ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LXVIII.

An Act for charging the Fen Lands and Low Grounds within the Second, Third, Fourth, and Fifth Diſtricts, in the Bounds and Precincts of *Whittleſey*, in the *Iſle of Ely*, and County of *Cambridge*, with further Taxes for diſcharging the Debts incurred by the Commiſſioners for the ſaid Diſtricts reſpectively, under certain Acts paſſed in the Twenty-ſecond Year of King *George* the Second, and in the Twelfth Year of His preſent Majeſty; and for better improving, ſupporting, and preſerving, the Drainage of the ſaid Lands and Grounds.

[25th *May* 1797.]

WHEREAS by an Act, made in the Twenty-ſecond Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge; after reciting that there were certain Fens and Low Grounds lying in the Townſhip of *Whittleſey* aforeſaid, containing about Nine thouſand ſeven hundred and fifty Acres, which Preamble. 22 *Geo.* II, Cap. 19, and

which were divided into Five ſeveral Diſtricts or Tracts, containing the ſeveral Parcels and Quantities of Land therein particularly deſcribed; and that ſuch Fen Lands and Low Grounds, by Reaſon of their flat Situation, and the Defect of their Outfalls to the Sea, were liable to be overflown and covered with Water; certain Perſons therein reſpectively named, and their Succeſſors, to be nominated and appointed in ſuch Manner as by the ſaid Act is mentioned, were reſpectively appointed Commiſſioners for each of the ſaid Five Diſtricts or Diviſions, and were thereby authorized and empowered to make ſuch Cuts, Drains, Dams, Banks, Tunnels, Headings, Trays, Droveways, Slamps, and Outlets, and to do ſuch other Works within their ſaid reſpective Diſtricts or Diviſions as ſhould by ſuch Commiſſioners and their Succeſſors, or any Five or more of them, in their reſpective Diſtricts or Diviſions, be thought fit, neceſſary, and convenient, for the Purpoſes aforeſaid; and Powers were thereby given to the ſaid Commiſſioners in their ſeveral Diſtricts or Diviſions, or any Five or more of them, yearly to aſſeſs, tax, and charge, upon all and every the reſpective Owners or Occupiers of all and ſingular the ſaid Fens and Low Grounds lying within the Second, Third, Fourth, and Fifth of the ſaid Diſtricts or Diviſions, and not exempted by the ſaid Act, an equal and proportionable Acre Rate or Tax, not exceeding Two Shillings and Sixpence an Acre in the Firſt Year after the Commencement of the ſaid Act, and One Shilling and Sixpence an Acre in any other ſucceeding Year; to be reſpectively applied and diſpoſed of in making ſuch Cuts, Drains, Engines, and other Works, for effecting the draining and improving the ſaid Fen Lands and Low Grounds within the ſaid reſpective Diſtricts or Diviſions as ſhould be made in purſuance of the ſaid Act, and for the other Purpoſes therein mentioned: And whereas by another Act, made in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act to amend and render more effectual an Act for the more effectual draining and preſerving of ſeveral Fen Lands and Field Lands in the Bounds and Precincts of* Whittleſey, *in the* Iſle of Ely, *in the County of* Cambridge, *ſo far as the ſame relates to the ſeveral Fen Lands and Field Lands lying in the Third, Fourth, and Fifth Diſtricts, deſcribed in the ſaid Act*; it was (amongſt other Things) enacted, that all and ſingular the Lands and Grounds ſituate and being in *Whittleſey* aforeſaid, within the Three Diſtricts or Diviſions in the before recited Act reſpectively called the Third, Fourth, and Fifth Diſtricts or Diviſions, and every of them, (except as in the ſaid former Act is excepted) ſhould yearly and every Year be, and the ſame were thereby reſpectively rated, charged, and aſſeſſed with the further or additional Rates or Taxes therein reſpectively mentioned; ſuch further or additional Rates or Taxes to be laid for the Space of Seven Years from the paſſing of the ſaid Act, by the Commiſſioners of ſuch Three Diſtricts reſpectively, and their Succeſſors, in the Manner therein mentioned or directed, and to be applied and diſpoſed of (after defraying the Charges of the ſaid Act now in Recital) for and towards the paying and diſcharging ſuch Debts as ſhould have been incurred and contracted by the ſaid Commiſſioners reſpectively, in, for, or about, the ſeveral Works and Purpoſes therein reſpectively mentioned; and after diſcharging ſuch Debts, then for and towards the ſeveral Purpoſes of the ſaid Act: And it was thereby further enacted, that, from and after the ſaid Term of Seven Years, it ſhould and might be lawful for the reſpective Commiſſioners of the ſaid Third, Fourth, and Fifth Diſtricts or Diviſions, and their

12 Geo. III, Cap. 27, recited.

Succeſſors, or any Five or more of them, over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged upon the Lands and Grounds lying in ſuch ſeveral Diſtricts or Diviſions by the ſaid former Act, once in every Year, on the Days and Times and in Manner therein mentioned, to aſſeſs, tax, and charge, all and every the Owner and Owners, Occupier and Occupiers, of all and every the ſaid Lands and Grounds lying within the ſaid Three Diſtricts or Diviſions, (except as aforeſaid), with a further equal annual Rate or Tax, not exceeding in any One Year the Sum of One Shilling and Sixpence for every Acre of the Lands and Grounds reſpectively lying within the ſaid Third and Fourth Diſtricts or Diviſions, and not exceeding the Sum of One Shilling for every Acre of the Lands and Grounds lying within the ſaid Fifth Diſtrict or Diviſion; ſuch ſeveral Rates and Taxes to be reſpectively applied and diſpoſed of in or about the particular Works, Banks, Drains, Mills, Engines, and other Matters and Things neceſſary for draining each of the ſaid Three Diſtricts reſpectively, in ſuch and the ſame Manner as the ſaid Rate or Tax of One Shilling and Sixpence an Acre, charged on the ſaid Three Diſtricts or Diviſions reſpectively, by the ſaid former Act was directed to be applied; and it was further enacted, that the Commiſſioners of the ſaid Three Diſtricts reſpectively might borrow any Sum or Sums of Money upon the Credit of the ſeveral Rates and Taxes thereby charged, provided that no more than the Sum of One thouſand Pounds ſhould be borrowed or owing at any One Time, on the Credit or Security of the ſaid Rate or Tax of One Shilling and Sixpence an Acre, thereby charged upon the ſaid Third Diſtrict; that no more than the Sum of One thouſand five hundred Pounds ſhould be borrowed or owing at any One Time on the Credit or Security of the like Rate or Tax, thereby charged on the ſaid Fourth Diſtrict; and that no more than the Sum of One thouſand five hundred Pounds ſhould be borrowed or owing at any One Time on the Credit or Security of One Shilling an Acre, thereby charged upon the ſaid Fifth Diſtrict, as in and by the ſaid Two ſeveral Acts (Recourſe being thereto reſpectively had) may more fully appear: And whereas the ſaid ſeveral Rates or Taxes, charged by the ſaid recited Acts reſpectively upon the Lands and Grounds compriſed in the Second, Third, Fourth, and Fifth Diſtricts or Diviſions of ſuch Fens and Low Grounds as aforeſaid, have been from Time to Time aſſeſſed, collected, and applied according to the Directions of the ſaid Acts; but by reaſon of ſucceſſive Wet Seaſons, Breaches of Banks, and the great Increaſe in the Prices of all Kinds of Work and Materials, the ſame have been, and are, inſufficient for the repairing, ſupporting, and maintaining the ſeveral Banks, Engines, and other Works, neceſſary to the well draining and preſerving of the ſaid Lands and Grounds; in conſequence whereof the reſpective Commiſſioners for the ſaid Third, Fourth, and Fifth Diſtricts or Diviſions, have been under the Neceſſity of incurring very conſiderable Debts, and of giving their own perſonal Securities for the Repayment of the ſame with Intereſt: And from the aforeſaid Cauſes the Commiſſioners for the ſaid Second Diſtrict or Diviſion, (though not empowered ſo to do by either of the ſaid Acts), have been under the like Neceſſity of borrowing certain Sums of Money, for carrying on and ſupporting the Works of ſuch Diſtrict or Diviſion; which Sums of Money were borrowed upon the Perſonal Security of ſuch laſt-mentioned Commiſſioners: And whereas no Part of the ſaid ſeveral Debts, or Sums of Money, can be repaid; nor can the ſeveral Banks, Engines, and other Works, neceſſary for preſerving

