ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

****

Cap. 73.

An Act for draining and improving certain Lands and Grounds in the Parish of *Leverington* and *Leverington Parson Drove*, in the Isle of *Ely* in the County of *Cambridge*. [20th *June* 1801.]

WHEREAS the several Lands and Grounds lying in the Parish of *Leverington*, and *Leverington Parson Drove*, in the Isle of *Ely* in the County of *Cambridge*, containing Five thousand one hundred Acres, or thereabouts, and abutted and bounded as follows; (that is to say) by a certain Bank called *The Roman* or *Old Sea Bank*, in Part, and the West Bank of the River *Nene*, in Part towards the East, by a certain Drain called *The White Engine Drain*, as far as the *Red Engine*, and from thence by the same Drain to the River *Nene* towards the South, by *Murrow Bank* as far as *Clow's Cross*, and from thence by the Bank next *Shire Drain* to the Western Point of *Harrold Bank*, in Part; a certain other Bank called *Green Bank*, (next Land belonging to *Francis Sanders*, Part of *Harrold Lotts*, but excluding the same Land of the said *Francis Sanders*) in Part; *Shoffendike*, or *Elloe Bank*, in Part; and an old Essewer, running towards *Saint Peter's Cross*, in the Parish of *Newton*, in Part towards the West, by *Harrold Bank*, in Part; Lands belonging to her Grace the Dowager Duchess of *Somerset* in the Parish of *Tid Saint Mary's*, in Part; *Clay Bank*, *Turnmore Dyke*, *Gorefield Green*, and Lands in the Parish of *Newton*, in other Parts towards the North, are much annoyed Preamble.

annoyed with Waters, for want of a proper Drainage; and if the ſame were effectually drained great Benefit would accrue, as well to the Owners and Proprietors of the ſaid Lands and Grounds as to the Publick: But there are no Powers or Proviſions now in Force, by virtue of or under any Commiſſion of Sewers, or Law in being ſufficient for effecting the ſame; and the ſaid Lands and Grounds cannot be effectually drained without the Aid and Authority of Parliament; may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *James Naſmith* Doctor in Divinity, Rector of the ſaid Pariſh of *Leverington* and *Leverington Parſon Drove*, and the Rector of the ſame Pariſh for the Time being, *Richard Pollard* Clerk, Chaplain or perpetual Curate of the Chapel of *Parſon Drove*, and the Chaplain or perpetual Curate of the ſaid Chapel for the Time being, *Thomas William Cock*, *Spelman Swaine*, and *William Skrimſhire* Eſquires, *Samuel Croſs*, *Joſeph Plumptre*, and *John Swaine* Clerks, *Joſeph Buckworth*, *Daniel Culy*, *John Dearlove*, *Thomas Foſter*, *Richard Gunn*, *John Hart*, *John Etherington*, *Alice Hepburn*, *John Johnſon*, *George Johnſon*, *Edmund Johnſon*, *Richard Lewin*, *Nicholas Lumpkin*, *William Martin*, *William Marſhall*, *John Nicholls*, *Robzart Rayner*, *Samuel Stanton*, *Samuel Taylor*, *John Taylor*, *John Ulyatt*, *Robert Weſt*, *Robert Weſt* the Younger, and *William Henley Worrall*, ſhall be, and they and their Succeſſors, to be elected in Manner herein-after mentioned, are hereby appointed Commiſſioners for putting this Act into Execution.

Commiſſioners.

II. Provided nevertheleſs, and be it further enacted, That none of the ſaid Perſons (the Rector of *Leverington* for the Time being, and the Chaplain or perpetual Curate of the Chapel of *Parſon Drove* for the Time being excepted) ſhall be capable of acting as Commiſſioners under this Act, but during ſuch Time only as they ſhall reſpectively be the Owners of Twenty Acres at the leaſt of the ſaid Lands and Grounds hereby intended to be drained; and upon any One of the ſaid Perſons (except as aforeſaid) being or becoming unqualified as aforeſaid, another Perſon, duly qualified, ſhall be elected in his or her Room, in Manner herein-after preſcribed.

Qualification of Commiſſioners.

III. And it is hereby further enacted, That if any Perſon, not being qualified as aforeſaid (the Rector of *Leverington* for the Time being, and the Chaplain or perpetual Curate of the Chapel of *Parſon Drove* for the Time being, and ſuch Commiſſioners as ſhall be reſpectively named and appointed by the Dean and Chapter of *Ely*, Maſter and Scholars of *Saint Peter's* College, commonly called *Peter Houſe*, in the Univerſity of *Cambridge*, the Capital Burgeſſes of the Town of *Wiſbech*, or by her Grace the Dowager Ducheſs of *Somerſet* and his Grace the Duke of *Bedford*, and their reſpective Heirs, or by any of the Commiſſioners, Proprietors as after mentioned, to act in their Abſence only excepted) ſhall preſume to act as a Commiſſioner in the Execution of this Act, ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, to be recovered, with full Coſts of Suit, by any Perſon or Perſons who ſhall inform or ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or upon the Caſe, Bill, Suit, or Information, wherein no Eſſoign, Protection, Privilege, or Wager of Law, nor

Penalty on acting, not being qualified.

nor more than One Imparlance ſhall be allowed, and in which Action or Suit it ſhall be only neceſſary for the Plaintiff or Informer to prove that the Defendant acted as a Commiſſioner in the Execution of this Act, and a Verdict ſhall be found againſt the Defendant, unleſs he ſhall prove in his Defence, that he was at the Time of his ſo acting qualified according to the true Intent and Meaning of this Act.

Power to appoint Deputies.

IV. And be it further enacted, That the Dean and Chapter of *Ely*, the Maſter and Scholars of *Saint Peter's* College, commonly called *Peter Houſe*, in the Univerſity of *Cambridge*, and the Capital Burgeſſes of the Town of *Wiſbech* for the Time being, by Writings under their reſpective Common Seals (ſuch ſeveral Writings to be certified at the next Meeting after the ſealing thereof) and her Grace the Dowager Ducheſs of *Somerſet* and his Grace the Duke of *Bedford*, and their reſpective Heirs, during ſuch Time only as they ſhall reſpectively be Owners or Proprietors of Lands within the Boundaries aforeſaid, by Writing under their reſpective Hands, to be certified alſo at the next Meeting after the ſigning thereof, ſhall and may reſpectively, from Time to Time, nominate and appoint One Commiſſioner for putting this Act in Execution; and that ſuch Commiſſioners ſo to be nominated and appointed as aforeſaid ſhall be, and are hereby veſted with the ſame Powers and Authorities as the Commiſſioners hereby named and appointed are veſted with by virtue of this Act; and that each and every of the Commiſſioners who ſhall be ſeiſed or poſſeſſed of One hundred Acres at the leaſt of the Lands and Grounds intended to be drained by virtue hereof, ſhall and may from Time to Time, by Writing under his or her Hand, to be certified alſo at the next Meeting after the ſigning thereof, nominate and appoint One other Perſon to vote and act as a Commiſſioner in his or her Abſence, and not otherwiſe, at all or any of the ſaid Meetings; and ſuch Perſon ſo to be nominated and appointed ſhall, in the Abſence of the Commiſſioner ſo appointing him, be, and is hereby veſted with the ſame Powers and Authorities as ſuch Commiſſioner is or ſhall be veſted with by virtue of this Act; provided that no Perſon ſhall vote or act as Agent for any more than One of the ſaid Commiſſioners at the ſame Time.

