ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 80.

An Act for draining and improving certain Fen Lands and Low Grounds in the Parish of *Stilton*, in the County of *Huntingdon*. [18th *May* 1810.]

WHEREAS there are within the Parish of *Stilton*, in the County of *Huntingdon*, divers Fen Lands and Low Grounds hereinafter more particularly described, which from their low and flat Situation are liable to be flooded and much annoyed by Waters, so that no certain Advantage or Profit can be derived therefrom by the Owners and Occupiers thereof: And whereas it would be highly advantageous and beneficial to all Persons interested therein if the said Fen Lands and Low Grounds were properly drained and improved: But as the same cannot be effected without the 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 or Lords, Lady or Ladies for the Time being of the Manor of *Stilton*, or in his, her, or their Absence the respective Stewards of the said Manor, and also the Rector of the said Parish of *Stilton* for the Time being, and every Person who for the Time being shall be *bona fide* Owner of Six Acres of Land liable to be taxed by virtue of this Act, shall be and they are hereby appointed Commissioners for putting in Execution this Act for the Purpose of draining and improving the Fen Lands and Low Grounds lying in the said Parish, and bounded as follows; that is to say, beginning at or from the Edge of the hard or flood free

Appointment of Commissioners.

Lands of *Stilton* aforesaid, to and along a certain Drain or Dyke called *The Wick* otherwise *The Wyke Dyke*, and from thence to, by, and along a certain other Drain or Dyke called *Stilton* or *Yaxley Brook*, to the East Corner of a certain Piece of Land or Ground belonging to *Samuel Wells*, and from thence Southward along the said Piece of Land or Ground to a certain Drove or Roadway called *Bell Drove*, and from thence Eastward along the said Drove to a certain River, Drain, or Dyke called *Caldecot Dyke*, and from thence South-West by the Side of the said River, Drain, or Dyke to the hard or flood free Lands of *Stilton* aforesaid, belonging to *William Gosling*, and from thence North-West by and along the said hard or flood free Lands of the said *William Gosling*, to and across the new Drove or Roadway made under the Act for the Inclosure of *Stilton* aforesaid, and from thence North-Westwardly by and along the Edge of the said hard or flood free Lands of *Stilton* aforesaid, to join and communicate with the first mentioned End of the said Edge of the said hard or flood free Lands of *Stilton* aforesaid, the beginning of the said Boundaries; which said Fen Lands and Low Grounds shall be and are hereby made one entire District, and shall be embanked, drained, and improved in the Manner herein-after directed.

Joint Owners may be Commissioners, and may appoint Deputies.

II. And be it further enacted, That all Persons who shall be joint Tenants, Tenants in Common, or Parceners of any Lands lying within the Bounds and Limits aforesaid, and subject to be taxed by virtue of this Act, shall for their several and respective Shares be entitled to act by virtue of such respective Shares as Commissioners by themselves or by Deputy as hereinafter mentioned, and shall have the same Powers as if such Lands so held by them as joint Tenants, Tenants in Common, or Parceners, were actually severed and divided.

Commissioners may appoint Deputy Commissioners to act in their Absence.

III. Provided always, and be it further enacted, That it shall and may be lawful for, and every such Commissioner is hereby authorized and empowered to appoint by Writing under his or her Hand, to be delivered to the said Commissioners at some Meeting to be held in pursuance of this Act, from Time to Time and for such Time as he or she shall think proper, a Deputy to act in his or her Absence as a Commissioner, and such Deputies shall and may in the Absence of the Persons respectively by whom they shall be appointed (and not otherwise) act as Commissioners in the Execution of this Act, in such and the same Manner to all Intents and Purposes as such Commissioners respectively might act and do if they were personally present.

Additional Commissioners may be appointed, &c.

IV. And be it further enacted, That every Person who shall be *bona fide* Owner or Proprietor of Twenty Acres of Fen Lands or Low Grounds subject to be taxed by virtue of this Act, may appoint and every such Person is hereby authorized to appoint by Writing under his or her Hand an Agent, to be an additional Commissioner or Commissioners for executing this Act for every such Twenty Acres of Land subject to be taxed as aforesaid, of which he or she shall be the Owner, over and above the Number of Acres for which he or she is hereby appointed a Commissioner (with Power of appointing a Deputy as aforesaid), and that such Person or Persons so to be respectively appointed as aforesaid, shall during the Pleasure of the Owner or respective Owners of such Number of Acres within the Bounds and Limits aforesaid, likewise be, and he and they are hereby appointed

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an additional Commissioner and Commissioners for the Purposes aforesaid, and shall have the like Powers and Authorities for putting this Act into Execution, as if such Person or Persons so appointed were the Owner or Owners of such Quantity of Land within the Bounds and Limits aforesaid as would qualify him or her to act as a Commissioner in his or her own right: Provided always, that no Person so appointed shall be capable of acting as Deputy or additional Commissioner under the Appointment of any more than one Person at any one Time.

If Owners, and a Minor, &c. such Minor or his Guardian to appoint a Commissioner or Commissioners during his Minority.

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

No Person to act as Deputy Commissioner or additional Commissioner, until his Appointment shall be delivered in.

VI. And be it further enacted, That no Person appointed a Deputy or additional Commissioner or Commissioners under any of the Provisions herein contained, shall be capable of acting as such Deputy or additional 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 in, 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.

Penalty on acting as Commissioners, &c. not being qualified.

VII. Provided always, and be it further enacted, That if any Person or Persons (not being properly qualified as herein-before is prescribed) shall act as a Commissioner or Commissioners in the Execution of this Act, or if any Person or Persons not being qualified as herein-before is described in that respect, shall appoint a Deputy or additional Commissioner or Commissioners to act as aforesaid, any such Person or Persons shall for every such Offence respectively forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed, and in which Action or Suit it shall only be necessary for the Plaintiff or Informer to prove that the Defendant acted as such Commissioner in the Execution of this Act, or did appoint such Deputy or additional Commissioner or Commissioners not being so qualified as aforesaid, and a Verdict shall be found

found againſt the Defendant or Defendants, unleſs he or they ſhall prove in his or their Defence that he or they were at the Time of his or their ſo acting properly qualified to act or appoint as aforeſaid, according to the true Intent and Meaning of this Act: Provided always, that no Perſon or Perſons holding any Place or Office of Profit under the ſaid Commiſſioners, ſhall act as a Commiſſioner, or as Agent, Deputy, or additional Commiſſioner or Commiſſioners for any other Commiſſioner appointed under this Act, during the Time he ſhall hold ſuch Place or Office of Profit.

