ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xxxviii.

An Act for amending several Acts 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 other Lands therein mentioned; and for improving the Navigation of the River *Ouze*, in the County of *Norfolk*, and of the several Rivers communicating therewith.

[31st *May* 1816.]

WHEREAS 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; 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 35 G. 3. c. 77.

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 as Commons as Severals: And whereas by another Act passed in the Thirty-sixth Year of the Reign
36 G. 3. c. 33. 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 ad- 'joining 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 County of 'Norfolk; 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 commu- 'nicating with the said River* Ouze,' the said Commissioners for Drainage were authorized to order and direct the said Tax of Four-pence an Acre to be continued for any further Term not exceeding Five Years, to commence from the Determination of the Tax granted by the said first recited
45 G. 3. c. 72. Act: And whereas by another Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *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, the Lands and Grounds therein described were taxed and charged with a Tax of Three Shillings and Four-pence an Acre, being Four-pence an Acre for the Term of Ten Years then passed, and with the further Tax of Four-pence an Acre for the Term of Five Years then to come, in lieu of the Taxes imposed by the said Two recited Acts; and Schedules or Statements in Writing were directed to be made of the Lands and Grounds thereby taxed and charged: And whereas great Difficulties have arisen in the Collection of the said Taxes, in consequence whereof a considerable Part of the said Taxes are now in Arrear and unpaid; and further Powers and Provisions are therefore necessary to enforce the Payment of the same: 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 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 re-enacted in and by this

So much of the former Acts as are not repealed or altered by this Act to remain in force.

present Act, with Words to make the same applicable to the Purposes and Provisions of this Act.

All the Taxes in Arrear and Penalties to be paid by the Occupiers.

II. And be it further enacted, That all and every the Person or Persons who shall as hereafter mentioned be the Occupier or Occupiers of any of the Lands and Grounds taxed and charged in and by the said recited Acts, or any of them, shall, on or before the Time or Times, and in the Manner hereafter mentioned, pay the Taxes with which by the said recited Acts, or any of them, the said Lands and Grounds in each Occupation respectively are made chargeable, and which shall be unpaid and in Arrear at the Time of passing this Act, together with the Penalty of Three Shillings and Four-pence for every Twenty Shillings of the said Taxes in Arrear, and so in Proportion for any less Sum.

Tenants to deduct the same out of their Rents.

III. And be it further enacted, That the said Taxes and Penalties which shall be so paid by the said Occupier or Occupiers, being Tenant or Tenants, shall be respectively deducted by him, her, or them out of his, her, or their Rents; and all and every of the said Tenants who shall have so paid the said Taxes and Penalties respectively shall be acquitted and discharged from and against his, her, and their Landlord or Landlords, Landlady or Landladies, of and from so much Money as the Taxes and Penalties by him, her, or them so paid shall amount unto, in as full and ample a Manner as if the Amount of such Taxes and Penalties had been actually paid as Rent to such Landlord or Landlords, Landlady or Landladies: Provided nevertheless, that in case such Occupier or Occupiers, being Tenant or Tenants as aforesaid, shall have entered into any Agreement or Agreements with his, her, or their Landlord or Landlords, Landlady or Landladies, for paying the said Taxes, then the same, together with the Penalties for the Non-payment thereof, shall be borne and defrayed by such last-mentioned Tenant or Tenants, and shall not be deducted from the Rent due to his, her, or their Landlord or Landlords, Landlady or Landladies.

Beneficial Lessees to be considered as Owners.

IV. And be it further enacted, That all Lessees or Tenants of any Lands or Grounds chargeable as aforesaid, and holding the same under beneficial Leases, under the Crown, or under any Bishop, Collegiate Church or College, or Body Corporate, shall be considered as Owners or Landlords, and shall not be entitled to charge the Crown, or such Bishop, Collegiate Church or College, or Body Corporate, with the said Taxes in Arrear, and Penalties, or any Part thereof.

Lammas and Half Several Land.

V. And be it further enacted, That the several Persons occupying any Lammas or Half Several Land for the Part of the Year when the same is not Common, and for which any Part of the said Taxes and Penalties shall be in Arrear and unpaid, shall be charged and pay the same in the same Manner as if the said Land had been occupied in Severalty the whole of the Year.

Shifting Commonable Land to be considered as Open Commons.

VI. And be it further enacted, That in all Cases where any Part or Parts of any Open Commons are, from Time to Time, set out for a Part of the Year to be mown or occupied in Severalty, sometimes by One Commoner and sometimes by another, the Taxes in Arrear, and Penalties for the Non-payment thereof, shall be charged upon the whole of such Open

Open Commons, and shall be recovered in the same Manner as if such Part or Parts thereof so occupied in Severalty had continued Commonable throughout the Year.