and draining the Lands and Grounds reſpectively compriſed in the ſaid Four ſeveral Diſtricts or Diviſions, be any longer ſupported and maintained, unleſs ſuch further Taxes are laid thereon, and ſuch further Powers and Authorities given to the reſpective Commiſſioners for the ſame, as are herein-after mentioned and contained: 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, (notwithſtanding the ſaid herein-before recited Acts, or either of them), all and ſingular the Lands and Grounds ſituate and being in *Whittleſey* aforeſaid, within the ſaid Four Diſtricts or Diviſions, reſpectively called the Second, Third, Fourth, and Fifth Diſtricts or Diviſions, and every of them, (except as in the ſaid recited Acts, or either of them, are, or is excepted), ſhall yearly and every Year be, and the ſame are hereby rated, charged, and aſſeſſed, in Manner following; (that is to ſay), All the ſaid Lands and Grounds within the ſaid Second Diſtrict or Diviſion, (except as before excepted), with an Additional or further Annual Rate or Tax, not exceeding in any One Year the Sum of Four Shillings for every Acre of the ſaid Lands and Grounds, (over and above the ſaid Rate or Tax of One Shilling and Sixpence an Acre charged thereon by the ſaid Act of the Twenty-ſecond Year of His late Majeſty), and all the ſaid Lands and Grounds reſpectively lying within the ſaid Third, Fourth, and Fifth Diſtricts or Diviſions, (except as aforeſaid), with an Additional or further Annual Rate or Tax, not exceeding in any One Year the Sum of Four Shillings for every Acre thereof, (over and above the ſaid ſeveral Rates or Taxes reſpectively charged thereon by the ſaid former Acts, or either of them), and that the ſaid Rate or Tax hereby charged, rated, and aſſeſſed upon the Lands and Grounds within the ſaid Second Diſtrict or Diviſion, ſhall be laid by the Commiſſioners for the ſaid Diſtrict for the Time being, or any Five or more of them, at the Meetings to be held on the ſeveral and reſpective Days and Times appointed by the ſaid Act of the Twenty-ſecond Year of His late Majeſty, to lay the Rates or Taxes charged thereon by that Act; and alſo, that the ſaid ſeveral other Rates or Taxes hereby charged, rated, and aſſeſſed upon the Lands and Grounds within the ſaid Third, Fourth, and Fifth Diſtricts reſpectively, ſhall be laid by the Commiſſioners for the ſaid Three laſt mentioned Diſtricts for the Time being reſpectively, or any Five or more of them, at the Meetings to be held on the ſeveral and reſpective Days and Times appointed by the ſaid Act of the Twelfth Year of His preſent Majeſty, to lay the Rates or Taxes reſpectively charged thereon by that Act; all which ſaid ſeveral Rates and Taxes hereby reſpectively charged, ſhall be paid to the ſaid Commiſſioners, or to their reſpective Receiver, (to be appointed as herein-after is directed), by the reſpective Owners or Occupiers of the ſaid Lands or Grounds ſo hereby rated, charged, and aſſeſſed, on the Eleventh Day of *November* and the Twenty-fifth Day of *March* in every Year, by equal Half-yearly Payments; the Firſt Half-yearly Payment thereof to be made on the Eleventh Day of *November* next after the paſſing of this Act.

The Lands in 2d, 3d, 4th, and 5th Diſtricts to pay additional Taxes.

II. And it is alſo hereby enacted, That the Quantities of the Lands and Grounds hereby reſpectively rated, charged, and aſſeſſed, ſhall be taken according to the reſpective Quantities thereof, aſcertained in purſuance of

Quantities of Land to be aſcertained according to former Act.

of the ſaid former Acts, or either of them; and that the reſpective Owners or Occupiers of the ſaid Lands and Grounds ſhall pay the Taxes hereby rated and aſſeſſed, according to the ſame Number of Acres, Roods, and Perches, as they are now, or may be rated and taxed at or under ſuch former Acts, or either of them.

Application of the Rates and Taxes.

III. And be it further enacted and declared, by the Authority aforeſaid, That the Rates and Taxes hereby charged and to be paid as aforeſaid, as well as all and every the other Rates and Taxes reſpectively charged upon and to be paid and payable under or in purſuance of the ſaid former Acts, or either of them, for or in reſpect of the Lands and Grounds compriſed in the ſaid Four ſeveral Diſtricts or Diviſions reſpectively; and alſo all and every Sum and Sums of Money to be raiſed by Mortgage of the ſaid ſeveral Rates and Taxes or any of them, or to be borrowed and received upon the Credit of ſuch ſeveral Rates or Taxes, or any of them, or to be otherwiſe borrowed and ſecured in the Manner herein-after directed, ſhall be veſted in, applied, and diſpoſed of by the Commiſſioners for the ſaid Four ſeveral Diſtricts or Diviſions reſpectively for the Time being; in the Firſt Place, for the paying and defraying the Charges and Expences of obtaining and paſſing this Act, according to an equal and proportionable Acre Rate or Tax of all the Lands within the ſaid Four Diſtricts or Diviſions; and after Payment thereof, in the next Place, for and towards the paying and diſcharging gradually, and in ſuch Manner as ſhall be thought moſt expedient by ſuch Commiſſioners reſpectively, all ſuch Debts or Sums of Money as have been incurred by the ſaid Commiſſioners reſpectively acting under and by virtue of the ſaid former Acts, or either of them, and which are now due and owing to any Perſon or Perſons either under or by virtue of any Security or Securities made in purſuance of the ſaid Act of the Twelfth Year of His preſent Majeſty, or upon the Perſonal Security or Securities of the ſaid reſpective Commiſſioners, or any of them, together with the Intereſt now due and to grow due for the ſame; and alſo all ſuch other Debts and Sums of Money as ſhall or may hereafter be incurred or contracted by the Commiſſioners for the Time being for the ſaid Diſtricts reſpectively in, for, or about the repairing and maintaining all or any of the Works of the ſaid reſpective Diſtricts or Diviſions, or in and for the Purchaſe of any Piece or Pieces of Land, in order that proper Drains, Slamps, and Soak Banks may be made, cut, and laid out through the ſame, for the conveying the Waters of each Diſtrict the eaſier and quicker to the reſpective Engines for draining the ſame, and for the ſeveral other Purpoſes of this Act, or either of the ſaid former Acts.

