



ANNO PRIMO

# GULIELMI IV. REGIS.

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## Cap. liii.

An Act for embanking, draining, improving, and preserving certain Fen Lands and Low Grounds lying in the Parish of *Yaxley* in the County of *Huntingdon*, called "The Undrained Fen."

[22d April 1831.]

WHEREAS there are within the Parish of *Yaxley* in the County of *Huntingdon* divers Fen Lands and Low Grounds, herein-after more particularly described, which, from their low and flat Situation, and their adjoining *Trundle Meer* and *Whittlesea Meer*, are liable to be flooded and much annoyed by Waters, so that no certain Advantage or Profit can be derived therefrom by the Owners and Occupiers thereof: And whereas the said Fen Lands and Low Grounds contain in the whole about Five hundred and sixty Acres, and are abutted and bounded as follows; (that is to say,) beginning at the West End of the South Bank of the present drained Fen in *Yaxley* aforesaid, where the same adjoins *Stilton* or *Yaxley Brook*, bounded on or towards the North by the said Bank, to and across the River or Dike called *Yaxley Lode*, to a Drain called *The Twelve Foot Drain*, next Lands lately embanked by and belonging to the Right Honourable *Gregory William Eardley Twisleton Fiennes Lord Saye and Sele*; from thence on or towards Part of the East by and along the said Twelve Foot Drain to *Trundle Meer*; from thence from the Bank of the said Twelve Foot Drain on or towards Part of the South, to and across the said Lode called *Yaxley Lode*, and on or towards further Part of the East by and along *Trundle Meer* to

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*White Pit*; from thence on or towards the remaining Part of the East by and along *White Pit* and *Whittlesea Meer*; and from thence on or towards the remaining Part of the South and West by and along *Stilton* or *Yaxley Brook*, including the same Brook, up to the West End of the said South Bank of the present drained Fen in *Yaxley* aforesaid, to the Beginning of the said Boundaries: And whereas the said Fen Lands and Low Grounds are capable of very great Improvement by means of a proper Drainage; but such Drainage cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said several Lands herein-before abutted, bounded, and described, shall be and are hereby made One entire District to be called "The Second *Yaxley* Fen District," and shall be embanked and drained in the Manner herein-after described.

Lands formed into a District for draining and embanking.

Appointment of Commissioners.

II. And be it further enacted, That the Churchwardens and Overseers of the Poor of the Parish of *Yaxley* for the Time being, or the Majority of them, shall be as One Commissioner, and also each and every Owner for the Time being respectively of Twenty Acres or more of Lands in their own Right, subject to be taxed by virtue of this Act, and lying respectively within the Limits aforesaid, shall be and is hereby appointed a Commissioner for putting this Act and the Powers and Authorities herein-after contained into execution.

Every Owner of 50 Acres of Land may appoint a Commissioner.

III. Provided also, and be it further enacted, That it shall and may be lawful for any Person who is the Owner of Fifty Acres of taxable Land lying within the Limits aforesaid, by Writing under his or her Hand, from Time to Time and for such Time as he or she shall think proper, to appoint One Commissioner for every such Fifty Acres of Land, over and above the Commissioners herein-before appointed for putting this Act and all the Powers and Authorities herein contained into execution; and that such Commissioners so nominated and appointed by such Owner or Owners of Fifty Acres respectively as aforesaid shall be Commissioners to all Intents and Purposes for carrying this Act into execution.

Deputies may be appointed by Commissioners to act in their Absence.

IV. Provided always, and be it enacted, That it shall and may be lawful for and every such Commissioner is hereby authorized and empowered to appoint by Writing under his or her Hand, to be delivered to the said Commissioners or any Five or more of them at some Meeting to be held in pursuance of this Act, from Time to Time and for such Time as he or she shall think proper, a Deputy to act in his or her Absence as a Commissioner; and such Deputies shall and may, in the Absence of the Persons respectively by whom they shall be so appointed, act as Commissioners in the Execution of this Act, in such and the same Manner and as fully to all Intents and Purposes as such Commissioners respectively might act and do if they were personally present.

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V. Provided always, and be it further enacted and declared, That if any Person who by virtue of this Act is empowered to act as a Commissioner, in person or by Deputy, shall at the Time of passing of this Act, or at any Time afterwards, be a Minor under the Age of Twenty-one Years, Idiot, Lunatic, or of unsound Mind, it shall and may be lawful for the Guardian of such Minor, and for the Committee or Trustee of such Idiot, Lunatic, or Person of unsound Mind, to act in person as a Commissioner for putting this Act into execution, or in his or her Absence, by Writing under his or her Hand, to appoint a Deputy for that Purpose, and also shall and may by Writing under his or her Hand nominate and appoint a Commissioner for every Fifty Acres of Land belonging to such Minor or other Person under such legal Disability as aforesaid; and that such Commissioners so nominated and appointed shall be to all Intents and Purposes Commissioners for carrying this Act into execution.

Guardians of Minors and Committees of Lunatics may appoint Commissioners.

VI. Provided also, and be it further enacted, That all Persons who shall be Joint Tenants, Tenants in Common, or Parceners of any Lands lying within the Limits aforesaid, and subject to be taxed by virtue of this Act, shall for their several and respective Shares be entitled to act by virtue of such respective Shares as such Commissioners by themselves or Deputies, and shall have the same Power as if such Lands so held by them as Joint Tenants, Tenants in Common, or Parceners were actually severed and divided, provided that such respective Shares shall Amount unto Eight Acres or Fifty Acres respectively.

Joint Owners may be Commissioners, and may appoint Deputies.

VII. And be it further enacted, That every Nomination of a Commissioner or Commissioners in pursuance of this Act shall be entered *gratis* by the Clerk to the said Commissioners in a Book to be kept for that Purpose; and that such Commissioner or Commissioners shall and may and is and are hereby empowered to act in the Execution of this Act until superseded by a fresh Nomination, to be entered in such Book as aforesaid.

Appointment of Commissioners to be entered in a Book, &c.

VIII. And for the more effectually raising and levying Money for the general draining and preserving the Lands comprised within the Limits aforesaid, and answering the Purposes of this Act; it is hereby further enacted, That the said Commissioners hereby nominated and appointed, and such other Commissioners as shall hereafter succeed them, or any Five or more of them, shall meet twice in every Year, (that is to say,) upon the First *Tuesday* in *March* and the First *Tuesday* in *September*, which Meetings shall be called General Meetings, besides the First Meeting hereby appointed, at some Public House in the Parish of *Yaxley* aforesaid, to be appointed by the said Commissioners, or any Five or more of them, and at such other Times and Places near the Limits aforesaid as the said Commissioners, or any Five or more of them, shall see Cause for or think convenient, pursuant to Notice in Writing for that Purpose, signed by any Five or more of them, and affixed upon the Outside of the South Door of the Parish Church of *Yaxley* aforesaid Ten Days at least before any such Meeting (except those held by Adjournment); and that the First Meeting shall be held at some Public House in *Yaxley* upon the *Tuesday*

Meetings of Commissioners.

*Tuesday* Fortnight next after the passing of this Act; and may from Time to Time adjourn themselves, and meet again pursuant to such Adjournments, as often as they shall think proper; and that all Powers and Authorities granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at such Meeting, such major Part not being less than Three, except borrowing Money and executing Securities as hereinafter mentioned.

Commis-  
sioners to  
appoint a  
Chairman.

IX. And be it further enacted, That the said Commissioners shall at their First and every subsequent Meeting appoint a Chairman to act at such Meeting, who shall be entitled to vote thereat as a Commissioner, and shall also in case of an Equality of Votes have the casting Vote.

Commis-  
sioners may  
act as Jus-  
tices.

X. And be it further enacted, That such of the Commissioners appointed or to be appointed in or by virtue of this Act as shall be a Justice or Justices of the Peace may and is and are hereby authorized and empowered to act as a Justice or Justices of the Peace, within the Limits of his or their proper Jurisdiction respectively, in the Execution of the Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being a Commissioner or Commissioners; provided such Commissioner or Commissioners is or are otherwise qualified, and not interested in the Matter in question otherwise than as a Commissioner or Commissioners.

Commis-  
sioners not  
to act but  
at Meetings  
or in conse-  
quence of  
Orders.

XI. And be it further enacted, That nothing shall be done by the said Commissioners in the Execution of this Act but at a Meeting to be held in pursuance of this Act, or in consequence of some Order or Orders made at such Meeting or Meetings, except granting and issuing of such Notices, Warrants, and Precepts by the said Commissioners as they are hereby empowered to make or issue.

