ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 24.

An Act for amending and rendering more effectual so much of an Act, passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds lying in the* South Level, *Part of the great Level of the Fens commonly called* Bedford Level, *between certain old Rivers or Drains called* Stoke River, *and* Brandon River, *and a certain Level or District called* Feltwell New District, *and* The Hard Lands of Woodhall-in-Helgay, *and* Helgay, *in the Counties of* Norfolk *and* Suffolk, as relates to the Fen and Low Grounds lying within the Second District or Division described in the said Act.

[15th *April* 1802.]

13 Geo. 3. c. 45.

WHEREAS by an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds lying in the* South Level, *Part of the great Level of the Fens commonly called* Bedford Level, *between certain old Rivers or Drains called* Stoke River, *and* Brandon River, *and a certain Level or District called* Feltwell New District, *and* The Hard Lands of Woodhall-in-Helgay, *and* Helgay, *in the Counties of* Norfolk *and* Suffolk, the Fens and Low Grounds therein described and intended to be embanked and drained were made Two separate Districts or Divisions, One called *The First District or Division*, and the other, *The Second District or Division*, and certain Commissioners were thereby appointed to carry the said Act into Execution within each respective District, who were empowered to assess, rate, tax, and charge the several Owners and Occupiers of certain of the said Fen Lands and Low Grounds held in Severalty, or being private Property within the said Second District (except such as in the said Act are excepted), by and with equal and proportionable yearly Rates, Taxes, or Sums of Money, for the Purposes of the said Act; and were authorized to borrow Money upon the Credit and Security of such Rates and Taxes; and in the said Act were contained sundry other Powers and Provisions for effecting the Purposes of the said Act: And whereas the Commissioners of the said Second District, in pursuance of the Powers given to them by the said recited Act, have made several Cuts, Drains, and Outlets, and made several Banks, and done other Works, in, through, and upon the said Lands and Grounds comprized within the said Second District, for the draining and preserving of the same; and have assessed the said Lands and Grounds with the several Rates and Taxes authorized by the said recited Act: And whereas for the Purpose of making and preserving the said Works of Drainage, the said Commissioners have borrowed several Sums of Money upon the Security of the Rates and Taxes chargeable upon the said Lands and Grounds by virtue of the said Act, and have assigned over the said Rates and Taxes for securing the Monies so borrowed, with the Interest thereof, and a considerable Debt now remains due upon the Assignment of the said Rates and Taxes, and otherwise, on Account of the said Lands and Grounds: And whereas the said Lands and Grounds comprized within the Limits of the said Second District, as mentioned in the said recited Act, might be further greatly improved by additional Works of Drainage; but the Rates and Taxes authorized to be raised by the said Act have been found insufficient for Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the present Works; and the Powers given to the said Commissioners are also found to be insufficient for the effectual Drainage and Preservation of the said Lands and Grounds; and the Mode of appointing the said Commissioners is found to be inconvenient; and it is therefore necessary to repeal certain Parts of the said Act, and to make several Alterations and Amendments in other Parts thereof, so far as the same relates to the said Second District: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as appoints Commissioners for the Purpose of carrying the same into Execution

Part of the former Act repealed.

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tion within the Limits of the ſaid Second Diſtrict; and ſo much thereof as relates to the Election of new Commiſſioners within the ſaid Second Diſtrict, and ſo much thereof as relates to the Qualification and Meetings of ſuch Commiſſioners; and ſo much thereof as relates to the Payment of the Expences of the ſaid Commiſſioners upon Account of their Attendance at any of the Meetings; and as relates to the roding, ſcouring, cleanſing, opening, and repairing any of the Dykes and Tunnels in the ſaid Second Diſtrict, and inflicts or relates to any Penalty or Penalties for deſtroying, hindering, obſtructing, or laying open, any Cuts, Drains, or other Works, made under the Authority of the ſaid recited Act, within the ſaid Second Diſtrict; and ſo much thereof as relates to the making up, ſettling, allowing, and paſſing the Accounts of the Receipts and Diſburſements of the Money collected by virtue of the ſaid recited Act, within the ſaid Second Diſtrict; and ſo much thereof as relates to Exemptions from Stamp Duties; and ſo much thereof as relates to the Determination of Differences between the ſaid Commiſſioners of the ſaid Second Diſtrict, or any other Perſon or Perſons reſpecting any Matter done in purſuance of the ſaid Act, or the Powers therein contained, or any Thing in anywiſe relating thereunto, ſhall be, and the ſame is and are hereby repealed.

Appointment and Qualification of Commiſſioners.

II. And be it further enacted, That the Lord or Lords, Lady or Ladies for the Time being, of the ſeveral Manors of and in *Hockwold-with-Wilton*, of the capital Manor and the Manor of *Southall*, and the Manor of *Wendlins*, *Spendlins*, and *Duntons*, in *Feltwell*, and of the Manor of *Sothery* otherwiſe *Southery*, or in their Abſence the reſpective Stewards of the ſaid Manors, and alſo the ſeveral Rectors and Vicars of the ſeveral Pariſhes in the ſaid Second Diſtrict for the Time being, and every Perſon who ſhall, for the Time being, be the Owner of Forty Acres (Statute Meaſure) of Land ſubject to be taxed by virtue of the ſaid recited Act or of this preſent Act, lying within the ſaid Second Diſtrict, ſhall be, and he, ſhe, and they are hereby appointed Commiſſioners to put the ſaid recited Act and this Act into Execution, within the Limits of the ſaid Second Diſtrict.

Power to appoint additional Commiſſioners.

III. And be it further enacted, That every Perſon who for the Time being ſhall be the *bonâ fide* Owner of more than Forty Acres of Land lying within the Bounds and Limits of the ſaid Second Diſtrict, ſubject to be taxed by virtue of the ſaid recited Act or of this Act, may, and every ſuch Perſon is hereby authorized and empowered to appoint, by Writing under his or her Hand, One Commiſſioner for every One hundred Acres of Land ſubject to be taxed as aforeſaid, and lying within the Bounds and Limits aforeſaid, of which he or ſhe ſhall be the Owner, over and above ſuch Forty Acres for which he or ſhe is hereby appointed a Commiſſioner; and that ſuch Perſon or Perſons to be appointed as aforeſaid (being qualified as herein after mentioned) ſhall, during the Pleaſure of the Owner or reſpective Owners, and during the Time that the Perſon or Perſons ſo appointing ſhall be Owner or Owners of ſuch Number of Acres within the ſaid Second Diſtrict as aforeſaid, likewiſe be and he and they is and are hereby appointed a Commiſſioner and Commiſſioners for the Purpoſes aforeſaid, and ſhall have the like Powers and Authorities for putting this Act and the ſaid recited Act into Execution, ſo far as relates to the ſaid Second Diſtrict, as if ſuch Perſon or Perſons ſo appointed

ed were the Owner or Owners of Forty Acres of Land (Statute Meaſure), within the Bounds and Limits aforeſaid: Provided always, that no Perſon ſo appointed ſhall be capable of acting as a Commiſſioner in the Execution of the ſaid recited Act or of this Act at any Meeting whilſt the Perſon by whom he ſhall be ſo appointed, ſhall be preſent, ſave and except the Perſon by whom he ſhall be ſo appointed, ſhall be Owner as aforeſaid of Two hundred and forty Acres of taxable Land; and no Perſon ſo appointed ſhall be capable of acting as a Commiſſioner under the Appointment of any more than One Perſon, at any One Time.

Qualification of additional Commiſſioners.

IV. Provided always, and be it enacted, That no Perſon to be appointed as aforeſaid, ſhall be qualified to act as a Commiſſioner, unleſs he ſhall be the *bonâ fide* Owner of a Real Eſtate of Ten Pounds a Year, or be poſſeſſed of a Perſonal Eſtate of Two hundred Pounds, and that no Perſon holding any Place or Office of Profit under the ſaid Commiſſioners ſhall act as a Commiſſioner during the Time that he ſhall hold any ſuch Place or Office of Profit.

Penalty on acting, not being qualified.

V. And be it further enacted, That if any Perſon not being qualified as herein-before directed, ſhall act as a Commiſſioner in the Execution of any of the Powers in this or in the ſaid recited Act contained, or if any Perſon, not being duly qualified, ſhall appoint, in Manner aforeſaid, any Perſon to act as a Commiſſioner in Execution of any of the Powers in this or the ſaid recited Act contained, and ſuch Perſon ſo appointed ſhall have acted as ſuch Commiſſioner, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Coſts of Suit, by any Perſon who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, Bill, Plaint, or Information; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe a Verdict ſhall be found againſt him, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon has acted as a Commiſſioner in the Execution of the Powers aforeſaid, or has made ſuch Appointment of a Commiſſioner, who has acted in the Execution of the Powers aforeſaid as a Commiſſioner; One Moiety of which Forfeiture ſhall be paid to the Proſecutor, and the other Moiety thereof ſhall be applied for the Purpoſes of this Act.

Meetings of the Commiſſioners.

