



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

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## *Cap. xlix.*

An Act for altering and enlarging the Powers of an Act of the Thirty-sixth Year of His present Majesty, for dividing, allotting, inclosing, draining, and preserving certain Commons and Waste Grounds within the Manor and Parish of *Ramsay*, in the County of *Huntingdon*, and for repealing a certain Act therein mentioned. [8th May 1818.]

**W**HEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for dividing, allotting, inclosing, draining, and preserving certain Commons and Waste Grounds, called the Hern Common and Gore Common, within the Manor and Parish of Ramsay, in the County of Huntingdon; and for repealing an Act made in the Thirtieth 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 Ramsay, Bury, Wistow, Warboys, Farceitt, Standground, and Water Newton, in the County of Huntingdon, and of Doddington in the Isle of Ely and County of Cambridge,' and for making more effectual Provision for those Purposes*: And whereas the said Lands and Grounds were by the said Act divided into and made Six separate Districts, and separate Commissioners were appointed for draining and preserving the Lands and Grounds within the said several Districts, and for carrying the Powers of the said Act into Execution within and in relation to the said several Districts, with Powers to assess, rate, and tax all and every the Owners and Occupiers of the Fen Lands and Low Grounds in such respective Districts, by an equal and proportionable Acre Rate or Tax, not exceeding in any

[Local.] 12 2 one



Commissioners under former Acts to be Commissioners for executing this Act.

Offices of Clerk and Treasurer not to be held by the same Person.

Power to levy an additional Rate.

one Year the respective Sums therein mentioned: And whereas the said respective Commissioners have caused the said several Six Districts to be drained and preserved from Time to Time at a very considerable Expence, from which the Owners and Occupiers of the Lands and Grounds within such Districts have for many Years received great Benefit; but the Tax or Sum authorized to be raised by the said Act within the Third District hath been found inadequate to defray the Expences of draining and preserving the same, and it is expedient that such Tax should be increased: And whereas several of the Works of the said Third District have fallen into Decay, and it will be very advantageous to the Owners and Occupiers of the Lands and Grounds within such District to have the same put into good and sufficient Repair; and it is also expedient that some of the Provisions of the said recited Act should be altered and enlarged, and additional Powers granted; but as the above-mentioned Purpose cannot be effected without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the several Persons now acting as Commissioners under the Authority of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, and who have been elected or may be elected Commissioners by virtue of the said Act for draining and preserving the said Third District, shall be Commissioners for putting this Act into Execution; and such Commissioners shall have the same Power and Authority for executing this Act, as they would have had in case they had been expressly named and appointed Commissioners in and by this Act.

II. Provided always, and be it further enacted, That it shall not be lawful for the Commissioners of the said Third District to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing the said recited Act or this Act, within the said Third District; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said recited Act or this Act for such Third District, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the said Third District, at their Annual Meeting, or at any General Half-yearly Meeting to be held in pursuance of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, to assess, rate, and tax all and every the Owners and Occupiers of all and singular the Fen Lands and Low Grounds in the said Third District,



by and with equal and proportionable yearly Rates, Taxes, or Sums of Money, at the Discretion of the said Commissioners or the major Part of them present at any such Meeting, so that such Rates or Taxes do not exceed in any one Year the Sum of Fourteen Shillings for every Acre of the Lands and Grounds comprised within the said Third District, over and above the Sum of Seven Shillings *per* Acre, authorized by the said recited Act to be assessed on such Owners and Occupiers as aforesaid; which said Rates, Taxes, and Sums of Money, so to be assessed, rated, and taxed as aforesaid by virtue of this Act, shall be paid at the several Days and Times and in like Manner as the said Rate or Tax of Seven Shillings an Acre is by the said recited Act directed to be paid.

