ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 72.

An Act for explaining and amending an Act, passed in the Thirty-fifth Year of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens, called *Bedford Level*, and certain Low Lands adjoining or near thereto, and to the River *Ouze*, in the County of *Norfolk*, and for improving the Navigation of the said River, from or near a Place called *Eau Brink*, to the Harbour of *King's Lynn*; and for improving the Navigation of the several Rivers communicating with the said River *Ouze*.

[27th *June* 1805.]

WHEREAS by an Act, made in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens, called* Bedford Level, *and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River* Ouze, *in the County of* Norfolk, *draining through the same to Sea by the Harbour of* King's Lynn, *in the said County; and for altering and improving the Navigation of the said River* Ouze, *from or near a Place called* Eau

Brink, *in the Parish of* Wiggenhall Saint Mary, *in the said County, to the said Harbour of* King's Lynn; *and for improving and preserving the Navigation of the several Rivers communicating with the said River* Ouze, it was (amongst other Things) enacted, that all the Lands and Grounds lying within certain Boundaries, described in the said recited Act, should yearly and every Year for the Space of Ten Years, to be computed from the Twenty-fourth Day of *June* One thousand seven hundred and ninety-five, be and the same were thereby rated, taxed, charged, and assessed, and the Commissioners for Drainage therein appointed were thereby required to rate, tax, charge, and assess the same, during the said Term of Ten Years, with a yearly Tax not exceeding Four-pence for and upon every Acre of the said Lands and Grounds, as well Commons as Severals: And whereas by an Act, made in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for extending the Term of the Tax on Lands, and Tolls on Goods, Wares, and Merchandizes, granted by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled,* '*An Act for improving the Drainage of the Middle and South Levels, Part* '*of the Great Level of the Fens, called* Bedford Level, *and the Low Lands* '*adjoining or near to the said Levels, as also the Lands adjoining or near to* '*the River* Ouze, *in the County of* Norfolk, *draining through the same to* '*Sea by the Harbour of* King's Lynn, *in the said County; and for altering* '*and improving the Navigation of the said River* Ouze, *from or near a* '*Place called* Eau Brink, *in the Parish of* Wiggenhall Saint Mary, *in the* '*said County, to the said Harbour of* King's Lynn; *and for improving and* '*preserving the Navigation of the several Rivers communicating with the* '*said River* Ouze,' the said Commissioners for Drainage were authorized to order and direct the said Tax of Four-pence per Acre to be continued for any further Term of Years not exceeding Five Years, to commence from the Determination of the Tax granted by the said first recited Act; and such Order and Direction have been accordingly made: And whereas the said Commissioners for Drainage have expended nearly the Whole of the Monies received by them by virtue of the said first recited Act, in discharging the Expences of obtaining and passing the said Acts, and the Expences incurred in forwarding the Objects and Directions therein respectively contained, and there are considerable Sums of Money now due and owing on the Credit of the said recited Acts: And whereas the said Commissioners for Drainage have not yet been able to make the new River or Cut, and the several other Works of Drainage by the said first recited Act directed to be made: And whereas it is doubtful whether the Payment of the Taxes by the said recited Acts authorized to be raised and levied, can, under the Powers and Authorities therein contained, be fully and effectually enforced; and several of the Powers and Provisions of the said first recited Act, prescribing the Mode of assessing, raising, and collecting the Taxes by the said recited Acts directed to be assessed, raised, and collected, have been found insufficient for the Purposes thereby intended, and are the Causes of Litigation and Expence; and it is necessary that the same should be repealed, and further and additional Powers and Provisions granted for such Purposes instead thereof; 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 said Acts, and all and every the Clauses, Powers, Authorities, Matters, and Things therein

So much of the former Acts as are

respectively contained (save and except such as are varied, altered, or repealed by this Act, or as are repugnant to the Clauses and Provisions herein contained) shall be, remain, and continue in full Force and Effect, and shall be as good, valid, and effectual, for carrying the several Provisions and Purposes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same were repeated and enacted in and by this present Act, with Words to make the same applicable to the Purposes and Provisions of this Act.

not repealed by this Act, to remain in force.

II. And whereas it is by the said first recited Act directed, that all Lands and Grounds lying in the Middle and South Level of the Fens, called *Bedford Level*, and adjoining the said Levels, now subject to Inundations by Land or Sea Floods; all Lands and Grounds lying in the Country called *Marsh Land*, *Elm Oldfield*, *Sayer's Field*, *Budbech Field*, *Hawsteads*, *Outwell*, *Wiggenhalls West Side*, *Stow*, *Wimbotsham*, and *Downham*, now draining into the said River *Ouze* above *West Lynn Ferry Staith*, and usually rated by virtue of or under any Commission of Sewers, or charged with the Repairs of any Drains or Banks opening into or laying next the said River, on the West Side thereof above *West Lynn Ferry Staith*; and all Lands and Grounds lying on the East Side of the said River, in any of the said Parishes or Extra-parochial Places not within either of the said Levels, usually rated by the said Commissioners of Sewers, or subject to Land or Sea Floods, and now draining into the said River above *Sandringham Eau* or *Grey Friars Fleet*; and all other Lands and Grounds, as well Commons as Severals, and not therein-before described, lying within the several Parishes or Extra-parochial Places therein-before mentioned, subject to Land or Sea Floods, and draining their Waters to Sea by the said River *Ouze* as aforesaid, but not including any Lands which have their Drainage through or below *Sandringham Eau* or *Grey Friars Fleet* on the East Side, or below *West Lynn Ferry Staith* on the West Side of the said River, should yearly and every Year, for the Space of Ten Years, to be computed from the Twenty-fourth Day of *June* One thousand seven hundred and ninety-five, be and the same were thereby rated, taxed, charged, and assessed (and the said Commissioners for Drainage were thereby required to rate, tax, charge, and assess the same during the said Term of Ten Years) with a yearly Tax not exceeding Four-pence for and upon every Acre of the said Lands and Grounds, as well Commons as Severals, which said Tax so to be assessed, rated, and charged, should, in respect to any Lands on Demise from His Majesty, be paid by the Lessees thereof, so long as they should continue Lessees of the same, and on all other Lands should be paid by the respective Owners or Occupiers of the said Lands and Grounds so to be charged therewith yearly, during the said Term of Ten Years, the first Payment thereof to begin and be made on the Twenty-fourth Day of *June* One thousand seven hundred and ninety-five, and the remaining Payments thereof on the Twenty-fourth Day of *June* in each successive Year, to such Person or Persons as the said Commissioners for Drainage from Time to Time should appoint to collect and receive the same, and the Monies arising from the said Tax should be applied to the Purposes therein particularly directed; be it further enacted, That so much of the said recited Act shall be and the same is hereby

The Tax of Four-pence per Acre annually for Ten Years, upon all Lands within the Boundary of the Act of 35 Geo. 3, repealed.

hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

The Provision for apportioning the Tax of Four-pence per Acre repealed.

III. And whereas it is by the said first recited Act directed, that for the Purpose of apportioning the said yearly Tax in the Manner thereinafter mentioned, the Lands thereby charged or directed to be charged therewith should be considered as divided into Four Districts, One of which Districts should consist of or comprise the Lands lying in the said Country, called *Marshland*; One other of such Districts should consist of or comprise the Lands lying in the said Middle Level of the Fens, called *Bedford Level*; One other of such Districts should consist of or comprise the Lands lying in the said South Level of the Fens, called *Bedford Level*; and the other of such Four Districts should consist of or comprise all the Lands thereby charged or directed to be charged with the said Tax, which were not comprised in either of the said Three other Districts; and that the said Commissioners for Drainage should, upon Application and Request made to them in that Behalf, by Thirty Proprietors, possessing not less than One hundred and fifty Acres each, at their Fifth Quarterly Meeting next after the opening of the said intended New River or Cut, cause the Lands in such District or Districts from which such Application and Request should come, to be forthwith surveyed by proper and skilful Surveyor, who should divide and sort the Lands in such District or Districts respectively, chargeable with the said yearly Tax, into Three several Classes or Sorts, according to the Benefits which the same should respectively appear to have derived or be likely to derive from the said intended Cut and Drainage, each Class to consist of such Number of Acres, as that the Amount of the yearly Tax or Sum to be raised upon the Whole of the Lands in such District or Districts respectively, by virtue of the said Act, at the Rate of Four-pence *per* Acre for the Number of Acres contained therein respectively as aforesaid, might, after the Expiration of one Year from the said Quarterly Meeting at which such Application and Request should be made, instead of being raised by a general Tax of Four-pence *per* Acre as therein-before directed, be apportioned, and be assessed and charged upon such Lands respectively in the Proportions following; (that is to say), the yearly Tax or Sum of Sixpence *per* Acre upon the Lands to be comprised in the First Class, being those deriving or likely to derive the greatest Benefit from the said intended Drainage; the yearly Tax or Sum of Four-pence *per* Acre upon the Lands to be comprised in the Second Class, being those deriving or likely to derive the next greatest Benefit; and the yearly Tax or Sum of Two-pence *per* Acre upon the Lands to be comprised in the Third Class, being those deriving or likely to derive the least Benefit; and that the Surveyors to be appointed by the said Commissioners for Drainage for the Purpose aforesaid, should respectively, before they commenced their Survey of the said Lands, take the following Oath, or, being of the People called *Quakers*, the following solemn Affirmation, before the said Commissioners for Drainage, assembled at a Meeting to be held in pursuance of the recited Act (who were thereby authorised to administer the same); that is to say,

Surveyor's Oath repealed.

'I *A. B.* do swear [*or*, being one of the People called *Quakers*, do solemnly affirm] That I will make a proper Survey of the Lands 'lying in the District in question, and will, without Favour or Affection,

'truly

'truly and impartially, according to the beſt of my Skill and Knowledge, 'divide and ſort the ſame into Three ſeveral Claſſes or Sorts, purſuant to 'the Directions, and according to the Intent and Meaning of the Act of 'Parliament, paſſed in the Thirty-fifth Year of the Reign of His Ma-'jeſty King *George* the Third, for improving the Drainage of the Middle 'and South Levels, Part of the Great Level of the Fens called *Bedford* '*Level*, and other Purpoſes.'