Chuſing new Commiſſioners.

V. And be it further enacted, That when and ſo often as any of the Commiſſioners appointed or to be appointed by or under this Act, ſhall die or become diſqualified as aforeſaid, it ſhall be lawful for the ſurviving or other Commiſſioners, at their next General Meeting, out of the Owners and Proprietors of Twenty Acres at the leaſt reſpectively of the ſaid Lands and Grounds ſo bounded and deſcribed as aforeſaid, to elect and appoint One other Perſon to be a Commiſſioner in the Place and Stead of each Commiſſioner ſo dying or becoming diſqualified as aforeſaid; and every ſuch Commiſſioner ſo elected and appointed ſhall be, and is hereby veſted with the ſame Powers and Authorities as the Commiſſioner in whoſe Place he is elected and appointed, was veſted with by virtue of this Act.

Meetings of Commiſſioners.

VI. And be it enacted, That the ſaid Commiſſioners ſhall hold One General Meeting in every Year (to wit) on the laſt *Friday* in the Month of *April*, at *the Vine Inn* in *Wiſbech Saint Peter's* in the ſaid Iſle of *Ely*, or at ſuch other Time or Times, Place or Places in *Wiſbech Saint Peter's* as they ſhall ſee Cauſe or think convenient, and ſhall and may from Time

Time to Time, at any of their said Meetings, adjourn themselves to such other Time or Times, Place or Places, in *Wisbech Saint Peter's*, as they shall think proper; and that Three Commissioners, and no less a Number, shall be deemed at all Times to make and constitute a Meeting within the true Intent and Meaning of this Act, for doing the Business and carrying the Purposes thereof into Execution; and that the First Meeting to be holden in pursuance of this Act shall be holden at *The Vine Inn* in *Wisbech Saint Peter's* aforesaid, on the Friday Three Weeks next after the Day of the passing hereof; and that Ten Days Notice of every other Meeting (except Meetings by Adjournment) shall be given, under the Hands of Two or more of the said Commissioners, or of their Clerk, and affixed in some publick Place in *Wisbech Saint Peter's* aforesaid, and on the Principal outer Door of the Parish Church of *Leverington*, and of the Chapel of *Leverington Parson Drove* aforesaid.

Expences allowed at Meetings.

VII. Provided always, and be it further enacted, That no greater or larger Sum of Money than Five Shillings for each Commissioner who shall be present at any of the said General Meetings, or than Three Shillings for each Commissioner who shall be present at any of the said other Meetings, shall ever be paid and allowed out of the Money to be raised by virtue of this Act, for the Charges or Expences of the said Commissioners at such Meetings; and that all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at Meetings to be held in pursuance thereof, by a Majority of the Commissioners present at such Meetings; and that no such Order or Determination of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Five of the Commissioners at least shall be present and concur in the revoking or altering thereof (except such Orders and Determinations as shall be made at any of the said Meetings touching the opening and shutting down of any of the Tunnels and Sluices already set down, or to be set down and made use of in the Execution of this Act, which may be revoked or altered at any subsequent Meeting of the said Commissioners).

Proceedings to be at Meetings only.

Proceedings of Commissioners to be entered in Books.

VIII. And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose, and that such Orders and Proceedings so entered shall be signed by the Commissioners then present, or the major Part of them, and that such Orders so signed shall be deemed and taken to be original Orders, as fully and effectually as if the same were under the Hands and Seals of the said Commissioners; and that such Book or Books shall and may be inspected and perused at all seasonable Times by any of the Commissioners, or by any Owner or Owners of the said Lands or Grounds so abutted and bounded as aforesaid, his, her, or their Agent, without Fee or Reward, and shall and may be produced and read in Evidence in all Cases of Suits or Actions touching any Thing done in pursuance and by virtue of this Act.

Officers.

IX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint a Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors of the Rates and Taxes, and such other Officers as the said Commissioners shall think necessary, and from Time to Time remove all or any of such Officers as they shall think fit, and appoint others in the Room of such as shall be so removed, or as shall

die or resign their Office, or be incapable of performing it; and shall take such Security for the due Execution of such respective Offices as they the said Commissioners shall think proper; and may, by and out of the Monies to arise by virtue of this Act, allow and pay to such Clerks, Surveyors, Receivers, Collectors, and to such other Person or Persons as shall be aiding or assisting to them in their respective Offices, or that shall anyways be employed in the Execution of this Act, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Commissioners shall seem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing, under their respective Hands, of all Monies which have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath; and all such Officers and Persons shall, and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioners shall appoint to receive the same; and if any such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath, or topay the Balance remaining in their Hands, when thereunto required by the said Commissioners; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Commissioners, all Books, Accounts, Papers, and Writings in their respective Custody or Power, anyways relating to the Execution of this Act, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds, nor less than Five Pounds, to be paid to the said Commissioners, and applied towards the general Purposes of this Act; and if Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice may, and he is hereby authorized and required, by a Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not appearing to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Commissioners might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may, and he is hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money, and also such Penalties as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and Penalty, and the Charges of distraining and selling the same, or if such Officer or Officers

Officers to give Security.

Officers to account;

or be punished.

ficers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose, except for some sufficient Excuse, or if appearing, shall refuse or neglect to give or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings, in their Custody or Power relating to the Execution of this Act, then and in either of the Cases aforesaid the said Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or Bridewell of the County or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same on Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his or their respective Hands, and such Penalty as aforesaid, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Commissioners for the same, and paid the Composition Money to the Commissioners, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Commissioners are hereby empowered to make), or until he or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid or have given Satisfaction in respect thereof to the said Commissioners: Provided always, That no Person who shall be committed for want of sufficient Distress only shall be detained in Prison for any longer Time than Three Calendar Months.

For making Works of Drainage.

X. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, and at all Times hereafter, as they shall think proper, to make, raise, cut, build, and set up, or cause to be made, raised, cut, built, and set up, supported, widened, and cleansed, within the Lands and Grounds so abutted and described as aforesaid, or within the Lands and Grounds lying between the said *Roman* or *Old Sea Bank* (Part of the East Boundary thereof) and the West Bank of the River *Nene*, between the *Horseshoe Corner* and *Bludwick's Drove*, all such Banks, Bridges, Tunnels, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary and convenient for the draining of the Waters, from the said Lands and Grounds so abutted and described as aforesaid into the said River; and that the said Commissioners shall have full Power and Authority over all and singular the said Works so to be made; and also over the Mills already set up for the draining of the said Lands and Grounds, and the Drains, Sluices, Tunnels, and other Works thereto belonging, and to alter, repair, rebuild, enlarge, widen, or deepen the same; and also over all and singular the Tunnels, Sluices, and other Works already made and set up in the Banks of the said River *Nene*, between the *Horseshoe Corner* and *Bludwick's Drove* aforesaid, and to alter, repair, rebuild, widen, deepen, enlarge, use, or take up the same, as they shall think proper and necessary for the better draining of the said Lands and Grounds so abutted and described as aforesaid; and also shall have full Power and Authority over all and singular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Sluices, Tunnels, or other

Works

Works of draining already made or set up within the Limits of the said Lands and Grounds so abutted and described as aforesaid; and also to fell and take down all such Trees, Wood, and Bushes, as shall or may at any Time or Times be Obstructions or Impediments to the working of the said Mills or any of them, or to the said Drainage; and that it shall and may be lawful for the said Commissioners acting under and by virtue of this Act, and they are hereby authorized and empowered from Time to Time to divide off, take, and use such Lands and Hereditaments, within the Limits and Bounds aforesaid, as they shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, or other Works under and by virtue of this Act, or which they the said Commissioners shall deem proper and requisite; and also from Time to Time and at all Times to dig, cut, take, and carry away any Earth, Flag, or other Soil from the Lands or Grounds aforesaid, or from the Wastes, Roads, and Ways thereto adjoining, for the making, supporting, or repairing the Banks and Works aforesaid, they the said Commissioners doing as little Damage as may be, and making such Satisfaction for the same as is herein-after mentioned.

