Anno tricesimo

Georgii II. Regis.

An Act for Draining and Preserving certain Fen Lands, Low Grounds, and Commons, in the Townships or Hamlets of *March* and *Wimblington*, and in the Parish of *Upwell*, in the *Isle of Ely*, and County of *Cambridge*.



WHEREAS certain Fen Lands, Low Grounds, and Commons, lying and being in the several Townships or Hamlets of March and Wimblington, and in the Parish of Upwell, in the Isle of Ely, in the County of Cambridge, containing in the Whole, Eleven thousand Acres, or thereabouts, and which are bounded as follows; that is to say, From March Bridge, North-eastward, along the South-east Bank of the River Nene, to the Lands belonging to James Collier Esquire, and from thence Eastward, by the Bank belonging to the said James Collier Esquire, to the East Side of Well or March Pingle, and from thence Southward, by the said Bank, to a Piece of Land called March Town Piece, and from thence Eastward, by the said Bank, to a certain Drain called Thurloe's Drain, or The Sixteen Foot; and along that Preamble.

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that Drain on the West Side thereof, to the Bank on the Northward Side of the Lands belonging to the said James Collier, now or late in the Occupation of Robert Glenton, and by that Bank to Lord Townshend's Lands, and by the said Bank on the Side of Lord Townshend's Lands, to Horsemore Severals, called The Thirties; and from thence, by the East Side of Horsemore Thirties and Horsemore Fifties, to the Lands lately belonging to Thomas Revel Esquire; and from thence, Westward, between Horsemore Fifties and the Lands lately belonging to the said Thomas Revel, to Wimblington Lots; and from thence, Southward, between Wimblington Lots and the said Lands lately belonging to the said Thomas Revel, and Barber's Lot, to the Gravel Bank, and by that Bank, on the North Side thereof, to a Place called The Hook; and from thence, along the Common on the North Side of Dorrell's Bank, to Sir Thomas Peyton's Dole, and so to Mill Hill; and from thence, along the Edge of the low Parts of the Commons and Greens called Stow Fen and Town End Green, to the South Bank of the said River Nene; and along the said Bank, Westward, to a certain antient Sewer called The Hithe or Hive; and from thence, by the Edge of the Hardlands, to Ransonmoor Bank; and along the North Side of that Bank to Master Collier's Bank; and along the East Side of that Bank, to the River Nene aforesaid; and along the South Side of that River, to March Bridge; and from thence, on the North Side of the said River Nene, Westward, to Lands belonging to Eleanor and Sarah Hake; and from thence, excluding those Lands, to Shaw's Dike, and along Shaw's Dike to Bevil's Leam; and along the said Leam to Hob's Drain; and along Hob's Drain to Moor's Drain; and from thence, Eastward, along the said Drain, to the said River Nene; and from thence, South Eastward, along the North Bank of the said River to March Bridge, are frequently very much annoyed with Waters, through the Defect of their Outfalls to Sea, to the great Damage and Impoverishment of the Owners of such Lands, and to the Loss of the Publick: And whereas the said Fen Lands, Low Grounds, and Commons, cannot be drained and preserved without the Aid of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the better

and

and more effectual Execution of the Purposes of this Act, the said Fen Lands, Low Grounds, and Commons, shall be and are hereby divided into Six Districts; and that the Lands and Grounds which are bounded and described as follows; that is to say, From March Bridge, North Eastward, along the South East Bank of the River Nene, as far as the Lands belonging to James Collier Esquire; and from thence, Eastward, by the Bank belonging to the said James Collier, to the East Side of Well or March Pingle; and from thence, Southward, by the said Bank, to a Piece of Land called March Town Piece; and by the West End of such Piece of Land, to the Outring Ditch, between Bynnimoore Common and the Bedlam Lands, and along the West Side of such Ditch, to Horsemore Severals called The Thirties; and from thence, by the East Side of Horsemore Thirties and Horsemore Fifties, to the Lands lately belonging to Thomas Revel Esquire; and from thence, Westward, between Horsemore Fifties and the Lands lately belonging to the said Thomas Revel, to Wimblington Lots; and from thence, Southward, between Wimblington Lots, and the said Lands lately belonging to the said Thomas Revel, and Barber's Lot, to the Gravel Bank; and along the said Gravel Bank, on the North Side thereof, and excluding the same Bank, to a Place called The Hook; and from thence, along the Common on the North Side of Dorrell's Bank, excluding the said Bank, to Sir Thomas Peyton's Dole, including the said Dole; and along the South Side of the said Dole, to a Place called Mill Hill; and from thence, along the Edge of the low Parts of the Commons and Greens called Stow Fen and Townend Green, with the Great and Little Hurst, Wich Fen, and Joan Saddshole, including the said low Parts of the said Commons and Greens, and so to the South Bank of the said River Nene, and to March Bridge; and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, Two thousand five hundred Acres, or thereabouts, shall be deemed the First of the said Districts; and that the Lands and Grounds which are bounded and described as follows; that is to say, From the South East Corner of the Lands belonging to the said James Collier Esquire, late Naylor's, along the West Side of the said Drain called Thurloe's Drain, or The Sixteen Foot, to the Bank on the Northward Side of the Lands belonging to the said James Collier Esquire, now or late in the Occupation of Robert Glenton, and by that Bank, to Lord Townshend's Lands, and by the said Bank, on the Side

Lands to be divided into 6 Districts.

The First District.

Lands comprised in the 2d District.

of Lord Townshend's Lands, to Horsemore Drove, and on the East Side of such Drove, by Lord Townshend's Lands, Owen Gray's Lands, John Eaton's Lands, Christopher Adamson's Lands, and March Town Lands, including all the said Lands, to another Bank belonging to the said James Collier, by that Bank on the West and North Sides of March Town Lands, and the North Side of the Earl of Anglesea's Lands, including those Lands to the said Drain called Thurloe's, or, The Sixteen Foot; and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, One thousand two hundred Acres, or thereabouts, shall be deemed the Second of the said Districts: And that the Lands and Grounds which are bounded and described as follows; that is to say,

Lands comprised in the Third District;

From March Bridge, Westward, on the South Side of the River Nene, to the Hythe; and from thence by the Edge of the Hardlands of Sumps Common, to the Hardlands on Burrowmore Common; and from thence by the Edge of the Hardlands, to Ransonmoor Bank; and along the North Side of that Bank, excluding the same, to Walter Collier's Bank, excluding the said last-mentioned Bank; and along the East Side of that Bank to the River Nene; and along the South Side of the said River to the Hythe aforesaid, and so to March Bridge; and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, Seven hundred Acres, or thereabouts, shall be deemed the Third District; that the Lands and Grounds which are bounded and described, as follows; that is to say,

in the Fourth District;

From March Bridge, by the North Side of the River Nene, Westward, to Lands belonging to Eleanor and Sarah Hake; and from thence, excluding those Lands, to Shaw's Dike; and along Shaw's Dike to Bevill's Leam; and along the said Leam to Hob's Drain; and along that Drain to a certain publick Highway called The New Road; and along that Road, excluding the same, to Norwood Common; and by the Edge of the Hardlands of the said Common, to a Lane called Brooks's Lane, excluding the said Lane, and so to March Bridge; and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, Six thousand Acres, or thereabouts, shall be deemed the Fourth District; that the Lands and Grounds which are bounded and described as follows; that is to say,

in the Fifth District;

From March Bridge, on the North Side of the River Nene, to the Edge of the Highlands lying against Pouts-hirn; and along that Edge, to a certain Farm called Estepher

Farm, belonging to the Master, Fellows, and Scholars, of Saint John's College in Cambridge, and now in the Tenure of Thomas Hunt, including the Low Lands in the said Farm; and so by the Edge of a Piece of Land called The New Piece, to the Hardlands, of a Place called Hundred-acres Hirn; and along that Hirn, to the Old Chain; and from thence, Eastward, along Moor's Drain, as far as the River Nene; and from thence, South-west, along the North Bank of the River Nene, including the said Bank, to March Bridge, and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, Eight hundred Acres, or thereabouts, shall be deemed the Fifth District; and that the Lands and Grounds which are bounded and described as follows; that is to say, From that Part of the said new Road which lies on the South Side of Moor's Drain, along by the said Drain to a Place called The Old Chain; and from thence to Norwood Common Green, and so by the Edge of the Hardlands of the said Common, to the new Road aforesaid; and by the East Side of such Road, to Hob's or Moor's Drain; and all the Lands and Grounds lying within the said Boundaries, containing in the Whole, Seven hundred Acres, or thereabouts, shall be deemed the Sixth District.

