



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 26.

An Act to alter, explain, amend, and render more effectual, an Act, passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands in the Isle of Ely and County of Norfolk, lying between The Hundred Foot River and the Ouze, and bounded on the South by the Hard Lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham, and Littleport; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Lands lying within the Limits aforesaid, commonly called Invested Lands.*

[16th May 1800.]

[Loc. & Per.]

7 M

WHEREAS

Preamble.
29 Geo. III.

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands in the Isle of Ely and County of Norfolk, lying between the Hundred Foot River and the Ouze, and bounded on the South by the Hard Lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham, and Littleport; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Lands lying within the Limits aforesaid, commonly called Invested Lands, whereby certain Commissioners were appointed for putting the same in Execution; and the said Commissioners were empowered to assess, rate, tax, and charge all and singular the Fen Lands and Low Grounds in the District therein particularly described with a yearly Sum not exceeding One Shilling per Acre, nor less than Eight-pence per Acre, for every Acre of the said Fen Lands and Low Grounds, until all the Money which should be borrowed for the Purposes of the said Act, with the Interest thereof, should be discharged: And whereas the said Commissioners have made several Cuts, Drains, and Outlets, and erected several Engines, and made several Banks, and done other Works, in, through, and upon the said Fen Lands and Low Grounds, for draining and preserving the same, and have 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, and have assigned over the said Rates and Taxes for securing the Monies so borrowed, with the Interest thereof, and a considerable Debt now remains due upon the Assignment of the said Rates and Taxes, and otherwise, on account of the said Lands and Grounds: And whereas the said Lands and Grounds might be further greatly improved by additional Works of Drainage, but the Rates and Taxes authorized to be raised by the said Act have been found insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the present Works; and the Powers given to the said Commissioners are also found to be insufficient for the effectual Drainage and Preservation of the said Lands and Grounds; and the Mode of appointing the Commissioners is found to be inconvenient; and it is therefore necessary to repeal certain Parts of the said Act, and to make some Alterations and Amendments in other Parts, and also to make some additional Works and Drains for the more effectual draining and preserving of the said Lands and Grounds, and to lay additional Taxes on the said Lands and Grounds, in order to raise Money to answer the said Purposes: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the Appointment and Qualification of Commissioners for putting the same in Execution, and as relates to the Payment of the Expences of the said Commissioners upon Account of their Attendance at any of the Meetings, and as relates to the roading, scouring, cleansing, opening, and repairing any of the Dykes and Tunnels in the said Act mentioned, and as relates to the Determination of Differences*

Certain Provisions in the former Act repealed.

ferences between the said Commissioners and any other Person or Persons respecting any Matter done in pursuance of the said Act, or the Powers therein contained, or any Thing in anywise relating thereto, shall be, and the same is hereby repealed.

II. And be it further enacted, That, from and immediately after the passing of this Act, the Lord Bishop of *Ely* for the Time being, the Lord or Lords, Lady or Ladies of the several and respective Manors of *Coveney, Littleport, Upwell, Southery, Hilgay, and Denver*, for the Time being; the Rectors of *Downham, Wentworth, Mepall, Coveney, Welney, Southery, Hilgay, and Denver*, for the Time being; the Vicars of *Littleport, Wicham, and Wichford*, for the Time being; and all other the Rectors, Vicars, and Lords or Ladies of Manors for the Time being, of the several and respective Parishes and Manors within the Limits described in the said Act, (in respect of their said several and respective Parishes and Manors) or, in their Absence, the several and respective Stewards or Agents of the said Lord Bishop, and of the said Lords or Ladies of Manors, Rectors, and Vicars, to be severally appointed by Writing under the Hands of such Lords or Ladies of Manors, Rectors, and Vicars respectively; an Agent appointed by the Dean and Chapter of *Ely* under their Common Seal; and every Person who for the Time being shall be *bonâ fide* seised or possessed in his own Right, of Fifty Acres of Land, subject to be taxed by virtue of the said recited Act and of this present Act, lying within the said Limits, shall be Commissioners to put the said recited Act and this Act in Execution.

Appointment and Qualification of Commissioners.

III. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of Ninety Acres of Land, lying within the said Limits, and subject to be taxed by virtue of the said recited Act or of this present Act, may, and every such Person is hereby authorized to appoint, by Writing under his or her Hand, an Agent to be a Commissioner for executing the said Act and this Act; and that all and every Person and Persons so appointed shall, during the Pleasure of the said Owner or respective Owners, and the Time that such Owner or Owners shall be so seised or possessed as aforesaid, likewise be, and he and they is and are hereby appointed a Commissioner and Commissioners for the Purposes aforesaid, but to act only in the Absence of the Owner or Owners by whom such Agent or Agents shall respectively be so appointed.

Owners of Ninety Acres to appoint a Deputy to act in their Absence.

IV. And be it further enacted, That if any Person or Persons, not being qualified by some One of the Means herein-before prescribed, shall act as a Commissioner or Commissioners in the Execution of this or the said recited Act, he or they shall, for every such Offence, forfeit and pay 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, Complaint, Suit, or Information wherein no Effoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and in such Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as such Commissioner in the Execution of this or the said recited Act; and a Verdict shall be found against the Defendant or Defendants,

Penalty on acting, not being qualified.

Defendants, unless he or they shall prove, in his or their Defence, that he or they were, at the Time of his or their so acting, properly qualified to act, according to the true Intent and Meaning of this Act.

Differences between the Commissioners and other Persons to be determined at the General Quarter Session within Six Months.