VI. And be it further enacted, That the Firſt Meeting of the ſaid Commiſſioners ſhall be holden at the *Cock Inn* in *Feltwell* aforeſaid, on the Fourth *Monday* next after the paſſing of this Act, at Eleven of the Clock in the Forenoon; and that the ſaid Commiſſioners, or any Five or more of them, ſhall meet Twice in every Year, at the *Cock Inn* in *Feltwell* aforeſaid, or at ſuch other Place within or near to the ſaid Second Diſtrict as the ſaid Commiſſioners ſhall from Time to Time appoint, on the Second *Monday* in the Month of *April*, and the Second *Monday* in the Month of *October*, in each and every Year, and at ſuch other Time or Times as they, or any Five or more of them, ſhall ſee Cauſe or think convenient, and may from Time to Time adjourn themſelves, and meet again purſuant to ſuch Adjournment, as often as they ſhall think proper; and in caſe Five Commiſſioners ſhall not be preſent at the Place and Time appointed for holding any of the ſaid Meetings, or the ſaid Commiſſioners ſhall at any Meeting omit to adjourn ſuch Meeting, then and in every ſuch

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Caſe it ſhall and may be lawful to and for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting to a Time not exceeding Twenty-one Days from the Time the laſt Meeting was appointed to have been holden or was holden, and to the ſame Place where the ſame was appointed to be or was holden, of which Adjournment publick Notice ſhall be given in the *Bury* weekly Newſpaper (if then publiſhed), or in ſome weekly Newſpaper uſually circulated in the ſaid County of *Norfolk*, Ten Days previous to ſuch Meeting; and no Act of the ſaid Commiſſioners ſhall be good or valid, unleſs it ſhall be done or ordered at ſome Meeting holden under the Authority of this Act (ſave and except as may be herein excepted); and in caſe any Five or more of the ſaid Commiſſioners ſhall deem a Special Meeting of the ſaid Commiſſioners neceſſary or proper, then and in every ſuch Caſe it ſhall and may be lawful to and for any Five or more of the ſaid Commiſſioners, to call a Meeting of the ſaid Commiſſioners, to be holden at ſome Place within the ſaid Second Diſtrict, of which Meeting Notice ſhall be given in the *Bury* weekly Newſpaper (if then publiſhed), or in ſome weekly Newſpaper uſually circulated in the ſaid County of *Norfolk*, Ten Days previous to the Time of ſuch Meeting, and ſuch Notice ſhall be ſigned with the Names of the Commiſſioners requiring ſuch Meeting; and that all Powers or Authorities granted to or veſted in the ſaid Commiſſioners ſhall and may from Time to Time be exerciſed by the major Part of them preſent at any Meeting, the whole Number preſent at ſuch Meeting not being leſs than Five; and the Commiſſioners preſent at every Meeting ſhall and may chooſe a Chairman, who, in caſe of an Equality of Votes on any Queſtion, including the Vote of ſuch Chairman, ſhall have the deciſive or caſting Vote.

Orders not to be revoked but at ſubſequent Meetings.

VII. Provided always, and be it enacted, That no Order or Determination made or come to at any Meeting of the ſaid Commiſſioners ſhall be revoked or annulled but at a ſubſequent Meeting, at which Seven Commiſſioners at leaſt ſhall be preſent and conſent thereto, nor unleſs Ten Days Notice of ſuch Meeting (ſtating the Object of ſuch Meeting), ſhall be affixed on the Doors of the ſeveral Pariſh Churches of *Hockwold with Wilton*, *Feltwell Saint Mary*, *Feltwell Saint Nicholas*, and *Lakenheath*, and be inſerted in the *Bury* weekly Newſpaper, if the ſame ſhall continue to be publiſhed, or in ſome weekly Newſpaper uſually circulated in the ſaid County of *Norfolk*.

Expences of Meetings.

VIII. Provided alſo, That no greater or larger Sum of Money than Two Pounds in the Whole ſhall be paid or allowed for the Expences of the Commiſſioners at any One of the General Meetings to be holden under or by virtue of this preſent Act, nor more than Twenty Shillings for the Expences of the Commiſſioners at any adjourned or Special Meeting.

Entries of Proceedings good Evidence.

IX. 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 of the ſaid Commiſſioners, relative to the Execution of this Act, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings, and the ſame ſhall be ſigned with the Name of the Clerk to the ſaid Commiſſioners; and all ſuch Entries being ſo ſigned, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Courts whatſoever, in all Caſes, Suits, and Actions touching

touching any Thing done in purſuance of the ſaid recited Act and of this Act.

Actions to be in the Name of the Clerk.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued in the Name of their Clerk; and that no Action that may be brought or commenced by or againſt the ſaid Commiſſioners or any of them, by virtue or on account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk without the Conſent of the ſaid Commiſſioners, but the Clerk for the Time being to the ſaid Commiſſioners ſhall always be deemed Plaintiff or Defendant in ſuch Action, as the Caſe may be; except in ſuch Action or Actions as ſhall be proſecuted between the ſaid Commiſſioners and their Clerk for the Time being, in which Action or Actions any One of the ſaid Commiſſioners ſhall or may be made Plaintiff or Defendant, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Commiſſioner in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to or chargeable with, by reaſon of his being ſo made Plaintiff or Defendant therein.

For appointing Officers.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and may, at their Firſt or at any ſubſequent Meeting, appoint a Clerk or Clerks, Treaſurer, Surveyor, and ſuch other Officer or Officers, for the Execution of the ſaid recited Act and of this Act, as the ſaid Commiſſioners ſhall think proper, and from Time to Time to remove them or any of them, and appoint others, as they ſhall find neceſſary or convenient; and by and out of the Monies to be raiſed by this Act, may and are hereby empowered to appoint and pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of the ſaid recited Act and of this Act, as they

Security to be given.

ſhall think reaſonable; and the ſaid Commiſſioners ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid as the ſaid Commiſſioners ſhall think pro-

Officers to account.

per; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct, deliver to ſuch Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively, received by virtue and for the Purpoſes of the ſaid recited Act and of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers or Perſons ſo accounting as aforeſaid, ſhall upon Oath verify their ſaid Accounts (which Oath any One of the ſaid Commiſſioners is hereby enabled to adminiſter); and if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or ſhall refuſe to produce or deliver up the Receipts or Vouchers relating to the ſame, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within

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Ten Days after being thereunto required by ſuch Commiſſioners, all Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of the ſaid recited Act and of this Act, or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or as they ſhall direct or appoint, then and in any of the Caſes aforeſaid, ſuch Commiſſioners may, and they are hereby authorized and empowered, to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid; or if Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtices may, and they are hereby authorized and required by Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons ſo refuſing or neglecting, to be brought before them, and upon his or their appearing, or not being found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtices are hereby empowered to adminiſter), it ſhall appear to ſuch Juſtices that any of the Money that ſhall have been collected or raiſed by virtue of the ſaid recited Act or of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame; or if it ſhall appear to ſuch Juſtices, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby empowered to adminiſter), that any ſuch Officer or Perſon ſhall not have made and rendered, or ſhall refuſe to verify upon Oath, any ſuch Account, or ſhall refuſe to produce or deliver up the Receipts or Vouchers relating to the ſame, or ſhall not have delivered to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as ſhall have been appointed by them to receive the ſame, within Ten Days after being thereunto required by ſuch Commiſſioners, all Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of the ſaid recited Act or of this Act, then and in any or either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction for the County of *Norfolk*, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners are hereby empowered to make), and until he ſhall deliver up ſuch Books, Papers, Vouchers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

Perſons employed under the former Act to account.

XII. Provided always, and be it enacted, That all and every Perſon and Perſons who ſhall have been employed by the Commiſſioners of the ſaid

ſaid Second Diſtrict, acting by virtue of the ſaid recited Act, and who ſhall have in their Cuſtody or Poſſeſſion any Money, Books, Accounts, Papers, Writings, or other Things received by virtue of the ſaid recited Act, and relating to the ſaid Second Diſtrict, ſhall account for the ſame, and every Part thereof, and ſhall deliver up the ſame, to the Commiſſioners hereby appointed, in like Manner, and ſhall be ſubject and liable to the like Penalties, as the ſeveral Clerks, Treaſurers, Surveyors, and other Officers appointed by virtue of this Act, are ſubject and liable to, for refuſing or neglecting to pay any Money received by them by virtue of this Act, to the ſaid Commiſſioners, or for refuſing or neglecting to deliver up any Books, Papers, Writings, or Accounts relating to the Execution of this Act to the ſaid Commiſſioners.

Commiſſioners Power to make Works, &c.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to make, raiſe, cut, build, and ſet up, or cauſe to be made, raiſed, cut, built, and ſet up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits of the ſaid Second Diſtrict, all ſuch Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works as they ſhall think neceſſary for the better draining and preſerving of the ſaid Lands and Grounds within the ſaid Second Diſtrict; and the ſaid new Works to be made under and by virtue of this Act, and thoſe already made within the ſaid Second Diſtrict under and by virtue of the ſaid recited Act, ſhall be veſted in and be the Property of the ſaid Commiſſioners; and that the ſaid Commiſſioners ſhall have full Power and Authority over all and ſingular the Works ſo to be made; and alſo over all and ſingular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works already made or ſet up, or maintained and kept in Repair within the Limits of the ſaid Second Diſtrict, under the Authority of the ſaid recited Act; and alſo from Time to Time to cleanſe, widen, deepen, alter, repair, remove, ſupport, rebuild, and enlarge the ſame reſpectively, as they may think proper, for the better draining of the ſaid Lands and Grounds; and that it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time, to divide off, take, and uſe ſuch Lands and Hereditaments as the ſaid Commiſſioners ſhall judge neceſſary to be cut, dug, taken, or uſed for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works for the Execution of this Act, or which they the ſaid Commiſſioners ſhall deem proper and requiſite to be left and reſerved for the Preſervation of the North Bank of the River called *Brandon River*, between the ſame Bank and the Ditches or Drains made or to be made next the ſame; and alſo from Time to Time and at all Times to dig, cut, take, and carry away, any Earth, Flag, or other Materials from the adjoining Lands within the ſaid Second Diſtrict, or from the Lands, Waſtes, Roads, and Ways adjoining or near to the ſaid Second Diſtrict, therewith to heighten, widen, ſtrengthen, make, maintain, and ſupport the Banks and Works comprized in the ſaid Second Diſtrict, of ſuch Width, Strength, and Dimenſions, as they the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them, ſhall think proper, they doing as little Damage as may be, and making Satisfaction and Compenſation for the ſame in Manner herein mentioned.

XIV. And

Power to make a Drain acroſs *Feltwell* Common.

XIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time to make, erect, and cut ſuch Banks and Drains in, through, over, or upon the Commons or Waſte Lands of *Feltwell Saint Mary* and *Feltwell Saint Nicholas*, or either of them, called *North Fen*, as they ſhall think proper for anſwering the Purpoſes of this Act, and without paying any Thing therefore: Provided nevertheleſs, that the Common Lands upon, over, or through which the ſaid Banks or Drains, ſhall be made or cut, ſhall not be ſubject or liable to any of the Rates or Taxes by this Act authorized to be impoſed.

Banks of Diſtricts to be joined.

XV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners to erect and make or cauſe to be made or erected a Bank or Mound on the Weſterly Side of a Drain called *Sam's Cut*, from *The Hard Lands of Feltwell*, to and to connect the ſame with the Bank belonging to the Diſtrict called *The New Fen Diſtrict*.

