ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

## *Cap.* xlvii.

**An Act for improving the Drainage of Part of the South Level of the Fens within the Great Level commonly called *Bedford Level*, and the Navigation of the Rivers passing through the same, in the Counties of *Cambridge*, *Suffolk*, and *Norfolk*, and in the *Isle of Ely*.** [28th *May* 1827.]

WHEREAS there are certain Rivers, Lodes, and Watercourses, and divers Fen Lands, Wash Lands, and Low Grounds, lying within the several Parishes, Townships, or Hamlets of *Bottisham*, *Quy*, *Ditton* otherwise *Fen Ditton*, *Horningsea*, *Waterbeach*, *Landbeach*, *Cottenham*, *Rampton*, *Over*, *Swavesey* otherwise *Swacey*, *Willingham*, *Haddenham*, *Sutton*, *Wentworth*, *Witchford*, *Wilburton*, *Stretham*, *Thetford*, the *Holy Trinity* in *Ely*, *Saint Mary* in *Ely*, *Chettisham*, *Littleport*, *Stuntney*, *Soham*, *Barway*, *Wicken*, *Reach*, *Burwell-with-Reach*, *Swaffham-Prior-with-Reach*, *Swaffham Bulbeck*, *Fordham*, *Isleham*, *Mildenhall*, *Eriswell*, *Lakenheath*, and *Hilgay*, in the several Counties of *Cambridge*, *Suffolk*, and *Norfolk*, and in the *Isle of Ely*, or some of them, and in certain extra-parochial or other Places adjoining to or lying near the aforesaid Parishes, or Townships or Hamlets, or some or one of them; all which said Rivers, Lodes, and Watercourses, Fen Lands, Wash Lands, and Low Grounds, are situate within and form Part of a certain Level usually called or known by the Name of the *South Level*, Part of the Great Level of the Fens commonly called *Bedford Level*; and the said Lands and

Grounds are bounded as follows; (that is to say,) beginning at a certain Bridge over the River *Ouze*, in the Parish of *Littleport* in the *Isle of Ely*, called *Littleport Bridge*, and proceeding from thence along the East Bank of the said River to a Bridge over the lesser *Ouze River* there, called *Brandon Creek Bridge*, and from thence along the South Bank of the said River to the Cross Bank of the Commissioners of *Burnt Fen First District*, at the North-west Corner of *Redmore Fen*, and along the said Bank to the Bank on the West Side of *Lakenheath Lode*, and from thence along the said Bank to the Cross Bank belonging to the said Commissioners of *Burnt Fen First District*, and along the said Bank to the Hard Lands of *Undley* in the County of *Suffolk*, and from thence along the Boundary Line of the said District called *Burnt Fen First District*, to *Baldwin's Lode*, and crossing the said Lode, proceeding from thence along the Boundary Line of *Mildenhall* or *Burnt Fen Second District*, upon the Hard Lands of *Mildenhall Rows*, unto *Worlington Lode* on the River *Lark*, and Southward from thence unto *Burwell Block*, upon the Uplands of *Isleham*, *Fordham*, *Soham*, *Wicken*, and *Burwell*, in the said County of *Cambridge*, and from thence unto the Mill near *Anglesea Abbey*, upon the Uplands of *Burwell*, *Reach*, *Swaffham Prior*, *Swaffham Bulbeck*, and *Bottisham*, in the said County of *Cambridge*, and from thence unto the Ferry Place of *Clayhithe*, upon the Uplands of *Qui* or *Quy*, *Horningsea*, *Ditton*, and *Clayhithe*, in the said County of *Cambridge*, and from the said Ferry Place of *Clayhithe* unto *Over Lode*, upon the Uplands of *Waterbeach*, *Cottenham*, *Rampton*, *Willingham*, *Over*, and *Swavesey*, in the said County of *Cambridge*, and from the said *Over Lode* to the East Bank of the *Ouze* in *Over* aforesaid, and along the said East Bank of the *Ouze* to the *Hermitage Sluice*, and from the said *Hermitage Sluice*, along the East or South-east Bank of the new *Bedford River*, to *Sutton Gault*, and from thence upon the Uplands of *Sutton* to *Ballam Baulk*, and from thence, excluding *Grunty Fen*, upon the Uplands of *Haddenham*, *Wilburton*, *Stretham*, *Thetford*, the *Holy Trinity* in *Ely*, *Saint Mary* in *Ely*, *Chettisham*, and *Littleport*, all in the *Isle of Ely*, unto *Littleport Bridge* aforesaid: And whereas the said Rivers *Ouze* and *Lark*, and the said several other Rivers, Lodes, and Watercourses within the said Part of the said South Level, bounded as aforesaid, are much grown up and obstructed by Mud, Soil, and Rubbish, and the said Rivers and Lodes are insufficient for the Purposes as well of draining the said Lands and Grounds as of Navigation, and it is necessary to scour out, cleanse, and deepen the same, to remove the Obstructions therein, and to straighten and otherwise improve the said Rivers *Ouze* and *Lark*, by conveying the Waters of the said River *Ouze* into, through, or near a certain Cut called *Sandy's* or *Sandall's Cut*, belonging to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level of the Fens called *Bedford Level*, and by altering or abandoning a Part of the present Line of the said River *Ouze* below a Place called *Prickwillow*, in the aforesaid Parish of the *Holy Trinity* in *Ely*; and it is necessary to make a new Cut or Channel across a certain Part of a Fen called *Padnal*, for the Purpose of conveying through the same the Waters of the said River *Lark*, to form a Junction with the said intended new River through the said *Sandy's* or *Sandall's Cut*; and it is also

necessary to do other Works for the Improvement of the Drainage of the said Lands and Grounds, and of the Navigation of the said Rivers and Lodes: And whereas Part of the said Lands and Grounds lying in the said Parishes or Hamlets of the *Holy Trinity* in *Ely*, *Saint Mary* in *Ely*, *Chettisham*, and *Littleport*, and comprising therein, amongst other Lands, certain Fens called *Padnal* and *Waterden Fens*, and bounded as follows; (that is to say,) proceeding from *Littleport Bridge* aforesaid along the West Side of the intended new Course of the said River *Ouze* to *Sandhill End* in *Littleport* aforesaid, and from thence skirting the High Lands of *Littleport* to a Place called *Gilgal*, and from thence along the Turnpike Road between *Littleport* and *Ely* to *Redmore Bank*, and from thence along the said Bank to *Clayway*, and from thence, skirting the High Lands, and proceeding by the Western Boundary of a Fen called *Waterden*, and including therein the whole of the said Fen, to the West End of *Padnal First Drove*, and from thence, skirting the High Lands, and including the Lands called *Minty Fen*, to the South-east End of *Sandy's Cut* aforesaid, and from thence across the said River to the Bank belonging to the Commissioners of *Middle Fen District*, at or near a Mill called the *Overfall Mill*, and along the said Bank Eastward to *Prickwillow Bridge*, and from the said Bridge in a Northerly Direction along the present Line of the Bank belonging to the Commissioners of *Burnt Fen First District* to *Littleport Bridge*, are subject to Inundation from the Waters of the said River overflowing the same in Times of Floods, and the said Lands and Grounds are thereby injured, and rendered in a great Degree unprofitable to the Owners and Occupiers thereof respectively: And whereas if proper and sufficient Banks, Mills, Drains, and other Works were made for draining and preserving such last-mentioned Lands and Grounds, great Benefit would accrue to the said Owners and Occupiers, and the same would be of Public Utility: And whereas an Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Second, intituled *An Act for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and Counties of* Suffolk *and* Norfolk, *between* Mildenhall River *South*, Plant Lode *and* Brandon River *North*, *bounded on the West by the River* Ouze, *and on the East by* Winter Lode, Earswell Brook, *and the Hard Lands of* Mildenhall; *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 an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend and render more effectual so much of an Act of the Thirty-third Year of His late Majesty, for draining certain Fen Lands in the* Isle of Ely *and Counties of* Suffolk *and* Norfolk, *near* Mildenhall River, *and empowering the Conservators of* Bedford Level *to sell certain Fen Lands, as relates to the Lands in the Second District described in the said Act*: And whereas an Act was passed in the Forty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for repealing several Acts of the Thirty-third Year of King* George *the Second, and the Thirteenth and Thirty-seventh Years of His present Majesty, for draining certain Fen Lands in the* Isle

33 G. 2. c. 32.

47 G. 3. c. 50.

47 G. 3. c. 83.

Isle of Ely *and Counties of* Suffolk *and* Norfolk, *near* Mildenhall River; *so far as relates to the several Lands in the First District therein described, and for making better Provision for draining and preserving the said Lands:* And whereas an Act was passed in the Fourth Year
4 G. 4. c. 103. of the Reign of His present Majesty, intituled *An Act to amend and render more effectual an Act passed in the Forty-seventh Year of the Reign of His late Majesty King* George *the Third, for repealing several Acts therein mentioned, for draining certain Fen Lands in the* Isle of Ely *and Counties of* Suffolk *and* Norfolk, *near* Mildenhall River, *so far as relates to the Lands in the First District therein described, and for making better Provision for draining and preserving the said Lands:* And whereas an Act was passed in the Thirty-first Year
31 G. 2. c. 18. of the Reign of His Majesty King *George* the Second, intituled *An Act for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and County of* Cambridge, *between the* Cam *otherwise* Grant, Ouze, *and* Mildenhall *Rivers, and bounded on the South-east by the Hard Lands of* Isleham, Fordham, Soham, *and* Wicken; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called* Bedford Level, *to sell certain Lands within the said Limits commonly called* Invested Lands: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled
29 G. 3. c. 22. *An Act to amend and render effectual an Act of the Thirty-first Year of King* George *the Second, for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and County of* Cambridge, *between the* Cam *otherwise* Grant, Ouze, *and* Mildenhall *Rivers, and bounded on the South-east by the Hard Lands of* Isleham, Fordham, Soham, *and* Wicken; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called* Bedford Level, *to sell certain Lands within the said Limits commonly called* Invested Lands; *and for laying certain Rates on Vessels navigated upon the said Rivers, towards supporting the Banks thereof:* And whereas an Act was passed in the Fortieth Year of the Reign of His said late Majesty King *George*
40 G. 3. c. 90. the Third, intituled *An Act to explain, amend, and render more effectual Two Acts made in the Thirty-first Year of the Reign of King* George *the Second and in the Twenty-ninth Year of the Reign of His present Majesty, for draining and preserving certain Fen Lands and Low Grounds in the* Isle of Ely *and County of* Cambridge, *between the* Cam *otherwise* Grant, Ouze, *and* Mildenhall *Rivers, and bounded on the South-east by the Hard Lands of* Isleham, Fordham, Soham, *and* Wicken; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called* Bedford Level, *to sell certain Lands within the said Limits commonly called* Invested Lands; *and for laying certain Rates on Vessels navigated upon the said Rivers, towards supporting the Banks thereof:* And whereas an Act was passed in the Fourteenth Year of the
14 G. 2. c. 24. Reign of His Majesty King *George* the Second, intituled *An Act for the effectual Draining and Preservation of* Waterbeach Level *in the County of* Cambridge; *and to establish an Agreement made between the Lord of the Manor of* Waterbeach-cum-Denny *and the Commoners within the said Manor:* And whereas an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third,

Third, intituled *An Act to alter, amend, and render more effectual an Act made in the Fourteenth Year of the Reign of His late Majesty King* George *the Second, intituled* ‘ *An Act for the effectual Draining* ‘ *and Preservation of* Waterbeach Level *in the County of* Cambridge; ‘ *and to establish an Agreement made between the Lord of the Manor of* ‘ Waterbeach-cum-Denny *and the Commoners within the said Manor;*’ *and also to raise a further Sum of Money for the Improvement and Security of the said Level:* And whereas an Act was passed in the Fifty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Powers of an Act of King* George *the Second, and an Act of His present Majesty, for draining Lands in* Waterbeach Level *in the County of* Cambridge: And whereas an Act was passed in the Seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for draining and preserving Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens commonly called* Bedford Level, *and in the County of* Cambridge, *between the River* Cam, *otherwise* Grant, *West, and the Hard Lands of* Bottisham, Swaffham Bulbeck, *and* Swaffham Prior, *East; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called* Bedford Level, *to sell certain Lands lying within the Limits aforesaid, commonly called* Invested Lands: And whereas an Act was passed in the Nineteenth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to explain, amend, and render more effectual an Act 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* ‘ *Hard Lands of* Bottisham, Swaffham Bulbeck, *and* Swaffham ‘ Prior, *East; and for empowering the Governor, Bailiffs, and Com-* ‘ *monalty of the Company of Conservators of the Great Level of the* ‘ *Fens commonly called* Bedford Level, *to sell certain Fen Land lying* ‘ *within the Limits aforesaid, commonly called* Invested Lands:’ And whereas an Act was passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *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 Hard Lands of* Bottisham, Swaffham Bulbeck, *and* Swaffham Prior, *East; and for other Purposes therein mentioned:* And whereas an Act was passed in the Thirteenth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the effectual Draining and Preservation of* Haddenham Level *in the* Isle of Ely: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual an Act passed in the Thirteenth Year of His late Majesty King* George *the First, intituled* ‘ *An Act for the effectual Draining* ‘ *and Preservation of* Haddenham Level *in the* Isle of Ely;’ *and for more effectually draining and preserving the Fen Lands and Low Grounds*

37 G. 3. c. 88.

53 G. 3. c. 81.

7 G. 3. c. 53.

19 G. 3. c. 34.

59 G. 3. c. 78.

13 G. 1. c. 18.

37 G. 3. c. 96.

*Grounds lying within the said Level:* And whereas the said several Acts of Parliament contain Provisions for the Drainage and Preservation of the following Districts of Land, Part of the Lands and Grounds within the said Part of the said South Level of the Fens, bounded as aforesaid; (that is to say,) the said Act of the Thirty-third Year of the Reign of King *George* the Second, and the said first-mentioned Act of the Forty-seventh Year of the Reign of King *George* the Third, to a certain District called *Mildenhall* or *Burnt Fen Second District;* the said secondly-mentioned Act of the Forty-seventh Year of the Reign of King *George* the Third, and the said Act of the Fourth Year of the Reign of His present Majesty, to a certain District called *Burnt Fen First District;* the said Act of the Thirty-first Year of the Reign of King *George* the Second, and the Twenty-ninth and Fortieth Years of the Reign of King *George* the Third, to a certain District called *Middle Fen District;* the said Act of the Fourteenth Year of the Reign of King *George* the Second, the said first-mentioned Act of the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, and the said Act of the Fifty-third Year of the Reign of His said late Majesty, to a certain District or Level called *Waterbeach Level;* the said Acts of the Seventh, Nineteenth, and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, to a certain District called *Swaffham and Bottisham Districts;* and the said Acts of the Thirteenth Year of the Reign of King *George* the First, and the said secondly-mentioned Act of the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, to a certain District or Level called *Haddenham Level:* And whereas the several Works before mentioned will not only benefit the Lands in the aforesaid several Districts or Levels, by improving the Outfall for the Waters thereof, but will also greatly relieve the Funds of the Commissioners under the said several Acts of Parliament for the Drainage of the said Districts or Levels, by lowering the Beds of the said Rivers, Lodes, and Watercourses, and thereby preserving the Banks of the said Districts or Levels from much Damage and Injury by the Pressure of the Waters in Times of Flood, and rendering the Maintenance and Support of the said Banks less burthensome at other Seasons; but the aforesaid beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act, and all the Powers and Authorities herein contained, and all the Works, Matters, and Things herein-after directed to be done, shall be carried into Execution by the respective Commissioners herein-after appointed as Drainage and Navigation Commissioners, and as *Padnal* and *Waterden* Commissioners, and by their respective Successors, to be appointed as herein-after is directed.

**Act to be executed by the Drainage and Navigation Commissioners and Padnal and Waterden Commissioners.**

**Appointment of Commissioners.**

II. And be it further enacted, That the following Persons and their Successors, to be severally appointed as herein-after directed, shall be and they are hereby appointed such Drainage and Navigation Commissioners for carrying this Act into Execution; that is to say, the

the Lord of the Manor of *Littleport* for the Time being, or a Deputy to be from Time to Time appointed in Writing under his Hand; a Deputy to be from Time to Time appointed by Writing under the Hand of the Lord Bishop of *Ely* for the Time being; a Deputy to be from Time to Time appointed under the Seal of the Dean and Chapter of *Ely* for the Time being; a Deputy to be from Time to Time appointed under the Seal of the aforesaid Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called *Bedford Level*, for the Time being; the Treasurer for the Time being to the Governors or Feoffees of *Parson*'s Charity in *Ely*; together with Twenty-four Persons to be from Time to Time severally nominated and appointed by the major Part of the Commissioners of the respective Districts or Levels herein-after mentioned, present at some public Meetings of the said Commissioners duly convened according to the Provisions of the several Acts of Parliament which may from Time to Time be in force for the said Districts or Levels respectively, (that is to say,) Two Persons by the Commissioners of the said District called *Mildenhall* or *Burnt Fen Second District*, Four Persons by the Commissioners of the said District called *Burnt Fen First District*, Three Persons by the Commissioners of the said District called *Middle Fen District*, Three Persons by the Commissioners of the said District or Level called *Waterbeach Level*, Three Persons by the Commissioners of the said District called *Swaffham and Bottisham District*, and Two Persons by the Commissioners of the said District or Level called *Haddenham Level*; and together also with Three Persons to be from Time to Time nominated and appointed by the Majority of the Owners of Twenty Acres or more of Land not comprised in either of the said Districts or Levels, but situate in any or either of the several Parishes of *Cottenham*, *Landbeach*, *Rampton*, *Willingham*, *Over*, and *Swavesey*, and liable to be taxed and assessed under the Authority of this Act to the Funds of the said Drainage and Navigation Commissioners, present at a public Meeting of the said Owners assembled at some convenient Place in any One of the said respective Parishes, on Requisition, signed by Twelve or more of the said Owners; and together also with Four Persons to be in like Manner nominated and appointed by the Majority of the Owners of Twenty Acres or more of such Lands and Grounds as are hereby made liable to be taxed and assessed to the said Funds, and as are not situate within either of the said Parishes of *Cottenham*, *Rampton*, *Willingham*, *Landbeach*, *Over*, and *Swavesey*, or within either of the said Districts or Levels so authorized to appoint Commissioners as aforesaid, present at a public Meeting of the said Owners assembled at some convenient Place in the Town of *Ely*, on the Requisition of Twelve or more of such Owners, shall be and are hereby appointed, and shall be called "The Drainage Commissioners;" and the Vice Chancellor of the University of *Cambridge* for the Time being, or a Deputy to be appointed by Writing under his Hand; a Deputy to be appointed by the Conservators of the River *Cam* for the Time being, under an Order made at some public Meeting of the said Conservators; the Mayor of *Cambridge* for the Time being; the Mayor of *Lynn* for the Time being; the Alderman for the Time being of *Bury Saint Edmunds*; a Deputy to be appointed in Writing under the

Drainage Commissioners.

Navigation Commissioners.

the Hand or Hands of the Proprietor or Proprietors of the private Navigation on the River *Lark*; together with *Samuel Pickering Beales*, *Ebenezer Foster*, *Richard Comings*, *Thomas Hovell*, *John Hemington*, *James Nutter* the younger, *William Anderson*, *Charles Beales*, *John Eden*, *Charles Finch*, *Francis King Eagle*, *Thomas Robins*, *Henry Giblin*, *Edward Balls*, *John Dobede*, *Joseph Andrews*, *Samuel Cooper*, *Phillip Fuller*, *George Hall*, *William Harlock* the younger, *Henry Lawrence*, *John Harlock*, and *John Cross*, shall be and are hereby appointed and shall be called "The Navigation Commissioners."

Appointment of Drainage Commissioners for Districts, &c. to be certified to Drainage and Navigation Commissioners.