V. And be it further enacted, That in all Cases where any Dispute shall arise between the said Commissioners and any other Person or Persons, respecting any Matter or Thing done or to be done in pursuance of the said former Act or of this Act, or the several Powers therein or herein contained, or any Thing in anywise relating thereto, the same shall be from Time to Time adjudged, and finally determined, by the Justices of the Peace, or the major Part of them, at any General Quarter Sessions of the Peace to be holden for the County or Place where the Lands in respect of which any such Dispute shall arise do lie, within Six Calendar Months next after the Cause of Complaint shall have arisen; and such Justices, in their said General Quarter Sessions respectively, are hereby required to hear and determine the Matter of such Dispute, and to make such Order therein, and to award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, wherever the same shall be found, rendering the Overplus (if any) to the Owner or Owners of such Goods or Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Additional Tax of Sixpence per Acre on all taxable Lands within the District.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, at all and every or any of their Meeting or Meetings, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said Fen Lands, so bounded and described as in the said Act mentioned, (excepting such Lands as by the said Act are exempted from the Payment of Taxes), by an equal and proportionate Tax, not exceeding Sixpence *per* Acre for each Year, for the better and more effectual carrying on and effecting the Works of draining and preserving the same, and also with such further Tax as is hereafter directed; which said Taxes shall be levied, raised, and collected, in Addition to, and over and above the Tax with which the said Fen Lands are now chargeable by the said recited Act, and which additional Taxes shall continue to be charged and paid yearly and every Year so long as it shall be necessary, in order to carry into Effect the Purposes of this Act, and shall be recovered and recoverable in such and the same Manner, and by such and the same Ways and Means, to all Intents and Purposes, as by the said recited Act is provided with respect to the Rates and Taxes thereby authorized to be laid and assessed, and as hereafter directed.

Additional Tax for making or repairing Outside Works only.

VII. And whereas the Bank called *The Hundred Foot Bank*, which defends the said Fen Lands and Low Grounds, or District, is at present much weakened and out of Repair, and the said District has of late Years been frequently inundated by the Breaches from Time to Time made in the said Bank, and the Outfall between *Welmore Lake* and *Salter's Load* is insufficient to carry off the Waters therefrom in the Times
of

of great Floods, whereby the Owners and Occupiers of the said Fen Lands and Low Grounds have sustained great and frequent Losses: And whereas the said Bank and Outfall are Part of Works belonging to the said Corporation of the said Great Level called *Bedford Level*, and it may happen that the Funds of the said Corporation may be inadequate to the thorough Repair of the said Bank, and the Improvement of the said Outfall, without some Assistance from the Owners and Occupiers of the said Fen Lands and Low Grounds; be it therefore further enacted, That a Meeting of the said Commissioners shall be holden on the First *Wednesday* in the Month of *April* in every Year, at the Shire Hall in *Ely* aforesaid, (publick Notice whereof shall be given by the Clerk to the said Commissioners, and signed by him, and inserted by him in the *Cambridge Chronicle and Journal*, or some other Newspaper usually circulated in the said County of *Cambridge*, Three successive Weeks immediately preceding such Meeting), at which Meeting it shall be taken into Consideration by the said Commissioners, or any Seven or more of them, what Part of the said last mentioned Works it will be prudent for the said Commissioners to join the said Corporation in repairing or altering, and also what other outer Works it may be necessary for the said Commissioners to make, alter, or repair, or to join the said Corporation in making, altering, or repairing for the better and more effectual draining and preserving of the said Fen Lands and Low Grounds; and it shall and may be lawful for the said Commissioners, or any Seven or more of them, at such Meeting, or any Adjournment or Adjournments of the same, to make such Order in relation to the Premises as they shall see meet, and also from Time to Time, (as there shall be Occasion), to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the Fen Lands and Low Grounds comprised in the said recited Act (as well those called *Exempt Lands*, and mentioned in the Schedule to the said recited Act, and thereby exempted from the Taxes imposed by the said recited Act, as all other the said Fen Lands and Low Grounds comprised in the said District, and in the said recited Act mentioned, except as hereafter provided), by an equal and proportionable Tax, in any Rate or Sum not exceeding Sixpence *per Acre* for each Year, and for so many Years as may be found necessary, for the Purpose of making, altering, or repairing any such new or other outer Works, or of joining the said Corporation in repairing or altering their said last mentioned outer Works, or in making, altering, or repairing any new or other outer Works, for the better Draining and Improvement of the said Fen Lands and Low Grounds.

VIII. And be it further enacted, That the said last mentioned Rate or Tax shall be over and above, and in addition to the other Taxes in and by the said recited Act and this present Act imposed, and that the same shall be, from Time to Time, levied, raised, collected, and paid, in pursuance of the Order or Orders made at the said Meeting of the said Commissioners herein-before directed to be holden on the First *Wednesday* in the Month of *April* in every Year, or any Adjournment or Adjournments of the said Meeting, and in such Proportions, Manner, and Form as shall be directed by the said Commissioners, or any Seven or more of them, and shall be, from Time to Time, applied for the express Purposes herein-before mentioned concerning the same, and for no other Purpose whatever.

The last Tax to be over and above all others.

[*Loc. & Per.*]

7 N

IX. And

Two new Mills to be erected above Oxload.

IX. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be after the passing of this Act, cause Two new Mills or Engines, working a double Lift, to be erected above a certain Place within the said District called *Oxload*.

Commissioners empowered to make a Catchwater Drain or Drains from the West Side of *Grunty Fen Drain* into the *Hundred Foot River*.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, to make or cause to be made a sufficient Cut or Catchwater Drain, or Cuts or Catchwater Drains, on the West Side of *Grunty Fen Drain*, through the Lands or Grounds of any Person or Persons lying within all or any of the Parishes before mentioned, for the Purpose of catching and conveying the highland Waters to the said last mentioned Mills or Engines; or into the *Hundred Foot River*, as to them the said Commissioners shall seem meet.