The Commiſſioners hereby appointed, and the Perſons acting in New Diſtrict empowered to make Contracts.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to contract and agree with the ſeveral Perſons appointed to carry into Execution an Act, made in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for draining and preſerving certain Fen Lands lying in the South Level, Part of the Great Level of the Fens commonly called* Bedford Level, *between* Brandon River *and* Sam's Cut Drain; *and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the ſaid Great Level to ſell certain Lands within the ſaid Limits, commonly called* Inveſted Lands; which Contract or Agreement the ſaid ſeveral Perſons are hereby enabled to make and enter into at any Time or Times after the paſſing of this Act, for the Maintenance and Support of the ſaid Bank or Mound to be made or erected on the Weſterly Side of the aforeſaid Drain called *Sam's Cut*, from *The Hard Lands of Feltwell*, to and to connect the ſame with the Bank belonging to the Diſtrict called *The New Fen Diſtrict*, (the ſaid *New Fen Diſtrict*, being under the Direction of the ſaid ſeveral Perſons appointed by the ſaid Act of the Thirtieth Year of the Reign of His ſaid late Majeſty), or for the Maintenance and Support of any Part or Parts thereof; and alſo for the Maintenance and Support of the Bank belonging as aforeſaid to the ſaid *New Fen Diſtrict*, or for the Maintenance and Support of any Part or Parts thereof, in ſuch Manner and upon ſuch Terms as they reſpectively ſhall think proper; and every ſuch Contract or Agreement, when ſo made and entered into by the ſaid Commiſſioners and the ſaid ſeveral Perſons, ſhall be and is hereby declared to be binding and concluſive upon the ſaid Commiſſioners, and the ſaid ſeveral Perſons and their Succeſſors reſpectively; and the ſaid Commiſſioners and the ſaid ſeveral Perſons reſpectively are hereby authorized to pay and apply any Money coming to their reſpective Hands by virtue of this Act and of the ſaid Act made in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, reſpectively, for the Purpoſe of carrying into Effect any ſuch Contract or Agreement.

Commiſſioners may purchaſe Lands.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to agree with the Proprietors of and Perſons

ſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall judge neceſſary to be cut, dug, taken, or uſed for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, or which they the ſaid Commiſſioners ſhall deem proper, and require to be left and reſerved for the Preſervation of the Bank of the ſaid River called *Brandon River*, between the ſaid Bank and the Ditches or Drains to be made next the ſame, for the Purchaſe of ſuch Lands, Tenements, and Hereditaments, or for the Recompence to be made to ſuch Proprietors, and Perſons intereſted, for the Damages they may ſuſtain; 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 ſaid Premiſes, where there ſhall be more ſuch Perſons than One.

Incapacitated Perſons empowered to treat.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, whether Aggregate or Sole, and for the Huſbands, Guardians, Truſtees, Committees, or Attornies, of ſuch of the Owners or Proprietors of or Perſons intereſted in any ſuch Lands or Hereditaments as ſhall be Femes Covert, Infants, Lunaticks, Idiots, Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, to contract for, ſell, and convey to the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they ſhall appoint in Truſt for them, any Lands, Tenements, or Hereditaments for the Purpoſes of this Act; and alſo to agree with the ſaid Commiſſioners for any Recompence to be made for Damages which may be done to any ſuch Lands, Tenements, or Hereditaments, by the Execution of any of the Powers of this Act; and all ſuch Contracts, Sales, and Agreements ſhall be good, valid, and effectual in Law, to all Intents and Purpoſes whatſoever; and it ſhall and may be lawful to and for the ſaid Commiſſioners to adjuſt what Proportions of the Sums ſo agreed to be paid ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in any of the ſaid Lands, Tenements, or Hereditaments ſo purchaſed or ſo damaged as aforeſaid; and all Bodies Politick, Corporate, and Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in purſuance of this Act.

Commiſſioners may adjuſt Proportion of Damages, &c.

Upon Refuſal to treat,

XIX. And be it further enacted, That if any ſuch Body Politick, Corporate, or Collegiate, Huſband, Guardian, Committee, Truſtee, or Attorney as aforeſaid, or any other Perſon or Perſons intereſted in ſuch Lands, Tenements, or Hereditaments, ſhall for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Huſband, Guardian, Committee, Truſtee, or Attorney reſpectively, or to ſuch other Perſon or Perſons, or left at his, her, or their reſpective laſt or uſual Place or Places of Abode, or with the Tenant in Poſſeſſion of the Premiſes, neglect or refuſe to treat, or to accept ſuch Satisfaction as ſhall be offered by the ſaid Commiſſioners, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating with them, then and in every ſuch Caſe the ſaid Commiſſioners are hereby empowered from Time to Time to apply to Two or more Juſtices of the Peace, (not being intereſted in the Premiſes), for the County in which ſuch Lands, Tenements, or Hereditaments may lie or be ſituate; and the ſaid Juſtices are hereby authorized and required to iſſue out their Warrant or Warrants under their Hands and Seals to the Sheriff

Sheriff of the ſaid County for the Time being, or if ſuch Sheriff ſhall be immediately intereſted in the Matter in Queſtion, then to One of the Coroners of the ſaid County, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner is hereby required to impannel, ſummon, and return Twenty-four Men, qualified according to the Laws of the Realm to ſerve on Juries in the Trial of Iſſues at Law, to appear before the ſaid Juſtices, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be directed and appointed; and the ſaid Juſtices are hereby empowered, out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch as ſhall appear before them upon ſuch Summons, to ſwear Twelve Perſons, who ſhall be a Jury to enquire touching the Matters in Queſtion; and in caſe a ſufficient Number of Jurymen ſhall not appear at ſuch Time and Place as aforeſaid, the ſaid Sheriff or Coroner ſhall return other qualified and indifferent Men that may ſpeedily be procured, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, as they come to be ſworn as aforeſaid; and the ſaid Juſtices are hereby alſo empowered by Warrant or Warrants under their Hands and Seals, from Time to Time as Occaſion ſhall require, to ſummon and call before them all ſuch Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matters in Queſtion, as well upon the Application of the Parties intereſted as otherwiſe, and alſo to examine ſuch Witneſſes upon Oath, (which Oath the ſaid Juſtices are hereby empowered to adminiſter), touching the Matters in Controverſy; and the ſaid Juſtices may authorize and order the ſaid Jury, or any Six or more of them, to view the Place or Places and Matter in Queſtion; and the ſaid Jury ſo ſworn as aforeſaid ſhall enquire of, aſſeſs, or aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments; and alſo the Recompence to be made for the Damages ſo ſuſtained or to be ſuſtained as aforeſaid, and ſhall ſettle and aſcertain in what Proportions the Sum or Sums ſo aſſeſſed ſhall be paid to the ſeveral Perſons reſpectively intereſted in the ſame; and the ſaid Juſtices of the Peace ſhall give Judgement for ſuch Purchaſe Monies or Recompence ſo aſſeſſed by ſuch Jury as aforeſaid; which ſaid Verdict, and the Judgement thereupon pronounced by the ſaid Juſtices of the Peace, ſhall be binding and concluſive upon all Parties intereſted, and being put into Writing under the Hands and Seals of the ſaid Juſtices of the Peace, ſhall be delivered to the Clerk of the Peace for the County in which ſuch Lands may lie, to be kept amongſt the Records of the Seſſions of the Peace for the ſaid County, and the ſame, or a true Copy thereof, ſhall be admitted as Evidence in all Courts of Juſtice whatſoever; and all Perſons may have Recourſe thereto, or take Copies thereof or Extracts therefrom, on paying the Fees uſually paid in Caſes of the like Nature: Provided always, that all Parties concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned in purſuance of this Act, in ſuch or the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter*, is or ſhall be by Law entitled thereto.

Sheriff or Coroner to ſummon a Jury.

If a ſufficient Number of Jurors do not appear, Sheriff or Coroner to return Tales.

Juſtices to ſummon Witneſſes.

And order the Jury to view.

Jury to aſſeſs Damages.

Verdict and Judgement to be concluſive.

XX. Provided always, and be it enacted, That if ſuch Sheriff or Coroner, or his Deputy or Agent ſhall make Default in the Premiſes, or if any Perſon ſo ſummoned and returned as aforeſaid on ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn, or being ſworn ſhall refuſe to

Penalty on not returning a Jury, and on Jurors or Witneſſes not attending.

to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn or examined or to give Evidence, every Perſon ſo offending reſpectively, having no reaſonable Excuſe, to be allowed by the ſaid Juſtices of the Peace, ſhall for every ſuch Offence forfeit and pay ſuch Sum as the ſaid Juſtices of the Peace ſhall appoint, not exceeding Ten Pounds upon any One Perſon for any One Offence.

Coſts to be paid.

XXI. And be it further enacted, That in all Caſes where any Verdict ſhall be given for a greater Sum for the Sale of any Lands, Tenements, or Hereditaments, or as a Compenſation for Damages done or to be done, than ſhall have been offered by or on Behalf of the ſaid Commiſſioners before the ſummoning of ſuch Jury, then all the Expences of ſuch Jury, and of the Witneſſes attending upon the ſame, and of taking ſuch Inqueſt, (ſuch Expences to be ſettled by the ſaid Juſtices), ſhall be paid by the ſaid Commiſſioners out of the Monies to be raiſed by virtue of this Act; but if any Verdict ſhall be given for no more or for a leſs Sum than ſhall have been previouſly offered in the Caſes aforeſaid by or on the Behalf of the ſaid Commiſſioners, then and in every ſuch Caſe the Expence attending ſuch Verdict and Judgement, to be ſettled as aforeſaid, ſhall be paid by the Owners of or Perſons intereſted in the Lands, Tenements, or Hereditaments upon or in reſpect of which ſuch Application ſhall have been made; which ſaid Expences, in caſe the ſame be not paid on Demand, after being ſettled as aforeſaid, may be recovered by the ſaid Commiſſioners in and by ſuch Ways and Means as are herein-after provided for Recovery of the Rates and Taxes to be raiſed and levied by virtue of this Act.

Satisfaction being made or tendered, Commiſſioners may proceed on the Works.

