ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 77.

An Act for improving the *Barrier Bank* on the South Side of *Moreton's Leam*, between *Tower Houſe* and *Whittleſey Field*, in the Iſle of *Ely* and County of *Cambridge*. [18th *May* 1810.]

WHEREAS there are certain Fen Lands and Low Grounds in the ſeveral Pariſhes of *Whittleſey* and *Wiſbech Saint Peters*, and in the Hamlet of *March* in the Pariſh of *Doddington*, within the *Iſle of Ely* and County of *Cambridge*, containing together Twelve thouſand Acres and upwards, which are ſubject to Inundation if any Part of the *Barrier Bank* on the South Side of a certain River called *Moreton's Leam*, between *Tower Houſe* and *Whittleſey Field* in the ſeveral Pariſhes of *Wiſbech Saint Peters* and *Whittleſey* aforeſaid, ſhould be broken by Floods; all which Fen Lands and Low Grounds are comprized within the following Boundary or Boundaries, (that is to ſay); beginning at the Corner of the *Walderſea Black Bank* oppoſite the *Black Hart* in *Guyhirn* in *Wiſbech* aforeſaid, and from thence along the Weſt Side thereof to *Moor's Drain* or the *Twenty Feet River*, and from thence along the North Bank of that River to the Bridge over the ſame at *Hobbs Lots Houſe*, and from thence along the Weſt Side of the Turnpike Road to the Bridge where the Road to *Whittleſey* joins the ſaid Turnpike Road, and from thence along the South Side of the ſaid Turnpike Road to the Hard Lands at *March* called *Peaſe Hill*, and from thence by the Weſtward Edge of the Hard Lands of

March to the River *Nene* Bank at *March* Town's End at a Place called *Whittle End*, and from thence by and along the North Bank of the ſaid River *Nene* to *Flood's Ferry*, and from thence by the North Bank of *Whittleſey Dyke* to the Hard Lands of *Whittleſey*, and from thence round by the Eaſtward Edge of the Hard Lands of *Whittleſey* aforeſaid, and of *Eaſtrea Coates* and *Eldernell* in *Whittleſey* aforeſaid to the Toll Gate upon or near the South Bank of *Moreton's Leam* at *Eldernell*, and from thence nearly in a ſtraight Line along the ſaid South Bank to the ſaid Corner of the ſaid *Wälderſea Black Bank*; and alſo all the Fen Lands and Low Grounds in or near a Place called *Felldale* in *Whittleſey* aforeſaid, and lying within the following Boundary; (that is to ſay), beginning at the ſaid Toll Gate at *Eldernell*, and from thence Weſtward along another Part of the ſaid South Bank to *Whittleſey Field*, where the ſaid South Bank of *Moreton's Leam* ends, and from thence round the Northward Edge of the Hard Lands of *Whittleſey*, *Eſtrea Coates*, and *Eldernell* to the ſaid Toll Gate at *Eldernell*: And whereas it is of the greateſt Importance that the ſaid Lands and Grounds be ſecured againſt the Danger of a Breach of any Part of the aforeſaid Bank hereby intended to be improved and preſerved, and the ſame in its preſent Condition is not a ſufficient Security againſt that Danger: 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,

Appointment and Qualification of Commiſſioners.

That every Perſon who for the Time being ſhall be *bona fide* ſeiſed or poſſeſſed in his own Right or in the Right of his Wife, or as a Truſtee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Perſon, of One hundred Acres of the Fen Lands and Low Grounds ſubject to be taxed by virtue of this Act, ſhall be a Commiſſioner for the Purpoſes of carrying this Act into Execution: Provided always, That when there is more than one Truſtee, Committee, or Guardian for any Feme Covert, Lunatic, Minor, or other incapacitated Perſon only one ſuch Truſtee ſhall act at any Time as a Commiſſioner in Right of ſuch Feme Covert, Lunatic, Minor, or other incapacitated Perſon reſpectively.

Owners of One hundred Acres to be Commiſſioners.

Owners of Two hundred Acres may appoint a Deputy to act in their Abſence.

II. And be it further enacted, That every Perſon who ſhall be *bona fide* ſeiſed or poſſeſſed as aforeſaid of Two hundred Acres of the Lands and Grounds ſubject to be taxed by virtue of this Act, may appoint, and every ſuch Perſon is hereby authorized to appoint, by Writing under his or her Hand, a Commiſſioner for executing this Act during the Pleaſure of the Perſon ſo appointing, if the Perſon ſo appointing ſhall be and continue ſo ſeiſed or poſſeſſed as aforeſaid, but ſuch Commiſſioner ſhall act only in the Abſence of the Perſon by whom ſuch Appointment was made.

Owners of Five hundred Acres to appoint Two Deputies, both of whom may act in their Abſence.

III. And be it further enacted, That every Perſon who ſhall be *bona fide* ſeiſed or poſſeſſed as aforeſaid of Five hundred Acres of the Lands and Grounds ſubject to be taxed by virtue of this Act, may appoint, and every ſuch Perſon is hereby authorized to appoint, by Writing under his or her Hand, Two Commiſſioners for executing this Act during the Pleaſure of the Perſon ſo appointing, if the Perſon ſo appointing as laſt aforeſaid ſhall continue

continue so seised and possessed as aforesaid; and if the Person so appointing shall be absent from any Meeting of the said Commissioners, both the Persons so appointed are hereby authorized and empowered to act as such Commissioners, but if the Person so appointing be present, then one only of the Persons so appointed is hereby authorized and empowered to act.

No Person to act as a Deputy Commissioner until his Appointment shall be delivered in.

