ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 143.

An Act for amending and enlarging the Powers of an Act of the Ninth Year of His preſent Majeſty, for the more effectual draining and preſerving certain Fen Lands and Low Grounds in the Hamlet of *Wimblington*, in the Pariſh of *Doddington*, and in the Pariſh of *Chatteris*, in the *Iſle of Ely*, in the County of *Cambridge*, ſo far as the ſaid Act relates to the Lands in the Second Diſtrict therein deſcribed. [2d *June* 1810.]

WHEREAS by an Act paſſed in the Ninth Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for the more effectual draining, embanking and preſerving certain Fen Lands and Low Grounds in the Hamlet of* Wimblington, *in the Pariſh of* Doddington, *and in the Pariſh of* Chatteris *within the* Iſle of Ely, *in the County of* Cambridge, certain Fen Lands and Low Grounds lying within the ſaid Hamlet of *Wimblington* in the Pariſh of *Doddington* within the *Iſle of Ely* in the County of *Cambridge*, and in *Chatteris* in the ſaid Iſle and County, containing in the Whole Two thouſand ſix hundred and fifty Acres or thereabouts, abuttalled and deſcribed as therein is expreſſed, were divided into Two ſeparate Diſtricts or Diviſions; and the Lands and Grounds containing about One thouſand nine hundred and fifty Acres, abuttalled and bounded as therein and herein-after is mentioned; (that is to ſay), from the South-Eaſt Corner of the Lands late of Sir *Sampſon Gideon* Baronet, on the Weſt Side of *Tweeſdale Load*, along 9 G. 3. c. 30.

along the ſaid Load to a certain Drove called *Manea Drove* otherwiſe *Boots Drove*, and from thence along the Old Sewer called *Tweeſdale Load* to a certain Drain or Sewer called *Cox Load*, near the Hard Lands of *Manea*, along the Lands of *Rebecca Milborne*, *William Smith*, and *William Wells*, by the ſaid Sewer called *Cox Load*, to the South End of Lands of the ſaid *William Wells*, Part of the *Stonea Fen* and *Block Fen*, being Part of the Ninety-five thouſand Acres of the Great Level of the Fens called *Bedford Level* B and C, Lot Two and Lot Three, to the South Side of Lands of the ſaid *Rebecca Milborne*, other Part of *Stonea Fen* and *Block Fen* aforeſaid, and other Part of the ſaid Ninety-five thouſand Acres called *Bedford Level* D, Lot Twelve, and along the ſame Lands on the South to the North Eaſt Corner of the low Forty Acres in *Honey* called the *Rough Forty*, and from thence round the ſaid Forty Acres and including the ſame to the North-Weſt Corner thereof at the ſaid Lands of the ſaid *Rebecca Milborne*, and from thence along the South Side of the ſaid Lands of the ſaid *Rebecca Milborne* to the Bank on the Eaſt Side of the Sixteen Feet Drain otherwiſe *Thurloes* Drain, and from thence by and along the ſaid Eaſt Bank of the ſaid Sixteen Feet Drain otherwiſe *Thurloes* Drain, and including the ſame to the South Side of the ſaid Lands of the ſaid Sir *Sampſon Gideon* Baronet, and from thence by the South-Weſt and South Boundary of the ſaid Firſt Diſtrict to *Tweeſdale Load* aforeſaid, were called the Second Diſtrict or Diviſion, and certain Commiſſioners were appointed for putting the ſaid Act in Execution within the ſaid Second Diſtrict in the Manner therein appointed: And whereas the Commiſſioners thereby appointed for the ſaid Second Diſtrict were by the ſaid Act empowered from Time to Time to aſſeſs, rate, tax and charge all and every the Owner or Owners, Occupier or Occupiers of all and ſingular the Lands and Grounds ſituate and lying within the ſaid Second Diſtrict (except the Lands and Grounds therein excepted) by and with a proportionate Yearly Rate Tax or Sum of Money in Manner therein mentioned, ſo that ſuch Rate Tax or Sum of Money ſhould not exceed in any One Year the Sum of Two Shillings for every Acre of Land within the ſaid Second Diſtrict or Diviſion, and ſo in Proportion for any greater or leſs Quantity, which ſaid Yearly Rate or Tax was therein directed to be paid by the Owners or Occupiers of the Lands or Grounds compriſed in the ſaid Second Diſtrict or Diviſion in the Manner therein mentioned, and was, together with the ſeveral Sums of Money therein-after to be borrowed by the ſaid Commiſſioners on the Credit of the ſame, to be applied and diſpoſed of by the ſaid Commiſſioners in Manner therein and thereby directed; and for the more effectual raiſing and levying Money for the draining and preſerving of the ſaid Second Diſtrict or Diviſion of the ſaid Fen Lands and Low Grounds, and for anſwering the other Purpoſes of the ſaid Act relating thereto, it was enacted, that the ſaid Commiſſioners ſhould meet at the ſeveral Days and Times and in Manner and at the ſeveral Places therein mentioned: And whereas the Commiſſioners in and for the ſaid Second Diſtrict or Diviſion in the ſaid Fen Lands and Low Grounds have from Time to Time proceeded in the Execution of the ſaid recited Act, and have borrowed and taken up at Intereſt divers Sums of Money, amounting together to the Sum of One thouſand five hundred Pounds or thereabouts upon the Security of the ſaid Rate or Tax to be collected in the ſaid Second Diſtrict or Diviſion of the ſaid Fen Lands and Low Grounds, and they have alſo incurred ſeveral Debts in making and repairing the ſeveral Works of Drainage by the ſaid Act authorized to be made and repaired by them,

which Works are now much decayed, and in their present State are inadequate to drain and secure the said Fen Lands or Low Grounds in the said Second District or Division: And whereas the Rate and Tax authorized to be raised, assessed and levied by the said recited Act (so far as relates to the said Second District or Division of the said Fen Lands and Low Grounds) are insufficient for the Payment of the Interest of the Monies already borrowed on the Credit thereof, and for repairing, maintaining, and keeping in Repair the present Works of Drainage of the said Fen Lands and Low Grounds, and for making such new Works as may be necessary for draining, embanking, and preserving the same; and the said Commissioners are unable under the present Powers to raise a competent Fund to pay and discharge the several Debts contracted by them as aforesaid, and to repair and keep in repair the said Works, and to make and keep in Repair such new Works as may be expedient for the more effectual draining, embanking and preserving the said Fen Lands and Low Grounds in the said Second District or Division: And it is therefore become necessary that the said Commissioners should be empowered to raise further Sums for the Purposes aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the said Commissioners of the said Second District or Division of the said Fen Lands and Low Grounds, or any Three of them, at any Half Yearly General Meeting of the said Commissioners, or any Adjournment of the same, then and there to assess, rate, tax, and charge all and every the Owner and Owners, Occupier and Occupiers of all and singular the said Fen Lands and Low Grounds situate and lying within the said Second Division or District (except as in the said recited Act or this Act is excepted) by and with an equal and proportionable additional yearly Rate, Acre Tax, or Sum of Money, not exceeding Ten Shillings for every Acre thereof (over and above the Sum of Two Shillings for every Acre of the said Fen Lands and Low Grounds allowed by the said recited Act to be assessed, taxed or charged thereon,) in any one Year; which said additional yearly Tax, not exceeding Ten Shillings *per* Acre, shall be assessed, rated and charged by the said Commissioners authorized and appointed under and by virtue of the said in Part recited Act, or any Three of them, and shall become due and payable in each and every Year by the respective Owner or Owners, Occupier or Occupiers of the said Fen Lands and Low Grounds, to such Person or Persons, at such Time or Place, Times or Places as the said Commissioners or any Three of them shall from Time to Time direct, and the said additional Rates and Taxes shall continue to be charged and paid each and every Year so long as shall be necessary for carrying the Purposes of the said recited Act and of this Act into Execution: Provided always, that the said additional Rate or Tax, not exceeding Ten Shillings an Acre, shall for the first Year be assessed and rated at a Meeting of the said Commissioners to be held at the *Anchor* Public-house in *Wimblington* aforesaid, or some other Place to be appointed by the said Commissioners, on the Third *Thursday* after the passing of this Act, or at some Adjournment thereof, and that the said Rate or Tax so laid for the said first Year shall be considered as ending on the Sixth Day of *April* One thousand eight hundred and ten, from which Day the said additional Tax, not exceeding Ten Shillings an Acre, in each and every subsequent Year shall be deemed