And that the ſaid Commiſſioners for Drainage ſhould, from and after the Expiration of the ſaid One Year from the ſaid Quarterly Meeting at which ſuch Application and Requeſt ſhould be made as aforeſaid, rate, tax, charge, and aſſeſs each of the ſaid Three Claſſes of the Lands ſo to be claſſed and ſorted as aforeſaid, in ſuch Diſtrict or Diſtricts reſpectively, during the then Reſidue of the aforeſaid Term of Ten Years, with ſuch Proportion of the yearly Tax or Sum to be raiſed upon the Whole of ſuch Lands, by virtue of the ſaid recited Act, as is therein-before mentioned and pointed out for the ſame, in lieu of raiſing ſuch yearly Tax or Sum by a general Rate of Four-pence *per* Acre, as firſt therein-before directed; and that ſuch Proportions of the ſaid yearly Tax or Sum ſhould be paid by the ſame Perſons, at the ſame Times, and in the ſame Manner, as the ſaid general Tax of Four-pence *per* Acre, would have been payable in caſe ſuch Apportionment had not taken place; and that the Expences attending the making of ſuch Survey, Diviſion, and Apportionment as aforeſaid, in each Diſtrict, ſhould be charged and aſſeſſed by the ſaid Commiſſioners for Drainage upon the Lands compriſed in that Diſtrict, in ſuch or the like Proportions as the ſaid Drainage Tax was, by virtue of the ſaid recited Act, to be aſſeſſed and charged thereon, and ſhould and might be recovered and levied, together with the Coſts of levying the ſame, by the ſame Ways and Means as were therein-after provided for the recovering and levying of the ſaid Drainage Taxes; and that with reſpect to ſuch of the ſaid Four Diſtricts from which no ſuch Application and Requeſt for an Apportionment ſhould be made as aforeſaid, the ſaid general Tax of Four-pence *per* Acre ſhould continue to be raiſed and paid, in the Manner and for the Term therein-before mentioned concerning the ſame; be it further enacted, That ſo much of the ſaid recited Act ſhall be, and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion for the Apportionment of Taxes at the End of Three Years repealed.

IV. And whereas it is by the ſaid firſt recited Act directed, that if the ſaid New River or Cut ſhould not be opened at the End of Three Years from the paſſing of the ſaid recited Act, then the ſaid Tax of Four-pence *per* Acre ſhould continue to be paid until the Apportionment which might be made under and by virtue of the ſaid recited Act ſhould take place, and that the ſaid Apportionment ſhould have Retroſpect to the Expiration of Three Years from the paſſing of the ſaid recited Act; and that all Perſons whoſe Taxes ſhould be reduced by ſuch Apportionment, ſhould be repaid or allowed by the Commiſſioners for Drainage what they ſhould have paid beyond the Amount of their apportioned Taxes, from the Expiration of the ſaid Three Years; and that all Perſons whoſe Taxes ſhould be increaſed by ſuch Apportionment, ſhould be liable to pay ſuch Increaſe or Addition from the Expiration of the ſaid Term of Three Years, and that ſuch increaſed Taxes ſhould be levied, raiſed, and recovered in the ſame Manner as the ſaid Tax of Four-pence

per Acre; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion, no Compoſition ſhould be affected by the Apportionment of the Taxes, repealed.

V. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that the Apportionment or Graduation of Taxes therein-before mentioned, and which might be made under and by virtue of the ſaid recited Act, ſhould not extend to or affect any Lands or Grounds for or in reſpect of which the ſaid Tax of Four-pence *per* Acre ſhould be compounded, and the Compoſition agreed upon, paid to the ſaid Commiſſioners for Drainage; but that the ſaid Lands and Grounds ſhould, from the Time of the Payment of ſuch Compoſition, be wholly diſcharged from the ſaid Tax, and all Apportionments to be made thereof; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion for aſcertaining the Number of Acres to be rated, repealed.

VI. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that the ſaid Commiſſioners for Drainage ſhould aſcertain the Number of Acres of the Lands intended to be rated by virtue of the ſaid recited Act, in Manner following; (that is to ſay), the Lands comprized in various Diſtricts, according to the reſpective Surveys made or to be made of ſuch Diſtricts, and for Want of ſuch Surveys then by the Number of Acres ſuch Diſtricts have been uſually rated at, and all Commons and other Lands in any of the Pariſhes or Townſhips herein-before mentioned, or in any Extra parocial Place, ſubject to Inundations and Draining as aforeſaid, ſhould, in caſe of any Difference between the ſaid Commiſſioners for Drainage, and the Perſons intereſted in the ſaid Commons and other Lands, be rated and taxed by ſuch Number of Acres as ſhould be aſcertained and determined upon View, Survey, or other ſufficient Information, on or before the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninty-five, or as ſoon after as might be, by Three proper Perſons for each of the ſaid Counties and the Iſle aforeſaid reſpectively not intereſted in the Premiſes, to be nominated and appointed at any Meeting, to be advertiſed in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers for that Purpoſe, One of which ſaid Perſons ſhould be then nominated by the Commiſſioners for Drainage, One other Perſon ſhould be then alſo nominated by the Majority of ſuch laſt-mentioned Land Owners to be affected by ſuch Taxation, who ſhould be aſſembled at ſuch Meeting, and the Third Perſon ſhould be nominated by the ſaid Two Perſons ſo to be choſen as aforeſaid; and that ſuch Perſons reſpectively, ſo to be nominated and appointed, before they proceeded to determine the Quantity of ſuch Lands and Grounds, ſhould take an Oath well and truly, to the beſt of their Judgment and Knowledge, to determine the Quantity of ſuch laſt-mentioned Lands to be taxed or rated by virtue of the ſaid recited Act, (which Oath any One of the ſaid Commiſſioners for Drainage was thereby empowered to adminiſter); and that the Determination of the ſaid Three Referees, or any Two of them, ſhould be final, and that they ſhould ſet forth their Determination in Writing, and ſhould ſign and deliver the ſame to the Commiſſioners for Drainage, at any of their Meetings to be holden under the ſaid recited Act, which ſhould be by them depoſited in the Place where their Books and Proceedings ſhould be kept; and that the Expences

pences attending all such Views, Surveys, and Determinations, should be borne and paid by the said Commissioners for Drainage, and the Owners of the said Lands, and Persons interested in the said Commons respectively, in such Proportions as the said Referees should determine; be it further enacted. That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

The Provision for entering on Lands repealed.

VII. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that the said Person or Persons employed as aforesaid, for the Purpose of ascertaining and determining the Quantity of such Lands, should be empowered to enter on the Land or Lands of any Person or Persons they should think proper and find necessary, for the due ascertaining the same; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes.

The Provision for causing a Schedule of Lands to be affixed on the Church Doors, repealed.

VIII. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that the said Commissioners for Drainage should, within Three Calendar Months next after the said Determination should be returned to them, signed as aforesaid, cause a true Copy thereof to be affixed on the Church Door of every Parish in which any such last-mentioned Lands should happen to lie; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

The Provision authorizing Commissioners of Sewers to raise the Taxes within their Jurisdiction, repealed.

IX. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that it should be lawful for all Commissioners of Sewers within their respective Jurisdictions, from Time to Time during the said Term of Ten Years, by their usual and accustomed Mode of raising and levying Dickereeve Rates and Drainage Taxes, to raise and levy, for the Purposes of the said recited Act, yearly, the said Tax of Four-pence *per* Acre on the Owners and Occupiers of Lands within their said Jurisdictions, chargeable with the said Tax; and that the said Commissioners of Sewers should assess such Lands as they had usually assessed, to Works of Sewers and Expenditors Rates within their said Jurisdictions, and by such Quantities and Number of Acres as such Lands had been usually rated at, and the Monies so to be raised should from Time to Time be collected and levied by the said Commissioners of Sewers of their respective Dickereeves, Expenditors, or Collectors, and be by them paid into the Hands of the Treasurer or Receiver General for the Time being of the said Commissioners for Drainage, to be applied to the general Purposes of the said recited Act; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

The Provision authorizing the Commissioners of Districts to raise the Taxes

X. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that the said Commissioners of certain Districts should be and are thereby respectively authorized and required, from Time to Time, to levy and raise on the Lands

according to the Methods prescribed by certain Acts, repealed.

Lands within their respective Districts, such Sum and Sums of Money as should be equal to the Rates and Taxes which the Commissioners for Drainage, appointed by the said recited Act, were thereby empowered and directed to assess, rate, and charge on such Lands respectively; and that the Monies so to be collected and raised, should from Time to Time be paid over by the said Commissioners for the said Districts or their Collectors, into the Hands of the Treasurer or Receiver General of the said Commissioners for Drainage, to be applied to the general Purposes of the said recited Act; and that the said Commissioners for Drainage should pay or allow unto the several and respective Collectors for the Time being of the Taxes assessed for the Purposes of the said recited Act, such Sum of Money for collecting the same, as they the said Commissioners for Drainage should think reasonable, not exceeding Two-pence in the Pound; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes.

The Provision in case Commissioners of Sewers or Districts neglect to levy Taxes, repealed.

XI. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that in case the said Commissioners of Sewers, or the Commissioners of any of the said Districts, therein-before authorized and directed to raise the said Taxes on their respective Lands and Districts, should neglect to raise and levy the said Taxes for the Space of Two Months next after the respective Times when such Rates ought to have been raised, under and by virtue and according to the Intent of the said recited Act, that then and in such Case it should and might be lawful to and for the said Commissioners for Drainage to levy and raise the said Taxes, together with Sixpence in the Pound for the Collection thereof, on the respective Owners and Occupiers of the said Lands, in such and the same Manner as they were hereby authorized and enabled to levy and raise the Rates and Taxes upon the other Lands directed to be taxed under the said recited Act; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

The Provision for exonerating Lands from the Tax, on paying a Composition, repealed.

XII. And whereas it is by the said recited Act, made in the Thirty-fifth Year of the Reign of His present Majesty, directed, that if the Owners of any Lands or Commons, or other Persons interested in any of the said Lands or Commons, should be desirous of exonerating any of their respective Lands or Commons from the said annual Tax of Four-pence *per* Acre, it should and might be lawful for the said Commissioners for Drainage, and they were thereby authorized and directed, to accept and take in Payment such Sum of Money *per* Acre as they in their Judgement should determine to be a proper Composition for a total Discharge and Exemption from all Taxes to be imposed on the said respective Lands or Commons, by virtue of the Powers and Authorities therein contained; and that the Receipt or Receipts of the Treasurer or Receiver General of the said Commissioners for Drainage for the Time being, should be a sufficient Discharge to the Person or Persons so paying the same, and should be allowed as good Evidence of such Payment in any of His Majesty's Courts at *Westminster*; be it further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

XIII. And

XIII. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that all and every the Tenants and Occupiers of the Lands and Grounds which ſhould be aſſeſſed and rated with the ſaid Tax of Four-pence *per* Acre, by virtue of the ſaid recited Act, ſhould be liable, and they were thereby required to pay all and every ſuch Sum and Sums of Money as ſhould be ſo rated, aſſeſſed, and charged upon the Lands and Grounds in their reſpective Occupations; and that ſuch Tenant or Tenants ſo holding his, her, or their Lands or Grounds at a Rack Rent, ſhould be at Liberty, and was and were thereby empowered, to deduct and retain out of his, her, or their Rent or Rents all ſuch Rates, Taxes, or Sums of Money as he, ſhe, or they ſhould ſo reſpectively pay as aforeſaid; and that all and every Tenant and Tenants ſo holding at a Rack Rent, and paying ſuch Aſſeſſment or Rate, ſhould be acquitted and diſcharged from and againſt his, her, or their Landlord or Landlords, of and from ſo much Money as the Aſſeſſment or Rate by him, her, or them ſo paid as aforeſaid, ſhould amount unto, in as full and ample a Manner as if the ſame had been actually paid to his, her, or their Landlord or Landlords; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion authorizing Tenants at Rack Rent, to deduct the Taxes paid by them out of their Rents, repealed.

