



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 43.

An Act for amending and rendering more effectual an Act, passed in the Fifteenth Year of His present Majesty, for draining and preserving certain Lands and Grounds in the Parishes of *Wisbech Saint Peter's* and *Wisbech Saint Mary's*, and in the Hamlets of *Wisbech Murrow* and *Wisbech Guyhirn*, in the *Isle of Ely* and County of *Cambridge*.

[12th May 1809.]

WHEREAS an Act was passed in the Fifteenth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for draining and preserving certain Lands and Grounds in the Parishes of Wisbech Saint Peter's and Wisbech Saint Mary's, and in the Hamlets of Wisbech Murrow and Wisbech Guyhirn, in the Isle of Ely and County of Cambridge*, whereby certain Commissioners were appointed for putting the same in Execution, and the said Commissioners were thereby empowered from Time to Time to assess, rate, tax, and charge all and every of the Owners and Occupiers of certain Lands and Grounds in the said Act particularly described, with several yearly Sums *per Acre*, for the Purposes of the said Act: And whereas the said Commissioners have made several Cuts, Drains and Outlets, and have erected several Engines, and made several Banks and done other Works in, through, and upon such Lands and Grounds, for draining and improving the same, and have assessed, rated, and taxed the Owners and Occupiers of the same

15 G. 3. c. 66a

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Lands and Grounds with the Sums of Money authorized to be assessed under and by virtue of the said recited Act, and have borrowed several Sums of Money upon the Security of such Rates and Taxes, and have assigned over the said Rates and Taxes for securing the Monies so borrowed with Interest, and a considerable Debt is now due upon the Assignment of the said Rates and Taxes, and otherwise, on account of the said Lands and Grounds: And whereas the said Lands and Grounds might be more effectually drained and improved, but the Rates and Taxes authorized to be raised by the said Act have been found insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in repair the present Works; and the Powers given to the said Commissioners have been also found to be insufficient for the effectual Drainage and Improvement of the said Lands and Grounds, and it is necessary and expedient to repeal certain Parts of the said Act, and to make Alterations and Amendments in other Parts thereof, and to lay additional Taxes on the Owners and Occupiers of the said Lands and Grounds, in order to raise Money to answer the Purposes aforesaid: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the Exemption of any Security or Proceedings under the said Act from Stamp Duties, shall be and the same is and are hereby repealed.

Repealing certain Parts of 15 G. 3.

II. And whereas by the said recited Act it is enacted, That the Commissioners for putting the said Act in Execution should meet once at least in every Year (to wit), on the Second *Tuesday* in *May*, in *Wisbech Saint Peter's* aforesaid, or at such other Time or Times, Place or Places as they should see Cause or think convenient, and should and might from Time to Time at any of their said Meetings, adjourn themselves to such other Time or Times, Place or Places as they should think proper, and that Three of the said Commissioners and no less a Number should be deemed at all Times to be and constitute a Meeting within the true Intent and Meaning of the said Act, for doing the Business and carrying the Purposes thereof into Execution, and that the First Meeting to be holden in pursuance of the said Act should be holden at the *Rose and Crown Inn* in *Wisbech Saint Peter's* aforesaid, on the *Tuesday* Three Weeks next after the Day of the passing thereof, and that Ten Days Notice of every other Meeting, except adjourned Meetings, should be given under the Hands of Two or more Commissioners, or of their Clerk, and affixed in some public Place in *Wisbech Saint Peter's* aforesaid, and on the Church Doors of *Wisbech Saint Peter's* and *Wisbech Saint Mary's* aforesaid: And whereas it is expedient that some Alteration should be made in respect to the Times and Places of Meetings of the said Commissioners, and in the Number of Commissioners requisite to put the said Act in Execution; be it therefore further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared null and void to all Intents and Purposes.

Repealing certain Parts of the same Act, relating to the Ex-

III. And whereas it is by the said recited Act provided, That no greater or larger Sum of Money than Three Shillings for each Commissioner who should be present at any of the said General Meetings, or than

than Two Shillings for each Commissioner who should be present at any of the said other Meetings, should ever be paid or allowed out of the Money to be raised by virtue of the said recited Act, for the Charges or Expences of the said Commissioners at such Meetings, and that all Orders and Determinations of the said Commissioners in the Execution of the said recited Act, should be made at the Meetings to be held in pursuance thereof by a Majority of the said Commissioners present at such Meetings, and that no such Order or Determination of the said Commissioners, should be revoked or altered at any subsequent Meeting, unless Five of the said Commissioners at least should be present and concur in the revoking or altering thereof: And whereas the Allowance for the Charges and Expences of the said Commissioners at their said General and other Meetings is inadequate, and it is expedient that so much of the said Clause as relates thereto, and as to the Orders and Determinations of the said Commissioners in the Execution of the said Acts, should be repealed; be it therefore further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and declared null and void to all Intents and Purposes.

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Commission-
ers, &c.

IV. And whereas it is by the said recited Act enacted, That it should and might be lawful to and for the said Commissioners, at their First Meeting after the passing thereof, and from Time to Time at their General Meeting, in every succeeding Year, to assess, rate, tax, and charge all and every of the Owners and Occupiers of all and singular the Lands and Grounds in the said Act described and abutted, by proportionable Acre Taxes, in such Rates or Sums of Money as they should think proper, and that the said Rates or Sums of Money so assessed should be paid as soon after the assessing and charging thereof as conveniently might be, provided that no such Assessments, Rates or Taxes should at any Time, during the first Five Years after the passing of the said Act, exceed the Sum of Two Shillings and Sixpence an Acre in any one Year, or in any one Year afterwards Two Shillings an Acre, and that no such Assessment, Rate, or Tax should be in any one Year less than One Shilling an Acre, so long as any Sum or Sums of Money should be due and owing thereupon: Provided also, that the Acre Tax for each and every Acre of the said Lands and Grounds lying in a Place called *The Nine Hundred* in *Wisbech Saint Peter's* aforesaid, should not exceed in any Year the Fourth Part of the Acre Tax, to be rated, assessed, and charged on the Owners and Proprietors of the other Lands and Grounds intended to be drained by virtue of the said Act, and that no Acre Tax should be laid for and in respect of the said Lands in *The Nine Hundred*, at such Time as an Assessment should not be made for or in respect of the said other Lands: And whereas certain Provisions and Authorities were made and granted by the said recited Act for collecting and recovering the said Rates and Taxes: And whereas the Rates and Taxes by the said Act authorized to be laid are insufficient for the Purposes of the said Act, and the Provisions and Authorities made and granted by the said Act for collecting and recovering the said Rates and Taxes have been also found to be insufficient; be it therefore further enacted, That so much of the said recited Act, and all the Powers and Authorities in the said recited Act contained, for collecting and recovering the said Rates and Taxes, shall be and the same are hereby repealed, and declared null and void to all Intents and Purposes.