Commissioners empowered to charge additional Duties.

and

and taken to commence: Provided always, that nothing herein contained ſhall extend or be conſtrued to affect, rate, tax or charge a certain Piece of Land called the *Little Hill*, lying within the ſaid Second Diſtrict, containing by Eſtimation Twelve Acres, more or leſs, belonging to *Richard Orton* and *Thomas Orton*, Eſquires, but that the ſame ſhall be and the ſame is hereby exempt from the Payment of any Tax under and by virtue of this Act, as alſo under and by virtue of the ſaid recited Act.

Commiſſioners to borrow Money.

II. And be it further enacted, That it ſhall be lawful for the Commiſſioners of the ſaid Second Diſtrict or Diviſion, or any Three or more of them, to borrow, take up and receive any Sum or Sums of Money that they ſhall think proper, as well upon the Credit of the ſaid Rate, Tax or Aſſeſſment of Two Shillings *per* Acre, as upon the Credit of the ſaid additional Tax, Rate or Aſſeſſment of Ten Shillings *per* Acre, and by Writing under the Hands and Seals of any Three or more of them, to mortgage, charge, aſſign, convey or incumber the ſaid ſeveral Rates, Taxes or Aſſeſſments, or either of them, ſo to be aſſeſſed and levied within the ſaid Second Diſtrict or Diviſion, with or for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, at ſuch Times, and with ſuch Proviſoes and Conditions of Redemption as ſhall be agreed upon.

Directing what Money ſhall be borrowed.

III. Provided always, and be it further enacted, That no more than the Sum of Two Thouſand Pounds ſhall be borrowed or owing at any one Time on the Credit or Security of the ſaid ſeveral Rates, Taxes, or Aſſeſſments, or either of them, ariſing within the ſaid Second Diſtrict or Diviſion, and authorized by this Act to be borrowed in Manner aforeſaid.

Commiſſioners empowered to borrow Money on their Perſonal Security.

IV. And be it further enacted, That until the ſaid Commiſſioners ſhall be able to borrow Money under the Proviſions herein or in the ſaid recited Act contained, and in caſe all the Money ſo borrowed ſhall have been paid off and diſcharged, together with lawful Intereſt for the ſame, that then and in either of thoſe Caſes it ſhall and may be lawful to and for the ſaid Commiſſioners, at any General or Special Meeting, from Time to Time to borrow any Sum or Sums of Money for the Purpoſes of this Act, not exceeding the Amount of the Whole of the ſaid additional Tax, and the ſaid Tax under the ſaid recited Act for one Year; and the ſaid Commiſſioners or any Five of them are hereby authorized to give a written Undertaking, or their own Perſonal or other Security, to repay the ſame, together with lawful Intereſt for the ſame, out of the ſaid Two ſeveral Taxes ariſing to the ſaid Commiſſioners during the Year next enſuing the then current Year; and the ſaid Commiſſioners or any Five of them, or the ſaid Commiſſioners giving the ſaid Undertaking or Security, are then hereby directed and required at the uſual Time, to lay and impoſe ſuch an additional Tax, not exceeding Ten Shillings *per* Acre as aforeſaid, as, together with the ſaid Tax of Two Shillings *per* Acre under the ſaid recited Act, will repay the Sum or Sums ſo borrowed together with lawful Intereſt for the ſame; and the ſaid Commiſſioners, or any Five or more of them, and the ſaid Commiſſioners giving the ſaid Undertaking or Security, are hereby further directed and required, before they proceed to apply any Part of the ſaid Taxes for the Year then enſuing, or any future Year, to any of the Purpoſes aforeſaid, to repay the Sum or Sums of Money ſo borrowed on ſuch Undertaking or Security, together with lawful Intereſt for the ſame as aforeſaid.

V. And

Securities transferrable.

V. And be it further enacted, That the ſaid Mortgages and Securities, ſo to be made by the ſaid Commiſſioners of the ſaid Second Diſtrict or Diviſion, ſhall and may be aſſignable and transferable by Endorſement on the original Grant or Security thereof made or otherwiſe, to any Perſon or Perſons whomſoever; and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made ſhall and may, from and after the Time that the ſame ſhall be entered in a Book to be kept for that Purpoſe, be well and ſufficiently entitled to ſuch Mortgage, Money and Intereſt, and all the Monies due and to grow due thereon, which Entries are hereby required to be made on Requeſt, and producing ſuch Aſſignment, and paying Five Shillings for every ſuch Entry; and ſuch Aſſignee or Aſſignees and every other Aſſignee or Aſſignees ſhall and may in like Manner, by Endorſement or otherwiſe, aſſign and make over ſuch Mortgage or Mortgages and Securities ſo aſſigned as aforeſaid, and ſo *toties quoties* as Occaſion ſhall require, every ſuch Aſſignment or Transfer being entered in ſuch Book as aforeſaid.

Taxes charged with Money borrowed.

VI. Provided always, and be it further enacted and declared, That all and every of the additional Tax, Rate or Aſſeſſment raiſed within the ſaid Second Diſtrict or Diviſion by virtue of this Act, or of the ſaid Tax of Two Shillings an Acre raiſed by virtue of the ſaid recited Act within the ſaid Second Diſtrict, ſhall be chargeable with the Payment of the Principal Money ſo to be borrowed by the ſaid Commiſſioners, and the Intereſt of ſuch Money from Time to Time, together with the Payment of all the Money and the Intereſt of the ſame from Time to Time borrowed under or by virtue of the ſaid recited Act, upon the Credit of the ſaid Tax of Two Shillings an Acre upon the Lands in the ſaid Second Diſtrict, and ſhall veſt in the Creditors of the ſaid Second Diſtrict or Diviſion upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame and every Part thereof ſhall be fully ſatisfied and paid, together with the Coſts and Charges occaſioned by the Non-payment thereof.

In caſe of Nonpayment of Taxes, Defaulters to forfeit 3*s.* 4*d.* in the Pound.

VII. And, for enforcing the due and punctual Payment of the Rates and Taxes for the ſaid Second Diſtrict by this Act or by the ſaid recited Act charged; be it further enacted, That if any Perſon or Perſons ſubject or liable to the Payment of the ſaid Rates or Taxes, or any Part thereof, to the Collector or Collectors, or other Perſon or Perſons appointed by the ſaid Commiſſioners to receive and collect the ſame, for the Space of Twenty Days next after the reſpective Days or Times which ſhall be limited and appointed for Payment of the ſame by the ſaid Commiſſioners, (Twenty Days Notice of the reſpective Days of ſuch Payment having been previouſly given in Manner herein directed, which Notice ſhall be and be deemed and taken to be a full and ſufficient Notice to all Perſons concerned of the Day of Payment of ſuch Rates or Taxes), then and in every ſuch Caſe every Perſon ſo omitting or neglecting ſhall forfeit and pay to the ſaid Commiſſioners, by way of Penalty for every ſuch Omiſſion, Neglect, or Nonpayment, Three Shillings and Four-pence for every ſuch Twenty Shillings of the ſaid Rates and Taxes which ſhall be ſo in Arrear and unpaid, and ſo in Proportion for any leſs Sum than Twenty Shillings; and ſuch Penalty ſhall be paid to the Collector or Collectors of the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and in Default of Payment thereof to ſuch Collector or Collectors, or to ſuch other Perſon or Perſons as aforeſaid upon Demand, then

then and in every ſuch Caſe every ſuch Penalty ſhall and may be levied and recovered by ſuch Ways and Means and in ſuch and the ſame Manner as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all ſuch Penalties when received ſhall be applied by the ſaid Commiſſioners in carrying this Act into Execution.