III. And be it further enacted, That the respective Persons who shall be appointed the Clerks for the Time being to the Commissioners of the said Districts or Levels, and the respective Persons who shall be appointed the Chairmen of the said Meetings of the said Owners of Land, shall transmit a Certificate under their respective Hands, containing the Names and Descriptions of the several Persons who shall from Time to Time be nominated and appointed Drainage Commissioners under this Act, by the said Commissioners of the said Districts or Levels, and by the said Owners respectively, to the Drainage and Navigation Commissioners under this Act, assembled at the next Meeting to be held after the said Drainage Commissioners shall respectively be so nominated and appointed as aforesaid; and no such Drainage Commissioner shall be entitled to act in the Execution of this Act until the Certificate of his Appointment shall be transmitted as aforesaid.

If Commissioners of Districts and Owners of Land should neglect to appoint, the other Drainage Commissioners may make the Appointment.

IV. And be it further enacted, That if the said Commissioners of the said respective Districts or Levels, or the said Owners of Land respectively, shall neglect to nominate and appoint the Number of Drainage Commissioners directed to be appointed by the said Commissioners of Districts or Levels and Owners respectively, or if the Appointment of the said Drainage Commissioners shall not be duly certified before the First Meeting of the said Drainage and Navigation Commissioners under this Act, the other Drainage Commissioners present at the said Meeting shall forthwith appoint so many Commissioners for the said Districts or Levels, and for the Lands for which the said Owners respectively shall be authorized to appoint, as may have been neglected to be appointed by the said Commissioners of Districts or Levels and Owners respectively; and upon the Death, Resignation, or Disqualification of any Drainage Commissioners appointed or authorized to be appointed by the said Commissioners of Districts or Levels, or Owners of Lands aforesaid, it shall in like Manner be lawful for the other Drainage Commissioners under this Act, or the Majority of them present at any Meetings holden under this Act by the said Drainage and Navigation Commissioners, such Majority consisting of not less than Seven, to supply any Vacancies occasioned by such Death, Resignation, or Disqualification, in case the same shall not be supplied by the said Commissioners or Owners respectively, and duly certified to the said Drainage and Navigation Commissioners within Three Months next after the same shall have arisen.

V. And

Appointment of succeeding Navigation Commissioners.

V. And be it further enacted, That when any of the said Navigation Commissioners or their Successors shall die, neglect, refuse, or become incapable or be disqualified to act in the Execution of this Act, the surviving Navigation Commissioners, or the Majority of them present at any Meetings of the said Drainage and Navigation Commissioners to be holden in pursuance of this Act (such Majority consisting of not less than Five), shall from Time to Time nominate and appoint some other fit and proper Person or Persons to be a Commissioner or Commissioners in the Place of him or them so dying, neglecting, refusing, or becoming incapable or disqualified to act as aforesaid.

Qualification of Drainage and Navigation Commissioners.

VI. Provided always, and be it further enacted, That no Person herein-before authorized to be named or appointed a Drainage Commissioner by the said Commissioners of the said Districts or Levels respectively, shall act as a Drainage Commissioner in any Case in the Execution of this Act, unless he shall be qualified to act as a Commissioner of Drainage, or Deputy or Agent to a Commissioner of Drainage, for the District or Level in respect of which he may be so appointed a Drainage Commissioner under this Act; and no other Person herein-before authorized to be appointed a Drainage Commissioner (except Deputy Commissioners) shall act as such Commissioner in the Execution of this Act, unless he shall be seised in his own Right, or in the Right of his Wife, or possessed of any Term or Terms of Years determinable on any Life or Lives, either in his own Right or in Right of his Wife, of Fifty Acres of Land taxed by this Act; and no Person herein-before named or appointed a Navigation Commissioner (except the Official and Deputy Commissioners), or who shall at any Time be appointed in the Room of any Navigation Commissioner dying, neglecting, refusing, or becoming incapable or disqualified to act, shall act as a Navigation Commissioner in the Execution of this Act, unless he shall be seised in his own Right, or in the Right of his Wife, or possessed of any Term or Terms of Years determinable on any Life or Lives, either in his own Right or in the Right of his Wife, of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or shall be possessed of a Personal Estate to the Value of Two thousand Pounds.

Drainage Commissioners to act only during the Pleasure of those by whom appointed.

VII. Provided also, and be it further enacted, That the Persons so appointed to act as Drainage Commissioners by the several Commissioners of Districts or Levels and Owners of Land as aforesaid, or by the said Drainage Commissioners in default of Appointment by the said Commissioners of Districts or Levels and Owners, and also the said Deputy Commissioners to be appointed as aforesaid, shall act only as such Commissioners during the Pleasure of the respective Bodies, Owners, or Parties by whom they shall respectively have been appointed.

Padnal and Waterden Commissioners.

VIII. And be it further enacted, That the Lord of the said Manor of *Littleport* for the Time being, the Lord Bishop of *Ely* for the Time being, or, in their Absence, the respective Agents to be appointed by Writing under the Hands of the Lord of the said Manor for the Time being and the said Lord Bishop, the Lessee for the

Time being of the Rectory Farm of *Ely*, belonging to the Dean and Chapter of *Ely*, an Agent to be from Time to Time appointed by the said Dean and Chapter for the Time being, the Treasurer for the Time being of *Parson*'s Charity in *Ely*, and every Person who for the Time being shall be seised in his own Right or in Right of his Wife, or possessed of any Term or Terms of Years determinable on any Life or Lives, either in his own Right or in Right of his Wife, of Twenty Acres of Land lying in the said *Padnal* and *Waterden* Fens, bounded as aforesaid, or either of them, shall be Commissioners for putting this Act into Execution, so far as relates to the Works herein directed to be done by *Padnal* and *Waterden* Commissioners, and to the Powers and Authorities hereby given to them, and shall be called "The *Padnal* and *Waterden* Commissioners;" but that such Agents or Deputy Commissioners shall act only during the Pleasure of the Party or Parties, or Body or Bodies Corporate, by whom they shall respectively have been appointed.

**Deputy Padnal and Waterden Commissioners.**

IX. And be it further enacted, That every Person who shall be seised or possessed as aforesaid of Thirty Acres of Land in *Padnal* and *Waterden* aforesaid, bounded as aforesaid, is hereby authorized to appoint, by Writing under his or her Hand, an Agent to be a Commissioner for executing this Act as a *Padnal* and *Waterden* Commissioner, during the Pleasure of the Person so appointing, if the Person so appointing shall continue so seised or possessed as aforesaid; but such Commissioner shall not act in the Execution of this Act except in the Absence of the Person by whom such Appointment shall have been made.

**No Person to act as a Deputy Commissioner until his Appointment be delivered in.**

X. And be it further enacted, That no Person appointed as Agent as aforesaid shall be capable of acting as such in the Execution of this Act, unless he shall have delivered in his Appointment, in Writing under the Hand of the Person appointing him, at some Meeting of the said *Padnal* and *Waterden* Commissioners; and every such Appointment shall be filed among the Proceedings of the Meetings at which the same shall be delivered in, and a Minute thereof shall be entered by the Clerk attending such Meeting in the Book of the said *Padnal* and *Waterden* Commissioners containing the Entry of such Proceedings.

**No Person holding a Place of Profit, or concerned in any Contract, to act as a Commissioner.**

XI. And be it further enacted, That no Person holding any Place of Profit, or concerned or interested in any Contract under the said Drainage and Navigation Commissioners, shall be qualified to act as a Drainage or Navigation Commissioner under this Act; nor shall any Person holding any Place of Profit, or concerned or interested in any Contract under the said *Padnal* and *Waterden* Commissioners, act or be qualified to act as a *Padnal* and *Waterden* Commissioner, or to appoint an Agent under this Act.

**Drainage and Navigation Commissioners to be sworn.**

XII. And be it further enacted, That no Person shall be capable of acting as a Drainage or Navigation Commissioner in the Execution of this Act (except in administering the Oaths or Affirmations hereinafter directed) until he shall have taken an Oath or Affirmation in the Form or to the Effect following; (that is to say,)

"I *A. B.*

'I *A. B.* do swear [*or, being One of the People called Quakers,* do solemnly affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act,*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.' Form of Oath.

And that every Drainage and Navigation Commissioner (except Official and Deputy Commissioners) shall also be incapable of acting in the Execution of this Act (except in administering the Oath or Affirmation herein directed) until he shall have taken an Oath or Affirmation in the Form or to the Effect following; (that is to say;)

'I *A. B.* do swear, [*or, being One of the People called Quakers,* do solemnly affirm], That I am duly qualified to act as a Drainage or Navigation [*as the Case may be*] Commissioner in the Execution of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of this Act*], according to the Provisions and true Intent and Meaning of the said Act. So help me GOD.' Oath of Qualification.

XIII. And be it further enacted, That it shall be lawful for any One of His Majesty's Justices of the Peace for the County, Liberty, or Place where the Meeting of the said Commissioners for administering the said Oath shall be held, or for any One of the Drainage or Navigation Commissioners appointed or to be appointed by virtue of this Act, at any Meeting of such Commissioners to be holden under this Act, to administer any of the Oaths or Affirmations herein-before directed to be taken; and a Note or Minute of every such Oath or Affirmation shall be made by the Clerk to the said Commissioners, and shall be entered among the Proceedings of the Meetings where the same shall respectively have been made. One Commissioner or a Justice of the Peace may administer the Oath.

XIV. Provided always, and be it further enacted, That if any Person not being qualified as herein-before is prescribed in that respect (except the said Official and Deputy Commissioners), shall act as a Drainage or Navigation, or *Padnal* and *Waterden* Commissioner, in the Execution of this Act, or if any Person not being qualified as herein-before is prescribed in that respect shall appoint an Agent to act as a *Padnal* and *Waterden* Commissioner in the Execution of this Act, every such Person shall for every such Offence respectively forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster,* or in the Court of Pleas to be holden within the said *Isle of Ely,* by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparlance, shall be allowed; and in any such Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as such Drainage and Navigation Commissioner, or *Padnal* and *Waterden* Commissioner, in the Execution of this Act; and a Verdict shall be found Penalty for acting as a Commissioner without being qualified.

found against such Defendant, unless he shall prove in his Defence that he was, at the Time of his so acting or appointing an Agent, duly and properly qualified to act or to appoint an Agent according to the true Intent and Meaning of this Act.

**Acts of Commissioners not to be impeached through the Disqualification of any Commissioner.**

XV. Provided always, and be it further enacted, That no Act or Proceeding of the said Drainage and Navigation Commissioners, or *Padnal* and *Waterden* Commissioners respectively, shall be impeached, or rendered or deemed to be invalid, by reason of any Person or Persons not duly authorized to act as a Drainage and Navigation Commissioner, or *Padnal* and *Waterden* Commissioner, in the Execution of this Act, having acted or concurred therein.

**Meetings of Commissioners.**

XVI. And be it further enacted, That the First Meetings of the said Drainage and Navigation Commissioners, and of the said *Padnal* and *Waterden* Commissioners, shall respectively be holden at some convenient Inn or Inns, Place or Places in the Town of *Ely*, on the Fourth *Friday* next after the passing of this Act, or as soon after as conveniently may be, for the Purpose of putting this Act in Execution; and that Two General Meetings of the said Drainage and Navigation Commissioners shall be holden in every Year; (that is to say,) one on the First *Friday* in the Month of *April* at some Inn or other convenient Place in the Town of *Ely*, and the other on the First *Friday* in the Month of *October* at some Inn or other convenient Place in the Town of *Cambridge*; and the said *Padnal* and *Waterden* Commissioners shall hold One General Meeting in every Year on the First *Wednesday* in the Month of *April*, at some Inn or convenient Place in the Town of *Ely*; and it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, to hold all such other Meetings at such other Times as any Five or more of the said respective Commissioners shall think necessary, and shall by Notices in Writing under their Hands respectively appoint; and the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively may from Time to Time adjourn any Meeting or Meetings to be holden by virtue of this Act, to such Place or Places, and as often as any Five or more of them shall think proper; and if Five Commissioners shall not be present at the Times and Places appointed for holding any of the Meetings of the said Commissioners respectively, under this Act, then and in every such Case any One Commissioner present at such Meetings respectively, or the respective Clerks to the said Commissioners, shall and may adjourn the same to any Time or Times not exceeding Twenty-one Days from the Times when the last Meetings were appointed to be holden, and to the respective Places last appointed, and public Notice shall be given in manner herein-after directed for every Meeting holden under the Authority of this Act, (except Meetings by Adjournment from Day to Day), Ten Days previously to such Meeting; and no Act of the said Drainage and Navigation Commissioners, or of the said *Padnal* and *Waterden* Commissioners, shall be valid, unless done at some Meeting or adjourned Meeting to be holden by the said Commissioners respectively under the Authority of this Act (except signing a Notice for calling a Meeting, or a Warrant of Distress, or acting on a Committee duly appointed

appointed at some Meeting); and all the Powers and Authorities granted to or vested in the said Drainage and Navigation Commissioners, and *Padnal* and *Waterden* Commissioners respectively, shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be held under or by virtue of this Act, provided not less than Five Commissioners shall be present at any such Meeting; and all Acts, Orders, and Proceedings had, made, or done by or before the major Part of such Commissioners respectively, shall have the same Force and Effect, and be as binding and conclusive on all Persons, and to all Intents and Purposes, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners.

Chairman to be appointed.

XVII. And be it further enacted, That the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, shall at every Meeting to be held under the Authority of this Act, appoint some fit and proper Person then and there present to be a Chairman to preside at such Meeting; and in all Cases where the Numbers upon any Division shall be equal, besides his own Vote, the Person so appointed Chairman shall have the decisive or casting Vote.

Orders how to be rescinded.

XVIII. And be it further enacted, That no Orders which shall be made at any of the Meetings of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, shall be rescinded, except at a General Meeting of the said Commissioners respectively, or at some Meeting specially appointed for rescinding the same, nor unless Notice of a Proposal to rescind the same shall be given by the said Commissioners, or any Five or more of them respectively, and advertised Once at least in some One or more Newspaper or Newspapers printed or circulated in the said County of *Cambridge* and in the *Isle of Ely*, at least Fourteen Days before the Time of holding the Meeting at which the Proposal is to be taken into Consideration, which Advertisement the respective Clerks of the said Commissioners are hereby required to cause to be inserted accordingly.

Notices of Meetings and other Notices how to be given.

XIX. And be it further enacted, That all Notices of Meetings of the said Drainage and Navigation Commissioners, and *Padnal* and *Waterden* Commissioners respectively, and all other Notices hereby required to be given (unless herein otherwise directed), shall be given by inserting the same Once at least in some Newspaper printed or circulated in the County of *Cambridge* and *Isle of Ely*, not less than Ten Days before such Meeting.

Commissioners to pay their own Expences.

XX. And be it further enacted, That the said Drainage and Navigation Commissioners, and *Padnal* and *Waterden* Commissioners respectively, at all their Meetings to be held under the Authority of this Act, shall bear and defray their own Expences.

Entries of Proceedings to be good Evidence.

XXI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings

ings of the said Drainage and Navigation Commissioners, and *Padnal* and *Waterden* Commissioners respectively, relative to the Execution of this Act, and of the Names of the several Commissioners who shall be present at their respective Meetings, and the same shall be signed by the Chairman at such Meeting; and all Entries being so signed shall be considered Originals, and shall be deemed good Evidence in all Cases touching any thing done or to be done in pursuance of this Act, and shall be allowed to be read in Evidence in all Courts whatsoever, or otherwise, as Occasion shall require; and at any of the Meetings of the said respective Commissioners, and at all other convenient and seasonable Times, to be directed by the said respective Commissioners, such Book or Books shall be open to the Inspection of all the said respective Commissioners, and all and every other Person and Persons who shall be rated and assessed by such Commissioners respectively for the Purposes of this Act, and also to the Register for the Time being of the aforesaid Governor, Bailiffs, and Commonalty, and also to all the Commissioners of Districts contributing to the Funds of the said Drainage and Navigation Commissioners.

**Commissioners may appoint Engineers and Superintendents:**

XXII. And be it further enacted, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, at any of their Meetings to be held under or by virtue of this Act, to appoint One or more fit and competent Person or Persons as an Engineer or Engineers, and Superintendent or Superintendents of the several Works by this Act authorized and directed to be made and executed by such Commissioners respectively, with such Powers as to the said Commissioners respectively shall seem meet, such Person or Persons not being interested in any of the said Works, or in any of the Lands or Grounds subject to be taxed by virtue of this Act; and every Person so appointed shall have full Power to see the said Works properly executed, according to the Orders of the said respective Commissioners, and also to superintend and direct all Contractors and other Persons employed in the Execution of the said Works, and to suspend all Contractors who shall fail to execute the Works undertaken by them, according to the Tenor of their respective Contracts, and to dismiss all other Persons who shall fail to perform their respective Works in such Manner as shall be satisfactory to him or them; and the said Commissioners respectively are hereby authorized and empowered to allow every such Person such Salary or Remuneration out of the respective Funds to be raised by such Commissioners respectively by virtue of this Act, as to them shall seem meet; and the said respective Commissioners shall have Power from Time to Time to remove every such Engineer or Superintendent, and to appoint another in his Stead, as they shall think necessary; and all the Acts and Proceedings of every such Engineer or Superintendent done in pursuance of the Powers and Directions hereby given to him, or to be given to him by the said Commissioners respectively, shall be deemed to be the Acts of the said respective Commissioners, as fully and effectually, to all Intents and Purposes, as if such Acts and Proceedings had been done and executed by the said Commissioners respectively, under the Powers and Authorities hereby vested in them.

**Their Powers defined.**



XXIII. And

Power to appoint Treasurers, Clerks, and other Officers, and require Security for the faithful Execution of their Offices.

XXIII. And be it further enacted, That the said Drainage and Navigation, and *Padnal* and *Waterden* Commissioners respectively, shall and may also at their First Meetings, or at any other Meetings to be holden under this Act, appoint such Persons as they shall think proper to be their Treasurers, Clerks, Surveyors, Collectors, and other Officers, as they shall think necessary for the better Execution of this Act, and allow them or any of them such Salary or Salaries, or other Remuneration out of the respective Funds to be raised by the said Commissioners respectively by virtue of this Act, as they the said Commissioners shall respectively think proper, and from Time to Time to remove them or any of them, as they the said respective Commissioners shall see Occasion, and in like Manner to appoint others in their Stead; and all Persons who shall be appointed such Treasurers, Collectors, and other Officers, and who shall be entrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices to the Satisfaction of the said Commissioners respectively.

Treasurers, Collectors, and other Officers to keep Accounts.

XXIV. And be it further enacted, That the several Persons who shall be so appointed Treasurers, Collectors, and other Officers, shall fairly enter or cause to be entered 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 and the Persons from whom and to whom such Monies were respectively received and paid; which Books, or true Copies thereof, signed by the said Treasurers, Clerks, Collectors, and other Officers respectively, together with the Vouchers for such Expenditures, and also all Books and Papers in their Custody respectively, relating to the Execution of this Act, shall be the Property of the said Commissioners respectively, and shall be delivered to the said respective Commissioners at such Time or Times, and as often as they the said Commissioners shall respectively require; and all the Books or Orders and Accounts, and all other Books and Papers of the said respective Commissioners, shall at all Times be open, without Fee or Reward, to the Inspection of any of the said Commissioners respectively, or of any Person assessed by them under the Authority of this Act; and the said Books and Papers shall also be open to the like Inspection of the Registrar for the Time being of the aforesaid Governor, Bailiffs, and Commonalty, and also to the Inspection of the Commissioners of Districts contributing to the Funds of the said Drainage and Navigation Commissioners, or any of them.

Treasurers and Clerks not to be the same Persons.

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Drainage and Navigation Commissioners, or for the said *Padnal* and *Waterden* Commissioners, to appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner or Partners of any such Clerk, or the Clerks or other Persons in the Service or Employ of any such Clerk or of his Partner, the Treasurers to the said Commissioners respectively, or to appoint any Person who may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Commissioners respectively; and

if

if any Person shall accept the Offices of Clerk and Treasurer to the said respective Commissioners for the Purposes of this Act, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or if any Person or Persons being the Partner or Partners of any such Clerk, or the Clerk or other Person or Persons in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk to the said Commissioners respectively, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Drainage and Navigation Commissioners, or the said *Padnal* and *Waterden* Commissioners, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Remedies against Officers refusing or neglecting to account.