Officers to be  
appointed.

XII. And be it further enacted, That the said Commissioners, or any Five or more of them, at any of the Meetings to be held in pursuance of this Act, shall have full Power and Authority to appoint One or more Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, Clerk, or such other proper Officer or Officers as they the said Commissioners shall think fit, for the taking care of all such Works, and for collecting the Rates or Assessments which shall be made or assessed on the said Fen Lands and Low Grounds within the Limits aforesaid by virtue of this Act, and to allow and appoint to be paid to such Officer or Officers, out of such Rates or Assessments, such yearly or other Wages or Salaries for their Trouble and Pains as they the said Commissioners, or any Five or more of them, present at any such Meeting, shall think reasonable; which said Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, Clerk, or other Officer or Officers so to be appointed may be removed at the Will and Pleasure of the said Commissioners, or any Five or more of them, assembled at a Meeting to be held for that Purpose, of which Fourteen Days Notice at least shall be given in Writing to be affixed on the Church Door of *Yaxley* aforesaid, and

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another or others to appoint in his or their Stead, as Occasion shall require; and such Treasurers, Collectors, or Receivers shall, before they act in the Execution of their Offices respectively, give such Security for the due Execution of such their respective Offices, and for performing the several Trusts to them committed, as they the said Commissioners, or any Five or more of them, assembled at any Meeting, shall think fit.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for such Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk not to act as Treasurer, and vice versâ.

XIV. And be it further enacted, That once in every Year, (that is to say,) at either of the said General Meetings, or on any subsequent Day to which the said Commissioners, or any Five or more of them, shall adjourn, Inspection shall be had by the said Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Monies as shall have been raised and received by virtue of this Act for the Year then last past, and all Accounts relating thereto shall at such Meeting be made up and settled by the said Commissioners, or any Five or more of them, at which Time the Clerk, Treasurer, Collector, and Receiver of the said Taxes and Rates, and other Officers, are hereby required to attend with proper Books of Accounts of Receipts and Disbursements, and all Vouchers for the same; and on considering and examining the said Accounts, and all other Vouchers of the Receipts and Disbursements of the Money raised and received by virtue of this Act, the said Commissioners, or any Five or more of them, are hereby empowered to allow and pass under

Commissioners to settle Accounts yearly.

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their Hands the said Accounts, or such Part or Parts thereof as they shall think just and reasonable; and such Account or Accounts, or such Part or Parts thereof, as shall be so passed and allowed as aforesaid, shall be fairly entered in the Books to be kept for that Purpose, which said Books, as well as all other Books for the entering of any Orders or Proceedings of the said Commissioners, shall be kept by the Clerk or Treasurer or such other Person or Persons as the said Commissioners, or any Five or more of them, shall appoint, for the Inspection of the several Owners of Lands rated or taxed by virtue of this Act, or their Agents.

Officers to  
account.

XV. And be it further enacted, That all and every such Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers so appointed as aforesaid shall give in to the said Commissioners, or any Five or more of them, a true, exact, and perfect Account in Writing under their respective Hands, with proper Vouchers, of all Monies which he or they or every or any of them shall to such Time have received, paid, and disbursed by virtue of this Act or by reason of their respective Office or Offices, and in case the Monies so received shall remain in his, their, or any of their Hands, the same shall be paid to the said Commissioners, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall, by any Writing or Writings under their Hands, authorize and empower to receive the same; and in case any such Clerk, Collector, Receiver, Treasurer, or other Officer shall not give in and make such Account and Payment as aforesaid, or shall refuse to deliver up all Books, Papers, and Writings in his Custody to the said Commissioners, or any Five or more of them, or to such other Person or Persons as they or any Five or more of them shall order or direct, that in either of the said Cases any One or more Justice or Justices of the Peace for the said County of *Huntingdon* shall and may make Inquiry of and concerning such Default as aforesaid in a summary Way, as well by Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice and Justices is and are hereby authorized and required to administer without Fee or Reward); and if any such Clerk, Treasurer, Receiver, Collector, or other Officer shall be convicted of all or any of the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit the Party to the Common Gaol of the said County of *Huntingdon* until he shall have made a perfect Account and Payment as aforesaid, and deliver up all such Books, Papers, and Writings in his Custody, or shall have compounded and agreed with the said Commissioners, or any Five or more of them, and paid such Composition Money, which Composition the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make.

Proceedings  
of Commis-  
sioners to be  
entered in  
Books, &c.

XVI. Provided always, and be it enacted, That all Orders and Proceedings of the said Commissioners, or any of them, at any of their Meetings to be held in pursuance of this Act, shall be entered in Books to be kept for that Purpose, and that such Orders and Proceedings so entered shall be signed by any Five or more of the said Commissioners so assembled at such Meetings, and all such Books shall

shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings touching any Matter or Thing done in relation to or in pursuance of this Act.

XVII. Provided nevertheless, and be it enacted, That no Order which shall be made by the said Commissioners, or any Five or more of them, at any of their Meetings by virtue of this Act, shall be altered, reversed, annulled, or made void at any subsequent Meeting, unless Notice in Writing, setting forth the Intent of such Meeting, be affixed on the Outside of the Church Door of *Yaxley* aforesaid Fourteen Days before such subsequent Meeting, and unless Ten or more of the said Commissioners be present at such subsequent Meeting, and consent thereto.

No Order of Commissioners to be reversed without Fourteen Days Notice.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Drainage, and of the several Articles, Matters, and Things for which such Sum or Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Persons to which such Books shall relate, without Fee or Reward; and the said Commissioners or other Persons interested shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and the said Book or Books shall be produced by the said Clerk at all Meetings of the said Commissioners; and in case any Clerk shall refuse to permit or shall not permit any of the said Commissioners or other Persons interested therein to inspect such Book or Books, or to take Copies or Extracts as aforesaid, or in case such Clerk shall refuse or neglect to produce such Book or Books at any Meeting of the said Commissioners, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Books of Accounts to be kept, and open for Inspection, &c.

XIX. And be it further enacted, That the said Commissioners, or any Five or more of them, shall have full Power and Authority, from Time to Time and at all Times hereafter, as they shall think proper, to make, erect, support, alter, and maintain such Cuts, Drains, Dams, Banks, Forelands, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Steam Engines, and Mills in, through, and upon the said Lands and Grounds, or any Part thereof, and to make, erect, remove, alter, repair, and maintain all such Works and Engines thereon, and such Cuts, Drains, Dams, Banks, Forelands, Bridges, Tunnels, Headings, Trays, Slamps, Outlets, Works, Engines, or Mills as are already made or erected in or upon such Lands or Grounds, to remove, alter, repair, or continue, and also to make such Orders and to give such Directions for the carrying on and for the better and more orderly Government and using of the said Works for the Purposes of this Act

Commissioners to make Drains, &c

Act as the said Commissioners, or any Five or more of them, shall at any Meeting or Meetings to be held in pursuance of this Act think fit, order, direct, or appoint, making such reasonable Satisfaction to the Person or Persons who hath or have a Right to the Soil through or upon which any such Cut, Drain, Dam, Bank, Foreland, Bridge, Tunnel, Heading, Tray, Slamp, Outlet, Work, or Engine shall be made or erected, for the Damages he, she, or they shall thereby sustain, as shall be agreed upon between such Commissioners, or any Five or more of them, and such Person or Persons; and in case any Difference shall arise between the said Commissioners and Land Owners in regard to the Value of such Damages, the same shall be settled, adjudged, and determined by a Jury to be summoned, impannelled, and returned in the Manner herein-after mentioned.

Commissioners to make Soke Dikes.

XX. And be it further enacted, That a Soke Dike, not exceeding Two Feet wide and Two Feet deep, shall and may be cut and made by the said Commissioners through the said Lands and Grounds, at any Distance not exceeding Sixty Feet from the Seat of each of the said Banks, and a Soke Bank laid on that Side thereof nearest to the said Banks, for the preserving and keeping the Soke of the said Rivers and other outside Waters from the said Fen Lands and Low Grounds.

Commissioners to mill into Yaxley Lode, &c.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby fully authorized and empowered, from Time to Time and at all Times hereafter to mill, throw, or cast the Waters of the said Second District into *Yaxley Lode, White Pit, Whittlesea Meer, or Stilton* otherwise *Yaxley Brook*, as to them the said Commissioners shall seem best and most effectual for the Drainage of the Lands comprised within the Limits aforesaid.