Perſons paying Taxes in Advance to be allowed Intereſt.

VIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall be willing to pay the ſaid additional Tax, not exceeding Ten Shillings *per* Acre, or the ſaid former Tax, or any Part thereof, in Advance for One, Two or more Years, the ſaid Commiſſioners or any Five of them are hereby authorized and empowered to receive the ſame, and to allow the Perſon or Perſons ſo advancing and paying the ſame, Diſcount or Intereſt at the Rate of Five *per Centum per Annum* from the Time or Times ſuch Payment or Payments ſhall be made, to the Time or Times when the Tax or Taxes reſpectively ſo paid in Advance would otherwiſe have been paid or payable, according to the Proviſions herein-before contained, and the Receipt or Receipts for the ſaid Sum ſo paid in Advance ſhall be a Diſcharge to ſuch Perſon or Perſons for his or her Tax or Taxes ſo paid in Advance, when the ſame ſhall be rated and become payable.

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

IX. And be it further enacted, That if any Perſon or Perſons ſhall refuſe, omit or neglect to pay all or any Part of the Rates or Taxes which he, ſhe or they is and are hereby and by the ſaid recited Act made liable to pay and diſcharge, for the Space of Thirty Days next after the Days or Times which ſhall be limited and appointed for the Payment of the ſame reſpectively, or ſhall refuſe, omit or neglect to pay all or any Part of the Penalty or Penalties which ſhall become due by reaſon of the Non-payment thereof, then and in every ſuch Caſe it ſhall be lawful for the Collector or Collectors of the ſaid Rates and Taxes, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the ſaid Commiſſioners, which Warrant or Precept ſuch Commiſſioners or any Three or more of them are hereby authorized and required from Time to Time to make and grant, as Occaſion ſhall require, whether aſſembled at a Meeting or not, to enter into and upon all or any Part of the Lands and Grounds hereby taxed and charged as aforeſaid, for which ſuch Rates or Taxes and Penalties ſhall be due and owing, and all Meſſuages and Tenements thereupon ſtanding and thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing or payable for ſuch Rates and Taxes by ſuch Perſon or Perſons ſo refuſing, omitting or neglecting to pay the ſame, and alſo to levy the Sum or Sums of Money due and owing by ſuch Perſon or Perſons as aforeſaid by way of Penalty for the Non-payment of ſuch Rates and Taxes or any Part thereof, by Diſtreſs of the Cattle, Corn, Hay, Goods, Chattels and Effects which ſhall or may be found thereon, or of a ſufficient Part thereof, and the Cattle, Corn, Hay, Goods, Chattels and Effects which ſhall be ſo diſtrained to impound and keep on the Premiſes, or to remove, take, lead, drive, carry away, and keep for the Space of Five Days, the Day on which the ſaid Cattle, Corn, Hay, Goods, Chattels and Effects to be taken to be reckoned the Firſt Day, at the Coſts and Charges of the Perſon or Perſons liable to pay the ſaid Rates, Taxes, and Penalties, leaving at ſuch Meſſuage or Tenement, Lands, Grounds, or Premiſes, or delivering to the Occupier or One of the Occupiers of the ſame, Notice in Writing of ſuch Diſtreſs being made and of the Cauſe thereof, and of

the Place or Places where such Distress is to be or is led, driven, taken away, and impounded and kept; and in case the Sum or Sums of Money for which any such Distress shall be made, and all Costs, Charges and Expences attending such Distress and Removal, shall not be paid and discharged to the Collector or Collectors of the said Commissioners, or to the Person or Persons making such Distress, within the said Five Days after the making of such Distress, the said Collector or Collectors, or Person or Persons making such Distress, shall or may, with the Constable of the Parish where such Distress shall be made, cause the Cattle, Corn, Hay, Goods, Chattels and Effects so distrained, to be appraised by Two or more indifferent Persons, who is and are hereby required and empowered to administer the proper and necessary Oath or Oaths, and such Two Persons are hereby required to appraise the same according to the best of their Judgment; and after such Appraisement it shall be lawful for such Collector or Collectors, or other Person or Persons making such Distress, to sell or cause to be sold the Cattle, Corn, Hay, Goods, Chattels and Effects so distrained, for the best Price that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Monies arising upon any such Sale (if any) on Demand to the Person or Persons entitled thereto.

General Distress where Cattle, &c. are removed from the Lands to evade Payment.

X. And whereas Persons liable to the Payment of the said Rates and Taxes may, in order to evade the same and the Penalties due thereon, remove their Cattle, Corn, Hay, Goods, Chattels and Effects from off the Lands and Grounds hereby taxed and charged as aforesaid, belonging to, or in the Occupation of such Person or Persons; be it therefore further enacted, That in all Cases where no sufficient Distress can be found on such Lands and Grounds whereon to levy and raise the Rate or Rates, Tax or Taxes due and payable by any such Person or Persons, and the Penalty or Penalties which shall have become due by Reason of the Non-payment thereof, it shall be lawful for the Collector or Collectors of the said Rates and Taxes, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners, (which Warrant or Precept such Commissioners, or any Three or more of them are hereby empowered and required from Time to Time to grant and make, as Occasion shall require, whether assembled at a Meeting or not), to levy all and every such Rate or Rates, Tax or Taxes, and Penalties, by Distress and Sale of the Cattle, Corn, Hay, Goods, Chattels, and Effects of any such Person or Persons whomsoever, and wheresoever such Cattle, Corn, Hay, Goods, Chattels, and Effects shall be found, in like Manner as herein-before authorized and directed respecting the Distress and Sale of the Cattle, Corn, Hay, Goods, Chattels, and Effects which shall be found on the Lands and Grounds hereby taxed and charged as aforesaid, together with all Costs, Charges and Expences attending such Distress and Sale.

Lands to remain liable to the Payment of Taxes if no Distress found.

XI. And be it further enacted, That when and so often as it shall happen that the Lands for or in respect of which any such Rates or Taxes as aforesaid, or any Part thereof, or the Penalty or Penalties for the Non-payment of any such Rates or Taxes shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the

the ſame Rates or Taxes and Penalties, then and in every ſuch caſe ſuch Lands ſhall be and remain a Security for the Payment of all ſuch Rates, Taxes, and Penalties reſpectively ſo due and unpaid; and all Cattle, Corn, Hay, Goods, Chattels, and Effects which at any Time thereafter may be found on ſuch Lands ſhall and may be diſtrained, impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all the Rates and Taxes then due and owing for or in reſpect of ſuch Lands, and all Penalties which ſhall have become payable by the Non-payment thereof at the Times aforeſaid, and all the Coſts, Charges, and Expences incident to every ſuch Diſtreſs and Sale, ſhall be fully paid, ſatisfied, and diſcharged.

Lands may be let or ſold for Payment of Taxes.