IV. And be it further enacted, That no Person appointed under any of the Provisions herein contained shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have delivered in his Appointment or a Notice or Certificate of such Appointment in Writing under the Hand of the Person appointing him at some Meeting of the said Commissioners, and that every such Appointment or Notice or Certificate shall be filed among the Proceedings of the Meeting at which the same shall be delivered in, and a Minute thereof shall be entered by the Clerk attending such Meeting in the Book of the said Commissioners containing the Entry of such Proceedings.

Commissioners in their own Right to take an Oath.

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in his own Right in the Execution of this Act, except administering the Oath or Affirmation herein-after directed, until he shall have taken the Oath or Affirmation following; *videlicet*,

'I do swear [*or*, being one of the People called *Quakers*, do solemnly affirm] that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Fiftieth Year of His Majesty King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever; and I do further swear [*or*, being one of the People called *Quakers*, do solemnly affirm] that I am duly qualified to act as a Commissioner in the Execution of the said Act according to the Provisions of the same.

'So help me GOD.'

Deputy Commissioners to take an Oath.

VI. And be it further enacted, That no Person to be appointed an Agent by virtue of this Act, shall act as a Commissioner in the Execution thereof, until he shall have taken the Oath or Affirmation following; *videlicet*,

'I do swear [*or*, being one of the People called *Quakers*, do solemnly affirm] that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Fiftieth Year of His Majesty *George* the Third, intituled, *An Act* [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever; and I do further swear and believe that is duly qualified to appoint me to act as a Commissioner. So help me GOD.'

VII. And

Oaths taken to be entered.

VII. And be it further enacted, That it shall be lawful for any One of the Commissioners appointed or to be appointed by virtue of this Act, to administer any of the Oaths or Affirmations herein-before directed to be taken, and that a Note or Minute of every such Oath or Affirmation shall be made by the Clerk to the said Commissioners, and shall be entered among the Proceedings of the Meetings where the same shall respectively have been made; but no Person holding the Places of Treasurer, Clerk, Surveyor, or Collector, or any other Place of Profit under this Act, shall act or be qualified to act as a Commissioner.

No Person holding a Place of Profit to act as a Commissioner.

Penalty of acting or appointing a Deputy not being qualified.

VIII. Provided always, and be it further enacted, That if any Person or Persons, not being qualified by some of the Means herein-before prescribed, shall act as a Commissioner or Commissioners in the Execution of this Act; or if any Person or Persons, not being qualified as herein-before is prescribed in that respect, shall appoint any Deputy or Deputies to act as a Commissioner or Commissioners in the Execution of this Act, every such Person or Persons shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered with full Costs of Suit by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas to be held within the said *Isle of Ely*, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed; and in any such Action or Suit it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as such Commissioner in the Execution of this Act, and a Verdict shall be found against such Defendant, unless he shall prove in his Defence that he was, at the Time of his so acting or appointing a Deputy, properly qualified to act or to appoint a Deputy, according to the true Intent and Meaning of this Act.

Time and Place of holding Meetings.

IX. And be it further enacted, That the said Commissioners shall hold and they are hereby required to hold their first Meeting for the Purposes of putting this Act into Execution at some Public House or Inn, or other public Place in the Town of *Whittlesey* aforesaid, on the Third *Friday* next after the passing of this Act, and that afterwards a yearly Meeting of the said Commissioners shall be held on the Second *Friday* in the Month of *March* in every succeeding Year; and the said Commissioners at such first Meeting, or at any of the said yearly Meetings, are hereby directed to appoint such other general Meetings during each Year as they the said Commissioners shall think necessary, advertising the same Twice in *The Cambridge Chronicle*, or some other Country Newspaper usually circulated in the *Isle of Ely*, and all such general Meetings shall be held alternately at *Whittlesey* and *March* aforesaid, at such Public House, Inn, or other public Place as the said Commissioners shall direct; and it shall and may be lawful to and for the said Commissioners to adjourn from Time to Time, and Place to Place, as they shall think necessary; and all Orders and Proceedings of the said Commissioners at every Meeting by them respectively holden under the Authority of this Act, shall be fairly entered in a Book or Books to be provided and kept for that Purpose, and all such Entries shall be deemed original Orders and Proceedings, and may be read and received in Evidence in all Courts whatsoever; provided nevertheless, that no

Commissioners may adjourn.

Business

Buſineſs ſhall be done or tranſacted at any adjourned Meeting other than and except what may relate to the Purpoſes for which the Adjournment ſhall be made.

The Commiſſioners may call Special Meetings.

X. And be it further enacted, That it ſhall and may be lawful to and for any Five of the Commiſſioners hereby appointed to execute this Act, at any Time or Times as they ſhall think proper, to call a Special Meeting of the ſaid Commiſſioners, firſt advertiſing the ſame Twice in *The Cambridge Chronicle*, or in ſome other Country Newſpaper uſually circulated in or through the *Iſle of Ely*; and in every ſuch Advertiſement the Nature of the Buſineſs intended to be conſidered or tranſacted ſhall be ſtated; and no other Buſineſs than what ſhall be ſo ſtated ſhall be taken into Conſideration, or in anywiſe proceeded in at any ſuch Meeting, or by the Commiſſioners attending the ſame, any Thing in this Act contained to the contrary notwithſtanding.

Commiſſioners to defray their own Expences at Meetings.

XI. And be it further enacted, That at all Meetings whatſoever holden under the Authority or in purſuance of this Act, the Commiſſioners attending ſuch Meetings ſhall bear and defray their own Expences.

Commiſſioners to appoint Treaſurer, Clerks, and other Officers.

