

ANNO REGNI  
GEORGI III.  
REGIS

*Magnæ Britanniae, Franciæ, & Hiberniæ,*

TRICESIMO SEPTIMO.

At the Parliament begun and holden at *Westminster*, the Twelfth Day of *July* Anno Domini 1796, in the Thirty-sixth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain, France, and Ireland*, King, Defender of the Faith, &c.

And from thence continued, by several Prorogations, to the Twenty-seventh Day of *September* 1796; being the First Session of the Eighteenth Parliament of *Great Britain*.



L O N D O N :

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ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

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C A P. LXXXIX.

An Act to amend and render more effectual an Act, made in the Thirty-third Year of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the Isle of Ely and Counties of Suffolk and Norfolk, between Mildenhall River South, Plant Load and Brandon River North, bounded on the West by the River Ouse, and on the East by Winter Load, Earfwell Brook, and the Hard Lands of Mildenhall; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Fen Lands, lying within the Limits aforesaid, commonly called Invested Lands, so far as relates to the several Fen Lands and Low Grounds lying in the First District described in the said Act; and also, to amend and render more effectual an Act, passed in the Thirteenth Year of the Reign of His present Majesty, for amending and rendering more effectual the said first recited Act.* [19th June 1797.]

Preamble.

33 Geo. II,  
Cap. 32, and

HEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the Isle of Ely and Counties of Suffolk and Norfolk, between Mildenhall River South, Plant Load and Brandon River North, bounded on the West by the River Ouze, and on the East by Winter Load, Earfwell Brook, and the Hard Lands of Mildenhall; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Fen Lands, lying within the Limits aforesaid, commonly called Invested Lands; by which Act the said Fen Lands and Low Grounds thereby intended to be drained, were divided into Two separate Districts, called The First District, and The Second District, as therein particularly described; and certain Commissioners were appointed for putting the said Act in Execution within each respective District, and in Manner thereby appointed; and all and singular the Fen Lands and Low Grounds within the First District, and all and every the respective Owner and Owners, Occupier and Occupiers of such Lands and Grounds, were therein and thereby taxed and charged, during the First Seven Years, to be computed from the Feast of Saint John the Baptist in the Year of our Lord One thousand seven hundred and sixty, with the Yearly Sum of One Shilling, and after the Expiration of the said Seven Years with the Yearly Sum of One Shilling and Sixpence, for every Acre of the said Fen Lands and Low Grounds, so long as any Money which should at any Time have been borrowed for the Purposes of the said Act, or the Interest thereof, should remain unpaid: And whereas an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to amend and render more effectual an Act, made in the Thirty-third Year of His late Majesty King George the Second, intituled, 'An Act for draining and preserving certain Fen Lands and Low Grounds in the Isle of Ely and Counties of Suffolk and Norfolk, between Mildenhall River South, Plant Load and Brandon River North, bounded on the West by the River Ouse, and on the East by Winter Load, Earfwell Brook, and the Hard Lands of Mildenhall; and for empowering the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, to sell certain Fen Lands, lying within the Limits aforesaid, commonly called Invested Lands,' so far as the same relates to the several Fen Lands and Low Grounds lying in the First District described in the said Act; whereby it was enacted, that, from and after the Feast of Saint John the Baptist then next following the passing of the said last-recited Act, all and singular the Fen Lands and Low Grounds within the said First District, and all and every the respective Owner and Owners, Occupier and Occupiers of such Lands and Grounds, should be, and the same were thereby rated, assessed, taxed, and charged, during the Term of Ten Years, to be computed from the said Feast of Saint John the Baptist then and next after the passing of the Act, with the further Yearly Sum of One Shilling for every Acre of the said Fen Lands and Low Grounds, over and above the before-mentioned Acre Tax of One Shilling and Sixpence per Acre, charged by the said former Act, and over and above such other Acre Rates and Taxes wherewith the said Fen Lands and Low Grounds in the said District, or any Part thereof, were or might be chargeable, and the Money so to be raised was**

