ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xxiii.

An Act for draining certain Fen Lands and Low Grounds in the Parishes of *Cottenham*, *Rampton*, and *Willingham*, in the County of *Cambridge*.

[13th *May* 1842.]

WHEREAS certain Fen Lands and Low Grounds in the several Parishes of *Cottenham*, *Rampton*, and *Willingham* in the County of *Cambridge*, containing in the whole Seven thousand five hundred and forty Acres or thereabouts; (that is to say,) Four thousand eight hundred and forty Acres or thereabouts in the said Parish of *Cottenham*, known by the several Names of the *Punt*, the *Undertakers*, *Brigg's Piece*, *Smithy Fen*, the *Lots*, *Holme Meadow*, *Setchell Common*, *Chear Fen* and *Mitchell Hill Commons*, *Green End Cow Pasture*, *Church End Cow Pasture*, *Bullocks Haste Common*, *Great North Fen*, *Little North Fen*, and *Rampton Bank*; Four hundred Acres or thereabouts in the said Parish of *Rampton*, known by the Names of *Farther Irams*, *Nether Irams*, *Old Meadow*, *New Meadow*, *New Ground Common*, *Snout Common*, *Lockspits Gate Common* and *Hempsall*; and Two thousand three hundred Acres or thereabouts in the said Parish of *Willingham*,

known by the several Names of *Middle Fen*, *Iram Fen*, *Hempsals Fen*, the *Meadow*, the *Hempsals Lockspits*, *Middle Fen Lockspits*, *Queenholme's Farm*, the *Shoals*, *Babyhern*, *Milking Hills*, *House Grounds*, *Sluice Ground*, the *Stackseys*, the *Pounds*, and *Hollowmass Grounds*, severally being on the South-east Side of a certain Drain or Cut called *Willingham Lode*, have, or some Portions of the said Grounds have been for many Years past, and still are, liable to Inundation from the Waters of the River *Ouse* or the *West Water* River overflowing its Banks in Time of Floods, and are thereby injured and rendered to a great Degree unprofitable to the Owners and Occupiers thereof respectively: And whereas the said Fen Lands and Low Grounds would be greatly benefited, improved, and rendered of greater Value if the same were properly drained and embanked; but the aforesaid beneficial Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be it enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the Lords or Ladies of the several and respective Manors of *Crowlands*, *Lyles*, and *Sames* in *Cottenham* aforesaid, the Lords or Ladies of the Manor of *Rampton Lyles* in *Rampton*, the Lords or Ladies of the several Manors of *Willingham* and *Bourneys* in *Willingham*, the Bursar for the Time being of *Saint John's College* in the University of *Cambridge*, the Rectors for the Time being of the several Parishes of *Cottenham* and *Willingham* aforesaid, (or in his, her, or their Absence their respective Agents appointed by Writing under his, her, or their respective Hands for each of the said Manors respectively,) an Agent appointed by the Dean and Chapter of *Ely*, an Agent appointed by the Master, Fellows, and Scholars of *Christ's College* in the University of *Cambridge* under their respective Common Seal, for their respective Manors of *Pelhams* and *Burdlaries* otherwise *Harlestones*, and an Agent appointed under the Common Seal of the Governors for the Charity for the Relief of poor Widows and Children of Clergymen, and which respective Appointments may be made according to the Form specified in Schedule (A.) to this Act, or as near thereto as Circumstances will admit, Seven Persons who are or shall be severally Proprietors of Twenty Acres of Land in the said Parish of *Cottenham* chargeable with the Rates and Tax s herein-after mentioned, Two Persons who are or shall be severally Proprietors of Twenty Acres of Land in the said Parish of *Rampton* chargeable with the Rates and Taxes herein-after mentioned, and Four Persons who are or shall be severally Proprietors of Twenty Acres of Land in the said Parish of *Willingham* chargeable with the Rates and Taxes herein-after mentioned, shall be and are hereby appointed Commissioners for executing this Act: Provided nevertheless, that no Person shall be capable of acting as Agent for more than One Commissioner at One Time.

Appointment of Commissioners.

II. And be it enacted, That *John Morlin Goode*, *Robert Ivatt*, *James Ivatt*, *William Ivatt* the younger, *Thomas Ivatt*, *John Male*, and *Jacob Smith* shall be the First Commissioners in respect of Land in the said Parish of *Cottenham*; and that *Robert Ellis* and *Francis Mann*

First Commissioners for the respective Parishes of

Mann shall be the First Commissioners in respect of Land in the said Parish of *Rampton*; and that *John Dodson*, *Thomas Frohock* the elder, *John Newman*, and *John Osborne* shall be the First Commissioners in respect of Land in the said Parish of *Willingham*. Cottenham, Rampton, and Willingham.

III. And be it enacted, That no Person shall be capable of acting as a Commissioner, or as an Agent of a Commissioner, until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule (B.) to this Act. Commissioners to make Declaration before acting.

IV. And be it enacted, That upon the Death, Resignation, or Refusal to act of any of the Commissioners herein-before named, or if any of them shall become disqualified, (other than and except the Lord or Lords, Lady or Ladies of the several Manors for the Time being, and the Rectors for the Time being of the said several Parishes of *Cottenham*, *Rampton*, and *Willingham*, or his, her, or their respective Agent, the Agent for the Governors of the Charity for the Relief of poor Widows and Children of Clergymen, the Bursar of *Saint John's College*, the Bursar of *Jesus College*, and the Bursar of *King's College*,) it shall be lawful for the several Proprietors of Land and the Agent appointed under the Common Seal of any Body Corporate being a Proprietor of Land, liable to be taxed by virtue of this Act, lying within the Parish for which the Person so dying, refusing to act, or becoming disqualified was a Commissioner, to meet at some convenient Place in the said Parish, (Notice in Writing of such Meeting being affixed on the Outside of the Door of the Place where the said Meeting is to be, and on the principal outer Door of the Church of the said Parish, Fourteen Days at least before such Meeting,) and to choose a Person qualified as aforesaid to be a Commissioner in the Place of the Person so dying, refusing to act, or becoming disqualified; and every Proprietor of more than Twenty Acres of such Lands shall have One Vote in respect of every Twenty Acres: Provided nevertheless, that no Proprietor shall have more than Six Votes in the whole. Appointment of new Commissioners.

V. And be it enacted, That *Joseph Little* of *Littleport*, in the *Isle of Ely* and County of *Cambridge*, Engineer, and *John Human* of *Prickwillow* in the said *Isle of Ely*, Engineer, and their Successors for the Time being to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Valuers for the Purposes herein-after mentioned: Provided always, That no Person shall be capable of acting as such Valuer until he shall have made a Declaration in the Words or to the Effect set forth in the Schedule (B.) to this Act annexed. Appointment of Valuers.

Valuers to make Declaration.

VI. And be it enacted, That if any Person not having so qualified himself shall act as a Valuer, he shall for every such Offence forfeit the Sum of Twenty Pounds, with full Costs of Suit, to any Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*. Penalty for acting not having qualified.

VII. And be it enacted, That in case the said *Joseph Little* and *John Human*, or either of them, shall die, or become incapable, or neglect Appointment of Valuers on Vacancies.

neglect or refuse to act as such Valuer as aforesaid, it shall be lawful for the Commissioners, at a Meeting to be holden for that Purpose, to appoint some fit Person to be a Valuer in the Room of such of them as shall die, or become incapable, or neglect or refuse to act, and such new Valuer shall be invested with the same Powers and Authorities for carrying this Act into execution as if he had been originally named a Valuer in this Act.

Appointment of Umpire.

VIII. And for the Purpose of settling and determining any Difference that may arise between the said Valuers concerning any thing to be done in pursuance of this Act, be it enacted, That *James Jones* of *Ramsey* in the County of *Huntingdon*, Gentleman, shall be Umpire, and he the said *James Jones* is hereby authorized to hear and determine every such Difference as may arise between the said Valuers relating to any of the Purposes of this Act; and the Determination of such Umpire shall be considered to be the Determination of the Valuers, and shall be final and conclusive upon the Commissioners, and upon all other Persons concerned in the Drainage, so far as the Judgment and Acts of the Valuers would in such Case have been final and conclusive: Provided always, that no Person shall act as Umpire in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule (B.) to this Act, which Declaration it shall be lawful for any Commissioner for the Time being or any Justice of the Peace for the said County of *Cambridge* to administer.

