ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 145.

An Act for embanking *The Hundred Feet Waſhes*, in the Great Level of the Fens called *Bedford Level*.

[9th *June* 1812.]

WHEREAS certain Fen Lands and Low Grounds, Part of the Great Level of the Fens called *Bedford Level*, and commonly called *The Waſhes*, or *The Hundred Feet Waſhes*, lying and being in the ſeveral Pariſhes, Hamlets, Townſhips and Places of *Bluntiſham cum Earith*, in the County of *Huntingdon*, *Sutton*, *Mepal*, *Witcham*, *Witchford*, *Wentworth*, *Coveney*, *Manea*, *Downham*, *Ely Trinity*, *Ely Saint Mary*, *Littleport*, and *Welches Dam*, in the *Iſle of Ely*, *Welney*, in the ſaid *Iſle of Ely* and in the County of *Norfolk*, and *Upwell* and *Hilgay*, in the ſaid County of *Norfolk*, and bounded as follows; that is to ſay, beginning at a Bank called *The Old Bedford Bank*, and from thence over the Old *Bedford* River, below the *Nine Holes Sluice* to *Earith Drove*, and from thence by the ſaid Drove and including the ſame, to the End of a ſmall Drove leading to the Bulwarks in *Earith* aforeſaid, and from thence along the ſaid laſt-mentioned Drove, (and including the ſame), to the South Weſt Corner of the Waſh belonging to *John Brown*, and from thence along the South Side of the ſaid Waſh to the upper Side of *Bluntiſham* School Ground, and acroſs the upper Side of the ſaid School Ground to the *Hundred Feet* or New *Bedford* River, and from thence by the Weſt Side of the ſaid *Hundred Feet* or New *Bedford* River to the End of *Welmore Lake*, and from thence along the lower End of the ſaid Lake to the Thirty Feet Bank, and from thence along the Eaſt Sides of the Thirty Feet Drain and of the Old *Bedford* River to the *Nine Holes Sluice* aforeſaid,

are, by reaſon of their preſent unprotected State, frequently inundated by the Tides and ſmall Freſhes, to the great Loſs and Impoveriſhment of the Owners and Proprietors thereof, and to the Loſs of the Public: And
29 G. 2. whereas an Act was paſſed in the Twenty-ninth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for imbanking and preſerving certain Fen Lands and Low Grounds called* The Waſhes, *lying and being in the ſeveral Pariſhes of* Sutton, Mepal, Witcham, Ely, Witchford, Wentworth, Coveney, *and* Downham, *in the* Iſle of Ely *and County of* Cambridge, *and of* Bluntiſham *with* Earith, *in the County of* Huntingdon; by which certain Commiſſioners are appointed, who are thereby empowered to make and maintain Banks and other Works for the Drainage and Preſervation of the Fen Lands and Low Grounds therein bounded and deſcribed, and to tax the Owners and Occupiers of the ſaid laſt-mentioned Fen Lands and Low Grounds (except ſuch Parts thereof as in the ſaid Act are excepted) with equal and proportionate Taxes, not exceeding One Shilling and Sixpence an Acre and One Shilling an Acre reſpectively, as is therein mentioned for the Purpoſes of the ſaid Act; and the ſaid Commiſſioners are thereby alſo empowered to borrow Money on the Credit of the ſaid Taxes, for the Purpoſes of the ſaid Act: And whereas the Commiſſioners appointed by virtue of the ſaid Act have embanked the ſaid laſt mentioned Fen Lands and Low Grounds, and have made ſeveral Cuts, Drains and Outlets, and done other Works in, through and upon the ſame, for the Drainage and Preſervation thereof, and have aſſeſſed the ſaid laſt-mentioned Fen Lands and Low Grounds with the Rates and Taxes authorized by the ſaid Act: And whereas, for the Purpoſe of making and preſerving the ſaid Works of Drainage, the ſaid Commiſſioners have at Times borrowed ſeveral Sums of Money upon the Security of the Rate and Tax not exceeding One Shilling an Acre, charged upon the ſaid laſt mentioned Fen Lands and Low Grounds, and have aſſigned over the ſaid Rate and Tax for ſecuring the Payment of the Monies ſo borrowed, with the Intereſt thereof, and the Sum of Six hundred Pounds, or thereabouts, now remains due to *William Nix*, upon an Aſſignment of the ſaid laſt-mentioned Rate and Tax: And whereas it would tend greatly to the Improvement of the ſaid Fen Lands and Low Grounds, if the ſame were embanked and protected from the ſaid Tides and ſmall Freſhes; but the Money neceſſary for ſuch Purpoſes cannot be raiſed without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and immediately after the paſſing of this Act the Lord Biſhop of *Ely* for the Time being, the Lords or Ladies for the Time being of the ſeveral and reſpective Manors within the Limits deſcribed by this Act (in reſpect of their ſaid ſeveral and reſpective Manors), or in their Abſence, the ſeveral and reſpective Stewards or Agents of the ſaid Lord Biſhop and of the ſaid Lords or Ladies of Manors reſpectively, to be ſeverally appointed by Writing under the Hands of the ſaid Lord Biſhop and of ſuch Lords or Ladies of Manors reſpectively; an Agent appointed by the Dean and Chapter of *Ely* under their Common Seal; and every Perſon who for the Time being ſhall be *bonâ fide* ſeiſed or poſſeſſed in his own Right, or in Right of his Wife, of Thirty Acres of Land ſubject to be taxed by virtue of this Act, and lying without the Limits of the ſaid recited Act; and alſo the Com-

Appointment and Qualification of Commiſſioners.

missioners appointed or to be appointed by virtue of the said recited Act, shall be Commissioners for putting this Act in Execution during the Continuance of the said recited Act; and that from and immediately after the Period when the said recited Act shall cease, as hereafter mentioned, every Person who for the Time being shall be *bonâ fide* seised or possessed as aforesaid of Fifteen Acres of Land lying within the Limits described by the said recited Act, together with the Commissioners appointed by virtue of this Act, shall be Commissioners for putting this Act in Execution.

Owners of 100 Acres to appoint a Deputy to act in their Absence.

II. And be it further enacted, That every Person who shall be *bonâ fide* seised or possessed as aforesaid of One hundred Acres of Land lying within the Limits described by this Act, and liable to be taxed by virtue of this Act, may and is hereby authorized to appoint, by Writing under his or her Hand, an Agent to be a Commissioner for executing this Act; and that every Person so appointed shall, during the Pleasure of the Owner appointing, and the Time that such Owner shall be so seised or possessed as aforesaid, likewise be and he is hereby appointed a Commissioner for the Purposes aforesaid, but to act only in the Absence of the Owner by whom such Agent shall be so appointed.

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

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

No Person holding a Place of Profit, &c.

IV. And be it further enacted, That no Person holding any Place of Profit under the said Commissioners, shall act or be qualified to act as a Commissioner, or to appoint a Deputy, under this Act.

Penalty on acting or appointing a Deputy without being qualified.

V. Provided always, and be it further enacted, That if any Person not being qualified as herein-before is prescribed, shall act as a Commissioner in the Execution of this Act, or if any Person not being qualified as herein-before is prescribed in that respect, shall appoint any Deputy to act as a Commissioner in the Execution of this Act, every Person offending in either of the Cases aforesaid shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas for the said *Isle of Ely*, by Bill, Plaint, Suit or Information, wherein no Essoign, Protection, Privilege or Wager of Law, nor more than One Imparlance shall be allowed; and in any such Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against such Defendant, unless he shall prove in his Defence that he was at the Time of his so acting or appointing a Deputy, properly qualified to act, or to appoint a Deputy according to the true Intent and Meaning of this Act: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to authorize the Commissioners appointed under

or

Commissioners under 29 G. 2. not to interfere with Works done by the Commissioners appointed by this Act.

or by virtue of the said recited Act, when acting in the Execution of the said recited Act, to impede, obstruct or intermeddle with the Commissioners, appointed or to be appointed under or by virtue of this Act, in the Execution of this Act, or in the making or doing of any Work or Works hereby directed or authorized to be done; but that such last-mentioned Commissioners shall have full Power and Authority to make and do all such Works within the Limits of the said recited Act, as fully and effectually to all Intents and Purposes, as if the said recited Act had never been made; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Commissioners to defray their own Expences at Meetings.

VI. And be it further enacted, That at all Meetings whatsoever, holden under the Authority of this Act, the Commissioners attending such Meetings shall bear and pay their own Expences.

Meetings of Commissioners.

