



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

Cap. 91.

An Act for better draining and preserving the Lands and Grounds in the Fourth District of the North Level, Part of the Great Level of the Fens called *Bedford Level*; and for amending and rendering more effectual an Act, passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, so far as relates to the said Fourth District. [30th June 1800.]

WHEREAS by an Act, made in the Twenty-seventh Year of the Reign of His late Majesty King George the Second, intituled, *An Act for discharging the Corporation of the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, commonly called Bedford Level, from a Debt due to the Duke of Bedford and Earl of Lincoln; for enabling the Proprietors of Lands in the North Level, Part of the said Great Level, to raise Money to discharge the Proportion of the said North Level in the Debts of the said Corporation; and for ascertaining and appropriating the Taxes to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and divers Lands adjoining thereto, in the Manor of Crowland, it was amongst other Things enacted, That the several Lands and Grounds intended to be drained under the Powers and Authority thereof should be and were thereby divided into Five Districts or Divisions; in Manner there- [Loc. & Per.]*

Preamble.

in mentioned; and it was thereby declared, that the Fourth of the said Districts or Divisions should contain all that Part of the said North Level which was bounded on the West by the East Bank of *Gold Dike* and the East Bank of *Knar Lake*; on the North, by the South Bank of that Part of the Old South Eau which runs from *Gold Dike* to *Clows Cross*; on the East, by the West Bank of that Part of the Old South Eau which runs from *Guybirt* to *Clows Cross*; and on the South, by the North Bank of the Counter Drain, including all the said Banks; and that the Waters of the said Fourth District or Division should run or be conveyed to Sea into, by, and through Shire Drain by the Counter Drain aforesaid, and that Part of the old South Eau which runs from *Guybirt* to *Clows Cross*; and that it should be lawful for the Commissioners of the said Fourth District or Division to assess, tax, and charge the Owners and Occupiers of all the Lands and Grounds within the said Fourth District (except as therein excepted) with certain yearly Rates and Taxes therein mentioned, not exceeding in any Year for the Two First Years Two Shillings *per Acre*, nor in any One Year afterwards One Shilling *per Acre*, to be applied and disposed of by the said Commissioners in and about the internal Works, Banks, Drains, Mills, and Engines necessary for draining the Lands within the said Fourth District; and the said Commissioners were by the said Act authorized and empowered to cleanse, widen, make, cut, build, erect, and support all such Banks, Bridges, Cuts, Drains, Mills, Engines, and other Works within the said Fourth District, as they should think necessary or proper for draining the several Lands therein, and conveying the Waters thereof to Sea; and in the said Act were contained sundry other Powers, Regulations, and Provisions for effecting and carrying into Execution the same, and the Purposes thereof, so far as related to the said Fourth District: And whereas the said Commissioners for the said Fourth District, by virtue of the Powers and Authorities in them vested, have raised and levied the several yearly Rates or Taxes which by the said Act they were empowered to raise and levy, and have applied and expended the same for and towards the erecting of proper Engines, and making of such Banks, Drains, and other internal Works, as were necessary for draining and preserving the Lands and Grounds within the said District, and in the maintaining and keeping the said internal Works in Repair: And whereas the said Commissioners have borrowed and taken up at Interest certain Sums of Money, and have contracted and incurred several Debts to enable them to maintain and keep in Repair the several internal Works of Drainage within the said Fourth District; but the said Rates and Taxes which the said Commissioners are by the said Act empowered to raise and levy for that Purpose, are insufficient to discharge the several Debts contracted by the said Commissioners, and to defray the yearly Expences of maintaining and keeping in Repair the present internal Works of Drainage within the said District; and it is expedient to make some new Works and Drains for the more effectual draining and preserving the said Lands; and for this Purpose, and for discharging the Debts already incurred, it will be necessary to increase the Taxes to be levied within the said Fourth District, and to alter and amend the said Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said

recited

recited Act as enables the Commissioners acting under and by virtue of the same, to assess, tax, and charge, the Lands within the said Fourth District, with the Rates and Taxes thereby authorized to be raised or levied for the particular or internal Works of the said Fourth District, and as relates to the Application and Disposal of the said Rates and Taxes by the said Commissioners, and the Powers and Authorities thereby vested in them, over the internal Works within the said Fourth District only, shall be and the same is hereby repealed.

Part of the former Act repealed.

