



ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

\*\*\*\*\*

*Cap. 46.*

An Act for improving the Upper End of the *Barrier Bank*, on the North Side of the *Wash* of the *Hundred Feet River*, in the *Isle of Ely*, and Counties of *Cambridge* and *Huntingdon*. [18th April 1810.]

WHEREAS there are divers Fen Lands and Low Grounds lying within the several Parishes, Townships, or Places following; that is to say, *Sutton*, *Mepal*, *Chatteris*, *Doddington*, *Witcham*, *Welch's Dam*, and *Byal Fen*, in the *Isle of Ely*, and County of *Cambridge*; and in *Somersham*, *Ramsay*, *Warboys*, *Bury*, *Colne*, *Wistow*, and *Pidley with Fenton*, in the County of *Huntingdon*; containing Twenty-six thousand Acres or thereabouts; which are comprized within and usually called or known by the Names of "The *Sutton and Mepal District for Drainage*," and "The Upper and Lower Embanking Districts;" all which Lands and Grounds are subject to Inundation, if any Part of the Upper End of the said *Barrier Bank* should be broken by the Floods: And whereas it is of the greatest Importance to the said Lands and Grounds to be secured against the Danger of a Breach of any Part of the said *Barrier Bank* hereby intended to be improved; and the same in its present Condition is not a sufficient Security against that Danger; 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 the Lord or Lords, Lady or Ladies for the Time being of the several Manors within the said Parishes or Places, or any or either of them, and the Rectors and Vicars of the said several Parishes, in respect

[Loc. & Per.]

Commission-  
ers, Lords of  
Manors,  
Rectors, and  
Vicars, and



Persons  
having 50  
Acres.

of their several and respective Manors, Rectories, and Vicarages, or in their Absence, the several and respective Stewards or Agents of the said Lord or Lords, Lady or Ladies of Manors, Rectors, and Vicars, to be severally appointed under the Hands of such Lord or Lords, Lady or Ladies of Manors, Rectors, and Vicars respectively, (such Appointment being certified or Notice thereof under his or her Hand or Hands, being first delivered to the Commissioners hereafter named;) and every Person who for the Time being, shall be *bona fide* seized or possessed of in his own Right, or in the Right of his Wife, or as Trustee, Committee, or Guardian, for any Feme Covert, Lunatic, or Minor, of Fifty Acres of Land, hereafter made subject to be taxed by virtue of this Act, shall be Commissioners for the Purpose of executing the Powers and Authorities of this Act.

Persons  
having 300  
Acres may  
appoint  
another  
having 25  
Acres;  
but to cease  
on Persons  
appointing,  
not having  
300 Acres.

II. And be it further enacted, That every Person who shall be seized or possessed as aforesaid, of Three hundred Acres of Land subject to be taxed by virtue of this Act, may, and every such Person is hereby authorized to appoint under his or her Hand another Person to act as a Commissioner in the Execution of this Act, and to certify the same under his or her Hand, such Person so to be appointed, being seized or possessed as aforesaid, of Twenty-five Acres of Land, subject to be taxed as aforesaid; provided that every such Person so to be appointed shall cease to be a Commissioner, when the Person so appointing shall not be so seized or possessed of Three hundred Acres of Land as aforesaid.

Penalty on  
acting not  
being qua-  
lified.

III. Provided always, and be it further enacted, That if any Person or Persons not being qualified by some of the Means herein-before prescribed, shall act as a Commissioner or Commissioners in the Execution of this Act, he, she, and 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*, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance 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 this Act, and a Verdict shall be found against the Defendant or Defendants, unless he, she, or they shall prove in his, her, or their Defence, that he, she, or they was or were at the Time of his, her, or their so acting, properly qualified to act according to the true Intent and Meaning of this Act.

Times and  
Places of  
holding  
Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to hold their first Meeting for the Purpose of putting this Act into Execution, at the *George Inn* in *Chatteris* aforesaid, on the Third *Tuesday* next after the passing of this Act, and that afterwards Two Half-yearly Meetings of the said Commissioners shall be holden in every Year, the First on the *Tuesday* in the Week preceding the *April* Meeting of the *Bedford Level* Corporation, and the other on the Second *Tuesday* in the Month of *November*, at some Inn or other Public House in One of the said Parishes, to be fixed upon by the said Commissioners at the preceding Half-yearly Meeting: Provided always, that the Half-yearly Meeting preceding the *April* Meeting of the *Bedford Level* Corporation shall always be held at *Chatteris* aforesaid: And provided also, that if the usual

*April*



*April* Meeting of the said Corporation should be discontinued or altered; that then the First Half-yearly Meeting in each Year of the said Commissioners, shall be held on the Second *Tuesday* in *April* in each Year.