XXVI. And be it further enacted, That in case any of the said Treasurers, Collectors, or other Officers, or any other Person or Persons employed or entrusted by the said Drainage and Navigation, and *Padnal* and *Waterden* Commissioners, shall refuse or neglect to account to the Satisfaction of the said Commissioners respectively, or to pay the Money due upon the Balance of their respective Accounts, according to the Directions of the said respective Commissioners, then and in every such Case it shall be lawful, upon the Complaint of any Three or more of the said Commissioners respectively, for any One or more of the Justice or Justices of the Peace for the County, Division, Liberty, or Place where such Treasurer, Collector, or other Officer shall have last resided or shall then reside, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account, or to pay the Money due upon the Balance of his or their Account or Accounts as aforesaid, such Sum or Sums of Money as he or they shall have been so required to account for, or as shall have been found or shall appear to be due upon the Balance of his or their Account or Accounts, before such Justice or Justices, together with the Costs and Expences attending the Proceedings relative to such Distress and Sale; and for Want of sufficient Distress, it shall be lawful for any One or more of the said Justices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of such County, Division, Liberty, or Place, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account, and shall have paid such Monies as shall appear to be remaining in his or their Hands on the Balance of his or their Account or Accounts, or otherwise, together with the said Costs and Expences, to the said Commissioners respectively, or according to their Appointment, or shall have compounded for the same,

same, and shall have paid such Composition Money (which Composition they the said Commissioners respectively are hereby authorized and empowered to take and accept); or the said Commissioners respectively may bring, and they are hereby authorized and empowered to bring or cause to be brought, an Action or Actions in any of His Majesty's Courts of Record at *Westminster* or elsewhere, against such Officer or Officers, or other Person or Persons, so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his and their Surety or Sureties for the Recovery of the Monies that shall be due from such Officer or Officers, or other Person or Persons respectively, and upon such Security or Securities as shall have been given or entered into by them respectively; and where any Clerk, Treasurer, Collector, or other Officer or Person employed by the said respective Commissioners as aforesaid, shall neglect or refuse to deliver up to the said Commissioners respectively all Books, Vouchers, and Papers in his Custody relating to any Proceedings or Accounts of the said respective Commissioners, it shall be lawful for any such Justice or Justices as aforesaid, upon Complaint of any Three or more of the said Commissioners respectively, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit such Person or Persons to the Common Gaol or House of Correction of such County, Division, Liberty, or Place as aforesaid, there to remain without Bail or Mainprize until he or they shall have delivered up to the said Commissioners respectively all such Books, Vouchers, and Papers as aforesaid: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Twelve Calendar Months.

Commissioners may sue and be sued in the Name or Names of their Treasurers and Clerks.

XXVII. And be it further enacted, That the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, may sue and be sued in the Name of any One of their respective Clerks or Treasurers for the Time being; and all Actions and Suits which may be necessary or expedient to be brought for the Recovery of any Penalty or Sum or Sums of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the respective Clerks or Treasurers; and no Action or Suit which may be brought commenced, or prosecuted by or against the said Commissioners respectively, or any of them, by virtue of or on account of this Act, in the Name of their respective Clerks or Treasurers, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerks or Treasurers, but the respective Clerks or Treasurers to the said Commissioners respectively for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Action or Actions as shall be prosecuted between the Commissioners respectively and their respective Clerks and Treasurers for the Time being, in which Action or Suit any One of the said Commissioners respectively shall or may be Plaintiff or Defendant (as the Case may be): Provided always, that such Clerks or Treasurers in whose Names any Actions or Suits shall be commenced, prosecuted, or defended in pursuance of this Act, shall always

Treasurer or Clerk in whose Name the Action shall be

brought, to be reimbursed his Expences, &c.

always be reimbursed and paid, out of the respective Funds to arise by virtue of this Act, all such Damages, Costs, Charges, and Expences as the said Clerks or Treasurers respectively shall be put to or become chargeable with by reason of their being so made Plaintiff or Defendant therein, and such Clerks or Treasurers shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall arise in consequence of their respective wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Commissioners respectively, or any Five or more of them.

Owners and Occupiers may give Evidence in all Cases.

XXVIII. And be it further enacted, That in all Actions, Suits, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Owner or Occupier, or other Person interested in the Lands or Grounds lying within the Purview or Limits of this Act, shall, by reason of his, her, or their Ownership, Occupancy, or Interest, be deemed an incompetent Witness.

Drainage and Navigation Commissioners to make a new Channel from the River Ouze at Sandy's Cut to Sketchdole Corner.

XXIX. And be it further enacted, That the said Drainage and Navigation Commissioners shall have full Power and Authority, and they are hereby authorized, empowered, and required, with all convenient Expedition, to make or cause to be made a Cut or Channel to branch from the said River *Ouze* below the Town of *Ely*, at or near the Entrance of the said ancient Cut called *Sandy's* or *Sandall's Cut*, and to be carried in the present Direction of the said ancient Cut, or as near thereto as the said Commissioners may think fit, and through or across any Lands or Grounds adjoining or near the same, to or near a Place called *Sandhill End*, in the said Parish of *Littleport*, and from thence through or across any Lands or Grounds lying on the West Side of the said ancient Cut, or any of them, to the present Channel of the said River *Ouze* at or near a Place called *Sketchdole Corner*, and from thence in Part by the said Channel of the said River, and in other Part through or across certain Lands or Grounds called *Sketchdole Holts*, or the Lands or Grounds adjoining or near the same, to the aforesaid Bridge at *Littleport*; and the said Commissioners are hereby also required to make and maintain a Bank on the East Side of the said Cut or Channel, with Forelands to the same, from the said Bridge at *Littleport* to the Bank belonging to the Commissioners of *Middle Fen District*, at or near the *Overfall Mill*, and also a Bank on the West Side of the said Cut or Channel, with Forelands to the same, from the aforesaid Place called *Sandhill* to the Junction of the said Cut with the River *Ouze*, and to divert and turn the Waters of the said River *Ouze* through the said Cut, when and as soon after the said Cut, Banks, and Forelands shall have been completed, as the said Commissioners may deem expedient; and the said Cut or Channel, Banks and Forelands, shall be made and maintained of the Dimensions following; (that is to say,) the said Cut or Channel shall be at least Fifty Feet in Width at the Bottom, Six Feet in Depth, and Seventy-four Feet in Width at the Top; and the Base of the said Banks shall be at least Thirty-six Feet, and the Top thereof Twelve Feet, and the said Top of the said Banks shall also be at

least Twelve Feet in Height from the Bottom of the said Cut; the West Foreland of the Bank on the East Side of the said Cut, and the East Foreland of the Bank on the West Side of the said Cut, between the Base of the said respective Banks and the said Cut, shall be at least Twenty Feet; and the East Foreland of the said Bank on the East Side of the said Cut, and the West Foreland of the said Bank on the West Side of the said Cut, shall also be at least Twenty Feet; and the said Drainage and Navigation Commissioners shall also have full Power and Authority, and they are hereby authorized, empowered, and required, to make or cause to be made a Cut or Channel, to branch from the present Channel of the River *Ouze* at or near certain Warehouses and Buildings belonging to the Commissioners of the said District called *Burnt Fen First District*, through or across a certain Piece of Land now belonging or reputed to belong to *Richard Sindall*, and situate between the said River and the present Bank on the North Side thereof, unto the present Channel of the said River *Ouze* below the said Piece of Land, and pursuing the Course of the said River *Ouze*, to proceed from thence at or near a Piece of Land now belonging or reputed to belong to *James Lee*, situate on the North-west Side of the said River in the said Fen called *Padnal*, and into and across the said Piece of Land, and across any of the Lands and Grounds situate in the same Fen between the said Piece of Land and a certain Droveway called *Clayway Droveway*, to the said Droveway, and across the same, and through or across any of the Lands or Grounds situate in *Padnal* aforesaid below the said Droveway, to the aforesaid intended Cut or Channel through the said ancient Cut called *Sandy's* or *Sandall's Cut*, at or near a certain Boundary Ditch between *Ely* and *Littleport*; and the said Drainage and Navigation Commissioners are hereby also authorized and required to continue the present Course of the River *Ouze* from *Prickwillow* aforesaid to the said intended new Cut near the said Warehouses belonging to the Commissioners of *Burnt Fen First District*, and to convey the Waters of the aforesaid River *Lark* along the same, and from thence in the present Course of the said River *Ouze* to *Littleport Bridge*, until the said Cut or Channel from the said Warehouses to *Sandy's Cut* shall be completed, and then along the said Cut or Channel to *Sandy's Cut* aforesaid; and the said Commissioners shall also make and maintain a Bank, with proper Forelands, on each Side of the said intended Course of the said River *Lark*, from *Prickwillow* to *Sandy's Cut* aforesaid; and the said intended Cut or Channel, and the said Banks and Forelands (except such Part of the Bank and Forelands now belonging to the said Commissioners of *Burnt Fen District* as may be taken and used by the said Commissioners under the Authority herein-after contained), shall be made and maintained of the Dimensions following; (that is to say,) the said Cut shall be at least Sixteen Feet in Width at the Bottom, Six Feet in Depth, and Forty Feet in Width at the Top; and the Base of the said Banks shall be at least Twenty-three Feet, and the Top thereof Seven Feet and Six Inches, and the said Top of the said Banks shall also be at least Twelve Feet in Height from the Bottom of the said Cut; the Forelands between the Base of the said Banks and the said Cut shall be at least Ten Feet, and the Back Forelands of the said Banks shall be at least Ten Feet; and the

as also over certain Lands at Padnal;

and a new Course for the River Lark, from Prickwillow;

the said Drainage and Navigation Commissioners are hereby also authorized and required to make proper Fence Ditches at the Back of each of the said Banks of the said Cuts or Channels, and of the said new Bank of the intended Course of the River *Lark* from *Prick-willow* aforesaid, (and which said Ditches shall at all Times afterwards be maintained and kept in repair by the respective Owners and Occupiers of the Lands adjoining the said Banks), and also to make, erect, and put down all such Dams, Banks, Shores, Forelands, Drains, Bridges, and other Works, as the said Commissioners shall deem requisite and expedient for the Purpose of enabling them to form and complete, maintain and preserve the said Cuts or Channels, Banks and Forelands, or any of them, and to do all such other Acts, Matters, and Things as to them shall seem proper and expedient for effecting the Purposes aforesaid.

**Plans and Books of Reference to be left with Clerks of the Peace.**

XXX. And whereas Maps or Plans, describing the Line of the said Cuts or Channels, and the Lands and Grounds through which the same are intended to be carried by virtue of this Act, together with Books of Reference containing the List of the Names of the Owners or reputed Owners and Occupiers of such Lands and Grounds, have been deposited at the respective Offices of the respective Clerks of the Peace for the said Counties of *Cambridge*, *Suffolk*, and *Norfolk*, and the said *Isle of Ely*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the several Clerks of the Peace for the said Counties of *Cambridge*, *Suffolk*, and *Norfolk*, and the said *Isle of Ely* respectively, and all Persons interested in any Manner therein shall, at all seasonable Times, have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at all seasonable Times, paying to the said Clerks of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Books of Reference, and so in proportion for any greater Number of Words; and the said Maps or Plans and Books of Reference, or true Copies thereof, or of so much thereof which shall relate to any Matter which may be in question, shall be and are hereby declared to be Evidence in all Courts of Law or elsewhere; and the said Drainage and Navigation Commissioners, in making the said Cuts or Channels, shall not deviate more than One hundred Yards from the respective Lines or Courses so described in the said Maps or Plans, and Books of Reference respectively, as aforesaid.

**No Advantage to be taken of any Error or Omission therein.**

XXXI. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Drainage and Navigation Commissioners, or any Interruption be given to the making of the said Cuts or Channels and any other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the County or Place where the same shall be situate, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

XXXII. And

Houses and Gardens not to be taken, except those mentioned in the Schedule, &c.

XXXII. And be it further enacted, That nothing herein contained shall authorize or empower the said Drainage and Navigation Commissioners, or any other Person or Persons, to take, use, injure, or damage, for the Purpose of the said Cuts or Channels or other Works herein-before authorized to be made, or any of them, any House or Building which was erected or built before the First Day of *January* One thousand eight hundred and twenty-six, or any Land or Ground which on or before the said First Day of *January* One thousand eight hundred and twenty-six was set apart and used as and for any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, without the Consent in Writing of the Owner and Occupier thereof first had and obtained (other than and except such as are specified in the Schedule to this Act annexed): Provided always, that if the said Drainage and Navigation Commissioners shall not, within the Space of Five Years from the passing of this Act, agree for, or cause to be valued or paid for, as herein-after mentioned, the several Houses, Buildings, Lands, Tenements, or Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as the said Drainage and Navigation Commissioners shall deem necessary or proper for the Purposes of this Act, then and from thenceforth those Powers which are granted to them for such Purpose only shall cease, determine, and be utterly void.

Commissioners may use the Bank of the Ouze where it adjoins the new Course of the River Lark.

XXXIII. And be it further enacted, That where the said Cut or Channel from *Prickwillow* to *Sandy's Cut* aforesaid shall pursue the present Course of the River *Ouze*, it shall be lawful for the said Drainage and Navigation Commissioners to take and use the present Bank and Forelands of the said River on the East Side thereof, now belonging to the said Commissioners of *Burnt Fen First District*, as the Bank of the said new Cut or Channel; and that where the said Cut or Channel through *Sandy's Cut* shall adjoin *Redmore Fen*, it shall be lawful for the said Drainage and Navigation Commissioners to take and use the present Bank and Forelands of the said Fen, now belonging or reputed to belong to *William Layton* Gentleman, as the Bank of the said Cut or Channel; and the said Commissioners shall be and continue seised and possessed of the said respective Banks and Forelands, as fully and effectually, to all Intents and Purposes whatsoever, as if the same had been made and formed by them, and shall have full Power and Authority from Time to Time and at all Times to alter, increase, and enlarge the same as they may deem necessary, they the said Commissioners at all Times afterwards maintaining and keeping such Part of the said respective Banks and Forelands as they may so take and use in good and sufficient Repair and Condition.

Tunnel at Redmore Fen to be continued.

XXXIV. Provided always, and be it further enacted, That the said *William Layton*, and the Owner or Owners for the Time being of the said Fen called *Redmore Fen*, shall at all Times hereafter be entitled to continue the present Tunnel under the said Bank, for the Purpose of discharging the Waters from the said *Redmore Fen* into the said intended Course of the River *Ouze*, he and they at all Times keeping the said Tunnel of proper and sufficient Dimensions, and doing no Hurt or Damage to the said Bank and Forelands.

New Banks made by the Commissioners to be kept in sufficient Repair.

XXXV. And be it further enacted, That all the Banks and Forelands herein directed or authorized to be made or used by the said Drainage and Navigation Commissioners, shall at all Times hereafter be by them maintained and kept in sufficient Repair and Condition for the Preservation of the several Lands and Grounds protected thereby.

Dams to be made across present Channels.

XXXVI. And be it further enacted, That the said Drainage and Navigation Commissioners shall make or cause to be made sufficient Dams or Banks across the present Channel of the said River *Ouze*, to prevent the Waters from flowing into such Parts of the said Channel as are intended to be deserted: Provided always, that the said Dams or Banks shall not be made until the respective new Rivers or Cuts adjoining the same shall be rendered navigable.

This Act may be put in force immediately on the passing thereof.

XXXVII. And whereas the probable Expence of making the said Cut or Channels, and the other Works herein directed to be executed, according to an Estimate made thereof, will amount to the Sum of Forty-two thousand Pounds or thereabouts, for raising which said Sum Provision is made by the Taxes, Tolls, and annual Sums of Money hereby authorized to be assessed, levied, and charged; be it therefore enacted, That the Powers and Authorities given by this Act may be put in force immediately on the passing of this Act.

As to the Repairs of the Banks of the new Cut from the River Lark adjoining Burnt Fen First District.

XXXVIII. And be it further enacted, That in case the said Drainage and Navigation Commissioners shall at any Time omit, neglect, or refuse to maintain and keep such Part of the present East Bank of the said River *Ouze*, as may be taken and used by the said Drainage and Navigation Commissioners under the Authority herein-before given for that Purpose, in good and sufficient Repair, Order, and Condition for the Safety and Protection of the said *Burnt Fen First District*, it shall be lawful for the said Commissioners of the said District, or their Superintendent or other Officer, by Order made at some Meeting of the said Commissioners duly convened, from Time to Time, to cause to be executed all such Works as shall be necessary to put the same in such State, and to charge the said Drainage and Navigation Commissioners with all such Expences as shall from Time to Time be incurred by the said *Burnt Fen* Commissioners thereby; and the said Drainage and Navigation Commissioners shall and they are hereby required to repay to the said *Burnt Fen* Commissioners all such Sum or Sums of Money as shall from Time to Time be so expended by them, within Twenty-one Days next after Demand in Writing, signed by the Clerk or other Officer of the said *Burnt Fen* Commissioners, shall be delivered to the Treasurer, Collector, or Clerk to the said Drainage and Navigation Commissioners for the Time being, and such Treasurer, Collector, or Clerk shall pay and discharge the same out of the Monies which shall then be in their or any or either of their Hands, or in case there shall not then be sufficient Money belonging to the said Drainage and Navigation Commissioners in their or any or either of their Hands, then out of the first Monies that shall come into their or any or either of their Possession, or that might be received by them, any or either of them, in pursuance of this Act, and in pre-

 ference

ference to any other Charge, Disbursement, or Payment whatsoever; and every such Payment shall be allowed by the said Drainage and Navigation Commissioners in the Accounts of their said Officer; and in default of Payment of such Sum or Sums of Money within Two Calendar Months next after such Notice shall be served as aforesaid, the said *Burnt Fen* Commissioners, or their Treasurer or Clerk, shall and may recover the Amount of such Expences of the Treasurer or Clerk of the said Drainage and Navigation Commissioners, or either of them, by an Action of Debt or on the Case, to be brought against such Treasurer or Clerk, or either of them, in which Action it shall be only necessary for the said *Burnt Fen* Commissioners to prove their having paid and expended, for the Purposes aforesaid, the Sum of Money stated in such Demand, and the Service of such Demand on every such Treasurer or Clerk; and if upon the Trial that shall take place in consequence of any such Action, a Verdict shall be given against the Defendant or Defendants, then and in every such Case the Plaintiffs shall have and recover as well the said Sum of Money stated in such Demand, as also full Costs of Suit.

**Rivers and navigable Lodes to be deepened where necessary.**

XXXIX. And be it further enacted, That the said Drainage and Navigation Commissioners shall, in such Manner, in such Order and Course, and by such Means as they may deem expedient, and when and as often as it shall be found necessary, scour, cleanse, and deepen such Parts of the Rivers *Cam* and *Ouze*, between *Clayhithe* and the *Hermitage* Sluices and *Littleport Bridge* aforesaid, and as well the present Course of the River *Lark* between *Swale's Reach* and *Littleport Bridge* aforesaid, as the intended Course of the said River from *Prickwillow* to *Sandy's* or *Sandall's Cut* aforesaid, and also such Parts of the several navigable Lodes communicating with the said Rivers *Cam* and *Ouze* above the said Bridge at *Littleport*, as may require the same, for the Drainage and Protection of the Lands draining through the said several Rivers and Lodes, and for the Preservation and Improvement of the Navigation thereof respectively: Provided always, that the said navigable Lodes shall be severally scoured out and deepened, when and so soon as the Rivers severally communicating therewith shall be respectively scoured out and deepened to the Junction of such Lodes respectively.