Commons inclosed to be considered as several Land.

VII. And be it further enacted, That all Commons inclosed subsequent to the passing of the said recited Act of the Thirty-fifth Year of the Reign of His said Majesty, for which any Part of the said Taxes imposed by all or any of the said recited Acts shall be in Arrear and unpaid, shall, as to all such Arrears due for the same, be considered as several or ancient inclosed Land, and not as Common Land; and the Occupier or Occupiers thereof respectively shall pay the said Taxes in Arrear for each Acre in his, her, or their Occupation, at the same Time or Times and Manner as is herein directed as to the Taxes in Arrear due for Lands not Common at the Time of passing the said Act of the Thirty-fifth Year of the Reign of His present Majesty; and the Occupier or Occupiers thereof respectively, being Tenant or Tenants, is and are hereby authorized to deduct and retain the same out of his, her, or their Rent, except there be an Agreement between the Landlord and Tenant to the contrary as aforesaid, in the same Manner as is before directed respecting the Tenants of several or ancient inclosed Land.

Election of Arrear Commissioners.

VIII. And be it further enacted, That the Commissioners for Drainage under the said recited Acts are hereby required to meet at *March*, in the said County of *Cambridge*, on the Thirtieth Day of *August* next after the passing of this Act, at Twelve o'Clock at Noon; and the said Commissioners then and there assembled, or the Majority of them, are hereby authorized and required to elect and appoint so many and such Persons, and for such Divisions of the Lands and Grounds taxed and charged as aforesaid, and to elect and appoint One or more for the Whole, or for each Division, not exceeding Three for any One of the said Divisions, as in the Judgment of the said Commissioners for Drainage attending such Meeting will be necessary to carry into Execution the several Powers by this Act created and vested in them the said Persons so to be elected and appointed, and who shall be called Arrear Commissioners.

Election of Commissioners of Appeal.

IX. And be it further enacted, That it shall be lawful for the said Commissioners of Drainage, or the Majority of them, assembled at the said Meeting to be held at *March* aforesaid, on the said Thirtieth Day of *August*, and they are hereby authorized and required to elect and appoint Three Persons to be called Commissioners of Appeal, to carry into Execution the several Powers by this Act created and vested in them; the Persons so elected Commissioners of Appeal being at the Time of their Election Commissioners of Drainage.

If no Election at the Meeting appointed.

X. And be it further enacted, That if such Elections, or any of them, shall not take place at the Time herein-before appointed, the said Commissioners of Drainage, or the Majority of them, assembled at any Quarterly or General Meeting to be held at *March* aforesaid, are hereby authorized and required to make such Elections of such Arrear Commissioners and Commissioners of Appeal, as shall not have been made as aforesaid.

XI. And

For settling the Allowance to Arrear Commissioners and Commissioners of Appeal.

XI. And be it further enacted, That the said Commissioners of Drainage shall and they are hereby authorized and required, immediately after such respective Elections of the said Arrear Commissioners and Commissioners of Appeal shall have taken place, to ascertain and fix the Sum which each of the said respective Commissioners last-mentioned shall be paid for his Trouble and Expences for each Day he shall be employed in executing the Powers by this Act vested in him: Provided always, that the Sums so to be fixed shall not exceed Two Pounds and Two Shillings *per* Day for each of such Arrear Commissioners, nor Three Pounds and Three Shillings *per* Day for each of such Appeal Commissioners.

Commissioners dying, declining, &c.

XII. And be it further enacted, That if any of the said Arrear Commissioners, or Commissioners of Appeal, shall die, or decline to act, or become incapable of acting, or if any of the said Arrear Commissioners shall be dismissed as herein-after mentioned, the said Commissioners of Drainage, or the Majority of them assembled at any Quarterly or General Meeting to be holden at *March* aforesaid, are hereby authorized and required from Time to Time to supply the Vacancies so occasioned: Provided always, that no Election of any Arrear or Appeal Commissioner shall take place at any such Meeting, unless Notice be given by the Clerk or Treasurer of the said Commissioners of Drainage, of the Time and Place of holding such Meeting, and what Election and Elections are then and there to take place, by Advertisement, inserted Twice previous to such Day of Meeting in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *Bury Post*.

Elections to be advertised Twice.

The Persons so elected to take an Oath.

XIII. And be it further enacted, That the said Arrear Commissioners, and Commissioners of Appeal, so to be appointed as aforesaid, and their Successors respectively, before they proceed to carry into Execution the Powers vested in them respectively, are hereby required to take and subscribe the following Oath; and any Two of the said Commissioners for Drainage are hereby authorized and empowered to administer the said Oath; and the same being taken and subscribed shall be filed and kept with the other Proceedings of the said Commissioners for Drainage.

Oath.

