



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 23.

An Act for amending and rendering more effectual an Act, passed in the Thirteenth Year of His present Majesty, for draining and preserving certain Lands and Grounds in the Parishes of *Tid Saint Giles* and *Newton*, in the Isle of *Ely*, in the County of *Cambridge*, and in *Tid Saint Mary's*, in the County of *Lincoln*; and for adding thereto certain other Lands in *Tid Saint Mary's* aforesaid, lying contiguous to the Lands described in the said Act.

[14th April 1808.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King *George the Third*, intituled, *An Act for draining and preserving certain Lands and Grounds in the Parishes of Tid Saint Giles and Newton, in the Isle of Ely, in the County of Cambridge, and in Tid Saint Mary's, in the County of Lincoln*, whereby certain Commissioners were appointed for putting the same in Execution; and the said Commissioners were empowered to assess, rate, tax, and charge, all and singular the Lands and Grounds in the District therein particularly described, with a yearly Sum *per Acre*, until all the Money which should be borrowed for the Purposes of the said Act, with the Interest

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rest thereof should be discharged: And whereas the said Commissioners have made several Cuts, Drains and Outlets, and erected several Engines and made several Banks, and done other Works, in, through, and upon the said Lands and Grounds, for draining and improving the same, and have assessed the said Lands and Grounds with the several Rates and Taxes authorized by the said recited Act: And whereas for the Purpose of making and preserving the said Works of Drainage, the said Commissioners have borrowed several Sums of Money upon the Security of the Rates and Taxes chargeable upon the said Lands and Grounds; and have assigned over the said Rates and Taxes for securing the Monies so borrowed, with the Interest thereof; and have also borrowed a further Sum of Five hundred Pounds upon their own personal Security, and have expended the same in discharging Debts incurred for Works done in the Execution of the said recited Act, and the same now remains unpaid; and a considerable Debt is also due upon the Assignment of the said Rates and Taxes, and otherwise on account of the said Lands and Grounds: And whereas the said Lands and Grounds might be more effectually drained and improved; but the Rates and Taxes authorized to be raised by the said Act have been found insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the present Works; and the Powers given to the said Commissioners are also found to be insufficient for the effectual Drainage and Improvement of the said Lands and Grounds, and it is therefore necessary to repeal certain Parts of the said Act, and to make some Alterations and Amendments in other Parts thereof, and to lay additional Taxes on the said Lands and Grounds, in order to raise Money to answer the said Purposes: And whereas certain Lands and Grounds, forming a Farm called *The Hundred Acre Farm*, in *Tid Saint Mary's* aforesaid, containing by Admeasurement One hundred and twenty-eight Acres and Thirteen Perches, and now the Property of his Grace the most noble *Edward Adolphus* Duke of *Somerset*, have derived considerable Benefit from the Works of Drainage made under the said recited Act, and may also be further improved by being put under the Management of the said Commissioners, and considered Part of the Lands to be drained under the said recited Act; and the said Duke is desirous that the same should be so considered, and is willing that the same should be taxed in the same Proportion as the other Lands adjoining thereto; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the Times and Places of Meetings of the Commissioners, and to the Number of Commissioners requisite to put the said Act in Execution, and as relates to the Payment of the Expences of the said Commissioners on account of their Attendance at any of their Meetings, and also as relates to the collecting and recovering of the Rates and Taxes, and also as relates to the Exemption of any Security or Proceedings under the said Act from Stamp Duties, shall be and the same is and are here repealed.

For adding
certain Lands
in Tid Saint
Mary's Fen
to the District.

II. And be it further enacted, That all and every the said Lands and Grounds called *The Hundred Acre Farm* herein-before mentioned, shall be and are hereby deemed and taken as Part and Parcel of, and shall be added to the District of Land to be drained under and by virtue of the said recited Act, and shall for ever hereafter be taken to be Part of the same, and shall

shall be subject to the same Powers and Provisions, and in every Respect be put as much as may be on the same Footing with the other taxable Lands which lie in *Tid Saint Mary's Fen*, on the West Side of *Shoffendike Bank*, directed to be drained under the said recited Act, and shall enjoy every Advantage of Drainage therewith, and be charged with the same Taxes in the same Manner as if such Lands and Grounds so by this Act added to the said District as aforesaid, had been a Part thereof, and incorporated and taxed with the other Lands therein at the Time of obtaining the said Act (except as to so much and such Part and Parts of the said recited Act as are or shall, in and by this Act be varied, altered, or repealed.)

