

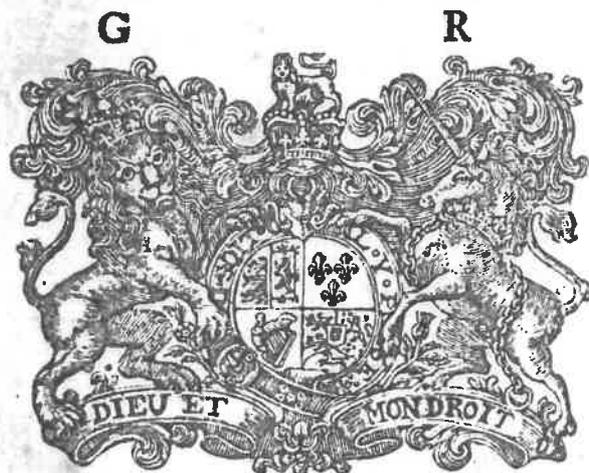
17 Jan. 1726
12 July - Sep 1796
Cap 18 1884

Anno Regni
GEORGI
REGIS

Magna Britannia, Francia, & Hibernia,
DECIMO TERTIO.

At the Parliament Begun and Holden at *Westminster*,
the Ninth Day of *October*, Anno Dom. 1722.
In the Ninth Year of the Reign of our Sovereign
Lord *GEORGE*, by the Grace of God, of
Great Britain, France, and Ireland, King, Defender
of the Faith, &c.

And from thence Continued by several Prorogations to the Seventeenth
Day of *January*, 1726. Being the Fifth Session of this present
Parliament.



LONDON,
Printed by *John Baskett*, Printer to the King's most
Excellent Majesty; and *Thomas Norris*, Assignee to
George Hills. 1727.

Anno Decimo tertio

Georgii Regis.

An Act for the effectal draining and preservation
of *Haddenham Level*, in the Isle of *Ely*.



WHEREAS certain Fens and Preamble.

Low Grounds lying in Sutton, Haddenham, Willburton, Stretham, and Wentworth, within the Isle of Ely, and County of Cambridge, containing in the whole, Six thousand five hundred Acres, or thereabouts, and bounded as followeth (to wit) from Stretham Ferry, including Stretham Leazure Fenn, bounded by a Common

6,500 ac.

Leam, or Whart, to the Partition Ditch between Stretham and Willburton aforesaid, and from thence to Snout Corner, and from thence, including Master Barley's Acres, to the Drove which parts the Hardlands and Willburton Rush Fenn, and all along the Drove to Alldrey, and from thence by a Drove called Fenn side Drove and from thence to the Stone Bridge at Damm Banks end, under which Bridge the Adventurers Drain runs, and from thence along the Drove which parts the Hardlands and Berry Fenn, to Hillrow Causeway, and from thence along the Drove Way which bounds to Gaules, and from thence by a Drove that bounds Haddenham North Fenn, up to a

||||| Ditch

Ditch called Staple Ditch, and from thence to Staple Closes, including Wentworth Fenn, and from thence as the Ditch bounds Wentworth Fenn to Sutton Beesons, and from thence, including Sutton Beesons, and from thence, including all Sutton South Fenn, as bounded by the Hardlands of Sutton to the Chain Cawsway end, and from thence, including all little West Fenn in Sutton aforesaid, as it is bounded by the Feoffees Holt to Sutton Gault, and from thence along the Hundred Foot Bank as far as the Hermitage, excluding the said Bank and Ware Dyke thereof, and from thence along the Bank of the Old River Ouse to Stretham Ferry, excluding the said Bank of the said River Ouse, have for some Years past been, and still are overflowed with Waters, through the defect of their Outfalls to the Sea, by which means the same are in danger of being utterly lost, to the great Damage and Impoverishment of the Owners of such Grounds, and of the Inhabitants of the several Parishes and Places where such Grounds do lie; and whereas notwithstanding the Powers and Provisions now in Force for draining and keeping dry the same, the said Grounds cannot be preserved without the further Aid of Parliament to enable the Owners and Proprietors of the said Fenn Lands, and Grounds, to preserve and keep the same drained for the future, by which means great Benefit will not only accrue to the Publick, but much Profit to the Owners of the said Fenn Lands and Low Grounds: To the End therefore that the said Fenns and Low Grounds, being in their own Nature very Rich and Fertile, may not longer remain in such danger of being utterly lost, nor the Publick continue longer deprived of those Advantages, which would arise from the draining and keeping dry the same Grounds: Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the Authority of the same; that the Lord of the Manor of Haddenham for the time being, Palgrave Barley Esq; Lord of the Manor of Willburton, John Walker Esq; Lord of the Manor of Stretham, and their respective Heirs and Assignes, Lords of the said several Manors for the time being, and Thomas Tower-son, Robert Tubbs, John Morris, Travell Fuller, Robert Chapman, Richard Procter, Michael Musgrave, Clement Tubbs, John Shucker, The Reverend James Mallabar Clerk, George Crow, and William Hovell, shall be and are hereby appointed Commissioners to put this present Act and all other

Commissioners
appointed.

Referent
Act of 1797

other the Powers and Authorities herein after mentioned in Execution.

And be it further Enacted by the Authority aforesaid, ^{Commissioners may make Cuts, &c.} That the said Commissioners, or any five or more of them, or such others as shall be nominated in the Place of them, or any of them, according as is herein after directed by this Act, from the time of their being respectively chosen and appointed, are hereby authorized, and shall have Power from time to time hereafter, at their Wills and Pleasures, to make such Cuts, Drains, Damms, and Outlets, through the said Fens and Low Grounds, or any Part thereof so bounded and described as aforesaid, and to make and erect such Works ^{and erect Engines for draining the Fens,} and Engines thereupon, for draining and conveying the Waters from the same, as shall be thought fit, necessary, and convenient by the said Commissioners, or any five or more of them, at the Meeting or Meetings of the said Commissioners herein after appointed for the Purposes aforesaid, so always, that if the said Commissioners make or cause to be made, any Cut, Drain, Damm, and Outlet, through any several Grounds, or erect any new Works or Engine thereon, they shall pay a reasonable Satisfaction for the same, to the Person or Persons ^{making Satisfaction to the Owners.} who have a right to the Soil through which such Cut, Drain, Damm, or Outlet, shall be made, or whereupon such Work or Engine shall be erected for such Damages as he or they shall sustain, to be agreed upon between the said Commissioners, or any five or more of them, and the said Party or Parties, Owners of such Fens or Low Grounds, and if the said Commissioners, or any five or more of them, and the Party or Parties, Owners of such Fens and Low Grounds, cannot agree about the Value of such Damage, that then the same shall be assessed and adjudged by the Justices of the Peace, or the major part of them, at the General Quarter-Sessions of the Peace, to be holden for the said Isle of Ely, next after such Damages so done to the Owner or Owners of such Fenn or Low Grounds as aforesaid.

And for the better putting this Act in Execution, Be it Enacted by the Authority aforesaid, ^{Commissioners to meet twice yearly at Haddenham.} That the said Commissioners, or any five or more of them, shall twice in every Year (to wit) on Wednesday in Easter Week, and upon Wednesday next after Michaelmas Day, or oftner, if they shall see Cause or think convenient, meet at the Sign of the Three Kings at Haddenham aforesaid, and at such Meetings shall be, and are hereby impowered to make Orders, and give such Directions for the better Government, and more orderly Management of the said

R k k k k k k

Work

Commissioners
to appoint
Collectors :

Work of draining the said Fens and Low Grounds, and for making proper Cuts and Drains through the same; and for making and erecting proper Works and Engines thereon, and for the Maintenance thereof, and to appoint one or more Collector or Collectors, Receiver or Receivers; or such other proper Officers as they shall think fit; for the taking Care of such Works, and for Collecting the Rates and Assessments which shall be made or assessed for the Maintenance thereof; which said Collector or Collectors, Receiver or Receivers, or other Officers, so to be named and appointed as aforesaid, shall be altered and removed at the Will and Pleasure of the Commissioners, or the major part of them so assembled, at such Meeting or Meetings so to be had as aforesaid, and another or others chosen and appointed in his or their room and stead, as often as Occasion shall require; and such Collector or Collectors, Receiver or Receivers, so to be named and appointed as aforesaid, before they shall act in the execution of their several Offices, shall give good Security to the said Commissioners for the due execution of such Offices, and for the executing and performing the several Trusts to them committed.

May assess the
Owners of the
Fens :

And be it further Enacted by the Authority aforesaid, That at all and every or any such Meeting or Meetings so to be held as aforesaid, it shall and may be lawful to and for the said Commissioners, or any five or more of them, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the said Fens, and low Grounds, so bounded and described as aforesaid, by an equal and proportionable Acre Tax of Two Shillings and six Pence, per Acre, for the Year One thousand seven hundred and twenty seven, and One Shilling and six pence per Acre, for the Year One thousand seven hundred and twenty eight, and for every Year after, with any other yearly Sum or Sums of Money not exceeding One Shilling per Acre, for carrying on and effecting the said Work of draining, and for maintaining the same, over and above such Acre Rates and Taxes, whereunto the said Fen Lands and Grounds, or any part thereof, now are, or may be chargeable, and to limit and appoint such certain Days and Places for the respective Payments thereof, to the Collector or Collectors, Receiver or Receivers for the time being, as they the said Commissioners, or any five or more of them, under their Hands shall direct and appoint.

And forasmuch as the said Money, and Acre Shotts, so to be rated, levied, collected, and gathered by such
Receiver

Anno Regni decimo tertio Georgii Regis.

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Receiver or Receivers, will not at present be sufficient for making such Cuts, Drains, Damms, and Outlets, and for creating such Works and Engines, and draining, and for the present improvement of the said Fenn Lands and Low Grounds, be it further Enacted, that the said Commissioners, or any eight or more of them (but if Eight of the said Commissioners as herein, and no more, then four of them shall be of the said Parish of Haddenham, Two others of the said Parish of Sutton, and the other Two of the Parish of Willburton aforesaid) shall and may, and are hereby impowered from time to time, by writing under their Hands and Seals, to assign over the said yearly Rates and Taxes hereby chargeable, or to be charged upon the said Fenn Lands and Grounds, or any part thereof so described as aforesaid (the Costs and Charges whereof to be born and paid out of the said Acre Tax) for any time or times not exceeding the term of Twenty One Years, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the repayment thereof, with Interest not exceeding Five pounds per Cent. per Annum; which said Money so borrowed shall be applied in the first place to pay and discharge the Charges and Expences of obtaining this Act of Parliament, and then shall be applied and disposed of in making such Cuts, Drains, Damms, and Outlets, and creating such Works and Engines for the effecting the Draining and Improving the said Fenn Lands and low Grounds, described as aforesaid, and to be applied and disposed of to no other Use or Purpose whatsoever.

They may borrow Money at 5 l. per Cent.

Provided always, and be it further Enacted, That no Person or Persons are or shall be hereby enabled to act, sit, or meet as a Commissioner, or to assess, rate, tax, or charge the said Sums of Money, or to elect any new Commissioner or Commissioners in the Room of others, or to put any the Powers or Authorities in this Act in Execution, unless he or they really shall be the Owner of Thirty Acres of Land or more, within the said Fenns and low Grounds, so bounded and described as aforesaid, the Lord of the Manor of Strettham aforesaid only excepted.

Qualification of Commissioners.

Represented by Act of 1717

See above 10 11 12 13 14 15 16

A 7

And be it further Enacted by the Authority aforesaid, That upon Default made by any Person or Persons so assessed, rated, taxed, and charged as aforesaid, in his, her, or their respective Payments to be limited and appointed as aforesaid, by the space of Three Days, after the time limited for the Payment thereof, and upon demand

Distress for
Nonpayment.