VII. And be it further enacted, That the First Meeting of the said Commissioners shall be holden at the Public House or Inn called *The Three Fishes*, in *Mepal* aforesaid, on *Wednesday* next after the passing of this Act, and that Two General Meetings of the said Commissioners shall be holden in every Year; (that is to say), One on the First *Wednesday* in the Month of *April*, at some Public House or Inn in *Mepal* aforesaid, and the other on the First *Wednesday* in the Month of *October*, at some Public House or Inn in *Welney* aforesaid; and it shall be lawful for the said Commissioners to hold all such other Meetings at such other Time or Times as any Five or more of the said Commissioners shall consider necessary, and shall by Notice in Writing under their Hands appoint; and the said Commissioners may from Time to Time adjourn any Meeting or Meetings to be holden by virtue of this Act, to such Time or Place in *Mepal* or *Welney* aforesaid, and as often as they shall think proper; all which last-mentioned Meetings and Adjournments thereof (except Meetings by Adjournment from Day to Day), shall be holden alternately at *Mepal* and *Welney* aforesaid; and if Five Commissioners shall not be present at the Time and Place appointed for holding any such Meeting, then and in every such Case any One Commissioner present, or the Clerk to the said Commissioners, shall and may adjourn the same to any Time not exceeding Twenty-one Days from the Time when the last Meeting was appointed to be holden, and to the Place last appointed; and that public Notice shall be given (in Manner herein-after directed) of every Meeting holden under the Authority of this Act, except Meetings by Adjournment from Day to Day, Fourteen Days previously to such Meeting, setting forth the Object thereof; and no Act of the said Commissioners shall be valid, unless done at some Meeting or adjourned Meeting holden under the Authority of this Act (except signing any Notice for calling any Meeting), or signing any Warrant of Distress, and all Powers and Authorities granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, provided that not less than Five Commissioners be present at such Meeting, and the Commissioners present at every Meeting shall 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, and the first Business done at every such Meeting shall be the Election of such Chairman.

Adjournment.

No Act of Commissioners valid, unless done at some Meeting.

VIII. And

VIII. And be it further enacted, That all Notices of Meetings of the ſaid Commiſſioners, and all other Notices hereby required to be given, ſhall be given by adverti ſing the ſame Twice in the *Cambridge Chronicle and Journal*, or in ſome other Country Newſpaper uſually circulated in the ſaid *Iſle of Ely*. Notices of Meetings and all other Notices, how to be given.

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 their reſpective Meetings, and the ſame ſhall be ſigned by the Chairman at ſuch Meeting; and all ſuch Entries, being ſo ſigned, ſhall be deemed Originals, and ſhall be deemed good Evidence in all Caſes touching any Thing done in purſuance of this Act, and ſhall be allowed to be read in Evidence in all Courts whatſoever, and otherwiſe, as Occaſion ſhall require. Entries of Proceedings good Evidence.

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

XI. And be it further enacted, That all ſuch Treaſurers, Collectors and other Officers, ſhall fairly enter in Books, to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom, and to whom, and for what Purpoſes ſuch Monies were reſpectively received and paid; which Books, or true Copies thereof, to be ſigned by the ſaid Treaſurers, Collectors, or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers whatever relating to the Execution of this Act, ſhall be the Property of the ſaid Commiſſioners, and ſhall be delivered to the ſaid Commiſſioners at ſuch Time or Times and as often as they the ſaid Commiſſioners ſhall require; and they the ſaid Commiſſioners are hereby empowered to paſs, allow, and ſign ſuch Accounts, or ſuch Part or Parts thereof as to them ſhall ſeem proper; and all ſuch Treaſurers, Collectors and other Officers, ſhall verify all ſuch Accounts upon Oath or Affirmation, (which Oath or Affirmation any One of the ſaid Commiſſioners is hereby empowered to adminiſter), and the ſame Accounts, when ſo allowed, and alſo all ſuch Receipts and Vouchers, ſhall be kept by the ſaid Commiſſioners or their Clerk, and all the Books of Orders, Accounts and Vouchers, and all other Books and Papers of the ſaid Commiſſioners, ſhall at all Times be open for the Inſpection of the ſaid Commiſſioners, or of any Owner of any of the Lands and Grounds ſubject to be taxed by virtue of this Act, on Payment of One Shilling only for every Time ſuch Inſpection ſhall take Place. Treaſurers, Collectors, and other Officers to keep Accounts.

Officers refuſing to account, may be impriſoned, and Balances due from them may be levied by Diſtreſs.

XII. And be it further enacted, That in caſe any of the ſaid Treaſurers, Collectors or other Officers, ſhall refuſe or neglect to account in Manner herein-before directed, to the Satisfaction of the ſaid Commiſſioners, according to the Directions of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of any Three or more of the ſaid Commiſſioners, for any One or more of the Juſtices of the Peace for the ſaid Counties of *Huntingdon* and *Norfolk*, or for the ſaid *Iſle of Ely*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in either of the Counties aforeſaid, or in the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize, until he or they ſhall have rendered a true and perfect Account to the ſaid Commiſſioners, according to the Directions of this Act; and in caſe any of the ſaid Treaſurers, Collectors or other Officers, ſhall refuſe or neglect to pay the Monies due upon the Balance or Balances of the reſpective Accounts, according to the Directions of the ſaid Commiſſioners, it ſhall be lawful, upon the Complaint of any Three or more of the ſaid Commiſſioners, for any One or more of the Juſtices of the Peace for the ſaid Counties of *Huntingdon* and *Norfolk*, or for the ſaid *Iſle of Ely*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting as laſt aforeſaid, ſuch Sum or Sums of Money as he or they ſhall have been ſo required to account for, or as ſhall have been found or ſhall appear to be due upon the Balance of his or their Account or Accounts; and for want of ſufficient Diſtreſs, it ſhall and may be lawful for any One or more of ſuch Juſtices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch laſt-mentioned Perſon or Perſons to the Common Gaol or Houſe of Correction in either of the Counties aforeſaid, or in the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize, or until he or they ſhall have paid all ſuch Monies as ſhall appear to be remaining in his or their Hands on the Balance of his or their Account or Accounts to the ſaid Commiſſioners, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid ſuch Compoſition Money, (which Compoſition they the ſaid Commiſſioners are hereby authorized and empowered to take and accept), or the ſaid Commiſſioners may bring, and they are hereby authorized and empowered to bring or cauſe to be brought, any Action or Actions, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas for the ſaid *Iſle of Ely*, againſt ſuch Officer or Officers, and againſt his or their Surety or Sureties, and alſo upon any Security or Securities which ſhall have been given or entered into by any ſuch Officer or Officers for Recovery of the Monies that ſhall be due from any ſuch Officer or Officers reſpectively; and where any Clerk, Treaſurer, Collector or other Officer, or any other Perſon employed by the ſaid Commiſſioners, ſhall neglect or refuſe to deliver up to the ſaid Commiſſioners all Books, Vouchers and Papers in his Cuſtody, relating to any Proceeedings or Accounts of the ſaid Commiſſioners, it ſhall be lawful for any ſuch Juſtice or Juſtices as aforeſaid, upon Complaint of any Three or more of the ſaid Commiſſioners, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon to the Common Gaol or Houſe of Correction in either of the Counties aforeſaid, or in the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize, until he ſhall have delivered up to the ſaid Commiſſioners all ſuch Books, Vouchers

Vouchers and Papers as aforeſaid: Provided always, that no Perſon who ſhall be committed for want of ſufficient Diſtreſs only, ſhall be detained in Priſon for any longer Time than Twelve Calendar Months.

Taxes when and how to be laid, and payable.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to aſſeſs, rate, tax, and charge all the Fen Lands and Low Grounds, or Waſhes, within the Limits deſcribed by this Act, with ſuch an equal and proportionate Tax, not exceeding Five Shillings *per* Acre for each Year, for the Term of Four Years, to be computed from the paſſing of this Act, as to them the ſaid Commiſſioners ſhall ſeem meet; and from and after the Expiration of the ſaid Term of Four Years, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to aſſeſs, rate, tax and charge all the ſaid Fen Lands and Low Grounds, or Waſhes, with ſuch an equal and proportionate Rate, not exceeding Two Shillings *per* Acre for each Year, as in the Judgment of the ſaid Commiſſioners ſhall be deemed neceſſary; and all the Rates and Taxes hereby directed or authorized to be raiſed, ſhall be paid to the Receiver or Receivers, Collector or Collectors, or Treaſurer or Treaſurers for the Time being, to be appointed by the ſaid Commiſſioners, at ſuch Place or Places, and in ſuch Proportions and Manner, as they the ſaid Commiſſioners, or any Five or more of them, ſhall direct and appoint for that Purpoſe; and that the firſt Rate or Tax hereby directed or authorized to be laid on the ſaid Fen Lands and Low Grounds, or Waſhes, ſhall be charged and impoſed by the ſaid Commiſſioners at their Firſt Meeting to be holden after the paſſing of this Act, or at ſome Adjournment thereof, and ſhall become due at the End of One Calendar Month next after the ſame ſhall be laid; and that all future Rates and Taxes to be charged and impoſed on all the ſaid Fen Lands and Low Grounds, or Waſhes, under the Authority of this Act, ſhall be charged and impoſed by the ſaid Commiſſioners, at a Meeting to be holden for that Purpoſe on the Firſt *Wedneſday* in the Month of *April* in each ſubſequent Year, or ſome Adjournment thereof, or at ſome ſubſequent Meeting of the ſaid Commiſſioners, and ſhall become due and payable at the End of One Calendar Month next after the ſame ſhall be laid; and that public Notice of the Times and Places appointed for the Second and all future Payments of the ſaid Rates and Taxes, ſhall be given by advertiſing the ſame Twice in the *Cambridge Chronicle and Journal*, or ſome other Country Newſpaper uſually circulated in the ſaid *Iſle of Ely*; and in caſe of Non-payment of the ſaid Rates or Taxes within One Calendar Month after the Time herein-before preſcribed for Payment thereof, every Perſon neglecting to pay the ſame, ſhall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for ſuch Rates or Taxes and not paid as aforeſaid, and ſo in Proportion for any greater or leſs Sum than Twenty Shillings, to be recovered in the ſame Manner as the ſaid Rates and Taxes are hereby authorized to be recovered.

