ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. lxxviii.

An Act for altering and enlarging the Powers of Two Acts of His preſent Majeſty, for draining and preſerving certain Fen Lands and Low Grounds lying in the *South Level*, Part of the Great Level of the Fens called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam* otherwiſe *Grant*, Weſt; and the Hardlands of *Bottiſham*, *Swaffham-Bulbeck*, and *Swaffham-Prior*, Eaſt; and for other Purpoſes therein mentioned.

[14th *June* 1819.]

WHEREAS an Act was paſſed in the Seventh Year of the Reign of His preſent Majeſty, intituled *An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the* South Level, *Part of the Great Level of the Fens commonly called* Bedford Level, *and in the County of* Cambridge, *between the River* Cam *otherwiſe* Grant, *Weſt; and the Hardlands of* Bottiſham, Swaffham-Bulbeck, *and* Swaffham-Prior, *Eaſt; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, commonly called* Bedford Level, *to ſell certain Fen Lands, lying within the Limits aforeſaid, commonly called* Inveſted Lands: And whereas another Act was paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, intituled *An Act to explain, amend, and render more effectual an Act paſſed* 7 G. 3. c. 53 19 G. 3. c. 34

passed in the Seventh Year of His present Majesty's Reign, intituled 'An 'Act for draining and preserving certain Fen Lands and Low Grounds lying 'in the South Level, Part of the Great Level of the Fens commonly called 'Bedford Level, and in the County of Cambridge, between the River Cam 'otherwise Grant, West, and the Hardlands of Bottisham, Swaffham-Bul-'beck, and Swaffham-Prior, East; and for empowering the Governor, Bai-'liffs, and Commonalty of the Company of Conservators of the Great Level of the 'Fens commonly called Bedford Level, to sell certain Fen Lands lying within 'the Limits aforesaid, commonly called Invested Lands:' And whereas, for the Purpose of making and preserving the several Works of Drainage authorized and directed to be done by virtue of the said recited Acts respectively, the said Commissioners have assessed the said several Fen Lands and Low Grounds with the several Rates and Taxes which they are by the said recited Acts respectively authorized to impose, and have borrowed several Sums of Money upon the Security of the said Rates and Taxes, and of the Tolls authorized to be collected by virtue of the said Acts, and have assigned over the said Rates, Taxes, and Tolls for securing the Money so borrowed, with the Interest thereof; and a considerable Debt now remains due upon such Assignments of the said Rates, Taxes, and Tolls: And whereas the said Commissioners, in the Year One thousand eight hundred and one, having Occasion for the Sum of One thousand Pounds, to be applied in executing the said Works of Drainage, and not being able to find any Person that would advance the same on the Security of the said Rates, Taxes, and Tolls, were obliged to borrow the same on their own personal Security, and did borrow the same accordingly of one *Zachariah Clarke*, to whom the same Money hath since been repaid in equal Moieties, by the Reverend *George Leonard Jenyns*, One of the said Commissioners, and by *Sarah Allix*, Widow and Relict of *John Peter Allix* Esquire, another of the said Commissioners, and the Two several Sums of Five hundred Pounds and Five hundred Pounds are now due and owing to the said *George Leonard Jenyns* and *Sarah Allix* respectively, and it is just and right that a Provision should be made for Repayment of the said Sums to them respectively, with Interest: And whereas the said Rates, Taxes, and Tolls authorized to be raised by the said recited Acts respectively, have been found insufficient for Payment of the Interest of the Monies borrowed on the Credit thereof, and for maintaining and keeping in Repair the several Works of Drainage to which such Rates, Taxes, and Tolls are by the said recited Acts made applicable, and the Powers given to the several Commissioners are found to be inadequate to the effectual Drainage and Preservation of the said Fen Lands and Low Grounds, and it is therefore necessary to repeal certain Parts of the said recited Acts, and to make some Alterations and Amendments therein; and for the more effectual draining and preserving the said Fen Lands and Low Grounds, and the Works already erected under the Authority of the said recited Acts, it is necessary that additional Works and Drains should be made and constructed, for which Purpose it is requisite that a Power to purchase Lands for the Erection of such Works, and other more extensive Powers, should be granted to and vested in the said Commissioners, and that additional Taxes and Rates should be laid on all the Lands subject thereto, and the Tolls granted by the said recited Acts increased, in order to raise Money to answer the aforesaid Purposes: May it therefore please Your Majesty

jesty 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 from and after the passing of this Act, all the several Clauses, Provisoes, Authorities, Powers, Restrictions, Indemnities, and other Matters and Things contained in the said recited Acts (except such Part or Parts of them or either of them as are by this Act varied, altered, taken away, or repealed), shall be in full Force and Effect, in such and the like Manner in all Respects, and to all Intents and Purposes, as if the same were repeated and re-enacted in this Act. Recited Acts continued.

II. And be it further enacted, That so much of the said recited Acts, or either of them, as exempts any Deed or Writing from Stamp Duty, shall be and is hereby repealed. So much of former Acts as relates to Stamp Duties, repealed.

III. And whereas the Master, Fellows, and Scholars of the College of *Saint John the Evangelist*, the Provost and Scholars of *King's College*, and the Master, Professors, and Fellows of *Downing College*, in the University of *Cambridge*, are respectively seised of a greater Number of Acres of Land, taxed and charged in and by the said recited Acts, than are requisite to constitute a Commissioner under this Act and the said recited Acts: Be it therefore enacted, That the Bursar for the Time being of the said College of *Saint John the Evangelist*, and One of the Three Bursars for the Time being of *King's College* aforesaid, and also the Bursar for the Time being of *Downing College* aforesaid, shall from Time to Time for ever hereafter be, and they are hereby severally constituted and appointed Commissioners of Drainage under this Act and the said recited Acts, for and in respect of the Lands of their said respective Colleges, charged or to be charged with the Drainage Tax, under and by virtue of this Act or the said recited Acts, or any of them; and as such Bursars they are hereby severally constituted and appointed Commissioners of Drainage, under this Act and the said recited Acts, and as such they are hereby severally invested with and declared to have and enjoy the like Powers and Authorities, and shall be subject and liable to the same Rules, Regulations, Penalties, and Forfeitures, as each of the other Commissioners under this Act and the said recited Acts. Bursars of Colleges for the Time being to be Commissioners.

IV. And be it further enacted, That at all Meetings whatsoever holden under the Authority of this Act or the said recited Acts, or any of them, the Commissioners attending such Meetings shall pay and bear their own Expences. Commissioners to defray their own Expences at Meetings.

V. And be it further enacted, That the First Meeting of the said Commissioners shall be holden at the Public House or Inn, called the *Swan Inn*, in *Bottisham* aforesaid, on the Third *Friday* next after the passing of this Act, and that the said Commissioners, or any Five or more of them, shall afterwards meet Four Times in every Year; (that is to say), on the Third *Friday* in *March*, the Third *Friday* in *June*, the Third *Friday* in *September*, and the Third *Friday* in *December* in every Year, at the *Swan* or principal Inn in *Bottisham* aforesaid, or at such other Place as any Five or more of the said Commissioners shall, by Notice in Writing under their Hands Meeting of Commissioners.

Hands appoint; ſuch other Place not being diſtant more than Four Miles from ſome Part of the Lands and Grounds to be drained as aforeſaid; and it ſhall be lawful for the ſaid Commiſſioners to hold other Meetings, at ſuch other Time or Times and Place, in *Bottiſham* or *Swaffham-Prior* aforeſaid, or in the Town of *Cambridge*, as any Five or more of the ſaid Commiſſioners ſhall conſider neceſſary, and ſhall by Notice in Writing under their Hands appoint; and the ſaid Commiſſioners may from Time to Time adjourn any Meeting or Meetings to be held by virtue of this Act, to ſuch Time and Place as they ſhall think proper, at *Bottiſham*, *Swaffham-Prior*, or *Cambridge* aforeſaid; and if Five Commiſſioners ſhall not be preſent at the Time and Place appointed for holding any ſuch Meeting, then and in every ſuch Caſe any one Commiſſioner preſent, or the Clerk to the ſaid Commiſſioners, ſhall and may adjourn the ſame to any Time not exceeding Twenty-eight Days from the Time when the laſt Meeting was appointed to be holden, and to the Place laſt appointed; and that public Notice ſhall be given in Manner herein-after directed of every Meeting to be holden under the Authority of this Act, (except the Quarterly Meetings and Meetings by Adjournment from Day to Day), Fourteen Days previouſly to ſuch Meeting; and no Act of the ſaid Commiſſioners ſhall be valid, unleſs done at ſome Meeting or adjourned Meeting holden under the Authority of this or the ſaid recited Acts (except ſigning Notices for calling any Meeting, or ſigning any Warrant of Diſtreſs, or ſigning any Notices for making and ſcouring out Tunnels and Ditches); and 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 any Meeting, provided that no leſs than Five Commiſſioners be preſent at ſuch Meeting; and the Commiſſioners preſent at every Meeting ſhall chooſe a Chairman, who in caſe of Equality of Votes on any Queſtion, including the Vote of ſuch Chairman, ſhall have the deciſive or caſting Vote; and the firſt Buſineſs done at any Meeting ſhall be the Election of ſuch Chairman; and all Orders and Proceedings of the ſaid Commiſſioners at every Meeting, ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſigned by the Commiſſioner who ſhall be Chairman of the Meeting, and ſuch Entries ſhall be deemed original Orders and Proceedings, and may be read in Evidence in all Courts whatſoever.

Proceedings to be entered in a Book.

Notice of Meetings.

VI. And be it further enacted, That all Notices of Meetings of the ſaid Commiſſioners, and all other Notices by this Act required to be given, ſhall be given by advertiſing the ſame in ſuch of the Newſpapers printed and circulated in the ſaid County of *Cambridge* as the ſaid Commiſſioners ſhall from Time to Time direct.

Commiſſioners may appoint Treaſurer and other Officers.

VII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, at any of their Meetings to be holden under this Act, to appoint ſuch Treaſurers, Clerks, Surveyors, Collectors, and other Officers as they ſhall think neceſſary for the better Execution of this Act or the ſaid recited Acts, or any of them reſpectively, and to pay ſuch Treaſurers, Clerks, Surveyors, Collectors, and other Officers, ſuch Salaries or other Remuneration out of the Monies to be raiſed by virtue of this Act or the ſaid recited Acts, or any of them, as they the ſaid Commiſſioners ſhall think proper, and from Time to Time remove them

or

or any of them, as they the ſaid Commiſſioners ſhall ſee occaſion, and in like Manner to appoint others in their Stead: Provided always, that all Treaſurers, Collectors, and other Officers, who ſhall be intruſted with the Receipt or Collection of any Monies to be raiſed by virtue of this Act or the ſaid recited Acts, or any of them, ſhall (when required ſo to do,) reſpectively give ſuch Security for the due Execution of their reſpective Offices, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem meet.

Offices of Clerk and Treaſurer not to be held by the ſame Perſon.

VIII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Commiſſioners to appoint or continue the Perſon who has been or ſhall be appointed to act as their Clerk in the Execution of the ſaid recited Acts and this Act, or any of them, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of the ſaid recited Acts or this Act, or any of them, or to appoint or continue the Perſon who has been or ſhall be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Commiſſioners for executing the ſaid recited Acts or this Act, or any of them; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes aforeſaid, or if any Perſon, being the Partner of any ſuch Clerk, ſhall act as Treaſurer, or being the Partner of any ſuch Treaſurer, ſhall act as Clerk in the Execution of the ſaid recited Acts or this Act, or any of them, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered 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.

Treaſurers and other Officers to keep Accounts.