**Engineers to survey the Rivers Cam and Ouze after Sandy's Cut is opened, and if necessary, to erect Sluices, &c.**

XL. And be it further enacted, That the said Drainage and Navigation Commissioners shall, if required so to do by the Majority of the said Navigation Commissioners present at any Meeting of the said Drainage and Navigation Commissioners, after the new Course of the said River *Ouze* through *Sandy's Cut* shall have been completed, and the Waters of the said River turned through the same, and after the Rivers *Cam* and *Ouze* below *Clayhithe Sluice* shall have been deepened and cleansed on a proper Level with the Bed of the said River through *Sandy's Cut*, authorize and direct Two able and experienced Engineers, one of whom shall be named and appointed by the Commissioners of *Swaffham* and *Bottisham* District, *Waterbeach* and *Haddenham* Levels, or by the Commissioners of One of the said Districts or Levels, with the Concurrence of the Commissioners of the others of the said Districts or Levels, at some public Meeting of the said respective Commissioners legally convened, and

the

the other of such Engineers shall be nominated and appointed by the said Navigation Commissioners at some Meeting to be specially convened by them for that Purpose, to survey and view the said Rivers *Cam* and *Ouze*, from *Clayhithe* to *Littleport Bridge*, and to report their Opinion of the Drainage and Navigation thereof, and whether it will be necessary for the effectual Preservation and Improvement of Navigation for Vessels carrying not more than Twenty Tons Burthen, or drawing not more than Thirty-six Inches of Water, to erect any further Sluices, Staunches, or Overfalls, temporary or permanent, upon the said Rivers, or either of them, or to execute any other Works for the Purpose of such Preservation and Improvement, by further deepening the said Rivers or otherwise; and if the said Engineers shall be of Opinion that any Sluices, Staunches, or Overfalls ought to be erected therein, or that any other Works should be executed upon the said Rivers by deepening the same or otherwise, and that the Navigation cannot otherwise be effectually preserved and improved as aforesaid, then the said Drainage and Navigation Commissioners shall forthwith make or erect, or cause to be made or erected, One or more of such Sluices, Staunches, or Overfalls, of such Materials, and upon such Plan and Form as the said Engineers shall direct, and in such Place or Places as the said Drainage and Navigation Commissioners shall appoint, or otherwise shall execute such other Works for the Protection of the said Navigation as the said Engineers shall direct.

**Engineers may appoint an Umpire.**

XLI. And be it further enacted, That the said Engineers, previously to their said View and Survey, shall appoint some other able and experienced Engineer as an Umpire, whose Report and Decision as to the Matters so to be referred to such Engineers as aforesaid shall be final and conclusive in case of their Disagreement.

**Expences of Engineers, &c.**

XLII. And be it further enacted, That the reasonable Charges and Expences of employing the said Engineers and their Umpire, shall be borne and defrayed out of the Funds of the said Drainage and Navigation Commissioners.

**Two Bridges to be erected over Sandy's Cut for Communication with the Lands in Padnal and Waterden.**

XLIII. And be it further enacted, That the said Drainage and Navigation Commissioners shall, when and as soon as the said new River through *Sandy's* or *Sandall's Cut* shall be completed, make and erect, or cause to be made and erected, and at all Times hereafter maintain and keep in repair, Two sufficient Carriage Bridges, for the Purpose of public Communication over the said new River through *Sandy's* or *Sandall's Cut*, with the Lands and Grounds in *Padnal* and *Waterden* aforesaid, intended to be embanked and drained by virtue of this Act, One of which said Bridges shall be erected at such Place in the said Parishes of the *Holy Trinity* and *Saint Mary* in *Ely*, or one of them, and the other at such Place in the said Parish of *Littleport*, as may be deemed by the said Commissioners to be most convenient to the Occupiers of the said Lands and Grounds.

**Drainage and Navigation Commissioners to set out Towing Paths &c.**

XLIV. And be it further enacted, That it shall be lawful for the said Drainage and Navigation Commissioners, and they are hereby authorized and required to make, set out, and appoint, maintain and keep,

keep, or cause to be made, set out, and appointed, maintained and kept in repair, proper and convenient Towing Paths, Roads, and Ways through and upon the Lands, Banks, Grounds, Yards, and Premises of any Person or Persons (except the Commissioners of Drainage for any of the Districts or Levels within the said South Level), adjoining or lying near to the said Rivers *Cam* and *Ouze*, or either of them, between *Clayhithe Sluice* and the South End of *Sandy's* or *Sandall's Cut* aforesaid, and to make, provide, and maintain, or cause to be made, provided, and maintained, proper Horse or Haling Bridges upon the said Paths, Roads, and Ways, where actually necessary, so that the Navigation of Vessels passing upon such Parts of the said Rivers as are situate as aforesaid shall and may at all Times be free and uninterrupted, on Payment only of the Tolls by this Act imposed, and of such Tolls as may be payable to the said Commissioners of the said Districts or Levels, or any of them; and the said Commissioners are hereby authorized and empowered from Time to Time, as there may be Occasion, to enter into such Contract or Contracts as they may deem expedient, with the Owner or Owners, Occupier or Occupiers of such Lands, Banks, Grounds, Yards, and Premises, for the Purchase of the said Roads, Paths, and Ways, or for the Hire, Use, or Enjoyment thereof, and for the Maintenance and Repair of the same, or any Part thereof; and in case any Disagreement shall arise between the said Commissioners and any of such Owners or Occupiers, respecting the Value or Rent or Compensation to be paid for the same, then the Amount thereof shall be ascertained and fixed by a Jury in the Manner herein-after mentioned.

Drainage and Navigation Commissioners may make Bye Laws for well using Navigation.

XLV. And be it further enacted, That the said Drainage and Navigation Commissioners shall have full Power and Authority, at their several General Meetings holden under this Act, from Time to Time to make such Bye Laws, Rules, and Regulations as they shall think proper, for the well using the Navigation of the said Rivers *Cam* and *Ouze*, from *Clayhithe Sluice* to *Littleport Bridge* aforesaid, and of the said River *Lark* from *Swale's Reach* aforesaid to the said Bridge, and for the due and orderly Government of the Bargemen, Lightermen, Boatmen, and other Persons using the said Navigation, or the Towing Paths, Roads, Ways, and Bridges belonging to the same, and for that Purpose to impose and inflict such reasonable Fines, Penalties, and Forfeitures (not being inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *Great Britain*, or to the Provisions of this Act,) upon all Persons offending against such Bye Laws, Rules, and Regulations, as to the said Commissioners at their said several Meetings shall seem meet, not exceeding the Sum of Ten Pounds for each Offence; and all such Bye Laws, Rules, and Regulations, being severally reduced into Writing under the Hands of the major Part of the said Commissioners present at the respective Meetings at which the same shall be respectively made, altered, or amended, shall be printed and circulated, and be binding upon and be observed by all Persons concerned therein, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, and in conformity therewith: Provided always, that such Bye Laws, Rules, and Regu-

lations shall be subject to Appeal in Manner herein-after mentioned; provided also, that Copies of all such Bye Laws, Rules, and Regulations shall be painted on Boards in legible Characters, and be affixed and continued in some conspicuous Place or Places upon or near or adjoining to the said Cuts or Channels and other Works hereby authorized to be made, and renewed as often as the same shall be or become illegible, or so far obliterated or defaced as not to be read.

Padnal and Waterden Commissioners empowered to do Works of Drainage.

XLVI. And be it further enacted, That it shall be lawful for the said *Padnal* and *Waterden* Commissioners from Time to Time, as there shall be Occasion, to make or cause to be made such Cuts, Drains, Dams, Tunnels, Outlets, Headings, and other Works, upon any Part or Parts of the said *Padnal* and *Waterden* Fen Lands and Low Grounds comprised within the Limits of this Act, and intended to be embanked and drained under the Authority of the same, and to erect such Banks, Bridges, Sluices, Mills, Steam Engines, and other Engines, Erections, and Buildings thereupon, for draining and conveying the Waters from the same, as in the Judgment of the said Commissioners shall be thought necessary for the Draining and Preservation of the said Fen Lands and Low Grounds, and for the general Improvement thereof; and the said Commissioners shall maintain, cleanse, and keep in repair, or cause to be maintained, cleansed, and kept in repair, such Cuts, Drains, Tunnels, Outlets, Banks, Bridges, Sluices, Mills, Engines, and other Works, as shall be made under the Authority of this Act; 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 Cut, Drain, Dam, Tunnel, Outlet, Heading, or other Works shall be made or done, or upon which any such Bank, Sluice, Mill, or Engine shall be erected, for the Damages occasioned thereby, as shall be agreed upon by 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 Damages, then the same shall be settled, assessed, and determined in manner herein-after mentioned; and the said Commissioners are hereby authorized and empowered, if they shall deem it expedient so to do, to form the said Lands and Grounds in *Padnal* and *Waterden* aforesaid into Two Districts, one of which said Districts shall comprise all such of the said Lands and Grounds as are situate below the said intended Course of the said River *Lark* from *Prickwillow* to *Sandy's Cut* aforesaid, and on the West Side of *Sandy's Cut* between *Redmore Fen* and *Sandhill End* in *Littleport* aforesaid, and the other District shall comprise the Remainder of the said Lands and Grounds; and the said Commissioners shall and they are hereby authorized and required to keep separate and distinct Accounts of the Receipts and Disbursements in respect of the said Districts respectively, and under the Authority herein-after given to lay separate Taxes on the same; and the Funds of the said respective Districts shall not be applicable to or made use of for the Debts and Engagements of the said Commissioners for Works executed or Business done or transacted relative to the other of the said Districts, except that the Salaries of the Treasurer, Clerk, and other Officers

whose Duties may or shall extend over both the said Districts, and any other Business done for the general Interest and Benefit of both the said Districts, shall be borne, paid, and defrayed by the said Commissioners from the Funds raised from the said respective Districts, in proportion to the Quantity of Acres contained in each District.

Padnal and Waterden Commissioners may contract with Burnt Fen and Middle Fen Commissioners for the Drainage of their Lands.

XLVII. And be it further enacted, That it shall be lawful for the said *Padnal* and *Waterden* Commissioners, and for the said Commissioners of the aforesaid Districts called *Burnt Fen First District* and *Middle Fen District*, or either of them, if they shall severally think fit so to do, from Time to Time to enter into such Contracts and Agreements for draining the Whole or any Part of the said Lands and Grounds in *Padnal* and *Waterden* aforesaid, so intended to be embanked as aforesaid with the said Districts, or either of them, in such Manner and for such Term as may be deemed mutually beneficial to the said Commissioners of the said respective Districts, and to the said *Padnal* and *Waterden* Commissioners; and any Engine, Mill, Drain, or other Work which may be erected or made use of for the Purpose aforesaid, shall be built, maintained, and supported upon the Terms stated in such Contracts or Agreements; and when the said Contracts or Agreements shall severally have ceased, or the said *Padnal* and *Waterden* Commissioners shall fail to perform the same, or any of them, or any Part thereof respectively, it shall be lawful for the said Commissioners of the said Districts respectively to take up and remove any Tunnel or other Work which may be made or erected for the Passage of the Waters from *Padnal* and *Waterden* aforesaid, to any Mill or Engine situate within the said respective Districts, and to take any other Measures that may be necessary to prevent the said Waters from passing into the said Districts respectively.

Padnal and Waterden Commissioners may drain the Lands above the River Lark with the Lands below the same, &c.

XLVIII. And be it further enacted, That it shall be lawful for the said *Padnal* and *Waterden* Commissioners to make and put, or cause to be made and put, any Tunnels under any Part of the said new Course of the River *Lark* from *Prickwillow* to *Sandy's Cut* aforesaid, and under the said new River through *Sandy's Cut*, for the Purpose of draining the Lands and Grounds in *Padnal* and *Waterden* above the Course of the said River *Lark* with the Lands and Grounds below the same, and the Lands and Grounds on the West Side of the said Rivers through *Sandy's Cut* with the Lands and Grounds on the East Side thereof: Provided always, that such Tunnels shall not at any Time be continued or made use of to the Injury of any of the Lands and Grounds in *Padnal* and *Waterden* aforesaid, or so as to occasion any Part thereof to be in a worse State of Drainage than the rest of the said Lands and Grounds.

Works vested in Drainage and Navigation and in Padnal and Waterden Commissioners.

XLIX. And be it further enacted, That all the Banks, Sluices, Bridges, Dams, Cuts, Drains, Headings, Mills, Engines, and other Works which shall be made or erected by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, and by virtue of this Act, shall be vested in and be the Property of the said Commissioners respectively, subject, as to the Banks and Forelands

Forelands of the said intended new Cuts, to the Rights hereafter reserved to the aforesaid Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens; and the said respective Commissioners shall have full Power and Authority over all and singular such Banks, Sluices, Bridges, Cuts, Dams, Drains, Headings, Mills, Engines, and other Works so made and set up, and shall have full Power and Authority, and they are hereby authorized and required from Time to Time to heighten, cleanse, widen, deepen, order, repair, remove, support, rebuild, and enlarge the same respectively, as may be necessary for the several Purposes of this Act; and it shall be lawful for the said Commissioners respectively, and they are hereby authorized and empowered from Time to Time, to enter upon and to cut, dig, take, or use such Lands and Grounds within the respective Boundaries mentioned in this Act, and such High Lands near the same, and the Earth and Soil thereof respectively, and such Tenements, Buildings, and other Premises adjoining or near to the said intended Cuts or Channels, or either of them, as the said Commissioners shall respectively judge necessary to be cut, dug, taken, or used for making, erecting, maintaining, and repairing such Banks, Sluices, Bridges, Dams, Cuts, Drains, Headings, Mills, Engines, and other Works as aforesaid, or for the Purpose of making, forming, and completing the said respective new Rivers and Cuts, and the Banks and Forelands thereof respectively, or which they the said Commissioners shall respectively deem proper and requisite to be kept and reserved for the Preservation of the several Banks made or maintained by virtue of this Act, between the said Banks and the Ditches or Drains made or to be made next the same, or which they the said Commissioners respectively shall think proper to use for the Purpose of depositing any Earth, Soil, Trees, Roots of Trees, or other Matters or Things which may be dug or got in excavating the said new Rivers or Cuts, or in executing any other Works hereby directed to be made, or for laying or depositing any Materials during the Progress of the said Works, they the said Commissioners doing as little Damage as may be, and making Compensation for the same, as in this Act mentioned.

Drainage and Navigation Commissioners empowered to suspend Navigation during the Execution of the Works.

L. And be it further enacted, That it shall be lawful for the said Drainage and Navigation Commissioners, from Time to Time, during the Execution of any of the Works hereby directed to be done by them, to suspend the Navigation of the said several Rivers and Lodes, or any of them, for such Times only as may be absolutely necessary for making and executing such Works, the same being done at the most convenient Seasons, and Twenty-eight Days Notice thereof being previously given in some Newspaper or Newspapers printed or circulated near or along the Line of the said Navigation so suspended.

Taxable Lands to be surveyed.

LI. And be it further enacted, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, to cause such of the Lands comprised within the Limits of this Act, and subject to be taxed under the Provisions thereof, as do not form Part of the several Districts or Levels herein-after charged with an annual Payment to the Funds of the said Drainage and Navigation

Navigation Commissioners, and also such Parts of the present Channels of the said River *Ouze*, and the Lands adjoining the same, as by this Act are authorized to be sold or let by the said Drainage and Navigation Commissioners, to be surveyed and measured, and to pay the Expence of such Survey and Admeasurement out of any Monies which shall come to their Hands respectively by virtue of this Act; and for the Purposes of such Surveys, it shall be lawful for the Persons employed therein to enter upon the Lands and Premises so to be surveyed at all seasonable Times, doing thereby as little Damage as may be.

Useless Channels of the Rivers to be sold.

LII. And be it further enacted, That such Part and Parts of the present Channels of the said Rivers *Ouze* and *Lark* as shall so become useless as aforesaid, and such Lands immediately adjoining the same respectively as are not private Property, together with such Part of the said *Sandy's Cut* as shall not be made use of for the said intended new Cut, shall be vested in the said Drainage and Navigation Commissioners, who are hereby authorized and required, at such Times, and in such Portions and Parcels as to them shall appear most advantageous and expedient, after the said new Rivers or Cuts shall have been severally completed and rendered navigable, to sell and dispose of the Fee Simple and Inheritance thereof by public Auction or private Contract; and the said Commissioners, or any Seven or more of them, acting under the Order of a Majority of the said Commissioners assembled at any Meeting, are hereby also authorized and empowered to convey the said Channel, Lands, and Premises to the Purchaser or Purchasers thereof respectively, by such Form of Conveyance as herein-after set forth, or by any other Forms of Conveyance, and to such Person or Persons as the respective Purchaser or Purchasers shall require; and the Money arising from such Sale or Sales shall form Part of the Funds to be appropriated and applied by the said Drainage and Navigation Commissioners to the Purposes of this Act, but shall be first applicable, so far as the same will extend, to the Erection of any Sluices, Staunches, or Overfalls which the said Commissioners may be required to erect under the Authority of this Act; and the Receipt or Receipts of the Treasurer or Treasurers of the said Commissioners, for the Purchase Money or Monies arising from such Sales, shall be sufficient and effectual Releases and Discharges to the several Purchasers of the said Premises for so much Money as in such Receipts respectively shall be acknowledged or expressed to be received; and in the meantime, and until such Sales shall be made as aforesaid, it shall be lawful for the said Commissioners to let the said Channels and Lands to any Person or Persons whomsoever, for such Rents, and upon such Terms and Conditions as they shall think proper; and the several Conveyances on the Sale of the said Channels and Lands as aforesaid shall or may be in the Form or to the Effect following; (that is to say),

Form of the Conveyance.

'WE, . of the Drainage and Navigation Commissioners appointed in or by virtue of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled '*An Act, &c.* [*here set forth the Title of this Act*], in consideration 'of the Sum of to us paid by

'of do hereby grant, sell, release, and convey
'unto the said all [*describing the Premises to be*
'*conveyed*], and all our Estate, Right, Title, and Interest to and in
'the same; to hold to the said his Heirs
'and Assigns for ever, by virtue of or according to the true Intent
'and Meaning of the said Act. In witness, &c.'

And such Conveyances, in the Form or to the Effect aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

**Commissioners and Parties interested empowered to agree for Compensation for Land taken or damaged.**

LIII. And be it further enacted, That the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, Buildings, or Hereditaments which they the said Commissioners respectively shall judge necessary to take or use for any of the Purposes of this Act, for the Purchase of any such Lands, Tenements, Buildings, and Hereditaments, or any Part or Parts thereof, or for the Compensation to be made to such Proprietors and Persons interested, for the Damages that shall be done thereto in the Execution of any of the Works by this Act authorized to be made or done, 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 Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves respectively, and their respective Heirs and Successors, but also for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever under any legal Disability, and all Femes Covert who are or shall be seised or interested in their own Right, and for all other Persons whomsoever who shall be seised, possessed, or interested in any such Lands, Tenements, Buildings, or Hereditaments, to contract for, sell, and convey unto the said Commissioners respectively, or to such Person or Persons as they shall respectively appoint, any Lands, Tenements, Buildings, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners respectively for any Compensation or Satisfaction to be made for the Damages which may be done to any such Lands, Tenements, Buildings, 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; and all such Lands, Tenements, Buildings, or Hereditaments, so to be purchased and conveyed, shall be vested in the said Commissioners respectively for the Purposes of this Act.