XII. And be it further 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 found for levying the Rates and Taxes due in reſpect of the ſame, it ſhall be lawful for the ſaid Commiſſioners or any Three or or more of them at any of their Meetings, and they are hereby authorized and empowered to let by public Auction to the beſt Bidder or Bidders ſo much of the ſaid Fen Lands and Low Grounds upon which any Rate or Tax ſhall be ſo due and in Arrear as they the ſaid Commiſſioners or any Three or more of them ſhall judge ſufficient, for ſuch Term or Terms of Years, not exceeding Twenty-one Years, at ſuch Rent or Rents and upon ſuch Terms and Conditions as to them the ſaid Commiſſioners or any Three or more of them ſhall ſeem meet, and the ſaid Commiſſioners ſhall apply the net or clear Rent or Rents ariſing and received therefrom in Payment and Diſcharge of all ſuch Rates and Taxes as aforeſaid, and the Penalties incurred by Non-payment thereof, and alſo the Coſts, Charges, and Expences of advertiſing and letting the ſaid Fen Lands and Low Grounds as aforeſaid; and where any of the ſaid Rates or Taxes ſhall be in Arrear and unpaid by the Space of Two Years together, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners or any Three or more of them at any of their ſaid Meetings, and they are hereby authorized and empowered to ſell to the beſt Bidder or Bidders by public Auction ſo much of the ſaid Fen Lands and Low Grounds upon which any ſuch Rate or Tax ſhall be ſo in Arrear, as they the ſaid Commiſſioners or any Three or more of them ſhall judge ſufficient to raiſe ſuch Rates, Taxes, and Penalties incurred by the Non-payment thereof, and all the Coſts, Charges, and Expences of advertiſing and ſelling the ſaid Lands as aforeſaid, and by Writing or Writings under the Hands and Seals of any Three or more of the ſaid Commiſſioners to convey and aſſure the ſame unto any Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof, and to his, her and their Heirs and Aſſigns; and ſuch Writing or Writings, Conveyance or Conveyances, ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever; but nevertheleſs, ſuch Fen Lands and Low Grounds ſo let or ſold as aforeſaid, ſhall be ſubject to the Payment of all ſuch Rates or Taxes as ſhall be thereafter laid and aſſeſſed thereon, and become due for the ſame by virtue of this Act and of the ſaid recited Act, and the Penalties for Non-payment thereof, and to all ſuch Rates or Taxes as the ſame were ſubject to previous to ſuch Letting or Sale (ſave and except the Rates, Taxes, and Penalties, for the Recovery of which the ſame ſhall be ſo ſold as aforeſaid).

XIII. Provided

XIII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall cauſe a Schedule of the Lands, ſo to be let or ſold for Rates and Taxes in Arrear and Penalties, to be affixed upon the principal outer Door of the Church or Churches of the Pariſh or Pariſhes in which ſuch Lands are ſituate and being, or in or to which the ſame ſhall extend, Three ſeveral ſucceſſive *Sundays* before the Day appointed for the Letting or Sale of ſuch Lands.

A Schedule of Lands to be let or ſold for Payment of Taxes to be affixed on the Church Doors.

XIV. Provided alſo, and be it further enacted, That in all Caſes where any of the ſaid Fen Lands or Low Grounds ſhall by virtue of the Proviſions herein contained be let by the ſaid Commiſſioners for raiſing the Rates and Taxes due for the ſame, and the Penalties thereon, ſuch Fen Lands and Low Grounds ſhall (after the Expiration of the Term for which the ſame ſhall be ſo let, and the Payment of the ſaid Rates, Taxes, and Penalties, and all Expences incurred by the ſaid Commiſſioners, or their Collectors, Receivers, or Agents, in and about the letting of the ſame, and the Recovery of ſuch Rates, Taxes, and Penalties, and which Expences they the ſaid Commiſſioners, or their Collectors, Receivers, or Agents, are hereby authorized and required to deduct and retain out of the Rent or Rents ariſing and received for or in reſpect of ſuch Fen Lands and Low Grounds) revert to the Owner or Owners, Proprietor or Proprietors thereof, and be as fully and effectually veſted in him, her or them, to all Intents and Purpoſes whatſoever, as if the ſame had never been let by the ſaid Commiſſioners.

Lands to revert to the Owners after Satisfaction of Taxes and Penalty.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice in Writing, ſigned by their Clerk or Treaſurer for the Time being, of their Intention to let or ſell ſuch Fen Lands and Low Grounds to be given to the Owner or Proprietor, Owners or Proprietors of the ſame, or to be left at his, her, or their laſt or uſual Place or Places of Abode (if ſuch Place or Places of Abode ſhall be known to the Commiſſioners), or otherwiſe ſhall give public Notice thereof in any Newſpaper uſually circulated in the Neighbourhood of the ſaid Fen Lands and Low Grounds, Three Weeks at leaſt before the Time appointed for any ſuch Letting or Sale.

For giving Notice to Owners of Lands to be let or ſold for Payment of Taxes.

XVI. Provided always, and be it further enacted, That all and every the Tenants and Occupiers of the Lands and Grounds ſubject and liable to the Payment of the ſaid Rates, Taxes, and Aſſeſſments, charged by the ſaid recited Act or by this Act on the ſaid Second Diſtrict or Diviſion, ſhall, and he, ſhe and they is and are hereby authorized and required to pay all ſuch Rates, Taxes, and Aſſeſſments for and in reſpect of the Lands and Grounds in their reſpective Occupations, and to deduct and retain out of his, her or their Rent or Rents all ſuch Sum or Sums of Money as they ſhall ſo reſpectively pay as aforeſaid; and the ſeveral and reſpective Landlords and Owners of ſuch Lands and Grounds is and are hereby required to allow ſuch Deductions and Payments upon the Receipt of the Reſidue of his, her or their Rent or Rents, and every ſuch Tenant or Occupier ſhall be acquitted and diſcharged of as much Money as ſhall be ſo paid by him, her or them reſpectively, as fully and effectually as if the ſame had been actually paid to his, her or their Landlord or Landlords; but nothing herein contained ſhall extend or be conſtrued to extend to enable any Tenant or Occupier to deduct from his or her Rent any

Tenants to pay Taxes, and deduct them from their Rent.

Penalty or Forfeiture incurred by Non-payment of ſuch Arrears as aforeſaid.

No beneficial Leſſee to be allowed to deduct Taxes.

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

For relieving Tenants for Life from the Taxes paid by them, in caſe of Death within Four Years.

XVIII. And be it further enacted, That when any Perſon or Perſons being Tenant or Tenants for Life or Lives of any Part of the ſaid Lands and Grounds compriſed in the ſaid Second Diſtrict or Diviſion, who ſhall have paid the Rates and Taxes to be aſſeſſed, rated, taxed or charged by virtue of this Act or of the ſaid recited Act in reſpect of the ſame, ſhall die before the Expiration of Four Years from the Time appointed by the ſaid Commiſſioners for the Payment of the ſaid Rates and Taxes for any Year, then it ſhall be lawful for him or them by his or their laſt Will and Teſtament, or laſt Wills and Teſtaments reſpectively, to charge ſuch Lands and Grounds with the Payment of ſo much of the ſaid Rates and Taxes as ſhall have been paid by ſuch Tenant or Tenants for Life or Lives within the Space of Four Years previouſly to the Death of ſuch laſt-mentioned Tenant or Tenants, and to direct and appoint the ſame to be paid to ſuch Perſon or Perſons as he, ſhe, or they ſhall think fit; and in Default thereof the ſame ſhall be a Charge on the ſaid Lands and Grounds, and ſhall within Six Calendar Months after the Death of ſuch Tenant for Life or Lives be paid by the Perſon or Perſons entitled to the Reverſion or Remainder immediately expectant on the Death of ſuch Tenant or Tenants for Life or Lives, with lawful Intereſt for the ſame from the Death of ſuch Tenant or Tenants for Life or Lives reſpectively, and ſhall and may be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas for the ſaid *Iſle of Ely*.

Lands may be ſurveyed.