IX. And be it further enacted, That the ſaid Treaſurers, Collectors, and other Officers ſhall fairly enter in Books, to be by them reſpectively kept for that Purpoſe, an account of all Monies by them reſpectively received and expended, ſpecifying the Times when, the Perſons from whom and to whom and for what Purpoſe ſuch Monies were reſpectively received and paid; which Books, or true Copies thereof, to be ſigned by the ſaid Treaſurers or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers whatſoever relating to the Execution of this Act and the ſaid recited Acts, or any of them, ſhall be the Property of the ſaid Commiſſioners, and ſhall be delivered to the ſaid Commiſſioners at ſuch Time or Times and as often as they the ſaid Commiſſioners ſhall require; and they the ſaid Commiſſioners are hereby empowered and required, at leaſt Once in every Year, to paſs, allow, and ſign ſuch Accounts, or ſuch Part or Parts thereof as to them ſhall ſeem proper; and all ſuch Receipts and Vouchers ſhall be kept by the ſaid Commiſſioners or their Clerk; and all Books of Orders, Accounts, and Vouchers, and all other Books and Papers of the ſaid Commiſſioners, ſhall at all Times be open for the Inſpection of the ſaid Commiſſioners, or of any Owner of the Lands and Grounds ſubject to be taxed by virtue of this Act and the ſaid recited Acts or any of them.

Monies advanced to be repaid with Intereſt.

X. And be it further enacted, That if the Treaſurer of the ſaid Commiſſioners for the Time being, or any other Perſon or Perſons, ſhall advance any Sum or Sums of Money for the Purpoſe of defraying the

Expences of obtaining this Act, or after the paſſing of the ſame, ſhall advance any Sum or Sums of Money for the Purpoſe of carrying on the ſaid Works of Drainage, ſuch Treaſurer, or other Perſon or Perſons reſpectively ſhall from Time to Time be repaid the ſame, with lawful Intereſt, out of the Monies that ſhall be raiſed by the Commiſſioners by virtue of the Powers of this Act or the ſaid recited Acts.

Commiſſioners to ſue and be ſued in the Name of their Clerk or Treaſurer.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall, in all Caſes, ſue and be ſued in the Name of their Clerk or Treaſurer, and that no Action which ſhall be brought or commenced, or Indictment or Appeal which ſhall be preferred or proſecuted, by or againſt the ſaid Commiſſioners, for any Matter or Thing which ſhall or may be done by virtue of the Powers by this Act or the ſaid recited Acts veſted in them, in the Name of ſuch Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Commiſſioners; but the Clerk or Treaſurer for the Time being ſhall always be deemed Plaintiff, Proſecutor, or Defendant in any ſuch Action, Indictment, Suit, or Appeal (as the Caſe may be): Provided always, that every ſuch Clerk or Treaſurer, in whoſe Name any Action, Indictment, Suit, or Appeal ſhall be commenced, preferred, proſecuted, or defended in purſuance of this Act or the ſaid recited Acts, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act or the ſaid recited Acts, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to or become chargeable with, by reaſon of his being made Plaintiff, Defendant, Proſecutor, or Appellant therein.

Surveys may be made.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, (in caſe they ſhall think it neceſſary) at any Meeting to be holden after the paſſing of this Act, to cauſe all or any Part of the Lands compriſed within the Limits of this Act, to be from Time to Time ſurveyed and meaſured, in order to aſcertain the Quantity of Lands liable to be taxed, and the exact Quantity belonging to each particular Perſon or Perſons, and to pay the Expences thereof out of the Monies which ſhall come to their Hands by virtue of this Act or the ſaid recited Acts; and for the Purpoſe of making ſuch Survey and Admeaſurement, the ſaid Commiſſioners, and all Perſons by them employed, are hereby authorized and empowered to enter upon any Lands or Grounds by this Act or the ſaid recited Acts chargeable with Taxes; and the ſaid Survey and Admeaſurement, when and ſo often as the ſame ſhall be made, ſhall be delivered to the ſaid Commiſſioners, at ſome one of their Meetings, and be verified upon Oath or Affirmation of the Perſon or Perſons making the ſame, (which Oath or Affirmation any One or more of the ſaid Commiſſioners are hereby authorized to adminiſter); and the ſaid Commiſſioners are hereby required forthwith to give Notice to all and every Perſon and Perſons whoſe Rate or Tax ſhall be intended to be varied or altered in conſequence of ſuch Survey and Admeaſurement, and by ſuch Survey and Admeaſurement, when ſo verified, if not objected to within the Time herein-after mentioned, the Commiſſioners ſhall make and collect the ſaid Rates and Taxes, and the ſame Survey and Admeaſurement (not being appealed againſt as herein-

herein-after mentioned, or being altered by the ſaid Commiſſioners on any ſuch Appeal) ſhall be binding on the ſeveral Perſons charged with the Payment of ſuch Rates and Taxes for their ſeveral Lands charged; and ſuch Survey and Admeaſurement, being ſigned by the Perſon or Perſons making the ſame, and alſo by Five or more of the ſaid Commiſſioners, ſhall be allowed as Evidence in all His Majeſty's Courts of Law and Equity, in all Caſes whatſoever: Provided always, that until ſuch Survey or Admeaſurement ſhall be made as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners to make and collect the ſaid Rates and Taxes according to any Survey or Admeaſurement by which they have hitherto made and collected the Rates and Taxes under the ſaid recited Acts or either of them: Provided always, that if any Owner or Owners ſhall be diſſatisfied with any Survey and Admeaſurement, on account of the Quantity of his or their Land being therein incorrectly ſtated, and ſhall give Notice in Writing of ſuch Diſſatisfaction to the ſaid Commiſſioners or to their Clerk, within Fourteen Days next after the ſaid Survey and Admeaſurement ſhall have been delivered and verified, and Notice given thereof as aforeſaid, the ſaid Commiſſioners ſhall cauſe the Land or Lands of ſuch diſſatisfied Owner or Owners to be re-admeaſured by ſome proper Perſon; and if, upon ſuch Re-admeaſurement, the whole Quantity ſhould be found equal to, or to exceed the Quantity ſtated in any ſuch Survey or Admeaſurement ſo objected to, ſuch diſſatisfied Owner or Owners ſhall, upon Demand, pay to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall appoint, ſuch reaſonable Coſts and Charges for ſuch Re-admeaſurement as the ſaid Commiſſioners ſhall by their Order direct; and if the ſame be not paid on demand, the Amount thereof ſhall be levied and recovered in the ſame Manner as Taxes in Arrear are by this Act authorized to be recovered.

For re-admeaſuring Lands in Caſes of Diſſatisfaction.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or the Majority of them, aſſembled at any Meeting to be holden by virtue of this Act, from Time to Time as there ſhall be occaſion, to give Orders and Directions for making ſuch other additional Cuts, Drains, Tunnels, Outlets, Headings, Roads, and other Works, upon any Part or Parts of the Fen Lands and Low Grounds compriſed within the Limits of this Act or the ſaid recited Acts, or any of them, and for erecting ſuch additional Banks, Staunches, Bridges, Sluices, Mills, Steam Engines, and other Engines thereupon, for draining and conveying the Water from the ſame, as in the Judgment of the ſaid Commiſſioners ſhall be thought neceſſary for the Embanking and Preſervation of the ſaid Fen Lands and Low Grounds, and for the general Improvement thereof; and ſhall maintain, cleanſe, and keep in Repair ſuch additional Cuts, Drains, Tunnels, Outlets, Banks, Staunches, Bridges, Sluices, Mills, and Engines as ſhall be made under the Authority of this Act, and the Works already made by virtue of the ſaid recited Acts, they the ſaid Commiſſioners making ſuch reaſonable Satisfaction to the Perſon or Perſons entitled to the ſeveral Lands and Grounds, in, through, or upon which any ſuch additional Cut, Drain, Dam, Tunnel, Outlet, Heading, Road, or other Works ſhall be made or done, or upon which any ſuch Bank, Staunch, Sluice, Mill, or Engine ſhall be erected, for the Damages occaſioned

Commiſſioners empowered to make other Works.

sioned thereby, as shall be agreed upon between the said Commissioners respectively and the Person or Persons entitled as aforesaid; and if the said Commissioners and such Person or Persons cannot agree about the Amount of such Damage, then the same shall be settled, assessed, and determined in manner herein-after mentioned.

Not to affect Works done by the Bedford Level Corporation.

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Commissioners to make any Order or Orders, or execute any Order or Work, or complete any Works already begun, or do any Act or Acts contrary or in Opposition to, or in any respect varying from any Order or Orders that shall be made, either before or after the passing of this Act, by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, touching or relating to any of the Rivers, Drains, Weirs, Ditches, Sluices, Tunnels, Bridges, or other Works, Banks, and the front and back Forelands thereof, now vested in, possessed by, belonging to, or under the Care or Authority of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or of the Governor, Bailiffs, and Conservators of the said Corporation.

Notices of new Works to be given.

XV. And be it further enacted, That when it is intended or proposed to make any new Bank, Sluice, Cut, Drain, Tunnel, Outlet, Heading, Road, or other Work, Notice of the Time and Place of holding the Meeting at which any such new Work is intended or proposed to be done, signed by any Five or more of the said Commissioners, and specifying the Work or Works intended or proposed to be done, shall be given by advertising the same Twice previously to such Meeting, in some or One of the Newspapers printed and usually circulated in the County of *Cambridge*.

Mill to be erected for better Drainage of Lands in Horningsea.

XVI. And be it further enacted, That the said Commissioners shall, within the Space of Eight Years from the passing of this Act, cause one or more Mill or Mills to be erected within the Parish of *Horningsea*, for the better draining and carrying the Waters from off the Fen Lands and Low Grounds lying within the said Parish.

Water-marks may be set down by Commissioners.

XVII. And be it further enacted, That the said Commissioners shall and may erect or put down, at such Place or Places within the Limits of this Act, as they from Time to Time may think proper, sufficient Posts or other Marks, as Watermarks, for the Purpose of more readily discovering Obstructions to the Course of the Water in the public Drains; and in case any Person or Persons shall at any Time pull up, deface, injure, or destroy such Watermarks or any of them, every such Person or Persons so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Punishment for destroying Works.

XVIII. And be it further enacted, That if any Person or Persons shall at any Time maliciously cut, break down, demolish or destroy any Bank, Sluice, Tunnel, Bridge, or other Work already made or erected, or which shall at any Time hereafter be making or erecting, or be made or erected or supported or maintained by or by the Order of the said Commissioners,

missioners, for any of the Purposes of this or the said recited Acts or any of them, every Person or Persons so offending, and being thereof convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by or before whom any such Person or Persons shall be tried, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, in like manner as Felons are directed to be transported by the Laws and Statutes of this Realm; or in Mitigation of such Punishment, such Court may in its Discretion award such Sentence as the Law directs in Cases of Petit Larceny.

Penalty for making Watering Places in any of the Drains.

XIX. And be it further enacted, That if any Person or Person shall, without the Consent in Writing of the said Commissioners first had and obtained for that Purpose, at any Time make or cause to be made any Watering Place or Places of Access for Cattle to drink in any of the public Drains made or to be made or maintained by virtue of this Act, or the said recited Acts, or any of them, or shall continue to use any such Watering Place already made, after Fourteen Days Notice in Writing to the contrary thereof, given to him, her, or them by Writing under the Hand of any One of the said Commissioners or their Clerk, every such Person or Persons so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Gateways to have Tunnels.