XIV. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that no Leſſee or Tenant of any Land or Ground charged with the ſaid Taxes, who ſhould 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 the Truſtees of any Charity or other Beneficial Leaſe whatſoever, or by any Leaſe for any Term of Years at Rack Rent, whereof Ten Years of the ſaid Term granted by ſuch Leaſe ſhould be unexpired at the Time of paſſing the ſaid recited Act, ſhould be entitled to deduct the Taxes chargeable by the ſaid recited Act, out of the Rent reſerved and made payable by any ſuch Leaſe to his, her, or their Landlord or Landlords, but that the ſaid Taxes ſhould be charged upon, borne, and paid by the Leſſees or Tenants ſo holding ſuch Lands or Grounds under any ſuch Leaſe as aforeſaid, any Thing therein-before contained to the contrary thereof notwithſtanding; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion as to Perſons holding beneficial Leaſes, repealed.

XV. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that nothing therein contained ſhould extend to charge the King's Majeſty, or any other Leſſor or Leſſors, with the Payment of the ſaid Tax of Four-pence *per* Acre, contrary to any expreſs Stipulation made or contained in or by any Leaſe or Leaſes, in which it had been agreed that the Taxes or Aſſeſſments for the Drainage of any Land or Ground comprized in or demiſed by ſuch Leaſe or Leaſes, ſhould be paid by the Leſſee or Leſſees thereof, or otherwiſe, extend to affect any exiſting Agreement between Landlord and Tenant in reſpect to any ſuch Taxes or Aſſeſſments, any Thing therein-before contained to the contrary notwithſtanding; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed,

The Proviſion to prevent the 4d. per Acre, from affecting or extending to any Leaſes or Agreements, repealed.

pealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Forfeiture impoſed upon Defaulters, repealed.

XVI. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that if any Perſon or Perſons ſhould refuſe to pay the Rate or Tax with which he, ſhe, or they ſhould be reſpectively charged, to the Collector or Collectors, or other Perſons appointed by the ſaid Commiſſioners for Drainage to receive the ſame, by the Space of Two Calendar Months after the ſame ſhould have become due and payable (Twenty-one Days Notice of the Day of ſuch Payment being given in the *Norfolk*, *Suffolk*, and *Cambridge* Newſpapers, which Notice ſo to be given ſhould be deemed and taken as publick Notice of the ſaid Day of Payment, as if Demand thereof had been actually made by the ſaid Collector) then every ſuch Perſon ſhould forfeit and pay to ſuch Collector or Collectors the further Sum of Three Shillings and Four-pence for every Twenty Shillings which ſhould be ſo in arrear and unpaid, and ſo in Proportion for any greater or leſs Sum, to be levied by Diſtreſs and Sale of his, her, and their Goods and Chattels, in ſuch Manner as the aforeſaid Rates and Taxes were therein directed to be levied, and the Monies ſo forfeited and levied ſhould be applied towards the Works of Drainage; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

Power of Diſtreſs in caſe of Non-payment, repealed.

XVII. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that if any Perſon or Perſons ſhould refuſe or neglect to pay the reſpective Rates, Taxes, or Sums of Money which ſhould be taxed, charged, or aſſeſſed upon him, her, or them, or the Lands or Grounds in his, her, or their Poſſeſſion or Occupation, by virtue of and under the Powers and Authorities of the ſaid recited Act, within the ſaid Two Calendar Months therein-before limited for Payment of the ſame, then it ſhould be lawful for ſuch Collector or Collectors, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners for Drainage (which ſaid Warrant or Precept ſuch Commiſſioners for Drainage, or any Five or more of them, were thereby empowered and required from Time to Time to grant and make, as Occaſion ſhould require) to enter into and upon the Lands or Grounds ſo rated and taxed as aforeſaid, in Poſſeſſion of ſuch Perſon or Perſons as ſhould ſo make Default in Payment as aforeſaid, and all Meſſuages or Tenements thereupon ſtanding or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money by him, her, or them payable for ſuch Rate or Tax, together with ſuch Penalty as might be incurred by Non-payment thereof as aforeſaid, by Diſtreſs of the Goods and Chattels which ſhould be found on the Premiſes, and the Goods and Chattels ſo diſtrained to impound on the Premiſes, or take, lead, drive, carry away, and keep for the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuage or Tenement, Grounds or Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs; and if the Owner or Owners of the Goods and Chattels ſo diſtrained ſhould not pay the Sum or Sums of Money ſo aſſeſſed or rated and in arrear, with ſuch Penalties as aforeſaid, and all

Charges attending ſuch Diſtreſs, or replevy the Goods and Chattels ſo diſtrained, with ſufficient Sureties to be given to the Sheriff of the County or High Bailiff of the *Iſle of Ely*, according to the Laws now in being for regulating Diſtreſſes in Caſes of Non-payment of Rent within Five Days next after ſuch Diſtreſs made, and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining ſhould and might, with the Sheriff or Under Sheriff of the County, Bailiff of the *Iſle of Ely* or his Deputy, or Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhould be made (who were thereby required to aſſiſt therein) cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons to be ſworn by ſuch Sheriff, Under Sheriff, Bailiff, or Deputy Bailiff, Conſtable, or Headborough (who were thereby empowered to adminiſter ſuch Oath) to appraiſe the ſame according to the beſt of their Judgement, and after ſuch Appraiſement it ſhould be lawful for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that could reaſonably be had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs ſhould be ſo made, and the Charges of taking, keeping, appraiſing, and ſelling the Goods and Chattels ſo diſtrained, leaving the Overplus (if any) in the Hands of ſuch Sheriff, Under Sheriff, Bailiff or his Deputy, Conſtable or Headborough, for the Owner's Uſe; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

Proviſions as to unoccupied Grounds, repealed.

XVIII. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that in caſe any of the ſaid Lands and Grounds ſhould at any Time or Times thereafter be untenanted or unoccupied, ſo as that no ſufficient Diſtreſs could be found for levying the ſaid Rates and Taxes, then the Lands and Grounds chargeable therewith ſhould always remain a Security for the Payment thereof; and all Goods and Chattels which ſhould at any Time thereafter be found thereon ſhould and might be diſtrained, impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and the Charges of ſuch Diſtreſs, ſhould be fully paid and ſatisfied; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

Means of obtaining Payment of the Tax on the Commons by incloſing competent Parts thereof, repealed.

XIX. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that in caſe the ſaid Taxes thereby laid on the ſaid Commons ſhould not be duly paid at the Times therein-before appointed for Payment of the ſame, then it ſhould be lawful for the ſaid Commiſſioners for Drainage, and they were thereby required to cauſe competent and ſufficient Parts of the ſaid ſeveral Commons ſo to be rated, taxed, and charged with the ſaid Taxes of Four-pence an Acre, in purſuance of the ſaid recited Act, to be divided and incloſed, and to demiſe and leaſe ſuch Parts of the ſaid Commons as ſhould be ſo incloſed, to any Perſon or Perſons willing to take ſuch Lands at ſuch Rents as could be reaſonably gotten for the ſame, or to agiſt the ſaid Lands or otherwiſe, as ſuch Commiſſioners for Drainage ſhould think proper; and out of the Rents and Profits of ſuch Parts of the ſaid

Commons

Commons as ſhould be ſo incloſed, to defray and diſcharge the Expences of making ſuch Incloſures reſpectively; and likewiſe by and out of ſuch Rents and Profits to pay, deduct, and retain all and every Sum and Sums of Money which ſhould become due and payable for the Rates and Taxes which in purſuance of the ſaid recited Act ſhould be reſpectively rated, aſſeſſed, and charged upon the ſaid Commons from which ſuch Incloſures ſhould be made; and that from and after the Payment and diſcharging of all and every Sum and Sums of Money which ſhould become due and payable for the ſaid Rates and Taxes, ſo thereby directed to be rated and aſſeſſed upon the ſaid Commons yearly, for the ſaid Term of Ten Years as aforeſaid, and all Coſts, Charges, and Expences whatſoever attending the making and keeping up ſuch Incloſures, and the Management thereof, the ſaid Incloſures ſo made ſhould become Part of the reſpective Commons from which the ſame ſhould be taken; and that if any Surplus of the Rents and Profits ariſing from the ſaid Incloſures, after anſwering the ſeveral Payments aforeſaid, ſhould remain in the Hands of the Commiſſioners for Drainage, or their Treaſurers or Receivers, the ſame ſhould be paid into the Hands of the Surveyors of the Highways of the reſpective Pariſhes or Townſhips within which ſuch Commons ſhould be ſituate, and ſhould be applied in and towards the Repairs and Improvement of the Highways within the ſaid Pariſhes or Townſhips; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

XX. And whereas it is by the recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that the Lands ſo to be incloſed from any of the ſaid Commons within the ſeveral Pariſhes or Townſhips therein-before mentioned, ſhould not be ploughed or dug up by the ſaid Commiſſioners for Drainage, or any Perſon or Perſons to whom they ſhould reſpectively demiſe or leaſe the ſame, or who ſhould have the Management thereof during the Time the ſame ſhould be kept incloſed for the Purpoſe aforeſaid; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

Application of Monies, repealed.

XXI. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that the Money to ariſe by or from the Taxes, Sands, and Channel, and the Three-fourth Parts of the Net Tolls therein mentioned, and the Money to be borrowed by virtue of the ſaid recited Act on the Credit thereof, and all Monies to ariſe by the Letting or by Sale of the ſaid Sands and Channel as herein-before mentioned, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of the ſaid recited Act, not thereby otherwiſe diſpoſed of, ſhould be veſted in the ſaid Commiſſioners for Drainage, and ſhould be by them applied and diſpoſed of in Manner following; (that is to ſay), in the firſt Place, in paying and defraying all reaſonable Charges and Expences which ſhould be incurred, incident to and attending the obtaining and paſſing the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty; and in the next Place, for and towards the ſeveral Works of Drainage and other Works thereby directed to be done and executed by the ſaid Commiſſioners for Drainage,

Drainage, and towards the Support and Maintenance of the ſame, and of carrying the ſeveral Powers and Authorities therein contained into effectual Execution, ſo far as affects the Works of Drainage, and then in Diſcharge of all Principal Monies to be borrowed on the Credit of the ſaid recited Act, with all Intereſt thereon; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

The Proviſion that Commiſſioners may be ſued in the Name of their Clerk, repealed.

XXII. And whereas it is by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, directed, that the reſpective Commiſſioners appointed or to be appointed by virtue of the ſaid recited Act, might and ſhould in all Caſes ſue or be ſued in the Name of their reſpective Clerk or Treaſurer, and that no Action which might be brought or commenced, or Indictment which might be preferred or proſecuted by or againſt the ſaid Commiſſioners, or any of them reſpectively, by virtue or on account of the ſaid recited Act, in the Name of their reſpective Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch reſpective Clerk or Treaſurer, or by the Act of ſuch reſpective Clerk or Treaſurer, without the Conſent of the ſaid Commiſſioners; but the Clerk or Treaſurer to the ſaid Commiſſioners reſpectively for the Time being, ſhould always be deemed Plaintiff, Proſecutor, or Defendant in ſuch Action, Indictment, or Suit, as the Caſe might be; and that every ſuch Clerk or Treaſurer, in whoſe Name any Action, Indictment, or Suit ſhould be commenced, preferred, proſecuted, or defended, in purſuance of the ſaid recited Act, ſhould always be reimburſed and paid out of the Monies to be raiſed by virtue of the ſaid recited Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhould be put to or become chargeable with, by reaſon of his being made Plaintiff or Defendant therein; be it further enacted, That ſo much of the ſaid recited Act ſhall be and the ſame is hereby repealed, and declared to be null and void to all Intents and Purpoſes whatſoever.