Penalty on Non-payment of Taxes.

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

XIV. And, to the End that the ſaid Taxes may be more eaſily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the ſaid Fen Lands and Low Grounds, or Waſhes, which ſhall be aſſeſſed, rated, taxed or charged, or be liable to be aſſeſſed, rated, taxed, or charged by virtue of this Act, ſhall pay, and they are hereby authorized and required to pay all and every ſuch Sum and Sums of Money as ſhall be ſo aſſeſſed, rated, taxed or charged

charged upon, or for or in respect of their respective Lands and Grounds in their several Occupations, to the Receivers, Collectors, Treasurers, or other Person or Persons appointed by the said Commissioners to receive the same, and to deduct and retain out of his, her, or their Rent, all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid, save and except as hereafter mentioned; and the several and respective Landlords or Owners of such Fen Lands and Low Grounds, or Washes, are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier, paying any such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectually as if the same had been actually paid to his or her Landlord or Landlords.

But not to deduct Penalties.

XV. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Tax or Taxes by virtue of this Act, and such Penalty or Penalties shall have been levied by the said Commissioners by Distress upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Fen Lands and Low Grounds, or Washes, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty or Penalties, together with the Costs, Charges and Expences of taking any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners, of such Fen Lands and Low Grounds, or Washes, shall not be compelled or compellable to allow or pay any such Penalty or Penalties, or Expences, to such Occupier or Occupiers; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Taxes how to be borne.

XVI. Provided always, and be it further enacted, That no Lessee or Tenant of any of the said Fen Lands and Low Grounds, or Washes, charged with any of the said Rates or Taxes, who shall hold the same by virtue of or under any Lease or Agreement of which at the Time of passing this Act there shall not be more than Four Years to come and unexpired, shall be entitled to deduct more than Three-Fifths of such Rates or Taxes out of his or her Rent; but that Two-Fifths of the said Rates and Taxes shall be charged upon, and be paid and borne by such last-mentioned Lessees or Tenants.

No beneficial Lessee to be allowed to deduct Taxes.

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

For relieving Tenants for Life from the Taxes paid by them, in case of Death within Four Years.

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

Apportioning the Taxes between the Lessees of Middle Moors, and the Owners of the commonable Houses in Sutton.

XIX. And, in order that the Rates and Taxes to be raised by virtue of this Act may be duly apportioned between the Lessees of a certain Piece of Ground mentioned in the said recited Act called *Middle Moors*, lying and being in the Parish of *Sutton* aforesaid, and holden by Lease under the Dean and Chapter of *Ely* (in Trust that the Owner of every commonable House in the Parish of *Sutton* aforesaid may have an equal Proportion or Share of the Crops of Grass or Hay growing thereon, and that the Lessees of the said Ground may have the Afterfeed thereof; be it further enacted, That the respective Owners or Proprietors of such Grass or Hay shall bear and pay Two-third Parts of all such Rates and Taxes, and that the Lessees of the said Dean and Chapter respectively shall bear and pay One-third Part of all such Rates and Taxes.

Power of Distress in case of Non-payment of Taxes.

XX. And be it further enacted, That if any Person or Persons shall refuse or omit, or neglect to pay all or any Part of the Rates or Taxes to which he, she, or they is and are hereby made liable for the Space of Two Calendar Months next after the Days or Times herein-before limited and appointed for the Payment of the same respectively, or shall refuse or omit, or neglect to pay all or any Part of the Penalty or Penalties which shall become due by reason of the Non-payment thereof; then and in every such Case it shall be lawful for the Treasurer, Collector, or Receiver of the said Commissioners, or any other Person or Persons empowered or appointed by them by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which Warrant or Precept any Five or more of such Commissioners are hereby authorized and required from Time to Time to grant and make, as Occasion shall require, and whether assembled at a Meeting or not), to enter into and upon all or any Part of the Lands hereby directed or authorized to be taxed and charged as aforesaid, for which such Rates, Taxes, and Penalties shall be due and owing or payable, and to levy the Sum or Sums of Money due and payable for such Rates and Taxes and Penalties, by Distress of any Goods, Chattels or Effects, which shall or may be found thereon; and where no

ſufficient Diſtreſs can be found upon ſuch Lands, whereon to levy the Tax or Taxes and Penalty which ſhall be then in arrear in reſpect thereof by virtue of this Act, it ſhall be lawful for the Treaſurer, Collector, or Receiver of the ſaid Commiſſioners, or any other Perſon or Perſons authorized or empowered by them, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby empowered and required from Time to Time to make as Occaſion ſhall require), to levy all and every the ſaid Tax or Taxes and Penalty or Penalties which ſhall be then in arrear, by Diſtreſs of any Goods or Chattels of the Perſon or Perſons ſo occupying any Lands chargeable with any ſuch Tax or Taxes, whenſoever and whereſoever ſuch Goods and Chattels ſhall be found; and it ſhall be lawful for the Perſon or Perſons diſtraining any Goods, Chattels and Effects, for any ſuch Rates, Taxes and Penalties, to impound and keep the ſame on the Premiſes where any ſuch Diſtreſs ſhall be made, or to take, lead, drive, carry away and impound the ſame elſewhere for the Space of Five Days, including the Day on which ſuch Goods, Chattels, or Effects ſhall be taken, at the Coſts and Charges of the Perſon or Perſons liable to pay ſuch Rates, Taxes and Penalties, delivering to the Occupier or Occupiers of the ſame, or leaving at his, her, or their laſt or uſual Place of Abode or Reſidence, Notice in Writing of ſuch Diſtreſs being made, and of the Cauſe thereof, and of the Place or Places where ſuch Diſtreſs is intended to be, or ſhall be led, driven, taken away, impounded and kept; and in caſe the Sum or Sums of Money for which any ſuch Diſtreſs ſhall be made, and all Coſts, Charges and Expences attending ſuch Diſtreſs, ſhall not be paid and diſcharged to the Treaſurer, Collector or Receiver of the ſaid Commiſſioners, or to the Perſon or Perſons making ſuch Diſtreſs, within the ſaid Five Days after the making of ſuch Diſtreſs, the Perſon or Perſons ſo making ſuch Diſtreſs ſhall or may, with the Conſtable of the Pariſh where ſuch Diſtreſs ſhall be made, (which ſaid Conſtable is hereby directed, upon being thereunto required to aſſiſt therein), cauſe the Goods, Chattels and Effects ſo diſtrained, to be appraiſed by Two indifferent Perſons upon Oath, (which Oath the ſaid Conſtable is hereby required and empowered to adminiſter), and ſuch Two Perſons are hereby required to appraiſe the ſame according to the beſt of their Judgement; and after Appraiſement, it ſhall be lawful for the Perſon or Perſons making ſuch Diſtreſs, to ſell, or cauſe to be ſold, the Goods, Chattels and Effects ſo diſtrained, for the beſt Price that can be reaſonably had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs and Sale ſhall be ſo made, and the Coſts, Charges and Expences, of taking, keeping, appraiſing and ſelling the ſame, rendering the Overplus of the Monies ariſing from any ſuch Sale (if any) on Demand to the Perſon or Perſons entitled thereto.

Rates and Taxes to be over and above the Rates and Taxes impoſed by 29 G. 2.