XX. And be it further enacted, That where any Gate or Gates is, are, or shall be placed against any of the Drains now made or hereafter to be made by virtue of this Act or the said recited Acts, or any of them, or against any other Drains whatsoever, belonging or adjoining to any of the said Fen Lands or Low Grounds, the Proprietor or Proprietors of such Gate or Gates, or of the Lands whereon the same are erected, shall be, and he, she, and they is and are hereby required, at his, her, or their own proper Costs and Charges, within One Calendar Month from the Time of passing this Act, or from the Time or Times any such Gate or Gates shall hereafter be placed, in all and every Place or Places where such Gate or Gates shall be placed, to make or cause to be made a competent and sufficient Tunnel or Bridge over the said Drain, of a Size equal to the Necessity of the Case, so that the Water may freely pass through or under the same; and shall from Time to Time for ever afterwards, at his, her, or their own Costs and Charges, make and keep open and in good Repair the said Tunnels or Bridges and every of them; and in case such Proprietor or Proprietors shall neglect or refuse to make such Tunnels or Bridges as aforesaid, within the Time herein-before limited for the Purpose; or such Proprietor or Proprietors, his, her, or their Tenant or Tenants shall neglect or refuse, after such Tunnels or Bridges shall be made as aforesaid, to make and keep the same open and in good repair, within the Space of Fourteen Days next after Notice for that Purpose shall be given, by Order in Writing under the Hands of any one of the said Commissioners or their Clerk, to such Proprietor or Proprietors, or left at his, her, or their last or usual Place of Abode, or with or for the Tenant in Possession of the said Premises; then and in every or any such case the Person or Persons so neglecting or refusing shall for every such Offence forfeit and pay to the said Com-

missioners any Sum not exceeding the Sum of Five Pounds, as the said Commissioners shall order and direct; and in every or any such case it shall and may be lawful for any Two of the said Commissioners to make and keep open and in good repair such competent and sufficient Tunnels or Bridges, immediately after the Expiration of such Notice so given for that Purpose; and such Proprietor or Proprietors shall pay the said Penalty, and also reimburse and pay to the said Commissioners all such Costs, Charges, and Expences as shall attend the making of such competent Bridges and Tunnels, and keeping the same from Time to Time open and in good repair; and such Penalty, Costs, Charges, and Expences shall and may be recovered by the said Commissioners, in such and the same Manner as the Taxes hereby directed or authorized to be raised are or may be recoverable.

Penalty on neglecting to rode and scour out Ditches.

XXI. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any of the Fen Lands or Low Grounds, lying within the Limits of this Act or the said recited Acts, to which any Droveway Ditch, Outring Ditch, Division Ditch, or other Ditch or Ditches whatsoever doth or shall belong, shall neglect or refuse sufficiently to rode, scour, cleanse, open or repair the same, or to make such Ditch of a sufficient Width and Depth, to the Satisfaction of the said Commissioners, for the Passage of the Water, after Seven Days Notice in Writing, under the Hand of any one of the said Commissioners or their Clerk, given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time for that Purpose, specifying the particular Ditches so required to be roded, scoured, cleansed, opened, or repaired, and the Width and Depth such Ditch should be of, he, she, or they shall for every such Neglect or Refusal forfeit and pay to the said Commissioners any Sum not exceeding Two Shillings for every Rod so neglected to be roded, scoured, cleansed, opened, deepened, and widened as aforesaid; and it shall be lawful from Time to Time for the Collector, Receiver, Surveyor, or other Officer or Person or Persons employed by the said Commissioners for that Purpose, to cause such Ditch or Ditches, at the Expence and Charge of such Owner or Owners, Occupier or Occupiers, to be roded, scoured, cleansed, opened, widened, and deepened, of a sufficient Depth and Width, for the free Passage of the Water, at the Discretion of such Collector, Receiver, Surveyor, or other Officer or Person; and also where any Way or Ways shall have been made over any Ditch or Ditches without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Ditch or Ditches to be made of a proper Width and Depth, with a sufficient Tunnel therein, at the Discretion of such Collector, Receiver, Surveyor, or other Officer or Person, at the Expence and Charges of such Owner or Owners, Occupier or Occupiers, and by Warrant or Precept under the Hands and Seals of Two or more of the said Commissioners, to levy such Penalty, and also all such Charges and Expences upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods, Chattels, and Stock wherever the same shall be found, and all such Penalties shall be applied for the Purposes of this Act; and if any Person or Persons, after such Ditch or Ditches, Tunnel or Tunnels, shall have been so roded, scoured, cleansed, opened, repaired, widened, and deepened, by the said Collector, Receiver, Surveyor

veyor or other Officer or Perſon as aforeſaid, ſhall again fill, ſtop up, or in any manner obſtruct any ſuch Ditch or Ditches, Tunnel or Tunnels, or cauſe, permit, or ſuffer the ſame to be in any manner filled, ſtopped up, or obſtructed for the Space of Three Days, every ſuch Perſon or Perſons ſo offending, and being thereof convicted before any Two Juſtices of the Peace for the County of *Cambridge*, upon the Oath of any one Witneſs, or by the Confeſſion of the Party or Parties, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, to be applied for the Purpoſes of this Act, and levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle of all and every ſuch Offender or Offenders by Warrant under the Hands and Seals of the ſaid Juſtices; and in default of ſuch Payment or Diſtreſs, the Perſon or Perſons ſo offending ſhall be committed by ſuch Juſtices to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall order and direct not exceeding Six Calendar Months, at the Diſcretion of the ſaid Juſtices.

Commiſſioners empowered to purchaſe Land, and erect Toll-houſes or rent Cottages for that Purpoſe.

XXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, out of the Monies to be raiſed by virtue of this Act, to purchaſe (in manner and ſubject to the Regulations herein-after contained reſpecting the Purchaſe of other Lands and Tenements for the Purpoſes of this Act) ſuch Pieces or Parcels of Land as may appear to them neceſſary, for the Purpoſe of erecting thereon a ſuitable Cottage or Dwelling Houſe, or ſuitable Cottages or Dwelling Houſes, for the Reſidence or Reſidences of the Collector or Collectors of the Tolls, authorized to be taken by virtue of this Act or the ſaid recited Acts, and thereon to erect ſuch Cottage or Dwelling Houſe, Cottages or Dwelling Houſes accordingly, not exceeding One Rood for each ſuch Cottage or Dwelling Houſe; or it ſhall and may be lawful for the ſaid Commiſſioners to hire any Cottage or Cottages for ſuch Purpoſes, at ſuch annual Rent or Rents, and for ſuch Term or Terms, as they ſhall think proper; which Cottage or Cottages (whether the ſame ſhall be abſolutely the Property of the ſaid Commiſſioners or only hired by them) ſhall be uſed only as the Reſidence or Reſidences of the Collector or Collectors of the Tolls for the Time being; and if any ſuch Collector or Collectors, or any other Perſon or Perſons, ſhall refuſe to deliver up the Poſſeſſion of ſuch Cottage or Cottages, with the Buildings and Appurtenances thereto belonging, which he or they enjoyed in Right of his or their Appointment to the Office of Collector, within Seven Days after Notice in Writing from any Two of the ſaid Commiſſioners for that Purpoſe given to him or them, or left at his or their Houſe or Houſes; or if the Wife or Family of any ſuch Collector or other Perſon or Perſons whomſoever ſhall refuſe to deliver Poſſeſſion of ſuch Cottage or Cottages, with the Buildings and Appurtenances, after having received ſuch Notice as aforeſaid, then and in any or either of the ſaid Caſes, it ſhall be lawful for any Juſtice of the Peace for the County of *Cambridge*, by Warrant under his Hand and Seal, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Cottage or Cottages and Premiſes in the Day-time, and to remove the Perſons who ſhall be found therein, together with the Goods, out of ſuch Cottage or Cottages and Premiſes, and to put in Poſſeſſion thereof ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time direct and appoint.

XXIII. And

Commiſſioners may take Earth from Bouts.

XXIII. And be it further enacted, That for the better procuring Earth proper for the repairing the Banks and other Works within the Limits of this Act, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five of them, or for their Officers and Workmen, to take and uſe any Quantity of Earth from the Grounds called the *Bouts* or *Waſhes*, (ſo that they do not take the ſame at a leſs Diſtance than Five Yards from the Banks of the River) as may be thought neceſſary by the ſaid Commiſſioners for the repairing of the ſaid Banks, making ſuch reaſonable Satisfaction to the Perſon or Perſons entitled to the ſame for the Damages occaſioned thereby as ſhall be agreed upon between the ſaid Commiſſioners and the Perſon or Perſons entitled as aforeſaid; and if the ſaid Commiſſioners or ſuch Perſon or Perſons cannot agree as to the Amount of ſuch Damage, then the ſame ſhall be ſettled, aſſeſſed, and determined in Manner after-mentioned.

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

XXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall have full Power and Authority to enter upon the Lands and Grounds within the Limits of the ſaid recited Acts or of this Act of any Perſon or Perſons adjoining or near to any of the Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings, Roads, or other Works, which they the ſaid Commiſſioners are hereby directed or authorized to make or do, and to take and dig Earth therefrom, and to do ſuch other Acts as may be neceſſary to carry into effect the Purpoſes of this Act, making Satisfaction to the Party or Parties injured thereby; and for that Purpoſe the ſaid Commiſſioners are hereby empowered to agree with the Proprietors of and Perſons intereſted in any Lands, Tenements, or Hereditaments which they the ſaid Commiſſioners ſhall judge neceſſary to be dug, cut, taken, uſed, or entered upon, for making any Banks, Sluices, Cuts, Dams, Tunnels, Outlets, Headings, Roads, or other Works, by this Act or the ſaid recited Acts, or any of them, directed or authorized to be made or done, for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors or Perſons intereſted for the Damages they may ſuſtain thereby, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, general or ſpecial, or for Years determinable on any Life or Lives, 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 Executors, but alſo for and on behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons who are or ſhall be ſeiſed or intereſted in their own Rights, and for all and every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or Hereditaments, or in any Lands, Tenements, or Hereditaments beyond the Limits of this Act, to contract for, ſell, and convey unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands, Tenements, or Hereditaments for the Purpoſes aforeſaid, or for the Purpoſe of erecting any Toll Houſe or Toll Houſes therein; 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,

Bodies Politic, &c. may contract for Sale of Lands.

Tenements,

Tenements, or Hereditaments taken or uſed for the Purpoſe 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 the Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or Cuſtom to the contrary notwithſtanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or Lives, or in Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all Perſons whomſoever, ſhall be and are hereby indemnified for what they or any of them ſhall lawfully do in purſuance of this Act.

Where Perſons neglect or refuſe to treat.

XXV. And be it further enacted, That if it ſhall happen that any ſuch Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or Lives or in Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, or other Perſon or Perſons intereſted or concerned as aforeſaid, ſhall, for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, or to ſuch Tenant for Life or Lives or in Tail general or ſpecial, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtee or Truſtees, Feoffees in Truſt, Committees, or other Perſon or Perſons reſpectively, or left at his, her, or their uſual Place or reſpective 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, or any Five or more of them, ſhall and they are hereby authorized, empowered, and required, Fourteen Days at leaſt before any General Quarter Seſſions of the Peace to be holden for the County of *Cambridge*, to leave or cauſe to be left at his, her, or their 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 will be adjudged and ſettled by a Jury at the ſaid Seſſions; and the Juſtices at their ſaid Seſſions, or any Adjournment thereof, ſhall charge and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the Sheriff of the ſaid County, to cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Value of ſuch Lands, Tenements, or Hereditaments, and the Recompence to be given for the ſame, to the reſpective Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſt, to which ſaid Juries the ſaid Commiſſioners and all Parties intereſted ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid County is hereby empowered and required, upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices, at ſuch Seſſions or any Adjournment thereof, any

Commiſſioners may apply to Quarter Seſſions to aſcertain Value of Lands.

Juſtices at Seſſions to cauſe a Jury to aſſeſs the Value.

Perſon or Perſons whom it ſhall be thought proper to examine touching or concerning the Premiſes; and the ſaid Jury upon their Oaths (which Oaths, and alſo the Oaths to be taken by the Perſons who ſhall appear or be ſummoned to be examined and give Evidence as aforeſaid, to the ſaid Juſtices at their ſaid Seſſions, the proper Officer of the Court is hereby empowered and required to adminiſter), ſhall aſcertain and award the Recompence to be given for ſuch Lands, Tenements, or Hereditaments, to the reſpective Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, or Owner or Owners thereof; and the ſaid Juſtices ſhall, and may give Judgment according to the Verdict of the ſaid Jury; and the Judgment thereupon declared and pronounced by the ſaid Juſtices ſhall finally bind and ſhall be concluſive to the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, and ſhall be entered and kept among the Records of the Quarter Seſſions of the ſaid County; and the ſame, or a true Copy thereof, being ſigned by the Clerk of the Peace of the ſaid County, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Perſons may have recourſe thereto, or take Copies thereof, or Extracts therefrom, on paying the uſual Fees paid in caſes of the like Nature.