XI. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the said Commissioners to cut through, take, or use any Part of a certain Piece of Land, containing by Estimation Fourteen Acres, or thereabouts, belonging to *Samuel Taylor*, and lying in the Marsh in the Parish of *Leverington* aforesaid, for the Purpose of making a Drain or Drains to be used under or by virtue of this Act, further than or beyond the Distance of One hundred Yards from the North-west Corner of the said Piece of Land; or to build, erect, or set up, or cause to be built, erected, or set up, any Mill or Engine for the draining of the Waters from the said Lands and Grounds so abutted or described as aforesaid lower down from the East Boundary thereof, or nearer to a certain Fen or Tract of Land in the said Parish of *Leverington*, called *Gorfield Fen*, than the present Rise or Elbow of the Hill between *Allen's Drove* and a certain Garden now in the Tenure of *James Scarf*; or to take Earth, Flag, or Soil for any Purpose whatsoever from any Place or Places within Sixty Feet of *Murrow Bank*, or of the said Bank of the River *Nene*; or to take any Earth from the Turnpike Road leading from *Wisbech* to *Tid Gote*, or from the Common or Drove Way next *Shoffendike* or *Elloe Bank*; or to make any Cut, or set down any Bridge or Tunnel therein; or to widen or in anywise alter any Bridges, Tunnels, or Cuts in the said Road, without making, maintaining, and keeping up the Breaches occasioned thereby, and leaving the said Road in a good Condition, and of sufficient Breadth for Horses, Carts, and Carriages; or to alter, make, widen, take up, or disannul any Cut, Sluice, or Tunnel made or to be made in or through the Bank of the said River *Nene*, without making good, supporting, and maintaining such Part or Parts of the said Bank where the said Cut, Sluice, or Tunnel shall be so altered, made, widened, taken up, or disannulled. Exceptions.

XII. And be it further enacted, That the said Commissioners shall have full Power and Authority to agree with the Proprietors of and Persons interested in any Lands or Hereditaments which the said Commissioners shall judge necessary to be cut, dug, taken, or used for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, or other Works Commissioners may agree for Purchase of Lands or Satisfaction for Damages.

Works under and by virtue of this Act, for the Purchase of such Lands and Hereditaments, or for the Recompence to be made to such Proprietors and Persons interested for the Damages they may sustain, and also to settle and ascertain in what Proportion the Sum or Sums so agreed for shall be paid to the several Persons interested in the Premises; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors; but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights; and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners under this Act for any Recompence or Compensation to be made for the Damages which may be done to any such Lands and Hereditaments by the Execution of any of the Powers of this Act; and all such Contracts, Sales, Conveyances, and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act;

Bodies Politick, *etc.* may contract for Sale of Lands or Compensation for Damages.

but if it shall happen that any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or concerned as aforesaid, shall, for the Space of Fourteen Days after Notice in Writing given to the principal Officer or Officers of such Body Politick, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at his, her, or their respective Place or Places of Abode, or at the House of the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners may, and they are hereby authorized and empowered Fourteen Days at least before any General Quarter Sessions of the Peace to be holden for the *Isle of Ely*, within Six Calendar Months after the Lands or Hereditaments shall have been used, or the Damage done, to give or cause to be given to the Party or Parties whose Land or Hereditament shall have been used, or who shall have sustained such Damage or Injury, or leave, or cause to be left at his, her, or their last or usual Place or Places of Abode respectively, or at the Place of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Land or Ground, and the Amount of the Damage or Injury sustained will be adjusted and settled by a Jury at the said Sessions, and the Justices at their said Sessions, or at the next or subsequent Adjournment thereof, shall and are hereby authorized and required to charge the Jury which shall attend at such Sessions or Adjournment, or some other Jury of Twelve honest and substantial Men, to be then and there impanelled and returned by the Sheriff of the said County, and cause them to be sworn well and truly, on their Oaths, to assess the Value of the Land or Hereditament, and the Recompence to be given for the same, or for any Damage or Injury

Persons refusing or neglecting to treat.

Commissioners may apply to the Sessions to ascertain Value of Land and Amount of Damages.

The Justices to cause the Jury to assess Damages.

ſuſtained as aforeſaid, to the reſpective Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, having any Intereſt therein, or to the Owner or Owners thereof, according to their reſpective Intereſts, to which ſaid Juries the ſaid Commiſſioners and all Parties intereſted in the ſaid Lands ſhall have their lawful Challenges when they come to be ſworn; and the Clerk of the Peace for the ſaid *Iſle of Ely* is hereby authorized and empowered, upon Application made to him by any of the Parties intereſted, by Subpœna or Summons under his Hand, to call before the Juſtices at ſuch Seſſions, or the Adjournment thereof, any Perſon or Perſons who ſhall be thought proper to be examined touching or concerning the Premiſes; and the ſaid Jury, upon their Oaths, (which Oaths, and alſo the Oaths to be taken by the Perſons who ſhall appear or be ſummoned to be examined and give Evidence as aforeſaid, the ſaid Juſtices at their ſaid Seſſions are hereby empowered and required to adminiſter) ſhall aſcertain and award the Recompence to be given for the ſaid Land or Hereditament, or for any Damage or Injury which ſhall have been done as aforeſaid to the reſpective Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or Owner or Owners thereof; and the ſaid Juſtices ſhall and may give Judgement according to the Verdict of the ſaid Jury, which Verdict of the ſaid Jury, and the Judgement thereupon declared and pronounced by the ſaid Juſtices, ſhall finally bind and be concluſive to the ſaid Commiſſioners, and all Perſons and Parties intereſted in the ſaid Lands or Grounds, and ſhall be entered and kept among the Records of the Quarter Seſſions for the ſaid *Iſle of Ely*; and the ſame, or true Copies thereof, being ſigned by the Clerk of the Peace for the ſaid *Iſle of Ely*, ſhall be deemed and taken as good Evidence in all Courts of Law or Equity, and all Perſons may have Recourſe thereto, and take Copies thereof, or Extracts therefrom, on paying the uſual Fees paid in Caſes of the like Nature.

Witneſſes to be ſummoned.

Juſtices to give Judgement;

the ſame to be final.

XIII. And be it further enacted, That in all Caſes where a Verdict ſhall be given for more Monies, as a Recompence or Satisfaction for any Lands or Hereditaments of any Perſon or Perſons whomſoever, or for any Damage to be done to any Lands or Hereditaments of any Perſon or Perſons than had been previouſly offered by or on Behalf of the ſaid Commiſſioners as aforeſaid, then all the Expences of taking ſuch Inqueſt ſhall be ſettled by the ſaid Juſtices, and be defrayed by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act; but if any Verdict ſhall be given or made for the ſame or a leſs Sum than had been previouſly offered by or on Behalf of the ſaid Commiſſioners as aforeſaid, or in caſe no Damage ſhall be given by the Verdict, where the Diſpute is for Damages only, then and in every ſuch Caſe, the Coſts and Expences of taking ſuch Inqueſt ſhall be ſettled in like Manner by the ſaid Juſtices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Perſon or Perſons intereſted in the Lands or Hereditaments in queſtion; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and

Expences of the Jury.

settled as aforesaid, may be recovered by the said Commissioners in and by such Ways and Means as are herein provided for Recovery of the Rates and Taxes.