IV. And be it further enacted and declared, That the several Powers, Penalties, Authorities, and Provisions contained in the said recited Act of the Thirty-sixth Year of His present Majesty, for the Purpose of laying or making, collecting and recovering Payment of the said Rates or Taxes of Seven Shillings *per* Acre upon or from the Owners or Occupiers of the said Lands and Grounds within the said Third District, shall extend to and be put in Execution for laying or making, collecting and recovering Payment of the Rates or Taxes to be laid or assessed by virtue of this Act, in like Manner as if such Powers, Penalties, Authorities, and Provisions were repeated and re-enacted in the Body of this Act.

Powers of former Act extended to this Act.

V. And whereas it is in and by the said recited Act passed in the Thirty-sixth Year of the Reign of His present Majesty enacted, that if any Person or Persons shall cut or dig, or cause to be cut or dug, any Hods, Turves, or Sesses from any Part or Parts of the said Districts, or any of them, (save and except for his, her, or their own Use and Consumption, or for the Use and Consumption of his, her, or their Labourers or Tenants within their respective Dwelling Houses), such Person or Persons shall forfeit and pay the Sum of Five Pounds for every One thousand of Hods, Turves, or Sesses so cut or dug, and so in proportion for any greater or less Number: And whereas the Powers of the said recited Act have been found insufficient to prevent the digging of Turf for Sale; be it therefore enacted, That so much and such Parts of the said Act as relate to the cutting or digging of Hods, Turves, or Sesses, either for Sale or for Use, shall be and the same are hereby repealed.

36 G. 3. repealed as to digging Turf, &c.

VI. And be it further enacted, That from and after the passing of this Act, no Owner or Occupier having Fifty Acres of the said Lands or Grounds liable to the Taxes imposed by the said recited Act or by this Act, lying within the said First, Fourth, Fifth, and Sixth Districts, or any of them, shall during any one Year, upon or out of the said Lands or Grounds within any of the said Districts, or any Part thereof, cut or dig, or permit or suffer or cause to be cut or dug, for any Use or Purpose, a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or otherwise, than Five hundred for every Acre of the said Land or Ground owned or occupied by each respectively in any one of the said Districts; and that where any such Person shall in any one of the said Districts own, possess, or occupy a greater Number of Acres than Fifty Acres, such Owner or Occupier shall not during any one Year there cut or dig, or permit or suffer or cause to be cut or dug, a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or otherwise,

Number of Turves to be dug by Owners, &c. of Fifty Acres and above;



wife, than Five hundred for every Acre of the first Fifty Acres, and Four hundred for every Acre of such Land or Ground exceeding Fifty Acres and not exceeding One hundred Acres, nor more than Forty-five thousand of such Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or otherwise, in any one of the said Districts, whatever may be the Quantity of Land owned or occupied by each respectively in such District.

by Owners,  
&c. of less  
than Fifty  
Acres, and  
above Ten;

VII. And be it further enacted, That no Owner or Occupier having less than Fifty Acres and above Ten Acres of the said last-mentioned Lands or Grounds within any one of the said Four Districts, shall for any Use or Purpose, during any one Year, cut or dig, or cause or permit or suffer to be cut or dug, on or out of the said Lands or Grounds within any one District, a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, than One thousand two hundred and fifty for every Acre not exceeding the first Ten Acres, and Three hundred for every Acre exceeding the first Ten Acres; it being hereby intended that every Owner or Occupier having less than Fifty Acres and more than Ten Acres, shall not cut or dig more than Twelve thousand five hundred for the first Ten Acres, and not more than Three hundred for every Acre beyond Ten Acres and below Fifty Acres.

by Owners,  
&c. of Five  
Acres and  
above Ten;

VIII. And be it further enacted, That no Owner or Occupier having Ten Acres, or less than Ten Acres, and above Five Acres of the said last-mentioned Lands or Grounds within any one of the said Districts, shall for any Use or Purpose, during any one Year, cut or dig, or permit or suffer or cause to be cut or dug, in or out of the said Lands or Grounds within any one of the said Districts, a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or otherwise, than Five hundred for every Acre over and above the Ten thousand allowed to be dug for Five Acres which he shall own or occupy; and that no Owner or Occupier as last above mentioned, having Five Acres or less of the said Lands or Grounds, shall during any one Year cut or dig, or permit or suffer or cause to be cut or dug, a greater Number of the same than Two thousand for every Acre he or she shall so own or occupy within any one District as aforesaid.