Judgment at Seſſions to be final.

Expence of Jury and Witneſſes by whom to be paid.

XXVI. And be it further enacted, That in all Caſes where any Verdict ſhall be given for any greater Sum or Recompence than ſhall have been offered by or on behalf of the ſaid Commiſſioners, before Notice of the intended Application to be made to the ſaid Seſſions, for and in reſpect of any of the Matters aforeſaid, that then all the Expences of ſuch Application (including the Charges of the Witneſſes) ſhall be paid by the ſaid Commiſſioners out of the Rates and Taxes to be raiſed by virtue of this Act; but if any Verdict ſhall be given for no more or leſs a Sum than ſhall have been ſo previouſly offered by or on behalf of the ſaid Commiſſioners, then and in every ſuch Caſe ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Lands, Tenements, or Hereditaments, upon or in reſpect of which ſuch Application ſhall have been made; all which Expences ſhall be regularly ſettled and allowed by the Juſtices in Seſſions, before whom the Matter ſhall be heard and determined: Provided always, that in all Caſes where any Perſon or Perſons ſhall by reaſon of Abſence have been prevented from treating with the ſaid Commiſſioners touching the Matters aforeſaid, ſuch Coſts and Expences ſhall be paid and borne by the ſaid Commiſſioners out of the Monies to be raiſed or received under or by virtue of this Act.

Power to take Lands on Payment of Purchaſe Money.

XXVII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or determined or adjudged by any Jury or Juries in Manner aforeſaid, for the Purchaſe of any ſuch Lands or other Hereditaments, or as a Recompence or Compenſation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and other Hereditaments, or ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money or Compenſation reſpectively, after the ſame ſhall have been ſo agreed for, determined, or awarded; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or refuſe to receive the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners, or

ſhall refuſe to execute a Conveyance or Conveyances of the Premiſes which ſhall be required for the Purpoſes of the ſaid recited Acts and this Act, then upon Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, (in caſe the ſame ſhall be requiſite for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid) it ſhall be lawful for the ſaid Commiſſioners, and their Agents, Servants, and Workmen, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively, and the Fee Simple and Inheritance thereof, together with the yearly Profits, and all the Eſtate, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Commiſſioners, to and for the Purpoſes of the ſaid recited Acts and this Act for ever; and ſuch Tender, Payment, or Inveſtment, ſhall not only bar all Right, Title, Claim, Intereſt, or Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and ſhall be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheleſs, that before ſuch Payment, Tender, or Inveſtment as aforeſaid, it ſhall not be lawful for the ſaid Commiſſioners, or any Perſon acting under their Authority, to uſe or take ſuch Lands or Grounds for the Purpoſe of the ſaid recited Acts or this Act, or any of them, without the Conſent in Writing firſt had and obtained for that Purpoſe, of the reſpective Owners or Occupiers thereof; and if the ſaid Commiſſioners, or any of their Servants, Workmen, or Agents, or any other Perſon or Perſons employed by them, ſhall, before ſuch Payment, Tender, or Inveſtment as aforeſaid ſhall have been made, uſe or take any Lands or other Hereditaments, without the Conſent in Writing of the Owner or Owners thereof, the ſaid Commiſſioners ſhall forfeit and pay to the Owner or Owners of ſuch Lands and Hereditaments, the Sum of Five hundred Pounds, over and above any Damages to which the ſaid Commiſſioners might be ſubject or liable, by Action of Treſpaſs or otherwiſe for ſo doing; the ſaid Sum of Five hundred Pounds to be recovered and recoverable from the ſaid Commiſſioners, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Commiſſioners empowered to ſell Ground not wanted for the Purpoſes of the Act.

XXVIII. And whereas the Commiſſioners for executing the ſaid recited Acts and this Act may be ſeiſed of ſome Piece or Pieces of Ground over and above what may be neceſſary for effecting the Purpoſes of the ſaid recited Acts and this Act; be it therefore further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to ſell and diſpoſe of ſuch Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract (as they ſhall find moſt advantageous and convenient) to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Firſt Offer to whom to be made.

XXIX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think proper to ſell or diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſes of the ſaid recited Acts and this Act, and which is not by the ſaid recited Acts or this Act directed to be otherwiſe diſpoſed of, they ſhall firſt offer the ſame for Sale to the Perſon

Perſon or Perſons of whom the ſame ſhall have been purchaſed, or to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Town, Iſle, or Place where ſuch Ground ſhall lie (who are hereby reſpectively empowered to take ſuch Affidavit) by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Commiſſioners, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made, and was refuſed or not agreed to by the Perſon or Perſons to whom ſuch Offer was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing ſuch Piece or Pieces of Ground, and he, ſhe, or they and the ſaid Commiſſioners ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner by this Act directed with reſpect to diſputed Value of Premiſes to be purchaſed by the ſaid Commiſſioners in purſuance of this Act, *mutatis mutandis*; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as by this Act is directed with reſpect to ſuch Purchaſes made by the ſaid Commiſſioners, *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Commiſſioners of ſuch Piece or Pieces of Ground as aforeſaid, ſhall be applied to the Purpoſes of the ſaid recited Acts and this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Money.

Application of Compenſation where exceeding 200l.

XXX. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body or Bodies Politic, Corporate, or Collegiate, Eccleſiaſtical or Civil, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or to any Feme or Femes Covert, or other incapacitated Perſon or Perſons, or to any Perſon or Perſons ſeiſed for Life or Lives of any other Eſtate in ſtrict or other Settlement, ſuch Money ſhall (in caſe the ſame ſhall exceed the Sum of Two hundred Pounds) with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the ſaid Commiſſioners, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or in the Diſcharge of any Debt or Debts or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where

where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used by the said Commissioners as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners, in Writing signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation where not exceeding 200l. nor less than 20l.

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

Application where less than 20l.

XXXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before is mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments

ments so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the sole Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title, or Owners entitled not being found.

XXXIII. 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 such Lands, Tenements, or Hereditaments, to the Satisfaction of the said Commissioners; or in case the 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 for the said Commissioners, or any Three 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 aforesaid Accountant General, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing the same] subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to 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 and 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 as aforesaid.

In case of disputed Title Person in Possession to be entitled to the Money according to such Possession.

XXXIV. Provided always, and be it further enacted, That where any Question shall arise touching or concerning 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 said Accountant General, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, 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 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 taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities

to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be applied and diſpoſed of accordingly, unleſs it ſhall be made to 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.

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

XXXV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, 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 Chancery, and 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 of Chancery to order the Expences 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 out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Additional Taxes how to be laid and payable.

XXXVI. And be it further enacted, That from and after the paſſing of this Act, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required, at their Firſt or Second Meeting to be held in purſuance of this Act, and afterwards yearly and every Year at any Quarterly Meeting to be holden by them, to aſſeſs, rate, tax, and charge all and every the reſpective Owner or Owners, Occupier or Occupiers of all and ſingular the Fen Lands and Low Grounds within the Limits of this Act and the ſaid recited Acts, according to the ſeveral Sorts and Qualities into which the ſame Fen Lands and Low Grounds have been ſet out and divided by virtue of the Powers contained in the ſaid recited Act paſſed in the Seventh Year of the Reign of His preſent Majeſty, with the gradual Acre Tax herein-after ſpecified, over and above ſuch other Acre Rates and Taxes wherewith the ſaid Fen Lands and Low Grounds, or any Part thereof now are or may be charged or chargeable by virtue of the ſaid recited Acts, or either of them, (that is to ſay), with an equal and proportionable additional Acre Tax, not exceeding the Sum of Two Shillings for every Acre of the Firſt Sort of Land; with an equal and proportionable additional Acre Tax, not exceeding the Sum of Three Shillings for every Acre of the Second Sort of Land; with an equal and proportionable additional Acre Tax, not exceeding the Sum of Four Shillings for every Acre of the Third Sort of Land; all which ſaid additional Rates and Taxes or Aſſeſſments hereby directed or authorized to be raiſed and charged, ſhall be paid to the Receiver or Receivers, Collector or Collectors, Treaſurer or Treaſurers for the Time being, to be appointed by the ſaid Commiſſioners, at ſuch Place or Places, and in ſuch Proportion and Manner as they the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint for that Purpoſe; and that the Firſt Rate and Tax hereby directed or authorized to be charged and raiſed on the ſaid Fen Lands and Low Grounds, and all future Rates and Taxes to be charged and impoſed on the ſaid Fen Lands and Low Grounds, under the Authority of this Act

or

or the ſaid recited Acts, ſhall become due and payable at the End of One Calendar Month next after the ſame ſhall be charged and aſſeſſed, and that public Notice of the Times and Places appointed for the Second and all future Payments of the ſaid Rates and Taxes, ſhall be given by advertiſing the ſame Twice in ſuch Newſpaper or Newſpapers uſually circulated in the County of *Cambridge*, as the ſaid Commiſſioners ſhall from Time to Time direct; and all the ſaid Rates and Taxes ſhall be applied in manner hereinafter mentioned.

Lands dug into Turf Pools, to pay One Half of the Tax.

XXXVII. And whereas at the Times of paſſing the ſaid recited Acts many of the ſaid Fen Lands and Low Lands had been dug out into Hods or Turf Pools, and it was thought neceſſary, for encouraging the Owners of ſuch Lands to improve the ſame, that they ſhould be charged with only One Half of the Tax wherewith the other Lands of the ſame Sort and Degree not ſo dug, ſhould be charged for a certain Period: And whereas many of the ſaid Lands and Grounds ſo dug out ſtill remain in ſuch a State that it would not be juſt for the Owners thereof to pay the whole Tax, and it is therefore neceſſary a Power ſhould be veſted in the Commiſſioners to apportion the Tax to be charged on ſuch broken or dug Lands at different Times, in proportion to the Improvements made therein; be it therefore further enacted, That no Lands or Grounds that are now dug out into any Hod or Turf Pools (except ſuch as were levelled before the paſſing of this Act) ſhall, for the firſt Seven Years next after the paſſing of this Act, be aſſeſſed or charged with more than One Half of the Tax wherewith the whole Lands of the ſame Sort or Degree are aſſeſſed and charged; but that at the End of the ſaid Seven Years, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at any Quarterly Meeting (if they ſhall then be fully ſatisfied that all or any ſuch broken or dug out Ground from the Improvements made therein by the Drainage ought to pay a higher Tax), to increaſe the Tax on all or any of ſuch broken or dug out Lands or Grounds ſo improved, as they ſhall judge juſt and reaſonable, but ſo that the Rate or Tax ſet upon One Acre of ſuch Land ſhall not exceed the Tax *per* Acre wherewith the whole Lands of the ſame Sort or Quality are by this Act authorized to be aſſeſſed and charged.

Taxes impoſed by former Acts when payable.

XXXVIII. And be it further enacted, That from and after the paſſing of this Act, all and every the Rates and Taxes wherewith the ſaid Fen Lands and Low Grounds, or any Part thereof, now are or may be charged or chargeable by virtue of the ſaid recited Acts, or either of them, ſhall become due and payable at the ſame Times and Places, and in the ſame Manner, as the Rates and Taxes charged or chargeable upon the ſaid Fen Lands and Low Grounds by virtue of this Act.

Penalty for Nonpayment of Taxes.