No Perſon holding a Place of Profit to act as a Commiſſioner.

Commiſſioners may act as Juſtices if not intereſted.

VIII. And be it further enacted, That in all Caſes any Juſtice of the Peace may act as ſuch in Execution of the Powers herein contained, notwithſtanding his being a Commiſſioner, except in Caſes wherein he ſhall be perſonally intereſted.

Meetings of Commiſſioners.

IX. And be it further enacted, That the Firſt Meeting of the ſaid Commiſſioners ſhall be holden in ſome Place at *Stilton* aforeſaid, within One Month next after the paſſing of this Act, and that the ſaid Commiſſioners ſhall afterwards meet Twice in every Year at ſome Place in *Stilton* aforeſaid, or at ſuch other Place as the ſaid Commiſſioners ſhall from Time to Time appoint, on the Third *Friday* in the Month of *April* and the Third *Friday* in the Month of *October* in each and every Year, and at ſuch other Time or Times as they or any Three or more of them ſhall ſee cauſe or think convenient, and may from Time to Time adjourn themſelves and meet again purſuant to ſuch Adjournment as often as they ſhall think proper; and in caſe Three Commiſſioners ſhall not be preſent at the Place and Time appointed for holding any of the ſaid Meetings, or the ſaid Commiſſioners ſhall at any Meeting omit to adjourn ſuch Meeting, then and in every ſuch Caſe it ſhall and may be lawful to and for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting to any Time not exceeding Fourteen Days from the Time the Meeting was appointed to have been holden or was holden, and to the ſame Place where the ſame was appointed to be or was holden, of which Adjournment publick Notice ſhall be given either by affixing a written Notice upon the Church Doors of *Stilton* aforeſaid, one *Sunday* at leaſt previous to the Time of ſuch Meeting, or by advertiſing the ſame once in the *Cambridge Chronicle* (if then publiſhed), or ſome Weekly Newſpaper circulated in the ſaid County of *Huntingdon* previous to ſuch Meeting as aforeſaid; and in caſe any Three or more of the ſaid Commiſſioners ſhall deem a Special Meeting of the ſaid Commiſſioners neceſſary or proper, then and in every ſuch Caſe it ſhall and may be lawful to and for any Three or more of the ſaid Commiſſioners to call a Meeting of the ſaid Commiſſioners to be holden at *Stilton*, of which Meeting Seven Days Notice ſhall be given either by affixing the ſame on the Church Door of *Stilton* aforeſaid, one *Sunday* at the leaſt previous to the Time of ſuch Special Meeting, or by advertiſing the ſame once in the *Cambridge Chronicle* (if then publiſhed), or in ſome other Weekly Paper uſually circulated in the ſaid County of *Huntingdon* previous to the Time of holding ſuch Meeting, and ſuch Notice ſhall be ſigned with the Names of the Commiſſioners requiring ſuch Meeting; and that all Powers and Authorities granted to or veſted in the ſaid Commiſſioners ſhall and may from Time to Time be exerciſed by the major Part of them preſent at ſuch Meeting, ſuch major Part not being leſs than Three.

Three Commiſſioners a Quorum.

Orders not to be revoked but at subsequent Meetings.

X. Provided always, and be it enacted, That no Order or Determination made or come to at any Meeting of the said Commissioners shall be revoked or annulled but at a subsequent Meeting, at which Seven Commissioners shall be present and consent thereto, nor unless Notice of such Meeting (stating the Object thereof) shall be one *Sunday* affixed on the Doors of the Parish Church of *Stilton*, or be once inserted in the *Cambridge Chronicle* (if the same shall continue to be published), or in some Weekly Newspaper usually circulated in the said County of *Huntingdon*.

Expence of Meetings.

XI. And be it further enacted, That no greater or larger Sum of Money than Thirty Shillings in the Whole shall be paid or allowed for the Expences of the Commissioners at any one of the General Meetings to be held under or by virtue of this Act, or more than Fifteen Shillings for the Expences of the Commissioners at any adjourned or Special Meeting.

Entry of Proceedings good Evidence.

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

For appointing Officers.

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

Security to be given.

shall take such Security for the due Execution of the respective Offices by such Person or Persons as aforesaid, as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as

Officers to account.

aforesaid, shall under their Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to such Commissioners or to such Person or Persons as they shall appoint, a true and perfect Account in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners or to such Person or Persons as they shall appoint; and all the said Officer or Officers, Person or Persons so accounting as aforesaid, shall if required verify their said Accounts upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer); and if any such Officer or Officers,

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

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shall be detained in Prison for any longer Time than Six Calendar Months.

Commissioners to make Works.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make, erect, support, alter, raise, cut, set up, and build, or cause to be made, erected, supported, altered, raised, cut, set up, and built, in, upon, through, or over any Part of the Lands or Grounds within or near to the Bounds or Limits of the said District, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mill or Mills, Engines, Sluices, and other Works, as they shall think necessary, for the better draining and preserving of the said Fen Lands and Low Grounds; and the said Works so to be made under and by virtue of this Act, shall be vested in and be the Property of the said Commissioners, and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and over all and singular the Banks, Bridges, Cuts, Drains, Headings, Outlets, Mill or Mills, Engines, Sluices, and other Works already made or set up, or to be maintained and kept in Repair by the said Commissioners; and also from Time to Time to cleanse, widen, deepen, alter, repair, remove, support, rebuild, and enlarge the same respectively, or to cleanse, widen, deepen, and repair and mill into any Brook, Dyke, or Drain, whether public or private, in or near to the Bounds and Limits of the said District as they may think proper, for the better Drainage and Improvement of the said Fen Lands and Low Grounds; and that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered from Time to Time to divide off, take, and use such Lands and Hereditaments as the said Commissioners shall judge necessary to be cut, dug, taken or used for the making and erecting any of the Banks, Bridges, Mill or Mills, Cuts, Drains, Dams, Headings, Outlets, or other Works for the Execution of this Act; and also from Time to Time and at all Times to dig, cut, take, and carry away any Earth, Flag, or other Materials from the Lands within the said District, therewith to heighten, widen, strengthen, make, maintain, and support the Banks and Works comprized in the said District, of such Width, Strength, and Dimensions as they the said Commissioners shall think proper, and also to take and carry away the Earth coming out of any of the public or private Brooks or Drains already made or to be made by virtue of this Act, for the Purpose of making any Bank or Banks or other Work or Works that may be thought necessary to be made under the Authority of this Act, they doing thereby as little Damage as may be, and making Satisfaction and Compensation for the same in Manner herein mentioned.