II. And be it further enacted, That every Person who is or shall for the Time being be the Owner of Thirty Acres (Statute Measure) of the Lands within the said Fourth District, liable to be rated and assessed by virtue of the said recited Act or this Act, shall be and is hereby appointed a Commissioner for the Purpose of executing the said recited Act, so far as relates to the particular or internal Works of the said Fourth District, in the Place of the Commissioners thereby appointed or directed to be chosen during so long Time as such Person shall continue such Owner, and shall be, and is hereby appointed a Commissioner for executing this Act during so long Time as aforesaid, and where Two or more Persons shall be the Owners as Coparceners, Joint Tenants, or Tenants in Common, of Thirty Acres of the said Lands, such Persons shall be considered as One Commissioner, and shall have but One Vote as such, to be given as herein after mentioned; but if any Persons shall be Owners, as Coparceners, Joint Tenants, or Tenants in Common, of more than Thirty Acres of the said Lands, then if upon a Partition they respectively would be entitled to separate Allotments of Thirty Acres of Land a-piece, they shall all be Commissioners, and have separate Votes, or if any of them upon such Partition would be entitled to separate Allotments, or a separate Allotment of Thirty Acres of Land, or to a less Quantity than Thirty Acres of Land, which would, notwithstanding with other Lands belonging to him, her, or them, within the said Fourth District liable to be rated and assessed as aforesaid, amount in the Whole to Thirty Acres, then and in such Case the Person or Persons who would be entitled to a separate Allotment or to separate Allotments of Thirty Acres of Land, or of less than Thirty Acres of Land, if the same would with such other Lands amount to Thirty Acres, shall be a Commissioner or several Commissioners, and entitled to distinct Votes, and the other Person or Persons shall only have One Vote in respect of the Shares which added together would entitle the Owners upon a Partition to separate Allotments, amounting in the Whole to Thirty Acres or more of Land, or if such Share or Shares would not entitle the Owner or Owners to an Allotment or Allotments amounting to Thirty Acres of Land, or to an Allotment or Allotments which with other Lands as aforesaid would amount to Thirty Acres, such Person or Persons shall not be a Commissioner, and where several Persons shall be entitled to only One Vote such Persons shall not be entitled to act personally, but may, by Writing by them signed, appoint some One of themselves, or some other Person, to act as their Deputy.

Commissioners.

III. Provided always, and be it further enacted, That every Person being the Owner of Fifty Acres of Land within the said Fourth District, liable to be rated and assessed as aforesaid, shall and may from Time to Time by Writing under his, her, or their Hand or Hands nominate and appoint One other Person to act and vote as a Commissioner in his or her

Power to appoint Deputies.

her Place and Stead, but One Person shall act as a Deputy for One Commissioner only:

No Person holding a Place of Profit to act.

IV. Provided also, and be it further enacted, That no Person holding any Place of Profit under the said Commissioners shall act as a Commissioner, or as a Deputy for any Commissioner, under and by virtue of this Act.

Every Commissioner or Deputy to take an Oath or Affirmation.

V. And be it further enacted, That every Person before he shall act as a Commissioner or as a Deputy to any Commissioner under this Act, shall take the following Oath; or if he shall be of the People called *Quakers*, the following Affirmation; which Oath or Affirmation the said Commissioners, or any One of them, at a publick Meeting of the said Commissioners, are or is hereby empowered and required to administer; (*vide licet*),

Oath or Affirmation.

I *A. B.* do swear (or do solemnly and truly declare and affirm), That I will, without Favour or Affection, Hatred or Malice, truly, faithfully, 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 a Deputy Commissioner) under and by virtue of an Act of Parliament, made and passed in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set forth the Title of the Act.*]

Penalty on Persons acting if not qualified, or without having taken the Oath.

VI. And be it further enacted, That if any Person shall presume to act as a Commissioner in the Execution of this Act, not being duly qualified as aforesaid, (other than and except such Person or Persons as shall or may be appointed by virtue of the Power aforesaid, to vote and act at any of the said Meetings, for and as a Deputy to any of the said Commissioners), or not being so duly qualified shall appoint a Deputy to act in his Stead, who shall act in consequence of such Appointment, or if any Person shall act as Commissioner or a Deputy Commissioner in the Execution of this Act, before he shall have taken the Oath or Affirmation herein before directed and appointed to be taken, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of Fifty Pounds to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas to be held within the said *Isle of Ely*, and a Verdict shall be found against every such Person who shall be informed against or sued as aforesaid, unless he or she shall prove his or her Qualification under this Act, or his having duly taken the Oath or Affirmation required thereby.

Meetings of the Commissioners.

VII. And be it further enacted, That the First Meeting of the said Commissioners shall be holden at the *Wheat Sheaf* in *Guybirt*, in the *Isle of Ely*, in the County of *Cambridge*, on the *Tuesday* Three Weeks next after the Day of passing this Act, at Eleven of the Clock in the Forenoon, and that the said Commissioners shall afterwards hold a General Meeting on the last *Monday* in the Month of *June* in every Year, and may from Time to Time appoint any Special Meeting to be holden by Notice under the Hands of Three of the said Commissioners, to be published in One of the *Cambridge*

bridge and One of the *Stamford* Weekly Newspapers, at least Ten Days before the Day appointed for any such Special Meeting, and that the said Commissioners may from Time to Time adjourn their said First and other General and Special Meetings, and that their said Meetings (except their First General Meeting) may be holden at such Place within Five Miles of any Part of the Boundaries of the said Fourth District as the said Commissioners shall from Time to Time appoint, and that Five or more Commissioners shall constitute a Meeting, and that the Orders and Determinations of the Majority of the Commissioners present at any Meeting shall be considered as the Act of the Commissioners, and that in case Five Commissioners shall not be present at the Place and Time appointed for holding the said First or any of the said General, Special, or adjourned Meetings, or the said Commissioners shall omit to adjourn any such Meeting, then it shall and may be lawful for any Two or more of the said Commissioners, or for the Clerk to the said Commissioners to adjourn any such Meeting to a Time not exceeding Thirty Days from the Time appointed from the last Meeting, and to the same Place where the said last Meeting was appointed to be holden, of which Adjournment publick Notice shall be given in One of the *Cambridge* and One of the *Stamford* Weekly Newspapers, in the Week next after such Adjournment.