V. And be it further enacted, That at any or either of the Meetings of the said Commissioners to be holden by virtue of this Act, it shall be lawful for any Nine or more of the said Commissioners, to proceed on and execute the Powers given to them by this Act in all Cases, except where it is by this Act otherwise provided, and also to adjourn from Time to Time, and Place to Place, as they shall think necessary; and all Orders and Proceedings of the said Commissioners, at every Meeting by them respectively holden under the Authority of this Act, shall be fairly entered in a Book to be provided and kept for that Purpose, and all such Entries shall be deemed original Orders and Proceedings, and may be read and received in Evidence in all Courts whatsoever: Provided always, that if the Number of Commissioners required do not attend at any Meeting, such of the Commissioners as do attend, or if none attend, then the Clerk to the Commissioners is hereby directed to adjourn such Meeting to such Time and Place as the Commissioners attending, or, if none attend, as the said Clerk shall think proper.

Quorum of Commissioners.

VI. And be it further enacted, That it shall and may be lawful to and for any Five of the Commissioners hereby appointed to execute this Act, at any Time or Times to call a Special Meeting at *Chatteris*, first advertising the same Twice in the *Cambridge Chronicle*, or in some other Country Newspaper usually circulated through the *Isle of Ely*; provided that no Business be done at such Special Meetings, but what relates to the Business specified in such Advertisements.

Commissioners may call a Special Meeting.

VII. And be it further enacted, That at all Meetings whatsoever holden under the Authority or in pursuance of this Act, the Commissioners attending such Meetings shall bear and defray their own Expences.

Commissioners to defray their own Expences.

VIII. And be it further enacted, That the said Commissioners at their First or any subsequent General Meeting, shall and may appoint a Treasurer, Clerk, Collector or Collectors, and such other Officer or Officers as they shall respectively find it necessary and proper to appoint for the better Execution of this Act; and every such Treasurer, Clerk, Collector, and other Officers, shall if required give Security for the due Execution of their respective Offices, to the Satisfaction of the said Commissioners, and the said Commissioners shall allow them or any of them, such Salary or Salaries, or other Remuneration, out of the Monies to be raised by virtue of this Act, as they shall think proper, and also shall and may from Time to Time remove such Treasurer, Clerk, Collector, or Collectors, and other Officers, as they shall see Occasion, and in like Manner appoint others in their Stead.

Commissioners to appoint a Treasurer, Clerk, Collector, &c.

IX. And be it further enacted, That the said Treasurer, Clerk, Collector, or Collectors, and other Officers shall fairly enter into Books to be by them respectively kept for that Purpose, an Account or Accounts of all Monies by them respectively received and expended, specifying the Times when and the Persons from whom and to whom such Monies were respectively received, and paid and for what Purposes, which Books or true Co-

Treasurer, Collector, and other Officers to keep Accounts.



pies thereof, signed by the said Treasurer, Clerk, Collectors, or other Officers respectively, together with the Vouchers for such Expenditures, and also all Books and Papers in their Custody, relating to the Execution of this Act, shall be the Property of the said Commissioners, and shall be delivered to the said Commissioners, or to whom they shall direct, at such Time or Times as the said Commissioners shall require.

Officers refusing to account, their Goods may be distrained.

For Want of Distress to be committed,

but not detained more than Six Calendar Months.

Power to lay Taxes.

X. And be it further enacted, That in case the said Treasurer or Clerk, or any or either of the said Collector or Collectors, or other Officers, their Executors or Administrators, or any other Person or Persons employed or entrusted by the said Commissioners, shall refuse or neglect 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 Three or more of the said Commissioners, or any One or more of His Majesty's Justices of the Peace for the said Counties of *Huntingdon* and *Cambridge*, or for the said *Isle of Ely*, as the Case may be, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account, or to pay as aforesaid, such Sum and Sums of Money as he or they shall have been so required to account for, or as shall have been found due by the said Justice or Justices upon the Balance of his or their Account or Accounts; and for Want of sufficient Distress, it shall and may be lawful for any One or more of the said Justices, 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 in any or either of the Counties aforesaid, or in the said *Isle of Ely*, as the Case may be, 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 on the Balance of such Account or otherwise, to the said Commissioners, or according to their respective Appointment, or shall have compounded for the same, and shall have paid such Composition Money (which Composition the said Commissioners are hereby authorized and empowered to make and accept); or the said Commissioners may and they 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 for the *Isle of Ely*, as the Case may be, against such Officer or Officers or other 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 due from such Officer or Officers, or other Person or Persons respectively, upon such Security or Securities as shall have been given or entered into by them respectively: Provided always, that no Person shall by virtue of this Act, be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Six Calendar Months.

