others in the Room or Stead of the Perſon or Perſons ſo altered and removed, as they the ſaid Commiſſioners ſhall ſee Occaſion; and ſuch Collector or Collectors, Receiver or Receivers, and other Officer or Officers, ſo to be nominated and appointed as aforeſaid, before he or they ſhall act in the Execution of their ſeveral Offices, ſhall give ſuch Security for the due and faithful Execution of ſuch their reſpective Offices, and for performing the ſeveral Truſts committed to them, as the ſaid Commiſſioners in their Diſcretion ſhall require.

Different Taxes on Lands of different Value.

And whereas, for carrying on and effecting the ſaid Work of draining, and ſecuring the Repayment of ſuch Sum and Sums of Money as ſhall be borrowed for that Purpoſe, it will be neceſſary that certain Taxes ſhould be laid on all the ſaid Fen Lands and Low Grounds, as well the Commons as Severals: And foraſmuch as the ſame are not only very different in the natural Richneſs

and Barrenneſs of their Soil, but ſome Parts thereof will be more meliorated and improved by being better and more ſecurely drained than others, for which Reaſon it would be unjuſt to charge all the ſaid Fen Lands with an equal Acre Tax: Therefore, for preventing this, and that all the ſaid Fen Lands and Low Grounds may be taxed with as much Indifference and Equality as is poſſible, according to their reſpective Improvements by the Draining; be it enacted by the Authority aforeſaid, That the ſaid Fen Lands and Low Grounds ſhall be rated and taxed by a gradual Acre Tax of Three different Sorts and Values of Land, to be ſet out as herein after appointed.

But becauſe the ſaid Fen Lands and Low Grounds cannot be ſo ſet out and divided into different Sorts and Degrees before the Water ſhall be wholly, or in great Part, drained from off the ſame; it is hereby enacted, That all and ſingular the ſaid Fen Lands and Low Grounds, and every the ſeveral and reſpective Owner and Owners, Occupier and Occupiers thereof, and Commoners, having Right of Common upon the commonable Parts thereof, ſhall be, and the ſame are hereby, rated, aſſeſſed, taxed, and charged, with the Sum of Two Shillings per Acre for the First Two Years only after paſſing this Act. Tax for the First 2 Years.

And be it further enacted, That from and after the End of the ſaid First Two Years, it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, ſuch major Part being not leſs than Five, aſſembled at any Half-yearly Meeting to be held as aforeſaid, to aſſeſs, rate, tax, and charge, all and ſingular the ſaid Fen Lands and Low Grounds, and all and every the reſpective Owner and Owners, Occupier and Occupers thereof, and Commoners having Right of Common on the commonable Parts thereof, with ſuch yearly Sum according to the aforeſaid gradual Acre Tax, and not otherwiſe, as they ſhall judge neceſſary for completing and maintaining the aforeſaid Works of draining, ſo that the Rate or Tax ſet upon One Acre of Land of the First Sort does not exceed Two Shillings, the Rate or Tax ſet upon One Acre of Land of the Second Sort Three Shillings, nor the Rate or Tax ſet upon One Acre of Land of the Third Sort, exceed Four Shillings, in any One Year; and ſo that for every Penny charged upon an Acre of Land of the First Sort, Three Half Pence be charged upon an Acre of the Second Sort, and Two Pence upon an Acre of the Third Sort. Gradual Tax afterwards.

Provided always, and be it enacted, That the Taxes ſo to be aſſeſſed, rated, and charged, upon the ſeveral Certain Tax to be paid till Debt reduced.

Sorts

Sorts and Degrees of Land, ſhall not be leſs than One Shilling, One Shilling and Six Pence, and Two Shillings per Acre reſpectively in each Year, until all the Money which ſhall be borrowed for the Purpoſes of this Act, with the Intereſt thereof, ſhall be diſcharged.

Appointment of Surveyors to claſs Lands.

And, to the End the ſaid Fen Lands and Low Grounds may be more equally taxed by the ſaid gradual Acre Tax, be it further enacted by the Authority aforeſaid, That Henry Morley of Ely Eſquire, Thomas Jones of Ely Clerk, Richard Dunthorne, Robert Read of Haddenham, William Hall of Waterbeach, Henry Waddelow of Little Port, and Thomas Thompſon of Stretham, Gentlemen; or any Three or more of them, or in caſe of Death or Refuſal to act, ſo that Three of them cannot be gotten to undertake the aſſorting of the ſaid Lands, then Three Perſons to be appointed by the Commiſſioners for putting this Act in Execution at One of their Half-yearly Meetings, are hereby conſtituted and appointed to be Surveyors and Valuers of the ſaid Fen Lands and Low Grounds, and are, within Three Years next after paſſing of this Act, to digeſt the ſaid Fen Lands and Low Grounds, by Schedules in Writing under their Hands, into Three ſeverat Sorts or Degrees of Land, according to which the ſaid Taxation is always afterwards to be made; and the ſaid Surveyors or Valuers ſhall return the Schedule ſo made to the ſaid Commiſſioners upon Oath, the Form whereof ſhall be to the following Effect:

Form of the Oath.

I *A. B.* do ſwear, That, according to the beſt of my Skill and Knowledge, I will faithfully diſcharge the Truſt of ſurveying, ſorting, and dividing, the Fen Lands and Low Grounds particularly deſcribed in an Act of Parliament paſſed in the Seventh Year of the Reign of King *George* the Third, for draining and preſerving certain Fen Lands lying in the South Level, Part of the Great Level of the Fens commonly called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam* and the Hard Lands of *Bottiſham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, Eaſt; and for impowering 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, as I, upon my Oath, ſhall think moſt equal.

Which Oath the ſaid Commiſſioners, or any Five or more of them, are hereby authorized to adminiſter; and alſo to allow unto the ſaid Surveyors or Valuers ſuch reaſonable Charges for their Travel and Pains therein, as they the ſaid Commiſſioners ſhall think fit; and within

in Ten Days after the ſaid Schedule is returned to the ſaid Commiſſioners (which Return is hereby directed to be made within One Month after the Survey taken, and the different Valuations agreed upon) a true Copy thereof ſhall be affixed on the Doors of the Churches of the reſpective Town and Pariſhes concerned therein, that all Parties aggrieved may take their Exceptions, and give Notice thereof in Writing to the Clerk of the ſaid Commiſſioners, within Thirty Days next after the ſame ſhall be ſo ſet up; and within Forty Days next after ſuch Exceptions taken, may appeal for Relief unto the ſaid Commiſſioners, or any Five or more of them, who are hereby required to meet for that Purpoſe, for altering the ſaid Schedule in the Rates and Values complained of: And in caſe the ſaid Commiſſioners ſhall not, within Forty Days after ſuch Appeal, determine the ſame; or if the Parties ſhall not be ſatisfied with the Determination of the ſaid Commiſſioners, they may appeal unto the Juſtices of the Peace at the next General Quarter Seſſion to be held for the ſaid County of Cambridge, and not afterwards: Which ſaid Juſtices are hereby authorized and required to hear and finally determine ſuch Complaints, and give Relief therein as they ſhall ſee Cauſe.