Same to be under the Directions, &c. of the Superintendent of the *Bedford Level Corporation Works*.

XI. Provided always, and be it further enacted, That all such last mentioned Cut or Cuts, Catchwater Drain or Drains, and all Staunches, Sluices, and other Works whatever relating to the Premises, shall be made and remain under the Directions, Order, Management, and Controul of the superintending Officer for the Time being of the Works belonging to the Governor, Bailiffs, and Commonalty of the said Company of Conservators of the said Great Level of the Fens, commonly called *Bedford Level*, and that they the said Commissioners shall cause proper Bridges and Roadways to be put down and placed over such Parts of the said last mentioned Cut or Cuts, Catchwater Drain or Drains, as the said Officer shall in his Discretion appoint and require; and that they the said Commissioners shall, from Time to Time, keep all such Bridges and Roadways in good and proper Repair.

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

Bodies Politick, &c. may contract for Sale of Lands, or Compensation 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 for the Purpose of making the said last mentioned Cut or Cuts, Drain or Drains, 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 thereby, 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 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, Lunatics, 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 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 Compen-

Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments by the Means aforesaid; 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, or Collegiate, and all Persons whatsoever, 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 Sessions 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 such 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 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 any 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 impannelled 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 any 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 Sessions are hereby empowered and required to administer), shall ascertain and award the Recompence to be given for the said Land or Ground, or any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons,

Bodies

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.

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; 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 Records 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; all which Expences shall be regulated, settled, and allowed by the Justices in Sessions before whom the Matter shall be heard and determined.

and settled by
the Justices.

Application of
Compensation, where
exceeding
200/.

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages,

suages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners in Writing, signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid; shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Money may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Compensation does not exceed 200^l. nor less than 20^l.

XVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20^l.

XVII. And be it further enacted, That where the said Commissioners have already made or cut, or shall hereafter make or cut any Dikes or

[*Loc. & Per.*]

70

Drains

Commissioners to make Bridges over Drains, &c.

Drains across any Drove-way or Drove-ways, or in, through, or upon any of the Lands or Grounds comprised within the said District, belonging to any Person or Persons whomsoever, they the said Commissioners shall cause proper Bridges to be put down and placed over all such Dikes or Drains, and from Time to Time keep all such Bridges in good and proper Repair.

Commissioners may borrow Money on the Tax of Lands called *Taxable Lands*.

XVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or the major Part of them (such major Part of them not being less than Seven) assembled at the First Meeting to be holden after the passing of this Act, or at any General Half-yearly Meeting, and they are hereby empowered, from Time to Time, to borrow any Sum or Sums of Money, not exceeding in the Whole Two thousand Pounds, which they shall think necessary for the several Purposes of this Act, and by Writing under their Hands and Seals to assign over the said herein-before first mentioned additional Rate and Assessment of Sixpence *per Acre* on all the Fen Lands and Low Grounds within the said District, commonly called *Taxable Lands*, as a Security, and for the Re-payment of such Sum and Sums, with Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her, or their Executors, Administrators, or Assigns; and all and every such Person and Persons, to whom any such Mortgage, or Assignment thereof, shall be made, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the said additional Rates and Assessments in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Sum of Money; and that every such Mortgage or Assignment shall be made for the Sum of One hundred Pounds only.

Taxes charged with the Principal Monies and vested in the Creditors.

XIX. And be it further enacted, That the said additional Rate or Assessment of Sixpence *per Acre* on all the Fen Lands and Low Grounds within the said District called *Taxable Lands*, to be made by virtue of this Act, shall be charged and chargeable with the Payment of the Principal Monies to be borrowed by the said Commissioners as aforesaid, and with the Interest of such Monies from Time to Time, and shall vest in the Creditors upon Default of Payment of such Principal Monies and Interest, until the same, and every Part thereof, shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, or Assigns respectively, shall have the same Powers, Right, and Privileges, of recovering the said last mentioned Rate and Assessment, for or in respect of such Principal Monies and Interest, in case of Default in Payment thereof, as the said Commissioners, and their Collectors and Receivers, could have had in case such Principal Monies and Interest had been regularly paid.

Security may be assigned.

XX. And be it further enacted, That every Person to whom any Assignment of the said last mentioned Rate and Tax shall be made, shall have full Power, from Time to Time, to assign and transfer the same to any Person or Persons whomsoever, and such Assignment shall be entered in a Book to be kept by the Commissioners for that Purpose, (which Entry their Clerk is hereby required to make upon any Person producing such Assignment and Transfer, and paying Two Shillings and Sixpence for the said Entry),

Entry), and after such Entry made, such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the said Principal Sum, and all Interest due and becoming due thereon; and such Assignee or Assignees, and every other Assignee or Assignees, shall and may in like Manner assign and make over such Mortgage and Security so assigned as aforesaid, and so *toties quoties* as Occasion shall require.

XXI. And be it further enacted, That all such Monies as shall be advanced and paid by any Person or Persons whomsoever, for the Fees and other Expences in obtaining and passing this Act, shall be, in the First Place, 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.

Paying the Expences of the Act.

XXII. And be it further enacted, That separate Accounts shall be kept of the different Taxes to be levied in pursuance of the Provisions and Powers herein contained, distinct from each other, and from the said Tax imposed by the said former Act; and that the additional Tax of Sixpence *per Acre*, hereby granted upon all the Fen Lands and Low Grounds within the said District called *Taxable Lands*, shall in nowise be subject to the Payment of the Monies already borrowed by the said Commissioners, in pursuance of the Powers contained in the said former Act.