Commissioners to join the Bank to Lord Saye and Sele's Bank.

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby fully authorized and empowered, to extend the intended Southward Embankment of the said District, or any Part of the Ends or Boundaries thereof, up to and adjoining the Bank of the Twelve Foot Drain lately made by the said Lord *Saye and Sele*.

Stilton Brook to be extended into Whittlesea Meer.

XXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby fully authorized and empowered, to extend, cut, and carry, and from Time to Time and at all Times hereafter to cleanse and scour out, *Stilton* otherwise *Yaxley Brook*, through the *Reed Shoals*, into *Whittlesea Meer* aforesaid.

Commissioners may take Water from the Places herein mentioned.

XXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby fully authorized and empowered, to erect any Tunnels, Doors, or Sluices for the Purpose of taking Water into the said Second District from and out of *Yaxley Lode, White Pit, Whittlesea Meer, or Stilton* otherwise *Yaxley Brook* aforesaid; and that such Tunnels, Doors, and Sluices, when so made, shall be considered as Part of the Works of the said Second District,



District, and shall be under the Direction of the said Commissioners, who may give Power to their said Surveyor to open and shut the same as Occasion shall require.

XXV. And be it further enacted, That all and singular the said intended Banks, Slamps, and Forelands, and also the Roads, already made or hereafter to be set out by the said Commissioners, shall at all Times be by them kept as Pasture or Grass Land, and shall not at any Time or Times be cut, taken, or carried away, nor shall any Earth, Flag, or other Materials be taken therefrom by any of the said Commissioners or their Superintendent, or any of their Officers or Servants, or any other Person or Persons whomsoever; but the Grass and Herbage of the said Banks, Slamps, Forelands, and Roads, and also the Fisheries in *Stilton* otherwise *Yaxley Brook*, and all and singular other the Drains to be made, scoured out, and preserved pursuant to this Act, shall be let by the said Commissioners, at one of their Half-yearly Meetings, for the best Rent that can be reasonably obtained for the same, under such Regulations and under such Restrictions as the respective Commissioners for the Time being shall think necessary; and the Monies arising from such Lettings shall be applied for the general Purposes of this Act.

Herbage of Banks, &c. and Fisheries, to be let by Commissioners.

XXVI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to lay, and from Time to Time and at all Times hereafter amend, support, and preserve, a Tunnel under and across the Drain called *Yaxley Lode*, for the Purpose of forming a Communication between the Lands hereby intended to be drained, lying East and West of the said Lode, and in order to conduct the Waters from the said Lands lying on the eastwardly Side of the said Lode to the Mill or Steam Engine which is intended to be erected on some Part of the said Lands lying on the westwardly Side of the said Lode, inasmuch as the said Lands lying on the East of the said Lode contain only Sixty-nine Acres, and cannot otherwise be drained by virtue of this Act than by erecting an additional Mill for that Purpose.

Power to Commissioners to lay Tunnels under Yaxley Lode.

XXVII. And be it further enacted, That the said Commissioners, or any Five or more of them, may and they are hereby empowered, out of the Monies arising by the said Taxes, to make such Allowances for catching and destroying the Moles and other Vermin in the Banks and Lands belonging to and within the Limits aforesaid as they the said Commissioners, or any Five or more of them, shall think proper.

Commissioners may make Allowances for catching Moles.

XXVIII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any Land lying within the Limits aforesaid, through which any Droveway Dike, Outring Dike, or Division Dike, leading to any of the Mill Drains within the Limits aforesaid, doth or shall pass, shall neglect or refuse sufficiently to road, scour, cleanse, open, or repair any such Dike, or to make the same of the Depth of Four Feet and a Half and of the Width of Eight Feet at the least, after Ten Days Notice in Writing to him, her, or them from Time to Time given by the Collector, Receiver, or other Officer of the said Commissioners, pursuant to an Order in Writing under the Hands

Owners or Occupiers to cleanse Dikes by Order of Commissioners.

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of Five or more of the said Commissioners, then it shall be lawful for such Collector, Receiver, or other Officer from Time to Time to cause such Dikes to be roaded, scoured, cleansed, opened, deepened, and repaired in a sufficient Manner, and made of the Width aforesaid, at the proper Costs, Charges, and Expences of such Owners or Occupiers and that wherever a Road or Way shall have been made over or across any such Dike, without a Tunnel Two Feet Square lying therein, to cause such Ways or Roads to be taken up, and such Dike to be made of a proper Width and Depth for conveying the Waters through the same to the Mill or Mills, Steam Engine or Steam Engines, erected or to be erected for draining the said Fen Lands and Low Grounds, and by a Warrant or Precept under the Hands of Five or more of the said Commissioners to levy all such Charges and Expences as shall be occasioned by the deepening and widening of the said Dikes, or the taking up of such Roads, and putting down new Tunnels of the Dimensions aforesaid, upon the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of the said Lands through which the said Dikes shall pass or upon which they shall adjoin, and who shall make or continue, or cause to be made or continued, such Road or Way as aforesaid.

Commissioners empowered to drain other Lands.

XXIX. And it is hereby further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at any Time or Times, as they shall think convenient, to contract and agree with any Owner or Owners, Occupier or Occupiers of any Lands or Grounds lying within the said Parish of *Yaxley* or *Stilton*, for the draining of such Lands or Grounds for such Time and Times and at and for such yearly or other Sum or Sums of Money respectively as they the said Commissioners, or any Five or more of them, shall think fit; which said Sum and Sums of Money so to be contracted and agreed for shall be from Time to Time applied and disposed of in or towards executing the Purposes of this Act.

Commissioners may make Contracts.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to make Contracts with any Person or Persons for performing any of the Works, Matters, and Things that shall be thought necessary in the Execution of this Act, Fourteen Days Notice being given by the said Commissioners, or any Five or more of them, upon the Outside of the said Church Door of *Yaxley*, of the Time and Place of their receiving Proposals for such Contracts.

Taxes.

XXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, assembled at their First and other General Meetings, yearly and every Year to assess, rate, tax, and charge all and every the said Fen Lands and Low Grounds within the Limits aforesaid, and the respective Owner and Owners or Occupier and Occupiers thereof, by an equal and proportionable Acre Rate or Tax, in any Rate or Sum not exceeding Twenty Shillings *per* Acre in any Year, (so long as any Money to be borrowed by virtue of this Act shall remain due thereon,) for carrying on and effecting the said Purposes of draining and preserving the same; and that such Rates or Taxes shall be paid half-yearly on

the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year, and that the first Payment shall be made on the Twenty-ninth Day of *September* next after the passing of this Act; and from and after such Works of Drainage and Improvement shall be completed and effected, and all Money borrowed by virtue of this Act shall have been fully paid off, it shall and may be lawful for the said Commissioners to assess, rate, tax, and charge all the said Fen Lands and Low Grounds with such an equal and proportionable Tax (not exceeding the said Sum of Twenty Shillings *per* Acre for each Year) as in the Judgment of the said Commissioners shall be deemed necessary for the Improvement, Support, Removal, Maintenance, or Reparations of the several Work or Works of Drainage so directed to be done as aforesaid.

XXXII. Provided always, and it is hereby enacted and declared, That the Quantities of Land so to be rated and taxed as aforesaid shall, on or before the Day of the First General Meeting hereby appointed, be given to the Receiver or Collector of the said Taxes or Rates by the respective Proprietors or Occupiers of such Lands; and if any such Proprietors or Occupiers should neglect or refuse to give to any such Receiver or Collector a particular Account of the Number of Acres of which he, she, or they shall be Proprietor or Occupier, or in case there shall be any Doubt touching the Fairness or Truth of such Account so delivered in, it shall be lawful for the said Commissioners, or any Five or more of them, to order a Survey to be made of any of the said Lands by a Surveyor upon Oath, (which Oath any One of the said Commissioners is empowered to administer,) and such Survey so by him made shall be a sufficient Warrant and Authority to the said Commissioners, or any Five or more of them, to rate and assess the Lands agreeable thereto; the Charge of such Survey to be borne by such Person or Persons as shall neglect or refuse to give in such Account, or who shall deliver in a false Account, such Charge to be recovered in such Manner as the Taxes are herein directed to be recovered; and in case it shall appear upon any Survey that the Number of Acres was truly delivered in, then the Charge of such Survey to be paid by the Receiver or Collector out of the Monies to be raised by virtue of this Act.

