ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 119.

An Act for effecting the Drainage and Improvement of the Lands and Grounds lying in the late Great Common in *Sutton Saint Edmunds*, within the Parish of *Sutton Saint Mary*, otherwise *Long Sutton*, in the County of *Lincoln*; and for authorizing the Drainage and Improvement of the Lands and Grounds lying in the late Little Common in *Sutton Saint Edmunds* aforesaid. [27th *May* 1809.]

WHEREAS by an Act made in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called* Bedford Level, *from a Debt due to the Duke of* Bedford *and Earl of* Lincoln; *for enabling the Proprietors of Lands in the North Level Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level, and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of* Crowland, it was amongst other Things enacted, that the several Lands and Grounds intended to be 27 G. 2. c. 19.

drained under the Authority of the said Act should be, and they were thereby divided into Five Districts or Divisions, in Manner therein mentioned; and it was thereby declared, that the Fourth of the said Districts or Divisions should contain all that Part of the said North Level which was bounded on the West by the East Bank of *Gold Dike* and the East Bank of *Knar Lake*; on the North by the South Bank of that Part of the *Old South Eau* which runs from *Gold Dike* to *Clow's Cross*; on the East by the West Bank of that Part of the *Old South Eau* which runs from *Guyhirn* to *Clow's Cross*; and on the South by the North Bank of the *Counter Drain*, including all the said Banks; and that the Waters of the said Fourth District or Division should be conveyed to Sea through *Shire Drain* by the *Counter Drain* aforesaid and that Part of the *Old South Eau* which runs from *Guyhirn* to *Clow's Cross*; and that it should be lawful for the Commissioners of the said Fourth District or Division to assess, tax, and charge the Owners and Occupiers of all the Lands and Grounds within the said Fourth District (except certain Farms, Lands, and Commons, therein mentioned, comprising that Part of *Sutton Common* which was therein described to lie South of *Old South Eau*) with certain Rates and Taxes therein mentioned; and it was thereby further enacted and declared, that nothing therein contained should extend to give the Commissioners for putting the said Act into Execution any Power or Authority to exclude the therein-before excepted Common by any Dams or other Works from the Use of the Public Drains for the general Draining of the said Fourth District: And whereas the Lands and Grounds lying in the late Great Common in the Hamlet of *Sutton Saint Edmunds* within the Parish of *Sutton Saint Mary*, otherwise *Long Sutton*, in the County of *Lincoln*, containing Five hundred and forty Acres or thereabouts, bounded on the North by the *New South Eau*, dividing the same from the late Little Common in *Sutton Saint Edmunds* aforesaid; on the East in Part by the said *New South Eau*, dividing the same from *Throckenholt Farm* in *Leverington Parson Drove* in the Isle of *Ely* in the County of *Cambridge*, and in other Part by *Parson Drove Fen* in *Leverington Parson Drove* aforesaid; on the South in Part by *Parson Drove Fen* aforesaid, and in other Part by *Inkerson Fen* in *Sutton Saint Edmunds* aforesaid; and on the West by *Gold Dyke*, dividing the same from the Lordship of *Thorney* in the said Isle of *Ely* and County of *Cambridge*, are Part of the said excepted *Sutton* Common mentioned in the said recited Act to be lying South of *Old South Eau*, and within the Fourth of the said Districts or Divisions described in the said recited Act; and the said Lands and Grounds are very much annoyed by Waters, and for Want of a proper Drainage thereof are rendered of little Value to the Owners and Occupiers of the same: And whereas the said Lands and Grounds are capable of being drained and greatly improved, and of being thereby much increased in Value to the Owners and Occupiers thereof, but there is no Power or Authority now in Existence by which the Means for draining and improving the same can be effectually supplied: 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

Appointment of Commissioners.

by the Authority of the same, That every Person who is or shall be the sole Proprietor of Twenty Acres, or of an undivided Share, which, if divided, would amount to Twenty Acres by Admeasurement of the said Lands and Grounds lying in the said late Great Common in *Sutton Saint Edmunds* aforesaid, and every Person who is or shall be the Husband or

Sole

Sole Truſtee, Committee, or Guardian, of or for any ſuch Proprietor as aforeſaid, ſhall be and is hereby appointed a Commiſſioner for executing this Act, and the ſeveral Powers and Proviſions hereof, for the Time during which ſuch Perſon ſhall be a Sole Proprietor, Huſband, Truſtee, Committee, or Guardian as aforeſaid; and that where there are or ſhall be Two or more Proprietors as Tenants in Common, of Twenty Acres by Admeaſurement of the ſaid Lands and Grounds, if upon a Diviſion thereof between the ſaid Proprietors none of them would be entitled to Twenty Acres thereof by Admeaſurement, and where there are or ſhall be two or more Joint Truſtees, Committees, or Guardians of or for any ſuch Proprietor or Proprietors as is and are herein-before mentioned, one only of ſuch Proprietors, Truſtees, Committees, or Guardians to whom an Authority ſhall be given for that Purpoſe by the other or all the others of them, by Writing under his, her, or their Hand or Hands, ſhall be and is hereby appointed a Commiſſioner for executing this Act, and the ſeveral Powers and Proviſions hereof, for the Time during which ſuch Perſons ſhall be Proprietors, Truſtees, Committees, or Guardians as aforeſaid, and during which ſuch Authority ſhall continue unrevoked by the Perſon or Perſons who ſhall have given the ſame, or who is, are, or ſhall be for the Time being entitled to give or revoke the ſame.

Power to appoint Deputies.

II. And be it further enacted, That any Perſon or Perſons who is or ſhall be the Proprietor or Proprietors of Thirty Acres, or of an undivided Share, which, if divided, would amount to Thirty Acres, by Admeaſurement, of the ſaid Lands and Grounds, or the Huſbands, Truſtees, Committees, or Guardians of any ſuch Proprietor, ſhall have Power and Authority, from Time to Time, by Writing under his or their Hand or Hands, to nominate and appoint one other Perſon to be a Deputy for any ſuch Proprietor or Proprietors reſpectively, which Perſon ſo to be deputed ſhall be entitled, until ſuch Nomination and Appointment ſhall be revoked, to act as a Commiſſioner for executing this Act, and the ſeveral Powers and Proviſions hereof, for and in the Abſence of the Proprietor or Proprietors by whom he ſhall have been ſo deputed, in the ſame Manner as the Commiſſioners are hereby authorized to execute the ſame.

No Perſon holding a Place to act.

III. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner or Deputy Commiſſioner for any of the Purpoſes of this Act, during any Time in which he ſhall hold any Place of Profit under the ſaid Commiſſioners.

Penalty on acting or appointing without being qualified.

IV. And be it further enacted, That if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being duly qualified in Manner herein-before mentioned (other than and except ſuch Perſons as ſhall be nominated and appointed to act as Deputy Commiſſioners), or if any Perſon or Perſons, not being duly qualified as aforeſaid, ſhall appoint a Deputy to act in his or their Stead, who ſhall act in conſequence of ſuch Appointment, every Perſon ſo offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit 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*, and a Verdict ſhall be found againſt every ſuch Perſon who

ſhall

shall be informed against or sued as aforesaid, unless he or she shall prove his or her Qualification according to the Intent and Meaning of this Act.

Meetings of Commissioners,

V. And be it further enacted, That the said Commissioners shall hold a Meeting at the present *Swan Inn* in *Leverington Parson Drove*, in the Isle of *Ely*, in the County of *Cambridge*, on the *Thursday* Month next after the Day of passing this Act, at Eleven of the Clock in the Forenoon, and shall afterwards hold a General Meeting on the Second *Thursday* in the Month of *May* in every Year; and that any Three of the said Commissioners, or their Clerk, may, from Time to Time, appoint a Special Meeting to be holden by Notice under their or his Hands or Hand, to be affixed on the Door of the Chapel of *Sutton Saint Edmunds* aforesaid, previous to the Time of Divine Service, on Two *Sundays* next preceding the Day appointed for such Special Meeting, and that such Special Meeting shall be holden accordingly; and that the said Commissioners may, from Time to Time, adjourn their said First and other General and Special Meetings, and that their said General, Special, and Adjourned Meetings (except their said First General Meeting) may be holden at such Place or Places, within Twelve Miles of any Part of the said Lands and Grounds lying in the said late Great Common as the said Commissioners shall from Time to Time appoint; and that in case Three Commissioners shall not be present at the Place and Time appointed for holding the said First or any of the said General, Special, or Adjourned Meetings, then such Meeting shall be adjourned by the Commissioners then present, or by the Clerk to the said Commissioners, to a further Time, not exceeding Thirty Days, and to the same Place where such Meeting was appointed to be holden, and that Notice in Writing of such Adjournment shall be affixed on the Door of the Chapel of *Sutton Saint Edmunds* aforesaid, previous to the Time of Divine Service on Two *Sundays* next preceding the Day appointed for such Adjourned Meeting, and that Notice in Writing of all Meetings to be holden under and by virtue of this Act, shall be sent by the Clerk to all the Commissioners or Deputy Commissioners who shall have acted in the Execution of this Act.

Orders to be made.

VI. And be it further enacted, That the said Commissioners shall have full Power and Authority, at their respective Meetings to be holden under and by virtue of this Act, to make and determine upon such Orders and Proceedings touching the Drainage and Improvement of the said Lands and Grounds, lying in the said late Great Common, as to them shall seem meet; and that all Orders and Proceedings of the said Commissioners shall be made and determined upon at some Meeting to be holden under and by virtue of this Act, by a Majority of the Commissioners or Deputy Commissioners present at such Meeting, so that Three of them at the least shall be then present; and that at every such Meeting a Chairman shall be appointed by Ballot out of the Commissioners or Deputy Commissioners then present, and in case there shall at any Time be an Equality of Votes, touching any Orders or Proceedings popoſed to be made or determined upon, the same shall be decided by the Chairman, who shall have a casting Vote for that Purpose; and that all Orders and Proceedings of the said Commissioners, at their respective Meetings, shall be entered in a Book, and shall be signed by the Chairman, and being so signed shall be admitted and allowed as good

and sufficient Evidence of the Orders and Proceedings of the said Commissioners, at all Times and to all Intents and Purposes whatsoever.

Orders not to be revoked but by Commissioners.

VII. And be it further enacted, That no Order or Proceeding made or determined upon at any Meeting of the said Commissioners shall be revoked or annulled but at a subsequent Meeting at which Five of the said Commissioners at least shall be present, and concur in revoking or annulling the same; nor unless Notice of such subsequent Meeting, signed by Three of the said Commissioners, or by their Clerk, stating the Object of such Meeting, shall be affixed and sent in the Manner herein-before mentioned concerning Notices of other Meetings to be holden under and by virtue of this Act.

Orders not invalid for want of Qualification.

VIII. And be it further enacted, That no Order or Proceeding of the said Commissioners, at any of their Meetings, shall be vitiated or rendered invalid, by reason of any Person who shall have concurred therein as a Commissioner under and by virtue of this Act, not being duly qualified, according to the true Intent and Meaning hereof; or by reason of any Person who shall have concurred therein as a Deputy Commissioner under and by virtue of this Act, having been appointed to act as such Deputy Commissioner, by any Person or Persons not duly qualified, according to the true Intent and Meaning hereof.

Expences of Meetings.