XI. And be it further enacted, That it shall and may be lawful for any Nine or more of the said Commissioners, and they are hereby authorized and required yearly and every Year for the Space of Three Years, to commence on the Day of passing this Act, to assess, rate, tax, and charge all and singular the Fen Lands and Low Grounds lying within the said *Sutton* and *Mepal* District, now paying or liable to pay any Tax under the Statute or



of Statutes hereafter specified relating thereto, with an equal and proportionate Acre Tax of One Shilling and Sixpence *per* Acre for each Year; and also to assess, rate, tax, and charge all and singular the Fen Lands and Low Grounds lying within the said Upper and Lower Districts, and now paying or liable to pay any Tax under the Statute or Statutes hereafter specified relating thereto, with an equal and proportionate Acre Tax of Ninepence *per* Acre for each Year; it being hereby intended that no Part or Parts of the Lands and Grounds within the said Sutton and Mepal District, and the said Upper and Lower Embanking Districts respectively, shall be subject to the Tax hereby charged, unless they are now subject to some or one of the Taxes charged by the Commissioners of the said Sutton and Mepal District, and the said Upper and Lower Embanking Districts, under or by virtue of some or one of the several Statutes relating to the said Districts hereafter specified; (that is to say) First, an Act passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of Sutton, Mepal, Witcham, Chatteris, Doddington, and a Place called Byal Fen in the Isle of Ely and County of Cambridge, and also in the Parishes of Somersham and Pidley with Fenton in the County of Huntingdon*; Secondly, an Act passed in the Thirty-second Year of the Reign of His said Majesty King George the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of Somersham and Pidley with Fenton, and the Parish of Colne in the County of Huntingdon*; Thirdly, an Act passed in the Fifteenth Year of the Reign of His present Majesty, intituled, *An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons, in the several Parishes of Ramsey, Bury, Wistow, Warboys, Somersham, Colne, and Pidley with Fenton in the County of Huntingdon, and in the Parishes of Chatteris and Doddington within the Isle of Ely and County of Cambridge*; Fourthly, an Act passed in the Seventeenth Year of the Reign of His present Majesty, intituled, *An Act for amending and rendering more effectual an Act made in the Twenty-second Year of the Reign of King George the Second, intituled, 'An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of Sutton, Mepal, Witcham, Chatteris, Doddington, and a Place called Byal Fen in the Isle of Ely and County of Cambridge, and also in the Parishes of Somersham and Pidley with Fenton in the County of Huntingdon; so far as the same relates to the Fen Lands and Low Grounds lying in the Parishes of Sutton, Mepal, Witcham, Chatteris, and a Place called Byal Fen in the Isle of Ely*;' and Fifthly, an Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled, *An Act for altering, amending, and rendering more effectual Two Acts of the Twenty-second Year of King George the Second, and the Seventeenth Year of His present Majesty, so far as relate to draining and preserving certain Fen Lands and Low Grounds lying in the Parishes of Sutton, Mepal, Witcham, Chatteris, Somersham, and a Place called Byal Fen in the Isle of Ely and County of Cambridge, and for adding thereto certain other Fen Lands in Sutton, Somersham, and Chatteris, lying contiguous to the Lands described in the said Acts.*

XII. And to provide for the assessing, rating, and charging the said Rates and Taxes upon any Lands and Grounds within the said Sutton and  
[Loc. & Per.] 12 T

Power to lay  
Taxes upon  
Owners of  
Common  
Rights.

Mepal



*Mepal* District, and the said Upper and Lower Embanking Districts, which may remain and continue common after the passing of this Act; be it further enacted, That it shall and may be lawful to and for any Five or more of the said Commissioners, and they are hereby authorized and required to assess, rate, and charge all and every the Owner and Owners of Messuages, Toftsteads, or Cottages, having Right of Common in or upon the said Commons, or any Part thereof, with the said Taxes respectively hereby charged upon such Commons, in Proportion to the Rights of such Owner or Owners of such Messuages, Toftsteads, or Cottages, of and in the said Commons, in the same Manner and with the same Powers as any of the Taxes are directed to be raised, taxed, or charged upon any Common or Commons under or by virtue of any or either of the said Acts relating to the said *Sutton* and *Mepal* District, and to the said Upper and Lower Embanking Districts; and in case any such Owner or Owners shall refuse or neglect to pay his, her, or their Proportion of the said Rates or Taxes so charged upon him, her, or them as aforesaid, at the Times and Places appointed for the Payment of the same, then and in such Case the said Commissioners, or any five of them, shall and may levy the said Rates and Taxes so charged or payable by such Owner or Owners, together with the Penalties thereby incurred, by Distress and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of such Messuages, Toftsteads, or Cottages, with the same Powers and in the same Manner as is hereby directed for the Payment of the Rates and Taxes due or payable from any other Person or Persons under the Authority of this Act.

Times and  
Places for  
Payment of  
Taxes.