'I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Judgment, execute and perform the several Powers reposed in me in or by virtue of the several [*here set forth the Titles of the said recited Acts and this Act.*] So help me GOD.'

Arrear Commissioners to make Schedules of the Taxes in Arrear, and Penalties:

XIV. And be it further enacted, That the said Arrear Commissioners respectively shall, and they are hereby directed and required, as soon as conveniently may be after the passing of this Act, to make a Schedule or Schedules of the Names of the Persons who shall happen to be Occupiers of the Lands and Grounds liable to the said Taxes and Penalties, at the Time of making such Schedule or Schedules, together with the Quantity of Land then liable to the said Taxes and Penalties in the respective Occupations of such Persons, shewing the Amount of the Sum then due and payable from each Person in respect of the said Taxes and Penalties; and such Schedules shall be made out in such Form and for such Districts or Divisions, without any Restriction as to Parish or County, as the said Commissioners of Appeal, or the Majority of them, shall direct: And that when such Schedules or any Part thereof shall have been made out,

Copies thereof to be delivered to Churchwardens or Overseers &

the said Arrear Commissioners respectively are hereby directed and required to deliver, or cause to be delivered, to one of the Churchwardens or Overseers of the Poor of each Parish or Hamlet, in which the Lands and Grounds so in arrear are situate, and when any such Lands and Grounds are Extra-parochial Places, then to one of the Occupiers of Land residing within such Extra-parochial Place, a true Copy of so much of any of the said Schedules as relates to or charges any of the Lands or Grounds within or usually reputed to be within such Parish, Hamlet, or Extra-parochial Place, to be by such Churchwarden or Overseer of the Poor and Occupier last-mentioned kept and shewn to all Persons desirous to inspect the same: And the said Arrear Commissioners respectively shall and they are hereby required and directed to cause another such Copy to be fixed upon the Door of the Parish Church or Chapel of the Parish or Hamlet to which the same relates as aforesaid; and in case such Copy relates to Land lying in an Extra-parochial Place, then upon the Door of the Parish Church or Chapel nearest to or to which the Inhabitants of such Extra-parochial Place usually resort.

and fixed upon Church Doors.

Schedules not to contain any Penalties for Commons not inclosed at the Time of passing the Act.

XV. Provided always, and be it enacted, That the said Schedules or any of them shall not contain any Charge for any Penalty or Penalties as to Commons and Wastes not inclosed at the Time of passing this Act, such Commons and Wastes being hereby intended not to be subject to any such Penalties.

Commons to be inserted in the Schedules in the Names of the Overseers.

XVI. And be it further enacted, That all the open Commons and Wastes, for which the said Taxes shall be in arrear, shall be inserted in such Schedules in the Name or Names of One or more of the Overseer or Overseers of the Poor of the Parish or Hamlet to which such Commons respectively belong, or are reputed to belong; and for all the Purposes of this Act such Insertion shall be of equal Effect as if the Names of the respective Persons having Right of Common over the same were set forth in such Schedules.

Commissioners to enter and survey Lands;

XVII. And be it further enacted, That the said Arrear Commissioners and Commissioners of Appeal, or either of them, and all Persons by them employed for any of the Purposes of this Act, is and are hereby authorized and empowered to enter upon any Lands or Grounds chargeable with the Taxes imposed by the said recited Acts, or any of them, to view or ascertain what Lands or Grounds are liable and chargeable with the Taxes imposed in and by the said recited Acts, and to survey and measure any of the said last-mentioned Lands and Grounds, as Occasion shall appear to require.

to inspect Rates, Maps, &c.

XVIII. And be it further enacted, That every Clerk and Collector, under any Act of Parliament for the Embanking or Drainage of any of the Lands taxed and charged in and by the said recited Acts, or any of them, and every Dikereeve and Collector under any Commission of Sewers extending over any Part of the said Lands and Grounds, and every Clerk, Collector, and Surveyor, under any Act of Parliament for inclosing any Part of the said Lands and Grounds (if the Award relating to such Inclosure shall not have been enrolled), and every Churchwarden and Overseer of the Poor, shall, and he and they is and are hereby directed and required, at all reasonable Times, upon the Application of the said

Arrear

Arrear Commissioners, or Commissioners of Appeal, or any of them, to produce and shew unto such Commissioners respectively so applying, or any Person or Persons acting under their Authority, all Rate Books, Assessments, Collection Books, and all Maps, Sketches, and Surveys, in his or their Power or Possession respectively; and shall, on being paid his or their reasonable Charge for the same, furnish the said Commissioners respectively, or any Person or Persons acting under their Authority, with true Copies thereof, or Extracts therefrom, that the said Commissioners may thereby be the better enabled to execute the several Powers by this Act vested in them respectively.

Commissioners of Appeal to meet to hear Appeals against the Schedules.