Tenants to pay
the Tax, and
deduct it out
of their Rents.

mand made by the Collector or Collectors, Receiver or Receivers so to be appointed as aforesaid, it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or for any other Person or Persons, by Virtue of any Warrant or Precept under the Hands and Seals of Three or more of the Commissioners, which said Warrant or Precept such Commissioners, or any Three or more of them, are hereby impowered from time to time to make, as the Occasion shall require, to levy the Sum or Sums so assessed and rated, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay, or to distrain upon the said Grounds and Premises so charged with any such Sum or Sums of Money, and the Goods and Chattels then and there found, and the Distress so taken, to keep by the Space of Three Days, at the Costs and Charges of the Owners; and if the said Owners do not pay the Sum or Sums of Money so assessed or rated, within the said Space of Three Days, then the said Distress to be appraised by Two or more of the Inhabitants of the Parish where the same shall be taken, or other sufficient Persons, and to be sold by the said Collector or Collectors, Receiver or Receivers, for Payment of the said Money, and the Overplus coming by such Sale, if any be over and above the Sum or Sums so rated or assessed, and Charges of taking and keeping the said Distress, to be immediately returned to the Owners thereof; and the several and respective Tenant and Tenants of all and singular the said Free Lands and low Grounds, so bounded and described as aforesaid, which shall be assessed or rated by Virtue of this Act, are hereby required and authorized to pay such Sum and Sums of Money, as shall be so assessed and rated upon such Free Lands and low Grounds, and to deduct out of the Rent so much of the said Assessment or Rate, as the said Free Lands or low Grounds, or the Tenant or Tenants in respect thereof, shall be assessed or rated at, and the Landlords both mediate and immediate, according to their respective Interests, are hereby required to allow such deduction and payment upon Receipt of the residue of their Rents, and that every Tenant paying such Assessment or Rate, shall be acquitted and discharged, for so much Money as the said Assessment or Rate shall amount unto, as if the same had been actually paid to such Person or Persons, unto whom his Rent should have been due and payable.

And for the supplying and continuing of a sufficient Number of Commissioners for putting this Act in Execution,

tion, Be it further Enacted by the Authority aforesaid, that upon the Death or Resignation, or refusing to ad-
of any of the Commissioners herein before named (the
Lords of the said several Manors of Haddenham, Will-
burton, and Stretton, and their respective Heirs and As-
signs only excepted) It shall and may be lawful to and
for the surviving Commissioners, or the major part of
them assembled at such Meetings, so to be held as afore-
said, to choose and supply, from time to time, One or more
Commissioner or Commissioners, in the Place or Places
of any of the said Commissioners, who shall depart this
Life, or resign, or refuse to ad as aforesaid; and every
such New Commissioner or Commissioners so to be, from
time to time, chosen and supplied as aforesaid, shall from
thenceforth have the like Power and Authority to ad and
do in all things relating to the Premises, as those Com-
missioners, which are expressly named in and appointed by
Virtue of this Act, and shall never exceed the Number of
Fifteen; and shall be from time to time chosen and appoint-
ed in manner following (to wit) Six of the said Com-
missioners shall be of the said Parish of Haddenham (that
is to say) One from Haddenham End, One from Lindon
End, One from Hillrow End, One other from Aldrey in the
said Parish of Haddenham, and Two to be chosen out of
the Parish of Haddenham at large, and Three others of
the said Commissioners shall be chosen from the said Pa-
rish of Sutton, and Three others shall be chosen from the
said Parish of Willburton, which Order and Method shall
be observed as to the choice of the said Commissioners; to
be chosen and supplied from time to time hereafter toties
quoties, as Occasion shall require for ever; and every such
Choice and Election of any New Commissioner shall be
from time to time recorded by the Clerk of the Peace
for the said Isle of Ely, paying One Shilling for his Re-
cording the same.

On Death, Re-
signation, or
refusing to ad,
Commissioners,
to choose o-
thers.

Repealed by act
of 1797

Order and
Method of
electing Com-
missioners.

Repealed by
act of 1797

And be it further Enacted, That if any Person or Per-
sons whatsoever shall at any time or times hereafter, cut,
throw down, and destroy any of the Works or Engines
so to be made as aforesaid, or by any ways hinder, obstruct,
or lay open any of the Cuts, Drains, or other Works,
made or hereafter to be made for the draining or improv-
ing the said Fens or Low Grounds as aforesaid, and shall
thereof be convicted upon Oath before Two Justices of the
Peace for the said Isle of Ely, every such Person or Per-
sons so convicted as aforesaid, shall forfeit for every such
Offence the Sum of Fifty Pounds, to be levied by Distress
and Sale of the Goods and Chattels of every such Offen-
der or Offenders, by Warrant under the Hands and Seals
of

Destroying the
Works, forfeits
50 l.

Repealed by
act of 1797

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of Two of His Majesty's Justices of the Peace for the said Isle of Ely, before whom such Conviction shall be made; the One Poerty thereof to the Informer, and the other Poerty thereof to the said Commissioners, to be applied and laid out for the carrying on the making and erecting of the said Cuts, Drains, and other Works; and Improvements in and upon the said Fens and Low Grounds; and for want of sufficient Distress such Offender or Offenders shall be committed to the House of Correction, or common Goal for the said Isle of Ely, by virtue of any Warrant under the Hands and Seals of Two of His Majesty's Justices of the Peace for the said Isle of Ely, there to remain for the space of Three Months without Bail or Mainprize, at the discretion of the said Justices; by whom such Commitment shall be made.

And to the end that the said Fen and Low Grounds may be drained, and kept dry, and the Works necessary for that Purpose may be carried on and made good, and preserved with as much Christ and good Husbandry, as may consist with the effectual and substantial Performance thereof, and that there may be no misapplication of the Money by this Act to be raised, collected, and received, nor of any part thereof, be it further Enacted by the Authority aforesaid, that once in every Two Years, at the General Quarter Sessions to be holden for the said Isle of Ely, before His Majesty's Justices of the Peace for the said Isle of Ely, in the Week next after the Feast of St. Michael the Arch Angel, inspection shall be had of the Receipts and Disbursements of such Monies as shall be collected or received by virtue of this Act, to the Day of the said Feast of St. Michael the Arch Angel then next before; and all Accounts relating to the same shall be then, or within Twenty Days after, made up and settled before Two Auditors, to be assigned for that purpose by the Justices of the Peace, or the major part of them, at the said General Quarter Sessions, so to be holden in the Week next after the Feast of St. Michael the Arch Angel; at which time and times Three of the said Commissioners appointed or to be appointed as aforesaid, and also the Collector or Collectors, Receiver or Receivers of the said Rates and Sums of Money to be raised as aforesaid, are hereby required to attend with all their Accounts, Receipts, and Disbursements, and all Vouchers for the same; which said Auditors, upon Consideration and Examination upon Oath of the said Account (which Oath any One of His Majesty's Justices of the Peace for the said Isle of Ely is hereby empowered to administer) and on their auditing the same, are hereby empowered to allow and pass the said Account or Accounts, as they shall think fit, or such part

Once in two Years all Receipts and Disbursements to be inspected and audited at the Quarter Sessions after Michaelmas.

Michaelmas 1797

Anno Regni decimo tertio Georgii Regis.

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or parts of the same, as they shall think just and reasonable; the which Account or Accounts so audited as aforesaid, or such part or parts of them, as shall be audited and allowed by the said auditors under their Hands, shall be fairly entered in Two several Books, to be kept for that purpose, one whereof shall be kept among the Records of the Sessions for the said Isle of Ely, and the other shall remain in the Parish Church of Haddenham aforesaid; the which Book or Books shall and may be inspected and perused by any Person or Persons requiring the same, without any Fee or other Reward.

Provided nevertheless, and it is hereby further Enacted and Declared, that this Act, or any thing herein contained, shall not extend, or be construed to extend, to empower the said Commissioners appointed for putting this Act in Execution, to have, use, or exercise any Power or Authority over or to intermeddle with any of the Banks, Sewers, Drains, or Works already made, or hereafter to be made, by the Governor, Bailiffs, Conservators, and Commonalty of the Great Level of the Fens, called Bedford Level, by virtue of an Act made in the Fifteenth Year of the Reign of His late Majesty King Charles the Second [Intituled, An Act for the settling the draining the Great Level of the Fens called Bedford Level] or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away any the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, Conservators, and Commonalty, or the said Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act passed in the Fifteenth Year of the Reign of King Charles the Second, or any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, Conservators, and Commonalty, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, Conservators, and Commonalty, or any of them, as fully and amply to all Intents and Purposes as if this Act had never been made.

Provided also, That this Act or all or any the Powers and Authorities hereby given to the said Commissioners for putting this Act in Execution, shall not extend to certain Lands lying in Haddenham aforesaid, called the Upper Delves, containing by Estimation about four hundred Acres, be the same more or less, being Parcel of the said Lands and Grounds, so bounded and described as aforesaid; nor shall the said Commissioners appointed to put this Act in Execution, or their Successors, have any Power and Authority by Virtue hereof to charge the said Lands,

Not to empower the Commissioners to intermeddle with the Works of Bedford Level.

Nor the Upper Delves in Haddenham.

Lands, called the Upper Delves, or any part thereof, or the Owners, or Occupiers of the said last mentioned Lands in respect thereof, with any of the Rates, Taxes, or Assessments, herein before mentioned; nor shall make any Cuts, Dyatts, Damms, or Outlets through the said last mentioned Lands, called the Upper Delves, or erect any Works or Engines thereupon; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Actions to be commenced in 6 Months, and laid in Com^o Cambridge.

And be it further Enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any thing done, or to be done in pursuance of this Act, and executing any of the Powers and Authorities hereby given, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid or brought 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, to justify and avow by Virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to, and give this Act and the special Matter in Evidence (without special Pleading the same, other than as aforesaid) at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said 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 before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff or Plaintiffs shall become Non-suit, or forbear Prosecution, or discontinue his Suit, or if any Verdict shall pass against him, or Judgment be given against him, upon a Demurrer or otherwise, then in any of the said Cases the Defendant or Defendants, Avowant or Avowants shall recover treble Costs, for which he or they shall have like remedy, as where Costs by Law are awarded.

F I N I S

ANNO REGNI
GEORGI III.
REGIS

Magnæ Britanniæ, Franciæ & Hiberniæ,

TRICESIMO SEPTIMO.

At the Parliament begun and holden at
Westminster, the Twelfth Day of *July*
Anno Domini 1796, in the Thirty-sixth
Year of the Reign of our Sovereign
Lord GEORGE the Third, by the Grace
of God, of *Great Britain, France, and*
Ireland, King, Defender of the Faith,
&c.

And from thence continued, by several Prorogations, to the Twenty-
seventh day of *September*, 1796; being the First Session of the
Eighteenth Parliament of *Great Britain*.



(1555.)



ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XCVI.

An Act for amending and rendering more effectual an Act, passed in the Thirteenth Year of His late Majesty King *George* the First, intituled, *An Act for the effectual draining and preservation of Haddenham Level in the Isle of Ely*; and for more effectually draining and preserving the Fen Lands and Low Grounds lying within the said level.

[22nd June 1797.]



WHEREAS by an Act of Parliament, passed in the Thirteenth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for the effectual draining and preservation of Haddenham Level in the Isle of Ely*, certain Commissioners therein named, and their successors, to be elected as therein mentioned, were empowered to make such Cuts, Drains, Dams, and Outlets, through certain Fens and Low Grounds lying in *Sutton, Haddenham, Wilburton, Stretham* and *Wentworth*, within the *Isle of Ely* and County of *Cambridge*, containing Six thousand Five hundred Acres, or thereabouts, comprehended within the limits and bounds mentioned in the said Act, other

Preamble.

