



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. I.

An Act for altering, amending, and rendering more effectual, an Act, made in the Twenty-first Year of the Reign of King *George* the Second, intituled; *An Act for draining and preserving certain Fen Lands in the several Parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain extra-parochial Place in Byal Fen, within the Isle of Ely, and County of Cambridge.*

[10th March 1800.]

WHEREAS an Act of Parliament was made in the Twenty-first Year of the Reign of His late Majesty King *George* the Second, for draining and preserving certain Fen Lands and Low Grounds, lying and being in the several Parishes of *Maney, Upwell, Welney, Downham, Witcham,* and a certain extra-parochial Place in *Byal Fen,* within the *Isle of Ely* and County of *Cambridge,* and within the great Level of the Fens called *Bedford Level;* which said Lands contain in the Whole Six thousand and seven hundred Acres, or thereabouts (Nine hundred and thirty Acres whereof, or thereabouts, are Commonable Lands, and the rest Severals); and by the said Act were bounded as

[Loc. & Per.] A 2 follows,

Preamble.

for draining and preserving the said Fen Lands and Low Grounds be made, repaired, and amended, without the further Aid 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 Commissioners appointed by or acting in pursuance of the said recited Act made in the Twenty-first Year of the Reign of King *George* the Second, in case they now are possessed of Thirty Acres of Taxable Land within the Boundaries of the said Fen Lands or Low Grounds; or are Agents for any Proprietors of Lands in the said Fen Lands and Low Grounds entitled by the said recited Act to appoint such Agents; (together with such Person or Persons as shall be appointed from Time to Time under the Hand of *Thomas Carill Worsley* Esquire, his Heirs or Assigns, and also *William Dawes*, *Daniel Stephenson*, and *John Grayson*, Esquires, or One of them, his or their Heirs or Assigns), shall be, and they are hereby authorized and empowered, during the Time they shall be possessed of such Qualifications, to act, as well in the Execution of this present Act as of the said recited Act, in as full and ample Manner to all Intents and Purposes as if they had been nominated and appointed Commissioners by this present Act; and that upon Death, Resignation, or Refusal of any of the Commissioners now acting by virtue of the said recited Act, that then the surviving Commissioners shall pursue the same Rule for chusing new ones in their Stead, as by the said recited Act is directed.

Commissioners of former Act to be Commissioners of this.

II. And be it further enacted, That the said Commissioners or their Successors, or any Five or more of them, shall Twice in every Year meet on the Days and Times, in *Maney*, as in the said recited Act is mentioned; and Once at *Welney* in every Year, and may meet at such House or Place of Meeting in the said Towns, as the said Commissioners shall from Time to Time think proper; but that the First Meeting of the said Commissioners for the Purpose of executing this Act, shall be held at the House of *Richard Oliver*, known by the Sign of *The Crown*, in *Maney* aforesaid, or at some other Publick House in *Maney* aforesaid, on the Third *Tuesday* after the passing of this Act; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Meetings of Commissioners:

III. Provided always, and be it further enacted, That no Order which shall be made by the said Commissioners, or any Five or more of them, at any of their Meetings by virtue of this Act, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, except a greater Number of the said Commissioners be present and consenting thereto, than were present at the making of such Order, nor unless Notice in Writing to be affixed upon the Church or Chapel Doors of *Maney*, *Upwell*, and *Welney*, Ten Days previous to such Meeting, shall be declared; and that every Order for executing the Purposes of this or the said recited Act, shall be made at a Meeting of the Commissioners to be held as in the said recited Act is appointed or authorized, and not otherwise; except in Cases of granting Precepts or Warrants for levying Taxes or Penalties, which shall and may be granted and signed by such Commissioners, whenever the same shall be necessary and required.