Repealing
certain Parts
of the same
Act, relating
to the laying
and collecting
of Rates.

V. And

Repealing
certain Parts
of the same
Act relating
to the straying
of Swine on
the Banks, &c.

V. And whereas it is by the said recited Act enacted, That if any Person or Persons should at any Time or Times after the passing of the said Act, permit or suffer his, her, or their Hogs or Swine to stray upon any of the Banks made and raised by virtue of the said Act, or should set down any Nets or Engines for the catching of Fish in any of the Drains thrown out for the Purposes in the said Act mentioned; or should dig or throw out any Pond or Watering in any of the said Lands and Grounds so described and abutted as aforesaid, within Forty Feet of any Drain then already made or to be made, and used for the draining and improving of the said Lands and Grounds as aforesaid, all and every such Person and Persons so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the *Isle of Ely* or for the County where such Person or Persons should reside, should for every such Offence forfeit and pay a Sum of Money not exceeding the Sum of Fifty Pounds, nor less than Five Pounds, as the said Justices should respectively order and direct, to the said Commissioners for the same Purposes for which the said Assessments, Rates, and Taxes are by the said Act directed to be applied, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices; and that in default of such Distress or Payment, the Person or Persons so offending should be committed by such Justices to the House of Correction, there to be kept to Hard Labour for such Time as the said Justices should respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices by whom such Commitment should be made: And whereas such Parts of the said Clause as are herein-before recited have been found insufficient to answer the Purposes for which the same were intended; be it therefore further enacted, That so much of the said recited Act as relates to the permitting or suffering Hogs or Swine to stray upon any of the said Banks made and used by virtue of the said recited Act, and the setting down any Nets or Engines for the catching of Fish in any of the Drains thrown out for the Purposes in the said Act mentioned, and also as relates to the digging or throwing out any Pond or Watering in any of the said Lands or Grounds, within Forty Feet of any Drain made or to be made and used for the draining and improving of the said Lands and Grounds, shall be and the same is hereby repealed and declared null and void to all Intents and Purposes.

Commission-
ers.

VI. And be it further enacted, That the Commissioners acting under the said recited Act, and their Successors to be elected in the Manner directed by the said recited Act, shall be and they are hereby appointed Commissioners for executing the Powers and Provisions of the said recited Act and this Act.

Meetings of
the Commis-
sioners.

VII. And be it further enacted, That the First Meeting of the Commissioners after the passing of this Act, shall be held at the *Rose and Crown Inn* in *Wisbech Saint Peter's*, in the said *Isle of Ely* and County of *Cambridge*, on the First *Tuesday* next after Three Weeks from the Day of the passing of this Act, at Eleven of the Clock in the Forenoon, and that the said Commissioners or any Five or more of them, shall meet once at least in every Year at the *Rose and Crown Inn* in *Wisbech Saint Peter's* aforesaid, or at such other Place or Places as the said Commissioners shall from Time to Time appoint, on the Second *Tuesday* in the Month of *May* in each and every

every Year, and at such other Time or Times as they the said Commissioners shall think necessary, and shall by Notice under the Hands of any Two or more of them (although not assembled at any Meeting), or by Notice under the Hand of their Clerk appoint; and the said Commissioners present at any such Meeting may from Time to Time adjourn the same, to be holden at any other Time or Place which they shall think proper; and in case Five Commissioners shall not be present at the Time and Place appointed for holding any such Annual Meeting so appointed as aforesaid, or Three Commissioners shall not be present at any such adjourned or other Meeting, any one Commissioner present, or the Clerk to the said Commissioners, may adjourn the same to any Time not exceeding Thirty Days from the Time when and to the Place where the last Meeting was appointed to have been holden, of which adjourned Meeting Ten Days previous Notice shall be given; and no Act of the said Commissioners shall be good or valid unless it shall be done or ordered at some Meeting or adjourned Meeting holden in conformity to this Act (except as hereinafter excepted); and all the Powers or Authorities granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them present at any such Meeting (the whole Number present at such Annual Meeting or Meetings not being less than Five, and the whole Number present at any adjourned or other Meeting not being less than Three); and the Commissioners present at every Meeting or adjourned Meeting shall and may choose a Chairman, who in case of an Equality of Votes on any Question (including the Vote of such Chairman) shall have the decisive or casting Vote, and the first Business done at any such Meeting or adjourned Meeting, shall be the Election of such Chairman: Provided always, that no Order or Determination of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Seven Commissioners at the least shall be present, and concur in the revoking or altering thereof, except such Orders and Determinations as shall be made at any of the said Meetings touching the opening or shutting down of any of the Tunnels and Sluices already set down or to be set down, and made use of in the Execution of the said recited Act or this Act, which shall or may be revoked or altered at any subsequent Meetings of the said Commissioners.

Chairman to be appointed.

VIII. And be it further enacted, That Notice of all Meetings to be holden by virtue of the said recited Act or this Act, except of the Annual or adjourned Meetings, shall (unless hereby or by the said recited Act otherwise directed) be given in some Weekly Newspaper usually circulated in the Neighbourhood of the Lands and Grounds hereby and by the said recited Act directed to be drained and preserved, or by affixing the same on some public or conspicuous Place in *Wisbech Saint Peter's* aforesaid, and on the Doors of the Parish Churches of *Wisbech Saint Peter's* and *Wisbech Saint Mary's* aforesaid, or by both such Ways if the same shall appear to the said Commissioners to be necessary or requisite.