13 Geo. I,
Cap. 18,
recited.

than and except certain Lands and Grounds in *Haddenham* aforesaid called *The Upper Delfes*, and to make and erect such Works and Engines thereupon, for draining and conveying the Waters from the same, as they should think fit and necessary, and to rate, tax, and charge, all the Owners and Occupiers of the same Fens and Low Grounds with an Acre Tax of Two Shillings and Sixpence *per Acre* for the Year One thousand seven hundred and twenty-seven, and One Shilling and Sixpence *per Acre* for the Year One thousand seven hundred and twenty-eight and for every Year after with any other Yearly Sum not exceeding One Shilling *per Acre*, for carrying on and effecting the Works necessary for draining the said Lands, and maintaining the same; and by the said Act the said Commissioners were authorized to raise Money for the Purposes aforesaid, by Assignment of the said Taxes for any Time not exceeding Twenty-one Years; and in the said Act were contained sundry other Powers and Provisions for effecting the Purposes of the said Act: And whereas the said Commissioners, in pursuance of the said recited Act, and by virtue of the Powers and Authorities thereby given to them, have made several Cuts, Drains, and Outlets, and erected several Engines, and done other Works in, through, and upon, the said Lands and Grounds for the draining and preserving of the same, and assessed the said Lands and Grounds with the several Rates and Taxes authorised by the said recited Act: And whereas, for the purpose of making and preserving the said Works of Drainage, the said Commissioners have borrowed several Sums of Money upon the Security of the Rates and Taxes chargeable upon the said Lands and Grounds by virtue of the said Act, and have assigned over the said Rates and Taxes for securing the Money so borrowed, with the Interest thereof, and a considerable Debt now remains due upon the Assignment of the said Rates and Taxes, and otherwise, on Account of the said Lands and Grounds: And whereas it has been found that the Rates and Taxes authorised to be levied by the said recited Act are insufficient for the Payment of the Interest of the Monies already borrowed, and for maintaining and keeping in Repair the Works of the present Drainage; and the Powers given to the Commissioners by the said recited Act are insufficient for the effectual Drainage and Preservation of the Lands comprized within the Limits mentioned in the said recited Act; and it is necessary to make some new Works and Drains for the more effectual draining and preserving the said Lands; and for this Purpose, and for discharging the Debts already incurred, it will be necessary to increase the Taxes to be levied, and it would tend to the more effectual Execution of the said recited Act, and this Act, if the several Owners of certain Quantities of the said Lands were empowered to carry the same into Execution, instead of the Commissioners being elected in the Manner directed by the said recited Act; and it is expedient to make some other Alterations therein: 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 so much of the said recited Act as appoints Commissioners for the purpose of carrying the same into Execution, and as relates to the Election of new Commissioners, and to the Qualification and Meetings of such Commissioners, and inflicts or relates to any Penalty or Penalties for destroying,

Part of the former Act repealed.

hindering, obstructing, or laying open any Cuts, Drains, or other Works, made under the Authority of the said recited Act, and as relates to the making up, settling, allowing, and passing the Accounts of the Receipts and Disbursements of the Money collected by virtue of the said recited Act, shall be, and the same is hereby repealed.

II. And be it further enacted by the Authority aforesaid, That every Person who is or shall for the Time being, be the Owner of Thirty Acres (Statute Measure) of Land, within the Bounds and Limits described in the said recited Act, shall be, and is hereby appointed a Commissioner for the Purpose of executing the said recited Act in the Place of the Commissioners thereby appointed, or to be chosen pursuant thereto; and shall be, and is hereby appointed a Commissioner for executing this Act during so long Time as such Person shall continue such Owner; and where Two or more Persons shall be the Owners, as Coparceners, Joint Tenants, or Tenants in Common, of Thirty Acres of Land as aforesaid, such Persons shall be considered as One Commissioner, and shall have but One Vote as such, to be given as herein-after mentioned; but if any Persons shall be Owners, as Coparceners, Joint Tenants, or Tenants in Common, of more than Thirty Acres of Land, then, if upon a Partition they respectively would be entitled to separate Allotments of Thirty Acres of Land a-piece, they shall all be Commissioners, and have separate Votes, or if any of them would be entitled to separate Allotments or a separate Allotment of Thirty Acres of Land, and the other or others to a less Quantity, then and in such Case the Person or Persons who would be entitled to a separate Allotment or to separate Allotments of Thirty Acres of Land, shall be a Commissioner or several Commissioners, and entitled to distinct Votes, and the other Person or Persons shall only have One Vote in respect of the Shares which, added together, would entitle the Owners, upon a Partition, to separate Allotments, amounting in the Whole to Thirty Acres or more of Land, or if such Share or Shares would not entitle the Owner or Owners to an Allotment or Allotments amounting to Thirty Acres of Land, such Person or Persons shall not be a Commissioner; and where several Persons shall be entitled to only One Vote, such Persons shall not be entitled to act personally, but may, by Writing by them signed, appoint some One of themselves, or some other Person, to act as their Deputy.

Who shall be Commissioners.

*Repealed
1. 2. 3. 6(1)*

III. Provided always, and be it further enacted by the Authority aforesaid, That the respective Lord or Lords, Lady or Ladies, for the Time being, of the several Manors within the Parishes of *Sutton, Haddenham, Wilburton, Stretham, and Wentworth*, and the respective Rectors, for the Time being, of the Parishes aforesaid, and every Person, being the Owner of Sixty Acres of Land within the said Bounds and Limits, shall and may, from Time to Time, by Writing under his or her Hand or Hands, nominate and appoint One other Person to act and vote as a Commissioner in his or her Place and Stead, but One Person shall act as a Deputy for One Commissioner only.

Power to appoint Deputies.

*Repealed
1. 2. 3. 6(1)*

IV. Provided also, and be it further enacted, That no Person holding any Place of Profit under the said Commissioners, shall act as a Commissioner, or as a Deputy for any Commissioner, under and by virtue of this Act.

No Person holding a Place of Profit to act as a Commissioner.

Penalty on acting, not being qualified.

V. Provided also, and be it further enacted, That if any Person or Persons not being qualified as aforesaid (other than and except such Person or Persons as shall or may be appointed by virtue of the Power aforesaid, to vote and act at any of the said Meetings for any of the said Commissioners) shall presume to act as a Commissioner or Commissioners in the Execution of this Act, he or she 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*, or in the Court of Pleas to be held within the said *Isle of Ely*, by Bill, Suit, or Information, wherein no Essoin, Protection, Privilege, or Wager of Law, 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 or she shall prove in his or her Defence, that he or she was, at the Time of his or her so acting, qualified according to the true Intent and Meaning of this Act.

Meetings of the Commissioners.

VI. And be it further enacted, That Five Commissioners shall constitute a Meeting, and that the Orders and Determinations of the Majority of the Commissioners present at any Meeting, shall be considered as the Act of the Commissioners; and that the First Meeting of the said Commissioners shall be held at the *Three Kings* in *Haddenham* aforesaid, on the *Wednesday* Three Weeks next after the Day of passing this Act, at Eleven of the Clock in the Forenoon; and that the said Commissioners shall meet Twice in every Year. to wit, on the *Wednesday* in *Easter Week*, and the *Wednesday* after *Michaelmas Day*, and may, from Time to Time, adjourn their said First and other Meetings, and may, from Time to Time, appoint any other Meetings to be held, and then adjourn such Meetings from Time to Time; and that their said Meetings (except their First Meeting, which is to be held at the *Three Kings* in *Haddenham* aforesaid) may be held at such Place within the Parish of *Haddenham* aforesaid as the said Commissioners shall, from Time to Time, appoint; and that in case Five Commissioners shall not be present at the Place and Time appointed for holding the said First or any of the said General Meetings, or the said Commissioners shall omit to adjourn such Meeting, then it shall and may be lawful for any Two or more of the said Commissioners, or for the Clerk to the said Commissioners, to adjourn such Meeting to a Time not exceeding Twenty-one Days from the Time the last Meeting was appointed, and to the same Place where the same was appointed to be holden, of which Adjournment Publick Notice shall be given in one of the *Cambridge Weekly Newspapers*, and no Act shall be valid as an Act of the Commissioners, unless it shall be done or ordered at some Meeting held under the Authority of this Act, but it shall be lawful for any Three Commissioners, from Time to Time, to call Special Meetings of the said Commissioners.

Orders not to be revoked but at subsequent Meetings.

VII. Provided always, and be it further enacted, That no Order or Determination made or come to at any Meeting of the said Commissioners, shall be revoked or annulled but at a subsequent Meeting, at which Nine Commissioners at least shall be present and consent thereto, nor un-

less Ten Days Notice of such Meeting (and which Notice shall state the Object of such Meeting) shall be affixed on the Church Doors of the several Parishes of *Haddenham, Sutton, Wilburton, Stretham, and Wentworth* aforesaid; and that no Special Meeting of the said Commissioners shall be held without like Notice being given thereof, signed by the Commissioners who shall call such Meeting.

Amended Act 1864 1:17

VIII. Provided also, That no greater or larger Sum of Money than three pounds, in the Whole shall be paid or allowed for the Expences of the Commissioners at any One of the General Meetings to be held under or by virtue of this present Act, or more than One Pound and Ten Shillings for the Expences of the Commissioners at any Adjourned or Special Meeting.

Expences of Meetings.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, to make or cause to be made, raised, cut, built, and set up, in, upon, through, or over the Lands and Grounds within the bounds and Limits aforesaid, all such Cuts, Drains, Banks, Bridges, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works, as they shall think necessary for the better draining of the said Lands and Grounds; and also to make One or more Drain or Drains, Cut or Cuts, from or near a Place called *Staples Leas*, along the Skirts of the Open Fields and High Lands in *Haddenham, Wilburton, and Stretham* aforesaid, on the East and North Sides of the Level aforesaid, for conveying the Waters from off the said Fields and High Lands in *Haddenham, Wilburton, and Stretham*, into the *Old Ouze* or West River; and also to make a Land Drain to convey the Waters from the Open Fields and High Lands in *Sutton and Mepal*, at or near *Sutton Gault Pits*, into the *Old Ouze* or West River aforesaid; and that the said Commissioners shall have full Power and Authority over all and singular the works so to be made and also over all and singular the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, Mills, Engines, Sluices, and other Works already made or set up, or maintained and kept in repair, within the Limits of the Lands and Grounds aforesaid, under the Authority of the said recited Act; and also to widen, deepen, alter, repair, rebuild, and enlarge the same, for the better draining of the said Lands and Grounds; and that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to divide off, take, and use such Land, Tenements, and Hereditaments, as the said Commissioners shall judge necessary to be cut, dug, taken, or used, for making any of the Banks, Bridges, Cuts, Drains, Dams, Headings, Outlets, or other Works, under and by virtue of this Act, or which they the said Commissioners shall deem proper and requisite to be left and reserved for the Preservation of the North Bank of the *Old Ouze* or West River between the same Bank and the Ditches or Drains to be made next the same; 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 doing as little Damage as may be, and making such Satisfaction for the same as is herein-after mentioned.

Commissioners Power to make Works, &c.

X
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X. Provided always, That the said Commissioners, in making the said Drain to convey the Waters from the Place called *Staples Leas*, along the Side of the Open Fields and High Lands in *Haddenham, Wilburton,* and *Stretham* aforesaid, shall carry the same Southwardly to a Place called *Aldreth*, and from thence Eastwardly to a Common called *Stretham Common*, and along the said Common Southwardly into the River *Ouze*, at or near *Stretham Ferry*; and the said Commissioners, when and so soon as the said Drain shall be finished and completed, shall, by and out of the Rates and Taxes intended to be hereby assessed, cause to be made over the said Drain, in the Middle Part thereof, One substantial and proper Bridge, of sufficient Width for the Passage of Carriages and One other Bridge at each End of the said Drain for the Passage of Horses and Cattle; and the said Bridges shall, from Time to Time, repair and support.

XI. Provided also, That the said Commissioners shall not carry the said Drain over or across any Part of the *Wilburton* and *Stretham* Turnpike Road, leading from *Stretham* to *Stretham Ferry*, or do any Act or Thing that may injure or damage the said Roads.

Commissioners may agree for the Purchase of Lands, or Satisfaction for Damages.

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, Tenements, 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, Outlets, or other Works, under and by virtue of this Act, or which they the said Commissioners shall deem proper, and require to be left and reserved for the Preservation of the North Bank of the *Old Ouze* or West River, between the said Bank, and the Ditches or Drains to be made next the same, for the Purchase of such Lands, Tenements, 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, Lunatics, Idiots, Females 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, Tenements, or Hereditaments, to contract for, sell, and convey unto the said Commissioners, or to such Person or Persons as they shall appoint, any Lands, Tenements, 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, Tenements, 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,

Bodies Politick, &c., may contract for the Sale of Lands, or Compensation for Damages.

Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall lawfully do in pursuance of this Act; but if it shall happen, that any such Body Politick, Corporate or Collegiate, Trustee, or Trustees, or other person or Persons interested or concerned as aforesaid, shall, for the Space of Forty 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, Tenements, or Hereditaments, neglect or refuse to treat, or shall not agree with the said Commissioners, or by Reason of Absence shall be prevented from treating, then and in every such Case, the said Commissioners may, and they are hereby authorised and empowered, Fourteen Days at least before any General Quarter Session of the Peace, to be holden for the said *Isle of Ely* within Twelve Calendar Months after the Lands or Grounds shall have been used or the Damage done, to give, or cause to be given, to the Party or Parties whose Land or Ground 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 the Adjournment thereof, shall and are hereby authorized and required to charge the Jury which shall attend at such Sessions, or some other Jury of Twelve honest and substantial Men, to be then and there impanelled and returned by the Chief Bailiff of the said Isle, and cause them to be sworn well and truly, on their Oaths, to assess the value of the Land, or Ground, and the Recompence to be given for the same, or for any Damage or Injury 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 is hereby authorised 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 Ground, 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

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.

Witnesses to be summoned.

Justices to give Judgement.

The same to be final.

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, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said Isle, shall be deemed and taken as good Evidence in all Courts of Law or Equity; and all Persons may have Recourse thereto, or take Copies thereof, or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature.

Expences of
the Jury and
Witnesses by
whom to be
paid.

XIII. And be it further enacted, That in all Cases where any Verdict shall be given for any greater Sum or Recompence than shall have been offered by or on the Behalf of the said Commissioners, before the Notice of the intended Application to be made to the said Sessions, for or in respect of any of the Matters aforesaid, that then all the Expences of such Application, including the Charges of Witnesses, shall be paid by the said Commissioners out of the Rates and Taxes to be raised by virtue of this Act; but if any Verdict shall be given for no more, or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case, such Expences shall be paid by the Owners of or Persons interested in the Lands, Tenements, or Hereditaments, and Premises, upon or in respect of which such Application shall have been made.

Dwelling
Houses not to
be removed.

XIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioners to take down or remove any Dwelling House, Building, or Erection, now standing on or by the Side of the North Bank of the *Old Ouze* or West River.

Taxes to be
laid.

XV. And be it further enacted by the Authority aforesaid, That the said Commissioners at their said First Meeting, and at their Annual Meeting to be held on the *Wednesday* in *Easter* Week in every Year, shall assess, rate, tax, and charge, all and every the respective Owner or Owners, Occupier or Occupiers of all the Lands and Grounds within the Limits aforesaid, with the farther Annual Sum of Four Shillings *per* Acre, to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct; and that the said additional Yearly Tax of Four Shillings *per* Acre shall continue to be charged and paid until the Principal of the Debt to be incurred under the Authority of this Act, and that already incurred in executing the said recited Act, shall be reduced to Five thousand Pounds; and that, from and after the said Debt shall be so reduced, the said Commissioners shall assess, rate, tax, and charge, all and every the respective Owner or Owners, Occupier or Occupiers of the same Lands and Grounds, by an equal and proportionable Acre Tax, with any Sum or Sums of Money not less than Two Shillings *per* Acre, nor more than Four Shillings *per* Acre, in addition to the present Taxes, Rates, or Charges, until the whole of the said Debts shall be paid off, and then with such Annual Sum or Sums of Money as the said Commissioners shall think proper, not exceeding Three Shillings *per* Acre, together with the present Taxes, Rates, or Charges; and such Rates, Taxes, and Charges, shall be paid to such Person or Persons, and at such Time or Times, as the said Commissioners shall direct.

XVI. And whereas the Repairs of the Bank between *Earith High Bridge* and *Aldreigh High Bridge*, along the River *Ouze*, lying on the South Side of and enclosing *Ewell Fen*, ought to be done by the Owners of Lands in *Ewell Fen* aforesaid, in Proportion to the Quantity of their Lands in the same Fen, and the said Bank has been frequently suffered to fall into Decay, to the great Danger and Injury of all the Lands and Grounds herein-before mentioned, and is now in very insufficient Repair, and it will be much better that the said Bank should in future be kept in Repair by the said Commissioners, and that the Owners of the Lands in *Ewell Fen* aforesaid should be exempt from such Repairs, and in Lieu thereof should pay a proportionate Tax towards the Expence of such Repairs; be it therefore enacted by the Authority aforesaid, That the said Bank between *Earith Bridge* and *Aldreigh High Bridge* shall, from Time to Time, and at all Times hereafter, be repaired and supported by the said Commissioners as one of the Banks within and belonging to the said Lands and Grounds hereby intended to be drained; and that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at their First Meeting after the passing of this Act, and from Time to Time at their Annual Meeting to be held on the *Wednesday* in *Easter* Week in every succeeding Year, to assess, rate, tax, and charge, all and every the Owners and Occupiers of the Lands and Grounds in the said Fen called *Ewell Fen*, by an equal and proportionate Acre Tax, of Ten-pence *per* Acre, to be paid to such Person or Persons, and at such Time or Times as the said Commissioners shall direct.

That Owners of Lands in *Ewell Fen* shall be exempt from keeping up the Bank belonging to them, but are to be subject to a Tax to be paid the Commissioners for their Charge of it.

XVII. Provided always, and be it further enacted, That when and so often as the Rates and Taxes to be laid upon the Lands and Grounds within the Limits aforesaid, under and by virtue of this or the said recited Act, shall be reduced or lowered One Shilling *per* Acre, then and in such Case the said Rate and Tax of Ten-pence *per* Acre, herein-before directed to be charged and assessed upon the said Lands in *Ewell Fen*, shall also be reduced Two-pence *per* Acre, and so in Proportion for any lesser Sum than One Shilling.

Directing the Acre Tax on *Ewell Fen* to be reduced.

*Amended 1324.9
2/1 = 1.1111*

XVIII. And be it further enacted, That, the said Commissioners may order and direct all or any of the Lands by this Act made liable to any Tax to be surveyed and mapped, in order to ascertain the Quantity of the Lands liable to such Taxes, and how much belongs to any particular Person or Persons.

Lands may be surveyed.

XIX. And, to the End that the said Rates and Taxes may be more easily and effectually collected and received, be it further enacted by the Authority aforesaid, That all and every the Tenants and Occupiers of the said Lands and Grounds, which shall be assessed or rated by virtue of this Act, shall, and they are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed or rated on the respective Lands and Grounds in their 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 Rents; and that every such Tenant or Occupier

Tenants to pay Taxes and deduct out of their Rents.

paying such Assessment or Rate, shall be acquitted and discharged of so much Money as the said Assessment and Rate so paid by them shall amount unto, 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.

XX. Provided always, and be it further enacted and declared, That no Lessee or Tenant of any Lands or Grounds charged with the Rates, Taxes, or Assessments hereby authorized to be imposed, 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, of which the said other Lease or Agreement at the Time of the passing this Act, there shall be more than Nine 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 payable by any 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, authorized to deduct the said Rates, Taxes, or Assessments from his, her, or their Rent, shall pay such an Advance of Rent as the said Commissioners shall order, as a Consideration for the Benefit which such Tenant or Tenants shall or may receive by Means of this Act.

Manner of
recovering
Rates.

XXI. And be it further enacted by the Authority aforesaid, 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 Thirty Days 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 the usual Place of Abode of the Person or Persons who is, are, or ought to pay the same, if such Place of Abode shall be in any of the said Parishes of *Haddenham, Sutton, Wilburton, Stretham, and Wentworth*; or if such Person or Persons shall not have any Place of Abode within any of the said Parishes, then, after the said Payment shall have been demanded by the said Collector or Collectors, Receiver or Receivers, by Notice in Writing of such Demand affixed upon the Church Door of the Parish where such Lands and Grounds, or any part thereof, shall lie, it shall and may be lawful to and 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 Three or more of the said Commissioners, which said Warrant or Precept the said Commissioners, or any Three 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 Persons or Persons as shall make Default in Payment as aforesaid, and all the Messuages or Tenements thereupon standing, and to levy the Sum or Sums of Money by him, her, or them payable for such Rate or Tax, by Distress of the Goods, Chattels, and Cattle which shall be there found, and the Goods, Chattels, and Cattle to impound, keep, sell, and dispose of in the same Manner as by Law is to be done with respect to Distresses for Rent.

XXII. Provided always, and be it further enacted and declared, That in case any of the said Lands or Grounds hereby made chargeable with any Rate, Tax, or Assessment, 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 always 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, till all Arrears of the said Rates and Taxes, and the Charges incident to such Distress, shall be fully paid and satisfied.

Lands untenanted to remain a Security for Taxes

XXIII. 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 by the Authority aforesaid, That the said Commissioners, or any Three 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 General Meeting of the said Commissioners, at which Seven Commissioners shall be present, and concur, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole, together with the Debts already incurred in executing the said recited Act, 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 Assessments, Rates, Taxes, and Sums of Money, to be charged by the Authority of this Act, or charged or to be charged by the Authority of the said recited Act, or any part of such Taxes, (the Costs and Charges of such Mortgage or Assignment to be paid out of the said Taxes), for any such Term or Number of Years, and in such Manner and Form, as to the said Commissioners, or any Three 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 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 and may 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, 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 Clerk or Clerks within Three Calendar Months 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 Two 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 Time

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

to Time, assign or transfer his, her, or their Right and Interest therein and thereto; and 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 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; and that the said Money so borrowed shall be applied in the first Place towards paying and discharging the Costs, Charges, and Expences, of obtaining and passing this Act, and afterwards in making, effecting, and maintaining, the several Works and Things to be done under the Authority of this Act, and lastly in Payment of the Debts due, or to be due and payable, out of the Taxes chargeable by the said recited Act or this Act.

Taxes vested
in Creditors.

XXIV. And it is hereby further enacted and declared, That the Rates, Taxes, and Sums of Money, by virtue of the said recited Act or of this Act assessed or to be assessed upon and paid by the Owners and Occupiers of the said Lands and Grounds, shall be charged and chargeable in the first Place with and for Payment of all and every such Sum and Sums of Money so borrowed or to be borrowed as aforesaid, and the Interest thereof, from Time to Time, 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 Nonpayment thereof; and the said Creditors respectively, and 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 by the Owners or 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.

Punishing
Persons de-
stroying
Works, &c.

XXV. And be it further enacted by the Authority aforesaid, 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, Bridge, Floodgate, Tunnel, or Sluice already made and erected, or which shall at any Time hereafter be making and erecting, or made and erected, for the draining and improving of the said Lands and Grounds, or any of them, and shall be thereof lawfully convicted, shall be adjudged guilty of Felony, and liable to be transported as a Felon for Seven Years, or to be punished as the Law directs in Cases of Petit Larceny: And if any Person or Persons shall, at any Time or Times hereafter, permit or suffer any of his or their Hogs or Swine to stray upon any of the Banks made, or to be made, or kept in Repair, under the Authority of the said recited Act, or of this Act; or shall fodder, or cause or permit to be foddered, any of his, her, or their Cattle on any of the said Banks, or shall drive, or cause to be driven, any Cattle, Cart, or Carriage thereon, (except Cattle immediately driven to or from Pasture or Market) or shall set or cause to be set on any of the same Banks, any Stack or Stacks of Hay, or Reed, without having obtained Leave in Writing for that Purpose from the Commissioners assembled at

some of the Meetings to be held by virtue of this Act; or shall set down any Nets or Engines, for the catching of Fish in any of the Drains, or wilfully or maliciously throw any Earth or other Obstructions in any of the Drains made, or to be made for answering the Purposes aforesaid; or if any Person or Persons whatsoever shall dig or throw out any Pond or Watering Place in any of the said Lands or Grounds intended to be drained by virtue of the said recited Act, or this Act, in any Publick Drain already made, or within Twenty Feet thereof, or at any Time hereafter to be made and used for the draining and improving of the said Lands and Grounds as aforesaid; or shall cut through any Lane or Drove, to the Intent that the Waters of One Field within the said Lands and Grounds so to be drained as aforesaid, shall and may run into any other Field within the said Limits; or shall at any Time hereafter cut or dig, or cause to be cut or dug, any Turves, Hods, or Sesses, within the Distance of Forty Feet of any of the Banks made and thrown up by virtue of this Act, or of any of the Soke Dikes, within the Limits of the Lands and Grounds to be drained by virtue hereof; or if any Person or Persons shall, at any Time hereafter, wilfully or maliciously stop, dam up, spoil, or damage any River, Drain, Watercourse, Engine, Sluice, Tunnel, Door, Dam, Heading, Bridge, or other Work or Works to be made or set up, or used for the said Purposes, then or in any of the said Cases, all and every such Person and Persons so offending, 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 any Sum of Money, not exceeding Fifty Pounds, nor less than Forty Shillings, as the said Justices shall respectively order and direct, to be paid to the said Commissioners, and applied for the 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 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.