Five Acres  
and under.

When both  
Owner and  
Occupier dig.

IX. Provided always, and be it further enacted, That when both the Owner and Occupier shall cut or dig, or cause or permit or suffer to be cut or dug, any Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, in, upon, or out of the said Lands or Grounds, or any Part thereof, no greater Number shall be cut or dug, for both the Owner and Occupier together, in any one District, than could as above mentioned have been cut or dug by either Owner or Occupier separately, nor shall such Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, be cut or dug larger in Size than according to the Course of cutting or digging now usually practised within the said Districts: Provided also, that all the said Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, which shall remain and not be carried from the Side of the Pools or Pits out of which they came, shall be accounted and taken, when the cutting or digging for the next Year commences, as the Hods, Turves, Sesses, or Pieces of Moor or Soil,

Turves not  
carried away.



Soil, for Fuel or any other Purpose, cut or dug during such next or subsequent Year, and not as cut or dug before that Time.

X. Provided also, and be it further enacted, That if the Quantity of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, allowed to be cut or dug by any Owner or Occupier, exceeds the Quantity which such Owner or Occupier shall want for his, her, or their own Use or Consumption, or for the Use or Consumption of his, her, or their Tenants and Labourers within their respective Dwelling Houses, such Owner or Occupier shall not sell or dispose of such Hods, Turves, Sesses, or other Pieces of Moor or Soil so cut and dug within the said limited Number; it being hereby intended that no Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, shall on any account be sold, or cut or dug for Sale.

Not to be cut or dug for Sale.

XI. Provided always, and be it further enacted, That no Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or otherwise, shall be cut or dug within Sixty Feet of any Bank made or to be made within and for the Protection of the said Districts, or any of them.

No Hods, &c. to be cut within Sixty Feet of the Bank.

XII. And be it further enacted, That if any Owner or Occupier separately, or Owner and Occupier jointly or together, or any other Person or Persons, shall in any one of the said Districts cut or dig, or cause or permit or suffer to be cut or dug, a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, during any one Year, than the Number herein-before limited, or shall sell or dispose of any of the said Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, or shall cut or dig, or permit or suffer the same to be cut or dug of larger Dimensions than is now usually practised within the said Districts, or shall in any other way act contrary to the Restrictions herein-before imposed, he or she shall forfeit and pay the Penalty or Sum of Five Pounds for every One thousand of the whole Number cut or dug during that Year, including the Number allowed to be cut or dug within the same Period as aforesaid, as well as for those exceeding that Number, and so in proportion for any less Number than One thousand; which Penalty and Penalties may be recovered by Complaint or Information before any Justice of the Peace for the County of *Huntingdon* or the Isle of *Ely*, who is hereby authorized and required, upon such Complaint or Information, to grant a Summons against the Offender or Offenders, and to hear and determine the Matter thereof upon the Oath of One or more credible Witness or Witnesses, or upon the Confession of the Offender or Offenders, (which Oath such Justice is hereby authorized and required to administer); and the Penalty and Penalties hereby imposed, together with the Costs and Charges attending the same, shall, if not immediately paid, be levied by Distress and Sale of the Hods, Turves, Sesses, or other Pieces of Moor or Soil cut or dug as aforesaid, and of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County of *Huntingdon* or Isle of *Ely*, which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) upon Demand to the Party or Parties whose Hods, Turves, Sesses, or other Pieces of

Penalties on Persons offending.