IX. And be it further enacted, That the Expences of the said Commissioners, at their several Meetings aforesaid, shall be allowed and paid out of the Monies to be raised, collected, and received under and by virtue of this Act, so that the same shall not exceed in the Whole the Sum of Two Pounds at any General Meeting, nor the Sum of One Pound at any other Meeting.

Power to make Works.

X. And be it further enacted, That it shall be lawful for the said Commissioners, by themselves, or their Officers, Agents, Workmen, or Servants, to erect, raise, set out, cut, and make, in, upon, and through the said Lands and Grounds lying in the said late Great Common, or any other Lands or Grounds within the said Fourth District, all such Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Forelands, Drains, Watercourses, and other Works as they shall think necessary, for the effectual draining and preserving of the said Lands and Grounds, in the said late Great Common, by means of any of the public Drains made use of, or authorized to be made use of under the Authority of the said recited Act of Parliament, for the general draining of the said Fourth District or Division mentioned in the said Act; and from Time to Time to repair, rebuild, widen, deepen, improve, enlarge, or alter the same, for the better draining and preserving of the said Lands and Grounds; and that it shall also be lawful for the said Commissioners, by themselves, or their Officers or Servants, to dig, cut, and take any Flag or Soil from the said Lands and Grounds in the said late Great Common, or from any other Lands or Grounds within the said Fourth District, or from any Waste Lands lying therein, or adjoining or near thereto, and to take, use, and remove such Lands, Tenements, or Hereditaments, as they shall think necessary for making, repairing, or altering any of the Works aforesaid, so that as little Damage as may be shall be thereby done; and such Satisfaction as is herein-after mentioned shall be made for the same.

Buildings not to be removed without Consent.

XI. Provided always, and be it further enacted, That nothing herein contained ſha'l extend to authoriſe the ſaid Commiſſioners to remove or take down any Dwelling Houſe or Building, or take in or deſtroy any Garden or Orchard, without the Conſent in Writing of the reſpective Owners thereof.

No Works to be made on Throckenholt Farm without Conſent.

XII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to authorize the ſaid Commiſſioners to erect any Mill or Engine, or cut or uſe any Drain, or make or execute any other Work in or upon a certain Farm or Lands called *Throckenholt Farm*, in *Leverington Parſon Drove* aforeſaid, or to do any other Act which may take away, leſſen, or interfere with all or any of the preſent Rights or Privileges of the Owner or Owners of the ſaid Farm and Lands, for the Drainage thereof, without the Conſent in Writing of the ſaid Owner or Owners for the Time being of the ſaid *Throckenholt Farm*.

Line of Drain from the late Great Common to the intended Mill.

XIII. Provided alſo, and be it further enacted, That all ſuch Drain or Drains as ſhall be made, cut, or uſed by the ſaid Commiſſioners acroſs a certain Piece of Land belonging to *John Ulyat*, lying in *Leverington Parſon Drove Fen* aforeſaid, adjoining to the ſaid late Great Common, and containing by Computation Sixteen Acres or thereabouts, ſhall be made in an Eaſtwardly Direction from the ſaid late Great Common, as far as the ſame ſhall extend acroſs the ſaid Piece of Land, and in ſuch a Manner that no more than Nine Acres of the ſaid Piece of Land ſhall be left on the North Side of the ſaid intended Drain or Drains; and that ſuch Drain or Drains ſhall be continued from the ſaid Piece of Land in an Eaſtwardly or Northwardly Direction towards the Mill or Mills to be erected under the Authority of this Act; and that the Banks on each Side of the ſaid intended Drain or Drains ſhall be made, and at all Times repaired and maintained, by the ſaid Commiſſioners, of a ſufficient Height and Dimenſions to prevent the Waters from running or ſoaking from the ſaid Drain or Drains into or upon any Part of the ſaid Land of the ſaid *John Ulyat*.

No Works in Leverington Parſon Drove Fen on the South Side of Fiſher's Drove.

XIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to authorize the ſaid Commiſſioners to cut or uſe any Drain, or make or execute any other Work on the South Side of a certain Road or Droveway commonly called *Fiſher's Drove*, in *Leverington Parſon Drove Fen* aforeſaid; but that all ſuch Cuts, Drains, or other Works as ſhall be made or uſed within the ſaid *Leverington Parſon Drove Fen* under the Authority of this Act, ſhall be made and uſed on the North Side only of the ſaid Road or Droveway called *Fiſher's Drove*.

Drainage of Lands in the Fourth Diſtrict, to be ſecured.

XV. Provided alſo, and be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to make all ſuch Tunnels, or other Works in the ſaid Fourth Diſtrict, not being in the ſaid late Great Common, as ſhall be neceſſary for continuing and ſecuring to the Owners and Occupiers of the Lands and Grounds in the ſaid Fourth Diſtrict or any of them, the Drainage of their ſaid Lands and Grounds by means of the Drains, Mills, or other Works of or belonging to the ſaid Fourth Diſtrict, as effectually as the ſame are now thereby d ained, in caſe ſuch Drainage ſhall be obſtructed by any of the Works to be made under the Authority of this Act.

XVI. Provided

Doors to be put down.

XVI. Provided alſo, and be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to erect and put down one or more Door or Doors, at the Boundary of the ſaid late Great Common, in ſuch Drain or Drains as ſhall be made to convey the Waters from and out of the ſaid late Great Common, into or through *Parſon Drove Fen* aforeſaid, unto any Mill or Engine to be erected by the ſaid Commiſſioners under the Authority of this Act, for throwing the ſaid Waters to Sea; and ſhall cauſe the ſaid Door or Doors to be cloſely ſhut at all Times, when any ſuch Mill or Engine is not working or going, to the Intent that the ſaid Waters may be thereby prevented from running into the ſaid *Parſon Drove Fen.*

Works to be veſted in the Commiſſioners.

XVII. And be it further enacted, That all the ſaid ſeveral Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Forelands, Drains, Watercourſes, Doors, and other Works to be erected, raiſed, ſet out, cut, made, and uſed under the Authority of this Act, ſhall be fully and ſolely veſted in the ſaid Commiſſioners acting under and by virtue of this Act, who ſhall at all Times have full Power, Authority, and Controul over the ſame and every of them.

Power to agree for Purchaſes and Compenſation.

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to treat and agree with the Owners and Occupiers of, and other Perſons intereſted in any Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall think neceſſary to dig, cut, take, uſe, or remove, for making, repairing, or altering any of the ſaid Works to be made, repaired, or altered under the Authority of this Act, for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments, or for the Compenſation to be made for ſuch Damages as may happen to be done to the ſame, and to ſettle and aſcertain in what Proportions the Sum or Sums by them agreed to be paid for any ſuch Purchaſe or Compenſation as aforeſaid, ſhall be paid to and divided amongſt the ſeveral Perſons intereſted therein; and alſo, that it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate or Sole, on Behalf of themſelves reſpectively, and their reſpective Heirs and Succeſſors, and for all Huſbands, Guardians, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, on Behalf of their reſpective Wives, Infants, Lunatics, or other *Ceſtuique* Truſts, and for all other Perſons whomſoever, who ſhall be poſſeſſed of or intereſted in any ſuch Lands, Tenements, or Hereditaments as aforeſaid, to treat and agree with the ſaid Commiſſioners for the Sale thereof to them, and to convey the ſame unto the ſaid Commiſſioners, or unto ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Commiſſioners ſhall direct, or to treat and agree with the ſaid Commiſſioners for the Compenſation to be made for ſuch Damages as may happen to be done to any ſuch Lands, Tenements, or Hereditaments, in the Execution of any of the Powers of this Act; and that all ſuch Sales, Conveyances, and Agreements, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, or Cuſtom to the contrary notwithſtanding; and that all Bodies, Corporations, Truſtees, and other Perſons whatſoever, ſhall be, and they are hereby fully indemnified for all ſuch Acts as they or any of them ſhall lawfully do, or cauſe to be done by virtue or in purſuance of this Act.

XIX. Provided

Compenſation, if not agreed upon, to be aſſeſſed at the Seſſions.

XIX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners, or any ſuch Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Truſtee or Truſtees, or other Perſon or Perſons poſſeſſed or intereſted as aforeſaid, ſhall refuſe or neglect to treat, or be prevented from treating and agreeing, or ſhall not agree touching the Sale of any ſuch Lands, Tenements, or Hereditaments, which ſhall be ſo dug, cut, taken, uſed, or removed as aforeſaid, or for the Compenſation to be made for the Value thereof, or for any Damages that may happen to be done thereto, according to the true Intent and Meaning of this Act, then and in any ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, giving Fourteen Days previous Notice in Writing to the principal Officer of ſuch Body or Corporation, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons as aforeſaid, or any of them, or at his, her, their, or any of their Place or Places of Abode, or for any ſuch Body or Corporation, Truſtee or Truſtees, or other Perſon or Perſons aforeſaid, giving Fourteen Days previous Notice in Writing to the Clerk of the ſaid Commiſſioners, or at his Place of Abode, to apply to the Juſtices of the Peace to be aſſembled at ſome General Quarter Seſſions of the Peace to be holden for the County, Iſle, Juriſdiction, Parts, or Diviſion wherein the ſaid Lands, Tenements, or Hereditaments ſhall be ſituate for the Purpoſe of having the Compenſation to be made by the ſaid Commiſſioners for the Value of ſuch Lands, Tenements, or Hereditaments, or for the Damages done thereto, aſſeſſed by a Jury at the ſaid Seſſions, and that on ſuch Application being ſo made, the ſaid Juſtices at their ſaid Seſſions, or at ſome Adjournment thereof, ſhall and they are hereby authorized and required to cauſe a Jury of Twelve indifferent Men to be impannelled and returned by the Sheriff or Chief Bailiff, as the Caſe may be, and to be duly ſworn; and that any of the Parties who ſhall be intereſted in the Verdict of the ſaid Jury ſhall have their lawful Challenges to the ſaid Jury, or any of them, and that all proper Witneſſes ſhall and may then and there be ſworn and examined, and all legal Evidence produced and given on Behalf of any of the ſaid Parties; and that the ſaid Jury being duly ſworn, and the ſaid Witneſſes being duly ſworn and examined, and the ſaid Evidence produced and given, the ſaid Jury ſhall then and there aſſeſs and award the Compenſation to be made and given by the ſaid Commiſſioners for the Value of the ſaid Lands, Tenements, or Hereditaments which ſhall have been ſo dug, cut, taken, uſed, or removed as aforeſaid, or for any Damages which may happen to have been done thereto, to the reſpective Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtee or Truſtees, or other Perſon or Perſons poſſeſſed of or intereſted in the ſame, according to their reſpective Rights and Intereſts therein, and ſhall give their Verdict thereon accordingly; and that the ſaid Juſtices ſhall then and there declare Judgement according to the ſaid Verdict of the ſaid Jury, which ſaid Verdict and Judgement ſhall finally bind and be concluſive upon as well the ſaid Commiſſioners, as alſo the ſaid Bodies, Corporations, Truſtees, or other Perſons or Parties intereſted therein, and ſhall be entered and kept among the Records of the Seſſions of the Peace for the ſaid County, Iſle, Juriſdiction, Parts, or Diviſion, and that the ſame, or true Copies thereof, being ſigned by the Clerk of the Peace, or his Deputy, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity whatſoever, and that all Perſons ſhall and may have recourſe thereto, and take Copies

thereof, or Extracts therefrom, at all ſeaſonable Times, on paying the uſual Fees in Caſes of the like Nature.