XXVI. And be it further enacted, That if any Person or Persons shall erect, set up, use, or work any Horse Mill, Gigg, or other Engine or Device whatsoever, for draining or discharging Water from any of the said Lands, the Drainage whereof is intended to be made or preserved under the Authority of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who will sue for the same, and the Owner of such Mill, Gigg, Engine, or Device, shall also make full Compensation and Satisfaction to all and every Person and Persons who shall be injured thereby, for the Damage such Person or Persons shall thereby sustain, and such Penalty, Compensation, and Satisfaction shall and may be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or information, in any

Penalty for
working
Horse Mills.

Cl. 10. 10. 10. 10.
10. 10. 10.

*See also Statute of 1869 & 1872
Humber & Trent Navigation Act 1869*

*69
4/10
1/2*

of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas of the said *Isle of Ely*, in which no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed.

No Trees to be planted, or Building erected, within Two hundred Yards of any Engines; or any Ditches to be cut within Forty Feet of the Centre of the Banks.

XXVII. And be it further enacted, That no Trees or Holts shall at any Time or Times hereafter be planted, nor any Building be placed, erected, or built, except by the Order or Permission of the said Commissioners, nearer to any Mill or Engine made or to be made, erected, or employed as aforesaid, than Two hundred Yards, nor shall any Ditch or Drain be made, cut, or continued within Forty Feet of the Centre of the Banks within or belonging to the said Level, after One Month's Notice in Writing given by the said Commissioners to the Owner or Owners of the Lands or Grounds to which such Ditch or Drain shall or may belong; and if any Trees or Holts shall be planted, or any Building shall be hereafter made, erected, or built, or any Ditch or Drain be made, cut, or continued within the Distance, and after the Notice aforesaid, then it shall and may be lawful for the said Commissioners to cause such Trees and Holts to be taken up and carried away, and such Building to be pulled down and removed, upon Notice given to the Owners thereof, and their Neglect to remove the same for the Space of Fourteen Days, and such Ditch or Drain to be filled up immediately after the Expiration of the Notice to be given for that Purpose.

Penalty on neglecting to cleanse Dikes.

XXVIII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any of the Lands the Drainage whereof is intended to be preserved or made under the Authority of this Act, to which any Droeway, Dike, Outring Dike, or Division Dike, doth or shall belong, shall neglect or refuse sufficiently to rode, 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 Top, and Four Feet and an Half at Bottom at 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, Receiver, or other Officer to be appointed under and by virtue of this Act, (such Collector, Receiver, or other Officer, having an Order in Writing for that Purpose, under the Hands of Three or more of the said Commissioners), every such Owner or Occupier shall, for every such Neglect or Refusal, forfeit and pay the Sum of One Shilling for every Rod of the Dike so neglected to be roded, scoured, cleansed, opened, repaired, deepened, and widened; and it shall be lawful, from Time to Time, for such Collector, Receiver, or other Officer, to cause such Dikes, at the Charge and Expence of such Owners or Occupiers, to be roded, scoured, cleansed, opened, repaired, and deepened 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 Ways to be taken up, and such Dike to be made of a proper Width and Depth, with a sufficient Tunnel; and by Warrant or Precept, under the Hands of Three or more of the said Commissioners, to levy such Penalty, and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, and such Penalties shall be applied for the Purposes of this Act.

*Repealed by
Act 11 of H.L.
Act 1894*

*may be recovered
in any Court of
Competent
Jurisdiction
sec. 11. H.L. Act 1894*

Ely

XXIX. And be it further enacted by the Authority aforesaid, That the said Commissioners shall have full Power, and are hereby authorized to destroy all such Moles and other Vermin as shall be found in and about the Lands and Grounds the Drainage whereof is intended to be preserved or made under the Authority 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 and Salary 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.

Moles may be destroyed.

XXX. And be it further enacted by the Authority aforesaid, That the said Commissioners, at their said Annual Meeting to be held in *Easter* Week, or at any other Meeting, 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 Annual Meeting to be held in *Easter* Week, or at 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 and 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 Confession of the Party or Parties so offending, shall forfeit and pay for every such Offence, the Sum of Twenty Pounds to the said Commissioners, to be applied for the 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 before whom such Conviction shall be made; and in Default of such Distress or Payment, the Person or Persons so offending shall by the said Justices be 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.

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

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

See also
A. 15

XXXI. And whereas there are certain Parcels of Land, containing together Thirty-four Acres or thereabouts, abutting upon the Hundred Feet Bank and *Haddenham* Level towards the North and North-west, which are Part of certain Fen Lands lying in the Parish of *Sutton*, near *Sutton Gault*, called *Holts* and *Holbrookes*, and adjoin the Lands and Grounds hereby intended to be drained; and of which said Thirty-four Acres the several Persons hereafter named are the Owners and Proprietors, *videlicet*, *Joseph Vipans* Fourteen Acres and Twenty-two Perches, *Samuel Brown* Two Acres, *Moses Oats* Four Acres One Rood and Twenty Perches, *William Finch Finch* Esquire Nine Acres and Twenty Perches, *William Patterson* Two Acres Two Roods and Twenty Perches, and the Dean and Chapter of *Ely* One Acre Two Roods and Twenty Perches:

For draining Part of *Strettham* Common.

Strettham
Sutton Gault

And whereas the above mentioned Thirty-four Acres of Land, and also a certain Part of *Stretham Common* containing Seventeen Acres or thereabouts, near the Ferry on the North Side of *Haddenham Leam* or Whart, will receive considerable Benefit by the Works of Drainage proposed and intended to be made and executed by virtue of this Act; be it therefore enacted by the Authority aforesaid, That the said Parcels of Fen Lands called *Holts* and *Holbrookes* containing Thirty-four Acres or thereabouts, and the said Part of *Stretham Common* containing Seventeen Acres or thereabouts, before described, shall be deemed and taken to be Part and Parcel of the Lands and Grounds intended to be drained by this Act, and be liable to the same Rates and Taxes as the said last mentioned Lands and Grounds are hereby made liable to; and that all the Powers Authorities, and Provisions, which are hereby given with respect to the other Lands, of which the Drainage is intended to be preserved or made under the Authority of this Act, shall extend to the aforesaid Parcels of the said Lands called *Holts* and *Holbrookes*, and the said Part of *Stretham Common*; and they are hereby made subject to the same Powers, Authorities, and Provisions.

Commissioners to let the Feed of the Banks by Auction.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at their Annual Meeting to be held in *Easter Week*, from Time to Time, to let by Auction, or otherwise as they may think proper, the Feed or Pasture of the several Banks within their Jurisdiction, and also such Lands adjoining thereto as may be purchased by the said Commissioners, or any Part thereof, for the ensuing Year, for the Pasturage of Sheep and Neat Beasts only, and the Rents and Profits arising therefrom shall be paid and applied in the same Manner as the Taxes to be raised by virtue of this Act are to be applied.

Power to appoint Officers.

XXXIII. And be it further enacted, That the said Commissioners shall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Treasurer or Treasurers, and such other Officers as to the said Commissioners shall appear necessary or proper, to assist in the Execution of the Powers of this Act, and shall and may allow such Officers and every of them reasonable Salaries for their Trouble, shall and may, from Time to Time, as they shall see Occasion, remove any such Clerk, Receiver, Collector, Surveyor, Treasurer, or other Officers, and appoint another or others in the Place of such of them as shall be so removed, and in case of the Death of any of them, in the Place of such of them as shall so die; and that every Receiver, Collector, and Treasurer, so to be appointed as aforesaid, before he or they shall act in the Execution of his or their Office, shall give such Security to the said Commissioners for the due Execution of the same, as the said Commissioners shall think proper.

Treasurers, Collectors, and other Officers, to keep Accounts.

XXXIV. And be it further enacted, That the said Treasurers, Collectors, and other Officers, shall fairly enter into Books to be by them respectively kept for that Purpose, an Account of all Monies by them respectively received and expended, specifying the Times when, and the Persons from whom and to whom such Monies were respectively received and paid, and for what Purposes; which Books, or true Copies thereof, respectively signed by the said Treasurers, Collectors, or other Officers, together with the Vouchers for such Expenditures, and also all Books and Papers in their Custody respectively, relating to the Execution of this Act, shall be delivered to the said Commissioners at their said Annual

Meeting to be held in *Easter* Week in every Year, and at such other Time or Times as the said Commissioners shall require.

XXXV. And be it further enacted, That in case any of the said Treasurers, Clerks, Collectors, or other Officers, or Persons so employed as aforesaid, shall wilfully refuse, upon Requisition and Ten Days Notice in Writing given to them under the Hands of Three of the said Commissioners for that Purpose, to produce before the said Commissioners, the several Books, Papers, and Vouchers in their Custody or Possession relating to their said Offices, every Person so offending and being thereof convicted before any Justice or Justices of the Peace for the said *Isle of Ely*, upon the Oath of One or more Witness or Witnesses, or upon the Confession of the Party, shall, for every such Offence, forfeit and pay any Sum of Money, not exceeding Fifty Pounds, nor less than Five Pounds, as such Justice or Justices shall direct, to be recovered by Distress and Sale of the Goods and Chattels of the Offender, and to be applied in the same Manner with the Taxes to be imposed under the Authority of this Act; and in case any of the said Officers, or other Persons so employed as aforesaid shall neglect or refuse to account to the Satisfaction of the said Commissioners, or to pay the Money due upon the Balance of such Account, according to the Directions of the said Commissioners, then and in every such Case, it shall be lawful, upon the Complaint of One or more of the said Commissioners, for any Justice or Justices of the Peace for the said *Isle of Ely*, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to account, or to pay the Money due upon the Balance of such Account as aforesaid, such Sum or Sums of Money as he or they shall be required to account for, or shall be found due upon the Balance of his or their Account or Accounts; and for Want of sufficient Distress, it shall and may be lawful for any such Justice or Justices of the Peace, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the Common Gaol, or House of Correction, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands, to the said Commissioners, or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money, (which Composition the said Commissioners are hereby empowered to make), or otherwise the said Commissioners may and are hereby empowered to bring, or cause to be brought, any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Pleas of the said *Isle of Ely*, against such Officer or Officers, or Person or Persons so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Security or Securities, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, or other Person or Persons respectively.

Officers refusing to produce Books and Papers, or to account;

their Goods may be distrained.

For Want of Distress, to be committed.

XXXVI. Provided always and be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to empower the said Commissioners appointed by virtue of this Act, or any of them, to have, use, or exercise, any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works, already made, or hereafter to be made, by the

Saving Rights of Governor, &c., of *Bulford Level*.

Governor, Bailiffs, and Commonalty, of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the settling the Draining of the Great Level of the Fens called Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, or take away, any of the Rights, Powers, or Authorities, vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act made in the Fifteenth Year of King *Charles* the Second, or any other Act or Statute, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and Governor, Bailiffs, and Conservators, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had not been made.

Limitation of
Actions.

XXXVII. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or 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 and brought in the Court of Pleas of the said *Isle of Ely*, and 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 the 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, 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 be given against the Plaintiff or Plaintiffs, 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.