Occupiers to pay the Rates, and recover them from their Landlords.

IV. And, to the End that the ſaid Rates and Taxes hereby charged and aſſeſſed may, from Time to Time be the more eaſily collected and received, be it further enacted by the Authority aforeſaid, That all and every the Occupiers of the Lands and Grounds charged and aſſeſſed by virtue of this Act, ſhall be, and are hereby required and made liable to pay the ſaid Rates or Taxes ſo charged and aſſeſſed upon the Lands and Grounds in their reſpective Occupations, and authorized and empowered to deduct and retain out of his, her, or their Rent, all ſuch Sum and Sums of Money as he, ſhe, or they ſhall reſpectively pay for ſuch Rates or Taxes as aforeſaid; and the ſeveral and reſpective Landlords or Owners of

of such Lands or Grounds (both mediate and immediate, according to their respective Interests) are hereby required to allow such Deductions or Payments upon Receipt of the Residue of their Rents; and such Tenant or Tenants producing proper Receipts for the Payment of such Sum or Sums of Money so made in pursuance of this Act, shall be acquitted and discharged from and against his, her, or their Landlord or Landlords of and for so much Money as the Tax, Rate, or Assessment by him, her, or them so paid as aforesaid, shall amount unto, in as full and ample Manner as if the same had been actually paid to his, her, or their Landlord or Landlords; except where there are Leases for Three or more Years, in which Case One Moiety or Half Part of such Rates or Taxes shall be borne and paid by the Landlord or Landlords, and the other Moiety or Half Part thereof by the Tenant or Tenants of such Lands and Grounds so in Lease for Three or more Years as aforesaid; any Clause or Clauses contained in such Leases to the contrary thereof in anywise notwithstanding.

Recovery of the Rates.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall neglect to pay the Rates or Taxes charged or assessed upon the Lands or Grounds in his, her, or their Possession or Occupation by virtue of this Act, or of the said former Acts, or either of them, within Seven Days next after the same shall become due and payable to the Receiver appointed, or to be appointed, to receive the same, by the Commissioners for the said Districts respectively, or any Five or more of them, it shall and may be lawful for any Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of Three or more of the said Commissioners, to enter into and upon the Lands or Grounds so charged and assessed as aforesaid, in the Possession of such Person or Persons as shall make Default in Payment as aforesaid; and all Messuages or Tenements, Barns, Stables, and other Buildings thereupon standing, or thereunto belonging, with their Appurtenances, and to levy the Sum or Sums of Money by him, her, or them payable for such Taxes, Rates, or Assessments, or any Arrears thereof, by Distress of the Goods and Chattels which shall be found on the Premises so charged with such Rates or Taxes in Arrear as aforesaid; and in case no sufficient Distress can be found on the Premises, it shall be lawful to and for such Person or Persons, by virtue of such Warrant or Precept as aforesaid, to levy all Arrears of the said Taxes by Distress of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, wherever the same shall be found; 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, Grounds 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 due and in Arrear for the said Taxes 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 the Distress shall be so made, or the High Bailiff of the *Isle of Ely*, according to the the Laws now in being respecting Distresses in Cases of Nonpayment of Rent, within Five Days next after such Distress made, and Notice thereof so given as aforesaid, the Person or Persons so distraining shall

and may, with the Sheriff or Under Sheriff of the County, High Bailiff of the *Iſle of Ely* or his Deputy by him appointed, and acting for him, or the Conſtable or Headborough of the Pariſh where ſuch Diſtreſs ſhall be made, (who is and are hereby required 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, High Bailiff, or his Deputy Conſtable or Headborough, (who are hereby ſeverally empowered to adminiſter ſuch Oath), according to the beſt of their Judgement; and after ſuch Appraiſement it ſhall and may be lawful to and for ſuch Perſon or Perſons making ſuch Diſtreſs, to ſell the Goods and Chattels ſo diſtrained for the beſt Price that can be 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, appraiſing, and ſelling, the Goods and Chattels ſo diſtrained; leaving the Overplus (if any) in the Hands of ſuch Sheriff, High Bailiff, or his Deputy, Conſtable, or Headborough, for the Uſe of the Owners thereof.

Lands to be Security for Rates.

VI. Provided always, and be it further enacted and declared, That in caſe any of the ſaid Lands or Grounds ſhall at any Time hereafter be untenanted or unoccupied, ſo that no ſufficient Diſtreſs can be found for levying the ſaid Rates or Taxes in Arrear as aforeſaid, then the Lands and Grounds chargeable therewith ſhall always remain a Security for the Payment thereof; and all Goods and Chattels which ſhall at any Time thereafter be found thereon, ſhall and may be impounded, kept, appraiſed, and ſold in Manner aforeſaid, until all Arrears of the ſaid Rates or Taxes, and the Charges of ſuch Diſtreſs, ſhall be fully paid and ſatisfied.

Power to borrow Money.

VII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners for the ſaid Second, Third, Fourth, and Fifth Diſtricts reſpectively for the Time being, or any Seven or more of them, to borrow, take up, and receive any Sum or Sums of Money that they ſhall reſpectively think proper, upon the Credit of all or any of the ſeveral Rates and Taxes by this Act, and by the ſaid former Acts, charged upon the Lands and Grounds in the ſaid reſpective Diſtricts; and by Writing under their Hands and Seals, to mortgage, charge, aſſign, and convey or incumber all or any Part or Parts of the Taxes or Aſſeſſments ſo to be levied and aſſeſſed within ſuch reſpective Diſtricts in purſuance of this Act, and of the ſaid former Acts, or either of them, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt for the ſame (not exceeding lawful Intereſt) as may be agreed upon in that Behalf; and from Time to Time to diſcharge and repay the Sum or Sums of Money ſo to be borrowed, together with the Intereſt for the ſame.