23 Geo III,  
Cap. 20,  
recited.

to be applied from Time to Time as therein mentioned: And whereas the Commissioners of the said First District, in pursuance of the said recited Acts, and by virtue of the Powers and Authorities thereby given to them, made several Cuts, Drains, and Outlets, and erected several Engines, and made several Banks, and did other Works in, through, and upon the Lands and Grounds within the said District, for the draining and preserving the same, and assessed the said Lands and Grounds with the several Rates and Taxes authorized by the said recited Acts: And whereas, for the Purpose of making and preserving the said Works of Drainage, the said Commissioners have borrowed several Sums of Money upon the Security of the Rates and Taxes chargeable upon the said Lands and Grounds in the said First District, by virtue of the said first-recited Act, and have assigned over the said Rates and Taxes, for securing the Monies so borrowed, with the Interest thereof, and a considerable Debt now remains due upon the Assignment of the said Rates and Taxes, and otherwise, on Account of the said Lands and Grounds: And whereas the said Lands and Grounds might be further greatly improved by additional Works of Drainage, but the Rates and Taxes authorized to be raised by the said recited Acts have been found insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the present Works, and the Powers given to the Commissioners of the said First District are also found to be insufficient for the effectual Drainage and Preservation of the Lands and Grounds comprized within the said District; and it is therefore necessary to make some Alterations and Amendments therein, and also to make some further additional new Works and Drains for the more effectual draining and preserving the said Lands and Grounds, and to lay an additional Tax on the said Lands and Grounds, in order to raise Money to answer the said Purposes: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for executing the said recited Acts, with respect to the said First District, shall be and they are hereby appointed Commissioners for executing this Act within such District; and that so much of the said recited Acts as relates to the Payment of the Expences of the Commissioners of the said said First District, upon Account of their Attendance at any of the Meetings to be held for putting the said recited Acts in Execution, and as relates to the roding, scouring, cleansing, opening, and repairing any of the Dikes and Tunnels in the said First District mentioned and specified, and also to the Meetings and Adjournments of the Commissioners of the said District, shall be, and the same is hereby repealed.

Certain of the Provisions of the former Act repealed.

II. And be it further enacted, That if any Person or Persons, not being properly qualified as prescribed by the said first recited Act, shall act as a Commissioner or Commissioners for the said First District, in the Execution of this or the said recited Acts, he or they shall, for every such Offence, forfeit any Sum not exceeding Fifty Pounds, nor less than Twenty-five Pounds, to be recovered, with full Costs of Suit, by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas to

Penalty on acting as Commissioners not being qualified.

be held within the said *Iſle of Ely*, by Bill, Suit, or Information, wherein no Eſſoign, Protection, Privilege, or Wager of Law, nor more than One Impar lance ſhall be allowed, and in which Action or Suit it ſhall be only neceſſary for the Plaintiff or Informer to prove that the Defendant acted as ſuch Commiſſioner in the Execution of this or the above-recited Acts, and a Verdict ſhall be found againſt the Defendant or Defendants, unleſs he or they ſhall prove in his or their Defence, that he or they were, at the Time of his or their ſo acting, properly qualified according to the true Intent and Meaning of the ſaid firſt-recited Act.

Expence of Meetings.

III. And be it further enacted, That no greater or larger Sum of Money than Three Pounds in the Whole ſhall be paid or allowed, for the Expences of the Commiſſioners of the ſaid Firſt Diſtrict, at any One of the General Meetings to be held under or by virtue of this preſent Act and the ſaid recited Acts, or more than Thirty Shillings for the Expences of the Commiſſioners at any adjourned Meeting.

Commiſſioners to make new Works.

IV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the ſaid Firſt Diſtrict to make, or cauſe to be made, raiſed, cut, built, and ſet up, in, upon, through, or over the Lands and Grounds within the Bounds and Limits of the ſaid Firſt Diſtrict, all ſuch further and other Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works as they ſhall think neceſſary for the better draining of the ſaid Lands and Grounds in the ſaid Firſt Diſtrict, and the ſaid new Works to be made by virtue of and under this Act, as well as thoſe already made under and by virtue of the ſaid recited Acts, ſhall be veſted in, and be the Property of the ſaid Commiſſioners.