Commissioners to give Notice of Meetings.

IX. And be it further enacted, That from and after the passing of this Act, the Sum of Four Pounds may and shall be paid and allowed for the Expences of the Commissioners at the Annual and Special Meetings of the said Commissioners, to be holden under or by virtue of the said recited Act and this Act, and the Sum of Three Pounds in the whole for

Expences at Meetings.

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the Expences of the said Commissioners at the adjourned Meetings; any Thing in the said recited Act to the contrary notwithstanding.

Taxes to be
laid.

X. And be it further enacted, That it shall be lawful for the said Commissioners, at their First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and from Time to Time at their several Annual Meetings, to be holden on the Second *Tuesday* in the Month of *May* in each and every Year, or at any Adjournments thereof, to assess, rate, tax, and charge all and every the Owners and Occupiers of all and singular the Lands and Grounds in the said recited Act particularly mentioned and described (except the Lands and Grounds lying in a Place called *The Nine Hundred* in *Wisbeck Saint Peter's* aforesaid) by an equal and proportional Acre Tax, in such Rate or Sum as the said Commissioners shall think proper, not exceeding in the whole the Sum of Four Shillings in any one Year, in lieu and instead of the Sum of Two Shillings in the said recited Act mentioned, for each and every Statute Acre thereof, and so in Proportion for any less Quantity than an Acre; and it shall also be lawful for the said Commissioners, at the Time or Times aforesaid, in like Manner to assess, rate, tax, and charge the Owners and Occupiers of all and singular the said Lands and Grounds lying in *The Nine Hundred* in *Wisbeck Saint Peter's* aforesaid, and the same Lands are hereby charged with such annual Sum or Sums of Money, as shall be equal to One-third Part only of the Acre Tax to be assessed, rated, taxed and charged on the Owners and Occupiers of the said other Lands and Grounds intended to be drained by virtue of the said recited Act and this Act, all which said respective Rates, Taxes, and Charges shall be considered as due, and a Charge upon the said several Lands and Grounds, from the Sixth Day of *April* next preceding the Time of the laying thereof, in each and every Year, and shall be payable and paid by the respective Owner or Owners, Occupier or Occupiers of the said respective Lands and Grounds, to the Collector or Collectors, Receiver or Receivers, or other Person or Persons, at such Time or Times, at such Place or Places, and in such Manner and Form as the said Commissioners shall, at any of their Meetings to be holden under this Act, or at any Adjournment thereof, direct or appoint; and such Rate and Rates, Tax and Taxes, shall be raised and levied in Manner directed by this Act; and all such Rates and Taxes shall continue to be charged and paid each and every Year, so long as shall be necessary for paying and discharging such Sum or Sums of Money as have been borrowed on the Credit of the said recited Act, and which shall or may be borrowed on the Credit thereof and of this Act, and all Interest now due or which shall hereafter become due for the same respectively, and also the several Debts incurred by the Commissioners acting under the said recited Act, and so long as shall be necessary for carrying the Purposes of the said recited Act and this Act into Execution; any Thing in the said recited Act to the contrary notwithstanding.

Tenants to
pay the Taxes
and deduct
them from
their Rents,
&c.

XI. And be it further enacted, That from and after the passing of this Act, all and every the Tenants and Occupiers of the said Lands and Grounds, who shall be assessed, rated, taxed, or charged by virtue of this Act, shall, and he, she, and they is and are hereby authorized and required to pay all and every such Rates and Taxes for the Lands and Grounds in their respective Occupations, and to deduct and retain out of his, her, or their Rent or Rents, all such Sum or Sums of Money as they shall so respectively

respectively pay as aforesaid, and the several and respective Landlords and Owners of such Lands and Grounds are hereby required to allow such Deductions and Payments upon Receipt of the Residue of his, her, or their Rent or Rents, and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of as much Money as such Rates or Taxes, so paid by him, her, or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords (except where there is or may be any Lease or Agreement to the contrary); provided, that nothing herein contained shall extend, or be construed to extend to enable any Tenant or Occupier to deduct from his or her Rent any Penalty or Forfeiture incurred by Non-payment of the Rates and Taxes hereby imposed.

XII. Provided nevertheless, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with Rates or Taxes imposed by this Act, who shall hold such Lands or Grounds by virtue of or under any Lease or Leases from any Bishop or Collegiate Church or College, or any Ecclesiastical Corporation Sole or Aggregate, or by virtue of or under any other Lease or Agreement, of which other Lease or Agreement there shall at the Time of passing this Act be more than Seven Years to come and unexpired, shall be entitled to deduct the said Rates or Taxes, or any of them, out of the Rent reserved or made payable by any such Lease or Agreement, but that the said Rates and Taxes shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid; and that all and every Lessee or Lessees, Tenant or Tenants of any Lands or Grounds charged with the said Rates and Taxes by virtue of or under any other Lease or Agreement in which there shall be Seven Years or less to come and unexpired, shall pay such an Advance of Rent as the said Commissioners at any of their Meetings shall order, as a Consideration for the Benefit which such Tenant or Tenants shall or may receive by means of this Act.

Beneficial
Lessees not to
be allowed to
deduct Taxes

Tenants to
pay Rates, &c.

XIII. Provided also, and be it further enacted and declared, That nothing in the said recited Act or this Act contained shall extend to charge any Lessor or Lessors with the Payment of the Rates or Taxes, or any of them, by the said recited Act or this Act charged, contrary to any express Stipulation made or contained in or by any Lease or Leases, Agreement or Agreements, in which it hath been agreed that the Rates, Taxes, or Assessments for the Drainage or Preservation of any of the said Lands and Grounds comprized in or demised by any such Lease or Leases, Agreement or Agreements, shall be paid by the Lessee or Lessees thereof; any Thing herein contained to the contrary notwithstanding.

Certain
Leases or
Agreements
not to be af-
fected.