Taxes of former Act and this to be kept distinct; and the Taxes hereby granted not to be subject to former Debt.

XXIII. And whereas great Trouble and Inconvenience has arisen to the Collectors or Receivers of the Taxes, from the Mode of recovering the same prescribed by the said recited Act, and large Sums are now due and in Arrear on Account of the Taxes directed to be levied and raised by virtue of the said former Act; for Remedy whereof, and for avoiding all such Trouble and Inconvenience in future, be it further enacted, That the present Tax, chargeable by the said recited Act, shall be paid to the Collector or Collectors, Receiver or Receivers, for the Time being, of the said District, on the Twenty-fifth Day of *March* in every Year, at such certain Place in *Ely* as the said Commissioners, or any Seven or more of them, shall from Time to Time direct and appoint; and also that the additional Taxes, charged by this present Act, shall be paid to the Receiver or Receivers, Collector or Collectors thereof, for the Time being, on the First Day of *August* in every Year, at such certain Place in *Ely* aforesaid as the said Commissioners, or any Seven or more of them, shall from Time to Time direct and appoint for that Purpose (publick Notice of such Times and Place of Payment being first given in the *Cambridge Chronicle*, or some other Newspaper usually circulated in the said County of *Cambridge*, Three successive Weeks, and also affixed upon the Market Cross or Place usually appropriated to such Purposes in *Ely*, on Three several Market Days immediately preceding the said respective Times of Payment); and in case of Non-payment of either of the said Taxes within Two Calendar Months after the Times so prescribed for Payment thereof respectively, every Person so neglecting shall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Taxes, and not paid as aforesaid, and so in Proportion for any greater or less Sum than Twenty Shillings, to be recovered in the same Manner as the Taxes charged by the said former Act are therein directed to be recovered, and as hereafter mentioned.

Penalty on Non-payment of Taxes within a limited Time,

XXIV. And

For Recovery
of the Arrears
of former
Taxes.

XXIV. And be it further enacted, That if any Person or Persons shall, at the Time of passing this Act, be in Arrear for any Tax or Taxes imposed and made payable by virtue of the said recited Act, in respect of any Land or Ground, Lands or Grounds, comprised within the said District, and shall neglect to pay such Arrear or Arrears to the Receiver or Receivers, Collector or Collectors thereof, at such certain Place in *Ely* aforesaid, as the said Commissioners, or any Seven or more of them, shall appoint, on or before the Twenty-ninth Day of *September* next after the passing of this Act, publick Notice of such Time and Place of Payment being first given in the *Cambridge Chronicle*, or some other Newspaper usually circulated in the said County of *Cambridge*, Three successive Weeks, and also affixed upon the Market Cross, or Place usually appropriated to such Purposes, in *Ely*, on Three several Market Days immediately preceding the said Twenty-ninth Day of *September*, every such Person so in Arrear shall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings of such Tax or Taxes so in Arrear, and not paid as aforesaid, and so in Proportion for every greater or less Sum than Twenty Shillings, to be recovered in the same Manner as the Taxes charged by the said former Act are therein directed to be recovered, and as hereafter mentioned.

First Payment
of Tax on the
taxable Lands
within the
District to be
made on 1st
August 1800.

XXV. And be it further enacted, That the First Payment of the said Rate, Tax, or Assessment of Sixpence *per* Acre, by this present Act imposed and made payable for and in respect of all the Fen Lands and Low Grounds lying within the District aforesaid called *Taxable Lands*, shall become due and payable on the First Day of *August* in the Year of our Lord One thousand eight hundred.

Taxes to be
levied on the
Goods of Per-
sons driving
their Cattle off
their Lands.

XXVI. And whereas some Proprietors and Occupiers of Lands within the said District have fraudulently driven off their Stock, and removed their Property out of the said District, or to Lands not chargeable with the Tax charged by virtue of the said Act, in order to evade the Payment of the Taxes in Arrear upon such Lands; be it therefore enacted, That, from and after the passing of this Act, in all Cases where no sufficient Distress can be found upon such Lands, whereon to levy the Tax or Taxes, and Penalty, which shall be then in Arrear in respect thereof, by virtue of the said Act and this Act, it shall and may be lawful for the Collector or Collectors of the Taxes appointed or to be appointed in pursuance of the said former Act, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Five or more of the said Commissioners, (which said Warrant or Precept such Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time to make, as Occasion shall require), to levy all and every the said Tax or Taxes and Penalty, which shall be then in Arrear, upon any Goods or Chattels of any Person or Persons so occupying any Lands chargeable with any such Tax or Taxes, whensoever and wheresoever such Goods and Chattels shall be found, together with all the Charges of levying the same; and in case no sufficient Distress can be found upon any Goods or Chattels of any such Person or Persons, so occupying any of the said Lands chargeable with any such Tax or Taxes whereon to levy any such Tax or Taxes, and Penalty, then and so often it shall be lawful for the said Commissioners, or any Five or more of them, by such Warrant or Precept as aforesaid, to levy all and every the
said.

said Tax or Taxes, and Penalty, which shall be then in Arrear, upon any Goods or Chattels of any Person or Persons owning any such Lands or Grounds whensoever and wheresoever the same shall be found, together with all the Charges of levying the same.

XXVII. And be it further enacted, That where any Distress shall be made for any Rate, Tax, or Sum or Sums of Money to be levied by virtue of this Act, and of the said recited Act, or either of them, or for any Penalty incurred on Non-payment thereof as aforesaid, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

Distress not
unlawful for
Want of
Form.

