



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 96.

An Act for altering, amending, and rendering more effectual, Two Acts of the Twenty-second Year of King *George* the Second, and the Seventeenth Year of His present Majesty, so far as relate to draining and preserving certain Fen Lands and Low Grounds lying in the Parishes of *Sutton*, *Mepal*, *Witcham*, *Chatteris*, and a Place called *Byal Fen*, in the Isle of *Ely* and County of *Cambridge*, and for adding thereto certain other Fen Lands in *Sutton* and *Chatteris*, lying contiguous to the Lands described in the said Acts. [3d July 1806.]

WHEREAS by an Act made in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for draining and preserving certain Fen Lands and Low Grounds in the several Parishes of Sutton, Mepal, 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*, it was (amongst other Things) enacted, that

[*Loc. & Per.*] 22 G ic 22 G. 2. c. 11.

it should and might be lawful for the Commissioners appointed by the said Act, or any Five or more of them, at any of their Meetings to be held as by the said Act is directed, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said Fen Lands or Low Grounds, bounded and described as in the said Act (except such Parts and so much thereof as is therein excepted) with a Yearly Sum or Sums of Money not exceeding One Shilling *per Acre*, for carrying on and effecting the said Work of draining, and for maintaining the same: And whereas by another Act, made in the Thirty-second Year of the Reign of His said Majesty King

32 G. 2. c. 13 *George the Second, intituled, 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, certain other Fen Lands and Low Grounds, lying in the Parishes therein mentioned were added to and directed to be drained with the Fen Lands and Low Grounds, described in the said Act of the Twenty-second Year of the Reign of King George the Second: And whereas by another Act made in the*

15 G. 3. c. 65. *Fifteenth Year of the Reign of His present Majesty, intituled, An Act for draining and preserving certain Fen Lands, Low Grounds, and Commons, in the several Parishes of Ramsey, Bury, Wistow, Worboys, Somersham, Colne, and Pidley with Fenton, in the County of Huntingdon, and in the Parishes of Chatteris and Doddington, within the Isle of Ely and County of Cambridge, the Boundaries described in the said Two last recited Acts were altered, and certain Lands therein described were taken from the*

17 G. 3. c. 65. *Controul of the Commissioners acting by virtue of the said Act of the Twenty-second Year of His late Majesty: And whereas by another Act made in the Seventeenth Year of the Reign of His present Majesty, for amending and rendering more effectual the said recited Act of the Twenty-second Year of the Reign of King George the Second, so far as relates to the Fen Lands and Low Grounds then remaining under the Controul of the said last mentioned Act, it was (amongst other Things) enacted, that it should and might be lawful for the Commissioners appointed by or acting in pursuance of the said recited Act of the Twenty-second Year of His late Majesty, and also for such as might be chosen by virtue of the now reciting Act, or any Five or more of them, at any of their Meetings to be held as by the said Acts are directed, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers of all and singular the Lands and Grounds which, under the said Act of the Twenty-second Year of His late Majesty, were subject to the said Tax of One Shilling *per Acre*, with the further Tax of Two Shillings and Sixpence *per Acre*, and also to assess, rate, tax, and charge all and every the Owner and Owners, Occupier and Occupiers, of all and singular the Low Lands and Grounds within the said District, not before subject to the said Tax of One Shilling, with a Tax of Two Shillings and Sixpence *per Acre*: And whereas there are certain Low Lands and Grounds within the said District which, under the said Act of the Twenty-second Year of His late Majesty, were exempted from the Payment of the said Tax of One Shilling *per Acre*, and there are certain Low Lands and Grounds which, under the Act of the Seventeenth Year of His present Majesty, were deemed High Lands, and as such were not subject to the Taxes laid or imposed under either of the said last mentioned Acts, but the same are notwithstanding considerably improved and benefited by the Works of Drainage under the aforesaid Acts, and it is now intended to comprehend,*