XXI. And be it further enacted, That the Rates and Taxes hereby impoſed or authorized to be impoſed, ſhall be over and above and in Addition to the Rate and Tax impoſed and made payable by the ſaid recited Act upon the Lands and Grounds compriſed within the Limits of the ſaid recited Act, and that until all the aforeſaid Principal Sum of Six hundred Pounds, now remaining due to the ſaid *William Nix* as aforeſaid on the Credit of the ſaid laſt-mentioned Rate or Tax, with the Intereſt thereof, together with all other Monies which ſhall remain due at the Time of paſſing this Act, from the ſaid laſt-mentioned Commiſſioners, on account of the Execution

Execution of the ſaid recited Act, ſhall be fully paid and ſatisfied, they the ſaid laſt-mentioned Commiſſioners ſhall aſſeſs, rate, tax and charge, and they are hereby required, yearly and every Year, and in Manner directed by the ſaid recited Act, to aſſeſs, rate, tax, and charge the Owners or Occupiers of all and ſingular the Fen Lands and Low Grounds lying within the Limits of the ſaid recited Act, with an equal and proportionate Tax of One Shilling an Acre, and ſo in Proportion for any greater or leſs Quantity than an Acre of the ſaid laſt-mentioned Lands and Grounds, and to apply the Amount of all ſuch Rates and Taxes in the Payment and Diſcharge of the ſaid Principal Sum of Six hundred Pounds, with the Intereſt thereof, and of all other Monies which ſhall be due and owing from them the ſaid laſt-mentioned Commiſſioners as aforeſaid, on account of the Execution of the ſaid recited Act.

Commiſſioners under 29 G. 2. may lay a leſs Tax, if a full Tax ſhall not be neceſſary.

XXII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid laſt-mentioned Commiſſioners to aſſeſs, rate, tax, and charge the ſaid laſt-mentioned Owners and Occupiers with any Tax leſs than One Shilling an Acre, in caſe it ſhall then appear upon the Statement of their Accounts, that it will not be neceſſary to have a full Tax of One Shilling an Acre, in order to diſcharge any Balance or Balances which may then be due from the ſaid Commiſſioners.

Grounds unoccupied to remain Security for Tax.

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

Lands may be let for Payment of Taxes.

XXIV. And whereas it may ſometimes happen that ſome of the ſaid Fen Lands and Low Grounds may be untenanted or unoccupied for a conſiderable Time, and that no Diſtreſs can be taken thereon for levying the ſaid Rates or Taxes, and Penalty or Penalties due in reſpect of the ſame; therefore, for enforcing the Payment thereof in all ſuch Caſes, be it further enacted, That where any of the ſaid Rates or Taxes, and Penalty or Penalties, ſhall be in arrear and unpaid by the Space of Twelve Calendar Months together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, then and in every ſuch Caſe the ſaid Commiſſioners, or any Five or more of them, ſhall at any of their Meetings have full Power and Authority to let ſo much of the ſaid Lands and Grounds upon which any ſuch Rate or Tax and Penalty ſhall be ſo in arrear, as they ſhall judge ſufficient for ſuch Term or Terms of Years, not exceeding Three Years at each letting, at ſuch Rent or Rents, and upon ſuch Terms and Conditions as to them ſhall ſeem meet, and to apply the Rent or Rents ariſing therefrom, in Payment and Diſcharge of all ſuch Taxes and Rates, and the Penalties incurred for Non-payment thereof, and of ſuch other Charges and Expences as they the ſaid Commiſſioners ſhall incur or be liable to in conſequence of all or any of ſuch laſt-mentioned Proceedings.

Commissioners to make a Bank next the Hundred Feet River.

XXV. And be it further enacted, That the said Commissioners shall make and raise a Bank along the said Washes on the Side next the *Hundred Feet* River, from or near *Earith* Bridge to or near *Welmore* Lake aforesaid.

Commissioners empowered to make other Works under certain Restrictions.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or the Majority of them assembled at any Meeting holden under the Authority of this Act, from Time to Time as there shall be Occasion, to give Orders and Directions for making such other Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings and other Works, in, through, and upon any Part or Parts of the Lands and Grounds comprised within the Limits of this Act, and for planting and raising such Holts within Forty Feet of the Base of any Bank hereby authorized to be made, as in the Judgement of the said Commissioners shall be thought necessary for the embanking and Preservation of the said Lands and Grounds, they the said Commissioners making such reasonable Satisfaction to the Owners and Occupiers of the several Lands or Grounds in, through, or upon which any such Bank, Sluice, Cut, Drain, Dam, Tunnel, Outlet, Heading or other Work shall be made or done, or upon which any such Holt shall be planted or raised, for the Damages occasioned thereby, and in such Manner as is herein-after provided.

Works to be previously approved of by the Corporation of Bedford Level, or their Officer.

XXVII. Provided always, and be it further enacted, That no Bank, Sluice, Cut, Drain, Dam, Tunnel, Outlet, Heading or other Work whatever, shall be made or executed, or altered or commenced by the said Commissioners, unless the Consent of the said Corporation of *Bedford Level* shall have been previously obtained for that Purpose; and that all such Works as the said Commissioners are by this Act authorized to make, do or execute, shall be made, done and executed by them of such Dimensions and with such Materials, and in such Manner and Form as shall have been previously approved of by the said Corporation, or their Superintendant, or other Person to be appointed by them from Time to Time for that Purpose; and in case any Works shall be made or executed, or altered or commenced, without such previous Consent or Approbation, or shall be made of Dimensions or Materials, or in Manner or Form not approved of as aforesaid, the said Commissioners shall, within a reasonable Time after being thereunto required by the said Corporation, by Writing signed by the Register of the said Corporation, annul and discontinue the Works so made, done, executed or altered, or commenced, and restore and put the Site or Sites thereof into the like State as the same were in previously to the Commencement of any such last-mentioned Works, or as near thereto as possibly can be; or the said Commissioners shall, as the Case may require, make, do, execute, and alter all such Works in any such Requisition to be specified, according to the Dimensions, and with the Materials, and in the Manner and Form therein set forth.

No Bank above Sutton Gault.

XXVIII. Provided always, and be it further enacted, That no Bank to be erected under the Authority of this Act above a certain Place called *Sutton Gault*, shall be made or at any Time raised higher when settled than Four Feet and a Half above the Level of the Wash Land adjoining the same.

Certain Sluices when made, how to be repaired.

XXIX. And whereas it may be neceſſary for the Purpoſes of this Act to erect Two Sluices; (that is to ſay), One at the Upper End of the ſaid Waſhes or Waſh Lands, for the Purpoſe of admitting the Freſhes or Flood Waters into the ſame, and another at the lower End of the ſaid Waſhes or Waſh Lands for diſcharging the Waters thereof, and for preventing the Tidal Waters from entering into and flowing up the ſame; be it further enacted, That ſuch Sluices ſhall at all Times afterwards be maintained and kept in good Repair by the ſaid Commiſſioners, in ſuch Manner as the Superintendent of or other Perſon to be appointed by the ſaid Corporation from Time to Time for that Purpoſe, ſhall order and direct; and ſuch Superintendent, or other Perſon to be appointed as laſt aforeſaid, ſhall from Time to Time aſcertain the Expences incurred in doing ſuch Repairs, and certify the Amount thereof in Writing, and ſhall deliver, or cauſe to be delivered, One Copy of ſuch Certificate to the Regiſter for the Time being of the ſaid Corporation, and another Copy thereof to the Treaſurer or Receiver for the Time being of the ſaid Commiſſioners; and the ſaid Corporation ſhall, at the firſt General Meeting to be holden next after the Delivery of One Copy of ſuch Certificate to their ſaid Regiſter, make Order for Re-payment to the Treaſurer or Receiver of the ſaid Commiſſioners, of One Moiety of the Expence of ſuch Repairs ſo aſcertained as aforeſaid, and ſhall cauſe ſuch Moiety to be paid to the ſaid Treaſurer or Receiver in the Month of *July* next after ſuch General Meeting, or ſooner, if the ſaid Corporation ſhall think fit.

Corporation to appoint Sluice Keepers, who are to be paid by the Commiſſioners.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Corporation of *Bedford Level*, from Time to Time to appoint One or more Sluicekeeper or Sluicekeepers for the Purpoſe of opening, cloſing, taking Care of and attending the Sluices to be erected as aforeſaid, at ſuch Times and under ſuch Orders and Regulations as the ſaid Corporation, their Superintendent or any other Perſon to be appointed by them for that Purpoſe ſhall order and direct, and ſuch Sluicekeeper or Sluicekeepers may be removed at the Diſcretion of the ſaid Corporation, and every ſuch Sluicekeeper ſo to be appointed as aforeſaid, ſhall be allowed and paid by the ſaid Commiſſioners ſuch yearly Salary not exceeding the Sum of Forty Shillings, as the ſaid Corporation ſhall direct or appoint; and if any ſuch Sluicekeeper ſhall at any Time refuſe, neglect or omit to open or cloſe ſuch Sluices at ſuch Times and under ſuch Orders and Regulations as aforeſaid, he ſhall on Conviction thereof before any Two Juſtices of the Peace, for the County or Place where the Offence ſhall be committed, (which Juſtices are hereby authorized and required to hear and determine the Matter on the Oath of One or more credible Witneſs or Witneſſes, or the Confeſſion of the Party offending), for every ſuch Offence forfeit and pay any Sum of Money not exceeding Ten Pounds, as ſuch Juſtices ſhall order and direct, which Forfeiture or Penalty ſhall be paid to the Informer or Informers, Proſecutor or Proſecutors, at ſuch Time as ſuch Juſtices ſhall direct, and in Default of ſuch Payment the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of any Two ſuch Juſtices, and for Want of ſuch Diſtreſs the Perſon ſo offending ſhall be committed by any Two ſuch Juſtices to the Houſe of Correction, for the County or Place where the Offence was committed, there to be kept to hard Labour for ſuch Time as the ſaid laſt-mentioned Juſtices ſhall order and direct, not exceeding

Three Calendar Months, at the Discretion of the said last-mentioned Justices.