Umpire to make Declaration.

Appointment of Umpire on Vacancy.

IX. And be it enacted, That in case the said *James Jones*, or any Umpire to be appointed in pursuance of this Act, shall die, or become incapacitated, or neglect or refuse to act as Umpire, it shall be lawful for the Commissioners, at a Meeting to be holden for that Purpose, to appoint a fit Person to be an Umpire in the Stead of the said *James Jones*, and so from Time to Time as Occasion shall require.

Allowance to Valuers and Umpire.

X. And be it enacted, That out of the Monies to be raised for the Purposes of this Act there shall be paid to each of the said Valuers and the Umpire who shall act in the Execution of this Act the Sum of Three Pounds and Three Shillings, and no more, for every Day they shall travel or be engaged in any Business relative to the Execution of this Act, in full Satisfaction for their Time and Trouble and for the several Expences which they may incur during their several Journies and Attendances in the Execution of this Act, other than and except the Expences for the Use of the Rooms in which any Meetings may be held for carrying this Act into execution.

Length of Day for estimating Allowances.

XI. And be it enacted, That in computing the aforesaid Allowance a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and where the Time occupied in going to and attending at and returning from any Meeting to be holden, or on other Business to be transacted under the Provisions of this Act, shall be of less Duration than Eight Hours in the first of the Periods aforesaid, or of Six Hours in the second

second Period, the same shall be charged as only Half a Day, and the said Valuers and Umpire shall be paid accordingly.

Persons acting as Valuers not being qualified to forfeit 20*l.*

XII. And be it enacted, That in case any Person other than as aforesaid shall act as a Commissioner, or any Commissioner or Valuer shall act before he shall have made the said Declaration, or if any Person not being duly qualified shall act or shall appoint an Agent or Deputy who shall act in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of the Superior Courts; and the Person so prosecuted shall prove that he hath made such Declaration, and is qualified as aforesaid, without any other Evidence on the Part of the Prosecutor or Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act, or hath appointed an Agent who hath acted in the Execution of this Act, one Moiety of which Penalty shall be paid to the Prosecutor or Plaintiff, and the other Moiety shall be applied for the Purpose of this Act.

Acts not to be impeached through Disqualification of Commissioners.

XIII. And be it enacted, That no Act or Proceeding of the Commissioners shall be impeached or rendered or deemed to be informal by reason of any Person not duly authorized to act as a Commissioner in the Execution of this Act having acted or concurred therein.

Meetings of Commissioners.

XIV. And be it enacted, That the Commissioners shall hold their First Meeting for carrying this Act into execution at some Place situate in the said Parish of *Cottenham* on the Second *Tuesday* after the passing of this Act, between the Hours of Ten in the Forenoon and Twelve at Noon, and the Commissioners shall also meet on the First *Tuesday* in the Month of *July* after the passing of this Act, and in every Year following, between the Hours of Ten and Twelve at Noon, at *Cottenham*, which last-mentioned Meeting shall be called the General Annual Meeting of the Commissioners; and the Commissioners, or the major Part of them present at any Meeting to be held by them by virtue of this Act, may from Time to Time adjourn to any other Place within the said Parishes of *Cottenham*, *Rampton*, or *Willingham*, or in the Town of *Cambridge*, as they, or the major Part of them present at such Meeting, shall appoint, and to any Day or Hour as to them may seem expedient; and if at any such Meeting there shall not be Five Commissioners present, then such Meeting shall be deemed to be adjourned to the same Day in the following Week, at the same Place and the same Time, and so *toties quoties* until a sufficient Number of the said Commissioners shall attend at such Meeting, and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act: Provided nevertheless, that it shall be lawful for the Commissioners from Time to Time to hold any Special Meeting at any Place, so that such Meeting be required by Five at least of the said Commissioners, and Notice thereof in Writing stating the Purpose for which such Meeting is required to be called be given to or left at the House or usual Place of transacting Business of the Clerk to the said Commissioners, who shall thereupon give Fourteen Days Notice at the least

of such Special Meeting, and of the Time, Place, and general Purposes thereof, by Writing to be affixed on the principal outer Door of the Churches of the said Parishes of *Cottenham*, *Rampton*, and *Willingham*, and by Advertisement thereof in One of the Newspapers usually printed and circulated in the said County of *Cambridge*.

No Acts of Commissioners valid unless done at a Meeting.

XV. And be it enacted, That no Act of the said Commissioners shall be valid unless done at some public Meeting to be holden by virtue of this Act (save as in this Act is particularly mentioned), and all Powers and Authorities granted to or vested in the Commissioners may from Time to Time be exercised by the major Part of them present at any Meeting (in case Five Commissioners at the least shall be then present), and the Commissioners shall at their said Meetings bear and pay their own Expences.

Chairman to be appointed.

XVI. And be it enacted, That the Commissioners shall at every Meeting to be held under the Authority of this Act appoint a fit and proper Person then and there present to be a Chairman to preside at such Meeting; and in all Cases where the Numbers upon any Division shall be equal, the Person so appointed Chairman shall, besides his own Vote, have the decisive or casting Vote.

Orders not to be revoked without Notice.

XVII. And be it enacted, That no Order, Rule, Regulation, Act, or Proceeding made or done by the said Commissioners shall be revoked, altered, or suspended, unless at a subsequent Special Meeting to be required as aforesaid, of which Fourteen Days Notice shall be given in the Manner herein-before mentioned, for calling a Special Meeting, expressing the Occasion of such Meeting, and unless there shall be present at such Special Meeting a greater Number of Commissioners than were present at the Meeting when the Order so proposed to be revoked was made.

Books of Proceedings to be kept.

XVIII. And be it enacted, That fair and regular Entries shall be made in a Book to be provided for that Purpose of all the Acts, Orders, Rules, and Regulations, Directions and Proceedings, of the Commissioners relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings, and the same shall be signed by the Chairman of the Meeting; and all such Entries being so signed shall be admitted and allowed as Evidence, in all Courts whatsoever, in all Cases, Suits, and Actions touching any thing done in pursuance of this Act.

Works to be vested in the Commissioners.

XIX. And be it enacted, That the Property of and in the several Mills or Engines, Sluices, Tunnels, Bridges, Culverts, Catchwaters, Locks, Quays, Banks, Forelands, Drains, Watercourses, and other Works of Drainage to be erected, raised, set out, cut, made, and used under the Authority of this Act, and all Tools, Implements, Timber, and other Articles or Things provided or made use of for the Purposes of this Act, and of and in any Land to be purchased by the Commissioners in pursuance of the Powers herein contained, shall be vested in the said Commissioners, who shall have full Power and Authority and Control over the same, and every of them; and the Commissioners are hereby empowered to bring any Action or to

prefer any Bill of Indictment against any Person who shall injure or damage the same or any of them; and in all such Actions or Bills of Indictment it shall be sufficient to state generally that the Article or Thing for or on account of which such Action shall be brought or such Bill of Indictment preferred is the Property of "The Commissioners for the Drainage of *Cottenham*, *Rampton*, and *Willingham*," without particularly stating or specifying the Names of all or any of the said Commissioners.

For what Contracts may be made.

XX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

How to be signed.

XXI. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

Commissioners not to be personally liable.

XXII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions for Suits to be brought in the Name of any Two Commissioners or their Clerk.

XXIII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners or the Name of their Clerk as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit, and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

XXIV. And

Executions against Goods of Commissioners.

XXIV. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to Commissioners and the Clerk.

XXV. And be it enacted, That every such Commissioner, or their Clerk, in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit shall have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action shall have been brought by the Clerk or Two Commissioners or more as aforesaid, it shall have been so brought without the Order or Direction of the Commissioners.