Lands comprised in the 6th District.

And be it further enacted by the Authority aforesaid, That the Lord or Lords, or Lady or Ladies, for the time being, of the Manor of Dodington, with the Members, or, in his, her, or their Absence, an Agent appointed by such Lord or Lords, Lady or Ladies, under his, her, or their Hand or Hands, the Rector of Dodington for the time being, the Town Bailiff of March for the time being, the Bursar of Saint John's College in Cambridge for the time being, and the Tenant or Occupier of Estepher Farm for the time being, together with such Owners of Lands respectively, as are herein after mentioned; that is to say, Each and every real Owner, for the time being respectively, of Forty Acres or more, of Several Lands, subject to be taxed by virtue of this Act, lying within the First, Third, Fifth, and Sixth Districts, or within all, any, or either of such Districts; and also each and every real Owner for the time being respectively, of Two or more Lots or Doles, to which Two or more Rights of Common do belong, on the Commons and commonable Parts, within all, any, or either of the said First, Third, Fifth, and Sixth Districts; and also each and every real Owner, for the time being respectively, of Two or more Lots or Doles lying within the said Hamlet of Wimblington, during such Time

Commissioners for 1st, 3d, 5th, and 6th, Districts.

Time as such respective Ownerships shall continue, shall be, and are hereby appointed joint Commissioners, at all Times hereafter, for putting in Execution this Act, for and in respect to the said First, Third, Fifth, and Sixth Districts.

Commissioners intitled out to One Vote.

Provided always, That this Act shall not extend to impower any Person who shall be intitled to act as a Commissioner by virtue of all or any of the Qualifications aforesaid, to give any more than One Vote in relation to any Question which may arise touching the Execution of this Act.

Commissioners for the 2d District;

And be it further enacted by the Authority aforesaid, That all such Persons as are, for the time being respectively, the real Owners of Twenty Acres or more, of Several Lands, subject to be tared by virtue of this Act, and lying within the said Second District, during the Time such respective Ownerships shall continue, together with such Persons as shall be nominated in Manner herein after mentioned, shall be, and are hereby appointed Commissioners, at all Times hereafter, for putting in Execution this Act, for and in respect to the said Second District; and that every Person respectively, who shall be the real Owner of Fifty Acres, or more, of Lands subject to be tared by virtue of this Act, over and above such Twenty Acres as aforesaid, and lying within the said Second District, may, and every such Person is hereby authorized to nominate and appoint, by Writing under his Hand, One Commissioner for every Fifty Acres of the said Lands, which such Person shall be so possessed of, or intitled to, over and above such Twenty Acres as aforesaid; and every Person so appointed, during the Time such Appointment shall continue, or the Person making the same, shall be possessed of the Lands, in respect whereof such Appointment was made, shall and may act as a Commissioner for the said Second District, as fully and effectually to all Intents and Purposes, as if such Person was the real Owner of Twenty Acres of tarable Lands within such District.

for 4th District.

And be it further enacted by the Authority aforesaid, That Sir John Bernard Baronet, Matthew Wyldbore, Maximilian Walsham, Robert Forster, Hutton Perkins, Armsted Parker, Esquires; Simon Goodman, Matthew Walton, Thomas Spring, Thomas Bowker, Simon Hardy, John Wrangle, the Reverend John Wakelin, Thomas Waddington, John Goostrey, Nevil Goodman, Charles Brown, James Boyce, Richard Smith, Robert Barker, and the Steward for the time being of Wade's Charity, shall be, and they and their Successors, to be elected in

Manner herein after mentioned, are hereby appointed Commissioners for putting in Execution this Act, for and in respect to the said Fourth District.

Election of Commissioners for 4th District.

And be it further enacted by the Authority aforesaid, That upon the Death, Disqualification, Resignation, or Refusal to act, of any Commissioner herein before named, or hereafter to be elected for the said Fourth District, except the said Steward for the time being for Wade's Charity, it shall be lawful for the surviving or remaining Commissioners for such District, or any Five or more of them, assembled at a Meeting to be held for that Purpose, whereof Twenty one Days Notice shall be given in Writing, to be affixed on March Bridge, to chuse and elect, from time to time, One other Person, being qualified as herein after mentioned, a Commissioner, in the Place of the Person who shall die, resign, become disqualified, or refuse to act as aforesaid; and every such new Commissioner shall have the same Power and Authority for putting this Act in Execution, as if he had been herein named a Commissioner for such District.

Qualification.

Provided always, That no Person hereby appointed, or hereafter to be chosen, a Commissioner for the said Fourth District, shall be enabled to act as a Commissioner for such District, except the said Steward of Wade's Charity, unless he shall be the real Owner of Three or more Lots or Doles, to which Three or more Rights of Common, on the Commons and commonable Parts, do belong, within the said Fourth District, or the real Owner of Sixty Acres, or more, of several Lands, subject to be tared by virtue of this Act, and lying within such Fourth District.

Agents may be appointed.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for any Commissioner for the said First, Third, Fifth, and Sixth Districts, who, for the time being, is the real Owner respectively of Eighty Acres, or more, of such several Lands as aforesaid, or Four or more such Lots or Doles as aforesaid; and also for any Commissioner for the said Second District, who, for the time being, shall be a Commissioner in his own Right, as the real Owner respectively of Twenty Acres, or more, of such several Lands, as aforesaid; and also for any Commissioner for the said Fourth District, who, for the time being, is the real Owner respectively of One hundred Acres, or more, of such several Lands as aforesaid; and every such respective Commissioner is hereby authorized to appoint, by Writing under his Hand, from time to time, and for such Time as he shall think proper, an Agent to act in

his Absence as a Commissioner; and such Agents shall and may, in the Absence of the Persons respectively, by whom they shall be appointed, act as Commissioners in the Execution of this Act, in such and the same Manner, and as fully, to all Intents and Purposes, as such Commissioners respectively might act and do, if they were personally present; but no Commissioner appointed by any Owner of Lands in the said Second District, in respect of such Owner's being possessed of Fifty Acres, or more, as aforesaid, shall be enabled to appoint an Agent.

For qualifying Persons jointly possessed of Estates.

Provided also, and be it further enacted by the Authority aforesaid, That every Person who shall be Joint Owner with any other Person or Persons of several Lands, subject to be taxed by virtue of this Act, or of any such Lots or Doles aforesaid, and the Interest or Property of such Person in such Lands, or in such Lots or Doles, shall be equal to, or exceed, the respective Quantities of several Lands, or the Numbers of such Lots or Doles as are herein before respectively mentioned for the Qualification of Commissioners to act, or to appoint Agents to act in their Absence, in the said respective Districts, or to appoint Commissioners in the said Second District, every such Person shall be, and is hereby respectively impowered to act as a Commissioner for such District or Districts respectively, and to appoint an Agent as aforesaid, and to appoint a Commissioner or Commissioners for the said Second District as aforesaid, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Person was distinctly and separately possessed of such Interest or Property in such respective District or Districts; any thing herein before contained to the contrary notwithstanding.

Meetings for the respective Districts.