Owners to give to the Receivers an Account of Quantities of their Lands.

XXXIII. And be it further enacted, That if any Person or Persons shall neglect to pay to the Receiver or Collector to be appointed as aforesaid, at the Place of Abode of such Receiver or Collector, the Money assessed, rated, or charged on him, her, or them respectively by virtue of this Act, for the Space of Twenty-one Days after the respective Times of Payment herein-before appointed, it shall be lawful for the said Collector or Receiver, or for any other Person or Persons, at any Time or Times thereafter, by virtue of a Warrant or Precept under the Hands and Seals of Five or more of the said Commissioners, (which Warrant or Precept the said Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time to make and issue, as Occasion shall require,) to enter into and upon the said Fen Lands and Low Grounds within the Limits aforesaid for which the said Taxes shall be so in arrear, and all Messuages, Tenements, and Buildings thereupon standing, and to levy the Sum

Power to distrain.

or

or Sums of Money by him, her, or them payable for such Taxes, so in arrear, by Distress and Sale of the Goods, Chattels, and Cattle which shall be found on the said Premises so charged with the said Tax in arrear; and in case no sufficient Distress can be found on the Premises, it shall be lawful for such Collector or Receiver or other Person or Persons, by virtue of such Warrant or Precept as aforesaid, to levy the said Taxes in arrear by Distress and Sale of the Goods, Chattels, and Cattle of the Person and Persons so making Default in Payment, in any other Place within the Kingdom of *Great Britain*, and the Goods, Chattels, and Cattle so distrained to impound on the Premises, or carry away, drive, and impound in any other Place not above the Distance of Three Miles from the Place from whence they shall be so carried away and driven, at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing at the House or usual Place of Abode of the Owner of such Goods, Chattels, or Cattle so distrained, or at the usual Place of Abode of the Owner or Occupier of the Land charged with such Arrear of Tax, of the Cause of such Distress, and the Place where the Goods, Chattels, and Cattle shall be so impounded; and if the Owner or Owners of the Goods, Chattels, or Cattle so distrained shall not pay the Sum or Sums of Money in arrear, together with all Costs and Charges attending such Distress, or replevy the said Goods and Chattels, with sufficient Security to be given to the Sheriff of the County where such Distress shall be so taken, or other Officer or Officers usually taking such Securities, according to the Laws now in being for Distress in case of Nonpayment of Rent, within Five Days after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining may sell the said Goods and Chattels so distrained for the best Price that can be got for the same, for and towards Satisfaction for the Monies for which such Distress shall be so taken, and the Charges of taking, keeping, and selling the said Goods and Chattels, leaving the Overplus (if any be) in the Hands of the Person or Persons so distraining as aforesaid, for the Owner's Use.

Land Owners  
to forfeit  
Two-pence  
in a Shilling  
for Nonpay-  
ment of  
Taxes within  
21 Years.

XXXIV. And to the end that the full Sum which is or shall be so rated, taxed, or assessed may be duly answered and paid, be it enacted, That if any Person or Persons shall refuse or neglect to pay or cause to be paid to the Collector or Receiver for the Time being the Sum which he, she, or they shall be respectively charged with by virtue of this Act, for the Space of Twenty-one Days after the Days and Times herein-before respectively mentioned for Payment thereof, every such Person shall pay and forfeit the Sum of Two-pence for every Shilling which shall be so in arrear and unpaid, to be levied by Distress and Sale of his, her, and their Goods and Chattels in such Manner as the aforesaid Taxes, Rates, 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 Drainage, and other the Purposes of this Act.

Power to enter and hold  
Premises in  
case of Non-  
payment of

XXXV. And whereas it may sometimes happen that some of the Lands and Grounds hereby made chargeable with the several Rates and Taxes as aforesaid may be untenanted for a considerable Time, and no Goods or Chattels may be found of the Owner or Owners thereof,

thereof, so that no Distress can be taken for levying the said Taxes or Rates; therefore, for the enforcing the Payment thereof in 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 Three Months after the same shall become due and payable, and no sufficient Distress can be found upon the Lands or Grounds charged therewith, or of the Owner or Owners thereof, then it shall and may be lawful for the said Commissioners, or any Five or more of them, or any other Person or Persons to be authorized by them, to enter into and upon, have, hold, possess, and enjoy, and to let for a Term of Years, all or any Part of the said Lands and Grounds for which the said Rates or Taxes shall be so in arrear and unpaid, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith the said Rates and Taxes due for the same, and the Penalties incurred for the Nonpayment thereof as aforesaid, and all Costs, Charges, and Expences that shall be occasioned by or attending such Entry upon, letting, or Perception of the Rents and Profits of the same Premises respectively, shall be fully paid and satisfied.

Taxes within  
Three  
Months.

XXXVI. And be it further enacted, That where any Person or Persons being Tenant or Tenants for Life or Lives or in Tail of any Part of the said Fen Lands and Low Grounds, who shall have paid the Rates and Taxes to be assessed, rated, taxed, or charged by virtue of this Act in respect of such Fen Lands and Low Grounds, shall die before the Expiration of Six Years from the passing of this Act, it shall be lawful for him, her, or them so dying, by his, her, or their last Will and Testament or last Wills and Testaments respectively, to charge such Fen Lands and Low Grounds with the Payment of the Amount of such Rates and Taxes, and to direct and appoint the same to be paid to such Person or Persons as he, she, or they shall think fit; and in default thereof, the same shall be a Charge upon the said Fen Lands and Low Grounds, and shall, within Twelve Calendar Months after the Death of such Tenant or Tenants for Life or Lives or in Tail, be paid by the Person or Persons entitled to the Reversion or Remainder immediately expectant on the Death of such Tenant or Tenants for Life or Lives or in Tail, together with lawful Interest for the same from the Death of such Tenant or Tenants for Life or Lives or in Tail respectively, and shall and may be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

In case of  
Death of  
Tenants for  
Life or in  
Tail, they  
may charge  
the Lands  
with Taxes  
paid by them  
within Six  
Years from  
the passing  
of this Act.

XXXVII. And be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed or rated by virtue of this Act shall pay, and they are hereby authorized and required to pay, all and every such Sum and Sums of Money as shall be assessed or rated on the respective Lands and Grounds in their several Occupations, and to deduct and retain out of his, her, or their Rent all such Sum and 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 or 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 dis-

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

[*Local.*]

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charged

charged 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 not  
to deduct  
Penalties.

XXXVIII. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Nonpayment of 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 or 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 notwithstanding.

Lands not to  
be assessed  
to Parochial  
Rates with-  
out deducting  
Taxes.

XXXIX. And whereas the several Fen Lands and Low Grounds hereby intended to be drained are, in their present Situation, of small Value, and yield little or no Profit to the Proprietors or to the Public, and their improved Value entirely depends upon large Sums of continually to be expended in the Preservation thereof, which Money Sums cannot be raised without the Aid of Parliament, subjecting the Owners or Occupiers of the said Fen Lands or Low Grounds to a heavy annual Acre Tax, whereby they will not receive a Profit from the same according to their extended Rents, but according to a reduced Rent, after deducting the said Acre Rate or Tax: And whereas it is apprehended that Advantage may be taken of such extended nominal Rents by the Churchwardens, Overseers, and Surveyors of the Highways of the said Parish of *Yaxley*, wherein such Lands lie, to assess the same at a higher Rate than those Lands ought in justice to bear; for Prevention whereof, and to encourage public Works of draining, be it enacted, That in all such Assessments the said Fen Lands and Low Grounds shall hereafter be rated and assessed to the Church, Poor, and Highway Rates of the said Parish, according to their Value only after deducting the Rates or Taxes by this Act directed to be laid on the same Lands, and not otherwise.

Power to  
borrow  
Money.