For holding Meetings of the Commiſſioners.

V. And be it further enacted, That Seven or more of the Commiſſioners of the ſaid Firſt Diſtrict ſhall conſtitute a Meeting, and that the Orders and Determinations of the Majority of the Commiſſioners preſent at any ſuch Meeting, ſhall be conſidered as the Act of all the Commiſſioners; and that the Firſt Meeting of the Commiſſioners of the ſaid Firſt Diſtrict ſhall be held at the *White Hart Inn*, in *Ely*, on the *Friday* Three Weeks next after the Day of paſſing this Act, at Ten of the Clock in the Forenoon, and that the ſaid Commiſſioners ſhall meet Twice in every Year, (to wit), on the Third *Friday* in *October*, and the *Friday* following the Firſt *Sunday* after the Eleventh Day of *April*, and may from Time to Time adjourn their ſaid Firſt and other Meetings, and may from Time to Time appoint any other Meetings to be held, and then adjourn ſuch Meetings from Time to Time; and that their ſaid Meetings (except their Firſt Meetings, which is to be held at the *White Hart Inn*, in *Ely* aforeſaid) may be held at ſuch Place in *Ely* aforeſaid, as the ſaid Commiſſioners ſhall from Time to Time appoint; and that in caſe Seven Commiſſioners ſhall not be preſent at the Time appointed for holding the ſaid reſpective Meetings, or the Commiſſioners ſhall at any Meeting omit to adjourn ſuch Meeting, then it ſhall and may be lawful for the Clerk to the ſaid Commiſſioners to adjourn ſuch Meeting to a Time not exceeding Twenty-one Days from the Time the laſt Meeting was appointed to have been holden, or was holden, and to the ſame Place where the ſame was appointed to be, or was holden, of which Adjournment publick Notice ſhall be given in One of the *Cam-*

*bridge* Weekly Newspapers, if there shall be any such Newspaper, otherwise in some other Newspaper which shall be in general Circulation in the *Ile of Ely*; and no Act shall be valid as an Act of the Commissioners, unless it shall be done or ordered at some Meeting held under the Authority of this Act; but it shall be lawful for any Three of the said Commissioners, although not at a Meeting, from Time to Time to call Special Meetings of the said Commissioners, Notice thereof having been fixed on the Church Doors of *Ely Trinity*, *Ely Saint Mary*, and *Littleport* Parish, at least Eight Days before such Meeting, setting forth the Object thereof, such Notice to be signed by the Clerk to the Commissioners.

No Act to be valid unless made at a Meeting of the Commissioners.

VI. And be it further enacted, That the said Commissioners of the said First District shall have full Power and Authority, at their First General Meeting after the passing of this Act, to nominate and appoint Three competent Persons, and not being either Owners or Occupiers of any Lands or Grounds within the said First District, to survey the Lands therein, and to ascertain their different Degrees of Value, in Proportion to the Benefit they may receive from the proposed Drainage, in order to fix a gradual Acre Tax thereon, and the said Three Persons shall immediately proceed in the said Survey and Valuation, and the same shall be laid before the said Commissioners, and verified upon the several Oaths of the Persons so making the same, which Oath any One of the said Commissioners is hereby authorized and empowered to administer in the Words following:

Power to appoint Surveyors to value Lands.

‘ I Do swear, That this Survey and Valuation is faithfully, impartially, and honestly made, according to the best of my Skill and Judgment, and without Favour or Affection to any Person whomsoever.  
‘ So help me GOD.’

And such Valuation shall be binding to all Persons whomsoever.

