



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. xc.

An Act for draining, inclosing, dividing, and allotting certain Lands in the Parish of *Over* in the County of *Cambridge*. [30th June 1837.]

WHEREAS there are within the Parish of *Over* in the County of *Cambridge* divers Open and Common Fields, Common Meadows, Common Pastures, Commons, and other Commonable and Waste Lands and Grounds, and divers inclosed Lands and Homesteads, containing in the whole Four thousand Acres or thereabouts: And whereas *James Nathaniel Taylor* Esquire is or claims to be Lord of the Manor of *Over*, and as such entitled to the Waste Lands within the said Parish, or to some Part thereof: And whereas the Wardens and Scholars of *Merton* College in the University of *Oxford* are or claim to be Lords of the Manor of *Over Merton* in the said Parish of *Over*, and as such entitled to the Waste Lands within the said Parish, or to some Part thereof: And whereas the Master, Fellows, and Scholars of the College of the Holy and Undivided Trinity within the Town and University of *Cambridge* of King *Henry* the Eighth's Foundation are seised of or entitled to the Improprate Rectory of the Parish of *Over* aforesaid: And whereas *Frederick Robinson* Gentleman is Lessee of the said Improprate Rectory under a Lease granted to him by the said Master, Fellows, and Scholars: And whereas the said Master, Fellows, and Scholars are Patrons of the Vicarage of the Parish of *Over* aforesaid, and the Reverend *Samuel Shepherd Hurst* Clerk is Vicar or licensed Sequestrator of the said Parish and Parish Church: And whereas the said Master, Fellows, and Scholars

[Local.]

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in right of their said Improprate Rectory claim to be entitled to the Great Tithes arising within the said Parish: And whereas the said Reverend *Samuel Shepherd Hurst* as such Vicar or licensed Sequestrator also claims to be entitled to the Small Tithes arising within the said Parish, and to certain prescriptive Payments in lieu of Tithes: And whereas the said *James Nathaniel Taylor, Edward Humphrys Green Esquire, Francis Cozins Cotton, Thomas Robinson, Frederick Robinson,* and divers other Persons are the Owners or Proprietors of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, and other Commonable Lands and Grounds, and of the said inclosed Lands and Homesteads, and of ancient Commonable Messuages or Tofts within the said Parish of *Over*, and in respect thereof or otherwise are or claim to be entitled to certain Rights of Common and other Rights and Interests in, over, and upon the same, or some Part or Parts thereof, or are otherwise interested therein: And whereas an Act was passed in the Forty-first Year of the

41G.3.c.109. Reign of King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the Lands of the several Owners and Proprietors of the Open and Common Fields, Commons, Meadows, Pastures, and other Commonable Lands and Grounds within the said Parish of *Over* are greatly intermixed and lie dispersed in small Parcels so as to render the Cultivation thereof expensive and inconvenient, and have been of late Years much encroached and trespassed upon, and the same are in their present State incapable of any considerable Improvements, and it would be of great Advantage to the Proprietors thereof and Persons interested therein to have the same divided and inclosed, and specific Parts thereof allotted to the Proprietors thereof according to their respective Rights and Interests therein, and such Allotments held in Severalty, and all Rights of Common in, over, and upon the same respectively extinguished, and Compensation made for all Tithes, Moduses, Prescriptions, and Compositions for Tithes, and other Ecclesiastical Dues and Payments arising and payable from and out of such Open and Common Fields, Commons, Meadows, Pastures, and other Commonable Lands and Grounds, and also from and out of the said inclosed Lands and Homesteads: And whereas a great Part of the said Lands and Grounds, (that is to say,) the Lands lying to the North and West of the *Bare-fen Drain* called *Skeggs, Bar-hill, Landgridges, Long Holmes, Hither and Farther Bluntishmeres, Narwell Pastures,* and all other the inclosed Lands known by the Name of *Low Grounds*, and also all the Lands situate in *Ouze Fen* within the *Bedford Level Bank*, are subject to be overflowed with Water and otherwise injured for Want of proper Banks and Drains, and it would be of Advantage to the several Parties interested therein if such Low Lands and Grounds were properly drained and embanked; but the beneficial Purposes aforesaid cannot be effected without the Authority of Parliament: 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 Parliament assembled, and by the Authority of the same, That the said Two recited Acts passed respectively

tively in the Forty-first Year of the Reign of King *George* the Third and in the First and Second Years of the Reign of King *George* the Fourth, and the several Enactments and Provisions of the said recited Acts, shall from and after the passing of this Act be deemed and taken to be and be applied and executed as Part of this Act for all Purposes and to all Intents whatsoever, except and in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall by this Act or otherwise become or be inapplicable to any of the Purposes of this Act.

Recited In-
closure Acts
to form Part
of this Act.

II. And be it further enacted, That *Anthony Jackson* of *Barkway* in the County of *Hertford*, Gentleman, *Alexander Watford* of *Cambridge* in the County of *Cambridge*, Gentleman, and *Thomas Utton* of *Bracondale* in the City and County of the City of *Norwich*, Gentleman, and their Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution: Provided always, that no Person shall be capable of acting as such Commissioner (except in signing and giving Notice of the First Meeting of the Commissioners, and in receiving the Declaration herein-after directed,) until he shall have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Appoint-
ment of Com-
missioners.

Commission-
ers to make
a Declara-
tion.

‘ I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Power and Authority vested and reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Form of
Declaration.

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

III. And be it further enacted, That if any Person, not having so qualified himself according to the Provisions of this Act to act as a Commissioner, shall presume to act in such Capacity, any such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Penalty on
Persons
acting not
qualified.

IV. And be it further enacted, That in case the said *Anthony Jackson*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of One Calendar Month to act as such Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the Lord for the Time being of the Manor of *Over* aforesaid to nominate and appoint by Writing under his Hand some fit and proper Person,

Appointment
of Commis-
sioners on
Vacancies.

Person, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to be a Commissioner in the Room of the said *Anthony Jackson*, or of the Commissioner who shall be appointed in his Place, and so from Time to Time as often as any Commissioner so to be nominated or appointed by the Lord for the Time being of the said Manor shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Alexander Watford*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of One Calendar Month to act as such Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the Master, Fellows, and Scholars of *Trinity College, Cambridge*, by Writing under their Common Seal, to nominate and appoint some fit and proper Person, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to be a Commissioner in the Room of the said *Alexander Watford*, or of the Commissioner who shall be appointed in his Place, and so from Time to Time as often as any Commissioner so to be nominated and appointed by the said Master, Fellows, and Scholars shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act; and in case the said *Thomas Utton*, or any Person to be nominated or appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, or become incapacitated, or neglect or refuse for the Space of One Calendar Month to act as such Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the Time being) of the several Proprietors of Lands or Hereditaments within the said Parish of *Over* (exclusively of the Lord for the Time being of the said Manor of *Over*, and the Master, Fellows, and Scholars of *Trinity College, Cambridge*,) who shall attend, either personally or by their respective Agents, at any Meeting to be held for the Election of a new Commissioner by reason of such Death, Refusal, Neglect, or Incapacity as aforesaid, of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure upon some *Sunday* before Divine Service by Writing to be affixed on one of the outer Doors of the Parish Church of *Over*, and also by Advertisement to be inserted in the *Cambridge Chronicle*, or in some other Newspaper printed or usually circulated in the County of *Cambridge*, at least Fourteen Days before such Meeting, to nominate and appoint by Writing under their Hands some fit and proper Person, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to be a Commissioner in the Room of the said *Thomas Utton*, or of the Commissioner who shall be appointed in his Place, and so from Time to Time as often as any such Commissioner so to be appointed by the major Part in Value of the said Proprietors (exclusive as aforesaid) shall die, neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act.

In case Parties neglect to appoint a new Commissioner the remaining Commis-

V. Provided always, and be it further enacted, That in case any Person or Parties herein-before enabled and authorized to appoint a new Commissioner shall refuse or neglect to appoint a new Commissioner within the Space of Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity as aforesaid shall have been given by some one of the Persons interested in the said Inclosure to the Person or Parties enabled

or authorized to appoint such Commissioner, or by an Advertisement inserted in the *Cambridge Chronicle*, or in some other Newspaper printed or usually circulated in the said County of *Cambridge*, and by Writing to be affixed on the principal outer Door of the Parish Church of *Over* upon a *Sunday* immediately before Divine Service, then and so often as the Case shall occur it shall be lawful for the surviving or remaining Commissioner or Commissioners, and they and he are and is hereby required, within Three Weeks next after the Expiration of the Time so allowed for appointing such new or succeeding Commissioner as aforesaid, by Writing under their or his Hands or Hand to appoint some other fit and proper Person, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to be a Commissioner in the Room of the Commissioner causing such Vacancy as aforesaid; and every new Commissioner so appointed under either of the Powers herein-before given shall have and be invested with the same Powers and Authorities in all respects for carrying this Act into execution, and shall be subject to the same Regulations as if he had been originally named a Commissioner in this Act; and every such Appointment shall be annexed to and deposited with the Award of the said Commissioners in manner herein-after directed with respect to the said Award.

Commissioners to appoint.

VI. And be it further enacted, That if any or either of the said Commissioners shall refuse or neglect to attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if any or either of the said Commissioners shall at any Time after having qualified himself as aforesaid wilfully absent himself from any Two successive Meetings of such Commissioners, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the said Commissioners having been given to him or left at his usual Place of Abode, (such Commissioner not being prevented by Sickness or other reasonable Cause to be allowed by the other Commissioners or Commissioner attending such Meetings,) or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall after having qualified himself as aforesaid wilfully absent himself in manner aforesaid after such Notice and without such Cause of Excuse as last aforesaid, every such Absence or Nonattendance shall be deemed and taken to be a Refusal to act.

What shall be a Refusal of Commissioner to act.

VII. And be it further enacted, That it shall be lawful for the said Commissioners to appoint some fit and proper Person or Persons, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to be the Surveyor or Surveyors for the Purposes of this Act; and in case of the Death, Neglect, Refusal, or Incapacity to act of the said Surveyor, then from Time to Time as often as any such Event shall happen to appoint some other fit and proper Person or Persons, not interested in the said Division, Allotment, and Inclosure, or in the said Tithes, to succeed to such Office in the Room or Stead of the Surveyor so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and the said Commissioners are hereby authorized, out of the Money to be raised for defraying the Expences of obtaining and passing this Act and carrying the

Appointment of Surveyor.

Allowance to Surveyor.

[Local.]

same into execution, to allow to every such Surveyor for his Time and Trouble any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, and planning the said Lands, or any of the ancient inclosed Lands, or any Part thereof, and also any Sum not exceeding Two Pounds and Two Shillings for each Day he shall be actually and wholly otherwise employed in the Business of the said Division, Allotment, and Inclosure, exclusive of the said Survey; and which said several Allowances shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor in and about the Execution of this Act: Provided always, that no Person shall act as Surveyor in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Surveyor
to make a
Declaration.

Form of
Declaration.

‘ I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Duties vested in and imposed upon me as Surveyor by virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Commissioners
may administer the
Declaration.

Which Declaration it shall be lawful for any Commissioner for the Time being, or any Justice of the Peace for the said County of *Cambridge*, to administer and receive; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the said Commissioners.

Appointment
of Clerk.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners to appoint a Clerk to assist them in carrying this Act into execution, and from Time to Time to remove such Clerk and to appoint another in his Stead.

Allowance
to Commissioners and
Clerk.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act and carrying the same into execution there shall be paid to each of the said Commissioners who shall act in the Execution of this Act, and also to their Clerk, the Sum of Three Pounds and Three Shillings, and no more, for each Day they shall travel or be engaged in any Business relating to the Execution of this Act, or of any of the Powers hereby vested in them, during the first Three Years next after the passing of this Act, and after the Expiration of the said Three Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they may incur during their several Journeys and Attendances in the Execution of this Act, other than and except the Expences for the Use of the Rooms in which the Meetings shall be held for carrying this Act into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, proclaiming, and enrolling the Award of the said Commissioners, and of Notices and Advertisements, and all other proper and necessary Expences.

X. And

X. And for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours at all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and that any Meeting to be held for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioners and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hour the said Commissioners and Clerk were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by the said Commissioners at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Division, Allotment, and Inclosure, or in the said Tithes, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioners to retain or pay themselves or the said Clerk out of any Monies to be received by them or over which they may have any Control by virtue of this Act any Money on account of the Allowance herein-before directed to be made to such Commissioners or to the said Clerk respectively, beyond One Third of the Allowance to which they shall be respectively entitled as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or any of them, or of the said Clerk, previous to the Execution of the said Award, the Commissioners for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or Clerk such Sum as shall appear by the said Accounts to be due to such deceased Commissioner or Clerk.

For regulating the Duration of Meetings of Commissioners.

XI. Provided always, and be it further enacted, That the several Persons interested in the said Division, Allotment, and Inclosure, or in the said Tithes, and their respective Agents, shall pay their own Expences whenever they shall attend at any of the Meetings to be held in pursuance of this Act.

Proprietors to pay their own Expences at Meetings.

XII. And be it further enacted, That all the Orders, Proceedings, and Determinations of the said Commissioners at any Meeting to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the said Commissioners, and being so signed shall be deemed and taken to be Originals; and all such Books shall be deposited with and be kept by the Clerk to the said Commissioners, and shall and may be read in Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any Matter or Thing done in pursuance of or in relation to this Act.

Proceedings to be entered in a Book.

XIII. And

Meetings
and Notices
thereof.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given by Advertisement thereof in the Newspaper called the *Cambridge Chronicle*, or in some other Newspaper printed or usually circulated in the said County of *Cambridge*, and also by affixing the same upon some principal Door of the Parish Church of *Over* aforesaid on some *Sunday* before Divine Service, of the Time and Place of their first and every subsequent Meeting for the Execution of this Act, Seven Days at least before any such Meeting shall be held (Meetings by Adjournment only excepted), and the said Commissioners shall and may from Time to Time adjourn such Meetings as they may see Occasion for the efficient Execution of this Act; and if at the Time and Place appointed for any such Meeting only One of the said Commissioners shall attend such One Commissioner may adjourn such Meeting to some future Period not exceeding Twenty-one Days from the Day of such Adjournment, and to such Place as he shall think most convenient; and if at the Time and Place appointed for any such Meeting no Commissioner shall attend it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting to some future Period, not exceeding Twenty-one Days from the Day of such Adjournment, then to be held at the Place from which such Adjournment was made, giving timely Notice thereof to the said Commissioners.

Other No-
tices how to
be given.

XIV. Provided always, and be it further enacted, That all other Notices necessary to be given by the said Commissioners (the Mode of giving which is not hereby particularly directed) shall be given by Advertisement to be inserted in the said Paper called the *Cambridge Chronicle*, or in some other Newspaper printed or usually circulated in the said County of *Cambridge*, or by Writing to be affixed on some principal Door of the Parish Church of *Over* aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

Claims to be
delivered to
the Commis-
sioners.

XV. And be it further enacted, That all Persons claiming any Estate, Right, or Interest in, over, upon, or to any Lands and Grounds in the said Parish of *Over* hereby authorized to be divided, allotted, and inclosed, or exonerated from Commonable or other Rights, or in or upon or to any Lands, Gardens, Orchards, Homesteads, or old Inclosures respectively which may be exonerated from Tithe under or by virtue of this Act, shall and they are hereby required, by themselves or their Agents, to deliver their respective Claims in Writing under their Hands or the Hands of their Agents unto the said Commissioners at such Meetings as shall be held by the said Commissioners for that Purpose, distinguishing in such Claims the several Particulars in respect whereof the Claims are made, and the Freehold, Copyhold, and Leasehold Property from each other, and within what Manor the same Property and Rights are situate; and that no such Claim shall be received by the said Commissioners after the last Meeting to be held for that Purpose after due Notice thereof given, and which shall be so expressed therein (except for some special Cause to be allowed by the said Commissioners); and after the said Claims shall be so received the said Commissioners shall cause public Notice to be given in the Church of the said Parish of *Over* either during or immediately after Divine Service on a *Sunday*, or shall affix such Notice on the
principal

principal Door of the said Church, and shall in such Notice appoint a Time (at least Twenty Days distant) and also a Place when and where all Parties concerned may appear before them, and show Cause for or against the Allowance or Disallowance of the said Claims; and at such Meeting the said Commissioners shall proceed to examine into and settle and determine the same, and shall make such Order therein as to them shall appear just and equitable; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Disputes or Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they or any of them ought to have in the Allotment hereby intended to be made, the said Commissioners shall and they are hereby required by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby empowered to administer), and by such other Evidence, Inquiry, and Satisfaction as to them shall seem proper, to hear and determine the same, and shall make such Order therein as to the said Commissioners shall appear equitable and just; which said Order shall be final and conclusive, unless any Party shall be dissatisfied with the Determination of the said Commissioners, and shall proceed to try his Rights by an Issue at Law as hereafter mentioned; any thing herein contained to the contrary thereof in anywise notwithstanding.

XVI. And be it further enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages in the said Parish of *Over* shall, upon Proof being made to the Satisfaction of the said Commissioners that Commonable Messuages or Cottages formerly stood thereon, be considered and deemed as Commonable Messuages or Cottages, and the respective Owners or Proprietors thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto as if such Messuages or Cottages were still standing.

Tofts to be deemed Commonable Messuages.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, or to determine any Right between any Parties contrary to the actual Possession of any of such Parties (except in respect of Encroachments as herein-after mentioned); but in case the said Commissioners shall be of opinion against the Right of the Party so in Possession they shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or have been recovered from such Party by due Course of Law.

Commissioners not to determine Titles contrary to Possession.

XVIII. And be it further enacted, That if any Person having been summoned to testify the Truth upon Oath touching any Matter in difference between any of the Parties interested in the Premises, or otherwise relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his Attendance, shall not appear before the said Commissioners pursuant to such Summons without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to be examined and give Evidence touching the Premises, the said Commissioners, upon Proof thereof made before them upon Oath (which Oath the said Commissioners are hereby empowered to administer), shall and they are hereby authorized, by Warrant under

Persons summoned by the Commissioners and refusing to give Evidence punished.

their Hands and Seals directed to any Person whomsoever, to cause any Sum of Money not exceeding Fifty Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear or to be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be considered as Part of the Monies which are hereby directed to be raised for defraying the Costs and Expences of obtaining this Act and carrying the same into execution, and shall be applied accordingly: Provided always, that no Person summoned to attend the said Commissioners as a Witness shall be obliged to travel to any Place (except the Town of *Cambridge*) which shall be distant above Eight Miles from the said Parish of *Over*.