Provided always, That no Juſtice of the Peace ſhall determine on ſuch Appeal, who has any Intereſt in any of the Fen Lands and Low Grounds within the Limits ſet forth and deſcribed by this Act.

Exemption of High Lands.

Provided alſo, That no Aſſeſſment, Rate, or Tax, ſhall be made, collected, or levied, upon or in reſpect of any High Lands within the Boundaries aforeſaid, which have not been ſubject to Inundations: And if any Diſpute ſhall ariſe whether any ſuch Lands are to be deemed or not deemed High Lands, the ſame ſhall be determined upon View, within Twelve Months after the paſſing of this Act, by Four indifferent Perſons, Two of them to be appointed by the ſaid Commiſſioners at any of their Meetings, and the other Two by the Proprietor or Proprietors of the Lands in Diſpute; which ſaid Four Perſons, before they proceed to determine ſuch Diſpute, ſhall chuſe One indifferent Perſon to determine the ſame, in caſe they ſhall afterwards be equally divided in their Opinions; neither ſhall any Lands or Grounds, which are now actually dug out into Hodd or Turf Pools, be aſſeſſed or charged with more than One Half of the Tax wherewith other Lands of the ſame Sort or Degree ſhall be charged during the Firſt Seven Years after the paſſing of this Act.

And whereas the Poor Inhabitants of ſeveral of the Pariſhes wherein this Diſtrict lies, have certain Commons within the ſaid Diſtrict wherein they uſed to dig their Winter's Firing: And whereas, ſome of the poor Inhabitants of the reſpective Pariſhes make conſiderably more Uſe of the ſaid Commons than others of them do, by reaſon whereof, and of the great Number of Poor who uſe the ſame, it would be very difficult to collect the Taxes charged thereupon from the ſaid Poor themſelves; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners for putting this Act in Execution, or any Five or more of them, to ſet out by Metes and Bounds One Sixth Part of each of the ſaid Commons, to be thereafter held in Severalty by the Commiſſioners for putting this Act in Execution, and their Succeſſors for ever, who ſhall have Power and Authority to ſever and fence in, and to let the ſame at any of their Half-yearly Meetings, and ſhall have the ſame Powers for recovering Rent in Arrear, as other Landlords have by the Laws and Statutes of this Realm; and the Rents and Profits thereof ſhall be applied in common with the Taxes upon other Lands for the making and Maintenance of the ſeveral Works of draining.

Part of Poor's Commons to be taken in lieu of Tax.

And be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſo rated and taxed as aforeſaid, ſhall refuſe or neglect to pay the Rate or Tax charged upon him, her, or them reſpectively, within the Space of Twenty one Days after the reſpective Times of Payment to be appointed by the ſaid Commiſſioners (Publick Notice thereof being affixed upon the Door of the Pariſh Church where ſuch Lands ſhall lie, by the Collector or Receiver of the ſaid Commiſſioners for the time being) it ſhall be lawful for ſuch Collector or Receiver, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the Commiſſioners; which ſaid Warrant or Precept, ſuch Commiſſioners, or any Three or more of them, are hereby impowered and required, from time to time to make, as Occaſion ſhall require; to levy the Sum or Sums ſo aſſeſſed and rated, by Diſtreſs and Sale of ſuch Goods and Chattles as ſhall be found upon all or any of the Grounds and Premiſſes ſo charged with any ſuch Sum or Sums of Money, if any Diſtreſs can be found thereon; and in caſe no ſufficient Diſtreſs can be found on the Premiſſes, it ſhall and may be lawful to and for ſuch Collector or Receiver, or other Perſon or Perſons, by virtue of ſuch Warrant or Precept as aforeſaid, to levy the Sum or Sums ſo rated and in Arrear, by

Power of levying Taxes.

by Diſtreſs and Sale of any Goods and Chattles which ſhall be found upon any other Lands or Tenements in the Occupation of the Perſon or Perſons charged with ſuch Rates and Taxes, and lying within the Limits above deſcribed, and the Goods and Chattles ſo diſtrained, to keep by the Space of Five Days, at the Coſt and Charges of the Owner or Owners thereof; and if ſuch Owner or Owners ſhall not, within the ſaid Space of Five Days, pay the Sum or Sums ſo aſſeſſed or rated, that then the Goods and Chattles ſo diſtrained ſhall be appraiſed by Two or more of the Inhabitants of the Pariſh where the ſame ſhall be taken, or other ſufficient Perſons, and be ſold by the ſaid Collector or Collectors, Receiver or Receivers, for Payment of the ſaid Money; and the Overplus (if any be) coming by ſuch Sale, after the Sum or Sums ſo rated and aſſeſſed, and the Charges of taking, keeping, and ſelling the ſaid Diſtreſs, are deducted, ſhall be returned to the Owner or Owners thereof upon Demand; and the ſeveral and reſpective Tenants of all and ſingular the ſaid Fen Lands and Low Grounds, bounded and deſcribed as aforeſaid, which are or ſhall be aſſeſſed or rated by virtue of this Act, are hereby required and authorized to pay the Sum and Sums of Money which ſhall be ſo aſſeſſed and charged upon ſuch Fen Lands and Low Grounds, and to deduct out of the Rent ſo much of the ſaid Aſſeſſment or Rate, as the ſaid Fen Lands or Low Grounds, or the Tenant or Tenants in reſpect thereof, are or ſhall be aſſeſſed or rated at; and the Landlords both mediate and immediate, according to their reſpective Intereſts, are hereby required to allow ſuch Deduction and Payment, upon Receipt of the Reſidue of their Rent; and every Tenant paying ſuch Aſſeſſment or Rate, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Aſſeſſment or Rate ſhall amount to, as if the ſame had been actually paid to the Perſon or Perſons intitled to the Rents of ſuch Lands or Grounds, except where there is a Leaſe for Three or more Years to come, from the Commencement of this Act; in which Caſe the Proportion of the Aſſeſſment or Rate which the Tenant ought to bear and pay, in Conſideration of the Benefit he receives, ſhall be adjuſted and awarded by Five or more of the Commiſſioners for putting this Act in Execution, who have no Intereſt in the Premiſſes ſo in Leaſe.