Payment of Coſts of Application.

XX. And be it further enacted, That in all Caſes when the Compenſation which ſhall be awarded by ſuch Jury as aforeſaid, ſhall be greater than the Compenſation which ſhall have been previouſly offered by or on Behalf of the ſaid Commiſſioners, the Coſts attending the Application to the ſaid Juſtices, the Charges of Witneſſes thereon and all other Expences relating thereto, to be allowed by the ſaid Juſtices at their ſaid Seſſions, ſhall be paid by the ſaid Commiſſioners out of the Monies to be raiſed, received, and collected by them under the Authority of this Act; and that in all Caſes where ſuch Compenſation ſhall not be greater than the Compenſation which ſhall have been ſo previouſly offered, ſuch Coſts, Charges, and Expences to be allowed as aforeſaid, ſhall be paid by the Body, Corporation, Truſtee or Truſtees, or other Perſon or Perſons poſſeſſed or intereſted as aforeſaid: Provided always, that in all Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating with the ſaid Commiſſioners, ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners in Manner aforeſaid.

Payment of Compenſation to Mortgagees.

XXI. And be it further enacted, That in caſe any Lands, Tenements, or Hereditaments, which ſhall be purchaſed, taken, uſed, or damaged, by the ſaid Commiſſioners, under the Authority of this Act, ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, upon Application in Writing being made to them by the Mortgagee or Mortgagees thereof, or his, her, or their Executors, Adminiſtrators, or Aſſigns, for that Purpoſe, to pay to him, her, or them, ſuch Sum or Sums of Money as ſhall have been agreed or awarded to be paid by the ſaid Commiſſioners for or in reſpect of ſuch Lands, Tenements, or Hereditaments, as aforeſaid, in Part of the Principal Money that ſhall then be due upon the Mortgage or Mortgages thereof; and upon Payment of ſuch Sum or Sums of Money to ſuch Mortgagee or Mortgagees, or his, her, or their Executors, Adminiſtrators, or Aſſigns, he, ſhe, or they ſhall acknowledge the Receipt thereof in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages, by an Indorſement to that Effect to be made on the Back of ſuch Mortgage or Mortgages, to be ſigned by him, her, or them, in the Preſence of One or more credible Witneſs or Witneſſes.

Application of Compenſation to Perſons under Diſabilities.

XXII. And be it further enacted, That all ſuch reſpective Sums of Money as ſhall be agreed or awarded to be paid by the ſaid Commiſſioners for any Lands, Tenements, or Hereditaments belonging to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feme Covert, Infant, Lunatic, Idiot, or other Perſon or Perſons under any legal Diſability or Incapacity, which ſhall have been purchaſed, taken, or uſed, by the ſaid Commiſſioners under the Authority of this Act, ſhall in caſe the ſame ſhall amount to the Sum of Two hundred Pounds or upwards, be paid with all convenient Speed 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; and that ſuch Sums of Money, to the Amount aforeſaid, when ſo paid into the ſaid Bank of *England*, ſhall there remain until the ſame ſhall, by Order of the ſaid Court of Chancery, upon a Petition to be preferred to

the ſaid Court in a ſummary Way, be applied in the Purchaſe of Land Tax, or the Diſcharge of any Debts or Incumbrances affecting the ſaid Lands, Tenements, or Hereditaments, which ſhall have been ſo purchaſed, taken, or uſed as aforeſaid, or any other Lands, Tenements or Hereditaments belonging thereto, or being under the ſame Title therewith, or until the ſame ſhall, upon a Petition to be preferred in like Manner, be laid out by Order of the ſaid Court of Chancery in the Purchaſe of other Lands, Tenements, or Hereditaments, to be conveyed and ſettled to, for, and upon the like Uſes, Truſts, and Purpoſes, as the Lands, Tenements, or Hereditaments which ſhall have been ſo purchaſed, taken, or uſed, as aforeſaid, at the Time of the purchaſing, taking, or uſing the ſame, were conveyed or ſettled upon, or ſuch of them as ſhall then be exiſting and capable of taking Effect; and that in the mean Time, and until any ſuch Order can be made as aforeſaid, ſuch reſpective Sums of Money may, by Order of the ſaid Court of Chancery, be laid out in ſome of the Public Funds, or in Government or Real Securities, and that the Dividends or Intereſt ariſing therefrom, ſhall, by Order of the ſaid Court of Chancery, be paid to the Perſon or Perſons who for the Time being would have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments which ſhall have been ſo purchaſed, taken, uſed, conveyed, and ſettled, as aforeſaid; and that in caſe ſuch reſpective Sums of Money ſhall not amount to the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then the ſame ſhall and may, with the Approbation of the ſaid Commiſſioners acting under and by virtue of this Act, or any Three or more of them, be paid into the ſaid Bank of *England*, and applied by Order of the ſaid Court of Chancery in the ſame Manner as is herein-before directed concerning Sums amounting to Two hundred Pounds and upwards, or otherwiſe ſhall and may, without any Order of the ſaid Court, be paid into the Hands of Two Truſtees, to be nominated in Writing, by and under the Hand or Hands of the Perſon or Perſons who, for the Time being, would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments which ſhall have been ſo purchaſed, taken, uſed, conveyed, and ſettled as aforeſaid, ſuch Nomination being approved of by Three or more of the ſaid Commiſſioners, acting under or by virtue of this Act, by Writing under their Hands; and that ſuch Sums of Money as ſhall be ſo paid to ſuch Truſtees as aforeſaid, ſhall be by them applied in ſuch and the like Manner as is herein-before directed with reſpect to the Sums of Money amounting to Two hundred Pounds and upwards herein-before required to be paid into the ſaid Bank of *England*, but without any Order of the ſaid Court of Chancery touching the Application thereof; and that in caſe ſuch reſpective Sums of Money ſhall not exceed the Sum of Twenty Pounds, then the ſame ſhall be paid to the Perſon or Perſons who, for the Time being, would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments which ſhall have been ſo purchaſed, taken, uſed, conveyed, and ſettled as aforeſaid, for his, her, or their own Uſe and Benefit; or in caſe of any ſuch Perſon being a Feme Covert, Infant, Lunatic, or Idiot, then to his or her Huſband, Guardian, or Committee, for the Uſe and Benefit of ſuch Perſon.

In caſe of not making out Titles,

XXIII. 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

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 be lawful for the ſaid Commiſſioners, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the 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 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 as aforeſaid.

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

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

XXIV. 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 be purchaſed, in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends 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.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

XXV. Provided alſo, and be it 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

The Court of Chancery may order reaſonable Expences of

Purchaſes to be paid by Commiſſioners.

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 out of the Monies to be received by virtue of this Act, who ſhall, from Time to Time, pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Survey to be made.

XXVI. And be it further enacted, That as ſoon as conveniently may be after the paſſing of this Act, all and ſingular the ſaid Lands and Grounds lying in the ſaid late Great Common, ſhall be truly and diſtinctly ſurveyed and meaſured by ſome Perſon to be appointed by the ſaid Commiſſioners for that Purpoſe, and that the Admeaſurement thereof ſhall be put into Writing, deſcribing the Number of Acres, Roods, and Perches, in Statute Meaſure, belonging to each of the Proprietors of ſuch Lands and Grounds, and that a Map thereof ſhall be made, and that ſuch Admeaſurement and Map ſhall, as ſoon as may be after the ſame ſhall be completed, be verified at a Meeting of the ſaid Commiſſioners, by the Oath of the Perſon making the ſame, which Oath any one of the ſaid Commiſſioners is hereby empowered to adminiſter; and that the ſaid Admeaſurement and Map, when ſo verified, ſhall be left in the Hands of the Treaſurer or Clerk to the ſaid Commiſſioners for their Uſe, and ſhall be a ſufficient Authority to the ſaid Commiſſioners to aſcertain and determine the Quantity of the ſaid Lands and Grounds belonging to each and every of the Proprietors thereof.

Power to appoint Officers.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to appoint ſuch Treaſurers, Clerks, Receivers, Collectors, Surveyors, and other Officers as to them the ſaid Commiſſioners ſhall appear neceſſary and proper, to aſſiſt in the Execution of this Act, and to allow ſuch Officers, and every of them, reaſonable Salaries or other Compenſation for their Trouble, and from Time to Time, as they ſhall ſee Occaſion, to remove any ſuch Treaſurer, Clerk, Receiver, Collector, Surveyor, or other Officer, and to appoint another or others in his or their Place or Places, and to require and take of every or any ſuch Treaſurer, Clerk, Receiver, or Collector, before he ſhall act in the Execution of his Office, ſuch Security for the due Execution of the ſame as the ſaid Commiſſioners ſhall think proper.

Officers to keep Accounts.

XXVIII. And be it further enacted, That every ſuch Treaſurer, Clerk, Receiver, Collector, and other Officer, ſhall fairly enter into a Book or Books to be by him kept for that Purpoſe, an Account of all Monies by him received and expended on account of the ſaid Commiſſioners, ſpecifying the Times when and the Perſons from whom and to whom, and for what Purpoſes ſuch Monies were reſpectively received and paid, and ſhall produce and deliver to the ſaid Commiſſioners, at their General Annual Meeting in every Year, and at any other Meeting, when thereunto required by the ſaid Commiſſioners, the ſaid Account, or a true Copy thereof, ſigned by ſuch Treaſurer, Clerk, Receiver, Collector, or other Officer, with all Vouchers for the ſeveral Expenditures mentioned therein,

and alſo ſhall, at all Times when thereunto required by the ſaid Commiſſioners, produce and deliver to them, or to whom they ſhall appoint, all Books, Accounts, Papers, or other Matters or Things belonging to the ſaid Commiſſioners, or relating to the Office of ſuch Treaſurer, Clerk, Receiver, Collector, or other Officer, in his Cuſtody or Power, and pay over to the ſaid Commiſſioners, or to whom they ſhall appoint, the Balance of Monies which ſhall be in his Hands by virtue of his ſaid Office.

Officers refuſing to account.