Commissioners to award Costs.

XIX. And be it further enacted, That in case the said Commissioners, upon the Hearing and Determination of any Claim or Objection to be delivered to them in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to assess and award such Costs and Charges as they shall think reasonable to be paid to the Person in whose Favour any Determination of the said Commissioners shall have been made by the Person whose Claim or Objection shall have been thereby disallowed; and in case any Person liable to pay such Costs and Charges shall refuse or neglect to pay the same upon Demand the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting to pay the same, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting all Expences attending such Distress and Sale; or if there shall be no Goods or Chattels whereon to levy such Costs and Expences as aforesaid it shall be lawful for the Person in whose Favour such Costs and Charges shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners in consequence of such Order, without setting forth any other Proceedings under this Act.

Parties dissatisfied authorized to try their Rights at Law.

XX. Provided always, and be it further enacted, That if any Person interested or claiming to be interested in the said Division, Allotment, and Inclosure, or in the Commutation of the Tithes of the said Parish, shall be dissatisfied with any Determination of the said Commissioners concerning any Claim, Right, or Interest in, over, upon, or to the Lands or Grounds hereby authorized to be divided, allotted, and inclosed, or exonerated from Commonable or other Rights, or in, over, upon, or to any Lands, Gardens, Orchards, Homesteads, or old Inclosures respectively which may be exonerated from Tithes by virtue of this Act, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made within Three Calendar Months next after such Determination shall have been notified

in Writing to the Person against whom such Determination shall have been made, or to his known Agent, and thereupon the Person so dissatisfied may proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes which may be holden for the said County of *Cambridge* after such Action shall have been commenced; and the Defendant in such Action shall and he is hereby required, upon being served with the usual Process therein, to appear and plead thereto, or file Common Bail, and accept One or more Issue or Issues whereby such Claim, and the Right, Property, and Interest thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced in case the Parties shall differ about the same); and the Verdict which shall be given upon the Trial of such Action shall be binding and conclusive upon all the Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall be lawful for the Court to do, and also upon sufficient Cause shown to put off the Trial of such Issue or Issues; and after such Verdict shall be given, and final Judgment obtained thereon, the said Commissioners shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial, and the Costs attending such Action shall abide the Event of the respective Trials of such Issue or Issues: Provided always, that if no such Action shall be commenced, or the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be binding and conclusive to all Intents and Purposes whatsoever.

If no Action is brought the Determination of Commissioners to be final.

XXI. And be it further enacted, That if any Person, Plaintiff or Defendant, in any Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person who might have brought such Action to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the said Commissioners or their Clerk with the usual Process for commencing such Action, in the same Manner as the Person so dead might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Devisee or personal Representative of the Person so dead, or other the Person who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living; and the Rights, Interests, and Claims of all Parties shall be equally bound and concluded by the Event of such Action which shall be so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

Deaths of Parties not to abate Proceedings.

XXII. And be it further enacted, That no Difference, Dispute, Action, or Proceeding as aforesaid, nor any Difference concerning the Title to any Lands, shall impede or delay the said Commissioners in the Execution of this Act, but the said Division, Allotment, and Inclosure, and Commutation

Suits not to impede the Execution of the Act.

Commutation of Tithes, shall be proceeded in notwithstanding such Difference, Action, or Proceeding; and the Allotment in respect of any disputed Property shall be taken and held by the Person who, upon the Determination of such Difference, Dispute, Action, or Proceeding, shall become entitled thereto.

If Parties die before Inclosure, &c. is completed, Allotments to be made to their Representatives.

XXIII. Provided always, and be it further enacted, That if any Person interested in the said Division, Allotment, and Inclosure, or in the said Commutation of Tithes, shall die before the same shall be completed, the Powers and Authorities hereby vested in the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of the Powers and Authorities so vested in them respectively in such Manner as they respectively might have done in case such Person had not died; and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions of this Act, and he shall be liable to the Charges and Expences and other Conditions of this Act.

Commissioners empowered to suspend or extinguish Rights of Common.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners at such Time as they shall think proper, and before the Execution of their Award, by Notice in Writing under their Hands to be affixed on some principal Door of the Parish Church of *Over* aforesaid on some *Sunday* previous to Divine Service, to order and direct all or any Part of the Rights of Common or other Rights in, over, or upon the Lands or Grounds hereby authorized to be divided, allotted, and inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Notice, and from and after the Time mentioned in such Notice all such Rights as shall be thereby directed to be extinguished shall be extinguished, or the Exercise thereof suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding; and if during the Suspension or after the Extinguishment of any such Rights of Common or other Rights as aforesaid any Owner or Occupier of Land, or of any Commonable Messuage or Cottage, or the Site of any Commonable Messuage or Cottage within the said Parish, or any other Person, shall permit his Cattle or Sheep to go, depasture, or feed upon any of the Lands or Grounds over which such Rights of Common or other Rights shall be suspended or extinguished, it shall be lawful for the said Commissioners, or any other Person by their Order (testified in Writing under their respective Hands), and also for any other of the said Owners or Occupiers, to distrain such Cattle or Sheep being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the said Commissioners shall by Writing under their Hands, to be delivered to or left at the Place of Abode of the Person whose Cattle or Sheep shall be so distrained, order and direct, not exceeding the Sum of Ten Shillings for each Head of Cattle, and not exceeding the Sum of Five Shillings for each Sheep, so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing, the said Commissioners are hereby authorized, upon Proof of such Offence having been committed and of Nonpayment of the Penalty hereby imposed, to cause the Cattle or Sheep so distrained or impounded, or such of them as they shall

Penalty on Breach of Commissioners Order.

shall think necessary, or any other Goods or Chattels of the Person so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, and also rendering the Surplus (if any) to the Owner of such Cattle or Sheep.

XXV. And be it further enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed, and the old inclosed Lands in the said Parish of *Over*, or between such Allotments and inclosed Lands or any of them and any adjoining Lands and Grounds, it shall be lawful for the said Commissioners (with the Consent of the Lord of any Manor in which the Lands are respectively situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate,) to set out, ascertain, and determine the Boundaries between the Lands by this Act authorized to be divided, allotted, and inclosed and any adjoining Lands or Grounds lying in the same or in any adjoining Manor, Parish, or Place, as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall have been so set out, ascertained, and determined as aforesaid the same shall be made, fenced, ditched, or mounded by such Person in such Manner and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed the Boundaries between the said allotted and inclosed Lands respectively, or (as the Case may be) between the said Allotments or inclosed Lands and such adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

For shorten-
ing Bounda-
ries.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, appoint, and make such Common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, of such Size, Extent, and Form, and in such Situations as the said Commissioners shall deem necessary, in, through, over, and upon the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and also to enlarge, widen, turn, scour, and cleanse or alter the Course of and improve any of the present Drains, Ditches, Streams, or Watercourses, Banks and Bridges, as well in, through, and over the same Lands and Grounds, as also in, through, and over any ancient Inclosures or other Lands and Grounds within the Parish of *Over*, as the said Commissioners shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands and Grounds for the Damage done thereby as the said Commissioners shall think fair and equitable); and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing of such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, if not otherwise discharged or provided for, shall be raised and levied by the said Commissioners in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Persons and in such Manner as the said Commissioners shall in and by their said Award order and direct; provided that no Stream or Watercourse be diverted or turned without the Consent in

Commis-
sioners to set
out Drains,
and enlarge
and turn Wa-
tercourses.

Writing of the Person from whose Lands the same may be diverted, and of the Person into whose Lands the same may be turned.

Power to widen Roads, making Compensation to Land Owners.

XXVII. And be it further enacted, That the said Commissioners may and they are hereby authorized to widen any of the public Roads or Highways where they shall think it necessary within the said Parish of *Over*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining such Roads, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways by allotting and awarding unto the Person or Persons from whom any such inclosed Land or Ground shall be so taken an adequate Part or Parts of the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening: Provided always, that nothing in this Act contained shall authorize and empower the said Commissioners to make or continue any public Bridle, Draft, or Road Way upon or along the Portion of the *Great Barrier Bank* belonging to the Governor, Bailiffs, and Commonalty of the Company of Conservators called the *Bedford Level*, or the Forelands thereof, or the Allotments to be made to them, save and except the present Carriage Road leading from the Town of *Over* to *Over Cote Ferry*, and also except one other present Carriage Road next to or near *Crane's Fen Wash*, and except a Driftway at a Place called *Sharp's Corner*, all which said Roads and Driftway go upon, over, and across the said *Great Barrier Bank*, and the Forelands thereof on both Sides; and it is agreed and intended that such Two Roads and Driftway shall for ever hereafter continue as Carriage Roads and Driftway, and be used and enjoyed by all the Owners and Occupiers of Land in the said Parish of *Over*, and their Carts, Carriages, Horses, Servants, Workmen, and Agents, at all Times, at their free Will and Pleasure, the Fences against which said Roads and Driftway are to be made by the said Commissioners appointed by this Act, and shall for ever thereafter be maintained and kept in repair by and at the Expence of the said Governor, Bailiffs, and Commonalty of the said *Bedford Level* Corporation.

Power to stop up or divert Roads.

XXVIII. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footpaths in pursuance of this Act or of the said first-recited Act the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or proper, to continue or discontinue, stop up, divert, turn, or alter, any of the Carriage Roads, Highways, Bridle Roads, or Footpaths passing or leading through or over any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through or over any of the old Inclosures within the said Parish of *Over*; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Parish of *Over* unless the Consent of the Majority of the Trustees of such Turnpike Road

Road assembled at a public Meeting called for that Purpose on Ten Days Notice be first had and obtained.

XXIX. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said public Carriage Road, Highway, Bridle Road, or Footpath so proposed to be discontinued, diverted, stopped up, or altered a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footpath is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the said Commissioners acting under or by virtue of this Act; and the said Commissioners shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Cambridge* for Four successive Weeks, and shall also cause a like Notice to be affixed on the Door of the Church of the said Parish of *Over* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Cambridge*, as is herein-after mentioned.

Proceedings previously to stopping up or diverting Roads.

XXX. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions upon giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Persons who may think themselves aggrieved if any Road is ordered to be stopped up or diverted may appeal.

XXXI. And be it further enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether the said public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said

In case of Appeal, Jury at Sessions to determine whether the said Road shall be discontinued.

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Commissioners, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third; but if the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so to be discontinued, stopped up, altered, or diverted is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved by such public Carriage Road, Highway, Bridle Road, or Footpath being so discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered; or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring such public Carriage Road, Highway, Bridle Road, or Footpath to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by the said Commissioners in such and the same Manner as they are hereby directed or empowered to raise the Money for discharging the Costs, Charges, and Expences of this Act.

Expences of discontinuing or widening Roads provided for.

XXXII. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, and altering of such Roads, and the Money Compensation in respect thereof, shall be raised in such and the like Manner as the Expences of obtaining and executing this Act are hereby directed to be raised.

Roads made before the passing of this Act not to be repaired by the Commissioners.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Commissioners to repair or amend any of the public Highways to be set out and appointed by them under the Authority or in the Execution of this Act which shall have been made previously to the passing of this Act; and that all such public Highways as heretofore have been or ought to have been maintained by or at the Charge of the Inhabitants or Occupiers of or within the said Parish of *Over* shall from Time to Time be repaired, amended, and maintained by and at the Charge of the said Inhabitants and Occupiers liable to maintain the same, in such Manner and by the same Ways and Means as the same have been kept in repair before the passing of this Act.

Justices may declare any of the Carriage Roads hereby authorized to be made to be fully completed.

XXXIV. And be it further enacted, That when and so soon as Two or more of His Majesty's Justices of the Peace for the said County of *Cambridge* at any Special Sessions shall under their Hands and Seals certify any of the public Carriage Roads to be set out in pursuance of this Act to be fully and sufficiently formed and completed, such Roads shall thenceforth be supported and kept in repair by such Persons and in such Manner as the public Roads within the said Parish of *Over* are or ought by Law to be amended and kept in repair; and every such Certificate shall at the General Quarter Sessions of the Peace to be holden for the said County of *Cambridge* next after the Date thereof be filed of Record by

by the Clerk of the Peace for the said County, and be valid and effectual to all Intents and Purposes.

XXXV. And be it further enacted, That the said Commissioners shall in and by their Award order and appoint the Grass and Herbage growing and renewing upon all and every the private Roads to be set out by them by virtue of this Act (except the Roads and Driftway to be set out or continued over the *Great Barrier Bank* as herein-before mentioned) to be and for ever thereafter remain to and for the Use and Benefit of such Persons as they the said Commissioners shall in their Judgment think best entitled to the same.

Commissioners to allot the Herbage of private Roads.

XXXVI. And be it further enacted, That all Encroachments and Inclosures which shall have been made or taken by any Person from or upon any Part of the said Lands hereby authorized to be divided, allotted, and inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment, or Acknowledgment, hath or hath not been paid for or in respect of the same to or for the Use of the Lord of the Soil or any other Person whomsoever (except only such Inclosure and Encroachment as shall have been legally granted out for the Space of Six Years now last past), shall be deemed Part and Parcel of the Lands by this Act authorized to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly by virtue of this Act: Provided always, that in case any Question or Dispute shall arise touching any such Encroachment or Inclosure, or the Extent or Duration thereof, such Question or Dispute shall be referred to and be determined by the said Commissioners, but no such Determination shall prevent any of the Parties from trying their Rights at Law in respect to any Matter of Title of such Encroachments: Provided also, that it shall be lawful for the several Persons who shall be in Possession of such Encroachment or Inclosure, or in the Receipt of the Rent thereof at the Time of the passing of this Act, to take down, remove, and carry away all such Buildings, Fences, and other Erections as shall be then on such Encroachment and Inclosure respectively, and to convert the same and the Materials thereof to their own Uses without any Interruption from the said Commissioners.

Encroachments within 20 Years.

XXXVII. Provided always, and be it further enacted, That if any small Plots of Land shall have been inclosed from the Waste as Cottage Sites or as Gardens to Cottages or other Houses within Twenty Years next before the passing of this Act, and it shall appear to the said Commissioners proper and reasonable that such small Plots of Land, or any of them, or any Part thereof, should remain inclosed, then and in such Case the said Commissioners may and they are hereby authorized and empowered to allot and award such Encroachments or Inclosures, or such Part thereof as aforesaid, to the Person who shall at the Time of making the Award be in Possession thereof, or in the Receipt of the Rents thereof, provided such Person shall be willing to purchase the same; and in every such Case the said Commissioners shall ascertain and fix the Price thereof, and such Price shall be ascertained without regard to the Value of any Improvement which may have been made thereon, and be regulated by the Value of the Land only, and that at so much *per* Acre as the same shall in the Estimation of said Commissioners be worth, having reference to the State

Other Encroachments.

of the Waste Lands next adjoining; and upon such Person paying such Price to the said Commissioners at such Time as they shall appoint for that Purpose, and taking a Receipt for the same (which Receipt the said Commissioners are hereby required to sign and give), every such Encroachment or Inclosure, or such Part thereof as shall be so purchased, shall be awarded to such Person, and shall be holden and enjoyed by him and his Heirs accordingly, and the said Commissioners shall and they are hereby required to apply such Purchase Money in or towards Payment of the Expences of obtaining and passing this Act, and carrying the same into full Execution; and in case any Surplus shall remain after Payment of such Expences, such surplus Monies shall be divided, apportioned, and paid by the said Commissioners amongst and unto the several and respective Parties entitled to or interested in the said Lands and Grounds according to their several and respective Rights and Interests therein, and the Shares of such of them as shall be seised in Fee Simple of their Estates in right whereof they shall be so entitled shall be paid to them respectively, and the Shares of any other of such Proprietors and Persons shall be paid into the Bank of *England*, and applied in manner herein-after directed; and in case any Dispute or Difference whatsoever shall arise touching any such Encroachment or the Extent thereof, such Dispute or Difference shall be investigated and determined by the said Commissioners.

Commis-
sioners to
direct the
Course of
Husbandry.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners so soon after the passing of this Act as conveniently may be, and from Time to Time as they shall think fit, by Notice in Writing under their Hands to be affixed on some principal Door of the Parish Church of *Over* aforesaid on some *Sunday* previous to Divine Service, to order and direct the Course of Husbandry and the Stint or Rule of stocking that shall be respectively observed and used in, over, and upon the said Lands hereby authorized to be divided, allotted, and inclosed until the Time when they shall have completed the said Division, Allotment, and Inclosure thereof, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding the Commonable Lands and Fallows or Stubbles upon the same, and to make such Recompence for the same as they shall think right, and shall and may make such further Orders and Regulations as to them shall seem expedient touching the Mode and Course of Husbandry and Management to be adopted and observed by the Farmers and Occupiers within the said Parish of *Over* for preventing them from ploughing up, committing Waste or Destruction upon or improperly managing or stocking any of the said Lands or Grounds hereby authorized to be divided, allotted, and inclosed in the meantime, and until the said Division, Allotment, and Inclosure shall be completed; all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence, and shall and may also settle, adjudge, and determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom such Tenant shall be compensated for any such
Manure

Manure left or given up by him; and such Penalties, Forfeitures, and other Sum or Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and Recovery of Penalties.

XXXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized by Writing under their Hands to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be made to the Owner of any Crops growing according to the customary Mode of Cultivation within the said Parish upon the Lands or Grounds hereby authorized to be divided, allotted, and inclosed at the Time such Division, Allotment, and Inclosure shall be made for the said Crops by the Person to whom the Lands or Grounds on which such Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, manuring, or folding any of the Lands or Grounds which shall be divided, allotted, and inclosed by virtue of this Act for the Benefit and Advantage accruing thereby to the Person to whom such Land and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier may sustain by the Loss of his following or waygoing Crops upon the Lands or Grounds by this Act authorized to be divided, allotted, and inclosed; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use of the Person entitled thereto by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

Satisfaction to be made for growing Crops.