And, to the End the full Sum ſo rated or aſſeſſed may be duly anſwered and paid, be it enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall refuſe or neglect to pay, or cauſe to be paid to the Collector or Collectors for the time being, the Sum with which he, ſhe, or they, ſhall be reſpectively charged, by the Space of Two Inforcing Payment of Taxes.

Two Months after a perſonal Demand hath been made thereof, by the ſaid Collector or Collectors; every ſuch Perſon ſhall forfeit and pay the further Sum of Two Shillings for every Twenty Shillings, and ſo in Proportion for any greater or leſs Sum, which ſhall be ſo in Arrear and unpaid, to be levied by Diſtreſs and Sale of his, her, or their Goods and Chattles, in ſuch Manner as the aforeſaid Rates, Taxes, or Aſſeſſments themſelves, are herein and hereby directed to be levied; and the Money ſo forfeited and levied, ſhall be applied towards carrying on the ſaid Works of Draining, and other the Purpoſes of this Act.

For levying Taxes on untenanted Premiſſes.

Provided always, and it is hereby enacted and declared, That in caſe any of the ſaid Fen Lands and Low Grounds ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found 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 and Chattles which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, kept, appraiſed, and ſold in Manner as aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied; and alſo that it ſhall and may be lawful to and for the Collector or Collectors, Receiver or Receivers, for the time being, to enter upon, and let the ſame Lands and Grounds to be mown and fed from Year to Year only, for the beſt Rent that can be gotten for the ſame, and to take the Rents and Profits thereof for the Uſe of the ſaid Commiſſioners, to be applied for the Purpoſes of this Act, until all Arrears of the ſaid Taxes, Rates, and Charges, ſhall be fully ſatisfied and paid, rendering the Overplus of ſuch Rents and Profits (if any) after the diſcharging ſuch Arrears, to the Owner or Owners of ſuch Lands and Grounds.

For Sale of Lands for Taxes.

And be it further enacted, That where any of the ſaid Rates or Taxes ſhall be in arrear and unpaid, by the Space of Two whole Years together, then the ſaid Commiſſioners, or any Five or more of them, at any of their Half-yearly Meetings, ſhall have full Power and Authority to ſell to the beſt Bidder, at a publick Auction, ſo much of the ſaid Lands and Grounds upon which any Tax ſhall be ſo in Arrear, as they the ſaid Commiſſioners ſhall judge ſufficient to raiſe ſuch Taxes, and the Penalties incurred for Non-payment thereof as aforeſaid, by Writing under the Hands and Seals of Five or more of the ſaid Commiſſioners; and the Perſon or Perſons, to whom ſuch Sale ſhall be made, ſhall be a lawful Purchaſer and Aſſignee of ſo much of the ſaid Lands and

and Grounds as ſhall be ſo ſold, to all Intents and Purpoſes whatſoever.

Provided alſo, and be it enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall cauſe perſonal Notice to be given to the Owner or Proprietor, Owners or Proprietors, of the Lands ſo to be ſold, if that can be conveniently done; or ſhall cauſe Notice in Writing to be left at his, her, or their Place or Places of Abode, if ſuch Place or Places be known to the Commiſſioners; or otherwiſe ſhall give publick Notice in the London Gazette and Cambridge News Paper, if any ſuch ſhall be printed; Three Months at the leaſt intervening between the Time of any ſuch Sale and any ſuch perſonal Notice, or between the Day of the Date of any ſuch written or printed Notice or Notices and the Time of any ſuch Sale as aforeſaid. For giving Notice to Owners of Lands to be ſold.

Provided, That by colour of ſuch Sale no Tenant or Tenants at Will, or by Leaſe at an improved Rent, ſhall be removed from his or their Poſſeſſion, until he or they ſhall have taken the Crop from off the Premiſſes ſo ſold, paying reaſonable Rent to the Purchaſer, proportionable to the Time that ſuch Poſſeſſion ſhall be continued after ſuch Sale as aforeſaid; and alſo, that ſuch Tenant or Tenants by Leaſe as aforeſaid ſhall and may, if he or they ſhall think fit, continue out their reſpective Terms, paying the Rent to ſuch Purchaſer, in Proportion to the Quantity of Land ſo purchaſed; any thing herein contained to the contrary notwithſtanding. Proviſo.

Provided alſo, That the ſaid Commiſſioners ſhall cauſe a Schedule of the Lands ſo to be ſold for Taxes in Arrear, to be affixed upon the Church Door of the Pariſh where the Land ſhall lie, Three ſeveral Sundays before the Day of Sale. Notice of Sale.

And, foraſmuch as the Money ſo to be rated, levied, collected, and gathered, as aforeſaid, will not be ſufficient to defray the immediate Expences of making ſuch Banks, Cuts, Drains, Dams, Tunnels, and Outlets, and for erecting ſuch Engines and other Works as ſhall be neceſſary for draining, and for the ſpeedy Improvement of, the ſaid Fen Lands and Low Grounds; be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or the major Part of them (ſuch major Part being not leſs than Seven) aſſembled at any publick Meeting to be held as aforeſaid, ſhall and may, and are hereby impowered, from time to time, to borrow any Sum or Sums of Money which they ſhall think neceſſary, for the making, carrying on, repairing, and preſerving, of the ſaid Works; and, by Writing under their Hands and Seals, without Stamps, to aſſign over Power to borrow Money.

the ſaid yearly Rates and Taxes hereby charged, or to be charged, upon the ſaid Fen Lands and Low Grounds, and every or any Part thereof (the Coſts and Charges of the Aſſignments to be paid out of the ſaid Taxes) as a Security for Repayment of ſuch Sum or Sums, with Intereſt not exceeding Five Pounds per Centum per Annum, to the Perſon or Perſons who ſhall advance or lend ſuch Sum or Sums, his, her, or their Truſtee or Truſtees; which Money ſo to be borrowed ſhall, in the Firſt Place, be applied to defray the Expences of obtaining this Act of Parliament; and that the Reſidue of the Money ſo to be borrowed ſhall be applied and diſpoſed of in making ſuch Cuts, Drains, Dams, Banks, Tunnels, and Outlets, and erecting ſuch Works and Engines, as will be neceſſary for draining and improving the ſaid Fen Lands and Low Grounds, and to no other Uſe or Purpoſe whatſoever.

Security.

And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money, to be aſſeſſed by virtue of this Act upon the ſaid Fen Lands and Low Grounds, ſhall be charged and chargeable, in the Firſt Place, with the Payment of the Principal Money ſo to be borrowed, and the Intereſt of ſuch Money from time to time, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch Principal and Intereſt, until the ſame ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall have the ſame Power, Rights, and Privileges, of raiſing and recovering the ſeveral Taxes and Sums of Money payable by the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, for and in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid Commiſſioners, or their Collectors, could have had in caſe the ſaid Principal and Intereſt had been regularly and fully ſatisfied and paid.