Settling what Land shall be taken from Sutton Mepal, or Coveney Commons, or Middlemoor, or from any Land lying above Middlemoor.

XXXI. And be it further enacted, That it shall not be lawful for the said Commissioners to take or use any more Land or Ground from any of the Commons in *Sutton Mepal* or *Coveney* aforesaid, or from the aforesaid Piece of Ground called *Middlemoor*, or from any Land lying above *Middlemoor*, than shall be necessary for making and maintaining a Bank against the same with a proper and sufficient Base.

Corporation of Bedford Level to appoint when the Wash Bank may be haled.

XXXII. And be it further enacted, That it shall be lawful for the said Corporation, at their Discretion, to direct the Bank hereby directed to be raised to be made a Haling or Towing Path, and from Time to Time to order and appoint the Times when such Bank shall or may be used as a Haling or Towing Path, and to make such Rules, Orders, and Regulations respecting the haling or towing thereon, as to the said Corporation shall seem meet; and the said Corporation shall from Time to Time give Notice of all such Directions, Orders, Rules and Regulations, by Public Advertisement to be signed by their Register, and to be inserted at least Eight Days previous to all such Times respectively in some Country Newspaper usually circulated in the *Isle of Ely*, and also by Notices to be affixed at each End of the said Hundred Feet Bank, and at such other Parts thereof as to them shall seem meet.

Against haling on the Bank before it shall be made a Towing Path.

XXXIII. And be it further enacted, That if any Person shall at any Time hale with any Boat, Barge, Lighter or other Vessel, against or along any Part of such last-mentioned Bank before the said Corporation of *Bedford Level* shall have made or shall have allowed the same to be used as a Haling Bank or Towing Path, every such Person shall, on Conviction thereof before any Justice of the Peace for the County or Place where the Offence shall be committed, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be paid to the said Commissioners, and to be by them applied to the Purposes of this Act.

Penalty for haling on the Hundred Feet Bank after the Wash Bank shall become a Haling Bank.

XXXIV. And be it further enacted, That if, during the Time or Times when the said Corporation shall have appointed and directed any such Bank to be used as an Haling or Towing Path, any Person shall wilfully hale any Boat, Barge, Lighter or other Vessel, against or along the Bank called *The Hundred Feet Bank*, every Person so offending and being thereof convicted before any Justice of the Peace for the County or Place where the Offence shall be committed, (which Justice is hereby authorized and required to hear and determine the Matter on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party so offending) shall for every such Offence forfeit and pay any Sum or Sums of Money not exceeding Ten Pounds, as the said Justice shall order and direct, One Moiety of which Penalty shall be paid to the Person who shall inform or sue for the same, and the other Moiety thereof shall be paid to the Receiver General of the said Corporation for the Use of the said Corporation, and shall be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under the Hand and Seal of such Justice; and in Default of such Payment or Distress, the Person so offending shall be committed by such Justice to the House of Correction for the County or

Place where the Offence was committed, there to be kept to hard Labour for ſuch Time as the ſaid Juſtice ſhall order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtice.

Occupiers of Land adjoining the Hundred Feet River, may hale on the Hundred Feet Bank.

XXXV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to prohibit or prevent any Perſon occupying any Land lying near to or adjoining *The Hundred Feet River* aforeſaid, and conveying the Produce thereof along the ſaid laſt-mentioned River, from haling with any Boat, Barge, Lighter or other Veſſel laden with the Produce of any ſuch Land along the ſaid Bank called *The Hundred Feet Bank*.

When all the Monies due under 29 G. 2. ſhall be paid, the Act to ceaſe, &c.

XXXVI. And be it further enacted, That when and ſo ſoon as the ſaid laſt-mentioned Commiſſioners ſhall have paid and ſatisfied all ſuch Monies as ſhall be due and owing from them as herein-before mentioned, with the Intereſt thereof, they the ſaid Commiſſioners ſhall make up their Accounts, and ſhall paſs the ſame, upon Oath, before any Two Juſtices of the Peace for the ſaid *Iſle of Ely*, who are hereby required to examine ſuch Accounts, and to allow the ſame if right; and from and after the paſſing and Allowance of ſuch Accounts as aforeſaid, the ſaid recited Act, and every Clauſe, Article, Matter and Thing therein contained, ſhall ceaſe and be repealed, and then and from thenceforth all ſuch of the Banks, Drains, Sluices, Dams, Tunnels and other Works, made, erected or maintained by the Commiſſioners under the ſaid recited Act, as ſhall then be in or belonging to the Lands and Grounds compriſed within the Limits of the ſaid recited Act, ſhall be and the ſame are hereby veſted in the Commiſſioners appointed or to be appointed under or by virtue of this Act.

For Recovery of Taxes under 29 G. 2.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time after the paſſing of this Act, be in Arrear for any Tax impoſed and made payable by virtue of the ſaid recited Act, in reſpect of any Lands or Grounds compriſed within the Limits of the ſaid recited Act, and ſhall neglect, for the Space of Two Calendar Months, to pay ſuch Tax to the Receiver or Receivers, Collector or Collectors thereof, at ſuch Time and Place as the Commiſſioners appointed or to be appointed by virtue of the ſaid recited Act, or any Five or more of them, ſhall appoint for Payment thereof, public Notice of ſuch Time and Place of Payment being firſt given in the *Cambridge Chronicle and Journal*, or ſome other Country Newſpaper uſually circulated in the ſaid *Iſle of Ely*, Three ſucceſſive Weeks immediately preceding the Time appointed for Payment thereof, every ſuch Perſon ſo in Arrear ſhall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings of ſuch Tax ſo in Arrear and not paid as aforeſaid, and ſo in Proportion for every greater or leſs Sum than Twenty Shillings, to be recovered in the ſame Manner as the Tax now chargeable by the ſaid recited Act is therein directed to be recovered, and to be applied in the ſame Manner as the ſaid Tax is hereby directed to be applied.

Application of the Taxes and Penalties.

XXXVIII. And be it further enacted, That the Monies ariſing from the Taxes to be raiſed by virtue of this Act, and the Penalties incurred for Non-payment thereof, ſhall be paid and applied by the ſaid Commiſſioners, in the firſt Place, in defraying the Charges and Expences of obtaining and paſſing this Act, and in the Payment of all ſuch Monies as ſhall be advanced by

by any Perſon or Perſons whomſoever, for the Purpoſe of defraying ſuch Charges and Expences, with lawful Intereſt for the ſame, and then in Payment of the Intereſt on the Monies hereafter authorized to be borrowed on the Credit of the ſaid Taxes, and then (ſubject nevertheleſs and without Prejudice to the Claims of the Perſons lending ſuch Monies, and the Remedies hereafter provided for ſecuring the Re-payment thereof) in making and doing ſuch Works as the ſaid Commiſſioners are by this Act authorized to make, do, and execute.

Commiſſioners may borrow Money.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Meeting holden under the Authority of this Act, from Time to Time as to them ſhall ſeem meet, to borrow and take up any Sum or Sums of Money, at their Diſcretion, by Way of temporary Loan, for the Purpoſes of this Act, and any Five of the ſaid Commiſſioners are hereby authorized to give a written Undertaking, or their own perſonal Security for Re-payment of ſuch laſt-mentioned Sum or Sums of Money, together with lawful Intereſt for the ſame, out of the Taxes ariſing during the Year next enſuing the Year in which ſuch laſt-mentioned Monies ſhall be ſo borrowed; and any Five of the ſaid Commiſſioners, or the ſaid Five Commiſſioners giving ſuch Undertaking or Security as aforeſaid, are hereby authorized and required, at the uſual Time in the then next ſucceeding Year, to lay and impoſe ſuch a Tax, not exceeding Five Shillings *per* Acre or Two Shillings *per* Acre (as the Caſe may require), as will repay the ſaid Sum or Sums of Money ſo borrowed reſpectively, together with lawful Intereſt for the ſame; and no Part of either of ſuch laſt-mentioned Taxes ſhall be applied to any of the Purpoſes of this Act, until the whole of ſuch temporary Loan, together with lawful Intereſt for the ſame, ſhall be repaid.