XXXIX. And be it further enacted, That in caſe of Nonpayment within One Calendar Month of the Rates or Taxes impoſed, charged, or chargeable by this Act or the ſaid recited Acts, or any of them, at the Time or Times, Place or Places, appointed for that Purpoſe by the ſaid Commiſſioners, in manner preſcribed by this Act or the ſaid recited Acts, or any of them, for Payment thereof, every Perſon or Perſons neglecting to pay the ſame ſhall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for ſuch Rates and Taxes and not paid

as

as aforesaid; and so in proportion for any greater or less Sum than Twenty Shillings; and in case of Nonpayment within Twelve Calendar Months next after the same Rates or Taxes shall be appointed to be paid as aforesaid, then the said Penalty shall be increased to Five Shillings for every Twenty Shillings due, and so in proportion as aforesaid; which Penalties shall be recovered in the same Manner as the Rates and Taxes imposed, charged, or chargeable by virtue of this Act are hereby authorized to be recovered.

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

XL. And be it further enacted, That all and every the Tenants and Occupiers of the said Fen Lands and Low Grounds which shall be assessed, rated, taxed, or charged by virtue of this Act or the said recited Acts, or any of them, shall pay, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged, upon or for or in respect of the respective Lands and Grounds in their several Occupations, to the Receivers, Collectors, Treasurers, or other Person or Persons appointed by the said Commissioners to receive the same, 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 respectively pay as aforesaid, and the several and respective Landlords of such Fen Lands or Low Grounds are hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying any such Rate or Tax, shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

But not to deduct Penalties.

XLI. Provided always, 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 this Act, and also such Penalty or Penalties as shall have been levied by the said Commissioners, by Distress upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds; and where any 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 any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively, and the Landlord or Owner, Landlords or Owners of such Fen Lands or 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 contained to the contrary thereof in anywise notwithstanding.

Beneficial Lessees not to deduct Taxes.

XLII. Provided always, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates and Taxes imposed by this Act, who shall hold such Lands or Grounds by virtue of or under any Lease or Leases from any Bishop, Collegiate Church or College, or any Corporation Sole or Aggregate, or by virtue of or under any beneficial Lease or Leases for Lives from any other Person or Persons whomsoever, shall be entitled to deduct any Part of the said Rates or Taxes out of the Rent reserved or payable by any such Lease or Agreement, but that the said Rates and Taxes shall be charged upon and be

paid and borne by the Leſſees or Tenants ſo holding ſuch Lands or Grounds as aforeſaid.

Leaſes or Agreements not to be affected.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to charge any other Leſſor or Leſſors with the Payment of the Rates or Taxes, or any of them, by this Act charged, contrary to any expreſs Stipulation made or contained in or by any Leaſe or Leaſes, Agreement or Agreements, in which it hath been agreed that the Rates, Taxes, and Aſſeſſments for the Drainage of any of the ſaid Fen Lands or Low Grounds, compriſed in or demiſed by ſuch Leaſe or Leaſes, Agreement or Agreements, ſhall be paid by the Leſſee or Leſſees thereof; any thing herein contained to the contrary notwithſtanding.

Repealing ſo much of former Acts as authorizes Commiſſioners to ſell Lands for raiſing Taxes in arrear.

XLIV. And be it further enacted, That ſo much of the ſaid recited Acts as directs that where any of the ſaid Rates and Taxes to be impoſed and ſet by virtue of the ſaid recited Acts or either of them, ſhall be in arrear and unpaid for the Space of Two whole Years together, then the ſaid Commiſſioners, or any Five or more of them, at any of their Quarterly Meetings, ſhall have full Power and Authority to ſell to the beſt Bidder at a public Auction, ſo much of the ſaid Lands and Grounds in reſpect of which any Tax ſhall be ſo in arrear, as ſhall be ſufficient to raiſe ſuch Taxes and Arrears of Taxes, and alſo the Penalties incurred for Nonpayment thereof as aforeſaid, by Writing under the Hands and Seals of Five or more of the ſaid Commiſſioners, and alſo if all or any Part of the ſaid Lands on which the Taxes ſet and impoſed, or to be ſet and impoſed, cannot be ſold at ſuch Auction for the Amount of the Rates, Taxes, and Penalties due thereon, then to ſell the ſame for the beſt Price that can be gotten for them, freed and diſcharged from ſuch Rates, Taxes, and Penalties, which at any Time before ſuch Sale they ſhall have been rated and charged with by virtue of the ſaid recited Acts or either of them, and every ſuch Grant or Conveyance ſo made ſhall be valid and effectual, and the Perſon or Perſons to whom ſuch Sale ſhall be made, ſhall be a lawful Purchaſer of ſo much of the ſaid Lands or Grounds as ſhall be ſo ſold, to all Intents and Purpoſes whatſoever, ſhall be and the ſame is hereby repealed.

Power of Diſtreſs in caſe of Nonpayment of Taxes.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or omit or neglect to pay all or any Part of the Rates or Taxes to which he, ſhe, or they is or are by the ſaid recited Acts or either of them, or by this Act, made liable, for the Space of One Calendar Month next after the Days and Times limited and appointed for the Payment thereof reſpectively, or ſhall refuſe or omit to pay all or any Part of the Penalty or Penalties which ſhall become due by reaſon of the Nonpayment thereof, then and in every or any ſuch Caſe, it ſhall be lawful for the Treaſurer, Collector, or Receiver of the ſaid Commiſſioners, or any other Perſon or Perſons empowered or appointed by them, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which Warrant or Precept any Five or more of the ſaid Commiſſioners are hereby authorized and required from Time to Time to grant and make, as Occaſion ſhall require, and whether aſſembled at a Meeting

or not) to enter into and upon all or any Part of the Fen Lands or Low Grounds hereby directed or authorized to be taxed and charged as aforesaid, for which such Rates, Taxes, and Penalties shall be due and owing or payable, and to levy the Sum and Sums of Money due and payable for such Rates and Taxes and Penalties, by Distress of any Goods, Chattels, and Effects which shall or may be found thereon; and where no sufficient Distress can be found upon such Lands whereon to levy the Tax or Taxes and Penalty which shall be then in arrear in respect thereof, by virtue of this Act or the said recited Acts, or any of them, it shall be lawful for the Treasurer, Collector, or Receiver of the said Commissioners, or any other Person or Persons authorized or empowered by them, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which said Warrant or Precept such Commissioners, or any Five or more of them, and whether assembled at a Meeting or not, are hereby empowered and required from Time to Time to make, as Occasion shall require), to levy all and every the said Rate or Rates, Tax or Taxes, Penalty or Penalties, which shall be then in arrear, by Distress of any Goods or Chattels of the Person or Persons so occupying any Lands chargeable with any such Tax or Taxes, Rate or Rates, Penalty or Penalties, whensoever such Goods and Chattels shall be found; and it shall be lawful for such Person or Persons distraining any Goods, Chattels, and Effects for any such Rates, Taxes, and Penalties, to impound, and keep the same on the Premises where any such Distress shall be made, or to take, lead, drive, carry away, and impound the same elsewhere, for the Space of Five Days, including the Day in which such Goods, Chattels, or Effects shall be taken, at the Costs and Charges of the Person or Persons liable to pay such Rates, Taxes, and Penalties, delivering to the Owner or Owners of the same, or leaving at his, her, or their last or usual Place of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place or Places where such Distress is intended to be, or shall be led, driven, taken away, impounded, and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged within the said Space of Five Days, to the Treasurer, Collector, or Receiver of the said Commissioners, or to the Person or Persons making such Distress, then the Person or Persons so making such Distress, or any other Person or Persons authorized by the said Commissioners, shall and may either sell and dispose of, by public Auction, the said Goods, Chattels, and Effects so distrained, or shall and may, with the Constable of the Parish where such Distress shall be made, (which said Constable is hereby directed, upon being thereunto required, to assist therein), cause the Goods, Chattels, and Effects so distrained, to be appraised by Two indifferent Persons upon Oath (which Oath the said Constable is hereby required and empowered to administer); and such Two Persons are hereby required to appraise the same, according to the best of their Judgment; and after Appraisement, it shall be lawful for the Person or Persons making such Distress, or such Treasurer, Collector, or Receiver as aforesaid, to sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the Sum at which the same shall be so appraised, or for such other Price or Prices that can be reasonably had or gotten for the same; and the Monies arising from such

Sale

Sale or Sales ſhall be applied and paid for and towards the Satisfaction of the Monies for which ſuch Diſtreſs and Sale ſhall be ſo made, and the Coſts, Charges, and Expences of taking, keeping, appraiſing, and ſelling the ſame, rendering the Overplus of the Monies ariſing from ſuch Sale (if any) on Demand, to the Perſon or Perſons entitled thereto.

Lands unoccupied to remain as a Security for the Tax, and Diſtreſs may be taken at any Time afterwards.

XLVI. Provided always, and be it further enacted, That in caſe any of the ſaid Fen Lands and Low Grounds taxed or to be taxed by virtue of this Act or the ſaid recited Acts, or any of them, ſhall at any Time or Times hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying the ſaid Rates, Taxes, and Penalty, then the Lands and Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Goods and Chattels which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, removed, impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and Penalty, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Lands may be let for Payment of Taxes.

XLVII. Provided always, and be it further enacted, That in caſe it ſhall happen that any Part of the ſaid Fen Lands and Low Grounds ſhall be untenanted or unoccupied for the Space of Twelve Calendar Months together, and no ſuch Diſtreſs as aforeſaid can be taken thereon, for levying the ſaid Rates or Taxes and Penalty or Penalties due in reſpect of the ſame, the ſaid Commiſſioners, or any Five or more of them ſhall, at any of their Meetings, have full Power and Authority to let ſo much of the ſaid Lands and Grounds upon which any ſuch Rate or Tax and Penalty ſhall be ſo in arrear, after Three Months Notice to the Owners and Occupiers of Land as they ſhall judge ſufficient, for ſuch Term or Terms of Years not exceeding Three Years each letting, at ſuch Rent and Rents, and upon ſuch Terms and Conditions as to them ſhall ſeem meet, and to apply the Rent or Rents ariſing therefrom in Diſcharge and Payment of all ſuch Taxes and Rates, and the Penalties incurred for Nonpayment thereof, and of ſuch other Charges and Expences as they the ſaid Commiſſioners ſhall incur or be liable to, in conſequence of all or any of ſuch laſt-mentioned Proceedings.

A Schedule of the Lands to be let, to be affixed upon the Church Doors, and inſerted in Newſpapers.

XLVIII. Provided always, and be it further enacted, That the ſaid Commiſſioners, previous to letting ſuch Lands, ſhall cauſe a Schedule, ſpecifying the Lands ſo to be let for Taxes and Rates in arrear, and Penalties, and the Time and Place appointed for ſuch letting, to be affixed on the principal outer Door of the Church or Churches of the Pariſh or Pariſhes in which ſuch Lands are ſituate and being, or into which the ſame ſhall extend, on Two ſeveral ſucceſſive *Sundays*, before the Day appointed for the letting of ſuch Lands, and alſo cauſe a like Schedule to be inſerted in ſome Newſpaper uſually circulated in the ſaid County of *Cambridge*, Three Weeks at leaſt before the Time appointed for any ſuch letting.

Notice to be given to the Owners of Lands to be let.

XLIX. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Twenty-one Days Notice in Writing, ſigned by their Clerk or Treaſurer for the Time being, of their Intention to let ſuch Lands, to be given to the Owner or Owners, Proprietor or Proprietors of the ſame,

same, or to be left at his, her, or their last or usual Place or Places of Abode.

Application of the Taxes and Penalties.