XXIX. And be it further enacted, That in caſe any ſuch Treaſurer, Clerk, Receiver, Collector, or other Officer, ſhall wilfully refuſe, after Ten Days Notice in Writing given to him, under the Hands of Two or more of the ſaid Commiſſioners for that Purpoſe, to produce before and deliver to the ſaid Commiſſioners the ſeveral Books, Accounts, Papers, or other Matters or Things in his Cuſtody or Power relating to his ſaid Office or otherwiſe, belonging to the ſaid Commiſſioners, or ſhall wilfully diſobey any of the lawful Orders or Directions to be made and given to him by the ſaid Commiſſioners, every Perſon ſo offending, and being thereof convicted before any Juſtice or Juſtices of the Peace for the County, Iſle, Juriſdiction, Parts, or Diviſion where the Offence ſhall be committed, or where the Perſon ſo offending ſhall reſide, which ſaid Juſtice or Juſtices is and are hereby authorized and required to hear and determine any ſuch Offence upon the Oath of one or more Witneſs or Witneſſes, or upon the Confeſſion of the Perſon offending, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum of Money, not exceeding Ten Pounds, as ſuch Juſtice or Juſtices ſhall direct, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender, and may alſo be committed by ſuch Juſtice or Juſtices to the Houſe of Correction for ſuch County, Iſle, Juriſdiction, Parts, or Diviſion, for any Time not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtice or Juſtices; and in caſe any ſuch Treaſurer, Clerk, Receiver, Collector, or other Officer, ſhall refuſe or neglect to account for all Monies received and paid by him to the Satisfaction of the ſaid Commiſſioners, or to pay the Money due upon the Balance of his Account, according to the Direction of the ſaid Commiſſioners, then, and in every ſuch Caſe, it ſhall be lawful, upon the Complaint of any One or more of the ſaid Commiſſioners, for any Juſtice or Juſtices of the Peace for the County, Iſle, Juriſdiction, Parts, or Diviſion, where ſuch Offence ſhall be committed, or where ſuch Offender ſhall reſide, by Warrant, under his or their Hand and Seal, or Hands and Seals, to levy, by Diſtreſs and Sale of the Goods, Chattels, or Cattle, of ſuch Offender ſo refuſing or neglecting to account, or to pay the Money due upon the Balance of his Account as aforeſaid, ſuch Sum or Sums of Money as he ſhall be required to account for, or as ſhall be found due upon the Balance of his Account, and for want of ſufficient Diſtreſs it ſhall be lawful for any ſuch Juſtice or Juſtices of the Peace, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit any ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid County, Iſle, Juriſdiction, Parts, or Diviſion, there to remain, without Bail or Mainprize, until he ſhall have made a true and perfect Account, and paid ſuch Monies as ſhall appear to be remaining in his or their Hands, to the ſaid Commiſſioners, or according to their Appointment, or ſhall have compounded for the ſame, and ſhall have paid the Money compounded for, (which Money the ſaid Commiſſioners may, and are hereby empowered to accept), or otherwiſe, the ſaid Commiſſioners may, and they

they are hereby empowered to bring, or cauſe to be brought, any Action or Actions, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any ſuch Officer ſo refuſing, neglecting, or making Default as aforeſaid, and againſt ſuch Perſon or Perſons as ſhall have become Surety for him, for the Recovery of the Monies that ſhall appear to be in the Hands of ſuch Officer, or to be due to the ſaid Commiſſioners upon the Balance of his Account.

Power to borrow Money.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, from Time to Time, purſuant to any Order or Orders to be made at any General Meeting, or at any Special Meeting to be called for that Purpoſe, to borrow and raiſe of and from any Perſon or Perſons who ſhall be willing to lend or advance the ſame, upon the Credit of the Rates and Taxes herein-after authorized to be charged and levied, any ſuch Sum or Sums of Money, not exceeding in the Whole the Sum of Two thouſand Pounds, as the ſaid Commiſſioners ſhall think neceſſary, for the making, maintaining, and ſupporting of the ſeveral Works by this Act authorized to be made and uſed, and by any Deed or Deeds, Writing or Writings, under the Hands and Seals of Three or more of the ſaid Commiſſioners, purſuant and according to any ſuch Order or Orders as aforeſaid, either to grant, demiſe, and aſſign the Yearly Rates and Taxes herein-after authorized to be charged and levied, or any Part or Proportion thereof, to the Perſon or Perſons who ſhall lend or advance any ſuch Sum or Sums of Money as aforeſaid, and his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, and in ſuch Manner and Form as to the ſaid Commiſſioners ſhall ſeem meet, as a Security for the Repayment of ſuch Sum or Sums of Money which ſhall have been ſo borrowed and raiſed as aforeſaid, with Intereſt for the ſame, to the Perſon or Perſons who ſhall have lent or advanced the ſame, or his, her, or their Executors, Adminiſtrators, or Aſſigns, or otherwiſe to grant, demiſe, and aſſign the ſaid Yearly Rates and Taxes, or any Part or Proportion thereof, to the Perſon or Perſons who ſhall lend or advance any ſuch Sum or Sums of Money as aforeſaid, and his, her, or their Executors, Adminiſtrators, and Aſſigns, for and during the natural Life or Lives of ſuch Perſon or Perſons, or of any Nominee or Nominees, to be named by him, her, or them, in ſuch Manner and Form as to the ſaid Commiſſioners ſhall ſeem meet, as a Security for the Payment of one or more Annuity or Annuities for and in lieu of the Sum or Sums of Money which ſhall have been ſo borrowed and raiſed as aforeſaid, to the Perſon or Perſons who ſhall have lent or advanced the ſame, and his, her, or their Executors, Adminiſtrators, or Aſſigns, for and during the natural Life or Lives of ſuch Perſon or Perſons, or of his, her, or their Nominee or Nominees; and that the Coſts and Charges of all ſuch Securities to be ſo made as aforeſaid, ſhall be paid by the ſaid Commiſſioners out of the Monies to be raiſed, collected, and received under the Authority of this Act; and that Copies of all ſuch Securities ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners.

Intereſt and Annuities not to exceed certain Rates,

XXXI. Provided always, and be it further enacted, That the Yearly Intereſt of any ſuch Sum or Sums of Money, which ſhall be ſo borrowed and raiſed, and ſecured to be repaid by the ſaid Commiſſioners as aforeſaid,

shall not exceed the Rate of Five Pounds *per Centum per Annum*; and that the Annuity or Annuities which shall be so granted, and secured to be paid by the said Commissioners, for and in lieu of any such Sum or Sums of Money as aforesaid, shall not exceed the several Rates herein-after mentioned for every One hundred Pounds, for and in lieu of which the same shall be granted; (that is to say), the Rate of Nine Pounds *per Centum* for the Life of any Person being under the Age of Forty Years, or the Rate of Ten Pounds *per Centum* for the Life of any Person being above the Age of Forty Years, or the Rate of Eight Pounds *per Centum* for Two or more Lives; and that all such Interest and Annuities shall not, together and in the Whole, at any one Time exceed the yearly Sum of One hundred Pounds; and that every such Deed or Writing which shall be made for securing the Repayment of any such Sum or Sums of Money, or the Payment of any such Annuity or Annuities as aforesaid, shall contain a Proviso for determining and making void the same, after Six Calendar Months Notice in Writing to be given by or on Behalf of the said Commissioners, to the Person or Persons who shall at the Time be entitled to such Sum or Sums of Money, or Annuity or Annuities, and on the Repayment by the said Commissioners, upon the Expiration of the said Six Calendar Months, to such Person or Persons, of such Sum or Sums of Money, which shall be secured as aforesaid; and all Arrears of Interest, which shall be then due for the same, or of such Sum or Sums of Money, for and in lieu of which such Annuity or Annuities shall be so secured as aforesaid; and all Arrears of the said Annuity or Annuities, which shall then be due; and also a further and additional Half Yearly Proportion of such Annuity or Annuities.

and Monies to be redeemable.

XXXII. And be it further enacted, That it shall be lawful for the Person or Persons to whom any such Security or Securities shall be made, as aforesaid, or shall be assigned or transferred according to the Directions herein contained, and his, her, or their respective Executors or Administrators, at any Time or Times to assign or transfer his, her, or their said Security or Securities and Right to the Principal Monies and Interest or Annuities thereby secured to any other Person or Persons, and his, her, or their Executors, Administrators, and Assigns, in such Manner as he, she, or they, shall think proper; and that every such Assignment or Transfer shall be produced, within Three Calendar Months after the Date thereof, to the Clerk to the said Commissioners, who shall enter a Copy or Memorial thereof in the said Book or Books to be kept by him for entering the original Securities granted by the said Commissioners; and that the said Clerk shall be paid the Sum of Three Shillings and Sixpence, and no more, for entering the same, and that after such Copy or Memorial shall be so entered, every such Assignment or Transfer shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors or Administrators, to the Benefit of the original Security or Securities so assigned or transferred to him, her, or them, and to the Principal Monies and Interest or Annuities then due and to grow due by virtue thereof.

Assignment of Securities.

XXXIII. And be it further enacted, That all Persons to whom any such Demise, Transfer, or Assignment of or other Security upon the said Rates and Taxes herein-after authorized to be charged and levied shall be made as aforesaid, and their respective Executors, Administrators, and Assigns; shall

No Preference to Creditors.

shall be Creditors upon the said Rates and Taxes in equal Degree and in Proportion to the several Sums of Money to them respectively due and owing upon the Credit thereof, and shall have no Preference by Reason of any Priority of lending or advancing such several Sums, or otherwise.

Tax of 20 Shillings per Acre.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, at their said First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, to rate, tax, and charge, all and singular the said Lands and Grounds lying in the said late Great Common in *Sutton Saint Edmunds* aforesaid; and also all and singular the Owners and Occupiers of the said Lands and Grounds respectively, for and in respect of such several Parts of the same as shall belong to or be occupied by such Owners or Occupiers respectively, with a Rate or Tax according and in Proportion to the Benefit which such Lands and Grounds will respectively receive from the Drainage and Improvement intended to be effected under the Authority of this Act, not exceeding the Sum of Twenty Shillings for any Acre of the said Lands and Grounds, and so in Proportion for any less Quantity than an Acre; which said Rate or Tax shall be paid by the said respective Owners or Occupiers to such Person or Persons, at such Place or Places, and at such Time or Times after the Expiration of Three Calendar Months from the Day of the Meeting at which the same shall be rated, taxed, and charged, as aforesaid, and subject to such Penalties for the Non-payment thereof, not exceeding One Penny for each Shilling unpaid, as the said Commissioners shall, at their said First Meeting or Adjournment thereof, order and direct.

Power for certain Owners of Land to charge the same.

XXXV. And be it further enacted, That it shall be lawful for the several Owners of any of the said Lands and Grounds in the said late Great Common, being Tenants in Tail or for Life only, or for any Term or Terms of Years, determinable upon One or more Life or Lives, or for any other Term or Terms of Years, or for any less Estate, or being Bodies Politic, Corporate, or Collegiate, or Corporations Aggregate or Sole, and for the several Husbands, Guardians, Committees, or Trustees, of or for any such Owners, being Femes Covert, Infants, Lunatics, Idiots, or under any other legal Disability, and for all other Trustees of any of the said Lands and Grounds, under and by virtue of any Deed, Will, or Settlement, or otherwise from Time to Time to charge the said several Lands and Grounds belonging to them respectively, or to their respective Wives, Infants, Lunatics, Idiots, or other *Cestuique* Trusts, with such several Sums of Money as the said Rate or Tax herein-before authorized to be rated, taxed, and charged for and in respect of their said Lands and Grounds, shall respectively amount to, and for securing the Repayment of such Sums of Money with Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, to grant, demise, or surrender, or otherwise subject their said respective Lands and Grounds respectively, unto such Person or Persons as shall advance and lend such several Sums of Money, and his, her, or their Heirs, Executors, Administrators, and Assigns, for any Term of Years, in Fee or otherwise, so as every such Grant, Demise, Surrender, or other Security, do contain a Proviso for the Determination of the same, or for the Re-conveyance or Re-surrender of the said Lands and Grounds to be therein comprized, when such several Sums of Money thereby to be secured, with the Interest thereof,

thereof, shall be fully paid and satisfied; and so as every such Grant, Demise, Surrender, or other Security, do also contain a Proviso that the Person or Persons who shall be entitled to succeed in Remainder or Reversion to such respective Lands and Grounds, shall not be liable upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest for the respective Sums of Money to be thereby secured, than for One Year immediately preceding the Time when he, she, or they, shall become possessed thereof.