Notice to be given of paying off Money borrowed.

VIII. Provided always, and be it further enacted, That it ſhall not be lawful for the Commiſſioners for the ſaid reſpective Diſtricts to diſcharge the Sum or Sums of Money ſo to be borrowed and advanced unleſs Six Months Notice ſhall have been previouſly given in Writing, ſigned by Five or more of the Commiſſioners for the Diſtrict (on the Credit of the Taxes and Aſſeſſments of which ſuch Sum or Sums of Money ſhall have been ſo advanced) to the Perſon or Perſons ſo advancing ſuch Sum or Sums of Money, of ſuch their Intention to pay off and diſcharge the ſame; nor

Notice of calling in Money to be given.

for such Person or Persons to call in such Sum or Sums of Money unless the like Notice be given to any One or more of the said Commissioners of such his, her, or their Intention of so doing.

Limitation of Money to be borrowed.

IX. Provided also, and be it further enacted by the Authority aforesaid, That no more than the respective Sums following shall be borrowed or owing at any one Time upon the Credit or Security of the said Rates or Taxes respectively charged by this Act and by the said former Acts; (that is to say), the Sum of One thousand Pounds on the Credit or Security of the Rates or Taxes charged upon the said Second District, the Sum of Two thousand Pounds on the Credit or Security of the Rates or Taxes charged upon the said Third District, and the like Sum of Two thousand Pounds on the Credit or Security of the Rates or Taxes charged upon the said Fourth District, and the like Sum of Two thousand Pounds on the Credit or Security of the Rates or Taxes charged upon the said Fifth District; and that the Rates or Taxes hereby imposed, and those imposed by virtue of the said former Acts respectively in or upon each respective District, shall not during the Time any Principal or Interest Monies shall be due on the Security thereof be less than the respective Sums herein-before authorized to be rated, charged, and assessed on such District, and those authorized to be rated, charged, and assessed thereon by the said former Acts respectively, unless the major Part of the Commissioners for either of the said Districts for the Time being shall at any Meeting to be held for that Purpose, order to the contrary.

Form of Security.

X. And be it further enacted, That the Securities for the Monies to be raised for the Purposes of this Act, and for the said former Acts, or either of them, shall be in the Words or to the Effect following:

'WE of the Commissioners
'for the Drainage of the District in *Whittlesey*, in the *Isle of*
'*Ely* and County of *Cambridge*, by virtue of an Act, made in the Thirty-
'seventh Year of the Reign of His Majesty King *George* the Third, inti-
'tuled, (*Here set forth the Title of the Act*), in Consideration of the Sum
'of of lawful Money of *Great Britain*,
'paid to us by *A. B.* before the Delivery of these Presents, do assign unto
'the said *A. B.* his Executors, Administrators, and Assigns, the Taxes
'and Assessments made, and to be made, laid, or raised on the said District
'by virtue of the said Act, (*or if the Taxes of the said former Acts, or*
'*either of them, be likewise assigned, vary accordingly*), to hold unto the
'said *A. B.* his Executors, Administrators, and Assigns, until the said
'Sum of together with Interest for the same, at
'the Rate of *per Centum per Annum*, (such Interest to com-
'mence or be calculated from the Day of), shall be fully paid
'and satisfied. In Witness whereof we have hereunto set our Hands and
'Seals, the Day of in the Year of our
'Lord

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, and their Executors, Administrators, and Assigns, to have Payment of the Principal and Interest Monies thereby secured, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

XI. And

XI. And be it further enacted, That it ſhall and may be lawful to and for any Perſon or Perſons entitled to any of the ſaid Securities, at any Time or Times, to aſſign and transfer the ſame, and his, her, or their reſpective Intereſts, in or to the Principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by Indorſement upon or Deed annexed to ſuch Security, in the Words, or to the Effect following: Perſons entitled to ſuch Securities may transfer them.

'I *A. B.* do transfer the within (or annexed) Security, and the Principal 'Money, and Intereſt thereby ſecured, unto
'Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand and Seal
'the Day of in the Year of our Lord

And every ſuch Transfer ſhall be good, valid, and effectual in the Law, from and after the Entry thereof in a Book to be kept for that Purpoſe, by the Clerk of each reſpective Diſtrict, to be appointed by the Commiſſioners for the ſame, or any Five or more of them, at any of their Meetings, to be held in purſuance of this Act, or of the ſaid former Acts, or either of them, which Entries are hereby required to be made by ſuch Clerk of the Diſtrict, to all or any of the ſaid Rates and Taxes, whereof the Security ſo to be transferred ſhall relate, on Requeſt, and producing ſuch Aſſignment, (and paying Two Shillings and Sixpence for every ſuch Entry); and ſuch Aſſignee and Aſſignees ſhall and may in like Manner, by Indorſement or otherwiſe, aſſign and make over ſuch Mortgage or Securities ſo aſſigned as aforeſaid to any other Perſon or Perſons, and ſo *toties quoties*, as Occaſion may require; and every ſuch Transfer or Aſſignment ſo entered, ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, and their Executors and Adminiſtrators, to the Benefit of the Security thereby transferred.

XII. Provided always, and be it further enacted by the Authority aforeſaid, That all and every the Rates and Taxes raiſed and aſſeſſed by virtue of this Act, and the ſaid former Acts, within the ſaid Four Diſtricts reſpectively, or ſuch and ſo many and ſuch Part or Parts of the ſame Rates and Taxes, as ſhall be reſpectively aſſigned or charged by the ſaid Mortgages or Securities, ſhall be and are hereby made chargeable with the Payment of the Principal Money, ſo to be borrowed by the ſaid Commiſſioners reſpectively, and the Intereſt of ſuch Money, from Time to Time, and ſhall veſt in the Creditors of the Diſtricts reſpectively for which the ſame ſhall be ſo borrowed, upon Default of Payment of ſuch Principal Money and Intereſt, until the ſame, and every Part thereof, ſhall be fully paid and ſatisfied, together with the Coſts and Charges occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall have the ſame Powers, Rights, and Privileges of aſſeſſing, raiſing, and recovering the ſaid ſeveral Rates and Taxes payable by the ſeveral Owners and Occupiers of Lands and Grounds within the ſaid Four Diſtricts reſpectively, and which ſhall be ſo aſſigned or charged by the ſaid Mortgages or Securities, for or in reſpect of ſuch Principal Money and Intereſt, in caſe of Default of Payment thereof, as the ſaid reſpective Commiſſioners, and their Collectors and Receivers, could have, in caſe ſuch Principal Money and Intereſt had been regularly and fully paid and ſatisfied. Money borrowed charged on the Rates.

XIII. Pro-

Power to the Commiſſioners to borrow Money on their own perſonal Security.