[*Local.*]

12 Z

Moor

Moor or Soil, or Goods and Chattels, shall be so distrained and sold (the Costs, Charges, and Expences of making such Distress, and the keeping and selling thereof, being first deducted), shall be paid to the Treasurer or Treasurers for the Time being to the said Commissioners for Drainage for the respective Districts, and applied towards draining and preserving such Districts; but nevertheless it shall and may be lawful to and for the said Commissioners for Drainage, at any Meeting or Meetings to be held in pursuance of this Act, to order their Treasurer or Treasurers for the Time being to pay such Part of the said Penalties to the Informer as they shall judge reasonable, not exceeding One Moiety; and in every such Case where Distress is directed to be taken by this Act, and sufficient Distress shall not be found, and such Penalties, Costs, and Charges shall not be forthwith paid, it shall and may be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders for every such Offence to be committed to the Common Gaol or House of Correction of the said County of *Huntingdon* or Isle of *Ely* (as the Case may be), where such Offender or Offenders shall be convicted, there to remain without Bail or Mainprize for any Time not exceeding Twelve Calendar Months nor less than Three Calendar Months, unless such Penalties, and all reasonable Charges and Expences attending the same, shall be sooner paid and satisfied; any Thing in the said recited Act to the contrary notwithstanding.

Evidence to  
prove the  
Offences.

XIII. And be it further enacted, That if upon the Hearing before any Justice or Justices of any Complaint or Information against any Offender or Offenders for cutting or digging a greater Number of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, it shall be duly proved upon Oath that any of the said Lands or Grounds last mentioned have been cut or dug by such Offender or Offenders in such a Manner, in any one Year, as in the usual Course of cutting or digging would supply a greater Number than such Owner or Occupier is by this Act allowed to cut or dig, the Number cut or dug shall be estimated according to the Quantity which the Land so cut or dug would in such usual Course furnish; and the Number so estimated shall be deemed and taken as good and valid Proof of the Number cut or dug, as effectually to all Intents and Purposes as if the Number cut or dug had been proved to have been actually counted.

Penalty on  
Witnesses  
refusing to  
appear or to  
be sworn.

XIV. And be it further enacted, That upon such Complaint or Information before any Justice or Justices against any Offender for cutting or digging of Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, or for cutting or digging them of undue Dimensions or Sizes as aforesaid, it shall be necessary to bring any Witness or Witnesses before such Justice or Justices, either as the Foundation of such Complaint or Information, or upon the Hearing thereof, such Justice or Justices is and are hereby authorized and required to issue his or their Summons against any such Witness or Witnesses; and if the Person or Persons so summoned shall omit, neglect, or refuse to appear according to such Summons, such Justice and Justices is and are hereby authorized and required, upon due Proof that such Summons was personally served or left at the Dwelling House of such Witness or Witnesses, to issue his or their Warrant or Warrants for the Apprehension of such Witness or Witnesses, and for bringing



bringing them before such Justice or Justices to swear and give Evidence upon such Complaint or Information; and if the Witness or Witnesses so appearing being summoned, or being so apprehended and brought before such Justice or Justices as aforesaid shall refuse to be sworn, or shall refuse to give Evidence of all that he, she, or they know or believe with respect to the Offence specified in such Complaint or Information, such Witness or Witnesses so refusing to be sworn or to give Evidence shall and may be committed; and such Justice or Justices is and are hereby authorized and required to commit such Witness or Witnesses to the Common Gaol or House of Correction of the County of *Huntingdon* or the Isle of *Ely* (as the Case may be), there to remain without Bail or Mainprize until such Witness or Witnesses shall be sworn and shall give Evidence of all that he, she, or they know or believe as aforesaid.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to such Rates or Taxes, the Person or Persons appointed to receive the same, or any other Person or Persons acting by or under the Authority of the Commissioners for the said respective Districts, shall not be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed or acting under such Authority.

Collectors of Rates not to be deemed incompetent Witnesses.