XL. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Meeting for receiving Applications from the several Proprietors of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, touching the Situations in which they would respectively choose to have their Allotments set out and allotted, and shall give Fourteen Days Notice of the Time and Place of such Meeting by Writing under their Hand to be affixed upon some principal Door of the Parish Church of *Over* aforesaid upon some *Sunday* previous to Divine Service.

Applications for Situations of Allotments.

XLI. Provided always, and be it further enacted, That in case Two or more Persons owning Rights of Common upon *Ouze Fen* aforesaid or other of the said Lands, or Two or more Proprietors of any Part of the said *Ouze Fen*, whose Allotments in the said Fen shall not exceed Ten Statute Acres each, or in case Two or more Proprietors of any of the said uninclosed Lands of the said Parish whose Allotments shall not exceed Ten Statute Acres each, shall (in the Applications whereby the Situations in which they would respectively choose to have their Allotments) express their Desire in Writing, within Three Calendar Months after the First Meeting held by the said Commissioners, that their Allotments should be laid together and remain without Fences, except at the outer Boundary

Commissioners may make conjoined Allotments in certain Cases at the Request of the Parties, and stint the Depasturage thereof.

Boundary thereof, then the said Commissioners shall and they are hereby required to set out the Allotments of such Persons in such Manner that the same may adjoin and lie together, the Proprietors of such conjoined Allotments bearing the Expence of inclosing, ditching, and fencing the outer Boundary thereof, and any Ditches or Roads that may be ordered by the said Commissioners according to the Provisions of this Act relating to the Allotments of distinct Proprietors; and further, that in case of Five equal Six Parts (in Number of Individuals and Quantity of Acres) of the Proprietors of such conjoined Allotment or conjoined Allotments as shall be in *Ouze Fen* shall express their Desire that the same should remain in Grass, and that the said Commissioners should stint, ascertain, and express what Number and Sorts of Cattle each of the Proprietors of such conjoined Allotments shall be at liberty at seasonable Times to feed or depasture thereon, and also to ascertain the Time or Times when such feeding and depasturing should begin and end, then and in such Case the said Commissioners shall be authorized and they are hereby required to stint, ascertain, and express the same accordingly by their Award; and the same conjoined Allotment or conjoined Allotments in *Ouze Fen* shall from thenceforth remain in Grass, and shall be fed and depastured only by such Number and Sorts of Cattle, and at such Time or Times, as in the said Award shall for that Purpose be expressed: Provided always, that nothing herein contained shall extend or be construed to extend to hinder or prevent the said Commissioners from making Allotments to Proprietors immediately adjoining to their own Property, or to interfere with or lessen the Powers of the said Commissioners as to Drainage or Roads with reference to such conjoined Allotment or Allotments, but such Powers shall be and remain in as full Force as if this Clause had not been here inserted.

Proviso.

For determining Objections to Allotments.

XLII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the several Proprietors of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and of the Persons entitled to Commonable or other Rights thereon, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors and Persons respectively in lieu thereof, the said Commissioners shall hold a Meeting at some convenient Time and Place, of which Meeting Fourteen Days Notice shall be given by affixing the same upon some principal Door of the Parish Church of *Over* aforesaid upon some *Sunday* previous to Divine Service, when and where the said Proprietors and Persons aforesaid may be informed of the Situation of such intended Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors or other Persons aforesaid upon such Inspection shall be dissatisfied with the proposed Allotments, the said Commissioners shall at such Time and Place aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of such Complaints and Objections of any Proprietors or other Persons aforesaid against any such Allotments, and shall forthwith; or as soon after as conveniently may be, determine the same, and such Determination shall be final, binding, and conclusive on all Parties interested in such Allotments.

Allotment to be set out for

XLIII. And be it further enacted, That the said Commissioners shall, if they shall see fit, set out and allot unto the Surveyor for the Time being
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of the said Parish of *Over* and to his Successors for ever such Parcels of the Lands hereby authorized to be divided, allotted, and inclosed as they shall think necessary and most convenient as Allotments for supplying Materials for the Repairs of the several Roads and Ways by this Act authorized to be made, and of the several other Roads and Ways within the said Parish; and such Allotments shall be inclosed as the said Commissioners shall direct, and shall, from and after the Execution of the Award of the said Commissioners, be vested in the Surveyor of the Highways within the said Parish for the Time being in Trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the Commissioners shall by their Award order and direct, and if they shall make no such Order or Direction, then such Surveyor shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the public Roads or Highways within the said Parish; and the said Surveyor shall account for such Rents and Profits in the same Manner as he is by Law accountable for other Monies that shall come to his Hands in the Capacity of Surveyor of the Highways, and shall be under and subject to the like Penalties for the Neglect thereof.

Gravel, &c.
for the Re-
pair of High-
ways, &c.

XLIV. And be it further enacted, That the said Commissioners shall set out, allot, and award unto and for the Lords for the Time being of the said several Manors of *Over* and *Over Merton* in *Over*, or to such of them as shall in the Judgment of the said Commissioners be entitled to the Soil of the Waste Lands in the said Parish of *Over*, or any Part thereof so made, so much and such Part of the Lands hereby authorized to be divided, allotted, and inclosed as shall in the Judgment of the said Commissioners be equal in Value to One Twentieth Part of such Waste Lands, Quality and Value considered, in lieu of and in full Compensation and Satisfaction of and for their respective Rights and Interests to and in the said Soil of the said Waste Grounds, over and above and exclusive of any other Allotments which may be made to such Lords in lieu of or in satisfaction for any other Rights or Interests in such Waste Grounds, and such Allotments shall be divided between the respective Lords of the said several Manors entitled thereto as aforesaid in such Proportions as the said Commissioners shall direct and award.

Allotments
to be set out
for the Lords
of the several
Manors for
Right of Soil.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said Impropropriators, and also unto and for the said Vicar or licensed Sequestrator of the said Vicarage of *Over*, or unto such Person as may be entitled to the same, such Parcels of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Right of Common respectively belonging to the said Impropropriators and Vicar or other Person entitled to the said Impropropriate Rectory and Vicarage in, over, and upon the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed.

Allotment to
the Impro-
propriators and
Vicars or
licensed Se-
questrator in
lieu of Glebe
and Common
Rights.

XLVI. And be it further enacted, That as a Recompence and Satisfaction for the Tithes, Moduses, Compositions, and prescriptive Payments in lieu of Tithes payable to the Impropropriators and Vicar of the said Parish of *Over* in respect of the Lands and Grounds, Homesteads, Gardens, Orchards,

Allotments
for Tithes.

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and

and other ancient Inclosures therein, and which said Tithes, Moduses, Compositions, and prescriptive Payments are intended to be extinguished by this Act, the said Commissioners shall and they are hereby required to set out and allot to the said Impropiators and Vicar respectively and to their respective Successors such Portions of the Lands and Grounds within the said Parish by this Act authorized to be divided, allotted, and inclosed as shall be equal to and shall be made according to the Directions and in the Manner next herein-after mentioned ; (that is to say,)

That with respect to the Open Field Lands consisting of divers Fields or Closes called or known by the Names of the *Ford Fen Meadow* or *West Meadow*, consisting of *Hither, Middle, and Farther Meadows*, containing by Estimation about Ninety Acres; *Willingham Field*, containing by Estimation about Four hundred Acres; *Whitred Field*, containing by Estimation about Three hundred Acres; *Ladyland Field*, containing by Estimation about Three hundred Acres; *Gravel Bridge Field* or *Gooley Field*, containing by Estimation about Four hundred Acres; *South Fen Meadow*, containing by Estimation about Sixty Acres; *Mill Field* and *Mill Field Closes*, containing by Estimation about Three hundred Acres; an Allotment of Land in such Situation as the Commissioners shall think fit, equal to One Sixth Part in Value of such Open Field Lands, after deducting the Land or Ground to be set out for Roads, and the Allotment herein-before directed to be set out for getting Materials for the Repair of Roads, which shall be divided between the Impropiators and Vicar or licensed Sequestrator according to their respective Rights therein :

That with respect to the Land called *Ouze Fen*, which is bounded on the North by the River *Ouze*, on the West by the Common of *Swavesey*, on the South by Pastures called *Hawcroft* and *Forehill*, and on the East by *Low Grounds*, an Allotment of Land in such Situation as the Commissioners shall think fit, equal to One Twentieth Part in Value of the said Fen after such Deductions as aforesaid shall be made to the Impropiators :

That with respect to the old inclosed Grounds called *Low Grounds*, consisting of divers Closes called or known by the Names of *Langridges, Long Holmes, Hither Bluntishmere, Farther Bluntishmere, Narwells*, and all other Grounds called the *Low Grounds* (the Grounds called *Bar Hill* and *Skeggs* only excepted), and which said Grounds are bounded by a certain Drain called the *Backwater Drain*, dividing the *Bare Fen* from the *Low Grounds* running in an Easterly Direction to the Common of *Willingham*, and on the East Side by Lands in the Parish of *Willingham*, and from thence by *Crane's Fen*, and on the North and West by the said *Ouze Fen* Common, an Allotment or Allotments in Land shall be made to the said Impropiators in such Situation as the said Commissioners shall think fit, equal to One Tenth Part in Value of such Part of the said inclosed *Low Grounds* as are Arable Land, and to One Twentieth Part in Value of such Part of the said inclosed Grounds as are Pasture Ground :

That with respect to the Pastures called the *Home Closes*, containing by Estimation about Two hundred Acres, the Ninety-six Pastures called *Bare Fen Pastures*, containing by Estimation about Four hundred and thirty-two Acres, the Twenty Closes called *Hawcroft Pasture*, containing by Estimation about Ninety Acres, the Fen Pastures called

Skeggs, and One Acre called *Barhill*, and the Six and a Half *Forehill Pastures*, containing by Estimation about Thirty Acres, and for all which Pastures a Modus in lieu of Tithes is now payable, an Allotment of Land in such Situation as the said Commissioners shall think fit, equal in Value to such Modus, shall be made to the Vicar or licensed Sequestrator :

That with respect to the Gardens and Orchards within the said Parish, and which are now subject to the Payment of Tithes in Kind, an Allotment of Land in such Situation as the said Commissioners shall think fit, and equal in Value to such Tithes, shall be made to the Vicar or licensed Sequestrator :

That with respect to the Bank of the River *Ouse* and the Forelands thereof called the *Bedford Level* Corporation Barrier Bank, no Allotment or Compensation whatever shall be made either to the Impropiator or Vicar or licensed Sequestrator in lieu of Great or Small Tithes or other Ecclesiastical Payments, and in the Admeasurement of the said Fen called *Ouse Fen* for the Purpose of calculating the Allotments to be made to the said Impropiators the said Bank and Foreland shall not be included or considered; but such *Bedford Level* Corporation Barrier Bank and Forelands shall continue and be for ever hereafter freed and discharged of and from the Payments of all Tithes whatever, both great and small, or any Payments in lieu or stead thereof; and such Bank and present Forelands shall not be disturbed or interfered with in any Manner, or on any Account or Pretence, save and except as aforesaid.

XLVII. And be it further enacted, That in addition to the several Allotments herein-before directed to be made to the said Impropiators the said Commissioners shall and they are hereby required, out of the Open Field Land, and before any other Division or Allotment thereof is made, to set out and allot to the said Impropiators Five Acres of the said Open Field Land, and also out of the said Open Field Land, or out of *Ouse Fen*, whichever the said Commissioners may think fit, and before any other Division or Allotment thereof is made, to set out and allot to the said Impropiators such Quantity of Land as shall in their Judgment be equal in Value to Five Acres of the *Low Grounds* Pastures, which said last-mentioned Allotment is intended as a further Compensation for the Tithes issuing out of such *Low Ground* Pastures.

Allotment to Impropiators of Five Acres of Field Land.

XLVIII. And be it further enacted, That, in addition to the Allotments herein-before directed to be made to the said Vicar or licensed Sequestrator, the said Commissioners shall and they are hereby required, out of the Land in *Ouse Fen* aforesaid, and before any other Division or Allotment thereof is made, to set out and allot to the Vicar or licensed Sequestrator for the Time being of the said Parish of *Over* Five Acres of the said Fen for and in lieu of and as a full Compensation and Satisfaction to the said Vicar or licensed Sequestrator for all Claims to Tithes or Payments in lieu of Tithes out of or in respect of the said Lands or Grounds called *Low Grounds* and *Ouse Fen*, or either of them.

Allotment to Vicar of Five Acres in *Ouse Fen*.

XLIX. And be it further enacted, That the said several Allotments herein-before directed to be set out and awarded unto the said Impropiators and Vicar respectively shall be and the same are hereby declared

Allotments to Impropiator and Vicar to
to

be in lieu of
Tithes.

to be in lieu of and a full Recompence, Satisfaction, and Compensation for all Tithes, both great and small, and all Moduses, Prescriptions, Compositions, and other customary Payments in lieu thereof, to which the said Impropiators and Vicar or either of them are or is entitled, and which are arising, renewing, increasing, happening, or payable, or which could or might or ought to arise, renew, or increase out of and from the said Open or Common Fields and other Commonable Lands and Grounds, Messuages, Cottages, Orchards, Gardens, Homesteads, modern and ancient Inclosures, and all other Lands and Grounds within the said Parish of *Over*, including the said *Bedford Level* Corporation Barrier Bank: Provided always, that nothing herein contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right or Title of the Vicar of the said Parish for the Time being of, in, or to all or any Mortuaries, *Easter Offerings*, or Surplice Fees arising or to arise within the said Parish of *Over*, but the same shall always remain due and payable in such and the same Manner as if this Act had not been passed.

Commissioners to set out
Allotment
for the Re-
creation of
the Inhabi-
tants.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized to set out, allot, and award unto the Lord for the Time being of the said Manor, out of any Part of the Lands and Grounds to be inclosed by virtue of this Act, a Piece of Land or Ground not exceeding Six Acres nor less than Four Acres as a Place of Exercise and Recreation for the Inhabitants in the Neighbourhood of the said Parish, and such Allotment shall be held by the Lord of the said Manor for the Purposes aforesaid.

Power to
Owners of
Tithe Allot-
ments to
grant Leases.

LI. And be it further enacted, That it shall be lawful for the said Impropiators or their Lessee, and also for the Vicar or licensed Sequestrator of *Over* for the Time being respectively, by Indentures under the Common Seal of the said Impropiators, or under the Hand and Seal of the Lessee of the said Impropiators, or of the said Vicar or licensed Sequestrator, with the Consent and Approbation of the Bishop of the Diocese, to lease or demise all or any Part of the Allotments to be set out and allotted to such Impropiators or Vicar respectively by virtue of this Act to any Person whomsoever for any Term not exceeding Twenty Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent for the same shall be reserved by Four equal quarterly Payments in every Year, and so that there be thereby also reserved the best and most improved Rent that can be reasonably obtained for the same without any Premium or other Consideration being taken for making or granting any such Lease or Demise, and so that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease a Power of Re-entry on Nonpayment of the Rent to be thereby reserved within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of such Lease be duly executed by the Lessee to whom such Lease shall be made as aforesaid: Provided always, that whenever any Lease so to be granted shall by any means become forfeited or void or be surrendered before the Expiration (by Effluxion of Time) of the Term thereby granted, then and in such Case and as often as the same shall happen it shall be lawful for the said Impropiators or their Lessee, and also for the Vicar for the Time being

being respectively, by and with such Consent as aforesaid, to grant a new Lease of the Lands so demised for such Term of Years as shall at the Time of such Avoidance be then to come and unexpired of the original Term granted by such original Lease, subject nevertheless to the Provisions and Conditions contained in such original Lease, and then remaining unperformed and capable of taking effect; and every such Lease shall be valid and effectual, any thing in the said first-recited Act, or any Law or Usage, to the contrary notwithstanding.

LII. Provided always, and be it further enacted, That the said Commissioners, in valuing and ascertaining the Amount of Tithes, shall not in any Case deem and consider as Meadow and Pasture Lands any Lands or Grounds which shall have been in Tillage at any Time within the Space of Seven Years immediately preceding the passing of this Act.

What shall be deemed Arable Land

LIII. Provided always, and be it further enacted, That until the said Allotments for and in lieu of Tithes shall be made and set out in pursuance of this Act, and until Possession thereof shall be authorized to be taken, or until such other Time as the said Commissioners shall appoint by Writing under their Hands, such Tithes shall continue payable to and be received and enjoyed by the same Persons and in such Manner as they would or might have been payable, received, and enjoyed respectively in case this Act had not been passed; and if any Dispute or Difference shall arise between any Persons touching or concerning the Proportion of Tithes which ought to be rendered or paid for or in respect of the Time which shall have elapsed between the last Day of rendering such Tithes and the Time of making and setting out and authorizing Possession to be taken of the Allotments to be made in lieu thereof, in pursuance of this Act, the said Commissioners shall and they are hereby required, on Application to them made for that Purpose, either before or after the Execution of their Award, to hear and finally determine every such Dispute and Difference.

Tithes, &c. to be payable until the Allotments are set out and Possession authorized to be taken.

LIV. And be it further enacted, That in case the Proprietor of any House, Homestead, Garden, Orchard, or other inclosed Lands or Grounds within the said Parish liable to the Payment of Tithes, or of Moduses or Payments in lieu of Tithes, shall not be entitled to any or not to sufficient Land or Property in the Open and Common Fields hereby authorized to be divided, allotted, and inclosed, to make Compensation for such Tithes, or Moduses or Payments in lieu thereof, such Proprietor shall pay unto such Person, and at such Time as the said Commissioners shall direct or appoint, such Sum of Money as in the Judgment of the said Commissioners shall be a just and full Compensation and Satisfaction for the Tithes or Moduses or Payments in lieu of Tithes of such House, Homestead, Garden, Orchard, or inclosed Lands or Grounds respectively, or such Part of the same for which such Proprietor may not be possessed of Land or Property in such Common Field sufficient to make such Compensation as aforesaid; and such Proprietor shall also pay such Sum of Money as the said Commissioners shall determine to be just and fair for the Proprietors of such old inclosed Lands to contribute towards defraying the Costs, Charges, and Expences of obtaining and passing this Act, and carrying the same into execution; and in case any Person shall refuse or neglect to pay such Sum of Money at the Day and Time to be

Proprietors of old Inclosures, &c., not having sufficient Open Field Lands, to make Compensation in Money for their Tithes.