XXII. And be it further enacted, That after Payment or legal Tender of ſuch Sum or Sums of Money ſo agreed or contracted for, for the Purchaſe of any Lands, Tenements, or Hereditaments, or aſſeſſed for Damages as aforeſaid to the Party or Parties intereſted, or if he, ſhe, or they cannot be found, or ſhall refuſe to accept ſuch Money, then upon Payment thereof into the Bank of *England*, in caſe the ſame ſhall be equal to or exceed the Sum of One hundred Pounds, or upon leaving the ſame, in caſe the ſame ſhould be leſs than the Sum of One hundred Pounds, in the Hands of the Treaſurer to the ſaid Commiſſioners, for the Uſe of, and to be paid upon Demand without Fee or Reward to ſuch Party or Parties reſpectively, it ſhall and may be lawful to and for the ſaid Commiſſioners, and all Perſons authorized by them, to enter upon the Lands, Tenements, or Hereditaments in reſpect whereof ſuch Monies were ſo agreed for, or by Verdict aſſeſſed as aforeſaid, and to make Uſe of ſuch Lands, Tenements, and Hereditaments, for the Purpoſes of this Act; and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate whatſoever, ſhall from thenceforth be to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, and Property whatſoever to or in the ſame.

For paying off Mortgages on Lands taken by the Commiſſioners.

XXIII. Provided always, and be it enacted, That if any Lands, Tenements, or Hereditaments, taken or made Uſe of by the ſaid Commiſſioners, ſhall be in Mortgage to any Perſon or Perſons whomſoever, then and in ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby required

required to pay or cauſe to be paid to the Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, upon Application in Writing made to the ſaid Commiſſioners, or to their Clerk, ſigned by ſuch Mortgagee or Mortgagees, or his, her, or their Executors or Adminiſtrators, ſuch Sum or Sums of Money as ſhall have been ſo agreed for, aſcertained, or determined as aforeſaid, for the Uſe or Purchaſe of ſuch Lands, Tenements, or Hereditaments; and ſuch Sum or Sums of Money when ſo paid, ſhall be and be deemed to be in Diſcharge of Part of the Principal Money due on ſuch Mortgage or Mortgages, and Acknowledgement of the Receipt thereof ſhall be made by Indorſement on the Mortgage Deed or Deeds ſigned by ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators reſpectively, in the Preſence of One or more credible Witneſs or Witneſſes; and ſuch Indorſement ſhall be and be deemed to be a full and ſufficient Diſcharge to the ſaid Commiſſioners from the Mortgagor or Mortgagors, his, her, or their Executors or Adminiſtrators; and alſo a full and ſufficient Diſcharge to the Mortgagor or Mortgagors, his, her, or their Executors or Adminiſtrators, from the Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators, for ſo much Money as ſhall be expreſſed in ſuch Indorſement.

Application of Compenſation where equal to 200 *l.*

XXIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement; or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall be equal 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 High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioners; to the Intent that ſuch Money ſhall be applied, under the Directions 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 or Redemption of the Land Tax, or in the Diſcharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made,

the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court of Chancery to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation Money is leſs than 200*l.* and more than 20*l.*

XXV. Provided alſo, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall be equal to or exceed 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 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 in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing therefrom, may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery: Provided alſo, that where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall direct; or in caſe of Infancy or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Application where the Money is leſs than 20*l.*

Surveyors to be appointed to value Lands.

XXVI. And be it further enacted, That the ſaid Commiſſioners of the ſaid Second Diſtrict ſhall have full Power and Authority, and they are hereby required, at their Firſt or at any other Meeting after the paſſing of this Act, to nominate and appoint Three competent and ſkilful Perſons, not being either Owners or Occupiers of any Lands or Grounds within the ſaid Second Diſtrict, to view the Lands and Grounds therein, and to aſcertain the Benefit derived or to be derived by ſuch Lands and Grounds from the ſaid Drainage, for the Purpoſe of fixing an Acre Tax

on

on such Lands and Grounds, in Proportion to the Benefit derived or to be derived by such Lands and Grounds respectively from such Drainage; and the said Three Persons shall immediately proceed in the said View and Valuation, and the same shall with all convenient Dispatch be laid before the said Commissioners, and verified upon the several Oaths of the Persons so making the same, or of any Two of them, which Oath any One of the said Commissioners is hereby authorized and empowered to administer, in the Words following:

'I *A. B.* do swear, That this Valuation is faithfully, impartially, and honestly made, according to the best of my Skill and Judgement, and without Favour or Affection to any Person whomsoever.

'So help me GOD.'

And such Valuation of the said Three Persons, or any Two of them, shall be binding to all Persons whomsoever.

Appointment of new Valuers in case of Death.

XXVII. And be it further enacted, That if any of the said Three Persons to be nominated and appointed as aforesaid, or their Successors to be appointed as herein-after mentioned, shall refuse or neglect to make, or become incapable of making the Valuation aforesaid, or shall die before the said Valuation shall have been laid before the said Commissioners and verified as aforesaid, then and in such Case it shall and may be lawful to and for such remaining or surviving Person or Persons, and he and they is and are hereby required by Writing under his or their Hand or Hands from Time to Time, within Twenty-one Days after such Refusal, Incapacity, or Death shall be known, to nominate and appoint another Person, not being either an Owner or Occupier of any Lands or Grounds within the said Second District, to value in the Room of every such Person refusing or becoming incapable to act, or deceased; and that every Person so to be appointed shall have the like Power and Authority to act in the Execution of this Act, as the Person in whose Place he or they shall succeed is hereby invested with.

Survey to be made.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order (if they think it expedient or proper), a Survey to be made of the Quantity of Acres, Roods, and Perches contained in the Lands and Grounds liable to be taxed by this Act, by such Person or Persons as they shall think proper; and such Survey, when so made, shall be delivered to the said Commissioners at some One of their Meetings, and shall be verified upon the Oath of the Person or Persons making the same (which Oath any One of the said Commissioners is hereby authorized to administer); and such Survey, so to be given in as aforesaid, shall be a sufficient Authority to the said Commissioners to make and collect the said Rates and Taxes by, and shall be binding on the several Persons charged with the Payment thereof, for their several Lands charged with such Payment; and such Survey being signed by the Person or Persons making the same, and also by the said Commissioners, shall be allowed as Evidence in all His Majesty's Courts of Law or Judicature whatever.

Power to enter Lands.

XXIX. And be it further enacted, That it shall and may be lawful to and for the several Persons appointed by the said Commissioners to survey the said Lands and Grounds, their Assistants and Servants, and every other

other Perſon employed by the ſaid Commiſſioners, from Time to Time and at all Times, to enter into, view, examine, ſurvey, admeaſure, plan, and value the ſaid Lands and Grounds, and to affix Stakes or Land Marks thereon, and to do all other Acts, Matters, and Things which ſhall in their Judgement be requiſite for carrying this Act into Execution.

Taxes to be laid.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for the ſaid Scond Diſtrict, to rate, tax, charge, and aſſeſs, all and ſingular the Fen Lands and Low Grounds within the ſaid Second Diſtrict, and all and every the reſpective Owner and Owners, Occupier and Occupiers of ſuch Lands and Grounds (except ſuch Lands and Grounds, as by the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, are exempted from the Payment of Taxes for Drainage), with ſuch an annual graduated Acre Tax, in Proportion to the Benefit (ſuch Benefit to be aſcertained as aforeſaid by the Perſons ſo to be nominated for that Purpoſe, or any Two of them), derived or to be derived from the ſaid Drainage by ſuch Lands and Grounds reſpectively; ſo that ſuch annual graduated Acre Tax ſhall produce by the aggregate Amount thereof a Sum of Money equal to the Sum which would be produced if each and every Acre of ſuch taxable Lands and Grounds had been charged with the annual Sum of Two Shillings and Sixpence, ſuch Acre Tax to be in Addition to and over and above the Sum of Money to be yearly produced by the Tax of One Shilling *per* Acre, with which the Lands and Grounds in the ſaid Second Diſtrict are now chargeable by the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty; which ſaid ſeveral Taxes ſhall be paid to ſuch Collector or Collectors, Receiver or Receivers, or other Perſon or Perſons, and at ſuch Time or Times, Place or Places, and in ſuch Manner and Form, as the ſaid Commiſſioners ſhall from Time to Time direct; and that the ſaid proportionable additional Acre Tax ſhall continue to be charged and paid each and every Year, ſo long as it ſhall be neceſſary, in order to carry into Effect the Purpoſes of this Act; which ſaid ſeveral Taxes ſhall be raiſed, levied, and recovered in Manner herein directed.

Poor Lands not to be taxed with Drainage Taxes.

XXXI. Provided always, and be it enacted, That nothing in the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or in this Act contained, ſhall extend or be conſtrued to extend ſo as to enable the ſaid Commiſſioners to raiſe or levy any Rate or Tax for or on Account of any Lands or Grounds veſted in the Churchwardens and Overſeers of the Poor, or in any other Perſon or Perſons for the Uſe and Benefit of the Poor of the ſeveral Pariſhes within the ſaid Second Diſtrict, or any of them.

Power to reduce the Taxes.

XXXII. Provided nevertheleſs, and be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at any of their Half-yearly Meetings to be holden under the Authority of this Act, or at any Adjournments thereof, to reduce the Rates and Taxes herein authorized to be raiſed, levied, and collected, in ſuch Way as they ſhall think proper; ſo that every ſuch Reduction be made proportionably, and with due Regard to the Valuation to be made as aforeſaid; and ſo that no ſuch Reduction be made without the Conſent of Two Thirds

Thirds in Value of the ſeveral Creditors of the ſaid Rates and Taxes thereto.

For borrowing Money by Mortgage of Taxes not exceeding 7000*l.* in the Whole.