And be it further enacted by the Authority aforesaid, That the respective Commissioners for the said District, or any Five or more of such respective Commissioners, shall hold Two General Meetings in every Year, in Manner following; That is to say, Such Meetings of the Commissioners for the First, Third, Fifth, and Sixth Districts, shall be held on the Day after the First Monday in May, and the Day after the First Monday in October; the Meetings of the Commissioners for the Second District shall be held on the Third Monday in May, and the First Monday in November; and the Meetings of the Commissioners for the Fourth District shall be held on the First Monday in May, and the last Monday in October; and the said respective Commissioners, or any Five or more of them, may meet at such other Time or Times as they shall think proper; and the First Meeting of such respective Commissioners shall be held at the House known by

the Sign of the White Hart, in the Town of March, on the Days following; that is to say, The Commissioners for the First, Third, Fifth, and Sixth Districts shall meet on the Fourteenth Day of June, One thousand seven hundred and fifty seven; for the Second District on the Thirtieth Day of June, One thousand seven hundred and fifty seven; and for the Fourth District on the First Day of July, One thousand seven hundred and fifty seven; and the respective Commissioners assembled at the said First Meeting, or at any General Meeting, shall and may then, and from time to time afterwards, adjourn themselves to meet at such other Time and Times as they, or any Five or more of them respectively, shall think fit; and such respective Commissioners, or any Five or more of them, may also meet at such other Time and Times, as any Five or more of them respectively shall think necessary to appoint, by Notice in Writing under their Hands, to be affixed on March Bridge, in respect to all such Meetings as shall be so summoned for the First, Third, Fifth, and Sixth Districts, and the said Fourth District; and upon March and Upwell Bridges for all such Meetings as shall be so summoned for the said Second District, Seven Days at the least before the holding any such Meeting respectively; and the said respective Commissioners, at all the Meetings to be held by virtue of this Act, shall defray their own Expences.

Where to be held.

Provided always, That all the General Meetings, and all the Meetings which shall be held by Adjournment, or shall be summoned in Manner as aforesaid, for the First, Third, Fifth, and Sixth Districts, and also for the said Fourth District, shall be held at such convenient Place or Places, in the said Town of March, as the Commissioners, or the major Part of them, assembled at the previous Meeting which shall be held by Adjournment, shall appoint, or as shall be specified in the Notice for summoning such Meetings respectively, and not elsewhere; and that, in like Manner, every Third Meeting for the said Second District shall be held at the Town of Upwell; and the other Meetings for such District at the said Town of March, and not elsewhere.

Commissioners to make and maintain Works.

And be it further enacted by the Authority aforesaid, That the respective Commissioners for the said Districts, or any Five or more of such Commissioners, assembled at all or any of their Meetings to be held by virtue of this Act, shall be, and are hereby, fully impowered, from time to time, to make, support, alter, and maintain, or cause to be made, supported, altered, or maintained, such Cuts, Drains, Dams, Banks, Tunnels, Headings, Trays, Stamps,

Stamps, Outlets, Works, and Engines, in, through, and upon, the said Fen Lands, Low Grounds, and Commons, or any Part thereof, in such respective Districts; and to make, erect, remove, alter, repair, and maintain, all such Works and Engines thereupon; and if any Works or Engines are already made or erected in such Districts, to remove, alter, repair, or continue the same, in such Manner as they the said respective Commissioners, or any Five or more of them, shall, from time to time, think necessary or convenient for draining and preserving the said Lands, Grounds, and Commons; and also to make such Orders, and give such Directions, for carrying on, and for the better and more orderly Government of the said Works, and for executing the Purposes of this Act, within and in relation to such respective Districts, as they the said respective Commissioners, or any Five or more of them, shall think proper; making such reasonable Satisfaction to the Person or Persons who hath or have a Right to the Soil through or upon which any such Cut, Drain, Dam, Bank, Tunnel, Heading, Tray, Stamp, Outlet, Work, or Engine, shall be made or erected, for the Damages he, she, or they, shall thereby sustain, as shall be agreed upon between such respective Commissioners, or any Five or more of them, and the Person or Persons having such Right as aforesaid; and if such respective Commissioners, or any Five or more of them, and such Person or Persons, cannot agree touching the Amount of such Damage, that then the same shall be assessed, adjudged, and finally determined, by the Justices of the Peace, or the major Part of them assembled at any General or Quarter Session of the Peace, which shall be held for the said Isle of Ely, within Six Months after such Dispute shall arise; and in case such Owner or Owners shall make Oath, that in his, her, or their Opinion or Judgement, such Damage amounts to above the Value of Forty Shillings, the Justices at such Session shall, and they are hereby authorized and required to charge the Jury, which shall attend at such Session, or some other Jury of Twelve honest and indifferent Men (to be then and there impannelled and returned by the Chief Bailiff of the said Isle of Ely, without Fee or Reward) and cause them to be sworn well and truly, on their Oaths, to assess the Recompence to be made for such Damage, which Oath the said Justices are hereby impowered and required to administer to the said Juries; and to which said Juries the said respective Commissioners, and the Parties complaining, shall have their lawful Challenges; and the said Jury being so

making Satisfaction.

charged and sworn, as aforesaid; and after proper Evidence, upon Oath, to them given, of the Nature of such Damage, shall, by their Verdict, assess the Damages and Recompence to be made for the same, to such Owner or Owners; and the Verdict of the Jury, and the Judgement of the said Justices thereupon, shall be final and conclusive to all Parties.

Officers to be appointed.

And be it enacted by the Authority aforesaid, That the said respective Commissioners, or any Five or more of them, assembled at all or any of the Meetings to be held in pursuance of this Act, shall be and are hereby respectively impowered to appoint such Collector or Collectors, Receiver or Receivers, and such other proper Officer or Officers, for each of the said several Districts, as they the said respective Commissioners, or any Five or more of them, shall think fit, for the taking Care of all such Works, and for collecting the Tares or Assessments which shall be made, rated, or assessed, in each of the said several Districts; and to allow to such Officers, out of such Tares or Assessments, such yearly or other Wages or Salaries for their Trouble and Pains in their respective Offices, as they the said respective Commissioners, or any Five or more of them, present at any such Meeting, shall think reasonable; which said Collector or Collectors, Receiver or Receivers, and other Officer or Officers, so to be appointed, may be altered and removed at the Will and Pleasure of the said respective Commissioners, or any Five or more of them, assembled at a Meeting to be held for that Purpose, of which Fourteen Days Notice shall be given in Writing, to be affixed on March Bridge, and another or others appointed in his or their Room or Stead, as Occasion shall require; and such Collectors or Receivers shall, before they act in the Execution of their respective Offices, give such Security, if the same shall be required, for the due Execution of such respective Offices, and for performing the several Trusts to them committed, as the said respective Commissioners, or any Five or more of them, assembled at any Meeting, shall think fit.

Taxes on several Lands.

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said respective Commissioners, or any Five or more of them, assembled at their First and at any General Half-yearly Meeting or Meetings, yearly and every Year, to assess, rate, tax, and charge, all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said several Fen Lands and Low Grounds within such respective Districts, by an equal and proportionable Tax or Assess-

ment, in Manner following; that is to say, For the Fen Lands and Low Grounds lying in the said First, Second, Fourth, and Sixth Districts, in any Sum or Sums of Money not exceeding in the Whole Two Shillings per Acre in any One Year; and for the Fen Lands and Low Grounds lying in the said Third and Fifth Districts, in any Sum or Sums of Money not exceeding in the Whole Five Shillings per Acre in any One Year; over and above such Rates and Assessments whereunto the said Fen Lands and Low Grounds now are, or hereafter may be chargeable; and also to limit and appoint such Days and Places for the respective Payments of such Rates to the respective Collector or Collectors, Receiver or Receivers, for such respective Districts, as they the said respective Commissioners, or any Five or more of them, under their Hands and Seals, shall think proper.