Annual Tax.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, at their said first Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and at their General Meeting in every succeeding Year, or at any Adjournment thereof, to rate, tax, and charge all and singular the said Lands and Grounds lying in the said late Great Common in *Sutton Saint Edmunds* aforesaid, and also all and singular the Owners and Occupiers of the said Lands and Grounds respectively, for and in respect of such several Parts of the same as shall from Time to Time belong to or be occupied by such Owners or Occupiers respectively, with such Rate or Tax by the Acre, according and in Proportion to the Benefit which such Lands and Grounds will respectively receive from the Drainage and Improvement intended to be effected under the Authority of this Act, not exceeding the Sum of Five Shillings for any Acre of the said Lands and Grounds in each Year, as the said Commissioners shall think necessary, and so in Proportion for any less Quantity than an Acre; which said yearly Rates or Taxes shall be paid by the said respective Owners or Occupiers, to such Person or Persons, at such Place or Places, and at such Time or Times after the Month of *February* next following the Day of the Meeting at which the same shall be respectively rated, taxed, and charged as aforesaid, and subject to such Penalties for the Non-payment thereof, not exceeding One Penny for each Shilling unpaid, as the said Commissioners shall, at their said respective General Meetings, or Adjournment thereof, order and direct.

For ascertaining the Taxes.

XXXVII. And, for ascertaining the Benefit which the several Lands and Grounds lying in the said late Great Common will receive from the Drainage and Improvement intended to be effected under the Authority of this Act, and the several Rates or Taxes to be paid in respect of the same, be it further enacted, That as soon as conveniently may be after the passing of this Act all and singular the said Lands and Grounds lying in the said late Great Common shall be viewed by some one indifferent Person, to be for that Purpose named and appointed by the said Commissioners acting under the Authority of this Act, at any one of their Meetings, which said Person shall deliver in to the said Commissioners, at one of their subsequent Meetings, a Statement in Writing of the several Lands and Grounds in the said late Great Common, and the several Rates or Taxes by the Acre with which the same and the several Parts thereof respectively ought justly, in the Judgement of such Person, to be rated, taxed, and charged by the said Commissioners according and in Proportion to the Benefit which such Lands and Grounds, and the several Parts thereof respectively, will receive from the Drainage and Improvement intended to be effected under the Authority of this Act, not exceeding in Amount the several Rates or Taxes herein-before authorized to be charged for any of the said Lands or

Grounds; which ſaid Statement ſhall be ſigned by the Perſon making the ſame, and ſhall be verified by him upon Oath, at one of the Meetings of the ſaid Commiſſioners, any one of whom is hereby empowered to adminiſter ſuch Oath; and that the ſaid Statement being ſo ſigned and verified ſhall be final and concluſive; and all and ſingular the ſaid Lands and Grounds in the ſaid late Great Common, and the reſpective Owners and Occupiers thereof, ſhall at all Times hereafter be rated, taxed, and charged with ſuch proportionate Rates and Taxes by the Acre, for and in reſpect of the ſame Lands and Grounds, and the ſeveral Parts thereof, as ſhall in ſuch Statement be ſtated and adjudged to be juſtly due and payable for and in reſpect of the ſaid Lands and Grounds, and the ſeveral Parts thereof reſpectively, not exceeding in Amount the ſeveral Rates or Taxes herein-before authorized to be charged for any of the ſaid Lands and Grounds.

Taxes to be a Charge on Eſtates from 6th April, and to be payable according to Survey.

XXXVIII. And be it further enacted, That as well the ſaid Rate or Tax of Twenty Shillings *per* Acre, as alſo the ſaid other yearly Rates or Taxes herein-before authorized to be rated, taxed, and charged by the ſaid Commiſſioners, ſhall, notwithſtanding the Times to be appointed by the ſaid Commiſſioners for the Payment thereof reſpectively, be and be deemed and taken to be a Charge upon the ſaid ſeveral Lands and Grounds immediately from and after the Sixth Day of *April* next preceding the reſpective Meetings at which the ſame ſhall be reſpectively charged by the ſaid Commiſſioners; and that the Quantities of the ſaid ſeveral Lands and Grounds ſhall be aſcertained and determined, and the ſaid ſeveral Rates or Taxes ſhall at all Times be paid, collected, and received by and according to the Survey and Admeaſurement of the ſaid Lands and Grounds herein-before directed to be made and taken.

Tenants allowed to deduct Taxes.

XXXIX. And be it further enacted, That all Perſons who ſhall be Tenants or Occupiers of any of the ſaid Lands and Grounds, which ſhall be rated, taxed, and charged with any of the ſaid Rates or Taxes herein-before authorized to be charged, and who ſhall pay and diſcharge the ſame, and who at the Time of the paſſing of this Act ſhall be Tenants of the ſaid Lands and Grounds reſpectively, either at Will or for any Term or Number of Years, of which not more than Three Years ſhall be unexpired on the Sixth Day of *April* One thouſand eight hundred and nine, ſhall be entitled to deduct and retain out of their reſpective Rents for ſuch Lands and Grounds all ſuch and ſo much of the ſaid Rates or Taxes as they ſhall ſo reſpectively pay as aforeſaid, and that the ſeveral Landlords of ſuch reſpective Tenants and Occupiers ſhall, and they are hereby required, upon the Production to them of the Receipts of the Treaſurer, Clerk, or other Officer or Officers authorized by the ſaid Commiſſioners to collect and receive the ſaid Rates or Taxes, ſignifying the Payment thereof, to pay or otherwiſe allow the ſame to their ſaid reſpective Tenants, and that every ſuch Tenant or Occupier, paying any ſuch Rate or Tax, and obtaining ſuch Receipt for the ſame as aforeſaid, ſhall be acquitted and diſcharged by his Landlord or Landlords of ſo much Money as the ſaid Rate or Tax ſo paid by him or her ſhall amount unto, as fully and effectually as if the ſame had been actually paid to his or her ſaid Landlord or Landlords, any Contract or Agreement to the contrary thereof notwithſtanding; and that every ſuch Tenant or Occupier ſhall pay ſuch additional Rent to his or her Landlord or Landlords for the ſaid

Lands

Lands and Grounds in his Occupation, as a Compenſation for the Benefit which he or ſhe will receive under or by virtue of this Act, as the ſaid Commiſſioners ſhall, at any of their Meetings, order and direct.

Tenants not allowed to deduct Taxes.

XL. And be it further enacted, That no Perſon who ſhall be the Leſſee, Tenant, or Occupier of any of the ſaid Lands and Grounds which ſhall be rated, taxed, and charged with any of the ſaid Rates or Taxes hereinbefore authorized to be charged, and who at the Time of the paſſing of this Act ſhall hold the ſame under or by virtue of any Leaſe from any Biſhop, Collegiate Church, or College, or any Eccleſiaſtical Corporation ſole or aggregate, or for any Term or Number of Years, of which more than Three Years ſhall be unexpired on the Sixth Day of *April* One thouſand eight hundred and nine, ſhall be entitled to deduct or retain out of their reſpective Rents for ſuch Lands and Grounds, or otherwiſe, the ſaid Rates or Taxes which ſhall be ſo charged for or in reſpect of their ſaid Lands and Grounds as aforeſaid, or any Part thereof, but that the ſaid Rates and Taxes ſhall be wholly paid by the Leſſees, Tenants, or Occupiers of ſuch reſpective Lands and Grounds.

Recovery of Taxes.

XLI. And be it further enacted, That in caſe Default ſhall be made by any Owner or Owners, Occupier or Occupiers, of any of the ſaid Lands and Grounds in Payment of the Rates or Taxes wherewith he, ſhe, or they, or the Lands or Grounds belonging to or occupied by him, her, or them reſpectively, ſhall have been rated, taxed, and charged as aforeſaid, or any Part thereof, by the Space of Thirty Days after the Time appointed by the ſaid Commiſſioners for the Payment thereof, and by the Space of Seven Days after the ſame ſhall have been demanded by the Collector or Receiver authorized by the ſaid Commiſſioners to collect and receive the ſame, by Notice in Writing of ſuch Demand, under the Hand of the ſaid Collector or Receiver, given to ſuch reſpective Owners or Occupiers, or left at the uſual Place of Abode of ſuch Owners or Occupiers reſpectively, or of any of them, if any ſuch Place of Abode ſhall be in *Sutton Saint Edmunds* aforeſaid; or if ſuch reſpective Owners or Occupiers, or any of them, ſhall not have any Place of Abode in *Sutton Saint Edmunds* aforeſaid, then, by the Space of Seven Days after the ſame ſhall have been demanded, by the like Notice affixed upon the Door of the Chapel of *Sutton Saint Edmunds* aforeſaid, it ſhall be lawful for the ſaid Collector or Receiver, or any other Perſon or Perſons, by virtue of any Warrant or Precept, under the Hands of any Two or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept any Two or more of the ſaid Commiſſioners are hereby empowered to make and give, either at a Meeting of the ſaid Commiſſioners, or at any other Time as they ſhall ſee Occaſion), to enter into and upon the ſaid Lands and Grounds in reſpect whereof ſuch Rates and Taxes ſhall be in arrear and unpaid, or any Part thereof, and into all or any of the Meſſuages, Cottages, Tenements, or Buildings thereupon ſtanding, and to diſtrain the Goods, Chattels, Cattle, or Effects which ſhall be there found, and to impound, keep, ſell, and diſpoſe of the ſaid Goods, Chattels, Cattle, or Effects, in the ſame Manner as by Law is required or authorized to be done in Caſes of Diſtreſs for Rent, and to apply ſo much of the Monies ariſing from the Sale and Diſpoſal of the ſaid Goods, Chattels, Cattle, or Effects as ſhall be neceſſary in and towards Payment and Satisfaction of ſuch Rates or Taxes as ſhall be ſo in arrear and unpaid as aforeſaid, and ſuch Penalties as ſhall have been incurred

curred for the Non-payment thereof, and alſo all the Coſts and Charges of diſtraining, impounding, keeping, ſelling, and diſpoſing of the ſaid Goods, Chattels, Cattle, or Effects, rendering the Overplus of the ſaid Monies, if any there ſhall be, unto the Owner or Owners of the ſaid Goods, Chattels, Cattle, or Effects.

Untenanted Lands to remain a Security.

XLII. And be it further enacted, That in caſe any of the ſaid Lands and Grounds, in reſpect whereof the ſaid Rates or Taxes herein-before authorized to be charged by the ſaid Commiſſioners, or any of the Penalties to be incurred for the Non-payment thereof, ſhall at any Time be in arrear and unpaid as aforeſaid, ſhall be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be made and taken thereon for ſuch Rates or Taxes, or Penalties, then and in ſuch Caſe the ſaid Lands and Grounds ſhall, at all Times thereafter, remain a Security for the Payment of the ſaid Rates or Taxes and Penalties; and all and ſingular the Goods, Chattels, Cattle, and Effects which ſhall at any Time or Times thereafter be found thereon, ſhall and may be diſtrained and impounded, kept, and ſold in the Manner herein-before directed, until all Arrears of the ſaid Rates or Taxes, and the Penalties for the Non-payment thereof, and the Charges incident to ſuch Diſtreſs or Diſtreſſes, ſhall be fully paid and ſatisfied.

