ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 78.

An Act to amend and render more effectual Two Acts of His late and present Majesty for draining, preserving and inclosing Lands in *March*, *Wimblington*, and *Upwell*, in the *Isle of Ely* and County of *Cambridge*, so far as the said Acts relate to the First and Second Districts therein mentioned.

[18th *May* 1810.]

WHEREAS by an Act made in the Thirtieth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons, in the Townships or Hamlets* of March *and* Wimblington, *and in the Parish of* Upwell, *in the* Isle of Ely *and County of* Cambridge, the Commissioners therein named, or to be nominated and appointed in Manner therein mentioned, or any Five or more of them, were authorized and empowered, at their First or any General Half-yearly Meeting, yearly and every Year to assess, rate, tax, and charge, all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the Fen Lands and Low Grounds situate and being within the First and Second Districts (Two of the Six Districts into which the Fen Lands and Low Grounds comprised in the said Act were divided) by equal and proportionable Taxes or Assessments, not exceeding in the whole the Sum of Two Shillings per Acre in any one Year, to be paid in such Manner and at such Times as the Commissioners for the said First and Second Districts, or any Five or more of them, 30 G. 2. c. 36.

them, ſhould direct, and to be applied and diſpoſed of in making and maintaining the Works for draining, embanking and preſerving the Lands within the ſaid Firſt and Second Diſtricts reſpectively, and for the other Purpoſes therein mentioned: And whereas the ſaid yearly Taxes or Aſſeſſments of Two Shillings per Acre have accordingly been charged and levied by the Commiſſioners acting for the ſaid Firſt and Second Diſtricts reſpectively, and have, together with the Sum of One thouſand two hundred Pounds with reſpect to the ſaid Firſt Diſtrict, and the Sum of Six hundred Pounds with reſpect to the Second Diſtrict (which by virtue of the ſaid recited Act the Commiſſioners for the ſaid Two reſpective Diſtricts were empowered to borrow) been applied in purſuance of the Directions of the ſaid recited Act in making and maintaining the Works, and defraying the neceſſary Expences within the ſaid Two Diſtricts reſpectively: And whereas notwithſtanding the ſaid Sums of Money have been duly laid out and expended, yet in conſequence of wet Seaſons and otherwiſe, and of the great Increaſe in the Prices of Timber, and of all kinds of Work and Materials, the ſame have been and are very inadequate to the Purpoſe of effectually ſupporting and maintaining the ſeveral Banks, Mills, Engines, and other Works neceſſary to the well-draining and preſerving of the Lands and Grounds within the ſaid Firſt and Second Diſtricts, and for diſcharging the Debts now due and owing on account of the ſame reſpectively; and the ſeveral Owners and Proprietors of Lands within the ſaid Firſt and Second Diſtricts, are willing that the ſame ſhould be reſpectively charged with additional Taxes or Aſſeſſments, in order to raiſe Money for the ſeveral Purpoſes aforeſaid; and alſo that ſuch further Powers and Authorities ſhould be veſted in the Commiſſioners of the ſaid Firſt and Second Diſtricts reſpectively as are hereinafter mentioned and contained: And whereas ſuch additional Taxes or Aſſeſſments cannot be laid, nor can the Mills, Engines, Drains, Banks and Works neceſſary for draining and preſerving the ſaid Lands be any longer ſupported or maintained, nor the Debts due on account of the ſaid Firſt and Second Diſtricts be diſcharged without the Authority of Parliament; And it is expedient that further Powers ſhould be granted to the ſaid Commiſſioners for effecting the above-mentioned Purpoſes: And whereas by an Act made in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled, *An Act for dividing, allotting and incloſing the Commons and Waſte Grounds within the Town or Hamlet of* March, *in the Manor and Pariſh of* Doddington, *in the* Iſle of Ely *and County of* Cambridge, *and for altering and amending an Act, paſſed in the Thirtieth Year of the Reign of His late Majeſty King* George *the Second, for draining and preſerving certain Fen Lands, Low Grounds and Commons in the Townſhips or Hamlets of* March *and* Wimblington, *and in the Pariſh of* Upwell, *in the* Iſle of Ely *and County of* Cambridge, certain Perſons were appointed Commiſſioners for dividing, allotting and incloſing the ſeveral Commons and Waſte Lands within the Limits of the ſaid recited Act of the Thirtieth Year of His ſaid late Majeſty, and ſuch Commiſſioners were (amongſt other Things) authorized and directed to aſcertain and diſtinguiſh in and by their Award, or in the mean Time, until the making and perfecting their ſaid Award, by any other Writing or Inſtrument under their Hands, which and how much of the ſaid Commons and Waſte Grounds were or ought to be deemed High Land, not ſubject to the Draining Tax; and alſo which and how much of the ſame Commons and Waſte Grounds were or ought to be deemed Fen Lands or Low Grounds liable to Taxes for Drainage: And whereas the ſaid Commiſſioners for dividing,

Recital of the Act of the 32 G. 3. c. 108.

