



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. Iviii.

An Act for draining certain Fen Lands and Low Grounds in the Parish of *Burwell* in the County of *Cambridge*, and for improving the Navigation of the Lodes or Navigable Cuts passing through the same. [21st June 1841.]

WHEREAS certain Lands and Grounds within the Boundary of the Fen called *Burwell Fen*, in the Parish of *Burwell* in the County of *Cambridge*, are subject to be overflowed with Water, and in their present State and Condition are of little Value, and it would be of great Benefit and Advantage to the Proprietors thereof if the same were effectually drained: And whereas it would not only assist the proposed Works of Drainage, but would also be of great public Utility, if Powers were granted for widening, deepening, diverting, and improving certain Navigable Cuts or Water-courses, Drains, and Lodes herein-after particularly mentioned, and for executing the other Works herein-after specified: And whereas Her most Gracious Majesty the Queen is, in right of Her Crown, Lady of the Manor of *Burwell Ramseys*, of which some Parts of the said Lands and Grounds in *Burwell Fen* are holden by Copy of Court Roll, and is also Owner of about Two hundred and eighty Acres of Land in the said Fen: And whereas the beneficial Purposes

[Local.] 13 I before

before mentioned cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Owner of Fifty Acres or more of Land chargeable with the Taxes therein-after mentioned shall be (during the Time of such Ownership, and during the Time his Lands shall be chargeable with the Taxes herein-after mentioned,) a Commissioner for carrying this Act into execution.

Commis-
sioners ap-
pointed.

One Com-
missioner to
be nominated
by the Office
of Woods, &c.

Appointment
of Three
Commission-
ers by the
Owners of
less than
Fifty Acres.

Appointment
of Deputy
Commis-
sioners.

Commis-
sioners to
make a De-
claration
before acting.

Persons
acting not
being quali-
fied to forfeit
20l.

II. And be it enacted, That it shall be lawful for Her Majesty's Commissioners of Woods and Forests to nominate One such Commissioner in respect of the aforesaid Crown Lands.

III. And be it enacted, That the several Owners of less than Fifty Acres of Land as aforesaid, or a Majority of such Owners, present at the First or any Special or Annual Meeting to be held for the Purposes of this Act, may from Time to Time appoint Three Commissioners, being Owners as aforesaid, and not otherwise qualified, for carrying this Act into execution.

IV. And be it enacted, That it shall be lawful for every such Commissioner as aforesaid, by Writing under his Hand, from Time to Time, and for such Time as he shall think fit, to appoint an Agent or Deputy to act as a Commissioner in his Stead; and every such Agent or Deputy shall, in the Absence of the Person by whom he shall be so appointed, act as a Commissioner, and shall have the like Power and Authority as the Person by whom such Agent or Deputy shall be appointed was invested with, but no such Agent or Deputy shall be capable of acting as Agent or Deputy for any more than One Commissioner at any One Time; and any such Appointment may be in the Form set forth in the Schedule (A.) to this Act annexed, or to that Effect.

V. And be it enacted, That no Person, other than the Crown Commissioner, shall be capable of acting as a Commissioner, or as an Agent or Deputy of a Commissioner, until he shall have made and subscribed before a Justice a Declaration in the Words set forth in the Schedule (B.) to this Act annexed, or to that Effect; which Declaration shall be countersigned by the Person before whom the same shall have been made, and be deposited with the Clerk of the said Commissioners, and be kept by him with the Minutes of their Proceedings under this Act.

VI. And be it enacted, That in case any Person, other than the Crown Commissioner, shall act as a Commissioner before he shall have made the said Declaration, or if any Person, not being duly qualified, shall act, or shall appoint an Agent or Deputy who shall act, as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds, together with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of

the Superior Courts ; and the Person so sued shall prove that he hath made such Declaration, and is qualified as aforesaid, or otherwise shall pay the said Sum of Twenty Pounds, without any other Evidence on the Part of the Plaintiff than that such Person hath acted as a Commissioner, or hath appointed an Agent or Deputy who hath acted, in the Execution of this Act ; and one Moiety of such Penalty shall be paid to the Plaintiff, and the other Moiety shall be applied for the Purposes of this Act.

VII. And be it enacted, That no Act or Proceeding of the Commissioners shall be invalid by reason of any Person not duly authorized to act as a Commissioner having acted or concurred therein.

Certain Acts of Commissioners not to be impeached.

VIII. And be it enacted, That the Commissioners shall hold their First Meeting for carrying this Act into execution, at some Place situate in the said Parish of *Burwell*, or within the Distance of Six Miles from the said Parish of *Burwell* on the Second *Wednesday* next after the passing of this Act, between the Hours of Ten in the Forenoon and Twelve at Noon ; and the Commissioners shall also meet on the First *Wednesday* in the Month of *July* after the passing of this Act, and in every following Year, between the aforesaid Hours, at some Place situate within the said Parish of *Burwell*, or within the Distance of Six Miles from the same Parish, which last-mentioned Meeting shall be called the General Annual Meeting of the Commissioners ; and the Commissioners, or the major Part of them present at any Meeting to be held by them by virtue of this Act, may from Time to Time adjourn to such convenient Place in the said Parish of *Burwell*, or within the Distance of Six Miles from the same Parish, as they, or the major Part of them present at any such Meeting, shall appoint ; and if Three of the Commissioners shall not appear at any such Meeting, or if they shall refuse or neglect to adjourn, then the Clerk to the Commissioners, or any Four of the Commissioners, may call a Meeting, to be holden at some Place in the Parish of *Burwell* aforesaid, or within the Distance of Six Miles from the said Parish, in such Manner as is hereby directed with respect to Special Meetings, by Writing under his or their Hand or Hands, published in some Newspaper printed in the said County of *Cambridge*, and circulated in the Neighbourhood of *Burwell* aforesaid, Eight Days at least previous to the Time appointed for such Meeting, Notice of which Meeting shall also be sent by Post to each Commissioner by their said Clerk.

First and other Meetings of the Commissioners.

IX. And be it enacted, That no Act of the said Commissioners shall be valid unless done at some Public Meeting to be holden by virtue of this Act (save as in this Act is particularly mentioned) ; and all Powers and Authorities granted to or vested in the Commissioners may from Time to Time be exercised by the major Part of them present at any Meeting (in case Three Commissioners at the least shall be then present) ; and the Commissioners shall at their said Meetings bear and pay their own Expences.

No Acts of the Commissioners valid unless done at a Meeting.

X. Pro-

For regulat-
ing Votes of
Commis-
sioners at
their Meet-
ings.

X. Provided always, and be it enacted, That at all Meetings of the Commissioners for carrying this Act into execution every Commissioner being Owner of Fifty Acres and upwards and under One hundred and fifty Acres of Land chargeable with the Rates or Taxes herein-after mentioned shall have and be entitled to give (by himself or his Agent or Deputy) One Vote upon any Question relating to the Execution of this Act; and every Commissioner being Owner of One hundred and fifty Acres and upwards and under Two hundred and fifty Acres of Land chargeable with the Rates or Taxes herein-after mentioned shall have and be entitled to give (by himself or his Agent or Deputy) Two Votes upon any Question relating to the Execution of this Act; and every Commissioner being Owner of Two hundred and fifty Acres of Land or upwards chargeable with the Rates and Taxes herein-after mentioned shall have and be entitled to give (by himself or his Agent or Deputy) Three Votes upon any Question relating to the Execution of this Act; and the Commissioner in respect of the Crown Lands for the Time being as aforesaid shall be entitled to give Three Votes; and the Commissioners appointed by the Owners of less than Fifty Acres of Land as aforesaid shall each be entitled to give One Vote.

Chairman
to be ap-
pointed.

XI. And be it enacted, That the Commissioners shall at every Meeting to be held under the Authority of this Act appoint some fit and proper Person then and there present to be a Chairman to preside at such Meeting; and in all Cases where the Numbers upon any Division shall be equal the Person so appointed Chairman shall, beside his own Vote or Votes, have the decisive or casting Vote.

Books of
Proceedings
to be kept.

XII. And be it enacted, That fair and regular Entries shall be made in a Book, to be provided by the Commissioners for that Purpose, of all the Acts, Orders, Rules, and Regulations, Directions, and Proceedings of the Commissioners relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings, and the same shall be signed by the Chairman of the Meeting; and all such Entries, being so signed, shall be admitted and allowed as Evidence in all Courts whatsoever, in all Cases, Suits, and Actions, touching any thing done in pursuance of this Act,

Works to be
vested in
Commis-
sioners.

XIII. And be it enacted, That the Property of and in the several Mills or Engines, Sluices, Tunnels, Bridges, Culverts, Catchwaters, Locks, Quays, Banks, Forelands, Drains, Watercourses, and other Works of Drainage and Navigation, to be erected, raised, set out, cut, made and used under the Authority of this Act, and all Tools, Implements, Timber, and other Articles and Things provided or made use of for the Purposes of this Act, and of and in any Land to be purchased by the Commissioners in pursuance of the Powers herein contained, shall be vested in the said Commissioners who shall have full Power and Authority and Control over the same and every of them; and the Commissioners are hereby empowered to bring any Action or to prefer any Bill of Indictment against any Person who shall injure or damage the same, or any of them; and in all such Actions or Bills of Indictment it shall be sufficient to state generally that the Article or Thing for or on account of which such Action shall be brought,

brought, or such Bill of Indictment preferred, is the Property of "The Commissioners for the Drainage of *Burwell Fen*," without particularly stating or specifying the Names of all or any of the said Commissioners.

XIV. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished; and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

For what Contracts may be made.

XV. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners, or the other Parties failing in the Execution thereof.

How Contracts to be signed.

XVI. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made, by or on the Behalf of the Commissioners, for any of the Purposes of this Act, shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Commissioners not to be personally liable.

Liability of their Funds.

XVII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

XVIII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Executions against Goods of Commissioners.

Indemnity
to Commis-
sioners and
Clerk.

XIX. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Commis-
sioners may
appoint En-
gineers and
Superin-
tendents.