XIII. Provided alſo, and be it further enacted and declared by the Authority aforeſaid, That in caſe the Commiſſioners for the Time being for the ſaid Four Diſtricts reſpectively, or either of them, after advertiſing their Intention to borrow the ſame for Three ſucceſſive Weeks in One of the *Cambridge* Newſpapers, or in ſome other publick Newſpaper that ſhall uſually be circulated in and through the County of *Cambridge* and *Iſle of Ely*, ſhall not be able to procure ſuch Sum or Sums of Money as they may reſpectively have occaſion to borrow or take up at Intereſt, purſuant to and for the Purpoſes of this Act, or of the ſaid former Acts, or either of them, on the Credit of the ſaid ſeveral Rates or Taxes by this Act and the ſaid former Acts, or either of them, charged on the Lands and Grounds within ſuch Diſtricts reſpectively; then, and in every or any ſuch Caſe, (but not otherwiſe), it ſhall and may be lawful to and for the ſaid reſpective Commiſſioners, or any Seven or more of them, and they are hereby empowered to borrow, take up, and receive any ſuch Sum or Sums of Money as aforeſaid (not exceeding the reſpective Sums herein-before limited to be borrowed) on their own perſonal Security; and the Commiſſioners for the Time being for ſuch of the ſaid Diſtricts for which ſuch Sum or Sums of Money ſhall be ſo borrowed, or any Five or more of them, ſhall, and they are hereby authorized and required to pay, or cauſe to be paid, the ſaid Sum or Sums of Money ſo borrowed to the reſpective Perſon or Perſons who may lend the ſame, their Executors, Adminiſtrators, or Aſſigns, together with ſuch Intereſt as ſuch Securities ſhall reſpectively carry; or in caſe ſuch Commiſſioners reſpectively who ſhall borrow ſuch Sum or Sums of Money, their Executors or Adminiſtrators ſhall, in conſequence of any ſuch Security or Securities as aforeſaid, be obliged to pay the ſame with Intereſt as aforeſaid, out of and with their own proper Monies, then the ſaid Commiſſioners for the Time being, or any Five or more of them, ſhall, and they are hereby authorized and required to repay ſuch Sum or Sums of Money, with the Intereſt ſo paid as aforeſaid, unto ſuch Commiſſioners reſpectively, who ſhall be ſo obliged to pay the ſame as aforeſaid, their Executors, Adminiſtrators, or Aſſigns, together with all Coſts and Charges attending ſuch Security or Securities as aforeſaid, out of the ſeveral Rates or Taxes raiſed, or to be raiſed, by virtue of this Act, or of the ſaid former Acts, or either of them; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Appointment of Collectors of the Taxes.

XIV. And be it futrher enacted, That the Perſon or Perſons who ſhall from Time to Time be appointed for each of the ſaid Four Diſtricts to collect and receive the Rates or Taxes to be laid and aſſeſſed under and by virtue of the ſaid former Acts, or either of them, ſhall be, and he or they is and are hereby empowered to receive and collect the Rates or Taxes rated, or to be rated and aſſeſſed, by virtue of this preſent Act, and ſhall be allowed out of the ſaid laſt mentioned Rates or Taxes ſuch Sum or Sums of Money, by way of Salary, or otherwiſe, as a Recompence for his or their Trouble, as the Commiſſioners for the ſaid Diſtricts reſpectively for the Time being, or any Five or more of them, ſhall from Time to Time at any of their Meetings direct or appoint.

Commiſſioners to take Security from their Officers.

XV. And be it further enacted, That the ſaid Commiſſioners reſpectively for the Time being, or any Five or more of them, are hereby required and authorized to take ſuch Security from the ſaid reſpective Re-

ceiver or Receivers, for the due Execution of his or their Office, and paſſing their reſpective Accounts relating thereto, as to them ſhall ſeem meet; and all and every Perſon and Perſons who is or are hereby made liable to pay the ſeveral Rates and Taxes hereby rated, charged, and aſſeſſed, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from Time to Time be ſo appointed to collect and receive the ſame according to the true Meaning of this Act; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, under his or their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid reſpective Commiſſioners for each of the ſaid Four Diſtricts ſhall direct, deliver to ſuch reſpective Commiſſioners, or to ſuch Perſon or Perſons as they ſhall direct or appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge, by virtue of this Act, or of the ſaid former Acts, or either of them, and alſo of all the Monies which ſhall have been by ſuch Officer or Officers reſpectively received by virtue and for the Purpoſes of this Act, and the ſaid former Acts, or either of them; and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in his or their reſpective Hands to the ſaid reſpective Commiſſioners for each of the ſaid Diſtricts, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid, ſhall upon Oath, if thereunto required by the ſaid Commiſſioners for each Diſtrict reſpectively, or any Five or more of them (which Oath any One of the ſaid Commiſſioners is hereby enabled to adminiſter) verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce and deliver up the Receipts or Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid reſpective Commiſſioners as aforeſaid, or to ſuch Perſon or Perſons as they ſhall appoint, within Twenty-eight Days after being thereunto required by ſuch reſpective Commiſſioners, or any Five or more of them, all Books, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, or of the ſaid former Acts, or either of them, or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in his or their reſpective Hands, to the ſaid reſpective Commiſſioners, or any Five or more of them, or to whom they ſhall direct or appoint; then, and in either of the Caſes aforeſaid, ſuch reſpective Commiſſioners, or any Five or more of them, may, and are hereby authorized and empowered to bring, or cauſe to be brought, any Action or Actions againſt the Officer or Officers ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers reſpectively; or if Complaint ſhall be made by the ſaid reſpective Commiſſioners, or any Five or more of them, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the *Iſle of Ely*, ſuch Juſtices may, and are hereby required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes, upon Oath, (which Oath any One of the ſaid Juſtices is hereby empowered

and required to adminiſter without Fee or Reward), it ſhall appear to ſuch Juſtices, that any of the Monies that ſhall have been collected or received by virtue of this Act, or of the ſaid former Acts, or either of them, ſhall be in the Hands of ſuch Officer or Officers, ſuch Juſtices ſhall and may, and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants, under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers reſpectively; and if no Goods or Chattels of ſuch Officer or Officers can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, then and in either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid *Iſle of Ely*, there to remain without Bail or Mainprize, until he or they ſhall give and make ſuch true and perfect Account and Payment as aforeſaid, and ſhall have delivered up all ſuch Books, Papers, and Writings, in his or their Cuſtody, or ſhall compound with the ſaid reſpective Commiſſioners, or any Five or more of them, and ſhall have paid ſuch Compoſition, in ſuch Manner as they ſhall appoint, which Compoſition the ſaid reſpective Commiſſioners, or any Five or more of them, are hereby empowered to make and accept.