The Quantity of rateable Lands to be given in by the Owners.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the Quantities of the Lands so to be rated and taxed as aforesaid, within the said respective Districts, shall, on or before the First Day of August, One thousand seven hundred and fifty seven, be given in to the Receivers or Collectors for such respective Districts, by the Owners, Proprietors, or Occupiers, of such Lands; and if any of the Owners, Proprietors, or Occupiers of Land within any such District or Districts, shall neglect or refuse to give in to any such Receivers or Collectors a particular Account of the Number of Acres contained in their several Lands; or in case there shall be reason to suspect the Number of Acres is not truly stated in any such Account, it shall be lawful for the said Commissioners, or any Five or more of them, to order a Survey to be made of any of the said Lands by an able Surveyor, not being a Proprietor of any Lands in the District, upon Oath; which Oath any Two of the Commissioners of the respective Districts are hereby impowered to administer; and any Survey which shall be so made, shall be sufficient Warrant and Authority to the said Commissioners, or any Five or more of them, to ascertain and determine the Quantities of such Lands; and the Charge of surveying the Lands of such Person or Persons as shall neglect or refuse to give in such Account, or delivering in a false Account, shall be paid by such Person or Persons respectively; and in case of Nonpayment thereof, shall be recovered in such Manner, as the Rates are herein directed to be recovered; and in case it shall appear upon any such Survey that the Number of Acres was truly stated in any such Account, the Charge of such Survey shall be defrayed

out

out of the Monies arising by virtue of this Act within the respective District, wherein the Survey shall be so made.

And whereas the said Commons and Commonable Parts which are bounded and described, as aforesaid, consist of One hundred and eighty Rights of Common, and extend into the First, Third, Fourth, Fifth and Sixth Districts, and it is necessary that the Taxes for such Commons and Commonable Parts should be equally and generally assessed upon all the said Rights; and that such Taxes should be ascertained and regulated according to the Quantity of such Commonable Parts, lying within each of the said Districts, and the Amount of the Taxes for the several Lands within the same respectively; and it will tend to the more easy and effectual raising of the said Taxes, if the same were to be assessed, collected, and levied, by and under the Direction of the Commissioners for the said First, Third, Fifth, and Sixth Districts; be it therefore enacted by the Authority aforesaid, That at the First Meeting, and at any General half-yearly Meeting or Meetings, as aforesaid, the said Commissioners for the said First, Third, Fifth, and Sixth Districts, or any Five or more of them, shall, yearly and every Year, assess, rate, tax, and charge, all and every Person or Persons, who shall be intitled to any Right or Rights of Common upon the said Commons or Commonable Parts, for the Use of the said Districts, in Manner and according to the Proportions following; that is to say, When the Taxes for the several Lands in all such Districts shall amount unto the full Sums herein before authorized to be assessed upon such several Lands within such Districts, the several Sums following shall be assessed upon the said One hundred and eighty Common Rights for the Use of each District, and raised by an equal Tax of Seven Shillings and Six Pence for each Right; to wit, The Sum of Twenty two Pounds and Ten Shillings, being the Amount of the Taxes for Sixty of such Rights, for the First District; the Sum of Thirty Pounds, being the Amount of the Taxes for Eighty of such Rights, for the Third District; the Sum of Five Pounds, Twelve Shillings, and Six Pence, being the Amount of the Taxes for Fifteen of such Rights, for the Fourth District; the Sum of Seven Pounds and Ten Shillings, being the Amount of the Taxes for Twenty of such Rights, for the Fifth District; and the Sum of One Pound, Seventeen Shillings, and Six Pence, being the Amount of the Taxes for Five of such Rights, to the Sixth District; and when the Taxes upon the several Lands in all,

Taxes on Common Rights;

how to be apportioned,

all, any, or either of the said Districts shall be less than the full Sum or Sums herein before authorized to be assessed upon the several Lands within such respective Districts, the Sums to be assessed upon the Common Rights for the Use of such Districts respectively, shall be in exact Proportion, as near as may be, to the Tares for the several Lands in such respective Districts; and all the Sums to be assessed in each Year upon the said One hundred and eighty Common Rights for the Use of all the said Districts, shall be raised in One gross or general Sum, by an equal and general Tax upon each and every of such Rights; and the Tares so raised, shall be allotted and paid by the said Commissioners, or any Five or more of them, for the Use of such respective Districts, in and according to the Proportions in which such Tares were assessed, and shall be applied in such Manner as the Tares upon the several Lands in such Districts are directed to be applied; and the Collectors or Receivers of the said Tares shall pay such Proportion of such Tares as shall, from time to time, belong to the said Fourth District, out of the Monies collected, to the Commissioners for such District, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; and if any such Collector or Receiver shall, for the Space of Thirty Days after such Money shall be in his Hands, neglect or refuse to pay the same after Demand thereof made, such Money shall and may be levied by Distress and Sale of the Goods and Chattles of such Receivers or Collectors respectively, by Warrant or Warrants under the Hand and Seal of any Justice or Justices of the Peace for the said Isle of Ely; which Warrant or Warrants such Justice or Justices is and are hereby impowered and required to grant, upon Proof made on Oath, by any One or more credible Witness or Witnesses, of the Collection of such Tares, and the Proportion due to such District, and of such Demand being made (which Oath such Justice or Justices is and are hereby impowered and required to administer) rendering the Overplus, if any, to the Owners of such Goods and Chattles, after such Monies, and all reasonable Charges, shall be deducted; and if sufficient Distress shall not be found, such Justice or Justices shall, and be and they is and are hereby required to commit such Receiver or Collector to the Common Gaol of the said Isle, there to remain without Bail or Mainprize, until such Money, and all reasonable Charges shall be paid unto the said Commissioners, or to such Person as they, or any Five or more of them, shall appoint, or until

and raised.

such Receiver or Collector shall have compounded for the same, to the Satisfaction of the said Commissioners, or any Five or more of them; which Composition such Commissioners, or any Five or more of them, assembled at a Meeting, whereof Ten Days Notice in Writing shall be given and affixed on March Bridge, are hereby impowered to make.

Separate Collectors.

Provided always, That the said Commissioners for the said First, Third, Fifth, and Sixth Districts, or any Five or more of such Commissioners, shall, and they are hereby impowered, from time to time, to appoint a separate Collector or Collectors, Receiver or Receivers of the Tares for such Common Rights, and may make such Allowance for his or their Trouble therein, as they the said Commissioners, or any Five or more of them, shall think reasonable; which Allowance shall be made out of such Tares allotted to each District in Proportion, as near as may be, to the Amount of the respective Sums allotted; and such Commissioners, or any Five or more of them, shall take such Security from all such Collectors or Receivers, as they the said Commissioners shall think fit, and may, from time to time, remove such Collectors or Receivers, or any of them, as often as the said Commissioners, or any Five or more of them, shall think proper.

Certain Lots exempted.

And whereas Four Lots, each whereof contains Eighteen Acres, or thereabouts, are lying in Burrow Moor, near the River Nene, and which are Parcel of the said Third District, and are now, or lately were, belonging to John Matthews, John Vise, and the Trustees of the Town of March, have been made use of for the Purposes of Fuel, and are therefore unable to bear such Tax as is herein before imposed on other Lands comprized within the said Third District; be it therefore provided and enacted by the Authority aforesaid, That the Owners or Occupiers of the said Lands in Burrow Moor, now or lately belonging to John Matthews, John Vise, and the Trustees of the Town of March, shall not be liable to be rated or assessed, or to pay in any One Year, for or in respect of such Lands, more than after the Rate of One Moiety of the Acre Tax which shall be rated, assessed, or paid, for or in respect of the other Lands in the said Third District in each respective Year; any thing in this Act contained to the contrary notwithstanding.

Highlands not to be charged.

Provided always, That no Tax or Assessment shall be rated, charged, or levied, for or in respect of any Lands being Part of the Lands bounded and described as aforesaid, which are known and distinguished by the Name of Highlands, and have not been subject to Inundations;

and if any Dispute shall arise, whether any of such Lands shall or shall not be deemed Highlands, the same shall be determined, upon View, by any Four or more Commissioners for all, any, or either of the said Districts, not having any Property in the District wherein such Lands shall lie; Two of which Commissioners shall be nominated by the Commissioners for the District wherein such Lands are situate, or any Five or more of them, and the other Two by the Proprietor or Proprietors of the Lands in Dispute; and such Four Commissioners shall choose one other Commissioner, not having Property in such District, as an Umpire to determine such Dispute, in case such Four Commissioners should be equally divided in their Opinions; and all such Commissioners, before they proceed to determine such Dispute, shall take an Oath well and truly, to the best of their Judgement and Knowledge, to determine whether such Lands shall, or shall not, be deemed Highlands (which Oath any One or more of the Commissioners are hereby impowered to administer) and such Commissioners shall set forth their Determination in Two distinct Writings, and shall sign the same; and One of such Writings shall be delivered to the Owner of such Lands, and the other of such Writings shall be deposited in the Town Hall in March aforesaid.