Power to let Lands for Taxes in Arrear.

XLIII. And be it further enacted, That in caſe any of the ſaid Lands and Grounds, in reſpect whereof the ſaid Rates or Taxes herein-before authorized to be charged by the ſaid Commiſſioners, or any of the Penalties to be incurred for the Non-payment thereof, ſhall at any Time be in Arrear as aforeſaid, ſhall remain untenanted or unoccupied for the Space of Twelve Calendar Months, after the Time appointed for the Payment of ſuch Rates or Taxes, ſo that no ſufficient Diſtreſs can be made and taken on the ſaid Lands and Grounds, for ſuch Rates or Taxes or Penalties, and there ſhall remain at leaſt One Year's Rate or Tax in Arrear, in reſpect of the ſaid Lands and Grounds, then, and in every ſuch Caſe, and from Time to Time, ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Commiſſioners, at any of their ſubſequent Meetings to be holden under the Authority of this Act, Notice in Writing of ſuch Meeting, and of the Purpoſes thereof being affixed, and given in the Manner herein-before directed, concerning Notices of other Meetings, to demiſe and let by public Auction the ſaid Lands and Grounds, in reſpect whereof the ſaid Rates or Taxes or Penalties ſhall be ſo in Arrear and unpaid as aforeſaid, unto ſuch Perſon or Perſons, and upon ſuch Terms and Conditions, as the ſaid Commiſſioners ſhall think proper, for the Space of One or more Year or Years, not exceeding Three Years, until the ſaid Rates or Taxes and Penalties, and alſo the accruing Rates or Taxes in reſpect of the ſame Lands and Grounds, and all the Coſts and Charges of letting the ſame, ſhall be fully paid and ſatisfied; and that the ſaid Commiſſioners, or their Collector or Receiver, ſhall from Time to Time receive and take the Rents, Iſſues, and Profits of the ſaid Lands and Grounds which ſhall be ſo let as aforeſaid, and ſhall apply the ſame in Payment and Satisfaction of the ſaid Rates or Taxes, Penalties, Coſts, and Charges, until the ſame and every Part thereof ſhall be fully paid and ſatisfied.

Taxes veſted in Creditors.

XLIV. And be it further enacted, That the ſaid ſeveral Rates or Taxes herein-before authorized to be charged and levied, and every Part thereof,

of, shall in the first Place stand and be charged, and chargeable with and subject to the Payment of all such Sums of Money, Interest, and Annuities, as shall from Time to Time be secured by the said Commissioners, upon the Credit of the said Rates or Taxes under the Authority of this Act, and shall vest in the respective Creditors, upon the said Rates or Taxes, in Default of Payment of such Sums of Money, Interest, and Annuities, or any Part thereof, until the same shall be fully paid and satisfied, together with the Costs and Charges which shall be incurred by the said respective Creditors, by reason of the Non-payment thereof; and that the said respective Creditors, and their several Executors, Administrators, and Assigns, shall, in case of such Default of Payment as aforesaid, have the same Powers, Rights, and Remedies, for charging, raising, collecting, receiving, and recovering the said Rates or Taxes and Penalties herein-before authorized to be charged and levied, for the satisfying and discharging to them such Sums of Money, Interest, and Annuities respectively, and until the same, and such Costs and Charges as aforesaid shall be fully paid and satisfied to them, as are herein-before given to or vested in the said Commissioners, or their Collectors or Receivers.

Application of Monies.

XLV. And be it further enacted, That as well the said several Sums of Money herein-before authorized to be borrowed and raised, as also the said several Rates or Taxes and Penalties herein-before authorized to be charged and levied, (subject nevertheless as to the said Rates or Taxes to the respective Claims of the several Creditors thereon), shall be applied in the first Place in paying and discharging the Costs and Expences of obtaining this Act, and all such Sums of Money as shall have been advanced by any Person or Persons for that Purpose, with lawful Interest for the same, and shall then be applied in paying and discharging the Interest and Annuities which shall accrue and grow due upon the Credit of the said Rates or Taxes, and the several Charges or Expences to be incurred in making and maintaining the several Works by this Act authorized to be made; and that the Surplus thereof, if any there shall be, shall from Time to Time be applied and paid in and towards the redeeming of the several Securities to be granted by the said Commissioners, upon the Credit of the said Rates or Taxes, or some of them.

Vermin to be destroyed.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorised to contract with any Person for the destroying of all such Moles and other Vermin as may from Time to Time be found in and about the said Lands and Grounds in the said late Great Common, or in and about any of the Lands or Banks adjoining or near thereto, and to pay the Wages or Salary of such Person out of the Monies by this Act authorized to be raised and levied; and that such Person shall or may lawfully enter into or upon the said Lands, Grounds, and Banks, or any of them, for the Purpose of destroying the said Moles or other Vermin.

Trees, Buildings, Ditches, or Ponds, not to be within certain Distances.

XLVII. And be it further enacted, That no Trees or Holts shall be planted, nor any Building placed or erected, unless by the Order or Permission of the said Commissioners, within the Distance of Two hundred Yards from any Mill or Engine to be made, erected, or set up by the said Commissioners under the Authority of this Act; and that no Ditch or Drain shall

ſhall be made, cut, or continued within the Diſtance of Ten Feet from the Centre of any of the Banks ſituate within or belonging to the ſaid late Great Common, or made, maintained, ſupported, or uſed by the ſaid Commiſſioners for the Drainage thereof, and that no Pond or Watering Place ſhall be made, cut, or continued in any of the Drains made or uſed by the ſaid Commiſſioners for the ſaid Drainage, or within the Diſtance of Twenty Yards from the ſame; and that if any Perſon or Perſons ſhall, at any Time, plant any ſuch Trees or Holts, or place or erect any ſuch Building, or make, cut, or continue any ſuch Ditch, Drain, Pond, or Watering Place as aforeſaid, contrary to the Directions herein-before contained, and ſhall not well and effectually remove or fill up the ſame within Thirty Days next after Notice in Writing from Two or more of the ſaid Commiſſioners, or their Clerk, to be given to ſuch Perſon or Perſons, or left at his, her, or their Place of Abode for that Purpoſe, it ſhall be lawful for the ſaid Commiſſioners to cauſe ſuch Trees, Holts, or Buildings to be taken up or pulled down and carried away, and ſuch Ditches, Drains, Ponds, or Watering Places to be filled up at the Charge and Expence of ſuch Perſon or Perſons, and by Warrant or Precept, under the Hands of Two or more of the ſaid Commiſſioners, to cauſe ſuch Charges and Expences to be levied upon ſuch Perſon or Perſons, by Diſtreſs and Sale of his, her, or their Goods, Chattels, Cattle, or Effects, rendering the Overplus of the Monies which ſhall be thereby levied, if any there ſhall be, unto ſuch Perſon or Perſons.

Dikes to be kept open, and Tunnels laid.

XLVIII. And be it further enacted, That the ſeveral Owners and Occupiers of the Lands and Grounds in the ſaid late Great Common, ſhall at all Times well and ſufficiently rode, cleanſe, deepen, widen, and repair the ſeveral Droveway-Dikes, Outring-Dikes, and Diviſion-Dikes adjoining and belonging to their ſaid reſpective Lands and Grounds, and ſhall at all Times keep and maintain the ſaid Dikes, and every of them, of a ſufficient Depth, and of the Width of Eight Feet at the Top and Four Feet at the Bottom, at leaſt; and where there ſhall be any Roads or Ways over any ſuch Dikes ſhall lay down, and at all Times keep and maintain, a clear Tunnel and Water-way, of ſufficient Dimenſions, and at a ſufficient Depth under ſuch reſpective Roads or Ways; and that in caſe any ſuch Owner or Owners, Occupier or Occupiers, ſhall at any Time neglect ſo to rode, cleanſe, deepen, widen, or repair any of the ſaid Dikes adjoining or belonging to his or her ſaid Lands and Grounds, or to keep and maintain the ſame of the Width and Depth aforeſaid, or to lay down, keep, and maintain a ſufficient Tunnel and Water-way as aforeſaid, for the Space of Fourteen Days next after Notice in Writing from Two or more of the ſaid Commiſſioners, or their Clerk, Collector, or other Officer, given to ſuch Owner or Owners, Occupier or Occupiers, or left at his, her, or their Place or Places of Abode, for that Purpoſe; every ſuch Owner or Occupier ſhall for every ſuch Neglect forfeit and pay the Sum of One Shilling for every Rod of the Dike or Dikes ſo neglected to be roded, cleanſed, deepened, widened, or repaired as aforeſaid; and the Sum of Twenty Shillings for every ſuch Tunnel or Waterway ſo neglected to be laid down or maintained as aforeſaid; and that it ſhall be lawful for the ſaid Commiſſioners, or their Collector or other Officer, from Time to Time, after ſuch Neglect as aforeſaid, to cauſe ſuch Dikes to be well and ſufficiently roded, cleanſed, deepened, widened, and repaired, and ſuch Tunnels or Waterways to be laid down and maintained as aforeſaid,

ſaid, at the Charge and Expence of ſuch reſpective Owners or Occupiers, and by Warrant or Precept under the Hands of Two or more of the ſaid Commiſſioners, to levy ſuch Forfeitures, Charges, and Expences upon ſuch reſpective Owners or Occupiers, by Diſtreſs and Sale of their reſpective Goods, Chattels, Cattle, or Effects, rendering the Overplus of the Monies which ſhall be thereby levied, if any there ſhall be, to ſuch Owners or Occupiers reſpectively.

Penalty for working private Mills, cutting Banks, or opening or ſhutting Tunnels.

XLIX. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time hereafter, unleſs by virtue of an Order of the ſaid Commiſſioners, to be made at one of their General or Special Meetings, erect, ſet up, uſe, or work, any Mill, Engine, Gigg, or other Device whatſoever, for draining or diſcharging Water from any of the ſaid Lands and Grounds in the ſaid late Great Common, or ſhall at any Time uſe or work any Mill, Engine, Gigg, or Device which ſhall have been erected or ſet up by virtue of any ſuch Order as aforeſaid, in any other Manner, or for any longer Time than ſhall be allowed by the ſame or any other Order of the ſaid Commiſſioners to be made in like Manner, or if any Perſon or Perſons ſhall at any Time cut or make a Paſſage for Water through any of the Banks or Dams which ſhall be made or erected, or belong to or be uſed by the ſaid Commiſſioners for the Drainage or Improvement of the ſaid Lands and Grounds, or through any of the Roads or Droveways in the ſaid late Great Common, or if any Perſon or Perſons ſhall at any Time draw up, let down, open or ſhut any of the Tunnels, Sluices, Doors, or Slackers to be made, erected, or uſed by the ſaid Commiſſioners for the Drainage and Improvement of the ſaid Lands or Grounds under the Authority of this Act, or ſhall otherwiſe make or ſtop up any Paſſage of the Waters through the ſame, contrary to the Order of the ſaid Commiſſioners, or of the Officer or Officers appointed by or acting under them, or if any ſuch Officer or Officers ſhall at any Time wilfully draw up or let down, open or ſhut, or cauſe or ſuffer to be drawn up, let down, opened, or ſhut, any of the ſaid Tunnels, Sluices, Doors, or Slackers, or otherwiſe wilfully make or ſtop up, or cauſe or ſuffer to be made or ſtopped up, any Paſſage for the Waters through the ſame, contrary to the Order of the ſaid Commiſſioners, every ſuch Perſon or Officer ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered with full Coſts of Suit by any Perſon who will ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, and the Owner or Owners of ſuch Mill, Engine, Gigg, or Device, or the Perſon or Perſons uſing or working the ſame, ſhall alſo make full Compenſation and Satisfaction to every Perſon who ſhall be injured thereby, for the Damage which he, ſhe, or they ſhall thereby ſuſtain, which ſaid Compenſation and Satisfaction ſhall and may be alſo recovered, with full Coſts of Suit, in any of His Majeſty's ſaid Courts of Record at *Weſtminſter*.