Securities transferrable.

Any be it further enacted, That every Perſon to whom any Aſſignment of the ſaid Rates and Taxes ſhall be made, for ſecuring any ſuch Sum or Sums of Money lent as aforeſaid, or who ſhall be intitled to the Money thereby ſecured, ſhall have full Power, from time to time, by Indorſement on the original Grant or Security, without Stamps, to aſſign or transfer the ſame to any Perſon or Perſons whomſoever; and ſuch Transfer or Aſſignment, from and after the Time that the ſame is entered in a Book to be kept by the ſaid Commiſſioners for that Purpoſe (which Entry their Clerk or Treaſurer

Treaſurer is hereby required to make upon producing ſuch Aſſignment, and Payment of One Shilling for the ſaid Entry) ſhall intitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the ſaid Principal Sum, and all the Intereſt due or to grow due thereupon; and ſuch Aſſignee or Aſſignees may in like Manner aſſign again, and ſo toties quoties, as Occaſion ſhall require, every ſuch Aſſignment being entered as aforeſaid.

Penalty on Perſons deſtroying Banks, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, wilfully and maliciouſly cut, throw down, or otherwiſe deſtroy, or cauſe or procure, or hire, any Perſon or Perſons to cut, throw down, or otherwiſe deſtroy, any Bank, Mill, Engine, Flood-gate, or Sluice, which, at any Time or Times hereafter, ſhall be making and erecting, or made or erected, for draining and improving the ſaid Fen Lands and Low Grounds as aforeſaid, and ſhall be thereof lawfully convicted, ſuch Perſon or Perſons ſhall be adjudged guilty of Felony; and the Court, by or before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall and hereby have Power and Authority to tranſport ſuch Perſon or Perſons for Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm: And if any Perſon or Perſons ſhall, at any Time or Times hereafter, wilfully or maliciouſly deſtroy, ſtop, dam up, ſpoil, or damage, or cauſe, procure, or hire, any Perſon to deſtroy, ſtop, dam up, ſpoil, or damage, any Drain, Watercourſe, Tunnel, Bridge, or other Work or Works, which, at any Time or Times hereafter, ſhall be making or erecting, or made or erected, for anſwering the Purpoſes aforeſaid; or ſhall lay or throw, or place, any Rubbiſh, or any other Obſtruction, therein, or cauſe, procure, or hire, any Perſon to lay, throw, or place, any Rubbiſh therein, within the Limits aforeſaid; every Perſon ſo offending, and being thereof convicted on the Oath of One or more credible Witneſs or Witneſſes, ſhall be, and is hereby declared to be guilty of a high Crime and Miſdemeanor.

Reſtraining the erecting of Engines for throwing Water into *Reach Old Load*, or *Burwell* or *Wicken* Fens.

Provided always, and be it enacted, That the ſaid Commiſſioners ſhall not erect, or cauſe to be erected, any Engine or Engines, for draining or throwing the Water from off the ſaid Fen Lands and Low Grounds into Reach Old Load, or into any other Load, Cut, Ditch, or Drain, without the Boundary of the ſaid Fen Lands and Low Grounds; nor ſhall, by any Means whatſoever, ſuffer any Water to run through any Load, Cut, Ditch, or Drain, made or to be made within the Boundary

dary of the Fen Lands and Low Grounds aforeſaid, which ſhall or may diſcharge itſelf into Reach Old Load, or any Part of Burwell or Wicken Fens, unleſs the Owners or Proprietors of thoſe Fen Lands ſhall, at any Time hereafter, cauſe the ſaid Reach Old Load to be imbanked on the Burwell Side, and ſhall throw the Waters of Burwell or Wicken Fens into any Part thereof, or ſhall otherwiſe uſe the ſame, in ſuch Caſe, the Commiſſioners, appointed for putting this Act in Execution, ſhall be, and they are hereby declared to be inveſted with all and the ſame Powers which the ſaid Owners or Proprietors of Burwell and Wicken Fens ſhall uſe or exerciſe in reſpect to the ſaid Reach Old Load, to all Intents and Purpoſes whatſoever.

Commiſſioners to make and keep up a Partition Bank on the South Weſt Side of *Reach Old Load.*

And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners ſhall, and they are hereby required to make, keep up, maintain, and repair, or cauſe to be made, kept up, maintained, and repaired, out of the Monies collected by virtue of this Act, or to be borrowed on the Credit thereof, from time to time, and at all Times hereafter, a ſtrong and ſubſtantial Diviſion or Partition Bank at ſuch fit Place on the South Weſt Side of Reach Old Load, as to the ſaid Commiſſioners ſhall appear moſt ſafe and convenient, from the Hard Lands of Swaffham Eaſt to the Bank of the River Cam, otherwiſe Grant, on the Weſt; and that they ſhall not at any Time, or upon any Occaſion whatſoever, cut through or let down any Part of the ſaid Bank, or permit to be cut through or let down any Part of the ſaid Partition or Diviſion Bank.

To prevent carting on Banks, *&c.*

And it is hereby further enacted, That if any Perſon or Perſons ſhall at any Time make, or cauſe to be made, any Watering-place, or Place of Acceſs for Cattle to drink, in any of the Mill-drains within the ſaid Fen Lands or Low Grounds, or ſhall continue to uſe any ſuch Watering-place already made, after Notice in Writing to the contrary thereof given to him, her, or them, by any Two or more of the ſaid Commiſſioners; or if any Perſon or Perſons ſhall drive, or cauſe to be driven, any Waggon, Cart, or other Carriage, upon any Bank which ſhall be made or maintained by virtue of this Act (unleſs ſuch Bank hath been of Right uſed as a Cart-way, or be made upon a Common Drove-way, and a ſufficient Paſſage ſhall not be left along the Side of the ſaid Bank) every Perſon or Perſons ſo offending, being thereof convicted before One Juſtice of the Peace for the ſaid County of Cambridge, on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party offending, ſhall forfeit, for

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for every ſuch Offence, the Sum of Ten Shillings to the ſaid Commiſſioners, to be applied as aforeſaid, and to be levied by Diſtreſs and Sale of the Goods and Chattles of every ſuch Offender or Offenders, by Warrant under the Hand and Seal of the ſaid Juſtice before whom ſuch Conviction ſhall be made.

Owners to ſcour Ditches.