XIII. And be it further enacted, That the said Rates, Taxes, and Assessments for the First Year shall be charged or imposed at the First Meeting of the said Commissioners, or at some Adjournment thereof, and for the Two subsequent Years shall be charged or imposed at the Spring Half-yearly Meeting in each Year, or some Adjournment thereof, and shall become due on the First Day of *May* in each Year; and the Collector or Collectors to be appointed as aforesaid, or some or one of them, or his, their, or one of their Deputy or Deputies, is and are hereby required to attend at the Times and Places following, for the Purpose of receiving the Taxes hereby directed to be raised; (that is to say) at *Chatteris* aforesaid on the First *Wednesday* after the First Day of *May* in every Year, at *Sutton* aforesaid on the Second *Wednesday* after the First Day of *May* in every Year, at *Ramsay* aforesaid on the Third *Wednesday* after the First Day of *May* in every Year, at *Somerham* aforesaid on the Fourth *Wednesday* after the First Day of *May* in every Year, and at *Warboys* aforesaid on the Fifth *Wednesday* after the First Day of *May* in every Year; and that Notice of the Times and Places at which such Collector or Collectors shall so attend, shall be advertised Twice in the *Cambridge Chronicle*, or some other Country Newspaper usually circulated in the *Isle of Ely*, and on the Church Doors of the respective Parishes and Places in which the said Lands liable to the Payment of the said Taxes respectively are situate; and in Case of Non payment of the said Taxes to the said Collector or Collectors, Deputy or Deputies, at some or one of the respective Times and Places aforesaid, or at the House of the Collector or Collectors on or before the *Wednesday* lastly herein-before mentioned, every Person neglecting to pay the same shall forfeit and pay to the said Commissioners the Sum of  
Three



Three Shillings and Four-pence for every Twenty Shillings due for such Taxes not paid as aforesaid, and so in Proportion for any greater or lesser Sum than Twenty Shillings, to be recovered as hereinafter mentioned; and the Monies so forfeited and recovered shall be applied by the said Commissioners in the same Manner as the Taxes are hereby directed to be applied; provided, that if the First Meeting of the said Commissioners shall not take place until after the First Day of *May* One thousand eight hundred and ten, then that the First Year shall be considered as ending on the Thirtieth Day of *April* One thousand eight hundred and ten, and the First Year's Tax shall become due and be collected at such Times as the said Commissioners shall direct, and the Collector or Collectors Attendance to receive the same, and the Advertisements thereof, and the Penalties for the Non-payment thereof, shall be the same as is above enacted, except as to the Time only.

XIV. And to the End that the said Taxes may be more easily collected and received, be it further enacted, That all and every the Tenants and Occupiers of the Fen Lands and Low Grounds within the said Parishes respectively, which shall be assessed or rated by virtue of this Act, shall pay and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed or rated on or for or in respect of their respective Lands and Grounds in their several Occupations, to the Collector or Collectors, or other Person or Persons appointed by the Commissioners to receive the same, and to deduct and retain out of his, her, or their Rent all such Sum and Sums of Money as he, she, or they shall so respectively pay as aforesaid, and the several and respective Landlords or Owners of such Fen Lands and Low Grounds are hereby required to allow such Deductions and Payments upon the Receipt of the Residue of their Rents, and that every such Tenant or Occupier paying such Rates or Taxes respectively shall be acquitted and discharged of so much Money as the said Rates or Taxes so paid by him, her, or them shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

Tenants to pay the Taxes and deduct the same out of their Rents.

XV. Provided nevertheless, and be it further enacted, That where any Penalty or Penalties shall have been incurred for Non-payment of any Tax or Taxes by virtue of any of the Provisions herein contained, and such Penalty or Penalties shall have been levied by the said Commissioners upon the Goods, Chattels, or Stock of any Person or Persons occupying any of the said Fen Lands or Low Grounds, or where such Penalty or Penalties shall have been paid by such Occupier or Occupiers, all and every such Penalty and Penalties, together with the Costs, Charges and Expences of taking such Distress or Distresses (where any such Distress or Distresses shall have been taken) shall be borne and sustained by such Occupier or Occupiers respectively; and the Landlord or Owner, Landlords or Owners of such Fen Lands and Low Grounds, shall not be compelled or compellable to allow or pay any such Penalty or Penalties or Expences to such Occupier or Occupiers; any Thing herein contained to the contrary thereof in any wise notwithstanding.

But not to deduct Penalties.

XVI. Provided also, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the Rates or Taxes imposed

No beneficial Lessee to be allowed to deduct Taxes.



posed or to be imposed by virtue 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 beneficial Lease, shall be entitled to deduct the said Rates and Taxes or Assessments, or any of them 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 and borne by the Lessees or Tenants so holding such Lands or Grounds as aforesaid; and provided also, that no Lessee or Tenant shall be enabled to deduct the said Tax, or any Part thereof, out of his Rent as aforesaid, if the Lease or Agreement under which he holds shall expire after Five Years from the Time the Tax for that Year was laid, but that every Lessee or Tenant having more than Five Years to come from the Time the Year's Tax is laid, shall as to that Year's Tax be deemed and taken to be a beneficial Lessee.