XIV. And, for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged; be it further enacted, That if any Person or Persons subject or liable to the Payment of the said Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same, or any Part thereof, to the Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed by the said Commissioners to receive and collect the same, for the Space of Twenty Days next after the respective Days or Times appointed for Payment of the same by the said Commissioners, Fourteen Days Notice in Writing of the respective Times of such Payments having been previously given by the said Collector or Collectors,

Penalty on
Persons ne-
glecting to
pay the Rates.

Collectors, Receiver or Receivers, or other Person or Persons appointed as aforesaid, to the Person or Persons who is or are liable to pay the same, either by delivering such Notice to him, her, or them, or leaving the same at his, her, or their usual Place or Places of Abode; or if such last-mentioned Person or Persons shall not have any Place of Abode within either of the said Parishes of *Wisbech Saint Peter's* or *Wisbech Saint Mary's*, or the said Hamlets of *Wisbech Murrow* or *Wisbech Guybarn*, then by affixing such Notice upon the Church Door of the Parish where such Lands and Grounds or any Part thereof shall lie, and which Notice shall be and be deemed and taken to be a full and sufficient Notice to all Persons concerned of the Day of Payment of such Rates and Taxes; then and in every such Case every Person so omitting or neglecting shall forfeit and pay to the said Commissioners, by way of Penalty for every such Omission, Neglect, or Non-payment, the Sum of One Penny for every Shilling of the said Rates and Taxes which shall be so in arrear and unpaid, and so in Proportion for any less Sum than One Shilling, and such Penalty shall be paid to the Collector or Collectors, Receiver or Receivers of such Rates and Taxes, or to such Person or Persons as the said Commissioners shall appoint to receive the same; and in Default of Payment thereof to such Collector or Collectors, Receiver or Receivers, or to such other Person or Persons as aforesaid, on Demand, every such Penalty shall and may be levied and recovered by such Ways and Means, and in such and the same Manner as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all such Penalties, when received, shall be applied by the said Commissioners in carrying the said recited Act and this Act into Execution.

Power of
Distress in
case of Non-
payment.

XV. And be it further enacted, That if any Person or Persons shall refuse, omit, or neglect to pay all or any Part of the Rates or Taxes which he, she, or they is and are hereby made liable to pay and discharge, for the Space of Two Calendar Months next after the Days or Times which shall be appointed for Payment of the same respectively, or shall refuse, omit, or neglect to pay all or any Part of the Penalty or Penalties which shall become due by reason of Non-payment thereof, then and in every such Case it shall and may be lawful to and for the Collector or Collectors, Receiver or Receivers of the said Rates and Taxes, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of the said Commissioners or any Three of them (which Warrant or Precept the said Commissioners or any Three of them are hereby authorized and required from Time to Time to grant and make, as Occasion shall require, whether assembled at a Meeting or not) to enter into and upon all or any Part of the Lands and Grounds hereby taxed and charged as aforesaid, for which such Rates, Taxes or Penalties shall be due and owing, and all Messuages and Tenements thereupon standing and thereto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and owing or payable for such Rates and Taxes by such Person or Persons having refused, omitted, or neglected to pay the same, and also to levy the Sum or Sums of Money due and owing by such Person or Persons as last aforesaid, by way of Penalty for the Non-payment of such Rates and Taxes or of any Part thereof, by Distress of the Goods, Chattels, and Effects which shall or may be found thereon, or of a sufficient Part thereof; and the Goods, Chattels, and Effects which shall be so distrained, to impound and keep on the Premises, or to take, lead, drive, carry away, and keep for the Space of five Days, at the Costs and Charges of the Person or Persons

liable to pay the said Rates, Taxes, or Penalties, leaving at such Messuages or Tenements, Lands, Grounds or Premises, or delivering to the Occupier, or one of the Occupiers of the same, Notice in Writing of such Distress having been made, and of the Cause thereof, and of the Place or Places where such Distress may be found or be taken, driven away to, or impounded and kept, and in case the Sum or Sums of Money for which any such Distress shall have been made, and all Costs, Charges, and Expences attending such Distress shall not be paid and discharged to the Collector or Collectors, Receiver or Receivers of such Rates or Taxes, or to the Person or Persons making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, then and in every such Case the Person or Persons so making such Distress shall and may, with the Constable or Headborough of the Parish where such Distress shall have been made (who is hereby directed, upon being thereunto required, to assist therein), cause the Goods, Chattels, and Effects so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Constable or Headborough (who is hereby required and empowered to administer the proper and necessary Oath or Oaths), and such Two Persons are hereby required to appraise the same according to the best of their Judgments, and after such Appraisement it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or other Person or Persons making such Distress, to sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the best Price or Prices that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and of the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Money arising from such Sale, if any, on Demand, to the Person or Persons entitled thereto.

XVI. And be it further enacted, That when and so often as it shall happen that the Lands for or in respect of which any such Rates or Taxes as aforesaid, or any Part thereof, or any Penalty or Penalties for the Non-payment of any such Rates or Taxes shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the same Rates or Taxes and Penalties, then and in every such Case such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and Penalties respectively so due and unpaid, and all Goods, Chattels and Effects which shall at any Time thereafter be found on such Lands shall and may be distrained, impounded, kept, appraised, and sold in Manner aforesaid, until all the Rates and Taxes then due and owing for or in respect of such Lands, and all Penalties which shall have become payable by the Non-payment thereof at the Times aforesaid, and all Costs, Charges, and Expences incident to every such Distress and Sale, shall be fully paid, satisfied and discharged.

Lands to remain liable if no Distress found.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them, assembled at any Annual Meeting to be holden after the passing of this Act (at which respective Meetings Five Commissioners at the least shall be present), and they are hereby empowered from Time to Time to raise and borrow, over and above the Monies authorized to be borrowed under the said recited Act, by the Ways and Means herein-after mentioned, any Sum or Sums of Money which they shall think necessary for the Purposes of the said recited Act

Power for Commissioners to borrow further Money, not exceeding 4,000*l.* and assign Rates and Taxes for Security.

