Anno tricesimo secundo

Georgii II. Regis.

An Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Somersham*, and *Pidley* with *Fenton*, and the Parish of *Colne*, in the County of *Huntingdon*.

WHEREAS certain Fen Lands and Low Grounds (Part of the Great Level of the Fens called Bedford Level) in the Parishes of Somersham, and Pidley with Fenton, and Colne, in the County of Huntingdon, lately belonging to Sir Thomas Drury Baronet, Dingley Askham Esquire, Rebecca Milbourn Widow, William Underwood, and Charles Leeds, Gentlemen; and containing in the Whole by Estimation, One thousand four hundred Acres, or thereabouts, Preamble.

the Boundaries whereof are as follow; that is to say, Beginning from the North West Corner of the Farm belonging to Charles Leeds, next to William Underwood's Hither High Fen Farm, in Somersham aforesaid, and next to Fenton Load; and from thence, along the said Fenton Load, to Fenton Willows, by the North East Corner of Mistress Rebecca Milbourn's Land; and from thence by the River of West Water, to Crowlade Common, to Chatteris Chelm, up to the Hard Lands there; and from thence, by the said River of West Water, to Hammond's Eau Bridge, at Somersham Toll; and from thence along the said Hammond's Eau to the Drain called Leeds's Twelve Foot Drain, and along the said Twelve Foot Drain, to the South West Corner of the said Charles Leeds's Farm; and from thence along the Drain between William Underwood's Hither High Fen Farm, and the said Farm belonging to the said Charles Leeds, to Fenton Load, are subject to be overflowed, but are capable of being drained, and thereby greatly improved: And whereas the said Lands and Grounds adjoin or lie contiguous to several of the Lands and Grounds mentioned and described in an Act made in the Twenty second Year of His present Majesty's Reign, intituled, An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of *Sutton*, *Mepall*, *Witcham*, *Chatteris*, *Doddington*, and a Place called *Byal Fen* in *The Isle of Ely*, and County of *Cambridge*; and also in the Parishes of *Somersham*, and *Pidley* with *Fenton*, in the County of *Huntingdon*; and may be conveniently drained and preserved under the Powers and Authorities contained in the said Act; May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said Act made in the Twenty Second Year of His present Majesty's Reign, intituled, An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of *Sutton*, *Mepall*, *Witcham*, *Chatteris*, *Doddington*, and a Place called *Byal Fen* in *The Isle of Ely*, and County of *Cambridge*; and also in the Parishes of *Somersham*, and *Pidley* with *Fenton*, in the County of *Huntingdon*; and all the Powers, Authorities,

22 Geo. II.

The Powers, &c. of Act 22 Geo. II. extended to this Act.

Authorities, Directions, Penalties, Forfeitures, Punishments, Provisions, Matters, and Things, therein contained, shall extend, and are hereby extended to, and shall take Effect, operate, and be executed, with respect to the Lands and Grounds herein before bounded and described, and to the Owners, Proprietors, Occupiers, and Tenants thereof, and to all Persons committing Offences in relation thereto, or in relation to any Cuts, Drains, Outlets, Banks, Engines, or other Works whatsoever, made, or hereafter to be made, or maintained, for draining, preserving, or improving, the said Lands and Grounds, in such and the same Manner, and as fully and effectually to all Intents and Purposes whatsoever, as if the same were herein repeated and re-enacted, with respect to the said Lands and Grounds, and to the said Owners, Proprietors, Occupiers, Tenants, and Persons, and as fully and effectually to all Intents and Purposes, as if the said Lands and Grounds had been described in the said Act, and were Part of the Lands and Grounds thereby authorized or directed to be drained, preserved, or improved; and that the Rates and Taxes hereby chargeable, and to be charged upon the Lands and Grounds herein before bounded and described, shall be equally subject and liable to the Payment of the Debt of One thousand Pounds, borrowed by the Commissioners of the said former Act, and yet remaining undischarged, together with the Interest now due, and to grow due thereon, equally and rateably with the Lands and Grounds comprized in the said former Act, and in the same Manner, as if the said Lands and Grounds mentioned in this present Act, had originally been comprized in the said former Act, and the Rates and Taxes chargeable thereon, had been comprehended in the Securities made by the Commissioners for the said Sum of One thousand Pounds, so borrowed by virtue of the said former Act.