XIX. And be it further enacted, That when the said Schedules or any of them shall have been made out, and Copies thereof or any of them shall have been delivered, and also fixed upon the Church or Chapel Doors as aforesaid, the said Commissioners of Appeal, or the Majority of them, are hereby required to appoint from Time to Time certain Days for the hearing of all Appeals that may be made against the Charges contained in the said Schedules, each Day of Appeal not being less than Fourteen Days after the Day on which the Copy of the Schedule appealed against shall have been delivered, and fixed upon the Church or Chapel Door as above mentioned; and all Meetings for hearing Appeals against such Schedules being held at such of the following Towns or Places, (that is to say), *Ely*, *Chateris*, *March* and *Wisbech*, in the County of *Cambridge*, *Downham Market*, in the County of *Norfolk*, and *Barton* in the County of *Suffolk*, as shall in the Judgment of the said Commissioners of Appeal, or the Majority of them, be most convenient to the Parties charged in the Schedule or Schedules against which such Appeals are proposed to be heard.

Times and Places of Appeal to be advertised.

XX. And be it further enacted, That the Time and Place, or Times and Places of hearing Appeals as aforesaid, shall be advertised Twice, previous to the First Day of each Meeting to hear Appeals, in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *The Bury Post*.

Returns to be made before Appeals admitted.

XXI. Provided always, and be it further enacted, That no Person shall be heard or be allowed to appeal against the said Schedules, or any of them, until he or she has delivered (if required so to do in Writing by the said Commissioners of Appeal, or the Majority of them) a true Account in Writing, to the best of his, her, or their Knowledge, of the whole of the Lands and Grounds for which he or she is liable to pay, either as Owner or Occupier, nor unless such Account specify the Parish, Hamlet, or Place, or reputed Parish, Hamlet, or Place, in which such Lands and Grounds are situated, together with the Number of Pieces and Quantity in each Piece, or other sufficient Description thereof.

Proceedings upon Appeals.

XXII. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and may, and they are hereby authorized and empowered, upon the Delivery of the said Account, if required as aforesaid, to proceed to hear and determine all such Appeals, and to examine the Parties and all Witnesses upon Oath (which Oath the said Commissioners of Appeal, or any one of them, are and is hereby authorized and required to administer), or to adjourn the same Appeals, although in part heard, and afterwards finally to hear, examine, and determine

determine the same in like Manner; and to alter the said Schedules appealed against accordingly, in case they shall deem it right and proper for any such Alteration to be made, and to remit the whole or any Part of such Penalties in all such Cases, as they shall think just and equitable: Provided always, that it shall not be necessary to advertise the Time or Place of hearing adjourned Appeals, or to give any other Notice of such Adjournment.

Witnesses, if required, to attend.

XXIII. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and may, and they are hereby authorized and empowered by Notice under their Hands, to require the Attendance of such Persons as they or the Majority of them shall think necessary to be examined as Witnesses, and to require them to produce such Rate Books, Assessments, Collectors Books, Maps, Sketches, and Surveys, relating to the Matter in Question, as shall be in their Possession or Power, and to examine such Persons upon Oath (which Oath the said Commissioners of Appeal, or either of them, are and is hereby authorized and empowered to administer); and the said Commissioners of Drainage shall pay to the said Witnesses a reasonable Satisfaction, to be fixed by the said Commissioners of Appeal, or the Majority of them, after such hearing, for their Loss of Time, Trouble, and Expences in attending such Appeals.

Lands when to be measured.

XXIV. Provided always, and be it further enacted, That when any of the said Appeals depend upon the Quantity of Land charged in the said Schedules, the said Commissioners of Appeal, or the Majority of them, shall and they are hereby required to decide, upon the first Hearing, the Quantity of Land which from the Information or Evidence adduced may appear to them to be chargeable against each Person so appealing; and if such Appellant shall be dissatisfied with the Quantity so charged by such Decision, and shall desire an Adjournment of the Appeal, and an Admeasurement of the Land to be made, the said Commissioners of Appeal, or the Majority of them, are hereby required to adjourn the same, and to direct such Admeasurement; and in that case all the Lands charged against such Appellant shall, if required by the said Commissioners of Appeal, or the Majority of them, be measured; and if upon such Admeasurement the whole Quantity is found equal to or to exceed the Quantity charged against such Appellant, he or she shall upon Demand pay to the said Commissioners of Appeal such Costs and Charges for such Admeasurement as the said Commissioners of Appeal, or the Majority of them, shall by their Order direct; and if the same be not paid on Demand to the said Commissioners of Appeal, the Amount thereof shall be added to the Amount of the Taxes in Arrear and due for the Lands so measured, and shall be levied and recovered in the same Manner as the said Taxes in Arrear are by this Act authorized to be recovered.