XX. And be it enacted, That it shall be lawful for the Commissioners, at their First or any subsequent Meeting to be held under or by virtue of this Act, to appoint any Persons, not being interested in any of the said Works, or in any of the Lands subject to be taxed by virtue of this Act, as Engineers or Superintendents of the several Works by this Act authorized to be made and executed by such Commissioners, with such Powers as to the Commissioners shall seem meet.

Their Power
defined.

XXI. And be it enacted, That every Person so appointed shall have full Power to see the said Works properly executed according to the Orders of the Commissioners, and also to superintend and direct all Contractors and other Persons employed in the Execution of the said Works, and to suspend all Contractors who shall fail to execute the Works undertaken by them according to the Tenor of their respective Contracts, and to dismiss all other Persons who shall fail to perform their respective Works in such Manner as shall be satisfactory to him; and the Commissioners are hereby empowered to allow every such Person such Salary or Remuneration, out of the respective Funds to be raised by such Commissioners by virtue of this Act, as to them shall seem meet; and the Commissioners shall have Power from Time to Time to remove every such Engineer or Superintendent, and to appoint another in his Stead, as they shall think necessary; and all the Acts and Proceedings of every such Engineer or Superintendent done in pursuance of the Powers and Directions hereby given to him, or to be given to him by the Commissioners, shall be deemed to be the Acts of the Commissioners, as if such Acts and Proceedings had been done by the Commissioners under the Powers and Authorities hereby vested in them.

Officers em-
ployed may
pass over
Lands in the
District on
foot, except
when in
cropping.

XXII. And be it enacted, That it shall be lawful for the Superintendent of the Works of the Commissioners, and for all Millwrights, Labourers, and Workmen, when employed by them in doing the Works of the Commissioners, from Time to Time as Occasion shall require, to enter upon and pass on foot through, over, or across any of the Lands or Grounds within the Limits of this Act, except when such Lands or Grounds shall be in cropping.

XXIII. And

XXIII. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer and Clerk, a Surveyor for the Purpose of valuing and classifying the Lands as herein-after mentioned, a Collector, Receiver, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Surveyor, Collector, Receiver, and Officers, and appoint others in their Stead.

Commissioners to appoint Treasurer and other Officers.

XXIV. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of Clerk and Treasurer to be separate.

Penalty.

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Company other than that of Clerk or Treasurer, as the Case may be:

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

XXV. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ, intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Commissioners to take Security from all Officers intrusted with Money.

XXVI. And be it enacted, That every Officer and Person employed by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose, such Monies shall have been disposed

Officers to account.

disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary
Remedy
against Par-
ties failing to
account.

XXVII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if, for Three Days after being thereunto required, he fail to deliver up to the Commissioners, or any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to a Justice, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; and upon such Officer being so brought before him, or if such Officer cannot be found, then in his Absence, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any of the Monies of the Commissioners are in the Hands of such Officer or owing by him to the Commissioners, such Justice may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months; and in any of the following Cases; (that is to say,)

If any such Officer do not appear before the Justice at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Commissioners.

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

XXVIII. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Sureties not
to be dis-
charged.

XXIX. And be it enacted, That at the said General Annual Meeting, at which Meeting all the Proprietors or Owners of the Lands to be charged towards the Expences of executing this Act shall be entitled, by themselves or by their Agents or Bailiffs, to attend, the Commissioners shall produce and lay before the Proprietors, for their Inspection and Approval, an Account in Writing for the preceding Year ending upon the Twenty-fifth Day of *March* or some other convenient Day in such Year, of the several Sums received and paid by them under or by virtue of any of the Powers, Provisions, or Directions of this Act, and also all Vouchers for the same Accounts; and the Commissioners shall also then and there give such Information and Explanation respecting their Proceedings in the Execution of this Act as shall be required from them by the Proprietors or Owners, or their Agents or Bailiffs, then and there present, or the major Part of them in Value according to their respective Assessments under this Act; and at such Annual Meeting, or at some Adjournment thereof respectively, the Account so produced shall be examined and settled, and such Settlement shall be certified at the End of such Account, and a Duplicate thereof shall be and remain deposited with the Clerk to the Commissioners, and shall be open to the Inspection of all Persons concerned.

Accounts to be laid before annual Meeting.

XXX. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Twenty-fifth Day of *March* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the said Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Cambridge* on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Abstract of annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XXXI. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, on the Credit of the several Tolls and Taxes by this Act granted, and other Property vested in such Commissioners, any Sum of Money which they may think necessary for the Purposes of this Act, and, in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners or any Five of them may assign over the said Tolls and Taxes and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to borrow on Mortgage.

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XXXII. And

Form of
Mortgage.

XXXII. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (D.) to this Act annexed, or to the like Effect.

Mortgages to
be without
Preference.

XXXIII. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, (except as herein-after mentioned,) shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Tolls, Taxes, and Property equally one with another, without any Preference in respect of the Priority advancing such Monies, or of the Dates of any such Assignments respectively.

Commis-
sioners may
raise Money
by Annuity.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners or any Five of them to charge the Tolls and Taxes granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of
Grant of An-
nuity.

XXXV. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (F.) to this Act annexed, or to the like Effect.

For prevent-
ing impro-
vident Grants
of Annuities.

XXXVI. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to
rank after
Mortgages.

XXXVII. And be it enacted, That every Annuity so granted shall be paid out of the Tolls or Taxes according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Expences of
Mortgages
and Annuities.

XXXVIII. And be it enacted, That the Expences of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Register of
Mortgages
and Annuities
to be kept,
and to be open
to Inspection.

XXXIX. And be it enacted, That a Register of such Mortgages and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused

at

at all reasonable Times by any Person interested therein, without Fee or Reward.

XL. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by Writing duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedules (E. and G.) to this Act annexed, or to the like Effect.

Assignment of Mortgages and Annuities.

XLI. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Money thereby secured.

Register of Transfers to be kept.

XLII. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the several Parties entitled thereto.

Interest on Mortgages to be paid half-yearly.

XLIII. And be it enacted, That the Interest on any such Mortgage shall not be transferrable except by an Instrument duly stamped.

Transfers of Interest to be stamped.

XLIV. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Tolls and Taxes or other Funds or Property payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Power to take up Money at a less Rate of Interest.

XLV. And in order that no undue Preference may be given in paying off any such Mortgages, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box; and the Clerk to the Commissioner shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of

Mode of paying off Mortgages.

of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

For Recovery
of Arrears of
Interest or
Annuities.

XLVI. And in order to provide for the Recovery of the Arrears of Interest, Annuities, and Costs, or of the Principal and Interest and Costs, of any Security for the Payment of Money borrowed by virtue of this Act, at the respective Times at which such Interest and Annuities, or such Principal and Interest, and Costs, become due, be it enacted, That if such Interest or Annuities, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee or Specialty Creditor may either sue for the Interest and Annuities so in arrear, by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as herein-after provided.

Principal
and Interest.

XLVII. And with respect to such Principal Money, Interest, Annuities, and Costs, be it enacted, That if such Principal Money and Interest and Annuities be not paid within Six Months after the same have become payable, and after Demand thereof in Writing, the Mortgagee or Specialty Creditor may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of Five thousand Pounds he may alone, or if his Debt does not amount to the Sum of Five thousand Pounds he may in conjunction with other Mortgagees or Specialty Creditors whose Debts being so in arrear after Demand as aforesaid shall together with his amount to the Sum of Fifteen thousand Pounds, require the Appointment of a Receiver by an Application to be made as herein-after provided.

Appointment
of Receiver.

XLVIII. And be it enacted, That every such Application for a Receiver in the Cases aforesaid shall be made to Two or more Justices of the County of *Cambridge*; and on any such Application so made, and after hearing the Parties, it shall be lawful for such Justices, by Order in Writing, to appoint some Person to receive the Whole or a competent Part of the Tolls, Taxes, or Sums liable to the Payment of such Interest and Annuities, or such Principal and Interest, as the Case may be, until such Interest and Annuities, or until such Principal and Interest, as the Case may be, together with all Costs, including the Charges of receiving the Tolls or Sums aforesaid, be fully paid; and upon such Appointment being made all such Tolls and Sums of Money as aforesaid shall

shall be paid to and received by the Person so to be appointed; and the Money so to be received shall be so much Money received by or to the Use of the Party to whom such Interest and Annuities, or such Principal and Interest, as the Case may be, shall be then due, and on whose Behalf such Receiver shall have been appointed; and after such Interest and Annuities and Costs, or such Principal, Interest, and Costs, have been so received, the Power of such Receiver shall cease.

XLIX. And whereas an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*, whereby certain Commissioners therein named and appointed are authorized and empowered to issue and advance Exchequer Bills, under the Restrictions and Regulations therein specified, for the carrying on of public Works in *Great Britain*; and another Act was passed in the said Fifty-seventh Year of His said late Majesty's Reign, intituled *An Act to amend an Act made in the present Session of Parliament for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on public Works and Fisheries, and Employment of the Poor*, whereby the Powers of the said first-mentioned Act are enlarged and extended: And whereas several Acts were respectively passed in the First, the First and Second, the Third, the Fourth, the Fifth, the Sixth, the Seventh, and the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, and in the First and Second, the Third and Fourth, and the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, and in the First Year of Her present Majesty, whereby the Powers of the said Two Acts passed in the said Fifty-seventh Year of His said late Majesty were altered, amended, and enlarged; be it therefore enacted and declared, That it shall be lawful for the said Commissioners respectively, or any Five or more of them, present at any General or Special Meeting to be holden in pursuance of this Act, from Time to Time to borrow and take up at Interest, in such Manner, and upon such of the Terms and Conditions provided by the said Acts, as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint, such Sum and Sums of Money as they the said Commissioners may deem it expedient to borrow for the Purposes of this Act, and by any Writing or Instrument under the Hands and Seals of any Five or more of the said Commissioners present at any Meeting to be held as aforesaid to mortgage, demise, grant, bargain, and sell the said Taxes, Tolls, and Funds respectively authorized to be raised by this Act as a Security for the Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners for the Issue of Exchequer Bills as aforesaid, by an annual Instalment of Five Pounds *per Centum per Annum* at the least, in the Discharge of the Principal and Interest, not exceeding at the Rate of Five Pounds *per Centum per Annum* on such Parts of the Principal as shall from Time to Time remain due.