Commissioners Power to drain other Lands adjoining to the said District.

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

XVI. And

Power to make Bridges over Drains.

XVI. And be it further enacted, That where the ſaid Commiſſioners ſhall make or cut any Cuts or Drains acroſs any Road, Droveway or Droveways, or other public Highways, they the ſaid Commiſſioners ſhall cauſe proper and ſufficient Bridge or Bridges, Tunnel or Tunnels to be put down and placed over all ſuch Cuts or Drains, and from Time to Time keep the ſame in good and proper Repair.

But not over the Catchwater or Mill Drains.

XVII. Provided always nevertheleſs, That nothing herein contained ſhall compel the ſaid Commiſſioners to erect, put down or repair any Bridge or Bridges, Tunnel or Tunnels, which ſhall be required to be made over any Catchwater, Drain or Drains, or over any Mill Drain or Drains, for the Purpoſe of getting into the ſeveral Lands or Grounds adjoining, but in all Caſes whatſoever, the ſame ſhall be erected, built, and kept in Repair of ſufficient Height, Width, and Depth (according to the Size of the ſaid Drain or Drains) at the ſole Charges and Expences of the Owner or Owners of ſuch Lands or Grounds adjoining the ſame.

Power to make a Catchwater Drain or Drains.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to make or cauſe to be made a ſufficient Catchwater, Drain or Drains for the Conveyance of the Highland Waters, in ſuch Manner and of ſuch Dimenſions, and in ſuch Place or Places, and in, through, over, or upon ſuch Lands or Grounds within the ſaid Diſtrict, as they the ſaid Commiſſioners ſhall think right and proper, making to the Owner or Owners of any Lands or Grounds through, over, or upon which ſuch Catchwater, Drain or Drains ſhall be ſo made, a reaſonable and fair Compenſation for any Injury or Loſs that he, ſhe, or they may ſuſtain thereby, and which ſaid Compenſation ſhall be fixed and ſettled by the Perſon or Perſons who ſhall be appointed by the ſaid Commiſſioners to ſurvey the ſaid Fen Lands and Grounds in Manner herein-after mentioned.

Power to continue and join the Diſtrict Bank with the Wick Dike and the Hard Lands of Stilton.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby fully authorized and empowered to join, communicate, mill, throw or caſt the Waters of the ſaid Diſtrict into any adjoining public Dyke, Drain, Brook, or Watercourſe, and to extend the intended Embankment of the ſaid Diſtrict, or any Part of the Ends or Boundaries thereof, with or up to any Part or Parts of the ſaid Dike or Drain called *The Wick* otherwiſe *Wyke Dyke*, or the Sides or Ends thereof, and alſo upon, along or up to the Edge of the ſaid Hard Lands of *Stilton* aforeſaid, or to any Bank or Banks, Dyke or Dykes, Ditch or Ditches already made in *Stilton* aforeſaid, and in ſuch Places and Manner and under ſuch Direction as they the ſaid Commiſſioners ſhall think proper, and may be required and found neceſſary for the complete Drainage and Improvement of the ſaid Fen Lands and Low Grounds; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

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

XX. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to agree with the Proprietor of and Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall judge neceſſary to be uſed for the Purpoſe of making any Cut or Cuts, Drain or Drains, Bank or Banks, or other Works within the ſaid Diſtrict, or for Materials for the ſame, for the Purchaſe of ſuch

Lands, Tenements, and Hereditaments, or to agree 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, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in 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 under this Act, for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and 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 nothwithstanding; 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 Thirty Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may and they are hereby authorized and empowered, Fourteen Days at least before any Quarter Sessions of the Peace to be holden for the said County of *Huntingdon*, within Twelve Calendar Months after the Lands or Grounds shall have been used or such Damage done, to give or cause to be given to the Party or Parties whose Land or Ground shall have been used, or who shall have sustained such Damage or Injury, or leave or cause to be left at his or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Land or Ground, 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 and are hereby authorized and empowered to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Sheriff of the said County, and cause them to be sworn well and truly on their Oaths to assess the Value of the Land or Ground, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid, to the respective Person or Persons, Bodies Politic, Corpo-

rate or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof according to their reſpective Intereſts therein; to which ſaid Juries the ſaid Commiſſioners, and all Parties intereſted in the ſaid Lands ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid County is hereby authorized and empowered 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 Seſſions are hereby empowered and required to adminiſter) ſhall aſcertain and award the Recompence to be given for the ſaid Land or Ground, or any Damage or Injury which ſhall have been done as aforeſaid, to the reſpective Perſon or Perſons, Bodies Politic, Corporate or Collegiate, or Owner or Owners thereof; and the ſaid Juſtices ſhall and may give Judgement according to the Verdict of the ſaid Jury; and the Judgement thereupon declared and pronounced by the ſaid Juſtices ſhall finally bind and be concluſive to the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands or Grounds, and ſhall be entered and kept among the Records of the Quarter Seſſions for the ſaid County, and true Copies thereof being ſigned by the Clerk of the Peace for the ſaid County, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Perſons may have Recourſe thereto, or take Copies thereof or Extracts therefrom on paying the uſual Fees paid in Caſes of the like Nature.

Coſts to be paid.

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

Application of Compenſation where exceeding 200l.

XXII. 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

Perſon or Perſons under any 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 Diſcharge of any Debt or Debts, or any Part thereof affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and Hereditaments 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 Compenſation does not exceed 200 l. nor leſs than 20 l.

XXIII. 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 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, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified by Writing under their reſpective Hands), be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners reſpectively, 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 hereinbefore 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 where the Money is less than 20*l.*

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

In case of not making out Titles,

or if the Person cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery on Motion or Petition.

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

When any Question shall arise touching the Title to Money to be paid, the Person who shall

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

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

being in Poſſeſſion ſhall be deemed entitled thereto.