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appointed for Payment thereof, it shall be lawful for the said Commissioners, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Sum of Money to be levied by Distress and Sale of the Goods and Chattels of the Person so making default in payment as aforesaid, wheresoever the same shall be found, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Sum of Money from the Time the same shall be directed by the said Commissioners to be paid as aforesaid; or otherwise it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon and take possession of the Lands belonging to the Person so refusing or neglecting to pay as aforesaid, and which shall have been discharged from Tithes by virtue of this Act, and to receive and take the Rents and Profits thereof until thereby or therewith or otherwise such Sum of Money, and the Costs and Charges so ordered and directed by the said Commissioners to be paid by such Person as aforesaid, and all Interest on such Sum of Money, to be computed from the Time the same shall be by the said Commissioners directed to be paid as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the same Premises, shall be fully paid and satisfied; and every such Sum of Money shall be applied in payment of such Parts and Proportions of the Costs and Expences of obtaining and executing this Act as ought to be paid by the respective Persons whose Lands may be set out for discharging from Tithes such Houses, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds; and in case such last-mentioned Sum of Money shall be more than sufficient to pay and discharge the said respective Proportions of the Costs and Expences of obtaining this Act, and of carrying the same into execution, the Residue of such Sum of Money shall be divided amongst and paid to the several Proprietors of the said Lands whose Lands shall have been taken or appropriated for the Purpose of discharging such Houses, Homesteads, Orchards, Gardens, or inclosed Lands or Grounds from Tithes, in such Proportions as they shall be respectively entitled thereto; and if any of such last-mentioned Proprietors of the said Lands shall not be a Tenant in Fee Simple of his Estate therein, then such surplus Money shall be applied and disposed of in the same Manner as any Sum of Money to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, (and which Sum of Money ought to be laid out in the Purchase of other Lands to be settled to the same Uses as the Lands so purchased or exchanged,) is by this Act authorized or directed to be applied and disposed of.

Power for Tenants for Life, &c. of old Inclosures, to charge their Estates with a Compensation for Tithes, &c.

LV. And be it further enacted, That it shall be lawful for the Husband, Guardian, Trustee, Committee, or Attorney of any Proprietor being under Coverture, or a Minor, Lunatic, beyond the Seas, or under any other Disability, and for any such Proprietor being Tenant in Tail or for Life or Lives, or for Years determinable on any Life or Lives or any other Contingency, to charge the Lands or Grounds which shall be exonerated from Tithes as aforesaid with such Sum of Money so to be paid for such Exoneration, and the Proportion of the Costs and Expences incident to and attending this Act and carrying the same into execution in respect

of such Exoneration, and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands and Grounds so to be charged unto the Person who shall advance and lend such Money, his Executors, Administrators, and Assigns, for any Term or Number of Years, to secure the Payment of such Money so advanced, with Interest for the same; or in case any Person in Possession who may be liable to or charged with a Share of such Expences as aforesaid, or enabled by this or the said first-recited Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, or demise, or otherwise subject the said Lands, Tenements, and Hereditaments to such Person paying and discharging the same, his Executors, Administrators, and Assigns, for any Term or Number of Years, to secure the Payment of such Money so advanced, paid, and discharged by him, with Interest for the same, to commence on the Determination of his Right in the Premises; so that every such Grant, Mortgage, Surrender, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person afterwards becoming possessed of or entitled to any such Lands shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Surrender, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

LVI. Provided nevertheless, and be it further enacted, That if the Proprietor of any such old Inclosures, not having any or sufficient Interest in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed to discharge his Houses, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds from the Payment of Tithes, shall be desirous of having a Part of such inclosed Lands or Grounds assigned or set apart to discharge his Houses, Homesteads, Gardens, Orchards, or inclosed Lands from the Payment of Tithes, it shall be lawful for the said Commissioners, with the Consent of the Proprietor or Owner in Fee or in Tail or for Life, in Possession of such inclosed Lands, (to be signified in Writing under their Hands at or previously to such Time as shall be appointed by the said Commissioners for receiving such Consent,) to deduct and set out so much and such Part of such old Inclosures as shall be equal in Value to the Tithes, both great and small, payable by the Owner of such inclosed Lands in respect of his Houses, Homesteads, Gardens, Orchards, and inclosed Lands within the said Parish, or such Part of them for which Compensation cannot be made as before mentioned, which Part of such inclosed Lands so deducted and set apart shall be considered as Part of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and shall be divided, allotted, and inclosed accordingly as Part thereof, and such Deductions shall for ever thereafter be deemed, taken, and considered to be a full Satisfaction for and Discharge from the Payment of such Tithes.

Part of inclosed Lands, &c. may be given by Consent to commute the Tithes of the Remainder.

LVII. And

Fencing the Allotment for Glebe and Tithe.

LVII. And be it further enacted, That the Allotments by this Act directed to be made to the Impropiators and Vicar respectively shall be respectively inclosed and fenced in all such Parts and Sides as shall not be directed to be inclosed or fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any River, Brook, or Watercourse, or other sufficient Fence, with good thriving Quicksets guarded on both Sides with Posts and Rails, in which Fences shall be placed in proper Situations good and sufficient Gates, with Gate Posts and Gate Irons; and the whole Costs and Expences of making such Fences and Gates shall be raised and paid in like Manner as the Expences of obtaining this Act and carrying the same into execution are herein directed to be raised and paid, and such Fences shall for ever thereafter be maintained and kept in repair by the said Impropiators and Vicars respectively, or by the Person for the Time being entitled to the Allotments so set out and appointed as aforesaid.

Power for the Vicar to erect Buildings, and to borrow Money for defraying the Expences thereof, and of making Subdivision Fences.

LVIII. And whereas, in order to the convenient and advantageous Occupation of the Allotments to be set out to the said Vicar as aforesaid, and to render the same of greater Value to him and his Successors, it may be necessary that some convenient Buildings should be erected thereon, and some necessary interior or Subdivision Fences made, planted, and raised in and upon the said Allotments: And whereas the erecting of such Buildings, and the making, planting, and raising such interior or Subdivision Fences, will be attended with considerable Expence, and the same will probably be more beneficial to the Successors of the said Vicar than to himself; be it therefore further enacted, That it shall be lawful for the said Vicar and his Successors, by and with the Consent in Writing of the Bishop of the Diocese for the Time being, to erect or cause to be erected such Buildings and Conveniences upon such Part or Parts of the said Allotments so as aforesaid to be made to such Vicar and his Successors, (which Buildings and Conveniences the said Vicar and his Successors is and are hereby required to cause to be insured in a Sum equal to the Value thereof annually in some or one of the Offices in *London* or *Westminster* established for Insurance against Fire,) and also to make, plant, and raise such interior or Subdivision Fences in and upon the said Allotments as the said Commissioners shall judge necessary and proper for the Occupation of the Lands so to be allotted to him and them as aforesaid, and by any Deed or Writing under his Hand and Seal, to be attested by Two or more credible Witnesses, by and with the Consent in Writing of the said Bishop of the Diocese for the Time being, to charge such Allotments so as aforesaid to be made to the said Vicar and his Successors, and the Buildings and Conveniences to be erected thereon with such Sum of Money (not exceeding the Amount of Two Years Income) as the said Commissioners shall think necessary for the Purposes of and in order to be applied for paying and defraying the Charges and Expences of erecting the said Buildings and Conveniences, and of making, planting, and raising such interior or Subdivision Fences, and of exercising the Powers given to and vested in the said Vicar and his Successors by this Act or the said first-recited Act; which Sum or Sums of Money shall be paid to such Person as the said Commissioners shall nominate and appoint, in order to be paid, applied, and disposed of accordingly; and for securing the Repayment of such Sum of Money, with Interest for the same, to grant, mortgage, lease, or demise the Allotments so as aforesaid to be made to
the

the said Vicar and his Successors, and the Buildings and Conveniences so to be erected thereon, unto such Person as shall lend and advance the same, his Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust or Condition to be surrendered, when the Sum of Money thereby to be secured, with the Interest thereof, shall be respectively fully paid or satisfied; and such Mortgagee advancing or lending the Money so to be borrowed shall not be obliged to see to the Application, or be in anywise answerable for the Misapplication of such Monies or any Part thereof; and the said Vicar and his Successors for the Time being shall be and is hereby required and made liable, at the End of every Year after the Commencement of the said Term of Years, to pay to the Person to whom such Grant, Mortgage, Lease, or Demise shall be made, his Executors, Administrators, or Assigns, One Fortieth Part of the Principal Money so to be borrowed, until the whole thereof shall by such annual Payments be paid off and discharged, and also to pay and keep down the Interest of the said Monies so be borrowed, so that every future Vicar of the said Parish of *Over* becoming possessed of such Allotments of Land, Buildings, or Conveniences shall not respectively be subject or liable (and he is hereby discharged from being subject or liable) to pay any further or larger Share of such Monies than his Proportion thereof, according to such last-mentioned Condition, and the Time he shall be Vicar of the Vicarage aforesaid, nor any Interest for the same, save only for Six Calendar Months previous to the Death, Resignation, or Cession of the Predecessor of such future Vicar, but that all Arrears of such Interest beyond Six Calendar Months prior to such Death, Resignation, or Cession shall be paid by such Predecessor, his Executors or Administrators; and that it shall be lawful for the Person who shall advance or lend such Monies, his Executors, Administrators, or Assigns, for the more easily recovering the said One Fortieth Part of the said Principal Sum to be so raised as aforesaid, and the whole of the Interest which is hereby required to be paid half-yearly, to have, use, exercise, and take such and the same Powers and Remedies by Entry and Distress on any Effects to be from Time to Time found upon the said Allotments of Land, Buildings, and Conveniences so mortgaged as aforesaid, and by Sale of such Distress as by the Laws now in force are provided for and given to Landlords, or as they can use and take for the Recovery of Rents in arrear.

LIX. And be it further enacted, That the several Allotments herein-before directed to be made in lieu of the Right of Soil and in lieu of Tithes, and to the Corporation of the *Bedford Level* in lieu of their Right of digging Earth as aforesaid, or the several Persons to whom the same shall be respectively allotted, shall not in respect of such Allotments be in any way charged or chargeable with or rateable for any Costs or Charges of carrying this Act into execution, or any Part or Portion of the same Costs, Charges, and Expences (except for or in respect of such Fences as they shall be severally directed to make, maintain, and repair, pursuant to the Provisions of this Act); any thing herein contained to the contrary thereof notwithstanding.

Allotments for Soil and Tithes not chargeable to the Expences of carrying this Act into execution.

LX. And be it further enacted, That after the several Allotments herein-before directed to be set out and made shall have been so set out

Allotment of Residue. and

[*Local.*]

36 A

and made the said Commissioners shall and they are hereby required to divide, set out, allot, and award all the Residue and Remainder of the Open and Common Fields and other Grounds by this Act authorized to be divided, allotted, and inclosed (except as herein-after mentioned, namely, the Barrier Bank,) unto and amongst the several Owners and Proprietors thereof, and Persons who shall be entitled to any Estate, Right, or Interest therein, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to them for their respective Rights and Interests in, to, over, and upon the said Open and Common Fields and other Grounds by this Act directed to be divided and allotted.

Proprietors
may have
Two Allot-
ments.

LXI. And be it further enacted, That in case Application in Writing shall be made to the said Commissioners for that Purpose at the First or Second Meeting to be held by them under this Act by any Proprietor in the said Parish entitled to an Allotment, the said Commissioners shall and they are hereby required to set out and allot unto every such Proprietor not less than Two Allotments in different Parts of the Parish.

Allotment
of old Inclo-
sures with
Consent of
Proprietors.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing and at the Request of any Proprietor of any Houses, Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds within the said Parish of *Over*, whether such Owner or Proprietor shall be a Corporation, Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified, in the Case of a Corporation, by Writing under their Common Seal, and in the Case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable, and Part and Parcel of the Lands, Grounds, and Hereditaments hereby authorized to be divided, allotted, and inclosed; and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds on account of the Situation or other beneficial Circumstances thereof as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the Proprietor of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, or other Hereditaments in lieu thereof, so much and such Part of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed as they shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said recited Acts mentioned.

Pieces of
Land by the

LXIII. And be it further enacted, That all Pieces and small Parcels of uninclosed Waste Land lying by the Side of any Turnpike Road or other public

public Road or Lane, the Soil of which shall be the Freehold of the Lord of the Manor in his Right of Lord, and be liable to Rights of Common thereon within the said Parish of *Over*, and which in the Judgment of the said Commissioners may be conveniently inclosed without incommoding the public Intercourse on such Road or Lane, or rendering such Turnpike Road of less Breadth than Forty-five Feet, and such other public Road or Lane of less Breadth than Forty Feet respectively, shall be deemed Part of the said Lands within the said Parish of *Over* intended to be divided, allotted, and inclosed under and by virtue of this Act.

Side of the Road may be allotted.

LXIV. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed, ditched, and fenced, at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Time as the said Commissioners shall by their Award or any Writing under their Hands order or direct, and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the said Commissioners shall by their Award order or direct.

Allotments to be fenced.

LXV. And be it further enacted, That the Allotments to be made to the Vicar of the Vicarage of *Over* in respect of Glebe Lands belonging to the said Vicarage, or in lieu of Tithes, shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the said Commissioners; and the whole Cost and Expence attending the inclosing and fencing the same shall be deemed Part of the Expences of carrying this Act into execution, and shall be borne and defrayed accordingly by and out of the Money to be raised for the Purposes of this Act; and all such Inclosures and Fences when made shall for ever thereafter be kept in repair by the said Vicar, or by the Persons for the Time being entitled in Possession to the Allotments so set out to such Vicar as aforesaid.

Vicar's Allotments to be fenced at the general Expence.

LXVI. Provided always, and be it further enacted, That all Ditches and Fences which shall be required to be made for the Purpose of dividing or separating the Bank of the River *Ouse*, with the Forelands and Allotment thereof called the *Bedford Level Corporation Barrier Bank*, from any Allotments to be made in pursuance of this Act, shall in all Cases be made of a certain Width and Depth directed by the said Commissioners, and when made shall for ever thereafter be repaired and maintained of such Width and Depth by the Owners or Proprietors of such Allotments; and the said Corporations shall not in any Case be liable to the Expences of making, repairing, or maintaining any of such Ditches and Fences so adjoining their said Barrier Bank, Foreland, and Allotment.

Directing how Ditches and Fences for dividing the Bedford Level Corporation Bank from Allotments shall be made, &c.

LXVII. Provided always, and be it further enacted, That if from Situation or from any other Circumstance it shall happen that any of the Proprietors of the Lands hereby authorized to be divided, allotted, and inclosed, or any Person to whom any Allotments shall be made, shall not have a proportionable Share of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful

Equalizing the Share of fencing.

lawful for the said Commissioners to ascertain and appoint what Sum of Money shall be paid and contributed by such Proprietor or Person towards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make, and such Money shall be paid to such Persons and in such Manner as the said Commissioners shall by any Writing under their Hands direct or appoint; and the same shall and may be received and recovered by all or any of the Ways and Means which by the said first-recited Act are given or provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotments shall be made; and every such Order of the said Commissioners shall be final, binding, and conclusive on all Parties interested and concerned therein.

Cattle not to be depastured in the Highways for Seven Years.

LXVIII. And be it further enacted, That no Person whosoever shall graze or keep any Sort of Beast or Cattle in or upon any of the Roads or Ways which the said Commissioners shall order and direct to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the making and executing the Award of the said Commissioners; and every Owner of Lands or Grounds within the said Parish of *Over*, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parish of *Over* for the Time being, is hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Lands and Grounds extends.

Partitions may be made in certain Cases.

LXIX. And whereas it may happen that some of the Proprietors of Lands in the said Parish of *Over*, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond Seas, or other Disability or Incapacity, make an effectual Division thereof; be it therefore further enacted, That it shall be lawful for the said Commissioners, upon the Request in Writing of any such Proprietors being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of such of them as may be under Coverture, Minors, Lunatics, or beyond Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and from and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty in such and the same Manner, and subject to such and the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been held in case such Partition and Division had not been made; and every such Partition shall be specified in the Award of the said Commissioners, or some other Instrument under their Hands and Seals,
and

and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

LXX. And be it further enacted, That all Costs, Charges, and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the said Commissioners shall order and direct, and in case of Non-payment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Expence of
Partitions.

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any of the Lands or Grounds by this Act authorized to be divided, allotted, and inclosed, or any Lands within the said Parish of *Over*, in lieu of and in exchange for any other Lands within the said Parish, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner of the Lands which shall be so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple or in Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, (by and with the Consent of the Lessor thereof, but not otherwise,) or possessed of any Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, such Consent to be testified in Writing under the Common Seal of the Corporation and under the Hands of the other consenting Parties respectively; and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange of any Lands held in right of any Church or Chapel or other Ecclesiastical Benefice shall be made without the Consent in Writing of the Patron thereof and of the Bishop of the Diocese in which such Lands so to be exchanged shall be situate: Provided also, that all Costs, Charges, and Expences attending the making and completing of any Exchanges shall be paid and borne by the several Parties making such Exchanges in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct, and in case of Nonpayment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power of
Exchange.

LXXII. And be it further enacted, That every Person to whom any Copyhold Lands shall be allotted in Exchange or upon Partition as aforesaid shall as soon as conveniently may be, and at all events before the Expiration of Twelve Calendar Months after the Execution of the Award of the said Commissioners, or at the then next General Court Baron to be held for the Manor whereof such Copyhold Lands shall be respectively held, be admitted Tenant of the Copyhold Lands so allotted; but in no such Case of an Admission by virtue of this Act shall any Fine, Rent, Heriots, Fees, or other Payments be made to the Lord of the said

Exchanges
and Parti-
tions of
Copyholds
to be per-
fected by Ad-
mittance.