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and of this Act, not exceeding in the whole the Sum of Four thousand Pounds, upon such Mortgages and Assignments, in Shares of One hundred Pounds each, as shall be judged most convenient for raising the same, or such Part thereof as shall or may not be taken upon Annuities as herein-after provided for; and by Writing under their Hands and Seals, to mortgage and assign over all or any Part of the said Rates and Taxes so to be rated, taxed, and charged as aforesaid, to the Person or Persons advancing or lending the same, or to his, her, or their Trustee or Trustees, as a Security for the Re-payment of the Principal Sum and Sums of Money so to be borrowed, with lawful Interest for the same, the Costs and Charges of every such Mortgage or Assignment to be paid by the said Commissioners out of the Monies to be collected by virtue of this Act; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say),

Form of
Mortgage.

BY virtue of an Act of Parliament, passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled, [*insert the Title of this Act*], We _____ of the Commissioners for executing the said Act, in Consideration of the Sum of _____ Pounds now advanced and paid by *A. B.* to the Treasurer appointed by virtue of the said Act, do hereby assign unto the said *A. B.* [*or, to his Trustee or Trustees, as the Case may be*] his Executors, Administrators, and Assigns, the Rates and Assessments to be made and collected by virtue of this Act, with all Powers and Authorities for collecting and raising the same Rates and Assessments under the said Act, to have, hold, receive, and take the same to and for his and their own Use and Benefit, from this _____ Day of _____ until the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum for the same, shall be repaid. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the _____ Day of _____ in the Year _____

And all and every Person and Persons to whom such Mortgage or Assignment of the said Rates shall be made, shall be in Proportion to the Sum or Sums therein mentioned Creditors on the said Rates equally one with another, and shall have no Preference in respect to the Priority of advancing such Money.

Money may
be raised by
Annuities.

XVIII. And be it further enacted, That in case the said Commissioners or any Five or more of them shall think it advisable or more advantageous to raise Part of the Money necessary for the Purposes of the said recited Act or this Act, by the granting of Annuities for Lives, that then it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities out of the Rates or Assessments to be raised and made by virtue of this Act, to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to be appointed by virtue of the said recited Act or this Act, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or of such Person as shall be nominated by or on Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as that such Annuities be granted according to the Regulations herein-
after

after prescribed, and so as that no such Annuity do in any Case exceed the Rate of Ten Pounds for every One hundred Pounds for a Year, and so as that the whole Money to be raised by granting Annuities as aforesaid, do not exceed the Sum of One thousand Pounds: And the Grant of every such Annuity may be in the Words or to the Effect following; (that is to say),

BY virtue of an Act of Parliament, passed in the Forty-ninth Year ^{of} the Reign of His Majesty King George the Third, intituled, [*insert the Title of this Act*], We ^{Form of Grant.} of the Commissioners for executing the said Act, in Consideration of the Sum of ^{now paid by} to the Treasurer, appointed in pursuance of the said Act, do hereby grant and secure unto the said ^{his [or, her]} Executors, Administrators and Assigns, an Annuity of ^{out of the Rates made or assessed} or to be made or assessed by virtue of the said Act, which said Annuity shall be paid to the said ^{or his [or, her]} Executors, Administrators, and Assigns, at ^{by equal Half-yearly} Payments; (that is to say) on the ^{Day of} and the ^{Day of} in every Year during the natural Life and up to the Day of the Death of the said ^{and the first Payment thereof shall be made} upon the ^{Day of} now next ensuing. In witness whereof we have hereunto set our Hands and Seals the ^{Day of} in the Year of our Lord

XIX. And be it further enacted, That every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid, shall be and is hereby charged upon, and shall be payable and paid from Time to Time out of the Rates and Assessments by this Act directed to be made, and out of the Money to arise and be paid by virtue thereof; and all and every the Contributor or Contributors, Purchaser or Purchasers of Annuities respectively as aforesaid, upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, or his, her, or their respective Assigns, shall have, receive, and enjoy the said respective Annuity or Annuities during the Term of the natural Life of the Person to be nominated by each such Purchaser as before-mentioned; and that all and every such Purchaser and Purchasers and their Assigns respectively, shall have good, sure, absolute, and indefeasible Personal Estates and Interests in the Annuities so by them respectively purchased, according to the Tenor and true Meaning of this Act, and that the said Annuities shall be paid and payable at such Place, within the Town of *Wisbeck*, and on such Days in every Year, as shall be mentioned in such Grant, and that it shall not be necessary, in order to render valid the Grant of any such Annuity to enrol a Memorial thereof, pursuant to the Provisions contained in an Act passed in the Seventeenth Year of His present Majesty's Reign, intituled, *An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants.* ^{Annuities charged on the Rates.}

XX. And be it further enacted, That it shall be lawful for all and every Person and Persons, to whom any Mortgage or Assignment, or Grant ^{Mortgages and Annuity-tants may assign their Securities.}

the said Annuities shall be redeemable by the said Commissioners, on their giving Six Calendar Months Notice in Writing to the Person or Persons entitled thereto, and paying to them respectively the original Sum paid for such Annuity, with Six Months Annuity in advance for the same.

XXIII. And be it further enacted, That the Rates and Taxes to be assessed, rated, taxed, and charged by virtue of this Act, and such Rates and Taxes as are now due under the said recited Act, shall be and are hereby charged and chargeable with and for the Payment of all and every Sum and Sums of Money which have or hath been borrowed by virtue of the said recited Act, and now remain due, and the Interest of such Monies respectively, and with and for the Payment of all and every Sum and Sums of Money so to be borrowed by virtue of this Act, and the Interest thereof, and of any Annuity or Annuities to be granted as aforesaid; and shall vest in the respective Creditors and Annuitants upon default of Payment of such Principal Monies and Interest, and Annuities, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors and Annuitants respectively, and their respective Executors, Administrators and Assigns, shall have the same Powers, Rights and Privileges of raising, recovering, and enforcing Payment of the said Rates and Taxes for the satisfying and discharging to them respectively such Principal Monies and Interest, and Annuities (if Default shall be made in Payment thereof as the same shall become due) as the said Commissioners or their Collector or Collectors, Receiver or Receivers have or would have had by virtue of the said recited Act or this Act, in case the said Principal Monies, Interest and Annuities, had been regularly paid and satisfied.