XXVII. 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 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, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

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

XXVIII. And be it further enacted, That for carrying into Execution and completely effecting the ſaid intended Drainage and Improvement of the ſaid Fen Lands and Low Grounds, and for ſecuring the Re-payment of ſuch Sum or Sums of Money (if any) as ſhall be borrowed or advanced in any Manner by the ſaid Commiſſioners for that Purpoſe, it ſhall and may be lawful to and for the ſaid Commiſſioners aſſembled at their firſt or any other Meeting to be held as aforeſaid, and they are hereby required to aſſeſs, rate, and charge all and ſingular the ſaid Lands and Grounds within the ſaid Diſtrict (not being High Lands as herein-after mentioned), and all and every the reſpective Owner or Owners, Occupier or Occupiers of the ſaid Fen Lands and Low Grounds in reſpect thereof, with an equal and proportionate Tax not exceeding the Sum of Five Pounds *per* Acre for each Year until the ſaid Works of Drainage and Improvement required to be done ſhall be completed and effected, and the ſaid Lands and Grounds drained and diſcharged from Water; and from and after ſuch Works of Drainage and Improvement ſhall be completed and effected, it ſhall be lawful for the ſaid Commiſſioners to aſſeſs, rate, tax, and charge all the ſaid Fen Lands and Low Grounds (except High Lands as aforeſaid) with ſuch an equal and proportionate Tax not exceeding the ſaid Sum of Five Pounds *per* Acre for each Year, as in the Judgement of the ſaid Commiſſioners ſhall be deemed neceſſary for the Support, Removal, Maintenance, or Reparations of the ſeveral Work or Works of Drainage and Improvement ſo directed to be done as aforeſaid.

Power to lay Taxes.

For making Surveys.

XXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners (if they ſhall think proper); and they are hereby authorized to cauſe the ſaid Fen Lands and Low Grounds to be ſurveyed by ſome competent and ſkilful Perſon, and to have a Map and Plan thereof made, diſtinguiſhing therein the Quantity of Acres, Roods, and Perches belonging to each particular Perſon, and alſo which are High Lands and ſubject to Inundation, and which are not, and which ſaid Survey and Plan, if ſo required to be made, ſhall be delivered to the ſaid Commiſſioners at ſome one of their Meetings, and ſhall be verified upon Oath of the Perſon or Perſons making the ſame (which Oath any one of the ſaid Commiſſioners is hereby authorized to adminiſter), and which Survey and Plan to be given in as aforeſaid, ſhall be a ſufficient Authority to the ſaid Commiſſioners to make and collect the ſaid Rates and Taxes by, and ſhall be binding upon the ſeveral Perſons charged with the Payment thereof, for their ſeveral Lands charged with ſuch Payment; and ſuch Survey and Plan being ſigned by the Perſon or Perſons making the ſame, and alſo by the ſaid Commiſſioners; ſhall be allowed as Evidence in all His Majeſty's Courts of Law or Judicature whatſoever.

Power to enter Lands.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the Perſon, if ſo appointed as aforeſaid by the ſaid Commiſſioners, to ſurvey the ſaid Lands and Grounds, and his Aſſiſtants and Servants, and every other Perſon employed by the ſaid Commiſſioners, from Time to Time and at all Times, to enter into, view, examine, ſurvey, admeaſure, and plan the ſaid Lands and Grounds, and affix Stakes or Land Marks thereon, and to do all other Acts, Matters, and Things which ſhall in their Judgement be requiſite for carrying this Act into Execution.

High Lands not to be taxed.

XXXI. Provided always, and be it further enacted, That no Rate, Tax, or Aſſeſſment ſhall be laid, rated, aſſeſſed, or levied for or in reſpect of any Lands or Grounds deſcribed within the Limits and Bounds of the ſaid Diſtricts as aforeſaid, which are known and diſtinguiſhed by the Name of High Lands, and have not been damaged by Floods or Inundations.

When Taxes ſhall be paid.

XXXII. And be it further enacted, That the ſaid Rates, Taxes, and Aſſeſſments for the firſt Year after the paſſing of this Act, ſhall be charged and impoſed at the firſt Meeting of the ſaid Commiſſioners, to be held as hereinbefore is appointed, after the paſſing of this Act, or at ſome Adjournment thereof, and ſhall become due and payable at ſuch Time and Times and in ſuch Proportions as the ſaid Commiſſioners ſhall direct, and all future Taxes and Aſſeſſments ſo directed to be levied as aforeſaid ſhall be paid Twice in every Year; (that is to ſay), the firſt Half-yearly Payment ſhall be made upon the firſt *Friday* in *September*, and the other Half-yearly Payment upon the firſt *Friday* in *February*, and all ſuch Rates, Taxes, and Aſſeſſments ſhall be paid and payable at ſuch Place and Places as the ſaid Commiſſioners ſhall appoint for that Purpoſe (public Notice of ſuch Time and Place of Payment being firſt affixed one *Sunday* upon the Church Door of *Stilton* aforeſaid, at leaſt Fourteen Days immediately preceding the ſaid Time of Payment); and in caſe of the Non-payment of the ſaid Taxes within Fourteen Days after the Time ſo preſcribed for Payment thereof, every Perſon ſo neglecting ſhall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for ſuch Taxes and not paid as aforeſaid, and ſo in Proportion for any greater or leſs Sum than

Twenty

Twenty Shillings, to be recovered in the same Manner as the Taxes charged by virtue of this Act are herein directed to be recovered.

For Recovery of Taxes.