Penalties for Obſtructions.

L. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time hereafter, ſuffer any of his, her, or their Swine to ſtray upon any of the Banks, Roads, or Droveways ſituate within the ſaid late Great Common, or belonging to or uſed by the ſaid Commiſſioners for the Drainage and Improvement of the Lands and Grounds therein, or ſhall fodder or ſuffer to be foddered, any of his, her, or their Cattle, on any of the ſaid Banks, or ſhall drive or cauſe to be driven, any Cattle, Cart,

or

or Carriage thereon, (except Cattle immediately driven to or from Paſture or Market) or ſhall ſet or cauſe to be ſet on any of the ſaid Banks, any Stack or Heap of Hay, Fodder, Reed, Sedge, Faggots, Turves, or Manure, without the Conſent of the ſaid Commiſſioners, to be given by an Order at any of their Meetings, or if any Perſon or Perſons ſhall at any Time ſet down any Net or Engine for the catching of Fiſh or otherwiſe, in any of the Drains belonging to or uſed by the ſaid Commiſſioners, or ſhall throw any Earth or other Obſtructions into any of the ſaid Drains, or if any Perſon or Perſons ſhall at any Time cut or dig, or cauſe to be cut or dug, any Turves, Hods, or Seſſes within the Diſtance of Sixty Feet from any of the Banks or Sokedikes to be made or uſed by or under the Order of the ſaid Commiſſioners for the Drainage and Improvement of the ſaid Lands and Grounds, every ſuch Perſon ſo offending, and being thereof convicted before one or more of His Majeſty's Juſtices of the Peace for the County, Iſle, Juriſdiction, Parts, or Diviſion where the Offence ſhall be committed, on the Oath of one or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum or Sums of Money not exceeding Ten Pounds, as the ſaid Juſtice or Juſtices ſhall order and direct, which ſaid Forfeiture ſhall be levied by Diſtreſs and Sale of the Goods, Chattels, Cattle, or Effects of ſuch Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of the ſaid Juſtice or Juſtices; and in Default of Payment of ſuch Forfeiture, and for want of any Diſtreſs whereby the ſame may be levied, ſuch Offender or Offenders ſhall be committed by ſuch Juſtice or Juſtices to the Houſe of Correction for the ſaid County, Iſle, Juriſdiction, Parts, or Diviſion, for ſuch Time not exceeding Six Calendar Months, as the ſaid Juſtice or Juſtices ſhall order and direct.

Puniſhing Perſons deſtroying Works.

LI. And be it further enacted, That if any Perſon or Perſons ſhall at any Time hereafter wilfully and maliciouſly deſtroy or injure any Mill, Engine, Bridge, Floodgate, Tunnel, Sluice, Doors, Banks, or other Works which ſhall at any Time be making or erecting, or made, erected, or uſed by or under the Authority of the ſaid Commiſſioners for the Drainage and Improvement of the ſaid Lands and Grounds, or any of them, and ſhall be thereof convicted on the Oath of one or more credible Witneſs or Witneſſes, or on Confeſſion of the Party or Parties ſo offending, at any Aſſizes or General Quarter Seſſions of the Peace to be holden in and for the County, Iſle, Juriſdiction, Parts, or Diviſion where the Offence ſhall be committed, every ſuch Perſon ſhall be adjudged to be guilty of Felony, and ſhall be tranſported for the Term of Seven Years, or ſhall otherwiſe be puniſhed as the Law directs in Caſes of Petit Larceny.

Recital as to Little Common.

LII. And whereas there are certain Lands and Grounds, lying in the late Little Common in the Hamlet of *Sutton Saint Edmunds* in the Pariſh of *Sutton Saint Mary*, otherwiſe *Long Sutton* aforeſaid, bounded on the North by the *Old South Eau* and the Bank thereof; on the South by the *New South Eau*, dividing the ſame from the ſaid late Great Common; on the Eaſt by the ſaid *Throckenholt Farm* in *Leverington Parſon Drove* aforeſaid; and on the Weſt by the ſaid *Gold Dyke*, dividing the ſame from the Lordſhip of *Thorney* aforeſaid, which are alſo Part of the ſaid excepted Common mentioned in the ſaid herein-before recited Act to be lying South

of *Old South Eau*, and within the Fourth of the said Districts or Divisions described in the said Act, and which are also much annoyed by Waters, and for Want of a proper Drainage thereof are rendered of little Value to the Owners and Occupiers of the same; and the said Lands and Grounds lying in the said Little Common might be drained and improved by Means of the Sluices, Tunnels, Mills, Engines, Drains, and other Works, by this Act authorized to be made for the Drainage and Improvement of the said Lands and Grounds lying in the said late Great Common, without any Injury to the said last mentioned Lands or Grounds, or the Owners or Occupiers thereof, if the same were done under proper Regulations and Restrictions; be it therefore further enacted, That in case the Owners or Proprietors of the said Lands and Grounds lying in the said late Little Common in *Sutton Saint Edmunds* aforesaid, shall at any Time or Times hereafter be desirous of draining their said Lands and Grounds by Means of any of the Drains, Sluices, Tunnels, Mills, Engines, or other Works of the said Commissioners acting under the Authority of this Act, then and in such Case, upon Notice in Writing under the Hands of the Owners or Proprietors, or reputed Owners or Proprietors, of Four Fifth Parts in Quantity of the Lands and Grounds lying in the said late Little Common, whether Tenants in Fee, in Tail, for Life, or otherwise, or of the Husbands, Guardians, Committees, or Trustees, of or for any such Owners or Proprietors, or reputed Owners or Proprietors, being respectively Femes Covert, Infants, Lunatics, Idiots, or otherwise incapacitated or disabled, or under the Corporate Seal of any such Owners or Proprietors, or reputed Owners or Proprietors, being Bodies Politic, Corporate, or Collegiate, or Corporations Aggregate or Sole, being given or delivered to the said Commissioners for that Purpose at any General or Special Meeting of the said Commissioners, to be holden under the Authority of this Act, which Notice shall specify the Quantities of the Lands or Grounds belonging to each Person or Body signing or sealing the same, and a Duplicate whereof signed or sealed in like Manner shall be previously filed with the Clerk of the Peace for the Parts of *Holland* in the said County of *Lincoln*, or his Deputy, who shall certify the filing thereof under his Hand on the said Notice to be so given and delivered to the said Commissioners as aforesaid, then and in such Case all and singular the said Lands and Grounds lying in the said late Little Common shall be drained and improved by Means of the several Drains, Sluices, Tunnels, Mills, Engines, and other Works hereby authorized to be made, set up, used, or worked, by the said Commissioners for the Drainage and Improvement of the said Lands and Grounds lying in the said late Great Common; and that all the said Lands and Grounds lying in the said late Little Common, and the Owners and Occupiers thereof shall at all Times thereafter be entitled to the full and equal Benefit of the said Drains, Sluices, Tunnels, Mills, Engines, and other Works, together with the said Lands and Grounds lying in the said late Great Common, and the Owners and Occupiers thereof, and to all and every the Rights, Benefits, Privileges, and Advantages, by this Act provided for the Drainage and Improvement of the said last-mentioned Lands and Grounds, and shall be subject to and charged and chargeable with as well the said full Rate or Tax of Twenty Shillings *per* Acre; as also the said further full yearly Rate or Tax of Five Shillings *per* Acre herein-before respectively authorized to be raised and levied, or so much of the said several Rates and Taxes as shall have been or shall be assessed and charged upon or in respect of the said Lands and Grounds lying in the

Power to drain the Little Common.

ſaid late Great Common, and to and with all ſuch further and other Rates, Taxes, Charges, Penalties, Powers, and Remedies, as the ſaid Lands and Grounds lying in the ſaid late Great Common are by this Act made ſubject to, or charged or made chargeable with in any Manner howſoever; and that the Proprietors of the like Quantities of the ſaid Lands and Grounds lying in the ſaid late Little Common, as are herein-before mentioned and ſpecified in reſpect to the ſaid Lands and Grounds lying in the ſaid late Great Common, or their reſpective Huſbands, Truſtees, Committees, or Guardians, ſhall be, and they are hereby appointed Commiſſioners for the ſeveral Purpoſes of this Act, and ſhall have ſuch and the ſame Powers, and be ſubject to ſuch and the ſame Proviſions, as are hereby veſted in or provided for the ſaid Commiſſioners herein-before appointed or authorized for the Drainage and Improvement of the ſaid Lands and Grounds lying in the ſaid late Great Common; and that this Act, and the ſeveral Powers, Remedies, Rights, Privileges, Reſtrictions, Penalties, Articles, and Clauſes hereby given, made, provided, or enacted, ſhall from thenceforth at all Times apply and extend to all the ſaid Lands and Grounds, as well in the ſaid late Great Common as alſo in the ſaid late Little Common, with the ſame Force and Effect, and as fully as if all the ſaid Lands and Grounds in the ſaid reſpective Commons were hereby or herein particularly ſpecified, included, or referred to; any Thing in this Act before contained to the contrary thereof in anywiſe notwithſtanding.

Power to make a Tunnel under the new South Eau.

LIII. And be it further enacted, That for the Drainage and Improvement of the ſaid Lands and Grounds lying in the ſaid late Little Common, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to make, erect, ſupport, and maintain One or more Culvert or Culverts, Tunnel or Tunnels, or other Works under the ſaid *New South Eau*; and alſo, to make, erect, ſupport, and maintain ſuch other Works as the ſaid Commiſſioners ſhall think proper and neceſſary; and that all the ſaid Culverts, Tunnels, and other Works, when made, ſhall be veſted in the ſaid Commiſſioners, who ſhall have full Power, Authority, and Controul over the ſame.

No Work to be made under the New South Eau without the Conſent of the Duke of Bedford.

LIV. Provided always, and be it further enacted, That no Culvert, Tunnel, or other Work ſhall be made under the ſaid *New South Eau* without the previous Conſent of the Duke of *Bedford*, (the ſole Owner of the Third Diſtrict of the ſaid North Level,) his Heirs or Aſſigns, or his or their known Agent or Agents for the Time being, to be teſtified by Writing under his or their Hand or Hands, (the ſaid *New South Eau* being the Drain belonging to the ſaid Duke, and uſed by him for the Purpoſe of conveying the Waters from the ſaid Third Diſtrict to Sea,) and that the Paſſage of the Waters through and along the ſaid *New South Eau* ſhall not at any Time or Times be impeded or obſtructed for the Purpoſe of making or repairing any ſuch Culvert, Tunnel, or other Work under the ſame, without the previous Conſent of the ſaid Duke, his Heirs or Aſſigns, or his or their known Agent or Agents for the Time being, to be certified in like Manner.