XXVIII. And whereas it may sometimes happen that some of the Lands and Grounds in the said District may be untenanted, or unoccupied, for a considerable Time, and that no Distress can be taken thereon for levying the Rates or Taxes due in respect of the same; therefore, for enforcing the Payment thereof in all such Cases, be it further enacted, That where any of the said Rates or Taxes shall be in Arrear and unpaid by the Space of Twelve Calendar Months together, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, or upon the Goods or Chattels of any Person or Persons owning or occupying the same, or where the said Lands and Grounds shall be untenanted, then and in every such Case the said Commissioners, or any Seven or more of them, at any of their Meetings, shall have full Power and Authority to let to the best Bidder or Bidders, by publick Auction, so much of the said Lands and Grounds, upon which any Rate or Tax shall be so in Arrear, as they the said Commissioners, or any Seven or more of them, shall judge sufficient for such Term or Terms of Years, at such Rent and Rents, Fine or Fines, Premium or Premiums, and upon such Terms and Conditions as to them the said Commissioners, or any Seven or more of them, shall seem meet, and to apply the Rent or Rents, Fine or Fines, Premium or Premiums, arising therefrom, in Payment and Discharge of all such Taxes and Rates, and the Penalties incurred for Non-payment thereof, and also the Costs, Charges, and Expences of advertising and letting the said Lands or Grounds as aforesaid; and where any of the said Taxes shall be in Arrear and unpaid by the Space of Three Years together, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, or upon the Goods or Chattels of any Person or Persons owning or occupying the same, or where the said Lands and Grounds shall be untenanted, then and in every such Case the said Commissioners, or any Seven or more of them, at any of their said Meetings, shall have full Power and Authority to sell, to the best Bidder or Bidders, by publick Auction, so much of the said Lands and Grounds, upon which any Tax shall be so in Arrear, as they the said Commissioners, or any Seven or more of them, shall judge sufficient to raise such

Lands may be
let or sold for
Payment of
Taxes.

[*Loc. & Per.*]

7 P

Taxes,

Taxes, and the Penalties incurred for Non-payment thereof, and also the Costs, Charges, and Expences, of advertising and selling the said Lands or Grounds as aforesaid, by Writing under the Hands and Seals of Seven 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 Grounds as shall be so sold, to all Intents and Purposes whatsoever.

Schedule of Lands to be let or sold to be affixed on Church Doors.

XXIX. Provided always, That the said Commissioners shall cause a Schedule of the Lands so to be let or sold for Taxes in Arrear to be affixed upon the Church Doors of the Parishes where the said Lands shall lie Three several successive *Sundays* before the Day of Letting or Sale.

Lands sold or let to be subject to the Corporation Tax as before.

XXX. Provided also, That nothing contained in the Powers hereby given to the Commissioners to let or sell the Lands for the Non-payment of the Taxes imposed by the said former and this present Act, or either of them, shall extend or be construed to extend to exonerate or discharge any Tax or Taxes that are or may be imposed by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Draining the Great Level of the Fens called Bedford Level*, but that all Hirers and Purchasers thereof shall have and enjoy the said Lands, subject thereto.

Lands let to revert to the Owners after Satisfaction of Taxes and Penalty.

XXXI. Provided likewise, That in all Cases where any Lands or Grounds shall, by virtue of the Provisions herein-before contained, be let by the said Commissioners for Recovery of the Taxes and Penalties due thereon, such Lands and Grounds shall, after the Expiration of the Term for which the same shall be so let, and the Payment of the said Taxes and Penalties, and all Expences incurred by the said Commissioners, or their Collectors, Receivers, or Agents, relating to the letting of the said Lands, (and which Expences they the said Commissioners, or their Collectors, Receivers, or Agents, are hereby authorized and required to raise out of any such Rent or Rents, Fine or Fines, Premium or Premiums, arising and received from or in respect of such Lands and Grounds), revert to the original Owner and Owners, Proprietor and Proprietors thereof, and be as fully and effectually vested in him, her, and them, to all Intents and Purposes whatsoever, as if such Lands or Grounds had never been let by the said Commissioners.

For giving Notice to Owner of Lands to be let or sold.

XXXII. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall cause Notice to be given to the Owner or Proprietor, Owners or Proprietors, of the Lands so to be let or sold, by leaving the same at his, her, or their usual or last Place or Places of Abode, if such Place or Places of Abode be known to the Commissioners, and shall also give publick Notice in the *Cambridge* Newspaper, or some other publick Newspaper usually circulated in the said County of *Cambridge*, Three Weeks at the least intervening between every such Notice and the Time of any such Letting or Sale.

Owners of Lands giving Notice of their Inten-

XXXIII. And be it further enacted, That if any Owner or Proprietor of any of the said Fen Lands and Low Grounds, lying within the District aforesaid, shall, by Writing under his or her Hand, give Notice to

he said Commissioners, or their Treasurer or Clerk for the Time being, of his or her Intention to relinquish and give up any of the said Fen Lands and Low Grounds into the Hands of the said Commissioners, in order to be exonerated from the Taxes and Penalties payable in respect thereof, that then and in such Case every such Person shall, from the Delivery of such Notice, be wholly exempt from the Payment of all Taxes and Penalties in respect of the said Fen Lands and Low Grounds specified in the said Notice, and then and from thenceforth all Proceedings taken by the said Commissioners, or any of their Collectors, Receivers, or Agents, against any Person or Persons whomsoever, or against his, her, or their Stock, Cattle, or Effects, for Recovery of the said Taxes and Penalties so in Arrear in respect of the said Fen Lands and Low Grounds so specified in the said Notice, shall be null and void; and it shall and may be lawful for the said Commissioners, or any Seven or more of them, immediately after the Delivery of such Notice as aforesaid, to let or sell by publick Auction all and every the said Fen Lands and Low Grounds so specified in the said Notice, to any Person or Persons whomsoever, at the Discretion of them the said Commissioners, and to apply the Monies arising from such Letting or Sale for the Purposes of this Act.