Schedules final and conclusive, if not appealed against.

XXV. And be it further enacted, That all Persons who neglect or omit to appeal on the Days and at the Places to be appointed as aforesaid, or who attending to appeal shall not comply with the Conditions above required from Persons appealing, or shall neglect to proceed in their Appeal, shall be bound by the said Schedules as made out and fixed upon the Church or Chapel Doors, and delivered to the said Overseers as above-mentioned, and the same shall be final and conclusive against the Person or Persons charged in the said Schedules, and all Occupiers

and Owners, and all other Persons whatsoever; and the said Schedules not appealed against as aforesaid, or as altered by the said Commissioners of Appeal, or the Majority of them, upon the Hearing of such Appeals as aforesaid, shall in like Manner be final and conclusive.

Time and Mode of Payment of the Taxes in arrear and Penalties.

XXVI. And be it further enacted, That when any one of the said Schedules shall be completed, and all Appeals against that Schedule are determined, the said Commissioners of Appeal, or the Majority of them, shall fix the Time and Place, or Times and Places, when and where the Taxes in Arrear, and the Penalties contained in such Schedule shall be paid, and so *toties quoties*, as the said Schedules shall be completed, until the whole of the said Taxes and Penalties shall be received; such Taxes and Penalties to be collected and received by such of the said Arrear Commissioners, or by such other Person or Persons as the said Commissioners of Drainage, or the Majority of them, at any Quarterly or General Meeting, shall direct and appoint; and the Person or Persons who, when such Days of Payment respectively arrive, shall be the Occupier or Occupiers, whether named in the said Schedules or not, shall pay the said Taxes in arrear and Penalties on or before the respective Days, and in the Manner so appointed as aforesaid: Provided always, that the said Commissioners of Appeal shall and they are hereby directed and required to advertise the Time and Place, or Times and Places, when and where the Payments charged by each Schedule are to be paid, in such Manner and Form as the said Commissioners of Appeal or the Majority of them shall choose, each Advertisement to be inserted not less than Twice in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *Bury Post*.

Application of Taxes and Penalties.

XXVII. And be it further enacted, That the said Taxes in arrear and Penalties, when collected, shall be applied by the said Commissioners of Drainage in such Manner and for the same Purposes as in the said recited Acts is directed: Provided always, that the said Commissioners of Drainage, or the Majority of them, attending at any Quarterly or General Meeting, are hereby authorized and empowered, out of the said Arrears of Taxes and Penalties, to pay and discharge the Expences of and incident to the obtaining of this Act, and the Charges of the said Arrear Commissioners and Commissioners of Appeal, so to be appointed as aforesaid, for the Time they may be employed in carrying into Execution the several Powers and Provisions of this Act, together with the Charges of the Persons employed by them, and all other Expences incident to the carrying into Effect the said Powers and Provisions.

Distress for Non-payment.

XXVIII. And be it further enacted, That the said Arrear Commissioners, each for his or their respective Divisions, shall and he and they is and are hereby authorized and required, without any further or other Demand or Notice to the Parties charged or to be distrained upon, to issue Warrants of Distress under their Hands and Seals against any Occupier or Occupiers named in the said Schedules, who shall not have paid the said Taxes in arrear and Penalties at the Time and in the Manner above mentioned, for the whole Amount of the Taxes charged against him or them respectively, whether the Lands lie in one or more Counties, Parishes, Hamlets, Places, or Divisions, together with the Penalties as aforesaid; and the said Arrear Commissioners are hereby authorized to direct such Warrants respectively to the Constable or Constables

of any Parish, Hamlet, or Place, within which the Lands and Grounds, or any of them for which the said Taxes shall be in arrear, are situate, or to direct them to any other Person or Persons they may nominate, who may be willing so to do, to execute the same; and the Constable or Person to whom such Warrants respectively are directed are hereby authorized and required to enter into and upon the said Lands and Grounds, or any of them for which the said Taxes shall be in arrear, whether at the Time of such Entry the same or any Part thereof shall be in the Occupation of the Person or Persons charged in the said Schedules, or in the Occupation of any other Person, and also to enter into and upon the Dwelling-house and Premises, and all or any other of the Lands and Grounds, whether chargeable to the said Taxes or not, in the Occupation of the Person so charged in the said Schedules, and to levy by Distress and Sale of the Goods and Chattels there found the whole of the Sum and Sums so due according to the said Schedules, and unpaid as aforesaid, together with the Costs and Charges of and incident to such Entry, Distress, and Sale; and the Constable or Person to whom such Warrant of Distress may be directed is hereby authorized to impound and keep the said Goods and Chattels on the Premises, at the Cost and Charge of the Person or Persons so distrained upon, or the same or any Part thereof to take, drive, carry away, and keep at some convenient Place off the said Premises, at the like Cost and Charge, upon leaving on the Premises, or delivering to the Person or Persons so distrained upon, or at his, her, or their usual Places of Abode, Notice in Writing of such Distress, with the Amount of the Taxes and Penalties for which the same was made, and of the Place to which the said Goods and Chattels are removed, in case any Removal shall have taken place; and in case the whole of the said Taxes and Penalties for which such Warrant is granted, together with the Expences of such Distress, and all other Expences incident to such Proceedings, be not paid within Five Days after the making of such Distress to the Person or Persons to whom such Warrant is directed, such Person or Persons are and is hereby authorized and required to sell the Goods and Chattels so distrained, or so much thereof as may be necessary for the Purposes above mentioned, rendering the Overplus, (if any) on Demand, to such Occupier or Occupiers.