And be it further enacted, That all Owners and Occupiers of any of the ſaid Fen Lands or Low Grounds intended to be drained by virtue of this Act, ſhall make, and from time to time, and at all Times hereafter, keep, all the Groveway, Dutring or Diviſion Dykes, belonging to the ſaid Lands reſpectively, Eight Feet wide at the Top, Five Feet wide at the Bottom, and Three Feet and a Half deep from the level Soil; and ſhall alſo, from time to time, and at all Times thereafter, cauſe the ſaid Dykes to be well and effectually roded, ſcoured, and cleanſed, from Weeds and other Obſtructions; and if any ſuch Owner or Occupier ſhall refuſe or neglect to make, or ſufficiently to rode, ſcour, and cleanſe, ſuch Groveway, Dutring or Diviſion Dyke, after Twenty one Days Notice given to him, her, or them, for that Purpoſe, by the reſpective Collector or Collectors, Receiver or Receivers, for the time being, appointed by virtue of this Act; then it ſhall be lawful for ſuch Collector or Collectors, Receiver or Receivers, to cauſe ſuch Dyke to be made, roded, ſcoured, or cleanſed, in a ſufficient Manner; and where there is not a ſufficient Tunnel under any Way made, or to be made over the ſame, to cauſe thoſe Ways to be taken up and made ſo wide and deep as the Dyke ought to be; and, by Warrant or Precept under the Hands and Seals of Five or more of the ſaid Commiſſioners (which Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby impowered and required, from time to time, to make, as Occaſion ſhall require) to levy the Charge thereof by Diſtreſs and Sale of any Goods and Chattles which ſhall be found upon the Ground and Premiſſes to which ſuch Dyke or Dykes, Way or Ways, doth or do or ſhall reſpectively belong (over and above the other Rates and Taxes chargeable, or to be charged, upon the ſame Ground and Premiſſes by virtue of this Act) rendering the Overplus (if any) to ſuch Owner or Owners, Occupier or Occupiers, when demanded, after all Charges paid.

For inſpecting Accounts.

And, to the End it may appear clearly what Money has been raiſed, from time to time, by virtue of this Act, and that the Owners and Occupiers of the ſaid Fen Lands and Low Grounds may be ſatisfied that the Monies ſo raiſed have been duly applied, be it further enacted,

ed, That Once in every Year (to wit) At the half-yearly Meeting to be held upon the Second Wedneſday in April, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five or more of them, of the Receipts and Diſburſements of ſuch Money as ſhall have been raiſed by virtue of this Act, to the Twenty fifth Day of March then next preceding, and all Accounts relating to the ſame, ſhall be then, or within Ten Days after, made up and ſettled by the ſaid Commiſſioners, or any Five or more of them, then aſſembled at ſuch Meeting as aforeſaid; at which Times the reſpective Collector or Collectors, Receiver or Receivers of the ſaid Rates and Sums of Money to be raiſed as aforeſaid, are hereby required to attend with proper Books of Accounts of their reſpective Receipts and Diſburſements, and all Vouchers for the ſame; and upon Conſideration and Examination upon Oath (which Oath any of the ſaid Commiſſioners is hereby impowered to adminiſter) the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to allow and paſs the ſaid Accounts as they ſhall think fit, or ſuch Part or Parts of the ſame as they ſhall ſee juſt and reaſonable; and ſuch Account or Accounts, or ſuch Part or Parts of them as ſhall be allowed by the ſaid Commiſſioners, or any Five or more of them, under their Hands, ſhall be entered in Two ſeveral Books to be kept for that Purpoſe; One of which ſhall remain with the ſaid Commiſſioners, and the other ſhall be kept in the Pariſh Church of Swaffham Saint Mary; and any of the ſaid Books ſhall and may be inſpected and peruſed without Fee or any other Reward, at any Time at reaſonable Hours, by any Perſon requiring the ſame, being an Owner of any of the Fen Lands or Low Grounds in the ſaid Diſtrict.

For deſtroying Moles.

And, to the End that the Banks to be raiſed or maintained by virtue of this Act, may be the better preſerved, be it further enacted by the Authority aforeſaid, That if the Owner or Owners, Occupier or Occupiers of any of the ſaid Fen Lands or Low Grounds adjoining or near to ſuch Bank or Banks, ſhall neglect or refuſe to catch or deſtroy the Moles in ſuch Lands, after Ten Days Notice given to him, her, or them, for that Purpoſe, by any Officer appointed by any Two of the ſaid Commiſſioners, then it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to employ ſome Perſon or Perſons to catch and deſtroy the ſame; and by Warrant or Precept under their Hands and Seals (which Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby impowered and required, from time to time, to make, as Occaſion ſhall require) to levy the uſual Charge of catching ſuch Moles, by Diſtreſs and Sale of the Goods,

Goods, Chattles, or Cattle, which ſhall be found upon the Grounds and Premiſſes reſpectively, whereon ſuch Moles ſhall be caught, over and above the other Rates and Taxes charged, or to be charged, upon the ſame by virtue of this Act, and in the ſame Manner as the ſaid Rates and Taxes as herein before directed to be levied, together with the Charges of making, keeping, and ſelling ſuch Diſtreſs, rendering the Overplus (if any be) to ſuch Owner or Owners, Occupier or Occupiers reſpectively, after all Charges paid.

For deſtroying Plantations near Mills.

And, in order that the Mills and Engines to be erected or employed by virtue of this Act, may the better anſwer the Purpoſes for which they are intended, be it further enacted by the Authority aforeſaid, That no Trees or Holts ſhall be planted, or Building erected, nearer to any Mill or Engine erected or employed for the Purpoſes of this Act, than Two hundred Yards; and if any Trees or Holts ſhall be planted, or Building hereafter erected, within the Diſtance aforeſaid, then it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe ſuch Trees and Holts to be taken up and carried away, and ſuch Building to be pulled down and removed; and it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe any Trees or Holts which ſhall be growing within the Diſtance of Two hundred Yards from any Mill to be erected or employed for the Purpoſes of this Act, at the Time ſuch Mill or Engine ſhall be firſt erected or uſed, to be cut down; making ſuch Satisfaction to the Owner of ſuch Trees or Holts as ſhall be agreed upon between ſuch Owner and the ſaid Commiſſioners, or any Five or more of them, or as ſhall, in caſe of any Difference, be aſcertained by the Juſtices of the Peace within Six Months after cutting down ſuch Trees or Holts, at any Quarter Seſſion to be held for the ſaid County of Cambridge.

For making Staunches.

And whereas Part of the ſaid Fen Lands, lying near the Skirts of the High Land, are higher in their Situation than the reſt, and it is apprehended that ſuch Lands, if the Sewers ſhould lie in Common, may be made too dry by ſuch Time as the loweſt Lands are well drained; therefore, for the avoiding this Inconvenience, be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to erect Staunches or Overfalls, at proper Places in the Drains or Dykes leading from ſuch Lands, as they the ſaid Commiſſioners ſhall, in their Diſcretion, judge neceſſary, for the keeping up a ſufficient Head of Water for the Benefit of ſuch Lands.