Act not to extend to taking down Houses, etc. without Consent.

XIV. Provided always, and be it further enacted, That this Act shall not extend to the taking down of any Dwelling House or other Building without the Consent of the Owners or Proprietors and Occupier or Occupiers thereof respectively.

Application of Compensation where exceeding 200*l.*

XV. And be it further enacted, That if any Money shall be paid or agreed, or awarded to be paid, for the Purchase of any Lands or Hereditaments purchased and sold, taken or used by virtue of the Powers of this Act, or for any Damages done to such Lands or Hereditaments, as herein particularly mentioned, and the said Money shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, and Hereditaments shall be so purchased, taken, or used, or damaged as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, on the Request of any One of the said Commissioners in Writing, signed by him or them, and without any Order of the Court of Chancery, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

XVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments, purchased, taken, or used, or damaged as aforesaid, and belonging to any Corporation

Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds, nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or damaged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be appplied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Money may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively. Application where the Money is less than 20 *l.*

XVIII. And be it further enacted, That the said Commissioners shall be, and they are hereby authorized and directed to lay down Bridges in all Places where all or any of the Drains already cut and thrown out, or to be cut and thrown out, under and by virtue of this Act, shall cross any Road or publick Highway, and the said Bridges to support and keep as publick Bridges for the Passage of Horses, Beasts, Cattle, and Carriages of all Sorts. For providing Bridges where necessary.

XIX. And whereas a certain Bridge or Tunnel, standing over the present Mill Drain, in the said Parish of *Leverington*, opposite to the Messuage or Dwelling House of *Nicholas Lumpkin*, and used as a Roadway or Passage into his Lands in *Woolcroft Field*, and the adjoining Lands severally belonging to the Rector of *Newton*, and Mistress *Alice Hepburn*, hath been heretofore maintained and kept in Repair by the Dikereeves for the Time being of the said Parish of *Leverington*; be it therefore enacted, That the said Commissioners shall be, and they are hereby authorized and required, from Time to Time, and at all Times hereafter, to amend, maintain, and keep the said Bridge or Tunnel in good Repair and Condition, and of sufficient Breadth for Horses, Carts, and Carriages, for the Use and Convenience of the Owners and Occupiers of the said Lands respectively. For repairing Bridge opposite Mr. *Lumpkin*'s House.

XX. And be it further enacted, That the said Commissioners shall have full Power, and are hereby authorized to destroy all such Moles, and other Moles may be destroyed.

other Vermin as shall be found in and about the Lands and Grounds intended to be drained by virtue of this Act, or in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons, at such Wages as they shall think proper, and that they, and such Person or Persons as they shall so employ, shall and lawfully may enter into or upon the said Lands and Banks, or any of them, for that Purpose.

Commissioners to make Orders for opening or shutting down Tunnels and Sluices, and to appoint Officers for that Purpose.

XXI. And be it further enacted, That the said Commissioners, at their said General Meeting in every Year, shall and may, and they are hereby authorized and required to appoint One or more Officer or Officers for the Purpose of opening and shutting down the Tunnels and Sluices already set down or to be set down and made use of in the Execution of this Act; and that no such Tunnel or Tunnels, Sluice or Sluices, shall at any Time or Times be opened or shut down but by the said Officer or Officers, or by his or their Direction; and that it shall and may be lawful to and for the said Commissioners, at the said General or any other Meeting, to make such Order or Orders touching the opening or shutting down of the said Tunnels and Sluices as they shall think proper; and that the said Officer or Officers, and all and every other Person and Persons who shall open or shut down the said Tunnels and Sluices, or any of them, contrary to such Order or Orders of the said Commissioners, being thereof convicted before any Two or more Justices of the Peace for the said *Isle of Ely*, (who are hereby authorized and required to hear and determine the same on the Oath of One or more Witness or Witnesses, or on the Confession of the Party or Parties so offending) shall, for every such Offence, forfeit and pay a Sum of Money not exceeding the Sum of Twenty Pounds, nor less than Five Pounds, as the said Justices shall order and direct, to the said Commissioners, for the same Purposes for which the Assessments, Rates, and Taxes are hereby directed to be applied, and to be levied by Distress and Sale of the Goods, Chattels, and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of the said Justices before whom such Conviction shall be made; and in Default of such Distress or Payment, the Person or Persons so offending shall be by the said Justices committed to the House of Correction there to be kept to hard Labour for such Time as the said Justices shall respectively order and direct, not exceeding Three Calendar Months, at the Discretion of the said Justices by whom such Commitment shall be made.

Penalty on opening or shutting down Tunnels or Sluices contrary to Orders.

Commissioners may lay Rates.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners at their First Meeting to be held after the passing of this Act, and from Time to Time at their General Meeting in every succeeding Year, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the Lands and Grounds lying in the First Division of the said Parish, and comprised in the Fields following; (*videlicet*) *North Inham Field*, *Elbow Field*, *South Inham Field*, *Old Eau Field*, *Cannon Field*, *Pope's Field*, *Fenball Field*, *Hart Field*, *Black Lane Field*, *Shire's Field*, *New Field*, and *Reiner's Field*, and such Part of *Harrold Lotts* as is lying within the Boundaries aforesaid, by an equal and proportionate Acre Tax, in such Rate or Sum of Money as the said Commissioners shall think proper, for defraying the Expences of this Act, not exceeding the Sum of Four Shillings and Sixpence

pence *per* Acre in each Year; and alſo, that it ſhall be lawful for the ſaid Commiſſioners at their ſaid Firſt Meeting, and from Time to Time at their ſaid General Meeting in every ſucceeding Year, to aſſeſs, rate, tax, and charge all and every the reſpective Owner or Owners, Occupier or Occupiers of all and ſingular the Lands and Grounds lying in the Second Diviſion of the ſaid Pariſh, and comprized in the Fields following; (*videlicet*), *Pock Field*, *Flane Field*, *Richmond Field*, *Cat Field*, *Long Meadow Field*, and *Snailcroft Field*, by an equal and proportionate Acre Tax, in ſuch Rate or Sum of Money as they ſhall think proper, not exceeding the Sum of Three Shillings *per* Acre in each Year; and alſo to aſſeſs, rate, tax, and charge all and every the reſpective Owner or Owners, Occupier or Occupiers of all and ſingular the Lands and Grounds lying in the Third Diviſion of the ſaid Pariſh, and comprized in the Fields following; (*videlicet*), *Ox Field*, *Wrat Field*, *Woolcroft Field*, *Park Field*, *Ives Dike Field*, *Sea Field*, *Pap's Field*, *Fencroft Field*, *Churchcroft Field*, *Outnewlands*, and ſuch Part of *Spittal Field* as is lying on the Weſt Side of the River *Nene*, by an equal and proportionate Acre Tax, in ſuch Rate or Sum of Money as they ſhall think proper, not exceeding the Sum of One Shilling and Sixpence *per* Acre in each Year; which ſaid ſeveral Rates, Taxes, and Charges ſhall be paid to ſuch Perſon or Perſons, at ſuch Time or Times, and in ſuch Manner and Form, and under ſuch Penalties for Non-payment, not exceeding One Penny for each Shilling unpaid, as the ſaid Commiſſioners ſhall at their ſaid Firſt Meeting, or at any of their General Meetings to be held under this Act order and direct.