Taxes vested
in Creditors
and Annui-
tants.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners to make or cause to be made, raised, cut, built, and set up, in, through, upon, or over any Lands or Grounds, in, through, upon, or over which they are by the said recited Act authorized or empowered to make any Works, all such further and other Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary for the better draining and preserving of the said Lands and Grounds, and the said new Works to be made by virtue of and under this Act, as well as those already made or hereafter to be made, under and by virtue of the said recited Act, shall be vested in and be the Property of the said Commissioners and their Successors for the Time being; and that it shall be lawful for the said Commissioners, their Servants, Workmen, and Agents, and they are hereby authorized and empowered from Time to Time, as they shall think proper, to enter upon, divide off, take, and use any of such Lands and Grounds as aforesaid, as they shall judge necessary to be cut, dug, taken, or used for making any such new Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, or other Works, to be made or used under and by virtue of the said recited Act and this Act; they the said Commissioners making Satisfaction for such Lands or Grounds taken, and Damages done, in Manner herein-after mentioned.

Commission-
ers empower-
ed to make
further
Works.

XXV. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands or Hereditaments which they shall judge ne-

Purchase of
Lands, and
Satisfaction
for Damages.

[Loc. & Per.]

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cessary

cessary to be cut, dug, taken, or used, for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, for the Purchase of such Lands and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and that it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons who are or shall be seised of or interested in their own Rights, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, and they are hereby authorized and empowered to contract for, sell and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners for any Recompence or Compensation to be made for the Damages which may be done to any such Lands or Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever, 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; and all such Person or Persons to whom any such Lands or Hereditaments shall be conveyed, and his or their Heirs, shall stand seised thereof in Trust for the Purposes of this Act, and convey and dispose of the same from Time to Time, as the said Commissioners shall direct or appoint.

On refusal of any Person to treat, the Value of Land or Amount of Damages to be ascertained by a Jury.

XXVI. Provided always, and be it further enacted, That in case any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall for the Space of Fourteen 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 or any of their respective last or usual Place or Places of Abode, or at the House or last or usual Place or Places of Abode of the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence or otherwise, shall be prevented from treating, or shall not treat, then and in every such Case the said Commissioners may and they are hereby authorized, empowered and required Fourteen Days at least before any General Quarter Sessions of the Peace to be holden for the said *Isle of Ely*, within Six Calendar Months after the said Lands or Hereditaments shall have been used, or the said Damage done, to give or cause to be given to the Party or Parties whose Lands or Hereditaments shall have been so used or damaged, or to leave or cause to be left at the last or usual Place or Places of Abode of such Party or Parties, or any of them respectively, or at the last or usual Place or Places of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting

purporting that the Value of such Lands or Hereditaments, or 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 required to charge the Jury which shall attend at such Sessions or Adjournment, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled and returned by the Bailiff of the said *Iste of Ely*, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Lands or Hereditaments, 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 to which said Juries the said Commissioners, and all Parties interested in the said Lands or Hereditaments, shall have their lawful Challenges when they come to be sworn; and the Clerk of the Peace for the said *Iste of Ely* is hereby authorized and required, upon Application made to him by any of the Parties interested, by Subpcena or Summons under his Hand, to call before the Justices at such Sessions or 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 said Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for the said Lands or Hereditaments, or for any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Bodies Politic, Corporate or Collegiate, Owner or Owners thereof, or interested therein; and the said Justices shall and may give Judgment according to the Verdict of the said Jury, which Verdict of the said Jury, and the 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 or Hereditaments, and shall be entered and kept among the Records of the Quarter Sessions for the said *Iste of Ely*; and the same or true Copies thereof, being signed by the Clerk of the Peace for the said *Iste of Ely*, shall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Persons may have Recourse thereto, and take Copies thereof or Extracts therefrom, on paying the usual Fees in Cases of the like Nature.

XXVII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons than had been previously offered by or on Behalf of the said Commissioners as aforesaid, then all the Expences of taking such Inquests shall be settled by the said Justices, and be defrayed by the said Commissioners out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given or made for the same Sum, or for a less Sum than had been previously offered by or on behalf of the said Commissioners as aforesaid, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners of, or other

Expences of
Application
to Sessions.

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

Application of
Compensation
when exceed-
ing 200l.

XXVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken or used by virtue of the Powers of the said recited Act or this Act, for the Purposes aforesaid, which shall belong to any Corporation, Feme Covert, Infant, Lunatic or Person or Persons under any Disability or Incapacity, as in the said recited Act or this Act mentioned, such Money shall, in case the same shall amount to or 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 *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 or Hereditaments, in the Purchase of the Land Tax, or in the Discharge of any Debt or Debts, or other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting any other Lands or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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 any other Lands or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of 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, by Order of the said Court of Chancery upon Application thereto, 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 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 be paid, by Order of the said Court,

Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands 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 in 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 the 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 Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Under 200 l.
and not
amounting to
20 l.

XXX. 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 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 Lands or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Under 20 l.

XXXI. 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 or Hereditaments to be purchased by virtue of the said recited Act and 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 the Person or Persons to whom any 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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or

In case of
not making
out Titles,
&c.

[*Loc. & Per.*]

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Here-

Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, 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 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 as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands at the Time of such Purchase shall be deemed entitled thereunto according to such Possession.

XXXII. 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 the said recited Act or this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance thereof, 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 Possession of such Lands 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 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 or Hereditaments, or to some Estate or Interest therein.

Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees,

XXXIII. Provided always, 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 or Hereditaments to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, in pursuance of the said recited Act or this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners or any Three or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XXXIV. And

XXXIV. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners or any Three or more of them, to sell and dispose of any Piece or Pieces of such Land or Ground: Provided always, that the said Commissioners, before they shall sell and dispose of any such Piece or Pieces of Land or Ground shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before one of His Majesty's Justices of the Peace for the *Isle of Ely*, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Commissioners, shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed, with respect to disputed Value of Premises to be purchased by the said Commissioners in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed, with respect to such Purchase made by the said Commissioners, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such Piece or Pieces of Land or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

Empowering Commissioners to sell Lands purchased, &c. not wanted for the Purposes of the Act.