Provided

Allowing Mills with Consent of Commissioners.

Provided always, and it is hereby further enacted, That it shall be lawful for the Owners and Occupiers of such Parts of the said Fen Lands and Low Grounds as shall be Arable, or have been actually dug up in Turf, to erect Horse Mills thereon, or by Licence in Writing under the Hands and Seals of Seven or more of the Commissioners for putting this Act in Execution, at One of their Half-yearly Meetings only, such other small Engines as shall be particularly specified in their respective Licences, in order to drain the said Lands so as to preserve the said Crops, or to render the Land so dug up useful, and for no other Purpose whatsoever; but if any Engine so set up, shall afterwards be found injurious to any of the adjacent Lands, then, and in that Case, it shall and may be lawful for any Person or Persons, by Order of the said Commissioners, or any Nine or more of them, at any of their Meetings held as before directed, to take down and carry away such Engine, and to convert the Materials thereof to his or their own Use, paying to the Owner or Owners of the said Engine such Sum, not exceeding Thirty Pounds for any One Engine, as the same shall be valued at by Two indifferent Persons to be appointed by the Justices of the Peace at the next General Quarter Session to be held for the County of Cambridge.

And whereas the several Parishes wherein this District lies, consist chiefly of common Arable Lands in open Fields, with very little Pasture (except the Fen Grounds) whereon to maintain and feed Cattle for furnishing Manure for the Arable Lands, so that it will be greatly for the Benefit of the said Towns, that the Fen Lands should not be farther destroyed, by digging them out into Hods or Turf, than they at present are: And whereas it will be necessary to borrow large Sums of Money for the Purposes of this Act; therefore, to preserve the said Lands, and to the Intent that the Taxes charged thereupon may not be diminished, nor the Security of the Creditors lessened, Be it enacted, That no Person or Persons shall dig, or cause to be dug, any Hods, Culpins, or Turf, in any of the Fen Lands or Low Grounds taxed by virtue of this Act, except it be in Partition Dykes not exceeding Nine Feet in Width, already made, or which hereafter may be made, for dividing any of the said Grounds into Pieces, such Pieces not to consist of less than Five Acres; or in commonable Places where Turf has been usually dug, such Hods, Culpins, or Turf so dug, to be spent only in the Township or Parish where the same shall be dug, under the Penalty of Twenty Shillings for every Thousand of Turf otherwise sold, given, or spent; to be levied by Distress and Sale of the Goods and Chattles

To limit the digging of Turf.

of

of the Seller or Giver, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of Cambridge, to the Uſe of the Informer: And if any Rods, Culpins, or Turf, ſhall be dug within the ſaid Diſtrict, otherwiſe than as aforeſaid, then it ſhall and may be lawful for any Perſon or Perſons who ſhall be appointed for that Purpoſe, by Writing under the Hands of any Two or more of the Commiſſioners, to go upon the Premiſſes, and to throw the ſaid Rods, Culpins, or Turfs ſo cut, into the Pools or Pits from whence the ſame were taken, and to fill the ſaid Pools or Pits with the ſaid Turf and other Earth which ſhall have been taken thereout.

And whereas the Navigation from the River Cam, otherwiſe Grant, through the ſaid Fens and Low Grounds, to the ſeveral Towns of Bottiſham, Swaffham-Bulbeck, Swaffham-Prior, and Reach, has for many Years paſt been carried on with Difficulty, for want of ſcouring out the ſeveral Loads and Drains through which the ſaid Navigations paſs, and for want of good Towing-paths by the Sides of the ſaid Loads and Drains, which cannot be effected without a conſiderable Expence: Therefore, be it enacted by the Authority aforeſaid, That there ſhall be paid to the Commiſſioners for putting this Act in Execution, at each of the Sluices called Bottiſham and Swaffham Sluices, and alſo at ſome convenient Place in Reach Load, to be appointed by the ſaid Commiſſioners at any of their Half-yearly Meetings,

For every Chaldron of Coals, for every Hundred of Battens, for every Half Hundred of other Deals, for every Ton of Timber, for every Five Quarters of Wheat, Rye, or Meſſedine, for every Laſt of Oats, Barley, or Malt, for every Thouſand of Bricks, for every Two thouſand of Tiles, for every Five hundred of Sedge, for every Two thouſand of Turf, for every Chaldron of Lime, for every Laſt of Seeds, for every Half Ton of Iron or Lead, for every Hogſhead of Wine, and for every Ton Weight of other Goods, Wares, or Merchandizes whatſoever, Two Pence; and ſo proportionably for any greater or leſs Quantity. Tolls on Navigation on the Loads.

Which ſaid Sums, ſhall and may be demanded and taken in the Name of, or as a Toll or Duty; and ſhall be paid by every Perſon who ſhall carry or convey any Goods through the ſaid Sluices, or up or down the Load commonly called Reach Load; and all Perſons ſo carrying or conveying any Goods, are hereby required to give a true Account to the Collector of ſuch Toll, upon Demand, of all Goods by them reſpectively carried; and the Mo-

nies ſo to be received ſhall be applied and diſpoſed of in repairing the reſpective Sluices, deepening the reſpective Loads and Drains, or making new Cuts inſtead thereof, and making Banks by the Sides of ſuch Loads or Cuts, and to no other Uſe or Purpoſe whatſoever: And in caſe of Neglect or Denial of Payment of the ſaid Toll or Duty, on Demand, the Collector or Collectors thereof, to be appointed by the ſaid Commiſſioners, are hereby authorized and required to ſeize and detain any of the ſaid Goods or Commodities, or the Veſſels carrying the ſame, until Payment of the ſaid Tolls or Duties; and if the ſaid Toll ſhall not be paid within Two Days after ſuch Seizure, then to cauſe the ſame to be appraiſed and ſold for Payment thereof, in like Manner as Goods ſeized for Non-payment of Taxes are before directed to be.

Certain Goods liable to Half Toll.

Provided always, and be it enacted, That all and all Manner of Perſons navigating through the Sluice called Reach, otherwiſe Upweer Sluice, who ſhall hale with an Horſe or Horſes upon any Bank to be made under the Authority of this Act, againſt Burwell Load, and the Goods by them reſpectively carried, ſhall be liable to One Half of the ſaid Toll, to be levied as above directed; except the Commiſſioners at One of their Half-yearly Meetings ſhall compound with any ſuch Navigator for a leſs Sum.