XL. 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 obtaining this Act of Parliament, of purchasing Lands for and making such Banks, Forelands, Slamps, Cuts, Drains, Dams, Bridges, Tunnels, and Outlets, and erecting such Engines and other Works as will be necessary for the draining and for the speedy Improvement of the said Fen Lands and Low Grounds, be it further enacted, That the said Commissioners, or any Five or more of them, (to be real Owners of Land sufficient to qualify them to be Commissioners in their own Right,) shall and may and they are hereby empowered, at their First Meeting, and from Time to Time

at any of their General Meetings, to borrow any Sum or Sums of Money which they shall think necessary for the making, carrying on, repairing, and preserving the said Works, and by Writing under their Hands and Seals to assign over the said yearly Rates, Taxes, and Sums of Money 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 which Assignments shall be borne and paid out of the said Taxes in such Manner and Form as to the said Commissioners shall seem meet,) as a Security or Securities for any Sum or Sums of Money (such Sum or Sums so to be borrowed not to exceed in the whole the Sum of Three thousand Pounds) to such Person or Persons, or their Trustees, as shall advance or lend the same, to secure the Repayment thereof, with Interest; which Money so borrowed shall be applied, in the first place, to pay and discharge the Charges and Expences of obtaining this Act, and in the next place, in purchasing Land for the Works necessary to be done for the perfect Drainage of the said District, for making Compensation for Injury done or Land taken, and for making, erecting, repairing, enlarging, and maintaining such Engines, Banks, Drains, Slamps, Forelands, and other Works for the draining, embanking, and preserving of the said Lands, as shall from Time to Time be thought expedient by the said Commissioners, or any Five or more of them.

Application of the Money.

XLI. And be it further enacted, That all Mortgages or Assignments of the said Taxes so to be made by the said Commissioners as aforesaid shall be numbered, beginning with Number One, and so proceeding in arithmetical Progression, and that no Assignment shall be made for any greater or lesser Sum than One hundred Pounds; and which said Mortgages or Assignments shall or may be in the Words or to the Effect following :

No more than 100l. to be borrowed on One Security.

BY virtue of an Act passed in the First Year of the Reign of King *William* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], we, Five of the Commissioners by the said Act appointed, in consideration of the Sum of One hundred Pounds to us in Hand paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby grant and assign unto the said \_\_\_\_\_ his [*or her*] Executors, Administrators, and Assigns, all and singular the Rates, Taxes, and Assessments arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Commissioners of, in, and to the same, to hold unto the said \_\_\_\_\_ his [*or her*] Executors, Administrators, and Assigns, until the said Sum of One hundred Pounds, together with Interest for the same after the Rate of Five *per Cent.* for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_

Form of Mortgage.

XLII. And be it further enacted, That all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever; which Transfer shall and may be made in the Words or to the Effect following; (that is to say,)

Power to transfer Mortgages.

I [*or*

I° GULIELMI IV. Cap. liii.

Form of Transfer.

I [or We] of the Sum of \_\_\_\_\_ of \_\_\_\_\_ in consideration  
do hereby transfer a certain Mortgage [or certain Mortgages] made  
by the Commissioners of Drainage therein mentioned to \_\_\_\_\_  
bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ and numbered  
and all my [or our] Right and Property therein, to the said  
his [or her or their] Executors, Administrators, and  
Assigns. Dated this \_\_\_\_\_ Day of \_\_\_\_\_  
our Lord \_\_\_\_\_

Fee for registering of Transfers.

XLIII. And be it further enacted, That the Clerk to the said  
Commissioners shall be entitled to a Fee of Five Shillings for entering  
in a Book every Mortgage or Transfer thereof, which Book shall be  
provided by the said Commissioners for that Purpose.

Commissioners may lend Money.

XLIV. And be it further enacted, That all and every Commis-  
sioner and Commissioners appointed by this Act, or who shall here-  
after be appointed by any Power or Authority hereby given, shall  
and lawfully may, notwithstanding his or their being such Commis-  
sioner or Commissioners, lend any Sum or Sums of Money on  
Security of the Taxes or Rates to be rated, charged, or assessed by  
virtue of this Act, in such Manner as any other Person or Persons  
may, can, or shall do by means or virtue hereof; and such Com-  
missioner or Commissioners so advancing or lending such Sum or  
Sums of Money shall and may lawfully take a Mortgage or Mort-  
gages, Assignment or Assignments of the said Taxes, from the said  
other Commissioners, or any Five or more of them, as a Security and  
Advancements for the said Sum and Sums of Money so by him or them  
advanced and lent; which Mortgage or Mortgages, Assignment or  
Assignments, being so executed by the said Commissioners, or any  
Five or more of them, shall be effectual and binding to all Intents  
and Purposes whatsoever; and the Commissioner or Commissioners  
so advancing or lending such Sum or Sums of Money, and accepting  
and taking such Security, shall by means and virtue thereof have and  
exercise such and the like Powers and Remedies for recovering and  
receiving the said Sum and Sums of Money, and the Interest thereof,  
and for assigning or transferring the same, as any other Mortgagee or  
Mortgagees of the said Rates or Taxes can, may, or shall have and  
take by means and virtue of this Act.

Taxes to vest in Creditors.

XLV. And be it further enacted, That the said Rates, Taxes, and  
Sums of Money hereby assessed or to be assessed upon and paid by  
the Owners or Occupiers of the said Fen Lands and Low Grounds,  
shall be charged and chargeable, in the first place, with and for the  
Payment of all and every the Sum and Sums of Money, and the  
Interest of such Money from Time to Time, and shall vest in the  
respective Creditor or Creditors, upon Default of Payment of such  
Principal Money and Interest, until the same shall be fully satisfied  
and paid, together with the Costs and Charges occasioned by Non-  
payment thereof as aforesaid; and the said Creditors, their Executors,  
Administrators, and Assigns respectively, shall have the same Powers,  
Rights, and Privileges of assessing, raising, and recovering of the  
said



said several Taxes and Sums of Money payable by the several Owners and Occupiers of the said Fen Lands and Low Grounds, for or in respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners or their Collector could have had in case the said Principal and Interest had been fully paid.

XLVI. And in order that no Preference may be given to any of the Persons who shall have advanced Money upon the Credit of the Rates or Assessments to be raised, levied, or collected by virtue of this Act, in the Repayment of the Money so advanced; be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper, and rolled up in the same Form and put in a Box; and the Number or Numbers of the said Assignments or Securities to the Amount intended to be paid off shall be drawn separately out of the said Box by the Clerk to the said Commissioners, in the Presence of the said Commissioners, or any Five or more of them; and after the said Ballot, the said Commissioners shall cause Notice signed by their Clerk to be given or left at the usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, and where there shall be only One Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Commissioners to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, with Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving such Notice as aforesaid; and the Interest of the Principal Money so paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Provision for Payment of Creditors by Ballot.

XLVII. And be it further enacted, That the said Commissioners shall have full Power and Authority to do all or any of the Matters and Things aforesaid, and to make and erect all or any of the several Works hereby authorized to be done, made, or erected, in, over, or upon any Common or Waste Grounds, and also in, over, or upon any private Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, within the Limits of this Act, making Satisfaction as herein-after mentioned; and it shall be lawful for the said Commissioners 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, taken, or used for the Purposes of this Act, 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

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

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interested

interested in the Premises; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or other Person or Persons having a partial or qualified Interest or Estate in any Lands, Tenements, or Hereditaments, 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, and other Persons interested, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or 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 Politic, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons, interested or concerned as aforesaid, shall, for the Space of Twenty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective then present or last usual 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 required, Fourteen Days at least before they shall make Application to the Justices of the Peace as herein-after mentioned, and within Twelve Calendar Months next after the Lands, Tenements, or Hereditaments shall have been taken, cut, or used, or such Damage done, to give or cause to be given to the Party or Parties whose Lands, Tenements, or Hereditaments shall have been taken, cut, or 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 Lands, Tenements, or Hereditaments, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury; and thereupon the said Commissioners shall and they are hereby empowered and required forthwith to apply to any Two or more Justices of the Peace for the said County of *Huntingdon* (not being interested), which said Justices are hereby authorized and required to issue out their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County for the Time being, or if such Sheriff shall

Commissioners may apply to a Jury to ascertain the Value of Lands, and the Amount of Damage.