III. And be it further enacted, That the Commissioners acting under the said recited Act, and their Successors, to be elected in the Manner directed by the said recited Act, together with such Person and Persons as is, are, or shall at any Time hereafter be or become possessed of Fifty Acres at the least (Statute Measure) of the Lands and Grounds subject or liable to be taxed, rated, or assessed under or by virtue of the said recited Act and this Act, and all and every Person or Persons acting as a Trustee or Trustees for Infants or other incapacitated Persons, so possessing Fifty Acres (Statute Measure) of the said Lands or Grounds, shall be and they are hereby appointed Commissioners for executing the Powers and Provisions of the said recited Act and this Act; and the several Persons hereby empowered to act as Commissioners in the Execution of the said recited Act and this Act, shall have the same Powers, Authorities, and Privileges, in all Respects, for executing the said recited Act and this Act, as if they had been originally appointed Commissioners by the said recited Act: Provided always, That no more than One Trustee shall be capable of acting in respect of one and the same Property.

Commissioners.

IV. And be it further enacted, That if any Person or Persons not being qualified by some one of the Means by the said recited Act or this Act prescribed, shall act as a Commissioner or Commissioners in the Execution of the said recited Act or this Act, he or they shall for every such Offence forfeit and pay the Sum of Fifty Pounds to be recovered, with full Costs of Suit, by any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster* (or in the Court of Pleas to be held within the said Isle of *Ely*, if such Offence shall be committed within the Jurisdiction thereof) by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlane shall be allowed; and in such Action or Suit, it shall be only necessary for the Plaintiff or Informer to prove that the Defendant acted as such Commissioner in the Execution of the said recited Act or this Act, and a Verdict shall be found against the Defendant or Defendants, unless he or they shall prove in his or their Defence, that he or they were at the Time of his or their so acting, properly qualified to act, according to the true Intent and Meaning of the said recited Act or this Act.

Penalty on Persons acting not being qualified.

V. And be it further enacted, That the First Meeting of the Commissioners after the passing of this Act shall be held at *The Vine Inn*, in *Wisbech Saint Peter's*, in the said Isle of *Ely* and County of *Cambridge* on the First Tuesday next after Three Weeks from the Day of the passing of this Act, at Eleven of the Clock in the Forenoon; and that the said Commissioners,

Meetings of the Commissioners.

or

or any Five or more of them, shall meet once at least in every Year, at *The Vine Inn*, in *Wisbech Saint Peter's* aforesaid, or at such other Place or Places as the said Commissioners shall from Time to Time appoint, on the Second *Tuesday* in the Month of *April*, in each and every Year, and at such other Time or Times as they the said Commissioners shall think necessary, and shall by Notice under the Hands of any Two or more of them (although not assembled at any Meeting) or by Notice under the Hand of their Clerk, appoint; and the said Commissioners present at any such Meeting may from Time to Time adjourn the same, to be holden at any other Time or Place they shall think proper; and in case Five Commissioners shall not be present at the Time and Place appointed for holding any such Annual Meeting, so appointed as aforesaid, or Three Commissioners shall not be present at any such adjourned or other Meeting, any one Commissioner present, or the Clerk of the said Commissioners, shall and may adjourn the same to any Time not exceeding Thirty Days from the Time when, and to the Place where the last Meeting was appointed to have been holden, of which Adjournment, Notice shall be given Ten Days previous to such Meeting; and no Act of the said Commissioners shall be good or valid unless it shall be done or ordered at some Meeting or adjourned Meeting holden under the Authority of this Act (except as herein-after excepted); and all the Powers or Authorities granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Annual Meeting or Meetings not being less than Five, and the whole Number present at any adjourned or other Meeting not being less than Three; and the Commissioners present at every Meeting or adjourned Meeting shall and may choose a Chairman, who in case of an Equality of Votes on any Question (including the Vote of such Chairman) shall have the decisive or casting Vote; and the first Business done at any such Meeting or adjourned Meeting shall be the Election of such Chairman; provided always, that no Order or Determination of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Five Commissioners at the least shall be present and concur in the revoking or altering thereof; except as to the opening and shutting down of Tunnels or Sluices, as in the said recited Act mentioned.