Reciting that Ten Years Tax under the firſt Act will become due 24th June 1805, which amount to 3*s.* 4*d.* per Acre;

XXIII. And whereas a Tax of Four-pence *per* Acre *per Annum* was impoſed by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, for the Term of Ten Years, to be computed from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, on the Lands and Grounds therein mentioned: And whereas ſuch Tax has not been paid by ſeveral of the Perſons liable to pay the ſame ſince the paſſing of the ſaid recited Act, ſo that on the Twenty-fourth Day of *June* One thouſand eight hundred and five, the Sum of Three Shillings and Four-pence for ſeveral of the Acres of ſuch Lands and Grounds, being the accumulated Sum of Four-pence annually for or in reſpect of each and every Acre of ſuch Lands and Grounds will remain unpaid; be it therefore enacted, That all the Lands and Grounds lying in the Middle and South Level of the Fens called *Bedford Level*, and adjoining the ſaid Levels, now ſubject to Inundations by Land or Sea Floods; all Lands and Grounds lying in the Country called *Marſhland*, *Elm Oldfield*, *Sayer's Field*, *Budbech Field*, *Hawſteads*, *Outwell*, *Wiggenhalls Weſt Side*, *Stow*, *Wimbotſham*, and *Downham*, now draining into the ſaid River *Ouze* above *Weſt Lynn*

Ferry Staith, and usually rated by virtue of or under any Commission of Sewers, or charged with the Repairs of any Drains or Banks opening into or lying next the said River on the West Side thereof, above *West Lynn Ferry Staith*; and all Lands and Grounds lying on the East Side of the said River, in any of the said Parishes or Extra-parochial Places not within either of the said Levels, usually rated by the said Commissioners of Sewers, or subject to Land or Sea Floods, and now draining into the said River above *Sandringham Eau* or *Grey Friars Fleet*; and all other Lands and Grounds, as well Commons as Severals, and not herein-before described, lying within the several Parishes or Extra-parochial Places herein-before mentioned, subject to Land or Sea Floods, and draining their Waters to Sea by the said River *Ouze* as aforesaid, but not including any Lands which have their Drainage through or below *Sandringham Eau* or *Grey Friars Fleet*, on the East Side, or below *West Lynn Ferry Staith*, on the West Side of the said River, being the Lands and Grounds mentioned and described in the said recited Act, made in the Thirty-first Year of the Reign of His present Majesty, shall be, and they are hereby declared to be, taxed and charged with, and made subject and liable to the Payment of the Sum of Three Shillings and Four-pence for each and every Statute Acre of the said Lands and Grounds, as well Commons as Severals, and so in Proportion for any less Quantity than an Acre; and such Tax of Three Shillings and Four-pence *per* Statute Acre shall become due and be payable on the said Twenty-fourth Day of *June* One thousand eight hundred and five, and shall be paid to the Collector or Collectors, or such other Person or Persons as the said Commissioners for Drainage shall direct or appoint to receive and collect the same, on or before the First Day of *January* next after the passing of this Act; and the said Tax of Three Shillings and Four-pence *per* Statute Acre shall be paid by the respective Owners or Occupiers of the Lands and Grounds hereby taxed and charged therewith respectively as aforesaid (save and except as herein mentioned) and the same shall be raised and levied in Manner by this Act directed.

to be charged on the Land in a gross Sum.

XXIV. And whereas the said Commissioners for Drainage have, in pursuance of the Powers vested in them by the said recited Act, made in the Thirty-sixth Year of the Reign of His present Majesty, ordered and directed the said Tax of Four-pence *per* Acre to be continued for the further Term of Five Years, from and after the said Twenty-fourth Day of *June* One thousand eight hundred and five; be it therefore enacted, That, from and after the said Twenty-fourth Day of *June* One thousand eight hundred and five, the said Lands and Grounds shall be, and are hereby declared to be, taxed and charged with, and made subject and liable to the Payment of the Yearly Tax of Four-pence for each and every Statute Acre of the said Lands and Grounds, as well Commons as Severals, and so in proportion for any less Quantity than an Acre, for the Term of Five Years; and such Tax of Four-pence *per* Statute Acre shall become due and be payable on the Twenty-fourth Day of *June* in each and every Year during the said Term of Five Years, and such Tax shall be paid on such Day, or within One Calendar Month after the same shall so become due and payable, to the Collector or Collectors, or to such other Person or Persons as the said Commissioners for Drainage shall direct or appoint to receive and collect the same; and the said Tax of

Lands taxed yearly with Four-pence per Acre after the 24th June 1805, for Five Years.

Four-pence *per* Acre, during ſuch Period of Five Years, ſhall be paid by the reſpective Owners or Occupiers of the Lands and Grounds hereby taxed and charged therewith reſpectively as aforeſaid (ſave and except as herein mentioned) and the ſame ſhall be raiſed and levied in Manner by this Act directed.

Such Perſons as have paid any Taxes under the former Acts, diſcharged from the Taxes hereby charged, to the Extent of ſuch Payment.

XXV. Provided always, and be it enacted, That all Payments which have already been made on account of the Taxes by the ſaid recited Acts or either of them, impoſed or authorized to be raiſed, ſhall diſcharge the Lands and Grounds, in reſpect of which ſuch Payment ſhall have been made, and the Owners or Owner, Occupiers or Occupier, thereof, for the Time being, in proportion to the Extent or Amount of ſuch Payment.

Lands exonerated from Taxes by virtue of the former Acts not to be taxed by this Act.

XXVI. Provided alſo, and be it enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to tax or charge with the ſaid Taxes of Three Shillings and Four-pence *per* Statute Acre, or either of them, any Lands or Commons which in purſuance of the Powers contained in the ſaid recited Acts, or either of them, have been exonerated, diſcharged, and exempted from the Payment of the ſeveral Taxes by the ſaid recited Acts impoſed; but in caſe ſuch Lands or Commons ſhall, in purſuance of ſuch Powers as aforeſaid, have been only exonerated, diſcharged, and exempted, from the Payment of the Taxes impoſed by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, then and in ſuch Caſe ſuch Lands and Commons ſhall be taxed and charged by this Act with the ſaid Annual Tax of Four-pence for each and every Statute Acre of ſuch Lands and Commons, for the Term of Five Years next after the Twenty-fourth Day of *June* One thouſand eight hundred and five.

Commiſſioners to repay Taxes paid for Lands purchaſed for the Purpoſes of the Act of 35 G. 3.

XXVII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, by and out of the Monies to be raiſed by virtue of this and the ſaid recited Acts, pay and allow to the Owner or Owners of any Lands, Tenements, or Hereditaments, which ſhall be purchaſed by the ſaid Commiſſioners under and by virtue of the ſaid recited Act made in the Thirty-fifth Year of the Reign of His preſent Majeſty, to be cut, dug, removed, or otherwiſe made uſe of for the Purpoſes of the ſaid recited Acts, or either of them, ſuch Sum or Sums of Money as ſhall have been paid in diſcharge of the Taxes by the ſaid recited Acts, or either of them, taxed and charged on the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed and taken by the ſaid Commiſſioners; and the ſame ſhall be added to and paid at the ſame Time as the Purchaſe or Conſideration Money to be paid for ſuch Lands, Tenements, or Hereditaments, ſhall be paid by the ſaid Commiſſioners to ſuch Owner or Owners.

Commiſſioners to make out and deliver to their Collectors Schedules of the Lands and Taxes, who are to collect therefrom.

XXVIII. And be it further enacted, That for facilitating the Collection of the Monies by this Act taxed and charged, the ſaid Commiſſioners for Drainage ſhall make out and deliver, or cauſe to be made out and delivered, to their ſeveral Collectors, a Schedule or Statement in Writing of the Lands and Grounds taxed and charged therewith, lying and being within their reſpective Diviſions of Collection, and of the Amount

Amount of the Taxes to be by them respectively received, and the said several Collectors shall, without any other Rate or Assessment being previously made by the said Commissioners, collect and receive the said Taxes from, and conform to such Schedules or Statements, and shall upon Demand made to him or them by any Person or Persons liable to the Payment of the same Taxes, or by his, her, or their Steward or Agent, produce such Schedule or Statement for his, her, or their Perusal, or deliver to him, her, or them, an Account in Writing of the Number of Acres charged therein, belonging to such Person or Persons, or to the Person or Persons for whom he shall be Steward or Agent, and the Amount of the Sum required to be paid by such Person or Persons; and in case any such Collector shall refuse or neglect to produce such Schedule or Statement, for the Perusal of the Person or Persons requiring the same, or to deliver to him, her, or them, such Account in Writing as aforesaid, upon Demand being made for that Purpose, or within Seven Days afterwards, the said Commissioners shall and may, upon Proof thereof being made before them, deduct and retain by and out of the Salary of such Collector, which shall be then due or shall at any Time thereafter become due, such Sum of Money as they shall think proper, not exceeding in the Whole for every Offence the Sum of Ten Pounds, to be applied to the Purposes of the said recited Acts and of this Act.

Lessees of the Crown to pay Taxes.

XXIX. Provided always, and be it enacted, That the said Tax of Three Shillings and Four-pence *per* Statute Acre, hereby charged as aforesaid, shall, in respect of any Lands and Grounds belonging to His Majesty, be paid by the Lessees thereof, their Executors, Administrators, and Assigns, in Manner following; (that is to say), such Person or Persons who was or were Lessee or Lessees of His said Majesty, of all or any Part of such Crown Lands, on the Twenty-fourth Day of *June* One thousand seven hundred and ninety-five, and shall continue to be such Lessee or Lessees of the same to the Twenty-fourth Day of *June* One thousand eight hundred and five, shall pay the Whole of the said Tax of Three Shillings and Four-pence *per* Statute Acre for the Lands and Grounds of which he, she, or they shall be such Lessee or Lessees; and that such Person or Persons as shall be Lessee or Lessees of His said Majesty, of all or any Part of such Crown Lands and Grounds for all or any Part of the said Term of Five Years, for which the said Annual Tax of Four-pence *per* Statute Acre is hereby charged as aforesaid, shall pay and discharge the said last-mentioned Tax for the Lands and Grounds of which he, she, or they shall be such Lessee or Lessees, for the Whole or such Part of the said Term of Five Years as he, she, or they shall be and continue Lessee or Lessees of the same; and in case it shall have happened that the Term and Interest, Terms and Interests, of any such Lessee or Lessees shall have expired, or in case it shall so happen that the Term and Interest, Terms and Interests, of any such Lessee or Lessees shall expire previous to the said Twenty-fourth Day of *June* One thousand eight hundred and five, and shall not have been renewed and continued up to that Time, such last-mentioned Lessee or Lessees shall pay and discharge a due Proportion of the said Tax of Three Shillings and Four-pence *per* Statute Acre up to the Time of the Expiration or Determination of such his, her, and their Term and Interest, Terms and Interests, in proportion to the Time he, she, or they continued such

Lessee

Leſſee or Leſſees, and the Reſidue and Remainder thereof ſhall be paid by his, her, or their Succeſſor or Succeſſors as ſuch Leſſee or Leſſees of the ſaid Crown Lands.