XXXIII. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the Whole or of any Part of the Sum or Sums of Money assessed, rated, taxed, or charged upon him, her, or them, for or in respect of such Lands or Grounds, and shall continue in such Default by the Space of One Calendar Month next after the Time appointed by the said Commissioners as aforesaid for such Payment, it shall and may be lawful to and for the Collector or Collectors, or other Person or Persons authorized by the said Commissioners to collect such Taxes respectively, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners (which Warrant or Precept such Three or more of the said Commissioners are hereby empowered and required to make and give as they shall see Occasion, though not assembled at any Meeting in pursuance of this Act), to enter into and upon all or any Part of the Lands or Grounds so rated, taxed, or charged as aforesaid, and into and upon all or any Messuages or Tenements thereupon standing, and there or in any Part or Parts of the Lands, Grounds, Messuages, or Tenements upon which such Entry shall be made, to distrain all or any of such Goods, Chattels, or Cattle as shall be there found; and it shall and may be lawful for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained on any Part of the Messuages or Lands whereon the same shall be found, or otherwise to take, lead, drive, carry away, and keep the same for the Space of Five Days, leaving Notice in Writing of the Cause of such Distress or Distresses at the Messuage or Tenement, Messuages or Tenements, or in some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, or otherwise at the usual Place or Places of Abode of the Owner or Owners of such Goods, Chattels, or Cattle, and if the Owner or Owners of such Goods, Chattels, or Cattle so distrained, shall not pay the Sum or Sums of Money so rated, taxed, charged, and distrained for as aforesaid, and the Penalty incurred by the Non-payment of the said Sum or Sums of Money within the Time herein limited for that Purpose, together with the Costs and Charges of such Warrant, and of taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained according to the Laws now in force for Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained, shall be appraised by Two or more indifferent Persons to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose), according to the best of their Judgements; and that after such Appraisement as aforesaid, the said Goods, Chattels, or Cattle shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the Sum or Sums of Money so rated, taxed, charged, and distrained for, and the Penalty incurred by the Non-payment of the said Sum or Sums of Money within the Time herein limited for that Purpose, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress; and that the Overplus arising from such Sale (if any) after Pay-

ment of the said Sum or Sums of Money, shall be returned on Demand to the Owner or Owners of such Goods, Chattels, or Cattle.

For relieving Tenants for Life or in Tail from the Taxes paid by them in case of Death within Six Years from the passing of this Act.

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

Empowering the Rector of Stilton to borrow Money to defray Expences.

XXXV. And whereas the Reverend *Daniel Twining*, the present Rector of *Stilton* aforesaid, or his Successors, may have Occasion to borrow Money to pay and defray the several Rates and Taxes hereby directed to be imposed upon the Fen Lands and Low Grounds belonging to the said Rectory, and lying within the Bounds and Limits of the said District, and cannot make an effectual Security for the Money which shall be advanced and lent for that Purpose; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said *Daniel Twining*, or his Successors, Rectors of the said Parish and Parish Church of *Stilton* aforesaid, by and with the Consent and Approbation of the Lord Bishop of *Lincoln* as Patron and Ordinary of the said Rectory, to charge all and every the Fen Lands and Low Grounds lying within the Bounds and Limits of the said District, and liable to be taxed by virtue of this Act, with any Sum or Sums not exceeding Two hundred Pounds, in order to be applied and disposed of for and towards the Payment of the said Rates and Taxes hereby directed to be imposed upon the several Fen Lands and Low Grounds lying within the said District, and for securing the Payment of the said Sum of Two hundred Pounds, and Interest not exceeding Five Pounds *per Centum per Annum*, to grant, mortgage, lease, or demise the Lands or Grounds so to be charged unto such Person or Persons who shall advance and lend the same, for any Term or Number of Years, so as every such Grant or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered when the Sum or Sums of Money thereby to be secured with the Interest thereof shall be lawfully satisfied and paid, and so as in every such Grant or Demise there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby secured, in such Manner that no Person afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than from the Time when the Title of such Possession shall accrue

and

and commence; and so that in every such Grant or Demise there be also contained a Covenant to pay off and discharge annually the Sum of Ten Pounds, Part of the Principal Money so to be borrowed as aforesaid, until the Whole of such Principal Money shall by such annual Payments or Instalments be paid off and discharged.

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

XXXVI. And be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed or rated by virtue of this Act, from and after the Payment of the first mentioned Rate, Tax, or Assessment at Five Pounds *per* Acre, and the said several Works of Drainage herein directed, shall be fully completed and effected, shall pay and they are hereby authorized and required to pay all and every such future Sum and Sums of Money as shall be assessed or rated on their respective Lands and Grounds in their several Occupations, and to deduct and retain out of his, her, or their Rent, all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid, and the several and respective Landlords or Owners of such Lands or Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents, and that every such Tenant or Occupier paying such Rate or Tax shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him, her, or them shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

But not to deduct Penalties.

XXXVII. 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 any of the Provisions herein contained, and such Penalty or Penalties shall have been levied by the said Commissioners upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty or Penalties, together with the Costs, Charges, and Expences of taking such Distress or Distresses (where any such Distress or Distresses shall have been taken) shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners of such Fen Lands and Low Grounds shall not be compelled or compellable to allow or pay any such Penalty or Penalties, or Expences to such Occupier or Occupiers; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

No beneficial Lessee to be allowed to deduct Taxes.

XXXVIII. Provided nevertheless, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates or Taxes imposed by this Act, who shall hold the same by virtue of or under any Lease from any Bishop or Collegiate Church or College, or any Ecclesiastical Corporation, Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which at the Time of passing this Act, there shall be more than Three Years to come and unexpired, shall be entitled to deduct the said Rates, Taxes, or Assessments, or any of them, imposed from and after the Payment of the said first-mentioned Rate, Tax, or Assessment of Five Pounds *per* Acre, and the several Works of Drainage herein directed shall be fully completed and effected out of the Rent received or payable by any such Lease or Agreement; but the said subsequent Rates

and Taxes shall be charged upon and paid by the Lessee or Tenants so holding such Lands or Grounds as aforesaid.

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

XXXIX. And be it further enacted, That in all Cases where no sufficient Distress can be found upon such Lands whereon to levy the Tax or Taxes and Penalty which shall be in Arrear in respect thereof by virtue of this Act, it shall and may be lawful for the Collector or Collectors of the Taxes appointed or to be appointed in pursuance of this Act, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners (which said Warrant or Precept such Commissioners, or any Three or more of them, are hereby empowered from Time to Time to make as Occasion shall require), to levy all and every the said Tax or Taxes and Penalty which shall be then in Arrear, upon any Goods or Chattels of any Person or Persons so occupying any Lands chargeable with any such Tax or Taxes, whensoever and wheresoever such Goods and Chattels shall be found, together with all the Charges of levying the same; and in case no sufficient Distress can be found upon any Goods and Chattels of any such Person or Persons so occupying any of the said Lands chargeable with any such Tax or Taxes and Penalty, then and so often it shall be lawful for the said Commissioners, or any Three or more of them, by such Warrant or Precept as aforesaid, to levy all and every the said Tax or Taxes and Penalty which shall be then in Arrear, upon the Goods or Chattels of any Person or Persons owning any such Lands or Grounds whensoever and wheresoever the same shall be found, together with all Charges of levying the same.