**Compensation, if not agreed upon, to be determined by a Jury.**

LIV. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons so interested as aforesaid, for or on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trust, or for or on the Part of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Compensation or Satisfaction as shall be tendered or offered to them, him, or her, by the said Drainage and

Navigation and *Padnal* and *Waterden* Commissioners respectively, or by any Person on their Behalf, for the Value of any Lands, Tenements, Buildings, or Hereditaments so taken or used as aforesaid, or for any Injury or Damage done thereto, and shall give Notice thereof in Writing to the said Commissioners respectively, or to their respective Clerks, within Forty Days next after such Tender or Offer shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Amount of such Compensation or Satisfaction, or any Matter in difference touching the same, may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any Person or Persons seised, possessed, or interested, either for themselves respectively, or for any other Person or Persons, of or in any such Lands, Tenements, Buildings, or Hereditaments as aforesaid, shall neglect or refuse to treat, or shall not agree with the said Commissioners respectively, or with any Person or Persons authorized to act on behalf of the said Commissioners respectively, for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Hereditaments or Premises in question, or to the Estate or Interest which they shall respectively claim therein, to the Satisfaction of the said Commissioners respectively, or of the Person or Persons authorized to act on their Behalf; or if the said Commissioners respectively shall neglect or decline to tender or offer any Sum of Money to such Body Politic, Corporate, or Collegiate, or other Person or Persons so interested as aforesaid, for the Value of their Estate and Interest in such Lands, Tenements, Buildings, or other Hereditaments, or for the Compensation or Satisfaction to be made for any Damage or Injury done thereto; then and in every such Case it shall be lawful for the said Commissioners respectively, or any Seven or more of them, when assembled at any Meetings holden under the Authority of this Act, from Time to Time to issue a Precept, under their Hands to the Sheriff or Chief Bailiff of the County or Isle in which such Lands, Tenements, Buildings, or Hereditaments shall lie, or the Matter in question or dispute shall arise, or in case such Sheriff or Chief Bailiff, or his Under Sheriff or Deputy Bailiff, shall be immediately interested in the Matter in question, then to One of the Coroners of the said County or Isle not being so interested as aforesaid, commanding such Sheriff, Chief Bailiff, or Coroner, who is hereby required, on receiving such Warrant or Precept, to impannel, summon, and return not less than Twelve nor more than Twenty-four substantial and indifferent Persons qualified to serve on Juries within his Jurisdiction; and the Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to appear before the Justice of the Peace for the County or Isle from which they shall be impannelled or summoned, at some Court of General or Quarter Sessions of the Peace to be holden for such County or Isle, as the Case may be, or at some Adjournment thereof, as in such Precept shall be directed, and to attend such Court from Day to Day until discharged by the said Court; and out of such Persons so to be impannelled, summoned, and returned as aforesaid, a Jury of Twelve Men shall be drawn by the Clerk of the Court or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Law at *Westminster* are

are by Law directed to be drawn; and in case a sufficient Number of the said Persons so impannelled, summoned, and returned as aforesaid, shall not appear at the Time and Place appointed as aforesaid, the said Clerk shall return other honest and indifferent Men of the Bye-standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but no Party shall challenge the Array; and the said Clerk is hereby required, upon the Application of any of the said Parties interested in the Matter in question, to summon before the said Justices any Witnesses touching the said Matter, and may authorize the said Jury, or any Three or more of them, to view the Place or Places or Matter or Matters in question; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered to administer,) inquire of, assess, and award, and give a Verdict for the Sum or Sums of Money to be paid by the said Commissioners respectively to the respective Bodies, Persons, or Parties interested, as a Compensation or Satisfaction for the Purchase of such Lands, Tenements, Buildings, or Hereditaments respectively, or for any Damage which shall have been done thereto, or to the Parties interested therein respectively; and the said Justices shall give Judgment for such Sum or Sums of Money for which such Verdict of the said Jury shall have been so given as aforesaid; and the said Verdict, and the Judgment thereupon, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, and Collegiate, and upon all Persons and Parties whomsoever interested therein; provided that Twenty-one Days Notice in Writing at the least, of the Time and Place when and where such Jury shall be so summoned to attend, shall have been given to the Bodies Politic, Corporate, or Collegiate, or to the Persons interested or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House or last Place of Abode of such Persons respectively, or of the Head Officer of such Bodies Politic, Corporate, or Collegiate respectively, or with some Tenant or Occupier of the Premises respectively, in respect of which such Compensation or Satisfaction shall be intended to be assessed as aforesaid.

**Verdicts for Value of Land and for Damages to be distinct.**

LV. And be it further enacted, That the several Verdicts which the said respective Juries shall respectively give in the Execution of the Powers hereby vested in them, concerning the Compensation or Satisfaction to be made for the Value of any Lands, Tenements, Buildings, or other Hereditaments, and for any Injury or Damage sustained or to be sustained as aforesaid, shall be distinct, and the said respective Juries shall therein and thereby distinguish the Sum or Sums of Money to be paid for the Value of any such Lands, Tenements, Buildings, or other Hereditaments, from the Sum or Sums of Money to be paid for any such Injury or Damage as aforesaid, separately and apart from each other; and also shall settle what Shares and Proportions of such several Sums of Money shall be allowed and paid to any Tenant or Tenants, or other Person or Persons having a partial Estate, Term, or Interest in the

the Premises, for his, her, or their Interest or respective Interests therein.

Verdicts of Juries to be recorded.

LVI. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the Clerk of the Court or his Deputy present at the giving and pronouncing of the same respectively, shall be kept by the said Clerk or his Deputy amongst the Records of the Quarter Sessions of the County or Isle in which the same shall have been given and pronounced, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and to have Copies thereof, paying for every Copy at the Rate of Sixpence for every One hundred Words thereof.

Where no Notice shall be given to submit Compensation to a Jury, Tenders shall be conclusive.

LVII. Provided always, and be it further enacted, That if after any Sum of Money shall be tendered or offered by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or by any Person on their behalf, to any Bodies, Persons, or Parties interested, for Compensation or Satisfaction for the Purchase of any Lands, Tenements, Buildings, or Hereditaments, or for any Damage done thereto, and no Notice in Writing to submit the same to a Jury shall be given, as required by this Act, within the Time prescribed for that Purpose, the said Bodies, Persons, or Parties interested shall be finally concluded by such Tender or Offer, and the said Commissioners respectively shall be liable to pay or apply the Sums so tendered under the Directions of this Act, in like Manner as if the same had been awarded by a Jury.

Complaints of Injuries not to be received until Notice thereof has been given.

LVIII. Provided also, and be it further enacted, That the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, shall not, nor shall any Jury to be summoned by virtue of this Act, be allowed to receive or take notice of any Complaint or Complaints to be made by any Body or Bodies, or Person or Persons whomsoever, for any Injury or Damage by him, her, or them really sustained or supposed to be sustained in consequence of this Act, or of any thing done by virtue hereof, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation or Satisfaction claimed in respect thereof, shall have been given by or on behalf of such Body or Bodies, or Person or Persons, to the said Commissioners for executing this Act, or to the Clerks of the said Commissioners respectively, within the Space of Six Calendar Months next after the Time that any such real or supposed Injury shall have been sustained or supposed to have been sustained, or the doing or committing thereof shall have ceased.

Parties requiring a Jury to enter into a Bond.

LIX. And be it further enacted, That all and every Bodies or Body, Persons or Person, requiring a Jury to be summoned for any of the Purposes herein-before mentioned, shall at their own Expence (before a Warrant or Precept shall be issued for summoning such Jury) enter into a Bond, with Two sufficient Sureties, to the respective

tive Clerks or Treasurers of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners (if required so to do by such Commissioners respectively), in the Penalty of One hundred Pounds, with a Condition to pay such proportionate Part of such Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, and obtaining such Judgment as aforesaid, as they, he, or she shall be liable to pay according to the Provisions and the true Intent and Meaning of this Act.

Mode of Payment of Costs of Application to Sessions.

LX. And be it further enacted, That in every Case where a Verdict shall be given for a greater Sum of Money, as a Compensation or Satisfaction for any Lands, Tenements, Buildings, or other Hereditaments, or for any Damages done or to be done thereto, than shall have been previously offered by or on behalf of the said Commissioners, before the summoning of such Jury as aforesaid, or where, by reason of Absence, or other Impediment or Disability, there shall not be found any Person who shall be legally capacitated to contract with, and make a Conveyance to, and receive Compensation from the said Commissioners, as herein mentioned, then and in all such Cases all the reasonable Costs and Expences of causing such Compensation or Satisfaction to be assessed and adjudged as aforesaid shall be settled by the said Justices, and shall be defrayed by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same, within Ten Days next after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels belonging to or vested in the said Commissioners respectively, (unless the Treasurer or Treasurers of the said Commissioners respectively shall pay such Costs and Expences, which he or they is and are hereby authorized and required to do, and to charge the said Commissioners respectively therewith,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Isle in which the same Goods or Chattels shall be, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given for the same or for a less Sum of Money than shall have been previously offered by or on behalf of the said Commissioners respectively, before the summoning of such Jury as aforesaid, one Moiety of the said Costs and Expences shall be paid by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, and the other Moiety thereof shall be paid by the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, entitled to or claiming such Compensation or Satisfaction; which said Costs and Expences shall and may be settled by the said Justices as aforesaid, and deducted out of the Sum of Money which shall have been so assessed and adjudged as aforesaid, and the Payment or Tender of the Remainder of such Sum of Money shall be deemed to all Intents and Purposes to be a Payment or Tender of the whole Sum which shall have been so assessed and adjudged as aforesaid; and in case no Damages shall be given by such Verdict, where the Dispute is for Damages only, or in case the

Damages given or Compensation awarded shall be less than the Amount of the said Costs and Expences, the Excess of such Costs and Expences shall and may be recovered by the said Commissioners respectively, by such Ways as are herein provided for the Recovery of any Penalty imposed by this Act.

Application of Compensation when amounting to or exceeding 200*l.*

LXI. 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 any of the Purposes thereof, or for any Right or Interest therein, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners respectively, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 Land Tax, or in the Discharge of any Debt or other Incumbrance, or other Part thereof, affecting the same or other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes, as the said Court shall authorize and direct; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to the like Uses and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners respectively, in Writing signed by them respectively, and without any Order of the Court of Exchequer, 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 Exchequer 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 and be paid to the

1 G. 4. c. 35.

Person

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, not exceeding 200*l.* nor less than 20*l.***

LXII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, Right or Interest, which shall be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed Two hundred Pounds, or 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, or Hereditaments so purchased, taken, or used, or of his, her, or their Trustee or Trustees, 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, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners respectively, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Money, and the Dividends and Interest arising therefrom, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

**Application if not exceeding 20*l.***

LXIII. And be it further enacted, That where such Money so agreed or awarded to be paid as aforesaid shall not exceed 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 said Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of the Person or Persons so entitled respectively.

**In case of Parties refusing Compensation, or not making out Title, &c. Money to be paid into the Bank of England.**

LXIV. And be it further enacted, That in case the Body or Bodies, Person or Persons, to whom any such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Lands, Tenements, or Hereditaments, Estate or Interest, for which the same shall be agreed or awarded to be paid, to the Satisfaction of the said Commissioners respectively, or shall refuse to execute proper Conveyances of the said Premises, 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, Estate or Interest, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners respectively, or any Three or more of them,

them, to order the said Sum or Sums of Money 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 *ex parte* the said Commissioners respectively, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, Estate or Interest, subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court, 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 in a summary Way order the same to be laid out and invested in the Public Funds, or order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Person or Persons making claim thereto; and make such other Order in the Premises as to the said Court shall seem reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Purpose 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.

Where any Question shall arise touching the Title to Money.

LXV. 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 purchasing, taking, or using thereof, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends and Interest of the Bank Annuities to be so purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to the Estate or Interest therein in respect whereof such Sum or Sums of Money shall have been paid.

Court of Exchequer may order Expences to be paid by Commissioners.

LXVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance

pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such last-mentioned Purchases, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners respectively, 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.

**Drainage and Navigation Commissioners may purchase Land for the Erection of Toll Houses.**

LXVII. And be it further enacted, That it shall be lawful for the said Drainage and Navigation Commissioners, out of the Monies to be raised by virtue of this Act, to purchase (in manner and subject to the Regulations herein-before contained respecting the Purchase of other Lands, Tenements, and Hereditaments 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 several Tolls authorized to be taken by virtue of this Act, 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 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, within Seven Days after Notice in Writing from the Clerk or Treasurer to the said Commissioners given to him, her, or them, or left at his, her, or their House or Houses, then, and in any or either of the said Cases, it shall be lawful for any Justice of the Peace for the *Isle of Ely*, 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 the said Commissioners, or such Person or Persons as the said Commisioners shall from Time to Time direct and appoint.

**Annual Sums to be paid by District Commissioners to Drainage and Navigation Commissioners.**

LXVIII. And whereas it is just and equitable that the Commissioners of the several Districts or Levels within the said Part of the South Level of the Fens, to the Drainage whereof the said several Acts of Parliament before recited and mentioned relate, should contribute, from the Funds of their respective Districts or Levels, to the Expences of executing the Works herein authorized to be executed by the said Drainage and Navigation Commissioners, in proportion to the Benefits and Advantages which the said Districts respectively will derive from the said Works; be it therefore enacted, That it shall be lawful for the Commisioners for executing the said herein-before recited Acts respectively, and they are hereby authorized,

empowered, and required, by and out of the Taxes and Monies raised or to be raised by them respectively under or by virtue of the said Acts, yearly and every Year from the passing of this Act to pay unto the said Drainage and Navigation Commissioners, or to their known Receiver, Collector, or Treasurer for the Time being, before or on the First Day of *January* in every Year, and the first of such Payments to be made on the First Day of *January* next after the passing of this Act, the several and respective Rates or Sums of Money following; (that is to say,) the said Commissioners of *Mildenhall* or *Burnt Fen Second District*, the Sum of One hundred and forty Pounds; the said Commissioners of *Burnt Fen First District*, the Sum of Three hundred and fifty-seven Pounds; the said Commissioners of *Middle Fen District*, the Sum of Two hundred and seventy-two Pounds; the said Commissioners of *Waterbeach Level*, the Sum of One hundred and twenty-six Pounds; the said Commissioners of *Swaffham and Bottisham District*, the Sum of One hundred and fifty Pounds; and the said Commissioners of *Haddenham Level*, the Sum of Eighty-eight Pounds; and in case the said annual Sums of Money, or any of them, or any Part thereof respectively, shall at any Time remain in arrear and unpaid for the Space of Forty Days after the same shall have become due, the Commissioners of such of the said Districts or Levels respectively as shall be so in arrear shall forfeit and be required to pay to the said Drainage and Navigation Commissioners, by way of Penalty for such Omission, the Sum of Three Shillings and Four-pence in the Pound on so much of the said respective Sums of Money as shall so be in arrear, which Penalty shall be a Charge upon and be paid and payable from the Funds of the said Commissioners of Districts or Levels respectively; and if it shall happen that the said several annual Sums of Money, or any Part thereof, or the said Penalties so incurred for Nonpayment thereof respectively, shall remain unpaid for the Space of Two Calendar Months after the said Penalties shall be incurred, it shall be lawful for the said Drainage and Navigation Commissioners, or any Seven or more of them, and they are hereby required, whether assembled at a Meeting or not, to give Notice or Demand in Writing to any Owner or Owners, Occupier or Occupiers of any Lands or Grounds which may be taxed or assessed by such of the said Commissioners of Districts or Levels as may so happen to be in arrear in respect of their said annual Payments, to pay any Tax or Taxes which shall then or may afterwards become due or payable from such Owner or Owners, Occupier or Occupiers, to such Commissioners of Districts or Levels respectively, with any Penalties which may be payable thereon, to the said Drainage and Navigation Commissioners, or their Treasurer for the Time being, on account of the said annual Payments and Penalties, until the whole Amount thereof, and the Costs attending the said Notices, shall be fully paid and satisfied; and if such Owner or Owners, Occupier or Occupiers, shall neglect or refuse to pay the Amount of his, her, or their said Taxes, and the Penalties (if any) which may be due thereon, within Twenty-one Days next after such Notice or Demand shall be given, or if the said Taxes shall not then be due, within Twenty-one Days next after the same shall become due or payable, then the said Drainage and Navigation Commissioners shall have such and the like

Penalty on Nonpayment.

If not paid, Demand may be made on the Owners of Land.

Powers

Powers and Remedies, by Distress or otherwise, for Recovery of the said Taxes and Penalties, and the Costs attending the same, from such Owner or Owners, Occupier or Occupiers, as the said Commissioners of the said Districts or Levels respectively might then have and exercise against him, her, or them, under any Act or Acts of Parliament by which the said Taxes are now or may be assessed.

**Owners, &c. not to pay Taxes to District Commissioners till the Demand is satisfied.**

LXIX. And be it further enacted, That it shall not be lawful for any such Owner or Owners, Occupier or Occupiers, after the Receipt of such Notice or Demand, to pay any Taxes or Penalties whatever to the said Commissioners of the said Districts or Levels respectively, so in arrear for such annual Payments and Penalties as aforesaid, until the whole of such annual Payments and Penalties mentioned in such Notice or Demand, and the Costs due thereon, shall be paid and satisfied to the said Drainage and Navigation Commissioners: Provided always, that nothing herein contained shall prejudice or affect the Rights of any Person or Persons who hath or have already advanced or lent any Sum or Sums of Money upon the Credit of the Rates granted by the said Acts, but such Rights shall remain and continue in force in such and the same Manner as before the passing of this Act.

**Rights of Creditors on District Fund reserved.**

**Owners, &c. may deduct from their District Taxes Sums paid under the Demand, but not Costs of Distress.**

LXX. And be it further enacted, That it shall be lawful for every such Owner or Owners, Occupier or Occupiers, to deduct and retain, out of any Taxes or Penalties which may be so payable by him, her, or them to the said Commissioners of the said Districts or Levels respectively so in arrear for such annual Payments as aforesaid, all such Sum and Sums of Money as may be paid by him, her, or them in pursuance of such Notice or Demand as aforesaid: Provided always, that such Owner or Owners, Occupier or Occupiers, shall not be entitled to make any Deductions from the said Taxes or Penalties, for the Costs of any such Distress or Distresses which may be taken upon him, her, or them for the Recovery of such Sum or Sums of Money.

**Drainage and Navigation Commissioners empowered to lay Taxes on Lands not in Districts.**

LXXI. And be it further enacted, That it shall be lawful for the said Drainage and Navigation Commissioners, and they are hereby required, at their First Meeting to be held pursuant to this Act, and afterwards at the General Meeting of the said Commissioners to be held in the Month of *April* in each Year, or at some Adjournment of such Meetings respectively, from Time to Time to assess, rate, tax, and charge all and singular the Owner or Owners, Occupier or Occupiers of the Fen Lands and Low Grounds lying and being in *Padnal* and *Waterden* aforesaid, and of all other the Lands bounded as aforesaid, and intended to be embanked and drained by virtue of this Act, with a Tax of Five Shillings *per* Acre, and so in proportion for any less Quantity than an Acre, in each Year; and also to assess, rate, tax, and charge all and singular the Owner or Owners, Occupier or Occupiers of such Wash Lands, Fen Lands, and Low Grounds, and other Lands subject to Inundation lying within that Part of the said South Level of the Fens which is bounded and described as aforesaid, as are not within the aforesaid Districts or Levels, and drained and preserved under or by virtue of

of the aforesaid Acts of Parliament, or any or either of them, and also the Owner or Owners, Occupier or Occupiers of all and singular other the Wash Lands, Fen Lands, and Low Grounds lying within the several Parishes, Hamlets, Townships, or Places before mentioned, and subject to Inundation from Floods by Breach of Bank or otherwise, (save and except such Parts of the said Lands and Grounds as are situate within and taxable by the Commissioners of Drainage of a certain District called *Littleport and Downham District*; and save and except such Parts of the Lands and Grounds lying in the Parishes of *Lakenheath* and *Hilgay* before mentioned, or either of them, as do not form Part of the aforesaid District called *Burnt Fen First District*; and such Part of the said Lands and Grounds lying in the said Parishes of *Haddenham* and *Sutton*, or either of them, as do not form Part of the aforesaid District or Level called *Haddenham Level*; and also such Parts of the said Lands and Grounds lying in the aforesaid Parishes of *Over* and *Swavesey*, or either of them, as drain or discharge their Waters otherwise than by the said River called the *West River*; and also such Lands and Grounds as are usually called and known by the Name of *Soham Meer*; and such other Lands and Grounds as are mentioned and described in any of the said several Acts of Parliament relating to the Drainage of the said Districts or Levels as being exempt from the Taxes imposed by such Acts,) with a Tax of Sixpence *per* Acre, and so in proportion for any less Quantity than an Acre, in each Year; and all such Rates, Taxes, and Charges shall commence from the First Meeting of the said Commisioners under this Act, and shall be paid to the Receiver, Collector, or Treasurer for the Time being of the said Drainage and Navigation Commissioners, on the First Day of *January* in every Year, at such Places and in such Manner as they the said Commissioners shall from Time to Time appoint for that Purpose; and the first Payment thereof shall be made on the First Day of *January* next after the passing of this Act.

Padnal and Waterden Commissioners to lay Taxes on Lands drained by them.