L. And be it further enacted, That the Monies arising from the Rates or Taxes to be raised and levied by virtue of this Act, and the Penalties incurred for Nonpayment thereof, and also all Sums of Money which shall be raised by the said Commissioners, or any Five or more of them, under and by virtue of and in pursuance of the Authority vested in them by this Act, (the Manner of applying whereof is not herein particularly directed), shall be paid and applied by the said Commissioners, in the first Place, in defraying the Charges and Expences of obtaining this Act, and in the Payment of all such Monies as shall be advanced by any Person or Persons whomsoever, for the Purpose of defraying such Charges and Expences, with lawful Interest for the same, and then in Payment of the Interest on the Monies hereafter authorized to be borrowed on the Credit of the said Rates and Taxes; and after Payment of such Expences and Interest, the said Commissioners shall, in the next Place, pay off the said respective Sums of Five hundred Pounds and Five hundred Pounds, due and owing to the said *George Leonard Jenyns* and *Sarah Allix*, respectively as aforesaid, by annual Instalments of One hundred Pounds to each of them, with Interest thereon, at and after the Rate of Five Pounds *per Centum per Annum*, so that the Whole of the said Sums, with the Interest thereof, may be fully paid off and discharged within Five Years from the passing of this Act; and then that the said Commissioners shall, in the next Place, scour out and deepen the respective Lodes called *Bottisham*, *Swaffham*, and *Reach Lodes*, and make good and effectual Banks on each Side of the said respective Lodes, for the better Protection of the Lands on both Sides thereof; and do and shall pay and apply the Residue or Surplus of such Monies in erecting, maintaining, and keeping in repair such Works as the said Commissioners are by the said recited Acts or this Act authorized to make, erect, maintain, and repair, and in such other Purposes as may from Time to Time be adjudged necessary by the said Commissioners, for the Benefit and Improvement of the Fen Lands and Low Grounds within the Limits of this Act, and for no other Use, Intent, or Purpose whatsoever.

Lodes to be deepened and Banks made effectual.

Tolls on the East Bank of the River Grant.

LI. And be it further enacted, That all the Tolls now collected by the said Commissioners under the Authority of the said recited Acts, or either of them, on the East Bank of the River *Grant*, between *Clayhithe* and *Upware* Sluice, described in the said recited Acts, shall be and the same are hereby repealed; and that from and after the passing of this Act there shall be paid to the said Commissioners and their Successors, or their Toll Gatherer for the Time being, at any Place or Places they shall appoint, on the East Bank of the River *Grant*, between *Clayhithe* and *Upware* Sluice, the Sum of One Shilling for every Horse, Mule, Ass, or other Beast, attending upon or going in or with any Boat or Boats, Lighter or Lighters, whether such Horse or other Beast, shall at the Time of passing by or through the Toll Gate or Place fixed on by the said Commissioners for collecting the same, be actually haling or not; and for every other Horse, Mule, Ass, or other Beast, travelling on the said Bank, Two-pence; for every Drove of Neat Cattle, One Shilling *per* Score, and so in proportion for any greater or less Number; and for every Drove of

Calves, Sheep, or Lambs, Hogs or Pigs, Eight-pence *per* Score, and so in proportion for any greater or leſs Number; the ſaid Toll ſo paid to be applied to the Maintenance and Support of the ſaid Bank, and for the other Purpoſes in the ſaid recited Act and this Act mentioned; and in caſe of Neglect or Refuſal of Payment of the ſaid Tolls on Demand, the Collector or Collectors thereof, to be appointed by the ſaid Commiſſioners, are hereby authorized and required to ſeize and detain any Horſe or Horſes, Beaſt or Beaſts, or Boat, Lighter, or Veſſel, wherein the ſame are carried, on which ſuch Toll is hereby impoſed, and them or any of them from thence to remove, take, ſeize, and diſtrain, and alſo to take, ſeize, and diſtrain any Horſe or Horſes, Beaſt or Beaſts, haling or paſſing on the ſaid Bank; and in caſe the ſaid Toll or Tolls, for Non-payment of which ſuch Horſe or Horſes, Beaſt or Beaſts, Boat, Lighter, or Veſſel are taken, ſhall not be paid within Three Days after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Collector or Collectors to ſell ſuch Horſe or Horſes, Beaſt or Beaſts, or Boat, Lighter, or Veſſel ſo ſeized and diſtrained as aforeſaid; and out of the Monies ariſing from ſuch Sale to deduct and retain the ſaid Toll or Tolls ſo neglected or refuſed to be paid, and the reaſonable Coſts and Charges attending the Seizure, Detention, and Sale thereof as aforeſaid, rendering the Overplus (if any there be) on Demand, to the Owner or Owners of ſuch Horſe or Horſes, Beaſt or Beaſts, or Boat, Lighter, or Veſſel reſpectively.

Penalty on evading the Tolls.

LII. And be it further enacted, That if any Waterman or other Perſon having any Boat or Boats, Lighter or Lighters, with One or more Horſe or Horſes, or other Beaſt or Beaſts, ſhall take off or cauſe to be taken off or removed from or out of the ſaid Boat or Boats, Lighter or Lighters, any ſuch Horſe or other Beaſt, with Intent to evade the ſaid Tolls or any Part thereof, or after having paſſed by any Toll Gate or Turnpike to be erected by virtue of this Act, or Place fixed on by the ſaid Commiſſioners for collecting the ſaid Tolls, ſhall put on, add to, or uſe any other Horſe or Horſes, Beaſt or Beaſts, for haling ſuch Boat or Boats, Lighter or Lighters, then he ſhall have paid the Toll for, or ſhall forcibly paſs through or over ſuch Toll Gate or Turnpike or Place fixed as aforeſaid, with any Horſe or Horſes, Beaſt or Beaſts, without paying the Tolls hereby directed to be paid, every Perſon ſo offending ſhall, for every ſuch Horſe or other Beaſt, forfeit and pay to the ſaid Commiſſioners the Sum of Forty Shillings for every Offence; to be levied and recovered, with Coſts, by Warrant of Diſtreſs, in like manner as the Forfeiture is herein-after directed to be recovered from Watermen or any other Perſon giving in a falſe Account of their Lading; the Monies ſo raiſed by ſuch Diſtreſs and Sale to be applied to the ſame Purpoſes as the Tolls hereby granted.

Exemptions from Tolls.

LIII. Provided always, and be it further enacted, That no Toll ſhall be demanded or taken, of any Perſon or Perſons at any Bar, Gate, or Place erected and appointed, or to be erected and appointed by virtue of the ſaid recited Acts or of this Act, or any of them, for any Horſe or other Beaſt haling any Boat or Boats or Veſſel employed in the carrying Materials for the Repairs of the Banks within the Limits of this Act, or in

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roding or drawing any Machine for deepening or cleansing the Rivers adjoining the said Fen Lands or Low Grounds or any Part thereof; nor or any Horse which shall be ridden by any Proprietor or Proprietors, Occupier or Occupiers of any Part of the said Fen Lands and Low Grounds within the Limits of this Act, his, her, or their Servant or Servants going or returning to or from any Part of the said Fen Lands or Low Grounds, or by any Member of the Corporation of *Bedford Level*, their Officers and Servants, upon the actual Business of the said Corporation, or by any Officer or Officers which is, are, or shall be appointed by the said Commissioners to superintend the Works thereof; nor for any Beast or Beasts, Sheep or other Cattle, going to or returning from Pasture within the Limits of this Act, being the Property of an Occupier of any of the said Fen Lands or Low Grounds, and which have been or are immediately intended to be depastured upon such Lands; and if any Person or Persons shall claim or take the Benefit of any such Exemption as aforesaid, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Tolls at Bottisham and Swaffham Sluices, and Reach Lode.

LIV. And be it further enacted, That all the Tolls now collected by the said Commissioners, under the Authority of the said recited Acts or either of them, at each of the Sluices called *Bottisham* and *Swaffham* Sluices, and also upon *Reach Rode*, described in the said recited Acts, shall be and the same are hereby repealed; and that from and immediately after the passing of this Act, there shall be paid to the said Commissioners or the Collector or Collectors by them appointed, at any Place or Places which they shall at any of their Meetings fix on and approve, by or near the respective Lodes of *Bottisham*, *Swaffham*, and *Reach*, for every Chaldron of Coals, for every Chaldron of Cinders, for every Two Chaldron of Lime, for every Ton Weight of Clunch Stone, for every Hundred of Battens, for every Quarter of a Hundred of Three or Four Inch Deals, for every Half Hundred of other Deals, for every Half Hundred of Fir Spars not exceeding Eighteen Feet in Length, for every Ton of Timber, for every Five Hundred of Bricks, for every Thousand of common Tiles, for every Hundred of Pan or other Tiles, for every Five Hundred of Pavements, for every Four Thousand of Turf, for every Five Hundred of Sedge, for every Thousand of Reed, for every Ten Comb of Wheat, Rye, Meslin, Beans, Pease, or Seeds, for every Twenty Comb of Oats, Barley, or Malt, for every Ton of Iron or Lead, for every Hogshead of Wine or Cyder, for every Two Barrels of Beer, Pitch, or Tar, for every Eight Gallons of Rum, Brandy, Gin, or other Spirituous Liquors, for every Four Crates of Glass, for every Eight Gross of Bottles, for every Four Boxes of Glass, for every Two Packs or Twenty Tod of Wool, for every Two Pockets or Two Hundred Weight of Hops, for every Sixty Bunches of Fir Lath, for every Forty Bunches of Oak Lath, for every Sixteen Thousand of Spits, for every Sixteen Hundred of Splints, for every Eight Dozen of Hurdles, for every Eight Hundred of Poles, for every Ton Weight of Manure going out of the District, and for every Ton Weight of Salt, Sand, or other Goods, Wares, or Merchandize whatsoever, although not herein before mentioned, the Sum of Eight-pence, and so in proportion for every greater or less Quantity or Weight of the said Goods passing

on

on or being navigated through the ſaid Sluices or Lodes; which ſaid Sum and Sums ſhall and may be demanded and taken in the Name of and as a Toll or Duty for the Repairs of the reſpective Banks and Lodes only, and ſhall be paid by every Perſon who ſhall carry or convey any of the Articles herein-before particularized, or any other Goods, Wares, and Merchandize whatſoever; and in caſe of Neglect or Refuſal of Payment of the ſaid Toll or Duty on Demand, the Collector or Collectors thereof to be appointed by the ſaid Commiſſioners, is and are hereby authorized and empowered, at any Time after ſuch Neglect or Refuſal, and at any Place or Places whatſover, to enter into any Boat, Barge, Lighter, or Veſſel, being in any of the ſaid Lodes, taking with him or them ſuch Aſſiſtance as he or they may think proper, and to ſeize and detain any of the ſaid Goods or Commodities, or the Veſſels carrying the ſame, with their Tackle, until Payment of the ſaid Toll or Duty; and if the ſaid Toll ſhall not be paid within Three Days next after ſuch Seizure, it ſhall and may be lawful to and for the ſaid Collector or Collectors to ſell all or any of the ſaid Goods, Wares, Merchandize, Commodities, and Veſſels with their Tackle ſo ſeized and detained as aforeſaid, and out of the Money ariſing from ſuch Sale to deduct and retain the ſaid Toll or Duty ſo neglected or refuſed to be paid, and the reaſonable Coſts and Charges attending ſuch Seizure, Detention, and Sale as aforeſaid, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Veſſel or Veſſels reſpectively; and if the ſaid Collector or Collectors ſhall be at any Time oppoſed or reſiſted in the Execution of his or their Office, by any Perſon or Perſons whomſoever, whether entruſted with the Navigation of ſuch Boat, Barge, or Lighter, or not, every ſuch Perſon ſhall forfeit and pay to the ſaid Commiſſioners the Sum of Five Pounds for every ſuch Offence, to be levied and recovered in the like Manner as any other Penalties and Forfeitures are herein directed to be recovered; which ſaid Penalty and Penalties, when recovered, are to be applied in the ſame Manner as the ſaid Tolls are herein-before directed to be applied.

Exemption from Tolls.