dividing, allotting and incloſing the aforeſaid Commons and Waſte Grounds, did, by virtue of the Powers given to them by the ſaid recited Act of the Thirty-ſecond Year of His preſent Majeſty, in and by a certain Writing or Inſtrument under their Hands, aſſign and ſet out Seven hundred and forty-two Acres Twenty-two Perches (being a Part of the Commons and Waſte Grounds which were within the ſaid Firſt Diſtrict) as Lands which ought to be deemed Fen Lands or Low Grounds liable to Taxes for the Purpoſe of Drainage; which Writing or Inſtrument hath been produced to the Commiſſioners of Drainage for the ſaid Firſt Diſtrict, and a particular Deſcription of thoſe Lands have been ſet forth by the ſaid Commiſſioners for incloſing, in and by their Award; 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 (notwithſtanding the ſaid hereinbefore recited Acts or either of them) it ſhall and may be lawful to and for the Commiſſioners of the ſaid Firſt and Second Diſtricts reſpectively, or any Five or more of them, at their Firſt or any General Half-yearly Meeting reſpectively to be held for the ſaid Firſt and Second Diſtricts, after the paſſing of this Act, yearly and every Year, over and above the Tax or Aſſeſſment of Two Shillings per Acre charged upon the Lands and Grounds lying within the ſaid Firſt and Second Diſtricts, by the ſaid recited Act of the Thirtieth Year of King *George* the Second, to aſſeſs, rate, tax and charge all and every the reſpective Owner or Owners, Occupier or Occupiers of all and ſingular the Fen Lands and Low Grounds (being either old or new incloſed Lands) lying within the ſaid Firſt and Second Diſtricts reſpectively, in Manner following; (that is to ſay) for all the ſaid Fen Lands and Low Grounds within the ſaid Firſt Diſtrict, with an additional or further equal and proportionable Tax or Aſſeſſment in any Sum or Sums of Money, not exceeding in the whole the Sum of Ten Shillings per Acre in any one Year, for every Acre of the ſaid Fen Lands and Low Grounds, and for all the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict, with an additional or further equal and proportionable Tax or Aſſeſſment in any Sum or Sums of Money, not exceeding in the whole the Sum of Eight Shillings per Acre in any one Year for every Acre of the ſaid Fen Lands and Low Grounds; which ſaid ſeveral additional Taxes or Aſſeſſments ſhall, as they particularly relate to the ſaid Firſt and Second Diſtricts reſpectively, be aſſeſſed, levied, collected, paid and recovered in the ſame Manner, and by the ſame Ways and Means, and ſhall (after the Expences of obtaining and paſſing this Act ſhall have been paid, borne and defrayed) be applied and diſpoſed of from Time to Time, in the firſt Place, in and about the particular Works, Banks, Drains, Mills, Engines, and other Matters neceſſary for draining the ſaid Firſt and Second Diſtricts reſpectively; then towards diſcharging the Debts due to Tradeſmen and Workmen accrued or to accrue on account of the ſaid Firſt and Second Diſtricts reſpectively, and the Remainder thereof towards the Payment and Diſcharge of the ſaid Sum of One thouſand two hundred Pounds with reſpect to the Taxes of the ſaid Firſt Diſtrict, and the ſaid Sum of Six hundred Pounds with reſpect to the Taxes of the ſaid Second Diſtrict, and the Intereſt due or to grow thereon reſpectively; and the ſaid additional Taxes or Aſſeſſments, by this Act charged or authorized to be charged, ſhall commence and be computed from the Firſt Day of *January* One thouſand eight hundred and ten.

Commiſſioners empowered to lay additional Taxes.

Application thereof.

II. And

Part of new inclosed Lands to be deemed Fen Lands, and to be taxed as such.

II. And be it further enacted, That the said Seven hundred and forty-two Acres and Twenty-two Perches (such Part of the said Commons and Waste Grounds as have been assigned and set out by the Commissioners for inclosing by virtue of the said Act of the Thirty-second Year of His present Majesty, as Lands and Grounds within the said First District, which are liable to the Taxes directed to be raised by virtue of the said Act of the Thirtieth Year of His late Majesty) shall from and after the passing of this Act be deemed Fen Lands or Low Grounds lying within the said First District; and the Owners or Occupiers thereof shall be rated, taxed and assessed for them as such by the said Commissioners for Drainage of the said First District by virtue of the said recited Acts, and moreover by this Act, by and with the same Rates, Taxes and Assessments as the other Fen Lands and Low Grounds within the said First District.

For altering the Days of Meetings.

III. And whereas the Days and Places appointed by the said Act of the Thirtieth Year of His late Majesty for holding the Meetings of the Commissioners of the said First and Second Districts respectively, have in some respects been found inconvenient; Be it therefore enacted, That instead of the Days appointed by the said last-mentioned Act for holding the General Half-yearly Meetings of the Commissioners for the said First and Second Districts, the General Half-yearly Meetings for and in respect of the said First District shall, after the passing of this Act, be holden on the following Days; (that is to say) on the last *Thursday* in *April*, and on the last *Thursday* in *September* in every Year; and the General Half-yearly Meetings for and in respect of the said Second District shall, after the passing of this Act, be holden on the last *Friday* in *April*, and the last *Friday* in *September* in every Year; any Thing in the said Act of the Thirtieth Year of His late Majesty, or in any other Act or Statute whatsoever to the contrary notwithstanding.

For altering the Place of Meetings, and Mode of giving Notice of them.

IV. And be in further enacted, That from and after the passing of this Act all the General Meetings, and all the Meetings which shall be held by Adjournment, or which shall be summoned in Manner directed by the said recited Act of the Thirtieth Year of His late Majesty, for or in relation to either of the said First and Second Districts, shall be holden at some Inn, or other convenient Place in the Town or Hamlet of *March* aforesaid, and not elsewhere; and that all Notices requisite to be given of any such Meetings shall, from and after the passing of this Act, be required to be affixed only on *March* Bridge, and shall on being so affixed be good and sufficient Notices, although the same be not affixed on any other Bridge or Place whatsoever, any Thing contained in the said recited Acts of the Thirtieth Year of His late Majesty, or the Thirty-second Year of His present Majesty, or either of them, to the contrary notwithstanding.

Penalty on Persons not paying their Taxes.

V. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay to the Collector or Collectors, Receiver or Receivers, or any other Person or Persons appointed or to be appointed by the said Commissioners of the said First and Second Districts respectively, the Taxes or Assessments with which he, she or they shall be respectively charged by virtue of the said recited Acts of the Thirtieth of His late Majesty, and Thirty-second of His present Majesty, or this present Act, by the Space of Two Calendar Months after the same shall have become due

due and payable (Demand thereof having been first made by such Collector, Receiver or other Person) every such Person shall forfeit and pay to such Collector or Collectors, Receiver or Receivers, or other Person or Persons so to be appointed, the further Sum of Three Shillings and Four-pence for every Twenty Shillings which shall be so in arrear and unpaid, and so in Proportion for any less Sum, to be levied by Distress and Sale of his, her and their Goods and Chattels, in such Manner as the Taxes and Assessments granted by the said recited Acts or either of them, or this present Act, are directed to be levied; and the Monies so forfeited and levied shall be applied towards the Works of the said First and Second Districts respectively.

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

VI. And to the End that the said additional Taxes hereby imposed may be more easily collected and received; be it further enacted, That all and every the Tenants and Occupiers of the said Fen Lands and Low Grounds which shall be assessed, rated, taxed or charged, or be liable to be assessed, rated, taxed or charged by virtue of this Act, shall pay and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed or charged by virtue of this Act, on, or for or in respect of the several Lands and Grounds in their respective Occupations, to the Collector or Collectors, or other Person or Persons appointed by the Commissioners of the said First and Second Districts respectively to receive the same, and to deduct and retain out of his, her or their Rent, all such Sum and Sums of Money as he, she or they shall so respectively pay as aforesaid; and the several and respective Landlords or Owners of such Fen Lands and Low Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and every such Tenant or Occupier paying such Rate or Tax shall, upon producing a Receipt for the same, be acquitted and discharged of so much Money as the said Rate or Tax so paid by him or her shall amount to, as fully and effectally as if the same had been actually paid to his or her Landlord or Landlords.

But not to deduct Penalties.

VII. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Tax or Taxes by virtue of this Act, and such Penalty or Penalties shall have been levied by the Commissioners of the said First and Second Districts respectively by Distress upon the Goods, Chattels or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds; or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty and Penalties, together with the Costs, Charges and Expences of taking any such Distress or Distresses, shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners of such Fen Lands and Low Grounds shall not be compelled or compellable to allow or pay any such Penalty or Penalties or Expences to such Occupier or Occupiers, any Thing herein contained to the contrary thereof notwithstanding.

No beneficial Lessee to be allowed to deduct Taxes.

VIII. Provided also, 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, who shall hold the same

same by virtue of or under any beneficial Lease from any Bishop or Collegiate Church or College, or any Corporation Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which, at the Time appointed by the Commissioners of the said First and Second Districts respectively for the Payment of the said Rates and Taxes for any Year, there shall be Six Years or upwards to come and unexpired, shall be entitled to deduct the said Rates and Taxes or any Part thereof, for such Year, 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 Years.

IX. And be it further enacted, That where any Person or Persons being Tenant or Tenants for Life or Lives, of any Part of the said Fen Lands and Low Grounds, who shall have paid the Rates and Taxes to be assessed, rated, taxed or charged by virtue of this Act in respect of such Fen Lands and Low Grounds, shall die before the Expiration of Four Years from the Time first appointed by the Commissioners of the said First and Second Districts respectively, for the Payment of the said Rates and Taxes, then it shall be lawful for him, her or them, by his, her or their last Will and Testament, or last Wills and Testaments respectively, to charge such Fen Lands and Low Grounds with the Payment of so much of such 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 Fen Lands and Low 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, to the Executors or Administrators of such Tenant or Tenants for Life or Lives, together 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*.

Power to borrow Money.

X. And be it further enacted, That it shall and may be lawful for the Commissioners for the said First and Second District respectively for the Time being, or any Seven or more of them to borrow, take up and receive any Sum or Sums of Money that they shall respectively think proper, upon the Credit of the said additional Rates and Taxes by this Act charged or authorized to be charged upon the Lands and Grounds in the said First and Second Districts respectively; and by Writing under their Hands and Seals to mortgage, charge, assign, convey or incumber the said additional Rates or Taxes, or any Part or Proportion of the same charged or authorized to be charged by virtue of this Act upon the said Lands and Ground within the said First and Second Districts respectively, with and for the Re-payment of the Sums so borrowed, with such Interest for the same (not exceeding lawful Interest) at such Times and with such Provisoes and Conditions of Redemption as may be agreed upon in that Behalf, and from Time to Time to discharge and repay the Sum or Sums

or

of Money so to be borrowed together with the Interest for the same; and all Mortgages or Assignments of the said additional Rates and Taxes imposed by this Act which shall be made by the Commissioners of the said First District, shall be numbered progressively, beginning with Number Thirteen; and all such Mortgages or Assignments which shall be made by the Commissioners of the said Second District shall be numbered, in like Manner beginning with Number Seven; and no Mortgage or Assignment of the said additional Rates and Taxes, by this Act imposed as aforesaid, shall be made for securing any greater or less Sum than One hundred Pounds.

Securities may be assigned.