Proportion of Taxes to be laid on the different Lands.

XXIII. Provided always, and be it further enacted, That the Rates and Taxes to be laid from Time to Time on the Lands and Grounds lying in the ſeveral Fields comprized in the ſaid Second Diviſion of the ſaid Pariſh, ſhall not be more or leſs in any Year than Two Thirds of the Acre Tax, to be rated, aſſeſſed, and charged on the Lands and Grounds comprized in the Firſt Diviſion of the ſaid Pariſh; and that the Rates and Taxes to be laid from Time to Time on the Lands and Grounds lying in the ſeveral Fields comprized in the ſaid Third Diviſion of the ſaid Pariſh, ſhall not be more or leſs in any Year than One Third of the Acre Tax, to be rated, aſſeſſed, and charged on the Lands and Grounds in the ſaid Firſt Diviſion of the ſaid Pariſh; and that no Acre Tax ſhall be laid for and in reſpect of the ſaid Lands and Grounds comprized in the ſaid Second and Third Diviſions of the ſaid Pariſh in any Year when a Rate or Aſſeſſment ſhall not be made by virtue of this Act, for or in reſpect of the ſaid Lands and Grounds comprized in the ſaid Firſt Diviſion of the ſaid Pariſh.

Tenants to pay Taxes, and deduct out of their Rents.

XXIV. And to the End that the ſaid Rates and Taxes may be more eaſily and effectually collected and received; be it further enacted, That all and every of the Tenants and Occupiers of the ſaid Lands and Grounds which ſhall be ſo aſſeſſed and rated as aforeſaid, ſhall and are hereby authorized and required to pay all and every ſuch Sum or Sums of Money as ſhall be ſo aſſeſſed or rated on the reſpective Lands and Grounds in their ſeveral and reſpective Occupations, and to deduct and retain, out of his, her, or their Rent, all ſuch Sum and Sums of Money as they ſhall ſo reſpectively pay as aforeſaid, and the ſeveral and reſpective Landlords, or Owners of ſuch Lands and Grounds, are hereby required to allow ſuch Deduction and Payment upon Receipt of the Reſidue of their

said Rent, and every such Tenant or Occupier paying such Assessment or Rate, shall be acquitted and discharged of so much Money as the said Assessment or Rate so to be paid by them shall amount to, as fully and effectually as if the same had been actually paid to his, her, or their Landlord or Landlords.

Lessees not to be allowed to deduct Taxes.

XXV. Provided always, and be it further enacted, That no Lessee or Tenant of any Lands or Grounds charged with the said Rates, Taxes, or Assessments, who shall hold the same by virtue of or under any Lease from any Bishop or Collegiate Church, or College, or any Ecclesiastical Corporation Sole or Aggregate, or by virtue of or under any other Lease or Agreement in which at the Time of the passing of this Act there shall be more than Seven Years to come and unexpired, shall be entitled to deduct the said Rates, Taxes, or Assessments chargeable by this Act, or any of them, out of the Rent reserved or made payable by such Lease or Agreement; but that the said Rates, Taxes, and Assessments shall be charged upon and paid by the Lessees or Tenants so holding such Lands or Grounds as aforesaid; and that all and every Lessee or Lessees, Tenant or Tenants of any Lands or Grounds charged with the said Rates, Taxes, and Assessments, by virtue of or under any other Lease or Agreement, in which there shall be Seven Years or less to come and unexpired, shall pay such an Advance of Rent as the said Commissioners or any of their Meetings shall order, as a Consideration for the Benefit which such Tenant or Tenants shall or may receive by Means of this Act.

Lands to be measured.

XXVI. And be it further enacted, That on or before the Twenty-ninth Day of *September* next after the passing of this Act, or as soon after as conveniently may be, all and singular the said Lands and Grounds so abutted and described as aforesaid, shall be truly and distinctly surveyed and measured by such Person or Persons as the said Commissioners shall nominate and appoint, and that such Survey shall be put into Writing, and shall contain the Number of Acres, Roods, and Perches, in Statute Measure, belonging to each of the said Proprietors, and Two Maps made thereof, and One of such Maps shall be left in the Hands of the Clerk, and the other in the Hands of the Treasurer for the Time being to the said Commissioners, or in the Hands of such other Persons, and in such Places as the said Commissioners shall at any of their annual Meetings order or direct; and that such Survey shall, as soon as may be after the same shall be completed, be verified at any of the Meetings of the said Commissioners by the Oath of such Person or Persons as shall so make the same (which Oath the said Commissioners, or any One or more of them, is or are hereby empowered to administer) and that the said Maps shall be a sufficient Warrant and Authority to the said Commissioners to ascertain and determine the Quantity of the said Lands and Grounds so to be measured as aforesaid, belonging to each of the Owners and Proprietors thereof.

Recovery of Taxes.

XXVII. And be it further enacted, That in case Default shall be made by any Person or Persons assessed, rated, taxed, and charged as aforesaid in his, her, or their respective Payments, by the Space of Twenty Days next after the Time appointed for the Payment thereof; and after the same shall have been demanded by the Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand left

at

at the usual Place of Abode of the Person or Persons who is, are, or ought to pay the same, or if such Person or Persons shall not have any Place of Abode within the Parish or Place in which such Lands or Grounds for or in respect of which he, she, or they shall be assessed and rated as aforesaid shall lie, then, after Demand made by the said Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand affixed upon the Principal outer Door of the Church of *Leverington*, or of the Chapel of *Leverington Parson Drove* (as the Case may require) it shall be lawful for the Collector or Collectors, Receiver or Receivers, or any other Person or Persons, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the said Commissioners (which Warrant or Precept the said Commissioners, or any Two or more of them, are hereby empowered and required to make and give as there shall be Occasion, either at a Meeting of the Commissioners or at any other Time) to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in Possession of such Person or Persons as shall make Default in Payment as aforesaid, and all Messuages or Tenements thereupon standing, and to levy the Sum and Sums of Money by him, her, or them payable for such Rate or Tax, with the Penalty (if any) incurred thereon, by Distress of the Goods, Chattels, and Cattle which shall be there found; and the said Goods, Chattels, and Cattle to impound on the Messuages or Lands where the same shall be found, or to take, lead, drive, or carry away, and the same to keep for the Space of Five Days, at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Cause of such Distress at the Messuage or Tenement (if any there be) belonging to the said Lands or Grounds upon which such Distress shall be taken, and for want of such Messuage or Tenement, at the usual Place of Abode of the Person or Persons who is, are, or ought to pay the said Rates or Taxes; but if such Person or Persons shall not have any Place of Abode within the Parish or Place in which the said Lands and Grounds or any Part thereof, for or in respect of which he, she, or they shall be so assessed and rated as aforesaid shall lie, then affixing such Notice upon the principal outer Door of the Church or Chapel of the Parish or Place where such Goods, Chattels, and Cattle shall be so taken in Distress; and if the Owner or Owners of the said Goods, Chattels, and Cattle shall not pay the Sum or Sums of Money so assessed, rated, and distrained for as aforesaid, with the Penalty (if any) incurred thereon, together with the Charges of such Warrant and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in Force for the Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose) to appraise the same according to the best of their Judgement, and that after such Appraisement as aforesaid, the said Goods, Chattels, and Cattle, shall be sold by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, with the Penalty (if any) incurred thereon, and of the said Charges, and also of the Charges of appraising and selling such Distress, and that the Overplus arising from such Sale (if any be) after Payment of the said Sum or Sums so assessed, rated, and distrained for, with the Penalty (if any) incurred

curred thereon, and the said Charges shall be returned, on Demand, to the Owner or Owners thereof.