Chairman to
be appointed.

Commission-
ers to give
Notice of
Meetings.

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

Expences
at Meetings.

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

missioners at the adjourned Meetings; any Thing in the said recited Act to the contrary notwithstanding.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, at their first Meeting to be holden after the passing of this Act, or at any Adjournment thereof, and from Time to Time at their several Annual Meetings to be holden on the Second *Tuesday* in the Month of *April* in each and every Year, or at any Adjournments thereof, to assess, rate, tax, and charge all and every the Owners and Occupiers of all and singular the Lands and Grounds in the said Parishes of *Tid Saint Giles* and *Newton*, which lie on the West Side of *Black Dike*, and also of all and singular the Lands and Grounds (including the said Hundred Acre Farm) in *Tid Saint Mary's Fen*, which lie on the West Side of *Shoffendike Bank*, by an equal and proportional Acre Tax, in such Rate or Sum as the said Commissioners shall think proper, not exceeding in the Whole the Sum of Six Shillings in any One Year, in lieu and instead of the Sum of Four Shillings in the said recited Act mentioned, for each and every Statute Acre thereof, and so in proportion for any less Quantity than an Acre; and it shall also be lawful for the said Commissioners at the Time or Times aforesaid, in like Manner to assess, rate, tax, and charge the Owners and Occupiers of all and singular the said Lands and Grounds in the said Parishes of *Tid Saint Giles* and *Newton*, which lie on the East Side of *Black Dike*, and the same Lands are hereby charged with such Annual Sum or Sums of Money as the said Commissioners shall think proper, not exceeding in the Whole the Sum of One Shilling and Sixpence, in lieu and instead of the Sum of One Shilling in the said recited Act mentioned, for each and every Statute Acre thereof, and so in proportion for any less Quantity than an Acre; all which said respective Rates, Taxes, and Charges shall become due and payable and shall be paid by the respective Owner or Owners, Occupier or Occupiers of the said respective Lands and Grounds, to the Collector or Collectors, Receiver or Receivers, or other Person or Persons, at such Time or Times, at such Place or Places, and in such Manner and Form as the said Commissioners shall at any of their Meetings to be holden under this Act, or at any Adjournment thereof, direct or appoint; and such Rate and Rates, Tax and Taxes, shall be raised and levied in Manner directed by this Act; and all such Rates and Taxes shall continue to be charged and paid, each and every Year so long as shall be necessary for paying and discharging such Sum or Sums of Money as have been borrowed on the Credit of the said recited Act, and which shall or may be borrowed on the Credit thereof and of this Act, and all Interest now due or which shall hereafter become due for the same respectively, and also the several Debts incurred by the Commissioners acting under the said recited Act, and so long as shall be necessary for carrying the Purposes of the said recited Act and this Act into Execution, any Thing in the said recited Act to the contrary notwithstanding.

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

Tenants to pay the Taxes, and deduct them from their Rents;

[Loc. & Per.]

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but not to
deduct Penalties incurred
for Non-payment of Rates,
etc.

Beneficial
Lessees not to
be allowed to
deduct Taxes.

Certain Leases
or Agreements not to
be affected.

Penalty on
Persons neglecting to pay
the Rates.

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

X. Provided nevertheless, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates or Taxes imposed by this Act, who shall hold such Lands or Grounds by virtue of or under any Lease or Leases from any Bishop or Collegiate Church or College, or any Ecclesiastical Corporation, sole or aggregate, or by virtue of or under any other Lease or Agreement, of which other Lease or Agreement there shall at the Time of passing this Act, be more than Seven Years to come and unexpired, shall be entitled to deduct the said Rates or Taxes, or any of them, out of the Rent reserved or made payable by any such Lease or Agreement, but that the said Rates and Taxes shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid.