Indemnity to other Persons.

XXVI. And be it enacted, That in case any Action or Prosecution shall be commenced or prosecuted in pursuance of this Act under the Authority of the Commissioners, they shall, out of the Monies arising from this Act, allow and pay to the Prosecutor all reasonable Costs and Charges of such Action and Prosecution, and shall indemnify all Persons against whom any Action shall be brought for or by any thing done in pursuance of this Act under the Authority of the Commissioners.

Commissioners may appoint Engineers and Superintendents.

XXVII. And be it enacted, That it shall be lawful for the Commissioners, at their first or any subsequent Meeting to be held under or by virtue of this Act, to appoint any Persons, not being interested in any of the said Works or in any of the Lands subject to be taxed by virtue of this Act, as Engineers or Superintendents of the several Works by this Act authorized to be made and executed by such Commissioners, with such Powers as to the Commissioners shall seem meet.

Their Power defined.

XXVIII. And be it enacted, That every Person so appointed shall have full Power to see the said Works properly executed according to the Orders of the Commissioners, and also to superintend and direct all Contractors and other Persons employed in the Execution of the said Works, and to suspend all Contractors who shall fail to execute the Works undertaken by them according to the Tenor of their respective Contracts, and to dismiss all other Persons who shall fail to perform their respective Works in such Manner as shall be satisfactory to him; and the Commissioners are hereby empowered to allow every such Person such Salary or Remuneration out of the respective Funds to be raised by such Commissioners by virtue of this Act, as to them shall seem meet; and the Commissioners shall have Power from Time to Time to remove every such Engineer or Superintendent, and to appoint another in his Stead, as they shall think

think necessary; and all the Acts and Proceedings of every such Engineer or Superintendent, done in pursuance of the Powers and Directions hereby given to him, or to be given to him by the Commissioners, shall be deemed to be the Acts of the Commissioners, as if such Acts and Proceedings had been done by the Commissioners under the Powers and Authorities hereby vested in them.

Officers employed may pass over Lands in the District on Foot except when in cropping.

XXIX. And be it enacted, That it shall be lawful for the Superintendent of the Works of the Commissioners, and for the Millwrights, Labourers, and Workmen, when employed by them in doing the Works of the Commissioners, from Time to Time, as Occasion shall require, to enter upon and pass on Foot through, over, or across any of the Lands or Grounds within the Limits of this Act, except when such Lands or Grounds shall be in Cropping.

Commissioners to appoint Treasurer and other Officers.

XXX. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Receiver, and such other Officers they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Receiver, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

XXXI. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer, and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer;

If any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer;

If any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk;

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer, as the Case may be:

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office.

XXXII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners, exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances

allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers intrusted with Money.

XXXIII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XXXIV. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how and to whom and for what Purpose such Monies shall have been disposed of, and together with such Account such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Account.

Remedy against Party failing to account.

XXXV. And be it enacted, That if any such Officer shall fail to render such Accounts or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters and Things in his Possession or Power relating to the Execution of this Act, or belonging to the Commissioners, then on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Summons or Warrant under his Hand and Seal, cause such Officer to be brought before any Two or more Justices, or if such Officer cannot be found, then in his Absence such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it shall appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to

remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time appointed, or if such Officer appear but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings Property, Effects, Matters, or Things relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

XXXVI. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts to be laid before Annual Meeting.

XXXVII. And be it enacted, That at the said General Annual Meeting, at which Meeting all the Proprietors or Owners of the Lands to be charged towards the Expences of executing this Act shall be entitled, by themselves or by their Agents or Bailiffs, to attend, the Commissioners shall produce, and lay before the Proprietors for their Inspection and Approval, an Account in Writing for the preceding Year, ending upon the Twenty-fifth Day of *March*, of the several Sums received and paid by them under or by virtue of any of the Powers, Provisions, or Directions of this Act, and also all Vouchers for the same Accounts; and the Commissioners shall also then and there give such Information and Explanation respecting their Proceedings in the Execution of this Act as shall be required from them by the Proprietors or Owners, or their Agents or Bailiffs then and there present, or the major Part of them in Value according to their respective Assessments under this Act; and at such Annual Meeting, or at some Adjournment thereof respectively, the Account so produced shall be examined and settled, and such Settlement shall be certified at the End of such Account, and a Duplicate thereof shall be and remain deposited with the Clerk to the Commissioners, and shall be open to the Inspection of all Persons concerned.

Auditors may be appointed.

XXXVIII. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Proprietors of the Lands to be charged with the Payment of Expences as aforesaid to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners; and the Persons so to be nominated Auditors shall have the like Qualification, and shall be subject

subject to the like Disqualification or Disability as the Commissioners, and before entering on their Office they shall make and sign before One of Her Majesty's Justices of the Peace a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

Auditors to inspect Accounts, and to appeal if they think fit.

XXXIX. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Account herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto, and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors or any other Person interested in the said Accounts to appeal against any such Parts of the said Accounts as shall be so disapproved of to one of the Two next General Quarter Sessions of the Peace for the County of *Cambridge*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XL. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Twenty-fifth Day of *March*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Cambridge*, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

The Appointment and other Matters of Form to stand admitted in Evidence unless Notice be given to produce them.

XLI. And be it enacted, That in any Action or Suit to be brought by or against the said Commissioners or their Clerk for the Time being, or any of the Persons acting in the Execution of this Act, for any Cause, Matter, or Thing arising out of this Act, the Election and Qualification of the Commissioners, and the Appointment of Clerks, Treasurers, Collectors, Superintendents, or other Persons appointed by the said Trustees under the Authority of this Act, the Books of Entries of the said Commissioners, the Rates or Assessments made or to be made by virtue of this Act, and the Notices of any such Rate shall upon the Trial of any such Action or Suit stand admitted in

in Evidence, unless the other Party shall, if Defendant at or before the Time of pleading, or if Plaintiff before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Defendant that he intends to dispute such Election or Qualification or Appointment, or any Entry, Proceeding, Rate or Assessment, or Notice, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid.

Judge may grant Certificate of such Admission.

XLII. And be it enacted, That where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Defendant (as the Case may be) shall at the Trial prove the Matter required to be proved in and by such Notice or any of them, or if the other Party shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Defendant (as the Case may be) to whose Attorney such Notice shall have been given as aforesaid shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid, and such Costs shall (in case such Plaintiff or Defendant, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict,) be added to his Costs, and if the other Party obtain a Verdict then such Costs shall be deducted from the Costs which the Party giving such Notice as aforesaid would be otherwise entitled to receive from the Person to whose Attorney such Notice shall have been given as aforesaid, and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs in like Manner as if Costs had been awarded to such last-mentioned Person.

Power to borrow Money on Mortgage.

XLIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest on the Credit of the several Tolls and Taxes by this Act granted, and other Property vested in such Commissioners, any Sum of Money which they may think necessary for the Purposes of this Act, and in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners or any Five of them may assign over the said Tolls and Taxes and Property, or any Part thereof, to the Person who shall advance and lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

XLIV. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XLV. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, (except as herein-after mentioned,) shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Tolls, Taxes, and Property equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Commissioners may raise Money by Annuity.

XLVI. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners, or any Five or more of them, to charge the Taxes granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XLVII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (D.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XLVIII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Aunuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

XLIX. And be it enacted, That every Annuity so granted shall be paid out of the Taxes according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Expences of Mortgages and Annuities.

L. And be it enacted, That the Expences of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Registers of Mortgages and Annuities to be kept, and to be open to Inspection.

LI. And be it enacted, That a Register of such Mortgages and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages and Annuities.

LII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may

be according to the Form in Schedule (E.) to this Act annexed, or to the like Effect.

Registers of Transfers to be kept.

LIII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

LIV. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the several Parties entitled thereto.

Power to take up Money at a less Rate of Interest.

LV. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Taxes or other Funds or Property payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages.