For Draining *The Far Doles.*

XVI. And whereas, the Half ſeveral Lands called *The Far Doles* in *Wype*, within the ſaid Fourth Diſtrict or Diviſion, are not at preſent ſufficiently drained, be it therefore enacted, by the Authority aforeſaid, That, for better draining the ſame, the Commiſſioners for the Time being for the ſaid Fourth Diſtrict, or any Five or more of them ſhall have full Power and Authority, and they are hereby authorized and required to cut and make, or cauſe to be cut and made, within Six Calendar Months next after the paſſing of this Act, a good and ſufficient Drain along the South End of the ſaid *Doles*, where the inſufficient Drain now is, of not leſs Width than Six Feet on the Surface, nor leſs Width than Four Feet at the Bottom, and not leſs than Three Feet Deep, paying the Owners of the Soil through which ſuch Drain ſhall be ſo cut as aforeſaid, at a Rate not exceeding Thirty Years Purchaſe upon the Groſs reſerved Rent of ſuch Land where the ſame ſhall be ſo cut as aforeſaid; and which Drain, when cut as aforeſaid, ſhall from Time to Time, and at all Times for ever thereafter, as often as Need ſhall require, be roaded, ſcoured out, and cleanſed, and ſhall always be kept of the above Dimenſions at the ſole Coſts and Charges of the Commiſſioners for the ſaid Fourth Diſtrict for the Time being, and ſhall be, and hereby is veſted in the ſaid Commiſſioners for the Benefit of the ſaid Diſtrict.

Puniſhing Perſons injuring the Drain.

XVII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall dam up, fill in, or otherwiſe injure or deſtroy the ſaid Drain or moleſt the ſaid Commiſſioners, or their Workmen or Labourers, in the cutting or making thereof, they ſhall be ſubject and liable to the ſame Pains, Penalties, and Puniſhments as are inflicted on Perſons deſtroying Drains or other Works of the Commiſſioners in and by the ſaid former Acts, or either of them.

Proceedings of the Commiſſioners to be entered in Books.

XVIII. Provided always, and be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners at any Meeting to be held for each of the ſaid Four Diſtricts reſpectively, ſhall be entered in diſtinct Books to be provided and kept for that Purpoſe; and ſuch Orders and

and Proceedings ſo entered, ſhall be ſigned by Five or more of the ſaid Commiſſioners ſo aſſembled at every Meeting for ſuch reſpective Diſtrict, and being ſo ſigned, ſhall be and are hereby made Original Orders; and all ſuch Books, and the Books hereby directed to be kept for regiſtering the Securities and Transfers, ſhall and may be read in Evidence on all Trials and Hearings at Law of any Suits or Actions touching any Thing done in relation to or in purſuance of this Act, or the ſaid former Acts, or either of them.

No Order to be revoked at any ſubſequent Meetings without Notice.

XIX. And be it further enacted by the Authority aforeſaid, That no Order which ſhall be made by the Commiſſioners for the ſaid Four Diſtricts or Diviſions reſpectively, or any Five or more of them, aſſembled at any of their Meetings to be held in purſuance of this Act or the ſaid former Acts, or either of them, ſhall be altered, reverſed, annulled, or made void at any ſubſequent Meeting, unleſs Notice in Writing, ſigned by Three of the ſaid Commiſſioners, be delivered to the Commiſſioners for the Diſtrict or Diviſion for which ſuch Meeting is intended to be held, or affixed on the moſt conſpicuous Part of the Door of the Pariſh Church of *Whittleſey Saint Mary*, at leaſt Seven Days before ſuch ſubſequent Meeting, ſetting forth the Intent and Meaning of ſuch Meeting, at which Meeting no leſs than Seven Commiſſioners ſhall be preſent, and Five of them ſhall be aſſenting to the Alteration or Reverſal of ſuch former Order.

Commiſſioners of Second Diſtrict may inſure their Engines.

XX. And be it further enacted by the Authority aforeſaid, That the Commiſſioners for the ſaid Second Diſtrict or Diviſion for the Time being, or any Five or more of them, ſhall and may cauſe the Engine or Mill, Engines or Mills, already erected for draining the ſaid Diſtrict, or which ſhall be erected and employed by virtue of this Act, or the ſaid Act of the Twenty-ſecond Year of His late Majeſty, to be inſured againſt Fire in any One of the Publick Inſurance Offices, and from Time to Time to pay the Expences attending ſuch Inſurance, out of the Money ariſing from this Act, or the ſaid Act of the Twenty-ſecond Year of His late Majeſty.

Commiſſioners of Second Diſtrict may give Rewards for taking Moles, &c.

XXI. And be it further enacted, That the ſaid Commiſſioners for the ſaid Second Diſtrict, or any Five or more of them may, and they are hereby empowered, out of the Monies ariſing from the ſaid Diſtrict, in purſuance of this Act, or of the ſaid Act of the Twenty-ſecond Year of His late Majeſty, to make ſuch Allowances for catching or deſtroying Moles, or other Vermin, in the Banks and Lands belonging to or being within the ſaid Diſtrict, as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper.

To prevent Horſe-milling in the Second Diſtrict.

XXII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, after the paſſing of this Act, ſet up, uſe, erect, or work, any Horſe Mill, Gig, Engine, or other Device whatſoever, for draining or diſcharging Water from any of the Lands in the ſaid Second Diſtrict or Diviſion, through or upon the Lands of any other Perſon or Perſons, or in any other Manner than directly and immediately from the Lands of the reſpective Owner of ſuch Mill, Gig, Engine, or other Device, into the Drain called *The Sixteen Feet Drain*, *Bevil's River*, or *Whittleſey Dyke*, or either of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall or will ſue for the ſame; and the Owner of ſuch Mill, Gig,

Engine, or other Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damages ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction ſhall be recovered and recoverable, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed.

To prevent cutting, firing, and making Soak Dykes near Banks in the 2d Diſtrict.

XXIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, cut or dig, or cauſe to be cut or dug, any Turves, Hods, Seſſes, or other Firing within the ſaid Second Diſtrict or Diviſion, within the Diſtance of Sixty Feet from any Bank which now is or hereafter may be made, by virtue of this Act, or the ſaid Act of the Twenty-ſecond Year of His late Majeſty, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every Rod of ſuch Turves, Hods, Seſſes, or other Firing ſo dug or cut as aforeſaid; and that if any Perſon or Perſons ſhall make, or cauſe to be made, any Soak Dyke, Ditch, or Soak Gripple, in or upon any of the ſaid Fen Lands and Low Grounds within the ſaid Second Diſtrict or Diviſion, within the Diſtance of Ninety Feet from the Banks of the ſaid Drain and Rivers called *The Sixteen Feet Drain*, *Bevil's River*, and *Whittleſey Dyke*, or either of them; and Thirty Feet from any other Bank now made or hereafter to be made, within the ſaid Second Diſtrict or Diviſion, every ſuch Perſon ſo offending ſhall forfeit and pay for every ſuch Offence Four-pence for every Foot in Length of ſuch Soak Dyke or Soak Gripple, and the like Sum for every Month for which the ſame ſhall be continued; and the ſaid Commiſſioners for the ſaid Second Diſtrict or Diviſion, for the Time being, or any Five or more of them, are hereby authorized and required, at the Coſts and Charges of the Owner or Owners, Occupier or Occupiers, of ſuch Lands or Grounds wherein ſuch Soak Dyke or Soak Gripple ſhall be made, to fill up and level the ſame; which ſaid reſpective Forfeitures ſhall, upon the Conviction of the Offender or Offenders, before any One or more Juſtice or Juſtices of the Peace for the ſaid *Iſle of Ely*, not intereſted in the Premiſes, upon the Oath of One or more credible Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby required and empowered to adminiſter), be immediately paid into the Hands of the Treaſurer or Collector of the ſaid Second Diſtrict, to be applied for and towards the Purpoſes of this Act, and the ſaid former Act of the Twenty-ſecond Year of His late Majeſty; and in caſe of Non-payment thereof, ſuch reſpective Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made; and for Want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall, by ſuch Juſtice or Juſtices, be committed to the Houſe of Correction for the ſaid *Iſle of Ely*, there to be kept to hard Labour for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Three Calendar Months, or until ſuch Forfeiture or Forfeitures ſhall be paid, together with all Coſts and Charges attending the Non-payment thereof.

To prevent Buildings, Trees, or

XXIV. Provided always, and be it further enacted, That, from and after the paſſing of this Act, no Houſes or other Buildings whatſoever ſhall be erected

erected in the ſaid Second Diſtrict, without the Conſent, in Writing, of Two-thirds of the Commiſſioners acting for the ſaid Diſtrict, and aſſembled at a Meeting to be held for that Purpoſe, or any other Obſtruction whatſoever laid or placed, (except Stacks of Corn or Hay, in Yards already laid out for that Purpoſe), or Trees or Holts planted in the ſaid Diſtrict, or on the Outſide thereof, within Forty Poles (each Pole to contain Eighteen Feet) of any Mill or Engine already built, erected, or employed, or which may hereafter be built, erected, or employed, for draining the Lands and Grounds within the ſaid Second Diſtrict; and if any Perſon or Perſons whomſoever ſhall build, or erect, or cauſe to be built or erected, any Houſe, Barn, Shed, or other Building, or ſhall plant any Tree or Holt, or place, lay, or put, or cauſe to be laid, placed, or put any other Obſtruction within any leſs Diſtance than Forty Poles of any ſuch Mill or Engine, (except with ſuch Permiſſion of the ſaid Commiſſioners as before-mentioned), every ſuch Perſon ſhall forfeit and pay for every ſuch Houſe, Barn, Shed, or other Building, the Sum of One hundred Pounds to any Perſon who ſhall ſue for the ſame, One Moiety thereof to be paid to the Perſon ſo ſuing for the ſame, and the other Moiety to the Receiver or Collector for the Time being for the ſaid Second Diſtrict; ſuch Penalty, Compenſation, and Satisfaction, to be recovered and recoverable, together with Double Coſts of Suit by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Privilege, Wager of Law, or more than One Imparlance, ſhall be allowed; and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obſtruction ſo planted or laid as aforeſaid, which ſaid Penalties of One Shilling and Five Pounds ſhall and may be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant, under the Hand and Seal of any Juſtice of the Peace of the *Iſle of Ely*; which Warrant ſuch Juſtice is hereby empowered to iſſue; and the ſaid Commiſſioners, or any Five or more of them, are hereby empowered and authorized at any of their Meetings, by an Order under their Hands and Seals, to order their Agents or Servants to take down ſuch Buildings ſo erected, and to pull up and remove ſuch Trees, Holts, and other Obſtructions, ſo placed contrary to this Act.

Holts, being built or planted within Fifty Poles of a Mill in the Second Diſtrict.

XXV. Provided alſo, and be it further enacted, That if any Trees or Holts are now planted and growing within the Diſtance of Forty Poles from any Mill or Engine already built, or hereafter to be built, within the ſaid Second Diſtrict, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, by like Order, under their Hands and Seals, to order the ſame to be taken up or pulled down, as if the ſame had been planted ſince the paſſing of this Act, making ſuch Satisfaction out of the Monies ariſing by virtue of this Act to the Owners of ſuch Trees or Holts, as ſhall be agreed upon betwixt ſuch Owners and the ſaid Commiſſioners; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and ſuch Owners, touching ſuch Satisfaction, and the ſame cannot be ſettled between them, then ſuch Satisfaction and Recompence ſhall be finally ſettled and determined by Two Juſtices of the Peace for the ſaid *Iſle of Ely*, not intereſted in the Premiſes, whoſe Determination ſhall be final to all Parties.

Trees and Holts in the Second Diſtrict may be removed.

XXVI. Provided nevertheleſs, and be it further enacted, That in caſe any Houſe or Building now erected and ſtanding in the ſaid Second Diſtrict ſhall happen to be burnt or blown down, or otherwiſe deſtroyed, it ſhall and

Houſes, &c. burnt or blown down in the Second Diſtrict may be rebuilt.

and may be lawful for the Owner or Proprietor thereof to rebuild the ſame, upon the ſame Scite or Spot of Ground on which the ſaid Houſe or Building ſtood before it was burnt or blown down, and to build at the Back, or any other Part thereof, ſuch other Building, Shed, or Lean-to, ſo as the ſame be built and erected in ſuch Manner as not to obſtruct or hinder the working or going of any Mill or Engine already erected, or hereafter to be erected by the Authority of this Act, or the ſaid former Act of the Twenty-ſecond Year of His late Majeſty; any Thing herein-before contained to the contrary thereof notwithſtanding.

Money advanced for obtaining the Act to be repaid with Intereſt.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of or incident to the obtaining and paſſing of this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the reſpective Commiſſioners for carrying this Act into Execution, together with lawful Intereſt for the ſame, out of the firſt Money to be raiſed under this Act.

Former Commiſſioners to execute this Act.