XXXIII. And whereas the ſaid Rates and Taxes ſo to be charged, raiſed, levied, and collected as aforeſaid, will not be ſufficient to defray the immediate Expences of making the ſeveral Works neceſſary for the ſpeedy Improvement of the ſaid Lands and Grounds; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at the Firſt Meeting to be holden after the paſſing of this Act, or at any Adjournment thereof, or at any General Half-yearly Meeting of the ſaid Commiſſioners (at which reſpective Meetings Five Commiſſioners at leaſt ſhall be preſent) from Time to Time to borrow any Sum or Sums of Money, not exceeding in the Whole (together with the Debts already incurred in executing the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, in the ſaid Second Diſtrict), the Sum of Seven thouſand Pounds, as they ſhall think neceſſary for the ſeveral Purpoſes of this Act, and by Writing under their Hands and Seals to mortgage or aſſign the Rates, Taxes, and Sums of Money to be charged by the Authority of this Act, or charged or to be charged by the Authority of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, within the ſaid Second Diſtrict, as a Security for the Re-payment of ſuch Sum and Sums of Money, with lawful Intereſt for the ſame, to ſuch Perſon or Perſons who ſhall advance and lend the ſame, and to his, her, or their Executors, Adminiſtrators, and Aſſigns; ſuch Intereſt to be paid and payable by equal Half-yearly Payments; and all and every ſuch Perſon or Perſons to whom any ſuch Mortgage and Aſſignment thereof ſhall be made, and all and every Perſon and Perſons to whom any Mortgage or Aſſignment of the Rates and Taxes charged by the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty, in the ſaid Second Diſtrict, hath or have been made, ſhall be, in Proportion to the Sum or Sums therein reſpectively mentioned, Creditor and Creditors on the ſaid Rates and Taxes in equal Degree One with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Sum of Money, either in reſpect of the Re-payment of ſuch Money, or in the Payment of the Intereſt thereof.

XXXIV. And be it further enacted, That all ſuch Mortgages or Aſſignments ſhall be in the Words or to the Effect following:

'BY Virtue of an Act of Parliament, made in the Forty-ſecond Year of the Reign of King *George* the Third, intituled [*ſet forth the Title of the Act*] We, whoſe Names are hereunto ſubſcribed and Seals affixed, being Commiſſioners acting in Execution of the ſaid Act, in Conſideration of the Sum of to us in Hand paid by *A. B.* do hereby grant, bargain, ſell, and demiſe, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates and Taxes ariſing by virtue of the ſaid Act, and of an Act made in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens commonly called* Bedford Level, *between certain old Rivers or Drains called* Stoke River *and* Brandon River, *and a certain Level or Diſtrict called*

'Feltwell New Diſtrict, *and the* Hardlands of Woodhall-in-Helgay, *and* 'Helgay, *in the Counties of* Norfolk *and* Suffolk, within the ſaid Second 'Diſtrict, as the ſaid Sum of 'doth or ſhall bear to the whole Sum advanced or to be advanced on the 'Credit of the ſaid Acts; to be had and holden from this 'Day of in the Year of our Lord 'until the ſaid Sum of 'with Intereſt after the Rate of '*per Centum per Annum*, ſhall be repaid and ſatisfied. Given under our 'Hands and Seals this Day of 'in the Year of our Lord ,

Copies of the Mortgages to be entered.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected by all Perſons whomſoever, for which Inſpection and Peruſal the Sum of Two Shillings and Sixpence ſhall be paid, and no more; and all Mortgages or Aſſignments, which ſhall be made in the Manner and Form or to the Effect aforeſaid, ſhall be good, valid, and effectual, to all Intents and Purpoſes; and all Perſons to whom any ſuch Mortgages or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Transfer of Mortgages.

'I *A. B.* being entitled to the Sum of 'ſecured to Executors, Adminiſtrators, 'and Aſſigns, by virtue of a Mortgage or Aſſignment bearing Date the 'Day of under the Hands and Seals 'of of the of the Diſtrict, 'acting in Execution of a certain Act of Parliament, made in the Forty-'ſecond Year of the Reign of King *George* the Third, intituled, [*ſet 'forth the Title of the Act*] do hereby transfer all my Right and Title in 'and to the ſame, and all the Principal and Intereſt Money now due and 'owing thereon, unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. 'Dated this Day of in the Year of our 'Lord ,

Notice of Transfers to be given to the Clerk in Three Calendar Months.

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Commiſſioners, within Three Calendar Months next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments, and for which Entry the ſaid Clerk ſhall be paid Two Shillings and Sixpence, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof.

XXXV. And

Application of Taxes and Monies borrowed.

XXXV. And be it further enacted, That the ſaid Rates and Taxes to be aſſeſſed and charged, and the Monies to be borrowed as aforeſaid, and all other Monies which ſhall come to the Hands of the ſaid Commiſſioners by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, ſhall be applied and diſpoſed of by the ſaid Commiſſioners in the Firſt Place in the Payment of ſuch Sum or Sums of Money as ſhall be advanced and paid for diſcharging the Coſts and Expences in obtaining and paſſing this Act, with legal Intereſt for the ſame, until the ſame ſhall be paid off and diſcharged, ſuch Intereſt to be computed from the Day of paſſing of this Act; and that the Reſidue of the ſaid Money ſhall be applied in making, effecting, altering, and maintaining the ſeveral Works and Things to be done under the Authority of this Act; and laſtly in Payment of the Debts due or to be due and payable out of the Taxes chargeable by the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or this Act, and of the Intereſt due and to grow due thereon reſpectively.

Taxes veſted in Creditors.

XXXVI. And be it further enacted and declared, That the Rates, Taxes, and Sums of Money by virtue of the recited Act or of this Act aſſeſſed or to be aſſeſſed upon and paid by the Owners and Occupiers of the ſaid Lands and Grounds within the ſaid Second Diſtrict, ſhall be charged and chargeable with and for Payment of all and every Sum and Sums of Money ſo borrowed or to be borrowed as aforeſaid, and the Intereſt thereof from Time to Time, and ſhall veſt in the reſpective Creditors, upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors reſpectively, and their reſpective Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers, Rights, and Privileges of raiſing and recovering the ſaid Rates, Taxes, and Sums of Money for the ſatisfying and diſcharging to them ſuch Principal Money and Intereſt, if Default ſhall be made in Payment thereof, as the ſaid Commiſſioners or their Collector or Collectors have or would have had in caſe the ſaid Principal Money and Intereſt had been regularly paid and ſatisfied.

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

XXXVII. And whereas great Trouble and Inconvenience has ariſen to the Collectors or Receivers of the Taxes from the Mode of recovering the ſame, preſcribed by the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and large Sums are now due and in Arrear on Account of the Taxes directed to be levied and raiſed in the ſaid Second Diſtrict by virtue of the ſaid Act; for Remedy whereof, be it further enacted, That in caſe the preſent Tax chargeable by the ſaid recited Act, made in the Thirteenth Year of the Reign of His preſent Majeſty, or the additional Tax or Taxes charged by this preſent Act, or any of them, ſhall not be paid to the Receiver or Receivers, Collector or Collectors thereof for the Time being, at ſuch Time or Times in each and every Year, or at ſuch Place or Places as the ſaid Commiſſioners ſhall from Time to Time direct and appoint for that Purpoſe (publick Notice of ſuch Time or Times, and Place or Places of Payment being firſt affixed upon the Church Doors of the ſeveral Pariſhes wherein ſuch Lands and Grounds ſo rated and taxed ſhall lie or be ſituate, for Two *Sundays* immediately preceding the ſaid Time of Payment), within Twenty-one

Days

Days after the Time ſo preſcribed for Payment thereof reſpectively, every Perſon ſo neglecting ſhall forfeit and pay the Sum of Two Shillings and Sixpence for every Twenty Shillings due for ſuch Taxes and not paid as aforeſaid, and ſo in Proportion for every greater or leſs Sum than Twenty Shillings, to be raiſed, levied, and recovered in the ſame Manner as the Taxes charged by this Act are herein directed to be raiſed, levied, and recovered.

For Recovery of the Arrears of former Taxes.

XXXVIII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall at the Time of paſſing this Act be in Arrear for any Tax or Taxes impoſed and made payable by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, in reſpect of any Land or Ground, Lands or Grounds comprized within the ſaid Second Diſtrict, and ſhall refuſe or neglect to pay ſuch Arrear or Arrears to the Receiver or Receivers, Collector or Collectors thereof, at ſuch Place or Places as the ſaid Commiſſioners ſhall direct, within the Space of Three Calendar Months next after the paſſing of this Act (publick Notice of ſuch Time and Place or Places of Payment being firſt affixed on the Church Doors of the ſeveral Pariſhes wherein ſuch Lands or Grounds in reſpect whereof the ſaid Tax ſhall be in Arrear ſhall lie or be ſituate, for Two *Sundays* immediately preceding the ſaid Time of Payment), every ſuch Perſon ſo in Arrear ſhall forfeit and pay the Sum of Two Shillings and Sixpence for every Twenty Shillings of ſuch Tax or Taxes ſo in Arrear and not paid as aforeſaid, and ſo in Proportion for every greater or leſs Sum than Twenty Shillings; and ſuch Tax or Taxes in Arrear, and ſuch Penalty or Forfeiture, ſhall be levied and recovered in the ſame Manner as the Taxes by this Act are herein directed to be levied and recovered.

First Payment of Tax on the taxable Lands within the Diſtrict.

XXXIX. Provided alſo, and be it enacted, That the Firſt Payment of the Rate or Tax by this preſent Act impoſed and made payable, ſhall be paid on ſuch Day as the ſaid Commiſſioners ſhall appoint, and ſhall be apportioned in Proportion to the Time which ſhall have elapſed between the paſſing of this Act and the Day appointed for the Payment thereof.

Tenants to pay Taxes.

XL. And be it further enacted, That all Tenants and Occupiers of all and ſingular the Lands and Grounds within the ſaid Second Diſtrict ſhall pay and they are hereby authorized and required to pay ſuch Sums of Money as ſhall be charged on the Lands in their reſpective Occupations by the ſaid Commiſſioners, to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners for the Purpoſe of receiving the ſame; and it ſhall and may be lawful to and for every ſuch Tenant and Occupier to deduct and retain the ſame out of his, her, or their Rent or Rents, and the ſeveral Owners of ſuch Lands and Grounds are hereby required to allow ſuch Deduction; and every ſuch Tenant paying ſuch Rate or Aſſeſſment, ſhall be diſcharged of ſo much Money as the ſame ſhall amount to, as fully as if the ſame had been paid to his or her Landlord; but nothing herein ſhall extend, or be conſtrued to extend ſo as to enable any Tenant or Occupier to deduct from his or her Rent any Penalty or Forfeiture incurred by him or her by virtue of this Act.

XLI. Pro-

No beneficial Leſſee to be allowed to deduct Taxes.