be immediately interested in the Matter in question, then to one of the Coroners of the said County not immediately interested in the Matter in question, commanding such Sheriff or Coroner to impanel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required to impanel, summon, and return a sufficient Jury, qualified according to the Laws of this Realm to serve on Juries on the Trial of Issues, to appear before the Justices of the Peace for the said County at their General or Quarter Sessions, at such Time and Place as in such Warrant or Warrants shall be named, and by such Warrant or Warrants to direct the said Sheriff or Coroner, on some Day or Days previous to the said General or Quarter Sessions of the Peace to be therein specified, to proceed with the said Jury, or any Six or more of them, to view the Place or Places and Matters in question; and the said Justices of the Peace in Session assembled are hereby empowered out of the said Jury to swear Twelve, who shall be a Jury to inquire touching the Matter in question; and in case a sufficient Number of Jurymen shall not appear at such Time or Place as aforesaid, the said Sheriff or Coroner shall return other qualified and indifferent Men who may be speedily procured, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Court of General or Quarter Sessions is hereby also empowered and required, by Subpcena or other usual Process, from Time to Time to summon or cause to appear at the said Court all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question, as well upon the Application of the Parties interested, as otherwise, and also to examine such Witnesses upon Oath (which Oath the said Court of General or Quarter Sessions is hereby empowered to administer) touching the Matters in controversy; and the said Court may in like Manner order and direct the said Jury, or any Six or more of them, to view the Place or Places and Matter in question; and the said Jury shall inquire of and assess the Sum or Sums of Money to be paid for Satisfaction or Damages as aforesaid, and shall ascertain in what Proportions the Sum or Sums so assessed shall be paid to the several Persons interested; and the said Court shall give Judgment for such Sum and Sums of Money accordingly; which said Verdict, and the Judgment thereupon pronounced, shall be conclusive upon all Parties interested; and a true Copy of such Judgment shall be admitted as Evidence in all Courts of Justice; and the Clerk of the Peace for the said County shall be paid Five Shillings, and no more, for the recording of every such Verdict and Judgment; and the said Clerk of the Peace or his Deputy is hereby required to make and deliver to the Person or Persons requiring the same a Copy thereof, he, she, or they paying for such Copy after the Rate of Sixpence for every Seventy-two Words, and no more.

XLVIII. Provided always, and be it further enacted, That if such Sheriff or Coroner, or his Under Sheriff or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any such Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing shall refuse to be sworn, or being

Penalty on Sheriff, Coroner, Under Sheriff, Juror, or Witnesses making Default.

sworn

sworn shall refuse to give his Verdict, or in any Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, after having been paid or tendered a reasonable Sum for his or her Costs, Charges, and Expences, or appearing shall refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Court, shall for every such Offence forfeit and pay such Sum as the said Court shall adjudge, not exceeding Twenty Pounds for any One Offence.

Costs of Jury,  
how to be  
paid.

XLIX. And be it further enacted, That in all Cases where any Verdict shall be given for a greater Sum for the Sale of any Lands, Tenements, or Hereditaments, or as a Compensation for Damages done or to be done, than shall have been offered by or on behalf of the said Commissioners before the summoning of such Jury, then all the Expences of such Jury, and of the Witnesses attending upon the same, and of taking such Inquest, (such Expences to be settled by the said Justices,) shall be paid by the said Commissioners out of the Monies 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 previously offered in the Cases aforesaid by or on behalf of the said Commissioners, then and in every such Case the Expences attending such Verdict and Judgment, to be settled as aforesaid, shall be paid by the Owners or Persons interested in the Lands, Tenements, or Hereditaments upon or in respect of which such Application shall have been made; which said Expences, in case the same shall not be paid on Demand, after being settled as aforesaid, may be recovered by the said Commissioners in and by such Ways and Means as are herein provided for the Recovery of Rates and Taxes to be raised and levied by virtue of this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Commissioners in manner aforesaid.

Application  
of Compens-  
ation when  
exceeding  
200*l*.

L. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments purchased, sold, taken, or used by virtue of the Powers of this Act, and for any Damages done to such Lands, Tenements, or Hereditaments as herein particularly mentioned, or for both such Purposes, and the said Money shall belong to any Corporation, Feme Covert, Idiot, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or having only a limited Interest as herein-before mentioned, such Money shall, in case the same shall amount to or 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 Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King George the Fourth, intituled

1 G. 4. c. 35. *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court,*

*Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court 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 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 Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used or damaged as aforesaid stood settled or limited, or unto 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 meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court, upon Application thereto, 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 meantime, and until the said Bank Annuities shall be ordered by the said Court 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 be paid, by Order of the said Court, 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 had been made.*

LI. 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 or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity, or having only a limited Interest as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of 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 Lands, Tenements, or Hereditaments so purchased, taken, or used or damaged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be 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 the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties),

When less than 200*l.* and amounting to 20*l.*

in order that such Money may be applied in such Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court touching the Application thereof.

When less than 20*l*.

LII. And be it further enacted, That where such Monies so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in every such Case 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 Lands, Tenements, or Hereditaments so purchased, taken, or used or damaged 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 thereto.

In case of not making out Titles, &c.

LIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of England who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of England.

When any Question shall arise touching the Title to Money, &c.

LIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Exchequer, in

pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LV. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expence of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by the Commissioners.

LVI. And be it enacted, That the said Commissioners, or any Five or more of them, may and they are hereby empowered to purchase such Land as they shall think proper for the Purpose of getting Earth for the raising and supporting the Banks to be made or repaired in pursuance of this Act, and to pay for such Land out of the Taxes to be raised by virtue hereof.

For getting Materials.

LVII. And be it further enacted, That it shall and may be lawful for the Surveyor or Surveyors or other Officers appointed by the said Commissioners, or any Five or more of them, to cut, dig, take, and carry away, or cause to be cut, dug, taken, and carried away, any Earth or Materials proper for repairing any of the Banks within the Limits aforesaid, in, upon, out of, or from any Common River or Brook, Waste or Common, within any Part of the said Fen Lands or Low Grounds to be drained by virtue of this Act, without paying any thing for the same, they the said Surveyors or other Officers filling up or sloping down the Pits and Holes made by digging such Earth or Materials with all convenient Speed, and in the meantime making a sufficient Fence to prevent any Misfortune or Accident happening in such Pits or Holes; and if a Quantity of Materials sufficient or conveniently situated for that Purpose cannot be found in or upon any such

Powers to take Materials for Banks.

such River, Brook, Waste, or Common, then it shall be lawful for such Surveyor or Surveyors, or other Officer or Officers, by virtue of a Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which Warrants and Precepts the said Commissioners, or any Five or more of them, are hereby empowered to grant,) to cut, dig, take, and carry away, or cause to be cut, dug, taken, and carried away, any Quantity of Earth or other Materials proper and sufficient for that Purpose in, upon, out of, or from any of the Lands or Grounds to be drained by virtue of this Act, of any Person, where the same may be had or found, to be used towards repairing the said Banks, (such Lands or Grounds not being a Yard, walled Garden, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to any House,) they the said Surveyors or other Officers paying or tendering a reasonable Compensation to the respective Owners or Occupiers of such Lands and Grounds for such Earth or other Materials, and for the Damages done to such Lands and Grounds by cutting, digging, and carrying away the same; and in case of any Difference between the said Commissioners, or their Surveyor or Surveyors, or other Officer or Officers, and any of the said Owners or Occupiers, touching the Premises, any Two or more Justices of the Peace for the County, Liberty, or Place where the same shall happen, not interested in the Premises, shall and may, on Ten Days Notice thereof in Writing to be given by any such Surveyor or other Officer to such Owner or Occupier, or by such Owner or Occupier to such Surveyor or other Officer, to be left at their respective Places of Abode with some or one of their respective Families, hear, settle, and determine the Matters of the said Damages; and the Determination of such Justices shall be final to the said Parties, without any Appeal therefrom.

To prevent  
destroying  
of Works.

LVIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, cut, break down, demolish, or destroy, or cause, procure, or hire any other Person or Persons to burn, cut, break down, demolish, or destroy, any Bank, Mill, Steam Engine, Flood Gate, Sluice, Tunnel, or other Works already made, erected, or used, or which shall or may at any Time or Times hereafter be making or erecting, or be made, erected, supported, maintained, or used for the Purposes of draining and preserving the Lands and Grounds within the Limits aforesaid, every Person and Persons so offending, and being convicted thereof, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties as in Cases 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 Felons for Seven Years in such Manner as other Felons are directed to be transported by the Laws of this Realm.

To prevent  
damaging  
of Works.