No Money to be borrowed on the Two Shilling Tax, until the Five Shilling Tax ſhall have ceaſed.

XL. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to authorize the ſaid Commiſſioners to borrow any Sum or Sums of Money on the Tax not exceeding Two Shillings an Acre, until the ſaid Tax not exceeding Five Shillings an Acre ſhall have ceaſed: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to authorize the ſaid Commiſſioners to lay more than One Tax of Five Shillings an Acre, or Two Shillings an Acre, as the Caſe may be, on the Fen Lands and Low Grounds hereby ſubject to be taxed, in any One Year.

Perſons paying Taxes in advance to be allowed Intereſt.

XLI. Provided alſo, and be it further enacted, That if any Perſon or Perſons ſhall be willing to pay all or any Part of the Taxes hereby authorized to be laid, in Advance for One Year, or for Two or more Years, then the ſaid Commiſſioners are hereby authorized and empowered to receive the ſame, and to allow the Perſon or Perſons ſo advancing and paying the ſame, Diſcount or Intereſt at the Rate of Five Pounds *per Centum per Annum*, from the Time or Times of ſuch Payment or Payments, to the Time or Times when the Tax or Taxes reſpectively, ſo paid in Advance, would have become payable according to the Proviſions hereinbefore contained, and the Receipt and Receipts for the ſaid Sums ſo paid in Advance, ſhall be a Diſcharge to ſuch Perſon or Perſons for his or her Tax or Taxes, when the ſame ſhall be rated and become payable.

XLII. And

Power for Commissioners to lend Money to the Bedford Level Corporation.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, out of the Rates, Taxes and Assessments hereby directed or authorized to be raised and levied, to advance and lend to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, commonly called *The Corporation of Bedford Level*, any Sum or Sums of Money, to be laid out and expended by them in making, doing, or altering any Works for the Improvement of the Fen Lands and Low Grounds comprised within the Limits of this Act, and to take the Bond or Bonds of the said Governor, Bailiffs and Commonalty, as a Security for the Re-payment of such Sum and Sums of Money so lent and advanced, with lawful Interest for the same, at such Times and Periods as shall be agreed upon; all which Bonds shall be made to and in the Names of such Five of the said Commissioners as they the said Commissioners shall at any Meeting to be holden under the Authority of this Act direct.

No Ditch or Drain to be made within 40 Feet of the Bank.

XLIII. And be it further enacted, That no Ditch or Drain which shall be made by the said Commissioners under the Authority of this Act, or by any other Person or Persons, shall be made exceeding the Distance of Forty Feet from the Base of any Bank hereby authorized to be made; Provided always, that when it is intended or proposed to make any new Bank, Sluice, Cut, Drain, Dam, Tunnel, Outlet, Heading or other Work, Notice of the Time and Place of holding the Meeting at which any such new Work is intended or proposed to be done, signed by any Five or more of the said Commissioners, and specifying the Work or Works proposed to be done, shall be given by advertising the same Twice previously to such Meeting, in *The Cambridge Chronicle and Journal*, or in some other Country Newspaper usually circulated in the *Isle of Ely*.

Commissioners to fence against public Roads.

XLIV. And be it further enacted, That the said Commissioners shall make and maintain, and they are hereby required to make and from Time to Time to maintain, as there shall be Occasion, good and sufficient Posts and Rail Fences against all such public Roads and Droveway, and against all such Commons as shall abut against or adjoin any Part of any Bank hereby authorized to be made.

Lands may be surveyed.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners to cause the Lands comprized within the Limits of this Act, to be surveyed and measured, and to pay the Expence of such Survey and Admeasurement out of any Monies which shall come to their Hands by virtue of this Act.

Commissioners may enter upon and agree for the Purchase of Lands, &c.

XLVI. And be it further enacted, That the Commissioners appointed or to be appointed by virtue of this Act, shall have full Power and Authority to enter upon the Lands of any Person or Persons adjoining or near to any of the Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings or other Works, which they the said Commissioners are hereby directed or authorized to make or do, and to take and dig Earth therefrom, and to do such other Acts as may be necessary to carry into Effect the Purposes of this Act, making Satisfaction to the Party or Parties injured thereby; and for that Purpose the said Commissioners are hereby empowered to agree with the Proprietors of and Persons interested in any Lands, Tenements or Hereditaments, which they the said Commissioners

ſhall judge neceſſary to be dug, cut, taken, uſed or entered upon, for making any Banks, Sluices, Cuts, Drains, Dams, Tunnels, Outlets, Headings, or other Works hereby directed or authorized to be made or done, for the Purchaſe of ſuch Lands, Tenements and Hereditaments, or for the Recompence to be made to ſuch Proprietors and Perſons intereſted, for the Damages they may ſuſtain thereby; and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for, ſhall be paid to the ſeveral Perſons intereſted in the Premiſes; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunatics, Ideots, Femes Covert, or other Perſon or Perſons who are or ſhall be ſeiſed or intereſted in their own Rights, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands, Tenements or Hereditaments, to contract for, ſell and convey unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands, Tenements, or Hereditaments, for the Purpoſes aforeſaid, or to agree with the ſaid Commiſſioners for any Recompence or Compenſation to be made for the Damages which may be done to any ſuch Lands, Tenements or Hereditaments, by the Means aforeſaid; and all ſuch Contracts, Sales, Conveyances and Agreements, ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding; and all Bodies Politic, Corporate or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall lawfully do in purſuance of this Act; but if it ſhall happen that any ſuch Body Politic, Corporate or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or concerned as aforeſaid, ſhall for the Space of Forty Days after Notice in Writing given to the principal Officer or Officers of ſuch Bodies Politic, Corporate or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at his, her, or their Place or reſpective Places of Abode, or at the Houſe of the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners, or by reaſon of Abſence ſhall be prevented from treating, then and in every ſuch Caſe the ſaid Commiſſioners may and they are hereby authorized and empowered Fourteen Days at leaſt before any General Quarter Seſſions of the Peace, to be holden for the County or Place where ſuch Lands, Tenements or Hereditaments ſhall be ſituate, within Twelve Calendar Months after ſuch Lands, Tenements or Hereditaments ſhall have been taken or uſed, or ſuch Damage done, to give or cauſe to be given to the Party or Parties whoſe Lands, Tenements, or Hereditaments, ſhall have been taken or uſed, or who ſhall have ſuſtained ſuch Damage or Injury, or to leave or cauſe to be left at his, her, or their laſt uſual Place or Places of Abode reſpectively, or at the Place of Abode of the Tenant or Tenants in Poſſeſſion of the Premiſes, a Notice in Writing, purporting that the Value of ſuch Lands, Tenements or Hereditaments, and the Amount of the Damage or Injury ſuſtained, will be adjuſted and ſettled by a Jury at the ſaid Seſſions; and the Juſtices at their ſaid Seſſions, or any Adjournment thereof, ſhall charge and they are hereby authorized and required to charge the Jury which ſhall attend at

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ſuch Seſſions, or ſome other Jury of Twelve honeſt and ſubſtantial Men, to be then and there impannelled and returned by the Sheriff of the County where ſuch Lands, Tenements or Hereditaments ſhall be ſituated, or by the Chief Bailiff of the ſaid *Iſle of Ely*, as the Caſe may require, and to cauſe them to be ſworn well and truly on their Oaths, to aſſeſs the Value of ſuch Lands, Tenements or Hereditaments, and the Recompence to be given for the ſame, or for any Damage or Injury ſuſtained as aforeſaid, to the reſpective Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſts; to which ſaid Juries the ſaid Commiſſioners and all Parties intereſted ſhall have their lawful Challenges when they come to be ſworn, and the Clerk of the Peace for ſuch County, or for the ſaid *Iſle of Ely*, as the Caſe may require, is hereby empowered and required upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices at ſuch Seſſions or any Adjournment thereof, any Perſon or Perſons who ſhall be thought proper to be examined touching or concerning the Premiſes, and the ſaid Jury upon their Oaths (which Oaths, and alſo the Oaths to be taken by the Perſons who ſhall appear or be ſummoned to be examined and give Evidence as aforeſaid, the ſaid Juſtices at their ſaid Seſſions are hereby empowered and required to adminiſter) ſhall aſcertain and award the Recompence to be given for ſuch Lands, Tenements or Hereditaments, or any Damage or Injury which ſhall have been done as aforeſaid, to the reſpective Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, or Owner or Owners thereof; and the ſaid Juſtices ſhall and may give Judgment according to the Verdict of the ſaid Jury, and the Judgment thereupon declared and pronounced by the ſaid Juſtices ſhall finally bind, and ſhall be concluſive to the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands, Tenements or Hereditaments, and ſhall be entered and kept among the Records of the Quarter Seſſions of the ſaid County, or of the ſaid *Iſle of Ely*, as the Caſe may require, and the ſame or a true Copy thereof, being ſigned by the Clerk of the Peace for the ſaid County, or for the ſaid *Iſle of Ely*, as the Caſe may require, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Perſons may have Recourſe thereto, or take Copies thereof or Extracts therefrom, on paying the uſual Fees paid in Caſes of the like Nature.