No Order to be revoked but by a greater Number than made it, nor without Notice:

[*Loc. & Per.*]

B

IV. And

follows, *videlicet*, From a Bank known by the Name of *The Thirty Feet Bank*, at a Place called *Welche's Dam*, along a Drain known by the Name of *The Twenty Feet Drain*, to the Out-ring Ditch of the Five Hundred Acres of Land commonly called *Carter's Farm*, next to the Land then in the Possession of *Richard Houlditch* Esquire, and along the said Out-ring Ditch to certain Lands then in the Possession of *Mary Wright* Widow, and from thence to a certain Drove called *Byal Fen Drove*, and from thence along the said Drove, to the said Drain called *The Twenty Feet Drain*, and from thence to *Welney River*, and from thence by the said River to a Place called *Darcey Load*, and from thence along *Darcey Load* to a Place called *Twisle Load*, and from thence along *Twisle Load* to a Place called *Maney Field*, and from *Maney Field* across the said Drove called *Byal Fen Drove*, to the Out-ring Ditch of certain Lands then in the Possession of *Richard Read* Esquire, next to a Place called *Wentworth Parts*, and along the said Out-ring Ditch to the Five hundred Acres of Land commonly called *Carter's Farm*, and along the Out-ring Ditch of the said Five hundred Acres, next the Parts to the Out-ring Ditch of the said *Carter's Farm*, next *Chatteris Common*, and from thence along the said Out-ring Ditch to the Out-ring Ditch of certain Lands then in the Possession of *William Blunt* Esquire, and from thence along the Out-ring Ditch of the said Lands, and the Lands then in the Possession of *Thomas Aspland*, to the aforesaid Bank known by the Name of *The Thirty Feet Bank*, and from thence along the said *Thirty Feet Bank* to *Welche's Dam* aforesaid: And whereas Two hundred and nineteen Acres of Fen Land, belonging to *John Clipson*, Part of the Fen Lands being Severals, lying within the Boundaries of the said District herein-before described, received no Benefit from the said Drainage, and in consequence thereof the said *John Clipson* erected a Mill, and hath been at a very considerable Expence in draining the said Two hundred and nineteen Acres, by and through other Lands of him the said *John Clipson*, not belonging to the said District, therefore the same being now under his own private Drainage, is intended not to be subject to the Controul or Jurisdiction of the Commissioners acting under this Act, (except as to the Charge herein-after mentioned, or in case the said *John Clipson* shall not sufficiently embank the same out from the said District), and which said Two hundred and nineteen Acres are bounded as follows; (*videlicet*), *Twisle Load*, West; *Maney Dams*, East; Lands of the said *John Clipson*, North; and *Maney Highlands*, South: But which said Two hundred and nineteen Acres are to be subject to the Controul and Jurisdiction of the Commissioners under the above recited Act, to an Assessment of One Shilling and Sixpence an Acre yearly and every Year, as by the said recited Act is allowed to be raised and assessed on all the Lands within the Boundaries of the said District as therein described, for the Benefit of the Embankment belonging to the said District, and that to be made hereafter perpetual: And whereas the said Commissioners did, in pursuance of the said recited Act, assess and rate the said Fen Lands and Low Grounds, bounded as above described, and erect Works and Engines for draining the same; but the said Works and Engines are, by Length of Time and other Accidents, become so ruinous and decayed, that the present Tax of One Shilling and Sixpence an Acre is now very insufficient to amend and maintain the same; and the said Commissioners have also contracted several Debts to a considerable Amount, which cannot be discharged, nor the necessary Works for

Power to lay a further Tax, so that the Whole do not exceed Five Shillings an Acre, over and above the present Tax.

IV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at all and every or any of such Meeting or Meetings, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of the Fen Lands and Low Grounds aforesaid, and liable to be taxed by virtue of the said recited Act, (other than and except Two hundred and nineteen Acres, if effectually embanked out from any Communication with the said District, by the said *John Clipson*, to be subject only to a perpetual Rate of One Shilling and Sixpence an Acre, by virtue of the said recited Act), by an equal and proportionable Acre Tax, with such further Sum or Sums of Money as the said Commissioners, or any Five or more of them, shall think proper, so as the same do not exceed the annual Sum of Five Shillings an Acre (over and above the Tax wherewith the said Lands and Grounds are already liable to be taxed); which said Sum or Sums of Money so to be raised by virtue of the said recited Act and this Act, shall be paid, collected, levied, and recovered, in Manner as hereinafter mentioned.

