ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XLVIII.

An Act for amending Two Acts of the Thirtieth Year of King *George* the Second, and the Thirty-second Year of His preſent Majeſty, ſo far as relates to the draining and preſerving certain Fen Lands and Low Grounds, within the Townſhip or Hamlet of *March*, in the Iſle of *Ely*, and County of *Cambridge*.

[28th *April* 1795.]

Preamble. Acts 30 *Geo.* II, and

WHEREAS an Act of Parliament was made in the Thirtieth Year of the Reign of His late Majeſty King *George* the Second, *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; and by the ſaid Act the ſaid Fen Lands, Low Grounds, and Commons, are divided into and made Six Diſtricts, and the ſaid Diſtricts are bounded in Manner deſcribed in and by the ſaid Act, and by the ſaid Act ſeparate Commiſſioners are appointed for draining, preſerving, and improving, ſuch Part of the ſaid Fen Lands, Low Grounds, and Commons, as lie within the Fourth of the ſaid Diſtricts, with Power to the ſaid Commiſſioners to aſſeſs, rate, and charge, the ſeveral Owners and Occupiers of the ſaid Fen Lands and Low Grounds, and all and every Commoner having Right of Common upon the Commonable Parts thereof, by an equal and proportionable Tax or Aſſeſſment, in any Sum of Money not exceeding Two Shillings *per* Acre in any One Year, for carrying on and effecting the ſaid Work of Drainage within the ſaid Diſtrict, and for maintaining and ſupporting the ſame: And whereas the ſaid Commiſſioners have cauſed divers Engines and other Works to be erected and made within the ſaid Diſtrict at a very conſiderable Expence, from which the Proprietors of the ſaid Lands and Grounds have for ſeveral Years received great Benefit, but the Sum authorized to be raiſed by the ſaid Act hath been found inadequate to defray the Expence of draining

draining the ſaid Lands, and the Commiſſioners have been obliged to contract a conſiderable Debt to enable them to carry on the Work of Drainage, which Debt remains undiſcharged: And whereas an Act was made in the Thirty-ſecond Year of the Reign of His preſent Majeſty, *for dividing, allotting, and incloſing, the Commons and Waſte Grounds within the Town or Hamlet of* March, *in the Manor or Pariſh of* Doddington, *in the Iſle of* Ely, *and County of* Cambridge, *and for altering and amending the ſaid Act of the Thirtieth Year of His late Majeſty*; and certain Perſons were, by the ſaid Act, appointed Commiſſioners for dividing, allotting, and incloſing, the ſeveral Commons and Waſte Grounds within the Limits of the ſaid Act of the Thirtieth Year of His ſaid late Majeſty, and the ſaid Commiſſioners for incloſing the ſaid Lands are (amongſt other Things) authorized and directed to aſcertain and diſtinguiſh in and by their Award, or (in the mean Time until the making and completing the ſaid Award) by any other Writing or Inſtrument under their Hands, which and how much of the ſaid ſeveral Commons and Waſte Grounds within the ſaid Six Diſtricts are and ought to be deemed High Land, not ſubject to the Drainage Tax, and alſo which and how much of the ſame Commons and Waſte Grounds are or ought to be deemed Fen Lands or Low Grounds, liable to Taxes for Drainage: And whereas the ſaid Commiſſioners have, by virtue of the Powers given to them by the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty, by a certain Writing or Inſtrument under their Hands, aſſigned and ſet out One hundred and Thirty-four Acres and Eighteen Perches (being Part of the Commons and Waſte Lands within the ſaid Fourth Diſtrict) as Lands which ought to be deemed Fen Lands or Low Grounds, liable to Taxes for the Purpoſe of Drainage, which Writing hath been produced to the Commiſſioners for draining the Lands and Grounds within the ſaid Fourth Diſtrict; and a more particular Deſcription of thoſe Lands will be ſet forth by the ſaid Commiſſioners in and by their Award: And whereas the ſaid ſeveral Engines and other Works which have been erected and made by the Commiſſioners for Drainage within the ſaid Fourth Diſtrict, are fallen greatly into Decay, and it will be very advantageous to the Owners and Occupiers of the Lands and Grounds within the ſaid Diſtrict to have the ſame put into good and ſufficient Repair, and ſuch other Engines and Works erected and made as ſhall be found neceſſary for preſerving and improving the ſaid Lands: And whereas it is neceſſary and proper that the Commiſſioners for Drainage ſhould be empowered and required to raiſe a further Sum of Money than they are authorized to do by the ſaid Act of the Thirtieth Year of His ſaid late Majeſty, and that ſeveral other Amendments and Alterations ſhould be made in the ſaid Acts: 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 ſeveral Clauſes, Proviſions, Powers, Authorities, Reſtrictions, Exemptions, Matters, and Things, contained in the ſaid Acts of the Thirtieth Year of the Reign of His ſaid late Majeſty, and of the Thirty-ſecond Year of the Reign of His preſent Majeſty, ſo far as the ſame relate to the draining, preſerving, and otherwiſe improving, the Lands and Grounds within the ſaid Fourth Diſtrict, (except ſuch as are by this Act varied, altered, or repealed, and as relate to Exemptions from Stamp Duties), ſhall be in force, and from Time to Time put in Execution for draining, preſerving, and otherwiſe improving the Lands