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

XII. And, for enforcing the due and punctual Payment of the Rates and Taxes by this Act charged, be it further enacted, That if any Person or Persons, subject or liable to the Payment of the said Rates or Taxes, or any Part thereof, shall omit or neglect to pay the same, or any Part thereof, to the Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed by the said Commissioners to receive and collect the same, for the Space of Twenty Days next after the respective Days or Times appointed for Payment of the same by the said Commissioners (Fourteen Days Notice in Writing of the respective Times of such Payments having been previously given by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons appointed as aforesaid, to the Person or Persons who is or are liable to pay the same, either by delivering such Notice to him, her, or them, or leaving the same at his, her, or their usual Place or Places of Abode, or if such last-mentioned Person or Persons shall not have any Place of Abode within the Parish in which the Lands or Grounds for or in respect of which he, she, or they, shall be assessed and rated as aforesaid, shall lie, then by affixing
such

such Notice upon the Church Door of the Parish where such Lands and Grounds or any Part thereof shall lie, and which Notice shall be and be deemed and taken to be a full and sufficient Notice to all Persons concerned, of the Day of Payment of such Rates or Taxes) then and in every such Case, every Person so omitting or neglecting, shall forfeit and pay to the said Commissioners, by way of Penalty, for every such Omission, Neglect, or Non-payment, the Sum of One Penny for every Shilling of the said Rates and Taxes which shall be so in Arrear and unpaid, and so in proportion for any less Sum than One Shilling, and such Penalty shall be paid to the Collector or Collectors, Receiver or Receivers of such Rates and Taxes, or to such Person or Persons as the said Commissioners shall appoint to receive the same; and in Default of Payment thereof to such Collector or Collectors, Receiver or Receivers, or to such other Person or Persons as aforesaid, on Demand, every such Penalty shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as the Rates and Taxes hereby charged, or any of them, may or can be levied and recovered; and all such Penalties, when received, shall be applied by the said Commissioners in carrying the said recited Act and this Act into Execution.

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

Power of
Distress in
case of Non-
payment.

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trefts shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Collector or Collectors, Receiver or Receivers of such Rates or Taxes, or to the Person or Persons making such Distress, within Five Days next after the making of such Distress, and Notice thereof given as aforesaid, then and in every such Case the Person or Persons so making such Distress, shall and may, with the Constable or Headborough of the Parish where such Distress shall be made (who is and are hereby directed, upon being thereunto required, to assist therein) cause the Goods, Chattels, and Effects so distrained, to be appraised by Two or more indifferent Persons, to be sworn by such Constable or Headborough (who is and are hereby required and empowered to administer the proper and necessary Oath or Oaths), and such Two Persons are hereby required to appraise the same, according to the best of their Judgments; and after such Appraisement it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or other Person or Persons making such Distress, to sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the best Price or Prices that can be reasonably had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expences, of taking, keeping, appraising and selling the same, rendering the Overplus of the Money arising from such Sale (if any) on Demand, to the Person or Persons entitled thereto.

Distress, where Goods are removed from the Lands, to evade the Payment of the Taxes.

XIV. And whereas Persons liable to the Payment of the Rates and Taxes may, in order to evade the Payment of the same, and of the Penalties due thereon, remove their Goods, Chattels, and Effects, from off the Lands and Grounds hereby taxed and charged as aforesaid, belonging to or in the Occupation of such Person or Persons; be it therefore enacted, That in all Cases where no sufficient Distress can be found on such Lands and Grounds whereon to levy and raise the Rate or Rates, Tax or Taxes, due and payable by any such Person or Persons, and the Penalty or Penalties which shall have become due by reason of the Non-payment thereof, it shall and may be lawful for the Collector or Collectors, Receiver or Receivers of the said Rates and Taxes, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners (which Warrant or Precept such Commissioners, or any Three or more of them, are hereby empowered and required from Time to Time to grant and make, as Occasion shall require, whether assembled at a Meeting or not) to levy all and every such Rate or Rates, Tax or Taxes, and Penalties, by Distress and Sale of any other Goods, Chattels, and Effects of any such Person or Persons, whensoever and wheresoever such Goods, Chattels and Effects shall be found, in like Manner as herein-before authorized and directed respecting the Distress and Sale of the Goods, Chattels and Effects which shall be found on the Lands and Grounds hereby taxed and charged as aforesaid, together with all Costs, Charges, and Expences attending such Distress and Sale.

Lands to remain liable if no Distress found.