VIII. Provided always, and be it further enacted, That no Order or Determination made or come to at any Meeting of the said Commissioners shall be revoked or annulled, but at a subsequent Meeting, at which Nine Commissioners at least shall be present and consent thereto, nor unless publick Notice of such Meeting, signed by Three or more of the said Commissioners, and stating the Object of such Meeting, shall be given in the several Newspapers aforesaid, at least Ten Days before the Day appointed for such Meeting.

Orders not to be revoked but when Commissioners shall be present.

IX. And be it further enacted, That no greater or larger Sum of Money than Two Pounds in the Whole shall be paid or allowed for the Expences of the said Commissioners at the said First or any other General Meeting to be holden under or by virtue of this Act, nor more than One Pound for the Expences of the said Commissioners at any adjourned or special Meeting.

Expences of Meetings.

X. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Lands and Grounds within the said Fourth District liable to be rated and assessed by virtue of the said recited Act or this Act, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary for the better draining and preserving the said Lands and Grounds; and that the said Commissioners shall have full Power and Authority over all and singular the Works so to be made, and also over all and singular the internal Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other internal Works already made or set up, or maintained and kept in Repair within the said Fourth District, under the Authority of the said recited Act, and also to widen, deepen, alter, repair, rebuild, and enlarge the same, for better draining and preserving the said Lands and Grounds; and that it shall and may be

Power to make Works.

lawful to and for the said Commissioners, and they are hereby authorized and empowered from Time to Time, to divide off, take, and use such Lands, Tenements, and Hereditaments as they shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works under and by virtue of this Act; and also from Time to Time, and at all Times, to dig, cut, take, and carry away any Earth, Flag, or other Soil from the Lands or Grounds aforesaid, or from the Wastes thereto adjoining, for the making, supporting, or repairing the Banks and Works aforesaid, they doing as little Damage as may be, and making such Satisfaction for the same as is herein-after mentioned.

Purchase of
Lands, and
Satisfaction
for Damages.

Bodies Poli-
tick, etc, em-
powered to
contract for
Sale or Com-
pensation.

XI. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments which the said Commissioners shall judge necessary to be cut, dug, taken, or used for making any of the said Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, for the Purchase of such Lands, Tenements, and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and that it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves; their Heirs and Successors, but also on Behalf of their *Cestui-que* Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Coverts, or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners under this Act, for any Recompence or Compensation to be made for the Damages which may be done to any such Lands, Tenements, and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law, to all Intent and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act.

On Refusal or
Neglect of any
Person to
treat, the Va-
lue of Land or
Amount of
Damages to
be ascertained
at the Sessions.

XII. Provided always, and be it further enacted, That in case any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Forty Days after Notice in Writing given to the Principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or any of them, or left at his, her, their, or any of their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said

said Commissioners, or by Reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may, and they are hereby authorized, empowered, and required Fourteen Days at least before any General Quarter Sessions of the Peace to be holden for the said *Ile of Ely*, if the Lands or Grounds which shall have been used, or to which any Damage shall have been done as aforesaid, shall lie and be situate within the said *Ile of Ely*, or for the County of *Lincoln*, if such Lands or Grounds shall lie and be situate within the said County of *Lincoln*, and within Twelye Calendar Months after the said Lands or Grounds shall have been used, or the said Damage done, to give or cause to be given to the Party or Parties whose Land or Ground shall have been so used or damaged, or to leave or cause to be left at the last or usual Place or Places of Abode of such Party or Parties, or any of them respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the said Premises, a Notice in Writing, purporting that the Value of such Land or Ground, or the Amount of the Damage or Injury sustained will be adjusted and settled by a Jury at the said Sessions, and the Justices at their said Sessions, or an Adjournment thereof, shall and are hereby authorized and required to charge the Jury, which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men to be then and there impannelled and returned to the Chief Bailiff of the said *Ile of Ely*, or the Sheriff of the said County of *Lincoln*, as the Case may be, and cause them to be sworn well and truly on their Oaths, to assess the Value of the Land or Ground, and the Recompence to be given for the same, or for any Damage or Injury sustained, as aforesaid, to the respective Person or Persons, Bodies Politick, Corporate, or Collegiate, having any Interest therein, or to the Owner or Owners thereof, according to their respective Interests, to which said Juries the said Commissioners and all Parties interested in the said Lands shall have their lawful Challenges when they come to be sworn; and the Clerks of the Peace for the said *Ile of Ely* and County of *Lincoln*, are hereby respectively authorized and required, upon Application to be made to them by any of the Parties interested by Subpoena or Summons under their Hands respectively, to call before the Justices at such Sessions or the Adjournment thereof, any Person or Persons who shall be thought proper to be examined, touching or concerning the Premises, and the said Jury upon their Oaths, (which Oath, and also the Oaths to be taken by the Persons who shall appear or be summoned to be examined and give Evidence as aforesaid, the said Justices at their said Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for the said Lands or Grounds, or for any Damage or Injury which shall have been done as aforesaid to the respective Person or Persons, Bodies Politick, Corporate, or Collegiate, or Owner or Owners thereof, and the said Justices shall and may give Judgement according to the Verdict of the said Jury, which Verdict of the said Jury and the Judgement thereupon declared and pronounced by the said Justices, shall finally bind and be conclusive to the said Commissioners and all Persons and Parties interested in the said Lands or Grounds, and shall be entered and kept among the Records of the Quarter Sessions for the said *Ile of Ely* or County of *Lincoln*, as the Case may be, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said *Ile of Ely* or the said County of *Lincoln* respectively, shall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Persons may have Recourse thereto, or take Copies thereof or Extracts therefrom, on paying the usual Fees in Cases of the like Nature.