Where no Distress found, Lands may be leased.

XXIX. And be it further enacted, That if the Person or Persons to whom any Distress Warrant shall be directed shall enter with the same on the several Lands and Grounds charged with the Taxes for which such Warrants shall be issued, and shall not, upon any of the Lands and Grounds so charged, find sufficient Goods and Chattels liable to such Distress to pay, satisfy, and discharge the whole of the Taxes and Penalties for which such Warrant is granted, together with all Expences incident to such Distress and Sale, then and in either of the said Cases the said Commissioners of Appeal, or the Majority of them, are hereby authorized and required to demise and let by public Auction, for any Term not exceeding Twenty-one Years, so much and such Part and Parts of the Lands and Grounds for which such Taxes and Penalties shall be so in arrear and unpaid, as will in their Judgment raise a sufficient Sum of Money to pay and satisfy such Taxes and Penalties, and all other Expences incident as aforesaid, together also with the Expences of such letting, and of the Leases, and of delivering Possession, as hereafter is also mentioned; such Lettings by Auction to take place at *Ely*, or at such other Place or Places within the said Counties of *Cambridge*, *Norfolk*, and *Suf-*

folk, near where the Land to be let is situated, as the said Commissioners of Appeal, or the Majority of them, shall from Time to Time direct; public Notice of the Places and Times of Letting being given by Advertisement in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *Bury Post*, Fourteen Days antecedent to the Day of each Auction.

Leases to be executed of Lands let.

XXX. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and they are hereby authorized and requested, by Indentures under their Hands and Seals, or under the Hands and Seals of the Majority of them, to demise and lease the Lands and Grounds so let by Auction as aforesaid for the Term for which the same shall be so let, not exceeding Twenty-one Years as aforesaid, and to insert in such Leases such Covenants and Provisoes as may appear to the said Commissioners of Appeal, or the Majority of them, necessary for the ordinary and accustomed Mode of Cultivation and Management of the Country or Place in which the Land is situated.

Possession of Lands let to be delivered.

XXXI. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and they are hereby required, by a Warrant or Warrants under their Hands and Seals, directed to the Constable or Constables of any Parish, Hamlet or Place within which the Lands and Grounds to be let as above mentioned, or any of them, are situated, or to any other Person or Persons they may appoint, being willing to execute the same, to authorize and empower, and such Constables and Persons are hereby authorized and empowered to enter into and upon the Lands and Grounds charged in the said Schedules, and of which the whole or a Part shall have been let as aforesaid, and to deliver the Part and Parts so let and demised to the Hirer or Hirers thereof, or to his or their Executors, Administrators, or Assigns; and such Hirer and Hirers, his and their Executors, Administrators, and Assigns, shall hold and enjoy the Part and Parts so hired, freed and discharged from all Claims and Demands from any Person or Persons whatsoever, for and during the said Term, not exceeding Twenty-one Years, for which the same shall be hired as aforesaid.

Open Commons to be sold, if Taxes in Arrear, and Penalties, &c. are not paid.

XXXII. And be it further enacted, That if the Taxes or Penalties, or any Part thereof, or any other Charges and Expences to which any open Commons or Wastes may be liable under the said recited Acts, or any of them, be in arrear and unpaid after the Time or Times fixed as above mentioned for the Payment of the said Taxes in arrear and Penalties, the said Commissioners of Appeal, or the Majority of them, are hereby authorized and required to sell by public Auction, and to convey by Lease and Release, or Bargain and Sale, under the Hands and Seals of the said Commissioners of Appeal, or of the Majority of them, so much and such Part and Parts of the said open Commons or Wastes as will pay and discharge the whole of the Taxes in Arrear and Penalties with which the same are charged by the said Schedules, together with the Expences of such Sale and Conveyance, and the Delivery of Possession, and all other Expences incident to the said Sale; such Sales to take place at *Ely*, or at such other Place or Places within the said Counties of *Cambridge*, *Norfolk* and *Suffolk*, near where the said Commons and Wastes to be sold are situated, as the said Commissioners of Appeal, or the Majority of them, shall from Time to Time direct; public Notice of the Places