The Rates on the Lands herein described, are subjected to the Payment of the Debt, &c. contracted under the former Act, equally with Lands comprized in the said Act.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, the Commissioners appointed by or in pursuance of the said former Act, shall be, and they are hereby authorized and impowered, during the Time that they shall be possessed of such Qualifications as are therein mentioned, to act as well in the Execution of this Act, as of the said former Act, in as full and ample Manner, to all Intents and Purposes, as if they had been nominated

The Commissioners under the former Act, with those herein named, are to put both Acts in Execution.

and appointed Commissioners in and by this present Act, and that Sir Thomas Hatton Baronet, William Underwood, and Charles Leeds, Gentlemen; shall be, and are hereby added to the Commissioners appointed by or in pursuance of the said Act; and they are hereby authorized and impowered, during the Time that they shall be possessed of such Qualification as is therein mentioned, to act in the Execution of the said former Act, and this present Act, in as full and ample Manner to all Intents and Purposes, as if they had been nominated and appointed Commissioners in the said former Act; any thing therein contained to the contrary notwithstanding.

Provided always, and be it further enacted by the Authority aforesaid, That the Commissioners for putting the said former Act or this present Act in Execution, or any Five or more of them, shall, in the First Place, and before any other Works are made for draining and preserving the Lands hereby intended to be drained and preserved, cause the following Works to be done and performed; that is to say, They shall cause a Mill to be built at such Place as the said Commissioners, or any Five or more of them, shall think proper; and that the Sum of Three hundred and twenty Pounds at least, shall be expended in erecting such Mill, and making the Mill Bridge and Water Ways; and shall cause the Bank against Fenton Load to be repaired as far as the Lands hereby intended to be drained and preserved, shall extend, and then along to the Ferry Chelm to the hard Lands; and a sufficient Drain to be made from the Corner of the Land lately belonging to Sir Thomas Drury Baronet, cross the Common called Crollade Common, and along Snares Load, to the new Drain made by virtue of the said former Act, at the Corner of the Ground belonging to William Strong Esquire; and a substantial Cart Bridge to be built over the said Drain on the Turnpike Road, and other Bridge over the said Drain, into the Grounds called The Old Halves, at the Place where the Road now is.

Works to be executed previous to any other.

Provided nevertheless, That no Earth shall be taken for repairing the said Banks from any Land which lies within the Distance of Ninety Feet from such Banks.

Earth for repairing the Banks, to be taken at some Distance from them.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall extend,

tend, or be construed to extend, to impower the Commissioners in the said recited Act, and this Act named and appointed, to do any Act that may prejudice or damage a Bank adjoining to Fenton Road, lying between certain Lands belonging to Master Leeds, Master Underwood, Dingley Askham Esquire, the Representatives of Sir Thomas Drury Baronet, and Mistress Rebecca Milbourn, on one Side, and Warboys Fen, and certain Lands belonging to John Leman Esquire, and Mistress Elizabeth Newnham, on the other Side, so that the Lands of the said John Leman, or Elizabeth Newnham, may be hurt or affected thereby.

Certain Banks and Lands not to be prejudiced by the Works.

Provided also, and be it further enacted by the Authority aforesaid, That the Rates and Taxes to be assessed, collected, or levied, upon the Lands and Grounds hereby intended to be drained and preserved, shall at all Times hereafter be assessed, collected, or levied, rateably and proportionably to, and shall not, at any Time exceed the Rates and Taxes which shall be assessed and raised upon the Lands and Grounds mentioned in the said former Act.

Rates how to be assessed.

Provided also, and be it further enacted by the Authority aforesaid, That for the Purpose of applying the Money which shall be raised by virtue of the said former Act and this present Act, the Lands and Grounds hereby intended to be drained and preserved, shall not be deemed Part of the Fen called Westmore, Beezlings, and Redidge, but Part of the other Lands and Grounds mentioned in the said Act.

Proviso.

Provided also, and be it further enacted by the Authority aforesaid, That no Rate or Tax shall be assessed, collected, or levied, by virtue of the said former Act, or this present Act, for or in respect of certain High Lands, in a Farm called Rumball, containing Thirty Acres, being Part of Three hundred Acres of Land belonging to the said Charles Leeds, and lies nearest to the House there, or for or in respect of any Lands in the said Common called Crollade Common; any thing in this Act contained to the contrary notwithstanding.

High Lands exempted from Payment of Rates.

And whereas the Owners and Proprietors of the Lands and Grounds hereby intended to be drained and preserved, have, in Consideration of the Expences that will be necessarily incurred in making the several Works aforesaid, and other Works for the effectual draining and preserving thereof, agreed to pay in Proportion to their