XLI. Provided nevertheleſs, and be it enacted, That no Leſſee or Tenant of any Lands or Grounds charged with the Rates or Taxes impoſed by the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and this Act, or either of them, who ſhall hold the ſame by virtue of or under any Leaſe from any Biſhop, or Collegiate Church or College, or any Eccleſiaſtical Corporation, Sole or Aggregate, or by virtue of or under any other Leaſe or Agreement, of which other Leaſe or Agreement there ſhall at the Time of the paſſing of this Act be more than Three Years to come and unexpired, ſhall be entitled to deduct the ſaid Rates or Taxes, or any of them, out of the Rent reſerved or payable by any ſuch Leaſe or Agreement, but that the ſaid Rates and Taxes ſhall be charged upon and paid by the Leſſees or Tenants ſo holding ſuch Lands or Grounds as aforeſaid; and that all and every Leſſee and Leſſees, Tenant or Tenants, of any Lands or Grounds authorized to deduct the ſaid Rates or Taxes from his, her, or their Rent or Rents, ſhall pay ſuch an Advance of Rent as the ſaid Commiſſioners, or any Five or more of them (not being intereſted in the Premiſes as the Landlord or Landlords of ſuch Tenant or Tenants, nor acting as Commiſſioners under or by the Appointment of ſuch Landlord or Landlords), at any of their General Meetings ſhall from Time to Time order, as a Conſideration for the Benefit which ſuch Tenant or Tenants ſhall or may receive by virtue of this Act.

For Recovery of Taxes.

XLII. And be it further enacted, That in caſe any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act ſhall make Default in Payment of the Whole or any Part of the Sum or Sums of Money aſſeſſed, rated, taxed, or charged upon him, her, or them, for or in reſpect of ſuch Lands or Grounds, or any Part thereof, by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and of this Act, or either of them, and ſhall continue in ſuch Default by the Space of Thirty Days next after the Time appointed by the ſaid Commiſſioners as aforeſaid for ſuch Payment, it ſhall and may be lawful to and for the Collector or Collectors, or other Perſon or Perſons authorized by the ſaid Commiſſioners to collect ſuch Taxes reſpectively, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the ſaid Commiſſioners (which Warrant or Precept ſuch Two or more of the ſaid Commiſſioners are hereby empowered and required to make and give, as there ſhall be Occaſion, though not aſſembled at any Meeting in purſuance of this Act), to enter into and upon all or any Part of the Lands and Grounds ſo rated, taxed, or charged as aforeſaid, and into and upon all or any Meſſuages or Tenements thereupon ſtanding, and there, or in any Part or Parts of the Lands, Grounds, Meſſuages, or Tenements, upon which ſuch Entry ſhall be made, to diſtrain all or any ſuch Goods, Chattels, or Cattle, as ſhall be there found; and it ſhall and may be lawful for ſuch Collector or Collectors, or other Perſon or Perſons authorized as aforeſaid, to impound the Goods, Chattels, or Cattle ſo diſtrained, or any Part of the Meſſuages or Lands whereon the ſame ſhall be found, or otherwiſe to take, lead, drive, or carry away and keep the ſame for the Space of Five Days, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs or Diſtreſſes at the Meſſuage or Tenement, Meſſuages or Tenements, or in ſome conſpicuous Part of the Lands or Grounds upon which ſuch Diſtreſs ſhall be taken, or otherwiſe at the

uſual Place or Places of Abode of the Owner or Owners of ſuch Goods, Chattels, or Cattle; and if the Owner or Owners of ſuch Goods, Chattels, or Cattle ſo diſtrained, ſhall not pay the Sum or Sums of Money ſo rated, taxed, charged, and diſtrained for as aforeſaid, and of the Penalty incurred by the Non-payment of the ſaid Sum or Sums of Money, within the Time herein limited for that Purpoſe, together with the Coſts and Charges of ſuch Warrant and taking ſuch Diſtreſs, and of keeping and maintaining the ſame, or replevy the Goods, Chattels, or Cattle ſo diſtrained, according to the Law now in force for Non-payment of Rent, within the ſaid Five Days, that then the ſaid Goods, Chattels, or Cattle ſo diſtrained ſhall be appraiſed by Two or more indifferent Perſons, to be ſworn by the Conſtable or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made (who is hereby authorized and required to adminiſter an Oath for that Purpoſe), to appraiſe the ſame according to the beſt of their Judgements; and that after ſuch Appraiſement as aforeſaid, the ſaid Goods, Chattels, or Cattle, ſhall be ſold by the ſaid Collector or Collectors, or other Perſon or Perſons as aforeſaid, for Payment of the ſaid Sum or Sums of Money ſo rated, taxed, charged, and diſtrained for, and of the Penalty incurred by the Non-payment of the ſaid Sum or Sums of Money within the Time herein limited for that Purpoſe, and of the ſaid Coſts and Charges, and alſo of the Coſts and Charges of appraiſing and ſelling ſuch Diſtreſs; and that the Overplus ariſing from ſuch Sale (if any) after Payment of the ſaid Sum or Sums of Money, ſhall be returned, on Demand, to the Owner or Owners of ſuch Goods, Chattels, or Cattle.

Taxes to be levied on the Goods of Perſons driving their Cattle off their Lands.

XLIII. And whereas ſome Proprietors and Occupiers of Lands within the ſaid Second Diſtrict have fraudulently driven off their Stock, and removed their Property out of the ſaid Second Diſtrict, or to Lands not chargeable with the Tax charged by virtue of the ſaid Act made in the Thirteenth Year of the Reign of His preſent Majeſty, in order to evade the Payment of the Taxes in Arrear upon ſuch Lands; be it therefore enacted, That from and after the paſſing of this Act, in all Caſes where no ſufficient Diſtreſs can be found upon ſuch Lands and Grounds within the ſaid Second Diſtrict, whereon to levy the Tax or Taxes due and owing, or to become due and owing, by virtue of the ſaid Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and this Act, or either of them, or the Penalty incurred for the Non-payment thereof within the Time herein limited, then and in every ſuch Caſe, it ſhall and may be lawful for the Collector or Collectors, Receiver or Receivers of any ſuch Rate or Tax, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Two or more of the ſaid Commiſſioners (which ſaid Warrant or Precept ſuch Commiſſioners, or any Two or more of them, though not aſſembled at any Meeting in purſuance of this Act, are hereby empowered and required from Time to Time to make, as Occaſion ſhall require), to levy all and every the Tax or Taxes, and Penalty, which ſhall be then in Arrear, by Diſtreſs and Sale of any Goods and Chattels of any Perſon or Perſons ſo occupying any Lands chargeable with any ſuch Tax or Taxes, whenſoever or whereſoever ſuch Goods or Chattels ſhall be found, together with all the Coſts and Charges of levying the ſame; and in caſe no ſufficient Diſtreſs can be found upon any Goods or Chattels of any ſuch Perſon or Perſons ſo occupying any of the ſaid Lands chargeable with ſuch Tax or Taxes whereon to levy ſuch

such Tax or Taxes and Penalty, then and so often it shall be lawful for the said respective Collectors, Receivers, or other Persons, by virtue of such Warrant or Precept as aforesaid, to levy all and every the said Tax or Taxes, and Penalty, or such Part or Parts thereof, which shall be then in Arrear, by Distress and Sale of any Goods or Chattels of the Owner or Owners of any such Lands or Grounds, whensoever and wheresoever such Goods or Chattels shall be found, together with all the Costs and Charges of levying the same.

Owners of Lands, on giving Notice to quit, *etc.* exempted from Payment of Taxes, &c.

XLIV. And be it further enacted, That if any Owner or Proprietor of any of the said Fen Lands and Low Grounds, lying within the Second District aforesaid, shall, by Writing under his or her Hand, give Notice to the said Commissioners, or their Treasurer or Clerk for the Time being, of his or her Intention to relinquish and give up any of the said Fen Lands and Low Grounds into the Hands of the said Commissioners, in order to be exonerated from the Taxes and Penalties payable in respect thereof, then and in every such Case every such Person shall, from the Delivery of such Notice, be wholly exempt from the Payment of all Taxes and Penalties in respect of the said Fen Lands and Low Grounds specified in the said Notice; and then and from thenceforth all Proceedings taken by the said Commissioners, or any of their Collectors, Receivers, or Agents, against any Person or Persons whomsoever, or against his, her, or their Stock, Cattle, or Effects, for Recovery of the said Taxes and Penalties so in Arrear in respect of the said Fen Lands and Low Grounds so specified in the said Notice, shall be null and void; and it shall and may be lawful to and for the said Commissioners, immediately after the Delivery of such Notice as aforesaid, to let by publick Auction all and every the said Fen Lands and Low Grounds so specified in the said Notice for any Term or Number of Years, not exceeding Twenty-one Years, to any Person or Persons whomsoever, at the Discretion of them the said Commissioners; and the Monies arising from such letting shall be applied by the said Commissioners in Discharge of the several Taxes and Penalties that shall be in Arrear in respect of such Fen Lands and Low Grounds, and of the several Taxes to grow due in respect of such Fen Lands and Low Grounds during such Twenty-one Years, and the Overplus (if any), after paying and discharging such Taxes and Penalties, and the Charges and Expences of letting such Fen Lands and Low Grounds, shall be deposited with the Clerk to the said Commissioners, and shall be delivered upon Demand to the Person or Persons who for the Time being shall be entitled to the Rents and Profits of the Fen Lands and Low Grounds so let by the said Commissioners; and, in case any such Fen Lands and Grounds shall remain uncultivated or unoccupied for the Space of Three Years, so that sufficient Distress cannot be had upon the same, or upon other the Goods and Chattels of the Owners or Proprietors thereof, sufficient for the Payment and Discharge of such Taxes and Penalties as aforesaid, then and in every such Case it shall and may be lawful to and for the said Commissioners to let the same Lands and Grounds, and to apply the Monies arising from such letting in such and the same Manner as is hereinbefore directed, if such Owner or Proprietor had given Notice to the said Commissioners of his or her Intention to relinquish or give up the same.