Witnesses to
be summoned.

Jury to ascertain the
Recompence.

Justices to
give Judgement,
which shall be final.

XIII. And

Expences of
the Jury and
Witnesses.

XIII. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on the Behalf of the said Commissioners, before the Notice of the intended Application to be made to the said Sessions, for or in respect of any of the Matters aforesaid; that then all the Expences of such Application, including the Charges of Witnesses, shall be paid by the said Commissioners out of the Rates and Taxes to be raised by virtue of this Act; but if any Verdict shall be given for no more or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments upon or in respect of which such Application shall have been made.

Application
of Compensation,
where
exceeding
200 l.

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick; or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money shall be applied under the Direction, and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, on the Request of any Three or more of the said Commissioners in Writing, signed by them, and without any Order of the Court of Chancery, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XV. Provided

XV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank, in the Name and with the Priority of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Three Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Money may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

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

XVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20*l.*

XVII. And be it further enacted, That in case any Lands to be used for the Purposes of this Act, shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Commissioners, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Commissioners are hereby authorized and required to pay such Sum or Sums of Money after the same shall have been so agreed for and adjusted or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the principal Money that shall be due upon such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, That upon Receipt of such Sum or Sums of Money, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money, by an Indorsement to be made upon the Back of such Mortgage or Mortgages and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

For paying off Mortgages on Lands used by the Commissioners.

Buildings, &c.
not to be re-
moved or in-
jured.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to take down or remove any Dwelling House, Building, or Erection, or take in or injure any Garden, Plantation, or Avenue of Trees, without the Consent of the Owners thereof, signified in Writing under their Hands and Seals.

Taxes to be
laid.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at their said First Meeting to be held after the passing of this Act, or at any Adjournment thereof, and from Time to Time, at their General Meeting in every succeeding Year, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all the Lands and Grounds lying within the said Fourth District, which, in and by the said recited Act, are liable to be rated and assessed, as well with the yearly Rates and Taxes by the said Act authorized to be raised, levied, or assessed for the particular or internal Works of the said Fourth District only, as also with the farther annual Sum of One Shilling and Sixpence *per Acre*, until the several Debts already incurred by the said Commissioners for the said internal Works of Drainage within the said Fourth District, and also such Debts as may be incurred under the Authority of this Act, shall be fully paid, satisfied, and discharged, and that after the said several Debts shall be so paid and discharged, the said Commissioners shall and may assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of the same Lands and Grounds as well with the said yearly Rates and Taxes by the said Act authorized to be raised, levied, or assessed for the particular or internal Works of the said Fourth District only, as also with any further annual Sum or Sums of Money, not exceeding in any One Year One Shilling and Sixpence *per Acre*, by an equal and proportionable yearly Acre Tax, as they the said Commissioners shall deem requisite and proper; all which said Rates, Taxes, and Charges shall be paid to such Person or Persons, and at such Time or Times, and in such Manner and Form, and under such Penalties for Non-payment thereof, not exceeding One-penny for each Shilling unpaid, as the said Commissioners shall at any of their General annual Meetings to be holden under this Act, order and direct.

Power to sus-
pend Taxes
when Debts
are paid.

XX. Provided always, and be it further enacted, That when and so soon as all the Debts already incurred by the said Commissioners as aforesaid, or which may be contracted or incurred by the Commissioners under the Authority of this Act, shall be fully paid and discharged to the several Persons to whom the same are or shall be owing, then and from thence forth it shall and may be lawful for the said Commissioners altogether to suspend the laying or raising the further Rates or Taxes by this Act authorized to be laid and raised for so long a Time, as they the said Commissioners shall think necessary and proper, and from Time to Time thereafter to renew and again suspend the said further Rates or Taxes as to them shall seem expedient; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Lands to be
charged ac-
cording to
former Sur-
veys.

XXI. And be it further enacted, That the Lands and Grounds of all and every Person and Persons to be rated, taxed, and charged in pursuance of this Act, shall be taken, ascertained, and charged according to the Sur-
veys

veys thereof made, and as they are now charged in pursuance and by virtue of the said recited Act of the Twenty-seventh Year of King George the Second, and that the several and respective Owners and Occupiers of the said Lands and Grounds shall pay the said Taxes, Rates, and Charges hereby assessed according to the said Survey and Charge.

XXII. And be it further enacted, That the said Rates and Taxes to be assessed and charged under the Authority of this Act, shall be vested in, and applied and disposed of by the said Commissioners, in the first Place towards paying and discharging the Costs, Charges, and Expences of obtaining and passing this Act, and afterwards in making, effecting, and maintaining the several Works and Things to be done under the Authority of this Act, and then in Payment of the several Debts already due on account of the internal or particular Works of the said Fourth District, or hereafter to be contracted by the said Commissioners under the Authority of this Act.

Application of Taxes.