their respective Properties therein, the Sum of Three hundred Pounds, to the Commissioners for putting the said former Act in Execution, to be applied in Manner herein after mentioned; be it therefore enacted by the Authority aforesaid, That the Owners and Proprietors of the Lands and Grounds hereby intended to be drained and preserved, shall, on or before the First Day of July next, pay, or cause to be paid, unto the Commissioners for putting the said former Act in Execution, or to any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint for that Purpose, the Sum of Three hundred Pounds; and that the said Sum shall be paid by the said respective Owners and Proprietors, in Proportion and according to the Number of Acres liable to be taxed by virtue of this Act, which every such Owner or Proprietor shall be possessed of, or intitled to, in the said Lands and Grounds, which Proportions shall be settled and ascertained by the said Commissioners, or any Five or more of them; and in case of Nonpayment thereof, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby impowered to cause the same to be raised and levied upon such respective Owners and Proprietors so making Default, or upon the Tenants or Occupiers of the Lands and Grounds in respect whereof such Default shall be made, in the same Manner as the Rates or Taxes authorized by the said former Act to be assessed or imposed, are, upon Failure of Payment thereof, directed by the said Act to be raised and levied; and the Tenants or Occupiers of such Lands and Grounds, who shall pay any such Sums as aforesaid, or upon whom the same shall be levied, are hereby authorized to deduct the Monies so paid or levied out of the Rent, which they are liable to pay for such Lands and Grounds, and the Owners and Proprietors thereof are hereby required to allow such Deduction, upon Receipt of the Residue of their Rent; and every Tenant making such Payment shall be acquitted for so much Money as the same shall amount unto, as if the same had been actually paid to such Owners or Proprietors respectively, except where there is a Lease of Three or more Years to come from the Commencement of this Act, and in such Case the Proportion of the Sums so settled and ascertained, as aforesaid, which the Tenant ought to bear and pay in Consideration of the Benefit which he or she will receive, shall be adjudged and awarded by Five or more of the Commissioners

300 *l.* to be paid to the Commissioners under the former Act, by the Proprietors of Lands to be drained under this Act.

Proportion to be settled by the Commissioners.

The same may be levied upon the Owners or Tenants.

Tenants paying, to deduct the same out of the Rent;

except where there is a Lease, in which Case, the Tenant is to bear a Proportion.

missioners for putting the said former Act in Execution; the said Sum of Three hundred Pounds shall be applied towards defraying the Expence of erecting, making, and maintaining such Works, as the said Commissioners, or any Five or more of them, shall judge necessary or proper, for the draining and improving the Lands and Grounds, hereby and by the said former Act intended to be drained and preserved; any thing herein before contained to the contrary notwithstanding. Application of the 300*l.*

And be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring this Act, shall be, in like Manner, defrayed by the Owners, Proprietors, and Lessees of the said Lands and Grounds in and by this present Act mentioned and intended to be drained and preserved, in Proportion to their respective Properties and Interests therein; which Proportions shall be settled and ascertained; and in case of Nonpayment thereof, on or before the said First Day of July, shall be raised and levied in such Manner as is herein before authorized and directed with respect to the settling, ascertaining, raising, and levying the said Sum of Three hundred Pounds; any thing herein before contained to the contrary notwithstanding. Charges of obtaining this Act, to be defrayed by the Owners and Lessees.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall make any Sock Dyke, or Sock Gripple, on any of the said Lands or Grounds within the Distance of Ninety Feet from any Bank which now is, or hereafter shall be, made, for keeping off the Waters from any of the said Lands and Grounds, or more than One Foot deep in any Part of the said Lands and Grounds; every such Person so offending shall forfeit and pay the Sum of Three Pence for every Foot in Length of such Sock Dyke, or Sock Gripple, for every Month during which the same shall be continued; which Forfeiture shall be recovered and levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant from any One or more Justice or Justices of the Peace for the said County of Huntingdon; which Warrant such Justice or Justices is or are hereby required to grant upon Proof of the Offence by One or more credible Witness or Witnesses, upon Oath (which Oath such Justice or Justices is or are hereby impowered and required to administer without Fee or Reward) and the Overplus remaining, after such Forfeiture and necessary Charges are deducted, shall be returned to the Offender; and such Penalty, when Penalty of making Sock Dykes, or Sock Gripples, within a certain Distance of the Banks; or more than One Foot deep.

Application of the Penalty.

recovered, shall be paid to the said Commissioners, or any Five or more of them, or to such Person as they shall appoint, and shall be applied towards defraying the Expence of putting the said former Act and this present Act in Execution; and in case sufficient Distress cannot be found, such Justice or Justices shall, by the same or any other Warrant, commit any such Offender to the House of Correction for any Time not exceeding Two Calendar Months.

Limitation of Actions.

And be it 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 Execution of any of the Powers and Authorities hereby given, every such Action, Suit, or Information, shall be commenced or prosecuted within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County of Huntingdon, and not elsewhere; and the Defendant or Defendants

General Issue.

in such Action or Suit shall and may plead the General Issue, Not Guilty; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by the Authority of Commissioners of Sewers are enabled to do, and give this Act, and the Special Matter, in Evidence, without specially 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 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; 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 Demurrer, or otherwise; then, in any of the said Cases, the Defendant or

Treble Costs.

Defendants, or Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have like Remedy as where Costs by Law are awarded.

Publick Act.

And be it further enacted, 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.—

FINIS.