XIX. And be it further enacted, That the ſaid Commiſſioners may order and direct all or any of the Lands by this Act made liable to any Rate or Tax, to be ſurveyed, admeaſured, and mapped, in order to aſcertain the Quantity of Lands liable to ſuch Rate or Rates, Tax or Taxes, and the exact Quantity belonging to each particular Perſon or Perſons, and to pay the Expences thereof out of the Monies to ariſe by virtue of this Act; and it ſhall and may be lawful to and for any Perſon or Perſons employed in making ſuch Survey and Admeaſurement to enter on the Lands or Grounds of any Perſon or Perſons whomſoever for that Purpoſe; and ſuch Survey and Admeaſurement when ſo made ſhall be delivered to the ſaid Commiſſioners at ſome one of their Meetings, and ſhall be verified upon the Oath or Affirmation of the Perſon or Perſons making the ſame, which Oath or Affirmation any one of the ſaid Commiſſioners is hereby authorized to adminiſter; and by Survey and Admeaſurement,

meaſurement, when ſo verified, the ſaid Commiſſioners may make and collect the ſaid Rates and Taxes, and the ſame ſhall be binding on the ſeveral Perſons charged with the Payment of ſuch Rates and Taxes for their ſeveral Lands charged, and ſuch Survey and Admeaſurement being ſigned by the Perſon or Perſons making the ſame, and alſo by any Seven or more of the ſaid Commiſſioners, ſhall be allowed as good Evidence in all His Majeſty's Courts of Law or Judicature, and in all Caſes whatſoever; and that until ſuch Survey or Admeaſurement ſhall be made and completed the ſaid additional Tax, not exceeding Ten Shillings an Acre, ſhall be aſſeſſed, rated, taxed and charged in the ſame Manner as the ſaid Tax of Two Shillings an Acre under and by virtue of the ſaid recited Act.

Rates may be reduced, &c.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any annual Meeting to be holden on the *Thurſday* before *Whitſunday* in each and every Year, or at any Adjournment thereof, to leſſen or reduce all or any of the Rates to be raiſed, levied, and collected by virtue of this Act, in ſuch Manner as to them ſhall ſeem meet and convenient, for and during ſuch Time as to them the ſaid Commiſſioners ſhall ſeem meet and proper, and afterwards at any Meeting to be holden in purſuance of this Act from Time to Time, if they ſhall ſee convenient, to advance all or any of the ſaid Rates ſo leſſened or reduced to any Sum or Sums of Money not exceeding the ſeveral Rates granted by this Act; provided nevertheleſs, that when the whole Money ſecured or borrowed on the Credit of the ſaid Rates ſhall not have been paid off and diſcharged, none of the ſaid Rates ſhall be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five Sixth Parts of the Money remaining due on the ſaid Rates.

Entries of Proceedings good Evidence.

XXI. And be it further enacted, That fair and regular Entries ſhall be made in a Book or Books to be provided for that Purpoſe, of the Acts, Orders, Rules, Regulations, Directions and Proceedings of the ſame 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 Three or more of the Commiſſioners preſent, and alſo by the Clerk to the ſaid Commiſſioners; and all ſuch Entries being ſo ſigned ſhall be deemed Originals, and ſhall be deemed good Evidence in all Caſes touching any Thing done in purſuance of this Act, and ſhall be allowed to be read in Evidence in all Courts whatſoever, and otherwiſe as Occaſion ſhall require.

Entries of Proceedings under former Acts good Evidence.

XXII. Provided always, and be it further enacted, That all and every Book and Books in which any Entry or Entries of any Proceeding or Proceedings relating to or in anywiſe concerning the Lands and Grounds to be drained and preſerved by virtue of this Act, or of any of the Commiſſioners or other Perſon or Perſons acting by or under the Authority thereof, ſuch Entry or Entries being made in ſuch Book or Books according to the Directions of the ſaid recited Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion of the ſaid Lands, ſhall be and be deemed to be good and ſufficient Evidence thereof in all Courts whatſoever.

Officers appointed under former Act to be continued, &c.

XXIII. And be it further enacted, That the preſent Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors of the Rates appointed by the ſaid Commiſſioners under

under and by virtue of the ſaid recited Act, ſhall remain and continue the Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, of the Rates to be levied, collected, and received by virtue of this Act; and the ſaid Commiſſioners ſhall and may, by and out of the Monies to ariſe by virtue of this Act, allow and pay to ſuch Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, Receiver or Receivers, Collector or Collectors, and to ſuch other Officers as ſhall be appointed, and alſo to make other Perſon or Perſons as ſhall be employed in the Execution of this Act ſuch Rewards and Allowances for their reſpective Attendance, Care and Service, as they the ſaid Commiſſioners ſhall think reaſonable.

XXIV. Provided always, and be it further enacted, That when and ſo often as it ſhall ſeem fit and requiſite by the ſaid Commiſſioners for the ſaid Second Diſtrict, to remove any Clerk or other Officer appointed or to be appointed by virtue of this Act or the ſaid recited Act from or out of ſuch Office, it ſhall and may be lawful for the ſaid Commiſſioners of the ſaid Second Diſtrict, and they are hereby required ſo to remove ſuch Clerk or other Officer from ſuch Office or Employment.

Works to be executed.

XXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, by and out of the ſaid Tax of Two Shillings an Acre, and by and out of the ſaid additional Tax, not exceeding Ten Shillings an Acre, to make, raiſe, cut, build, ſet up and maintain, upon, through or over the Lands and Grounds within the Bounds and Limits of the ſaid Second Diſtrict, all ſuch Mills, Cuts, Drains, Banks, Bridges, Hedges, Outlets, Buildings, Sluices, Slackers, Tunnels, and other Works as they ſhall think neceſſary for the better draining and preſerving the ſame; and all Mills, Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Buildings, Sluices, Slackers, Tunnels and other Works, which ſhall be made or erected under and by virtue of this Act and the ſaid former Act, ſhall be veſted in and be the Property of the ſaid Commiſſioners, who ſhall have full Power and Authority over all and ſingular ſuch Mills, Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Buildings, Sluices, Slackers, Tunnels and other Works ſo made or ſet up, or maintained and kept in Repair, and ſhall alſo have full Power and Authority from Time to Time to widen, deepen, alter, repair, remove, take down, ſell and diſpoſe of, rebuild and enlarge the ſame reſpectively as they may think proper, for the better draining and preſerving the ſaid Fen Lands and Low Grounds; and it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered from Time to Time to take, divide, and uſe ſuch Lands and Hereditaments as the ſaid Commiſſioners ſhall judge neceſſary to be cut, dug, taken or uſed for any of the Purpoſes aforeſaid, or which they ſhall deem proper or requiſite to be left and reſerved for the Preſervation of any Banks made or maintained by virtue of this Act, between the ſame Banks and the Ditches or Drains made or to be made next the ſame; and alſo from Time to Time and at all Times to dig, cut, take and carry away Earth, Flag, or other Materials from off the Lands within the Boundaries of this Act, or from the Lands or Waſtes adjoining or near thereto, except from the Lands in the ſaid Firſt Diſtrict, in order to heighten, widen, ſtrengthen, make, maintain and ſupport the Banks and Works already made and hereafter to be made within the ſaid Second Diſtrict, of ſuch Height, Width, Strength, and Dimenſions as the ſaid