XXIII. And, to the End that the said Rates and Taxes may be more easily and effectually collected and received, Be it further enacted, That all and every the Tenants and Occupiers of the said Lands and Grounds which shall be assessed, rated, taxed, or charged by virtue of this Act, shall, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, rated, taxed, or charged on the respective Lands and Grounds in their Occupations, and to deduct as they shall so respectively pay as aforesaid, and the several and respective Landlords of such Lands and Grounds are hereby required to allow such Deduction and Payment upon Receipt of the Residue of their Rents; and that every such Tenant or Occupier paying any such Rate or Tax, shall be acquitted and discharged of so much Money as the said Rate or Tax so paid by him, her, or them respectively shall amount unto, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

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

XXIV. Provided always, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with any Rates or Taxes under the Authority of this Act, who shall hold the same by virtue of or under any Lease from any Bishop or Collegiate Church or College, or any ecclesiastical Corporation, sole or aggregate, or by virtue of or under any other Lease or Agreement, of which said other Lease or Agreement at the Time of passing this Act there shall be more than Nine Years to come and unexpired, shall be entitled to deduct the said Rates or Taxes which shall be so charged under the Authority of this Act, or any Part thereof, out of the Rent reserved or payable by any such Lease or Agreement; but that the said Rates and Taxes shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid, and that all and every Lessee or Lessees, Tenant or Tenants of any Lands or Grounds hereby authorized to deduct the said Rates or Taxes for his, her, or their Rent, shall pay such an Advance of Rent to his, her, or their Landlord or Landlords as the said Commissioners shall order, as a Consideration for the Benefit which such Lessee or Lessees, Tenant or Tenants shall or may receive by means of this Act.

Certain Lessees not allowed to deduct their Taxes.

XXV. And

Recovery of
Taxes.

XXV. And be it further enacted, That in case Default shall be made by any Person or Persons to be assessed, rated, taxed, and charged as aforesaid, in his, her, or their respective Payments by the Space of Thirty Days after the Time appointed for the Payment thereof, and after the same shall have been demanded by the Collector or Collectors, Receiver or Receivers acting under the said Commissioners, by Notice in Writing of such Demand left at the usual Place of Abode of the Person or Persons who is, are, or ought to pay the same, if such Place of Abode shall be within the said Fourth District, or within any of the Parishes wherein the said District, or any Part thereof is situate, or if such Person or Persons shall not have any Place of Abode within the said Fourth District, or any of the said Parishes, then, after the said Payment shall have been demanded by the said Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand affixed upon the Church Doors of *Wisbech Saint Peter's*, and *Wisbech Saint Mary's*, if the Lands or Grounds in respect whereof such Person or Persons shall be charged as aforesaid, shall lie in *Wisbech High Fen*, or upon the Church Doors of *Leverington* and *Leverington Parson Drove*, if such Lands or Grounds shall lie in *Parson Drove Fen*, or upon the Church Door of *Sutton Saint Edmund's*, if such Lands or Grounds shall lie in *Inberston Fen*, it shall and may be lawful to and for the said Collector or Collectors, Receiver or Receivers, or any other Person or Persons by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners, which said Warrant or Precept the said Commissioners, or any Three or more of them, are hereby empowered and required to make and give as there shall be Occasion, either at a Meeting of them the said Commissioners, or at any other Time to enter into and upon the said Lands and Grounds in respect whereof such Person or Persons making Default in Payment as aforesaid, shall have been assessed, rated, taxed, or charged, and into all or any of the Messuages or Tenements thereupon standing, and to levy the Sum or Sums of Money by him, her, or them payable for such Rate or Tax as aforesaid, and for the Penalties, if any, incurred by Non-payment thereof, by Distress of the Goods, Chattels, or Cattle which shall be there found, and the said Goods, Chattels, or Cattle to impound, keep, sell, and dispose of in the same Manner as by Law is required to be done with Distresses for Rent.

Lands untenanted
to remain a Security
for Taxes.

XXVI. Provided always, and be it further enacted, That in case any of the said Lands or Grounds hereby made chargeable with any Rates or Taxes, or the Penalties to be incurred by Non-payment thereof, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be made for levying such Rates or Taxes, then the said Lands and Grounds which shall be so chargeable therewith, shall always remain a Security for Payment thereof; and all Goods, Chattels, and Cattle which shall at any Time thereafter be found thereon, shall and may be distrained, impounded, kept, and sold in Manner aforesaid, until all Arrears of the said Rates and Taxes, with the Penalties thereon, and the Charges incident to such Distress shall be fully paid and satisfied.

Power to let
Lands for
Payment of
Taxes in
Arrear.

XXVII. Provided also, and be it further enacted, That in case any of the said Lands or Grounds hereby made chargeable with any such Rates and Taxes as aforesaid, shall remain untenanted or unoccupied for the Space of Twelve Calendar Months after the Time appointed for the Payment

Payment of such Rates and Taxes, so that no sufficient Distress can be made for levying the said Rates and Taxes, and the Penalties occasioned by Non-payment thereof, and there shall remain One Year's Tax in Arrear for and in respect of the said Lands and Grounds, then and in every such Case it shall and may be lawful to and for the said Commissioners from Time to Time at any of their subsequent Meetings, to be holden by virtue of this Act Ten Days previous Notice being given in One of the *Cambridge* and One of the *Stamford* Weekly Newspapers, of such Meetings and of the Purposes thereof, to demise and let by publick Auction for the Space of One or more Year or Years until the said Rates and Taxes and the said Penalties, and all the Costs and Charges of letting the same shall be fully paid; all and singular the said Lands and Grounds for which the said Rates and Taxes shall be so in Arrear, to such Person or Persons, and under such Terms and Conditions as the said Commissioners shall think proper, and that the said Commissioners, or their Collector or Collectors, Receiver or Receivers, shall from Time to Time receive and take the Rents, Issues, and Profits of all the said Lands and Grounds, and apply the same in Payment of the said Rates and Taxes and Penalties; and all such Charges and Expences as may be incurred in letting the same, until all the said Rates, Taxes, Penalties, Charges, and Expences shall be fully paid and discharged.