XII. And be it further enacted, That the ſaid Commiſſioners at their firſt or any ſubſequent Meeting, ſhall and may appoint a Treaſurer, Clerk, Collector or Collectors, and ſuch other Officer or Officers as they ſhall reſpectively find it neceſſary and proper to appoint for the better Execution of this Act, and every ſuch Treaſurer, Clerk, Collector, and other Officers ſhall, if required, give Security for the due Execution of their reſpective Offices to the Satisfaction of the ſaid Commiſſioners, and the ſaid Commiſſioners ſhall allow them, or any of them, ſuch Salary or Salaries, or other Remuneration out of the Monies to be raiſed by virtue of this Act, as they the ſaid Commiſſioners ſhall think proper, and alſo ſhall and may from Time to Time remove ſuch Treaſurer or Clerk, Collector or Collectors, or other Officers as they the ſaid Commiſſioners ſhall ſee Occaſion, and in like Manner appoint others in their Stead.

Officers to keep Accounts.

XIII. And be it further enacted, That the ſaid Treaſurer, Clerk, Collector or Collectors, and other Officers ſhall fairly enter into Books, to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when and the Perſons from whom and to whom ſuch Monies were reſpectively received and paid, and for what Purpoſes; which Books, or true Copies thereof, ſigned by the ſaid Treaſurer, Clerk, Collectors, or other Officers reſpectively, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers in his or their Cuſtody, or made by him or them reſpectively relating to the Execution of this Act, ſhall be the Property of the ſaid Commiſſioners, and ſhall be delivered to them at ſuch Time or Times as they ſhall require; and all the Books of Orders and Accounts, and all the Books and Papers of the ſaid Commiſſioners, ſhall at all Times be open for the Inſpection of any Owner of the Lands liable to the Tax impoſed by virtue of this Act, paying for every Time ſuch Inſpection ſhall take place, the Sum of One Shilling, and no more.

The Goods of Officers not accounting may be diſtrained,

XIV. And be it further enacted, That in caſe the ſaid Treaſurer or Clerk, or any or either of the ſaid Collector or Collectors, or other Officers, or any other Perſon or Perſons employed or entruſted by the ſaid Commiſſioners, ſhall refuſe or neglect to account to the Satisfaction of the ſaid Commiſſioners, or to pay the Money due upon the Balance of ſuch Account according to the Direction of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of Three or more of the ſaid Commiſſioners, for any One or more of the Juſtices of the Peace for the ſaid *Iſle of Ely*, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to account or to pay as aforeſaid, ſuch Sum and Sums of Money as he or they ſhall have been ſo required to account for, or as ſhall appear to the ſaid Juſtice or Juſtices to be due upon the Balance of his or their Account or Accounts, returning the Overplus (if any) to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; and for Want of ſufficient Diſtreſs it ſhall and may be lawful for one or more of the ſaid Juſtice or Juſtices, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction within the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize for any Time not exceeding Twelve Calendar Months, or until he or they ſhall have made a true and perfect Account, and ſhall have paid ſuch Monies as ſhall appear to be remaining in his or their Hands, on the Balance of ſuch Account or otherwiſe, to the ſaid Commiſſioners, or according to their reſpective Appointments, or ſhall have compounded for the ſame and ſhall have paid ſuch Compoſition Money (which Compoſition the ſaid Commiſſioners are hereby authorized and empowered to take and accept), or the ſaid Commiſſioners may and they are hereby empowered to bring or cauſe to be brought any Action or Actions in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas for the *Iſle of Ely*, as the Caſe may be, againſt ſuch Officer or Officers or other Perſon or Perſons ſo refuſing, neglecting, or making Default as aforeſaid, and againſt all and every ſuch Perſon and Perſons as ſhall become his or their Surety or Sureties, for the Recovery of the Monies that ſhall be due from ſuch Officer or Officers or other Perſon or Perſons reſpectively, and upon ſuch Security or Securities as ſhall have been given or entered into by them reſpectively.

and for Want of Diſtreſs be committed.

Power to lay Taxes.

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, yearly and every Year whenever in the Judgment of the ſaid Commiſſioners it ſhall appear to be neceſſary, to lay and impoſe a Rate, Tax, or Aſſeſſment upon all and ſingular the Fen Lands and Low Grounds lying within the Limits and Boundaries, or either of them herein-before particularly deſcribed, and which are now charged with or liable to the Tax commonly called the *Eau Brink Tax*, under or by virtue of a certain Act of Parliament made and paſſed in the Thirty-fifth Year of the Reign of His preſent Ma-
35 G. 3. c. 77. jeſty, intituled, *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called* Bedford Level, *and the Low Lands adjoining or near to the ſaid Levels; as alſo the Lands adjoining or near to the River* Ouze, *in the County of* Norfolk, *draining*

ing through the same to Sea by the Harbour of King's Lynn *in the said County; and for altering and improving the Navigation of the said River* Ouze, *from or near a Place called* Eau Bank, *in the Parish of* Wiggenhall Saint Mary *in the said County, to the said Harbour of* King's Lynn, *and for improving and preserving the Navigation of the several Rivers communicating with the said River* Ouze; or of another Act passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act for extending the Term of the Tax on Lands and Tolls on Goods, Wares, and Merchandizes, granted by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled,* 'An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called Bedford Level, and the Low Lands adjoining or near to the said Levels, as also the Lands adjoining or near to the River Ouze, in the County of Norfolk, draining through the same to Sea by the Harbour of King's Lynn in the said County, and for altering and improving the Navigation of the said River Ouze from or near a Place called Eau Brink, in the Parish of Wiggenhall Saint Mary, in the said County, to the said Harbour of King's Lynn, and for improving and preserving the Navigation of the several Rivers communicating with the said River Ouze;' or of another Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for explaining and amending an Act passed in the Thirty-fifth Year of His present Majesty, for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens called* Bedford Level, *and certain Low Lands adjoining or near thereto, and to the River* Ouze, *in the County of* Norfolk, *and for improving the Navigation of the said River from or near a Place called* Eau Brink *to the Harbour of* King's Lynn, *and for improving the Navigation of the several Rivers communicating with the said River* Ouze; or any or either of them, with an equal and proportionate Tax or Assessment not exceeding One Shilling and Sixpence *per* Acre for each and every Year as in the Judgment of the said Commissioners shall appear to be necessary, to commence from the passing of this Act.