Power for Commissioners to charge 219 Acres belonging to *John Clipson*, with a Tax of 1 s. 6 d. an Acre, on certain Conditions.

V. And be it further enacted, That the said Two hundred and nineteen Acres, belonging to the said *John Clipson*, so liable to be rated under the said recited Act, is hereby also made liable, now and for ever, to the Payment of the said Rate of One Shilling and Sixpence an Acre, therein mentioned; and the said Commissioners acting under this Act are also hereby required to rate, tax, charge, and assess, on the said Two hundred and nineteen Acres, the said yearly Tax of One Shilling and Sixpence an Acre yearly and every Year hereafter, and no more, at the Times specified in and by the said recited Act, provided that the said *John Clipson* shall in future embank out the said Two hundred and nineteen Acres from the said District, and effectually prevent the Waters from communicating with, by, into, or through any Part of the Lands, Grounds, Ditches, or Drains, belonging to the said District; but in case the said *John Clipson* shall not or does not, in the Judgement of the said Commissioners, prevent the Waters from running or draining out of the said Two hundred and nineteen Acres into the said District, that then he shall pay an equal Draining Tax with the respective Owners and Occupiers under this Act; and the said Commissioners are hereby empowered, and it shall and may be lawful for them, or any Five or more of them, to assess, rate, tax, and charge the said Two hundred and nineteen Acres with an equal Assessment, according to what may be then charged on other Lands liable to be taxed under this Act, and the same shall be subject to the Controul of the Commissioners acting under this Act, in every Year that the same shall be found to run, water, or drain into the said District; and the said Tax so to be assessed shall be collected, recovered, and received, in the like Manner as the Tax on other Lands are by the said recited Act and this Act directed to be collected, recovered, and received.

Directing the Manner in which the Taxes are to be paid.

VI. And be it further enacted, That, from and after the passing of this Act, if any Person or Persons rated, taxed, or assessed, as aforesaid, with the Payment of any of the said Rates or Taxes, under the said recited Act or this present Act, shall refuse or neglect to pay the said Taxes or Assessments charged upon him, her, or them respectively, for or on account of his, her, or their several Fen Land and Low Grounds lying within

within the Limits aforesaid, at the Place of Abode of the Collector or Collectors thereof, upon a Day to be appointed by the said Commissioners, or any Five or more of them, for such Payment, Publick Notice of such Day and Place of Payment, One Month before such Day of Payment, being given in the *Cambridge Chronicle and Journal*, for that Purpose, or some other Weekly Paper or Journal published in the County of *Cambridge*, and also affixed upon the several Church or Chapel Doors of *Upwell*, *Welney*, and *Maney* aforesaid respectively; which Notice, so to be given in such Paper, and inserted therein Three Weeks successively, and affixed upon such Church or Chapel Doors as aforesaid, on Three *Sundays* successively, shall be deemed and taken as publick Notice, and as if Demand thereof had been actually made by the said Receiver or Collector, of the Person or Persons by whom such Rate or Tax is to be paid as aforesaid; and if such Rates or Taxes shall continue unpaid by the Space of Twenty-one Days after such Day of Payment appointed and so notified as aforesaid, it shall and may be lawful for such Collector or Collectors, or for any other Person or Persons acting under the Authority of the said recited Act, or this Act, to levy the same in the Manner as is directed in and by the said recited Act; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

VII. And be it further enacted, That where such Rates or Taxes, laid by virtue of the said recited Act, or this present Act, shall not be levied or paid to such Collector or Collectors on or before the Second *Wednesday* in *December* in any Year, the Person or Persons standing charged with the said Taxes shall forfeit and pay the Sum of Two-pence for every Shilling which shall be so in arrear and unpaid; to be levied by Distress and Sale of his, her, or their Goods and Chattels, in such Manner as the aforesaid Rates and Taxes are by the said recited Act directed to be levied; and the Money so forfeited and levied shall be applied towards the Works of the said District.