Manner of determining which are *Highlands*.

Exemption in 2d District.

Provided always, and be it further enacted by the Authority aforesaid, That no Cares or Assessments shall be charged or paid for any Land in the said Second District, lying within the Distance of Five Poles (being the Pole of Eighteen Feet) from the Bank of the said Sixteen Foot Drain; any thing herein before contained to the contrary notwithstanding.

Money to be borrowed.

And, to the end that a sufficient Sum of Money may be speedily raised for the Purposes of this Act, be it further enacted by the Authority aforesaid, That the Commissioners for the said respective Districts, or any Seven or more of them, shall have full Power and Authority, from time to time, by Writing under their Hands and Seals, to assign over the Cares or Assessments hereby authorized to be rated and charged within and upon Account of such respective Districts, and every or any Part thereof (the Costs and Charges of such Assignment to be paid out of the said Cares or Assessments) as a Security for any Sum or Sums of Money to be borrowed for the Purposes of executing this Act within, or upon account of, such respective Districts, to such Person or Persons, or their Trustees, as shall advance or lend the same, to secure the Repayment thereof, with Interest, not exceeding Five Pounds

per Centum per Annum, so that a separate and distinct Assignment be made of the Taxes or Assessments arising within such Districts, and it be particularly distinguished and set forth in every such Assignment on account of which of the said Districts such Monies are so respectively borrowed.

And it is hereby further enacted, That the said Securities or Assignments shall and may be assignable or transferrable, by Indorsement on the original Grant or Security thereof, or otherwise, without Stamp, to any Person or Persons whatsoever; and the Person or Persons to whom such Transfer or Assignment shall be made, shall, from and after the Time that the same is entered in a Book or Books, to be kept for that Purpose for each respective District, be well and sufficiently intitled to the Monies thereby secured, and the Interest due, and to grow due, thereon; which Entry is hereby required to be made upon Request, and producing such Assignment, and paying Two Shillings for every such Entry; and such Assignee or Assignees, and every After-assignee and Assignees may, in like Manner, by Indorsement, or otherwise, without Stamp, assign and make over such Transfers or Assignments as aforesaid; and so toties quoties, as Occasion shall require; every such Transfer or Assignment being entered in such Book, as aforesaid. And Assignments transferred.

Provided always, and be it further enacted by the Authority aforesaid, That no more than the respective Sums following shall be borrowed or owing at any One Time upon the Credit or Security of the Taxes or Assessments arising within, or in relation to, the said respective Districts; that is to say, On the Taxes for the First District, One thousand two hundred Pounds; on the Taxes for the Second District, Six hundred Pounds; on the Taxes for the Third District, Four hundred Pounds; on the Taxes for the Fourth District, Three thousand five hundred Pounds; on the Taxes for the Fifth District, One thousand Pounds; or on the Taxes for the Sixth District, Six hundred Pounds; any thing herein before contained to the contrary notwithstanding. The Sums to be borrowed in each respective District.

And, for the better securing the Payment of the Principal and Interest of the Sums of Money borrowed by virtue of this Act, upon the Credit of the Taxes or Assessments in the said respective Districts, be it further enacted by the Authority aforesaid, That during such Time and Times as any Monies which shall have been borrowed, by virtue of this Act, upon the Credit of the Taxes or Assessments within the said respective Districts, or the Interest upon any such Monies, shall be due or owing, the Acre Taxes not to be under a certain Rate when Money is owing.

Taxes

Taxes or Assessments upon the Owners or Occupiers of the Lands and Grounds within the District, in respect whereof such Money was borrowed, shall not be less in any One Year than the respective Sums following; that is to say, Such Taxes or Assessments shall not be less in the said Third and Fifth Districts than the Sum of Two Shillings and Six Pence for every Acre; nor in the said First, Second, Fourth, and Sixth Districts, than One Shilling for every Acre in any One Year; and that the Taxes or Assessments for or in respect of the said Rights of Common, shall be in Proportion thereto, in such Manner as is herein before directed.

Taxes to be Security for Monies borrowed.

Provided always, and it is further enacted and declared, That the Taxes or Assessments within the said respective Districts, shall be charged and chargeable with the Payment of the principal Money so to be borrowed by the Commissioners for such Districts respectively, and the Interest of such Money, from time to time; and shall vest in the respective Creditors, upon Default of Payment of such Principal and Interest, until the same shall be fully satisfied and paid, together with the Costs and Charges occasioned by the Non-payment thereof; and the said Creditors, their Executors, Administrators, and Assigns, respectively, shall have the same Powers, Rights, and Privileges, of assessing, raising, and recovering, the several Taxes or Assessments payable by the several Owners and Occupiers of Lands and Grounds within such Districts respectively, for and in Respect of such Principal Money and Interest, in case of Default of Payment thereof, as the said Commissioners and their Collectors could have had, in case such Principal and Interest had been regularly and fully satisfied and paid.

Application of the Monies.

And it is hereby further enacted by the Authority aforesaid, That all the Taxes or Assessments which shall be rated and paid by virtue of this Act, in each of the said Districts, and the Monies borrowed on the Credit of such Taxes or Assessments respectively, shall be applied and expended in defraying such Proportion of the Expences of obtaining this Act, as is herein after respectively appointed to be defrayed by or on the Behalf of such Districts; and also in making, performing, erecting, and maintaining the Works for draining, imbanking, and preserving the Lands in each District respectively, wherein, or upon account whereof, such Taxes or Assessments shall be raised and paid, and such Monies shall be borrowed, and in defraying the other necessary Expences of executing this Act, and Discharge of the Principal and Interest of the Mo-

nies borrowed in relation to, and upon account of, every such District respectively.

And it is hereby further enacted by the Authority aforesaid, That the Charges and Expences of obtaining this Act shall, in the First Place, be borne and defrayed out of the Taxes or Assessments raised in each and every of the said Districts respectively, or out of the Monies to be borrowed on the Credit of such Taxes or Assessments, in proportion to the whole Amount of the highest Taxes or Assessments, that can be rated upon each District respectively. Charges of the Act to be paid in equal Parts by each District.

And be it further enacted by the Authority aforesaid, That if any Person or Persons so rated or assessed as aforesaid, shall refuse or neglect to pay the Tax or Assessment charged upon him, her, or them, respectively, for the Space of Twenty one Days after the respective Times of Payment to be limited and appointed as aforesaid, publick Notice thereof being affixed upon March Bridge, and Demand made by the respective Collector or Collectors, Receiver or Receivers, or by some other Person or Persons authorized by him or them respectively, for that Purpose; it shall be lawful for such respective 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 respective Commissioners for the respective District; or, in case such Tax shall be in respect of any Common Right, by Warrant or Precept under the Hands and Seals of any Three or more of the Commissioners for the said First, Third, Fifth, and Sixth Districts (which Warrants or Precepts such respective Commissioners, or any Three or more of them, are hereby impowered and required, from time to time, to make, as Occasion shall require) to levy the Sum or Sums so rated or assessed, and all the Arrears thereof, by Distress of the Goods and Chattles of the Person or Persons so making Default; and such Goods and Chattles so distrained, to keep for the Space of Four Days, at the Charge of the Owner or Owners thereof; and if such Owner or Owners shall not, within the said Space of Four Days, pay the Sum or Sums so rated or assessed, and the Expences of making and detaining such Distress, that then the Goods and Chattles so distrained shall be appraised by Two or more Inhabitants of the Parish or Place where the same shall be taken, or other sufficient Persons, and shall be sold by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons, making such Distress for Payment of the said Money; and the Taxes to be levied by Distress and Sale.