[*Local.*]

36 B

Manors

Manors respectively, or to his Steward, save only the Sum of Two Pounds Two Shillings to such Steward for the Fees of each Admission, over and besides the Stamp Duty payable by Law upon each such Admission.

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXXIII. And be it further enacted, That all such Lands as shall be allotted by virtue of this Act shall be held by the Person to whom they are allotted under the same Tenures, Rents, Customs, and Services as the Lands in respect of which such Lands are allotted would have been held in case this Act had not been passed; and the Lands allotted in respect of Freeholds shall be deemed Freehold, and the Lands allotted in respect of Copyhold or Customary Lands shall in like Manner be deemed Copyhold or Customary Lands, and shall be held of the Lord of the same Manors, under the same Rents, and by the same Customs and Services as the Copyhold or Customary Lands in respect of which they may be allotted were or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands in respect whereof such Allotments shall be made now do; and the Lands allotted in respect of Leasehold Lands shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be and remain vested in the same Lessors respectively as the Remainder or Reversion of such other Lands was vested before the passing of this Act, except where otherwise particularly directed by this Act; any Law or Usage to the contrary notwithstanding.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c., before Execution of Award.

LXXIV. And be it further enacted, That if any Person has sold or shall at any Time before the Execution of the Award of the said Commissioners sell his Right, Interest, and Property in the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, or any Part thereof, to any Person, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required, upon such Sale being made, to make an Allotment of Land unto the Purchaser in every such Sale, or to his Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Purchaser, or his Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person who shall be entitled to any Allotment under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment, or all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment aforesaid to sell, dispose of, and convey the Estate in right of which he may be entitled to any such Allotment separate and apart from and retaining to himself such

Allotment,

Allotment, Common Right, and Interest, and the said Commissioners are hereby required to award such Allotment accordingly.

LXXV And be it further enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses, (by and with the Consent of the said Commissioners testified in Writing under their respective Hands and Seals,) from Time to Time to charge their Allotments with any Money not exceeding Five Pounds for every Acre of such Lands, for and towards their respective Proportions of the Costs, Charges, and Expences of obtaining and carrying this Act into execution, and for securing the Repayment of such Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Allotments unto or in Trust for any Person who shall advance such Money for any Term or Number of Years; but so that every such Grant, Mortgage, or Lease or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Grant, Mortgage, Lease, or Demise which shall be made by or on behalf of any Person interested or entitled to any such mortgaged Premises for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his Life in such Manner that no Person afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Person shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise shall be valid in the Law for the Purposes thereby intended.

Persons having limited Interests may raise Money by Mortgage for Expences.

LXXVI. And be it further enacted, That every Person to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum of Money by him lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed, Surrender, or Writing under his Hand and Seal, to be executed in the Presence of and to be attested by some credible Witness, assign and transfer the same Security, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his Estate, Right, Title, and Interest and Term of Years then to come and unexpired of, in, and to the same, unto any Person whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Assignee, and his Executors or Administrators, and all Persons claiming under him or them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or Equity for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, and pursued in Cases of the like Nature.

Mortgages may be assigned.

LXXVII. Pro-

Direction
for charging
Copyhold
Lands with
Expences.

LXXVII. Provided always, and be it further enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be made of any Copyhold Lands, whether by Deed or otherwise, shall be presented and entered on the Court Rolls of the Manor under which such Copyhold Lands shall be held, whereupon the same Fees and other Payments shall be due and paid as in other Cases of Surrender by way of Mortgage, and shall operate as a Surrender to the Use of the Mortgagee and his Heirs or Assigns, according to the Custom of such Manor, subject nevertheless to Redemption on Repayment of the Principal Monies thereby respectively intended to be secured, with Interest thereon, as is herein provided in the Case of other Mortgagees, instead of being demised to such Mortgagee, and his Executors, Administrators, and Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act.

Leases at
Rack Rent
to be void.

LXXVIII. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall have been marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the said Lands hereby authorized to be divided, allotted, and inclosed, or to be discharged from Tithes as aforesaid, and of any Right of Common thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term of Years not exceeding Twenty-one Years, (save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure,) shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioners shall by Writing under their Hands order and direct in that Behalf; and if any such Compensation shall not be paid to the Party entitled to receive the same within One Calendar Month after Demand made in Writing under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the said Commissioner is hereby required to raise and levy the same for the Use and Benefit of the Party entitled thereto by such Ways and Means as the Rates to be levied for defraying the Costs, Charges, and Expences of obtaining and executing this Act are directed to be raised and recovered; and it shall be lawful for the said Commissioners by Writing under their Hands to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be divided, allotted, and inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of the passing of this Act until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Leases or Agreements respectively shall be paid by such Tenants from the Time of the passing of this Act to the respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Leases or Agreements respectively until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures; provided that no Lease or Agreement comprising

comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by this Act; but it shall be lawful for the said Commissioners and they are hereby empowered to take into consideration the Benefit and Advantage which shall or may accrue to the respective Tenants of such Messuages, Homesteads, or ancient Inclosures by reason of the same being exonerated from Tithes by this Act, and by Writing under their Hands to direct such additional Rent as to the said Commissioners shall seem right and proper to be paid in future in respect thereof; and such Rents shall and may be recovered by such Ways and Means as may by Law be used for the Recovery of Rent in arrear.

LXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease from any Corporation or Person of any Lands within the Parish of *Over* aforesaid, but the Person entitled to such beneficial Lease shall and may hold and enjoy his Term under the same Rents and Covenants as are specified in his Lease from the same Corporation or Person.

Beneficial
Leases not to
be vacated.

LXXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to annul, revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance out of, upon, or affecting any of the Lands hereby authorized to be divided, allotted, and inclosed as aforesaid, or any of the Messuages, Lands, or Hereditaments which may be exchanged or parted with in pursuance of this Act, but that as well the Land allotted and exchanged as the Land which shall be assigned in partition or in compensation for any other Estate or Right by virtue or in pursuance of this Act shall, immediately after such Allotment, Exchange, Partition, or Assignment, be, remain, and enure, and the several Persons to whom the same shall be so allotted, assigned, or given in Exchange or in Partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon such and the same Estates, Uses, Trusts, Intents, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Remainders, Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or been subject or liable to, or been held by, in case the same respectively had not been allotted, exchanged, parted with, or assigned as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act.

Wills and
Settlements
not to be
affected.

LXXXI. And be it further enacted, That whenever any Money is, under the Provisions of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and

Application
of Compens-
ation Mo-
ney when
amounting
to 200*l.*

[*Local.*]

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which

which Money ought to be laid out in the Purchase of other Lands to be settled to the same Uses, it shall be lawful for the said Commissioners out of such Money to defray the Proportion (if any) of the Expence of obtaining this Act and of carrying the same and the said recited Acts into execution, which shall be charged upon any of the Lands of the respective Parties in possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made under their Direction upon any Lands to be by virtue of this Act allotted to such Parties; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court shall authorize to be purchased, redeemed, or discharged, or such Parts thereof as shall be necessary; or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforesaid Lands stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of Government or Real Securities; and in the meantime, and until the said Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

1G. 4. c. 35.

When less than 200*l.* and amounting to 20*l.*

LXXXII. And be it further enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the
Option

Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians or Committees in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands (or Common Seal, as the Case may be,) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LXXXIII. And be it further enacted, That in case the Surplus of such Monies shall be less than Twenty Pounds the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged for their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto. When less than 20l.

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners at any Time before the Execution of their Award to make any Alterations in the Allotments, or in the Fences which they may have set out and ordered, or in the private Roads laid or to be laid over such Allotments, or in any of the Orders or Directions relating thereto which they may have made in pursuance of this Act, or as they may think right and expedient; and in case any Person shall be injured by any such Alteration on account of any Expences he may have incurred or otherwise, the said Commissioners shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come to their Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures. Power for Commissioners to make Alteration in Allotments.

LXXXV. And be it further enacted, That when any Proprietor of Lands which shall be divided, allotted, inclosed, or exchanged, or any Person to whom any Allotment is made by virtue of this Act, shall hold such Lands, or the Lands in respect of which such Allotment is made, under different Titles and for different Estates, the said Commissioners shall ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award Separate Allotments for Land held by different Titles.

Award set out and distinguish distinct and several Allotments for such respective Lands.

Where Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXXXVI. And be it further enacted, That where from the Want of necessary Information, or from any other Cause, the said Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same are or shall be held, or to set out and award several and distinct Allotments as by this Act directed, it shall be lawful for the said Commissioners at any Time within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by any Proprietor of any such Allotment or Lands, or other Person interested therein, or his Agent, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish and set out the Allotments and Lands held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively may be subject, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as they are by this Act authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by their Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award, and such Instrument shall be enrolled and deposited with the Award of the said Commissioners, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the said Commissioners to make and execute the same, or by his Heirs, Executors, or Administrators.

Provision for Payment of Expences of Inclosures.

LXXXVII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioners, Clerk, and Surveyor for Expences, Time, and Trouble, and the Costs, Charges, and Expences of measuring, surveying, planning, valuing, dividing, and allotting any of the Lands by this Act authorized to be divided, allotted, and inclosed, and of preparing and enrolling the Award of the said Commissioners, and all Costs and Charges that the said Commissioners shall be put unto in respect of any Appeal against their Decision, or of any Suit at Law or in Equity that may be instituted by or against them as Commissioners in the Execution of this Act, either before or after the Execution of the said Award, and all other Charges and Expences whatsoever of carrying this Act into execution (so far as the same relates to the Division, Allotment, and Inclosure hereby authorized to be made), shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, and old Inclosures to be exonerated from Tithes by virtue of this Act, (other than and except the said Impropriators, Vicar, and Poor respectively in
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respect of the Allotments herein-before directed to be made to them in lieu of Tithes, and for Glebe Lands, and for the Benefit of the Poor, and other than and except the Surveyors of the Highways for the Time being in respect of the Allotments herein-before authorized to be made to them for Materials for the Repairs of Roads as aforesaid, and other than and except the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or the Governor, Bailiffs, and their Conservators and respective Successors, in respect of their Portion of the Great Barrier Bank, or of exchanging, charging, or assessing the Adventurers Tax as herein-after mentioned and provided, or in respect of the Allotments herein-after required to be made to the said Governor, Bailiffs, and Commonalty in lieu of the digging Earth, Clay, and Moor in the said *Great Ouze Fen*,) in such Shares and Proportions, and shall be paid at such Time and Place, and to such Persons as the said Commissioners shall, by Writing under their Hands to be affixed upon some principal Door of the said Parish Church of *Over* on some *Sunday* immediately before Divine Service, or delivered to the respective Persons liable to the Payment of such Costs, Charges, and Expences, at least Fourteen Days before the Time appointed for such Payment, order and direct; and the said Commissioners are hereby authorized and empowered from Time to Time to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates at such Time or Times as they shall deem necessary or proper, either before or after the Execution of their Award; and in case any Person shall refuse or neglect to pay his Proportion of such Charges and Expences as aforesaid within the Time and to such Person as the said Commissioners shall appoint, it shall be lawful for the said Commissioners to recover the same, together with the lawful Interest, to be computed from the Day on which the same ought to have been paid as aforesaid, by Action of Law in their own Names in any of His Majesty's Courts of Record at *Westminster*; or it shall be lawful for the said Commissioners, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall be lawful for the said Commissioners or any Person authorized by them immediately after such Neglect or Refusal to enter into and upon the Premises so to be allotted to such Person and demise the same, and receive and take the Rents, Issues, and Profits thereof until thereby or therewith or otherwise such Share or Proportion, with lawful Interest for the same, to be computed from the Time such Money shall be ordered to be paid, and also all the Costs, Charges, and Expences as aforesaid by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

LXXXVIII. And be it further enacted, That if before the said Monies herein-before authorized to be raised by the said Commissioners can be raised and received by them they shall find it necessary or expedient to obtain by Loan any Sum or Sums of Money for or towards defraying the Costs, Charges, and Expences aforesaid, it shall be lawful for the said Commissioners to borrow and take up at Interest, from any Persons willing

Power for
Commis-
sioners to
borrow
Money.

to advance the same, such Sum and Sums of Money as they the said Commissioners shall from Time to Time think necessary for the Purposes aforesaid; which Money so to be borrowed shall be repaid by the said Commissioners, with Interest for the same, out of the Monies to be raised and received by them by any of the Ways or Means aforesaid.

Power to make additional Rate in case of Deficiency.

LXXXIX. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioners, either before or after the Execution of their Award, that the Money to arise by any previous Rates shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the said Lands and Grounds hereby authorized to be divided, allotted, and inclosed, or exonerated from Tithes (other than and except the said Impropiators and Vicar respectively), in such Shares and Proportions, within such Time, and to be paid to such Persons as the said Commissioners shall from Time to Time direct, nominate, and appoint; and in case any Person hereinbefore made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time to be respectively appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Empowering Commissioners upon Application to sell Part of Allotments to defray Expences.

XC. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors being Tenants in Tail or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any Allotment to be made by virtue of this Act to the Person by whom or on whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportionable Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, and of fencing and inclosing and subdividing his Allotment, which shall in and by such Rates or Assessments as aforesaid be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the same Rules and Regulations, as are mentioned and prescribed in and by the said first-recited Act in respect of the Sale of Lands towards defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed by Lease and Release executed by such Commissioners to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be

be inclosed and held by such Purchaser in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money, and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners such surplus Money shall be paid to the Parties from whose Allotments such Sale shall be so made respectively, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner by this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon: Provided always, that nothing herein contained shall enable the said Commissioners to convey any Allotments set out by them as and for Copyhold of any of the said Manors respectively by Lease and Release as Freehold, but such Copyhold Allotments shall be conveyed by the said Commissioners by Indenture of Bargain and Sale, and shall be held by the Purchaser thereof by, under, and subject to the same Rents, Suits, and Services as such Allotments would have been held in case no such Sale had been made: Provided also, that it shall not be lawful for any Proprietor of an Allotment to raise by any Sale and Mortgage or Charge as herein-before mentioned, or either of those Means, any greater Sum of Money for the Purposes aforesaid than such Proprietors might have borrowed or charged upon his Allotment for such Purposes, reckoning Five Pounds for each and every Acre thereof, under or by virtue of the said first-recited Act; Provided further, that in all Cases in which the Money so raised by such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor, Part of whose Allotment shall be sold as aforesaid, to charge his Allotment with any Sum not exceeding the Difference.

XCI. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioners and they are hereby required to levy and raise the same in like Manner as they might or could have done before the Execution of their Award.

Monies may be recovered after Execution of Award.

XCII. And whereas a considerable Portion of a certain great Barrier Bank, with the Forelands on each Side thereof, of the Width of Sixty Feet measuring from the Centre of the said Bank; containing about Fifty Acres, be the same more or less, and extending from a certain Gate called *Crane Fen-Gate* in the Parish of *Willingham* in the County of *Cambridge*, to a certain other Gate called *Cooler's Gate*, near a Place called *Over Cote*, at which last-mentioned Gate the said Great Barrier Bank enters the Parish of *Swavesey* in the said County of *Cambridge*, runneth through, forms Part of, and lieth open to a certain uninclosed Common or Fen Ground called *Great Ouze Fen*, Parcel of the Lands and Grounds intended to be set out, divided, allotted, and inclosed under the Provisions of this Act: And whereas the said Portion of the said Great Barrier Bank was raised and made, and is now repaired, upheld, and maintained, with other Banks, for the

Provision respecting Great Barrier Bank and Forelands.

Drainage,

Drainage, Preservation, Protection, and Improvement of several Thousand Acres of Fen and Marsh Ground, forming Part of the South Level, Part of the Great Level of the Fens called *Bedford Level*, and which said Portion of the said Great Barrier Bank, with the Forelands to the Extent of Sixty Feet on each Side thereof, (except as to the Right of Feed and pasturing the same as hereafter mentioned,) is the Property and Inheritance of, and is under the Charge, Government, and Management of the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level of the Fens, and their Successors, as the legal Guardians and Protectors thereof: And whereas the said Governor, Bailiffs, and Commonalty, and their Successors, by virtue of certain Powers and Authorities in them vested, and also by long accustomed Usage and by other lawful Means have Power and Authority to cut, dig, cart, and carry away Earth, Clay, and Moor from and off any Part of the said Open Common Fen Lands called the *Great Ouze Fen*, whenever the same are required for the needful and necessary Reparations and Amendments of the said Portion of the said Great Barrier Bank, and to prevent the said Fen and Marsh Lands lying and being in the said South Level from being injured, inundated, and overflowed by the Floods and Waters from the Uplands, and passing to Sea along and by the Course of the Great River *Ouse*: And whereas the Governor, Bailiffs, and Conservators, and their Successors, are authorized and empowered, under and by virtue of divers ancient Statutes, Decrees, and Laws of Sewers, as it may seem meet and proper, and may from Time to Time be required to keep up and maintain the several Banks, Sewers, and Works of Drainage under their Care and Management as the Guardians and Protectors of the said Great Level, to tax, rate, assess, and impose annual Taxes, called "The Adventurers Tax," (in common with certain other Lands lying in the said Great Level,) in and upon a certain Part and Proportion of the said open and uninclosed Common Fen Lands called the *Great Ouze Fen*, such Part and Proportion containing by Admeasurement One hundred and seventy-one Acres of Land: And whereas the said One hundred and seventy-one Acres of Land were never separated from the said Common Fen Lands called *Great Ouze Fen*, or taken from the Owners thereof, although the same have been annually taxed, charged, and assessed by the said Governors, Bailiffs, and Conservators with the said annual Tax called the "Adventurers Tax:" And whereas by an Order and Decree bearing Date the Thirteenth Day of *October* One thousand seven hundred and twenty-nine, made by certain Commissioners duly appointed by virtue of a Commission issued under the Great Seal of *Great Britain* bearing Date the Twentieth Day of *December*, in the Second Year of the Reign of King *George* the Second, and the Statute made and passed in the Forty-third of *Elizabeth*, intituled *An Act to redress the Misemployment of Lands, Goods, and Stocks of Money heretofore granted to charitable Uses*, they the said Commissioners did order, adjudge, and determine (among other things) that the Rents and Profits of certain Lands and Premises in *Over*, particularly described in the first therein recited Indenture, bearing Date the Twentieth Day of *January* One thousand six hundred and ninety-two, should for ever thereafter be truly employed by the Ten Treasurers of the said Town of *Over* for the Time being, in the first place, to pay the necessary Charges to be issuing out of the Premises, and the Fen Taxes from Time to Time to be laid and assessed upon the Fen Lands theretofore purchased by the said Town of *Over* aforesaid of the Adventurers, thereby

thereby meaning the said One hundred and seventy-one Acres of Land herein-before mentioned : And whereas the said Adventurers Taxes have been from the Time of such Decree and now are paid out of the Rents of such Lands and Premises pursuant to such Decree, and the said One hundred and seventy-one Acres of Land have never been separated or divided, but are intermixed with the other Estates of the several Proprietors of the said *Great Ouze Fen*: And whereas it is important to the Safety, Welfare, and Preservation of a great Proportion of the said South Level that the Rights, Interests, Property, Powers, and Authorities of the said Governor, Bailiffs, and Commonalty, and their Successors, as also those of the Governor, Bailiffs, and Conservators, and their Successors, should be fully and amply protected and preserved in all and every respect whatsoever ; be it therefore enacted by the Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Commissioners to allot, set out, inclose, or divide, as Part of the said Open Fields, Meadows, Commons, Fen Commons, and Marsh Ground, Commonable Lands, Heath, and Waste Grounds, to any other Person whomsoever, or to any Body or Bodies Politic or Corporate, or in any Way or Manner whatsoever interfere or intermeddle with all or any Part of the said Portion of the said Great Barrier Bank, or the Forelands on both Sides thereof, otherwise than to allot in Severalty and sever and set out the same to and for the sole, separate, and entire Use and Property of the said Governor, Bailiffs, and Commonalty, and their Successors.