LVI. And in order that no undue Preference may be given in paying off any Mortgages, be it enacted, That when and as often as the Commissioners shall under the Provisions of this Act be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box, and the Clerk to the Commissioners shall in the Presence of Five or more of the Commissioners draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such

such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand pursuant to such Notice, but such Principal Money and Interest thereof to the End of the said Six Months shall nevertheless be payable on Demand.

Commissioners may make Bye Laws to govern themselves and their Servants.

LVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, or to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England*, or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Fines for Breach of such Bye Laws.

LVIII. And be it enacted, That it shall be lawful for the Commissioners, by such Bye Laws, to impose such reasonable Forfeitures and Fines upon their Officers and Servants or other Persons in their Employ offending against the same as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LIX. And be it enacted, That any Summons, Notice, or Writ or other Proceeding, at Law or in Equity, required to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of such Clerk, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

LX. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

Releases to Witnesses.

LXI. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tedner of Amends.

LXII. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution

tion of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Commissioners may enter upon Lands.

LXIII. And be it enacted, That the Commissioners shall have full Power and Authority to enter into or upon any Parts of the said Lands in the said Parishes of *Cottenham*, *Rampton*, and *Willingham*, to take and dig Earth or Soil therefrom, and take the same for the Site of any Mill or Engine and Dwelling House required for the Purpose of this Act, and to cut through any Parts of the said Lands for the Purpose of making, widening, deepening, and improving the Drains, Forelands, Droveways, and Outlets where requisite, and also take and use the Lands adjoining the said Drains for depositing the Earth and Soil in making, scouring out, and deepening the same, and to do such other Acts as may be necessary to carry into effect the Purposes of this Act, doing as little Damage as may be, and making satisfaction to the Parties injured thereby, and for that Purpose the said Commissioners are hereby empowered to agree with the Proprietors of and Persons interested in any Lands which the Commissioners shall judge necessary to be dug, cut, used or entered upon for any of the Purposes of this Act, for the Purchase, or for the temporary Occupation of such Lands, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain thereby, and also to settle and ascertain in what Proportion the Sums so agreed for shall be paid to the several Persons interested in the Premises.

Parties under Disability enabled to sell and convey.

LXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and dispose and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, and Administrators; and the Power to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the

Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage of Lands.

LXV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Lands or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise, owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands; be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate, and each of such Two Surveyors if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXVII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

LXVIII. And be it enacted, That all Conveyances so to be made as aforesaid may be according to the Form in Schedule (F.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed,

and to bar and to destroy all such Estates Tail and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever; of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costs of Conveyances.

LXIX. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs; and if there be any Dispute about the same, they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Non-payment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

LXX. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to one of the Masters to be taxed in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof, it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability

LXXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability,

amounting to 200*l.* to be deposited in the Bank of England.

ability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 there *ex parte* "The *Cottenham*, *Rampton*, and *Willingham Fen* Drainage Commissioners," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and Endorsements thereon, as likewise Endorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

LXXII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or on Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted

converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof, may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

LXXIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England* and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees to be nominated by the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees, but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three or more of them; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

LXXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Land in respect whereof the same shall be payable for their own Use and Benefit, or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid for their Use to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability; be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners; or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands or any Interest therein in 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 there to the Credit of the Parties interested in such Lands, (describing them so far as the Commissioners can do,) subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies so deposited.

LXXVI. And be it enacted, That upon the Application, by Petition, of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment of Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

LXXVII. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in Possession deemed to be the Owner.

LXXVIII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court, and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

LXXIX. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited

sited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase, or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except to survey, &c.

LXXX. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands, it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

LXXXI. And be it enacted, That if the Commissioners or any of their Contractors shall (except as aforesaid) wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation

Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Commissioners Right.

LXXXII. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Notice of Intention to take Lands.

LXXXIII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Works authorized by this Act.

Parties interested in Lands to state their Claims.

LXXXIV. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the said Works, the Amount of such Compensation shall be settled in manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver up Possession of Lands.

LXXXV. And be it enacted, That where according to the Provisions of this Act the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of the Works hereby authorized, if the Owner or Occupier of any such Lands or any other Person refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept, under the Hands of any Three or more of them, to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid on Demand shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

LXXXVI. And

Dispute as to Compensation to be settled by a Jury.

LXXXVI. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Powers of this Act (including among such Owners all Parties by this Act enabled to sell or convey Lands) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands or to proceed in making the Works authorized by this Act, or if any such Difference arise as to the Amount of the Damages occasioned to the Lands by the temporary Occupation thereof in the making of the said Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by a TwoJustices.

LXXXVII. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds, the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have a Jury summoned.

LXXXVIII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then One Month at least before issuing their Warrant for summoning a Jury as herein-after provided the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned, and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands and for the Damage to be sustained by him by the Execution of the said Works.

Requisition, by Party claiming Compensation, that a Jury be summoned.

LXXXIX. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then within Twenty-one Days after the Receipt of any such Notice from any Party so entitled they shall

issue their Warrant to the Sheriff to summon a Jury accordingly, in the Manner herein mentioned.

Warrant for summoning Jury to be addressed to the Sheriff.

XC. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff under the Hands of Three or more of them, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, such Application shall be made to some Coroner of the County in which the Lands in question or some Part thereof shall be situate, and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned, Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to a Sheriff to apply to a Coroner.

XCI. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County of *Cambridge*.

Summoning of Jury.

XCII. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

XCIII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff, in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn, and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers or others that can be speedily procured, to make up the Jury to the Number aforesaid, and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

XCIV. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party.

XCV. And

Sheriff to preside;

XCV. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury or any Six or more of them to view the Place or Matter in Controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Witnesses to be summoned.

Oath of Jurymen.

XCVI. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths as well as the Oaths of all Persons called upon to give Evidence.

Verdict of the Jury to be for Purchase of Lands, and for Damages, assessed separately.

XCVII. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Question of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

XCVIII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands, the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

XCIX. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County of *Cambridge;* and such Verdicts and Judgments shall be deemed Records, and the same or true Copies thereof shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on Payment for each Inspection thereof One Shilling,

Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

C. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners; and if the Verdict of a Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands and the other Half by the Commissioners: Provided always, that in every Case where by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Lands shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

CI. And be it enacted, That such Costs shall be settled by the Sheriff, and shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for

Recovery thereof.

prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

CII. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether Common or Special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds, and every such Penalty payable by a Sheriff or a Juryman shall be applied in satisfaction of the Costs of the Inquiry so far as the same will extend; and, in addition to the Penalty hereby imposed, every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

CIII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time

and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Reference of Dispute as to Compensation to Justices.

CIV. And with respect to any Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices, the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Power to redeem Mortgages.

CV. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct; or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

Sum to be paid when Mortgage exceeds Value of Lands,

CVI. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be

be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

Deposit of such Money when refused on Tender.

CVII. And be it enacted, That if upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon, and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of Mortgage Lands taken.

CVIII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation, and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by

by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners at their Expence to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Lands not wanted to be sold.

CIX. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Land in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under the Hands and Seals of the Commissioners or any Three of them; and a Receipt contained in such Conveyance shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CX. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Pre-emption as to Lands to be offered for Sale.

CXI. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person, or to the several Persons, whose Lands shall immediately adjoin the Lands so proposed to be sold, such Person being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in Succession, one after another, in such Order as the Commissioners shall think fit.

Right of Pre-emption to be claimed within Sixty Days.

CXII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then, within Sixty Days after such Offer of Sale, they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person, or all the Persons, entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

CXIII. And

Difference as to Price to be settled as in other Cases.

CXIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation, and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by him, and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Effect of the Word "grant" in Conveyance.

CXIV. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners:

A Covenant for further Assurance of such Lands at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners and their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns, respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenant, as they might do if such Covenants were expressly inserted in such Conveyances.

Power to make and maintain Works of Drainage.