Overplus (if any be) arising by such Sale, after deducting such Taxes or Assessments, and the Charges occasioned by such Distress, shall be returned to such Owner or Owners, upon Demand: And the Tenant and Tenants of all and singular the said Fen Lands, Low Grounds, and Commons, and upon, for, or in respect whereof such Taxes or Assessments shall be rated or charged by virtue of this Act, is and are hereby required and authorized to pay such Taxes or Assessments, and to deduct the same out of his, her, and their Rent; and every Tenant paying such Tax or Assessment, or Rate, shall be acquitted and discharged for so much Money as such Tax or Assessment shall amount unto, as if the same had been actually paid to the Person or Persons intitled to the Rent of such Lands, Grounds, and Commons, except where there is a Lease of Three or more Years to come from the Commencement of this Act; in which Case, the Proportion of the Tax or Assessment which the Tenant ought to bear and pay in Consideration of the Benefit he or she receives by such Lease, shall be adjusted and awarded by the Commissioners for the District wherein such Lands are situate, or any Five or more of them.

Tenants may pay Taxes, and deduct them from their Rent;

except where there is a Lease of 3 Years to come.

Provided always, That the Taxes or Assessments for and in respect of the said Farm and Lands, called Estepher Farm, and also for and in respect of the Lands called Earls Fen, and the Lands belonging to Sir John Bernard Baronet, lying in West Fen, shall always be paid and borne by, and, in case of Nonpayment, levied upon, the Tenants or Occupiers of the said Farm and Lands, and not by the Landlords thereof; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Taxes upon *Estepher Farm*, &c. to be paid by the Tenants.

Provided also, and it is hereby further enacted by the Authority aforesaid, That in case any Part of the said Fen Lands, Low Grounds, or Commons, shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be found, whereon to levy the said Taxes or Assessments, then such Parts of the said Lands, Grounds, and Commons, shall always remain a Security for Payment thereof; and all Corn, Hay, and other Goods and Chattles, which shall at any Time thereafter be found thereon, shall and may be distrained, kept, appraised, and sold, in Manner aforesaid, until all Arrears of Taxes or Assessments, and the Charges of such Distress, and detaining, keeping, and selling the same, shall be fully paid and satisfied.

Grounds unoccupied to remain a Security for the Taxes.

Provided always, and be it further enacted by the Authority aforesaid, That no Order which shall be made by the said respective Commissioners, or any of them, by

virtue of this Act, at any of their Meetings, shall be altered, reversed, annulled, or made void, at any subsequent Meeting, unless Seven or more of the Commissioners be present at such Meeting, and Five or more of them be consenting thereto, nor unless Ten Days Notice in Writing be affixed on March Bridge; in which said Notice the Intent and Design of such Meeting shall be declared: And that every Order for executing the Powers of this Act shall be made at a Meeting of the Commissioners, to be held in such Manner as is herein before appointed or authorized, and not otherwise; except only as to the granting of Precepts or Warrants for levying Taxes or Penalties, which shall and may be granted and signed by such Commissioners, whenever the same shall be necessary, and be required.

No Order made by the Commissioners shall be altered, &c. unless 10 Days Notice be first given.

All Orders to be made at Meetings.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously cut, break down, burn, demolish, or destroy, any Bank, Mill, Engine, Flood-gate, or Sluice, already made or erected, or which shall at any Time hereafter be making or erecting, or made or erected, supported, maintained, or used, in any of the said Districts, for answering the Purposes of this Act, every Person or Persons so offending, and being thereof convicted, shall be guilty of Felony, and shall be subject and liable to the like Pains and Penalties, as in Cases of Felony; and the Court, by or before whom such Person or Persons shall be tried and convicted, shall and have hereby Power and Authority to transport such Felons for Seven Years, in the like Manner as other Felons are directed to be transported by the Laws of this Realm: And if any Person or Persons shall wilfully and maliciously stop, dam up, demolish, damage, or destroy, any River, Drain, Watercourse, Door, Dam, Bridge, Stile, or other Work or Works already made or erected, or which shall, at any Time hereafter, be making or erecting, or made or erected, supported, maintained, or used, for answering the Purposes of this Act, every Person or Persons so offending, and being thereof convicted before any Two or more Justices of the Peace for the Isle of Ely (who are hereby required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses) shall forfeit the Sum of One hundred Pounds, to be levied by Distress and Sale of the Goods and Chattles of every such Offender or Offenders, by Warrant under the Hands and Seals of any Two of the Justices before whom such Conviction shall be had, to be applied and laid out in carrying on the Works and Improvements in the respective

Persons destroying Mills, &c.

to suffer as Felons.

Persons damaging the Works.

to forfeit 100 l.

tive District wherein, or in relation whereto, such Offence shall be committed; and for want of sufficient Distress, such Offender or Offenders shall, by the said Justices, be committed to the Common Gaol of the said Isle of Ely, for any Time not exceeding Twelve Months, at the Discretion of the said Justices.

Penalty on working Horse Mills, &c.

And be it further enacted by the Authority aforesaid, 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 Lands in the said respective Districts, through or upon the Lands of any other Person or Persons within such Districts respectively, or in any other Manner than directly and immediately from the Lands of the respective Owner of such Mill, Gigg, Engine, or Device, into the River Nene, Bevel's Leam, Hob's or Moore's Drain, or the said Drain called Thurloe's, or the Sixteen Foot; every such Person shall, for every such Offence, forfeit 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 be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster; in which no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed.

Accounts how to be settled.

And be it further enacted by the Authority aforesaid, That the said respective Commissioners, or any Five or more of them respectively, shall once in every Year at their General Meetings; that is to say, The Commissioners for the First, Third, Fifth, and Sixth, Districts, at their General Meeting on the Day after the First Monday in May, the Commissioners for the Second District, at their General Meeting on the Third Monday in May, and the Commissioners for the Fourth District, at their General Meeting on the First Monday in May, and on any subsequent Days to which such respective Commissioners, or any Five or more of them, shall adjourn, Inspection shall be had by the said respective Commissioners, or any Five or more of them, of the Receipts and Disbursements of such Monies as shall have been raised and received by virtue of this Act, in and in relation to, their said several Districts respectively, for the Year then last past; and all Accounts relating to the

said several Districts shall be at such Meeting, or within Ten Days after, made up and settled by the said respective Commissioners, or any Five or more of them, then assembled; at which Time the several Collectors or Receivers of the Taxes or Assessments in such respective Districts are hereby required to attend, with proper Books of Accounts of their Receipts and Disbursements, and all Vouchers for the same; and upon Consideration and Examination of such Accounts, and of all other Accounts of the Receipts and Disbursements of the Money raised and received by virtue of this Act, within, or in relation to, such Districts respectively, and upon Oath, if the same shall be required by the said respective Commissioners, or any Five or more of them (which Oath any One of the said Commissioners is hereby impowered to administer) the said respective Commissioners, or any Five or more of them, are hereby impowered to allow and pass under their Hands, the said Account or Accounts, or such Part or Parts of the same, as they shall see just and reasonable; and such Account or Accounts, or such Part or Parts thereof, shall be fairly entered in Two distinct and separate Sets of Books, to be kept for each District for that Purpose; One Set whereof shall be kept by the Treasurer or Treasurers, or such other Person or Persons for each District respectively, as the said respective Commissioners, or any Five or more of them, shall appoint; and the other Set thereof shall be deposited in the Town Hall of the said Town of March, or such other convenient Place as the said respective Commissioners, or any Five or more of them, shall think fit; and the last-mentioned Set of Books shall and may be inspected and perused at any Time, at reasonable Hours, by, or at the Request of, any Person or Persons rated or taxed in pursuance of this Act, on paying Six Pence for the same.