Commis-
sioners may
borrow
Money of
Exchequer
Bill Loan
Commis-
sioners.

Securities to Exchequer Bill Loan Commissioners to have Priority.

L. And be it enacted, That every Security to be given to the said Exchequer Bill Loan Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the Commissioners, and shall have Priority over all other Mortgages, Charges, or Securities whatsoever to be created by the Commissioners under the Authority of this Act.

Commissioners may make Bye Laws to govern themselves and their Servants.

LI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, or to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners.

Fines for Breach of such Bye Laws.

LII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants or other Persons in their Employ offending against the same as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LIII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

LIV. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner or by the Clerk of the Commissioners shall be a sufficient Authentication.

Releases to Witnesses.

LV. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

LVI. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if, before an Action be brought, any Party having committed any Irregularity,

gularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made, it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings may be had as in other Cases where Defendants are allowed to pay Money into Court.

LVII. And be it enacted, That in order to distinguish what Lands shall be subject to the Provisions of this Act, all the Lands in the said Parish of *Burwell* for or in respect of which the *Eau Brink* and South Level Taxes, or either of them, are now paid, shall for the Purposes of this Act be deemed and taken to be within the Boundary of *Burwell Fen*.

Lands to be affected by this Act.

LVIII. And be it enacted, That the Commissioners shall have full Power and Authority to enter into or upon any Parts of *Burwell Fen* aforesaid, or in any adjoining Parish herein-after mentioned, being on the North Side of *Reach Lode*, and the East Side of the *River Cam*, and to take and dig Earth or Soil therefrom, and to take the same for the Site of any Mill or Engine and Dwelling House required for the Purposes of this Act, and to take and cut through any Parts of the said Fen, also of the Lands in the adjoining Parishes, for the Purpose of widening, deepening, and improving the present Lodes and Drains, and of making new Drains, and of cutting and making new Banks, Forelands, Droveways, or Outlets, where requisite, and also to take and use the Lands adjoining the said Lodes and Drains for depositing the Earth and Soil in scouring out and deepening the same, and to do such other Acts as may be necessary to carry into effect the Purposes of this Act, making Satisfaction to the Parties injured thereby; and for that Purpose the Commissioners are hereby empowered to agree with the Governor, Bailiffs, and Conservators of the Great Level of the Fens called *Bedford Level*, and with the Proprietors of and Persons interested in any Lands which they the Commissioners shall judge necessary to be dug, cut, taken, used, or entered upon for any of the Purposes of this Act, for the Purchase or for the temporary Occupation of such Lands, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain thereby, whether by the ineffectual Drainage of the adjoining Lands or otherwise, and also to settle and ascertain in what Proportion the Sums so agreed for shall be paid to the several Persons interested in the Premises.

Commissioners may enter upon and agree for the Purchase of Land or Satisfaction for Damages.

LIX. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose of and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Married Women

Parties under Disability enabled to sell and convey.

Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Husbands on behalf of their Wives, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

LX. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LXI. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein, to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors if they agree, or if not, then the Surveyor nominated by the

the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

LXIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party who, by reason of Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

LXIV. And be it enacted, That all Conveyances so to be made as aforesaid may be according to the Form in the Schedule (C.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Form of Conveyance.

LXV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of a Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of the same, such Purchase Money or Compensation shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 *Burwell Fen* Drainage and Navigation Commissioners," pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty 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 pursuant to the General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of *England*.

1 G. 4. c. 35.

Application of Monies deposited.

[*Local.*]

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In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Exchequer shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for
Application.

LXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Purchase
Money not
amounting
to 200*l.* but
exceeding
20*l.* to be
deposited or
invested in
Trustees.

LXVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three or more of them; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

LXVIII. And

LXVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That 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 in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid for their Use to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20*l.* to be paid to Parties.

LXIX. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Land, not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners, or if such Owner be gone out of the Kingdom or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in 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 to the Credit of the Parties interested in such Lands (describing them so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners or to the Party paying in such Money a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXX. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, the said Court of Exchequer may in a summary Way, as to such Court shall seem fit, order the same to be laid out or invested in the public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto; and may make such other Order in the Premises as to such Court shall seem fit.

Application of Monies so deposited.

LXXI. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested

Court of Exchequer may direct Investment or Payment of Money in respect of Leases for Lives, Years,

&c., or Reversions, as they may think just.

interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in Possession deemed the Owner.

LXXII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid, the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in case of Money deposited.

LXXIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Exchequer may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry, except for the Purpose of surveying, &c.

LXXIV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England*, in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interest therein: Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Commissioners to enter upon the same without
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the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Lands.

LXXV. And be it enacted, That if the Commissioners or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

LXXVI. And be it enacted, That in the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provisions herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

Decision of Justices not conclusive as to Commissioners Right.

LXXVII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the making of the Works authorized by this Act.

Notice of Intention to take Lands.

LXXVIII. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party

Parties interested in Lands to state their Claims.

[Local.]

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and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the said Works, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings
in case of
Refusal to
deliver Possession of
Lands.

LXXIX. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of the Works hereby authorized, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept, under the Hands of any Three or more of them, to the Sheriff, to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as
to Compensation to be
settled by
a Jury.

LXXX. And for the Purpose of making Provisions for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands or of any Interests in such Lands taken or required for or injuriously affected by the Execution of the Powers of this Act (including among such Owners all Parties by this Act enabled to sell or convey Lands) as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in making the Works authorized by this Act, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the said Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not
exceeding
50*l.* to be
settled by
Two Justices.

LXXXI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

LXXXII. And

LXXXII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Notice by Commissioners of Intention to have Jury summoned.

LXXXIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Powers of this Act, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Requisition by Party claiming Compensation that Jury be summoned.

LXXXIV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff, under the Hands of any Three or more of them, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last-mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

Warrant for summoning a Jury to be addressed to the Sheriff.

LXXXV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over to, or suffer to be inspected and copied by, (on Application for that Purpose,) the Person to whom the same shall have been directed, or any Person appointed by him, the Jurors Book and Special Jurors List belonging to the said County.

Provisions applicable to the Sheriff to apply to the Coroner.

LXXXVI. And

Summoning
of Jurymen.

LXXXVI. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling
of Jury.

LXXXVII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of
Inquiry.

LXXXVIII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party.

Sheriff to
preside;

LXXXIX. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request in Writing the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Witnesses
to be sum-
moned.

Oath of
Jurymen.

XC. And be it enacted; That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of
the Jury to
be for Pur-
chase of
Lands and
for Damages
assessed
separately.

XCI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein belonging to the Party with whom such Questions of disputed Compensation shall have so arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry or for future Damage, either temporary or permanent, or for any recurring Damage, of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done

done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

XCII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Value of
Interests
previously
purchased to
be deducted.

XCIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands or any Part thereof shall be situate in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Verdict and
Judgment to
be recorded.

XCIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners; but if the Verdict of a Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Costs of the
Inquiry.

XCV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall issue his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money

Particulars
of Costs,

awarded by the Jury to be paid to such Owner as so much Money advanced for his Use; and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the Whole thereof.

Penalty on Sheriff and Jury for Default.

XCVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or a Jurymen shall be applied in satisfaction of the Costs of the Inquiry so far as the same will extend; and in addition to the Penalty hereby imposed, every such Jurymen shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

XCVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Reference of Dispute as to Compensation to Justices.

XCVIII. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices, the same shall be levied by Distress, and the said Justices shall issue their Warrants accordingly.

Power to redeem Mortgages.

XCIX. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the

the Purposes of this Act; and in order thereto the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct; or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

C. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend; and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

Sum to be paid when Mortgage exceeds the Value of the Lands.

CI. And be it enacted, That if, upon such Payment or Tender as aforesaid being made, any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue

Deposit of Money when refused on Tender.

virtue of any Bond or Covenant, or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CII. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands, the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Limiting Time for purchasing Lands for the Navigation.

CIII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands, so far as regards the Navigation, shall not be exercised after the Expiration of Five Years from the passing of this Act.

Lands not wanted to be sold.

CIV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hands and Seals of the Commissioners or any Three of them; and a Receipt contained in such Conveyance shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Lands not so sold to vest in Owners of adjoining Lands.

CV. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining

ing thereto in proportion to the Extent of their Lands respectively adjoining the same.

CVI. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession, one after another, in such Order as the Commissioners shall think fit.

Lands to be offered to adjoining Owners.

CVII. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners; or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing made before a Justice by some Person, not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made, and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Sixty Days.

CVIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation, and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of the Works.

Differences as to Price to be settled as in other Cases.

CIX. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be

Effect of the Word "grant" in Conveyances.

thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance ; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Commissioners, they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate, or Interest as therein expressed to be thereby granted, free from Incumbrance done or occasioned by them :

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners and their Successors, and all other Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenant as they might do if such Covenants were expressly inserted in such Conveyances.

Deposited
Plans, Sections,
and
Books of
Reference to
be open for
Inspection.

CX. And whereas Plans and Sections of the said Navigable Cuts or Channels showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the said County of *Cambridge* ; be it enacted, That all Persons interested may at all seasonable Times inspect such Plans, Sections, and Books of Reference, and may require to be furnished by the said Clerk of the Peace with Extracts therefrom or Copies thereof ; and every such Clerk of the Peace shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts ; and in respect thereof he shall be entitled to One Shilling for every Inspection of such Documents, and One Shilling for every Hour such Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom ; and if such Clerk of the Peace shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and
Omissions to
be corrected.

CXI. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or
of

of the Owners, Lessees, or Occupiers of any Lands described on the said Plans, or in the said Books of Reference, or the Schedule hereto, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the said County, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Document or the Schedule to this Act shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Commissioners to execute the said Works in accordance with such Certificate.

CXII. And be it enacted, That true Copies of such Plans and Books of Reference, or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Certified Copies of Plans to be Evidence.

CXIII. And be it enacted, That the Commissioners, in making the said Cuts, Channels, or other Works, shall have Power to deviate from the Lines delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plans; nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Commissioners empowered to deviate from Plan to an Extent not exceeding 100 Yards.