Lands untenanted to remain a Security for Taxes.

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

For borrowing Money by Mortgage of Taxes not exceeding 10,000*l.*

XXIX. And, forasmuch as the said Assessments, Rates, and Taxes so to be charged and collected as aforesaid, will not be sufficient to defray the immediate Expences of making the several Works necessary for the speedy Improvement of the said Lands and Grounds; be it further enacted, That the said Commissioners, or any Two or more of them, shall and may, and they are hereby empowered, from Time to Time, pursuant to an Order for that Purpose to be made at any of the said General or other Meetings to be held as aforesaid, at which Five Commissioners shall be present and concur, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Ten Thousand Pounds, which they shall think necessary for the making, carrying on, and maintaining the said Works, and by Writing under their Hands and Seals to mortgage or assign the said Assessments, Rates, Taxes, and Sums of Money so to be rated, taxed, and charged, or any Part thereof (the Costs and Charges of such Mortgage or Assignment to be paid out of the said Assessments, Rates, and Taxes) for any such Term or Number of Years, and in such Manner and Form as to the said Commissioners, or any Two or more of them, shall seem meet, as a Security for any such Sum or Sums of Money so borrowed, to such Person or Persons, his, her, or their Trustee or Trustees, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*; and that Copies of all such Mortgages and Assignments shall be entered in a Book or Books, to be kept for that Purpose by the Clerk or Clerks to the said Commissioners; and that it shall be lawful for all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be entitled to the Money thereby secured by Indorsement on his, her, or their Security or Securities, or otherwise to assign or transfer his, her, or their Mortgage or Security, and Right to the Principal Money and Interest thereby secured, and that such Assignment or Transfer shall be notified to the said Clerk or Clerks within Three Calender Months next after the Date thereof; and that the said Clerk or Clerks shall cause an Entry or Memorial thereof to be made, containing the Date of such Assignment or Transfer, the Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the original Mortgages or Assignments, for which he or they shall be paid the Sum of Three Shillings and Sixpence and no more, and that after such Entries shall be made, such Assignment or Transfer shall entitle such Assignees to the Benefit and Payment thereon; and that every such Assignee shall and may in like Manner, from

from Time to Time, assign or transfer his, her, or their Right and Interest therein and thereto; and that all and every Person and Persons to whom any such Mortgage, Transfer, or Assignment shall be made as aforesaid shall be, in Proportion to the Sum or Sums of Money 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 such Money.

Application of Monies borrowed on the Credit of the Act.

XXX. And be it further enacted, That out of the Monies to arise by virtue, or to be borrowed on the Credit of this Act as aforesaid, the said Commissioners shall first pay and discharge the Expences of procuring and passing this Act, and the Remainder of such Monies, and also all other Monies which shall come to the Hands of the said Commissioners (except as herein-after particularly mentioned) by virtue of this Act, shall from Time to Time be applied in defraying the necessary Expences attending the Execution of this Act, and in paying the Interest and Principal of any Money to be borrowed by virtue thereof, and to no other Use or Purpose whatsoever.

Taxes vested in Creditors.

XXXI. And be it further enacted, That all and singular the said Rates, Taxes, and Sums of Money by virtue of this Act to be assessed and paid by the Owners and Occupiers of the said Lands and Grounds as aforesaid, shall be charged and chargeable in Manner before-mentioned, with and for the Payment of such Sum or Sums of Money so to be borrowed as aforesaid, and the Interest thereof, and shall vest in the respective Creditors, upon Default of Payment of such Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors respectively, their respective Executors, Administrators, and Assigns, shall have the same Powers, Rights, and Privileges of raising and recovering the Rates, Taxes, and Sums of Money payable as aforesaid, by the Owners and Occupiers of the said Lands and Grounds, for or in respect of such Principal Money and Interest, if Default shall be made in Payment thereof, as the said Commissioners, or their Collector or Collectors, would have had in case the said Principal Money and Interest had been regularly paid and satisfied.

For discharging certain Debts owing from Land Owners and Proprietors.

XXXII. And whereas there is now due and owing to the Executors of the late *Daniel Swaine* Esquire, a former Expenditor, named by, and acting under Authority of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent, from the Owners and Proprietors of the said Lands and Grounds intended to be drained by virtue of this Act, for Monies advanced, laid out, and expended by him in his said Office of Expenditor, for the Purposes of draining the said Lands and Grounds, the Sum of Two hundred and forty-four Pounds; and there is also now due and owing from the said Owners and Proprietors to the Executors of the late *John Johnson* Esquire, another Expenditor, heretofore also named by, and acting under Authority of the said Commissioners of Sewers, for Monies advanced, laid out, and expended by him in his said Office of Expenditor, for the like Purposes, the Sum of Three hundred and sixty Pounds; and there is likewise due and owing from the said Owners and Proprietors to the Executors of *Richard Thompson*, late of *Wisbech Saint Peters*, in the said Isle of *Ely*, Carpenter and Millwright, for Work done

and performed by him in and about the Mills, Engines, and other Works heretofore used for the draining of the said Lands and Grounds, the Sum of Sixty Pounds, and Interest upon the said respective Debts, after the Rate of Five Pounds *per Centum per Annum*, hath been allowed by the said Owners and Proprietors to the said Creditors respectively: And whereas it is expedient that Provision should be made for paying off and discharging the said Debts and the Interest thereof; be it therefore further enacted, That it shall be lawful for the said Commissioners appointed or to be appointed by virtue of this Act, and they are hereby authorized and required, at their First Meeting after the passing of this Act, and from Time to Time at their General Meeting in every succeeding Year, until the Whole of the said Debts and the Interest thereof shall be satisfied and paid, to assess, rate, tax, and charge all and every of the Owners and Occupiers of all and singular the said Lands and Grounds, by an equal and proportionate Acre Tax, in such Rate or Sum of Money as they shall think proper (over and above the said other Rates, Taxes, or Charges herein-before directed to be assessed, rated, taxed, and charged as aforesaid) and that the said last mentioned Rates or Sums of Money shall be paid to such Person or Persons at such Time or Times, and in such Manner and Form, and under such Penalties for Non-payment thereof, not exceeding One Penny for each Shilling unpaid, as the said Commissioners shall at their said First Meeting, or at any of their said General Annual Meetings to be held under this Act order and direct; and that the said Commissioners shall have such and the like Powers and Remedies in every respect for enforcing the Payment and levying of the said last-mentioned Rates and Sums of Money, with the Penalties (if any) incurred thereon, as are herein-before specified for the levying of the said other Rates, Taxes, or Charges to be assessed, rated, taxed, or charged as herein-before mentioned; and the same last-mentioned Rates or Sums of Money, when collected and received, shall be applied in paying off and discharging the said Debts so due and owing to the respective Executors of the said *Daniel Swaine*, *John Johnson*, and *Richard Thompson* as aforesaid, together with Interest thereon respectively, to be computed after the Rate aforesaid, from the Fifth Day of *April* One thousand eight hundred and one, and to and for no other Use, Intent, or Purpose whatsoever.