XI. And be it further enacted, That every Person to whom any Mortgage or Assignment of the additional Rates, Taxes or Assessments to be imposed and raised by virtue of this Act shall be made, shall have full Power from Time to Time, to assign and transfer the same to any Person or Persons whomsoever; and every such Assignment or Transfer shall be entered in a Book to be kept for that Purpose by the Commissioners of the said First and Second Districts respectively, (which Entry the Clerk to the Commissioners for each of the same respective Districts is hereby required to make, upon any Person producing any such Assignment or Transfer, and paying Two Shillings and Sixpence for the Entry thereof) and after such Entry made, every such Assignee or Assignees, his, her or their Executors, Administrators or Assigns, shall be entitled to the Principal Money and Interest due or to become due thereon; and such Assignee or Assignees, and every subsequent or other Assignee or Assignees, shall and may in like Manner assign, transfer and make over such Mortgage and Security, or Mortgages and Securities so assigned to him, her or them as aforesaid, and so *toties quoties* as often as Occasion shall require.

Taxes to be charged with Principal Monies and Interest, and to vest in the Creditors on Default of Payment.

XII. And be it further enacted, That all the additional Rates or Assessments to be laid, imposed and raised by the Authority of this Act, shall be charged and chargeable with the Payment of the Principal Monies to be borrowed by the Commissioners of the said First and Second Districts respectively by virtue of this Act as aforesaid, and with the Interest of such Monies from Time to Time, and shall vest in the Creditors upon Default of Payment of such Principal Monies and Interest, until the same and every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators or Assigns respectively, shall have the same Powers, Rights and Privileges of assessing, raising and recovering the said additional Rates or Assessments payable by the several Owners and Occupiers of Lands and Grounds within the said First and Second Districts respectively, for and in respect of such Principal Monies and Interest in case of Default in Payment thereof, as the Commissioners of the said First and Second Districts respectively, and their Collectors or Receivers, could have had in case such Principal Monies and Interest had been regularly paid.

Limitation of Money to be borrowed.

XIII. Provided always, and be it further enacted, That no more than the respective Sums following shall be borrowed or owing at any one Time, upon the Credit or Security of the said additional Rates or

or Taxes respectively charged or authorized to be charged by this Act as aforesaid; (that is to say) the Sum of Three thousand Pounds on the Credit or Security of the said Rates or Taxes of the aforesaid First District, and the Sum of Two thousand Pounds on the Credit or Security of the said Rates or Taxes of the aforesaid Second District.

Penalty on setting Nets, &c. in Ditches for catching Fish.

XIV. And whereas, it frequently happens that the Passage of the Waters through the Ditches and Drains leading to the several Mills or Engines for draining Fen Lands is obstructed by loose and disorderly Persons setting Fishing Nets, and laying other Obstructions in the said Ditches and Drains; be it therefore enacted, That if any Person or Persons shall from and after the passing of this Act, wilfully set any Net or other Engine, or use any Hook, Instrument or other Device for the Purpose of taking or catching of Fish in any or either of the Ditches or Mill-Drains already made or hereafter to be made in the said First and Second Districts or either of them, every Person or Persons so offending, and being thereof convicted by any one or more Justice or Justices of the Peace for the *Isle* of *Ely*, not interested in the Premises, who is and are hereby required to hear and determine the same on the Oath of One or more credible Witness or Witnesses, shall forfeit and pay any Sum not exceeding Five Pounds, together with the Expences of the Prosecution, to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hand and Seal of any One or more of the Justices before whom such Conviction shall be made, One Moiety whereof shall be applied and laid out in the carrying on the Works and Improvements of the District wherein such Offence shall be committed, and the other Moiety thereof shall be paid to the Informer or Informers; and for want of such sufficient Distress, such Offender or Offenders shall by the said Justice or Justices be committed to the Common Gaol of the said *Isle* of *Ely* for any Time not exceeding One Calendar Month; and that it shall and may be lawful for the Commissioners, or any or either of them, of the said First and Second Districts respectively, or for the Collector of the Taxes, or Surveyor of the Works of the said First and Second Districts, or either of them, to seize and take away any such Net, Engine, Hook, Instrument or other Device so set or used, and sell and dispose thereof, and apply the Money arising therefrom towards the necessary Works of the said First and Second Districts respectively, wherein any such Net, Engine, Hook, Instrument or other Device shall be set or used as aforesaid: Provided nevertheless, that the Right of Fishing in any of the said Drains or Ditches shall not be altered in any respect by virtue of this Act, but such Right shall continue and remain as if this Act had not been made.

But the Right of Fishing to remain as heretofore.

Commissioners may pay for mowing Thistles and destroying Moles on Banks, &c.

XV. And be it further enacted, That the Commissioners of the said First and Second Districts respectively may, and they are hereby empowered, out of the Monies arising from the Taxes of such Districts respectively, to make such Allowances for the mowing of Thistles and Nettles which may be growing on any of the Banks belonging to and within the Limits of their said respective Districts, as they the said Commissioners or any Five or more of them shall think proper; and also to make such Allowances as may by them or any Five or more of them

them be thought proper for catching and destroying Moles or other Vermin, in any of the Banks or Lands within the same Two respective Districts.

Engines and Mills to be insured.

XVI. And be it further enacted, That the Commissioners of the said First and Second Districts respectively, or any Five or more of them, shall cause all and every the Engines and Mills erected, or to be erected for the Purpose of draining the Lands within their said respective Districts, to be insured against Fire in some of the Public Insurance Offices, and from Time to Time to pay the Expence attending such Insurance out of the Taxes arising within the same Two Districts respectively.

Dimensions of Tunnels to be laid in Gateways.

XVII. And to the End, that it may be clearly understood what shall be deemed a sufficient Tunnel, already or hereafter to be laid down in any Gateway within the said First and Second Districts respectively; be it enacted, That every such Tunnel shall be Twelve Inches square at the least, and where a Way is already or hereafter shall be made over any Dyke within the said First and Second Districts respectively without such a Tunnel, the Commissioners of the said First and Second Districts respectively, and their Collector or Collectors, Receiver or Receivers, shall have the same Power and Authority, to cause every such Way to be taken up, and every such Dyke to be made of a proper Width and Depth, as is or are given to the Commmissioners, their Collectors or Receivers, by the said recited Act of the Thirtieth Year of His late Majesty, any Thing in this Act or either of the said recited Acts contained to the contrary notwithstanding.