Penalty on Non-payment.

VIII. Provided always, and it is hereby enacted and declared, That in case any of the said Fen Lands shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Rates or Taxes by virtue of the said recited Act or this present Act, then the Lands chargeable therewith shall always remain a Security for Payment thereof; and all Goods and Chattels which shall at any Time thereafter be found thereon, shall and may be distrained, kept, appraised, and sold, in Manner as in Distresses to be made for Non-payment of Taxes under the said recited Act is thereby directed, until all Arrears of the said Rates or Taxes, and the Charges of such Distress, shall be fully paid and satisfied.

Land, and Stock thereon, to remain Security for Payment of Taxes.

IX. Provided always, and be it further enacted, That the several and respective Tenants of the said Fen Lands and Low Grounds, which shall be rated or assessed at an annual Sum not exceeding Five Shillings an Acre, by virtue of this Act, over and above the Tax wherewith the said Lands and Grounds may then respectively be rated or assessed at, shall and are hereby required and authorized to pay such annual Sums; and where any Lease or Agreement is or may be subsisting under the Term of Fourteen Years, One Moiety shall be charged to the said Tenant,

Tenants to pay the Tax, and deduct a Moiety of the same out of the Rents where a Lease or Agreement is under Fourteen Years.

and the other Moiety may be deducted by the said Tenant out of the Rent which now is or shall hereafter accrue due to their respective Landlords for the said Lands; and the said Landlords, both mediate and immediate, are hereby required to allow such Deductions and Payments of the said Moiety of the said Tax, upon proper Receipts being produced of such Payment, and upon Payment of the Residue of the said Rents, and that every Tenant paying the said several and respective Moieties of Assessments shall be acquitted and discharged of so much Money as the said several and respective Moieties of Assessments shall amount to, as if the same had been actually paid unto such Person or Persons to whom his or her Rent shall have been due or payable, except such Leases and Agreements wherein it is expressed that all Taxes shall be paid by the Tenant; and in all Cases where there shall be a Lease or Agreement subsisting, which has more than Fourteen Years to come and unexpired at the Time of the passing of this Act, the Whole of the Taxes to be laid by virtue of this Act shall be borne and paid by the Tenant.

Application
of Taxes.

X. And be it further enacted, That the Monies arising from the said Taxes or Assessments shall be applied and disposed of, in the First Place, to defray the Expences of obtaining this Act, and in the next Place, to discharge such Bonds and Notes as have been given by the Commissioners for Money by them borrowed and expended in Works of embanking and draining the said Fen Lands and Low Grounds, and for Money owing to the Treasurer of the District which has been laid out and expended by him towards carrying on the Works of Drainage, with the Interest thereon due, and then to discharge the Bills due to Tradesmen for Materials and Work done by Order of the said Commissioners, and the Remainder thereof in making, maintaining, and keeping such Cuts, Drains, Dams, Banks, Bridges, Tunnels, and Outlets, and erecting, repairing, maintaining, and keeping such Works and Engines, as will be necessary for draining and improving the said Fen Lands and Low Grounds, and for other the Purposes directed by the said recited Act and this Act, and to no other Use or Purpose whatsoever.

To prevent
inside Mills,
or erecting
any more
Mills than
what are di-
rected by this
Act.