36 G. 3. c. 33.

45 G. 3. c. 72.

When Taxes shall be laid and payable.

XVI. And be it further enacted, That the said Rates, Taxes, and Assessments for the first Year after the passing of this Act shall be charged, assessed, or imposed at the first Meeting of the said Commissioners after the passing of this Act, or at some Adjournment thereof, and shall afterwards be charged or imposed at the said yearly Meetings of the said Commissioners, on the Third *Friday* in *March* in every Year, and shall become due and payable at such Time and Times and Places as the said Commissioners shall from Time to Time direct; and that the first Year's Tax shall be considered as ending on the Day before the Third *Friday* in *March* One thousand eight hundred and eleven, and from that Time the Year for which the Second and every future Year's Tax shall be assessed and charged as aforesaid, shall be deemed and taken as commencing on the Third *Friday* in *March* in every Year.

Collectors to attend at certain Places to receive the Taxes.

XVII. And be it further enacted, That the Collector or Collectors so to be appointed as aforesaid, or some or one of them, shall attend at *Whittlesey* and *March* aforesaid, on some certain Day or Days to be from Time to Time appointed by the said Commissioners, for the Purpose of collecting and receiving the said Rate or Tax; and that Notice of the Times and

Places at which such Collector or Collectors shall so attend shall be signed by such Collector or Collectors, and before the Days and Times of so attending be previously advertised Twice in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the said *Isle of Ely*; and in case of Non-payment of the said Rate or Tax to the said Collector or Collectors at the respective Times and Places aforesaid, every Person neglecting to pay the same shall forfeit and pay to the said Commissioners the Sum of Three Shillings and Four-pence for every Twenty Shillings of such Rate or Tax then due and in arrear and not paid as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings, to be recovered as hereafter mentioned; and the Monies so forfeited and recovered shall be applied by the said Commissioners in the same Manner as the aforesaid Rate or Tax is hereby directed to be applied.

Penalty on Non-payment of Taxes.

XVIII. And, to the End that the said Rate or Tax may be more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the Fen Lands and Low Grounds within the said Limits and Bounds, or either of them, which shall be assessed or rated 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 or rated on or for or in respect of the respective Lands and Grounds in their several Occupations, to the Collectors or other Person or Persons appointed by the Commissioners to receive the same, and to deduct and retain out of his, her, or their Rent or Rents 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 or Low Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents; and that every such Tenant or Occupier paying such Rate or Tax respectively shall be acquitted and discharged from and against his, her, or their Landlord or Landlords, Landlady or Landladies, of and from so much Money as the Rates or Taxes by him, her, or them so paid as aforesaid shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords, Landlady or Landladies.

Tenants to pay Taxes and to deduct them out of their Rent.

XIX. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Rate or Tax by virtue of any of the Provisions herein contained, and such Penalty or Penalties shall have been levied by the said Commissioners upon the Goods and Chattels or Effects 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 as aforesaid (where any such Distress or Distresses shall have been taken), 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 Expences to such Occupier or Occupiers; any Thing herein contained to the contrary thereof in anywise notwithstanding.

but not to deduct Penalties.

XX. Provided

Beneficial Leſſees not to deduct Taxes except in certain Caſes.

XX. 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 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 ſaid Commiſſioners 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 or 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 Four Years.

XXI. 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 appointed by the ſaid Commiſſioners for the Payment of the ſaid Rates and Taxes for any Year, 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 Three Years previous 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 Three 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 of Diſtreſs in Caſe of Non-payment.

XXII. And be it further enacted, That if any Perſon or Perſons ſo aſſeſſed, rated, taxed, or charged as aforeſaid, ſhall refuſe or neglect to pay any ſuch Rate, Tax, or Sum of Money which ſhall be aſſeſſed, rated, taxed, or charged on the Lands or Grounds in his, her, or their Occupation reſpectively, by virtue of and under the Powers and Authorities of this Act, together with all ſuch Penalty or Penalties as ſhall or may be incurred by Non-payment thereof reſpectively as aforeſaid, then it ſhall and may be lawful for the Collector or Collectors appointed by the ſaid Commiſſioners or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners (which ſaid Warrant or Precept ſuch Commiſſioners, or any Five or more of them reſpectively, are hereby empowered and required from