Commissioners may agree for the Purchase of Lands, or Satisfaction for Damages.

XVIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Proprietor of and Persons interested in any Lands, Tenements or Hereditaments, which the said Commissioners shall adjudge necessary to be used for the Purpose of making any Cut or Cuts, Drain or Drains, Bank or Banks, or other Works within the said First and Second Districts respectively, or for Materials for the same, for the Purchase of such Lands, Tenements and Hereditaments, or to agree 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 Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees and 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, who are or shall be seised or interested in their own Right, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in such Lands, Tenements or Hereditaments, to contract for, sell and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any, Lands, Tenements or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners under this Act, for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tene-

Bodies Politic, &c. may contract for Sale of Lands or Compensation for Damages.

ments and Hereditaments by the Means aforesaid; and all such Contracts, Sales, Conveyances and Agreements shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen that any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Ten Days after Notice in Writing given to the principal Officer or Officers of such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating; then and in every such Case, the said Commissioners may, and they are hereby authorized and empowered, Fourteen Days at least before any Quarter Sessions of the Peace to be holden for the said *Isle of Ely*, within Twelve Calendar Months after the Lands or Grounds shall have been used, or such Damage done, to give or cause to be given to the Party or Parties whose Land or Ground shall have been used, or who shall have sustained such Damage or Injury, or leave or cause to be left at his or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing purporting that the Value of such Land or Ground, and the Amount of the Damage or Injury sustained will be adjusted and settled by a Jury at the said Sessions; and the Justices at their said Sessions, or any Adjournment thereof, shall and are hereby authorized and empowered to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men to be then and there impannelled and returned by the Chief Bailiff of the said *Isle of Ely*, and cause them to be sworn well and truly on their Oaths to assess the Value of the Land or Ground, and the Recompence to be given for the same, or for any Damage or Injury sustained as aforesaid 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 therein; to which said Juries the said Commissioners, and all Parties interested in the said Lands, 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 empowered, 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 any 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 Oaths, and also the Oaths to be taken by the Persons who shall appear or be summoned to be examined, and give Evidence as aforesaid, the said Justices at their Sessions are hereby empowered and required to administer,) shall ascertain and award the Recompence to be given for the said Land or Ground, or any Damage or Injury which shall have been done as aforesaid to the respective Person or Persons, Bodies Politic, Corporate or Collegiate, or Owner or Owners thereof; and the said Justices

Commissioners may apply to the Sessions to ascertain the Value of Lands and the Amount of Damages.

The Justices to cause the Jury to assess Damages.

Witnesses to be summoned.

Justices to give Judgement, and the

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tices shall and may give Judgement according to the Verdict of the said Jury, and the Judgement thereupon declared and pronounced by the said Justices shall finally bind and be conclusive to the said Commissioners and all Persons and Parties interested in the said Lands or Grounds, and shall be entered and kept among the Records of the Quarter Sessions for the said *Isle of Ely*, and true Copies thereof being 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 paid in Cases of the like Nature.

Same to be final.

XIX. And be it further enacted, That in all cases where any Verdict shall be given for a greater Sum for the Sale of any Lands, Tenements or Hereditaments, or as a Compensation for Damages done or to be done, than shall have been offered by or on Behalf of the said Commissioners of the aforesaid First and Second Districts respectively before the summoning of such Jury, then all the Expences of such Jury, and of the Witnesses attending upon the same, and taking such Inquest (such Expences to be settled by the said Justices) shall be paid by the said Commissioners of the aforesaid First and Second Districts respectively, out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been previously offered in the Cases aforesaid by or on Behalf of the same Commissioners respectively, then and in every such Case the Expences attending such Verdict and Judgement, to be settled as aforesaid, shall be paid by the Owners or Persons interested in the Lands, Tenements or Hereditaments upon or in respect of which such Application shall have been made; which said Expences, in case the same shall not be paid on Demand after being settled as aforesaid, may be recovered by the said Commissioners respectively, in and by such Ways and Means as are herein-before provided for the Recovery of Rates and Taxes to be raised and levied by virtue of this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

By whom Expences of Jury and Witnesses are to be paid.

XX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for 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 Corporation, Feme-Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein mentioned, such Money shall, in case the same shall exceed 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 of the aforesaid First and Second Districts respectively, 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 and Hereditaments, in discharge of any Debt or Debts, or any Part thereof affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments

Application of Compensation where exceeding 200*l.*

ments ſtanding ſettled therewith to the ſame or the like Uſes, Intents or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements and Hereditaments ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or 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, on the Requeſt of any Five or more of the ſaid Commiſſioners of the aforeſaid Firſt and Second Diſtricts reſpectively, in Writing ſigned by them, and without any Order of the Court of Chancery, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court of Chancery to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time go and belong to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements and Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

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

XXI. Provided always, and be it further 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 Diſability as aforeſaid, ſhall not exceed the Sum of Two hundred Pounds nor be leſs than 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 or Lunacy, to be ſignified by Writing under their reſpective Hands) be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore directed; or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Commiſſioners of the aforeſaid Firſt and Second Diſtricts reſpectively, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Money may be applied in Manner hereinbefore 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.

XXII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before-mentioned ſhall be leſs than Twenty Pounds, then and in ſuch Caſe the ſame ſhall be paid to 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; or in caſe of Infancy

or

or Lunacy, then to his 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.