Waters not to be conveyed into the New South Eau or into the Old

LV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall authorize or be deemed or conſtrued to authorize the ſaid Commiſſioners acting under the Authority of this Act, to make or erect any Mill, Engine, or other Work for the Purpoſe of throwing or conveying

veying the Waters from or out of the ſaid Little Common into or through the ſaid *New South Eau*, or into or through that Part of the *Old South Eau* which runs on the North Side of the ſaid Little Common, (the ſaid Part of the *Old South Eau* being the Drain belonging to the Commiſſioners of the Firſt and Fifth Diſtricts of the ſaid North Level, and uſed by them for the Purpoſe of conveying the Waters from the ſame Diſtricts reſpectively to Sea). South Eau North of the Little Common.

LVI. Provided alſo, and be it further enacted, That the Waters running from the ſaid Lands and Grounds lying in the ſaid late Little Common ſhall not at any Time or Times be allowed or permitted to run or drain by means of any of the Drains, Sluices, Tunnels, Mills, Engines, or other Works by this Act authorized to be made, ſet up, uſed, or worked, when or ſo long as the Waters in the ſaid Lands and Grounds lying in the ſaid late Great Common ſhall riſe or be above the Surface of the Soil of the ſaid laſt mentioned Lands and Grounds, lying next or adjoining to the Drain or Drains in the ſaid late Great Common, through which the ſaid Waters, or any of them, ſhall run, paſs, or be conveyed; and that for preventing the ſaid Waters from the ſaid late Little Common from running or draining contrary to the Intent and Meaning hereof, a Door or Slacker ſhall be put down, and placed under the Direction of the ſaid Commiſſioners acting under the Authority of this Act, in every Culvert, Tunnel, or Drain, which ſhall be made for the Purpoſe of conveying the ſaid Waters from the ſaid late Little Common, into and through the ſaid late Great Common, or any of the Works or Drains belonging thereto; and that the clear Waterway of any ſuch Culvert, Tunnel, or Drain, ſhall not exceed Two Feet Square, at the Place or Places where any ſuch Door or Slacker ſhall be ſo put down or placed as aforeſaid; and that every ſuch Door or Slacker ſhall at all Times be kept cloſely ſhut down and faſtened, when and ſo long as the Waters running from the ſaid late Great Common, and the ſaid late Little Common, or either of them, ſhall riſe or be above the Surface of the Soil of the Lands and Grounds in the ſaid late Great Common, lying next or adjoining to the Drain or Drains in the ſaid late Great Common, through which the ſaid Waters, or any of them, ſhall run, paſs, or be conveyed; and that the ſaid Commiſſioners acting under the Authority of this Act ſhall have full Power and Authority, and they are hereby authorized and empowered to make ſuch Orders and Directions, touching and reſpecting every ſuch Culvert, Tunnel, Drain, Door, or Slacker, as they ſhall think neceſſary and proper for the Purpoſes aforeſaid, and to appoint one or more Officer or Officers for ſuperintending the ſame, and for opening or ſhutting, drawing up or letting down, any ſuch Door or Slacker as aforeſaid, when and as Occaſion ſhall require, acccording to the true Intent and Meaning hereof. Little Common to be drained under Reſtrictions.

LVII. And be it further enacted, That it ſhall be lawful for the Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted under the Authority of this Act of any Offence againſt the ſame, which is herein-before made ſubject to any pecuniary Penalty or Forfeiture, to cauſe the Conviction upon ſuch Offence to be made out in the Form or to the Effect following, and that every ſuch Conviction ſhall be good and effectual to all Intents and Purpoſes whatſoever: Form of Conviction.

BE

'BE it remembered, That on this Day of
'to wit. in the Year of our Lord
'is duly convicted before of His Majesty's Justices
'of the Peace of and for the said in pursuance of an Act
'passed in the Forty-ninth Year of the Reign of His Majesty King
'*George* the Third, intituled, [*Here set forth the Title of this Act*] for that
'the said on the Day of now last
'past, did
'contrary to the Provisions of the said Act: And do declare and ad-
'judge that the said hath forfeited for the said Offence
'the Sum of to be levied and applied in the Manner
'directed by the said Act. Given under Hand and Seal the Day
'and Year first above written.'

Which Conviction the said Justice or Justices shall cause to be written or printed upon Parchment, and to be returned to the then next General Quarter Sessions of the Peace to be holden in and for the County, Isle, Jurisdiction, Parts, or Division where such Conviction shall be made, to be filed by the Clerk of the Peace for the said County, Isle, Jurisdiction, Parts, or Division, or his Deputy, and there to remain and be kept among the Records of the said Sessions.

Appeal to the Sessions.

LVIII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this Act, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Lincoln*, or *Isle of Ely*, as the Case may be, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Clerk of the said Commissioners Fourteen Days Notice in Writing of such Appeal, and the Matters thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs, to be paid by the Appellant or Appellants, as to the said Justices, in their Discretion, shall seem reasonable, and to be levied in Manner aforesaid.

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

LIX. And be it further enacted, That no Order, Rate, Assessment, Determination, Judgement, Conviction, Warrant, or other Proceeding to be made touching or concerning any of the Matters in this Act mentioned, or touching or concerning any Offence against the same, shall be quashed

quaſhed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law, Statute, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

Diſtreſs not to be unlawful for want of Form.

LX. And be it further enacted, That where any Diſtreſs ſhall be made for any Rate, Tax, Penalty, or Sum of Money, to be levied under the Authority of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Rate or Aſſeſſment to be made, or in the Information, Summons, Conviction, Warrant, Diſtreſs, or any other Proceeding relating to ſuch Rate, Tax, or Penalty; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall afterwards take place or be occaſioned; but the Perſon or Perſons who ſhall be aggrieved by any ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

Application of Penalties.

LXI. And be it further enacted, That the ſeveral Penalties and Forfeitures by this Act impoſed or made payable, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Treaſurer, Clerk, Collector, or other Officer to be appointed by the ſaid Commiſſioners, and ſhall be applied and diſpoſed of by the ſaid Commiſſioners in ſuch and the ſame Manner, and to and for ſuch and the ſame Uſes and Purpoſes, as the ſeveral Rates or Taxes hereby authorized to be raiſed and levied are hereby directed or authorized to be applied and diſpoſed of, and to or for no other Uſe or Purpoſe whatſoever.

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

LXII. And be it further enacted, That the ſaid Commiſſioners acting under the Authority of this Act ſhall and lawfully may commence and proſecute any Action, Suit, or Indictment, in the Name or Names of their Treaſurer or Treaſurers, Clerk or Clerks, againſt any Perſon or Perſons for any Thing done, or cauſed or ſuffered to be done by him, her, or them contrary to the Proviſions of this Act, and ſhall and lawfully may, in any ſuch Action, Suit, or Indictment, lay and alledge any Lands, Tenements, Hereditaments, Goods, Chattels or Effects, or other Property by this Act veſted in the ſaid Commiſſioners, or otherwiſe belonging to them, to be the Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, or other Property of their ſaid Treaſurer or Treaſurers, or Clerk or Clerks for the Time being; and that any other Perſon or Perſons ſhall and lawfully may, in like Manner, commence and proſecute any Action or Suit againſt the ſaid Commiſſioners, for any Thing done or cauſed to be done by them, or under their Authority, contrary to the Proviſions of this Act, whereby ſuch Perſon or Perſons ſhall be aggrieved, by making the Treaſurer or Treaſurers, or Clerk or Clerks to the ſaid Commiſſioners a Defendant or Defendants to the ſame, and by laying and alledging in like Manner any Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, or other Property by this Act veſted in the ſaid Commiſſioners, or otherwiſe belonging to them, to be the Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, or other Property of their ſaid Treaſurer or Treaſurers, or Clerk or Clerks for the Time being; and that no ſuch Action, Suit, or Indictment as aforeſaid ſhall abate or be diſcontinued or diſcharged by reaſon of the Reſignation, Removal, or Death of ſuch Treaſurer

or Treaſurers, Clerk or Clerks, or by his or their Act or Default, without the Conſent of the ſaid Commiſſioners, by an Order at One of their Meetings, to be holden under the Authority of this Act, but that the Treaſurer or Treaſurers, Clerk or Clerks of the ſaid Commiſſioners for the Time being, ſhall be the Plaintiff or Plaintiffs, Defendant or Defendants in every ſuch Action or Suit as aforeſaid.

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 to be done in purſuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every ſuch Action, Suit, or Information, ſhall be commenced within Six Calendar Months next after the Time of the Fact or Facts complained of having been committed, and not afterwards, and ſhall be brought and laid in the County, Iſle, or Juriſdiction, where ſuch Fact or Facts ſhall have been committed, and not elſewhere; and that the Defendant or Defendants, in any ſuch Action, Suit, or Information, ſhall and may plead the General Iſſue, and in Replevin ſhall and may juſtify and avow ſuch Fact or Facts, as having been done under the Authority of this Act, and ſhall and may at any Trial to be had upon any ſuch Action, Suit, or Information as aforeſaid, give in Evidence this Act, and the ſpecial Matter relating to ſuch Fact or Facts, and that the ſame was or were done in purſuance and by the Authority of this Act, without ſpecially pleading the ſame; and that if any Action, Suit, or Information, ſhall be commenced after the Time herein-before limited, or ſhall be brought or laid elſewhere than in the County, Iſle, or Juriſdiction, where ſuch Fact or Facts ſhall have been committed, or if ſuch Fact or Facts ſhall appear to have been lawfully committed under the Authority of this Act, then the Jury upon ſuch Trial ſhall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and if the ſaid Jury ſhall find ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their ſaid Action, Suit, or Information, or if upon a Demurrer or otherwiſe, Judgement ſhall be given for the Defendant or Defendants, Avowant or Avowants therein, then and in any of the ſaid Caſes the Defendant or Defendants, Avowant or Avowants, ſhall and may recover Treble Coſts againſt the Plaintiff or Plaintiffs, and ſhall and may have ſuch and the like Remedies for recovering the ſame, as is uſual in Caſes of Coſts awarded by Law.

Rights of Bedford Level Corporation, and of North Level Commiſſioners, to be ſaved.

LXIV. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend or be conſtrued to extend to empower the ſaid Commiſſioners acting under the Authority of this Act to cut, make, or erect any Works in, upon, or through any of the Banks or Forelands belonging to the ſaid Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or to interfere with any of ſuch Banks or Forelands, without the Conſent of the ſaid Governor, Bailiffs, and Commonalty, or to exerciſe any Power or Authority over any of the Sewers, Drains, or Works belonging to the ſaid Governor, Bailiffs, and Commonalty, or to the Commiſſioners acting under the Authority of the ſaid recited Act of Parliament, or to leſſen, invalidate, or take away any of the Rights, Powers, or Authorities by Law, Statute, or Uſage, now veſted in the ſaid Governor, Bailiffs, or Commonalty of the Company of Conſervators, or in the ſaid Commiſſioners acting under the ſaid recited Act, but that all

all such Rights, Powers, and Authorities shall for ever hereafter continue vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators, and the said Commissioners respectively, as fully and amply, to all Intents and Purposes, as if this Act had not been made.

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

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