CXIV. And be it enacted, That the Commissioners shall not take or injure any Property of the following Kinds, except such as shall be specified in the Schedule (I.) to this Act, without the Consent in Writing of the Owners and Occupiers thereof, unless the Omission in such Schedule be certified according to the Provisions herein-before contained to have proceeded from Mistake; (that is to say,) any House or Building erected on or before the Thirtieth Day of *November* One thousand eight hundred and forty, or any Ground on or before that Day inclosed or set apart and used as a Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk or Avenue to a House.

Houses and inclosed Grounds not to be taken unless specified in the Schedule.

CXV. And be it enacted, That it shall be lawful for the Commissioners to scour out and deepen the Navigable Cut or Watercourse called *Reach Lode*, and also to deepen, widen, divert, and improve the

Commissioners may scour out Reach Lode, &c.

the said Navigable Cut or Drain called *Burwell Lode*, and the several other Cuts, Drains, Lodes, and Watercourses in *Burwell* aforesaid, and also the navigable Cuts, Drains, or Lodes called *New River*, *East Lake*, *Monk's Lode*, and *Wicken Lode*, in the said Parish of *Burwell*, and the adjoining Parishes of *Fordham*, *Wicken*, and *Swaffham Prior*.

Power to make and maintain Works of Drainage and Navigation.

CXVI. And be it enacted, That it shall be lawful for the Commissioners to make and construct any substantial Mills or Engines, with all proper Steam Apparatus, Machinery, Houses, and other Works, and to maintain, repair, and enlarge the present Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Quays, Banks, Forelands, Roads, Droveys, Cuts, Sewers, Drains, and Watercourses, in and through the Lands within the said Fen in *Burwell* aforesaid, for conveying the Water within the said Boundary of the Fen called *Burwell Fen* into the *Cam*, and to make all such new Sluices, Bridges, Tunnels, Culverts, Catchwaters, Locks, Gates, Quays, Banks, Forelands, Roads, Droveys, Cuts, Sewers, Drains, Watercourses, and other Works within the said Boundary of the Fen called *Burwell Fen* as the Commissioners shall from Time to Time think necessary for effectually draining and preserving the same Lands, and improving the Navigation of the said Lodes or Navigable Cuts; and all such Works herein-before enumerated, and other Works of Drainage and Navigation, shall from Time to Time and at all Times be supported, maintained, and repaired as Occasion may require, and be renewed by the Commissioners, out of the Funds and Monies to be from Time to Time raised by virtue of this Act, in such Manner as the said Commissioners shall think proper: Provided always, that nothing herein contained shall extend or be construed to extend to hinder or prevent the said Commissioners for executing this Act from erecting and placing an Engine or cutting or executing any Drain, within the adjoining Parishes of *Wicken* and *Swaffham Prior*, for conveying the Water into the River *Cam*.

New Banks made by the Drainage and Navigation Commissioners to be kept in sufficient Repair to protect adjoining Lands.

CXVII. And be it enacted, That all the Banks and Forelands herein directed or authorized to be made or used by the Commissioners shall be by them maintained and kept in sufficient Repair and Condition for the Preservation of the several Lands protected thereby: Provided always, that it shall be lawful for the Commissioners to agree with the Proprietors of the adjoining Lands that the said Banks and Forelands shall continue Part of the Estate of such Proprietors respectively, the Commissioners reserving Power to enter from Time to Time, and at all Times, upon such Banks, Forelands, and adjoining Lands, for the Purpose of repairing the same.

Commissioners may contract with Swaffham and Bottisham for Execution of certain Works.

CXVIII. And whereas an Act was passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act for altering and enlarging the Powers of Two Acts of His present Majesty, for draining and preserving certain Fens and Low Grounds lying in the South Level, Part of the Great Level of the Fens commonly called Bedford Level, in the County of Cambridge, between the River Cam otherwise Grant, West, and the Hard Lands of Bottisham, Swaffham, Bulbeck, and Swaffham Prior East; and for other Purposes therein mentioned,*

mentioned, whereby the Commissioners acting in execution of that Act were, amongst other things, required to scour out and deepen the respective Lodes called *Bottisham*, *Swaffham*, and *Reach Lodes*, and make good and effectual Banks, on each Side of the said respective Lodes, for the better Protection of the Lands on both Sides thereof; and in order to provide for the Expences thereof the said Commissioners were by that Act authorized to levy and receive certain Tolls in respect of Goods carried up or down that Part of the Lode commonly called *Burwell New Lode* from *Upware Sluice* to *Pout Hall*: And whereas the said *Bottisham* and *Swaffham* Commissioners have not wholly executed the Works so required to be done by them as aforesaid, they having omitted to make any Bank on the North Side of *Reach Lode* aforesaid; but it is desirable that the same should not be any longer delayed: And whereas the same Works may be more conveniently effected by the Commissioners for executing this Act, and it is therefore expedient that they should be empowered to enter into an Agreement with the said *Bottisham* and *Swaffham* Commissioners for that Purpose; be it therefore enacted, That it shall be lawful for the Commissioners acting in the Execution of this Act to enter into any Agreement or Agreements from Time to Time with the said *Swaffham* and *Bottisham* Commissioners for making a good and effectual Bank on the North Side of the said Lode called *Reach Lode*, for the better Protection of the Lands intended to be drained, in consideration that the said *Bottisham* and *Swaffham* Commissioners shall raise, by a Charge upon the Taxes and Tolls raisable under the said Act or by other Means, and shall pay to the Commissioners for executing this Act, such Sums of Money, either annually or in gross, or by Instalments or in any other Manner as may be agreed upon, as or by way of Recompence or Compensation to the Commissioners for executing this Act, for the Expence which may be incurred by them in the Execution of such Works; and every Agreement so made or to be made or entered into with reference to the Matters in this Provision contained shall be valid in Law, and binding on the said Commissioners respectively.

CXIX. And be it enacted, That it shall be lawful for the Commissioners acting under this Act to enter into any Contract or Agreement with the Commissioners of the South Level of the Fens, acting under and by virtue of an Act of the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act for improving the Drainage of Part of the South Level of the Fens within the Great Level commonly called Bedford Level, and the Navigation of the Rivers passing through the same, in the Counties of Cambridge, Suffolk, and Norfolk, and in the Isle of Ely*, that any navigable Lodes within the District of *Burwell Fen* aforesaid, communicating with the River *Cam*, which the said Commissioners of the South Level of the Fens may now be liable to scour, cleanse, and deepen, shall be thenceforth scoured, cleansed, and deepened, as often as it shall be found necessary by the said first-named Commissioners, on Payment by the said South Level Commissioners of such Sum of Money as shall be stipulated between them, or upon such Terms as may be deemed mutually beneficial to the said Commissioners of the said respective Districts; and that any such Contract and Agreement shall

Commissioners may contract with Commissioners of the South Level to scour out Lodes within Burwell Fen, and to absolve the latter from future Liability.

be as binding and conclusive upon the Parties interested therein as if the same had been specially inserted in this Act, or in the said Act of the Seventh and Eighth Years of King *George* the Fourth, or either of them, and that from and after the Date of any such Contract or Agreement the said South Level Commissioners shall be absolved from any future Liability to scour, cleanse, and deepen such Lodes; and that until such Contract or Agreement shall take effect, and in case no Contract or Agreement shall be entered into, the said South Level Commissioners shall be liable to scour, cleanse, and deepen the said Lodes in such Manner and to such Extent only, and to maintain them of such Dimensions, as they were liable to do before the passing of this Act.

Commis-
sioners may
drain other
Lands ad-
joining the
said District.

CXX. And be it enacted, That it shall be lawful for the said Commissioners, at any Time or Times as they shall think proper and convenient, to contract and agree with any Owners or Occupiers of any Lands or Grounds lying within any Parish or Place adjoining to the said Parish of *Burwell*, for the draining of such Lands or Grounds, for such Times and for such yearly or other Sums of Money respectively as they the said Commissioners shall think fit, which said Sums of Money so to be contracted and agreed for shall be from Time to Time applied and disposed of in or towards the Execution of any Work or Works which may be required to be done in consequence of any such Contract and Agreement.

Dikes to be
kept open.

CXXI. And be it enacted, That the several Occupiers of the Lands subject to the Provisions of this Act shall at all Times well and sufficiently rode, cleanse, deepen, widen, and repair the several Drove-way Dikes, Division Dikes and Tunnels in or adjoining and belonging to their said respective Lands, and put down such new Tunnels under the Gateways leading to their respective Lands and elsewhere, as shall appear to the Commissioners to be necessary for the Purposes of the said Drainage, and shall at all Times keep and maintain the said Dikes and Tunnels, and every of them, of sufficient Width and Depth, as the Commissioners shall at any of their Meetings direct; and in case any such Owner or the Occupier of such Lands shall at any Time refuse or neglect so to rode, cleanse, deepen, widen, or repair any of the said Dikes adjoining or belonging to his said Lands; or to keep and maintain the same of such Width and Depth as aforesaid, for the Space of Twenty-one Days next after Notice in Writing under the Hands of the Commissioners or of their Clerk or other Officer given to such Owner or Occupier or delivered to some Inmate at his usual Place of Abode for that Purpose, every such Occupier shall forfeit the Sum of One Shilling for every Rod of the Dike so neglected to be roded, cleansed, deepened, widened, or repaired as aforesaid.

In default
of Occupier,
Commis-
sioners may
cause the
same to be
done.

CXXII. And be it enacted, That in case of any such Neglect or Refusal as aforesaid it shall be lawful for the Commissioners or their Officer to cause such Dikes to be well and sufficiently roded, cleansed, deepened, widened, or repaired, as the Case may require; and the Expence of every such Work shall be repaid to the Commissioners by the Occupiers so neglecting or refusing, and may be ascertained and recovered

recovered by such Commissioners in the same Manner as any Damages for the ascertaining of which no special Provision is herein contained are hereby directed to be recovered.

CXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, during the Execution of any of the Works hereby directed to be done by them, to suspend the Navigation of the said several navigable Lodes, or any of them, for such Times only as may be absolutely necessary for making and executing such Works, the same being done at the most convenient Season, and Twenty-eight Days Notice thereof being previously given in some Newspaper or Newspapers printed or circulated in the said County of Cambridge.

Commissioners empowered to suspend the Navigation during the Execution of the Works.

CXXIV. And be it enacted, That the Commissioners shall make, maintain, and keep in repair convenient Towing Paths, Roads, and Ways through the Lands adjoining or lying near to the said navigable Lode called *Burwell Lode*, and make, provide, and maintain proper Horse or Haling Bridges upon the said Paths, Roads, and Ways, where actually necessary, so that the Navigation of Vessels passing upon such Parts of the said Lode shall at all Times be free and uninterrupted, on Payment only of such Tolls as may be payable to the Commissioners; and the Commissioners are hereby authorized and empowered, from Time to Time as there may be Occasion, to enter into such Contracts as they may deem expedient with the Owners or Occupiers of such Lands, Banks, Grounds, Yards, and Premises, for the Purchase of the said Roads, Paths, and Ways, or for the Hire, Use, or Enjoyment thereof, and for the Maintenance and Repair of the same or any Part thereof.

Power for Drainage and Navigation Commissioners to set out Towing Paths to Burwell Lode.

CXXV. And be it enacted, That it shall be lawful for the Commissioners, at their said General Meeting in every Year, or any Adjournment thereof, to appoint Officers for the Purpose of opening or shutting down all the Tunnels and Sluices next the Rivers, Lodes, or Outfalls already set down or to be set down and made use of in the Execution of this Act, and no such Tunnels or Sluices shall at any Time be opened or shut down but by the said Officers, or by their Direction; and it shall be lawful for the Commissioners, at their said General Meetings, or any Adjournment thereof, to make such Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and any Person who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Orders of the Commissioners, shall for every such Offence forfeit to the Commissioners a Sum of Money not exceeding the Sum of Ten Pounds.

Commissioners to make Orders and appoint Officers for opening and shutting Tunnels and Sluices.

Penalty on opening or shutting Tunnels or Sluices contrary to Orders.

CXXVI. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax or Poor's Rate, occasioned by the Works authorized by this Act, in the several Parishes wherein the same, or any Part thereof may be situate, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax or liable to be assessed to the Poor's Rate, the Commissioners shall, from Time to Time until the Works shall

Land Tax and Poor's Rate to be made good.

shall be completed and assessed to such Land Tax and Poor's Rate, be liable to make good the Deficiency in the several Assessments for Land Tax and Poor's Rate arising within such Parishes by reason of such Lands having been taken or used for the Purposes of this Act; and such Deficiency shall be computed according to the Rental at which such Lands were valued or rated at the Time of the passing of this Act; and on Demand of such Deficiency the Treasurer to the said Commissioners shall pay all such Deficiencies to the Collector of the said Assessments respectively; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Taxes to be levied.

CXXVII. And be it enacted, That it shall be lawful for the Commissioners, at their First Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and in each succeeding Year at their General Annual Meeting, or at any Adjournment thereof, to assess and charge all the Occupiers of the said Fen Lands and Low Grounds in *Burwell* aforesaid (excepting that Part of the Fen called *Burwell Common* or the *Poor's Fen*, containing by Admeasurement One hundred and eighty-eight Acres and Thirty-six Perches, so long as it shall be held for the Use or Benefit of the Poor and the Tenants of the said *Poor's Fen*) with such an equal or proportionable Acre Tax, according to the several Sorts and Qualities into which the said Lands and Grounds may by the Commissioners, with the Assistance of their Surveyor, be divided and classed, as, having regard to the Benefits and Advantage which the said Lands and Grounds will respectively derive from the said Works of Drainage and Navigation, to the said Commissioners shall seem just and reasonable; which said Taxes shall commence from the first Meeting of the Commissioners at which the same shall have been respectively assessed and charged, and shall be paid to the Receiver, Collector, or Treasurer for the Time being at such Times and Places as the Commissioners shall appoint for that Purpose, and shall be applied as directed by this Act.

Public Notice of Assessment of Taxes to be given.

CXXVIII. And be it enacted, That public Notice of the Times and Places appointed for the Payment of the several Taxes hereby authorized to be charged by the Commissioners shall be given by advertising the same, at least Fourteen Days previously to the respective Times appointed for Payment thereof, in some Newspaper printed or usually circulated in the said County of *Cambridge*.

Penalty on Nonpayment of Taxes.

CXXIX. And be it enacted, That in case any Taxes authorized by this Act to be charged by the Commissioners shall not be duly paid to the Persons authorized to receive the same within Twenty-eight Days after the several Times appointed for that Purpose by the Commissioners in manner prescribed by this Act, every Person failing to pay the same shall forfeit to the Commissioners the Sum of Three Shillings and Four-pence for every Twenty Shillings of such Taxes not paid as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings; which Penalties shall be recovered in

in the same Manner as the several Taxes are hereby directed to be recovered.

CXXX. And be it enacted, That all the Occupiers of the said Fen Lands and Low Grounds which shall be taxed and charged by virtue of this Act shall pay all such Sums of Money as shall be so assessed, taxed, or charged in respect of the respective Lands and Grounds in their several Occupations, and may retain the same out of the Rents; and the Landlords of such Fen Lands and Low Grounds shall allow the same to be so retained out of the Rent, and every such Occupier shall be discharged of so much Money as the said Tax so paid by him shall amount to, as if the same had been actually paid to his Landlord, but not of any Penalties which may have been incurred by such Occupier for Nonpayment thereof.

Tenants to pay Taxes and deduct them from their Rents.

CXXXI. Provided also, and be it enacted, That no Occupier of any Lands or Grounds charged with any Taxes imposed by this Act, who shall be the Lessee thereof under a Lease from any Corporation Sole or Aggregate, or under any beneficial Lease for Lives, or under any Lease or Agreement of which at the Time appointed by the Commissioners for the Payment of the said Taxes in any Year, there shall be Six Years unexpired, shall be entitled to deduct the Amount of the said Taxes out of the Rent reserved by any such Lease or Agreement.

No beneficial Lessee to be allowed to deduct Taxes where Six Years are unexpired of the Lease.

CXXXII. And be it enacted, That if any Person shall pay any Part of the several Taxes hereby authorized to be assessed and charged in advance for One or more Years, the Commissioners may receive the same, and allow a Discount or Interest at the Rate of Five Pounds *per Centum per Annum* from the Time of such Payment to the Time when the Taxes so paid in advance would have become due, according to the Provisions herein-before contained; and the Receipts for the Sums so paid in advance shall discharge the Lands and Grounds, and the Landlords and Occupiers thereof, from the Taxes so paid.

Discount to be allowed on Taxes paid in advance.

CXXXIII. And be it enacted, That no Person being a Creditor on the Taxes and Tolls imposed by this Act, and being a Proprietor or Occupier of any of the Lands to be taxed by virtue of this Act, shall at any Time set off any Part of the Interest payable to him as such Creditor from any Sum of Money which shall be payable by him for such Taxes and Tolls.

Creditors not to deduct Taxes for Interest Monies.

CXXXIV. And be it enacted, That if any Persons shall refuse or neglect to pay all or any Part of the Taxes or Sums of Money which they are by this Act made liable to pay, within Twenty-eight Days next after the several Days and Times limited and appointed for the Payment thereof, or shall refuse or neglect to pay all or any Part of the Penalties incurred by the Nonpayment thereof, then it shall be lawful for the Treasurer, Collector, or Receiver of the Commissioners, or any other Persons employed as their Agents or Deputies, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the Commissioners, (which said Warrant or

Power of Distress in case of Non-payment of Rates.

Precept the Commissioners, or any Five or more of them, and whether assembled at a Meeting or not, are hereby authorized and required from Time to Time to grant and make as Occasion shall require,) to enter into and upon all or any Parts of the Fen Lands and Low Grounds hereby directed or authorized to be taxed or charged as aforesaid, for which such Taxes and Penalties shall be due, and to levy the Sum of Money due for such Taxes and Penalties by Distress of any Goods, Chattels, and Effects which shall or may be found thereon; and where no sufficient Distress can be found upon such Lands whereon to levy the Taxes and Penalties which shall be then in Arrear in respect thereof by virtue of this Act, it shall be lawful for the Treasurer, Collector, or Receiver of the Commissioners, or any other Person authorized and empowered by them, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the Commissioners, (which said Warrant or Precept such Commissioners, or any Five or more of them, and whether assembled at a Meeting or not, are hereby empowered and required from Time to Time to make as Occasion shall require,) to levy the said Taxes or Penalties which shall be then in arrear by Distress of any Goods or Chattels of the Persons so occupying any Land chargeable with any such Taxes or Penalties, wheresoever such Goods and Chattels shall be found; and it shall be lawful for such Persons distraining any Goods, Chattels, and Effects for any such Taxes and Penalties to impound and keep the same on the Premises where any such Distress shall be made, or to take, lead, drive, carry away, and impound the same elsewhere for the Space of Five Days, including the Day on which such Goods, Chattels, or Effects shall be taken, at the Costs and Charges of the Persons liable to pay such Taxes and Penalties, delivering to the Owners of the same, or leaving at their last or usual Places of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place where such Distress is intended to be or shall be led, driven, taken away, impounded, and kept; and in case the Sum of Money for which any such Distress shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged, within the said Space of Five Days, to the Treasurer, Collector, or Receiver of the Commissioners, or to the Person making such Distress, then the Person making such Distress, or any other Person authorized by the Commissioners, shall and may either sell and dispose of by public Auction the said Goods, Chattels, and Effects so distrained, or shall and may, with the Constable of the Parish where such Distress shall be made (which said Constable is hereby directed, upon being thereunto requested, to assist therein), cause the Goods, Chattels, and Effects so distrained to be appraised by Two indifferent Persons upon Oath (which Oath the said Constable is hereby required and empowered to administer), and such Two Persons are hereby required to appraise the same according to the best of their Judgment; and after Appraisement it shall be lawful for the Persons making such Distress, or such Treasurer, Collector, or Receiver aforesaid, to sell the Goods, Chattels, and Effects so distrained for the Sum at which the same shall be so appraised, or at such other Price as can be reasonably had or gotten for the same; and the Monies arising from such Sale shall be applied for and

towards the Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of any Monies arising from such Sale (if any), on Demand, to the Person or Persons entitled thereto.