Owners of Lands giving Notice of their Intention to relinquish any Lands shall be exempted from Payment of the Taxes, &c.

XL. And be it further enacted, That if any Owner or Proprietor of any of the said Fen Lands and Low Grounds lying within the District aforesaid, shall by Writing under his or her Hand give Notice to the said Commissioners, or to their Treasurer or Clerk for the Time being, of his or her Intention to relinquish and give up any of the said Fen Lands and Low Grounds into the Hands of the said Commissioners, in order to be exonerated from the Taxes and Penalties payable in respect thereof, that then and in such Case every such Person shall from the Delivery of such Notice be wholly exempt from the Payment of all Taxes and Penalties in respect of the said Fen Lands and Low Grounds specified in the said Notice, and then and from thenceforth all Proceedings taken by the said Commissioners, or any of their Collectors, Receivers, or Agents against any Person or Persons whomsoever, or against his, her, or their Stock, Cattle, or Effects, for the Recovery thereof, the said Taxes and Penalties so in Arrear in respect of the said Fen Lands and Low Grounds so specified in the said Notice, shall be null and void, and it shall and may be lawful for the said Commissioners immediately after the Delivery of such Notice as aforesaid, to let by Public Auction all and any the said Fen Lands and Low Grounds so specified in the said Notice, to any Person or Persons whomsoever, for any Time not exceeding Three Years at the Discretion of them the said Commissioners, and to apply the Monies arising from such letting for the Purposes of this Act: Provided always, that nothing contained in the Power hereby given to the said Commissioners, to let the Lands for the Non-payment of the Taxes imposed by this Act, shall extend or be construed to extend, to exonerate or discharge any Tax or Taxes that are or may be imposed by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second,

Second, intituled; *An Act for ſettling the Draining of the Great Level of the Fens called* Bedford Level; but that all Hirers and Purchaſers thereof ſhall have and enjoy the ſaid Lands ſubject thereto.

Diſtreſs not unlawful for Want of Form.

XLI. And be it further enacted, That where any Diſtreſs ſhall be made for any Rate, Tax, or Sum or Sums of Money to be levied by virtue of this Act, or for any Penalty incurred on Non-payment thereof as aforeſaid, 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, 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 Damages in an Action upon the Caſe.

Lands let to revert to the Owners after Satisfaction of Taxes and Penalty.

XLII. Provided always, and be it further enacted, That in all Caſes where any Lands or Grounds ſhall by virtue of the Proviſions herein-before contained, be let by the ſaid Commiſſioners for the Recovery of the Taxes and Penalties due thereon, ſuch Lands and Grounds ſhall, after the Expiration of the Term for which the ſame ſhall be ſo let, and the Payment of the ſaid Taxes and Penalties, and all Expences incurred by the ſaid Commiſſioners, or their Collectors, Receivers, or Agents relating to the letting of the ſaid Lands, (and which Expences they the ſaid Commiſſioners, or their Collectors, Receivers, or Agents are hereby authorized and required to raiſe out of any ſuch Rent or Rents, Fine or Fines, Premium or Premiums, ariſing and received from or in reſpect of ſuch Lands and Grounds), revert to the original Owner or Owners, Proprietor and Proprietors thereof, and be as fully and effectually veſted in him, her, or them, to all Intents and Purpoſes whatſoever, as if ſuch Lands or Grounds had never been let by the ſaid Commiſſioners.

For giving Notice to Owners of Lands to be let.

XLIII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice to be given to the Owner or Proprietor, Owners or Proprietors of the Lands ſo to be let, by leaving the ſame at his, her, or their uſual or laſt Place or Places of Abode, if ſuch Place or Places of Abode be known to the Commiſſioners, and alſo ſhall give publick Notice Two Weeks ſucceſſively in the *Cambridge* Newſpaper, or ſome other publick Newſpaper uſually circulated in the ſaid County of *Huntingdon*.

Lands may be let for Payment of Taxes.

XLIV. And whereas it may ſometimes happen that ſome of the Lands and Grounds in the ſaid Diſtrict may be untenanted or unoccupied for a conſiderable Time, and that no Diſtreſs can be taken thereon for levying the Rates or Taxes 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 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 Three 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 Rate or Tax and Penalty ſhall be ſo in Arrear, as they the ſaid Commiſſioners ſhall judge

sufficient, for such Term or Terms of Years not exceeding Three Years, at such Rent and Rents, and upon such Terms and Conditions as to them the said Commissioners shall seem meet, and to apply the Rent or Rents arising therefrom in Payment and Discharge of all such Rates and Taxes, and the Penalties incurred for Non-payment thereof, and also the Costs, Charges, and Expences of advertising and letting the said Lands or Grounds as aforesaid.

Commissioners may borrow Money on Credit of the Taxes.

XLV. And be it further enacted, That it shall and may be lawful for the said Commissioners assembled at any General or Special Meeting, and they are hereby empowered from Time to Time if they shall think necessary, to borrow any Sum or Sums of Money not exceeding in the Whole the Sum of One thousand five hundred Pounds, which they shall think necessary for the Purposes of this Act, and by any Writing under their Hands and Seals to assign over the said Rates or Taxes imposed or to be imposed on all the said Fen Lands and Low Grounds by virtue of this Act, as Security for the Re-payment of such Sum and Sums, with Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her, or their Executors, Administrators, or Assigns; and all and every such Person and Persons to whom any such Mortgage or Assignment thereof shall be made shall be in Proportion to the Sum or Sums therein mentioned, Creditors on the said Taxes, and shall have no Preference in respect to the Priority of advancing any Sum or Sums of Money.

Commissioners may borrow Money on the Taxes for temporary Purposes, and pay the same out of the ensuing Year's Tax, and may lay such Tax themselves.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, until they shall be able to borrow Money under the Powers and Authorities herein contained, and also when all the Monies which shall have been so borrowed by them with the Interest thereof shall have been repaid, at any General or Special Meeting, from Time to Time as to them shall seem meet, to borrow and take up any Sum or Sums of Money at their Discretion by way of temporary Loan for the Purposes of this Act; and any Three 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 Three of the said Commissioners, or the said Three Commissioners given 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 Pounds *per* Acre, as will repay the said Sum or Sums of Money so borrowed, together respectively with lawful Interest for the same, and no Part of such Tax shall be applied to any of the Purposes of this Act, until the Whole of such temporary Loan, together with the lawful Interest for the same, shall be repaid.