XXVIII. And forasmuch as the several Rates and Taxes hereby authorized to be assessed, rated, taxed, and charged as aforesaid, will not be sufficient to defray the immediate Expences of making the several Works necessary for the Improvement of the said Lands and Grounds within the said Fourth District, intended to be drained by virtue of this Act, be it further enacted, that the said Commissioners, or any Three or more of them, shall and may, and they are hereby empowered from Time to Time, pursuant to an Order for that Purpose to be made at any General Meeting of the said Commissioners, at which Seven Commissioners at least shall be present and concur, to borrow and take up at Interest any Sum and Sums of Money not exceeding in the Whole together, with the Debts already incurred by the said Commissioners for the internal Works of the said Fourth District, under the said recited Act, the Sum of Five thousand Pounds, as they shall think necessary for the making, carrying on, and maintaining the said Works by this Act authorized to be made and executed, and by Writing under their Hands and Seals to mortgage or assign the Rates and Taxes to be assessed, rated, taxed, and charged under and by virtue of this Act, or any Part thereof, for any such Term or Number of Years, and in such Manner and Form as to the said Commissioners, or any Three or more of them, shall seem meet, as a Security for any such Sum or Sums of Money, which they shall so borrow, to such Person or Persons as shall lend the same, or his, her, or their Trustee or Trustees, Executors, Administrators, and Assigns, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, and that the Costs and Charges of every such Mortgage and Assignment shall be paid by the said Commissioners out of the said Rates and Taxes, and that a Copy of every such Mortgage or Assignment shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the said Commissioners.

Power to borrow Money not exceeding 5000 l. by Mortgage of Taxes.

Mortgagees
may assign
their Secu-
rities.

XXIX. And be it further enacted, That it shall and may be lawful for all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured, to assign or transfer his, her, or their Mortgage or Security, and Right to the Principal Money and Interest thereby secured to any other Person or Persons, and that every such Assignment or Transfer shall be notified within Three Calendar Months after the Date thereof to the Clerk or Clerks to the said Commissioners, who shall enter a Copy or Memorial thereof in the said Book or Books to be kept by him for entering the original Mortgages or Assignments for which he or they shall be paid the Sum of Two Shillings and Sixpence and no more, and that after such Copy or Memorial shall be so entered every such Assignment or Transfer shall entitle the Assignee or Assignees therein named to the Benefit of the original Mortgage or Assignment so assigned or transferred to him or them, and to the Payment of the Monies due or to grow due thereon; and that every such Assignee or Assignees shall and may, in like Manner from Time to Time, assign or transfer his, her, or their Right and Interest therein and thereto to any other Person or Persons whomsoever.

Creditors to
have no Pre-
ference.

XXX. And be it further enacted, That all and every Person and Persons to whom any such Mortgage, Transfer, or Assignment shall be made as aforesaid; and also all and every Person and Persons to whom any Mortgage, Transfer, or Assignment of the Rates and Taxes charged under the Authority of the said recited Act for the internal or particular Works of the said Fourth District hath been or shall be made, shall from henceforth be Creditors in Proportion to the Sum or Sums of Money to them respectively due and owing on the said Rates and Taxes charged under the Authority of the said recited Act for the said internal Works; and also on the said Rates and Taxes by this Act authorized to be assessed, rated, taxed, and charged, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Sum or Sums of Money; and that the said Monies so to be borrowed shall be applied in the first Place towards paying and discharging the Costs, Charges, and Expences of obtaining and passing this Act, and afterwards in making, effecting, and maintaining the several Works and Things to be done under the Authority of this Act, and then in Payment of the several Debts already due on Account of the internal Works of the said Fourth District, or hereafter to be contracted by the said Commissioners under the Authority of this Act.

Application
of Monies to
be borrowed.

Taxes vested
in Creditors.

XXXI. And be it further enacted, That the several Rates and Taxes already charged and assessed by virtue of the said recited Act for the internal Works of the said Fourth District, or hereafter to be assessed, rated, taxed, or charged under the Authority of this Act, shall stand charged and chargeable in the first Place, with and for the Payment of all and every such Sum and Sums of Money as hath or have been already borrowed, or shall or may hereafter be borrowed on the Credit thereof respectively, and the Interest of such Monies from Time to Time, and shall vest in the respective Creditors, upon Default of Payment of such Sum or Sums of Money and the Interest thereof, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof, and the said Creditors respectively, and their re-
spective

pective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges of raising and recovering the Rates and Taxes upon which such Sum or Sums of Money is, are, or shall be secured for the satisfying and discharging to them such Sum or Sums of Money, and the Interest thereof, if Default shall be made in Payment thereof, as the said Commissioners, or their Collector or Collectors, Receiver or Receivers, would have had in case the same had been regularly paid and satisfied.