Tolls may be leſſened.

Provided alſo, and be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, at any of their Half-yearly Meetings aforeſaid, ſhall have full Power and Authority from time to time, to leſſen or reduce the ſaid Tolls as they ſhall find ſufficient for the Purpoſes aforeſaid; and alſo to raiſe and augment the ſame again as Occaſion ſhall require, ſo as no greater Tolls be at any Time demanded or taken than are above ſpecified.

For ſetting up Staunches.

And whereas it may be neceſſary, for carrying on Navigation in the ſaid Loads in dry Seaſons, to ſet Staunches therein for holding up the Water, it is hereby further enacted, That it ſhall and may be lawful for any Perſon or Perſons, uſing the ſaid Navigations, to erect ſuch Staunches in either of the ſaid Loads as they, or any of them, ſhall think proper, ſo that no Head of Water be kept up thereby within Six Inches of the Surface of any of the adjacent Lands, under the Penalty of Five Pounds for every Offence, to be levied by Diſtreſs and Sale of the Goods and Chattles of the Offender, or Maſter of the Gang, for whoſe Uſe the ſaid Staunch was ſet, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of Cambridge, and to be applied to the General Purpoſes of this Act.

And

And whereas the East Bank of the River Grant, between Clayhithe Sluice and Hardridge Common Gate, is by length of Time become so ruinous and decayed that Horses cannot pass with Safety thereon; and also, whereas the said Bank (though not absolutely necessary for the Draining) may be conveniently repaired under the Powers and Authorities of this Act, but will be attended with a considerable Expence: Therefore, towards defraying the same, be it enacted, That the Commissioners for putting this Act in Execution, are hereby authorized to erect a Turnpike or Turnpikes at such Place or Places on the East Bank of the River Grant, within this District, as to them shall seem most convenient, so that no Horse or other Beast be thereby liable to a double Charge for passing once directly up or down the said Bank; and thereat to demand and take as a Toll, before any Beast shall be permitted to pass through the same,

Toll on River Bank.

For every Horse or other Beast haling a Boat or Boats, Two Pence.

For every other Horse, Mare, Gelding, Mule, or Ass, passing on the said Bank, One Penny.

For every Drove of Neat Cattle, Ten Pence per Score.

And for every Drove of Calves, Sheep, or Lambs, Five Pence per Score; and so in Proportion for any less Number.

To be laid out only in repairing the said Bank, and for no other Purpose whatsoever: And in case of Neglect or Denial of Payment of the said Toll on Demand, the Collector or Collectors thereof (to be appointed by the said Commissioners) are hereby authorized and required to seize and detain any Horse, or other Beast, upon which such Toll is hereby imposed; and the same to keep, appraise, and sell for Satisfaction thereof, as is herein before directed in respect of the Taxes set and imposed by virtue of this Act.

Commissioners to compound.

Provided always, That the said Commissioners, or any Five or more of them, at any of their Half-yearly Meetings as aforesaid, shall have full Power and Authority to compound with Persons haling on the said Bank for the said Tolls; and also, from time to time, to lessen and reduce the said Toll as they shall find sufficient for the Purposes aforesaid; and to raise and augment the same again, as Occasion shall require, so as no greater Tolls be at any Time demanded or taken than are above expressed.

To let Tolls. And be it further enacted, That the said Commissioners, or any Five or more of them, at any of their half-yearly Meetings, may let all or any of the Tolls hereby granted on Lease by publick Action to the best Bidder, for any Time not exceeding Three Years; Notice in Writing of such Letting being affixed upon the Church Doors of the several Parishes wherein this District lies, Ten Days at least before such Meeting.

Appointing Fen Reeves. And, for the better Improvement of the said Fen Lands and Low Grounds, and more orderly Management of the commonable Parts thereof, be it enacted by the Authority aforesaid, That it shall and may be lawful for the Inhabitants who have Right of Common, or who are Owners of Lots or Doles in the said Parishes, to meet in their respective Churches on the Thursday before Christmas-day in every Year, and then and there chuse, by a Majority of Voices, Two Fen Reeves, Commoners and Dwellers in the respective Town or Parish for which they shall be chosen, to continue in the said Office for One Year, and no longer; which Office the Persons so chosen are hereby required to take upon themselves within One Week after their Election, upon Pain of forfeiting Five Pounds a-piece for the Purposes of this Act; to be levied by Distress and Sale of their Goods and Chattles, by Warrant under the Hands and Seals of any Three Commissioners for putting this Act in Execution.

Power of Fen Reeves. And be it further enacted, That the said Fen Reeves shall be and they are hereby impowered and required, from time to time, to impound all Cattle fed and depastured upon any of the said Commons contrary to Right or accustomed Usage, and all Sheep that shall be fed and depastured upon any Drove-way within the said Fens, and to take One Shilling a-piece for all Neat Cattle or Horses, and Three Pence for every Sheep, so offending; and that it shall not be lawful for any Person or Persons to mow, or cause to be mown, any of the said Drove-ways, unless the same be done under the Direction of the said Fen Reeves, for the Purpose of applying what shall be so mown for the Amendment and Repair of the said Drove-ways; and also that the said Fen Reeves shall and may cause the said Drove-ways to be amended, and the common Ditches and Drains to be cleaned and scoured out, and, with the Consent of the Commoners and Occupiers of Fen Lands in their respective Parishes, or the major Part of them who shall assemble upon Notice to be given in their respective Churches, may make a Rate upon the Occupiers of the

ſaid Commons and Fen Lands within the reſpective Pariſhes; which being allowed by One Juſtice of the Peace for the ſaid County of Cambridge, may, in caſe of Refuſal or Neglect of Payment, be levied by Diſtreſs and Sale of any Goods and Chattles of the Perſon or Perſons charged therewith: And that the ſaid Fen Reeves, or ſuch of them as receive any Money, either by Rate or otherwiſe, belonging to the ſaid Office, ſhall, within One Week after the End of the Year for which he ſhall be ſo choſen, and have ſerved, make a full, true, and perfect Account, of his Receipts and Diſburſements in the ſaid Office, and pay the Balance thereof (if any ſhall remain) to the next ſucceeding Fen Reeves for the ſaid Pariſh, or One of them; in which ſaid Account, it ſhall be lawful for each of the ſaid Fen Reeves to charge and retain in their Hands the Sum of Twenty Shillings for their Care and Pains in the Premiſſes. Fen Reeves to account.

Provided always, and it is hereby further enacted, That this Act, or any thing therein 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 Draining 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 Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made. Preſerving Rights of the Corporation of *Bedford Level*.