Proceedings to be entered in Books;

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That all Orders and Proceedings of the said respective Commissioners, or any of them, at their Meetings, shall be entered in distinct and separate Books, to be provided for that Purpose, for the respective Districts to which such Orders and Proceedings shall relate; and such Orders and Proceedings, so entered, shall be signed by Five or more of the said respective Commissioners assembled at such Meetings; and being so signed, shall be deemed and taken to be Originals; and all such Books, and also the Books hereby directed to be kept for registering the Securities, Assignments, and Transfers, shall or may be read in Evi-

Books may be produced and read in Evidence in Cases of Appeals.

dence in all Cases of Suits or Actions touching any thing done in relation to, or in pursuance of, this Act.

Satisfaction to be made for private Mills.

Provided also, and be it further enacted by the Authority aforesaid, That if any private Mill shall, by the Order or Direction of the said Commissioners, or any Five or more of them, be taken down, or be employed for the Purposes of this Act, the said Commissioners, or any Seven or more of them, shall make such Recompence to the Owner or Owners of every such Mill so taken down or employed, for the Expence such Owner or Owners hath or have incurred in building and supporting such Mill, as shall be agreed upon between such Commissioners and Owner or Owners; or, in case of Difference concerning the same, as shall be assessed and adjudged at any General Quarter Session of the Peace, which shall be held for the said Isle of Ely, within Six Calendar Months after such Dispute shall arise, and shall be determined at such Session by a Jury, in such Manner as is herein before-mentioned with respect to Damages exceeding Forty Shillings.

Allowance to be made in the 4th District for private Banks.

And whereas several Owners of certain Lands in the said Fourth District, and lying contiguous to Bevil's Leam and More's Drain, have been lately at a considerable Expence in heightening and strengthening the Banks upon the said Lands against the said Drains; be it therefore enacted by the Authority aforesaid, That the said Commissioners for the Fourth District, or any Five or more of them, shall, out of the Monies arising within, or in respect of, the said Fourth District, allow and pay to all and every such Owner or Owners, such Sum or Sums of Money as he, she, and they, shall have actually expended within One Year preceding the First Day of May, One thousand seven hundred and fifty seven, in raising, supporting, and strengthening, such Banks; and if any Dispute shall arise between any such Owner and the said Commissioners, the same shall be finally determined and settled in such Manner as Disputes, with relation to Lands being or not being deemed Highlands, are by this Act directed to be determined.

Private Works not to be altered until the Mills are ready to work.

Provided always, and be it further enacted by the Authority aforesaid, That no Banks, Dams, or other Works, which were lawfully erected by private Persons in any of the said Districts, shall be cut, taken away, or altered (except only in such Cases as the Owners of Mills and Commissioners shall agree concerning the same) until the several Mills in such respective Districts are ready to work.

Provided

Directing Bridges and Tunnels to be erected and made.

Provided also, and be it further enacted by the Authority aforesaid, That if, by the making of any Drain, Mill, Dam, or other Work, in pursuance or by virtue of this Act, the Passage of any Person or Persons to or from his, her, or their Grounds, with Cattle or Carriages, shall be interrupted or prevented, the Commissioners for the respective District to which such Works shall belong, or any Five or more of such Commissioners, shall, and they are hereby enjoined and required, before or immediately after such Works shall be compleated, to cause a proper Bridge to be built, or Tunnel to be made, and for ever thereafter supported and maintained for the convenient Passage of the Occupier and Occupiers of such Ground respectively, to and from the same, with his, her, and their Cattle and Carriages, and to defray the Expence of erecting, making, and maintaining such Bridges or Tunnels, out of the Tares or Assessments arising within or in relation to such District respectively.

Penalty on making Watering-places and Sock-dikes, &c.

And it is hereby further enacted by the Authority aforesaid, That if any Person or Persons shall make, or cause to be made, any Watering-place, or any Place of Access for Cattle to drink, in any Mill Drain within any of the Fen Lands, Low Grounds, or Commons, every Person so offending shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons shall make, or cause to be made, any Sock-dike, or Sock-gripple, on any of the said Fen Lands, Low Grounds, or Commons, within the Distance of Ninety Feet from any Bank against any River or Drain into which the Water from any or either of the said Districts shall be thrown; every such Person so offending shall forfeit and pay the Sum of Four Pence for every Foot in Length of such Sock-dike or Sock-gripple, and the like Sum for every Month during which the same shall be continued; all which Forfeitures shall, upon Conviction of the Offender or Offenders before any One or more Justice or Justices of the Peace for the Isle of Ely, upon the Oath of One or more credible Witness or Witnesses, which Oath such Justice or Justices is or are hereby impowered and required to administer, be immediately paid into the Hands of the Treasurer for the District wherein the Offence was committed, to be applied for the Improvement of the Works in such District; and in case of Non-payment, such Forfeitures shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal or Hands and Seals of the Justice or Justices of the Peace before

whom such Conviction shall be made; and for want of sufficient Distress, such Offender shall by such Justice or Justices be committed to the House of Correction for the said Isle, there to be kept to hard Labour for such Time as such Justice or Justices shall order and direct, not exceeding Three Months.

A Bank to be made on the West Side of *Plant Water*.

And whereas the Lands lying on the West Side of the ancient Sewer called Plant Water, within the Fourth District, are lower than the Lands lying on the East Side of the same Sewer within the said District, and are therefore subject to be annoyed with the Waters descending from the higher Lands; be it therefore enacted by the Authority aforesaid, That the Commissioners for the Fourth District, or any Five or more of them, shall, before the First Day of November, One thousand seven hundred and fifty seven, cause to be made and erected along the West Side of the said ancient Sewer called Plant Water, One good and substantial Bank, and shall, from time to time always thereafter, keep and maintain such Bank of such sufficient Height and Strength, as may prevent the Waters descending from the Lands on the East Side of the said Sewer from prejudicing or damaging the said Lands on the West Side of the said Sewer, and defray the Expence thereof out of the Monies arising within or in relation to the said Fourth District.

Owners of *Barber's Lot* may maintain the Bank to the *Gravel Bank*.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed to hinder the Owner or Owners, or Occupier or Occupiers of the Lands called Barber's Lot, from maintaining the Bank now made from the Gravel Bank to the South West Corner of the said Lands called Barber's Lot.

Mr. *Collier* to support his Bank.

And be it further enacted by the Authority aforesaid, That from time to time, and at all Times hereafter, the Owner or Owners for the time being of certain Lands and Grounds now in the Possession of James Collier Esquire, and lying contiguous to the said First and Second Districts, shall maintain and support, in good and sufficient Repair, all such Banks as are now maintained, supported, and repaired by the Proprietors or Occupiers of such Lands, by way of Fence and Outring Bank against the Lands in the said Districts; and if at any Time hereafter the Water shall overflow such Banks (except such Overflowing shall be occasioned by a Breach of the Great Wash Banks of the Corporation) or if the Water shall pass through any Breach therein into the said respective Districts, or either of them, and

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the said James Collier Esquire, or any future Owner or Owners, or the Occupier or Occupiers of such Lands as aforesaid, shall not immediately, upon Notice thereof being delivered to him, her, or them, or left at his, her, or their Place or Places of Abode, or at the Place or Places of Abode of such Occupier or Occupiers, raise or repair the said Banks in such Manner as may prevent the Overflowing or Passage of the Water, as aforesaid; then, and as often as such Case shall so happen, it shall be lawful for the said Commissioners for the said First, Third, Fifth, and Sixth Districts, or the Commissioners for the said Second District, or any Five or more of them respectively, from time to time, to cause such Banks to be raised and repaired in such Manner as may effectually prevent such Overflowing or Passage of the Water, as aforesaid; and the Expences necessarily incurred in raising or repairing such Banks shall be reimbursed to the said respective Commissioners by the said James Collier Esquire, or the future Owner or Owners of such Lands, or the Occupier or Occupiers thereof; and in case of Nonpayment, shall and may be levied by Distress and Sale of the Goods and Chattles of such Occupier or Occupiers respectively, by Warrant or Precept under the Hands of any Three or more of such respective Commissioners (which Warrant or Precept such Commissioners, or any Three of them, are hereby impowered and required to grant for that Purpose) rendering the Overplus to such Occupier or Occupiers, after such Expences and the Charges of such Distress and Sale, shall be deducted; and if the Tenant or Tenants of such Lands, shall, upon such Notice as aforesaid, raise or repair any such Bank at his, her, or their own Expence, or shall pay the Expence of doing thereof as aforesaid, by the Direction of such respective Commissioners, or any Five or more of them; or in case such Expence shall be levied on him, her, or them, the same shall be deducted by such Tenant or Tenants out of his, her, or their Rent, and shall be allowed by such Owner or Owners (unless an Agreement shall be made to the contrary between such Owner or Owners and Tenant or Tenants) in such Manner as the Taxes paid by the Tenants are by this Act directed to be deducted and allowed; and if any Dispute shall arise between any such Occupiers and the said Commissioners, touching the Amount of the Expences which shall have necessarily incurred in raising or repairing such Banks, such Dispute shall be finally determined and settled in such Manner as Disputes with relation to Lands being or not being

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deemed High Lands, are by this Act directed to be determined.