XXXV. And be it further enacted, That the said Commissioners at their said General Meeting in every Year, or at the first Adjournment thereof, shall and may, and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening and shutting down the Tunnels and Sluices already set down or to be set down and made use of in the Execution of the said recited Act or this Act, and that no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction, and that it shall and may be lawful to and for the said Commissioners at the said General or adjourned Meetings, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and that the said Officer or Officers, and all and every other Person and Persons who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Commissioners, being thereof convicted before any Two or more Justices of the Peace for the said *Isle of Ely*, (who are hereby authorized and required to hear and determine the same on the Oath of One or more Witness or Witnesses, which Oath or Oaths such Justices are hereby

Commissioners to make Orders for opening and shutting down Tunnels and Sluices, and to appoint Officers for that Purpose.

hereby empowered to administer, or on the Confession of the Party or Parties so offending), shall for every such Offence forfeit and pay a Sum of Money not exceeding the Sum of Twenty Pounds, as the said Justices shall order and direct, to the said Commissioners, for the same Purposes for which the Rates, Taxes, and Assessments are hereby directed to be applied; and on Non-payment of such Forfeiture, on Demand, it shall be lawful for such Justices to order the same to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices before whom such Conviction shall be made; and in case no such Distress can be made or taken, the Person or Persons so offending shall by the said Justices be committed to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices by whom such Commitment shall be made.

Penalty on
Persons per-
mitting Swine
to stray on
the Banks,
&c.

XXXVI. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter permit or suffer his or their Hogs or Swine to stray upon any of the Banks already made and raised, or to be made and raised by virtue of the said recited Act or this Act; or on the Forelands of the said Banks or any of them, or shall at any Time make or cause to be made any Watering Place or Places of Access for Cattle to drink in any of the public Drains already made and used, or to be made and used by virtue of the said recited Act or this Act, or shall continue to use any such Drain for a Watering Place, after Ten Days Notice in Writing to the contrary thereof given to him, her, or them, by the Collector or Receiver, or other Person or Persons authorized by the said Commissioners; or shall use any of the said Drains for the Washing of Sheep, or shall dig or throw out any Pond, P.t, or Watering, in any of the said Lands and Grounds within Forty Feet of any Drain already made or to be made, and used for the draining and improving of the said Lands and Grounds as aforesaid; or shall at any Time or Times hereafter set down any Net or Nets, or make use of any Glaves, Pilgars, or other Instruments or Engines for the catching or taking of any Fish in any of the Drains already thrown out and used, or to be thrown out and used for the Purposes aforesaid, without a Special Licence and Authority in Writing under the Hands of Three or more of the said Commissioners, to him, her, or them for that Purpose given, (and such Licence or Authority being granted in pursuance of an Order of the said Commissioners assembled at a Meeting, and not otherwise), all and every such Person and Persons so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the *Isle of Ely*, who are hereby authorized and required to hear and determine such Offences on the Oath of one or more competent Witness or Witnesses (which Oath such Justices are hereby empowered to administer) or on the Confession of the Party or Parties so offending, shall for every such Offence or Offences forfeit and pay such Sum of Money not exceeding Five Pounds, as the said Justices shall respectively order and adjudge; and in any of the Cases aforesaid the said Justices are hereby authorized and empowered to order and direct such Proportion or Proportions of all and every the Sum or Sums of Money to be so ordered and adjudged as aforesaid, to be paid to the Person or Persons giving Information of any of the Offences above-mentioned as they the said Justices shall think proper; and that the Residue of all and every such

such Sum or Sums so to be ordered and adjudged as aforesaid, shall be paid to the said Commissioners, and applied by them to the same Purposes as the said Assessments, Rates, and Taxes, are hereby directed to be applied; and it shall be lawful for such Justices, after Demand shall have been made, and Payment of any of the Sum or Sums of Money to be so ordered and adjudged as aforesaid, having been refused, to cause the same to be levied by Distress and Sale of the Goods, Chattels, and Cattle of the Offender or Offenders, by Warrant under the Hands and Seals of such Justices; and for want of a sufficient Distress, the Person or Persons so offending shall be committed by such Justices to the House of Correction, there to be kept to hard Labour for such Time as the said Justices shall order and adjudge, not exceeding Three Calendar Months, at the Discretion of the said Justices by whom such Commitment shall be made.

XXXVII. And be it further enacted, That the Monies now in the Hands of the Treasurers, Collectors, or other Officers acting under the said recited Act, and all Arrears, Rates, and Taxes, now due upon or by virtue of the said recited Act, and the Monies to arise from the Rates, Taxes, and Assessments by this Act imposed as aforesaid, and all pecuniary Penalties and Forfeitures, and all other Monies to be received, levied, or recovered by virtue of the said recited Act and this Act, the Application whereof is not otherwise by the said recited Act or this Act directed, shall be and the same are hereby vested in the said Commissioners, and shall be by them applied and disposed of in the Manner following; (that is to say), in the first Place, in paying and defraying the Costs, Charges and Expences of obtaining and passing this Act, and the Interest of all Monies advanced for that Purpose, and then in discharge of all such Debts as have been contracted by the Commissioners acting under the said recited Act, in making and repairing the several Works of Drainage thereby authorized to be made, or otherwise, for the Purposes of the said recited Act, and which are now due and unpaid, and in discharge of the Interest of all such Monies as have been or shall be borrowed and taken up at Interest, under or by virtue of the said recited Act and this Act, and in Payment of any Annuity or Annuities to be granted by virtue of this Act, and for and towards the several Works of Drainage, and other Works, by the said recited Act and this Act authorized to be made, done, and executed, and towards the Support and Maintenance of the same, and in Payment of the Consideration Money for any Lands or Hereditaments to be taken or used under the Authority of this Act, and also to apply any Surplus Money or Balance which may from Time to Time remain after the Payments aforesaid, in the Discharge of all such Principal Monies as have been or shall be borrowed and taken up at Interest, under the Authority or on Account of the said recited Act and this Act, and for the Purposes of the said recited Act and this Act, and to and for no other Use, Intent or Purposes whatsoever.