XV. And be it further enacted, That when and so often as it shall happen that the Lands for or in respect of which any such Rates or Taxes as aforesaid, or any Part thereof, or any Penalty or Penalties for the Non-payment of any such Rates or Taxes, shall be due and unpaid, shall be unoccupied, or that no sufficient Distress can be found thereon for levying the same Rates or Taxes, and Penalties, then and in every such Case, such Lands shall be and remain a Security for the Payment of all such Rates, Taxes, and

and remain a Security for the Payment of all such Rates, Taxes, and Penalties respectively so due and unpaid; and all Goods, Chattels, and Effects, which shall at any Time thereafter be found on such Lands, shall and may be distrained, impounded, kept, appraised, and sold in Manner afore said, until all the Rates and Taxes then due and owing for or in respect of such Lands, and all Penalties which shall have become payable by the Non-payment thereof at the Times afore said, and all Costs, Charges, and Expences incident to every such Distress and Sale shall be fully paid, satisfied, and discharged.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, or the major Part of them assembled at any Annual or Special Meeting to be holden after the passing of this Act (at which respective Meetings Five Commissioners at the least shall be present), and they are hereby empowered, from Time to Time to raise or borrow any Sum or Sums of Money which they shall think necessary for the Purposes of this and the said recited Act, not exceeding in the Whole at any one Time the Sum of One thousand Pounds over and above the Monies authorized to be borrowed under the said recited Act; and so that of the Sum and Sums of Money to be so borrowed under this Act, there shall not at any Time be a greater Debt incurred than One thousand Pounds over and above the said Monies authorized to be borrowed on the Credit of the said recited Act; and that when and as often as it shall be found necessary to borrow any such Sum of Money not exceeding the Sum of One thousand Pounds, the said Commissioners shall and they are hereby required, within the Space of Three Years from the Time of borrowing the same, to repay such Sum or Sums of Money, with all Interest due thereon, and also the Expences of raising, securing, and borrowing the same, and for that Purpose to rate, assess, and tax the Lands to be drained by virtue of the said recited Act and this Act, in the same Manner and Proportions as such Lands are herein directed to be taxed for defraying the Expences of this Act, with such Sum of Money as shall be found necessary, over and above any other Rates, Taxes, and Charges which may be assessed or charged thereon by virtue of the said recited Act or this Act: and that the said last-mentioned Rates or Sums of Money shall be paid to such Persons, and at such Times, and under such Penalties for Non-payment thereof, not exceeding One Penny for each Shilling unpaid, as the said Commissioners shall order and direct; and that the said Commissioners shall have the same Powers and Remedies in all Respects for enforcing the Payment of such Rates, with the Penalties (if any) incurred thereon, as are herein-before given for enforcing any Rate or Assessment to be made by virtue of the said recited Act or this Act.

Power for the Commissioners to borrow further Money by way of Mortgage, not exceeding 1000*l*.

XVII. And be it further enacted, that the said Commissioners shall and may by Writing under their Hands and Seals, assign over the said Rates and Taxes last herein directed to be made and raised, as a Security for the Re-payment of any such Sum or Sums of Money so to be borrowed as last-mentioned, with lawful Interest for the same, to the Person or Persons who shall advance and lend the same, his, her, or their Trustee or Trustees, Executors, Administrators, or Assigns, and such Interest as afore said shall be payable and paid Half Yearly; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made, shall be a Creditor and Creditors on the said last-mentioned Rates and Taxes, and

Commissioners may assign the Rates and Taxes, for Security.

[*Loc. & Per.*]

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every

every such Mortgage shall be made for the Sum of One hundred Pounds; and such Mortgage or Assignment may be in the Words or to the Effect following, (that is to say);

Form of
Mortgage.

WE of the Commissioners appointed by or in
purfuance of an Act, passed in the Forty-eighth Year of the Reign
of King George the Third, intituled, An Act [here insert the Title of this
Act] in Consideration of the Sum of advanced
and lent by A. B. upon the Credit and for the Purposes of the said Act,
do hereby grant and assign unto the said A. B. [or to his Trustee or
Trustees, as the Case may be] his Executors, Administrators, and Assigns,
such Proportion of certain specific Rates, Taxes, or Assessments, to be
raised, levied, and collected, for certain special Purposes in the said Act
mentioned, as the said Sum of doth or
shall bear to the whole Sum charged, which may at any Time be bor-
rowed or become due and owing and be charged upon the Credit of the
said last-mentioned Rates, Taxes, or Assessments; to be had and holden
from this Day of until the said
Sum of with Interest at
per Centum per Annum for the same, shall be repaid and satisfied. In
Witness whereof we the said Commissioners have hereunto set our Hands
and Seals, the Day of in the
Year

And all such Mortgages or Assignments, and all Mortgages or Assignments granted by virtue of the said recited Act, shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Power to
transfer Se-
curities.

XVIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed upon Interest by virtue of this Act, and their respective Executors, Administrators, or Assigns (as the Case may be) at any Time by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say),

Form of
Transfer.

I A. B. being entitled to the Sum of by
virtue of a Mortgage or Assignment bearing Date the
Day of under the Hands and Seals of
of the Commissioners acting in the Execution of
an Act, passed in the Forty-eighth Year of the Reign of King George
the Third, intituled, 'An Act, [here set forth the Title of this Act,] upon
the Credit of the Rates, Taxes, and Assessments, granted or payable by
the said Act, do hereby transfer all my Right and Title in and to the
same Sum, and all Interest and other Money now due and arising there-
on, unto C. D. his Executors, Administrators, and Assigns. Dated
the Day

Copies of As-
signments to
be entered in
a Book.

And a Copy of every Security, Mortgage, or Assignment made by virtue of this Act, and an Extract or Memorial of every Transfer thereof respectively,

respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; to which Book any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Five Shillings and no more; and every such Transfer, after Entry thereof made as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Inrolment whatsoever.

XIX. And be it further enacted, That the Rates and Taxes to be charged by virtue of this Act for the general Purposes of the said recited Act and this Act, and such Rates and Taxes as are now due under the said recited Act; shall be, and are hereby charged and chargeable with and for the Payment of all and every Sum and Sums of Money which have or hath been borrowed by virtue of the said recited Act, and now remain due, and the Interest of such Monies respectively, and shall vest in the respective Creditors until such principal Monies and Interest 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 respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges, of raising, recovering, and enforcing Payment of the said Rates and Taxes, for the satisfying and discharging to them respectively such principal Monies and Interest (if Default shall be made in Payment thereof, as the same shall become due) as the said Commissioners or their Collector or Collectors have or would have had by virtue of the said recited Act or this Act, in case the said principal Monies and Interest had been regularly paid and satisfied.

Taxes vested
in Creditors.

XX. And whereas certain of the Commissioners appointed by virtue of or under the said recited Act, did some short Time since borrow and take up at Interest, on their own Personal Security, the Sum of Five hundred Pounds, for the Purpose of discharging certain Debts incurred for necessary Works made and done under the said recited Act, and the said Sum of Five hundred Pounds was paid into the Hands of the Treasurer to the said Commissioners, and by him applied in discharging such Debts: And whereas the said Sum of Five hundred Pounds, with an Arrear of Interest for the same, is still remaining due from the said Commissioners, and it is expedient that Provision should be made as well for paying off and discharging the said Sum of Five hundred Pounds and the Interest thereof, as for defraying the Costs, Charges, and Expences which shall be incurred in, incident to, and attending the obtaining and passing of this Act, together with lawful Interest for all Monies which shall be advanced for the said last mentioned Purpose, from the Time or respective Times of the Payment or Advancement thereof; be it therefore further enacted, That it shall be lawful for the Commissioners appointed or to be appointed by virtue of the said recited Act or this Act, and they are hereby authorized and required, at their First Meeting after the passing of this Act, and at their General Annual Meeting to be held in the next succeeding Year, to assess, rate, tax, and charge all and every of the Owners and Occupiers of all
and

For discharging a certain Debt of 500l. owing from the Commissioners, and the Expences of the present Act.

and singular the said Lands and Grounds by the said recited Act and this Act intended to be drained, by several Rates or Acre Taxes, in the same Manner and Proportions as the Rates and Taxes for the general Purposes of the said recited Act are directed to be laid and raised in such Rates or Sums of Money as shall be sufficient to satisfy and pay the said Sum of Five hundred Pounds; and the Interest thereof, and the said Costs, Charges, and Expences, and Interest of Monies advanced or to be advanced as aforesaid (over and above the said other Rates, Taxes, and Charges herein-before directed or authorized to be assessed, rated, taxed, and charged as aforesaid); and that the said last-mentioned Rates or Sums of Money shall be paid to such Person or Persons, 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 their said First Meeting, and at their said General Annual Meeting to be held in the succeeding Year next after the passing of this Act, order and direct; and that the said Commissioners shall have such and the like Powers and Remedies in every Respect for enforcing the Payment and levying of the said last-mentioned Rates and Sums of Money, with the Penalties (if any) incurred thereon, as are herein-before specified for the levying of the said other Rates, Taxes, or Charges, to be assessed, rated, taxed, or charged as herein-before mentioned; and the said last-mentioned Rates or Sums of Money, when collected and received, shall be applied in paying off and discharging the said Sum of Five hundred Pounds and the Interest thereof, and the said Costs, Charges, and Expences, and Interest of Monies advanced as aforesaid, and to and for no other Use, Intent, or Purpose whatsoever; but in case any Overplus shall remain of the said last-mentioned Rates or Sums of Money, after the Payments aforesaid, then such Overplus shall be applied to and for the general Purposes of the said recited Act and this Act.