and

and Times of such Sales being given Twice by Advertisement in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *The Bury Post*, Fourteen Days antecedent to each Day of Sale: Provided always, that if there be any open Commons or Wastes where the Parish Boundaries appear to be doubtful to the said Commissioners of Appeal, or the Majority of them, or where the open Commons or Wastes belong or are enjoyed by more than One Parish, Hamlet, or Place, the said Commissioners of Appeal, or the Majority of them, are hereby authorized and empowered to sell, convey, and deliver so much and such Part and Parts as may be necessary to be sold as aforesaid, in the same Manner as if the Whole of such Commons did actually lie or had been scheduled as lying in One Parish, Hamlet, or Place only.

Conveyance and Possession of the Land sold.

XXXIII. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and they are hereby authorized and required to issue Warrants under their Hands and Seals directed to the Constable or Constables of any Parish, Hamlet, or Place, within which the Commons and Wastes to be sold as above mentioned, or any of them, are situated, or to any other Person or Persons they may appoint; and such Constables and Persons are hereby authorized and empowered to enter into and upon the Commons and Wastes charged in the said Schedules, and of which Part shall have been sold as aforesaid, and to deliver to the Purchaser or Purchasers at such Sale, or to their Heirs and Assigns, so much and such Part and Parts of the same as shall be so sold; and such Purchaser and Purchasers, their Heirs and Assigns, after the same shall be conveyed to them as aforesaid, and after Possession shall be given under the Warrant as above mentioned, shall fence or separate the Land so purchased from the Land of which it was before a Part, and the same for ever thereafter hold and enjoy, freed and discharged from all former Incumbrances, Taxes, and Charges, and all Title and Claim of Title from any Person or Persons whatsoever; and the Title of such Purchaser and Purchasers, their Heirs and Assigns, shall be good and effectual, notwithstanding any Overcharge or Mistake, or any Defect or Want of Form antecedent to such Sale.

Commissioners of Appeal to examine all the Proceedings of the Arrear Commissioners.

XXXIV. And be it further enacted, That the said Commissioners of Appeal, or the Majority of them, shall and they are hereby authorized and required from Time to Time to ascertain and examine the several Proceedings of the said respective Arrear Commissioners, and the said other Persons employed in the Collection and Recovery of the said Taxes in Arrear and Penalties, and in carrying into Execution the several Provisions, Acts, and Things to be done by them respectively, and to examine into and settle the Accounts of the said Arrear Commissioners and of the Collectors of the Taxes and Penalties; and the said Arrear Commissioners and Collectors are hereby required to attend the said Commissioners of Appeal, or the Majority of them, when required, and to answer upon Oath such Enquiries relating to the said Proceedings and Accounts as shall be made by the said Appeal Commissioners, or the Majority of them; and which Oath the said Commissioners of Appeal, or any One of them, are and is hereby authorized and empowered to administer.

Arrear Commissioners to follow the

XXXV. And be it further enacted, That the said Commissioners of Appeal shall and they are hereby authorized and empowered to give such Directions

Directions of the Commissioners of Appeal.

Directions to the said respective Arrear Commissioners for carrying into Execution the several Purposes of this Act, whether the Execution thereof is expressly appropriated to the said Arrear Commissioners or not, as from Time to Time shall appear to the said Commissioners of Appeal, or the Majority of them, to be necessary, and not inconsistent with the Powers hereby vested in the said Arrear Commissioners, and the said Arrear Commissioners respectively are hereby required to follow such Directions; and if any of the said Arrear Commissioners shall neglect or omit to execute any of the said several Powers so vested in them, or shall neglect or omit to follow the Directions so as above to be given to them, the said Commissioners of Drainage, or the Majority of them, are hereby authorized and required, at any General or Quarterly Meeting of the said Commissioners of Drainage, to enquire into the Conduct of any such Arrear Commissioners, and to dismiss and discontinue any such Arrear Commissioners, if, in the Judgment of the said Commissioners of Drainage, or the Majority of them, such Arrear Commissioners, or any of them, ought to be dismissed or discontinued.

Books of Proceedings to be kept.

XXXVI. And be it further enacted, That the said Commissioners of Appeal shall and they are hereby required to keep a Book containing a separate Entry of the Proceedings of each Day's Meeting, and an Entry of all Appeals made to them, and of their Decisions thereon.

Authority of the Commissioners of Drainage over the Proceedings of the Persons appointed to collect the Arrears.