Leſſees who had Ten Years unexpired at the Time of paſſing the Act of 35 Geo. 3. to pay the Taxes.

XXX. Provided alſo, and be it enacted, That where any Part of the Lands and Grounds aforeſaid were held at the Time of paſſing the ſaid recited Act of the Thirty-fifth Year of the Reign of His preſent Majeſty, under and by virtue of any Leaſe or Leaſes for any Term of Years, whereof Ten Years of the Term or Terms granted by any ſuch Leaſe or Leaſes were then unexpired, the ſaid ſeveral Taxes hereby charged on the Lands and Grounds compriſed in any ſuch Leaſe or Leaſes, up to the Time of the Expiration or Determination of any ſuch Leaſe or Term of Years, ſhall be paid by the Perſon or Perſons in whom ſuch Leaſe or Term of Years ſhall be veſted on the Twenty-fourth Day of *June* One thouſand eight hundred and five.

Taxes to be paid by Occupiers, and certain Tenants holding at Rack Rent may deduct the ſame out of their Rents.

XXXI. And be it further enacted, That all and every the Tenants and Occupiers of the Lands and Grounds hereby charged with the ſaid Taxes, ſhall be ſubject and liable to, and he, ſhe, and they is and are hereby required to pay all ſuch Taxes as the Lands and Grounds in their reſpective Occupations are by this Act charged with, and made ſubject and liable to; and all ſuch Tenants and Occupiers holding his, her, and their Lands and Grounds at Rack Rent, and not under any Leaſe for any Term of Years whereof Ten Years were unexpired at the Time of paſſing the ſaid recited Act of the Thirty-fifth Year of the Reign of His preſent Majeſty, ſhall be at Liberty, and he, ſhe, and they is and are hereby empowered to deduct and retain out of his, her, or their Rent or Rents, all ſuch Taxes or Sums of Money as he, ſhe, or they ſhall ſo reſpectively pay as aforeſaid; and all and every Tenant and Tenants ſo holding at a Rack Rent, and paying ſuch Taxes or Sums of Money, ſhall be acquitted and diſcharged from and againſt his, her, or their Landlord or Landlords, of and from ſo much Money as the Taxes or Sums of Money by him, her, or them, ſo paid as aforeſaid, ſhall amount unto, in as full and ample a Manner as if the ſame had been actually paid to his, her, or their Landlord or Landlords.

But not ſuch as hold Beneficial Leaſes; or Leaſes at Rack Rent, on which Ten Years were unexpired on the paſſing of the Act 35 G. 3.

XXXII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to enable any Leſſee or Tenant holding any Lands or Grounds hereby charged with the ſaid Taxes, by virtue of or under any Leaſe from any Biſhop or Collegiate Church or College, or from any Eccleſiaſtical Corporation Sole or Aggregate, or from the Truſtees of any Charity, or holding any Beneficial Leaſe whatſoever, or holding any Leaſe for any Term or Number of Years, whereof Ten Years were unexpired at the Time of paſſing the ſaid firſt recited Act of the Thirty-fifth Year of the Reign of His preſent Majeſty, to deduct or retain any Tax or Taxes hereby charged, out of the Rent or Rents reſerved and made payable by any ſuch Leaſe, but all ſuch Taxes ſhall be borne and paid by ſuch Leſſee or Leſſees, Tenant or Tenants.

Leaſes or Agreements not to be affected.

XXXIII. Provided alſo, and be it enacted and declared, That nothing in the ſaid recited Acts, or herein contained, ſhall extend to charge

charge the King's Majeſty, or any other Leſſor or Leſſors, with the Payment of the Taxes hereby charged, contrary to any expreſs Stipulation made or contained in or by any Leaſe or Leaſes in which it hath been agreed that the Taxes or Aſſeſſments for the Drainage of any Land or Ground compriſed in or demiſed by any ſuch Leaſe or Leaſes, ſhall be paid by the Leſſee or Leſſees thereof, or otherwiſe extend to affect any exiſting Agreement between Landlord and Tenant in reſpect to any ſuch Taxes or Aſſeſſments; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

In caſe of Non-payment of Taxes, Defaulters to forfeit Three Shillings and Four pence in the Pound.

XXXIV. And, for enforcing the due and punctual Payment of the Taxes by this Act charged, be it further enacted, That if any Perſon or Perſons ſubject or liable to the Payment of the Taxes hereby charged as aforeſaid, or any of them, ſhall omit or neglect to pay the ſame to the Collector or Collectors, or other Perſon or Perſons appointed to receive and collect the ſame by the ſaid Commiſſioners for Drainage, for the Space of Two Calendar Months next after the reſpective Days or Times herein-before limited and appointed for Payment of the ſame reſpectively (Twenty-one Days Notice of the reſpective Times of ſuch Payment having been previouſly given in ſuch Newſpapers as herein-after mentioned, which Notice ſo given ſhall be, and be deemed and taken to be, full and ſufficient Notice of the Day of Payment of ſuch Taxes to all Perſons concerned) then and in every ſuch Caſe every ſuch Perſon ſhall forfeit and pay to the ſaid Commiſſioners for Drainage, by Way of Penalty for ſuch Omiſſion, Neglect, or Non-payment, the Sum of Three Shillings and Four-pence for every Twenty Shillings of the ſaid Taxes, or any of them which ſhall be ſo in arrear and unpaid, and ſo in proportion for any leſs Sum than Twenty Shillings; and ſuch Penalty ſhall be paid to the Collector or Collectors of the ſaid Commiſſioners for Drainage, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in Default of Payment of ſuch Penalty to ſuch Collector or Collectors, or to ſuch other Perſon or Perſons as aforeſaid, on Demand thereof, every ſuch Penalty ſhall and may be levied and recovered by ſuch Ways and Means, and in ſuch and the ſame Manner, as the Taxes hereby charged, or any of them, may or can be levied and recovered from the Party or Parties liable to the Payment thereof; and all ſuch Penalties, when received, ſhall be by the ſaid Commiſſioners for Drainage applied in carrying this Act into Execution.

Power of Diſtreſs in caſe of Non-payment.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or neglect to pay all or any Part of the Taxes hereby charged, which he, ſhe, or they is and are hereby made liable to pay and diſcharge, for the Space of Two Calendar Months next after the reſpective Days or Times herein-before limited and appointed for Payment of the ſame reſpectively, or ſhall refuſe or neglect to pay all or any Part of the Penalty or Penalties which ſhall have become due by reaſon of the Non-payment thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for the Collector or Collectors of the ſaid Commiſſioners for Drainage, or any of them, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands of Five or more of the ſaid Commiſſioners (which Warrants or Precepts ſuch Commiſſioners, or any Five or more of them, are hereby authoriſed and required, from

Time to Time, to grant and make as Occaſion ſhall require) to enter into and upon all or any Part of the Lands and Grounds hereby taxed and charged as aforeſaid, for which ſuch Taxes and Penalties ſhall be due and owing, and all Meſſuages and Tenements thereupon ſtanding and thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing or payable by ſuch Perſon or Perſons ſo refuſing or neglecting, or either of them, and alſo to levy the Sum or Sums of Money due and owing by ſuch Perſon or Perſons as aforeſaid, by Way of Penalty or Forfeiture for the Non-payment of ſuch Taxes, or of any of them or of any Part thereof, by Diſtreſs of the Cattle, Corn, Hay, Goods, Chattels, and Effects, which ſhall or may be found thereon, or of a ſufficient Part thereof; and the Cattle, Corn, Hay, Goods, Chattels, and Effects, which ſhall be ſo diſtrained, to impound and keep on the Premiſes, or take, lead, drive, carry away, and keep for the Space of Five Days, at the Coſts and Charges of the Perſon or Perſons liable to pay the ſaid Taxes and Penalties, leaving at ſuch Meſſuage or Tenement, Lands, Grounds, or Premiſes, or delivering to the Occupier or One of the Occupiers of the ſame, Notice in Writing of ſuch Diſtreſs being made, and of the Cauſe thereof; and in caſe the Sum or Sums of Money for which any ſuch Diſtreſs ſhall be made, and all Charges and Expences attending ſuch Diſtreſs, ſhall not be paid and diſcharged to the Collector or Collectors of the ſaid Commiſſioners, for the Diviſion of Collection in which ſuch Diſtreſs ſhall be made, or to the Perſon or Perſons making ſuch Diſtreſs, within Five Days next after the making of ſuch Diſtreſs, and Notice thereof given as aforeſaid, then and in every ſuch Caſe the Perſon or Perſons ſo making ſuch Diſtreſs ſhall and may, with the Sheriff or Under Sheriff of the County, Bailiff of the Iſle of *Ely*, or his Deputy, or the Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made (who are hereby directed, upon being thereunto required, to aſſiſt therein) cauſe the Cattle, Corn, Hay, Goods, Chattels, and Effects, ſo diſtrained, to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Bailiff, Deputy Bailiff, Conſtable, or Headborough (who is and are hereby empowered to adminiſter ſuch Oath or Oaths) to appraiſe the ſame according to the beſt of their Judgement; and after ſuch Appraiſement, it ſhall and may be lawful to and for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell or cauſe to be ſold the Cattle, Corn, Hay, Goods, Chattels, and Effects, ſo diſtrained, for the beſt Price that can reaſonably be had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs and Sale ſhall be ſo made, and the Coſts, Charges, and Expences of taking, keeping, appraiſing, and ſelling the ſame, rendering the Overplus (if any) on Demand, to the Perſon or Perſons entitled thereto.

For compelling Payment of Taxes due from Leſſees of the Crown and Leſſees who had Ten Years unexpired, whoſe Terms ſhall expire before the Taxes are diſcharged.