CXXXV. Provided always, and be it enacted, That in case any of the Fen Lands and Low Grounds authorized to be taxed and assessed by virtue of this Act shall at any Time hereafter be unoccupied, so that no sufficient Distress can be found for levying the said Taxes and Penalties, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon may be distrained and sold in manner aforesaid until all Arrears of the said Taxes and Penalties, and the Charges of such Distress, shall be fully paid.

Lands to remain liable if no Distress found.

CXXXVI. Provided also, and be it enacted, That if any Part of the said Fen Lands and Low Grounds, except as aforesaid, shall be unoccupied for the Space of Twelve Calendar Months together, and no such Distress as aforesaid can be had thereon for levying the Taxes and Penalties due in respect of the same, it shall be lawful for the said Commissioners, or any Five of them, at any Meeting to be held under this Act, to let so much of the said Lands and Grounds upon which any such Taxes and Penalties shall be so in arrear as they shall judge sufficient, for such Terms of Years, not exceeding Three Years each letting, at such Rents, and upon such Terms and Conditions as to them shall seem meet and proper, and to apply the Rents arising therefrom in Payment of all such Taxes and Penalties, and of such other Expences as they the said Commissioners shall incur in consequence of any Proceedings for the Recovery thereof.

Lands may be let for Payment of Taxes.

CXXXVII. And be it enacted, That the Commissioners shall, previously to letting such Lands, cause a Schedule specifying the Lands so to be let and the Time and Place appointed for such letting, to be affixed on the principal outer Doors of the Church of *Burwell* aforesaid on Two several successive *Sundays* before the Day appointed for the letting of such Lands, and also cause a like Schedule to be inserted in some One Newspaper printed or usually circulated in the said County of *Cambridge* Three Weeks at least before the Time appointed for such letting.

Schedule of Lands to be let to be affixed on the Church Doors.

CXXXVIII. And be it enacted, That the Commissioners shall cause Twenty-one Days Notice in Writing, signed by their Clerk or Treasurer for the Time being, of their Intention to let such Lands, to be given to the Owners of the same.

Notice of letting to be given to Owners.

CXXXIX. And be it enacted, That after the Navigation of *Burwell Lode* shall be declared by the Commissioners to be open, of which Notice shall be given in some Newspaper printed and circulated in the County of *Cambridge*, it shall be lawful for the Commissioners to demand and receive, for any Goods, Articles, or Things carried

Power to take Tolls on Burwell Lode.

carried on board any Boat passing or navigating on *Burwell Lode* aforesaid, between *Pout Hall* and *Burwell*, any Sums not exceeding the Tolls herein-after mentioned ; (that is to say,)

Tolls.

For every Ton of Coals or Cinders, the Sum of Four-pence :
 For every Chaldron of Lime, the Sum of Two-pence :
 For every Ton Weight of Clunch Stone, the Sum of Four-pence :
 For every Hundred of Battens, the Sum of Four-pence :
 For every Quarter of a Hundred of Three or Four Inch Deals, the Sum of Four-pence :
 For every Half Hundred of other Deals, the Sum of Four-pence :
 For every Half Hundred of Fir Spars not exceeding Eighteen Feet in Length, the Sum of Four-pence :
 For every Ton of Timber, the Sum of Four-pence :
 For every Five hundred of Bricks, the Sum of Four-pence :
 For every Thousand of common Tiles, the Sum of Four-pence :
 For every Hundred of Pan or other Tiles, the Sum of Four-pence :
 For every Five hundred of Pavements, the Sum of Four-pence :
 For every Thousand of Turves, the Sum of One Penny :
 For every Five hundred of Sedge, the Sum of Four-pence :
 For every Thousand of Reed, the Sum of Four-pence :
 For every Ten Coombs of Wheat, Rye, Mesledine, Beans, Peas, or Seeds, the Sum of Four-pence :
 For every Ten Coombs of Oats, Barley, or Malt, the Sum of Two-pence :
 For every Ton of Iron or Lead, the Sum of Four-pence :
 For every Hogshead of Wine or Cyder, the Sum of Four-pence :
 For every Barrel of Beer, Pitch, or Tar, the Sum of Two-pence :
 For every Eight Gallons of Rum, Brandy, Gin, or Spirituous Liquors, the Sum of Four-pence :
 For every Crate or Box of Glass, the Sum of One Penny :
 For every Eight Gross of Bottles, the Sum of Four-pence :
 For every Pack or Ten Tod of Wool, the Sum of Two-pence :
 For every Packet or Hundred Weight of Hops, the Sum of Two-pence :
 For every Sixty Bunches of Fir Lath, the Sum of Four-pence :
 For every Forty Bunches of Oak Lath, the Sum of Four-pence :
 For every Sixteen thousand of Spits, the Sum of Four-pence :
 For every Sixteen hundred of Splints, the Sum of Four-pence :
 For every Eight Dozen of Hurdles, the Sum of Four-pence :
 For every Eight hundred of Poles, the Sum of Four-pence :
 For every Ton Weight of Manure, the Sum of Four-pence :
 For every Ton Weight of Salt, Sand, or other Goods, Wares, and Merchandizes whatsoever not herein-before mentioned, the Sum of Four-pence ; and so in proportion for any less Quantities or fractional Parts of the Weights or Quantities of the said Articles, Goods, Wares, or Merchandizes.

Exemption
from Tolls.

CXL. Provided also, and be it enacted, That all such Corn, Hay, Sedge, Fodder, Reed, Bricks, Tiles, Turves, or other Produce grown or manufactured upon any Part of the Fen Lands and Low Grounds within the Limits of this Act, which shall be carried on the said Lode from the said Fen Lands and Low Grounds to the Premises of any Owner

Owner or Occupier in *Burwell* aforesaid, and all Manure so carried for the Use of any Lands within the said Parish of *Burwell*, and all Draining Tiles manufactured in the said Fen, whether carried out of the Parish of *Burwell* or not, and all Materials to be used by the Proprietors or Occupiers of the said Fen Lands and Low Grounds in erecting or repairing the Buildings thereon, and all Materials carried for the Purpose of repairing any of the Banks or other Works within the Limits of this Act, or of any Banks or other Works maintained for the Purpose of draining any Lands under the Jurisdiction of the Corporation of the *Bedford Level*, or of the Commissioners of the said South Level of the Fens, or of the Commissioners acting under the Authority of this Act, shall be exempt from the Payment of the several Tolls and Duties herein-before mentioned.

CXLI. Provided always, and be it enacted, That no Person having paid the said Tolls at any one Place appointed for the Collection thereof shall be liable to pay the same Tolls, in respect to the same Goods, Wares, and Merchandize, at any other Place which may be appointed for the Collection of the said Tolls on the said Lode.

Tolls to be paid but once.

CXLII. And be it enacted, That every Waterman or other Person who shall at any Time navigate any Boat upon *Burwell Lode* aforesaid shall, upon Demand made by any such Collector or Officer, give a just and true Account, according to the best of his Knowledge and Belief, of the Quantity, Number, and Species of all such Goods as shall be in such Boat, or towed thereto; and such Account shall be put into Writing by the said Collector or Officer, and the said Waterman or other Person shall subscribe or mark the same, and if he shall refuse so to do, or shall deliver in a false or untrue Account, or if he shall refuse or neglect to pay, or in any Manner evade, any of the Tolls payable in respect of such Goods, Articles, or Things, he shall for every such Offence forfeit any Sum not exceeding Five Pounds over and above the Tolls payable for such Goods.

Account to be given by Watermen of Goods on board any Boat navigating *Burwell Lode*.

CXLIII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Tolls or Dues, or concerning the Charges occasioned by any Distress, the Collector or Person distraining may detain the Goods distrained, or (if the Case so require) the Proceeds of the Sale thereof, until the Amount of the Tolls due, or the Amount of the Costs of such Distress, have been ascertained by some Justice; and upon Application made to any such Justice for that Purpose, he shall examine the Matter upon Oath of the Parties or Witnesses, and determine the Amount of the Tolls due, or the Charge of the Distresses, as the Case may require; and it shall be lawful for such Justice to award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and if, on Demand thereof, such Costs be not paid by the Party ordered to pay the same, they shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Disputes about Tolls to be settled by a Justice.

CXLIV. Provided also, and be it enacted, That it shall be lawful for the Commissioners, or the Majority of them present at any of their annual Meetings as aforesaid, with the Consent of such Persons

Power to reduce the Tolls.

[Local.]

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who shall then be entitled to Two Thirds of the Money borrowed on the Credit of this Act, from Time to Time to reduce the several Tolls granted by this Act, or any Part thereof, for such Time as the Commissioners shall think proper, and also to raise the said Tolls again as Occasion shall require, so as no greater Tolls be at any Time demanded or taken than are herein-before appointed to be taken.

Tolls to be charged equally.

CXLV. And be it enacted, That all Tolls for the Use of the Navigation shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Ton or otherwise, in respect of all Goods and Vessels of a like Description, and no Reduction or Advance in any such Tolls for the Use of the Navigation shall be made, either directly or indirectly, in favour of or against any particular Company or Person using the same Portion of the said Navigation.

List of Tolls to be set up.

CXLVI. And be it enacted, That the Commissioners shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed and continued in conspicuous Places where the Tolls shall be directed to be paid, a List of the several Tolls which shall from Time to Time be payable in respect of the said Navigation; and no Toll shall be payable during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Toll shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed or in the State required by this Act.

Regulations as to Toll Collectors.

CXLVII. And with respect to the Collectors of such Tolls, be it enacted, That every such Toll Collector shall place in the Front or on some other conspicuous Part of the Toll House or other Building where he shall be on Duty his Christian and Surname in legible Characters, and each of the Letters of such Names shall be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or in Black Letters on a White Ground, and he shall continue the same so placed during the whole Time he is upon Duty.

Penalty on Collector for certain Offences.