Time to Time to grant and make, as Occaſion ſhall require), to enter into and upon the Lands or Grounds ſo rated and taxed as aforeſaid, in the Poſſeſſion of any ſuch Perſon or Perſons who ſhall ſo make Default in Payment as aforeſaid, and into and upon all Meſſuages, Tenements, or Hereditaments thereupon ſtanding, or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and payable for any ſuch Rate or Tax, together with ſuch Penalty as may be incurred by Non-payment thereof as aforeſaid, by Diſtreſs of any Goods and Chattels which ſhall be found on the Premiſes, and the Goods and Chattels ſo diſtrained, to impound on the Premiſes, or take, lead, drive, carry away, remove, and keep for the Space of Five Days at the Coſts and Charges of the Owner or Owners thereof, leaving at ſuch Meſſuage or Tenement, Grounds or Premiſes, Notice in Writing of the Cauſe of ſuch Diſtreſs; and if the Owner or Owners of the Goods and Chattels ſo diſtrained, ſhall not pay the Sum or Sums of Money ſo due and payable for ſuch Rate or Tax, together with ſuch Penalties as aforeſaid, and all Charges attending ſuch Diſtreſs, or replevy the Goods and Chattels ſo diſtrained, with ſufficient Sureties to be given to the Sheriff of the County where ſuch Diſtreſs ſhall be taken, or to the Chief Bailiff of the ſaid *Iſle of Ely*, according to the Laws now in being for regulating Diſtreſſes in Caſes of Non-payment of Rent, within Five Days next after ſuch Diſtreſs made and Notice thereof given as aforeſaid, the Perſon or Perſons ſo diſtraining ſhall and may with ſuch Sheriff or Chief Bailiff, or the Under Sheriff or Deputy Bailiff of ſuch County or the ſaid Iſle reſpectively, or the Deputy of ſuch Sheriff, or the Deputy Bailiff, or the Conſtable or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (which ſaid Sheriff, Under Sheriff, Chief Bailiff, Deputy Bailiff, Conſtable, and Headborough are hereby required and commanded to aſſiſt therein), cauſe the Goods and Chattels ſo diſtrained to be appraiſed by Two or more indifferent Perſons, to be ſworn by ſuch Sheriff, Under Sheriff, Bailiff, Deputy Bailiff, Conſtable, or Headborough, (who are hereby reſpectively empowered to adminiſter an Oath accordingly), to appraiſe the ſame according to the beſt of their Judgement, and after ſuch Appraiſement it ſhall be lawful for ſuch Collector or Collectors, or other Perſon or Perſons making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can be reaſonably had or gotten for the ſame, for and towards Satisfaction of the Monies for which ſuch Diſtreſs ſhall be ſo made, and the Charges of taking, keeping, removing, appraiſing, and ſelling the Goods and Chattels ſo diſtrained, leaving the Overplus (if any) in the Hands of ſuch Sheriff, Under Sheriff, Bailiff, Deputy Bailiff, Conſtable, or Headborough, for the Owner's Uſe.

Grounds unoccupied are to remain a Security for the Tax, and Diſtreſs may be taken thereon at any Time afterwards.

XXIII. Provided always, and be it further enacted and declared, That in caſe any of the ſaid Fen Lands or Low Grounds ſubject to the Tax impoſed by this Act, ſhall at any Time or Times hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying the ſaid Rates, Taxes, and Penalty, then it ſhall and may be lawful to and for the ſaid Commiſſioners, by Warrant under their Hands and Seals, to ſeize and diſtrain the Goods, Chattels, and Effects of the Owner or Proprietor, wherefoever the ſame may be found, in ſuch Manner and with the ſame Powers as are laſtly herein-before given for the Recovery of Rates in Arrear

rear of the Tenants or Occupiers of Lands; and in caſe no ſuch Goods and Chattels ſhall be found, then the Lands or Grounds chargeable therewith ſhall always remain a Security for Payment thereof, and all Goods and Chattels which ſhall at any Time thereafter be found thereon, ſhall and may be diſtrained, impounded, kept, appraiſed and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates and Taxes, and Penalty, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

If Stock driven off the Grounds the Goods of the Defaulter may be ſeized elſewhere.

XXIV. And whereas it may happen that ſome Proprietors or Occupiers of Lands within the Limits and Boundaries aforeſaid, or either of them, may drive their Stock or Cattle and remove their Goods and Chattels from off the ſaid Lands and Premiſes ſo intended to be hereby rated and taxed as aforeſaid, to Lands and Premiſes not chargeable with the Rates or Taxes to be aſſeſſed thereon by virtue of this Act; be it therefore enacted, That in Caſes where no ſuch ſufficient Diſtreſs can be found upon any of the ſaid Lands within the aforeſaid Limits and Boundaries, or either of them, whereon to levy the ſaid Rates and Taxes reſpectively, and Penalty which ſhall then be in Arrear in reſpect thereof, it ſhall and may be lawful for the Collector or Collectors, or any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the ſaid Commiſſioners, (which ſaid Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby empowered and required from Time to Time to make as there ſhall be Occaſion), to levy all and every ſuch Rate or Taxes, and Penalty as ſhall be then in Arrear, upon any Goods or Chattels of any Perſon or Perſons ſo occupying any ſuch Lands chargeable with any ſuch Taxes reſpectively, whenſoever and whereſoever ſuch Goods or Chattels ſhall be found, together with all the Charges for levying the ſame, in the ſame Manner and with the ſame Powers as are above directed.

Commiſſioners and their Officers to have Acceſs to the Books, Aſſeſſments, and Surveys of the Eau Bank and Diſtrict Commiſſioners, &c.

XXV. And, in order the better to aſcertain the Lands liable to be aſſeſſed, rated, and taxed by virtue of this Act, be it further enacted, That the ſaid Commiſſioners and their Treaſurers, Clerks, Collectors, and other Officers, ſhall and may at all ſeaſonable Times have Acceſs to and inſpect and have Copies or Extracts made from the Books, Aſſeſſments, and Surveys of the Commiſſioners for putting in Execution the aforeſaid Act of Parliament, paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty, commonly called *The Eau Brink Act*, and alſo of and from all the Books, Aſſeſſments, and Surveys of or belonging to any of the Commiſſioners of Diſtricts under all or any of the ſeveral Acts of Parliament now in force for the Drainage of any Part of the Fen Lands and Low Grounds included within the Boundaries herein-before ſpecified, paying One Shilling for every Twenty-four Names, including the Particulars relating to each Perſon.

Application of Taxes.