XI. And be it further enacted, That if any Person or Persons shall erect, set up, use, or work any Mill, Horse Mill, Gigg, Engine, or other Device whatsoever, or shall use or work any Mill, Horse Mill, Gigg, or Engine, already erected for draining the Water from any Land in the said District through the Ditches, or in or upon the Lands of any other Person or Persons, in any other Manner than by the Engines erected or to be erected by virtue of this or the said recited Act, for draining the said District, (except such Mills, Horse Mills, Giggs, or Engines, as may be erected, set up, used, or worked by the said *John Clipson*, his Successors, Servants, or Agents, for the Purpose of draining the said Two hundred and nineteen Acres of Fen Land belonging to the said *John Clipson*, and which by this Act the said *John Clipson* is authorized and allowed to erect, set up, use, and work, for the Purpose of draining the said Lands; provided the said Two hundred and nineteen Acres are first sufficiently embanked out from the other Lands in the said District), every such Person so discharging the Water, other than as aforesaid, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, and also the further Sum of Five Pounds a Day for every Day which any such Mill, Horse Mill, Gigg, Engine, or other Device as aforesaid, shall continue or be used, to any

any Person who shall sue for the same; One Moiety thereof to be paid to such Person who shall sue for the same, and the other Moiety thereof to be paid to the Receiver or Collector for the Time being, and to be applied for the Purposes of draining, embanking, and improving the said Fen Lands and Low Grounds lying or being within the said District; and the Owner of such Mill, Gigg, 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 and Persons shall thereby sustain; such Penalties, Compensation, and Satisfaction, to be recovered, together with the 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 Effoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

XII. And be it further enacted, That if any Person or Persons shall cut or dig any Turf, Hods, or Cesses, or plant any Holt in the said Lands, within the Distance of One hundred Yards from the Center of the Thirty Feet Bank, and Eighty Yards from the Center of the Twenty Feet Bank, being Part of the Boundaries described in and by the said recited Act, every Person so offending shall forfeit and pay any Sum not exceeding the Sum of Five Pounds for every Rod of such Turf, Hods, or Cesses, so cut and dug; and also for every Holt so planted any Sum not exceeding Five Pounds; and if any Person or Persons shall make, or cause to be made or cut, any watering Places, or Place of Access for Cattle to drink, in, through, or upon any such Banks as aforesaid, or in any Mill Drain within any of the said Fen Lands hereby intended to be embanked, drained, and preserved, every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; which Forfeitures shall, upon Conviction of the Offender or Offenders before any Justice of the Peace for the *Iste of Ely*, wherein such Offence shall be committed, not interested in the Premises, upon the Oath of any credible Witness, be immediately paid into the Hands of the Treasurer of the said District, to be applied for the carrying on the Works thereof; and in case of Non-payment thereof, such Forfeitures shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be made; and for Want of sufficient Distress such Offender or Offenders shall by such Justice be committed to the House of Correction, there to be kept to hard Labour for such Time as the said Justice shall order and direct, not exceeding Three Calendar Months.

No Turf to be dug, or Holt to be planted within 100 Yards of the Thirty Feet Bank, and 80 Yards of the Twenty Feet Bank.

XIII. And be it further enacted, That, from and after the passing of this Act, no Houses or Buildings, or any other Obstructions whatsoever, shall be erected or set up, or Trees or Holts planted either within the said District or on the Outside thereof; nearer to any Mill or Engine already built, erected, or employed, or hereafter to be built, erected, or employed, for draining the Fen Lands and Low Grounds, within the Limits of Fifty Poles (being the Pole of Eighteen Feet) or on any Bank within the Limits aforesaid; and if any Person or Persons shall build or erect any House, Barn, or other Building, or shall plant any Tree or Holt, or set up, place, lay, or put up, any other Obstruction whatsoever, within any less Distance than Fifty Poles, every such Person shall forfeit and pay, for every such House or Building, any Sum not exceeding the Sum of Fifty

No Obstructions near Mills.

[Loc. & Per.]

C

Pounds,

Pounds, (to be recovered in like Manner as the Penalties herein-before mentioned for erecting inside Mills, Giggs, Engines, or other Devices for throwing Water), and for every Tree the Sum of One Shilling, and Five Pounds for every Holt or other Obstruction so planted or set up; which said Penalties of One Shilling, and Five Pounds, for the Offences aforesaid, are to be levied and paid in like Manner as the said Penalty for cutting Turfs, Hods, or Cesses, is to be levied and paid by virtue of this present Act; and the said Commissioners, or any Five or more of them, are hereby empowered, at any of their Meetings, by an Order under the Hands and Seals of any Five or more of them, to direct their Agents or Servants to take down any Buildings so erected, and remove such Trees, Hols, or other Obstructions so placed contrary to this Act,

Power to take Earth for making Banks, &c.