XXIII. 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 Title to the Premises to the Satisfaction of the said Commissioners of the aforesaid First and Second Districts respectively; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements or Hereditaments be not known or discovered; then, and in every such Case, it shall and may be lawful to and for the Commissioners of the said First and Second Districts respectively, 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 Herditaments [*describing them*] subject to the Order, Controul and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to any 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 Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England*.

Respecting disputed Titles.

XXIV. Provided always, and be it further enacted, That where any Question shall rise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in the 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 or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied and disposed of accordingly, unless it shall be made appear to the said Court that such

Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments or to ſome Eſtate or Intereſt therein.

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

XXV. Provided alſo, and be it further 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 for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful 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 the ſaid Court ſhall deem reaſonable, to be paid by the Commiſſioners of the ſaid First and Second Diſtricts reſpectively, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Lands may be let or ſold for Payment of Taxes.

XXVI. And whereas it may ſometimes happen that ſome of the Lands and Grounds in the ſaid First and Second Diſtricts, or one of them, may be untenanted or unoccupied for a conſiderable Time, ſo that no Diſtreſs can be taken thereon for levying the Rates or Taxes due in reſpect of the ſame; therefore for enforcing the Payment thereof in all ſuch Caſes, Be it further enacted, That where any of the ſaid Rates or Taxes impoſed or to be impoſed by virtue of the ſaid recited Acts or this Act, or either of them, with reſpect to the ſaid First and Second Diſtricts reſpectively, ſhall be in arrear and unpaid by the ſpace of Twelve Calendar Months together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, or upon the Goods and Chattels of any Perſon or Perſons owning or occupying the ſame, or where the ſaid Lands and Grounds ſhall be untenanted; then and in every ſuch Caſe the Commiſſioners of the ſaid First and Second Diſtricts reſpectively, or any Five or more of them, at any of their Meetings to be holden by virtue of this Act, or the ſaid recited Acts, or either of them, ſhall have full Power and Authority to let to the beſt Bidder or Bidders by Public Auction ſo much of the ſaid Lands and Grounds upon which any Rate or Tax ſhall be ſo in arrear, as they the ſaid Commiſſioners for the ſaid First and Second Diſtricts reſpectively, or any Five or more of them ſhall judge ſufficient for ſuch Term or Terms of Years, not exceeding Five Years, at ſuch Rent and Rents, Fine or Fines, Premium or Premiums, and upon ſuch Conditions and Agreements as to them the ſaid reſpective Commiſſioners or any Five or more of them ſhall ſeem meet, and to apply the Rent or Rents, Fine or Fines, Premium or Premiums ariſing therefrom in Payment and Diſcharge of all ſuch Rates and Taxes, and the Penalties incurred for Non-payment thereof, and alſo the Coſts, Charges and Expences of advertiſing and letting the ſaid Lands or Grounds as aforeſaid; and where any of the ſaid Taxes ſhall be in arrear and unpaid by the Space of Three Years together, and no ſufficient Diſtreſs can be found upon the Lands and Grounds charged therewith, or upon the Goods or Chattels of any Perſon or Perſons owning or occupying the ſame, or where the ſaid Lands and Grounds ſhall be untenanted; then, and in every ſuch Caſe, the ſaid reſpective Commiſſioners of the aforeſaid First and Second Diſtricts, or any Five or more of them, at any of their ſaid Meetings, ſhall by Writing under their Hands and Seals have full Power and Authority to ſell to the beſt Bidder

or

or Bidders by Public Auction so much of the said Lands and Grounds, upon which any Tax shall be so in arrear, as they the said respective Commissioners of the aforesaid First and Second Districts, or any Five or more of them shall judge sufficient to raise such Taxes and the Penalties incurred for Non-payment thereof, and also the Costs, Charges and Expences of advertising and selling the said Lands or Grounds as aforesaid; and the Person or Persons to whom such Sale shall be made shall be a lawful Purchaser or Assignee, or Purchasers and Assignees of so much of the said Lands and Grounds as shall be so sold to all Intents and Purposes whatsoever: Provided always, that a Schedule of the Lands so to be let or sold for Taxes in arrear shall be affixed upon the Church Doors of the Parish, Township or Hamlet where the said Lands shall lie, Three several successive *Sundays* next before the Day of such Letting or Sale as aforesaid shall take place; Provided also, that nothing contained in the Powers hereby given to the Commissioners to let or sell the Lands for the Non-payment of the Taxes imposed by the said recited Acts and this present Act or either of them, shall extend or be construed to extend to exonerate or discharge any Tax or Taxes that are or may be imposed by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the draining of the Great Level of the Fens called* Bedford *Level*; but that all Hirers and Purchasers thereof shall have and enjoy the said Lands, subject thereto, and to such other Taxes as the said Lands may be liable to; Provided likewise, that in all cases where any Lands or Grounds shall by virtue of the Provisions hereinbefore contained be let by the said respective Commissioners of the aforesaid First and Second Districts for recovery of the Taxes and Penalties due thereon, such Lands and Grounds shall, after the Expiration of ths Term for which the same shall be so let, and the Payment of the said Taxes and Penalties, and all Expences incurred by the said respective Commissioners of the aforesaid First and Second Districts, or their Collectors, Receivers or Agents, relating to the Letting of the said Lands (and which Expences they the said respective Commissioners of the aforesaid First and Second Districts, or their Collectors, Receivers or Agents, are hereby authorized and required to raise out of any such Rent or Rents, Fine or Fines, Premium or Premiums arising and received from or in respect of such Lands and Grounds) revert to the original Owner and Owners, Proprietor and Proprietors thereof, and be as fully and effectually vested in him, her, or them, to all Intents and Purposes whatsoever, as if such Lands or Grounds had never been let by the said Commissioners.