Penalty on neglecting to rode and scour out Ditches, *etc.*

XLV. And be it further enacted, That from and after the passing of this Act, if the Owner or Owners, Occupier or Occupiers, of any of the said

ſaid Fen Lands or Low Grounds lying within the ſaid Second Diſtrict, and to which any Droveway, Dike, Outring Dike, Diviſion Dike, or other Dike or Dikes whatſoever, doth or ſhall belong, ſhall neglect or refuſe ſufficiently to rode, ſcour, cleanſe, open, or repair the ſame, or to make ſuch Dike of the Width of Nine Feet at the leaſt, and of the Depth of Four Feet at the leaſt, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their laſt or uſual Place or Places of Abode, from Time to Time for that Purpoſe, by the Collector, Receiver, or any other Officer or Officers for the Time being appointed by virtue of this Act, every ſuch Owner or Occupier ſhall, for every ſuch Neglect or Refuſal, forfeit and pay any Sum not exceeding One Shilling for every Rod ſo neglected to be roded, ſcoured, cleanſed, opened, repaired, deepened, or widened as aforeſaid; and it ſhall and may be lawful from Time to Time to and for ſuch Collector, Receiver, or other Officer or Perſon, to cauſe ſuch Dike or Dikes, at the Expence and Charge of ſuch Owner or Owners, Occupier or Occupiers, to be roded, ſcoured, cleanſed, opened, repaired, deepened, and widened in a ſufficient Manner, and made of the proper Depth and Width aforeſaid; and alſo wherever a Road or Way ſhall have been made over or acroſs any Dike, without a ſufficient Tunnel lying therein, to cauſe ſuch Roads or Ways to be taken up, and ſuch Dikes to be made of a proper Width and Depth, with a ſufficient Tunnel therein, at the Diſcretion of ſuch Collector, Receiver, or other Officer or Perſon, at the Expence and Charge of ſuch Owner or Owners, Occupier or Occupiers; and by Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners, though not aſſembled at any Meeting, to levy ſuch Penalty, and alſo ſuch Charges and Expences, upon ſuch Owner or Owners, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods, Chattels, and Stock, wherever the ſame ſhall be found; and all ſuch Penalties ſhall be applied for the Purpoſes of this Act; and if any Perſon or Perſons, after ſuch Dike or Dikes, Tunnel or Tunnels, ſhall have been ſo roded, ſcoured, cleanſed, opened, repaired, widened, and deepened by the ſaid Collector, Receiver, or other Officer or Perſon as aforeſaid, ſhall again fill, ſtop up, or in any Manner obſtruct any ſuch Dike or Dikes, Tunnel or Tunnels, or cauſe, procure, permit, or ſuffer the ſame to be in any Manner filled, ſtopped up, or obſtructed, for the Space of Three Days, every ſuch Perſon or Perſons ſo offending, and being thereof convicted before any Juſtice of the Peace of the County in which ſuch Dike or Dikes, Tunnel or Tunnels, ſhall reſpectively be ſituate or lie, upon the Oath of any One Witneſs, or by the Confeſſion of the Party or Parties, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Penalty on deſtroying Works.

XLVI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly burn, cut, throw down, break down, or otherwiſe deſtroy any Bank, Mill Hill, Mill, Engine, Flood Gate, Tunnel, or Sluice already erected, ſupported, maintained, or uſed, or which ſhall at any Time or Times hereafter be making, erecting, or be made or erected, ſupported, maintained, or uſed, by virtue of this Act, and the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or either of them, within the Limits of the ſaid Second Diſtrict, for draining or preſerving the Fen Lands and Low Grounds within the ſame, or for other the Purpoſes of the ſaid recited Act made in the Thir-

teenth

teenth Year of the Reign of His preſent Majeſty, and of this Act, or either of them, every Perſon ſo offending, and being thereof convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the Court by or before whom ſuch Perſon ſhall be tried and convicted, ſhall hereby 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, if they think fit, award ſuch Sentence as the Law directs in Caſes of Petty Larceny.

Penalties on ſuffering Swine to ſtray upon the Banks, *etc.*

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter permit or ſuffer any of his, her, or their Hogs or Swine to ſtray upon any of the Banks made or to be made, or kept in Repair, under the Authority of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, within the ſaid Second Diſtrict, or ſhall fodder, or cauſe or permit to be foddered, any of his, her, or their Cattle, on any of the ſaid Banks, or ſhall drive or cauſe to be driven any Cattle (except Cattle immediately driven to or from Paſture or Market), Cart, or Carriage thereon, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

or ſetting Stacks of Hay or Reed thereon.

Penalty for ſetting Nets in Drains, *etc.*

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall ſet, fix, or place, or cauſe to be ſet, fixed, or placed, any Stack or Stacks of Hay or Reed on any Mound or Bank erected, maintained, or repaired, by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, without having obtained Leave in Writing for that Purpoſe from the ſaid Commiſſioners, aſſembled at ſome of the Meetings to be holden by virtue of this Act; or ſhall ſet down any Nets or Engines for the catching of Fiſh in any of the Drains, or wilfully or maliciouſly throw any Earth or other Obſtructions in any of the Drains made or to be made, erected, maintained, or repaired, by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act; or if any Perſon or Perſons whatſoever ſhall dig, throw out, or continue any Pond or Watering Place, or Place of Acceſs for Cattle to drink, in any of the ſaid Lands or Grounds within the ſaid Second Diſtrict, intended to be drained by virtue of the ſaid recited Act, made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, within Sixty Feet of any publick Drain already made, or at any Time hereafter to be made and uſed for the draining and improving of the ſaid Lands and Grounds as aforeſaid; or ſhall at any Time hereafter cut or dig, or cauſe to be cut or dug, any Turves, Hods, or Seſſes, within the Diſtance of Sixty Feet of any of the Banks made and thrown up, or to be made and thrown up by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, within the ſaid Second Diſtrict, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue of the ſaid Acts or either of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Perſons damaging the Works.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times maliciouſly ſpoil or damage any River, Drain, Watercourſe, Engine, Sluice, Tunnel, Door, Dam, Heading, Bridge,

or other Work or Works, cut, ſet, or made up, or which ſhall at any Time or Times hereafter be making, cutting, or ſetting up, or to be made, cut, or ſet up, for anſwering the Purpoſes of draining and preſerving the Fen Lands and Low Grounds within the Limits of the ſaid Second Diſtrict, or ſhall cut through any Lane, to the Intent or Purpoſe that the Waters of One Field within the Limits of the ſaid Lands and Grounds ſo to be drained and preſerved as aforeſaid, ſhall and may run into any other Field within the ſaid Limits, then or in any of the ſaid Caſes all and every ſuch Perſon and Perſons ſo offending ſhall for every ſuch Offence forfeit and pay any Sum of Money not exceeding Fifty Pounds nor leſs than Forty Shillings.

No Trees to be planted, or Building erected within 500 Yards of any Engines, nor any Ditches to be cut within 40 Feet of the Foot of the Banks.

L. And be it further enacted, That no Tree, Hedge, or Holt, ſhall at any Time or Times hereafter be planted, nor any Building, Stack, or Rick be placed, erected, or built (except by the Order or Permiſſion of the ſaid Commiſſioners), nearer to any Mill or Engine made or to be made, erected, or employed for the Purpoſes of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and this Act, or either of them, than Five hundred Yards; nor ſhall any Ditch or Drain be made, cut, or continued within Forty Feet of the Foot of any of the Banks within the Limits of the ſaid Second Diſtrict; and if any Tree, Hedge, or Holt ſhall be planted, or any Building, Stack, or Rick ſhall be hereafter made, erected, or built within the Diſtance of Five hundred Yards of any ſuch Mill or Engine, or if any Ditch or Drain ſhall be made, cut, or continued within the Diſtance of Forty Feet of any ſuch Bank, and if the Owner or Owners of any ſuch Tree, Hedge, or Holt, Building, Stack, or Rick, ſhall neglect to take down and remove, or cauſe to be taken down or removed, any ſuch Tree, Hedge, Holt, Building, Stack, or Rick, or to fill up, or cauſe to be filled up, ſuch Ditch or Drain for the Space of Fourteen Days after Notice in Writing ſhall have been given to him, her, or them for that Purpoſe, or left at his, her, or their laſt or uſual Place or Places of Abode, ſigned by any Three of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners to cauſe ſuch Trees, Hedges, Holts, Buildings, Stacks, and Ricks, to be pulled down and removed, ſuch Ditch or Drain to be filled up, and the Coſts and Expences thereby incurred ſhall be reimburſed to the ſaid Commiſſioners by the Perſon or Perſons who committed the Offence, and may be recovered by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hands and Seals of any Three of the ſaid Commiſſioners.

To mow Thiſtles, *etc.*

LI. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all the Thiſtles and Weeds which ſhall ariſe or grow upon or in any Bank, Drove, or Waſte, within the Limits of this Act, to be mowed, cut down, and deſtroyed, as often as they ſhall deem neceſſary, and that they ſhall and may make ſuch Allowances and Payments for that Purpoſe out of the Monies to ariſe by virtue of this Act, as they ſhall think proper.

Moles may be deſtroyed.

LII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners to deſtroy, or cauſe to be deſtroyed, all ſuch Moles and other Vermin as ſhall be found

in or about the Banks, Lands, and Grounds, the Damage whereof is intended to be preſerved or made under the Authority of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, and of this Act, or either of them, or in and about the Lands and Banks adjoining or lying near thereto; and for that Purpoſe to employ ſuch Perſon or Perſons, at ſuch Wages and Salary as they ſhall think proper; and that they and ſuch Perſon or Perſons as they ſhall ſo employ, ſhall and lawfully may enter into or upon the ſaid Lands and Banks, or any of them, for that Purpoſe.

Commiſſioners to make Orders for opening and ſhutting down Tunnels, *etc.*

LIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, to appoint One or more Officer or Officers for the Purpoſe of opening and ſhutting down the Tunnels and Sluices already ſet down or to be ſet down and made Uſe of, for the Purpoſe of admitting Water from the River called *The Brandon River*, through the Bank againſt the ſame, for the Benefit of Cattle, or otherwiſe in the Execution of this Act and the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or either of them, in the ſaid Second Diſtrict; and it ſhall and may be lawful to and for the ſaid Commiſſioners to make ſuch Order or Orders touching the opening or ſhutting down of the ſaid Tunnels and Sluices as they ſhall think proper; and if the ſaid Officer or Officers, or the Perſon or Perſons acting by or under his or their Authority, ſhall open or ſhut down any of the ſaid Tunnels and Sluices, or any of them, contrary to ſuch Order or Orders of the ſaid Commiſſioners, or if any other Perſon or Perſons whomſoever ſhall open or ſhut down the ſaid Tunnels and Sluices, or any of them, every ſuch Officer and other Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Penalty on opening or ſhutting down Tunnels or Sluices contrary to Orders.