tion to relinquish, shall be exempted from Payment of the Taxes and Penalties; and Commissioners may immediately proceed to let or sell.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge with the Payment of either of the Taxes hereby imposed and made payable, any of the Lands lying within the District aforesaid, called *Exempt Lands*, which were not at any Time since the Year of our Lord One thousand seven hundred and ninety-four, flooded or inundated, so as the Party or Parties claiming any Exemption from the said Taxes, in respect of such Lands, shall prove, to the Satisfaction of the said Commissioners, that the said Lands were not so flooded or inundated at any Time since the said Year of our Lord One thousand seven hundred and ninety-four.

Exempt Lands, not flooded since the Year 1794, not to be subject to any Tax.

XXXV. And, to the End that the said Taxes may be more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds, which shall be assessed or rated by virtue of the said recited Act or this Act, shall pay, 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 their respective Lands and Grounds, in their several Occupations, and to deduct and retain out of his, her, or their Rent, all such Sum or Sums of Money as he, she, or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of their Rents; and that every such Tenant or Occupier, paying such Rate or Tax, shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him, her, or them, shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

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

XXXVI. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of

Application of Penalties.

any

any Tax or Taxes, by virtue of any of the Provisions herein contained, and such Penalty or Penalties shall have been levied by the said Commissioners upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty and Penalties, together with the Costs, Charges, and Expences of taking such Distress or Distresses, (where any such Distress or Distresses shall have been taken), shall be borne and sustained by such Occupier or Occupiers respectively, and the Landlord or Owner, Landlords or Owners of such Fen Lands and Low Grounds, shall not be compelled or compellable to allow or pay any such Penalty or Penalties, or Expences, to such Occupier or Occupiers; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

No beneficial
Lessee to be
allowed to
deduct Taxes.

XXXVII. Provided nevertheless, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates or Taxes imposed by the said recited Act or this Act, or either of them, who shall hold the same by virtue of or under any Lease from any Bishop, or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which, at the Time of the passing of this Act, there shall be more than Five Years to come and unexpired, shall be entitled to deduct the said Rates, Taxes, or Assessments, or any of them, out of the Rent reserved or payable by any such Lease or Agreement, but that the said Rates and Taxes shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid.

Penalty on
neglecting to
rode and scour
Ditches, &c.

XXXVIII. And be it further enacted, That, from and after the passing of this Act, if the Owner or Owners, Occupier or Occupiers of any of the said Fen Lands or Low Grounds, and to which any Drove-way, Dike, Outring Dike, Division Dike, or other Dike or Dikes whatsoever, doth or shall belong, shall neglect or refuse sufficiently to rode, scour, cleanse, open, or repair the same, or to make such Dike of the Width of Eight Feet at the least, and of a sufficient Depth for the Conveyance of the Water, after Twenty-eight Days Notice in Writing given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time, for that Purpose, by the Collector, Receiver, or any other Officer or Person employed by the said Commissioners for that Purpose, specifying the Depth such Dike shall be of, (and which Depth every such Collector, Receiver, and other Officer and Person so employed for that Purpose as aforesaid, is hereby authorized and required to specify and set out in such Notice, at his and their Discretion), he, she, or they shall, for every such Neglect or Refusal, forfeit and pay to the said Commissioners, any Sum not exceeding One Shilling for every Rod so neglected to be roded, scoured, cleansed, opened, deepened, and widened, as aforesaid; and it shall be lawful, from Time to Time, for such Collector, Receiver, or other Officer or Person, to cause such Dike or Dikes, at the Expence and Charge of such Owner or Owners, Occupier or Occupiers, to be roded, scoured, cleansed, opened, repaired, and deepened, in a sufficient Manner, and made of a proper Depth, and of
the

the Width of Eight Feet at the least, at the Discretion of such Collector, Receiver, or other Officer or Person, and also, where any Way or Ways shall have been made over any Dike or Dikes, without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Dike or Dikes to be made of the usual and proper Width and Depth, with a sufficient Tunnel therein, at the Discretion of such Collector, Receiver, or other Officer or Person, at the Expence and Charges of such Owner or Owners, Occupier or Occupiers, and by Warrant or Precept under the Hands and Seals of Five 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, Chattels, and Stock, wherever the same shall be found; and all such Penalties shall be applied for the Purposes of this Act; and if any Person or Persons, after such Dike or Dikes, Tunnel or Tunnels, shall have been so roded, scoured, cleansed, opened, repaired, widened, and deepened by the said Collector, Receiver, or other Officer or Person as aforesaid, shall again fill, stop up, or in any Manner obstruct any such Dike or Dikes, Tunnel or Tunnels, or cause, procure, permit, or suffer the same to be in any Manner filled, stopped up, or obstructed, for the Space of Three Days, every such Person or Persons, so offending, and being thereof convicted before any Two Justices of the Peace for the said *Ile of Ely* or County of *Norfolk*, as the Case may be, upon the Oath of any One Witness, or by the Confession of the Party or Parties, shall, for every such Offence, forfeit and pay any Sum not exceeding Fifty Pounds nor less than Twenty Pounds, to be applied for the Purposes of this Act, and 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 Payment or Distress, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to hard Labour, for such Time as the said Justices shall respectively order and direct, not exceeding Six Calendar Months nor less than Three Calendar Months, at the Discretion of the said Justices.