XXXII. And be it further enacted, That if any Person or Persons shall at any Time hereafter dig or throw out any Pond or Watering Place in any of the said Lands and Grounds intended to be drained by virtue of the said recited Act, or this Act, in any publick Drain already made, or at any Time hereafter to be made and used for the draining and improving of the said Lands and Grounds as aforesaid, or within Twenty Feet of any such publick Drain, or shall at any Time hereafter wilfully or maliciously stop, dam up, spoil, or damage any River, Drain, Watercourse, Engine, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works to be made, set up, or used for the Purposes aforesaid, then or in any of the said Cases, all and every such Person and Persons so offending, being thereof convicted before Two or more of His Majesty's Justices of the Peace for the said Isle of *Ely*, or County of *Lincoln*, where the Offence shall be committed, which said Justices are hereby authorized and required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party or Parties so offending, shall for every such Offence forfeit and pay any Sum of Money not exceeding Twenty Pounds nor less than Forty Shillings, as the said Justices shall respectively order and direct, to be levied by Distress and Sale of the Goods, Chattels, and Cattle of such Offender or Offenders; by Warrant under the Hands and Seals of the said Justices, and in Default of such Distress or Payment, the Person or Persons so offending shall be committed by such Justices to the House of Correction for the said *Isle of Ely*, or the County of *Lincoln*, as the Case may be, there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

Punishment
of Persons
destroying or
damaging the
Works, &c.

XXXIII. And be it further enacted, That if any Person or Persons shall, at any Time hereafter, without an Order made by the said Commissioners at one of their General Meetings, set up, use, or work any Horse Mill, Gigg, or other Engine or Device whatsoever, for draining or discharging Water from any of the said Lands and Grounds, the Drainage whereof is intended to be preserved under the Authority of this Act, or shall at any Time hereafter use or work any such Horse Mill, Gigg, Engine, or Device, in any other Manner or Form, or for any longer Time, than shall be allowed by the Order of the said Commissioners to be made as aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to be recovered with full Costs of Suit, by any Person who will sue for the same in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas within the said *Isle of Ely*, if such Offence shall be committed within the said *Isle of Ely*; and the Owner or Owners of such Mill, Gigg, Engine, or Device, shall also make full Compensation and Satisfaction to all and every Person or Persons who shall be injured thereby, for the Damage such Person

Penalty for
working
Horse Mills.

or

or Persons shall thereby sustain; which Compensation and Satisfaction shall and may be recovered, together with full Costs, by the Person or Persons entitled thereto, in such and the same Manner as the said Forfeiture or Sum of Fifty Pounds for such Offence is before directed to be recovered.

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

XXXIV. And be it further enacted, That the said Commissioners at their said First General Meeting, or at any General annual Meeting to be held under and by virtue of this Act, shall and may, and they are hereby authorized and empowered to appoint One or more Officer or Officers, for the Purpose of opening and shutting down the Tunnels and Sluices already set down within the said Fourth District, or hereafter to be set down and made use of under the Authority or in the Execution of this Act, and that no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times thereafter be opened or shut down but by the said Officer or Officers, or by his or their Direction, and that it shall and may be lawful to and for the said Commissioners, at the said First or other General annual Meeting to be held as aforesaid, or at any other Meeting, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices, as they shall think proper, and that the said Officer or Officers, and all and every other Person and Persons, who shall open and shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Commissioners, being thereof convicted before any Two or more Justices of the Peace for the said *Isle of Ely*, or County of *Lincoln*, where the Offence shall be committed, who are hereby authorized and required to hear and determine the same, on the Oath of One or more Witness or Witnesses, or Confession of the Party or Parties so offending, shall forfeit and pay for every such Offence, any Sum of Money not exceeding Twenty Pounds or less than Five Pounds to the said Commissioners, to be applied in Manner herein-after mentioned, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices before whom such Conviction shall be made, and in Default of such Distress or Payment, the Person or Persons so offending shall by the said Justices be committed to the House of Correction within the said *Isle of Ely*, or County of *Lincoln*, as the Case may be, there to be kept to hard Labour, for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices.

Power to appoint Officers.

XXXV. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Treasurer or Treasurers, and such other Officers as to the said Commissioners shall appear necessary or proper to assist in the Execution of the Powers of the said recited Act, so far as relates to the internal Works of the said Fourth District, and of this Act, and to allow such Officers, and every of them, reasonable Salaries for their Trouble, and from Time to Time, as they shall see Occasion, to remove any such Clerk, Receiver, Collector, Surveyor, Treasurer, or other Officer, and to appoint another or others in the Place of them as shall be so removed, and in case of the Death of any of them, in the Place of such of them as shall so die, and that every Receiver, Collector, and Treasurer, so to

be

be appointed as aforesaid, before he or they shall act in the Execution of his or their Office, shall give such Security to the said Commissioners for the due Execution of the same as the said Commissioners shall think proper.

XXXVI. And be it further enacted, That the said Treasurers, Collectors, and other Officers shall fairly enter into Books to be by them respectively kept for that Purpose, an Account of all Monies by them respectively received and expended, specifying the Times when, and the Persons from whom, and to whom, and for what Purposes such Monies were respectively received and paid; which Books, or true Copies thereof, respectively signed by the said Treasurers, Collectors, or other Officers, together with the Vouchers for the Expenditures, and also all Books and Papers in their Custody, respectively relating to the Execution of this Act, shall be yearly and every Year produced and delivered to the said Commissioners at their said General Annual Meeting to be holden on the last *Monday* in the Month of *June* as aforesaid, and also at such other Time or Times as the said Commissioners shall require.