XVI. And be it further enacted, That any present and future Owner or Occupier of any Part of the said Lands liable to the Taxes charged in and by the said recited Act or by this Act, which shall be hereafter cut or dug up for Hods, Turves, Sesses, or other Pieces of Moor or Soil, for Fuel or any other Purpose, within any one of the said Districts, being also Owner or Occupier of whole or uncut Land within the same District, shall be taxed and shall pay for such cut or dug Land, with the whole or uncut Land, as One Charge, Tax, or Payment for the whole of his or her Land, and not as a Tax upon every single Acre; it being hereby intended that the whole of the Land of each respective Owner or Occupier, within any one of the said Districts, shall be liable to and charged with the Tax for the whole Number of Acres belonging to such Person within the same District, although Part of the Land of such Owner or Occupier may have been cut and dug up as aforesaid.

Cut Land to be charged or taxed with the whole Land, and both to remain liable.

XVII. And whereas some of the Lands cut and dug as aforesaid may hereafter become incapable of general Occupation; be it therefore further enacted, That if any Person or Persons, not being the Owner, known Occupier, or Tenant, shall cut or dig, for Fuel or otherwise as aforesaid, any of the said Lands or Grounds, such Person or Persons shall be deemed and taken to be the Occupier or Occupiers thereof.

For determining the Occupancy of certain Lands.

XVIII. And whereas in and by the said Act passed in the Thirty-sixth Year of the Reign of His present Majesty, the Outring Dikes or Drains within the said several Districts are to be kept open by the Proprietors without mentioning interior Divisions; be it therefore further enacted, That the said Act, and the several Clauses therein contained, shall extend and apply as fully and effectually to all Divisions and interior Dikes and Drains as to the Outring Dikes and Drains mentioned in the said Act.

Outring and interior Dikes to be kept open.

XIX. And



Application  
of Purchase  
Monies when  
exceeding  
200l.

XIX. And be it further enacted, That if any Money which is or shall be payable for any Land cut or covered, or otherwise taken or used by the said Commissioners for the said Third District, or for any Land to be purchased under the Directions of the said recited Act, or for the Recompence for any Damages or Losses to be assessed or ascertained in Manner provided for in respect of any Land belonging to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or 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 *ex parte* the Commissioners of the said Third District, 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 Land, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Land, or affecting other Lands 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 Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Land in question 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 meantime and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court 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 be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
of Purchase  
Monies when  
less than 200l.  
and exceeding  
20l.

XX. And be it further enacted, That if any Money so payable or to be payable for any such Land as aforesaid, belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Land, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, 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 Three Trustees, to be



be nominated by the Person or Persons making such Option, and approved of by Five 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 Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the same may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

XXI. And be it further enacted, That where such Money, so payable or to be payable as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to or for the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands in question; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application  
of Purchase  
Monies when  
less than 20l.

XXII. And be it further enacted, That in case the Person or Persons to whom any such Purchase Money, or any Arrears of Rent for any Land cut or dug, or otherwise taken or used by the said Commissioners, or to whom the Purchase Money for any Land to be bought under the Directions of the said recited Act or this Act, or any Recompence for any Damages or Losses to be assessed and ascertained in Manner herein-before provided for, is or are or shall be payable, shall refuse to accept the same, or in case such Person or Persons cannot be found, or if the Person or Persons entitled to the Land in question be not known or discovered, or if the Person or Persons claiming any such Purchase Money, or Arrears of Rent or Recompence, shall not be able to make a good Title to the Land in respect whereof the same shall be payable, to the Satisfaction of the said Commissioners for the Time being, then and in every such Case it shall be lawful for the said Commissioners for the Time being to order the said Purchase Monies, or Arrears of Rent, or Recompence, to 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, to the Credit of the Parties interested in the said Lands, [describing them,] subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of the 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 said 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 Purchase Money, or Arrears of Rent, or Recompence, 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.

In cases of  
not making  
out Titles.



Respecting  
disputed  
Titles.

XXIII. 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 the said recited Act or this Act, for the Purchase of any Lands or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments, or any Rent or Arrears of Rent as aforesaid, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of the same being taken Possession of or used by the Commissioners under the said recited Act or by the Commissioners under this Act, 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, 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, or that some other Person or Persons was or were lawfully entitled to such Lands, or to some Estate or Interest therein.