To limit the digging of Turf.

LIV. And whereas the Proprietors and Occupiers of Fen Lands frequently dig or cauſe the ſame to be dug for Turf, whereby the ſaid Lands are rendered of little or no Value, and often remain unoccupied for many Years afterwards, ſo that no Taxes can be levied thereupon, to the manifeſt Damage of the other Proprietors, and alſo of Creditors who have lent their Money upon the Credit of thoſe Taxes; wherefore for preventing ſuch Injury, and for the better ſecuring of the Creditors of the ſaid Second Diſtrict, be it enacted, That if any Perſon or Perſons whomſoever ſhall dig or cut, or cauſe to be dug or cut, any Turf within the ſaid Second Diſtrict, except for the Purpoſes of Fuel to be conſumed in the Dwelling Houſes of the Occupiers of the Lands and Grounds where ſuch Turf ſhall be dug or cut, ſave and except he, ſhe, or they ſhall have firſt given Security for the due and regular Payment of the Taxes charged on the Lands ſo intended to be dug or cut for Twenty Years after ſuch digging or cutting, ſuch Security to be approved of by any Three or more of the ſaid Commiſſioners, or ſhall have paid into the Hands of the Treaſurer of the ſaid Second Diſtrict for the Time being a Sum of Money equal to the Amount of Twenty Years Taxes thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners to raiſe, levy, and collect the Amount of Twenty Years Taxes in reſpect of the Whole of the Land or Ground of which any Part ſhall be ſo dug or cut as aforeſaid, from the Owner or Occupier of ſuch Land or Ground ſo dug or cut, or of the Perſon or Perſons ſo digging or cutting the ſame, in ſuch Manner as the ſeveral

ral Rates and Taxes are herein directed to be raiſed, levied, and collected.

Commiſſioners to let the Feed of the Banks by Auction.

LV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, at any of their Half-yearly Meetings, or at any Adjournment thereof, from Time to Time, to let by Auction or otherwiſe, in ſuch Lot or Lots, and at ſuch Rent or Rents, Fine or Fines, and upon ſuch Terms and under ſuch Rules and Regulations as they may think proper, the Feed or Paſture of the ſeveral Banks, Common Drove Ways, and Waſte Places within their Juriſdiction; and alſo ſuch Lands adjoining thereto as may be purchaſed by the ſaid Commiſſioners, or any Part thereof, for any Term not exceeding Three Years at any One Time; and the Perſon or Perſons hiring the ſame ſhall have the excluſive Benefit of ſuch Feed and Paſturage; and the Rents and Profits ariſing therefrom ſhall be paid and applied in the ſame Manner as the Taxes to be raiſed by virtue of this Act are herein directed to be applied.

Owners accountable for Damages done by the Boatmen.

LVI. And be it further enacted, That the Maſter and Owner of every Boat, Barge, Lighter, or other Veſſel, navigating within the Limits of the ſaid Second Diſtrict ſhall, and he, ſhe, and they is and are hereby made anſwerable for any Treſpaſs, Damage, Spoil, or Miſchief, that ſhall be done by ſuch Boat, Barge, Lighter, or other Veſſel, or by any of the Boatmen, Bargemen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, to any of the Buildings, Bridges, Banks, Weirs, Locks, Baſons, Dams, Mills, or other Works, erected, maintained, or repaired, or erecting or to be erected, maintained, or repaired, by virtue of the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty, or of this Act, either by the loading or unloading of any Boat, Barge, Lighter, or other Veſſel, or by any other Means whatſoever; and the Maſter or Owner of every ſuch Boat, Barge, Lighter, or other Veſſel, ſhall for every ſuch Treſpaſs, Damage, Spoil, or Miſchief, upon Conviction of any ſuch Boatman, Bargeman, Waterman, and other Perſon or Perſons, before any Juſtice of the Peace for the Counties of *Norfolk* or *Suffolk*, as the Caſe may be, on the Oath of any credible Witneſs or Witneſſes (which Oath ſuch Juſtice is hereby authorized and required to adminiſter), or on the Confeſſion of the Party or Parties offending, forfeit and pay to the Party or Parties injured, ſuch Damages, Satisfaction, and Compenſation, as ſhall be aſcertained, fixed, and determined by ſuch Juſtice (provided that no ſuch Damages, Satisfaction, or Compenſation, ſhall exceed the Sum of Ten Pounds); and ſhall alſo, over and above, forfeit and pay to the Informer or Informers any Sum not exceeding Forty Shillings, to be ſettled and determined by ſuch Juſtice; but in caſe ſuch Damages ſhall exceed the Sum of Ten Pounds, the ſaid Maſter or Owner of ſuch Boat, Barge, Lighter, or other Veſſel, may be ſued and proſecuted for ſuch Damages, Satisfaction, and Compenſation, in any of His Majeſty's Courts of Record; and if a Verdict or Judgement ſhall be given againſt him or her, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Maſters to recover from Boatmen.

LVII. Provided always, and be it enacted, That ſuch Boatmen, Bargemen, Watermen, and other Perſon or Perſons, and each and every of them, ſhall be liable to repay ſuch Damages, Satisfaction, and Compenſation and Penalty, ſo aſcertained, fixed, and determined by ſuch Juſtice, with

with the Coſts of levying and recovering thereof, to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter or Maſters, Owner or Owners, of the Payment made by him, her, or them, of ſuch Damages, Satisfaction, Compenſation, or Penalty, and that the ſame and the Coſts thereof have or hath not been repaid to him, her, or them, by ſuch Servants, Boatmen, Bargemen, or Watermen, or any of them, although demanded (ſuch Oath to be made before any One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred), the Amount thereof ſhall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Fines and Forfeitures.

LVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act (the levying and recovering whereof is or are not particularly herein-before directed), ſhall, in caſe of Non-payment thereof, on Conviction of the Offenders reſpectively on his, her, or their Confeſſion, or on the Evidence of any One or more credible Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace for the County or Place wherein the Offence ſhall be committed, or the Offender ſhall be or reſide, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices; and every ſuch Juſtice is hereby authorized and required to examine Witneſſes on Oath, and hear and determine the ſame; and all ſuch Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed), ſhall be paid into the Hands of the Clerk or Treaſurer to the ſaid Commiſſioners, and ſhall be applied and diſpoſed of for the Purpoſes of this Act; and the Overplus of the Money raiſed by ſuch Diſtreſs and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner of the Goods and Chattels ſo diſtrained; and for Want of ſufficient Diſtreſs, and in caſe the Fine, Penalty, or Forfeiture, ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, to commit every ſuch Offender to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Perſons aggrieved by Irregularity in Diſtreſs to recover only the Special Damages.

LIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

LX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and

and may cauſe the Conviction to be drawn up according to the following Form ; (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of
'in the Year of our Lord
'is convicted before of His Majeſty's Juſtices
'of the Peace for the County of [*ſpecifying the Offence,*
'*and the Time and Place when and where committed, as the Caſe may be*]
'contrary to an Act of Parliament paſſed in the Forty-ſecond Year of the
'Reign of King *George* the Third, intituled [*here ſet forth the Title of*
'*the Act*]. Given under my Hand and Seal [*or*, our Hands and Seals]
'the Day and Year firſt above mentioned.'

Perſons aggrieved may appeal to the Quarter Seſſions.

LXI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, then and in ſuch Caſe he, ſhe, or they may, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at the General Quarter Seſſions to be holden in and for the County in which the Cauſe of Appeal ſhall ariſe (firſt giving to the Perſon or Perſons appealed againſt, or to the Clerk to the ſaid Commiſſioners, in caſe the Appeal ſhall be made againſt any Act or Determination of the ſaid Commiſſioners, Ten Days Notice in Writing of ſuch Appeal, and of the Nature thereof, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon); and the ſaid Juſtices ſhall, upon due Proof of ſuch Notice and Recognizance having been given and entered into, either hear and determine the ſaid Appeal at ſuch General Quarter Seſſions, or if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be holden for ſuch County; but no Proceedings to be had and taken in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form, *etc.*

Limitation of Actions.

LXII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, Bodies Politick or Corporate, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed; or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards; and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and if any ſuch Action or Suit ſhall be brought before Thirty Days Notice ſhall have been given, or after a ſufficient Satisfaction made or tendered, or after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall

paſs

paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law. Double Coſts.

LXIII. And be it further enacted, That in all Caſes any Juſtice of the Peace may act as ſuch in the Execution of the Powers herein-before contained, notwithſtanding his being a Commiſſioner, except in Caſes wherein he ſhall be perſonally intereſted. Commiſſioners may act as Juſtices, if not intereſted.

LXIV. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Thirty Days before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgement, ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiffs not to recover after Tender of Amends.

LXV. Provided always, and it is hereby further enacted, That nothing in this Act contained, ſhall extend or be conſtrued to extend to invalidate, leſſen, diminiſh, alter, or take away any of the Rights, Powers, and Authorities veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or in the ſaid Governor, Bailiffs, and Conſervators by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatſoever; but that all Rights, Powers, and Authorities whatſoever which by virtue of the ſaid Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatſoever, now are veſted in the ſaid Governor, Bailiffs, and Conſervators, or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply to all Intents and Purpoſes as if this Act had not been made. Preſerving Rights of the Corporation of *Bedford Level*.

LXVI. And be it further enacted, That all the Powers, Proviſions, Clauſes, Penalties, Exemptions, Matters, and Things contained in or preſcribed or appointed by the ſaid recited Act of the Thirteenth Year of the Reign of His preſent Majeſty, not hereby taken away, altered, or repealed, ſhall be of full Force and Effect with relation to the ſeveral Matters and Things by this Act preſcribed or directed, and ſhall be applied and Extending the Proviſions of the former Act to this Act.

and put in Execution, and have the like Force and Effect for obtaining and enforcing the Purpoſes of this Act, and be executed with this Act, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein ſeverally and reſpectively repeated, and had ſeverally and reſpectively been hereby re-enacted.

Publick Act. LXVII. And be it further enacted, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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