XCIII. And be it further enacted, That it shall and may be lawful for and the said Commissioners are hereby authorized, directed, and empowered to set out and allot to the said Governor, Bailiffs, and Commonalty, and their Successors, in One entire Lot or Piece, such Part and Parcel of the said open and uninclosed Fen Land called the *Great Ouze Fen* as in their Judgment and Opinion shall be a full and ample Compensation and Allowance for the Right of the said Governor, Bailiffs, and Commonalty, and their Successors, to cut, dig, cart, and carry away Earth, Clay, and Moor for the Reparation, Preservation, Maintenance, and upholding of the said Portion of the said Great Barrier Bank ; and such entire Lot or Piece so to be allotted, set out, divided, and inclosed by the said Commissioners as aforesaid to be laid near to and adjoining the said Portion of the said Great Barrier Bank on the said *Ouze Fen* Side or some Part thereof.

Part of Great
Ouze Fen
may be al-
lotted to the
Governor,
&c. by way of
Compensa-
tion.

XCIV. And be it further enacted by the Authority aforesaid, That the said Commissioners shall and they are hereby authorized, directed, and empowered to subject and charge the Allotment by them to be made to the Trustees of the said Charity Land, and all the said old Inclosure, Pasture and other Lands, described in the before-mentioned Indenture of the Twentieth Day of *January* One thousand six hundred and ninety-two, or in the Schedule annexed thereto, and all Allotments to be made in respect thereof, with such Tax as is herein-after mentioned ; and the said Governor, Bailiffs, and Conservators, and their Successors, shall and may from Time to Time and at all Times whenever they shall see meet and proper, and as often as any Tax or Assessment is also laid, assessed, or imposed upon the other Adventurers Lands within the said Great Level, levy, tax, assess, impose, and collect the Amount of the said Adventurers Tax now or hereafter to

Adventurers
Tax to be
levied on Al-
lotment to
Trustees of
Charity Land

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be annually laid, assessed, imposed, and collected for and in respect of the said One hundred and seventy-one Acres by Admeasurement now uninclosed, and lying open to and forming Part of the said Open Fen Land called the *Great Ouze Fen*; and the said old inclosed Land and the said Land so to be set out and allotted shall be for ever hereafter subject and charged with the annual Taxes and Rates so authorized and empowered to be annually laid and imposed, together with the Amount of any Penalty for Nonpayment thereof, and of all and every the Powers of Sale and Registration, and all other Powers and Authorities, and of Forfeiture, to which the said One hundred and seventy-one Acres of uninclosed Fen Land, Part of the said Fen Lands called *Great Ouze Fen*, are now subject and liable under and by virtue of and according to the Directions contained in any Decree or Law of Sewers or Statute in that Case made and provided; any thing herein contained to the contrary thereof in anywise notwithstanding.

When Adventurers Tax, &c. is charged on Charity Land, Great Ouze Fen to be exempted from the same.

XCV. And be it further enacted, That when and so soon as the said Commissioners shall, in pursuance of the Directions herein-before contained, have subjected and charged the said Charity Land with the Payment of the Adventurers Tax and other annual Taxes and Rates so authorized and empowered to be annually laid and imposed by the said Governor, Bailiffs, and Conservators as aforesaid, the said One hundred and seventy-one Acres, Part of the said Fen Lands called *Great Ouze Fen*, shall from thenceforth and for ever thereafter be wholly exonerated, exempted, and discharged from the Payment of the said Adventurers Tax, and from all other Taxes and Rates, whether annual or otherwise, imposed or to be imposed by the said Governor, Bailiffs, and Conservators under or by virtue of any Decree, Law of Sewers, or Statute in anywise enabling them thereunto; and the said One hundred and seventy-one Acres shall be held by the Persons to whom they may be allotted freed and absolutely discharged from all Power or Control of the said Governor, Bailiffs, and Conservators, and freed from all Necessity of registering any present or future Conveyance, Mortgage, or other Muniments of Title with the Register of the said Corporation; and the said Lands shall thenceforth and for ever thereafter be held and enjoyed under and by the same Tenures, Rents, Customs, and Services as the same are now reputed to be held, or for these last Twenty Years have been so reputed to be held, by the present Owners or Occupiers thereof.

Right of Feeding and Aftermath upon Great Barrier Bank may be purchased by the Governor, &c.

XCVI. And whereas the Governor, Bailiffs, and Commonalty of the Company of Conservators of the said Great Level of the Fens are willing to purchase the Right and Privileges of Feeding and Aftermath upon the said Portions of the said Great Barrier Bank and the Forelands on each Side thereof, heretofore enjoyed by the several Proprietors or Owners of Land in the said Open or Common Fields adjoining thereto and the Persons entitled to Commonable Rights therein, and also to accept a Surrender of a Lease granted by them the said Governor, Bailiffs, and Commonalty of the Right of Mowage over the same, and to pay such a Sum of Money for the Purchase of such Right or Privilege of Feeding as the said Commissioners shall think reasonable, and for the Surrender of such Lease the Sum of Three hundred Pounds; be it therefore enacted, That it shall be lawful for the said Commissioners and they are hereby required to ascertain, order, and adjudge what Sum of Money shall be paid by the said

Governor, Bailiffs, and Commonalty for the Purchase of such Right or Privilege of Feeding and Aftermath; and upon the Payment of such Purchase or Compensation Money and of the said Sum of Three hundred Pounds by the said Governor, Bailiffs, and Commonalty to the said Commissioners, or to such Person as they shall direct, (which Purchase or Compensation Money shall and may be applied towards defraying the Costs and Charges of obtaining this Act, and of carrying the same into execution, so far as the same relate to the Division, Inclosure, and Allotment hereby authorized to be made,) the said Commissioners shall and they are hereby empowered, by any Deed under their Hands and Seals, to convey such Right of Feeding or Aftermath upon the said Bank and Forelands thereof unto the said Governor, Bailiffs, and Commonalty, and their Successors for ever, and also by any Deed under their Hands and Seals to surrender to the said Governor, Bailiffs, and Commonalty the said Lease so granted by them as aforesaid; and immediately after the Execution of such Conveyance and Surrender the Right of Feeding, such Aftermath, and the Right of Mowage conferred by the said Lease, and all Rights of Common and other Commonable Rights, and all other Rights and Privileges whatsoever heretofore used, exercised, or enjoyed by the Owners and Proprietors of Land in the said Open Field called *Great Ouze Fen*, or by the Persons entitled to such Commonable or other Rights therein as aforesaid over the said Great Barrier Bank or the Forelands thereof, or any Part thereof, under or by virtue of the said herein-before mentioned Lease, or by Grant, Prescription, Usage, or otherwise howsoever, shall absolutely cease and determine to all Intents and Purposes whatsoever.

XCVII. And be it further enacted, That as soon as conveniently may be after the said Division or Allotment and Inclosure shall be completed, and Commutation of Tithes shall have been effected, the said Commissioners shall and they are hereby required to form, draw up, and execute an Award, and the Execution of the said Award shall be proclaimed upon the next or some subsequent *Sunday* in the Church of the said Parish of *Over* during or immediately after Divine Service; from the Time of the last of which Proclamations only, and not before, such Award shall be considered as complete; and within Twelve Calendar Months after the said Commissioners shall have so made and executed the said Award they shall cause the same, together with a Map or Plan as herein-after directed to be made, to be delivered to the Clerk of the Peace for the said County of *Cambridge*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds Two Shillings, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and a Copy of the said Award fairly transcribed in a Book on plain or unstamped Paper or Parchment, with a proper Map or Plan, attested and signed by the said Commissioners, shall within the Time aforesaid be deposited in the Parish Church of *Over* aforesaid, and there kept in a Box to be provided for that Purpose; and the said Award and the said Copy thereof, and any other Copy of the said Award or of any Part thereof, attested by the Clerk of the Peace for the Time being of the said County or his Deputy, (for every Sheet of which containing One hundred Words

Award to be deposited in the Hands of the Clerk of the Peace, and a Copy in the Parish Church.

Sixpence,

Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Reduced Plan to be annexed to the Award, and Copy thereof deposited in the Church.

XCVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Two reduced Plans of the said Parish of *Over* to be drawn upon Parchment or Vellum, on which the public and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the Award of the said Commissioners, and such other Matters and Things as the said Commissioners shall think proper to be described therein, shall be fairly and distinctly delineated, marked, and expressed; and the said Commissioners shall sign the said Plans, one of which shall be annexed to the said Award hereinbefore directed to be made, and the other shall be annexed to or shall go and be kept with the Copy of the said Award to be deposited in the Church Chest of *Over* aforesaid; and the said Commissioners shall and they are hereby required to make and annex to the said Award a Schedule describing and setting forth the Quantities of all and every the Homesteads, Gardens, Orchards, and ancient Inclosures in the Parish of *Over* aforesaid, and an alphabetical Index and Reference to the principal Matters in the said Award contained.

Accounts to be audited.

XCIX. And be it further enacted, That the said Commissioners shall not at any Time permit any just Claim or Demand upon them as such Commissioners to remain unpaid for a longer Period than Three Calendar Months; and once at least in every Three Calendar Months during the Execution of this Act, the first of such Periods to be computed from the Day of the passing thereof, the said Commissioners shall and they are hereby required to make a true and accurate Account of all Sums of Money by them received and expended in the Execution of this Act, and in such Account shall be particularly specified the several Items and Articles for which each particular Sum shall have been paid and disbursed; and such Account, when so made, together with the Vouchers relating thereto, shall be by the said Commissioners laid before Two or more of His Majesty's Justices of the Peace acting for the said County of *Cambridge*, not interested in the Premises, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Account to be kept in the Office of the Person acting as Clerk to the said Commissioners; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in the *Cambridge Chronicle*, or in some other Newspaper printed or usually circulated within the said County of *Cambridge*; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Justices, nor until such Account thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal hereinafter contained.

Trustees for Drainage appointed.

C. And in order that effectual Provision may be made for the Drainage of the low Lands and Grounds hereinbefore mentioned, that is to say, the Lands lying on the North and North-west of the *Bare Fen* Drain called *Skeggs, Bar-hill, Langridges, Long Holmes, Hither and Farther Bluntishmeres, Narwell Pastures*, and all other the said Inclosures known by the

the Name of *Low Grounds*, and also all the Lands situate in *Ouze Fen* within the *Bedford Level* Bank (the *Wash* excepted); be it further enacted, That every Owner or Proprietor of Fifteen Acres or upwards of Land and Ground chargeable with the Rates and Taxes herein-after mentioned shall, during the Time of such Ownership, and during the Time his Land and Ground shall continue chargeable, in pursuance of this Act, with the Rates or Taxes herein-after mentioned, be and he is hereby appointed a Trustee for carrying this Act into execution, so far as relates to the Embankment and Drainage of the said low Lands and Grounds by this Act authorized to be drained, subject to the Rules and Regulations herein-after contained in that Behalf.

CI. And be it further enacted, That it shall be lawful for any Owner or Proprietor of not less than Thirty Acres of the Lands and Grounds subject to be rated and taxed by virtue of this Act, by Writing under his Hand, or, being a Corporation, by Writing under their Common Seal, to appoint a Trustee in respect of every Thirty Acres of such Lands or Grounds of which he may be the Owner or Proprietor as aforesaid; provided that no Owner or Proprietor shall in any Event appoint more than Six Agents; and every Trustee so to be appointed as last aforesaid shall, during the Pleasure of the Person so appointing (if the Person so appointing shall so long continue the Owner or Proprietor of the Lands or Grounds in respect of which such Trustee was so appointed by him), have and be entitled to such and the same Powers and Authorities as if he were a Trustee in his own Right: Provided nevertheless, that every such Appointment shall be registered by the Clerk in Books to be kept for that Purpose, and such Appointment shall be good only from the Time it is so registered; and every such Appointment shall continue in force until the same is revoked by Writing under the Hand of the said Owner and registered with the said Clerk, or the said Proprietor shall cease to be Owner of such Lands in respect of which such Agent was so appointed.

Proprietors empowered to appoint Trustees and Agents.

CII. Provided always, and be it further enacted, That if any Person not qualified as aforesaid shall act as a Trustee, or appoint any other Person to act as Trustee in the Execution of this Act, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, and in which Action it shall only be necessary to prove that the Defendant acted as a Trustee, or appointed a Trustee in the Execution of this Act; and a Verdict shall be found against the Defendant, unless he shall prove in his Defence that he was at the Time of his so acting or so appointing qualified according to the true Intent and Meaning of this Act: Provided always, that all Acts and Proceedings of any Person so acting or appointing without being duly qualified, previously to a Verdict being obtained against him for so acting or appointing, shall, notwithstanding such subsequent Conviction, be as valid and effectual as if such Person had been duly qualified.

Penalty on Persons acting, &c. not being qualified.

CIII. And be it further enacted, That the said Trustees shall hold a General Meeting twice in every Year, (that is to say,) on the First *Monday* in *April* and the First *Monday* in *October*, at some Public House or other Place in the Town of *Cambridge* or in the said Parish of *Over*, or within

Regulations for the Meetings and Proceedings of the Trustees.

[*Local.*]

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Eight

Eight Miles of the said Parish of *Over* (to be appointed by the said Trustees or any Five or more of them), and at such other Times and Places as shall from Time to Time be appointed by the said Trustees or any Three or more of them; and the Trustees present at any such Meeting may from Time to Time adjourn themselves to the same or to any other Place within the said Town of *Cambridge* or Parish of *Over*, or within Eight Miles of the said Parish of *Over*, and to any Day or Hour, as to them may seem expedient; and if at any such Meeting there shall not be Three or more Trustees then and there present within One Hour after the Time appointed for such Meeting, then such Meeting shall be deemed to be adjourned to the same Day in the following Week, at the same Place and at the same Time, and so *toties quoties* until a sufficient Number of the said Trustees shall attend at such Meeting; and no Act of the said Trustees shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be executed by the Majority of the said Trustees present at any Meeting to be held as aforesaid, the Number of Trustees present at such Meeting not being less than Three, and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal, including the Chairman's Vote, the Chairman shall have a second or casting Vote: Provided nevertheless, that it shall be lawful for the said Trustees and they are hereby authorized from Time to Time to hold any Special Meeting, so that such Meeting be required by Three at least of the said Trustees, and Notice thereof in Writing, stating the Purpose for which such Meeting is required to be called, be given to or left at the House or usual Place of transacting Business of the Clerk to the said Trustees, who shall thereupon give Seven Days Notice at the least of such Special Meeting, and of the Time, Place, and general Purposes thereof, by Writing to be affixed on the principal outer Door of the Church of the said Parish of *Over*, and by Advertisement thereof in One of the Newspapers usually printed and circulated in the said County of *Cambridge*.

Restrictions
as to revok-
ing Orders.

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

Proceedings
to be entered
in a Book.

CV. And be it further enacted, That the Names of the Trustees who shall attend the respective Meetings of the said Trustees at every such Meeting shall be entered in some Book to be provided and kept for that Purpose, which Entries shall be signed by the Chairman of such respective Meetings, and such Orders and Proceedings when so entered and signed shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence, as well on behalf of the said Trustees as otherwise, in all Courts, and before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making

making such Orders or Proceedings being Trustees ; and every such Book shall at all seasonable Times be open to the Inspection of the said Trustees and their Agents ; and if the Clerk or other Person having the Custody of such Book shall refuse to permit or shall not permit the said Trustees and their Agents to peruse and inspect such Book, or to take Copies of or Extracts therefrom, such Clerk or Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

CVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time at any of their Meetings to elect a Treasurer, Clerk, Surveyor, Collector, and all such other Officers as they shall think proper for carrying this Act into execution, so far as relates to the Embankment and Drainage of the said Lands, and also from Time to Time to suspend or displace such Officers or any of them, and to appoint others in the Room of such of them as shall die, or resign, or be suspended or displaced from their respective Offices, and to pay such Salaries or Allowances to the said Officers respectively as they shall think reasonable.

Trustees
empowered
to elect
Officers.

CVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer or Collector for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk or Collector for the Purposes of this Act, or to appoint the Person who may be appointed Collector, or the Partner of any such Collector, or the Clerk or any Person in the Service or Employ of any such Collector, or the Clerk or any Person in the Service or Employ of the Partner of any such Collector, to be Treasurer or Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer, or both the Offices of Clerk and Collector, or both the Offices of Collector and Treasurer, for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer or Collector, or shall act as Deputy of such Treasurer or Collector, or in any Manner officiate for such Treasurer or Collector, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk or Collector, or shall act as Deputy of such Clerk or Collector, or in any Manner officiate for such Clerk or Collector, or being the Partner of any such Collector, or the Clerk or any Person in the Service or Employ of any such Collector, or the Clerk or any Person in the Service or Employ of the Partner of any such Collector, shall accept the Office of Treasurer or Clerk, or shall act as Deputy of such Treasurer or Clerk, or in any Manner officiate for such Treasurer or Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person

Same Person
not to be
Clerk, Treas-
urer, and
Collector.

so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Officers to
account.

CVIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by or under the said Trustees by virtue of this Act shall from Time to Time when thereto required by the said Trustees make out and deliver to the said Trustees, or to such Person as they shall appoint for that Purpose, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with proper Vouchers and Receipts for such Payments; and every such Officer and Person shall and he is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear due from him to the said Trustees, or to such Person as they shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same in his Possession or Power, or to make Payment of the Balance thereof, when thereunto required in manner aforesaid, or to deliver up to the said Trustees, or to such Person as they shall appoint for that Purpose, within Seven Days after being thereunto required by the said Trustees or by any Person on their Behalf, all Books, Papers, and Writings in his Custody or Power relating to the Exercise of this Act, or to give Satisfaction to the said Trustees or to such other Person as aforesaid respecting the same, then and in every such Case, Complaint being made thereof by the said Trustees, or by any other Persons on their Behalf, to any Justice of the Peace for the said County of *Cambridge*, such Justice is hereby authorized and required to summon by Writing under his Hand such Officer or Person to appear before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in the same Manner as the said Trustees might have done; and if, upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any Money remains due from such Officer or Person, such Justice may and he is hereby authorized and required, on Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if such sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall not make out and deliver to such Justice the several Vouchers and Receipts relating to such Account in his Possession or Power, or deliver up such Books, Papers, or Writings as aforesaid, then and in every such Case such Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction in or for the said County of *Cambridge*, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered such Books, Papers, and Writings, (if any,)

any,) and have paid all the Money which shall appear to be in the Hands of or owing by him, and the reasonable Charges of such Distress and Sale which shall in that Behalf have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Trustees: Provided always, that no such Officer or Person shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months for Want of Distress only: Provided also, that if any Money shall remain due from such Officer or Person, his Commitment to Prison shall not be deemed a Discharge for the same, nor exonerate his Sureties, but such Officer or Person and his Sureties shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

CIX. And be it further enacted, That the said Trustees shall cause Books to be kept by the Clerk or Treasurer, who shall enter or cause to be entered in such Books true and regular Accounts of all Sums of Money received and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been expended; and such Books shall at all reasonable Times be open to the Inspection of the said Trustees, their Agents or Bailiffs so appointed as aforesaid, and every other Person whose Lands or Grounds shall be assessed or charged by virtue of this Act, and also of the Creditors on the Rates and Assessments by this Act authorized, without Fee or Reward, and the said Trustees, their Agents or Bailiffs, Persons and Creditors respectively, may take Copies of or Extracts from the said Books without paying any thing for the same; and if the said Clerk or Treasurer or other Person having the Custody of such Books shall refuse to permit or shall not permit the said Trustees, their Agents or Bailiffs, or such Persons or Creditors, or any of them, to inspect such Books, or to take such Copies or Extracts as aforesaid, such Clerk or Treasurer or other Person shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

CX. And be it further enacted, That the said Trustees shall or may sue and be sued, in any Action or Suit to be commenced or prosecuted in respect of any Matter or Thing arising out of this Act, in the Name of their Clerk or of any One of the Trustees; and no such Action or Suit shall abate or be discontinued by reason of the Death of such Trustee, or of the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but the Proceedings in any such Action or Suit shall nevertheless be carried on to Execution, if necessary, in the Name of the Trustee or Clerk by or against whom such Action or Suit shall have been commenced.

Trustees to sue and be sued in the Name of their Clerk, &c.

CXI. And be it further enacted, That in case any Action or Prosecution shall be commenced or prosecuted, in pursuance of this Act, under the Authority or by the Direction of the said Trustees, the said Trustees shall,

Trustees may pay the Expences of Prosecution.

[*Local.*]

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shall,

shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor or such Person in whose Name such Action or Prosecution shall be commenced or prosecuted all reasonable Costs and Charges thereof for or by reason of such Action or Prosecution, or any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted or have any Action brought against them for or by reason of any thing done in pursuance of this Act under the Authority and by the Direction of the said Trustees.

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

CXII. And be it further enacted, That in any Action or Suit to be brought by or against the said Trustees or their Clerk for the Time being, or any of the Persons acting in the Execution of this Act, for any Cause, Matter, or Thing arising out of this Act, the Election and Qualification of the Trustees, and the Appointments of Clerks, Treasurers, Collectors, Superintendents, or other Officers or Persons appointed or to be appointed by the said Trustees under the Authority of this Act, the Books of Entries of the said Trustees, the Rates or Assessments made or to be made by virtue of this Act, and the Notices of any such Rate, shall, upon the Trial of any such Action or Suit, stand admitted in Evidence, unless the other Party shall, if Defendant, at or before the Time of pleading, or if Plaintiff before Issue joined in such Action or Suit, give Notice in Writing to the Attorney for the Plaintiff or Defendant that he intends to dispute such Election or Qualification or Appointment, or any Entry, Proceeding, Rate, or Assessment, or Notice, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid; and where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Defendant (as the Case may be) shall at the Trial prove the Matter required to be proved in and by such Notice or any of them, or if the other Party shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Defendant (as the Case may be) to whose Attorney such Notice shall have been given as aforesaid shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid, and such Costs shall (in case such Plaintiff or Defendant, as the Case may be, to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict,) be added to his Costs; and if the other Party shall obtain a Verdict, then such Costs shall be deducted from the Costs which the Party giving such Notice as aforesaid would be otherwise entitled to receive from the Person to whose Attorney such Notice shall have been given as aforesaid; and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs, in like Manner as if Costs had been awarded to such last-mentioned Person.

Sufficient in Proceedings to state the Property belongs to the Trustees.

CXIII. And be it further enacted, That in all Indictments, Actions, and Proceedings whatsoever wherein it shall be necessary to state that any Property, Effects, Articles, Materials, or Things is or are the Property of the said Trustees, it shall be sufficient to state that all and every such
Property,

Property, Effects, Articles, Materials, and Things is or are the Property of the Trustees for executing an Act (here set forth the Date and Title of this Act), without particularly stating or specifying the Names of any of the said Trustees.

CXIV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized to provide, erect, and construct a Steam Engine of sufficient Power upon the most convenient Site within the said Parish for the Purpose of effectually draining the said Lands and Grounds, and from Time to Time at their Will and Pleasure to alter, remove, rebuild, or repair such Steam Engine, and also to cut and make such Cuts, Banks, Drains, Dams, Outlets, and other Works as shall be necessary for the effectual Drainage of the said Lands and Grounds, and to erect such Sluices, Gools, Bridges, Tunnels, Culverts, and other Works as they shall think proper, and also from Time to Time to alter or repair the said several Works, but not to cut through or interfere with the said Corporation Barrier Bank or the Forelands thereof without the Consent in Writing of the said Governors, Bailiffs, and Conservators, or their Successors, or any Five of them, whereof Two shall be Bailiffs: Provided always, that the said Commissioners shall and they are hereby required to make Compensation to the Owner of any Lands or Grounds upon which such Steam Engine or any other Works relating to the said Drainage shall be constructed for any Damage which he may sustain thereby.

Power to
make Works.

CXV. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Banks, fore and back Forelands, Sluices, Tunnels, Bridges, Trays, Stamps, Outlets, Engines, and other Works to be at any Time hereafter made, erected, supported, or maintained by virtue of this Act, and the Right and Property of, to, and in the same, and the Materials of which the same shall consist, and all Land, Property, Materials, Matters, and Things to be purchased or provided by the Trustees for executing this Act, or by their Order for any of the Purposes of this Act, shall be and are hereby vested in the said Trustees; and the said Trustees are hereby authorized and empowered to insure from Fire any Engine, Building, or Erection to be erected under the Authority of this Act, and to bring any Action or to prefer any Bill of Indictment or other Prosecution against any Person who shall dig up, break, or pull down, steal, take, carry away, destroy, spoil, or injure, the said Works or any Part thereof, or of such Materials as aforesaid.

Vesting
Works, &c.
in Trustees.

CXVI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to cause the several public Drains to be made and used for the draining of the said Lands and Grounds or any of them to be well and sufficiently roaded, scoured, and cleansed from Weeds and other Rubbish and Obstructions as often as shall be required.

Public
Drains to be
cleansed.

CXVII. And be it further enacted, That the several Owners and Occupiers of the said Lands and Grounds shall from Time to Time and at all Times well and sufficiently road, cleanse, and keep free from Weeds, Rubbish, and Obstructions, and well and sufficiently deepen, widen, maintain, cleanse, open, and repair, the several Drove-way Dikes, Outring or Partition Dikes, and Division Dikes, and the Tunnels adjoining or belonging

Dikes to be
kept open.

belonging to their said respective Lands or their Gateways, and shall at all Times keep and maintain the said Dikes and every of them Nine Feet wide and Five Feet deep from the level Soil, or of such other sufficient Width as the said Trustees shall at any of their Meetings direct or appoint, not exceeding Twelve Feet wide at the Top and Six Feet wide at the Bottom, and of a sufficient Depth from the level Soil, and also make new Tunnels on any Part of the said Lands and Grounds of which they shall be Owners and Occupiers, or which shall adjoin or belong thereto or to the Gateways thereof; and in case any Owner or Occupier shall at any Time refuse or neglect so to road, cleanse, and deepen, widen, make, open, or repair, any of the said Dikes or Tunnels adjoining or belonging to his said Lands or Gateways, or to keep and maintain the said Dikes of the aforesaid Width and Depth, and of such other Width and Depth as aforesaid, for the Space of Ten Days next after Notice in Writing under the Hands of the said Trustees or of their Clerk or other Officer given to such Owner or Occupier, or left at his usual Place of Abode for that Purpose, every such Owner or Occupier shall for every such Offence forfeit and pay the Sum of Nine-pence *per* Rod for every such Rod of the Dike so neglected to be roaded, cleansed, deepened, widened, or repaired as aforesaid, and also any Sum not exceeding Forty Shillings for every Tunnel so neglected to be made, opened, or repaired as aforesaid; and it shall be lawful for the said Trustees, or their Clerk or other Officer, from Time to Time after such Neglect as aforesaid, to cause such Dikes and Tunnels to be well and sufficiently roaded, cleansed, deepened, widened, made, opened, or repaired at the Expence of such Owner or Occupier, and by Warrant under the Hand of any Justice of the Peace (which Warrant any Justice of the Peace is hereby empowered from Time to Time to sign and give to the said Trustees or their Clerk or other Officer) to levy such Forfeiture, Costs, and Expences upon such Owner or Occupier by Distress and Sale of his Goods and Chattels, rendering the Overplus (if any) of the Monies which shall be thereby levied to such Owner or Occupier, on Demand.

Owners and Occupiers authorized to make Culverts, &c. through Banks for the Purpose of letting in Water to their Lands.

CXVIII. Provided always, and be it further enacted, That it shall be lawful for the several Owners or Occupiers of Lands or Grounds adjoining any of the said Drains, by and with the Consent and under the Control of the said Trustees, their Surveyor or other Officer, first had and obtained in Writing, to make Tunnels or Culverts of Communication from any of the said Lands and Grounds through the Banks thereof to such other respective Lands and Grounds, and to make and place Sluices or Cloughs there for the Purpose of letting in Water from any such Drains to such their Lands and Grounds, and for retaining Water on such their Lands and Grounds in dry Seasons, or when the same should in their Opinion be necessary, doing or occasioning no Injury or Damage thereby to any of the Lands or Grounds of any Person, nor to any Works of Drainage carrying on, nor occasioning any Interruption or Damage to the Drainage of the said Lands and Grounds, and doing as little Damage as may be to such Banks in making such Tunnels, Culverts, Sluices, and Cloughs, and forthwith making good all Damage thereby occasioned at their own Expence, but not through the said Portion of the said Barrier Bank without the special Leave in Writing obtained from the said Governor, Bailiffs, and Conservators, or any Two

or more of the Bailiffs or Three or more of the Conservators, certified under the Hand of the Registrar for the Time being; and in case of Neglect or Default in forthwith making good any such Damage, or in case any such Work shall be insufficiently done, then it shall be lawful for the said Trustees to order their Surveyor or Workmen forthwith to make good the same at the Expence of such Owner or Occupier; and in case of Nonpayment of such Expences to the said Trustees for Ten Days after Demand shall have been made thereof by the said Trustees or any of their Officers, such Expences, with the Costs of Recovery, shall and may be levied and recovered from the Person liable to pay the same by the same Ways and Means as the Rates or Assessments by this Act imposed are directed or authorized to be recovered in case of Nonpayment: Provided always, that it shall be lawful for the said Trustees, their Surveyor or other Officer, to close or stop up, at their or his Discretion, any such Tunnels or Culverts hereafter to be made within the said Lands and Grounds.

CXIX. And be it further enacted, That if by reason of the making or doing any Act or Work by this Act authorized to be made or done any public or private Road or Way, or the Passage of any Person to or from his Lands and Grounds with Cattle, Horses, or Carriages, shall be obstructed, prevented, or hindered, the said Trustees shall and they are hereby required, before or as soon as may be after such Road, Way, or Passage shall be obstructed, hindered, or interrupted, to cause in lieu thereof proper and convenient Roads to be set out and made and kept in repair, and proper Bridges to be made, erected, set up, and kept in repair.

Bridges to be made over Drains, and Roads set out.

CXX. And be it further enacted, That if any Person shall at any Time make or cause to be made any Watering Place or Place of Access for Cattle to drink in any of the public Drains in the said low Lands and Grounds, or shall continue to use any such Watering Place or Place of Access after Notice in Writing to the contrary thereof given to him by any Three or more of the said Trustees or by their Clerk, every Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds.

Penalty for making Watering Places in the Drains.

CXXI. And be it further enacted, That every Person who shall, contrary to the Powers in this Act given, at any Time hereafter wilfully and maliciously cut, break down, destroy, or damage any Engine, Bank, Sluice, Drain, Tunnel, Staunch, Stopgate, Mill Bridge, or any other of the Works erected or made for the draining or preserving the said low Lands and Grounds, or for the Purposes of letting Water therein, or any Part thereof, or any Banks, Sluices, Drains, Tunnels, Staunches, Stopgates, Engines, Mills, Bridges, or Works repaired, maintained, or supported in pursuance of this Act, and shall thereof be lawfully convicted, shall be adjudged guilty of Simple Larceny, and shall be subject and liable to the like Pains and Penalties as the Law directs in such Cases.

Persons destroying Works guilty of Simple Larceny.

CXXII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to enter into any Contract for the Performance of any of the Works by this Act authorized to be done, or for the Supply of any Materials, Implements, Labour, or other necessary Matters or Things for the Purposes of this Act: Provided

Trustees may contract.

[Local.]

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always,

always, that every such Contract shall specify the several Works to be done, and the Materials to be supplied, and the Prices to be paid for the same, and the Periods within which such Works are to be completed and such Materials supplied, and the Penalties (if any) to be suffered in case of Nonperformance thereof; and every such Contract shall be signed by the Clerk to the said Trustees and also by the Person contracting with the said Trustees, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; and the said Trustees so contracting shall, if they see fit, take Security from every such Contractor for the due Performance of his Contract; and in case the same shall not be duly performed according to the true Intent and Meaning of such Contract the said Trustees shall and may bring an Action at Law or Suit in Equity against the Party so neglecting or refusing to perform such Contract for any Injury sustained on account of the Nonperformance thereof, and upon the proving the signing of the said Contract and the Nonperformance thereof the said Trustees shall recover such Penalty or Damages as may be awarded, with full Costs of Suit.

Trustees may compound for Breaches of Contract.

CXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person and Party who shall have entered into any Contract with the said Trustees, and shall not have performed or shall be unable to perform the same, or with the Surety of any such Person for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, for such Sum of Money or other Recompence as the said Trustees shall think proper.

Trustees exempt from personal Responsibility in Contracts.

CXXIV. And be it further enacted, That nothing in this Act or in any Contract or other Instrument hereby authorized to be entered into or made by the said Trustees shall extend to charge the Person of any of the Trustees, or their Clerk, executing such Contract or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Trustees or their Clerk, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Contract or other Instrument contained on the Part of such Trustees or Clerk, but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit at Law or in Equity against the said Trustees or Clerk or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Trustees or their Clerk shall pay or be put to or which shall be occasioned by reason of any such Contract, Agreement, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, shall respectively be paid and discharged by and out of the Monies to be raised by virtue of this Act for the Drainage of the said low Lands and Grounds.

Rates to be imposed on Lands.

CXXV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required yearly and every Year, from and after the First Day of *November* next after the passing of this Act, to assess, tax, and charge every Owner and Proprietor of the said low Lands and

and Grounds by this Act authorized to be drained and preserved, (that is to say,) the Lands lying on the North and West of the *Bar Fen Drain* called *Skegg's Bar Hill, Langridges, Long Holmes, Hither and Farther Bluntishmeres, Narwell Pastures*, and all other the inclosed Lands known by the Name of *Low Grounds*, situate in *Ouze Fen* within the *Bedford Level Bank*, (except the said *Barrier Bank* and the *Forelands* thereof,) by an equal and proportionable Acre Tax in such Sum of Money as the said Trustees shall think proper, not exceeding in any One Year the Sum of Five Shillings *per Acre*.