CXLVIII. And be it enacted, That every such Collector who shall commit any of the following Offences shall forfeit a Sum not exceeding Ten Pounds for each such Offence; (that is to say,)

If he do not place such Board and keep the same in its Place during the whole Time he is on Duty:

If he either refuse to permit any Person to read, or in any way hinder any Person from reading, the Inscription on such Board:

If he refuse to tell his Christian Name and Surname to any Person demanding the same who shall have paid or tendered the Tolls demanded of him, or if he give a false Name to any such Person:

If he demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, and of the Orders of the Commissioners made in pursuance thereof:

If, upon the legal Toll being paid or tendered, he do unnecessarily detain or wilfully hinder any Boat or any Person from passing upon the Navigation:

If he make use of any scurrilous or abusive Language to any Passenger or to any Person lawfully using the Navigation.

CXLIX. And be it enacted, That if at any Time it be made to appear to any Justice, upon the Complaint of the Commissioners, that any such Detention and measuring of any Boat or Goods as hereinbefore mentioned was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, such Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damages the same may be recovered by Distress of the Goods of such Collector, and such Justice shall issue his Warrant accordingly.

Toll Collector to be liable for wrongful Detention of Goods.

CL. And be it enacted, That if any such Collector of Tolls be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector so discharged or suspended, or the Wife, Widow, or any of the Family or Representatives of any such Collector so discharged or suspended, or who shall have died, absconded, or absented himself, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Commissioners, or to any Person appointed by them for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters, belonging to the Commissioners, in the Possession or Custody of any such Collector at the Occurrence of any such Event as aforesaid in right of his Appointment as Toll Collector, then, upon Application being made by the Commissioners to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Commissioners or any Person appointed by them for that Purpose.

Delivery of Matters in Possession or Custody of Toll Collector on Removal.

CLI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, by Lease, to take effect in possession within Three Months from the letting thereof, to let such Tolls, or any Part thereof, upon the Whole or any Part of the Navigation, to any Party for any Period not exceeding Three Years from the Commencement of any such Lease: Provided always, that no such letting shall take place unless public Notice of the Intention to let the Tolls, or the Part thereof intended to be let, shall have been given by the Commissioners by Advertisement at least Fourteen Days prior to the Meeting at which it shall be intended to let the Tolls.

Power to lease the Tolls.

CLII. And be it enacted, That the Commissioners may, at any Meeting to be holden by virtue of this Act, let, for any Period not exceeding

Commissioners may let the Herbage of Banks, &c.;

exceeding Three Years, to the best Bidder, the Herbage and Pasturage of the Banks and Forelands, and the several Drove-ways and waste Places, belonging to the Commissioners: Provided always, that such Banks, Drove-ways, and waste Places shall be fed only with Sheep or young Stock under Two Years old.

and destroy
Moles;

CLIII. And be it enacted, That it shall be lawful for the Commissioners to destroy all such Moles or other Vermin as shall be found in the said Lands and Grounds severally intended to be taxed by virtue of this Act, and the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Persons at such Wages or Salary as they the Commissioners shall think proper; and it shall be lawful for such Persons to enter into and upon the said Lands and Grounds, and the Lands and Banks adjoining thereto, or any of them, for that Purpose.

and cut
Thistles.

CLIV. And be it enacted, That the Commissioners may cause all the Thistles and Weeds which shall arise or grow upon any Bank, Drove-way, or Waste Land within the Limits aforesaid, or upon any Bank, Drove-way, or Waste Land thereto immediately adjoining, to be mowed, cut down, and destroyed as often as shall be necessary.

Monies ad-
vanced for
obtaining this
Act to be
repaid with
Interest.

CLV. And be it enacted, That if any Person shall advance any Money for defraying the Charges and Expences of obtaining this Act, or preparatory or incident thereto, or shall already have advanced any Money for those Purposes, such Person shall, out of the first Monies which shall be raised by the Commissioners by virtue of this Act, be repaid the same, with lawful Interest from the respective Times of advancing such Money.

Application
of the Funds
of the Com-
missioners.

CLVI. And be it enacted, That the several Taxes, Tolls, and Monies authorized by this Act to be levied, raised, received, and taken by the Commissioners, and all Penalties hereby directed to be paid to the Commissioners, and all Sums of Money which may be received by the Commissioners in pursuance of this Act, shall be applied by them, in the first place, in Payment of the Expences of this Act, and incidental thereto; and in the next place, subject and without prejudice to the Claims of the Persons lending the Monies authorized to be borrowed by the Commissioners, and to the Remedies herein provided for securing the Repayment thereof, in executing and completing the said several Works of Drainage and Navigation, and the several other Works, Matters, and Things by this Act required to be made, done, and executed by the Commissioners, and for the general Purposes of carrying this Act into execution.

Punishment
for injuring
Works.

CLVII. And be it enacted, That if any Person shall wilfully destroy, injure, or stop up any River, Drain, Ditch, Watercourse, Door, Dam, or other Work made or erected under the Authority of this Act, he shall for every such Offence forfeit to the Commissioners any Sum not exceeding Ten Pounds.

CLVIII. And

CLVIII. And be it enacted, That the respective Owners of Boats navigating the aforesaid Lodes, Cuts, or Channels, or either of them, shall be answerable for all Damage done by such Boat, or by any of the Persons belonging to or employed in or about the same, to any Works erected, maintained, or repaired under the Authority of this Act, and the Compensation for every such Damage, in case the same shall not exceed the Sum of Fifty Pounds, shall be ascertained and recovered by the said Commissioners before Two Justices of the Peace, in the same Manner as any Damages for which no special Provision is herein contained are hereby directed to be ascertained and recovered.

Masters responsible for Damages done by Watermen.

CLIX. And be it enacted, That it shall be lawful for any Owner of any Boat who shall pay the Amount of any Damage caused by the Misfeasance or Negligence of any Boatman, Bargeman, Waterman, or other Person, to recover the Amount so paid by him from such Boatman, Bargeman, Waterman, or other Person, by the same Means as the Commissioners are enabled to recover the Amount of such Damage from the Owner of any Boat, Barge, Lighter, or other Craft or Vessel.

Masters to be repaid by Watermen.

CLX. And be it enacted, That if any Person shall at any Time place any Tunnel through any of the Banks of the said Lodes, Drains, or Cuts within the Limits aforesaid, without the Consent of the Commissioners given by them when assembled at any General or Special Meeting held by the Authority of this Act, every Person so offending shall for every such Offence forfeit to the Commissioners the Sum of Fifty Pounds, to be recovered by an Action at Law in any of Her Majesty's Superior Courts.

Penalty for placing Tunnels under the Banks without the Consent of Commissioners.

CLXI. And be it enacted, That if any Person shall set or make use of any Net, Grig, or other Instrument for catching Fish, or for any other Purpose whatsoever, in or against any Division Dike or Ditch, or any Drain or Tunnel, within the said Lands intended to be embanked and drained by virtue of this Act, or shall make, erect, or continue, or cause to be made, erected, or continued, any Dam, Heading, Staunch, or Sluice in any Division or other Dike or Ditch, Drain or Tunnel, or shall do any Act whatsoever whereby the free Passage of the Waters through such Division or other Dike or Ditch, Drain or Tunnel, shall in any respect be impeded or obstructed, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for using Nets, &c. in public Drains or impeding the Drainage.

CLXII. And be it enacted, That if any Person shall at any Time make, cut, or scour out, or cause to be made, cut, or scoured out, any Ditch or Drain above Eight Feet in Width or Four Feet in Depth, within the Distance of Forty Feet from the Centre of any Bank made or maintained under the Authority of this Act, without the previous Consent in Writing of the Commissioners given when assembled at any of their Meetings under this Act, or shall plant any Tree or Holt, or place any Stack or erect any Building, within the Distance of Fifty Yards from any Mill or Engine belonging to or used by the Commissioners without having obtained such previous

Penalty for cutting Ditches within 40 Feet of the Centre of the Banks.

[*Local.*]

13 U

Consent

Consent as aforesaid, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners, or their Superintendent or Workmen, to fill up every such Ditch or Drain, and to cut down such Tree or Holt, and to pull down and remove every such Stack or Building.

Penalty for making Watering Places in public Drains.

CLXIII. And be it enacted, That if any Person shall at any Time make or use, or cause to be made or used, any Watering Place, or Place of Access for Cattle to drink, in any of the public Drains made or maintained by the Commissioners by virtue of this Act, every such Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Provision for Damages and Charges not otherwise provided for.

CLXIV. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by One or more Justice or Justices; and when by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justice or Justices before whom the Offender shall be convicted of such Offence; and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CLXV. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any One or more Justice or Justices, it shall be lawful for such Justice or Justices to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice or Justices; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice or Justices, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Penalties to be summarily recovered before One Justice or more.

CLXVI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justice or Justices; and on the Complaint being made to any such Justice he shall issue a Summons, requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either
upon

upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any One or more Justice or Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

CLXVII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Penalties to be levied by Distress.

CLXVIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

CLXIX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners, and the other Half thereof to the Informer or any Person suing for the same, or, if the Commissioners be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Application of Penalties.

CLXX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before

Penalties to be sued for within Six Months.

before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CLXXI. And be it enacted, That if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CLXXII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Commissioners, or any other Person authorized by them in that Behalf, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Person authorized as aforesaid, and may convey him with all convenient Dispatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Dispatch to the Hearing and determining of the Complaint against the Offender.

Form of Conviction.

CLXXIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the Form in the Schedule (H.) to this Act annexed, or to that Effect.

Informalities.

CLXXIV. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CLXXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for want of Form.

CLXXVI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

CLXXVII. And

CLXXVII. And be it enacted, That if any Person shall think himself aggrieved by the taxing of the said Fen Lands, or by any other Act of the said Commissioners, or by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said County of *Cambridge*; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances with Two sufficient Sureties before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Parties may appeal to Quarter Sessions.

CLXXVIII. And be it enacted, That on all Appeals from any Tax made in pursuance of this Act it shall be lawful for the Court of Quarter Sessions of the Peace to amend such Tax, either by inserting therein or by striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think just, without quashing such Tax.

On Appeal Quarter Sessions may amend the Tax.