Officers to
keep Ac-
counts.

XXXVII. And be it further enacted, That in case any of the said Treasurers, Clerks, Collectors, or other Officers or Persons so employed as aforesaid, shall wilfully refuse upon Requisition, and after Ten Days Notice in Writing given to them under the Hands of Three of the said Commissioners for that Purpose, to produce before and deliver to the said Commissioners the several Books, Papers, and Vouchers in their Custody or Possession relating to their said Offices, every Person so offending, and being thereof convicted before any Justice or Justices of the Peace for the said *Isle of Ely*, upon the Oath of One or more Witness or Witnesses, or upon the Confession of the Party offending, shall for every such Offence forfeit and pay any Sum of Money not exceeding Fifty Pounds nor less than Five Pounds, as such Justice or Justices shall direct to be recovered by Distress and Sale of the Goods and Chattels of the Offender; and in case any of the said Officers or other Persons so employed as aforesaid shall neglect or refuse to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of such Account according to the Directions of the said Commissioners, then and in every such Case it shall be lawful, upon the Complaint of One or more of the said Commissioners, for any Justice or Justices of the Peace for the said *Isle of Ely*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Distress and Sale of the Goods, Chattels, and Cattle of the Person or Persons so refusing or neglecting to account, or to pay the Money due upon the Balance of such Accounts as aforesaid, such Sum or Sums of Money as he or they shall be required to account for, or shall be found due upon the Balance of his or their Account or Accounts, and for Want of sufficient Distress, it shall and may be lawful for any such Justice or Justices of the Peace by Warrant or Warrants under his or their Hand and Seal or Hands and Seals to commit such Person or Persons to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands to the said Commissioners, or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money, (which Composition the said Commissioners may and are

Penalty on
Officers re-
fusing to pro-
duce Papers,
or to account:

[Loc. & Per.]

19 S

hereby

hereby empowered to make), or otherwise the said Commissioners may and are hereby empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas of the said *Isle of Ely*, against such Officer or Officers or Person or Persons so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Security or Securities for the Recovery of the Monies that shall be in the Hands of such Officer or Officers or other Person or Persons respectively.

Former Act to be in force where not altered or repealed.

XXXVIII. And be it further enacted, That all and every the Powers and Authorities, Clauses, Provisions, Regulations, Matters, and Things which are or were given, prescribed, appointed, and contained in and by the said before-recited Act of the Twenty-seventh Year of the Reign of King *George* the Second, and are not altered, repealed, or taken away by this Act, shall be and continue of the same Force and Effect as if this Act had never been made, any Thing herein contained to the contrary thereof notwithstanding; and that such Powers and Authorities, so far as they relate to the internal Works and Regulations of the said Fourth District only, shall be and are from henceforth vested in the Commissioners hereby authorized and empowered to act, as fully and effectually as the same were by the said before-recited Act vested in the Commissioners thereby appointed or directed to be chosen; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Saving Rights of *Bedford* Level Corporation.

XXXIX. Provided always, and be it further enacted, That this Act or any Thing herein contained, shall not extend, or be construed to extend, to empower the said Commissioners appointed by virtue of this Act, or any of them, to have, use, or exercise any Power or Authority over or to intermeddle with any of the Sewers, Drains, or Works already made or hereafter to be made by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the settling the draining of the Great Level of the Fens, called Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, of the Company of Conservators, or in the said Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act made in the Fifteenth Year of the Reign of King *Charles* the Second, or any other Act or Statute, now are vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators, or in the said Governor, Bailiffs, and Conservators, shall for ever hereafter remain, continue, and be in the Governor, Bailiffs, and Commonalty of the Company of Conservators, and Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Monies advanced for obtaining this Act to be repaid with Interest.

XL. And be it further enacted, That all such Monies as shall be advanced and paid by any Person or Persons in discharging the Fees or other Expences in obtaining and passing this Act, shall be repaid and satisfied by the said Commissioners, with lawful Interest for the same, out of the First Monies to be raised by them by virtue of this Act.

XLI. And

XLI. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed and not afterwards, and shall be laid and brought in the Court of Pleas of the said *Isle of Ely*, or in the County of *Lincoln*, where the Fact shall have been committed; and the Defendant or Defendants in such Action or Actions, Suit or Suits, shall and may plead the General Issue, and if in Replevin, shall and may justify and avow by virtue of this Act, as Persons acting by the Authority of Commissioners of Sewers are enabled to do, and shall and may, without specially pleading the same other than as aforesaid, at any Trial to be had thereupon, give this Act, and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought or laid in any other County or Liberty than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Action or Actions, Suit or Suits, or if a Verdict shall pass, or upon Demurrer or otherwise, Judgement be given against the Plaintiff or Plaintiffs, then or in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and have such and the like Remedy for the same, as where Costs by Law are awarded.

Limitation of
Actions.

XLII. And be it further enacted, That the respective Fines, Forfeitures, and Penalties by this Act imposed and inflicted, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer, Clerk, Collector, or other Officer to be appointed by the said Commissioners, and shall be applied and disposed of by the said Commissioners in such and the same Manner, and to and for such and the same Uses and Purposes as the several Rates and Taxes hereby authorized to be raised and levied, are hereby directed to be applied and disposed of, and to or for no other Use or Purpose whatsoever.

Application
of Penalties.

XLIII. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
 Printers to the King's most Excellent Majesty. 1800.