XXXVI Provided always, and be it enacted, That if any Perſon or Perſons, who was or were Leſſee or Leſſees of His ſaid Majeſty on the ſaid Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, for any Term whatever, or who was or were Leſſee or Leſſees for any Term of Years, whereof Ten Years were unexpired at the Time of paſſing the ſaid firſt recited Act, and whoſe Term and Intereſt, Terms and Intereſts, hath or have expired, or ſhall expire, previous to the full Payment and Diſcharge by him, her, or them, of the Taxes hereby

hereby charged as aforesaid, and of any Penalty or Penalties to be incurred by the Non-payment of such Taxes, or of any Part thereof as aforesaid, shall refuse or neglect to pay the said Taxes, or any of them, or any Part thereof respectively, within the Times herein-before limited and appointed for Payment thereof, or shall refuse or neglect to pay the Penalty or Penalties which shall have been incurred by reason of the Non-payment of the said Taxes, or any of them, then and in every such Case it shall and may be lawful to and for any Collector or Collectors of the said Commissioners for Drainage, or any other Person or Persons whomsoever, by virtue of any Warrant or Precept, under the Hands of any Five or more of the said Commissioners for Drainage (which Warrants or Precepts such Commissioners, or any Five or more of them, are hereby authorized and required from Time to Time to grant and make as Occasion shall require) to enter into and upon any Messuages or Tenements, Lands, Grounds, and Hereditaments, in the Occupation of any such Person or Persons, and to levy the Sum or Sums of Money due from or payable by him, her, or them, for such Taxes and Penalties, by Distress of the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall or may be found thereon, or of a sufficient Part thereof; and the Cattle, Corn, Hay, Goods, Chattels, and Effects, which shall be so distrained, to impound and keep on the Premises, or to take, lead, drive, carry away, and keep, for the Space of Five Days, at the Costs and Charges of such Person or Persons so refusing or neglecting as aforesaid, leaving at such Messuage or Tenement, Lands, Grounds, or Hereditaments, or delivering to the Occupier or one of the Occupiers of the same, Notice in Writing of such Distress being made, and of the Cause thereof; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Charges and Expences attending such Distress, shall not be paid and discharged to the Collector or Collectors of the said Commissioners, or other Person or Persons making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, then and in every such Case the Person or Persons so making such Distress, shall and may, with the Sheriff or Under Sheriff of the County, Bailiff of the *Isle of Ely*, or his Deputy, or the Constable or Headborough of the Parish where such Distress shall be made (who is and are hereby directed to assist therein upon being thereunto required) cause the Cattle, Corn, Hay, Goods, Chattels, and Effects, so distrained, to be appraised by Two or more indifferent Persons, to be sworn by such Sheriff, Under Sheriff, Bailiff, or Deputy Bailiff, Constable, or Headborough (who is and are hereby required to administer such Oath or Oaths) to appraise the same according to the best of their Judgement; and after such Appraisement, it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons making such Distress, to sell or cause to be sold the Cattle, Corn, Hay, Goods, Chattels, and Effects, so distrained, for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus (if any) upon Demand, to the Person or Persons entitled thereto; and in case no sufficient Distress can be found for levying the Taxes and Penalties due from or payable by any such Lessee or Lessees, or in case the said Commissioners for Drainage shall not think proper to distrain, or

or in the Event of the Death of any ſuch Leſſee or Leſſees, previous to the full Payment and Diſcharge of the Taxes and Penalties due from him, her, or them, it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage to bring or cauſe to be brought in the Name of their Treaſurer, Clerk, Collector, or other Officer, any Action or Actions of Debt, or on the Caſe, againſt any ſuch Leſſee or Leſſees, his, her, or their Executors or Adminiſtrators, in which Action or Actions it ſhall be ſufficient for the Plaintiff to declare, that the Defendant is indebted to him in any Sum of Money adequate to cover the Amount of the Tax or Taxes and Penalties due from any ſuch Defendant or Defendants, either as ſuch Leſſee or Leſſees, or the Repreſentative or Repreſentatives of any ſuch Leſſee or Leſſees, and it ſhall be ſufficient for the Plaintiff to prove that ſuch Defendant or Defendants, his, her, or their Teſtator or Inteſtate was or were in Poſſeſſion of the Lands or Grounds on account of which ſuch Tax or Taxes, and Penalties are claimed; and if upon the Trial which ſhall take place in conſequence of any ſuch Action, a Verdict ſhall be given againſt the Defendant or Defendants, then and in every ſuch Caſe the Plaintiff ſhall have and recover Double Coſts, and ſhall have ſuch and the like Remedy for recovering the ſame, as any Plaintiff or Plaintiffs hath or have for Recovery of Coſts of Suit in any other Caſe by Law.

No Diſtreſs to be made or Action brought, till after Demand.

XXXVII. Provided always, and be it enacted, That no Diſtreſs ſhall be made, nor any Action commenced, for the Recovery of any of the Taxes and Penalties by this Act charged or impoſed, or any Part thereof reſpectively, ſave and except Demand ſhall have been made of the ſame perſonally, or by Writing of the Perſon or Perſons ſubject and liable to the Payment thereof, or by Writing left at the laſt or moſt uſual Place of Abode of ſuch Perſon or Perſons, One Calendar Month at leaſt previous to any ſuch Diſtreſs being made, or of any ſuch Action or Actions commenced.

Lands to remain liable if no Diſtreſs is found.

XXXVIII. And be it enacted, That when and as often as it ſhall ſo happen that the Lands and Grounds for or in reſpect of which any ſuch Taxes as aforeſaid, or any Part thereof, or any Penalty or Penalties for the Non-payment of any of ſuch Taxes ſhall be due and unpaid, ſhall be unoccupied, or that no ſufficient Diſtreſs can be found thereon for levying the ſame Taxes and Penalties, then and in every ſuch Caſe ſuch Lands and Grounds ſhall be and remain a Security for the Payment of all ſuch Taxes and Penalties reſpectively ſo due and unpaid reſpectively; and all Cattle, Corn, Hay, Goods, Chattels, and Effects, which ſhall at any Time thereafter be found on ſuch Lands and Grounds, ſhall and may be diſtrained, impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all the Taxes then due and owing for or in reſpect of ſuch Lands and Grounds, and all Penalties which ſhall have become payable by the Non-payment thereof at the Times aforeſaid, and all Coſts, Charges, and Expences incident to every ſuch Diſtreſs and Sale, ſhall be fully paid, ſatisfied, and diſcharged.

For Recovery of Taxes on Commons.

XXXIX. And, in order to ſecure and obtain Payment of the Taxes hereby charged upon and made payable in reſpect of ſuch of the ſaid Lands

Lands and Grounds as ſhall be Commons; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, from Time to Time, to cauſe Notice to be affixed on the principal outer Door or Doors of the Church or Churches of any Pariſh or Pariſhes wherein any Common or Commons ſhall be ſituate, or to which the ſame ſhall belong, of the Time or Times of Payment of the Taxes hereby charged, and of the Amount of the Taxes then due and payable in reſpect of ſuch Common or Commons, and alſo of the Perſon or Perſons to whom all ſuch Taxes are to be paid; and in caſe ſuch Taxes, or any of them, due and owing for or in reſpect of any ſuch Common or Commons, of which Notice ſhall have been ſo given as aforeſaid, ſhall not be paid and diſcharged at the Time or Times expreſſed in ſuch Notice or Notices, or in caſe the Penalty or Penalties which ſhall have become due by reaſon of the Nonpayment of ſuch Taxes or any Part thereof, ſhall not be paid and diſcharged, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, and they are hereby authorized and required to cauſe a competent and ſufficient Part or Parts of the Common or Commons, for or in reſpect of which any ſuch Tax or Taxes ſhall not be paid and diſcharged, or any Penalty or Penalties for the Non-payment of ſuch Tax or Taxes ſhall be due and owing, to be divided and incloſed, and to demiſe or let ſuch Parts of the ſaid Commons as ſhall be ſo incloſed to any Perſon or Perſons willing to take ſuch Lands, at ſuch Rents as can be reaſonably gotten for the ſame, or to agiſt the ſaid Lands or otherwiſe, as the ſaid Commiſſioners for Drainage ſhall think proper; and the ſaid Commiſſioners for Drainage are hereby authorized and required, by and out of the Rents and Profits of ſuch Part and Parts of the ſaid Commons as ſhall be ſo incloſed, to defray and diſcharge all the Coſts, Charges, and Expences attending the making and keeping up of ſuch Incloſures reſpectively, and the Management thereof, and likewiſe to pay, deduct, and retain all and every Sum and Sums of Money which ſhall have become due and payable for all ſuch Taxes and Penalties, and ſhall be then due and unpaid, for the Common or Commons from which ſuch Incloſures ſhall be ſo made; and from and after the Payment and Diſcharge of all and every Sum and Sums of Money, which ſhall be ſo due and payable for ſuch Taxes and Penalties as aforeſaid, and all ſuch Coſts, Charges, and Expences as aforeſaid, the Land ſo incloſed ſhall again become Part of the reſpective Commons from which the ſame ſhall have been taken; and if there ſhall be any Surplus of the Rents and Profits ariſing from the ſaid Incloſures, after anſwering the ſeveral Payments aforeſaid, the ſame ſhall be paid into the Hands of the Surveyors of the Highways of the reſpective Pariſhes or Townſhips within which ſuch Commons ſhall be ſituate, and ſhall be applied in and towards the Repair and Improvement of the Highways within the ſaid Pariſhes or Townſhips, in Manner directed by the ſeveral Laws in force and effect for that Purpoſe.

When Taxes and Expences of Incloſures are paid, ſuch Incloſures to be thrown open.

Incloſures not to be ploughed.

XL. Provided always, and be it enacted, That no Part or Parts of the Lands ſo to be incloſed and taken from any ſuch Common or Commons, ſhall be ploughed or dug up by the ſaid Commiſſioners for Drainage, or any Perſon or Perſons to whom they ſhall demiſe or let the

the ſame, or who ſhall have the Management thereof during the Time the ſame ſhall be kept incloſed, except for the Purpoſe of incloſing the ſame.

For apportioning the Taxes.

XLI. And whereas ſome of the Lands hereby charged with the ſaid Tax of Three Shillings and Four-pence *per* Statute Acre as aforeſaid, and with the ſaid yearly Tax for Five Years of Four pence *per* Statute Acre, may derive a greater Benefit than other Lands from the New River or Cut to be made by virtue of the ſaid recited Act, made in the Thirty fifth Year of the Reign of His preſent Majeſty, or from the ſaid intended Drainage, and it is therefore reaſonable that the Lands and Grounds deriving the greateſt Benefit ſhould bear a greater Proportion of the ſaid Taxes than the Lands and Grounds which ſhall not derive an equal Benefit therefrom; be it therefore enacted, That for the Purpoſe of apportioning the ſaid Tax of Three Shillings and Four-pence *per* Statute Acre, and the ſaid yearly Tax of Four-pence *per* Statute Acre, the Lands and Grounds hereby charged therewith ſhall be divided into the Four Diſtricts following; (that is to ſay), the Firſt of ſuch Diſtricts ſhall conſiſt of or comprize the Lands lying in the ſaid Country, called *Marſhland*; the Second ſhall conſiſt of or comprize the Lands and Grounds lying in the ſaid Middle Level of the Fens, called *Bedford Level*; the Third ſhall conſiſt of or comprize the Lands and Grounds lying in the ſaid South Level of the Fens, called *Bedford Level*; and the Fourth ſhall conſiſt of or comprize all the Lands and Grounds hereby charged with the ſaid Taxes, which are not comprized in any of the ſaid Three other Diſtricts; and the ſaid Commiſſioners for Drainage ſhall, upon Application and Requeſt made to them in that Behalf by Thirty Proprietors, each poſſeſſed of not leſs than One hundred and fifty Acres, ſituate and lying in One of the ſaid Diſtricts, at the Fifth Quarterly Meeting of the ſaid Commiſſioners for Drainage next after the opening of the ſaid intended New River or Cut, cauſe the Lands and Grounds in the Diſtrict or Diſtricts from which ſuch Application and Requeſt ſhall come, to be forthwith ſurveyed by proper and ſkilful Surveyors, who ſhall divide and ſort the Lands and Grounds in ſuch Diſtrict or Diſtricts reſpectively charged with the ſaid Taxes, into Three ſeveral Claſſes or Sorts, according to the Benefits which the ſame ſhall reſpectively appear to have derived or be likely to derive from the ſaid New River or Cut and Drainage, each Claſs to conſiſt of ſuch Number of Acres, as that the full Amount of the Taxes to be raiſed upon the Whole of the Lands and Grounds in ſuch Diſtrict or Diſtricts reſpectively by virtue of this Act, may, after the Expiration of One Year from the ſaid Quarterly Meeting at which ſuch Application and Requeſt ſhall be made, be apportioned and charged upon ſuch Lands and Grounds reſpectively, in the Proportions following; (that is to ſay), the Sum of Four Shillings and Sixpence *per* Statute Acre upon the Lands and Grounds to be comprized in the Firſt Claſs, being thoſe deriving or likely to derive the greateſt Benefit from the ſaid intended Drainage; the Sum of Three Shillings and Four-pence *per* Statute Acre upon the Lands and Grounds to be comprized in the Second Claſs, being thoſe deriving or likely to derive the next greateſt Benefit; and the Sum of Two Shillings and Two-pence *per* Statute Acre upon the Lands and Grounds to be com-