Taxes charged with the principal Monies and vested with the Creditors.

XLVII. And be it further enacted, That the said Rates or Taxes intended to be imposed on all the said Fen Lands and Low Grounds to be made by virtue of this Act, shall be charged and chargeable with the Payment of the Principal Monies to be borrowed of any Person or Persons whomsoever, and with the Interest of such Monies from Time to Time, and shall vest in the Creditors and Commissioners so advancing upon Default of Payment of such Principal Money and Interest, until the same and

every

every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors so advancing, their Executors, Administrators, or Assigns respectively, shall have the same Powers, Rights, and Privileges of recovering the said Taxes for or in respect of such Principal Monies and Interest, in case of Default in Payment thereof, as the said Commissioners and their Collectors and their Receivers could have had, in case such Principal Money and Interest had been regularly paid.

Penalty on destroying Works.

XLVIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously burn, cut, throw down, break down, or otherwise injure or destroy any Bank, Millhill, Engine, Floodgate, Tunnel, or Sluice, or any other Works already erected, supported, maintained, or used, or shall obstruct any Person or Persons employed in making or erecting the same by virtue of this Act, for draining or preserving the Fen Land and Low Grounds within the said District, every Person so offending and being thereof convicted, shall be subject and liable to the like Pains and Penalties as in the Cases of Felony; and the Court by or before whom such Person shall be tried and convicted, shall hereby have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment such Court may if they think fit award such Sentence as the Law directs in Cases of Petty Larceny.

Penalty on turning Hogs on the Banks.

XLIX. And be it further enacted, That if any Hogs or Swine shall at any Time after the passing of this Act be found upon the Banks or any of them, the Owner or Owners of such Hogs and Swine shall forfeit and pay for every such Hog or Swine so found on any of the said Banks, any Sum not exceeding the Sum of Ten Shillings *per* Head for every Time such Hogs or Swine shall be so found thereon.

Restrictions as to planting Trees or Holts, erecting Buildings, or cutting Engines and Banks.

L. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Buildings be placed, erected, or built (except by the Order and Permission of the said Commissioners), nearer to any Mill or Engine made or to be made, erected, or employed, for the Purposes of this Act, than Three hundred Yards, and if any Trees or Holts shall hereafter be planted, or any Building made, erected, or built within the said Distance, and such Trees or Holts shall not be taken up and carried away, or such Buildings pulled down and removed within the Space of Ten Days after Notice for that Purpose (by order of the said Commissioners or any Three or more of them), given to the Owner or Proprietor of the Land or Ground where such Trees, Holts, or Buildings respectively shall be, or left at his or her last or usual Place of Abode, or with the Tenant in Possession of the Premises, then and in every such Case it shall and may be lawful for the said Commissioners, or any Three or more of them, by Warrant under their Hands and Seals, to cause such Trees and Holts to be taken and carried away, and such Buildings to be pulled down and removed 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 by the Person or Persons who committed the Offence, and may be recovered by Distress and Sale of his, her, or their Goods, Chattels and Stock, wherever the same shall

be found, by Warrant under the Hands and Seals of any Three of the said Commissioners.

To prevent burning Banks.

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

To prevent digging Soke Ditches, &c. near Bank.

LII. And be it further enacted, That if any Person or Persons shall make or cause to be made any Soke Dyke or Ditch in and upon any of the said Fen Lands and Low Grounds, within the Distance of Twenty Feet from any Bank now made or hereafter to be made by virtue of this Act, within the Limits aforesaid, any such Person so offending shall forfeit for every such Offence the Sum of Three-pence for every Foot in Length of such Soke Dyke, and after the same Rate for every Month such Soke Dyke shall remain unfilled after Notice given by the Clerk or Agent to the said Commissioners, to such Person or Persons who shall have dug or caused to be dug the same, and the said Commissioners shall have full Power at any Time, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Lands wherein such Soke or Soke Dyke shall be made, to fill up and level the same, all which Forfeitures shall, upon Conviction of the Offender or Offenders, before any One or more Justice or Justices of the Peace for the said County of *Huntingdon*, not interested in the said Fen Lands or Low Grounds, upon the Oath of One or more credible Witness or Witnesses, (which Oath the said Justice or Justices is and are hereby required and empowered to administer, and also to hear and determine the said Offences), be immediately paid into the Hands of the said Collector, Receiver, or Treasurer of the said Taxes, and to be applied for carrying on the Works of the said Drainage; and in case of Nonpayment thereof such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and

Seals

Seals of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made, and for want of ſufficient Diſtreſs ſuch Offenders ſhall by ſuch Juſtice or Juſtices be committed to the Common Gaol of the ſaid County of *Huntingdon*, for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months.

Outring and Diviſion Dikes to be kept open by the Owners.

LIII. And be it further enacted, That all Owners and Occupiers of Lands lying and being within the ſaid Diſtrict, ſhall from Time to Time and at all Times hereafter, keep or cauſe to be kept all the Outring and Diviſion Dikes or Drains belonging to them reſpectively, of a ſufficient Depth and of the Breadth or Width of Nine Feet at the leaſt, and ſhall from Time to Time and at all Times hereafter cauſe the ſame Drains or Dikes to be well and effectually roaded, ſcoured, and cleanſed from Weeds and other Rubbiſh and Obſtructions, and cauſe proper Tunnels to be laid therein where neceſſary, for the better iſſuing, running, and conveying the Waters therein; and if any Owner or Occupier ſhall not within Fourteen Days next after Notice and Direction in that Behalf in Writing, under the Hands of Three or more of the Commiſſioners for draining of the ſaid Diſtrict where ſuch Lands lie reſpectively, ſhall be given to him or her, or affixed on ſome conſpicuous Part of the Town of *Stilton* aforeſaid (in caſe ſuch Place of Abode be above the Diſtance of Seven Miles from ſuch Lands, or ſhall not be known), cauſe and procure ſuch Drains or Dikes to be roaded, ſcoured, cleanſed, deepened, and widened reſpectively, and ſuch Tunnels to be laid in purſuance of and according to ſuch Notice and Direction, the ſaid Commiſſioners or any Three or more of them, ſhall and may, and they are hereby authorized and empowered to cauſe the ſame to be done in a proper and effectual Manner, and by Warrant or Precept under their Hands and Seals, or the Hands and Seals of any Three or more of them, to authorize and empower their Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors, or any other Perſon or Perſons, to levy and raiſe the Charge and Expence of doing thereof by Diſtreſs and Sale of ſuch Goods and Chattels as ſhall at any Time thereafter be found on the Lands to which ſuch Drains or Dikes, Bridges or Tunnels ſhall appertain or belong, rendering the Overplus (if any) to the Owner or Owners thereof, and every ſuch Owner or Owners or Occupier or Occupiers for every ſuch Neglect, ſhall forfeit any Sum not exceeding the Sum of Three-pence for every Rod of the Drain or Dike ſo neglected to be deepened, widened, ſcoured, or cleanſed.