XXVI. And be it further enacted, That the Monies ariſing from the Rates and Taxes reſpectively to be raiſed by virtue of this Act, and the Penalties incurred for Non-payment thereof, ſhall be paid and applied in the firſt Place in defraying the Charges and Expences of obtaining and paſſing this Act, and alſo in the Payment of all ſuch Monies as ſhall be advanced by any Perſon or Perſons whomſoever for the Purpoſe of defraying ſuch

Charges and Expences, with lawful Intereſt for the ſame, and then in Payment of the Intereſt on the Monies hereafter authorized to be borrowed on the Credit of the ſaid Taxes, and then (ſubject nevertheleſs and without Prejudice to the Claims of the Perſons lending ſuch Monies, and the Remedies hereafter provided for ſecuring the Re-payment thereof) the ſaid Commiſſioners ſhall and may and they are hereby further authorized and fully empowered, by and out of the Remainder of the ſaid Taxes, to make and execute ſuch other Improvements and Repairs to the aforeſaid Part of the ſaid Bank intended by this Act to be improved and preſerved as aforeſaid, as in the Judgement of the ſaid Commiſſioners will be neceſſary for making the ſame of ſuch Height and Width, and with ſuch Batter and Slope on both Sides and in ſuch Manner as in the Opinion of the ſaid Commiſſioners will the better enable the aforeſaid Part of the ſaid Bank to reſiſt the Floods and thereby ſecure the Lands within the Limits and Boundaries aforeſaid, or either of them, from Danger of Inundation from ſuch Floods, and for ſuch other Purpoſes as in the Judgement of the ſaid Commiſſioners may in anyway increaſe the Security of the ſaid Lands and Grounds within the ſaid Boundary or Boundaries from the Danger of a Breach in any Part of the ſaid Bank of *Moreton's Leam* aforeſaid; and the ſaid Commiſſioners are hereby further authorized and required, by and out of the ſaid Rates, Taxes, and Aſſeſſments, to co-operate with the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, for the Preſervation, Maintenance, and Support of the ſaid Part of the aforeſaid Bank hereby intended to be improved and preſerved, and for increaſing the Security thereof in any Way that may be thought expedient by the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby authorized to contribute towards any Plan or Works for thoſe Purpoſes undertaken by the ſaid Governor, Bailiffs, and Commonalty, or to lend and advance to the Honourable Corporation of the ſaid *Bedford Level*, any Sum or Sums of Money which the ſaid Commiſſioners may think proper to be applied by the ſaid Corporation, or otherwiſe for any of the Purpoſes aforeſaid, relating to the ſaid Bank and the Security of the Lands and Grounds within the Boundary and Boundaries aforeſaid, for which Sum and Sums of Money ſo lent and advanced by the ſaid Commiſſioners to the ſaid Corporation, they the ſaid Commiſſioners are hereby authorized to take Bonds or other Securities from the ſaid Corporation in the Name of their Treaſurer or Clerk, or any other Perſon or Perſons in Truſt for the ſaid Commiſſioners, and which Sum and Sums of Money ſo lent and advanced, together with the Intereſt of the ſame, ſhall when the ſame are received be applied by the ſaid Commiſſioners as Occaſion ſhall require, for the ſeveral Purpoſes to which the ſaid Rates, Taxes, and Aſſeſſments are made applicable by this Act; and if at any Time ſubſequent to the Month of *June* One thouſand eight hundred and nine, and the Time of paſſing this Act, any Sum and Sums of Money (provided that the ſame do not exceed the Sum of Two hundred Pounds) ſhall have been advanced and lent to the ſaid Corporation to be applied for the Purpoſes of the ſaid Bank, by any Perſon or Perſons intereſted in or concerned for any of the Lands within the ſaid Boundary or Boundaries, the ſaid Commiſſioners are hereby required by and out of the ſaid Rates, Taxes, and Aſſeſſments, to repay the ſame to ſuch Perſon or Perſons, and the Bonds from the ſaid Corporation for the ſame ſhall be aſſigned or taken in the Name of ſuch Treaſurer, Clerk, or other Perſon or Perſons in Truſt for the

the ſaid Commiſſioners, in the ſame Manner as is above directed as to any Money that may be lent and advanced to the ſaid Corporation as aforeſaid by the ſaid Commiſſioners after the paſſing of this Act.

Commiſſioners may borrow Money on the Credit of the Taxes.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or the major Part of them, aſſembled at any General or Special Meeting, from Time to Time to borrow upon the Credit of the reſpective Rates and Taxes ariſing from the ſaid Fen Lands and Low Grounds, any Sum or Sums of Money to be applied for the Purpoſes of this Act, not exceeding the Sum of Two thouſand Pounds, on the Credit of the ſaid Tax of One Shilling and Sixpence an Acre, and by Writing under their Hands and Seals to mortgage or aſſign over the ſaid Rates and Taxes reſpectively, as a Security for the Repayment of the Sum and Sums borrowed thereon reſpectively, with lawful Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend the ſame, or to his, her, or their Executors, Adminiſtrators, or Aſſigns; and all and every ſuch Perſon and Perſons to whom any ſuch Mortgage or Aſſignment thereof ſhall be made, ſhall be in Proportion to the Sum or Sums therein mentioned Creditors on the ſaid Rates and Taxes reſpectively in equal Degree one with another, but without any Preference in reſpect to the Priority of advancing any ſuch Sum or Sums of Money, and every ſuch Mortgage or Aſſignment ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners, and the Coſts and Charges of every ſuch Mortgage or Aſſignment ſhall be paid by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act.

Security may be aſſigned.

XXVIII. And be it further enacted, That every Perſon to whom any Mortgage or Aſſignment of the ſaid Rates and Taxes reſpectively ſhall be made, ſhall have full Power from Time to Time to aſſign and transfer the ſame to any Perſon or Perſons whomſoever, and ſuch Aſſignment and Transfer ſhall be entered in a Book to be kept by the Clerk to the ſaid Commiſſioners for that Purpoſe, (which Entry ſuch Clerk is hereby required to make on the Production of ſuch Aſſignment and Transfer, and on Payment of Two Shillings and Sixpence for ſuch Entry); and after ſuch Entry made ſuch Aſſignment and Transfer ſhall entitle ſuch Aſſignee and Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the ſaid Principal Sum, and all Intereſt then due and becoming due thereon, and ſuch Aſſignee and Aſſignees, and every other Aſſignee and Aſſignees, ſhall and may in like Manner aſſign and make over ſuch Mortgage and Security ſo aſſigned as aforeſaid, and ſo *toties quoties* as Occaſion ſhall require.