Schedule of Lands to be let or sold to be affixed on Church Doors.

Lands sold or let to be subject to the Corporation Tax, &c. as before.

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

XXVII. And be it further enacted, That previous to the letting or selling any such Lands as aforesaid the Commissioners of the aforesaid First and Second Districts respectively, or any Five or more of them, shall cause Notice thereof to be given to the Owner or Proprietor, or Owners or Proprietors of the Lands so to be let or sold, by leaving the same at his, her or their usual or last Place or Places of Abode, if such Place or Places of Abode be known to the Commissioners; and shall also give public Notice thereof in the *Cambridge* Newspaper, or some other public Newspaper usually circulated in the said County of *Cambridge* or *Isle of Ely*, Three Weeks at the least intervening between every such Notice and Time of any such Letting or Sale.

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

XXVIII. Pro-

Not to affect Creditors under the Act 30 G. 2.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in anywise to affect, impeach, lessen or invalidate any Security, Right, Claim or Demand which any Person or Persons, who hath or have advanced any Money upon the Credit of the Taxes or Assessments charged by virtue of the said recited Act of the Thirtieth Year of His late Majesty upon the Lands and Grounds within the said First and Second Districts respectively, now hath or have upon the Credit of such Taxes, or upon the Lands and Grounds within the said Two several Districts, or either of them in respect of such Money so advanced, but that the several Persons who have advanced Money upon the Credit of the Taxes and Assessments charged in relation to the said First and Second Districts respectively by virtue of the said recited Act of the Thirtieth Year of His late Majesty, their Executors, Administrators and Assigns, shall upon all Occasions have a Priority of Claim, and a good and perfect Lien upon the said Taxes within the said Two respective Districts charged by virtue of the recited Act as aforesaid; and that the Lands within such said Two respective Districts shall in the first place be liable to the Tax or Assessment charged by the said recited Act, and to the Money borrowed thereon with respect to such Two respective Districts: Provided always nevertheless, that with respect to and in relation of the said Second District, and the Money borrowed by virtue of the said recited Act of the Thirtieth year of His said late Majesty on the Credit of the Taxes thereof, every Creditor shall, in proportion to the Sum or Sums of Money actually advanced and lent on any Mortgage or Assignment, be Creditors in equal Degree one with another, and shall have no Preference in respect to the Priority of having advanced any such Sum of Money, any Thing in the said recited Acts, or this present Act, or either of them, contained to the contrary notwithstanding.

Persons who have lent or given their own Security for Money to be repaid out of the Taxes.

XXIX. And be it further enacted, That if any of the Owners or Proprietors of Lands or Grounds within the said First and Second Districts, or either of them, or any other Person or Persons whomsoever, shall have advanced any Money previous to obtaining this Act for the Purpose of carrying on the Works of Drainage within the said First and Second Districts respectively, or for the Purpose of applying for and obtaining this Act; or if any such Owners or Proprietors, or other Person or Persons, shall at any Time before the passing of this Act have given their own personal Security for any such Money, then all such Money as aforesaid, together with Interest after the Rate of Five Pounds *per Centum per Annum* from the Times of advancing the same, shall be repaid by the Commissioners of the said First and Second Districts respectively out of the Taxes to arise by virtue of this Act.

Commissioners empowered to subscribe Money out of their Taxes for general Purposes of Drainage, &c.

XXX. And be it further enacted, That it shall be lawful for the Commissioners for the Time being of the said First and Second Districts respectively, or any Five or more of them, at any of their Meetings to be holden by virtue of this Act or either of the said former Acts, to order and direct any Sum or Sums of Money arising from the aforesaid Taxes or Assessments by this Act imposed to be subscribed, advanced and expended by the Treasurer of the said First and Second Districts respectively for any general Purposes of Drainage which they the said Commissioners may think beneficial to such respective Districts, either in co operating with the Governor, Bailiffs and Commonalty of the Company of Conservators of

of the Great Level of the Fens called *Bedford Level*, or otherwise howsoever.

To prevent the planting of Trees or Holts near the Banks of Mills.

XXXI. And be it further enacted, That from and after the passing of this Act it shall not be lawful to or for any Person or Persons whomsoever to plant or cause to be planted any Trees or Holts in the said First and Second Districts, or either of them, within Sixty Poles (each Pole to contain Eighteen Feet) of any Mill or Engine already built, erected or employed, or which may hereafter be built, erected or employed for draining the Lands and Grounds within the said First and Second Districts, or either of them, or within Ninety Feet of any River, Bank, or other Bank within the said First and Second Districts, or either of them; and if any Person or Persons whomsoever shall plant or cause to be planted any such Trees or Holts as aforesaid, every such Person shall forfeit and pay for every Tree so to be planted One Shilling, and Five Pounds for every Holt so to be planted; which said Penalties of One Shilling and Five Pounds respectively, shall and may be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the *Isle of Ely*, and which Warrant such Justice is hereby empowered to issue; and the Commissioners of the said First and Second Districts respectively, or any Five or more of them, are hereby empowered and authorized at any of their Meetings, by any Warrant or Writing under their Hands and Seals, to order their respective Agents or Servants to take up, pull down, and remove all, every or any of such Trees and Holts, which shall be so planted contrary to this Act as aforesaid.

Trees and Holts already planted may be removed.