XXXIX. And be it further enacted, That, from and after the passing of this Act, there shall be allowed and paid by the Collector or Receiver of the Rates and Taxes imposed by the said recited Act and of this present Act, out of the said Rates and Taxes, towards defraying the Expences of the said Commissioners at every General, Annual, or Half-yearly Meeting to be held under or by virtue of this present Act and the said recited Act, any Sum not exceeding Three Shillings and Sixpence for each Commissioner present at any such Meeting, provided such Allowance shall not in any Case exceed Three Pounds, and at every adjourned Meeting any Sum not exceeding Three Shillings and Sixpence for each Commissioner present at any such Meeting, provided such Allowance shall not in any Case exceed Thirty Shillings, towards defraying such Expences; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

XL. And be it further enacted, That all future Meetings of the said Commissioners shall be advertised for Three successive Weeks in the
 [Loc. & Per.] 7 2 Cambridge Meetings to be advertised Three Times in the Cam-

bridge Newf-
paper.

Cambridge Chronicle, or some other Newspaper usually circulated in the County of *Cambridge*, and that every such Advertisement shall be signed by the Clerk to the said Commissioners; and that when any new Works are intended to be done within the said District, or any Alteration of the then present Works is proposed to be made, Notice of such intended Works or Alteration shall be inserted in such Advertisements; and that no Act, Order, Rule, Regulation, or Transaction of the said Commissioners shall be valid, unless made at some Meeting holden after such publick Advertisement, as herein-before directed.

Seven Com-
missioners to
be a Quorum.

XLI. And be it further enacted, That in all Cases whatever, where by the said recited Act the Concurrence of Thirteen or more of the said Commissioners is required for the transacting or doing of any Business relating to the Concerns of the said District, or the Execution of the several Powers in and by the said recited Act vested in the said Commissioners, and also in all Matters whatever relating to the Concerns of the said District, or the Execution of the Powers hereby created and vested in the said Commissioners, the Acts, Orders, Rules, Regulations, and Transactions of any Seven or more of the said Commissioners, (unless any other Number is herein particularly mentioned), at any of their Meetings, to be advertised and held as herein-before mentioned, shall be valid and effectual to all Intents and Purposes whatsoever; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Penalty on fet-
ting Nets, &c.
in the Tun-
nels, &c.

XLII. And be it further enacted, That if any Person or Persons whatsoever shall set any Net or Nets, Tunnel or Tunnels, or any other Engine or Device whatsoever for the catching of Fish, or for any other Purpose whatsoever, in or against any of the Dikes, Ditches, Drains, or Tunnels belonging to the said Fen Lands and Low Grounds, whereby to impede or obstruct the same, or do any other Act whatever, whereby to impede or obstruct the same, or shall dig or make, or cause to be dug or made, any Place or Places into any of the leading Dykes, Drains, or Tunnels, for the Purpose of watering Stock or Cattle, or for any other Purpose whatsoever, every such Person or Persons so offending in any or either of the Cases aforesaid, and being thereof convicted before Two Justices of the Peace for the *Isle of Ely*, or County of *Norfolk*, as the Case may be, (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 or Sums of Money not exceeding Ten 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 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 Payment or Distress, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months nor less than Twenty-one Days, at the Discretion of the said Justices.

XLIII. And

XLIII. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Buildings be placed, erected, or built (except by the Order and Permission of the said Commissioners) nearer to any Mill or Engine made or to be made, erected, or employed for the Purposes of the said Act and this Act, than Two hundred Yards; and if any Trees or Holts shall hereafter be planted, or any Building made, erected, or built within the said Distance, and such Trees or Holts shall not be taken up and carried away, or such Buildings be pulled down and removed within the Space of Twenty-one Days after Notice for that Purpose, by Order of the said Commissioners, or any Five or more of them, to the Owner or Proprietor of the Land or Ground where such Trees, Holts, or Buildings respectively shall be, to be given to him, her, or them, or left at his, her, or their last or usual Place of Abode, or with the Tenant in Possession of the Premises, then and in every such Case it shall and may be lawful for the said Commissioners, or any Five or more of them by Warrant under their Hands and Seals, to cause such Trees and Holts to be taken up and carried away, and such Buildings to be pulled down and removed, immediately after the Expiration of the Notice so given for that Purpose; and the Costs and Expences thereby incurred shall be reimbursed to the said Commissioners by the Person or Persons who committed the Offence, and may be recovered by Distress and Sale of his, her, or their Goods, Châtels, and Stock, wherever the same shall be found, by Warrant under the Hands and Seals of any Five of the said Commissioners.

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

XLIV. And be it further enacted, That the said Commissioners, and their Collector, Receiver, and other Officers, shall have full Power, and they are hereby authorized to destroy all such Moles and other Vermin as shall be found in and about the said Fen Lands and Low Grounds, the Drainage whereof is intended to be preserved or made under the Authority of this Act or the said recited Act, and also in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons, at such Wages and Salary, as they shall think proper; and that they, and such Person or Persons as they shall so employ, shall and lawfully may enter into or upon the said Lands and Banks, or any or either of them for that Purpose.

Power to catch and destroy Moles.

XLV. And whereas it is apprehended that when the said Fen Lands and Low Grounds shall, under and by virtue of the several Powers and Provisions contained in this Act and the said recited Act, have been improved and become of greater Value, Advantage may be taken thereof by the Churchwardens and Overseers of the Poor of the several Parishes wherein the same do lie, by assessing the same at a higher Rate than the same ought to bear; for Prevention whereof, and to encourage publick Works of Drainage, be it enacted, That in all parochial and other Assessments, the said Fen Lands and Low Grounds shall be rated and assessed according to a reduced Value, by deducting therefrom the Amount of the Taxes imposed or to be imposed thereon for the Purpose of draining and improving the said Lands and Grounds, under and by the Authority of any Act or Acts of Parliament.