VII. And be it further enacted, That the Bank lying between the Tunnel called *Redmore Tunnel*, and the East End of *Lakenbeath New Lode*, on the North Side of and enclosing Lands lying between the said Bank and the Bank called *The Cross Bank*, shall from Time to Time, and at all Times hereafter, be repaired, amended, supported, and kept in a good and sufficient Manner by the Commissioners of the said First District; and that it shall and may be lawful to and for the said Commissioners of the said First District, and they are hereby authorized and empowered, at their First or Second Meeting after the passing of this Act, to rate, tax, charge, and assess, all the Lands and Grounds lying between the said Banks, and all and every the respective Owner and Owners, Occupier and Occupiers thereof, at and with an equal and proportionable Acre Tax of Five Shillings *per* Acre, to be paid to such Person or Persons as the said Commissioners of the First District shall direct and appoint to receive the same, in the Manner following; that is to say, One Fifth Part thereof, being One Shilling *per* Acre, upon the Twenty-fifth Day of *March* which will be in the Year of our Lord One thousand seven hundred and ninety-eight; One other Fifth Part thereof upon the Twenty-fifth Day of *March* which will be in the Year One thousand seven hundred and ninety-nine; One other Fifth Part thereof upon the Twenty-fifth Day of *March* which will be in the Year One thousand eight

For support of *Redmore* Bank, by paying a gross Sum in Five Years.

eight hundred; One other Fifth Part thereof on the Twenty-fifth Day of *March* One thousand eight hundred and one; and the remaining Fifth Part of the said Tax of Five Shillings *per* Acre upon the Twenty-fifth Day of *March* which will be in the Year of our Lord One thousand eight hundred and two; and that the said Tax, and each Instalment thereof, shall be recovered and recoverable in such and the same Manner, and by such and the same Ways and Means, to all Intents and Purposes, as by the said first-recited Act is provided in respect to the Taxes and Penalties thereby laid and assessed; and upon Payment of such Tax of Five Shillings *per* Acre, the said Lands and Grounds lying between the said Banks, and the respective Owners and Occupiers thereof, shall be for ever after exonerated and discharged of and from all and every and any Charge, Expence, and Disbursements whatsoever for or in respect of the Repair, Support, Amendment, and Maintenance of the said first-mentioned Bank; and the said Commissioners of the said First District shall, and they hereby have full Power and Authority, from Time to Time and at all Times, to enter upon the said Bank, and also in and upon the Lands and Grounds lying between the said respective Banks, for the Purpose only of digging, cutting, and taking Materials of Earth for the Repairs of the said first-mentioned Bank, which they are hereby authorized and empowered to do; and the said Commissioners shall pay and satisfy to the Person or Persons who hath or have a Right to the Soil from which the said Materials shall be so dug, cut, and carried away, the Value of the said Materials, as shall be agreed upon between the said Commissioners and the Person or Persons having such Right as aforesaid; and if the said Commissioners and such Person or Persons cannot agree about the Value thereof, that then the same shall be assessed, adjudged, and finally determined by the Justices of the Peace, or the major Part of them, at the next General or Quarter Sessions of the Peace to be held for the *Iffe of Ely*.

The gross Sum of 5s. may be paid at One Payment.

VIII. Provided always, and be it further enacted, That in case any of the Proprietors of the said Lands and Grounds lying between the said respective Banks, shall be desirous of paying down the Whole of the said Tax, instead of discharging the same by Instalments as aforesaid, they shall have full Power and Authority so to do, and in every such Case the said Commissioners of the said First District are hereby directed to receive the said Tax accordingly.

Tunnels may be put down for draining Lands under *Redmore Bank*.

IX. And be it further enacted, That in case any of the Owners or Proprietors of the Lands and Grounds lying between *Brandon River* and *Lakenbeath New Lode*, and the said Bank called *The Cross Bank*, shall be minded or desirous at any Time hereafter to erect any Mill or Engine near the said Bank between *Redmore Tunnel* and the East End of *Lakenbeath New Lode*, for the Purpose of draining his, her, or their Lands and Grounds, it shall and may be lawful for him, her, or them so to do, under the Direction of the Corporation of *Bedford Level*, and to make, put down, and place a Tunnel for the necessary working of such Mill or Engine for draining his, her, and their respective Lands and Grounds, he, she, and they, from Time to Time, and at all Times, keeping such Tunnel in good and sufficient Repair, to the Satisfaction of the said Corporation; and in case such Tunnel shall at any Time, in the Opinion of the said Corporation, be out of Repair, and the Person or Persons liable

to keep the same in Repair, shall not put such Tunnel in good and sufficient Repair, to the Satisfaction of the said Corporation, within Twenty-one Days after Notice for that Purpose shall have been given by the said Corporation to him, her, or them, or left at his, her, or their last or usual Place of Abode, or with or for the Tenant in the Occupation of the Premises, then and in such Case it shall be lawful for the said Corporation to cause the said Tunnel to be repaired in such Manner as they may think proper, and the Expence thereof, if not paid on Demand, shall and may be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by the said Corporation, by Action of Debt, or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Impar lance shall be allowed.