LXXII. And be it further enacted, That it shall be lawful for the said *Padnal* and *Waterden* Commissioners, and they are hereby authorized, at their First Meeting to be held pursuant to this Act, and afterwards at their General Meeting to be held in the Month of *April* in each Year, or at some Adjournment of such Meetings respectively, from Time to Time to assess, rate, tax, and charge all and singular the Fen Lands and Low Grounds lying in *Padnal* and *Waterden* aforesaid, and other the Lands bounded as aforesaid, and intended to be embanked and drained by virtue of this Act, with a Tax of any Sum not exceeding Five Shillings *per* Acre in each Year, in addition to the Taxes hereby authorized to be imposed upon the said Lands or Grounds by the aforesaid Drainage and Navigation Commissioners; and such Rates, Taxes, and Charges shall commence from the First Meeting of the said last-mentioned Commissioners, and shall be paid to the Receiver, Collector, or Treasurer for the Time being of the said *Padnal* and *Waterden* Commissioners, at such Times or Places as the said Commissioners shall appoint for that Purpose.

Public Notice of Assessment of Taxes to be given.

LXXIII. And be it further enacted, That public Notice of the Times and Places appointed for the Payment of the several Rates and Taxes hereby authorized to be assessed and charged by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, (except of the said annual Payments by the said Commissioners of Districts or Levels, as herein-before mentioned,) shall be given by advertising the same, at least Fourteen Days previously to the respective Times appointed for Payment thereof, in some Newspaper printed or usually circulated in the said County of *Cambridge* and *Isle of Ely*.

Penalty on Nonpayment of Taxes.

LXXIV. And be it further enacted, That in case any Rates or Taxes authorized by this Act to be laid, assessed, or charged by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, (except the said annual Sums of Money hereby charged upon the several Districts or Levels as aforesaid, and made payable to the said Drainage and Navigation Commissioners by the Commissioners of such Districts or Levels respectively,) shall not be duly paid to the several Persons authorized to receive the same within Twenty-eight Days after the several Times appointed for that Purpose by the said Commissioners respectively, in manner prescribed by this Act, every Person refusing, neglecting, or failing to pay the same shall forfeit and pay to the said Commissioners respectively the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Rates and Taxes, and not paid as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings; which Penalties shall be recovered in the same Manner as the several Rates and Taxes in respect whereof the said Penalties shall have been incurred; and the Monies so forfeited and recovered shall be applied by the said Commissioners respectively for the Purposes of this Act.

Tenants to pay Taxes, and deduct them from their Rents;

LXXV. And be it further enacted, That all and every the Tenants and Occupiers of the said Wash Lands, Fen Lands, and Low Grounds which shall be assessed, rated, taxed, and charged by virtue of this Act, (except of such Lands and Grounds as form Part of the several Districts or Levels aforesaid, in respect of which the said annual Payments are directed to be made by the Commissioners of such Districts or Levels respectively,) 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 their respective Lands and Grounds in their several Occupations, to the several Receivers, Collectors, Treasurers, or other Persons appointed by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively 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 Wash Lands, Fen Lands, and 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

and

and from 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 deduct Penalties.

LXXVI. 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 such Penalty or Penalties shall have been levied by the said Commissioners respectively, by Distress upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Wash Lands, Fen Lands, and Low Grounds, or 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 Wash Lands, Fen Lands, and Low Grounds, shall not be compelled or compellable to allow or pay any such Penalty or Penalties, or Expences, to such Occupier or Occupiers; any thing herein contained to the contrary thereof in anywise notwithstanding.

No beneficial Lessee to be allowed to deduct Taxes where Six Years are unexpired in the Lease.

LXXVII. Provided also, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with any Rates or Taxes imposed or to be imposed by virtue of this Act, who shall hold the same 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 other beneficial Lease for Lives from any other Person or Persons whomsoever, or under any Lease or Agreement, of which, at the Time appointed by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively for the Payment of the said Rates and Taxes for any Year, there shall be Six Years or upwards to come and unexpired, shall be entitled to deduct the said Rates or Taxes, or any Part thereof, for such Year, out of the Rent reserved or payable by any such Lease or Agreement, but the said Rates and Taxes shall be charged upon and borne by the Lessees or Tenants so holding such Lands or Grounds as aforesaid.

Power of Distress in case of Nonpayment of Taxes.

LXXVIII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay all or any Part of the several and respective Rates, Taxes, or Sums of Money to which he, she, or they is or are by this Act made liable to pay, (except the said annual Sums of Money payable by the said Commissioners of the said Districts or Levels,) within Twenty-eight Days next after the several Days and Times limited and appointed for the Payment thereof respectively, or shall refuse or neglect to pay all or any Part of the Penalty or Penalties incurred by the Nonpayment thereof respectively, then it shall be lawful for the Treasurer, Collector, or Receiver of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or any other Person or Persons employed as their Agents or Deputies, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively,

respectively, which said Warrant or Precept the said Commissioners respectively, or any Five or more of them, 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 Wash Lands, Fen Lands, and 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 and payable, and to levy the Sum and Sums of Money due and payable for such Rates, 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 or Penalties which shall be then in arrear in respect thereof by virtue of this Act, it shall be lawful for the Treasurer, Collector, or Receiver of the said Commissioners respectively, or any other Person or Persons authorized and empowered by them, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners respectively, (which said Warrant or Precept such Commissioners respectively, 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 Land chargeable with any such Tax or Taxes, Rate or Rates, Penalty or Penalties; 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 respectively, 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 respectively, 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 requested, 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;

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 as can be reasonably had or gotten for the same; and the Monies arising from such 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 any Monies arising from such Sale (if any), on Demand, to the Person or Persons entitled thereto.

Lands to remain liable if no Distress found.

LXXIX. Provided always, and be it further enacted, That in case any of the Wash Lands, Fen Lands, and Low Grounds authorized to be taxed, rated, and assessed by virtue of this Act, (except the Lands and Grounds forming Part of the several Districts or Levels in respect whereof the said annual Payments are charged as aforesaid,) 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 Penalties, 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 Penalties, and the Charges of such Distress, shall be fully paid and satisfied.

Lands may be let for Payment of Taxes.

LXXX. Provided also, and be it further enacted, That in case it shall happen that any Part of the said Wash Lands, Fen Lands, and Low Grounds (except as aforesaid) shall be untenanted or unoccupied for the Space of Twelve Calendar Months together, no such Distress as aforesaid can be had or taken thereon for levying the said Rates or Taxes, and Penalty or Penalties due in respect of the same to the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, it shall be lawful for them, or any Five or more of them, at any of their Meetings to be held under or by virtue of this Act, to let so much of the said Lands and Grounds upon which any such Rate or Tax and Penalty shall be so in arrear, as they shall judge sufficient, either by the Year, or 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 proper, 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 respectively shall incur or be liable to in consequence of all or any of such last-mentioned Proceedings.

Schedule to be affixed on Church Doors.

LXXXI. And be it further enacted, That the said Commissioners respectively shall, previously to letting such Lands, 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

affixed on the principal Outer Door of the Church or Churches of the Parish or Parishes, Hamlet or Hamlets, 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 one Newspaper printed or usually circulated in the said County of *Cambridge* and *Isle of Ely*, Three Weeks at least before the Time appointed for such Letting.

Notice of letting to be given.

LXXXII. And be it further enacted, That the said Commissioners respectively shall cause Twenty-one Days Notice in Writing, signed by their respective Clerks or Treasurers 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, or to be left at his, her, or their last or usual Place or Places of Abode, if the same shall be in *England*, and shall be known.

Contribution to be made by the Lessee of Ely Rectory, to the Funds of the Drainage and Navigation Commissioners.

LXXXIII. And whereas the Works to be executed by the said Drainage and Navigation Commissioners under the Provisions of this Act will greatly increase the Value of the Great and Small Tithes due and payable in respect of the Lands and Grounds to be embanked and drained in *Padnal* and *Waterden* aforesaid, and in consideration of the Benefits and Advantages so to be derived from such of the said Lands and Grounds as are situate in the aforesaid Parishes of the *Holy Trinity* in *Ely* and *Saint Mary* in *Ely*, *Jonathan Page* Esquire, the present Lessee of the Rectory Farm at *Ely*, has agreed to contribute the Sum of Five hundred Pounds to the Funds to be raised by the said Commissioners under this Act, and to pay the same to them the said Commissioners, or to their Treasurers for the Time being, within Twelve Calendar Months next after the said Lands and Grounds, or One Fifth Part thereof, or more, shall have been sown with Corn; be it therefore enacted, That from and after the passing of this Act the said Sum of Five hundred Pounds shall be and the same is hereby declared to be a Debt due to the said Drainage and Navigation Commissioners from the said *Jonathan Page*; and the same shall and may, from and after the Expiration of the Period before mentioned, be sued for, and be recovered and recoverable by the said Drainage and Navigation Commissioners against the said *Jonathan Page*, his Executors or Administrators, by an Action of Debt or on the Case in any One of His Majesty's Courts of Record at *Westminster* or elsewhere.

Commissioners of Burnt Fen Second District may raise their annual Payment by Tax on the Lands in the District.

LXXXIV. And whereas the Taxes now authorized to be imposed by the Commissioners of the aforesaid District called *Mildenhall* or *Burnt Fen Second District*, under the aforesaid Acts of the Thirty-third Year of King *George* the Second and the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, are so limited in Amount as to render it doubtful whether the annual Sum herein directed to be paid by the said Commissioners of the said District to the said Drainage and Navigation Commissioners, can be discharged out of the said Taxes without Injury to the said District, and it is therefore expedient that the said Commissioners of the said District should be authorized to levy and raise the said annual Sum

 by

by a further Tax on the said Lands within the said District; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Commissioners of the said District, at any of their Meetings to be holden under the Authority of the said Acts, yearly and every Year to assess, rate, tax, and charge all and every the Owners and Occupiers of all and singular the Fen Lands and Low Grounds within the said District, with an equal and proportionable Tax, not exceeding Sixpence *per* Acre, and so in proportion for any greater or less Quantity, in addition to the Taxes authorized to be imposed by the said Commissioners under the said recited Acts; which said Tax shall become due and payable at the End of One Calendar Month next after the same shall be charged and assessed; and the respective Owners and Occupiers of the said Lands and Grounds in the said District shall be subject to the like Penalties and Forfeitures on Nonpayment of the said Tax, and the said Commissioners of the said District shall give the like Notice of the Assessment of the said Tax, and shall have such and the like Powers and Remedies for Recovery of the same, and the said Penalties and Forfeitures, as are imposed, given, and created by the said recited Acts or either of them, for Recovery of the Taxes thereby authorized to be imposed, and the Penalties and Forfeitures on Nonpayment thereof.

Power to take Tolls on the Ouze between Littleport Bridge and Upware Sluice, and on the Lark between Prickwillow and Littleport Bridge.

LXXXV. And be it further enacted, That from and immediately after the First Meeting of the said Drainage and Navigation Commissioners to be held after the passing of this Act, there shall be paid, on Demand, by the Master or other Person having the Command of any Boat, Barge, Lighter, or other Vessel or Raft passing or navigating along the said River *Ouze*, between *Littleport Bridge* aforesaid and *Upware Sluice*, or along the said River *Lark*, between *Prickwillow* aforesaid and the said *Littleport Bridge*, to the Collectors or other Officers to be appointed by the said Drainage and Navigation Commissioners, and at such Place or Places as the said Commissioners may from Time to Time appoint, on all Goods, Wares, and Merchandize carried on board any such Boat, Barge, Lighter, or any such Vessel, and on all Rafts passing or navigating on the said River, the Tolls herein-after mentioned; (that is to say,)

Tolls.

For every Chaldron of Coals or Cinders, the Sum of Sixpence:
For every Hundred of Deal Boards or Battens, the Sum of Three Shillings:
For every Hundred of Poles, the Sum of One Shilling and Sixpence:
For a Load or Ton of Timber, the Sum of Eight-pence:
For every Last of Wheat, Beans, Pease, or Rye, the Sum of One Shilling:
For every Last of Oats, Barley, or Malt, the Sum of One Shilling:
For every Thousand Bricks, the Sum of Four-pence:
For every Thousand of Tiles, the Sum of Four-pence:
For every Hundred of Sedge, the Sum of One Penny:
For every Ton of Stones or Pebbles, the Sum of Eight-pence:
For every Thousand of Turves, the Sum of One Penny:
For every Load or Twenty Hundred Weight of Hay, the Sum of Four-pence:

For

For every Last of Seeds, the Sum of One Shilling and Sixpence:
For every Ton of Clay or Sand, the Sum of Four-pence:
For every Hundred Weight of Salt Fish, the Sum of Eight-pence:
For every Ton of Iron or Lead, the Sum of One Shilling and Six-pence:
For every Ton of Salt, the Sum of Eight-pence:
For every Tun of Wine or Cider, the Sum of Three Shillings:
For every Ton of Oil, Vinegar, Pitch, Tar, or Soap, the Sum of Eight-pence:
For every Ton of Butter or Cheese, the Sum of Eight-pence:
For every Hundred of Faggots, the Sum of One Penny:
For every Hundred of Billets, the Sum of One Penny:
For every Pocket of Hops, the Sum of Four-pence:
For every Hundred of Pales, Barrel or Hogshead Staves, the Sum of One Penny:
For Passage Boats, for each Passenger, the Sum of One Penny:
For every Ton Weight of other Goods, Wares, or Merchandizes whatsoever, not herein-before mentioned, the Sum of Eight-pence:
And for every Barge, Lighter, Vessel, or Boat, either empty, or carrying less than a Ton, and whether haled or not, the Sum of Two-pence:

And proportionate Sums of Money, according to the above Scale or Table of Tolls, for any less Quantities or fractional Parts of the Weights or Quantities of Articles, Goods, Wares, or Merchandizes therein stated; and in case the said Tolls or Duties shall not be paid on Demand, it shall be lawful for the said Collector and Collectors, Officer and Officers, so to be appointed by the said Commissioners, to seize and detain any such Barge, Boat, Passage Boat, Lighter, Vessel, or Raft, and the Horses or other Beasts employed in haling or towing the same, or any of them, or any of the Goods, Horses, or Beasts, Tackle or Things on board, or belonging thereto, for the Payment of the said Tolls; and if the said Tolls shall not be paid within Five Days next after such Seizure made, then it shall be lawful for such Collector and Collectors, Officer and Officers, to sell and dispose of such Distress and Distresses, or any Part or Parts thereof, and out of the Monies arising by such Sale to deduct the said Tolls, together with the Charges attending such Seizure, Detention and Sale, rendering the Overplus, and what shall remain unsold (if any), on Demand, to the Owner or Owners of such Barge, Boat, Passage Boat, Lighter, Vessel, or Raft.

Table of Tolls to be put up where the same are taken.

LXXXVI. And be it further enacted, That the said Drainage and Navigation Commissioners shall and they are hereby required to cause printed Tables of the said Tolls to be fixed up in a conspicuous Manner, at the Place or Places where the said Tolls shall be by them authorized and directed to be collected and paid, and to renew or cause to be renewed such Tables of Tolls whenever the same shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Drainage and Navigation Commissioners to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Boat, Barge, Lighter, or other Vessel or Raft passing

or

or navigating along the said River *Ouze*, between *Littleport Bridge* aforesaid and *Upware Sluice*, or along the said River *Lark*, between *Prickwillow* aforesaid and the said *Littleport Bridge*, but for and during such Times as the said Tables of Tolls as aforesaid shall remain so affixed.

Account to be given by Watermen of Goods on board.

LXXXVII. And be it further enacted, That every Waterman or other Person who shall at any Time navigate any Barge, Boat, Lighter, Vessel, or Raft, upon the said Rivers *Ouze* and *Lark*, or either of them, shall, upon Demand made by any such Collector or Collectors, Officer or Officers, give a just and true Account, according to the best of his Knowledge and Belief, of the Quantity, Number, and Species of all such Goods, Wares, and Merchandize as shall be in such Barge, Boat, Lighter, or other Vessel, or towed thereto; and the Account being put into Writing by the said Collector or Collectors, Officer or Officers, the said Waterman or other Person shall subscribe and put his Name or Mark to the same; and if he shall refuse so to do, or shall deliver in a false or untrue Account, or if he shall refuse or neglect to pay the Tolls justly due for such Barge, Boat, Lighter, Vessel, or Raft so navigating as aforesaid, he shall for every such Refusal or untrue Account so by him delivered in, forfeit and pay any Sum not exceeding Five Pounds, over and above the Tolls payable for such Goods, Wares, or Merchandize by virtue of this Act, to be recovered by Distress and Sale of the Goods and Chattels of the Person so offending, by Warrant under the Hand and Seal of any One Justice of the Peace for the County or Isle where the Offence shall be committed; 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 to commit the Person so offending to the House of Correction for the County or Isle where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, or until the said Forfeiture shall be paid.

Tolls to be paid but Once on either of the Rivers.

LXXXVIII. Provided always, and be it further enacted, That no Person or Persons, having paid the said Tolls at any one Place appointed for the Collection thereof on either of the said Rivers *Ouze* or *Lark*, shall be liable to pay the same Tolls in respect of the same Goods, Wares, and Merchandize, at any other Place which may be appointed for the Collection of the said Tolls on the said Rivers or either of them.

Exemption from Tolls.

LXXXIX. Provided also, 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 Wash Lands, Fen Lands, and Low Grounds within the Limits of this Act, or of any of the said Districts or Levels respectively, which shall be brought, conveyed, or carried up or down the said Rivers, or any of them, from off the said Wash Lands, 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 the said Rivers or either of them, and all Materials to be used by the Proprietors or Occupiers of the said Lands and Grounds

in erecting or repairing the Buildings thereon, and all Materials carried for the Purpose of repairing any of the Banks of the said Rivers, or of any Banks or other Works maintained for the Purpose of draining any Lands within the said South Level of the Fens, shall be and are hereby discharged and exempt of and from the Payment of the several Tolls and Duties herein-before mentioned.

Tolls to be taken on Banks.

XC. And be it further enacted, That it shall be lawful for the said Drainage and Navigation Commissioners, and they are hereby empowered, to demand, receive, and take, and to cause to be demanded, received, and taken, at such Toll Bars or Toll Chains as they may think fit to erect or place upon the said Banks of the said new River through *Sandy's Cut*, or upon either of the said Banks of the said intended Course of the River from *Prickwillow* aforesaid to *Sandy's* or *Sandall's Cut*, the following Tolls, before any Horse, Mule, Ass, Beast, or Cattle, (except such Horses, Mules, or Asses as may be drawing or going in any Boat, Barge, Lighter, Vessel, or Raft, for which the Tolls herein-before imposed may be chargeable,) shall be permitted to pass through or beyond such Toll Bars or Toll Chains; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast, travelling on the said Banks or either of them, Three-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, Eightpence *per* Score; and so in proportion for any greater or less Number.

And in case of Neglect or Refusal of Payment of the said Tolls last mentioned on Demand, the Collector or Collectors thereof are hereby authorized and required to take, seize, and detain any Horse, Mule, Ass, Beast, Calves, Sheep, Lambs, Hogs, Pigs, or other Cattle passing on the said Banks, and for which the said Tolls are hereby made payable; and in case the said Toll or Tolls, for Nonpayment of which the said Seizure shall be made, shall not be paid within Three Days after such Seizure made, it shall be lawful for the said Collector or Collectors to sell such Horse, Mule, Ass, Beast, Calves, Sheep, Lambs, Hogs, Pigs, or other Cattle 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, Mule, Ass, Beast, Calves, Sheep, Lambs, Hogs, Pigs, or other Cattle respectively.

Table of Tolls to be put up.

XCI. And be it further enacted, That the said Drainage and Navigation Commissioners shall and they are hereby required to cause printed Tables of the said last-mentioned Tolls to be fixed up in a conspicuous Manner at the said Toll Bar or Toll Chain, and to renew or cause the same to be renewed whenever the same shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Drainage and Navigation Commissioners to demand or

take, or cause to be demanded or taken, any of such last-mentioned Tolls but for and during such Time as the said Tables of Tolls as aforesaid shall remain so affixed.

Tolls to be taken only at One Toll Bar on the same Bank.