And whereas by the ſaid Act of the Fifteenth Year of King Charles the Second, it was, amongſt other Things, enacted, That the Governor, Bailiffs, and Conſervators of the ſaid Great Level, ſhould have Power to lay Taxes upon the Ninety five thouſand Acres of Land (allotted as a Recompence for the Draining of the ſaid Great Level) for the Support, Maintenance, and Preſervation of the ſaid Great Level, and to levy the ſame, with Penalties for Non-payment; and that the ſaid Go-

vernor, Bailiffs, and Conſervators, ſhould have Power to ſell ſo much of ſuch Parts and Proportions of the ſaid Ninety five thouſand Acres, upon which any Tax ſhall be in Arrear, or Penalties, in ſuch Proportions as the ſaid Governor, Bailiffs, and Conſervators, ſhould judge to be ſufficient to raiſe ſuch Taxes and Penalties: And whereas ſeveral Parcels of the ſaid Ninety five thouſand Acres of Land lying within the Diſtrict herein before deſcribed, were, at different Times, put up to Sale, in purſuance, and according to, the Directions of the before recited Act of the Fifteenth of King Charles the Second, intituled, An Act for the Taxing and Aſſeſſing of the Lands of the Adventurers within the Great Level of the Fens, in order to raiſe the Taxes and Penalties in Arrear for and in reſpect of the ſaid Lands; but the ſame not being thought worth the Taxes and Penalties due thereon, ſuch Lands could not be ſold ſo as to raiſe ſuch Penalties and Taxes; and the ſaid Governor, Bailiffs, and Conſervators, having directed their Officers, from time to time, to bid for ſuch Lands as could not be ſold for the Amount of the Taxes and Penalties reſpectively due thereon, they the ſaid Officers became the Purchaſers of ſuch Lands, and have either conveyed the ſame to the ſaid Governor, Bailiffs, and Commonalty, or declared ſuch Purchaſes to have been made in Truſt for the ſaid Corporation; and the Lands ſo purchaſed have, ever ſince ſuch Purchaſes reſpectively made thereof, remained veſted in the ſaid Corporation, and are called Inveſted Lands, and have been annually rated and aſſeſſed to the Taxes laid upon the ſaid Ninety five thouſand Acres, according to their reſpective Proportions, in purſuance of the ſaid Acts of the Fifteenth and Twentieth of King Charles the Second; but ſuch Taxes not having been raiſed or paid, the ſaid Corporation have, from time to time, let ſuch Inveſted Lands, or ſuch Parts of them as they could find Tenants for, at ſuch Rents as could be procured for the ſame; but the Profits ariſing from the Lands ſo let have been very ſmall and inconſiderable, and much leſs than the Taxes with which ſuch Lands have been aſſeſſed: And whereas it will be for the Benefit of the ſaid Corporation that the ſaid Inveſted Lands ſhould be ſold for the beſt Price that can be got for the ſame, diſcharged of all Arrears of Taxes aſſeſſed, or to be aſſeſſed, thereon, before the ſaid Lands ſhall be ſold, by virtue of the ſaid Acts of the Fifteenth and Twentieth Years of King Charles the Second, but ſubject nevertheleſs in like Manner, as the reſt of the ſaid Ninety five thouſand Acres, to the Taxes to be aſſeſſed by virtue of

Acts for *Bedford Level* recited.

the ſaid Acts, after the ſaid Lands ſhall be ſold; be it further enacted, That it ſhall be lawful for the ſaid Governor, Bailiffs, and Conſervators, or any Five or more of them, whereof the ſaid Governor or Bailiffs, or any of them, to be Two, to cauſe the ſaid Inveſted Lands to be publickly ſold by Auction, in Lots as they now lie, to the beſt Bidders, at the Shire Houſe in Ely, at the next April Meeting, or Seſſion of Sewers in October, to be there held; of which Sale or Sales publick Notice ſhall be given in the London Gazette, and alſo in the Cambridge and Ipſwich Journals, if ſuch News Papers ſhall then continue to be publiſhed; and ſhall alſo be affixed in Writing, under the Seal of the ſaid Corporation, at or upon the ſaid Shire Houſe, Two Months at the leaſt intervening between the Time of any ſuch Sale and the Day of the Date of any ſuch Notice; and that after any of the ſaid Lands ſhall be ſo ſold, the ſaid Governor, Bailiffs, and Conſervators, or any Five or more of them, as aforeſaid, ſhall grant or convey, under the Seal of the ſaid Corporation, the Lands ſo ſold to the reſpective Purchaſers thereof, freed and diſcharged of and from all Rates and Taxes which, at any Time before ſuch Sale, ſhall have been rated or charged upon the ſaid Lands, by virtue of the ſaid Acts of the Fifteenth and Twentieth Years of King Charles the Second, or of any other Act or Acts of Parliament now in Force relating to the ſaid Great Level; and every ſuch Grant or Conveyance ſhall be valid and effectual, to all Intents and Purpoſes, as if ſuch Lands had been ſold for Nonpayment of Taxes, purſuant to the ſaid Acts of the Fifteenth and Twentieth Years of King Charles the Second. For ſelling inveſted Lands.

Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower the ſaid Corporation to diſcharge the ſaid Inveſted Lands, or any Part thereof, from any Rates or Taxes which the ſame ſhall, after Sale thereof as aforeſaid, be liable to be rated or aſſeſſed with, by virtue of the ſaid Acts of the Fifteenth and Twentieth of King Charles the Second, or by any other Act or Acts of Parliament whatſoever, relating to the ſaid Great Level; but that the ſaid Inveſted Lands, after they ſhall be ſo ſold, ſhall be liable to be rated and aſſeſſed in the ſame Manner as they were before the making of this Act; any thing herein before contained to the contrary notwithſtanding. Not to diſcharge inveſted Lands from Taxes after Sale.

And be it further enacted by the Authority aforeſaid, That in all Caſes wherein Juriſdiction is given to any Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Witneſs or Witneſſes. Juſtices may adminiſter Oaths.

And

Limitation of Actions.

And it is hereby 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, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit, ſhall

General Iſſue.

and may plead the General Iſſue; and if in Replevin, may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do; and may give this Act, and the Special Matter, in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alledged in ſuch Action or Suit to have been done, was done in purſuance and by the Authority of this Act: And if the ſame ſhall appear to have been ſo done, or if any 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 Avowants; or if the Plaintiff or Plaintiffs ſhall become Nonſuited, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon a Demurrer, or otherwiſe; then, in any of the ſaid Caſes, the Defendant or Defendants, Avowant

Treble Coſts.

or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they, ſhall have like Remedy as where Coſts by Law are awarded.

Publick Act.

And be it further enacted and declared, That this Act ſhall be deemed 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. 8

FINIS.