Lands to be charged to the Poor's Rates at a reduced Value.

XLVI. And

To limit the digging of Turf.

XLVI. And whereas the Proprietors and Occupiers of Fen Lands frequently dig or cause the same to be dug into Turf, whereby the said Lands are rendered of little or no Value, and often remain unoccupied for many Years afterwards, so that no Taxes can be levied thereupon, to the manifest Damage of the other Proprietors, and also of the Creditors who have lent their Money upon the Credit of those Taxes; wherefore for preventing such Injury, and for the better securing of the Creditors of the said District, be it enacted, That it shall not be lawful for any Person or Persons whomsoever to dig or cause to be dug any Turf within the said District, except for the Purposes of Fuel, to be spent in the Dwelling Houses of the Occupiers thereof, unless he, she, or they shall first give Security to be approved of by Five or more of the said Commissioners, for the regular Payment of the Taxes charged on the Lands so intended to be dug for Twenty Years after such digging, or shall pay into the Hands of the Treasurer of the said District (for the Time being) a Sum of Money equal to the Amount of Twenty Years Taxes thereof; and if any Person or Persons shall dig Turf in any of the said Lands except for the Purpose aforesaid, without paying down the Amount of Twenty Years Taxes thereon, or giving such Security as herein-before directed for Payment of the same, it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, by Warrant under the Hands and Seals of any Five or more of the said Commissioners (which Warrant they are hereby authorized and directed to grant) to levy the Amount of Twenty Years Taxes in respect of the Whole of the Land or Ground, any Part whereof shall be so dug as aforesaid, upon the Goods, Chattels, or Cattle of the Owner or Occupier of such Land or Ground, or of the Person or Persons so digging the same, wherever such Goods, Chattels, or Cattle shall be found.

Lands may be surveyed.

XLVII. 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 or Rate, to be surveyed and mapped, in order to ascertain the Quantity of Land liable to such Tax or Taxes, and the exact Quantity belonging to each particular Person or Persons.

Copies of this Act to be delivered to the Clerk of the Peace.

XLVIII. And be it further enacted, That the said Commissioners shall, within One Calendar Month after the passing of this Act, deliver or cause to be delivered Six printed Copies of this Act to the Clerk of the Peace for the County of *Norfolk*, and Six printed Copies to the Clerk of the Peace for the *Isle of Ely*, for the Use of the Justices of the Peace of the said county and Isle.

Allowing an Appeal to the Quarter Sessions from the Determination of Justices

XLIX. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Order or Determination of any Justice or Justices of the Peace, in Execution of the said former Act or this Act, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said *Isle of Ely*, or the County of *Norfolk* respectively, where the Cause of Complaint shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions respectively are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion

Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, wherever they shall be found, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

L. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall, by virtue of any of the Powers and Provisions herein-before or in the said former Act contained, intend to have any Matter of Dispute, Complaint, or Appeal determined by the Justices in their said General Quarter Sessions, every such Person or Persons shall give at least One Calendar Month's Notice to the Party or Parties against whom such Matter of Dispute, Complaint, or Appeal shall be intended to be preferred, of such his, her, or their Intention, specifying the Matter of such Dispute, Complaint, or Appeal; and where any such Matter of Dispute, Complaint, or Appeal, shall be intended to be preferred against the said Commissioners, such Notice shall be delivered to their Treasurer or Clerk; and in Cases where the said Commissioners shall be Appellants, such Notice shall be signed by at least Five of the said Commissioners; and that it shall and may be lawful for the said Justices in their said General Quarter Sessions, in Default of Proof of such Notice, or for any other just and reasonable Cause, to postpone the Hearing of the said Matter to any Adjournment of the said Sessions, or until the General Quarter Sessions then next following, at the Discretion of the said Justices.

Party appealing to give One Month's Notice of their Intention to appeal.

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

Limitation of Actions.

General Issue.

[*Loc. & Per.*]

7 R

recover

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

Preſerving
Rights of the
Corporation of
Bedford Level.

LII. Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, ſhall not extend or be conſtrued to extend to invalidate, leſſen, diminifh, 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 Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Extending the
Proviſions of
the former
Act to this
Act.

LIII. And be it further enacted, That all the Powers, Proviſions, Penalties, Exemptions, Matters, and Things contained in, or preſcribed or appointed by the ſaid recited Act of the Twenty-ninth Year of the Reign of His late Maſteſty, not hereby taken away, altered, or repealed, ſhall be of full force and effect, and extend to this Act, and to the ſeveral Taxes, Rates, Aſſeſſments, Matters, and Things hereby granted, or authorized to be laid and impoſed, and hereby enacted, and be executed with this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein repeated and re-enacted,

Rights of the
Lords of Ma-
nors reſerved.

LIV. Provided always, and be it further enacted, That all ſuch Right or Rights as any Lord or Lords, Lady or Ladies, of any Manor or Manors, Liberties, Hundred or Half Hundred, have heretofore had, within his, her, or their reſpective Manor or Manors, Liberties, Hundred or Half Hundred, within or without the ſaid Boundaries, to Waifs, Eſtrays, Felon's Goods, Privileges of Arreſts, Eſcheats, and all Royalties not prejudicial to Draining, be hereby ſaved to them, their Heirs, Succeſſors, and Aſſigns, ſeverally and reſpectively, any Thing in this or the ſaid recited Act to the contrary thereof notwithstanding.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Maſteſty. 1800.