LIX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously stop, dam up, break down, demolish, damage, or destroy any River, Drain, or Watercourse, Door, Dam, Bridge, Heading, or other Work or Works, already made, cut, or erected, or which shall at any Time or Times hereafter be making, cutting, or erecting, or made, cut, erected, supported, maintained, or used



used for answering the Purposes of draining and preserving the Lands and Grounds, or for any other Purpose within the Limits aforesaid, every Person so offending, and being thereof convicted, on the Oath of One or more credible Witness or Witnesses, before One or more Justices of the Peace for the County of *Huntingdon*, every Person or Persons so convicted as aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds nor less than Twenty Pounds, to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justices, and to be applied and disposed of in the Improvement of the Works to be made by virtue of this Act, and not otherwise; and for Want of sufficient Distress, such Offender or Offenders shall be committed by such Justices to the Common Gaol for the said County of *Huntingdon* to hard Labour for the Space of Six Calendar Months, without Bail or Mainprize, or until such Penalty shall be paid.

LX. And whereas it frequently happens by the Negligence or Carelessness of Servants or other Persons employed in burning Fen Lands, in order to their being converted into Tillage, the Banks lying contiguous to such Lands are burnt and damaged by the Fire being suffered to remain too long on such Lands, and thereby extending to such Banks; be it therefore enacted, That if any Person or Persons who shall be employed in burning any of the Lands or Grounds within the Limits aforesaid shall carelessly or wilfully set fire to or burn, or cause to be fired or burned, any of the Banks lying near or adjoining to any of the said Fen Lands or Low Grounds; so as such Banks be by means of such Fire destroyed or damaged, such Person or Persons, being thereof lawfully convicted, by the Oath of One or more credible Witness or Witnesses, or by Confession, before any One or more Justice or Justices of the Peace for the said County of *Huntingdon*, (which Oath such Justice or Justices is and are hereby empowered and required to administer, and also to hear and determine the said Offence,) shall give and make such Satisfaction and Recompence to the said Commissioners for Damage done to the said Banks as such Justice or Justices shall think reasonable; such Satisfaction and Recompence to be paid by such Offender or Offenders, within such Time as by such Justice or Justices shall be ordered or appointed, into the Hands of the Receiver, Collector, or Treasurer for the Time being to be appointed by virtue of this Act, to be applied for and towards the repairing and amending of such Banks; and in case of Nonpayment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the said Justice or Justices before whom such Conviction shall be made; and for Want of sufficient Distress, such Offender or Offenders shall by such Justice or Justices be committed to the Common Gaol for the said County for such Time or Times as such Justice or Justices shall order and direct, not exceeding Three Months, or until such Damage or Recompence shall be paid.

To prevent  
burning of  
Banks.

LXI. And be it further enacted, That if any Person or Persons shall erect, set up, use, or work any Horse Mill, Gig, Engine, or other  
[Local.] 8 Q Device

To prevent  
Horse-mill-  
ing.

Device whatsoever for draining or discharging Water from any of the Lands and Grounds within the Limits aforesaid through or upon the Lands of any other Person or Persons, or in any other Manner than directly and immediately from the Lands of the respective Owner of such Mill, Gig, Engine, or other Device, into the said Load, or any River, Dike, or Drain on the Outside of the Boundaries of the said Fen Lands and Low Grounds, every Person so discharging or throwing Water as aforesaid otherwise than into such Load or River, Dike or Drain, on the Outside of the said Boundaries, shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall and will sue for the same, one Moiety thereof to the Person who shall sue for the same, and the other Moiety to be paid to the Collector or Receiver of the Taxes for the Time being, to be applied for the Purposes of draining and preserving the said Fen Lands and Low Grounds; and the Owner of such Mill, Gig, Engine, or other Device shall also make full Satisfaction to all and every Person and Persons who shall be injured thereby for the Damages such Person and Persons shall thereby sustain; and such Penalty, Compensation, and Satisfaction shall be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

To prevent cutting of Firing.

LXII. And whereas the Proprietors and Occupiers of the several Lands and Grounds frequently cut up the same into Firing, whereby the Value thereof is so much lessened that the Rates and Taxes charged thereon cannot be levied and raised, by which Means the Security of the said Taxes become of less Value to the Person or Persons advancing Money thereon; be it therefore enacted, That if any Person or Persons, being Owner or Proprietor or Occupier or Occupiers of any of the Lands and Grounds within the Limits aforesaid, shall from and after the passing of this Act cut or dig up, or cause or suffer to be cut or dug up, any of the said Lands or Grounds into Firing, such Owner or Owners, Occupier or Occupiers of Land shall, within One Calendar Month after the same shall be so cut or dug up into Firing as aforesaid, pay the said Collector or Receiver of the said Taxes for the Time being after the Rate of Fifty Pounds an Acre for the Lands or Grounds which shall be so cut or dug as aforesaid; and in case such Owner or Owners, Occupier or Occupiers, shall neglect or refuse to pay the same within One Calendar Month after the same shall be so cut or dug up for the Purpose aforesaid, it shall and may be lawful for the said Commissioners, or any Five or more of them, assembled at a Meeting to be called for that Purpose, by Warrant or Precept under their Hands and Seals, to order and direct the Collector or Receiver of the said Taxes for the Time being to recover the same by Distress and Sale of the Firing so cut, in such and the same Manner as the said Rates and Taxes are hereby recoverable; and the said Sum or Sums of Money so to be paid or recovered shall be and hereby is and are vested in the said Commissioners, and to be placed out by them and their Successors, in their Names or in the Names of any Five or more of them, at Interest, as a Security for the Money so borrowed on the Security of the said Taxes, and the Interest

Interest thereof to be yearly paid and applied, in the first place, for and towards the Interest of Money so due on the Credit of the said Taxes, and after Payment thereof for and towards the necessary Works of the said District.

LXIII. And whereas the Banks already made or hereafter to be made by virtue of this Act may be greatly injured if any Hogs or Swine are suffered to wander thereon; be it further enacted, That if any Hogs or Swine shall at any Time after the passing of this Act be found upon the said Banks or any of them, the Owner or Owners of such Hogs or Swine shall forfeit and pay for every such Hog or Swine so found on any of the said Banks the Sum of Five Shillings for every Day in which such Hogs or Swine shall be so found thereon.

Penalty on turning Hogs on the Banks.

LXIV. And be it further enacted, That if any Person shall cut, dig, or continue for Six Months after the passing of this Act, or cause to be cut, dug, or continued as aforesaid, any Dikes or Ditches in the said Fen Lands or Low Grounds within the Distance of Sixty Feet from any Bank which shall be made or used for the Purposes of this Act, other than and except such Soke Dikes as the said Commissioners are herein-before empowered to make, every Person so offending shall forfeit and pay the Sum of Five Pounds for every Rod of such Ditches so cut, dug, or continued (except such present Division Dikes, the Owner or Occupier of which shall make, repair, and for ever support a good and sufficient Dam in and across the same, at the Distance of Sixty Feet from the said Banks, to turn the Waters soaking through such Banks into the before-mentioned Soke Dikes, thereby to prevent the same from running or expanding any further upon the said Lands and Grounds than the said Soke Dikes, such Division Dikes not to be within the Distance of Twelve Feet from the said Banks); and if any Person or Persons shall make or cut, or cause to be made or cut, any Watering Places, or any Place of Access for Cattle to drink, within Sixty Feet of the Seat of the said Banks, or in any Mill Drain within any of the said Fen Lands and Low Grounds, every Person so offending shall forfeit for every such Offence the Sum of Five Pounds; and if any Person or Persons shall make or cause to be made any Soke Dike or Ditch (except as before excepted) in and upon any of the said Fen Lands and Low Grounds within the Distance of Sixty Feet from any Bank now made or hereafter to be made by virtue of this Act within the Limits aforesaid, every such Person so offending shall forfeit for every such Offence the Sum of Fourpence for every Foot in Length of such Soke Dike, and after the same Rate for every Month such Soke Dike shall remain unfilled after Notice given by the Clerk or Agent to the said Commissioners to such Person or Persons who shall have dug or caused to be dug the same; and the said Commissioners, or any Five or more of them, shall have full Power at any Time, at the Cost and Charges of the Owner or Owners, Occupier or Occupiers of the Lands wherein such Soke Dike or Ditch shall be made, to fill up and level the same; all which Forfeitures shall, upon Conviction of the Offender or Offenders before One or more Justice or Justices of the Peace for the said County of *Huntingdon*, upon the Oath of One or more credible Witness or Witnesses,

To prevent digging of Ditches, &c. near the Banks.

nesses, (which Oath the said Justice or Justices is and are hereby required and empowered to administer, and also to hear and determine the said Offences,) be immediately paid into the Hands of the said Collector, Receiver, or Treasurer of the said Taxes, to be applied for carrying on the Works of the said Drainage; and in case of the Nonpayment thereof, such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before whom such Conviction shall be made; and for Want of sufficient Distress, such Offender shall by such Justice or Justices be committed to the Common Gaol of the said County of *Huntingdon* for such Time as such Justice or Justices shall order and direct, not exceeding Six Months.