LV. Provided always, and be it further enacted, That all ſuch Corn, Hay, Sedge, Fodder, Reed, or other Produce, grown or to be grown upon any Part of the Fen Lands and Low Grounds within the Limits of this Act, which ſhall be brought, conveyed, or carried up or down any of the Lodes from off the ſaid Fen Lands and Low Grounds, to the Home or Homes of the reſpective Owner or Owners of ſuch Corn, Hay, Sedge, Reed, Fodder, or other Produce, and alſo all Manure, which ſhall be carried up or down any of the ſaid Lodes, for the Purpoſe of being laid on the ſaid Fen Lands and Low Grounds, and all Materials to be uſed by the Proprietors or Occupiers of the ſaid Lands and Grounds in erecting or repairing Buildings therein, and all Materials carried, by Order of the Commiſſioners, for repairing the ſaid Banks, ſhall be and are hereby diſcharged and exempt of and from the Payment of the ſeveral Tolls and Duties herein-before laſt mentioned.

Only Half Toll to be taken until the Lodes are ſcoured out.

LVI. Provided always, and be it further enacted, That the ſaid ſeveral Lodes ſhall, within Four Years from the paſſing of this Act, be effectually ſcoured out and deepened, and good Towing Paths made for the better

Security

Security and Improvement of Navigation thereon; and that no more than one Half of the ſaid Tolls ſhall be demanded or taken by the ſaid Commiſſioners, on any or either of the ſaid Lodes, till after the ſame ſhall have been ſo ſcoured out and deepened reſpectively, and ſuch Towing Paths made for the Purpoſe aforeſaid; but immediately from and after the ſaid Lodes and Towing Paths, or any of them, ſhall have been ſo ſcoured out, deepened, and made to the Satisfaction of the ſaid Commiſſioners aſſembled at any Quarterly Meeting, then it ſhall and may be lawful to and for the ſaid Commiſſioners to demand and take the full Tolls by this Act impoſed on all Goods, Wares, Merchandize, or Commodities, that ſhall be carried or conveyed up or down ſuch Lode or Lodes, which hath or have been ſo ſcoured out and deepened as aforeſaid, and ſuch Towing Paths made as aforeſaid; and which ſaid Tolls ſhall be demanded, taken, and applied in like Manner, and under the like Powers, Penalties, and Forfeitures as the Tolls and Duties are in anywiſe directed to be taken, levied, and applied by virtue of this Act and the ſaid recited Acts, or any of them.

For aſcertaining the Quality and Quantity of Goods.

LVII. And to the Intent that the Quantity and Quality of ſuch Goods and Commodities as ſhall at any Time or Times be carried up or down any Part of the ſaid Lodes called *Reach Lode*, *Bottiſham Lode*, *Swaffham Lode*, or *Burwell New Lode*, or any of them, may be diſcovered and known, and that the Tolls by this Act granted may be juſtly and truly paid; be it further enacted, That every Waterman or other Perſon who ſhall at any Time navigate, carry, or convey through any of the ſaid Sluices, or up or down any Part of the ſaid Lodes, any Goods, Wares, Merchandize, or Commodities whatſoever, ſhall upon demand made by the ſaid Collector or Collectors of the Tolls, give a juſt and true Account of the Quantity and Quality of all ſuch Goods, Wares, Merchandize, and Commodities as he ſhall have on board, and of the Name or Names of the Owner or reſpective Owners thereof; which Account, being reduced and put into Writing by the ſaid Collector or Collectors, the ſaid Waterman or other Perſon is hereby required to ſubſcribe his Name or Mark thereto; and if he ſhall refuſe ſo to do, or ſhall deliver in a falſe or untrue Account, he ſhall, for every ſuch Refuſal or falſe Account ſo by him given or declared, forfeit the Sum of Forty Shillings, over and above the Tolls and Duties payable for ſuch Goods, Wares, Merchandize, or Commodities by virtue of this Act, and to be applied to the like Uſes with ſuch Tolls; and in ſuch caſe the ſaid Collector or Collectors, or any other Perſon or Perſons, ſhall, and he and they is and are hereby authorized, by virtue of a Warrant or Precept under the Hand and Seal of any Juſtice of the Peace for the County, Liberty, or Place where ſuch Offence ſhall be committed, or where the Offender ſhall live, to levy and recover the ſaid Forfeiture by Diſtreſs of any of the Goods and Chattels of ſuch Perſon or Perſons whereſoever the ſame may be found; and if the Owner or Owners of the ſaid Goods and Chattels ſhall not pay the Sum or Sums ſo forfeited, with the reaſonable Charges of ſuch Diſtreſs, within the Space of Five Days, that then the ſaid Goods and Chattels ſhall be ſold by public Auction or otherwiſe, as may be deemed moſt expedient by the ſaid Collector or Collectors, or other Perſon or Perſons duly authorized, for the Satisfaction of the ſaid Forfeiture, and the Overplus,

if any, arising from such Sale, after the Sum or Sums so forfeited, and the reasonable Charges of taking, keeping, and selling the said Goods and Chattels are deducted, shall be returned to the Owner or Owners thereof upon Demand; and in case the Person so offending shall not have sufficient Goods and Chattels whereupon the said Forfeiture can be levied, it shall be lawful for the said Justice, or any other Justice of the Peace for the said County, Liberty, or Place where the Offender shall live, to commit the Person or Persons so offending to the House of Correction, there to remain without Bail or Mainprize, for the Space of One Month, unless the said Forfeiture shall be sooner paid and satisfied.

Toll at Burwell New Lode.

LVIII. Provided always, and be it further enacted, That all and all manner of Persons navigating and carrying Goods up or down that Part of the Lode commonly called *Burwell New Lode*, from *Upware* Sluice to *Powt Hall*, within the Limits aforesaid, shall pay one Moiety or Half-part of the Tolls herein-before directed to be paid on the Goods carried up and down any of the said other Lodes (which said Tolls shall be levied and recovered in the same Manner as herein-before last-mentioned), and shall also forfeit and pay the like Forfeiture or Penalty of Forty Shillings on refusing to give an Account in manner herein-before directed, or for giving an untrue Account to the Collector or Collectors, on Demand, of all or any Goods by him or them respectively carried, to be levied and recovered by Warrant of Distress, in like manner as in such case is herein-before directed, except in such Cases where the Commissioners, at any of their Quarterly Meetings, shall have compounded with any such Navigator so navigating up or down that Part of *Burwell New Lode* aforesaid, for a less Sum; which Composition the said Commissioners or any Five or more of them at such Meeting are hereby authorized and empowered to make.

Punishing Toll Collectors misbehaving.

LIX. And be it further enacted, That all and every the Toll Collectors being Lessee of the said Tolls, or appointed or continued either by the said Commissioners or by any such Lessee or Lessees, to collect the Tolls payable by virtue of this Act, shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Toll or coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in Black Letters on a White Ground, or White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Commissioners made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall hinder any Person or Persons from reading such Christian or Surname, or shall refuse to

tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls or any of them, or ſhall, in anſwer to ſuch Demand, give a falſe Name or Names, or upon the legal Toll being paid or tendered, ſhall unneceſſarily detain, or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Diſputes about Tolls to be ſettled by a Juſtice.

LX. Provided always, and be it further enacted, That if any Diſpute or Difference ſhall ariſe concerning the Amount of any Tolls due, or the Charges occaſioned by any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof (as the Caſe may happen), until the Amount of the Tolls due, and the Charges of ſeizing, diſtraining, keeping, and ſelling the ſame (as the Caſe ſhall happen), ſhall be aſcertained by one or more Juſtice or Juſtices of the Peace for the County of *Cambridge*, who, upon Application to him or them made for that Purpoſe, is and are hereby authorized and required to examine the Matter upon Oath of the Parties or other Witneſs or Witneſſes, and to determine the Amount of the Tolls due; and it ſhall be lawful for ſuch Juſtice or Juſtices to aſſeſs and award ſuch Coſts and Charges to be paid by either of the Parties to the other of them, as he or they ſhall think reaſonable; and in caſe of Non-payment of the Tolls and Coſts and Charges ſo aſcertained, upon Demand, the ſame ſhall and may, by virtue of a Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame.

Power to reduce the Tolls.

LXI. Provided alſo, and be it further enacted, That the ſaid Commiſſioners, or any Seven or more of them, at any of their Quarterly Meetings aforeſaid, ſhall have full Power and Authority, with the Conſent of ſuch Perſon or Perſons who ſhall be then entitled to Two-thirds of the Money borrowed on the Credit of the ſaid recited Acts and this Act, from Time to Time to leſſen and reduce the ſeveral Tolls granted by this Act, or any Part thereof, for ſuch Time as the ſaid Commiſſioners or any Seven of them ſhall think proper; and ſuch Tolls, ſo leſſened or reduced, ſhall be collected, recovered, and applied in the ſame Manner as the Tolls and Taxes hereby granted are directed to be collected, recovered, and applied; and alſo to raiſe the ſame again, as occaſion ſhall require, ſo as no greater Tolls be at any Time demanded or taken than herein-before directed and appointed to be taken.

Power to let Tolls.

LXII. And be it further enacted, That from and after the paſſing of this Act it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, by any Writing under their Hands and Seals, to aſſign, demiſe, leaſe, and to farm let the Tolls or Duties by this Act granted, to any Perſon or Perſons who ſhall be willing to

to farm the ſame from Year to Year, or for any Term not exceeding Three Years, for the beſt Price, and in ſuch Manner as the ſaid Commiſſioners or any Five or more of them ſhall think fit; which Money ſo received by the ſaid Commiſſioners, or their Order, ſhall be applied and diſpoſed of as the Rates and Taxes granted by this Act are directed to be applied and diſpoſed of: Provided nevertheleſs, that the ſaid Tolls and Duties ſhall not be ſo let but at a public Meeting to be held either within the Limits of this Act, or at ſome Place in the Town of *Cambridge*, after Notice given of the Intention to let the ſaid Tolls and Duties, by Advertiſements in ſome Newſpaper publiſhed or circulated in the ſaid County of *Cambridge*, for Fourteen Days preceding ſuch Meeting.

Property of Gates, &c. veſted in the Commiſſioners.

LXIII. And be it further enacted, That the Right and Property of all and every the Gates, Bars, Turnpikes, Toll Houſes, Poſts, Rails, Implements, Utenſils, and Things whatſoever, now erected and ſet up or which ſhall be hereafter erected and ſet up, or bought and purchaſed by the ſaid Commiſſioners, or any Five or more of them, or by their Order, or otherwiſe, belonging to or uſed by them for putting in Execution the ſaid recited Acts and this Act, ſhall be veſted in the ſaid Commiſſioners, and they or any Five or more of them are hereby empowered to diſpoſe of the ſame, and to bring any Action or Actions, or to prefer and proſecute with effect any Bill or Bills of Indictment (in which it ſhall be deemed a ſufficient Deſcription of the Property, to allege the ſame to be the Property of the Clerk or Treaſurer of the Commiſſioners for executing the ſaid recited Acts and this Act) againſt any Perſon or Perſons who ſhall ſteal, injure, damage, pull down, throw down, take away, or diſpoſe of the ſame, or any of them, to his, her, or their own Uſe or Uſes, or ſhall diſturb them the ſaid Commiſſioners in Poſſeſſion of the Property thereof.

Commiſſioners may borrow Money on Taxes and Tolls.

LXIV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, aſſembled at any Meeting to be holden in purſuance of this Act, ſhall and may and they are hereby empowered from Time to Time to borrow and take up at Intereſt, ſubject to the Reſtrictions and Conditions herein-after mentioned, ſuch Sum or Sums of Money as they ſhall think fit for the ſeveral Purpoſes of this Act, upon the Credit of the Taxes and Tolls payable by virtue of this Act, and by Writing under their Hands and Seals (the Charges whereof are to be paid out of ſuch Taxes and Tolls), to mortgage and aſſign the ſeveral Rates, Taxes, Tolls, or Duties charged and chargeable and to ariſe or become payable in purſuance of this Act, as herein mentioned, and every or any Part thereof reſpectively, as a Security for the Re-payment of the ſaid Sum or Sums of Money, with Intereſt for the ſame, not exceeding the Rate of Five Pounds *per Centum per Annum*, to the Perſon or Perſons who ſhall advance or lend the ſame, his, her, or their Executors, Adminiſtrators, or Aſſigns; and every ſuch Mortgage or Aſſignment may be in the Words or to the Effect following; (that is to ſay),

Form of Mortgage.