CLXXIX. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they shall think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable: Provided always, that Her Majesty's Attorney General, on behalf of Her Majesty, shall, in respect of any Act done or omitted to be done in pursuance of this Act affecting the said Crown Lands, have a Right of Appeal to Her Majesty's Court of Exchequer at *Westminster* instead of to the Quarter Sessions as aforesaid, if he shall so think fit.

Court to make such Order as they think reasonable.

Costs.

Commissioners of Woods, &c. may appeal to Court of Exchequer.

CLXXX. And be it enacted, That every Person who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any Justice, or shall wilfully or corruptly swear falsely before any Commissioners appointed or to be appointed by virtue of this Act, in any Matter in which such Commissioners are hereby authorized to administer an Oath, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons is or may be subject to for wilful and corrupt Perjury by any of the Laws and Statutes of this Realm.

Persons giving false Testimony guilty of Perjury.

CLXXXI. Provided always, and be it enacted, That all the Rights, Powers, and Authorities whatsoever which by virtue of any

[Local.]

13 X

Preserving Rights of the Bedford Level Cor- Act

poration and
Commis-
sioners of
South Level.

Act or Acts of Parliament or otherwise are now vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Commissioners of the said South Level of the Fens, by virtue of any Act of Parliament, shall be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs and Conservators and South Level Commissioners respectively, as fully as if this Act had not been passed.

Saving Rights
of Commis-
sioners of
Woods and
Forests.

CLXXXII. Provided always, and be it enacted, That nothing in this Act contained shall repeal, prejudice, or affect the Powers, Authorities, Directions, or Regulations contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, or in an Act passed in the First and Second Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for uniting the Office of the Surveyor General of His Majesty's Works and public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues*; and the Price or Consideration payable by the Commissioners for executing this Act for or in respect of any Lands the Property of Her Majesty required for the Purposes of this Act, or for Compensation or Satisfaction for Damage done to any Lands of Her Majesty in carrying the Purposes of this Act into execution, shall be ascertained, settled, and paid, and the Conveyance of any Lands of Her Majesty to the Commissioners for executing this Act shall be completed and perfected, in the Manner and Form in all respects prescribed or directed in and by the said Acts of the Tenth Year of the Reign of His late Majesty King *George the Fourth*, and the First and Second Year of the Reign of His late Majesty King *William the Fourth*, for carrying Sales of the Possessions and Land Revenues of the Crown into effect; any thing in this Act contained to the contrary thereof notwithstanding.

Genera.
Saving.

CLXXXIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Persons, Bodies Politic, Collegiate, and Corporate, and their Heirs, Successors, Administrators, or Assigns, all such Estates and Interests not prejudicial to the said Draining and Navigation as they had and enjoyed of, in, to, or out of or in respect of the Lands, Grounds, and Premises hereby intended to be drained and improved before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

Interpreta-
tion Clause.

CLXXXIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word " Person " shall include any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole :

The Word " Month " shall mean Calendar Month :

The Expression " Superior Courts " shall mean Her Majesty's Superior Courts of Record at *Westminster* :

The Word " Oath " shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath :

The Word " Lands " shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Word " Boat " shall include any Barge, Lighter, or other Vessel :

The Word " County " shall include any Riding or other like Division of a County :

The Word " Sheriff " shall include Under Sheriff or other legally competent Deputy ; and where any Matter in relation to any Lands is required to be done by any Sheriff, or by any Clerk of the Peace, the Expression " the Sheriff, " or the Expression " the Clerk of the Peace, " shall in such Case be construed to mean the Sheriff or the Clerk of the Peace of the County of *Cambridge* :

The Word " Justice " shall mean Justice of the Peace for the County of *Cambridge* :

The Expression " the Commissioners " shall mean the Commissioners appointed under or by virtue of this Act.

CLXXXV. And be it enacted, That this Act shall be a Public Act, Public Act. and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Appointment of Agent or Deputy Commissioner.

I *A. B.* do hereby appoint *C. D.* of _____ to be my Agent or Deputy to act for me in all respects as if I myself were present and acting in the Execution of an Act passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of the foregoing Act*].

SCHEDULE (B.)

Form of Commissioners Declaration.

I *A. B.* do solemnly declare, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner [*or as an Agent or Deputy of _____*] appointed in and by an Act passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of the foregoing Act*].

SCHEDULE (C.)

Form of Conveyance.

I _____ of _____ in consideration of the Sum of _____ paid to me, [*or, as the Case may be, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, ex parte the Burwell Fen Drainage Commissioners, or to A. B. of _____ and C. D. of _____*] Two Trustees appointed to receive the same,] pursuant to an Act passed, &c., intituled, &c., by the said Commissioners, do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; to hold the Premises to the said Commissioners, their Successors and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the _____ Day of _____ in the Year of our Lord _____

SCHE-

SCHEDULE (D.)

Form of Mortgage Deed.

By virtue of an Act passed in the _____ Year of the
 Reign of Queen Victoria, intituled [*here insert the Title of the*
foregoing Act], we, the Commissioners for executing the said Act,
 in consideration of the Sum of _____ advanced and paid
 by *A.B.* to the Treasurer appointed by virtue of the said Act, do
 hereby assign unto the said *A. B.*, [*or to his Trustee, as the Case may*
be], his Executors, Administrators, and Assigns, the Taxes and Tolls
 to be made and collected by virtue of the said Act, with all Powers
 and Authorities for collecting and raising the same; to hold the same
 to and for his and their own Use and Benefit from the
 Day of _____ until the said Sum of _____ with Interest
 at the Rate of _____ per Centum per Annum shall be repaid.
 In witness whereof we the said Commissioners have hereunto set our
 Hands and Seals the _____ Day of _____ in the Year of our
 Lord _____

SCHEDULE (E.)

Form of Transfer of Mortgage.

To all to whom these Presents shall come, I _____ of
 in the County of _____ send greeting: Whereas by a certain
 Mortgage bearing Date the _____ Day of _____ under the
 Hands and Seals of _____ of the Commissioners acting in the
 Execution of an Act passed in the _____ Year of the Reign of
 Queen Victoria, intituled [*here set forth the Title of the foregoing*
Act], all and every the Rates, Taxes, and Assessments granted and
 payable by virtue of the said Act were assigned to me, in manner
 therein mentioned, for securing the Sum of _____ by me advanced
 and paid, with Interest thereon: Now I do, in consideration of the
 Sum of _____ to me paid by _____ of _____ in the
 County of _____ transfer unto the said _____ the said
 Mortgage, with all my Right and Title to the Principal and Interest
 thereby secured, and now due unto me or to grow due thereon.
 Witness my Hand and Seal the _____ Day of _____ in the
 Year of our Lord _____

SCHEDULE (F.)

Form of Grant of Annuity.

By virtue of an Act passed in the _____ Year of the Reign of
 Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*],
 we, being _____ of the Commissioners appointed by [*or by virtue*
of] the said Act, in consideration of the Sum of _____ paid by
 [Local.] _____ 13 Y _____ *A.B.*

A. B., do grant unto the said *A. B.* an Annuity or yearly Sum of _____ to be issuing out of the Tolls and Taxes arising by virtue of the said Act, to be paid to the said _____ during the Term of his natural Life, [or, as the Case may be, to the said _____ his Executors, Administrators, or Assigns, during the natural Life of _____ or during the natural Lives of _____ and _____ and the Life of the Survivor,] upon the _____ Day of _____ and the _____ Day of _____ in every Year during his natural Life, [or, as the Case may be, during the natural Life of the said _____, or of the said _____ and _____ and the Survivor of them,] the first _____ Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof.

In witness hereof we have hereunto set our Hands and Seals the _____ Day of _____ in the Year One thousand eight hundred and _____

SCHEDULE (G.)

Form of Transfer of Annuity.

I _____ of _____ in consideration of the Sum of _____ to be paid by _____ of _____ hereby transfer unto the said _____ a certain Grant made by the _____ Commissioners acting in the Execution of an Act passed in the _____ Year of the Reign of Queen Victoria, intituled [here set forth the Title of the foregoing Act], bearing Date the _____ Day of _____ of an Annuity of _____ payable [here insert the Duration of the Annuity], and all my Right, Title, and Interest in and to the said Annuity thereby secured; to hold the same unto the said _____ his [or her] Executors, Administrators, and Assigns. In witness whereof I have hereunto set my Hand and Seal this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

SCHEDULE (H.)

Form of Conviction.

to wit. } Be it remembered, That on this _____ Day
 of _____ in the Year of our Lord _____,
 _____ is duly convicted before _____ of Her
 Majesty's Justices of the Peace for the County of Cambridge, in
 pursuance of an Act passed in the _____ Year of the
 Reign of Queen Victoria, intituled [here set forth the Title of this
 Act], for that the said _____ on the _____ Day
 of _____ now last past, did _____ contrary to
 the Provisions of the said Act; and _____ do declare and
 adjudge that the said _____ hath forfeited for the said
 Offence the Sum of _____ to be levied and applied in the
 Manner directed by the said Act. Given under _____ Hand and
 Seal the Day and Year first above written.

SCHEDULE (I.)

Schedule of Houses, &c. and inclosed Grounds, taken by the Act.

Letters on enlarged Plan at Nos. 70, 71.	Owners or reputed Owners.	Occupiers.	Description of Property.	Parishes.
a.	John Clack -	John Clack -	Cottage and Garden	Burwell.
b.	James Peachey -	James Peachey	Ditto Ditto -	Ditto.
c.	Francis Scott -	Francis Scott -	Ditto Ditto -	Ditto.
d.	George Jarvis -	George Jarvis -	Ditto Ditto -	Ditto.
e.	Edward Jarvis -	Edward Jarvis -	Ditto Ditto -	Ditto.
Nos. 73.	Waste Land	John Clack -	Garden.	Ditto.
75.	John Tiplady -	Thomas Brown	High Land Garden	Ditto.
62.	Thomas Smith -	George Hill -	Garden - -	Ditto.
4.	Ebenezer Foster, Esq.	Thomas How -	A Windmill for Drainage.	Wicken.
6.	Miss Hatch -	Thomas Sutton	Plantation -	Ditto.

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