Commiſſioners ſhall think proper, together with the old or any new Bank reaching from the ſaid Second Diſtrict to the Field of *Manea*, of ſuch Height, Width, Strength and Dimenſions as the ſaid Commiſſioners ſhall think proper, and if the ſaid Commiſſioners think neceſſary to extend the Length of the ſaid Old or New Bank, into the Field of *Manea*, or to ſuch Place and in ſuch a Way as the ſaid Commiſſioners ſhall think proper, to ſecure the ſaid Second Diſtrict from Inundation in caſe any Breach ſhall happen in the great Barrier Bank on the North Side of the Hundred Feet River, or in the Bank of the Old *Bedford* River, they doing as little Damage as may be, and making Compenſation for the ſame in Manner herein mentioned; and if at any Time or Times hereafter it ſhall appear to the Majority of the Commiſſioners of the ſaid Second Diſtrict attending any Meeting to be called as hereafter mentioned, ſuch Majority to conſiſt of not leſs than Five Commiſſioners, that it would be beneficial to the Drainage of the Lands contained in the ſaid Second Diſtrict to join with the Honourable the *Bedford Level* Corporation, or with any other Perſon or Perſons for any general Purpoſes of Drainage, or that it would be beneficial to the ſaid Second Diſtrict to contribute in any other Way to any public Works for the Improvement or Preſervation of the Drainage of the Country, then that it ſhall be lawful for the ſaid Majority of the ſaid Commiſſioners at ſuch Meeting as aforeſaid, by and out of the ſaid Tax of Two Shillings raiſed under the ſaid recited Act, and by and out of the ſaid Tax, not exceeding Ten Shillings *per* Acre, raiſed under or by virtue of this Act, ſo to join and contribute as aforeſaid: Provided always, that the ſaid Commſſioners ſhall not have Power to apply any Part of the ſaid ſeveral Taxes for any of the ſaid laſt-mentioned Purpoſes, unleſs the Meeting at which the ſame ſhall be ordered ſhall have been Twice advertiſed in the *Cambridge Chronicle*, or ſome other Country Newſpaper generally circulated in the *Iſle of Ely*, previous to ſuch Meeting, and unleſs the Purpoſe or Purpoſes to which it is propoſed to apply any Part of the ſaid ſeveral Taxes, under the Authority of the Powers hereby laſt above given to the ſaid Commiſſioners, ſhall be mentioned in the ſaid Advertiſements.

Purchaſe of Lands and Satisfaction for Damages.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and Authority to agree with the Owners and Proprietors and Perſons intereſted in any Lands or Hereditaments which they ſhall judge neceſſary to be cut, dug, taken or uſed for making any of the ſaid Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets or other Works under and by virtue of this Act or the ſaid recited Act, or which they the ſaid Commiſſioners ſhall deem proper and requiſite to be left and reſerved for the Preſervation of any ſuch Banks as aforeſaid, between the ſaid Banks and the Banks, Ditches, or Drains made or to be made next the ſame, for the Purchaſe of ſuch Lands and Hereditaments, or for the Recompence to be made to ſuch Owners and Proprietors and Perſons intereſted, for the Damages they may ſuſtain, and alſo to ſettle and aſcertain in what Proportion the Sum or Sums ſo agreed for ſhall be paid to the ſeveral Perſons intereſted in the Premiſes.

Bodies Politic, &c. to contract for Sale or Compenſation.

XXVII. And be it further enacted, That it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable upon any Life or Lives, and all Huſbands, Guardians, Truſtees, Feoffees in Truſt, Committees, Executors, Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and

Succeſſors, but alſo for and on Behalf of their *Cestuique* Truſts, whether Infants, or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons whoſe Lands ſhall be limited in ſuch Perſon or Perſons whomſoever, who is, are or ſhall be ſeiſed, poſſeſſed of or entitled to any ſuch Lands or Hereditaments, and he, ſhe and they is and are hereby authorized and empowered to contract for, ſell and convey unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, any Lands or Hereditaments for the Purpoſes of this Act, or to agree with the ſaid Commiſſioners for any Recompence or Satisfaction to be made for the Damage which may be done to any ſuch Lands or Hereditaments by the Execution of any of the Powers of this Act, and all ſuch Contracts, Sales, Conveyances, and Agreements ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding; and all Bodies Politic, Corporate or Collegiate, and all Perſons whomſoever, are hereby indemnified for what they or any of them ſhall do in purſuance of this Act, and all ſuch Perſon or Perſons to whom any ſuch Lands or Hereditaments ſhall be conveyed, and his and their Heirs, ſhall ſtand ſeiſed thereof in Truſt and for the Purpoſes of this Act, and convey and diſpoſe of the ſame from Time to Time as the ſaid Commiſſioners ſhall direct or appoint.

On refuſal to treat, Amount of Damages to be aſcertained at the Seſſions.

XXVIII. Provided always, and be it further enacted, That in Caſe any Owner or Occupier, or any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenant for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees, Huſbands, Guardians, Committees or other Truſtees, or other Perſon or Perſons intereſted in any Lands, Tenements, or Hereditaments which the ſaid Commiſſioners ſhall judge neceſſary or proper to be purchaſed, taken, or uſed for any of the Purpoſes of this Act or the ſaid recited Act, ſhall for the Space of Twenty Days after Notice in Writing given to the Principal Officer or Officers of ſuch Body Corporate or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively as aforeſaid, or left at his, her, or their reſpective laſt or uſual Place or Places of Abode, or at the Houſe or laſt or uſual Place or Places of Abode of the Tenant or Tenants, Occupier or Occupiers of ſuch Lands or Hereditaments, neglect or refuſe to treat, or ſhall not agree with the ſaid Commiſſioners in the Premiſes, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating, or ſhall not treat, then and in every ſuch Caſe the ſaid Commiſſioners may and they are hereby authorized, empowered and required, Twenty Days at leaſt before any General Quarter Seſſions of the Peace to be holden for the ſaid *Iſle of Ely*, to give or cauſe to be given to the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers of, or other Perſon or Perſons intereſted in any Lands, Tenements or Hereditaments to be taken, uſed or damaged for the Purpoſes of this Act or the ſaid recited Act, or to leave or cauſe to be left at the laſt or uſual Place or Places of Abode of ſuch Party or Parties, or any of them reſpectively, or at the laſt or uſual Place or Places of Abode of the Tenant or Tenants in Poſſeſſion of the Premiſes, a Notice in Writing, purporting that the Value of ſuch Lands, Tenements or Hereditaments, or the Amount of the Damages or Injury ſuſtained will be adjuſted and ſettled by a Jury at the ſaid Seſſions, or at ſome Adjournment thereof, ſhall and may, upon due Proof to them made of ſuch Notice having been given or left as aforeſaid, and they are hereby authorized and required to charge the Jury which ſhall attend at the ſaid Seſſions, or ſome other Jury of Twelve honeſt

and

and ſubſtantial Men to be then and there empannelled and returned by the Chief Bailiff of the *Iſle of Ely* for the Time being, well and truly on their Oaths to aſſeſs the Value of the Lands or Hereditaments compriſed in ſuch Notice, and the Recompence to be given for the ſame, or the Satisfaction for any Damage or Injury ſuſtained as aforeſaid to be made to the reſpective Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſts; and to ſuch Juries the ſaid Commiſſioners and all Parties intereſted in the Lands, Tenements or other Hereditaments ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid *Iſle of Ely* is hereby authorized and required, upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices at ſuch Seſſions, or at the Adjournment thereof, any Perſon or Perſons who ſhall be thought proper to be examined touching or concerning the Premiſes; and the ſaid Jury upon their Oaths, (which Oath, and alſo the Oaths to be taken by the Perſons who ſhall appear to be ſummoned to be examined and give Evidence as aforeſaid, the ſaid Juſtices at their ſaid Seſſions are hereby empowered and required to adminiſter), ſhall aſcertain and award the Recompence to be given for the ſaid Lands, Tenements, or Hereditaments, or for any Damage or Injury which ſhall have been done as aforeſaid to the reſpective Perſon or Perſons, Bodies Politic, Corporate or Collegiate, Owner or Owners, Proprietor or Proprietors thereof or intereſted therein; and the ſaid Juſtices ſhall and may give Judgement according to the Verdict of the ſaid Jury, which Verdict of the ſaid Jury, and the Judgement thereupon declared and pronounced by the ſaid Juſtices, ſhall be final, binding, and concluſive to and upon the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands, Tenements, or Hereditaments; and ſuch Verdict ſhall be entered and kept among the Records of the Quarter Seſſions of the ſaid *Iſle of Ely*, and the ſame, or true Copies thereof, ſigned by the Clerk of the Peace for the ſaid *Iſle of Ely*, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Perſons may have Recourſe thereto or take Copies thereof, or Extracts therefrom, on paying the uſual Fees in Caſes of the like Nature.