Penalty on Persons wilfully destroying Banks, &c.

XXXIII. And be it further enacted, That all and every Person and Persons who shall, at any Time or Times hereafter, wilfully and maliciously cut, throw down, burn, or otherwise destroy any Bank, Mill, Engine, Floodgate, Tunnel, or Sluice already made and erected, or which at any Time hereafter shall be making and erecting, or made and erected, for the draining and improving of the said Lands and Grounds so abutted and described as aforesaid, or any of them, and shall be thereof lawfully convicted, shall be guilty of Felony and liable to be transported as a Felon for Seven Years: and that if any Person or Persons shall, at any Time or Times hereafter, set down any Nets or Engines for the catching of Fish in any of the Drains thrown out for the Purposes aforesaid, or shall dig or throw out any Pond or Watering in any of the said Lands and Grounds so described and abutted as aforesaid, within Forty Feet of any Drain already made, or to be made and used for the draining and improving of the said Lands and Grounds as aforesaid, or shall at any Time hereafter maliciously destroy, stop, dam up, spoil, or damage any Drain, Watercourse, Sluice, Tunnel, Door, Dam, Heading, Bridge,

or setting Nets in the Drains, &c.

Punishing Persons damaging the Works.

Bridge, or other Work or Works, made or to be made, or ſet up and uſed for the ſaid Purpoſes of draining, or ſhall cut through any Lane or Drove, to the Intent that the Waters of One Field, within the Limits of the ſaid Lands and Grounds ſo to be drained as aforeſaid, ſhall and may run into any other Field within the ſaid Limits, all and every ſuch Perſon and Perſons ſo offending, and being thereof convicted before Two or more of His Majeſty's Juſtices of the Peace for the ſaid Iſle of *Ely* (who are hereby authorized and required to hear and determ ne the ſame on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending) ſhall for every ſuch Offence forfeit and pay any Sum of Money not exceeding the Sum of Fifty Pounds, nor leſs than Five Pounds, as the ſaid Juſtices ſhall reſpectively order and direct, to the ſaid Commiſſioners, for the ſame Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes are hereby directed to be applied, and to be levied by Diſtreſs and Sale of the Goods, Chattels, and Cattle of all and every ſuch Offender or Offenders, by Warrant under the Hands and Seals of the ſaid Juſtices; and that in Default of ſuch Diſtreſs or Payment the Perſon or Perſons ſo offending ſhall be committed by ſuch Juſtices to the Houſe of Correction for the ſaid Iſle of *Ely*, there to be kept to hard Labour for ſuch Time as the ſaid Juſtices ſhall reſpectively order and direct, not exceeding Three Calendar Months, at the Diſcretion of the ſaid Juſtices by whom ſuch Commitment ſhall be made.

Penalty on Perſons permitting Swine to ſtray on the Banks.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times hereafter, permit or ſuffer his, her, or their Hogs or Swine to ſtray upon any of the Banks made or to be made and raiſed by virtue of this Act, all and every ſuch Perſon and Perſons, being thereof convicted before Two or more of His Majeſty's Juſtices of the Peace for the ſaid Iſle of *Ely* (who are hereby authorized and required to hear and determine the ſame, on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties ſo offending) ſhall for every ſuch Offence forfeit and pay a Sum of Money not exceeding Twenty Shillings nor leſs than Five Shillings, as the ſaid Juſtices ſhall reſpectively order and direct, to the ſaid Commiſſioners, for the ſame Purpoſes for which the ſaid Aſſeſſments, Rates, and Taxes are hereby directed to be applied, and to be levied in the ſame Manner as the Penalties on Perſons damaging the Works to be made or uſed under this Act herein-before mentioned are hereby directed to be levied.

Books of Aſſeſſments to be kept.

XXXV. And, to the End that it may appear clearly what is raiſed from Time to Time by virtue of the ſaid ſeveral Aſſeſſments or Rates, and how the ſame have been from Time to Time applied, and that all Accounts of the Monies raiſed and diſburſed by virtue of this Act may be fairly examined; be it further enacted, That the ſaid Commiſſioners ſhall order and cauſe a Book of Aſſeſſments to be made and kept, and all the Rates and Aſſeſſments made as aforeſaid under this Act to be fairly entered therein, and alſo ſhall order and cauſe a Book of Accounts to be made and kept, and an Account of all the Receipts and Diſburſements of the Monies received and diſburſed by virtue of this Act to be fairly entered in the ſame, and that no Account ſhall be paſſed and allowed, unleſs the ſame ſhall be kept and made up in ſuch Books as aforeſaid; and that once in every Year (to wit) at the ſaid General Meeting, they, the ſaid Commiſſioners, ſhall carefully examine all Receipts and Diſburſements of all ſuch Monies as ſhall be collected, received, and diſburſed by virtue of this Act, to the

Lady

Lady Day next before such Meeting, and all Vouchers relating to the same; and that upon Inspection and Examination of the said Accounts upon Oath, to be administered by One or more of the said Commissioners, (which Oath any One or more of them is or are hereby empowered to administer) the said Commissioners shall, and they are hereby empowered and directed to allow and pass the said Accounts, or such Part or Parts thereof as shall appear to them just and reasonable, and the said Accounts, or such Part or Parts thereof as shall be allowed by the said Commissioners under their Hands, shall be fairly entered in a Book or Books, to be kept for that Purpose by them the said Commissioners; and that the said Book or Books shall or may be inspected and perused at all seasonable Times by any Owner or Owners of the said Lands and Grounds so abutted and bounded as aforesaid, or of any Part thereof, without Fee or Reward.

For making and maintaining Outring or Division Dikes, *etc.*

XXXVI. And be it further enacted, That the Owners or Occupiers of the said Lands and Grounds so described and abutted as aforesaid, shall make, and from Time to Time, and at all Times hereafter maintain and keep, all the Outring or Division Dikes, of or belonging to their said respective Lands and Grounds, of such Width and Depth as the said Commissioners shall, at any of their said Meetings, direct or appoint, not exceeding Nine Feet wide at Top, Four Feet wide at Bottom, and Seven Feet deep from the level Soil; and shall from Time to Time, and at all Times hereafter cause the said Dikes to be well and sufficiently roded, scowered, and cleansed from Weeds and other Rubbish and Obstructions, and also cause Bridges or Tunnels to be laid over the said Dikes, of such Dimensions, and at such Places as the said Commissioners, at any of their said Meetings, shall judge proper and necessary for the better issuing, running, and conveying away of the Waters therein, and maintain and keep the said Bridges and Tunnels in Repair; and that if any such Owner or Occupier shall refuse or neglect to make or keep such Dikes of the Dimensions aforesaid, or to rode, scower, or cleanse the same from Weeds or other Rubbish or Obstructions, or to lay down or repair such Tunnels or Bridges as aforesaid, after Fourteen Days Notice in Writing, under the Hands of any Two or more of the said Commissioners (although not assembled at a Meeting) to him or her given, or left at his or her usual Place of Abode, or in case he or she shall not at that Time have any Place of Abode within the said Parish or Place where such Lands shall lie, to which such Dikes, Bridges, or Tunnels shall appertain or belong, then, after affixing such Notice on the Church Door of the Parish or Place where such Lands shall lie, the said Commissioners shall and may, and they are hereby authorized and required to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals to authorize and empower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in the doing thereof by Distress and Sale of such Goods, Chattels, and Cattle as shall at any Time thereafter be found on the Lands and Grounds to which such Dikes, Bridges, or Tunnels shall appertain or belong; and that the Person or Persons to whom such Warrant shall be directed shall and may levy the Money, so expended, by Distress and Sale of the same Goods, Chattels, and Cattle, together with all incidental Charges, in the same Manner as the Rates, Taxes, and Assessments herein-before mentioned are hereby directed to be levied, rendering the Overplus (if any there be) to the Owner or Owners thereof.