No Houses,  
&c. to be  
built near  
Mills.

LXV. Provided always, and be it enacted, That from and immediately after the passing of this Act no House or Buildings whatsoever shall be erected, or Trees or Holts planted, nearer to any Mill, Steam Engine, or Bank already built, made, erected, or employed, or hereafter to be built, erected, made, or employed, for draining the Fen Lands and Low Grounds within the Limits aforesaid, than Forty Poles, being the Poles of Eighteen Feet, from such Mill or Engine, and Twelve Feet from such Bank respectively; and if any Person shall build or erect, or cause to be built or erected, any House, Barn, or other Building, or shall plant any Tree or Holt, within the Distance of Forty Poles from such Mill or Engine, or within Twelve Feet from such Bank, every such Person shall forfeit and pay for every such House or Building the Sum of One hundred Pounds, to be recovered and paid in like Manner as the Penalties herein-before mentioned for erecting Horse Mills, Gigs, Engines, or other Devices for throwing of Water, and for every Tree the Sum of Ten Shillings, and Twenty Pounds for every Holt so planted, which said Penalties of Ten Shillings and Twenty Pounds are to be levied and paid in like Manner as the Penalties inflicted for cutting Dikes or Ditches within Sixty Feet of the Banks; and the said Commissioners, or any Five or more of them, are hereby empowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their Agents, Workmen, or Servants to take down such Buildings so erected, and to pull up such Trees or Holts so planted, contrary to this Act.

Commissioners may cut down Trees growing near the Mills.

LXVI. Provided also, and it is hereby further enacted, That if any Trees or Holts are now growing within the Distance of Forty Poles from any Mill or Engine already built, or hereafter shall be growing or standing within the said Distance from any Mill or Engine to be built, or within the Distance of Twelve Feet from any Bank already made or which hereafter shall be made for draining the Lands and Grounds within the Limits aforesaid, it shall be lawful for the said Commissioners, by like Order under their Hands and Seals, to direct the same to be pulled or cut down as if the same had been planted since the passing of this Act, making such Satisfaction to the Owners of such Trees and Holts as shall be agreed upon between such Owner and the said Commissioners or any Five or more of them; and in case any Difference or Dispute shall arise between the  
said

said Commissioners and such Owners touching such Satisfaction, and the same cannot be settled between them, then such Satisfaction and Recompence shall be finally determined in such and the same Manner as is herein-before prescribed for ascertaining the Recompence to be made for Damage by erecting and making any Works in pursuance of this Act.

LXVII. And be it enacted, That in all Cases wherein Jurisdiction is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful for such Justice or Justices to administer an Oath to any Person or Persons, for his or their more certain Information in the Matters then depending before such Justice or Justices.

Justices to administer Oaths.

LXVIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to empower the said Commissioners or their Successors to have, use, or exercise any Power or Authority whatsoever over the Twelve Foot Drain, being the Division Fence between the Lands of the said Lord *Saye* and *Sele*, called *Adventurers Lands*, and the East End of the said District, but that the same shall for ever after the passing of this Act continue vested in the said Lord *Saye* and *Sele*, his Heirs and Assigns, as if this Act had never been made, any thing herein contained to the contrary notwithstanding.

Commissioners to have no Power over the Twelve Foot Drain.

LXIX. And be it further enacted, That the said Commissioners, or any Five or more of them, shall cause all and every the Steam Engines and Mills which shall be erected and employed by virtue of this Act to be insured against Fire in some of the Public Insurance Offices, and from Time to Time to pay the Expence attending such Insurance out of the Money arising by virtue of this Act.

Mills to be insured.

LXX. And be it further enacted, That no Order or other Proceeding to be made or had before any Justice or Justices of the Peace by virtue of the Powers by this Act granted shall be quashed or made void for Want of Form only.

No Order to be quashed for Want of Form.

LXXI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, 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 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 committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in any Action upon the Case.

Party distraining not to be deemed a Trespasser *ab initio*.

LXXII. Provided always, and it is hereby further enacted, That this Act or any thing herein contained shall not extend to empower the said Commissioners or any of them to have, use, or exercise any

Saving Clause to the Corporation of the Bedford Level.

[Local.]

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Authority

Authority over or intermeddle with any of the Sewers, Drains, or Works already made or hereafter to be made by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Fens called Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, or take away any of the Rights, Powers, and Authorities vested in the said Governors, Bailiffs, and Commonalty, or in the said Governors, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever which, by virtue of the said Act made in the said Fifteenth Year of the said King *Charles* the Second, or any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter continue, remain, 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.

This Act not to prevent Navigation in the Lode.

LXXIII. Provided also, and it is hereby further enacted and declared, That this Act or any thing herein contained shall not extend or be construed to extend to prevent any Person or Persons from navigating with their Boats and Vessels, as heretofore has been accustomed, in and upon the aforesaid River or Dike, called *Yaxley Lode*, or any Part thereof, except only for such Time and Times as shall be necessary for damming and draining the same, for the Purposes of laying such Tunnels, and for doing and executing such other Works therein as to the said Commissioners, or any Five or more of them, shall seem expedient for the draining and preserving the said Fen Lands and Low Grounds.

Money advanced to be repaid with Interest.

LXXIV. 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 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.

Recovery and Application of Penalties.

LXXV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and Recovery whereof is not otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace, on Complaint to him for that Purpose exhibited, by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath, Affirmation, or Confession such Justice is hereby authorized to administer or receive); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being

first deducted); the Penalties and Forfeitures when recovered shall be paid and applied to the Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, City, Division, or Place wherein the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

LXXVI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture by this Act is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

LXXVII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices of the Peace; and where by this Act any Damages or Charges are directed to be paid in addition

Damages and Charges, in case of Dispute, to be settled by Justices.

addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Form of  
Conviction.

LXXVIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form; *videlicet*,

‘ **B**E it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_ is  
 ‘ convicted before \_\_\_\_\_ of His Majesty's Justices of the  
 ‘ Peace for the County of \_\_\_\_\_ [specifying the Offence, and  
 ‘ *Time and Place when and where committed, as the Case may be*],  
 ‘ contrary to the Act of Parliament passed in the First Year of the  
 ‘ Reign of King *William* the Fourth, intituled *An Act* [here set forth  
 ‘ *the Title of this Act*]. Given under my Hand and Seal [or our  
 ‘ Hands and Seals] the Day and Year first above mentioned.’

Appeal.

LXXIX. And be it further enacted, That if any Person or Persons, Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, then and in every such Case (except where the Orders or Determinations of the said Commissioners or of any Justice or Justices are directed to be binding, final, or conclusive, or where any other Mode of Relief is hereby appointed,) such Person or Persons, Bodies Politic, Corporate, or Collegiate, may appeal to any General or Quarter Sessions of the Peace to be holden for the County of *Huntingdon* within Four Calendar Months after the Cause of Appeal shall have arisen, first giving Ten Days Notice at least in Writing of such Intention to appeal to the Parties interested therein; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem meet and reasonable, and by their Order or Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any), on Demand, 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 binding and conclusive on all Parties, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Actions to be  
brought in  
the Name of  
the Clerk.

LXXX. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said  
Com-



Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Commissioners; but the Clerk for the Time being to the said Commissioners shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Actions any One of the said Commissioners shall or may be made Plaintiff or Defendant, as the Case shall be: Provided always, that every such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Plaintiff or Defendant therein.

LXXXI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if the Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiffs not to recover without Notice or after Tender of Amends.

LXXXII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any thing done in pursuance of this Act, unless Ten Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, and of the particular Nature and Cause of such Action, to the Person or Persons against whom the same shall be brought, nor after Tender of sufficient Amends shall be made to the Party aggrieved, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, and shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give all Matters in Evidence under the said Issue at any Trial to be had thereupon; and if it shall appear to have been done in pursuance and by the Authority of this Act, and in execution of the Powers and Authorities herein contained,

Limitations of Actions.

[*Local.*]

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or

or if such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or without Notice given, or after Tender of sufficient Amends as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of his or her Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if, a Verdict shall pass against the Plaintiff or Plaintiffs, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Public Act.

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

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