Expences of Application to Seſſions about Land.

XXIX. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damages done to any Lands, Tenements, or Hereditaments than had been previouſly offered by or on Behalf of the ſaid Commiſſioners as aforeſaid, then and in every ſuch Caſe all the Expences of taking ſuch Inqueſt attending thereon, and of recording and entering the Verdict and Judgement thereupon, ſhall be ſettled by the ſaid Juſtices, and ſhall be defrayed by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act; but if a Verdict ſhall be given or made for the ſame or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Commiſſioners as aforeſaid, or in Caſe no Damage ſhall be given where the Diſpute is for Damages only, then and in every ſuch Caſe the Coſts and Expences of taking ſuch Inqueſt, and of the Witneſſes attending thereupon, and of recording and entering the Verdict and Judgement thereupon, ſhall be ſettled in like Manner by the ſaid Juſtices, and ſhall be borne and paid by the Owner or Owners, Proprietor or Proprietors, or Perſon or Perſons intereſted in the Lands, Tenements, or Hereditaments in Queſtion; and whenever any Coſts and Expences ſhall or

may

may be payable to the ſaid Commiſſioners, ſuch Coſts and Expences ſhall and may be deducted by the ſaid Commiſſioners out of the Monies ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in Caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the ſaid Commiſſioners in and by ſuch Ways and Means as are herein-after provided for the Recovery of the Rates and Taxes to be raiſed and levied by virtue of this Act: Provided always, that whenever any Perſon ſhall by Reaſon of Abſence or otherwiſe have been prevented from treating, the whole of ſuch Coſts, Charges, and Expences ſhall be borne and defrayed by the ſaid Commiſſioners.

Houſes, &c. not to be injured.

XXX. Provided always, and be it enacted, That nothing in this Act contained ſhall be conſtrued to extend ſo as to enable the ſaid Commiſſioners to take, uſe, injure, or damage any Dwelling-houſe or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a Houſe, without the Conſent of the Owner or Owners, Proprietor or Proprietors thereof for the Time being.

Application of Compenſation for Land if amounting to 200*l.*

XXXI. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Truſt, Executors, Adminiſtrators, Huſband, Guardian, Committee or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſon under any other Diſabilities or Incapacity whatever, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioners, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authoriſe to be paid, affecting the ſame Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction or Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, and Hereditaments, which ſhall be conveyed and ſettled to, for, and upon the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements or Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of ſuch Conveyance and Settlement ſhall be exiſting, undetermined, and capable of

taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum per Annum* Consolidated, or Three Pounds *per Centum per Annum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold, and shall be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200l. nor less than 20l.

XXXII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall not exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved by Five or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

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

In case of not making out Titles.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good

good Title to the Premiſes to the Satisfaction of the ſaid Commiſſioners, or any Five or more of them, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, on the Application of any Perſon or Perſons making any Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Reſpecting diſputed Titles.

XXXV. Provided always, and be it further enacted, That when any Queſtion ſhall ariſe touching or concerning the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends and Intereſt of the ſaid Bank Annuities to be purchaſed with ſuch Money, as alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order Expences of Purchaſes to

XXXVI. Provided alſo, and be it enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money of the ſame ſhall be required

quired to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable to be paid by the ſaid Commiſſioners, out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct. Expences to be paid by the Commiſſioners.

XXXVII. And be it further enacted, That the Monies now in the Hands of the Treaſurers, Collectors, or other Officers of the Commiſſioners acting under the ſaid recited Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion therein mentioned, received by them under and by virtue of the ſaid recited Act, and all Arrears of Rates and Taxes now due upon or by virtue of the ſaid recited Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion therein mentioned, and the Monies to ariſe from the ſaid ſeveral and reſpective Rates and Taxes hereby charged and granted as aforeſaid, and all pecuniary Penalties and Forfeitures, and all other Monies to be received, levied, or recovered by virtue of this Act and the ſaid former Act, ſhall be and the ſame are hereby veſted in the ſaid Commiſſioners acting under and by virtue of this Act and the ſaid former Act, and ſhall be by them applied and diſpoſed of in Manner following; (that is to ſay), in the firſt Place, in paying and defraying the Coſts, Charges, and Expences which ſhall be incurred or incident to and attending the obtaining and paſſing this Act, and the Intereſt of all Monies which have been or ſhall or may be advanced for that Purpoſe, and then in Diſcharge of all ſuch Debts as have been contracted upon Simple Contracts or otherwiſe by the Commiſſioners acting under the ſaid recited Act, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion therein mentioned, in making and repairing the ſeveral Works of Drainage thereby authorized to be made, or otherwiſe for the Purpoſes of the ſaid recited Act, ſo far as the ſame relates to the ſaid Second Diſtrict or Diviſion therein mentioned, and which are now due and unpaid, and in Diſcharge of all ſuch Monies as have been borrowed and taken up at Intereſt under and by virtue of the ſaid recited Act, and of the Intereſt thereof, ſo far as the ſame relate to the ſaid Second Diſtrict or Diviſion therein mentioned, and of all ſuch Monies as ſhall be borrowed and taken up at Intereſt under and by virtue of this Act and of the ſaid recited Act, for and towards the ſeveral Works of Drainage and other Works by this Act or by the ſaid recited Act authorized to be made, done, and executed in and for the ſaid Second Diſtrict; and afterwards in carrying into complete Effect the ſeveral Purpoſes of this Act and of the ſaid recited Act, ſo far as the ſaid recited Act relates to the ſaid Second Diſtrict, it being hereby intended that the ſaid Tax of Two Shillings an Acre under the ſaid recited Act, and the ſaid additional Tax not exceeding Ten Shillings an Acre under this Act ſhall conſtitute but One Fund, and ſhall be applicable equally to all the Purpoſes both of this Act and of the ſaid recited Act, ſo far as the ſame relates to the ſaid Second Diſtrict. Application of Monies.

XXXVIII. And be it further enacted, That Once in every Year, that is to ſay, at a General Meeting on the *Thurſday* before *Whit-Sunday* for the ſaid Second Diſtrict or Diviſion, and on any ſubſequent Day to which the ſaid Accounts how to be made up, &c.

ſaid Commiſſioners or any Three or more of them ſhall adjourn, Inſpection ſhall be had by the ſaid reſpective Commiſſioners or any Three or more of them, of the Receipts and Diſburſements of ſuch Monies as ſhall have been raiſed and received by virtue of this Act and the ſaid former Act, in and in Relation to the ſaid Second Diſtrict or Diviſion for the Year then laſt paſt; and all Accounts relating to the ſaid Second Diſtrict or Diviſion ſhall be at ſuch Meeting, or within Ten Days after, made up and ſettled by the ſeveral Commiſſioners appointed for the ſaid Second Diſtrict or Diviſion or any Three or more of them then aſſembled, at which Time the then ſeveral Treaſurers, Collectors, or Receivers of the ſaid Taxes or Aſſeſſments in the ſaid Second Diſtrict or Diviſion are hereby required to attend with proper Books of Account of their Receipts and Diſburſements, and all Vouchers for the ſame; and on conſidering and examining the ſaid Accounts, and all other Accounts of the Receipts and Diſburſements of the Money raiſed and received by virtue of this Act and the ſaid recited Act, within or in Relation to the ſaid Second Diſtrict or Diviſion upon Oath (if the ſame ſhall be required) by any Three or more of the Commiſſioners for the ſaid Second Diſtrict or Diviſion (which Oath the ſaid Commiſſioners or any One of them are or is hereby empowered to adminiſter) to allow and paſs under their Hands the ſaid Account or Accounts, or ſuch Part or Parts thereof as they ſhall think juſt and reaſonable; and ſuch Account or Accounts or ſuch Part or Parts thereof as ſhall be ſo paſſed and allowed as aforeſaid, ſhall be fairly entered in Two diſtinct or ſeparate Books to be kept for that Purpoſe for the ſaid Second Diſtrict or Diviſion, One of which Books to be kept by the Treaſurer or Treaſurers, or ſuch other Perſon or Perſons for the ſaid Second Diſtrict or Diviſion as the ſaid Commiſſioners or any Three or more of them ſhall appoint, and the other of the ſaid Books ſhall be depoſited in ſuch Place in the ſaid Hamlet of *Wimblington* as the ſaid Commiſſioners or any Three or more of them ſhall direct or appoint, at any Meeting to be held for the ſaid Second Diſtrict or Diviſion, in a ſtrong Box to be provided by the ſaid Commiſſioners for that Purpoſe; and the Books ſo depoſited ſhall and may be inſpected and peruſed at all reaſonable Times by or at the Requeſt of any Perſon or Perſons rated or taxed in purſuance of this Act and the ſaid recited Act, on paying Sixpence for peruſing the ſame.