Court of  
Chancery  
may order  
Payment of  
Expences.

XXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments which have been cut or covered or otherwise taken or used as aforesaid, or which shall or may be purchased under the Directions of the said recited Act or this Act, or for which any Recompence shall be to be made as aforesaid, or otherwise, the Purchase Money or Recompence for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, it shall be lawful for the said Court to order such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Commissioners for the said Third District for the Time being, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct out of any Monies applicable to the general Purposes of the said recited Act or of this Act.

For paying  
the Expences  
of the Act.

XXV. And be it further enacted, That the Monies arising from the Rates or Assessments made or to be made by virtue of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, and this Act, within the said First, Third, Fourth, Fifth, and Sixth Districts, shall be applied and disposed of by the Commissioners of such respective Districts, in the first Place, in defraying the Charges and Expences of obtaining this Act, in proportion to the Number of Acres in each District, and in the next Place, in making, performing, erecting, providing, and maintaining the Works for draining and preserving the Lands in each District respectively, and in defraying the other necessary Expences of executing the said recited Act and this Act.

Lands in  
Second Dis-  
trict not to  
be charged.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to charge or make



make liable the Lands and Grounds within the said Second District, or the Owner or Owners, Occupier or Occupiers thereof, with or towards the Payment of any increased or additional Sum or Sums of Money by this Act authorized to be raised and levied.

XXVII. And it is hereby further enacted, That if any Person or Persons shall advance and pay any Sum or Sums of Money in discharge of the Fees or other Expences of obtaining this Act, the Money so paid and advanced shall be repaid and satisfied by the said Commissioners of the said First, Third, Fourth, Fifth, and Sixth Districts, with lawful Interest for the same from the Time the same shall have been so advanced, out of the first Monies which shall be raised or collected by virtue of this and the said recited Act, in proportion to the Number of Acres in each District.

Money advanced to be repaid with Interest.

XXVIII. And be it further enacted, That it shall be lawful for any Tenant or Tenants for Life or Lives, Guardians, Husbands, Trustees, Committees, or Attornies of any Infants, Lunatics, Idiots, Females Covert, Persons beyond the Seas, or otherwise incapable of acting for themselves, or for any Number of Years determinable upon a Life or Lives, or other Contingencies, or for Trustees for any Charities, or for any other Purpose whatsoever, by Writing under their Hands and Seals, from Time to Time to charge their several and respective Lands and Grounds taxable by virtue of this Act, with their due Proportion of the Expences incident to or attending the obtaining of this present Act, so as the Sum or Sums of Money so charged thereon doth or do not exceed the Sum of Five Shillings *per* Acre of their Lands and Grounds; and for securing Payment of the said Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the said Lands and Grounds to such Person or Persons as shall advance any such Sum or Sums of Money respectively, for any Term or Number of Years, so as such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to surrender the same when such Sum or Sums of Money, with the Interest thereof, shall be fully paid and satisfied; and every such Grant, Mortgage, Lease, and Demise shall be good, valid, and effectual in the Law for the Purpose thereby intended; provided nevertheless, that every such Tenant or Tenants for Life or Lives or in Tail, and all and every other Person or Persons who shall so mortgage or charge his, her, or their respective Lands and Grounds, shall pay and keep down the Interest of the principal Money so to be borrowed, and that no Tenant or Tenants in Reversion or Remainder of the Premises to be so charged or mortgaged shall be liable unto or charged with the Payment of more than One Year's Interest for any such principal Money preceding the Time of the Death of such Tenant or Tenants for Life or Lives, or other Person or Persons respectively.

Tenants for Life may charge Lands with Expences.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, or diminish, alter or take away, any of the Rights, Powers, and Authorities vested in the said Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, by virtue of an Act made in the Fifteenth Year of the

Saving the Rights of the Bedford Level Corporation.

Reign



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 any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever ; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and Conservators, and in every or any 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 not been passed.

Public Act.

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

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