Expence of the Jury and Witneſſes by whom to be paid.

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

pences shall be paid and borne by the said Commissioners out of the Monies to be raised or received under or by virtue of this Act.

Application where the Compensation exceeds 200l.

XLVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, (in case the same shall exceed the Sum of Two hundred Pounds), with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners in Writing signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Money is not less than 20l.

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, (in case of Infancy or Lunacy), to be signified

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in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Money may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Purchaſe Money where leſs than 20*l.*

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

In caſe of not making out Titles.

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

In cafe of Doubt upon the Title of Lands purchafed, the Intereft of the Money paid into the Bank fhall be paid to the Perfon who was in the Poffeffion of the Premiſes when bought.

LII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe, touching or concerning the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General, in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be applied and diſpoſed of accordingly, unleſs it ſhall be made to appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or of or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order the Expence of Purchaſes to be paid.

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

Owners accountable for Damages done by Boatmen.

LIV. And be it further enacted, That the Owner and Owners of every Boat, Barge, Lighter, or other Veſſel navigating the *Hundred Feet River* aforeſaid, ſhall be, and he, ſhe, and they is and are hereby made anſwerable for all Treſpaſs, Damage, Spoil, or Miſchief that ſhall be done by ſuch Boat, Barge, Lighter or other Veſſel, or by any of the Boatmen, Bargemen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, by any Means whatſoever, to any of the Banks or other Works erected, maintained or repaired, under the Authority of this Act; and the Owner or Owners of every ſuch Boat, Barge, Lighter or other Veſſel, ſhall for every ſuch Treſpaſs, Damage, Spoil, or Miſchief ſo committed as aforeſaid, upon Conviction of the Boatman, Bargeman, Waterman, or other Perſon or Perſons committing the ſame, before any Juſtice of the County or Place where the Offence ſhall be committed, on the Oath of any credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby authorized to adminiſter), or on the Confeſſion of the Party or Parties offending, pay to the ſaid Commiſſioners ſuch Damages, Satisfaction, and Compenſation as ſhall be aſcer-

tained, fixed and determined by such Justice, provided that such Damages, Satisfaction or Compensation, shall not exceed the Sum of Fifty Pounds, and shall also forfeit and pay to the Informer or Informers, any Sum not exceeding Forty Shillings, to be settled and determined by such Justice; but in case such Damages shall exceed the Sum of Fifty Pounds, the said Owner or Owners may be sued by the said Commissioners for such Damages, Satisfaction and Compensation, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas for the said *Isle of Ely*, at the Discretion of the said Commissioners.

Masters to recover from Boatmen.

LV. Provided always, and be it further enacted, That every such Boatman, Bargeman, Waterman, and other Person so offending as last aforesaid, shall be answerable for and shall repay all such Damages, Satisfaction, Compensation and Penalty, as shall be so ascertained, fixed, determined and recovered as aforesaid, with all the Costs of levying and recovering thereof, to his Master or Masters, or Owner or Owners; and in case of Non-payment thereof on 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, Penalty and Costs, and that the same have been demanded of such Servant, Boatman, Bargeman, or Waterman respectively, but that the same have not been repaid, (such Oath to be made before any One of His Majesty's Justices of the Peace for the said Counties of *Huntingdon* or *Norfolk*, or for the said *Isle of Ely*), the Amount thereof shall be recovered, in like Manner as any Penalty is hereby directed to be levied and recovered, by Warrant under the Hand and Seal of such Justice.

Power to destroy Moles.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners to destroy or cause to be destroyed all such Moles and other Vermin as shall be found in and about the Lands and Banks comprised within the Limits of this Act, and for that Purpose to employ such Person or Persons at such Wages or Salary as they the said Commissioners shall think proper; and it shall be lawful for such Person or Persons to enter into and upon all such Lands and Banks respectively for the Purposes aforesaid.

Thistles, &c. on the Banks to be mowed.

LVII. And be it further enacted, That the said Commissioners shall and may cause all the Thistles and Weeds which shall arise or grow upon or on any Bank supported or maintained under the Authority of this Act, to be mowed, cut down and destroyed, as often as there shall be Occasion, and to make such Payments and Allowances to the Person or Persons employed by them for that Purpose, out of the Monies arising by virtue of this Act, as they the said Commissioners shall think proper.

Restriction as to planting Trees or Holts.

LVIII. And be it further enacted, That no Tree or Trees, or Holt or Holts, shall at any Time hereafter be planted or set between any Bank, made, erected, supported or maintained under the Authority of this Act, and the *Hundred Feet River*; and if any Tree or Trees, Holt or Holts, shall hereafter be planted or set between any such Bank and the said River, and if any such Tree or Trees, Holt or Holts, shall not be taken up and carried away within the Space of Twenty-one Days after Notice for that Purpose shall be given by Order of any Five of the said Commissioners, to the Owner or Proprietor of the Land or Ground where such

Tree

Tree or Trees, Holt or Holts shall be, or left at his, her, or their last or usual Place of Abode, or with or for the Tenant in Possession of the Premises, then and in every such Case it shall be lawful for any Five of the said Commissioners respectively, to cause all such Trees and Holts to be taken up and carried away immediately after the Expiration of the Notice so given for that Purpose, and the Costs and Expences thereby incurred shall be reimbursed to the said Commissioners respectively, by the Person or Persons who committed the Offence, and may be recovered by the said Commissioners in such and the same Manner as the Taxes hereby directed or authorized to be raised, are or may be recovered or recoverable.

Commissioners may remove any Holts or Trees now standing.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners to take down and remove any Tree or Trees, Holt or Holts, which at the Time of passing this Act shall be standing or growing between any such Bank as aforesaid, and the *Hundred Feet River* aforesaid, or upon any of the Lands liable to be taxed by virtue of this Act, they the said Commissioners making reasonable Compensation to the Owner or Owners of all such Trees and Holts, and in such Manner as is hereinbefore provided with respect to Land taken or used by the said Commissioners for the Purposes of this Act.

Penalty on setting Nets, &c. in the Tunnels, &c.

LX. And be it further enacted, That if any Person or Persons shall set or make use of any Net or Nets, or any other Engine or Device whatsoever, for the catching of Fish, or for any other Purpose whatsoever, in or against any of the Dikes, Ditches, Drains or Tunnels, made, supported or maintained under the Authority of this Act, or do any other Act whatever whereby any of such Dikes, Ditches, Drains or Tunnels, shall or may be impeded or obstructed, every Person offending in either of the Cases aforesaid, and being thereof convicted before Two Justices of the Peace for the County or Place where the Offence shall be committed, (which said Justices are hereby authorized and required to hear and determine the Matter on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending), shall for every such Offence forfeit and pay any Sum of Money not exceeding Ten Pounds, as the said Justices shall respectively order and direct, One Moiety of which Penalty shall be paid to the Person who shall inform or sue for the same, and the other Moiety thereof shall be paid to the said Commissioners, and shall be applied by them for the Purposes of this Act, and shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands and Seals of the said Justices; and in Default of such Payment or Distress, the Person so offending shall be committed by such Justices to the House of Correction for the County or Place where the Offence was committed, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

Penalty for driving Carriages, or foddering Cattle on the Banks.

LXI. And be it further enacted, That if any Person shall drive any Wain, Cart, Waggon or Carriage, along any Part of any Bank erected, supported or maintained under the Authority of this Act, or shall fodder or drive, or cause to be foddered or driven, any Cattle or Stock upon any Part of such Bank, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LXII. And

Penalty on neglecting to scour out Ditches, &c.