XCII. Provided always, and be it further enacted, That no Person or Persons, having paid the said last-mentioned Tolls at any Toll Bar or Toll Chain, or other Place, on either of the said Banks, shall be liable to pay any Tolls for passing along the same Bank, (except the Tolls herein-before imposed for navigating the said River,) at any other Toll Bar or Toll Chain, or Place on the same Bank, during any Part of the Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) on which he shall have paid such last-mentioned Tolls; but such Person or Persons, and all other Person or Persons whomsoever, shall be liable to pay the said last-mentioned Tolls as often as he, she, or they shall pass through any Toll Bar or Toll Chain at which he shall have paid such Tolls, on the Day on which he shall have paid the same.

Exemptions from Tolls on Banks.

XCIII. Provided also, and be it further enacted, That no Toll shall be demanded or taken of or from any Person or Persons at any Toll Bar or Toll Chain erected or placed, or to be erected or placed, by virtue of this Act, for or in respect of any Horse or other Beast haling or attending any Boat, Lighter, or Vessel employed in the carrying Materials for the Repairs of the Banks within the Limits of this Act, or any of the Banks or other Works maintained for the Purpose of draining any Lands within the said South Level of the Fens, or in roding or drawing any Machine for deepening or cleansing any River within the said South Level of the Fens, nor for 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, situate in *Padnal* and *Waterden* aforesaid, or in any Part of the said South Level of the Fens bounded and described as aforesaid, or 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 who is, are, or shall be appointed by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, to superintend the respective Works thereof, nor for any Beast or Beasts, Sheep, or other Cattle going to or returning from Pasture in the said Fen Lands or Low Grounds, but not sold or proceeding for Sale; 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.

Penalty on evading Tolls on Banks.

XCIV. And be it further enacted, That if any Person shall, with any Horse, Beast, or other Cattle, go off or pass from any of the Banks made or maintained, or to be made or maintained by the said Drainage and Navigation Commissioners, through or over any Land or Ground near or adjoining to any such Bank, with Intent to evade the Payment of any of the Tolls granted by this Act; or if any Owner or

or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person, with any Horse, Beast, or other Cattle, to go or pass through or over the same, with Intent to evade the Payment of any such Tolls; or if any Person or Persons shall pass by, through, or over any such Toll Bar or Toll Chain, with any Horse, Beast, or Cattle, without having paid the Toll or Tolls due and payable for the same; every such Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

**Toll Collectors to place their Names on Boards.**

XCV. And be it further enacted, That every Collector of any of the Tolls hereby authorized to be demanded or taken 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 Tolls, 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 Tolls 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 said Drainage and Navigation 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 Toll Bar or Toll Chain, 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.

**Punishment for Misbehaviour.**

**Disputes about Tolls to be settled by a Justice.**

XCVI. 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

ascertained by One or more Justice or Justices of the Peace for the County or Isle where such Dispute or Difference shall arise, 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 Nonpayment 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 let Tolls.

XCVII. And be it further enacted, That it shall be lawful for the said Drainage and Navigation 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 farm the same from Year to Year, or for any Term not exceeding Three Years, for the best Price or Prices, and in such Manner as the said Commissioners, or any Five or more of them, shall think proper; provided nevertheless, that the said Tolls and Duties shall not be so let but at a public Meeting to be held by the said Commissioners under the Directions of this Act, after Notice given of the Intention to let the said Tolls and Duties, by Advertisement in some One Newspaper printed or circulated in the said County of *Cambridge* and *Isle of Ely*, Fourteen Days at least preceding such Meeting.

Commissioners may borrow Money on Mortgage of the Taxes and Tolls.

XCVIII. And be it further enacted, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or the major Part of them assembled at any General or Special Meeting, from Time to Time to borrow, upon the Credit of the several and respective Rates, Taxes, and Tolls payable by virtue of this Act, such Sum or Sums of Money as they shall respectively think fit for the several Purposes of this Act, and by Writing under the Hands and Seals of such Commissioners respectively (the Charges whereof are hereby directed to be paid out of such Taxes and Tolls respectively) to transfer or assign, by way of Mortgage, the said Rates, Taxes, or Tolls charged and chargeable, and to arise and become payable in pursuance of this Act, as a Security for the Repayment of the Sum and Sums borrowed thereon respectively, with lawful Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her, or their Executors, Administrators, or Assigns; which said Mortgages or Assignments shall or may be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'BY virtue of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act,*] we, the Drainage and Navigation Commissioners, and *Padnal* and *Waterden* Commissioners respectively, [*as the*

'*the Case may be*] by the said Act appointed, in consideration of the
'Sum of to us in hand paid by
'of do assign unto the said
'his [*or* her] Executors, Administrators, and Assigns, all and singular
'the Rates, Taxes, and Tolls arising by virtue of the said Act, and
'all the Estate, Right, Title, and Interest of us the said Commis-
'sioners of, in, and to the same; to hold unto the said
'his [*or* her] Executors, Administrators, and Assigns, until the said
'Sum of together with Interest for the same after
'the Rate of for every One hundred Pounds for a
'Year, shall be fully paid and satisfied. Given under our Hands
'and Seals, this Day of in the Year
'of our Lord One thousand .'

**Mortgagees to be equally entitled, without Priority, &c.**

And all and every Person and Persons to whom such Mortgage or Assignment shall be made shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates, Taxes, Tolls, and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said Commissioners, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward.

**Power to transfer Mortgage.**

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

**Form of Transfer.**

'I [*or* We] of in consideration
'of the Sum of paid by
'of do hereby transfer a certain Mortgage made
'by the Drainage and Navigation and *Padnal* and *Waterden* Com-
'missioners, therein mentioned, to bearing Date
'the Day of for securing the
'Sum of and Interest, and all my [*or* our] Right and
'Property therein to the said his [*or* her, *or* their]
'Executors, Administrators, and Assigns. Dated this
'Day of in the Year of our Lord .'

**Transfers to be entered, &c.**

And every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk or Clerks to the said Commissioners, who shall cause an Entry or Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk or Clerks shall be paid such Sum as the said Commissioners shall appoint, not exceeding the Sum of Two Shillings

and Sixpence; and after such Entry made every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit thereof; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Commissioners may borrow Money of Exchequer Bill Loan Commissioners.

C. And whereas by an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*, certain Commissioners therein named and appointed are authorized and empowered to issue and advance Exchequer Bills, under the Restrictions and Regulations therein specified, for the carrying on of Public Works in *Great Britain*; and by another Act passed in the said Fifty-seventh Year of His said late Majesty's Reign, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor*, the Powers of the said first-mentioned Act are enlarged and extended: And whereas by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on of Public Works and Fisheries and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in* Great Britain, the Powers of the said Two Acts passed in the said Fifty-seventh Year of His said late Majesty are altered, amended, and enlarged; be it therefore enacted and declared, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or any Five or more of them present at any General or Special Meeting to be holden in pursuance of this Act, from Time to Time to borrow and take up at Interest, in such Manner and upon such of the Terms and Conditions provided by the said Acts of the Fifty-seventh Year of His late Majesty King *George* the Third, and of the First Year of the Reign of His present Majesty, as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, such Sum and Sums of Money as they the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively may deem it expedient to borrow for the Purposes of this Act, and by any Writing or Instrument under the Hands and Seals of any Five or more of the said Commissioners respectively, present at any Meeting to be held as aforesaid, to mortgage, demise, grant, bargain, and sell the said Taxes, Tolls, and Funds respectively authorized to be raised by this Act, as a Security for the Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as aforesaid, by an annual Instalment of Five Pounds *per Centum per Annum* at the least, in the Discharge of the Principal, and Interest at the

Rate

Rate of Five Pounds *per Centum per Annum* on such Parts of the Principal as shall from Time to Time remain due.

**Taxes and Tolls vested in Creditors till Payment of the Debts.**

CI. And be it further enacted, That the respective Rates, Taxes, and Tolls payable by virtue of this Act shall be and they are hereby made chargeable with the Payment of the Principal Monies to be respectively borrowed thereon by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, as aforesaid, and with the Interest of such Monies from Time to Time, and shall respectively vest in the respective Creditors upon Default of Payment of such Principal Monies and Interest, until the same and every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of recovering the said Rates, Taxes, and Tolls respectively, for or in respect of such Principal Monies and Interest, in case of Default of Payment thereof, as the said Commissioners respectively, and their Collectors and Receivers could have had in case such Principal Monies and Interest had been regularly paid.

**Commissioners may borrow Money for temporary Purposes, and pay same out of the ensuing Year's Taxes.**

CII. And be it further enacted, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, until they shall be able to borrow Money under the Powers and Authorities herein contained, and also when all the Monies which shall have been so borrowed by them, with the Interest thereof, shall have been paid off, at any General or Special Meeting, from Time to Time, as to them shall seem meet, to borrow and take up any Sum or Sums of Money at their Discretion, by way of temporary Loan, for the Purposes of this Act; and the respective Clerks and Treasurers to the said Commissioners respectively are hereby authorized, with the Consent of the said Commissioners respectively, when assembled at any Meeting, to give a written Undertaking for the Repayment of such last-mentioned Sum or Sums of Money, together with lawful Interest for the same, out of the respective Taxes and Tolls arising during the Year next ensuing the Year in which such last-mentioned Monies shall be so borrowed, and the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively are hereby authorized and required to repay the said Sum or Sums of Money so borrowed respectively, together with lawful Interest for the same, out of such last-mentioned Taxes and Tolls, before the same shall be applied to any other of the Purposes of this Act.

**Monies advanced for obtaining this Act to be repaid with Interest.**

CIII. And be it further enacted, That if any of the Proprietors or Persons interested in the said Lands directed to be drained and otherwise improved under or by virtue of the Powers of this Act, or the Person or Persons by them employed to solicit and obtain this Act, or any other Person or Persons whomsoever, or any Bodies Politic or Corporate, shall *bonâ fide* advance any Money for or towards defraying the Charges and Expences of obtaining this Act, or preparatory or incident thereto, or shall already have advanced any Money for those Purposes, such Person or Persons shall, out

out of the first Monies which shall be raised by the said Drainage and Navigation Commissioners by virtue of this Act, be repaid the same, with lawful Interest from the respective Times of advancing such Money.

**Discount to be allowed on Taxes paid in advance.**

CIV. And be it further enacted, That if any Person shall pay all or any Part of the several Taxes hereby authorized to be assessed and charged in advance for One or more Years, the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively are hereby authorized and empowered to receive the same, and to allow a Discount, or Interest, at the Rate of Five Pounds *per Centum per Annum* from the Time of such Payment to the Time or Times when the Taxes so paid in advance would have become due according to the Provisions herein-before contained, and the Receipt or Receipts for the Sums so paid in advance shall discharge the Lands and Grounds, and the Landlords and Occupiers thereof, from the Taxes so paid.

**Creditors not to deduct Taxes for Interest Monies.**

CV. And be it further enacted, That no Person or Persons who is, are, or shall be a Creditor or Creditors on the several and respective Rates, Taxes, and Tolls imposed by this Act, and who is or shall be a Proprietor or Proprietors, Occupier or Occupiers of any of the Lands and Grounds to be taxed by virtue of this Act, shall or may at any Time hereafter deduct or set off all or any Part of the Interest payable to him, her, or them respectively, as such Creditor or Creditors as aforesaid, out of or from any Sum or Sums of Money which shall be due from or payable by him, her, or them respectively for such Rates, Taxes, and Tolls, as such Proprietor or Proprietors, Occupier or Occupiers as aforesaid; but the Rates, Taxes, and Tolls payable by him, her, or them, shall from Time to Time be paid to the respective Treasurers, Collectors, or Receivers to the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, in the same Manner as if such Person or Persons was or were in no ways interested as a Creditor or Creditors on the said Rates, Taxes, or Tolls.

**Compensation to be made to Middle Fen and Burnt Fen Districts, for Removal of Mills.**

CVI. And whereas Two Mills or Water Engines belonging to the aforesaid Commissioners for Drainage of the *Middle Fen District*, and Two other Mills or Engines belonging to the aforesaid Commissioners of *Burnt Fen First District*, now severally discharge their Waters into those Parts of the present Channel of the River *Ouze* which are intended to be deserted: And whereas the Removal of the said Mills or Engines to Spots eligible for throwing their Waters into the new Channels of the said River will be attended with a great Expence to the said respective Commissioners; be it therefore enacted, That the said Drainage and Navigation Commissioners shall and they are hereby authorized and required to pay to the said respective Commissioners of the *Middle Fen* and *Burnt Fen* Districts, as soon as the Removal of either of the said Mills shall be respectively rendered necessary, the Sum of Five hundred Pounds, as a Compensation for the Expences the said *Middle Fen* and *Burnt Fen* Commissioners will respectively be put to on the Removal of the said Mills or Engines.

Application of the Funds of the Drainage and Navigation and Padnal and Waterden Commissioners.

CVII. And be it further enacted, That the several Rates, Taxes, Tolls, and Monies authorized by this Act to be levied, raised, received, and taken by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, and all Penalties and Forfeitures hereby directed to be paid to the said Commissioners respectively, shall be severally paid and applied by the said Commissioners respectively, subject and without prejudice to the Claims of the Persons lending the Monies authorized to be borrowed by the said Commissioners respectively, and to the Remedies herein provided for securing the Repayment thereof, and after Payment and Satisfaction of the Expences incurred in obtaining and passing this Act, and incidental thereto, (and which said Expences shall, in preference to all other Payments whatsoever, be paid and defrayed from and out of the Funds of the said Drainage and Navigation Commissioners,) in executing and completing the said new Rivers or Cuts, Banks and Forelands, and the said several Works of Drainage, and the several other Works, Matters, and Things by this Act required to be made, done, and executed by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, and for the general Purposes of carrying this Act into Execution, so far as the same are directed to be executed by the said Commissioners respectively.

Power for Drainage and Navigation Commissioners to reduce Taxes and Tolls.

CVIII. And be it further enacted, That when the said respective new Cuts or Channels, Banks and Forelands, shall be completed, and the several Rivers above the same to *Clayhithe Sluice* on the River *Cam*, and *Swale's Reach* on the River *Lark*, and also the *West River*, and the several Lodes communicating with the said Rivers, or any of them, shall be deepened and scoured out so as to prevent any Obstruction to the Passage of the Waters through the said Rivers and Lodes to the said new Cuts or Channels, and when all the Monies borrowed by the said Drainage and Navigation Commissioners, on the Credit of the said Rates, Taxes, and Tolls, to be raised and taken by them, and the Interest thereon, shall be fully paid off and discharged, it shall be lawful for the said Commissioners, and they are hereby required, at some General or Special Meetings to be respectively holden by them, to lessen or reduce the Rates, Taxes, and Tolls hereby authorized to be raised, levied, and collected by them, and the several annual Sums of Money hereby made payable by the said Commissioners of Districts or Levels, to any Sum or Sums of Money not exceeding One Moiety of the Rates, Taxes, or Tolls granted by this Act, and to apply such Monies in the Maintenance of the Works required to be done by this Act, and in further Execution of the several Provisions thereof.

Taxes and Tolls paid to Drainage and Navigation Commissioners, to be reduced in equal Proportions.

CIX. Provided always, and be it further enacted, That in all Cases where the said Rates, Taxes, Tolls, and annual Sums of Money shall be lessened or reduced by the said Drainage and Navigation Commissioners, the said Tolls and annual Sums of Money shall be reduced in the same Proportion as the said Rates and Taxes; and the said several Rates and Taxes authorized to be levied by the said Drainage and Navigation Commissioners shall at all Times be reduced in equal Proportions.



CX. And

Punishment for injuring Works.

CX. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully cut, break down, burn, demolish, or destroy any House, Building, Mill, Engine, Sluice, Staunch, Tunnel, Bridge, or other Work, which shall at any Time be making or erecting, or be made or erected, supported or maintained for answering any of the Purposes of this Act, every Person so offending, and being thereof lawfully 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 shall be tried shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished 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 on obstructing Persons in the Execution of this Act.

CXI. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter wilfully stop, dam up, or destroy any Rivers, Drains, Ditches, Watercourses, Doors, Dams, or other Work or Works which shall at any Time be making or erecting, or be made or erected, supported and maintained for answering any of the Purposes aforesaid, or shall wilfully break or injure any Dam or other Work made by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or wilfully hinder or obstruct the said Commissioners respectively, or any of their Officers, or any Servants, Workmen, or Labourers employed by them the said Commissioners respectively, or any of their Officers; in making or repairing any of the said respective new Rivers or Cuts, and the several Banks and Forelands thereof, or any other Work or Works hereby directed or authorized to be done, every Person offending in any or either of the Cases aforesaid, and being thereof lawfully convicted before any Two or more Justices of the Peace for the County or Isle wherein such Offence shall be committed, (which Justices are hereby required to hear and determine the same,) on the Oath of One or more credible Witness or Witnesses, shall forfeit any Sum not exceeding Ten Pounds to the said Commissioners respectively, to be applied by them for the respective Purposes of this Act; and in default of Payment thereof the Person or Persons so offending shall be committed to the House of Correction of the County or Isle where such Offence shall be committed, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding the Space of Six Calendar Months.

Masters responsible for Damages done by Watermen.

CXII. And be it further enacted, That the Owner and Owners of any Boat, Barge, Lighter, or other Craft or Vessel navigating the aforesaid Rivers, or either of them, shall be, and he, she, and they is and are hereby made answerable for all Trespass, Damage, Spoil, or Mischief that shall be done by such Boat, Barge, Lighter, or other Craft or Vessel, or by any of the Boatmen, Bargemen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, by any Means whatsoever, to the Sluices, Banks, Mills, Engines, Tunnels, or other Works erected, maintained, or repaired under the Authority of this Act; and the Owner or Owners of every such Boat, Barge, Lighter, or other Craft or Vessel, shall for every

every such Trespass, Damage, Spoil, or Mischief so committed as aforesaid, upon Conviction of the Boatman, Bargeman, or Waterman, or other Person or Persons committing the same, before any Justice of the Peace of the County or Isle where the Offence shall be committed, on the Oath of any credible Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), or on the Confession of the Party or Parties offending, pay to the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, (as the Case may be,) such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice, provided that such Damages, Satisfaction, or Compensation shall not exceed the Sum of Fifty Pounds, and shall also forfeit and pay to the Informer or Informers any Sum not exceeding Five Pounds, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Fifty Pounds, the said Owner or Owners may be sued by the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, for such Damages, Satisfaction, and Compensation, in any of His Majesty's Courts of Record at *Westminster*, at the Discretion of the said Commissioners respectively.

**Masters to be repaid by Watermen, and in case of Default may recover the Money through Justices.**

CXIII. Provided always, and be it further enacted, That every such Boatman, Bargeman, Waterman, and other Person so offending as last aforesaid, shall be answerable for, and shall repay all such Damages, Satisfaction, Compensation, and Penalty as shall be so ascertained, fixed, determined, and recovered as aforesaid, with all the Costs of levying and recovering the same, to his Master or Masters, Owner or Owners; and in case of Nonpayment thereof on Demand, and Oath by such Master or Masters, or Owner or Owners, of the Payment made by him, her, or them of such Damages, Satisfaction, Compensation, Penalty, and Costs, and that the same have been demanded of such Servant, Boatman, Bargeman, or Waterman respectively, but that the same have not been repaid, (such Oath to be made before any One of His Majesty's Justices of the Peace for the County or Isle where the Trespass, Damage, Spoil, or Mischief shall have been done or committed,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered by Warrant under the Hand and Seal of such Justice.

**Commissioners may let Herbage of Banks, &c.**

CXIV. And be it further enacted, That the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, shall and they are hereby authorized, at any Meeting to be holden by virtue of this Act, to let for any Period not exceeding Three Years, to the best Bidder or Bidders, the Herbage and Pasturage of the Banks and Forelands of such Parts of the said Rivers as are intended to be abandoned, and the several Droveways and Waste Places belonging to the said Commissioners respectively, and lying within the Limits of this Act; such Banks, Droveways, and Waste Places to be fed only with Sheep, or Calves not being more than One Year old; and the Rents and Profits arising therefrom shall severally be paid and applied in the same Manner as the several Funds or Monies to be raised by the said Commissioners respectively by virtue of this Act are severally directed to be applied.