CXV. And be it enacted, That it shall be lawful for the Commissioners to erect, construct, and build one or more substantial Mill or Mills, Engine or Engines, with all proper Steam Apparatus, Machinery, Houses, Erections, and other Works, and also to support, maintain, amend, repair, and enlarge the present Sluices, Bridges, Tunnels,

Tunnels, Culverts, Catchwaters, Locks, Gates, Quays, Banks, Forelands, Roads, Droveways, Cuts, Sewers, Drains, and Watercourses in, upon, and through the said Lands within the said Parishes of *Cottenham*, *Rampton*, and *Willingham*; and also to make all such new Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Quays, Banks, Forelands, Roads, Droveways, Cuts, Sewers, Drains, Watercourses, and other Works as the said Commissioners shall from Time to Time think necessary for effectually draining and preserving the same Lands; and all such Engines, Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Quays, Banks, Forelands, Roads, Droveways, Cuts, Sewers, Drains, Watercourses, and other Works of Drainage shall from Time to Time and at all Times be supported, maintained, and repaired as Occasion may require, and be renewed by the Commissioners, out of the Funds and Monies to be from Time to Time raised by virtue of this Act, in such Manner as the said Commissioners shall think proper.

Notice to be given when any new Work is proposed to be done.

CXVI. And be it enacted, That when it is intended or proposed to make any new Bank, Sluice, Cut, Drain, Tunnel, Outlet, Heading, or other Work, Notice of the Time and Place of holding the Meeting at which any such new Work is intended or proposed to be done, signed by any Five or more of the said Commissioners, or by their Clerk by Direction of any Five or more of the Commissioners, and specifying the Work or Works proposed to be done, shall be given by advertising the same twice previously to such Meeting in some Newspaper usually circulated in the County of *Cambridge*.

Commissioners may drain other Lands adjoining the District.

CXVII. And be it enacted, That it shall be lawful for the Commissioners, at any Time or Times as they shall think proper and convenient, to contract and agree with any Owners or Occupiers of any Lands or Grounds lying within any Parish or Place adjoining to the said Parishes of *Cottenham*, *Rampton*, and *Willingham*, or either of them, or with the Owners or Occupiers of any Lands or Grounds lying within either of the said Parishes of *Cottenham*, *Rampton*, and *Willingham*, and not included in this Act, for the draining of such Lands or Grounds for such Times and for such yearly or other Sums of Money respectively as they the said Commissioners shall think fit, which said Sums of Money so to be contracted and agreed for shall be from Time to Time applied and disposed of in or towards the Execution of any Work or Works which may be required to be done in consequence of such Contract or Agreement, and for other the Purposes of this Act.

Dikes to be kept open by Occupiers.

CXVIII. And be it enacted, That the several Occupiers of the said Lands shall at all Times well and sufficiently rode, cleanse, deepen, widen, and repair the several Droveway Dikes, Division Dikes, and Tunnels in or adjoining and belonging to their said respective Lands, and put down such new Tunnels under the Gateways leading to their respective Lands and elsewhere as shall appear to the Commissioners to be necessary for the Purposes of the said Drainage, and shall at all Times keep and maintain the said Dikes and Tunnels and every of them of sufficient Width and Depth as the Commissioners shall at any

of their Meetings direct; and in case any such Occupier shall at any Time refuse or neglect so to rode, cleanse, deepen, widen, or repair any of the said Dikes adjoining or belonging to his said Lands, or to keep and maintain the same of such Width and Depth as aforesaid, for the Space of Twenty-one Days next after Notice in Writing under the Hands of the Commissioners or of their Clerk, Collector, Surveyor, or other Officer, given to such Occupier, or delivered to some Inmate at his usual Place of Abode for that Purpose, every such Occupier shall for every such Neglect forfeit and pay the Sum of One Shilling for every Rod of the Dike so eglect duodo erbeted, cleansed, deepened, widened, or repaired as aforesaid.

On default of Occupiers, Commissioners may cause the same to be done.

CXIX. And be it enacted, That in case of any such Neglect or Refusal as aforesaid it shall be lawful for the Commissioners, or the Officer, to cause such Dikes to be well and sufficiently roded, cleansed, deepened, widened, or repaired, as the Case may require, and the Expence of every such Work shall be repaid to the Commissioners by the Occupiers so neglecting or refusing, and may be ascertained and recovered by such Commissioners in the same Manner as any Damages for the ascertaining of which no special Provision is herein contained are hereby directed to be recovered.

Commissioners to appoint Officers and make Orders for opening and shutting Tunnels and Sluices.

CXX. And be it enacted, That it shall be lawful for the Commissioners at their said General Meeting in every Year, or any Adjournment thereof, to appoint Officers for the Purpose of opening or shutting down all the Tunnels and Sluices next the Rivers, Lodes, or Outfalls, or to be set down and made use of in the Execution of this Act, and no such Tunnels or Sluices shall at any Time be opened or shut down but by the said Officers or by their Direction; and it shall be lawful for the Commissioners at their said General Meeting or any Adjournment thereof, or at any Special Meeting to be called for that Purpose, to make such Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and any Person who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Orders of the Commissioners, shall for every such Offence forfeit to the Commissioners a Sum of Money not exceeding the Sum of Ten Pounds.

Penalty on opening or shutting Tunnels, &c. contrary to Orders.

If Drains be abandoned the same to vest in Owners of adjoining Lands.

CXXI. And be it enacted, That if any Cuts or Drains to be made by virtue of this Act shall at any Time be abandoned and cease to be used for the Purposes thereof, then the same shall vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Land Tax and Poor's Rate to be made good.

CXXII. And for the Purpose of providing against Deficiencies in the Assessments to the Land Tax or Poor's Rate occasioned by the Works authorized by this Act in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax or liable to be assessed to the Poor's Rate, the Commissioners shall from Time to Time, until the Works shall be completed and assessed to such Land Tax and Poor's Rate, be liable

to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purposes of this Act; and such Deficiency shall be computed according to the Rental at which such Lands were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer to the said Commissioners shall pay all Deficiencies to the Collector of the said Assessments respectively, nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Classification of the Lands.

CXXIII. And be it enacted, That the said *Joseph Little* and *John Human*, or other the Valuers for the Time being, or their Umpire to be appointed as aforesaid, shall, as soon as conveniently may be after the passing of this Act, divide and class the said Fen Lands and Low Grounds according to their several Sorts and Qualities.

Manner of estimating the Value of Lands.

CXXIV. And be it enacted, That in estimating the Value of the said Lands and Grounds, the Valuers for the Time being, or their Umpire, shall have regard to the Benefit and Advantage which the said Lands and Grounds will respectively derive from the said Works of Drainage, and having Regard also to any extraordinary Expence which may be occasioned by the making or cutting of any Sluices, Culverts, Locks, Gates, Quays, Banks, Forelands, Drains, Watercourses, or other Works for effectually draining and improving any of the same Lands and Grounds, and distinguish the same in several Schedules in Writing.

Commissioners may tax Lands according to Division or Classification of Valuers.

CXXV. And be it enacted, That it shall be lawful for the Commissioners, at their First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and at their General Annual Meeting in each succeeding Year or at any Adjournment thereof, from Time to Time to assess and charge all the Owners and Occupiers of the said Fen Lands and Low Grounds with an equal or proportionable Acre Tax according to the Division or Classification so to be made thereof by the said *Joseph Little* and *John Human* as aforesaid.

When Taxes shall commence.

CXXVI. And be it enacted, That the said Taxes shall commence from the First Meeting of the Commissioners, and shall be paid to the Receiver, Collector, or Treasurer for the Time being at such Times and Places as the Commissioners shall appoint for that Purpose, and shall be applied as directed by this Act: Provided always, that no Assessment or Tax shall be made, collected, or levied upon or in respect of any Lands within the Boundaries aforesaid which shall lie or be above the Level of the High-water Mark of the said River *Ouze* or *West Water* River, and are not liable to be inundated from the overflowing of the Banks of the said River in Time of Floods.

Lands to be surveyed.