CXXVI. And be it further enacted, That the aforesaid Rates or Taxes shall be payable and paid by the several and respective Owners or Proprietors of the said low Lands to such Collector, Receiver, or other Person as the said Trustees shall appoint to collect or receive the same, and at such Time as the said Trustees shall order or direct, or the same shall be payable and paid by such respective Owners or Proprietors to any Banker or Treasurer or other Person at such Place and at such Time as the said Trustees shall appoint; and the said Trustees shall give or publish, or cause to be given or published, Notice by affixing a Notice on the principal Door of the Parish Church of *Over* aforesaid on some *Sunday* previously to Divine Service, Twenty-one Days at least before the Day of Payment, setting forth the Time and Place of Payment and other necessary Particulars, and the Publication of such Notice shall be deemed and be taken to be full and sufficient Notice to all Persons concerned of the Day of Payment of such Rates or Taxes, and of any Particulars therein contained relating to such Payment.

Proprietors
to pay the
Rates.

CXXVII. Provided always, and be it further enacted, That all and every the Tenants and Occupiers of the several Lands and Grounds which shall be assessed, rated, taxed, or charged by virtue of this Act shall also be liable to the Payment as aforesaid of the said Rates or Taxes assessed, rated, taxed, or charged on the Lands and Grounds in their several and respective Occupations, and they are hereby authorized and required to pay the same in manner and subject to the Provisions hereinbefore contained respecting the Payment thereof by the respective Owners or Proprietors of the said Lands and Grounds; and it shall be lawful for such Tenants and Occupiers respectively paying such Rates or Taxes, to deduct and retain out of their Rents all such Sums of Money as they shall so respectively pay as aforesaid, and the several and respective Landlords or Owners or Proprietors of such Lands and Grounds are hereby required to allow such Deductions and Payments upon Receipt of the Residue of their Rents; and every such Tenant or Occupier paying any such Rates or Taxes shall be acquitted and discharged of so much of his Rent as the Money so paid for such Rates or Taxes by him shall amount to, as fully and effectually as if the same had been actually paid to his Landlord (except where there shall be any Lease, Covenant, or Agreement to the contrary, and except as to Taxes which may become due and payable for or in respect of any Lands that may be held under any special Agreement or beneficial Lease, which Taxes shall be borne and paid by the Lessees respectively, and shall not be deducted from the said reserved Rents): Provided always, that no such Tenant or Occupier shall be liable or compellable to pay any larger Sum towards discharging any Rate or Tax charged or imposed by virtue of this Act than

Tenants to
be liable to
pay the Taxes,
and may de-
duct them
from their
Rent.

than shall be equal to the Amount of the Rent then actually due from such Tenant or Occupier to his Landlord: Provided also, that nothing herein contained shall extend or be construed to extend to enable any Tenant or Occupier to deduct from his Rent any Penalty or Forfeiture incurred by Nonpayment of the Rates and Taxes hereby imposed or authorized to be laid.

Penalty on neglecting to pay Taxes.

CXXVIII. And for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged or authorized to be laid, be it further enacted, That if any Person 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 Receiver, Banker or Treasurer, or other Person appointed by the said Trustees to collect or receive the same, for the Space of Thirty Days next after the respective Days or Times to be appointed by Notice as aforesaid by the said Trustees for the Payment thereof, then and in every such Case every Person so omitting or neglecting shall forfeit and pay to the said Trustees, by way of Penalty, for every such Omission, Neglect, or Nonpayment, the Sum of Three Shillings and Four-pence for every One Pound Sterling of the said Rates and Taxes which shall be so in arrear and unpaid, and so in proportion for any less Sum than One Pound; and such Penalty shall be paid to the Collector or Receiver of such Rates and Taxes, or to such Person as the said Trustees shall appoint to receive the same; and in default of Payment thereof to such Collector or Receiver, or to such other Person as aforesaid, 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 recovered shall be applied by the said Trustees towards the Expences of carrying this Act into execution, so far as relates to the Drainage of the said low Lands and Grounds.

Power to distrain for Taxes.

CXXIX. And be it further enacted, That if any Person, being the Proprietor or Owner or Occupier of any of the Lands and Grounds rated, taxed, or assessed by virtue of this Act, shall refuse or neglect to pay the Money so rated, taxed, or assessed on such Lands and Grounds within Thirty Days after the respective Times of Payment to be appointed by Notice as aforesaid, in pursuance of this Act, at such Place as shall be specified in such Notice, it shall be lawful for such Collector or Receiver, or such other Person authorized by virtue of any Warrant or Precept under the Hands and Seals of the said Trustees or any Five or more of them (which Warrant or Precept such Trustees are hereby empowered and required from Time to Time to grant as Occasion shall require), to enter into and upon all and every or any of the Lands and Grounds hereby taxed and charged as aforesaid for which such Rates, Taxes, and Penalties shall be due and owing, and all Messuages or Tenements thereupon standing and thereunto belonging, with the Appurtenances, and levy such Sum of Money so rated, taxed, or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale; or otherwise it shall be lawful for the said Trustees from

Time to Time to enter upon the Lands and Grounds belonging to or occupied by such Person so refusing or neglecting to pay as aforesaid, and the Rents and Profits thereof respectively to receive and take until thereby or otherwise such Taxes, Rates, or Assessments, and all the Arrears thereof, so from Time to Time directed to be paid by such Person as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied.

CXXX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to borrow any Sum or Sums of Money, not exceeding in the whole the Sum of One thousand Pounds, which they shall think necessary for the Purposes of this Act, and by Writing under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to mortgage, assign, and charge the said yearly Rates and Assessments by this Act authorized to be imposed upon the said low Lands and Grounds, and every or any Part thereof, as a Security for the Repayment of such Sum or Sums of Money so to be borrowed, with Interest for the same, to any Person or Persons who shall advance or lend such Sum or Sums of Money; and such Rates or Taxes as shall be raised by virtue of this Act on the said low Lands and Grounds shall vest in the respective Holders of any Mortgages or Assignments made under or by virtue of this Act, upon default in payment of such their Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall have the same Powers and Authorities for the Recovery of such Rates and Assessments as are by this Act given to the said Trustees or other Person as herein-before mentioned; and every such Mortgage, Assignment, or Charge shall be by Deed (duly stamped), and may be in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

‘ **BY** virtue of an Act passed in the Year of the Form of
 ‘ Reign of His Majesty King *William* the Fourth, intituled [*here set* Mortgage.
 ‘ *forth the Title of this Act*], we, being of the
 ‘ Trustees acting in the Execution of the said Act, in consideration of
 ‘ the Sum of advanced and lent by *A.B.* of
 ‘ upon the Credit and for the Purposes of the
 ‘ said Act, do assign unto the said *A.B.*, his Executors, Administrators,
 ‘ and Assigns, such Proportion of the Rates and Assessments by the
 ‘ said Act authorized to be assessed and charged on the said Lands and
 ‘ Grounds authorized to be drained and preserved as the said Sum of
 ‘ doth or shall bear to the whole Sum bor-
 ‘ rowed or to be borrowed, and which shall from Time to Time be due
 ‘ and owing or be charged upon the Credit of the said Rates and
 ‘ Assessments, to hold unto the said *A.B.* until the said Sum of
 ‘ together with Interest for the same after
 ‘ the Rate of *per Centum per Annum*, shall be
 ‘ repaid and satisfied. In witness whereof we have hereunto set our
 ‘ Hands and Seals this Day of in
 ‘ the Year of our Lord .’

[*Local.*]

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CXXXI. And

Mortgages
may be
transferred.

CXXXI. And be it further enacted, That it shall be lawful for any Person entitled to any of the Securities charged on the Rates and Taxes by this Act granted, or who shall be entitled to the Money thereby secured, his Executors, Administrators, and Assigns, (as the Case may be,) at any Time and from Time to Time, by any Deed or Writing under his Hand and Seal, to be executed in the Presence of Two or more credible Witnesses, to assign or transfer the Security or Principal or other Money and Interest thereby secured, granted, or made payable, and all Benefit and Advantage thereof, and all his Right, Title, and Interest in and to the same, unto any Person, who may again in like Manner assign the same, and so *toties quoties*; and such Assignee, his Executors and Administrators and all Persons claiming under him, shall be and are hereby invested with the same Powers, Authorities, and Privileges as the original Mortgagee is invested with by virtue of this Act, or shall and may use, take, and pursue all such Methods, Courses, and Expedients in Law and Equity for recovering and obtaining Possession of the Rates and Taxes mortgaged or assigned, in case of Non-payment of the Principal or other Money, and Interest thereby or to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature; and every such Assignment or Transfer shall have the Consideration for the same truly stated therein, and may be in the Form or to the Effect following; (that is to say,)

Form of
Transfer of
Securities.

‘ I *A. B.* being entitled to the Sum of [or of
‘ secured to *C. D.* and his Assigns, or his Executors, Administrators,
‘ and Assigns, *as the Case may be,*] by virtue of a Mortgage bearing Date
‘ the Day of under the Hands and Seals of of
‘ the Trustees acting in the Execution of an Act passed in the
‘ Year of the Reign of His Majesty King *William* the Fourth, intituled
‘ [*here set forth the Title of this Act*], upon the Credit of the Rates and
‘ Taxes authorized to be assessed and raised by the said Act and charged
‘ by the said Mortgage, do hereby transfer the said Mortgage and all my
‘ Right and Interest in and to the same, and all Interest and other Money
‘ now due and owing or payable thereupon or thereunder, and all Benefit
‘ thereof, unto his Executors, Administrators, and
‘ Assigns. In witness whereof I have hereunto set my Hand and Seal
‘ this Day of .’

Register
Book to be
kept of
Mortgages.

CXXXII. And be it further enacted, That a Book shall be provided by the said Trustees and be kept by their Clerk, in which Book shall be entered Copies of all Mortgages and other Securities made in pursuance of this Act; which Book shall be open to the Inspection of the several Holders of all Mortgages and Securities, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Power to
borrow
Money at a
lower Rate of
Interest.

CXXXIII. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities, which shall be then in force shall bear, it shall be lawful for the said Trustees from Time to Time in manner aforesaid to charge the aforesaid Rates, Taxes, and Assessments respectively mortgaged and assigned with such Sum or Sums of Money respectively as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, and to pay off

and discharge the Mortgages, Assignments, or Securities bearing a higher Rate of Interest.

CXXXIV. And be it further enacted, That no Preference shall be given to any Person or to any Assignee of any Person who may advance any Money under the Authority of this Act, over any other Person who may advance any Money under the Authority of this Act, by reason of the Priority of Date of any Mortgage or Assignment, or other Security for the same; but such Persons respectively and their respective Assigns shall be respectively entitled to their respective Quotas of the said Rates and Assessments, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference.

No Preference in payment of Mortgages.

CXXXV. And be it further enacted, That all Monies to be raised by virtue of this Act by or from the said several Rates or Assessments hereby authorized to be charged and levied, and all Monies which may be borrowed on the Security of the Rates and Assessments by this Act granted, and all other Monies which may arise or be secured by virtue of this Act in respect of the Drainage of the said low Lands and Grounds, shall be and the same are hereby vested in the said Trustees, and shall be applied by them in manner following; that is to say, in the first place, in paying the Interest of any Money which may be borrowed under the Authority of this Act as and when the same shall become due; in the next place, in defraying the Expences attending the Execution of the several Works, Matters, and Things by this Act authorized, so far as relates to the Drainage of the said low Lands and Grounds; and lastly, in paying and discharging any Principal or other Monies which may be borrowed under the Authority or on the Credit of this Act.

Application of Monies.

CXXXVI. And be it further enacted, That whenever any Money shall be directed or ordered by any Justice of the Peace to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, or other Matter or Thing taken, committed, or done by the said Trustees or by any Person acting under their Authority, and such Money shall not be paid by the said Trustees within Ten Days after Demand in Writing shall have been made for that Purpose in pursuance of the Direction or Order made by such Justice (and in which Demand the Order made by such Justice shall be stated), the Amount of such Compensation and Satisfaction, Costs and Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Trustees or of their Treasurer for the Time being under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, Borough, Town, or Place where such Treasurer shall reside, which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money as aforesaid; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress, all such Overplus shall be returned, on Demand, to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress and Sale of the Goods of the Trustees or their Treasurer.

out of any Monies which he shall have received or shall receive under the Authority of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have incurred by virtue of any such Warrant as aforesaid.

Recovery and
Application
of Penalties.

CXXXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by or in pursuance of this Act, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the County, City, Borough, Town, or Place within which the Offender or Person liable to pay the same shall be or reside, or wherein the Offence shall be committed, on Complaint to him for that Purpose made upon the Oath of any Person, or on the Confession of the Party offending; and in default of the Payment of such Penalties and Forfeitures the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after discharging such Penalty or Forfeiture, and the reasonable Costs and Charges of such Distress and Sale, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures (not herein directed to be otherwise applied) shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Trustees, or (as the Case may be) to the said Commissioners for the Use and Benefit of the said Trustees or Commissioners, to be applied by such Trustees or Commissioners to the Purposes of this Act: Provided always, that if such Penalties or Forfeitures shall be incurred by the said Trustees or Commissioners, the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall have been committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before such Justice or before some other Justice of the Peace having Jurisdiction in the Premises at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Eight Days from the taking of such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, upon the Confession of the Offender or otherwise, that he had not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby required by Warrant under his Hand and Seal to commit the Offender to some Common Gaol or House of Correction for the County, City, Borough, Town, or Place within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with all
Costs

Costs and Charges attending such Proceedings as aforesaid (to be ascertained as aforesaid), shall be sooner paid or satisfied.

CXXXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for such Justice before whom Complaint shall be made of any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

CXXXIX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his Costs and Expences), without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath and to give Evidence before such Justice, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Compelling Witnesses to attend.

CXL. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against, by, or on behalf of the said Trustees, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Trustees (although not assembled at any Meeting) to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness on such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Trustees, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made by all the said Trustees at a Meeting held pursuant to the Provisions of this Act.

Trustees empowered to grant Releases to Witnesses.

CXLI. And be it further enacted, That in all Cases where it may be necessary or requisite for any Party to serve any Notice or any Writ or other

Notice on the Trustees how to be served.

[Local.]

itself shall not be deemed unlawful, or the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party so distraining, but the Person aggrieved by any such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case. Want of Form.

CXLVI. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in the Execution or in pursuance of this Act (other than in an Action of Replevin) unless Notice in Writing of such intended Action, signed by the Attorney for the Plaintiff, and specifying the Cause of Action, shall have been given to the Defendant, or left at his last or usual Place of Abode, Fourteen Days before such Action shall be commenced, nor shall the Plaintiff recover in any such Action as aforesaid if Tender of sufficient Amends shall have been made to him or to his Attorney by or on the Behalf of the Defendant before such Action brought, but on Proof of such Tender at any Trial to be had in such Action the Plaintiff shall suffer Judgment as in Cases of Nonsuit, with Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law; or in case no such Tender shall have been made before Action brought it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be depending in Term, or of a Judge of the same Court in Vacation, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court. Plaintiff not to recover after Tender of Amends.

CXLVII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done or omitted to be done in pursuance of this Act, or in the Execution or supposed Execution of the Powers and Authorities herein-before given, until Ten Days Notice in Writing of such intended Action or Suit, and the Cause thereof, shall have been given to the Clerk for the Time being acting in pursuance of this Act, signed by the Plaintiff or by his Attorney, nor after the Expiration of Six Calendar Months from the Time when such Cause of Action or Suit shall have arisen, or in case of any consequential Damage upon any Cause of Action within Six Calendar Months after such Damage shall have been discontinued or shall cease, nor after Tender of reasonable Amends shall have been made to the Party aggrieved by or on the Behalf of the Defendant in such Action or Suit; and every such Action or Suit shall be laid, brought, and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, on any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done or omitted in pursuance and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done or omitted, Limitation of Actions.

ted, or if it shall appear that such Action or Suit was brought before the Expiration of Ten Days from the Delivery of such Notice as aforesaid, or after the Time herein-before limited for bringing the same, or Tender of reasonable Amends as aforesaid, or if such Action or Suit shall be brought in any other County or Place than as aforesaid, the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall and may recover his Costs, and shall have such Remedy for the same as any Defendant hath in other Cases by Law.

Power of
Appeal.

CXLVIII. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act (other than and except such Determinations as are by this Act directed to be binding and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before is mentioned,) he may appeal to the General or Quarter Sessions of the Peace which shall be held for the said County of *Cambridge* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners or Trustees and to the Party concerned Ten Days previous Notice in Writing of such Appeal and of the Matter thereof (except with respect to the Accounts of the said Commissioners, which, notwithstanding the same shall have been examined and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Enrolment of the said Award in manner by this Act directed by the said Commissioners, on giving to the said Commissioners such Notice as last aforesaid); and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and to award such Costs and Damages as to them shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive on all Parties concerned, and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever; into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall and they are hereby required to award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid.

Meaning of
certain Words
in this Act.

CXLIX. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Land" shall extend to
every

every Species of Land, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold, or Customary, or of any other Tenure, and to any Messuage or Cottage or Building; and the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Corporation" where used shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that all Matters by this Act directed to be done by the Commissioners may be lawfully done by the major Part of them.

CL. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen or diminish, alter, or take away any of the Rights, Powers, and Authorities vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called Bedford Level*, or by any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, and in every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Conservators, and every of them, as fully and as amply to all Intents and Purposes as if this Act had not been made, other than and except such as are expressly extinguished, barred, or compensated for, or intended to be by this Act.

Preservation
of the Rights
of the Bed-
ford Level
Corporation.

15C.2.c.17.

CLI. Provided always, and be it further enacted, That the said Commissioners shall not be authorized or empowered by this Act to make, do, or execute, or cause to be made, done, or executed, any Work, Bank, Drain, Watercourse, Fence, or other Thing which shall occasion any Detriment, Prejudice, or Hindrance to the Navigation of the River *Ouze*, or to the Hauling Ways or Towing Paths upon or along the Banks of the said River, within the said Parish of *Over*, belonging to the said Navigation or the Proprietors thereof.

Saving the
Rights of the
Proprietors of
the River
Ouze Navi-
gation.

CLII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) which they, every or any of them, could or might have had, held, or enjoyed of, in, to, or in respect of the Lands and Grounds hereby authorized to be drained, divided, and allotted and inclosed, in case this Act had not been passed.

General
Saving.

[*Local.*]

[36 L]

CLIII. And

Public Act.

CLIII. 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.

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