Taxes to be chargeable with the Payment of Principal and Intereſt Monies and veſted in the Creditors.

XXIX. And be it further enacted, That the reſpective Rates and Taxes ariſing from the ſaid Fen Lands and Low Grounds by virtue of this Act, ſhall be and they are hereby made charged and chargeable with the Payment of the Principal Monies to be reſpectively borrowed thereon by the ſaid Commiſſioners as aforeſaid, and with the Intereſt of ſuch Monies from Time to Time, and ſhall reſpectively veſt in the Creditors upon Default of Payment of ſuch Principal Monies and Intereſt, until the ſame and every Part thereof ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors,

their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of recovering the said Rates and Taxes respectively, for or in respect of such Principal Monies and Interest, in case of Default in Payment hereof, as the said Commissioners and their Collectors and Receivers could have had in case such Principal Monies and Interest had been regularly paid.

No Money to be borrowed by the Commissioners but at their First or some General or Special Meeting to be advertised for that Purpose.

XXX. Provided always, That no Money shall in any Case be borrowed by the said Commissioners but at their first Meeting to be holden after the passing of this Act, or at some General or Special Meeting to be holden in pursuance of a Notice for that Purpose, to be signed by Five of the said Commissioners at least, and to be inserted in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the said *Isle of Ely*, at least Twice immediately previous to such Meeting, and that no Mortgage or Assignment of any Part of the said Rates and Taxes shall be valid, unless executed by Five of the said Commissioners assembled at such Meeting: Provided also, that the said Tax of One Shilling and Sixpence an Acre, shall not cease until the whole Sum borrowed thereon, together with Interest for the same, shall be fully paid.

Power to borrow Money for temporary Uses.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, until they shall be able to borrow Money under the Powers and Authorities herein contained, and also when all the Monies which shall have been so borrowed by them, with the Interest thereof, shall have been repaid, at any General or Special Meeting, from Time to Time as to them shall seem meet, to borrow and take up any Sum or Sums of Money at their Discretion by Way of temporary Loan for the Purposes of this Act; and any Five of the said Commissioners are hereby authorized to give a written Undertaking or their own personal Security for Repayment of such last-mentioned Sum or Sums of Money, together with lawful Interest for the same, out of the Tax arising during the Year next following the Year in which such last-mentioned Monies shall be so borrowed; and any Five of the said Commissioners, or the said Five Commissioners giving such Undertaking or Security as aforesaid, are hereby authorized and required at the usual Time in the then next succeeding Year, to lay and impose such a Tax, not exceeding One Shilling and Sixpence per Acre, as will repay the said Sum or Sums of Money so borrowed respectively, together with lawful Interest for the same; and no Part of such Tax shall be applied to any of the Purposes of this Act until the Whole of such temporary Loan, together with lawful Interest for the same, shall be repaid.

Persons paying Taxes in Advance to be repaid with Interest.

XXXII. Provided always, and be it further enacted, That if any Person or Persons shall be willing to pay the said Tax, not exceeding One Shilling and Sixpence an Acre, in Advance for One Year, or for Two or more Years, then the said Commissioners 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 Pounds *per Centum per Annum*, from the Time or Times of such Payment or Payments to the Time or Times when the Tax so paid in Advance would have become payable according to the Provisions herein-before contained; and the Receipt and Receipts for the said Sums so paid in Advance shall be a Discharge to such

such Person or Persons for his or her Tax, when the same shall be rated and become payable.

Power to enter Lands and take Materials.

XXXIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to enter upon the Lands or Grounds of any Person or Persons in any Part of the said Parishes of *Whittlesey* and *Wisbech Saint Peters*, and the said Hamlet of *March*, and to dig, take, and carry away the Earth, Gravel, Flag, or other Materials for the Purpose of effecting the Works hereby authorized to be made, and also that it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered to agree with the Proprietors and Persons interested in the said Lands, 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 Politic, 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 Rights, and to and for all and every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to agree with the said respective Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, or Hereditaments, by the Means aforesaid, and all such Contracts 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 lawfully do in pursuance of this Act; but if it shall happen that any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or concerned as aforesaid, shall for the Space of Forty 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, her, 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 they the said Commissioners may, and they are hereby authorized and empowered, Fourteen Days at the least before any General Quarter Sessions of the Peace to be holden for the said *Isle of Ely*, and within Twelve Calendar Months after such Damage done, to give or cause to be given to the Party or Parties who shall have sustained such Damage or Injury, or to leave or cause to be left at his, her, or their last or usual Place or Places of Abode respectively, or at the Places of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing purporting that the Amount of the Damage or Injury sustained will be adjusted and settled by a Jury at

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

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

the

the ſaid Seſſions; and the Juſtices at the ſaid Seſſions, or any Adjournment thereof, ſhall and they are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſions, or ſome other Jury of Twelve good and honeſt 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 Recompence to be given for any Damage or Injury to be 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, to which ſaid Juries the ſaid Commiſſioners, and all Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace of the ſaid Iſle is hereby authorized, empowered, 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 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 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 ſhall and may give Judgment according to the Verdict of the ſaid Jury, and the ſaid Judgment 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, Tenements, or Hereditaments, and ſhall be entered and kept among the Records of the Quarter Seſſions for the ſaid *Iſle of Ely*, and the ſame or true Copies thereof being ſigned by the Clerk of the Peace for the ſaid Iſle 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.

Juſtices to give Judgment and the ſame to be final.

Expences of Jury and Witneſſes by whom to be paid.