XXXVII. And be it further enacted, That the said Commissioners of Appeal, and the said Arrear Commissioners, shall and they are hereby required to attend the said Commissioners of Drainage at such Time and Times, and at such Places, as the said Commissioners of Drainage, or the Majority of them attending any Quarterly or General Meeting, shall by their Order or Orders at such Meetings direct; and to produce their Books of Proceedings, and give such Explanations and Accounts of their Proceedings, and of what is proposed to be done in carrying this Act into Execution, as the Majority of such Commissioners of Drainage at any such Meeting shall require; and to conform to and follow such Directions as the said Commissioners of Drainage, or the major Part of them attending any such Meeting, shall by their Order or Orders direct.

Penalties for not producing Rate Books, and not giving Evidence.

XXXVIII. And be it further enacted, That if any Clerk or Collector under any Act of Parliament for the Embanking or Drainage of any Lands or Grounds liable to be taxed or charged in and by the said recited Acts, or any of them, or if any Dikereeve or Collector under any Commission of Sewers extending over any of the said Lands or Grounds, or if any Clerk, Collector, or Surveyor, under any Act of Parliament for the inclosing of any of the said Lands or Grounds (if the Award relating to such Inclosure shall not have been enrolled), or if any Churchwarden or Overseer of the Poor shall at any Time omit or refuse to produce to the said Arrear Commissioners, or any of them, or to any Person employed by them as aforesaid, any Rate Books, Assessments, Collection Books, Maps, Sketches, or Surveys, as is herein-before required, or shall refuse to furnish or permit to be taken Extracts or Copies thereof, upon being paid or tendered his or their reasonable Charges for the same, every such Person shall for every Offence forfeit and pay to the said Commissioners of Drainage any Sum not exceeding the Sum of Five Pounds; and every Person required by Notice as aforesaid to appear before the said Commissioners

sioners of Appeal, or the Majority of them, upon the Hearing of any Appeal to be allowed by the said Commissioners of Appeal, or the Majority of them, having been paid or tendered his, her, or their reasonable Expences, who shall refuse without reasonable Cause, or neglect to appear and be sworn, and give Evidence, or to produce such Rate Books, Assessments, Collection Books, Maps, Sketches, or Surveys, according to such Notice, and the Provisions herein-before contained, shall for every Offence forfeit and pay to the said Commissioners of Drainage any Sum not exceeding the Sum of Five Pounds.

Constables neglecting or refusing to execute Warrants.

XXXIX. And be it further enacted, That if any Constable, or any Person having agreed to execute any Warrant issued under the Authority of this Act, shall neglect or refuse to execute any such Warrant according to the Directions given by the said Arrear Commissioners or Commissioners of Appeal, or any of them, such Constable or other Person shall for every Offence forfeit and pay to the said Commissoiners of Drainage any Sum not exceeding the Sum of Forty Shillings.

Quarterly or General Meetings, at the Option of the Commissioners.

XL. And be it further enacted, That the said Commissioners of Drainage, or the Majority of them, attending at any Quarterly Meeting under the said recited Acts, or any of them, shall and may and they are hereby authorized and empowered, if they think it more convenient, to order that the said Quarterly Meetings shall be discontinued, and in the Place thereof to appoint such General Meetings, and at such Places as shall appear to them more convenient; and the said Commissioners of Drainage, or the Majority of them attending any General Meeting, are hereby also authorized and empowered to order, if they think necessary, the Restoration of such Quarterly Meetings when and as often as shall be thought necessary: Provided always, that no such Alteration shall take place unless the Intention of proposing the same at any Meeting is advertised Twice previous to such Meeting, by the Clerk or Treasurer of the said Commissioners of Drainage, in *The Cambridge Chronicle*, *The Norfolk Chronicle*, and *Bury Post*; nor shall any such General Meeting be held unless the Time and Place of holding be Twice advertised in like Manner, previous to the Day of such Meeting.

Adjournments.

XLI. Provided always, That if at any General or Quarterly Meeting no Commissioner shall attend, no Adjournment thereof shall be made or take place.

If the present Provincial Newspapers be discontinued, others may be substituted.

XLII. And be it further enacted, That if either *The Cambridge Chronicle*, *The Norfolk Chronicle*, or *The Bury Post*, shall cease to be printed and circulated, then such other County Newspaper or Newspapers as the said Commissioners of Drainage, or the Majority of them attending any General or Quarterly Meeting shall direct, shall be substituted; and that all Notices and Advertisements inserted therein shall be of the same Force and Effect as if inserted in the Newspaper or Newspapers so discontinued.

Act not to affect Lands belonging to the Crown.

XLIII. Provided always, and be it further enacted, That none of the Provisions in this Act contained shall extend or be construed to extend to affect any of the Lands or Grounds belonging to the King's most Excellent Majesty in Right of his Duchy of *Lancaster*.

XLIV. And

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

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