Officers to account.

XXXIX. And be it further enacted, That all and every ſuch Clerk or Clerks, Treaſurer or Treaſurers, Collector or Collectors, Receiver or Receivers, or other Officer or Officers ſo appointed for the ſaid Second Diſtrict or Diviſion as aforeſaid, ſhall upon Oath, when thereunto required by the reſpective Commiſſioners or any Three or more of them, (which Oath the ſaid reſpective Commiſſioners or any One or more of them are hereby empowered to adminiſter), give in to the ſaid reſpective Commiſſioners or any Three or more of them a true exact and perfect Account in Writing under their reſpective Hands, with proper Vouchers, of all Monies which he or they and every or any of them ſhall to ſuch Time have received, paid, and diſburſed by virtue of this Act or by virtue of the ſaid recited Act, or by Reaſon of their reſpective Offices; and in Caſe the Money ſo received ſhall remain in his or their or any of their Hands, the ſame ſhall be paid to the ſaid Commiſſioners or any Three or more of them, or to ſuch Perſon or Perſons as they or any Three or more of them ſhall by any Writing or Writings under their Hands reſpectively authorize and empower to receive the ſame; and in Caſe any ſuch Clerk, Collector, Receiver,

ceiver, or other Officer ſhall not give in and make ſuch Account and Payment as aforeſaid, or ſhall refuſe to deliver up all Books, Papers, and Writings in his Cuſtody relating to the Execution of this Act, that then any One or more Juſtice or Juſtices of the Peace for the *Iſle of Ely* ſhall and may make Inquiry of and concerning ſuch Default as aforeſaid in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of One or more credible Witneſſes upon Oath, (which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward), and if any ſuch Clerk, Treaſurer, Collector, Receiver, or other Officer ſhall be convicted of all or any of the Offences aforeſaid, ſuch Juſtice or Juſtices ſhall upon Conviction commit the Party to the Common Goal of the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize until he ſhall have made a perfect Account and Payment as aforeſaid, and delivered up all ſuch Books, Papers, and Writings in his Cuſtody, or until he ſhall have compounded and agreed with the ſaid Commiſſioners or any Three or more of them, and have paid ſuch Compoſition Money, which Compoſition the ſaid reſpective Commiſſioners or any Three or more of them are hereby authorized and empowered to make: Provided always, that no Perſon who ſhall be committed for Want of ſufficient Diſtreſs only ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Allowing an Appeal to the Quarter Seſſions from the Determination of the Juſtices.

XL. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Order or Determination of any Juſtice or Juſtices of the Peace, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the *Iſle of Ely*, where the Cauſe of Complaint ſhall ariſe, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, and the Juſtices in the ſaid General Quarter Seſſions reſpectively are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts therein, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, wherever they ſhall be found, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Party appealing to give One Month's Notice of Intention to appeal.

XLI. Provided always, and be it further enacted, That in all Caſes where any Perſon or Perſons ſhall, under or by virtue of any of the Powers or Proviſions herein-before contained, intend to have any Matter of Diſpute, Complaint or Appeal determined by the Juſtices in their ſaid General Quarter Seſſions, every ſuch Perſon or Perſons ſhall give at leaſt Fourteen Days Notice to the Party or Parties againſt whom ſuch Matter of Diſpute, Complaint or Appeal ſhall be intended to be preferred, of ſuch his, her, or their Intention, ſpecifying the Matter of ſuch Diſpute, Complaint or Appeal; and where any ſuch Diſpute, Complaint or Appeal ſhall be intended to be preferred againſt the ſaid Commiſſioners, ſuch Notice ſhall be delivered to their Treaſurer or Clerk; and in Caſes where the ſaid Commiſſioners ſhall be Appellants ſuch Notice ſhall be ſigned by their Treaſurer or Clerk, and it ſhall and may be lawful for the ſaid Juſtices in their ſaid

General Quarter Seſſions, in Default of Proof of ſuch Notice, or for any other juſt and reaſonable Cauſe, to poſtpone the Hearing of ſuch Matter to any Adjournment of the ſaid Seſſions, or until the General Quarter Seſſions then next following, at the Diſcretion of the ſaid Juſtices.

Saving the Rights of Bedford Level Corporation.

XLII. Provided always, and be it further enacted, That notwithſtanding any Thing herein or in the ſaid recited Act contained, all ſuch Banks, Forelands, and Droveways within or adjoining to the ſaid Second Diſtrict or Diviſion, as previous to the paſſing of this or the ſaid recited Act were veſted in or belonging to the ſaid Bailiffs and Commonalty of the Company of Conſervators of the great Level of the Fens called *Bedford Level*, ſhall for ever hereafter remain, continue and be veſted in and belong to them, and that nothing in this Act contained ſhall extend or be conſtrued to extend to invalidate, leſſen, diminiſh, alter, or take away any of the Rights, Powers, and Authorities veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, by virtue of an Act paſſed in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the Draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act, Statute, or Charter whatſoever; but that all Rights, Powers, and Authorities whatſoever which are now veſted in the ſaid Governor or Bailiffs and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or in every or any of them, ſhall for ever hereafter remain, continue and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply to all Intents and Purpoſes as if this Act had not been made.

This Act not to repeal the former Act as to the firſt Diſtrict, except, &c.

XLIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, ſhall not extend or be conſtrued to extend, to alter, vary, or repeal any Part or Parts of the ſaid recited Act, ſo far as reſpects the Lands and Grounds lying within the ſaid Firſt Diſtrict, or to interfere with, invalidate, leſſen, diminiſh, alter or take away any Powers, Rights, or Authorities, given to or veſted in the Commiſſioners appointed by the ſaid recited Act for the ſaid Firſt Diſtrict, ſave and except the Exemption from Stamp Duties, which is hereby declared to be repealed; but that all Powers, Rights, and Authorities therein contained ſhall, after the paſſing of this Act remain, continue, and be in the ſaid Commiſſioners, as fully and amply to all Intents and Purpoſes as if this Act had not been made, except as aforeſaid.

Limitation of Actions.

XLIV. And be it further enacted, That if any Action, Suit or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, every ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the Court of Pleas in the ſaid *Iſle of Ely*, in the ſaid County of *Cambridge*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit

General Iſſue.

ſhall and may plead the General Iſſue, and if in Replevin may juſtify and avow by virtue of this Act as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give the ſpecial Matter in Evidence, without ſpecially pleading the ſame, otherwiſe than as aforeſaid, at any Trial to be had thereupon, and that the Fact alledged to have been done was done in purſuance and by Authority of this Act; and if the ſame ſhall

appear to have been so done, or if any such Action or Suit shall be brought in any other Court or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them upon *voire dire* or otherwise, then or in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded. Treble Costs.

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

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