XXXIV. And be it further enacted, That in all Caſes where any Verdict ſhall be given for any greater Sum or Recompence than ſhall have been offered by and on the Behalf of the ſaid reſpective Commiſſioners, before the Notice of the intended Application to be made to the ſaid Seſſions for or in reſpect of any of the Matters aforeſaid, that then all the Expences of ſuch Application, including the Charges of Witneſſes, ſhall be paid by the ſaid Commiſſioners out of the Rates and Taxes 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 ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, then and in every ſuch Caſe ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Lands, Tenements, or Hereditaments, and Premiſes upon or in reſpect of which ſuch Application ſhall have been made; all which Expences ſhall be regulated, ſettled, and allowed by the Juſtices in Seſſions before whom the Matter ſhall be heard and determined, and an Order of Seſſions ſhall be made for the Payment of the ſame: 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.

Appplication of Compenſation where exceeding 200l.

XXXV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Recompence by virtue of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any other Diſability or Incapacity as herein mentioned, ſuch Money ſhall, in caſe the ſame 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, 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 Diſcharge of any Debt or Debts, or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and 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 which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting, undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, on the Requeſt of any Three or more of the ſaid Commiſſioners, 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 the Compenſation does not exceed 200l. nor leſs than 20l.

XXXVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Compenſation as aforeſaid, and belonging to any Corporation or to any Perſon or Perſons under Diſability or Incapacity 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 Hereditaments ſo purchaſed, taken,

or uſed, or his 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 of *England* aforeſaid, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three 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 Monies may be applied in any Manner herein-before directed, ſo far as the ſame may 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 20*l.*

XXXVII. Provided alſo, and be it further enacted, That where ſuch Money ſo awarded or agreed to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes 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 Hereditaments ſo purchaſed, taken, or uſed for the Purpoſe of this Act; or in caſe of Infancy 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;

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

XXXVIII. 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; 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 be lawful for the ſaid Commiſſioners, or any Three 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 High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments, [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery, which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the 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 ſame 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

ſubject to the Order of the Court of Chancery on Motion or Petition.

such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting disputed Titles.

XXXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, 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 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.

XL. 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 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 the said Expences as the said Court shall deem 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.

Distress not unlawful for Want of Form.

XLI. And be it further enacted, That where any Distress shall be made for any Rates, Taxes, Penalty, Forfeiture, or Sum or Sums of Money whatsoever, 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 Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by any such Irregularity, shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

XLII. And

Commissioners may sue and be sued in the Name of their Treasurer or Clerk.

XLII. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their respective Clerk or Treasurer, and that no Actions which may be brought or commenced, or Indictment or Appeal which may be preferred or prosecuted by or against the Commissioners, or any of them, by virtue or on Account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of any such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Commissioners, but the Clerk or Treasurer to such Commissioners for the Time being shall always be deemed Plaintiff, Prosecutor, or Defendant in any such Action, Indictment, Suit, or Appeal, as the Case may be: Provided always, that every such Clerk or Treasurer, in whose Name any Action, Indictment, Suit, or Appeal shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by Reason of his being made Plaintiff, Defendant, or Appellant therein.

The Liability of repairing the South Bank of Moreton's Leam to remain as heretofore.

XLIII. And whereas the Liability or Obligation of repairing and maintaining the said Bank of *Moreton's Leam* is intended to remain exactly as it was if this Act had not been made; be it therefore enacted, That nothing in this Act contained shall extend, or be construed to extend, to affect or alter such Liability or Obligation, or to fix the said Commissioners, or the Owners or Occupiers of the said Lands to be hereby taxed with such Liability or Obligation, but that the same shall remain as if this Act had not been passed; any Thing herein contained to the contrary notwithstanding.

Allowing an Appeal to the Quarter Sessions.

XLIV. 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 County or Place where the Cause of Complaint shall arise, within Six 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 removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Party appealing to give Ten Days Notice of Intention to Appeal.

XLV. 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 and Provisions herein-before contained, intend to have any Matter of Dispute, Complaint, or Appeal, determined by the Justices in their said General

General Quarter Seſſions, every ſuch Perſon or Perſons ſhall give at leaſt Ten 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.

Limitation of Actions.

XLVI. 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 ſhall be laid or brought in the County of *Cambridge*, or in the Court of Pleas for the ſaid *Iſle of Ely*, as the Caſe may be, and not elſewhere, and the Defendant or Defendants in any ſuch Action or Suit ſhall and may plead the General Iſſue, and 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 may 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 in ſuch Action or Suit alledged to have been done was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any Action or Suit ſhall be brought after the Time 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 non-ſuited, 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 the like Remedy as when Coſts by Law are awarded.

15 C. 2.

Nothing in the ſaid Act to impede Commiſſioners of this Act from executing the Works.

XLVII. And whereas by an Act of Parliament made in the Fifteenth Year of King *Charles* the Second, intituled, *An Act for ſettling the Drainage of the Great Level of the Fens called* Bedford Level, the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the ſaid Great Level have Power and Juriſdiction over the ſaid Barrier Bank; be it therefore enacted, That nothing in the ſaid laſt-mentioned Act contained ſhall extend or be conſtrued to extend ſo as to hinder, impede, or interrupt the Commiſſioners appointed or to be appointed by virtue of this Act, in making, doing, or executing any of the Works or Improvements by this Act authorized or directed to be made, done, or executed: Provided always, that all the Rights, Powers, and Authorities whatſoever, which

by virtue of the ſaid Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatſoever or otherwiſe, are now veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the Governor, Bailiffs, and Conſervators of the ſaid Company, or any of them, (except as to ſuch Powers as are hereby given to the ſaid Commiſſioners for the making, doing, or executing ſuch Works and Improvements as aforeſaid to the ſaid Barrier Bank), 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. XLVIII. 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.

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