CXXVII. And be it enacted, That the said Commissioners shall as soon as conveniently may be after the passing of this Act cause the said Fen Lands and Low Grounds to be surveyed and measured

in

in order to ascertain the Quantity of Lands liable to be taxed and belonging to each Person, and shall cause the Lands lying within the Boundaries of the said Fen Lands and Low Grounds above the Level of the High-water Mark of the said River *Ouze*, and not subjected to Taxation for the Purposes of this Act, to be clearly delineated and marked on a Map or Plan thereof, and such Map or Plan, when so made, shall be delivered to the said Commissioners at one of their Meetings, and shall be verified by the Declaration of the Person making the same, (which Declaration any Two of the said Commissioners are hereby authorized to administer,) and by such Map or Plan, when so verified, and such Schedules to be made as aforesaid, the Commissioners shall make and collect the said Rates and Taxes, and the same shall be binding on the several Persons charged with the Payment of the same for their several Lands; and such Map or Plan, being signed by the Person or Persons making the same, and also by Seven or more of the said Commissioners, shall be allowed as Evidence in all Courts of Law.

Public Notice of Assessment of Taxes.

CXXVIII. And be it enacted, That public Notice of the Times and Places appointed for the Payment of the several Taxes hereby authorized to be assessed and charged by the Commissioners shall be given by advertising the same at least Fourteen Days previously to the respective Times appointed for the Payment in some Newspaper printed or usually circulated in the said County of *Cambridge*, and by affixing Notice thereof on the principal outer Door of the several Churches of *Cottenham*, *Rampton*, and *Willingham* aforesaid, Two successive *Sundays* immediately preceding the respective Days appointed for the Payment thereof.

Penalty on Nonpayment of Taxes.

CXXIX. And be it enacted, That in case any Taxes authorized by this Act to be assessed or charged by the Commissioners shall not be duly paid to the Persons duly authorized to receive the same, within Twenty-eight Days after the several Times appointed by this Act, every Person refusing, neglecting, or failing to pay the same shall forfeit and pay to the Commissioners respectively the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such Taxes and not paid as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings; which Penalties shall be recovered in the same Manner as the several Taxes in respect whereof the said Penalties shall have been incurred, and the Monies so forfeited and recovered shall be applied by the Commissioners for the Purposes of this Act.

Tenants to pay Taxes and deduct them from Rents;

CXXX. And be it enacted, That all the Tenants and Occupiers of the said Fen Lands and Low Grounds which shall be assessed and charged by virtue of this Act shall pay all such Sums of Money as shall be so assessed or charged upon or for or in respect of their respective Lands and Grounds in their several Occupations, to the several Receivers, Collectors, Treasurers, or other Persons appointed by the Commissioners to receive the same, and shall deduct and retain out of their Rents all such Sums of Money as they shall respectively pay as aforesaid, and the several and respective Landlords of such Fen Lands and Low Grounds are hereby required to allow such Deductions

ductions and Payments upon Receipt of the Residue of their Rents; and every such Tenant or Occupier paying any such Tax shall be acquitted and discharged of and from so much Money as the said Tax so paid by him shall amount to, as fully and effectually as if the same had been actually paid to his Landlord.

but not to deduct Penalties.

CXXXI. Provided always, and be it enacted, That where any Penalties shall have been incurred for Nonpayment of any Taxes by virtue of this Act, and such Penalties shall have been levied by the Commissioners by Distress upon the Goods, Chattels, or Stock of any Person occupying any of the said Fen Lands and Low Grounds, or where any such Penalties shall have been paid by such Occupiers, all such Penalties, together with the Costs, Charges, and Expences of taking any such Distress, shall be borne and sustained by such Occupiers, and the Landlords or Owners of such Fen Lands and Low Grounds shall not be compelled to allow or pay any such Penalties or Expences to such Occupiers, any thing herein contained to the contrary thereof in anywise notwithstanding.

No beneficial Lessee to be allowed to deduct Taxes where Six Years are unexpired in the Lease.

CXXXII. Provided also, and be it enacted, That no Lessee or Tenant of any Lands or Grounds charged with any Taxes imposed or to be imposed by virtue of this Act, who shall hold the same by virtue of or under any Lease from any Bishop, Collegiate Church, or any Corporation Sole or Aggregate, or by virtue of or under any Lease or Agreement of which at the Time appointed by the Commissioners for the Payment of the said Taxes for any Year there shall be Six Years or upwards to come or unexpired, shall be entitled to deduct the said Taxes or any Part thereof for such Year out of the Rent reserved or payable by any such Lease or Agreement, but the said Taxes shall be charged upon and borne by the Lessee or Tenant so holding such Lands or Grounds as aforesaid.

Discount to be allowed on Taxes paid in advance.

CXXXIII. And be it enacted, That if any Person shall pay all or any Part of the several Taxes hereby authorized to be assessed and charged in advance for One or more Years, the Commissioners are hereby authorized and empowered to receive the same, and allow a Discount or Interest at the Rate of Five Pounds *per Centum per Annum* from the Time of such Payment to the Time when the Taxes so paid in advance would have becomed ue according to the Provisions herein-before contained; and the Receipts for the said Sums so paid in advance shall discharge the Lands and Grounds and the Owners and Occupiers thereof from the Taxes so paid.

Creditors not to deduct Taxes for Interest Monies.

CXXXIV. And be it enacted, That no Person being a Creditor on the Rates and Taxes imposed by this Act, and being an Owner or Occupier of any of the Lands or Grounds to be taxed by virtue thereof, shall at any Time deduct or set off all or any Part of the Interest payable to him as such Creditor as aforesaid out of or from any Sum of Money which shall be payable by him for such Rates and Taxes as such Owner or Occupier as aforesaid, but the Taxes payable by him shall from Time to Time be paid to the Treasurer, Collector, or Receiver of the Commissioners in the same Manner as

if such Person were in nowise interested as a Creditor on the said Rates and Taxes.

Power of Distress in case of Non-payment of Taxes.

CXXXV. And be it enacted, That if any Person being the Owner or Occupier of any of the Lands and Grounds rated, taxed, or assessed by virtue of this Act shall refuse or neglect to pay the Money so rated, taxed, or assessed on such Lands and Grounds within Thirty Days after the respective Times of Payment, to be appointed by Notice as aforesaid in pursuance of this Act, at such Place as shall be specified in such Notice, it shall be lawful for such Collector or Receiver, or such other Person authorized by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners or any Five or more of them (which Warrant or Precept such Commissioners are hereby required from Time to Time to grant as Occasion shall require), to enter into every or any of the Lands and Grounds hereby authorized to be taxed and charged as aforesaid, for which Rates, Taxes, and Penalties shall be due and owing, and levy such Sum of Money so rated, taxed, or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale, or otherwise it shall be lawful for the said Commissioners from Time to Time to enter upon the Lands and Grounds belonging to or occupied by such Person so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take until thereby or otherwise such Taxes, Rates, or Assessments, and all the Arrears thereof so from Time to Time directed to be paid by such Person as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied.

Lands to remain liable if no Distress found.

CXXXVI. And be it enacted, That in case any of the Fen Lands and Low Grounds authorized to be taxed by virtue of this Act shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the same Taxes and Penalties, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found therein may be distrained, impounded, appraised, and sold, in manner aforesaid, until all Arrears of the said Taxes and Penalties, and the Charges of such Distress, shall be fully paid and satisfied.

Lands may be let for Payment of Taxes.

CXXXVII. Provided also, and be it enacted, That in case it shall happen that any Part of the said Fen Lands and Low Grounds shall be untenanted or unoccupied for the Space of Twelve Calendar Months together, and no such Distress as aforesaid can be had or taken thereon for levying the Taxes and Penalties due in respect of the same, it shall be lawful for the said Commissioners, or any Five or more of them, at any of their Meetings to be held under or by virtue of this Act, to let so much of the said Lands and Grounds upon which any such Taxes and Penalties shall be so in arrear as they

shall judge sufficient, either by the Year, or such Term of Years not exceeding Three Years each Letting, at such Rent and upon such Terms and Conditions as to them shall seem meet and proper, and to apply the Rents arising therefrom in Discharge or Payment of all such Taxes and the Penalties incurred for Nonpayment thereof, and of such other Charges and Expences as they the said Commissioners shall incur or be liable to in consequence of all or any of such last-mentioned Proceedings.