prized in the Third Claſs, being thoſe deriving or likely to derive the leaſt Benefit; and the yearly Tax or Sum of Sixpence *per* Statute Acre upon the Lands and Grounds to be comprized in the ſaid Firſt Claſs; the yearly Tax or Sum of Four-pence *per* Statute Acre upon the Lands and Grounds to be comprized in the ſaid Second Claſs; and the yearly Tax or Sum of Two-pence *per* Statute Acre upon the Lands and Grounds to be comprized in the ſaid Third Claſs; and that the Surveyors to be appointed by the ſaid Commiſſioners for Drainage for the Purpoſe aforeſaid, ſhall reſpectively, before they commence their Survey of the ſaid Lands, take the following Oath or Affirmation:

Surveyor's Oath.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I will make a proper Survey of the Lands lying in [*here ſpecify the Diſtrict in queſtion*] and will, without Favour or Affection, truly and impartially, according to the beſt of my Skill and Knowledge, divide and ſort the ſame into Three ſeveral Claſſes or Sorts, purſuant to the Directions, and according to the Intent and Meaning of an Act of Parliament, paſſed in the Forty-fifth Year of the Reign His Majeſty King George the Third, intituled, [*here ſet forth the Title of this Act.*]

'So help me GOD.'

Which Oath or Affirmation the ſaid Commiſſioners for Drainage, or any One of them, are or is hereby authorized to adminiſter; and from and after the Expiration of the ſaid One Year from the ſaid Quarterly Meeting, at which ſuch Application and Requeſt ſhall be made as aforeſaid, the ſaid Three Claſſes of the Lands and Grounds to be claſſed and ſorted as aforeſaid in ſuch Diſtrict or Diſtricts reſpectively, ſhall be and the ſame are hereby taxed and charged during the then Reſidue of the aforeſaid Term of Five Years, with ſuch Proportion of the Taxes or Sums hereby charged upon the Whole of ſuch Lands and Grounds as is herein-before mentioned and pointed out for the ſame, in lieu of raiſing the ſaid Taxes or Sums as herein-before directed, and that ſuch Proportions of the ſaid Taxes or Sums ſhall be paid, received, and recovered by the ſame Perſons, at the ſame Times, and in the ſame Manner as the ſaid Taxes or Sums herein-before charged, would have been payable, receivable, and recoverable, in caſe ſuch Apportionment had not taken place: Provided always, that the Expences attending the making of any ſuch Survey, Diviſion, or Apportionment as aforeſaid in each Diſtrict, ſhall be and are hereby charged upon the Lands and Grounds comprized in that Diſtrict, in ſuch or the like Proportions as the ſaid Taxes are, by virtue of this preſent Clauſe, charged thereon, and ſhall and may be recovered and levied, together with the Coſts of levying the ſame, by the ſame Ways and Means as are herein provided for the recovering and levying of the Taxes hereby charged: Provided alſo, that with reſpect to ſuch of the ſaid Four Diſtricts, from which no ſuch Application and Requeſt for an Apportionment ſhall be made as aforeſaid, the Taxes hereby charged ſhall continue to be raiſed, paid, and recovered, as herein-before mentioned and directed concerning the ſame.

Expences of Apportionment.

If no Application for Apportionment, Taxes to be raiſed as hereby impoſed.

XLII. Provided alſo, and be it enacted, That all Perſons whoſe Taxes ſhall be reduced by any ſuch Apportionment as aforeſaid, ſhall be allowed and

Perſons having paid more than the Apportionment

and repaid by the ſaid Commiſſioners for Drainage, ſuch Sum and Sums of Money as they ſhall have paid beyond the Amount of their Taxes ſo apportioned as aforeſaid, and all Perſons whoſe Taxes ſhall be increaſed by any ſuch Apportionment, ſhall be liable to pay, and ſhall pay ſuch Increaſe or Addition, at ſuch Time or Times, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time order and direct, and ſhall be ſubject and liable to the ſame or the like Penalty for Non-payment thereof accordingly, as any ſuch Perſon or Perſons is and are ſubject and liable to for the Non-payment of any Tax or Taxes charged by this Act; and ſuch increaſed Taxes, and all Penalties for Non-payment thereof, ſhall be levied, raiſed, and recovered, by Diſtreſs and Sale, or by Action, in Manner herein-before directed for Recovery of the Taxes and Penalties charged and made payable by virtue of this Act.

to be reimburſed, and Perſons having paid leſs to make it up.

XLIII. Provided alſo, and be it enacted, That no ſuch Apportionment or Graduation of Taxes ſhall extend to or affect any Lands or Grounds for or in reſpect of which the Tax of Four-pence *per* Acre impoſed by the ſaid recited Acts, or the Taxes hereby charged, have been or ſhall be compounded, and the Compoſition Money agreed upon paid to the ſaid Commiſſioners for Drainage; but the ſaid Lands and Grounds ſhall, from the Time of the Payment of ſuch Compoſition Money, be wholly exonerated and diſcharged from all the ſaid Taxes, and all Apportionments to be made thereof.

No Compoſition to be affected by the Apportionment of the Taxes.

XLIV. And be it further enacted, That in caſe any Perſon or Perſons ſhall be required by the Collector or Collectors of the ſaid Commiſſioners for Drainage, to pay the Taxes hereby charged for a greater Number of Statute Acres than ſhall then be in his, her, or their Poſſeſſion or Occupation (except ſuch Leſſee or Leſſees of the Crown or at Rack Rent, whoſe Terms and Intereſt have or ſhall have then expired) or if ſuch Leſſee or Leſſees of the Crown, or at Rack Rent, ſhall be ſo required to pay the ſaid Taxes for any greater Number of Statute Acres than he, ſhe, or they were entitled to hold under and by virtue of their reſpective Leaſes or Demiſes, or if the Perſon or Perſons intereſted in the ſaid Commons ſhall be required to pay the ſaid Taxes for any greater Number of Statute Acres than any ſuch Common or Commons ſhall contain, or if any Perſon or Perſons ſhall be required to pay the ſaid Taxes for any Lands or Grounds not hereby charged and made liable to the Payment of the ſame, or exonerated and diſcharged from the Payment of all Taxes impoſed by the ſaid recited Acts and this Act, or either of them, as aforeſaid, or if any Perſon or Perſons who have already paid any Part of the Taxes charged by the ſaid recited Acts, ſhall be required to pay more than a due Proportion of the Taxes hereby charged, then and in each and every of the ſaid Caſes, and whenever the ſame ſhall occur, it ſhall and may be lawful to and for ſuch Perſon or Perſons (he, ſhe, or they giving Notice of ſuch his, her, or their Intention, to the Collector at the Time of his requiring Payment of ſuch Tax, or within Fourteen Days afterwards) to appeal to the ſaid Commiſſioners at their next Meeting to be holden after any ſuch Perſon or Perſons ſhall be required to pay the Taxes hereby charged as aforeſaid, and the Penalty or Penalties which ſhall have become payable by reaſon of the Non-payment of ſuch Taxes; but if there ſhall not be Fourteen Days between the Time of making ſuch Requiſition and next Meeting, then at the Second Meeting of the ſaid Commiſſioners; and the ſaid

Appeal in certain Caſes to Commiſſioners.

Commissioners may give Relief.

Parties appealing may, if dissatisfied with Commissioners Determination, require Admeasurement;

Commissioners shall, and they are hereby authorized and empowered, upon hearing of the Parties or their Witnesses, to give such Relief in the Premises, and make such Alterations in the said Schedules, or Statements, as to them shall appear just and reasonable; and if any such Person or Persons shall be dissatisfied with the Decision or Determination of the said Commissioners, he, she, or they shall and may, in case the Appeal shall have been made as to the Quantity of Land for which he, she, or they, ought to pay the Taxes hereby charged (by Notice given to the said Commissioners or their Clerk, within Fourteen Days next after such Decision or Determination shall be made) require the said Commissioners, and they are hereby directed to appoint some proper Person to ascertain, by actual Admeasurement, the Number of Statute Acres, Roods, and Perches, which the Lands and Grounds in Dispute shall contain; and in case such Appeal shall have been made on account of a Demand for Taxes, in respect of Lands and Grounds which are exonerated and discharged from the Payment of the said Taxes, under and by virtue of the said recited Acts, or either of them, or this Act, or as to the Proportion of the said Taxes which ought to be paid in consequence of the previous Payment of the Taxes imposed by the said recited Acts, or of some Part or Parts thereof, or on account of any Lands not included or intended to be included within the Limits and Boundary aforesaid, then and in every or any such Case, such Person or Persons may appeal to the General Quarter Sessions of the Peace to be holden in and for the County, Isle, Liberty, or Place, in which such Lands and Grounds shall be situate, within Four Calendar Months next after the Determination of the said Commissioners, on giving to the said Commissioners, or their Clerk for the Time being, Notice in Writing, of his, her, or their Intention to appeal to such Quarter Sessions, and of the Cause of such Appeal, within Fourteen Days next after such Determination of the said Commissioners; and the Person or Persons appealing shall, within Five Days after such Notice shall have been given, enter into a Recognizance before some Justice of the Peace for the County, Isle, Liberty, or Place, in which such Sessions shall be held, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices in their General Quarter Sessions, are hereby required to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall appear reasonable; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

or appeal to the Quarter Sessions.

No Distress or Action to be resorted to till after Admeasurement, &c. nor any Penalty to be paid if Admeasurement or Determination shall be in favour of Party appealing.