Application
of Monies.

XXXVIII. And whereas certain of the Owners and Occupiers of Lands and Grounds drained by virtue of and under the said recited Act, did in or about the Year One thousand eight hundred and six, advance and pay several different Sums of Money amounting together to Four hundred and forty-seven Pounds Ten Shillings and Two-pence, for the Purpose of satisfying and discharging certain Bills and Accounts then due and owing

Authorizing
Commissioners
to repay
Money ad-
vanced by
Proprietors
for the Pur-
poses of the
Act.

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from the said Commissioners, on account of the Works of Drainage made and used under the said Act, and the said several Sums of Money were paid into the Hands of the Treasurer to the said Commissioners, and by him applied towards discharging such Bills: And whereas it is reasonable that all and every such Sum and Sums of Money should be reimbursed and repaid to the Person and Persons who have advanced the same; be it therefore further enacted, That it shall be lawful for the Commissioners appointed or to be appointed by virtue of the said recited Act and this Act, and they are hereby authorized and required, by and out of the Rates, Taxes, and Assessments to be assessed, rated, taxed and charged at their First Meeting to be held after the passing of this Act, to allow to such several Owners and Occupiers as have advanced and paid the said several Sums of Money, amounting as before-mentioned to the Sum of Four hundred and forty-seven Pounds Ten Shillings and Two-pence, the respective Proportions thereof which have been severally advanced and paid by them, and it shall and may be lawful to and for all and every the same last-mentioned Owners and Occupiers, to retain by and out of the said Rates, Taxes, and Assessments to be laid, assessed, and charged upon their said Lands and Grounds respectively, at the said First Meeting to be held after the passing of this Act, all such Sum and Sums of Money as were so advanced and paid by them the said last-mentioned Owners and Occupiers respectively for the Purpose above-mentioned.

Allowing certain Lands called The Nine Hundred, to have the full Benefit of the Engines erected under the said recited Act, the Proprietors paying the full Tax.

XXXIX. And whereas the Lands and Grounds in *Sandylands, Sibblesholme, Stowcroft, Harveyfield, and Fenland Field*, being the Fields within *The Nine Hundred*, have hitherto been drained by means of certain Tunnels, Sluices, and Drains communicating with the Red Engine only, and not with any of the other Engines built or used under the said recited Act; and it may be expedient after the passing of this Act, to vary or alter the Drainage of some of the said Fields, by permitting the Waters thereof to run to the said other Engines; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, at any of their General Annual Meetings to be holden under the said recited Act and this Act, upon Request in Writing to them made by the Proprietors of Four-fifths in Quantity of the Lands and Grounds in any of the said Fields within *The Nine Hundred*, to make such Orders for the Drainage of the said Fields respectively, by means of any of the Works already made and used, or to be made and used under the said recited Act and this Act, as they the said Commissioners shall think proper, such Proprietors agreeing to contribute and pay for their respective Lands, the Drainage of which shall be so altered, the highest Rate or Tax *per Acre* which shall be then payable for any Lands drained by virtue of the said recited Act and this Act, for and during the Time such Lands shall continue to be so drained; and that the Rates and Taxes which any Proprietor may subject himself to pay, by reason of the Alteration in the Drainage of his Lands, shall and may be levied and recovered by the like Ways and Means as any Rate or Tax imposed or to be imposed by virtue of this Act can or may be levied and recovered.

Distress not unlawful for want of Form.

XL. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress 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.

or Want of Form in any 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 afterwards be 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 on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action or Actions for any such Irregularity or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed such Irregularity, Trespass, or other wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court in which such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Order, and Judgments, shall be made and given in and by such Courts as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of Amends.

XLI. And be it further enacted, That the said Commissioners may and shall, in all Cases, sue and be sued in the Name of their Treasurer or Clerk; and that no Action, Suit or Information which may be brought, commenced or filed, or Indictment which may be preferred or prosecuted, by or against the said Commissioners, or any of them respectively, by virtue or on account of the said recited Act or this Act, in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, or by the Act of any such Treasurer or Clerk, without the Consent of the said Commissioners, but the Treasurer or Clerk for the Time being to the said Commissioners shall always be deemed Plaintiff, Prosecutor, or Defendant, in any such Action, Suit, Information, or Indictment (as the Case may be): Provided always, that every such Treasurer or Clerk, in whose Name any Action, Suit, Information or Indictment shall be commenced, preferred, prosecuted, or defended, in pursuance of the said recited Act or this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of the said recited Act or this Act, all such Costs, Charges and Expences as he shall be put to, or become chargeable with, by reason of his being made Plaintiff, Prosecutor, or Defendant therein.

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

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Act of the Commissioners, or by any Order or Orders of a Justice or Justices, done or made in pursuance of the said recited Act or this Act, every such Person or Persons 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 of the Peace to be holden in and for the said *Isle of Ely*, first giving to the Person or Persons appealed against, or to the Clerk of the said Commissioners, in case the Appeal shall be made against any Act or Determination of the said Commissioners, Fourteen Days Notice in Writing of such Appeal, and of the Nature thereof, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Isle, with One or more sufficient Surety or Sureties conditioned to try such Appeal, and abide the Order and Award of the said Justices; and the said Justices shall, upon due Proof of such Notice and

Allowing an Appeal.

Recognizance having been given and entered into, 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 holden for the said Isle; and the said Justices on the hearing and determining of every such Appeal, may award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices in the said General Quarter Sessions or Adjournment thereof, shall be final, binding and conclusive, to all Intents and Purposes whatsoever.

Extending the Provisions of the said Act to this Act, &c.

XLIII. And be it further enacted, That all and every the Provisions and Clauses in this Act, shall in the Execution of the said recited Act, be used, applied and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said recited Act; and all and every the Provisions and Clauses of the said recited Act (except where the same are by this Act expressly varied, altered, or repealed) shall in the Execution of this Act, be used and applied, extended and construed, in like Manner as if the same Provisions and Clauses (except as aforesaid), were specially enacted in this Act.

Public Act.

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

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