X. And be it further enacted, That the said Commissioners for the said First District shall, at the Meeting at which such Survey and Valuation shall be laid before them, and verified upon Oath as aforesaid, rate, tax, charge, and assess, all and singular the Fen Lands and Low Grounds within the said First District, and all and every the respective Owner and Owners, Occupier and Occupiers of such Lands and Grounds, with such gradual Acre Tax as shall be fixed by the Persons employed to settle and fix the same, in Addition to and over and above the Tax of One Shilling and Sixpence *per* Acre with which the Lands in the said First District are now chargeable by the said Act of the Thirty-third Year of the Reign of His said late Majesty King *George* the Second, so that the said additional Tax does not exceed One Shilling and Six-pence an Acre on any of the said Lands, such Tax to be paid to such Person or Persons, at such Time or Place, Times or Places, as the said Commissioners shall from Time to Time direct, and that the said gradual additional Acre Tax shall continue to be charged and paid Yearly and every Year, so long as it shall be necessary, in order to carry into Effect the Purposes of this Act, and shall be recovered and recoverable in such and the same Manner, and by such and the same Ways and Means, to all Intents and Purposes, as by the first recited Act is provided with respect to the Rates and Taxes thereby authorized to be laid and assessed; and that in case Default shall be made by any Person or Persons assessed, rated, taxed, and charged by virtue of and under this Act, in his, her, or their respective Payments of any of the said Rates, Assessments, or Taxes, by the Space of Twenty-one Days after the Time appointed for Payment thereof, they shall be and are hereby subjected to the same Penalties as are imposed, and such Penalties, and the said Rates or Taxes shall be recovered in the same Manner as is prescribed, by the said recited Acts, or either of them, with respect to the Rates and Taxes thereby imposed, and the Penalties thereby inflicted for Non-payment thereof.

Tax to be laid.

For Recovery of Taxes.

XI. And be it further enacted, That where any Distress shall be made for any Rate, Tax, or Sum or Sums of Money to be levied by virtue of the said recited Acts or this Act, or for any Penalty incurred for Non-payment thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or

Distress not unlawful for Want of Form.

Parties



Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity, shall and may recover Satisfaction for the special Damage in an Action upon the Case.

This Act not to exonerate any Taxes imposed by the Act of 15 Car. II.

XII. Provided nevertheless, and be it further enacted, That nothing herein, or in the said first recited Act contained, which authorizes the said Commissioners of the said First District to sell the Lands situate, and lying therein, for the Payment of the Tax imposed by the said first recited and this present Act, shall extend, or be construed to extend, to exonerate or discharge any Tax or Taxes that are or may be imposed by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling and draining of the Great Level of the Fens, called Bedford Level*; but that all Purchasers thereof shall share and enjoy the same subject thereto.

Lands to be surveyed.

XIII. And be it further enacted, That the said Commissioners may order and direct all or any of the Lands by this Act made liable to any Tax to be surveyed and mapped, in order to ascertain the Quantity of Land liable to such Taxes, and the exact Quantity belonging to each particular Person or Persons.

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

XIV. And, to the End that the said Rates and Taxes may be more easily and effectually collected and received, be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed or rated by virtue of this Act, shall and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed or rated on the respective Lands and Grounds in their Occupations, and to deduct and retain, out of his, her, or their Rent, all such Sum or Sums of Money as he, she, or they shall so respectively pay as aforesaid, and the several and respective Landlords or Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments upon Receipt of the Residue of their Rents, and that every such Tenant or Occupier, paying such Assessment or Rate, shall be acquitted and discharged of so much Money as the said Assessment and Rate so paid by him, her, or them, shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

No Lessee to be allowed to deduct Taxes.