XLV. Provided always, and be it enacted, That until such Admeasurement, or the Determination of such Justices shall have taken place, the Party or Parties so requiring such Admeasurement, or appealing to the General Quarter Sessions of the Peace, or his, her, or their Cattle, Corn, Hay, Goods, Chattels, and Effects, shall not be proceeded against, or distrained in any Manner howsoever; nor shall such Party or Parties, in case such Admeasurement or Determination shall be in his, her, or their Favour, be compellable or liable to pay any Penalty or Penalties for omitting or neglecting to discharge the said Taxes, within the Times herein limited or appointed for Payment thereof; any Thing herein contained to the contrary notwithstanding.

XLVI. And

Lands may be entered for ascertaining Quantity or Situation.

XLVI. And be it enacted, That it shall and may be lawful to and for any Person or Persons employed for ascertaining and determining the Quantity or Situation of any Lands or Grounds, by virtue of this Act, or the said recited Acts, or either of them, to enter on the Lands or Grounds of any Person or Persons whomsoever for the Purposes aforesaid.

If the Tax shall be paid for a less Number of Acres than due, Commissioners may require Payment for the Excess, within six Years.

XLVII. And be it enacted, That if any Person or Persons shall have paid any Sum or Sums of Money, as and for the Taxes hereby charged as aforesaid, or any Part thereof, for a less Number of Statute Acres than for which he, she, or they, is and are hereby made subject and liable to pay, then and in every such Case the said Commissioners shall and may, and they are hereby authorized and empowered, at any future Time or Times, within the Space of Six Years next after the Payment of such Sum or Sums of Money as and for such Taxes as aforesaid, to collect, recover, receive, and enforce the Payment of such Sum and Sums of Money as shall be due and remain unpaid, as and for such Taxes, for the Excess of Acres not so paid for as aforesaid, in Manner herein directed and provided for collecting, recovering, receiving, and enforcing the Payment of the several Taxes payable by any Lessee or Lessees whose Terms and Interests in any Lands shall have expired.

Commissioners may compound for the Taxes.

XLVIII. And be it enacted, That if any Owner or other Person interested in any Lands or Commons hereby taxed and charged as aforesaid, shall be desirous of exonerating any of their respective Lands or Commons from the Taxes hereby charged thereon as aforesaid, it shall and may be lawful for the said Commissioners for Drainage, and they are hereby authorized and directed, to accept and take in Payment such Sum of Money *per* Statute Acre, as they in their Judgement shall determine to be a proper Composition for a total Discharge and Exemption from all or any Part of the Taxes hereby charged on the said respective Lands or Commons as aforesaid; and the Receipt or Receipts of the Treasurer of the said Commissioners for Drainage for the Time being, shall be a sufficient Discharge and sufficient Discharges to the Person or Persons so paying the same, and shall be allowed as good Evidence of such Payment in any of His Majesty's Courts at *Westminster*, or elsewhere; and the said Lands and Commons for or in respect of which such Payment shall be made as aforesaid, shall, from the Time of Payment of such Composition or Sum of Money, be for ever thereafter exonerated and discharged of and from the Payment of all such Taxes as shall have been compounded for as aforesaid.

Application of Compensation, if amounting to 200*l.*

XLIX. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts, or either of them, or of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Ac-

countant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioners for Drainage, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Herediaments, ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed, as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo directed to be purchaſed by virtue of the ſaid recited Acts, or either of them, or of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation, if leſs than 200*l.* and exceeding 20*l.*

L. Provided always, and be it enacted, That if any Money ſo agreed, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing, under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Commiſſioners for Drainage (ſuch Nomination and Approbation to be ſignified in Writing, under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far

far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compenſation if leſs than 20*l.*

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

In caſe of not making out Titles;

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

LII. 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 the ſaid recited Acts, or either of them, or of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Commiſſioners for Drainage, or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, or any Five 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 Publick 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.

Where any Queſtion ſhall ariſe touching the Title to Money, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. at the Time of ſuch Pur-

LIII. Provided always, and be it 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 the ſaid recited Acts, or either of them,

chaſe, ſhall be deemed entitled thereto according to ſuch Poſſeſſion, unleſs, &c.

or 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 lawfuliy entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be 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.

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

LIV. Provided alſo, and be it enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of the ſaid recited Acts, or either of them, or 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 and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made, in purſuance of the ſaid recited Acts, or either of them, or of this Act, or ſo much of ſuch Expences, as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners for Drainage, out of the Monies to be received by virtue of the ſaid recited Acts, or either of them, or of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Application of the Monies.

LV. And be it further enacted, That the Monies now in the Hands of the Treaſurer, Collectors, or other Officers of the ſaid Commiſſioners for Drainage, received by them under and by virtue of the ſaid recited Acts, or either of them, and the Monies to ariſe from the Taxes hereby charged as aforeſaid, and from the Sands and Channel in the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, mentioned and thereby directed to be ſold, and from the Three-fourth Parts of the nett Tolls by the ſaid recited Acts, or One of them, directed to be paid by the Commiſſioners for Navigation to the ſaid Commiſſioners for Drainage, and the Money to be borrowed by virtue of the ſaid recited Acts, or this Act, or either of them, and all Monies to ariſe by the Letting or by Sale of the ſaid Sands and Channel, and all pecuniary Penalties, Forfeitures, and all other Monies to be recovered, levied, or received, by virtue of this or the ſaid recited Acts, not otherwiſe diſpoſed of, ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners for Drainage, and ſhall be by them applied and diſpoſed of in Manner following; (that is to ſay) in the firſt Place, in paying and defraying all ſuch reaſonable Charges and Expences which were incurred, incident to, and attending the obtaining and paſſing of the ſaid recited Acts, or either of them, as now remain unſatisfied and unpaid (if any); and in the next Place, in paying and defraying the Coſts, Charges, and Expences, which ſhall be incurred incident to and attending the obtaining and paſſing of this Act, and the Intereſt of all Monies which have been, or ſhall or may be advanced

vanced for that Purpoſe, and then in Diſcharge of ſuch Coſts, Charges, and Expences, as the ſaid Commiſſioners, or their Treaſurer, Clerk, Collectors, or other Officers, or any of them, ſhall have been or may be put unto, or are or ſhall be liable to pay and diſcharge for proſecuting or defending any Suits or Proceedings whatſoever at Law or otherwiſe, and of carrying the ſeveral Powers and Authorities in this and the ſaid recited Acts contained (ſo far as the ſame affect the Works of Drainage) into Execution, and in Diſcharge of the Intereſt of all ſuch Monies as ſhall be borrowed and taken up at Intereſt by the ſaid Commiſſioners for Drainage, by virtue of this Act, or the ſaid recited Acts; and in the next Place, for and towards the ſeveral Works of Drainage and other Works by the ſaid recited Acts, or either of them, directed to be done and executed by the ſaid Commiſſioners for Drainage, and towards the Support and Maintenance of the ſame, and in Diſcharge of all ſuch Principal Monies as ſhall be borrowed and taken up at Intereſt as aforeſaid, and the Surplus or Reſidue thereof, after anſwering the Purpoſes aforeſaid, ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty.

Notices to be inſerted in certain Newſpapers.

LVI. And be it further enacted, That all Notices by this Act, or by the ſaid recited Acts, directed to be inſerted in any Newſpaper or Newſpapers, ſhall be inſerted in the Newſpapers called *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *The Bury Poſt*, and in ſuch other Newſpapers uſually circulated in the ſeveral Counties in which the Lands hereby charged with the ſaid Taxes lie and are ſituate, as the ſaid Commiſſioners for Drainage ſhall order and direct.

Commiſſioners Indemnity.

LVII. And be it further enacted, That no Action, Suit, Information, Claim, or Demand whatſoever, either at Law or in Equity, ſhall be commenced, ſued, proſecuted, or made, againſt or upon the ſaid Commiſſioners for Drainage, their Treaſurers, Collectors, or other Officers, or any of them, or any Perſon or Perſons who ſhall have acted by Authority of the ſaid Commiſſioners for Drainage, for having received, collected, and proceeded to enforce the Payment of the Tax in the ſaid firſt recited Act mentioned, or any Part thereof, under and by virtue of the Rates and Aſſeſſments made by them, ſave and except as to any Action, Suit, Claim, or Demand, which ſhall be brought, commenced, or made by, or by the Order of the ſaid Commiſſioners for Drainage, againſt any Collector or other Officer of the ſaid Commiſſioners; but they ſhall be and are hereby acquitted, exonerated, diſcharged, and indemnified, of and from all ſuch Actions, Suits, Informations, Claims, and Demands, whatſoever.

Commiſſioners may ſue or be ſued in the Name of their Treaſurer, &c.

LVIII. And be it further enacted, That the reſpective Commiſſioners for Drainage and for Navigation, appointed or to be appointed by virtue of the ſaid recited Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, may and ſhall in all Caſes ſue or be ſued in the Name of their reſpective Treaſurer, Clerk, Collector, or other Officer; and that no Action, Suit, or Information, which may be brought, commenced, or filed, or Indictment which may be preferred or proſecuted by or againſt the ſaid Commiſſioners, or any of them reſpectively, by virtue or on account of the ſaid recited Acts, or of this Act, or any of them, in the Name of their Treaſurer, Clerk, Collector, or other Officer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer,

Treasurer, Clerk, Collector, or other Officer, or by the Act of any such Treasurer, Clerk, Collector, or other Officer, without the Consent of the said Commissioners; but the Treasurer, Clerk, Collector, or other Officer to the said Commissioners respectively, for the Time being, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, Information, or Indictment, as the Case may be: Provided always, that every such Treasurer, Clerk, Collector, or other Officer, in whose Name any Action, Suit, Information, or Indictment, shall be commenced, preferred, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as he shall be put to or become chargeable with by reason of his being made Plaintiff, Prosecutor, or Defendant therein.

Proceedings not to be vacated for Want of Form.

LIX. And be it further enacted, That no such Schedule as herein directed to be made out by the said Commissioners for Drainage, or any Warrant or Notice of Distress, or any other Notice or Proceeding whatsoever, to be had or made by the said Commissioners for Drainage, or any of their Officers, in pursuance of the said recited Acts, or either of them, or of this Act, shall be vacated, or be deemed null and void, for any Defect in the same respectively, in point of Form; and where any Distress shall be made by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same, be deemed a Trespasser or Trespassers on account of any Want of Form in the Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover Satisfaction for the special Damage in an Action on the Case.

Power to plead generally and tender Amends, or pay Money into Court, and Warrant sufficient if good in part.

LX. And be it further enacted, That if any Person or Persons shall be sued for any Thing done in pursuance of this Act, he shall and may plead generally that he did the Act or Acts complained of in pursuance of this Act, and give the special Matter in Evidence; and no Action shall be brought for any Thing done in pursuance of this Act, until the Expiration of One Calendar Month from the Time of giving Notice to the Person or Persons intended to be sued, and it shall and may be lawful for such Person or Persons to make a Tender of sufficient Amends, and plead the same, or pay Money into Court in any such Action; and in case such Action shall be brought in consequence of any Act or Acts which shall have been done under or in pursuance of any Warrant or Warrants from the said Commissioners of Drainage, such Warrant or Warrants shall be a good Defence to any such Action, if the said Commissioners of Drainage had Power to issue a Warrant or Warrants for any Part of the Sum or Sums contained in such Warrant or Warrants.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.