Power of Dis-  
tress in case of  
Non-pay-  
ment.

XVII. And be it further enacted, That if any Person or Persons so assessed, rated, taxed, or charged as aforesaid, shall refuse or neglect to pay the Rates, Taxes, or Sums of Money which shall be assessed, rated, taxed, or charged on him, her, or them respectively, or the Lands or Grounds in his, her, or their Occupation or Occupations respectively, by virtue of and under the Powers and Authorities of this Act, together with all such Penalty or Penalties as shall or may be incurred by Non-payment thereof respectively as aforesaid, then it shall and may be lawful for the Collector or Collectors, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners, (which said Warrant or Precept such Commissioners, or any Five or more of them respectively, are hereby empowered and required from Time to Time to grant and make, as Occasion shall require) to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in the Possession of any such Person or Persons who shall so make Default in Payment as aforesaid, and into and upon all Messuages or Tenements thereupon standing or thereunto belonging, with the Appurtenances, and to levy the Sum or Sums of Money due and payable for such Rate or Tax, together with such Penalty as may be incurred by Non-payment thereof as aforesaid, by Distress of any Goods or Chattels which shall be found on the Premises, and the Goods and Chattels so distrained to impound on the Premises, or take, lead, drive, carry away, and keep, for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving at such Messuage or Tenement, Ground or Premises, Notice in Writing of the Cause of such Distress; and if the Owner or Owners of the Goods and Chattels so distrained shall not pay the Sum or Sums of Money so due and payable for such Rate or Tax, together with such Penalties as aforesaid, and all Charges attending such Distress or replevy the Goods and Chattels so distrained, with sufficient Sureties to be given to the Sheriff of the County where such Distress shall be taken, or to the Chief Bailiff of the said *Isle of Ely*, according to the Laws now in being for regulating Distresses in Cases of Non-payment of Rent within Five Days next after such Distress made, and Notice thereof given as aforesaid, the Person or Persons so distraining shall and may, with such Sheriff or Chief Bailiff, or the Under Sheriff or Deputy Bailiff of such County or the said *Isle* respectively, or the Deputy of such Under Sheriff or Deputy Bailiff, or the Constable or Headborough of the Parish where  
such



such Distress shall be made (which said Sheriff, Under Sheriff, Chief Bailiff, Deputy Bailiff, Constable, or Headborough, are hereby required and commanded to assist therein) cause the Goods and Chattels so distrained to be appraised by Two or more indifferent Persons, to be sworn by such Sheriff, Under Sheriff, Bailiff, or Deputy Bailiff, Constable or Headborough (who are hereby respectively empowered to administer an Oath accordingly) to appraise the same according to the best of their Judgment; and after such Appraisement it shall be lawful for such Collector or Collectors, or other Person or Persons making such Distress, to sell the Goods and Chattels so distrained for the best Price that can reasonably be had or gotten for the same, for and towards Satisfaction of the Monies for which such Distress shall be so made, and the Charges of taking, keeping, removing, appraising, and selling the Goods and Chattels so distrained, leaving the Overplus (if any) in the Hands of such Sheriff, Under Sheriff, Bailiff, or Deputy Bailiff, Deputy Constable, or Headborough for the Owner's Use.

XVIII. Provided always and be it further enacted and declared, That in case any of the said Fen Lands and Low Grounds shall at any Time or Times hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates, Taxes, and Penalty, then it shall and may be lawful to and for any Five or more of the said Commissioners, by Warrant under their Hands, to seize and distrain the Goods and Chattels of the Owner or Proprietor wheresoever the same may be found, in such Manner and with the same Powers as are lastly herein before given for Recovery of Rates in Arrear of the Tenants or Occupiers of Lands; and in case no such Goods or Chattels shall be found, then the Lands or Grounds chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained, impounded, kept, appraised, and sold in Manner aforesaid, until all Arrears of the said Rates and Taxes and Penalty, and the Charges of such Distress, shall be fully paid and satisfied.

Lands unoccupied are to remain a Security for the Tax, and Distress may be taken at any Time afterwards.

XIX. And whereas it may happen that some Proprietors and Occupiers of Lands within the said Parishes may drive off their Stock and remove their Property off the said Lands so intended to be taxed as aforesaid, to Lands not chargeable with the Taxes to be assessed thereon by virtue of this Act; be it therefore enacted, That in Cases where no sufficient Distress can be found upon any of the said Lands whereon to levy the said Taxes respectively, and Penalty which shall be then in Arrear in respect thereof, it shall and may be lawful for the Collector or Collectors, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the said Commissioners (which said Warrant or Precept such Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time to make, as there shall be Occasion) to levy all and every such Tax or Taxes and Penalty as shall be then in Arrear, upon any Goods or Chattels of any Person or Persons so occupying any such Lands chargeable with any such Taxes respectively, whensoever and wheresoever such Goods or Chattels shall be found, together with all the Charges of levying the same, with the same Powers and in the same Manner as in other Cases above directed.