Schedule to be affixed on Church Doors.

CXXXVIII. And be it enacted, That the Commissioners shall, previously to letting such Lands, cause a Schedule specifying the Lands so to be let for Taxes in arrear and Penalties, and the Time and Place appointed for such Letting, to be affixed on the principal outer Doors of the Churches of *Cottenham*, *Rampton*, and *Willingham* aforesaid, on Two successive *Sundays* before the Day appointed for the letting of such Lands, and also cause a like Schedule to be inserted in some Newspaper printed or usually circulated in the said County of *Cambridge* Three Weeks at least before the Time appointed for such Letting.

Notice of Letting to be given.

CXXXIX. And be it enacted, That the Commissioners shall cause Twenty-one Days Notice in Writing, signed by their Clerk or Treasurer for the Time being, of their Intention to let such Lands, to be given to the Owners or Proprietors of the same, or to be left at their last or usual Places of Abode if the same shall be in *England* and shall be known.

Actions may be brought for Taxes or Penalties in certain Cases.

CXL. And be it enacted, That it shall be lawful for the Commissioners, whenever they shall think it expedient, to bring, in the Name of their Clerk or of any One or more of them the Commissioners, any Action of Debt, or any special Action on the Case, in any of the Superior Courts, for the Recovery of all or any of the Taxes or Penalties to become due or payable by virtue of this Act, and for the Recovery of which no sufficient Distress belonging to the Persons by or from whom such Taxes or Penalties are or shall be due or payable or ought to be paid shall be found, in which Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the Plaintiff shall suppose to be due, and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgment are by Law levied and recovered.

Taxes vested in Creditors.

CXLI. And be it enacted, That the Taxes to be assessed and charged by virtue of this Act shall be and are hereby charged with the Payment of all Sums of Money to be borrowed by virtue of this Act, and the Interest thereof, and shall vest in the respective Creditors, upon default of Payment of such Principal Monies and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, and their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges of raising, recovering, and enforcing Payment of the said Taxes for the satisfying and discharging to them respectively such Principal Monies and Interest (if

(if Default shall be made in Payment thereof as the same shall become due) as the said Commissioners or their Collector or Receiver have or would have had by virtue of this Act in case the said Principal Money and Interest had been regularly paid and satisfied.

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

CXLII. And be it enacted, That it shall be lawful for the Commissioners, until they shall be able to borrow Money under the Powers and Authorities herein contained, and also when all the Monies which shall have been so borrowed by them, with the Interest thereof, shall have been paid off, at any General or Special Meeting, from Time to Time, as to them shall seem meet, to borrow and take up any Sums of Money at their Discretion by way of temporary Loan for the Purposes of this Act, and the Clerk and Treasurer to the Commisioners are hereby authorized, with the Consent of the Commissioners when assembled at their Meeting, to give a written Undertaking for the Repayment of such last-mentioned Sums of Money, together with lawful Interest for the same, out of the Taxes arising during the Year next ensuing the Year in which such last-mentioned Monies shall be so borrowed; and the Commissioners are hereby authorized and required to repay the said Sums of Money so borrowed respectively, together with lawful Interest for the same, out of such last-mentioned Taxes, before the same shall be applied to any other of the Purposes of this Act.

Commissioners may let the Herbage of the Banks, &c.;

CXLIII. And be it enacted, That the Commissioners may, at any Meeting to he holden by virtue of this Act, let for any Period not exceeding Three Years, to the best Bidder, the Herbage and Pasturage of the Banks and Forelands and the several Droveways and Waste Places belonging to the Commissioners, and lying within the Limits of this Act, such Banks, Droveways, and Waste Places to be fed only with Sheep or young Stock under Two Years old, and the Rents and Profits arising therefrom shall severally be paid and applied in the same Manner as the several Funds or Monies to be raised by the Commissioners by virtue of this Act are severally directed to be applied.

and destroy Moles;

CXLIV. And be it enacted, That it shall be lawful for the Commissioners to destroy all such Moles or other Vermin as shall be found in and about the said Lands and Grounds severally intended to be taxed by virtue of this Act, and also in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person at such Wages or Salary as they the Commissioners shall think proper; and it shall be lawful for such Persons to enter into and upon the said Lands and Grounds and the Lands and Banks adjoining thereto, or any of them, for that Purpose.

and cut Thistles.

CXLV. And be it enacted, That the Commissioners may cause all the Thistles and Weeds which shall arise or grow upon any Bank, Droveway, or Waste Land within the Limits aforesaid, or upon any Bank, Droveway, or Waste Land thereto immediately adjoining, to be mowed, cut down, and destroyed as often as shall be necessary.

CXLVI. And

Monies advanced for obtaining this Act to be repaid with Interest.

CXLVI. And be it enacted, That if any Person shall advance any Money for defraying the Charges and Expences of obtaining this Act, or preparatory or incident thereto, or shall already have advanced any Money for those Purposes, such Person shall, out of the first Monies which shall be raised by the Commissioners by virtue of this Act, be repaid the same, with lawful Interest from the respective Times of advancing such Money.

Application of the Funds of the Commissioners.

CXLVII. And be it enacted, That the several Taxes authorized by this Act to be levied and taken by the Commissioners, and all Penalties hereby directed to be paid to the Commissioners, and all Sums of Money which may be received by the Commissioners in pursuance of this Act, shall be applied by them, in the first place, in Payment of the Expences of this Act and incident thereto; and in the next place, (subject and without prejudice to the Claims of the Persons lending the Monies authorized to be borrowed by the Commissioners, and to the Remedies herein provided for securing the Repayment thereof,) in executing and completing the said several Works of Drainage, and the several other Works, Matters, and Things by this Act required to be made, done, and executed by the Commissioners, and for the general Purposes of carrying this Act into execution.

Application of other Monies.

CXLVIII. And be it enacted, That all other Monies to be received, levied, or recovered by virtue of this Act, the Application whereof is not by this Act specially directed, shall be and the same are hereby vested in the said Commissioners, and shall be by them applied and disposed of in aid of the Taxes herein-before directed to be raised for the Purposes of this Act.

Punishment for injuring Works.

CXLIX. And be it enacted, That if any Person shall wilfully destroy, injure, or stop up any River, Drain, Ditch, Watercourse, Door, Dam, or other Work made or erected under the Authority of this Act, he shall for every such Offence forfeit to the Commissioners any Sum not exceeding Ten Pounds.

Penalty for placing Tunnels under the Banks without the Consent of the Commissioners.

CL. And be it enacted, That if any Person shall at any Time place any Tunnel through any of the Banks of the said Lodes, Drains, or Cuts within the Limits aforesaid, without the Consent of the Commissioners given by them when assembled at any General or Special Meeting held by the Authority of this Act, every Person so offending shall for every such Offence forfeit and pay to the Commissioners the Sum of Fifty Pounds, to be recovered by an Action at Law in any of Her Majesty's Superior Courts.

Penalties for using Nets, &c., in public Drains or impeding Drainage.

CLI. And be it enacted, That if any Person shall set or make use of a Net, Grig, or other Instrument for catching Fish, or for any other Purpose whatsoever, in or against any Division Dike or Ditch, or any Drain or Tunnel within the said Lands intended to be embanked and drained by virtue of this Act, or shall make, erect, or continue, or cause to be made, erected, or continued, any Dam, Heading, Staunch, or Sluice in any Division or other Dike or Ditch, Drain or Tunnel, or shall do any Act whatsoever whereby the free Passage of the Waters through such Divisions or other Dike or Ditch, Drain or Tunnel, shall

in any respect be impeded or obstructed, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds: Provided that, subject to no such Damage being done as aforesaid, the said Commissioners shall have Power from Time to Time to let the Fishing in any of the Waters under their Jurisdiction, and to apply the Rents and Profits to the Purposes of this Act.