32 *Geo.* III, recited.

Extending Proviſions of former Acts.

and Grounds within the ſaid Fourth Diſtrict, as well thoſe comprized in the Act of the Thirtieth of His ſaid late Majeſty, as thoſe annexed to the ſaid Diſtrict by the ſaid Act of the Thirty-ſecond Year of the Reign of His preſent Majeſty, according to the true Intent and Meaning of the ſaid Acts and this Act, in ſuch and the like Manner in all Reſpects, and to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in and by this Act.

Appointing Commiſſioners.

II. And be it further enacted, That the ſeveral Perſons now acting as Commiſſioners under the Authority of the ſaid Act of the Thirtieth Year of the Reign of His ſaid late Majeſty, and who have been elected or may be elected Commiſſioners by virtue of the ſame Act, for draining and preſerving the Lands and Grounds within the ſaid Fourth Diſtrict, ſhall (together with ſuch Perſon as ſhall be appointed from Time to Time, under the Hands and Seals of *Rogers Parker*, *Stanhope Pedley*, and *John Smith*, Eſquires, or any Two of them, their Heirs and Aſſigns, or the Heirs and Aſſigns of any Two of them, as Truſtees of the Farm and Lands within the ſaid Fourth Diſtrict, now in the Tenure of *Carter Needham*, late the Eſtate of Sir *Robert Bernard* Baronet deceaſed), be Commiſſioners for putting this Act in Execution, and the ſaid Commiſſioners ſhall have the ſame Power and Authority to execute this Act, as they would have had in caſe they had been expreſsly named and appointed Commiſſioners in and by this Act.

First Meeting of Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the Houſe known by the Sign of *The Griffin*, in the ſaid Hamlet or Town of *March*, on the Third *Wedneſday* next after the paſſing of this Act, at or about the Hour of Twelve at Noon, of which Meeting, the uſual publick Notice ſhall be given, and that the Expences of the ſaid Commiſſioners at the ſaid Meeting, and at all ſubſequent Meetings to be held by virtue of the ſaid former Acts and this Act, for the ſaid Fourth Diſtrict, ſhall be borne and paid by the Treaſurer of the ſaid Diſtrict for the Time being, out of any Money which he hath or ſhall receive by virtue of the ſaid Acts, and this Act: Provided always, that the Expences to be paid by the ſaid Treaſurer as aforeſaid, for any One Meeting of the ſaid Commiſſioners, ſhall never exceed Fifty Shillings.

That certain Parts of the Commons ſhall be aſſeſſed as Fen Lands.

IV. And be it further enacted, That the ſaid One hundred and Thirty-four Acres and Eighteen Perches (ſuch Part of the ſaid Commons and Waſte Grounds as have been or ſhall be aſſigned and ſet out by the Award of the Commiſſioners for encloſing, by virtue of the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty as Lands and Grounds liable to the Taxes directed to be raiſed by virtue of the ſaid Act of the Thirtieth Year of His ſaid late Majeſty), ſhall, after the paſſing of this Act, be deemed Fen Lands or Low Grounds, and the Owners and Occupiers thereof ſhall be rated and aſſeſſed for them as ſuch by the ſaid Commiſſioners for Drainage, by virtue of the ſaid former Acts, and moreover by this Act, with an additional Rate of Two Shillings *per* Acre *per Annum*.