If Stock driven off the Lands, the Goods of the Defaulter may be seized.



For ascertaining the Number of Acres.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to ascertain the Number of Acres of Land intended to be rated by virtue of this Act in Manner following; that is to say, the Lands already comprized in the said several Districts according to the respective Surveys and Rates already made of such Districts, and for the Purpose of ascertaining the same, the said Commissioners are hereby authorized to have Access to the Surveys and Tax Books of the said Districts and to the Books and Surveys of the Commissioners under the *Eau Brink* Acts, and to take Copies thereof as Occasion shall require, and for Want of such Surveys and Tax Books, then by the Number of Acres such District has been usually rated at, or the said Commissioners may then cause a Survey to be made of the Lands lying within or belonging to the said Districts or any Part or Parts of the same, in order to ascertain the Number of Acres and Contents of the Lands to be rated to each of the said Districts respectively by virtue of this Act.

Application of Taxes.

XXI. And be it further enacted, That the Monies arising from the Taxes respectively to be raised by virtue of this Act, and the Penalties incurred for Non-payment thereof, shall be paid and applied in the first Place in defraying the Charges and Expences of obtaining and passing this Act, and in Payment of all such Monies as shall have been advanced by any Person or Persons whomsoever for the Purpose of defraying such Charges and Expences, with lawful Interest for the same from the Time of advancing the same respectively; and in the next Place in paying and discharging all such Sums of Money as shall before the passing of this Act have been advanced and lent and actually expended or so intended to be, in the Improvements carried and now carrying into Effect upon the said Upper End of the said *Barrier Bank*, not exceeding in the Whole the Sum of Three thousand five hundred Pounds, which said Sum or Sums of Money respectively, together with lawful Interest for the same from the Time the same was paid as aforesaid, the said Commissioners are hereby required to pay and discharge; and the said Commissioners are hereby further authorized and required, by and out of the said Taxes, to make and execute such other Improvements and Repairs to the said Upper End of the said *Barrier Bank* on the North Side of the *Wash* of the Hundred Feet River, beginning at *Welch's Dam Bridge* in the said *Isle of Ely* in the County of *Cambridge*, and so upwards on and along the said Bank all the Way to the End of the said Bank in *Earith* in the County of *Huntingdon*, and so much farther quite up to the hard and high Land in *Earith* aforesaid, above Floodmark, as in the Judgment of the said Commissioners will be necessary, by making the said *Barrier Bank* of such Heighth and Width and with such Batter or Slope on both Sides, and by continuing the same quite up to the high and hard Land in *Earith* aforesaid, above Flood Mark, in such Manner as in the Judgment of the said Commissioners will the better enable the said *Barrier Bank* to resist the Floods coming down the said River, and thereby secure the said *Sutton* and *Mepal* District, and the said Upper and Lower Embanking District from the Danger of Inundation from the said Floods.

Power to take Materials for the Repair of the Bank be-

XXII. And whereas the Corporation of Conservators of the Great Level of the Fens called *Bedford Level*, dig for and take up Earth, Flag, and other Materials for the Repair of any Works to be done by them: And  
whereas



whereas the said Corporation of Conservators annually repair the said longing to the  
Upper End of the said *Barrier Bank*, hereby intended to be improved, and Corporation  
it is expedient that the Commissioners appointed to carry this Act into Exe- of Bedford  
cution, should have the same Powers for digging for and taking up Earth, Level in the  
Flag, and other Materials, for the Repair and Improvement of the said same Way as  
Upper End of the said *Barrier Bank*, as if the same were done by the said the Corpora-  
Corporation of Conservators; be it therefore further enacted, That it shall tion do.

and may be lawful for the said Commissioners, and they are hereby autho-  
rized and empowered from Time to Time, to dig for and take up, from  
and out of any of the Parishes or Places, (the Lands in which are hereby  
made subject and liable to be taxed by Virtue of this Act) Earth, Flag, and  
other Materials, to be by them laid out and used in the Repair of the said  
Upper End of the said *Barrier Bank*, in the same Manner as the said Cor-  
poration of Conservators are empowered to take Materials for the Repair  
of the said Bank.

XXIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to enter upon the Lands and Grounds sub-  
ject and liable to be taxed by this Act, of any Person or Persons, and to dig, take, and carry away, the Earth, Flag, or other Materials, for the Pur-  
pose of effecting the Works hereby authorized to be made; and also that it shall and may be lawful for the said Commissioners, and they are  
hereby authorized and empowered to agree with the Proprietors and  
Persons interested in the said Lands, for the Recompence to be made to  
such Proprietors and Persons interested, for the Damages they may  
sustain thereby, 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 it shall be lawful for all Bodies Poli-  
tic, Corporate, or Collegiate, Corporations aggregate or sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Ad-  
ministrators, and all other Trustees whatsoever, not only for and on Be-  
half of themselves, their Heirs, and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Females Covert, or other Person or Persons who are or shall be seized or  
interested in their own Right, and to and for all and every other Persons  
and Person whatsoever, who are or shall be seized, possessed of, or interested  
in any such Lands, Tenements, or Hereditaments, to agree with the said  
respective Commissioners for any Recompence or Compensation to be  
made for the Damages which may be done to any such Lands, Tenements,  
and Hereditaments by the Means aforesaid; and all such Contracts and  
Agreements shall be valid and effectual in Law, to all Intents and Pur-  
poses whatsoever, any Law, Statute, Usage, or Custom to the contrary  
notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and  
all Persons whomsoever, are hereby indemnified for what they or any of  
them shall lawfully do in pursuance of this Act; but if it shall happen that  
any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or  
other Person or Persons interested or concerned as aforesaid, shall for the  
Space of Thirty Days after Notice in Writing given to the principal Offi-  
cer or Officers of such Body Politic, Corporate or Collegiate, or to such  
Trustee or Trustees, Person or Persons respectively, or left at his, her, or  
their respective Place or Places of Abode, or at the House of the Tenant or  
Tenants,

Power to  
enter on  
Lands and  
take Ma-  
terials.

Bodies Poli-  
tic, &c. may  
contract for  
Sale of Lands  
or Compens-  
ation of  
Damages.



Commission-  
ers may apply  
to the Sessions  
to ascertain  
Value of  
Land and  
Amount of  
Damages.

Justices to  
charge the  
Jury to assess  
Damages.

Witnesses  
to be sum-  
moned.

Justices to  
give Judg-  
ment, and  
the same to  
be final.

Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the 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 and empowered Fourteen Days at least, before any General Sessions of the Peace to be holden for the County or Place where such Lands, Tenements, or other Hereditaments shall lie, and within Twelve Calendar Months after such Damage done, to give or cause to be given to the Party or Parties who shall have sustained such Damage or Injury, or to leave or cause to be left at his, her, or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants, in Possession of the Premises, a Notice in Writing purporting that the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury at the said Sessions; and the Justices at the said Sessions or any Adjournment thereof, shall, and they 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 impanelled and returned by the Sheriffs of the said Counties of *Huntingdon* and *Cambridge* respectively, or the Chief Bailiff of the said *Isle of Ely*, and cause them to be sworn, well and truly upon their Oaths, to assess the Recompence to be given for any Damage or Injury to be sustained as aforesaid, to the respective 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, Tenements, or Hereditaments, shall have their lawful Challenges when they come to be sworn; and the Clerks of the Peace for the said Counties and Isle respectively, are hereby authorized, empowered, and required, upon Application made to them or either of them by any of the Parties interested, by *Subpœna* or Summons under his or their Hand or Hands, to call before the Justices at such Sessions or any 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 Sessions are hereby empowered and required to administer) shall ascertain and award the Recompence to be given for any Damage or Injury which shall have been done as aforesaid, to the respective Person or Persons, Bodies Politic, 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, 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, Tenements, and Hereditaments, and shall be entered and kept among the Records of the Quarter Sessions for the said Counties and Isle respectively; and the same or true Copies thereof being signed by the Clerks of the Peace of the said Counties and Isle 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 paid in Cases of the like Nature; and that the Owners, Occupiers, or other Persons interested in the Lands so cut, taken away, or injured as aforesaid, may have the same Means of Redress as are above given to the said Commissioners; and such Owners, Occu-  
piers,



piers, and others, interested as aforesaid, are hereby authorized in like Manner to call upon the said Commissioners to make such Recompence; and if the Agreement cannot be made for the same as aforesaid, then that the Amount of such Recompence shall be referred to such Jury at the Sessions as aforesaid.

XXIV. 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, and Premises, upon or in respect of which such Application shall have been made, all which Expences shall be regulated, settled, and allowed by the Justices, before whom the Matter shall be heard and determined, and an Order of Sessions shall be made for the Payment of the same.

Expences of  
Jury and  
Witnesses by  
whom to be  
paid.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Recompence by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same shall 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 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 made 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, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance 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 respective 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

Application  
of Compensation  
where  
exceeding  
200l.

[*Loc. & Per.*]

12 X

Three



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.

Application  
where it does  
not exceed  
200l. and not  
less than 20 l.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Compensation as 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 or 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 by Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise, the same shall be paid at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such 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.

Where less  
than 20 l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned, shall be less than Twenty Pounds, then and in all such Cases, the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and 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.