XIV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall be and are hereby authorized and empowered to take Earth from any Part of the Lands contained within the said Boundaries, for the Purpose of making and repairing such Banks, Mill-Hills, Dams, Headings, and other Works within the said Boundaries, as they shall think necessary, paying such reasonable Satisfaction to the Person or Persons having a Right to the Soil wherefrom the same shall be taken, as shall be by the said Commissioners and such Proprietors agreed on; and in case of any Dispute about the same, that it shall be settled and adjusted as by the said recited Act is directed in similar Cases, as to the Works to be done in the said District.

Commissioners may make Allowances for catching Vermin.

XV. And be it further enacted, That the said Commissioners, or any Five or more of them, may and they are hereby empowered, out of the Monies arising in or upon account of the said Fen Lands, to make such Allowance for the catching or destroying Moles, or other Vermin, in the Banks and Lands belonging to and lying within the said District, as the said Commissioners, or any Five or more of them, shall think proper.

To prevent burning the Banks.

XVI. And whereas it frequently happens, by Negligence or Carelessness, that Banks are burnt and damaged; be it therefore further enacted, That if any Person or Persons shall, by Carelessness or Negligence, set fire to or burn, or cause to be fired or burned, any of the Banks lying near or adjoining to any of the said Fen Lands and Low Grounds, so as such Banks be by Means of such Fire destroyed or damaged, such Person or Persons being thereof convicted by the Oath of any credible Witness, or by Confession, before any Two Justices of the Peace for the *Isle of Ely*, or Place where such Offence shall be committed, not interested therein, (which Oath either of such Justices is hereby empowered and required to administer), shall make such Recompence and Satisfaction to the said Commissioners, for the Damage done to the said Banks, as such Justices shall in their Judgement think fair and reasonable, so that the same shall not in any Instance amount to more than the Sum of Twenty Pounds, such Recompence and Satisfaction to be paid by such Offender or Offenders, within such Time as by such Justices shall be ordered and appointed, into the Hands of the Collector or Receiver appointed by virtue of this Act, to be applied by him for and towards the repairing and amending such Banks; and in case of Non-payment thereof, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels,

tels, by Warrant under the Hands and Seals of the Justices before whom such Conviction shall be made; and for Want of sufficient Distress such Offender or Offenders shall by such Justices be committed to the House of Correction, there to be kept to hard Labour for such Time as such Justices shall order and direct, not exceeding Three Calendar Months, or until such Recompence or Satisfaction shall be made.

XVII. And be it further enacted, That if any Swine or Hogs shall, after the passing of this Act, be found upon any of the Banks belonging to and within the Limits aforesaid, (other than and except such Banks as are Private Property, or Part of the Farm Yards belonging thereto, and supported, maintained, and kept in Repair at the sole Expence of the Owners or Occupiers thereof), the Owner or Owners of such Swine or Hogs shall forfeit and pay to the Collector or Receiver to be appointed by virtue of this Act, any Sum not exceeding the Sum of Ten Shillings for every such Swine or Hog that shall be found on the said Banks; such Penalty to be applied for and towards the Repairs of the Outward Banks of the said District; and that such Penalty of Ten Shillings shall, upon Proof of the Fact, upon the Oath of any credible Witness, before any Justice of the Peace for the *Isle of Ely*, or by Confession of the Owner or Owners of such Swine or Hogs, be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby authorized and required to grant; the Overplus remaining after such Penalty, and the Charges of such Distress and Sale are recovered, to be returned to the Owner or Owners of such Goods and Chattels.

Penalty on
Persons allow-
ing Hogs to
wander on the
Banks.