For discharg-
ing the Ex-
pences of this
Act.

XXXVIII. And be it further enacted, That all such Monies as shall be advanced and paid by any Person or Persons in Discharge of 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.

Publick Act.

XXXIX. 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.

THE HADDENHAM LEVEL ACT, 1884.

ARRANGEMENT OF SECTIONS.

Preamble :—

13 Geo. I. cap. 13 (Act of 1727).

37 Geo. III. cap. 96 (Act of 1797).

PART I.

PRELIMINARY.

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PART II.

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the security of the said tax such sums as should be requisite for the purposes of the said Act:

37 Geo. III.
cap. 96 (Act of
1797).

And whereas by an Act (in this Act called "the Act of 1797") passed in the thirty-seventh year of the reign of King George the Third chapter ninety-six intituled "An Act for amending and
" rendering more effectual an Act passed in the thirteenth year
" of His late Majesty King George the First intituled 'An Act
" 'for the effectual draining and preservation of Haddenham Level
" 'in the Isle of Ely' and for more effectually draining and preserving
" the fen lands and low grounds lying within the said Level" the
provisions of the Act of 1727 with respect to the appointment and
qualification of Commissioners were repealed and it was by the Act
now being recited provided to the following effect namely:

(Section 2.) That every owner of thirty acres of lands within the Level should be a Commissioner subject to special provisions in case of any joint ownership of such lands;

(Section 3.) That the respective lords and ladies of the several manors within the Parishes of Sutton Haddenham Welburton Stretham and Wentworth and the respective rectors of those several parishes and every person being the owner of sixty acres of land within the Level might appoint one other person to act and vote as a Commissioner in his or her stead;

(Section 15.) That the Commissioners might lay on the owners and occupiers of lands liable to be taxed an additional annual tax not exceeding three shillings per acre:

(Section 16.) That the Commissioners should in future maintain certain banks in Ewell Fen theretofore but inefficiently maintained by the owners of lands therein and that in consideration of such future maintenance the Commissioners might levy on the owners and occupiers of such lands an annual tax not exceeding ten pence per acre hereinafter referred to as "the Ewell Fen Tax";

(Section 17.) That whenever the tax levied on the lands in the Level was reduced by one shilling an acre the said tax of ten pence per acre should be reduced two pence per acre and so in proportion for any lesser sum than one shilling;

(Section 23.) That the Commissioners might borrow to the

extent (including the debts then already incurred in executing the Act of 1727) of ten thousand pounds on the security of the said taxes or any of them or any part thereof;

5 (Section 28.) That persons not properly scouring their dikes should be liable to a penalty and that the Commissioners might scour the dikes of persons in default and recover from such persons the expenses thereof;

10 (Section 30.) That the Commissioners might appoint officers to open and shut down tunnels and sluices to be used under or for the purposes of the said Act and make orders in relation to the opening and shutting down thereof to be obeyed under a penalty for any breach thereof; and

15 (Section 31.) That inasmuch as certain lands outside of but adjoining the Level and respectively known as Holts and Holbrokes containing about thirty-four acres and part of Stretham Common containing about seventeen acres would be benefited by the intended Drainage Works therefore those lands and the said part of the said Common should be deemed part and parcel of the lands to be drained and be subject to the powers of the said Act and be liable
20 to be taxed accordingly :

34 acres
17 acres

And whereas it is expedient that the provisions with respect to the qualification of the Commissioners be amended :

And whereas it is expedient that the several taxes now authorised to be levied by the Commissioners other than the Ewell Fen
25 Tax be consolidated and that the limit of the amount of such consolidated tax be increased :

And whereas the Commissioners now owe on mortgage of the said taxes the sum of two thousand pounds and no more and it is expedient that their borrowing powers be consolidated and
30 extended :

And whereas it is expedient that the provisions hereinafter contained be made with respect to pumping mills the soaking of water under the banks of and the letting of water into the Level :

And whereas it is expedient that the recited Acts be amended in divers other particulars :

And whereas there are in the Level many roads and ways not being public highways nor repairable by any person or persons ratione tenuræ and for the repairing improving and maintaining of which no provision is made by law by reason whereof such roads and ways remain in a state of disrepair to the serious inconvenience of the persons using the same and to the great prejudice of the general interests of agriculture in the Level :

And whereas it is expedient that facilities should be afforded and provision made for the improving and maintaining of existing and the making of new roads and ways in the Level by the persons interested therein :

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and BE IT ENACTED by the QUEEN'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 as follows (that is to say) :—

PART I.

PRELIMINARY.

Short Titles of this Act and of the recited Acts.

1. This Act may be cited as "The Haddenham Level Act 1884" and the recited Acts may be respectively cited as follows:

The Act of 1727 as "The Haddenham Level Act 1727" the Act of 1797 as "The Haddenham Level Act 1797" and this Act and the recited Acts may be cited together as "The Haddenham Level Acts 1727 to 1884."

Act divided into Parts.

2. This Act is divided into Parts as follows :

Part I. Preliminary ;

Part II Provisions in connection with drainage ;

Part III. Provisions in connection with Roads;

Part IV. Miscellaneous.

3. The provisions of "The Lands Clauses Consolidation Acts ^{Incorporation}
"1845 1860 and 1869." (except with respect to the purchase and ^{of parts of General}
6 taking of lands otherwise than by agreement and with respect to the ^{Acts.}
entry on lands by the Promoters) and the following Sections of "The
"Commissioners Clauses Act 1847" (that is to say):

Section 37 (Election of Chairman at meetings);

Section 38 (Manner of voting);

10 Section 49 (Power to Commissioners to appoint Committees);

Section 50 (Quorum of Committees);

Section 51 (Informalities in appointment of Commissioners not
to invalidate proceedings);

15 Sections 60 to 64 (both inclusive) (With respect to the liabilities
of the Commissioners and to legal proceedings by or against
the Commissioners);

Section 77 (Transfers of mortgages); and

Section 78 (Register of transfers to be kept):

so far as the same respectively are applicable for the purposes and
20 are not varied by or inconsistent with the provisions of this Act are
hereby incorporated with and form part of this Act.

4. In this Act words and expressions to which meanings are
assigned by or which have special meanings in enactments incor-
porated with this Act have in this Act the same respective meanings
25 unless there be something in the subject or context repugnant to
such meanings.

"The recited Acts" means the hereinbefore recited Acts;

"The Level" means the Haddenham Level;

"The Commissioners" means the Commissioners for Hadden-
30 ham Level;

[1]

C

*Election of
Chairman*

Interpretation.

“Taxable Lands” means and includes all lands liable to taxation under the recited Acts or either of them;

“Meeting” includes any adjournment of such meeting;

“Roads” means any occupation roads fen droves and cart roads not being public highways nor repairable by any person *ratione tenuræ*; 5

“Road District” means any district formed under Part III. of this Act;

“Road Authority” means the road authority constituted for a road district under Part III. of this Act; 10

“The Collector” means the Collector of Taxes appointed by the Commissioners;

In “The Commissioners Clauses Act 1847”

for such of the purposes of this Act as relate to the Commissioners— 15

“The Commissioners” means the Commissioners for Haddenham Level;

and for such of the purposes of this Act as relate to the making and maintaining of roads—

“The Commissioners” means the road authority for any road District; 20

“The Undertaking” means the roads to be made or maintained;

In this Act and in any enactment incorporated therewith the expression— 25

“Court of competent jurisdiction” or any other like expression shall be read and have effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Limits of Act.

5. The limits of this Act except when otherwise expressed or 30 implied shall be the Level.

PART II.

PROVISIONS IN CONNECTION WITH DRAINAGE.

6. With respect to the qualification of the Commissioners the following provisions shall from and after the passing of this Act have effect (that is to say):

Qualification of Commissioners.

1. Section 2 (Who shall be Commissioners) and Section 3 (Power to appoint Deputies) of the Act of 1797 are hereby repealed;

2. Every owner for the time being of forty acres of taxable lands shall be a Commissioner and the term "owner" shall include any man seised or possessed of land in right of his wife;

Owner of 40 acres

3. Every corporation and body of Commissioners and all trustees and feoffees for charitable or other purposes and any guardian trustee and committee of lunatics and idiots being seised or possessed of forty acres of Taxable Lands may from time to time appoint one person to act as a Commissioner and such person may or may not be a member or officer of the corporation body or persons who appoint him;

(1) Corporation to 40 acres (1)

4. If two or more persons be joint owners of eighty acres or upwards of Taxable Lands each of such persons shall be qualified to act as a Commissioner Provided such land if divided by the number of joint owners shall give forty acres to each of them;

Joint owners 80 acres (2 x 40 acres)

5. If two or more persons be joint owners of sixty acres of Taxable Lands such one of them as they may agree on shall be a Commissioner;

Joint owners 60 acres (1)

6. Every owner of two hundred acres or upwards of Taxable Lands shall be entitled from time to time to appoint one person who may act as a Commissioner either in the absence or in the presence of such owner;

200 acres self appointable

7. If two or more persons be joint owners of four hundred acres or upwards of Taxable Lands each of such persons shall be entitled from time to time to appoint one person who may act as a Commissioner either in the absence or in the presence of such owners Provided such land if divided by the number of joint owners shall give two hundred acres to each of them;

400 acres (2 x 200)

8. Every owner of sixty acres of Taxable Lands shall be entitled from time to time to appoint one person who may act as a Commissioner in the absence of such owner.

9. No owner shall appoint more than one deputy at any one time.

Power to lay
General Tax.

7. From and after the passing of this Act the said taxes authorised by the recited Acts (other than the Ewell Fen Tax) shall cease to be laid and in lieu thereof the Commissioners may at their meeting on Wednesday in Easter week in every year or at any adjournment thereof lay on the owners and occupiers of all Taxable Lands a tax not exceeding in any one year the sum of eight shillings per acre to be called "the General Tax."

As to Taxes.

8. With respect to all taxes leviable by the Commissioners the following provisions shall have effect (that is to say):

1. The taxes assessed by the Commissioners in any year shall as between any outgoing and incoming owner or occupier be deemed to be assessed in respect of the period of one year commencing on the sixth day of April of the year in which such assessment shall be made;

2. The taxes assessed by the Commissioners shall be paid to the Collector at such place or places in Ely or in the Level and at such time or times as the Commissioners shall from time to time prescribe in that behalf by advertisement in each of the two successive weeks next preceding such respective times in some newspaper circulating in the county of Cambridge;

3. If any person fail to pay the whole or any portion of any tax payable by him for the space of one month after the time so prescribed the Commissioners may demand and recover from him as an addition to the amount of the tax in arrear the sum of three shillings and fourpence in respect of every twenty shillings of such arrears and so in proportion for and in addition to any greater or less sum than twenty shillings so due for taxes as aforesaid;

4. The warrant of distress for the recovery of any taxes or sums of money made payable by the recited Acts or by this Act may be in the form or to the effect mentioned in Schedule A to this Act and all such taxes or sums of money for the time being remaining payable by any one occupier of Taxable Lands may be lawfully included and levied under one warrant and by one levy and entry to be made on any part or parts of such Taxable Lands for and in respect of the whole of the lands of such occupier and no demand or summons shall be necessary previous to executing such warrant but ten days at least previously to executing the same the Commissioners

*Penalty
3/4 in £
1 month after
time prescribed
Compulsory*

shall under the hand of their clerk cause notice of such distress to be left at or transmitted by post to the usual or last known place of abode of such occupier at his cost but not exceeding the sum of two shillings and six pence;

5 5. Every tax may be made prospectively in order to raise money to pay expenses to be incurred after the laying of such tax or retrospectively in order to raise money to pay expenses incurred before the laying of such tax whether before or after the passing of this Act or partly prospectively and partly retrospectively and may include the estimated costs of collecting and recovering the tax;

6. Any tax may if the Commissioners think fit be made payable by half-yearly moieties on such days as the Commissioners shall appoint at the time of laying the same;

15 7. If any person fail to pay any amount due from him in respect of any tax the Commissioners may (but without prejudice and in addition to any other remedy they may have in that behalf) recover the same in any Court of competent jurisdiction;

Recover same in any Court

20 8. The several provisions now in force of the recited Acts relating to the making assessing rating taxing charging levying paying collecting and recovering of taxes and arrears of taxes and the penalties for non-payment of taxes shall (subject to the provisions of this Act) extend and apply mutatis mutandis to and in relation to the like matter in respect of the general tax and the arrears thereof.