In case of not  
making out  
Titles,

or if Persons  
cannot be  
found, Pur-  
chase Money  
to be paid  
into the Bank.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court  
of



of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

subject to the Order of the Court of Chancery on Motion or Petition.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XXX. Provided also, and be it enacted, That where by Reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.



Occupier or  
Proprietor  
may pay  
Taxes in  
Advance.

XXXI. And be it further enacted, That it shall and may be lawful for any Occupier or Occupiers, Proprietor or Proprietors, of any of the Lands within the said several Parishes liable to be taxed by virtue of the said Act, to pay any Part or Parts or the Whole of the said Three Years Taxes on his or their Lands in Advance, to the Collector or Collectors appointed to receive the same, who is and are hereby authorized to receive the same, and to allow to such Occupier or Occupiers, Proprietor or Proprietors, Interest at the Rate of Five Pounds *per Centum per Annum*, on the Amount of the Taxes paid by him or them in Advance; which Interest shall be computed from the Time such Payment is made to the Time or Times respectively, when the Sum or Sums so advanced would have become due.

Proceedings  
not to be  
quashed for  
Want of  
Form, nor  
removed by  
Certiorari.

XXXII. And be it further enacted, That no Order or other Proceedings to be made or had by or before any Justice or Justices of the Peace, or to be otherwise made or had in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed by *Certiorari* into any of His Majesty's Courts of Record at *Westminster*.

Distress not  
unlawful for  
Want of  
Form.

XXXIII. And be it further enacted, That where any Distress shall be made for any Rates or Taxes respectively, Penalty, Forfeiture, or Sum or Sums of Money whatsoever to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant of Distress or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

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

XXXIV. And be it further enacted, That the said Commissioners may and shall in all Cases sue or be sued in the Name of their respective Clerk or Treasurer, and that no Action which may be brought or commenced, or Indictment or Appeal which may be preferred or prosecuted by or against the Commissioners or any of them by virtue or on Account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Commissioners, but the Clerk or Treasurer to the said Commissioners for the Time being, shall always be deemed Plaintiff, Prosecutor, or Defendant, in any such Action, Indictment, Suit, or Appeal, as the Case may be: Provided always, that every such Clerk or Treasurer in whose Name any Action, Indictment, Suit, or Appeal, shall be commenced, preferred, prosecuted, or defended in pursuance of this Act, shall always be re-imburfed and paid, out of the Monies to be raised by this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by Reason of his being made Plaintiff, Defendant, Appellant or Respondent therein.

Clerk or  
Treasurer to  
be re-im-  
burfed his  
Costs.

This Act not  
to alter Lia-  
bility to Re-  
pairs.

XXXV. And whereas the Liability or Obligation of improving and maintaining the said Bank, is intended to remain exactly as it was if this

Act



Act had not been made; be it therefore enacted, That nothing in this Act contained shall affect or alter such Liability or Obligation, or fix the same upon the Commissioners under this Act, or upon the Parties paying the Taxes hereby imposed respectively, but that the said Liability or Obligation shall remain as if this Act had not passed.

XXXVI. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this Act, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said *Isle of Ely*, or Counties of *Cambridge* or *Huntingdon*, as the Case may be, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Clerk of the said Commissioners Fourteen Days Notice in Writing of such Appeal, and the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XXXVII. Provided always, and be it further enacted, That this Act or any Thing herein contained shall not extend or be construed to extend to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, and Authorities, vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens, called *Bedford Level*, or in the Governor, Bailiffs, or Conservators of the said Company, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles the Second*, intituled, *An Act for settling the Draining of the Great Level of the Fens called Bedford Level*; or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers and Authorities whatsoever which by virtue of the said Act of the Fifteenth of King *Charles the Second*, or of any other Act or Statute whatsoever now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, and every of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said 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.

XXXVIII. Provided always, and be it further enacted, That all such Right or Rights as are now vested in any Lord or Lords, Lady or Ladies  
 [Loc. & Per.] 12 Y of  
 Saving Rights of Lords and Ladies of Manors.



of any Manor or Manors, Liberties, Hundred or Half Hundred within or without the said Fen Lands and Low Grounds, to Waifs, Elstrays, Felons Goods, Privileges of Arrest, Escheats, and all Royalties not prejudicial to Drainage, shall be and are hereby saved to them, their Heirs, Successors, and Assigns; any Thing in this Act contained to the contrary thereof notwithstanding.

Limitation of  
Actions.

XXXIX. 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, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and shall be laid or brought in the Counties of *Huntingdon* and *Cambridge*, or in the Court of Pleas for the *Isle of Ely*, as the Case may be, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and in Replevin may justify and avow by virtue of this Act as Persons acting by Authority of Commissioners of Sewers are enabled to do, and may give this Act and the Special Matter in Evidence, without specially pleading the same otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alledged in such Action or Suit to have been done, 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 Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuited, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, upon a Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have the like Remedy as where Costs by Law are awarded.

Publick Act.

XL. 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.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1810.