CXV. And

and destroy Moles;

CXV. And be it further enacted, That it shall be lawful for the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, to destroy or cause to be destroyed all such Moles or other Vermin as shall be found in and about the said Lands and Grounds severally intended to be taxed by virtue of this Act (except the Lands forming Part of the several Districts or Levels in respect whereof the said annual Sums of Money are to be paid as aforesaid), and also in or about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons at such Wages or Salary as they the said Commissioners respectively shall think proper; and it shall be lawful for such Person or Persons to enter into and upon the said Lands and Grounds, and the Lands and Banks adjoining thereto, or any of them, for that Purpose.

and cut Thistles.

CXVI. And be it further enacted, That the said *Padnal* and *Waterden* Commissioners shall and they are hereby authorized to cause all the Thistles and Weeds which shall arise or grow upon any Bank, Droveway, or Waste Land within the Limits of *Padnal* and *Waterden* aforesaid, or upon any Bank, Droveway, or Waste Land thereto immediately adjoining, to be mowed, cut down, and destroyed, as often as shall be necessary.

Penalty for placing Tunnels under the Banks, without the Consent of Drainage and Navigation Commissioners, and of the Bedford Level Corporation.

CXVII. And be it further enacted, That if any Person or Persons shall at any Time after the passing of this Act place or cause to be placed any Tunnel or Tunnels through any of the Banks of the said respective new Rivers or Cuts, without the Consent of the said Drainage and Navigation Commissioners, given by them when assembled at any General or Special Meeting held by the Authority of this Act, and of the aforesaid Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, every Person so offending shall for every such Offence forfeit and pay to the said Drainage and Navigation Commissioners the Sum of Fifty Pounds, to be recovered by an Action at Law in any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Tunnels may be placed by Padnal and Waterden Commissioners, to discharge Water from Mills.

CXVIII. Provided always, and be it further enacted, That it shall be lawful for the said *Padnal* and *Waterden* Commissioners to place any Tunnel or Tunnels through or under the said Banks, for the Purpose of discharging the Waters from any Mills or Engines erected by them for the Drainage of the said Lands and Grounds in *Padnal* and *Waterden* aforesaid, intended to be drained under the Authority of this Act, they the said *Padnal* and *Waterden* Commissioners at all Times keeping and maintaining the said Tunnels in good and proper Repair.

Tunnels to be under the Controul of Officers of Drainage and Navigation Commissioners.

CXIX. Provided also, and be it further enacted, That all such Tunnels as shall be so made and placed as aforesaid shall be under the Controul and Management of the said Drainage and Navigation Commissioners, and it shall be lawful for the Superintendent or other Officer of the said Commissioners, as often as he may see Occasion, for the Protection of the Banks and Works of the said Commissioners, to stop up or repair such Tunnels, and the Costs, Charges, and Expences attending the same shall and may be levied and recovered

from the Person or Persons to whom such Tunnels may belong, by Distress and Sale of the Goods and Chattels of such Person or Persons, or if the said Tunnels shall belong to the said *Padnal* and *Waterden* Commissioners, or to the Commissioners of Drainage of any other District, then by Distress and Sale of the Goods and Chattels of the respective Treasurers of such Districts respectively, by Warrant under the Hand and Seal of some Justice or Justices of the Peace for the County or Isle where the Offence shall have been committed.

Penalties for injuring Banks, suffering Cattle to stray upon them, foddering Cattle, or driving Waggons upon them.

CXX. And be it further enacted, That if any Person or Persons shall drive or cause to be driven along any of the Banks made or to be maintained under the Authority of this Act, or the Forelands of such Banks, any Cattle, Stock, or Swine, either to or from Pasture, or on any other Account whatsoever, and shall thereby do any wilful Injury or Damage to any such Banks or Forelands, or shall suffer his, her, or their Cattle, Stock, or Swine to stray upon any such Bank or Forelands, or to feed or root up the Soil thereof, or in any other Manner to damage the same, or shall fodder, or cause or permit to be foddered, any Cattle or Stock upon any such Bank or Foreland, or shall drive or cause to be driven any Waggon, Cart, or other Carriage upon, over, or across any such Bank or Forelands, or shall drive any Cattle or Stock to water across any such Bank or Forelands, then and in every of the said Cases every such Person so offending shall, upon Complaint made by the Order of the said Drainage and Navigation Commissioners, when assembled at any Meeting, before any Justice of the Peace for the County or Isle where the Offences shall or may be committed, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; but nothing herein contained shall extend or be construed to extend to restrain or prevent any Person or Persons entitled to the Herbage of any such Bank or Foreland, from feeding the same with Sheep or Lambs, or with Calves not being more than One Year old.

Penalty for using Nets, &c. in public Drains, or impeding Drainage.

CXXI. And be it further enacted, That if any Person or Persons shall set or make use of, or cause to be set or made use of, any Net, Grig, or other Instrument for catching Fish, in or against any Division, Dike or Ditch, or any Drain or Tunnel within the said Lands in *Padnal* and *Waterden* aforesaid, intended to be embanked and drained by virtue of this Act, or shall make, erect, or continue, or cause to be made, erected, or continued, any Dam, Heading, Staunch, or Sluice in any Division or other Dike or Ditch, Drain or Tunnel, or shall do any Act whatsoever whereby the free Passage of the Waters through such Division or other Dike or Ditch, Drain or Tunnel, shall or may in any respect be impeded or obstructed; or if any Person or Persons shall at any Time make, erect, or continue, or cause to be made, erected, or continued, any Bridge over any of the Drains within the said *Padnal and Waterden District*, unless the same shall be raised at least Eighteen Inches above the Surface and Level of the Land adjoining; every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

CXXII. And

Penalty for cutting Ditches within Forty Feet of the Centre of the Banks.

CXXII. And be it further enacted, That if any Person or Persons shall at any Time after the passing of this Act make, cut, or scour out, or cause to be made, cut, or scoured out, any Ditch or Drain above Two Feet in Width, or Two Feet in Depth, within the Distance of Forty Feet from the Centre of any Bank made or maintained under the Authority of this Act, without the Consent, Order, or Permission of the said *Padnal* and *Waterden* Commissioners, given when assembled at any of their Meetings under this Act, or shall plant any Tree or Holt, or place any Stack, or erect any Building within the Distance of Three hundred Yards from any Mill or Engine belonging to or used by the said *Padnal* and *Waterden* Commissioners, without having obtained such Order or Permission as aforesaid, every Person so offending shall, upon Complaint made before any Justice of the Peace for the *Isle of Ely*, by Order of the said *Padnal* and *Waterden* Commissioners, when assembled at any Meeting, for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and it shall be lawful for the said Commissioners, or their Superintendent or Workmen, to fill up every such Ditch or Drain, and to cut down such Tree or Holt, and to pull down and remove every such Stack or Building, notwithstanding the Offender may have paid the Penalty hereby imposed.

Penalty for not roding or scouring out Ditches.

CXXIII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any of the Lands and Grounds situate in *Padnal* and *Waterden* aforesaid, to which any Droveway, Dike, Outring Dike, or Division Dike, doth or shall belong, shall neglect or refuse sufficiently to rode, scour, cleanse, open or repair the same, or make such Dike of a sufficient Depth, and the Width of Nine Feet at the Top, and Four Feet and a Half at least at the Bottom, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time for that Purpose, by the Collector, Receiver, or any other Officer or Person employed for that Purpose, he, she, or they shall, for every such Neglect or Refusal, forfeit and pay to the said *Padnal* and *Waterden* Commissioners any Sum not exceeding One Shilling for every Rod so neglected to be roded, scoured, cleansed, opened, deepened, and widened as aforesaid; and it shall be lawful from Time to Time for such Collector, Receiver, or other Officer to cause such Dike or Dikes, at the Expence and Charge of such Owners and Occupiers, to be roded, scoured, cleansed, opened, repaired, and deepened in a sufficient Manner, and made of the Width aforesaid; and where any Way or Ways shall have been made over any Dike or Dikes without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Dike or Dikes to be made of the usual or proper Width and Depth, with a sufficient Tunnel, at the Expences and Charges of such Owner or Occupier, and by Warrant or Precept under the Hands of the said *Padnal* and *Waterden* Commissioners, or any Seven or more of them, to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels; and such Penalties and Charges, when so levied and recovered, shall be applied for the Purposes of this Act.

CXXIV. And

Penalty for making Watering Places in public Drains.

CXXIV. And be it further enacted, That if any Person or Persons shall at any Time make or use, or cause to be made or used, any Watering Place, or Places of Access for Cattle to drink, in any of the public Drains made or maintained by the said *Padnal* and *Waterden* Commissioners, by virtue of this Act, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Officers employed by Commissioners may pass over Lands in the District on Foot, except when in Cropping; but to be responsible for wilful Damage.

CXXV. And be it further enacted, That it shall be lawful for the Superintendent of the Works of the said *Padnal* and *Waterden* Commissioners, and for all Millwrights, Labourers, and Workmen, when employed by them in doing the Works of the said Commissioners, from Time to Time, as Occasion shall require, to enter upon, and pass on Foot through, over, or across any of the Lands or Grounds within the said *Padnal* and *Waterden* District, except when such Lands or Grounds shall be in Cropping: Provided always, that if any wilful Damage shall at any Time be done by such Superintendent, Millwrights, Labourers, or Workmen, on such Occasions, he, she, or they shall be liable to be proceeded against, under any Laws which are now or may be in force for punishing wilful Trespassers.

Works of Drainage and Navigation, and all other Matters and Things vested in the Commissioners.

CXXVI. And be it further enacted, That all and every the Cuts, Channels, Drains, Ditches, Banks, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and all Gates, Bars, Turnpikes, Toll Houses, Posts, Rails, Implements, Utensils, and all other Works, Articles, Matters and Things whatsoever, which may be erected and set up or bought and purchased by the said Drainage and Navigation Commissioners and *Padnal* and *Waterden* Commissioners respectively, and all the Right and Property of, in, and to the same, and the Materials of which the same shall consist, shall be and the same are hereby vested in the Drainage and Navigation Commissioners and *Padnal* and *Waterden* Commissioners respectively for the Time being; and the said respective Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred (as the Case may require), against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles, Matters, and Things hereby vested in the said Commissioners respectively as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Matters or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of the Drainage and Navigation Commissioners, or of the *Padnal* and *Waterden* Commissioners (as the Case may be), appointed for executing an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for improving the Drainage of Part of the South Level of the Fens within the Great Level commonly called* Bedford Level, *and the Navigation of the Rivers passing through the same, in the Counties of* Cambridge, Suffolk, *and* Norfolk, *and in the* Isle of Ely, without stating or specifying the Names of all or any of the said Commissioners respectively; and the said respective Commissioners shall have full Power and Authority from Time to Time

to sell, by public Auction or otherwise, all or any Part of the Materials, Matters, and Things which shall not be wanted for the Purposes of this Act, and the Money arising therefrom shall be applied to the Purposes of this Act.

Recovery of Compensation awarded by Justices to be paid by Commissioners.

CXXVII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or any Person or Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Commissioners respectively to the Party or Parties entitled to receive the same, within Twenty-one Days next after Demand in Writing shall have been made from the Clerks or Treasurers to the said Commissioners respectively, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners respectively, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners respectively, or to their respective Treasurers for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Where Damages payable as well as Penalties, Justices may settle same.

CXXVIII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges (in case of Dispute respecting the same) shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the

the Offender's Goods and Chattels, in manner hereby directed for the levying of any Penalties or Forfeitures.

Any One Justice of the Peace may proceed by Summons in the Recovery of Penalties, &c.

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

For securing transient Offenders.

CXXX. And be it further enacted, That it shall be lawful for any of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, or for any of their Superintendents, Collectors, or other Officers, and such Person and Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Commissioners, Superintendents, Collectors, or Officers, who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the County or Isle where such Offence shall be committed, and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Penalty for Persons refusing to give Evidence.

CXXXI. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for his or her Nonappearance, or, appearing, shall refuse to be examined upon Oath or Affirmation, or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Persons giving false Testimony guilty of Perjury.

CXXXII. And be it further enacted, That all and every Person and Persons who in any Examination 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 or corruptly swear

 falsely

falsely before any Commissioner or Commissioners appointed or to be appointed by virtue of this Act, in any Matter in which such Commissioners are 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 Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any of the Laws and Statutes of this Realm.

Recovery and Application of Penalties.

CXXXIII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, and all Offences against any Bye Law, Rule, or Regulation made under the Authority of this Act, shall and may in every Case be heard, adjudged, and determined by or before any Justice or Justices of the Peace in or for the County or Isle where the Offence shall have been committed, in a summary Way, upon Information or Complaint made, (and which shall in every Case be made and exhibited within Three Calendar Months at farthest next after the committing of such Offence respectively, and not afterwards); and upon any Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof, and if, upon the Confession of the Party or Parties accused, or on the Oath of One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods and Chattels shall be so distrained; and one Moiety of such Penalties, and of all other Penalties not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer of the said Drainage and Navigation and *Padnal* and *Waterden* Commissioners respectively, and applied to the respective Purposes of this Act; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the Offender or Offenders shall give Security, to the Satisfaction of the Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the Time of

of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices, or any other Justice or Justices of the Peace within his or their Jurisdiction, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Isle where the Offence shall have been committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

**Form of Conviction.**

CXXXIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or Words to the same Effect; (that is to say),

‘ to wit. } BE it remembered, That on the Day of in the Year of our Lord ‘ *A. B.* is convicted before me *C. D.* [*or C. D.* and *E. F.*] His ‘ Majesty's Justices of the Peace for the County, 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, though Commissioners, may act, except personally interested.**

CXXXV. 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 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.

**Appeal to Quarter Sessions.**

CXXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any such Order or Bye Law to be made under or by virtue of this Act,

Act, or by any Order or Determination of any Justice or Justices of the Peace, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the County or Isle where the Cause of Complaint shall arise, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices in the said General Quarter Sessions respectively are hereby required to hear and determine the Matter of every such Appeal, and to make such Order 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 they shall be found, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be 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 Fourteen Days Notice.**

CXXXVII. 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 Fourteen Days Notice to the Party or Parties against whom such Matter of Dispute, Complaint, or Appeal shall be intended to be preferred, of such his, her, or their Intention, specifying the Matter of such Dispute, Complaint, or Appeal; and where any such Dispute, Complaint, or Appeal shall be intended to be preferred against the said Drainage and Navigation Commissioners, or the said *Padnal* and *Waterden* Commissioners, such Notice shall be delivered to their respective Treasurers or Clerks; and in Cases where the said Commissioners respectively shall be Appellants, such Notices shall be signed by their respective Treasurers or Clerks; and it shall be lawful for the said Justices in their said General Quarter Sessions, in default of Proof of such Notice, or for any other just and reasonable Cause, to postpone the Hearing of 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.**

CXXXVIII. 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.**

CXXXIX. And be it further enacted, That where any Distress shall be made for any Rate, Tax, Toll, 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

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 distrained; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action on the Case.

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

CXL. 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 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.

CXLI. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, every such Action, Suit, or Information shall be commenced or laid within Six Calendar Months next after the Fact committed; and such Action or Suit shall be brought in the County or Isle where the Cause of Action shall have arisen, and not elsewhere; and such Information shall be laid in the County or Isle where the Cause of Action shall arise, 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 after the Time before limited for bringing the same, or shall be brought in any other County or Isle 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 or their Suit or Suits, or if any Verdict shall pass against him, her, or them upon a Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble

Costs, for which he, she, or they shall have like Remedy as in Cases where Costs at Law are awarded.

Limiting the Time for completing the Cut.

CXLII. And be it further enacted, That in case the said Cut or Channel herein-before directed to be made through *Sandy's Cut* aforesaid, shall not be completed within Twenty Years from and after the passing of this Act, all the Powers and Authorities in this Act contained relative thereto shall cease and determine, save and except as to so much thereof as shall then have been completed.

Preserving Rights of the Bedford Level Corporation, and extending the same to Banks, &c. of new Cuts.

CXLIII. And whereas by virtue of an Act passed in the Fifteenth Year of the Reign of His Majesty King *Charles* the Second, for settling the Drainage of the Great Level of the Fens called *Bedford Level*, the Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level have respectively Power and Jurisdiction over the several Rivers and Lodes intended to be scoured out and improved under the Authority of this Act, as well as over the said Cut called *Sandy's Cut*, and the Banks and Forelands thereof, and the Channels, Banks, and Forelands of such Parts of the said Rivers *Ouze* and *Lark* as are intended to be abandoned; be it therefore further enacted, That nothing in the said last-mentioned Act contained shall extend or be construed to extend to hinder, impede, or interrupt the said Drainage and Navigation Commissioners in executing the several Works by this Act directed to be done, or in carrying into Effect the several Provisions of this Act: Provided always, that all the Rights, Powers, and Authorities whatsoever which by virtue of the said Act of the Fifteenth Year of the Reign of King *Charles* the Second, or any other Act or Statute whatsoever, or otherwise, are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, (except so far as such Rights, Powers, and Authorities are not taken away, lessened, or abridged by this Act,) shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed; provided also, that the said Governor, Bailiffs, and Commonalty, and the said Governor, Bailiffs, and Conservators, and every of them, shall have and possess such and the like Rights, Powers, and Authorities over the Channels of the said intended new Cuts, and the Banks and Forelands thereof, (so far as the same are not contrary to the Provisions of this Act,) as the said Governor, Bailiffs, and Commonalty, and the said Governor, Bailiffs, and Conservators, or any of them, now have or can exercise over the several Channels, Banks, and Forelands intended to be abandoned, or any of them; and that the said Governor, Bailiffs, and Commonalty shall not in any Manner be subject to any Charge, Loss, or Damage which may arise or be occasioned by the Execution of any of the Works herein authorized or directed to be done; nor shall the said Governor, Bailiffs, and Commonalty be liable in any Way or at any Time to the Repair of the said new Banks or Forelands, or any of them, further than to make an annual Allowance or Contribution to the said Drainage and Navigation Commissioners towards such Repair, proportionate to the Sums which may from Time to Time

Time be allotted by the said Governor, Bailiffs, and Commonalty, for the Maintenance of the several other Banks of the said River *Ouze*.

Saving Rights of Lords of Manors.

CXLIV. 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, and all Waifs, Estrays, Felons Goods, Privileges of Arrests, Escheats, and all Royalties not prejudicial to Drainage and Navigation, 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.

CXLV. 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.

## The SCHEDULE to which the aforegoing Act refers.

| N° on the Plan. | Owners. | Occupiers. | Parish. | Description of Property. |
|---|---|---|---|---|
| 3 | Corporation of the Bedford Level - | Mary Harley - | Littleport - - | Yard. |
| 5 | John Lee - - | John Lee - - | Littleport - - | Cottage, Buildings, Yard, and Garden. |
| 26 | Feoffees of Littleport | Wenham Barber - | Littleport - - | The like. |
| 27 | Feoffees of Littleport | Mary Harley - | Littleport - - | The like. |
| 28 | Feoffees of Littleport | Isaac Harley - | Littleport - - | Yard. |
| 29 | Feoffees of Littleport | Thomas Harley - | Littleport - - | Garden. |
| 30 | Feoffees of Littleport | William Walker - | Littleport - - | Cottage, Buildings, Yard, and Garden. |
| 78 | Thomas Gotobed - | John Lee - - | Ely Trinity or Ely Saint Mary | Messuage, Buildings, Yard, Garden, and Orchard. |
| 80 | Feoffees of Ely - | William Lawrence | Ely Trinity or Ely Saint Mary | Messuage, Yard, Garden, and Buildings. |
| 80 *a* | James Stanford - | James Stanford - | Ely Trinity or Ely Saint Mary | Garden. |
| 66 and 67 | John Lee - - | John Lee - - | Ely Trinity or Ely Saint Mary | Yard. |
| 103 | James Lee - - | James Lee - - | Ely Trinity or Ely Saint Mary | Messuage, Buildings, Yard, Garden, and Orchard. |
| 129 | William Cross - | William Cross - | Ely Trinity or Ely Saint Mary | Cottage, Buildings, and Garden. |
| 94 | William Harlock - | William Evans - | Ely Trinity or Ely Saint Mary | Messuage, Buildings, Yard, Garden, Orchard, and Premises. |

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.