25 9. Section 17 (Directing the Acre Tax on Ewell Fen to be reduced) of the Act of 1797 shall be read and construed as though two shillings per acre were inserted therein instead of one shilling per acre.

As to reduction of Ewell Fen Tax.

30 10. In lieu of the moneys which the Commissioners may from time to time borrow under the provisions of the recited Acts they may from time to time borrow and reborrow on security of the general tax any sum or sums not exceeding ten thousand pounds and the following provisions shall have effect with respect thereto (that is to say):

As to borrowing moneys.

35 (1) The said sum or sums shall be borrowed and reborrowed for any period not exceeding thirty years from the date of the original loan by means of terminable annuities or by way of mortgage or partly by one mode and partly by the other;

(2) The Commissioners shall pay off any moneys borrowed by them by way of mortgage by means of a Sinking Fund to be formed by the annual appropriation of such a sum at least as when invested in such securities as are for the time being authorised by law for investment by trustees will with the accumulation thereof suffice to pay off the borrowed moneys within thirty years from the date of borrowing the same; 5

(3) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for which it was established Provided they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such mortgages then outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto; 10 15 20

(4) The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or applied for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under "The Public Health Act 1875" in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Commissioners have failed to set apart the sum required for the sinking fund or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised 25 30 35 40

the Local Government Board may if they think fit and after hearing the Commissioners (if they so desire) by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or
5 applied as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice ;

(5) The Commissioners shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be
10 subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Commissioners shall from time to time be a sufficient discharge to the Commissioners in respect thereof notwithstanding any trusts to which such
15 loan or security may be subject and whether or not the Commissioners have had express or implied notice of any such trust or of any charge lien or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Commissioners shall not be bound to see to
20 the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money ;

(6) A person lending money to the Commissioners shall not be bound to inquire as to the observance by them of any provision of the recited Acts or to see to the application or be
25 answerable for any loss misapplication or non-application of any of such money ;

(7) If any money be made payable to a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a
30 sufficient discharge to the Commissioners ;

(8) If within one month after any instalment of an annuity or any part thereof has become payable and after demand thereof in writing it be not paid the annuitant without prejudice to his right to sue for the amount in arrear in any Court of competent jurisdiction may if his debt alone amount to the sum of one hundred pounds
35 or if his debt does not amount to that sum he may in conjunction with other annuitants whose debts being so in arrear after demand as aforesaid shall together with his debt amount to the said sum require the appointment of a receiver by an application to be made
40 as in this Act provided ;

(9) The mortgagees may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one-tenth of the amount which the Commissioners shall have borrowed on mortgage; 5

(10) Every application for a receiver shall be made to two Justices and on such application such Justices by order in writing after hearing the parties may appoint some person to receive the whole or a competent part of the taxes liable to the payment of such annuities or mortgage debts as the case may be until the annuities or mortgage debts so in arrear and in respect whereof the receiver is appointed and all costs including the costs of receiving such taxes be fully paid and upon such appointment being made all such taxes shall be paid to and received by the person so appointed who is hereby empowered to give good and sufficient discharges for the same and the money so to be received shall be so much money received by or to the use of the several annuitants or mortgagees interested in the same and shall be distributed by the receiver accordingly and after all moneys so in arrear and costs shall have been paid the power of the receiver shall cease; 10 15 20

(11) The money borrowed under this Part of this Act shall be applied as follows; 25

First. Towards paying the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act.

Secondly. In paying off the said sum of two thousand pounds; and 30

Lastly. In carrying into execution the objects of the recited Acts and of this Part of this Act to which capital money is properly applicable and for no other purpose.

Amending and extending s. 28 of the Act of 1797.

11. (1) So much of Section 28 (Penalty on neglecting to cleanse Dikes) of the Act of 1797 as requires the collector receiver or other officer acting thereunder to have an order in writing is hereby repealed. 35

(2) The Commissioners may recover any penalty charges and expenses payable to them under the provisions of the said Section 28 in any Court of competent jurisdiction without prejudice to any other remedy they may have in that behalf.

Dr. M. S.
X

5 **12.** In order to settle any question which may have arisen as to whether or not any part of the Taxable Lands are prevented from having the full benefit of the pumping engines of or under the control of the Commissioners and to prevent any such question arising in the future all sluices in any main drain of the Level leading
10 to any such engine shall be kept entirely open while such engines are at work for drainage purposes and the Commissioners shall not continue place or use any sluice or obstruction of any kind whatsoever of such a size or in such a way in any such main drain as to impede the flow of water towards such engines while they are so
15 at work.

All sluices on main drains to be open whilst pumping engines are at work.

13. With respect to private mills the following provisions shall have effect (that is to say) :

As to mills for the pumping of water.

20 (1) Any owner of Taxable Lands may from time to time erect a mill upon such lands at a distance of not less than fifty yards from and for the purpose of pumping and delivering drainage water into a drain of the Commissioners ;

25 (2) Any owner of lands drained by such mills as in the last sub-Section mentioned or the occupier of any such lands with the consent of his landlord may from time to time make in such lands or in the division or other ditches of such lands such sluices staunches dams or headings as may be requisite to confine to such lands the exclusive use and benefit of the said mills or to prevent or restrain the flow of water into the lower parts of such lands from any other parts thereof ;

30 (3) Any owner of Taxable Lands with the previous consent of the Commissioners under the hand of their clerk and upon such terms and conditions as they may impose may from time to time erect and maintain any mill for the purpose of pumping water into any ditch or drain not being a drain of the Commissioners ;

35 (4) Any owner of Taxable Lands or the occupier of any such lands with the consent of his landlord may from time to time make

in such lands or in the ditches dividing such lands any dams or headings for the purpose of keeping up a sufficient head of water for the benefit of lands lying higher in level than other lands near or adjacent thereto but no such dam or heading shall be made within the distance of thirty yards from any drain of the Commissioners; 5

(5) Nothing in this Section shall authorise the doing of or the consenting to any act or thing whereby any lands or persons may be injuriously affected otherwise than by the effect of pumping or delivering drainage water into a drain of the Commissioners; 10

(6) If any difference arise as to whether or not any lands or persons be so injuriously affected such question shall be determined by a surveyor to be agreed on between the parties in difference or in default of such agreement to be appointed upon the application of either of such parties by two Justices. 15

(7) Section 26 (Penalty on working Horse Mills) of the Act of 1797 shall only have effect subject to the provisions of this Section.

Power to agree as to draining off water soaking under Banks near the Level.

14. For the protection of the Level and for reducing the soakage of water through or under any banks near the Upper Delphs or any other portion of the Level it shall be lawful for the Commissioners if they shall so think fit at any time to contract and agree with any owner or owners of such banks or with any owners or occupiers of any lands adjoining or near thereto or with any body of Commissioners having authority for drainage purposes over such banks or lands for the improving of any of such banks or for the draining off or receiving of the waters from any such lands into and for the disposing of the same through the drainage works of the Level for such times upon such terms and conditions and for such yearly or other sums of money respectively as the Commissioners shall think adequate which sums of money so to be contracted and agreed for shall be from time to time applied by the Commissioners for the purposes of the recited Acts and such body of Commissioners may apply any funds over which they have control for the purposes of carrying into effect any such agreement. 20 25 30

As to letting in of water into the Level.

15. For the purpose of controlling the undue letting in of water into the Level the Commissioners or any Committee thereof duly appointed may from time to time make such orders and 35

prescribe such conditions and regulations as they think fit with respect to the opening and shutting of any tunnel or sluice already made from the Hundred Foot Bank and the bank of the Old River Ouse called the West River or either of those banks into any drain of the
5 Commissioners or into any dike belonging to or having connection with any dike or drain belonging to any of the Taxable Lands and the provisions of Section 30 of the Act of 1797 shall extend and apply mutatis mutandis to and in relation to any such orders conditions and regulations and to any breach thereof respectively.

10 **16.** For the purpose of the letting in of water into the Level the Commissioners may subject to such conditions and regulations as they think fit continue any tunnel already made through or under any of the banks of the Level into any drain of the Commissioners or into any dike or drain belonging to any of the Taxable Lands with he
15 doors sluices or staunches proper for working such tunnels and may construct and lay down any other tunnels through or under the said banks into any such drain or dike with such doors sluices or staunches as aforesaid.

As to letting in of water into the District.

17. So much of Section 7 (Orders not to be revoked but at
20 subsequent meetings) of the Act of 1797 as requires notice of a Special Meeting to be given by affixing the same on the Church doors of the several Parishes therein named is hereby repealed and from and after the passing of this Act notice of every such Special Meeting shall be given by advertisement inserted once in each of the two
25 weeks next preceding the date of such Special Meeting in such newspaper published in the County of Cambridge as may be from time to time fixed by the Commissioners at their meeting in Easter Week.

Notice of Special Meetings.

PART III.

PROVISIONS IN CONNECTION WITH ROADS.

30 **18.** The provisions of this Part of this Act (hereinafter referred to as "Part III.") shall extend and apply only to and in relation to the making and maintaining of roads.

Application of Part III.

19. The word "owner" in Part III. means the person corporation or body for the time being entitled to receive the rack-rent
35 of the land in respect of which the word is used either on his or their own account or as trustee for any other person or persons.

Meaning of "Owner" in Part III.

Preliminary
meeting for
adoption of Act.

20. Any two or more persons having a right of way either as owners or occupiers (or partly in one right and partly in the other) or being otherwise interested in any road or roads may by not less than ten days' previous notice to be given as hereinafter prescribed call a preliminary meeting of the owners interested in such road or roads to consider the expediency of taking proceedings for the adoption of Part III. 5

Notice to be
given of preli-
minary meeting.

21. The notice shall specify a convenient time and place for holding the meeting and the road or roads in respect of which it is to be held and shall be sent to every owner at his usual place of residence or to his agent and shall also be published by handbill affixed in some conspicuous manner upon the line of such road or roads and on or near to the principal door of the parish church of the parish or parishes in which any part of such road or roads is or are situate. 10 15

Voting in
person or by
deputy.

22. Any such owner may attend and vote at the preliminary meeting either personally or by his deputy appointed by writing under his hand and any such appointment may be in the form in Schedule B to this Act or to the like effect.

Chairman to be
chosen.

23. The meeting on its assembling shall choose one of its number to be Chairman and he with the consent of the majority of owners present thereat personally or by deputy may adjourn the meeting from time to time. 20

Deposit of Plan
&c.

24. If the preliminary meeting by a majority of the votes of the owners so present as aforesaid determine to proceed further towards the adoption of Part III. the Chairman shall cause to be prepared a plan showing the road or roads in question and the lands the owners of which it is proposed to make to contribute to the making and repairs thereof and a schedule of such lands with the names of such owners and the quantity of such lands as nearly as can be ascertained according to the parish or tithe map and survey and shall deposit a copy of such plan and schedule with the parish clerk of every parish in which any portion of such lands is situate or if there be no parish clerk then with the vestry clerk or a churchwarden of such parish. 30 35

Second Meet-
ing.

25. The Chairman of the preliminary meeting shall give notice in manner aforesaid of the deposit of the said plan and schedule

and in such notice shall call a second meeting of the owners of all the lands mentioned in the said schedule to be held at a time and place to be named in the notice to determine whether Part III. shall be adopted or not.

5 **26.** At the second meeting a Chairman shall be appointed by the majority of such owners so present as aforesaid and voting and such Chairman shall determine for the further purposes of the meeting the acreage of the lands mentioned in the said schedule. Voting at
Second Meeting.