'WE, of the Commiſſioners appointed by or in purſuance 'of an Act of Parliament, paſſed in the Fifty-ninth Year of the 'Reign of King *George* the Third, intituled [*here ſet forth the Title of this 'Act*]

'*Act*] in Consideration of the Sum of advanced and 'lent by *A. B.* upon the Credit and for the Purposes of the said Act, do 'hereby grant and assign to the said *A. B.* [*or*, to his Trustee or Trustees, '*as the Case may require*] his Executors, Administrators, and Assigns, 'such Proportion of the Rates, Taxes, or Assessments, to be raised, 'levied, and collected by virtue of the said Act, as the said Sum of 'doth or shall bear to the whole Sum charged, which 'may at any Time be borrowed or become due and owing, or be charged 'upon the Credit of the said Rates, Taxes, or Assessments, to be had 'and holden from this Day of until the said 'Sum of with Interest at *per Centum per* '*Annum* for the same shall be repaid and satisfied. In Witness whereof, 'we the said Commissioners, have hereunto set our Hands and Seals the 'Day of in the Year of our Lord .'

And all and every such Person or Persons to whom such Mortgage, Assignment, or Transfer thereof shall be made, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on the said Rates, Taxes, Tolls, Duties, and Sums of Money, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any Sum or Sums of Money: Provided always, that nothing herein contained shall enable the said Commissioners to mortgage, assign, or transfer any of the Rates and Taxes charged and payable by virtue of the said recited Acts, or either of them, until all the Monies now due and owing on the Credit of the said recited Acts, or either of them, shall have been paid off and discharged: Provided also, that all the Tolls by this Act authorized to be taken or collected in lieu of the Tolls granted by the said recited Acts, or either of them, and hereby repealed, shall be charged with and subject and liable to the Payment of all Sums of Money which may have been borrowed and be due and owing to any Person or Persons at the Time of the passing of this Act, on the Credit or Security of the Tolls hereby repealed, and of all Interest due and to grow due for the same.

Securities may be transferred.

LXV. And be it further enacted, That any Person or Persons to whom any Assignment of the said Rates, Taxes, Tolls, and Duties shall be made, shall have Power from Time to Time, by Indorsement on the original Grant or Security, or by any other Instrument in Writing, to assign and transfer the same to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say),

Form of Transfer.

'I *A. B.* being entitled to the Sum of 'by virtue of a Mortgage or Assignment, bearing Date the 'Day of under the Hands and Seals of 'of the Commissioners acting in the Execution of 'an Act of Parliament, passed in the Fifty-ninth Year of the Reign of 'King *George* the Third, intituled [*here set forth the Title of this Act*] upon 'the Credit of the Rates, Taxes, and Assessments granted or made pay-'able by the said Act, do hereby transfer all my Right and Title in and 'to the same Sum, and all Interest and other Money now due and arising 'thereon unto *C. D.*, his Executors, Administrators, and Assigns. Dated 'the Day of .'

And such Assignment shall be entered in a Book to be kept by the said Commissioners for that Purpose; which Entry the proper Officer belonging to the said Commissioners is hereby required to make, upon any Person producing such Assignment or Transfer, and paying Five Shillings for the said Entry; and after such Entry made, such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns to the said principal Sum, and Interest due and becoming due thereon; and such Assignee or Assignees, and every other Assignee or Assignees shall and may in like Manner, by Indorsement or otherwise, assign and make over such Mortgages and Securities so assigned as aforesaid, and so *toties quoties* as Occasion shall require.

Recovery and Application of Penalties not particularly directed.

LXVI. And be it further enacted, That all Penalties and Forfeitures by this Act or the said recited Acts, or any of them imposed, (the Manner of levying whereof is not herein-before particularly directed), and all Costs and Charges attending the Recovery thereof, shall be levied and recovered by Distress and Sale of the Goods, Chattels, and Effects of the Offender or Offenders wheresoever the same shall be found, by Warrant under the Hand and Seal or Hands and Seals of one or more Justice or Justices of the Peace for the County or Place where the Offence shall be committed; which Warrant such Justice or Justices is and are hereby authorized and required to grant as often as shall be necessary, upon the Confession of the Party, or on the Information of any credible Witness upon Oath, (which Oath such Justice or Justices is and are hereby empowered and required to administer); and the Overplus (if any) shall, after such Penalties and Forfeitures, together with the Costs and Charges attending the Recovery thereof are deducted, be returned upon Demand, to the Owner or Owners of such Goods and Chattels; and in case no sufficient Distress can be found, such Justice or Justices shall issue a Warrant under his or their Hand and Seal or Hands and Seals for the Apprehension of such Offender or Offenders, and shall commit such Offender or Offenders, when brought before him or them, to the Common Gaol or House of Correction for such County or Place, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, at the Discretion of such Justice or Justices; and all Penalties and Forfeitures by this Act imposed, if not hereby otherwise directed to be paid and applied, shall be paid to the Treasurer for the Time being of the said Commissioners, and shall be applied for the same Purposes as the Rates and Taxes hereby authorized to be raised are by this Act directed to be paid and applied.

LXVII. And for the more easy and speedy Conviction of any Offender or Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act or the said recited Acts, or any of them, shall and may cause the Conviction to be drawn up in the following or such other Words as may be applicable thereto; *videlicet*,

Form of Conviction.

‘ BE it remembered, That on the Day of in the Year of our Lord is convicted ‘ before me, One [*or*, us *C. D.* and *E. F.* Two] of His Majesty's Justices ‘ of the Peace for the County [*or*, Isle, Place, or Liberty, *as the Case*

' *may be*] of [*ſpecifying the Offence, and the Time and Place when and where*
' *the ſame was committed, as the Caſe may be*]. Given under my Hand
' and Seal (*or*, our Hands and Seals) the Day and Year firſt above
' written.'

Juſtices to adminiſter Oaths, and Commiſſioners may act as Juſtices, unleſs perſonally intereſted.

LXVIII. And be it further enacted, That in all Caſes wherein Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall 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; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act (except where perſonally intereſted) notwithſtanding his being a Commiſſioner under the Authority of this Act.

Perſons giving falſe Evidence to be guilty of Perjury.

LXIX. And be it further enacted, That all and every Perſon and Perſons who in any Examination or Examinations to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any Juſtice or Juſtices of the Peace, or ſhall wilfully and corruptly ſwear falſely before any Commiſſioner or Commiſſioners appointed or to be appointed by virtue of this Act, in any Matter in which ſuch Commiſſioner is hereby authorized to adminiſter an Oath, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhment and Diſqualification as any Perſon or Perſons is or may be ſubject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Allowing Appeal to Quarter Seſſions.

LXX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Order or Determination of any Juſtice or Juſtices of the Peace, for any thing done in purſuance of this Act, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the County or Place where the Cauſe of Complaint ſhall ariſe, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, and the Juſtices in the ſaid General Quarter Seſſions reſpectively are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order and award ſuch Coſts therein as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, wherever the ſame ſhall be found, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by Certiorari or any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter*.

Perſons appealing to give One Month's Notice of intention to appeal.

LXXI. Provided always, and be it further enacted, That in all Caſes where any Perſon or Perſons ſhall, under or by virtue of any of the Powers and Proviſions herein-before contained, intend to have any Matter of Diſpute, Complaint, or Appeal determined by the Juſtices in their ſaid General Quarter Seſſions, every ſuch Perſon or Perſons ſhall give at leaſt One

One Calendar Month's Notice to the Party or Parties againſt whom ſuch Matter of Appeal ſhall be intended to be preferred, of ſuch his, her, or their Intention, ſpecifying the Matter of ſuch Appeal; and where any ſuch Appeal ſhall be intended to be preferred againſt the Commiſſioners, ſuch Notice ſhall be delivered to their Treaſurer or Clerk; and in Caſes where the ſaid Commiſſioners ſhall be Appellants, ſuch Notice ſhall be ſigned by their Treaſurer or Clerk; and it ſhall and may be lawful for the ſaid Juſtices in their ſaid Quarter Seſſions, in default of Proof of ſuch Notice, or for any other juſt and reaſonable Cauſe, to poſtpone the Hearing of ſuch Matter to any Adjournment of the ſaid Seſſions, or until the General Quarter Seſſions then next following, at the Diſcretion of the ſaid Juſtices.

Proceedings not to be vacated for Want of Form, nor removed by Certiorari.

LXXII. And be it further enacted, That no Order or other Proceeding to be had by or before any Juſtice or Juſtices of the Peace, or to be otherwiſe made or had in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed by Certiorari into any of His Majeſty's Courts of Record at *Weſtminſter*.

Diſtreſs not unlawful for Want of Form.

LXXIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Rate, Tax, Penalty, or Forfeiture, or Sum or Sums of Money whatſoever, 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 only, in the Rate or Aſſeſſment to be made, or in the Information, Summons, or Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by any ſuch Irregularity ſhall and may recover Satisfaction for the ſpecial Damage in an Action on the Caſe.

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

LXXIV. Provided always, 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, Avowant or Avowants, or left at his, her, or their laſt or uſual Place or Places of Abode, Twenty-one Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs; nor ſhall the Plaintiff or Plaintiffs recover in ſuch Action, if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, Avowant or Avowants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful to and for the Defendant or Defendants, Avowant or Avowants in any Action, by Leave of the Court where ſuch Action ſhall be brought, any Time before Iſſue joined, to pay into Court ſuch Sum of Money as ſuch Defendant or Defendants, Avowant or Avowants, may be adviſed.

Limitation of Actions.

LXXV. And be it further enacted, That if any Action, Suit, or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons, for

for any Thing done or to be done in purſuance of this Act, every ſuch Action, Suit, or Information ſhall be commenced or laid within Six Calendar Months next after the Fact committed, and ſhall be brought or laid 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 in Replevin may juſtify and avow, by virtue of this Act, as a Perſon or Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and may give this Act, and the ſpecial Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon; and that the Fact alleged in ſuch Action, Suit, or Information to have been done, was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any Action, Suit, or Information ſhall be brought or laid after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits; or if any Verdict ſhall paſs againſt him, her, or them, upon Demurrer or otherwiſe, then and in any of the ſaid Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they ſhall have the like Remedy as in Caſes where Coſts at Law are awarded.

Accounts to be audited annually.

LXXVI. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing of this Act) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended in the Execution of this Act; and after ſuch Statement or Account ſhall have been examined and balanced, ſuch Balance ſhall be by them ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioners; and after ſuch Accounts ſhall have been ſo examined and balanced, a ſummary Statement thereof ſhall be annually printed, and delivered to any of the Owner or Owners of the ſaid Fen Lands or Low Grounds who ſhall apply for the ſame.

Preſerving Rights of Bedford Level Corporation.

LXXVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away any of the Rights, Powers, or Authorities veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or in the ſaid Governor, Bailiffs, and Conſervators of the ſaid Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for ſettling the draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatſoever, which, by virtue of the ſaid Act of the Fifteenth Year of King *Charles* the Second, or of any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or any of them; but the ſame ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs,

15 Car. 2.

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 not passed.

Rights of Lords of Manors.

LXXVIII. Provided always, and be it further enacted, That all such Right or Rights, as any Lord or Lords, Lady or Ladies of any Manor or Manors or Liberties, have heretofore had within his, her, or their respective Manor or Manors or Liberties, within or without the Boundaries of this Act or the several recited Acts; and all Waifs, Estrays, Felons Goods, Privileges of Arrests, Escheats, and all Royalties not prejudicial to draining, shall be and they are hereby saved to them, their Heirs, Successors, and Assigns, severally and respectively; any thing herein contained to the contrary thereof notwithstanding.

Public Act.

LXXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1819.