XVIII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any Lands lying within the said District, to which any Drove-way Dike, Outring Dike, or Division Dike, doth or shall belong, shall hereafter refuse sufficiently to road, scour, cleanse, open, or repair any such Dike, or to make the same of a sufficient Depth, and of the Width of Nine Feet at the least, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their Place of Abode, from Time to Time for that Purpose, by the Collector or Collectors, Receiver or Receivers for the said District, such Collector or Collectors, Receiver or Receivers, having an Order in Writing for that Purpose under the Hands of Three or more of the Commissioners acting for the said District, every such Owner or Occupier shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding the Sum of Twelve-pence for every Rod of the Dike so neglected to be roaded, scoured, cleansed, opened, repaired, deepened, and widened; and it shall be lawful from Time to Time for such Collector or Collectors, Receiver or Receivers, to cause such Dikes, at the Charge and Expence of such Owner or Occupier, to be roaded, scoured, cleansed, opened, repaired, deepened, and widened, in a sufficient Manner, and made of the Width aforesaid at the least; and where a Way shall have been made over any Dike without a sufficient Tunnel, to cause such Way to be taken up, and such Dike to be made of a proper Width and Depth, and by a Warrant or Precept under the Hands of Three or more of the Commissioners for the said District, to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and

Dikes, &c. to
be cleansed.

Sale

Sale of his, her, or their Goods and Chattels; and such Penalties shall be applied to the Use of the said District.

Empowering Tenants for Life, &c. to borrow Money.

XIX. And be it further enacted, That it shall and may be lawful to and for any Tenant or Tenants for Life or Lives, Guardians, Husbands, Trustees, Committees, or Attornies of any Infants, Lunaticks, Idiots, Femes Covert, Persons beyond the Seas, or otherwise incapable of acting for themselves, or for any Number of Years determinable upon Life or Lives, or other Contingencies, or for Trustees of any Charities, or any other Purposes whatsoever, by Writing under their Hands and Seals, from Time to Time to charge such of their Lands and Grounds which are subject and liable to be taxed by this Act, with any Sum not exceeding the annual Sum of Five Shillings an Acre, over and above the Tax wherewith the said Lands and Grounds are already liable to be taxed; and for securing the Payment of such Sum or Sums of Money, with Interest for the same, to surrender, grant, mortgage, lease, or demise, the Lands and Grounds so to be charged, unto such Person or Persons who shall advance and lend the same respectively; so as every such Surrender, Grant, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or assigned, when such Sum or Sums of Money thereby secured, with the Interest thereof, shall be fully satisfied and paid; and so as every such Surrender, Grant, or Demise, so to be made by any Tenant in Fee, for Life or Lives, or in Tail, or for Years determinable upon Contingencies, contains a Proviso that the Persons entitled in Remainder or Reversion shall not, nor shall any Person be liable on his, her, or their becoming seised or possessed of any such Lands or Grounds, to pay any further or larger Arrear of Interest than for One Half Year preceding the Time when the Title of such Possession shall accrue and commence; and that every such Surrender, Grant, Mortgage, Lease, or Demise, made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Empowering the Commissioners to borrow Money.

Sums to be borrowed not to exceed 2000*l.*

Mortgagees to be Creditors in equal Proportions without Priority.

XX. And be it further enacted, That the said Commissioners, or the major Part of them (such major Part not being fewer than Seven), assembled at any Publick Meeting to be held as aforesaid, shall and may, and they are hereby empowered, from Time to Time, to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of Two thousand Pounds, which they shall think necessary for the several Purposes of this Act, and by Writing under their Hands and Seals to assign over the said yearly Rates and Taxes hereby charged or to be charged upon the said Ten Lands and Low Grounds, and every or any Part thereof, as a Security for the Re-payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Sum or Sums of Money, his, her, or their Executors, Administrators, or Assigns; and all and every such Person or Persons to whom such Mortgage, Assignment, or Transfer thereof shall be made, shall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the said Assessments, Rates, Taxes, and Sums of Money, in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any Sum of Money; which Money so to be borrowed shall, in the first Place, be applied and disposed of to defray the Expences of obtaining this Act, and in the next Place, to discharge such Bonds and Notes as have been given by the Commissioners for Money by them borrowed