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

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

Penalty on Persons not roding or scouring Ditches, &c. as directed by the Act.

XVII. And be it further enacted, That, from and after the passing of this Act, the North Bank of *Mildenhall River*, being now Part of the Second District described in the said first recited Act, shall no longer be or be deemed to be within or Part of the said Second District, or be under the Care or Controul of the Commissioners for such District, but the same shall be and is hereby declared to be, to all Intents and Purposes, within and Part of the said First District, and shall be under the Care and Management of the Commissioners for such District, and shall be at all Times repaired, supported, and maintained by them, in such and the same Manner as any other Bank or Banks within such First District is or are to be repaired, supported, and maintained, subject nevertheless to the Proviso next herein-after contained; and that the Commissioners for the said First District shall have full Power and Authority, from Time to Time, and at all Times, to enter upon any uninclosed Lands or Grounds within the said Second District lying near or contiguous to such Bank, and to dig, cut, and take away any Materials for the Repair thereof, and the said Commissioners for the said First District shall have such and the same Powers and Authorities for erecting Turnpikes and Toll Houses on such North Bank of *Mildenhall River*, as by the said recited Act of the Thirteenth Year of His present Majesty, and by this present Act, are given and granted for erecting Turnpikes and Toll Houses on the Banks therein and herein described, and also such and the same

For putting the North Bank of *Mildenhall River*, now lying in the Second District, under the Power of the Commissioners for the First District, and declaring it Part of such District.

same Powers and Authorities to demand, take, and recover, such and the same Tolls for Horses, Beasts, and Cattle, passing along such *Mildenball* Bank, as by the said last-mentioned Act, and by this present Act, are given and provided for demanding, taking, and recovering, Tolls for Horses, Beasts, and Cattle, passing along any such other Bank: Provided nevertheless, that no Toll shall be demanded or taken, by virtue of the said Act or this Act, from any of the Owners or Occupiers of Fen Lands lying within the said Second District, for any Horses, Beasts, or Cattle belonging to them, passing along *Mildenball* Bank aforesaid, being now Part of the said Second District, and by this Act made Part of the said First District.

The Commissioners for the First District may nevertheless agree with the Commissioners for the Support of *Mildenball* Bank.

XVIII. Provided nevertheless, and be it further enacted, That in case the Commissioners of the said First and Second Districts shall, at any Time after the passing of this Act, be desirous of making any Agreement respecting the Maintenance of the said North Bank of *Mildenball* River, it shall and may be lawful for any Nine or more of the Commissioners of each District, at any of their publick Meetings to be held in pursuance of this Act or the said recited Acts, to compound and agree for the Maintenance and Support of the said Bank in such Manner and Sort as they shall think proper, and the Agreement so made by the said Commissioners shall be, and is hereby declared to be binding and conclusive upon the said Commissioners and their Successors respectively, and the said Commissioners for the said First District shall be, and they are hereby authorized and empowered to pay and apply any Money coming to their Hands by virtue of this Act, for the Purpose of carrying into Effect any such Agreement.

Power to catch and destroy Moles.

XIX. And be it further enacted, That the said Commissioners of the said First District shall have full Power, and are hereby authorized to destroy all such Moles and other Vermin as shall be found in and about the Lands and Grounds the Drainage whereof is intended to be preserved or made under the Authority of this Act, and also in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons at such Wages and Salary as they shall think proper; and that they, and such Person or Persons as they shall so employ, shall and lawfully may enter into or upon the said Lands and Banks, or any of them, for that Purpose.

Additional Tolls.