Altering the Days of the General Half-yearly Meetings, and

V. And whereas the Days appointed by the ſaid Act of the Thirtieth Year of His ſaid late Majeſty, for holding General Half-yearly Meetings of the ſaid Commiſſioners, have been found inconvenient; be it therefore further enacted, That, inſtead of the Days appointed by the

Power to lay Taxes.

ſaid Act; for holding General Half-yearly Meetings of the Commiſſioners for the ſaid Fourth Diſtrict, the General Half-yearly Meetings ſhall be holden on the following Days; that is to ſay, on the Firſt *Wedneſday* in *May* and on the laſt *Wedneſday* in *October* in every Year, any Thing in the ſaid Act of the Thirtieth Year of His ſaid late Majeſty to the contrary notwithſtanding; all which Meetings ſhall begin to be holden at the Hour of Twelve at Noon, and not before that Time; and any or ſuch of the ſaid Commiſſioners who ſhall attend at the Firſt Meeting hereinbefore appointed by this Act, and alſo at the next General Half-yearly Meeting, or at any other ſubſequent General Half-yearly Meeting, are hereby authorized and required to rate and aſſeſs all the ſeveral Fen Lands and Low Grounds within the ſaid Fourth Diſtrict, with the additional Annual Rate or Aſſeſſment of Two Shillings an Acre, (over and above the ſaid Sum of Two Shillings *per* Acre, as by the former Acts), ſo that the whole Sum to be raiſed upon the ſaid Lands be not leſs than Four Shillings *per* Acre in any One Year; and that after the ſaid additional Tax ſhall have been laid and aſſeſſed as aforeſaid, any of the ſaid Commiſſioners, or ſuch of them as may attend at ſuch Meetings, are hereby required to continue the ſame until all the Money already borrowed or due on the Credit of the Rates or Aſſeſſments heretofore made within the ſaid Diſtrict, by virtue of the ſaid Act of the Thirtieth Year of His late Majeſty, and alſo the Money which may hereafter be borrowed by virtue of this Act, be reduced to a Sum not exceeding Two thouſand Pounds; and that, from and after the ſaid Debt ſhall be ſo reduced, the ſaid additional Rates or Aſſeſſments may be continued or reduced at the Diſcretion of the ſaid Commiſſioners, or the Majority of them, at any of the ſaid General Half-yearly Meetings, but no ſuch Reduction ſhall be made but at ſome One of the General Meetings, of which intended Reduction Notice ſhall be given in the *Cambridge* Weekly Paper, and alſo affixed in Writing upon *March Bridge*, Fourteen Days before ſuch General Meeting, and the ſaid additional Rate or Aſſeſſment, hereby authorized to be raiſed at ſuch Firſt Meeting, ſhall become due and payable on the Fourth *Wedneſday* after the paſſing of this Act, and afterwards on the Firſt Day of *January* in every ſucceeding Year, and the ſame additional Tax ſhall be paid, collected, levied, and recovered, by virtue of this Act, by ſuch Ways and Means, and in the ſame Manner, as the Rates or Aſſeſſments authorized to be made by the former Act of the Thirtieth Year of His ſaid late Majeſty.

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

VI. And be it further enacted, That all the ſeveral Tenants of any Lands or Grounds lying within the ſaid Fourth Diſtrict, which ſhall be rated or aſſeſſed either by the former Act of the Thirtieth Year of His late Majeſty, or by this Act as aforeſaid, ſhall, and are hereby required to pay the ſame, and it ſhall be lawful for every ſuch Tenant to deduct the ſame out of the Rent which now is or ſhall become due to their reſpective Landlords for ſuch Lands or Grounds; and the ſaid Landlords, both mediate and immediate, are hereby required to allow ſuch Deductions and Payments, upon proper Receipts being produced of ſuch Payments; and that every Tenant paying any of the ſaid Rates or Aſſeſſments, ſhall be acquitted and diſcharged of ſo much Money as the Rates or Aſſeſſments ſhall amount to, as if the ſame had been actually paid in Money unto ſuch Perſon or Perſons to whom his or her Rent ſhall have been due and payable; any Thing to the contrary hereof, either in the former or the preſent Act notwithſtanding: Provided always, that nothing

herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the Tenant or Tenants of the Farm and Lands late of Sir *Robert Bernard* Baronet deceaſed, and now held in Truſt as aforeſaid, by the ſaid *Rogers Parker*, *Stanhope Pedley*, and *John Smith*, Eſquires, to deduct the Taxes charged by the ſaid recited Act of the Thirtieth Year of the Reign of King *George* the Second, or the additional Tax charged by this Act upon the ſaid Farm and Lands, or any Part of the ſaid reſpective Taxes, out of the Rent reſerved to be paid by ſuch Tenant or Tenants, by the Agreement or Agreements, Leaſe or Leaſes, under which the ſaid Farm and Lands are now or may hereafter be held, but that the ſame ſhall be borne and paid by ſuch Tenant or Tenants, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Application of Rates.

VII. And be it further enacted, That the Monies ariſing from the reſpective Rates or Aſſeſſments made or to be made by virtue of the ſaid former Act and this Act, ſhall be applied and diſpoſed of, in the Firſt Place, to defray the Expences of obtaining this Act, and afterwards in making and cleanſing ſuch Drains, Banks, Bridges, Tunnels, and Outlets, and erecting and repairing ſuch Works and Engines as will be neceſſary for draining the ſaid Fen Lands and Low Grounds, and the Remainder of the Money to be raiſed by the ſaid reſpective Rates or Aſſeſſments ſhall be applied in Diſcharge of any Sum or Sums of Money already advanced and due to any of the Owners and Occupiers of the Fen Lands and Low Grounds within the ſaid Fourth Diſtrict, as ſhall have been expended in Works of embanking and draining the ſaid Lands and Grounds, and of any Bills due to Tradeſmen for Materials and Work done by Order of the ſaid Commiſſioners, and in maintaining and keeping ſuch Drains, Banks, Bridges, Tunnels, Outlets, Works, and Engines, as aforeſaid, and to and for no other Uſe or Purpoſe whatſoever.

Power to borrow Money.

VIII. And be it further enacted, That the ſaid Commiſſioners for Drainage, or the major Part of them, (ſuch major Part not being fewer than Seven), aſſembled at the ſaid Firſt Meeting to be holden after the paſſing this Act, or any General Half-yearly Meeting to be holden as aforeſaid, ſhall and may, and they are hereby empowered from Time to Time, to borrow any Sum or Sums of Money, not exceeding in the Whole the Sum of One thouſand five hundred Pounds, which they ſhall think neceſſary for the ſeveral Purpoſes of this Act, and by Writing under their Hands and Seals to aſſign over the ſaid additional Rates and Aſſeſſments to be made by virtue of this Act, upon the ſaid Lands and Grounds as are liable to Taxes for Drainage, and every Part thereof, as a Security for the Re-payment of ſuch Sum or Sums, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance or lend the ſame, or to his, her, or their Executors, Adminiſtrators, or Aſſigns, and all and every ſuch Perſon or Perſons to whom ſuch Mortgage, Aſſignment, or Transfer thereof ſhall be made, ſhall be, in Proportion to the Sum or Sums therein mentioned, Creditors on the ſaid additional Rates and Aſſeſſments, and Sums of Money, in equal Degree one with another, and ſhall have no Preference in reſpect to the Priority of advancing any ſuch Sum of Money; and that all Mortgages and Aſſignments which ſhall from henceforth be made by the ſaid Commiſſioners, ſhall be numbered progreſſively, beginning with Number Thirty-ſix, and that no ſuch Mortgage or Aſſignment ſhall be made for any greater or leſſer Sum than One hundred Pounds.

IX. And

Securities may be assigned.

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

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

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

Power to take Earth for making Banks, *&c.*

XI. And be it further enacted, That the said Commissioners, or any Five or more of them, are hereby authorized and empowered, from Time to Time, to dig and take Earth from any Part of the Lands within the said Fourth District, for the Purposes of making and repairing any Banks, Mill Hills, Dams, Headings, and other Works within the same District, paying such reasonable Satisfaction to the Person or Persons who have a Right to the Lands from which the same shall be taken, as shall be agreed upon between the said Commissioners and the Proprietors of such Lands; and in case of any Dispute between the Parties, the same shall be settled and adjusted in the same Manner as is directed for settling and adjusting Disputes in similar Cases, by the said Act of the Thirtieth Year of His said late Majesty.

Publick Act.

XII. 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.

FINIS.