rowed and expended in Works of embanking and draining the said Fen Lands and Low Grounds, and for Money owing to the Treasurer of the District, which has been laid out and expended by him towards carrying on the Works of Drainage, with the Interest thereon due, and then the Bills due to Tradesmen for Materials and Work done by Order of the said Commissioners, and the Remainder thereof in making, maintaining, and keeping such Cuts, Drains, Banks, Bridges, Tunnels, Outlets, and erecting, repairing, maintaining, and keeping such Works and Engines as shall be necessary for draining and improving the said Fen Lands and Low Grounds, and for the other Purposes directed by this Act, and to no other Use or Purpose whatsoever.

XXI. And be it further enacted, That all Mortgages or Assignments of the Rates and Taxes to be made, as well of the Taxes to be raised by this present Act as all future Mortgages or Assignments to be made of the Rates and Taxes raised by the said recited Act, shall be numbered, beginning with Number One, and so proceeding in numerical Order; and that no Assignment shall be made for any greater or lesser Sum than One hundred Pounds; any Thing in the said recited Act contained to the contrary notwithstanding.

No Assignment of the present Taxes, or any future Assignment of the former Tax; to be made for more or less than 100 l. and to be numbered.

XXII. And it is hereby further enacted, That every Person to whom any Assignment of the said Rates and Taxes to be raised by virtue of this Act or the said recited Act, shall hereafter be made for securing any Sum or Sums of Money, shall have full Power from Time to Time, by Endorsement on the original Grant or Security, or otherwise, to assign and transfer the same to any Person or Persons whomsoever; and such Transfer or Assignment, from and after the Time that the same is entered in a Book to be kept by the said Commissioners for that Purpose, (which Entry their Clerk is hereby required to make upon producing such Assignment, and Payment of Two Shillings and Sixpence for the said Entry), shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the said Principal Sum, and all Interest due or to grow due thereon; and such Assignee or Assignees, and every other Assignee or Assignees, shall in like Manner, by Endorsement or otherwise, assign and make over such Mortgages and Securities so assigned as aforesaid, and so *toties quoties* as Occasion shall require; every such Assignment being entered into such Book as aforesaid.

Securities may be assigned by Endorsement.

XXIII. And be it further enacted and declared, That the Rates or Taxes to be raised by virtue of this Act on the said Fen Lands and Low Grounds, shall be charged and chargeable with the Payment of the Principal Monies so to be borrowed by the said Commissioners as aforesaid, and with the Interest of such Monies from Time to Time, and shall vest in the Creditors in Default of Payment of such Principal Money, until the same and every Part thereof shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, or Assigns respectively, shall have the same Powers, Rights, and Privileges of recovering the said Rates and Taxes, for or in respect of such Principal Money and Interest, in case of Default in Payment thereof, as the said Commissioners, and their Collectors and Receivers, could have had, in case such Principal Money and Interest had been regularly paid.

Taxes charged with the Principal Money, and vested in the Creditors.

[Loc. & Per.]

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XXIV. Pro-

continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

XXVIII. And it is hereby further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, for any Thing done or to be done in pursuance of this or the said recited Act, or in Execution of any of the Powers and Authorities hereby or thereby given, every such Action, Suit, or Information, shall be commenced or prosecuted within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the Court of Sessions of Pleas of the said *Ile of Ely*, or in the County of *Cambridge*, 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 or the said recited Act, as Persons acting by the Authority of Commissioners of Sewers are enabled to do, and give this or the said recited Act and the Special Matter in Evidence, without specially pleading the same (other than as aforesaid) at any Trial to be thereupon had, and that the Fact alleged to have been done was done in pursuance and by the Authority of this or the said recited Act; and if the same shall appear to be 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 Place, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or forbear a 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 Treble Costs, for which he, she, or they shall have like Remedy as where Costs by Law are awarded.

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

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