Penalty for cutting Ditches within 40 Feet of the Centre of the Banks.

CLII. And be it enacted, That if any Person shall at any Time make, cut, or scour out, or cause to be made, cut, or scoured out, any Ditch or Drain above Two Feet in Width or Two Feet in Depth within the Distance of Forty Feet from the Centre of any Bank made or maintained under the Authority of this Act, without the Consent, Order, or Permission in Writing of the Commissioners given when assembled at any of their Meetings under this Act, or shall plant any Tree or Holt, or place any Stack, or erect any Building, within the Distance of Three hundred Yards from any Mill or Engine belonging to or used by the Commissioners, without having obtained such Order or Permission as aforesaid, every Person so offending shall, upon Complaint made before any Justice of the Peace for the said County by Order of the Commissioners when assembled at any Meeting, for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and it shall be lawful for the Commissioners, or their Superintendent or Workmen, to fill up every such Ditch or Drain, and to cut down such Trees or Holt, and to pull down and remove every such Stack or Building, notwithstanding the Offender may have paid the Penalty hereby imposed.

Penalty for making Watering Places in public Drains.

CLIII. And be it enacted, That if at any Time any Person shall make or use, or cause to be made or used, any Watering Place, or Place of Access for Cattle to drink, in any of the public Drains made or maintained by the Commissioners by virtue of this Act, every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Provision for Damages and Charges not otherwise provided for.

CLIV. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence, and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CLV. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice, it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the

Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Penalties to be summarily recovered before Justices.

CLVI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by his Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justice or Justices, who shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him or them; and upon Proof of the Offence, either by the Confession of the Party complained against or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justices shall think fit.

Penalties may be levied by Distress.

CLVII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CLVIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not

not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CLIX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners, and the other Half thereof to the Informer or any Person suing for the same; or if the Commissioners be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Overseer of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CLX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CLXI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLXII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against the Offender.

Form of Conviction.

CLXIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (G.) to this Act annexed.

CLXIV. And

CLXIV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts. Informalities.

CLXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained. Distress how to be levied.

CLXVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case. Distress not unlawful for Want of Form.

CLXVII. And be it enacted, That if any Person shall think himself aggrieved by the rating or taxing of the said Fen Lands, or by any other Act of the said Commissioners, or by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said County of *Cambridge*, but no such Appeal shall be entertained unless it be made within Four Months next after the doing of such Act or the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, or to the Clerk of the said Commissioners, (as the Case may be,) and unless the Appellant forthwith after such Notice enter into Recognizances with Two sufficient Sureties before a Justice conditioned duly to prosecute such Appeal and to abide the Order of the Court thereon. Parties may appeal to Quarter Sessions on giving Security.

CLXVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and may order any Money to be returned which shall have been levied in pursuance of any Act of the said Commissioners, or of any such Order, Determination, or Adjudication of any Justice, and also may order any such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable. Court to make such Order as they think reasonable.

Persons giving false Evidence guilty of Perjury.

CLXIX. And be it enacted, That every Person who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any Justice, or shall wilfully or corruptly swear falsely before any Commissioners appointed or to be appointed by virtue of this Act, in any Matter in which such Commissioners are hereby authorized to administer an Oath, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualification as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any of the Laws and Statutes of this Realm.

Reserving Rights of the Bedford Level Corporation and Commissioners of South Level.

CLXX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, or diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Governors, Bailiffs, and Conservators of the *Bedford Level* Corporation, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called* Bedford Level, or by any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever, or in the Commissioners of the South Level of the Fens by virtue of a certain Act of Parliament passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Drainage of that Part of the South Level of the Fens within the Great Level commonly called* Bedford Level, *and the Navigation of the Rivers passing through the same, in the Counties of* Cambridge, Suffolk, *and* Norfolk, *and in the* Isle of Ely; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or Commissioners, and in every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Conservators, and Commissioners, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed.

15 Car. 2. c. 17.

7 & 8 G. 4. c. 47.

General Saving.

CLXXI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Persons, Bodies Politic, Collegiate, and Corporate, and their Heirs, Successors, Administrators, or Assigns, all such Estates and Interests not prejudicial to the said Drainage as they had and enjoyed of, in, to, or out of or in respect of the Lands, Grounds, and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

Interpretation Clause.

CLXXII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:
The Word "Person" shall include the Queen's Majesty, and any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole:
The Word "Month" shall mean Calendar Month:
The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:
The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:
The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:
The Word "County" shall include any Riding or like Division of a County:
The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff or by any Clerk of the Peace, the Expression "the Sheriff," or the Expression "the Clerk of the Peace," shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County, City, Liberty, or Place where such Lands shall be situated; and if the Lands in question, being the Property of one and the same Party, be situate not wholly in One County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff or Clerk of the Peace of any County, City, Liberty, or Place where any Part of the Lands shall be situate:
The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter; and where the Matter shall arise in respect of Lands, being the Property of one and the same Party, situate not wholly in any one County, City, Liberty, or Place, the same shall mean a Justice acting for the County, City, Liberty, or Place where any Part of such Lands shall be situate, and who shall not be interested in such Matter:
The Expression "the Commissioners" shall mean the Commissioners appointed under or by virtue of this Act.

CLXXIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Appointment of Agent.

I do hereby appoint of to be my Agent or Deputy to act for me in all respects as if I myself were present and acting in the Execution of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of the foregoing Act*].

SCHEDULE (B.)

Form of Declaration by Commissioner, Umpire, Valuer, or Agent.

I do solemnly declare, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner, Umpire, or Valuer, [*or* as an Agent of ,] appointed in and by an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of the foregoing Act*].

SCHEDULE (C.)

Form of Mortgage Deed.

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of the foregoing Act*], We of the Commissioners for executing the said Act, in consideration of the Sum of paid to us by of for the Purposes of the said Act, do grant and assign unto the said [*or* to his Trustees, *as the Case may be*,] his Executors, Administrators, and Assigns, such Proportion of the Taxes to be assessed and collected by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which shall be borrowed upon the Credit of the said Taxes; to hold to the said his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be repaid. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord

SCHEDULE (D).

Form of Grant of Annuity.

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of the foregoing Act*], We, being of the Commissioners for executing the said Act, in consideration of the Sum of paid by do grant unto the said an Annuity or yearly Sum of to be issuing out of the Taxes arising by virtue of the said Act, to be paid to the said during the Term of his natural Life [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor,] upon the Day of and the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said or of the said and and the Survivor of them,] the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (E.)

Form of Transfer of Mortgage or Grant of Annuity.

To all to whom these Presents shall come, I of in the County of send greeting

Whereas by a certain Mortgage [*or* Grant of Annuity, *as the Case may be*,] bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of the foregoing Act*], all and every the Rates, Taxes, and Assessments granted and payable by virtue of the said Act were assigned to me in manner therein mentioned, for securing the Sum of by me advanced and paid, with Interest thereon [*or* the Annuity thereby granted]; now I do, in consideration of the said Sum of to be paid by of in the County of transfer unto the said the said Mortgage, with all my Right and Title to the Principal and Interest thereby secured [*or* the said Annuity], and now due unto me or to grow due thereon. Witness my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (F.)

Form of Conveyance.

I of , in consideration of the Sum of paid to me, [*or, as the Case may be*, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte the Cottenham, Rampton, and Willingham Fen Drainage Commissioners, or to of and of Two Trustees appointed to receive the same, pursuant to an Act passed *&c.*, intituled *&c.*,] by the said Commissioners, do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; to hold the same to the said Commissioners, their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .

SCHEDULE (G.)

Form of Conviction.

} Be it remembered, That on this Day of
to wit. } in the Year of our Lord is duly convicted before of Her Majesty's Justices of the Peace for the County of Cambridge, in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], for that the said on the Day of now last past, did contrary to the Provisions of the said Act; and do declare and adjudge that the said hath forfeited for the said Offence the Sum of to be levied and applied in the Manner directed by the said Act. Given under Hand and Seal, the Day and Year first above written.

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