XXXVII. And

XXXVII. And be it further enacted, That all ſuch Rights, Powers, and Authorities as the Commiſſioners of Sewers for the Hundred of *Wiſbech*, and Parts adjacent, have at any Time or Times heretofore had or exerciſed over the ſaid Lands and Grounds ſo deſcribed and abutted as aforeſaid, or the Banks, Drains, Tunnels, Sluices, or other Works within the Limits thereof, or in or over the Drain extending from the preſent Sea Mill to the ſaid River *Nene*, and the Banks, Tunnels, Sluices, and other Works thereto belonging, or any of them, by virtue of any Act of Parliament, or otherwiſe howſoever, ſhall from thenceforth ceaſe and be utterly void and determined.

Rights of Commiſſioners of Sewers over thoſe Lands to ceaſe.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to invalidate, leſſen, diminiſh, or take away the Rights, Powers, and Authorities now veſted in the ſaid Commiſſioners of Sewers for the raiſing of the Rate or Tax known by the Name of *The Halfpenny Acre Shot*, upon or from the ſaid Lands and Grounds ſo abutted and deſcribed as aforeſaid, or any of them, or for the raiſing of any Rates, Taxes, or Sums of Money upon or from the ſaid Lands and Grounds ſo abutted and deſcribed as aforeſaid, for the repairing, maintaining, and ſupporting of the Bank or Banks running from *Clowes Croſs* to *Guyhirn Croſs*, and from thence to *Wiſbech Bridge*, and ſo to a Place called *The Horſe Shoe*, in the ſaid Pariſh of *Leverington*; but that the ſaid Lands and Grounds ſhall ſtill remain charged and chargeable with the ſaid Rate or Tax, known by the Name of *The Halfpenny Acre Shot*, and alſo charged and chargeable with the Repairs of the ſaid Banks, in ſuch Proportion, Manner, and Form as before the paſſing of this Act the ſaid Lands and Grounds have been uſed to be charged towards the ſaid Repairs; and that the ſaid Commiſſioners of Sewers ſhall have full Power and Authority to aſſeſs, rate, and tax the ſaid Lands and Grounds reſpectively for and towards the ſaid *Halfpenny Acre Shot*, and for and towards repairing the ſaid Bank or Banks in the Proportion and Manner herein-before mentioned, and ſhall have the ſame Powers and Remedies for the recovering and compelling Payment of the ſaid *Halfpenny Acre Shot*, and alſo of the ſaid other Rates and Aſſeſſments to be by them impoſed on the ſaid Lands and Grounds, for the repairing of the ſaid Bank or Banks, which they have heretofore had and exerciſed by or under any Law or Commiſſion of Sewers whatſoever; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Not to invalidate the Halfpenny Acre Shot, or Rates for ſupporting *Murrow* and the River Banks.

XXXIX. Provided alſo, and be it further enacted, That the ſeveral Dikereeves and other Officers acting under the Power and by the Authority of the Commiſſion of Sewers for the Hundred of *Wiſbech* and Parts adjacent, ſhall collect and receive all ſuch Rates and Aſſeſſments as ſhall have been by the ſaid Power and Authority laid upon the ſaid Lands and Grounds ſo deſcribed and abutted as aforeſaid, or any of them, before the paſſing of this Act, and the ſaid Rates, Taxes, and Aſſeſſments (except the Rate or Tax known by the Name of *The Halfpenny Acre Shot*; and alſo except the Rates and Aſſeſſments laid for the repairing and maintaining of the Bank or Banks running from *Clowes Croſs* to *Guyhirn Croſs*, and from thence to *Wiſbech Bridge*, and to a Place called *The Horſeſhoe*, in the Pariſh of *Leverington*) apply in the firſt Place towards reimburſing themſelves all ſuch Sums of Money as ſhall have been laid out and expended by them or any of them upon the ſaid Lands and Grounds or any

Dikereeves under Commiſſioners of Sewers to collect Rates already laid, except as excepted.

Part thereof, at the Time of the passing of this Act, under and by virtue of the said Power and Authority, and shall have the same Remedies for the compelling of the Payment thereof as they or any of them had before the passing of this Act; and that they the said Dikereeves and Officers, after reimbursing themselves such Sums of Money so laid out and expended as aforesaid, shall pay the Overplus of such Rates, Taxes, and Assessments (except as before excepted) to the Collector or Collectors, Receiver or Receivers of the Rates, Taxes, and Assessments to be laid by force and virtue of this Act, and to be by them applied to and for the Purposes thereof, provided that the same be collected and received by the said Dikereeves and Officers of Sewers within Six Calendar Months after the passing of this Act.

Reserving Rights of Conservators of *Bedford* Level.

XL. Provided always, and it is hereby further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Governor, Bailiffs, or Commonalty of the Company of Conservators of the great Level of the Fens called *Bedford Level*, or in the said Governor, Bailiffs, and Conservators, by virtue of an Act made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the draining of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatsoever; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act of the Fifteenth of King *Charles* the Second, or of any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, and Commonalty, or Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes, as if this Act had never been made.

The Commissioners under this Act may agree for draining Lands in *Gorfield* Fen.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners appointed or to be appointed by virtue of this Act, from Time to Time, and at all Times hereafter, to agree with the Proprietors and Owners of Lands lying in a certain Place called *Gorfield Fen*, within the said Parish of *Leverington*, for the draining of the said Lands in the said Fen into any of the Drains to be made or used under this Act, upon such Terms and Conditions as they shall think proper: and that after such Agreement it shall be lawful for the said Land Owners and Proprietors to drain the said Lands in the said Fen by and through such of the said Drains to be made or used under this Act as shall or may be agreed on, and not otherwise; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Limitation of Actions.

XLII. And be it further enacted, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, or in the Execution of any of the Powers or Authorities hereby given, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid, had, and brought in the said Isle of *Ely*, or in the County of *Cambridge*, and not elsewhere; and

and that the Defendant or Defendants in ſuch Action or Actions, Suit or Suits, ſhall and may plead the General Iſſue, and if in Replevin, juſtify and avow by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and ſhall and may, without ſpecially pleading the ſame, other than as aforeſaid, at any Trial to be had thereupon, give this Act and the ſpecial Matter in Evidence, and that the ſame was done in purſuance and by Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought or laid in any other County or Liberty than as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Action or Actions, Suit or Suits, or if a Verdict ſhall paſs, or upon Demurrer or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, that then, or in any of theſe Caſes, the Defendant or Defendants, Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedy for the ſame as where Coſts by Law are awarded.

XLIII. And be it further enacted, That all Monies which ſhall be advanced and paid by any Perſon or Perſons in diſcharging the Fees or other Expences in obtaining and paſſing this Act, ſhall be repaid and ſatisfied by the ſaid Commiſſioners, with lawful Intereſt for the ſame out of the firſt Monies to be raiſed by them by virtue of this Act. For diſcharging the Expences of this Act.

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

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