XXXII. Provided always, and be it further enacted, That if any Trees or Holts are now planted or growing within the Distance of Sixty Poles from any Mill or Engine already built or hereafter to be built within the said First and Second Districts or either of them, or upon or within Ninety Feet of any River Bank, outside or boundary Bank within the said First and Second Districts, or either of them, it shall and may be lawful to and for the Commissioners of the said First and Second Districts respectively, or any Five or more of them, by a like Warrant or Writing under their Hands and Seals, to order the same to be taken up, pulled down and removed, as if the same had been planted after the passing of this Act, they the said respective Commissioners making such Satisfaction out of the Monies arising within the said respective Districts by virtue of this Act or the said former Acts or either of them, to the Owner or Owners of such Trees or Holts as shall be agreed upon between such Owner or Owners and the said respective Commissioners; and in case any Difference or Dispute shall arise between such respective Commissioners and such Owner or Owners touching such Satisfaction, and the same cannot be settled between them, then such Satisfaction and Recompence shall be settled and determined by two Justices of the Peace for the *Isle of Ely* not interested in the Premises.

For apportioning the Expences of obtaining this Act between the First and Second Districts.

XXXIII. And be it further enacted, That the Expences of obtaining this Act shall be paid and borne out of the Taxes arising from the said First and Second Districts in the Proportions following, (that is to say) Two-third Parts thereof out of the Taxes or Monies arising from the said First District, and the remaining Third Part out of the Taxes or Monies arising

arising from the said Second District by the Commissioners of the said Districts respectively.

For paying Interest on Monies advanced.

XXXIV. Provided always, and be it further enacted, That all such Monies as shall be advanced and paid by any Person or Persons whomsoever for Fees and other Expences in obtaining and passing this Act, shall be in the first Place repaid and satisfied, together with lawful Interest for the same, by the said respective Commissioners of the aforesaid First and Second Districts in the Proportions aforesaid, out of the First Monies to be by them respectively raised by virtue of this Act, any Thing herein contained to the contrary notwithstanding.

Distress not unlawful for want of Form.

XXXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

XXXVI. And for the more easy and speedy Conviction of Offenders against this Act and the said recited Acts, or either of them; Be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or the said recited Acts, or either of them, so far as the same relate to the said First and Second Districts respectively, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

Form of Conviction of Offenders.

'BE it remembered, that on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* one of His Majesty's Justices of the Peace for the *Isle of Ely* [*or*, County of *Cambridge*, either on his own Confession, or on the Oath of one or more credible Witness or Witnesses, *as the Case shall be*] by virtue of an Act made in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of this Act, specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal, the Day and Year above written.'

For extending the Powers of former Acts to this Act.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to repeal, alter or take away any of the Clauses, Powers and Authorities given by the said recited Acts of the Thirtieth Year of His late Majesty, and the Thirty-second Year of the Reign of His present Majesty, or either of them, to the Commissioners acting by virtue and in pursuance thereof respectively, within the said First and Second Districts or either of them; but that all the Clauses, Powers and Authorities given by the said recited Acts or either

either of them, so far as the same relate to the said First and Second Districts respectively, shall extend and be construed to extend to this Act, as fully and effectually as if the the same were repeated and re-enacted in this present Act, save only and except such Part or Parts thereof, as is or are altered and taken away or repealed by virtue of this Act.

Justices may administer Oaths, and Commissioners may act as Justices, unless personally interested.

XXXVII. And be it further enacted, That in all Cases wherein Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons, for his or their more certain Information in the Matters then depending; and that any Justice of the Peace may act as such in the Execution of the said recited Acts and of this Act (except where personally interested) notwithstanding his being a Commissioner of the said First and Second Districts, or either of them.

Persons giving false Evidence to be deemed guilty of Perjury.

XXXVIII. And be it further enacted, That all and every Person and Persons who in any Examination to be taken by virtue of this Act shall give false Evidence before any Justice or Justices of the Peace, or before any Commissioner of the said First and Second Districts respectively, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury, by any of the Statutes of this Realm.

Persons aggrieved may appeal to the Quarter Sessions.

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this Act, then and in such Case he, she or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the said *Isle of Ely*, (first giving to the Person or Persons appealed against, or to the Clerk to the Commissioners of the said First and Second Districts respectively, in case the Appeal shall be made against any Act or Determination of such respective Commissioners, Fourteen Days' Notice in Writing, of such Appeal and of the Matter thereof, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said *Isle of Ely*, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon, and the said Justices shall, upon due Proof of such Notice and Recognizance having been given and entered into, either hear and determine the said Appeal at such General Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for the said *Isle of Ely*; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form, nor removed by Certiorari.

Limitation of Actions.

XL. And it is hereby 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 of the said *Isle of Ely*, or in the County of *Cambridge*, and not elsewhere; and the Defendant or Defendants in

such

General Issue. such Action or Suit 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 this Act and 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 alleged 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 after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuit or forbear Prosecution, or discontinue his, her or their Suit or Suits, or if any Verdict shall pass against him, her or them upon a Demurrer or otherwise; then and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she or they shall have like Remedy as where Costs by Law are awarded.

Costs.

For saving the Rights of the Corporation of Bedford Level.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Commissioners or any of them, or any other Person or Persons whomsoever, to have, use or exercise any Power or Authority over, or to intermeddle with any of the Sewers, Drains or Works already made by or belonging to, or hereafter to be made by or belonging to the Governor, Bailiffs and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*; or 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 Governor, Bailiffs and Conservators of the said Great Level; but that all Rights, Powers and Authorities whatsoever, which by virtue of an Act made 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 of any other Act or Statute whatsoever or otherwise, are now vested in the said Governor, Bailiffs and Commonalty, or in the said Governor, Bailiffs and Conservators, shall for ever hereafter remain, continue and be in the said Governor, Bailiffs and Commonalty, and in the said Governor, Bailiffs and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been made.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1810.