10 **27.** So soon as the said acreage has been determined the Chairman shall propose a resolution for the adoption of Part III. Any amendment or amendments to omit any portion or portions of the said lands may be proposed and the meeting shall decide whether Part III. shall be adopted or not and whether all or what part or parts of the lands set forth in the said schedule shall be included As to resolution
for adoption of
Part III.
15 within its operation and the lands so included shall form a Road District and the meeting shall determine by what name the Road District shall be known and the Chairman shall mark upon a copy of the said plan the boundary of such Road District and shall sign the same and such plan shall be deposited with the clerk to the Com-
20 missioners for safe custody.

28. No resolution for the adoption of Part III. of this Act shall be passed unless persons representing a majority of the whole acreage of the area to be included within the operation of such resolution be present at the said second meeting and vote for the The majority
required.
25 resolution and subject thereto all questions at the said second meeting shall be determined by a majority in number of the owners so present as aforesaid Provided that no such owner shall vote in respect of any land not included in the operation nor forming the subject matter of the proposition to be determined by such votes.

30 **29.** If Part III. of this Act be adopted the following provisions shall have effect : Proceedings
when Part III.
adopted.

1. The costs charges and expenses of and in relation to the proceedings for the adoption of Part III. shall be deemed expenses incurred in the execution of Part III. ;

35 2. At the second meeting or at any adjournment thereof the owners so present and voting shall appoint a waywarden who shall

hold office until the first annual meeting of the Road Authority and shall subject to the provisions of this Act exercise all or such of the powers and duties of the Road Authority as such Authority shall from time to time delegate to him ;

3. The said Chairman shall forthwith publish the resolution by which Part III. was adopted in a newspaper published and circulating in the county of Cambridge and shall also cause the same to be affixed on or near to the principal door of the parish church of every parish within which any part of the Road District lies and thereupon the owners of lands lying within such Road District shall (subject to the provisions of Part III.) be liable to the maintenance of the roads therein in the same manner as the inhabitants of any parish are liable to the maintenance of the public highways thereof and the owners within such Road District shall be the Road Authority thereof ;

4. The waywarden shall forthwith prepare a report setting forth all the roads in the Road District stating their width and condition and the manner in which they should be repaired and whether the same or any or either of them or any part or parts thereof respectively can with advantage be narrowed straightened or altered and such report shall be submitted to some adjournment of the second meeting or to the next annual or to a special meeting of the Road Authority who shall give such directions with respect thereto as they may think fit ;

5. The Road Authority shall hold an annual meeting on such day within fourteen days next after the sixth day of April in every year as shall be fixed by the waywarden and notice thereof shall be given in the manner hereinafter prescribed for the convening of a special meeting and all business other than that to be transacted at a special meeting shall be transacted at the annual meeting and the waywarden for the ensuing year shall be then appointed ;

6. A special meeting of the Road Authority may be called from time to time by the waywarden or by any two members of the Road Authority by circular addressed to every owner within the Road District or his agent or deputy and sent by post seven clear days before the holding of such meeting.

30. The Road Authority may from time to time within the Road District for which they act do all or any of the following acts or things :

1. They may make and maintain new roads ;
2. They may form and make repair and keep up roads and may metal gravel and fence off the same and make and maintain foot-paths upon or along the side of any roads ;
- 5 3. They may dig clamp and burn any clay or other materials found or being in under by the side of or upon any road and suitable to the forming or making of permanent roads provided they restore the surface of such road and do not alter the level thereof nor leave any unfenced excavation by the side thereof ;
- 10 4. They may close any road not in their opinion required for the purpose of any lands within the Road District ;
- 5 5. The Road Authority on the one hand and the Road Authority of any other Road District on the other hand may enter into and carry into effect agreements for the making and maintaining
15 of new roads and the forming repairing altering narrowing straightening and maintaining any existing road upon and for such payments terms and conditions as they may think fit ;
- 20 6. Any Road Authority on the one hand and the vestry of any parish or the Highway Board of any district within which any road or part of a road within the district of such Road Authority shall be situate on the other hand may enter into and carry into effect agreements for and with respect to the acceptance
25 by such vestry or Highway Board of such road or any part or parts thereof situate within such parish or Highway district as a public highway upon such terms and conditions as they think fit ;
7. They may by agreement purchase lands or materials for the making of new roads the shortening or straightening of any road or the connecting of any road with any other road within or without the district ;
- 30 8. They may (subject to any existing rights of pasturage and with the consent of the Commissioners) authorise the owners whose lands abut on any road which may be closed under the powers of this Act or on any plot or plots of land at the side of any road or roads which plot or plots may not be required for
35 the purposes thereof to enclose and annex to their lands, so abutting such plot or plots in consideration of such payments and upon such terms and conditions as the Road Authority may think fit ;

9. They may let (subject to any existing rights of pasturage) any herbage on or by the side of any road repaired wholly or in part by them.

Vestries &c.
may levy rates.

31. Any such vestry or Highway Board entering into any agreement with the Road Authority under the powers in that behalf 5 in Part III. may pay or cause to be paid out of their highway rates such sums of money costs and expenses as may be necessary for carrying into effect any such agreement.

Road District
Fund and Rates.

32. All money payable to the Road Authority shall be carried to the credit of an account called "the Road District Fund" out of 10 which all the expenses of and in relation to the Road District shall be paid and in order to defray any such expenses which that fund is insufficient to meet a Road District rate shall be made and levied upon the lands lying within the Road District according to their acreage in conformity with the following provisions (that is to 15 say) :

1. The Road Authority at the annual meeting shall yearly determine the amount of rate (if any) to be made for the ensuing year and what portion thereof shall be for the repairing and main- 20 taining of roads and other purposes to which revenue is properly applicable and whether any and if any what lands shall be wholly or partially exempt therefrom and the waywarden shall make and levy such rate accordingly distinguishing what portion thereof is for the repairing and maintaining of roads and other 25 purposes to which revenue is properly applicable and every such rate shall be open to inspection by any owner of land within the Road District at all reasonable hours without fee ;

2. Every Road District rate shall be payable by and may be recovered from the occupier of the land in respect of which it is owing and such occupier so paying may deduct and retain the 30 amount he may pay under this enactment for any purpose other than for the repairing and maintaining of roads and other purposes to which revenue is properly applicable from the rent from time to time due or becoming due to the owner of such land who shall allow the same as though it had been actually paid to him as part 35 of the said rent provided that (unless such occupier refuse to disclose the amount of rent so due from him) he shall not be required to pay any greater sum than the amount of rent for the time being

due from him or which shall become payable after demand of such rate from and after notice not to pay to his landlord any rent without first deducting the amount of the said rate provided also that nothing herein contained shall affect any contract between
5 a landlord and tenant;

3. Subject as aforesaid the provisions for the time being in force for the recovery of highway rates shall extend and apply to Road District rates.

10 **33.** To defray the expenses of executing the purposes of this Part of this Act to which capital is properly applicable the Road Authority may from time to time borrow on the security of the Road District Rates any sum or sums not exceeding in the whole the sum of eight hundred pounds for every mile of new road which the Road Authority shall make and metal and for every
15 mile of road they shall convert into a metalled road within such Road District and the provisions for the time being in force with respect to the borrowing of money by the Commissioners and the repayment of such money shall extend and apply mutatis mutandis to the like matters in respect of the moneys borrowed by the Road
20 Authority.

Power to Road Authority to borrow.

34. The Road Authority shall cause accounts to be kept of all receipts and disbursements under the powers of Part III. and such accounts shall be made up annually to Lady Day and be presented to and passed at the annual meeting of the Road Authority held in
25 every year and a copy thereof shall be deposited with the clerk to the Commissioners and shall be open to the inspection of every owner of land within the Road District at all reasonable hours without fee.

Accounts.

35. Any owner may attend and vote at any meeting of the Road Authority either personally or by his deputy appointed by writing under his hand and any such appointment may be in the form in Schedule B to this Act or to the like effect.

Deputies.

36. If any road in the Road District be out of repair any owner of land therein may summon the waywarden thereof before the

Waywarden may be summoned for non-repair.

Justices who may deal with him as they may deal with any Surveyor of Highways for the non-repair of any public highway under his charge or such owner may prefer an indictment against the Road Authority in the like circumstances in which any person may prefer an indictment against the inhabitants of a parish in which any public highway is out of repair and under and according to the like provisions as are for the time being in force in that behalf. 5

Roads in more than one petty sessional division &c.

37. If any Road District be in two or more petty sessional divisions or County Court Districts the Road District shall for the purpose of the recovery of any Road District rates and any summons or indictment for non-repair be deemed to be in the jurisdiction of any or either of such divisions or County Court Districts. 10

PART IV.

MISCELLANEOUS.

Preserving rights of the Corporation of Bedford Level.

38. Nothing in this Act contained shall 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 and commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level or in the said governor bailiffs and conservators 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 all rights powers and authorities whatsoever which by virtue of the said Act of the fifteenth year of King Charles the Second or of any other Act or statute whatsoever now are vested in the said governor bailiffs and commonalty or in the said governor bailiffs and conservators 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. 15 20 25 30

Costs of Act.

39. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners out of the first moneys which come to their hands. 35

SCHEDULES.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A).

FORM OF WARRANT TO DISTRAIN.

WHEREAS the Commissioners for Draining Haddenham Level in the exercise of the powers to them given or in them vested in that behalf by "The Haddenham Level Acts '1727 to 1884'" duly made one assessment of drainage taxes for each of the several years mentioned in the fourth column of the Schedule endorsed hereon, and did by each such assessment assess rate tax and charge the Fen lands and low grounds and soakage land in such assessment mentioned or referred to and the then respective owners and occupiers of such lands for the time being including the lands referred to in the second and third columns of the said Schedule with the respective taxes in such assessment mentioned and did by each such assessment order and direct that the taxes thereby imposed should be paid to the collectors therein appointed to receive the same at the time and place therein mentioned.

And whereas by virtue of and under each of the said assessments certain land in the parish of _____ in the county of Cambridge referred to in the second and third columns of the said Schedule being at the time of the date of the said assessments respectively in the possession or occupation of _____ was duly assessed to the said tax in the sum of money [or several sums of money] mentioned in the fifth column of the said Schedule and therein respectively set opposite to the year of such assessment and the said _____ as the occupier of the said lands for the time being was duly assessed and became liable to pay the said sum [or respective sums] to the collectors so appointed to receive the same at the time and place in the said assessment duly mentioned and set forth.

And whereas the said _____ neglected and failed to pay to the said collector the said several sums of money so duly assessed on and payable in respect of the said land [or respective lands] referred to in the said second and third columns of the said Schedule as aforesaid either before or at the several times and places duly appointed for the collection of the same sums respectively and thereby forfeited and became liable to pay as a penalty the several sums of money mentioned in the sixth column of the said Schedule and therein set opposite to such first-mentioned sums of money respectively being respectively sums of three shillings and fourpence for and in addition to every twenty shillings of such first-mentioned sums respectively or so in proportion for and in addition to any greater or less sum than twenty shillings so due for tax as aforesaid.

[1]

THE SCHEDULE WITHIN REFERRED TO.

1. Occupier at the time of the date of Assessment.	2. Nature of Lands.	3. Acreage of Lands.	4. Year for which the Assessment was made.	5. Arrear of Taxes.	6. Penalty on the said Taxes.	7. Amount of Arrear and Penalty.
		A. B. P.		£ s. d.	£. s. d.	£. s. d.

SCHEDULE (B).

FORM OF PROXY.

HADDENHAM LEVEL ACT, 1884.

I A.B. of _____ being the owner of lands in the Haddenham Level do hereby appoint C.D. of _____ to attend and vote for me in my absence at any meeting to be held under the provisions of Part III. of the above-named Act and this appointment shall hold good until revoked in writing under my hand.

Dated this _____ day of _____

N.M.

THE HADDENHAM LEVEL
1884.

AN ACT

To Amend the Acts relating to the HADDENHAM LEVEL and to provide for the Making and Maintaining of Roads in the said Level and for other Purposes.

[ROYAL ASSENT, 28TH APRIL, 1884.]

47 & 48 VICT.—SESSION 1884.

JOSEPH ROGERS,

Ely,

Solicitor.

DYSON AND CO.,

28 & 24, Parliament Street, Westminster.