LXII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the Fen Lands or Low Grounds lying within the Limits of this Act, 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 Eight Feet at the least, and of a sufficient Depth for the Conveyance of the Water, after Twenty-eight Days Notice in Writing given to him, her, or them, or left at his, her, or their usual or last Place of Abode, from Time to Time, for that Purpose, by the Collector, Receiver, or any other Officer or Person employed by the said Commissioners for that Purpose, specifying the Depth such Dike shall be of, (and which Depth every such Collector, Receiver, and other Officer and Person so employed for that Purpose as aforesaid, is hereby authorized and required to specify and set out in such Notice, at his and their Discretion), he, she, or they shall, for every such Neglect or Refusal, forfeit and pay to the said Commissioners any Sum not exceeding Two Shillings for every Rod so neglected to be roded, scoured, cleansed, opened, deepened and widened as aforesaid; and it shall be lawful, from Time to Time, for such Collector, Receiver, or other Officer or Person, to cause such Dike or Dikes, at the Expence and Charge of such Owner or Owners, Occupier or Occupiers, to be roded, scoured, cleansed, opened, repaired, and deepened in a sufficient Manner, and made of a proper Depth, and of the Width of Eight Feet at the least, at the Discretion of such Collector, Receiver, or other Officer or Person; and also where any Way or Ways shall have been made over any Dike or Dikes, without a sufficient Tunnel, to cause such Way or Ways to be taken up, and such Dike or Dikes to be made of 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 Charges 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, to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods, Chattels and Stock, wherever the same shall be found; and all such Penalties shall be applied for the Purposes of this Act; and if any Person or Persons, after such Dike or Dikes, Tunnel or Tunnels shall have been so roded, scoured, cleansed, opened, repaired, widened and deepened by the said Collector, Receiver or other Officer or Person as aforesaid, shall again fill, stop up, or in any Manner obstruct any such Dike or Dikes, Tunnel or Tunnels, or cause, procure, permit or suffer the same to be in any Manner filled, stopped up or obstructed for the Space of Three Days, every such Person or Persons so offending, and being thereof convicted before any Two Justices of the Peace for the County or Place where the Offence shall be committed, upon the Oath of any One Witness, or by the Confession of the Party or Parties, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, to be applied for the Purposes of this Act, and levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices; and in Default of such Payment or Distress, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Six Calendar Months, at the Discretion of the said Justices.

Power to make Tunnels from the Hundred Feet River, above Mepal Green, into the Washes, &c.

LXIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any of the said Fen Lands and Low Grounds, or Washes, liable to be taxed by virtue of this Act, and lying above *Mepal Green*, to make any Tunnel or Tunnels, or other Device, from the *Hundred Feet River* aforesaid, into their respective Ditches, for the Purpose of letting Water into the same for watering their Cattle, or to use any of the Tunnels (which shall have been made by the said Commissioners above *Mepal Green* aforesaid) for the like Purpose.

Against making Tunnels below Mepal Green.

LXIV. Provided always, and be it further enacted, That it shall not be lawful for any Owner or Occupier of any of the said Fen Lands and Low Grounds, or Washes, lying below *Mepal Green* aforesaid, or for any Person whosoever, to make any Tunnel or Tunnels or other Device whatever from the *Hundred Feet River* aforesaid, into any Part of the said Fen Lands and Low Grounds, or Washes, lying below *Mepal Green* aforesaid, for any Purpose whatever, unless the same shall be done under the Order and Direction of the Superintendent for the Time being of the said Corporation, or of some other Person to be employed by the said Corporation for that Purpose.

Penalty on making any Tunnel, &c. from the Hundred Feet River into the Washes, &c.

LXV. Provided always, and be it further enacted, That if any Person shall at any Time hereafter make or use, or cause, procure, permit, or suffer to be made or used, any Tunnel, Opening, or other Device whatsoever, without making or preserving a sufficient Dam or Dams, or Heading or Headings, so as to prevent the Water running through the same from passing or running into the Old *Bedford* River, or into the Thirty Feet Drain, according to the Situation of the Lands where such Tunnel, Opening, or other Device shall be made; or if any Person shall at any Time hereafter suffer his or her Land, or the Dam or Dams, or Heading or Headings made therein for the Purpose last aforesaid, to be overflowed by the Water passing through any such Tunnel, Opening, or other Device, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, One Moiety whereof shall be paid to the Person who shall inform or sue for the same, and the other Moiety shall be paid to the said Commissioners, to be applied by them for the Purposes of this Act.

No Headings to be made nearer than 100 Yards from the 30 Feet Drain.

LXVI. Provided also, and be it further enacted, That no Dam or Dams, or Heading or Headings, shall be made by the said Commissioners, or by any other Person or Persons whomsoever, within the Distance of One hundred Yards from the Thirty Feet Drain aforesaid.

Punishment for destroying or damaging Works, &c.

LXVII. And be it further enacted, That if any Person or Persons shall at any Time hereafter maliciously cut, break down, burn, demolish or destroy any Sluice, Bank, Tunnel, Bridge or other Work already made or erected, or which shall at any Time hereafter be making or erecting, or be made or erected, or supported or maintained for answering any of the Purposes of this or the said recited Act, 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 any such Person shall be tried, shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm; or, in Mitigation

Mitigation of ſuch Puniſhment, ſuch Court may, in its Diſcretion, award ſuch Sentence as the Law directs in Caſes of Petit Larceny; and if any Perſon or Perſons ſhall at any Time hereafter wilfully damage, or dam up, or obſtruct any ſuch Sluice, Bank, Tunnel, Bridge, or any Cut, Drain, Watercourſe, Doors, Dams, or other Work or Works already made or erected, or which ſhall at any Time or Times hereafter be making or erecting, or be made or erected, ſupported or maintained, for anſwering any of the Purpoſes aforeſaid, or if any Perſon ſhall wilfully hinder or obſtruct the ſaid Commiſſioners, or any of their Officers, or any Servants, Workmen or Labourers, employed by them the ſaid Commiſſioners, or any of their Officers, or by the ſaid Corporation of *Bedford Level*, or their Superintendent, or other Perſon to be employed by them in making or repairing any Work or Works hereby directed or authorized to be done, every Perſon offending in any or either of the Caſes aforeſaid, and being thereof convicted before any Two or more Juſtices of the Peace for the County or Place wherein ſuch Offence ſhall be committed, (which Juſtices are hereby required to hear and determine the Matter), on the Oath of Two or more credible Witneſſes, ſhall forfeit any Sum not exceeding One hundred Pounds to the ſaid Commiſſioners, to be applied by them for the Purpoſes of this Act; and in Default of Payment thereof, the Perſon or Perſons ſo offending ſhall be ſent to the Houſe of Correction of the County or Place where ſuch Offence ſhall be committed, there to be kept to hard Labour for ſuch Time as ſuch Juſtices ſhall order and direct, not exceeding Twelve Calendar Months.

Manner of proceeding for Conviction of Offenders.

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One [*or*, us *C. D.* and *E. F.* Two] of His Majeſty's Juſtices of the Peace for the County, [Iſle, Place, or Liberty, *as the Caſe may be*] of [*ſpecifying the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt before written.'

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

LXIX. And be it further enacted, That in all Caſes wherein Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for his or their more certain Information in the Matters then depending; and that any Juſtice of the Peace may act as ſuch in the Execution of this Act (except where perſonally intereſted), notwithſtanding his being a Commiſſioner under the Authority of this Act.

Perſons giving falſe Evidence guilty of Perjury.

LXX. And be it further enacted, That all and every Perſon and Perſons who, in the Examination to be taken by virtue of this Act, ſhall wilfully and corruptly give falſe Evidence before any Juſtice or Juſtices of the Peace, or ſhall wilfully and corruptly ſwear falſely before any Commiſſioner or Commiſſioners appointed or to be appointed by virtue of this Act, in any Matter in which ſuch Commiſſioner is hereby authorized to adminiſter an Oath, ſhall and may be proſecuted for the ſame, and upon

Conviction thereof ſhall be ſubject to ſuch Puniſhment and Diſqualifications as any Perſon or Perſons is or may be ſubject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Recovery and Application of Penalties.

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

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

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

Allowing Appeal to the Quarter Seſſions, from Determination of Juſtices.

LXXIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Order or Determination of any Juſtice or Juſtices of the Peace, for any Thing done in purſuance of this Act, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the County or Place where the Cauſe of Complaint ſhall ariſe, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices in the ſaid

ſaid General Quarter Seſſions reſpectively are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts therein, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, wherever they ſhall be found, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

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

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

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

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

Diſtreſs not unlawful for want of Form.

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

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

LXXVII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants,

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

Limitation of Actions.

LXXVIII. And be it further enacted, That if any Action, Suit or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and ſhall be laid or brought in the Counties of *Huntingdon* or *Norfolk*, or in the Court of Pleas for the *Iſle of Ely*, as the Caſe may be, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and in Replevin may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and may give this Act and the Special Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alledged in ſuch Action or Suit to have been done, was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or forbear Proſecution, or diſcontinue his, her, or their Suit or Suits, or if any Verdict ſhall paſs againſt him, her, or them, upon a Demurrer or otherwiſe, then and in any of the ſaid Caſes the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, for which he, ſhe, or they ſhall have the like Remedy as where Coſts by Law are awarded.

Preſerving Rights of the Corporation of Bedford Level.

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

monalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had never been made.

Rights of the Lords of Manors reſerved.

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

Public Act.

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

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