XXVIII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners nominated and appointed for the ſaid Four Diſtricts or Diviſions reſpectively by the ſaid Two former Acts, or either of them, or elected and choſen in purſuance thereof, and their Succeſſors ſhall be, and are hereby appointed Commiſſioners for carrying into Execution this preſent Act, and all the Powers and Authorities hereby given, and that it ſhall and may be lawful for the ſaid Commiſſioners for the ſaid Four Diſtricts or Diviſions reſpectively, or any Five or more of them, to meet at the ſeveral Times and Places mentioned in the ſaid former Acts or either of them, as well to put into Execution the ſeveral Powers and Authorities of this Act as of the ſaid former Acts, or either of them, ſo far as the ſame relate to the ſaid Four Diſtricts or Diviſions reſpectively, and from Time to Time to adjourn ſuch Meetings, and meet again at ſuch other Times and Places as they ſhall think proper; and in caſe of the Death, Diſqualification, or Reſignation, of any of the ſaid Commiſſioners for the ſaid Four Diſtricts or Diviſions reſpectively, the Vacancy or Vacancies occaſioned thereby ſhall, at all Times after the paſſing of this Act, be filled up by the major Part of the Commiſſioners for the ſaid Four Diſtricts or Diviſions reſpectively, at a Meeting to be held for that Purpoſe, in ſuch and the ſame Manner as by the ſaid former Acts, or either of them, are directed, out of the Perſons qualified thereby to ſit, vote, and act as Commiſſioners under the ſaid Acts or either of them, and that ſuch Perſon or Perſons ſo to be choſen and elected Commiſſioners as aforeſaid, ſhall and may, after he or they ſhall be ſo choſen and elected a Commiſſioner or Commiſſioners as aforeſaid, ſit, vote, and act as a Commiſſioner or Commiſſioners for the Diſtrict or Diſtricts, Diviſion or Diviſions, for which he or they ſhall be ſo elected and choſen, and ſhall be, and is and are hereby declared to be a Commiſſioner or Commiſſioners for putting this Act and the ſaid former Acts into Execution, ſo far as the ſame relate to the ſaid Four Diſtricts or Diviſions reſpectively, and ſhall be veſted with the ſame Powers and Authorities as the Commiſſioners appointed by the ſaid former Acts or either of them, for the ſaid Four Diſtricts or Diviſions are veſted with, any Thing to the contrary thereof in anywiſe notwithſtanding.

Qualification of new Commiſſioners.

XXIX. Provided always, and be it further enacted, That, from and after the paſſing of this Act, every Perſon who ſhall be Owner of Fifty Acres of Land, or who ſhall be Truſtee, Committee, or Guardian, for any Perſon

Perſon having Fifty Acres of Land within either of the ſaid Four Diſtricts or Diviſions reſpectively liable to the Rates or Taxes by this Act charged, ſhall be, and is hereby appointed a Commiſſioner for ſuch Diſtrict or Diſtricts whereof he ſhall be Owner, Truſtee, Committee, or Guardian, as aforeſaid, and ſhall have the ſame Powers for carrying into Execution the ſaid former Acts and this preſent Act, or either of them, ſo far as the ſame relate to ſuch Diſtrict or Diſtricts reſpectively as the other Commiſſioners appointed and to be appointed in purſuance of the ſaid former Acts, or either of them, any Thing herein contained to the contrary notwithſtanding.

Owners of certain Quantities of Land may appoint Deputies.

XXX. Provided always, and be it further enacted, That it ſhall be lawful for every Perſon who ſhall be Owner of One hundred Acres of Land, or who ſhall be Truſtee, Committee, or Guardian, for any Perſon having One hundred Acres of Land within either of the ſaid Four Diſtricts or Diviſions reſpectively liable to the Rates or Taxes by this Act charged, and not reſiding in either of the Pariſhes of *Whittleſey*, by Writing under his or her Hand from Time to Time, and for ſuch Time as he or ſhe ſhall think fit, to appoint an Agent or Deputy to act in his or her Abſence as a Commiſſioner for ſuch Diſtrict or Diſtricts whereof he or ſhe ſhall be Owner of One hundred Acres of Land, or Truſtee, Committee, or Guardian, for ſuch Owner as aforeſaid, and ſuch Agent or Deputy ſhall and may act as a Commiſſioner for One Perſon only in ſuch and the ſame Manner, and as fully to all Intents and Purpoſes as ſuch Commiſſioner might act and do if he was perſonally preſent.

Form of Appointment of Deputy Commiſſioners.

XXXI. And be it further enacted, That every ſuch Appointment ſhall be in the Words or to the Effect following:

'I *A. B.* of (*ſpecify the Place of Abode*, &c.) being Owner of One hundred Acres of Land, (or Truſtee, Committee, or Guardian, for (*deſcribe the Perſon*, &c.) having One hundred Acres of Land, (*as the Caſe may be*) within the Diſtrict in *Whittleſey*, in the *Iſle of Ely*, and County of *Cambridge*, taxable under and by virtue of an Act, made and paſſed in the Thirty-ſeventh Year of the Reign of His Majeſty King *George* the Third, intituled, (*here ſet forth the Title of the Act*), do hereby appoint my Agent or Deputy, to act in my Abſence as a Commiſſioner for the ſaid Diſtrict during my Will and Pleaſure, as well to put into Execution any former Act or Acts made and paſſed for draining and improving the ſaid Diſtrict, as the above-mentioned Act, in ſuch and the ſame Manner and as fully to all Intents and Purpoſes as I might act and do if I was perſonally preſent. Dated the Day of

'Witneſs, *C. D.* *A B.*'

Diſtreſs not unlawful for want of Form.

XXXII. And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, or of the ſaid former Acts, or either of them, 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 any 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 ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action upon the Caſe.

XXXIII. And

Limitation of Actions.

XXXIII. And it is hereby further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done, or to be done, in pursuance of this Act, or of the said former Acts, or either of them, or in Execution of any of the Powers or Authorities by them or either of them given, every such Action, Suit, or Information, shall be commenced or prosecuted within Twelve Calendar Months next after the Fact be committed, and not afterwards, and shall be laid or brought in the County of *Cambridge* or *Isle of Ely*, and not elsewhere, and the Defendant or Defendants in such Action or Suit shall and may plead the general Issue Not Guilty; and if 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 give this Act, and the said former Acts, or either of them, in Evidence, without specially pleading the same, otherwise than as aforesaid, at any Trial to be had thereupon, and that the Fact alledged to have been done, was done in pursuance of and by Authority of this Act, or of the said former Acts, or either of them; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Jurisdiction, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become Non-suit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Judgement shall be given against him, her, or them, upon Demurrer or otherwise, then and in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, for which he, she, or they, shall have like Remedy as where Costs by Law are awarded.

Former Acts to be in force, except where altered.

XXXIV. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Powers, Provisions, Matters, and Things prescribed or appointed and contained in and by the said Acts of the Twenty-second Year of His late Majesty King *George* the Second, and the Twelfth Year of His present Majesty, and not hereby taken away, altered, or repealed, shall be and continue of the same Force and Effect, as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

Preserving the Rights of the Corporation of *Bedford Level*, &c.

XXXV. Provided always, and be it further enacted, That all such lawful Rights, Powers, Jurisdictions, and Authorities, shall be saved and reserved unto the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, and their Successors, and all and every other Person and Persons whomsoever, his, her, and their Heirs, Executors, Administrators, and Assigns, now vested in and enjoyed by them as are not hereby taken away, altered, or repealed.

Publick Act.

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

FINIS.