XX. And whereas the Tolls fixed and made payable by the said Act of the Thirteenth Year of the Reign of His present Majesty, for Horses and other Cattle passing along the Banks as therein mentioned, are or may be found to be inadequate to the Damages done to the said Banks by such Horses and Cattle; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners of the said First District, and they are hereby authorized to demand, take, and receive, of all Persons liable to any Toll before the passing of this Act, over and above the Tolls appointed by the aforesaid Act of the Thirteenth Year of the Reign of His present Majesty to be demanded, taken, and received, the further following additional Tolls; (*videlicet*),

For every Horse, or other Beast, haling a Boat or Boats on the North Bank of *Mildenball* and the South Bank of *Brandon* Rivers, Three-pence; and

and on the East Bank of the River *Ouze*, between *Pickwillow* and *Scotings Ferry* as aforesaid, Sixpence; and for every other Horse, Mare, Gelding, Mule, or Ass, not haling or drawing any Boat or Boats, the Sum of Three Halfpence:

For every Drove of Oxen, or other Neat Cattle, the Sum of One Shilling and Sixpence *per* Score, and so in Proportion for any greater or less Number, but if under Five, then One Penny *per* Head:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number.

All which said Tolls shall be, and they are hereby vested in the Commissioners of the said First District, and their Successors, and shall be applied to the better and more effectual Support of the Banks, Engines, and other Works within the said First District; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand made, neglect or refuse to pay the same, they shall be recovered in the same Manner as is prescribed for the Recovery of Tolls by the said Act of the Thirteenth Year of the Reign of His present Majesty.

Neglecting or refusing to pay Tolls.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any of their Meetings, from Time to Time, to let by Auction, or otherwise, as they may think proper, the Feed or Pasture of the several Banks and Drove ways within their Jurisdiction, and also such Lands adjoining thereto as may be purchased by the Commissioners, or any Part thereof, (save and except the Feed and Pasture of such Banks and Drove Ways as are the Property of any of the respective Owners within the said District), for the ensuing Year, for the Pasturage of Sheep and Neat Beasts, not exceeding Two Years old only, and the Rents and Profits arising therefrom, shall be paid and applied in the same Manner as the Taxes to be raised by virtue of this Act and the said former Acts are to be applied.

Commissioners empowered to let the Feed of the Banks by Auction.

XXII. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Buildings be placed, erected, or built, (except by the Order or Permission of the said Commissioners), nearer to any Mill or Engine made or to be made, erected, or employed, for the Purposes of the said Act and this Act, than Two hundred Yards, nor shall any Ditch or Drain hereafter be made or cut within Forty Feet of the Centre of any Bank within the said District; and if any Trees or Holts shall hereafter be planted, or any Buildings made, erected, or built, or any Ditch or Drain made or cut within the said respective Distances, and such Trees or Holts shall not be taken up and carried away, or such Buildings pulled down and removed, or such Ditch or Drain filled up within the Space of Twenty-one Days after Notice for that Purpose, by Order of the said Commissioners, to the Owner or Proprietor of the Land or Ground where such Trees, Holts, Buildings, Ditches, or Drains respectively shall be, given to him, her, or them, or left at his, her, or their last or usual Place of Abode, or with or for the Tenant in Possession of the Premises, then and in every such Case it shall and may be lawful for the said Commissioners to cause such Trees and Holts to be taken up and carried away, and such Building to be pulled down and removed, and such Ditch or Drain to be

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

filled up, immediately after the Expiration of the Notice so given for that Purpose, and the Costs and Expences thereby incurred, shall be reimbursed to the said Commissioners by the Person or Persons who committed the Offence, and may be recovered by the said Commissioners in such and the same Manner as by the said former Act is provided for the Recovery of the Rates and Taxes thereby imposed; any Thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

This Act not to alter the Powers of the former Act with respect to Trees, &c.

XXIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall lessen, take away, or in any Manner affect any of the Powers or Authorities given to the Commissioners of the said First District by the said first-recited Act, for causing Trees and Holts to be taken up and carried away, and Buildings to be pulled down and removed, and Ditches and Drains to be filled up.

Commissioners may borrow Money.

XXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners of the said First District, or the major Part of them (such major Part of them not being less than Nine) assembled at the said First Meeting to be holden after the passing of this Act, or at any General Half Yearly Meeting to be holden as aforesaid, and they are hereby empowered from Time to Time to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Five thousand Pounds, which they shall think necessary for the several Purposes of this Act, and by Writing under their Hands and Seals to assign over the said additional Rates and Assessments as a Security for the Re-payment of such Sum and Sums, with Interest for the same, to the Person or Persons who shall advance and lend the same, or to his, her, or their Executors, Administrators, or Assigns; and all and every such Person or Persons to whom such Mortgage or Assignment thereof shall be made, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said additional Rates and Assessments in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Sum of Money; and that no such Mortgage or Assignment shall be made for any greater or less Sum than One hundred Pounds.

Security to be assigned.

XXV. And be it further enacted, That every Person to whom any Assignment of the said Rates and Assessments to be made by virtue of this Act shall be made, shall have full Power from Time to Time, by Indorsement on the original Grant or Security, to assign and transfer the same to any Person or Persons whomsoever, and such Assignment shall be entered in a Book to be kept by the Commissioners for that Purpose (which Entry their Clerk is hereby required to make, upon any Person producing such Assignment or Transfer, and paying Two Shillings for the said Entry); and after such Entry made, such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the said Principal Sum, and all Interest due and becoming due thereon; and such Assignee or Assignees, and every other Assignee or Assignees, shall and may in like Manner, by Indorsement or otherwise assign and make over such Mortgages and Securities so assigned as aforesaid, and so *toties quoties*, as Occasion shall require.

XXVI. And

XXVI. And be it further enacted, That all the additional Rates or Assessments to be made by virtue of this Act, shall be charged and chargeable with the Payment of the Principal Monies to be borrowed by the said Commissioners as aforesaid, and with the Interest of such Monies from Time to Time, and shall vest in the Creditors upon Default of Payment of such Principal Monies and Interest, until the same and every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, or Assigns respectively, shall have the same Powers, Right, and Privileges of recovering the said Rates or Assessments, for or in respect of such Principal Monies and Interest, in case of Default in Payment thereof, as the said Commissioners, and their Collectors and Receivers, could have had in case such Principal Monies and Interest had been regularly paid.

Taxes charged with the Principal Monies, and vested in the Creditors.

XXVII. And be it further enacted, That the Taxes and Tolls hereby charged and imposed, and to be paid, levied, and raised as aforesaid, and also all and every Sum and Sums of Money to be raised by Mortgage of the said Taxes so hereby imposed, and to be borrowed upon the Credit of this Act, or of the said Taxes hereby imposed, and all other Monies coming to the Hands of the said Commissioners by virtue of this Act, shall be applied in the first Place to the paying and defraying the Charges and Expences of obtaining and passing this Act, and afterwards in and towards the more effectual Support of the Banks, Engines, and other Works, for the Preservation of the said Fen Lands and Low Grounds in the said First District, and for the Purposes of this Act.

Application of Money and Taxes.

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

Expences of obtaining the Act.

XXIX. And be it further enacted, That all the Powers, Provisions, Penalties, Exemptions, Matters, and Things contained in, or prescribed or appointed by the said Acts of the Thirty-third Year of the Reign of His late Majesty, and of the Thirteenth Year of the Reign of His present Majesty, not hereby taken away, altered, or repealed, shall be of full Force and Effect, and extend to this Act, and to the several Tolls, Taxes, Rates, and Assessments hereby granted, or authorized to be laid and imposed, and be executed with this Act, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted.

Extending the Provisions of the former Act to this Act.

XXX. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the Drainage of the Great Level of the Fens, called Bedford Level*, or by virtue of any

Reservation of the Rights of the *Bedford Level* Company.

other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Limitation of  
Actions.

XXXI. And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and shall be laid or brought in the County of *Cambridge*, *Suffolk*, or *Norfolk*, and not elsewhere; and the Defendant or Defendants in such Action or Suit, shall and may plead the General Issue, and give the Special Matter in Evidence, and if in Replevin may avow as acting by Authority of Commissioners of Sewers; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or Judgment be given upon a Demurrer, or otherwise, then in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have like Remedy as where Costs by Law are awarded.

Publick Act.

XXXII. And be it further enacted and declared by the Authority aforesaid, That this Act shall be deemed and allowed a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

F I N I S.