Application of
the Monies.

XXI. And be it further enacted, That the Monies now in the Hands of the Treasurers, Collectors, or other Officers acting under the said recited Act, and all Arrears, Rates, and Taxes, now due upon or by virtue of the said recited Act, and the Monies to arise from the Rates and Taxes by this Act imposed as aforesaid, and all pecuniary Penalties, Forfeitures, and all other Monies to be received, levied, or recovered by virtue of the said recited Act and this Act, not otherwise disposed of, shall be, and the same are hereby vested in the said Commissioners, and shall be by them applied and disposed of in the Manner following; (that is to say) in the first Place in paying and defraying the Costs, Charges, and Expences of obtaining and passing this Act, and the Interest of all Monies advanced for that Purpose, and then in Discharge of all such Debts as have been contracted by the Commissioners acting under the said recited Act, in making and repairing the several Works of Drainage thereby authorized to be made, or otherwise for the Purposes of the said recited Act, and which are now due and unpaid, and in Discharge of the Interest of all such Monies as have been or shall be borrowed and taken up at Interest under or by virtue of the said recited Act, and for and towards the several Works of Drainage and other Works by the said recited Act and this Act authorized to be made, done, and executed, and towards the Support and Maintenance of the same, and also to apply any Surplus Money or Balance which may from Time to Time remain after Payment of such Costs, Charges, Interest, and Expences, and in the Discharge of all such principal

principal Monies as have been or shall be borrowed and taken up at Interest under the Authority or on Account of the said recited Act, and for the general Purposes of the said recited Act and this Act, and to and for no other Use, Intent, or Purpose whatsoever.

XXII. And be it further enacted, That no Person or Persons, who is, are, or shall be a Creditor or Creditors on the Rates and Taxes imposed by the said recited Act or this Act, and who is, are, or shall be a Proprietor or Proprietors, Occupier or Occupiers of any of the said Lands and Grounds to be rated or taxed by virtue of the said recited Act or this Act, shall at any Time hereafter deduct or set off, or be allowed or permitted by the said Commissioners to deduct or set off, all or any Part of the Interest payable to him, her, or them respectively, as such Creditor or Creditors as aforesaid, out of or from any Sum or Sums of Money which shall be due from or payable by him, her, or them respectively, for such Rates and Taxes as such Proprietor or Proprietors, Occupier or Occupiers as aforesaid; but the Rates and Taxes payable by him, her, or them, shall from Time to Time be paid to the Collector or Collectors, Receiver or Receivers, under the said recited Act and this Act, in the same Manner as if such Person or Persons was or were in no ways interested as a Creditor or Creditors.

Proprietors, being Creditors, not allowed to deduct the Interest due to them out of their Taxes.

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

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

XXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done in pursuance of the said recited Act or this Act, he, she, or they, may within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the said Isle of *Ely* or County of *Lincoln* (as the Case may require) first giving to the Person or Persons appealed against, or to the Clerk to the said Commissioners, in case the Appeal shall be made against any Act or Determination of the said Commissioners, Ten Days Notice in Writing of such Appeal, and of the Nature thereof, and within Two Days after such Notice, entering into a Recognizance

Allowing an Appeal.

[*Loc. & Per.*]

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nizance

nizance before some Justice of the Peace for the said Isle or County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Justices; and the said Justices shall, upon due Proof of such Notice and Recognizance having been given and entered into, hear and determine the said Appeal at such General Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be holden for such Isle or County; and the said Justices, on the hearing and determining of every such Appeal, may award such Costs to the Party appealing or appealed against, as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices in the said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

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

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

Publick Act,

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

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