Outring Ditch next to Mr *Collier's* Lands to be cleansed.

And be it further enacted by the Authority aforesaid, That the Commissioners for the said Second District, or any Five or more of them, shall, from time to time, cause the Outring Ditch, on the Side of the said Lands belonging to James Collier Esquire, and now or late in the Possession of Robert Glenton and Owen Grey, to be scoured and cleansed as often as shall be necessary, and the Soil which shall be taken out of such Drain, shall be laid upon the said Lands, to be used by the Owner or Owners thereof in supporting and repairing the Banks on such Lands, abutting against the said Second District.

How Waters are to be drained from 1st and 2d District.

Provided always, and be it further enacted by the Authority aforesaid, That all the Waters draining from the Lands in the said First District shall be discharged into the River Nene, and not otherwise; and the Waters draining from the Lands in the said Second District shall be discharged into the said Sixteen Foot Drain, and not otherwise; any thing herein before contained to the contrary notwithstanding.

No Trees to be planted within 20 Poles of any Mill.

Provided also, and be it further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and fifty seven, no Trees or Holts shall be planted nearer to any Mill which shall be erected or employed for the Purposes of this Act than Twenty Poles, being the Pole of Eighteen Feet; and if any Person or Persons shall plant any Tree or Holt within the Space aforesaid, every such Person shall forfeit the Sum of One Shilling for every Tree, and Five Pounds for every Holt, so planted; and such Trees and Holts shall and may be taken up, and carried away, by such Person or Persons as shall be authorized for that Purpose by the said Commissioners, or any Five or more of them, for the respective District wherein or in relation whereto such Offence shall be committed; and it shall be lawful for such Person or Persons as shall be authorized for that Purpose by the said respective Commissioners, or any Five or more of them, to cut down any Trees or Holts, which shall be growing within the Distance of Twenty Poles from any Mill erected or employed for the Purposes of this Act, at the Time such Mill shall be so erected or first used; making such Satisfaction to the Owner of such Trees or Holts as shall be agreed upon between such Owner and the said Commissioners, or any Five or more of them; or, in case of Difference, as shall be ascertained by the Justices of the Peace at any Quarter Session which shall be held for the said

Isle of Ely within Six Months after the cutting down such Trees or Holts: And such Penalties shall be recovered and applied in such Manner as the Penalties for making Watering-places in Mill Drains are herein before directed to be recovered and applied.

Drains not to be made thro' Mr. *Brown's* Lands.

Provided also, and be it further enacted by the Authority aforesaid, That this Act shall not extend to impower the Commissioners for the said Fourth District to make a Drain through the Lands now belonging to Charles Brown, and in the Occupation of Nicholas Eldridge, in any other Manner than by one End and one Side of such Lands; that is to say, To begin at the Corner between James Boyce and the aforesaid Charles Brown's Lands, and so on, between the Lands of Miss Hakes and the said Charles Brown, to the River Nene; or to begin at the aforesaid Corner, and so on by the Common Drove to the Plant Water Bank, and from thence by the Lands of the said Charles Brown, to the said River Nene; and that such Drains shall be made only at one End and one Side of the said Lands of the aforesaid Charles Brown, saving such Drains as take the Waters off the Lands of the said Charles Brown only.

Penalty on neglecting to cleanse Dikes, &c.

And be it further enacted by the Authority aforesaid, That if the Owner or Owners, Occupier or Occupiers, of any Lands lying within the said Districts, to which any Groveway 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 the least, after Fourteen Days Notice in Writing, given to him, her, or them, or left at his, her, or their Place of Abode, from time to time, for that Purpose, by the Collector or Collectors, Receiver or Receivers, for the respective District wherein such Lands lie (such Collectors or Receivers having an Order, in Writing, for that Purpose, under the Hands of Three or more of the Commissioners for such respective Districts) every such Owner or Occupier shall, for every such Neglect or Refusal, forfeit and pay the Sum of Twelve Pence for every Rod of the Dike so neglected to be roded, scoured, cleansed, opened, repaired, depthened, and widened; and it shall be lawful, from time to time, for such Collector or Collectors, Receiver or Receivers, to cause such Dikes, at the Charge and Expence of such Owners or Occupiers, to be roded, scoured, cleansed, opened, repaired, and depthened, 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,

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to cause such Ways to be taken up, and such Dike to be made of a proper Width and Depth; and by Warrant or Precept, under the Hands of Three or more of the Commissioners for the respective Districts, 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 Chattles; and such Penalties shall be applied to the Use of the District wherein such Lands shall be situate.

Notice of Meetings for the Second District.

Provided always, and be it further enacted by the Authority aforesaid, That all Notices which shall be given of the Meetings of the Commissioners for the said Second District shall be affixed upon Upwell and March Bridges.

Saving of Rights to the Corporation of *Bedford Level.*

Provided always, and it is hereby further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners, or any of them, 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, and Commonalty of the Company of Conservators of the Great Level of the Fens called Bedford Level, 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, or to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and 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 the Reign of King Charles the Second, or 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.

Reservation of Rights to Commissioners for preserving the Navigation of *Salter's Load Sluice, &c.*

Provided also, and it is hereby further enacted and declared by the Authority aforesaid, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to invalidate, lessen, diminish, alter, or take away, any of the Rights, Powers, and Authorities, vested in

the Commissioners appointed in and by an Act of Parliament passed in the Twenty seventh Year of the Reign of His present Majesty, intituled, An Act for improving and preserving the Navigation from *Salter's Load Sluice*, in the County of *Norfolk*, to *Standground Sluice*, in the County of *Huntingdon*; and from *Flood's Ferry*, in the *Isle of Ely*, in the County of *Cambridge*, to *Ramsey High Load*, in the said County of *Huntingdon*; and also the Navigation from *Old Bedford Sluice*, in the said County of *Norfolk*, to the River *Nene*, in the Parish of *Ramsey*, in the said County of *Huntingdon*; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act passed in the Twenty seventh Year of the Reign of His present Majesty, now are vested in the said Commissioners, thereby appointed, or any of them, shall for ever hereafter remain, continue, and be, in the said Commissioners, and every of them, as fully and amply, to all Intents and Purposes, as if this Act had never been made.

Limitation of Actions.

And it is hereby further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any thing done, or to be done, in pursuance of this Act, every such Action or Suit shall be commenced within Six Calendar Months next after the Fact be committed, and not afterwards; and shall be laid or brought in the Court of Pleas of the said Isle of Ely, or in the County of Cambridge, and not elsewhere: And the Defendant or Defendants in such Action or Suit shall and may plead the General Issue; and, if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do; and give this Act, and the Special Matter, in Evidence, without specially pleading the same, otherwise than as aforesaid, at any Trial to be had thereupon; and that the Fact, alledged to have been done, was done in Pursuance, and by Authority, of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, 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, she,

General Issue.

Treble Costs.

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she, or they, shall have like Remedy, as where Costs by Law are awarded.

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

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