Commiſſioners may dig Earth in the Waſte.

LIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to dig and take away any Earth or other Materials in any Common Lands and Waſte Grounds, or from any publick Dike, Drain, or Brook within the Pariſh of *Stilton* aforeſaid, or in any Pariſh or Place adjoining or near to the ſaid Diſtrict, for the Purpoſe of embanking and preſerving ſuch Diſtrict; and in caſe there ſhall be no Common Lands or Waſte Grounds within any of the ſaid Pariſhes where ſuch Earth or Materials can be procured, it ſhall and may be lawful to and for the ſaid Commiſſioners to purchaſe or procure highland Earth at the neareſt and moſt convenient Place or Places for ſuch Purpoſes.

Commiſſioners to make Orders for opening or ſhutting down

LV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, and they are hereby authorized and required to appoint One or more Officer or Officers for

Tunnels and Sluices, &c.

for the Purpoſe of opening and ſhutting down the Tunnels and Sluices already ſet down, or to be ſet down and made uſe of for the Purpoſe of admitting Water from any River through the Bank againſt the ſame, for the Benefit of Cattle or otherwiſe in the Execution of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners to make ſuch Order or Orders touching the opening or ſhutting down of the ſaid Tunnels and Sluices as they ſhall think proper; and if the ſaid Officer or Officers or the Perſon or Perſons acting by or under his or their Authority, ſhall open or ſhut down any of the ſaid Tunnels and Sluices or any of them, every ſuch Officer and other Perſon ſo offending, ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds.

Penalty on cutting Turves, &c. near any of the Banks.

LVI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time hereafter cut or dig or cauſe to be cut or dug any Turves, Hods, or Seſſes within the Diſtance of Sixty Feet of any of the Banks to be made and thrown up by virtue of this Act, or of any of the Soke Dikes within the Limits of the Lands and Grounds to be drained by virtue of this Act, every ſuch Perſon for every ſuch Offence, ſhall forfeit and pay any Sum not exceeding Ten Pounds for every One thouſand Turves ſo cut or dug as aforeſaid.

If Lands are inundated and the Works cannot be begun or completed, Money raiſed to be laid out at Intereſt.

LVII. And be it further enacted, That if it ſhall happen that the ſaid Fen Lands and Low Grounds ſhall after the paſſing of this Act be ſo overflowed and inundated with Water that the Works hereby directed to be done cannot be begun or completed, or in caſe any Money exceeding the Sum of Fifty Pounds ſhall at any Time appear to remain upon Balance of the yearly Accounts in the Hands of the Treaſurer to the ſaid Commiſſioners, that then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized and empowered to lay out and inveſt the Monies hereby directed to be raiſed and levied by the Taxes, and alſo the Money ſo remaining in the Hands of the Treaſurer as aforeſaid, at Intereſt, in Navy, Victualling, or Exchequer Bills, as they the ſaid Commiſſioners ſhall think proper, until ſuch Time as the ſaid Works can be begun or completed, or until ſuch Balance ſhall be required for the Purpoſe of this Act, and ſhall from Time to Time buy and ſell or inveſt the ſame in other Navy, Victualling, or Exchequer Bills, and receive the Intereſt ariſing therefrom as often as they ſhall think proper, or Occaſion ſhall be and require, and that the Intereſt ariſing from ſuch Navy, Victualling, or Exchequer Bills, and the Money received for the ſame, as they ſhall be reſpectively paid off by Government, ſhall be laid out in the Purchaſe of other Navy, Victualling, or Exchequer Bills as before directed, and that the ſaid Commiſſioners or the ſaid Treaſurer ſhall not be anſwerable or accountable for any Loſs that may ariſe or happen, unleſs by their or his wilful Neglect or Default.

Money advanced to be repaid with Intereſt.

LVIII. And be it further enacted, That all ſuch Monies as ſhall be advanced and paid by any Perſon or Perſons whomſoever, for the Fees and other Expences in obtaining and paſſing this Act, ſhall be repaid and ſatisfied by the ſaid Commiſſioners, with lawful Intereſt for the ſame, out of the firſt Monies to be raiſed by them by virtue of this Act.

For Recovery of Penalties.

LIX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act (the levying and recovering whereof is or are not herein particularly directed), ſhall in caſe of Nonpayment thereof on

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

Form of Conviction.

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

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

Actions to be brought in the Name of the Clerk.

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

Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Plaintiff or Defendant therein.

Persons aggrieved may appeal to the Quarter Sessions.

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

Proceedings not to be quashed for want of Form, nor moved by Certiorari.

Limitation of Actions.

LXIII. 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 County of *Huntingdon*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and if 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 of and by 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 like Remedy as where Costs by Law are awarded.

General Issue.

Treble Costs.

Plaintiffs not to recover without Notice or after

LXIV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have

have been given to the Defendant or Defendants Thirty Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if the Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court. Tender of Amends.

LXV. Provided always, and it is hereby further enacted, That this Act or any Thing herein contained, shall not extend or be construed to extend to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Draining of the Great Level of the Fens called* Bedford Level, or by virtue of any Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and 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 Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been made. Preserving the Rights of the Corporation of the Bedford Level.

LXVI. Provided always, and be it further enacted, That all such Right or Rights which 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, to Waifs, Estrays, Felons Goods, Privileges of Arrest, Escheats, and all Royalties not prejudicial to draining, be hereby saved to them, their Heirs, Successors, and Assigns severally and respectively, any Thing in this Act to the contrary thereof notwithstanding. Rights of Lords of Manors reserved.

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

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