within

within the present Act, all the Lands in the District that hitherto did not pay any or either of the Taxes under the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty (except the Land called *Hill Piece*, containing by Estimation Twenty Acres, belonging to *William Dunn Gardner*, Esquire): And whereas there are certain Low Lands, Grounds, and Commons, contiguous to the said District, which derive considerable Benefit from the Works of Drainage under the said Two several Acts of the Twenty-second Year of His late Majesty and the Seventeenth Year of His present Majesty (that is to say) *Sutton Meadlands*, *Pudding Holme*, *Feary's Fifty Acres*, *Keddington's Farm*, and *Middlemoor*, containing together by Computation Nine hundred Acres or thereabouts, together with so much and such Part and Parts of the Commons of *Chatteris* aforesaid as lie between the present Boundaries of the said District, as described and set out in and by the said Act of the Seventeenth Year of His present Majesty, and the Boundaries herein-after mentioned, (that is to say) beginning at the North East Corner of *Thomas Grant's Dolvers*, and going from thence in a straight Line Eastward to the *Meadland Ditch* or *Ferry Burrows Ditch* in *Chatteris*, from thence by and along the same to *Horseload Fen Ditch*, which parts the present ploughed Commons from the Hard Lands, from thence along the Division Fence which parts the Commons now, or in their Turn, ploughed from the Hardlands to *Mepal Bank* or *Ireton's Way*, from the said *Mepal Bank* straight by the *Old Several Lands* to a certain Ground called *Hill Piece*, and from thence by the North-westerly Division Fence of the present ploughed Commons called *Langwood Fen*, and from the End of that Fence in a straight Line to the *Forty Feet River*, and from thence along the Bank of the said River to the present Boundary of the said District, and which said Parts of the said Commons of *Chatteris*, so included within the Line above set forth, contain by Estimation Two thousand four hundred Acres, or thereabouts: And whereas the Owners and Proprietors of the said Lands and Grounds so within the said District as above mentioned, and not paying any Tax under either of the said Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and the Owners and Proprietors of the said Low Lands, Grounds, and Commons, so contiguous to the said District as above mentioned, are willing to be taxed in proportion to the Benefit derived by them from the Works of draining made and continued under and by virtue of the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and it has in consideration thereof been agreed between them and the Owners and Proprietors of the Land already taxed under and by virtue of the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, that the said Owners and Proprietors of the several Lands and Grounds in the said District, not paying any Tax as above mentioned, and the Owners and Proprietors of the said Low Lands contiguous to the said District as above mentioned, shall and will pay One-half of the Amount of the highest Tax paid or to be paid by any of the Lands in the said District (that is to say) that they will pay the Yearly Tax of One Shilling and Nine Pence *per Acre*, when the said other Taxable Lands in the said District pay the said Two several Sums of One Shilling and Two Shillings and Sixpence *per Acre*, and so in proportion of One-half, if at any Time the said Two several Taxes, or either of them, should be reduced to any Sum less than the said Sums of

For adding
certain Lands
to the Sutton
and Mepal,
&c. District.

of One Shilling, and Two Shillings and Sixpence *per Acre* (except as to a certain Ground called *Hill Piece*, containing Twenty Acres or thereabouts, belonging to *William Dunn Gardner Esquire*): 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, all and every the Low Lands, Grounds, and Commons, herein-before particularly described as lying contiguous to the said District, as deriving a considerable Benefit from the Works of Drainage herein-before mentioned, shall be and are hereby deemed and taken as Part and Parcel, and be added to the District set out under and by virtue of the said Two several Acts of Parliament of the Twenty-second Year of King *George* the Second, and the Seventeenth Year of King *George* the Third, and shall for ever hereafter be taken to be a Part of the same, and shall be subject to the same Powers and Provisions, and in every respect be put as much as may be on the same footing with the former or other Taxable Lands in the said District, and shall enjoy every Advantage of Drainage therewith in the same Manner as if such Lands, Grounds, and Commons, so by this Act added to the said District as aforesaid, had been a Part thereof, and incorporated and taxed with the other Lands therein at the Time of obtaining the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty (except as to so much and such Part and Parts of the said Two several Acts of Parliament last mentioned as shall in and by this Act be varied, altered, or made void, and also such as relate to Exemption from Stamp Duties).

For making
the Lands ad-
ded charge-
able to
Works of
Drainage.

II. And be it further enacted, That the said several Lands and Grounds within the said District, which, under the said Act of the Twenty-second Year of King *George* the Second, and the several Lands and Grounds which, under the said Act of the Seventeenth Year of His present Majesty, were exempt from the Payment of any Tax, or deemed and taken as High Lands, shall, notwithstanding any Thing in the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, or either of them, contained to the contrary, at all Times for ever after the passing of this Act, be deemed and taken to be Low Lands and Grounds, and be chargeable with the Tax hereafter charged and imposed upon the same; and all such Parts, and so much of the said Acts of the Twenty second Year of King *George* the Second, and of the Seventeenth Year of His present Majesty, as relate to the said last mentioned Lands and Grounds, and under which the same were deemed and taken to be exempt Lands or High Lands, shall be, and the same are hereby repealed, and made of no Effect, so far as the same may affect, hinder, or impeach the Tax, Charge, or Assessment, hereafter laid and imposed, and the several Powers and Provisions hereby made and created.

Directing the
Manner
in which the
Lands shall
be rated.

III. And be it further enacted, That the several Low Lands, Grounds, and Commons, so lying contiguous to the said District as above-mentioned, and so as above added to and made a Part of the same, together also with the said several Low Lands and Grounds lying within the said District, and which, as above-mentioned, were exempt from the Payment of any Tax, or deemed High Lands (except the Land called *Hill Piece*, containing

containing by Estimation Twenty Acres, belonging to *William Dunn Gardner*, Esquire) shall be charged and chargeable with a Yearly Rate, Tax, or Assessment, amounting to One-half of the highest Tax now paid or to be paid by any of the drainable Lands in the said District, under and by virtue of the said Two several Acts of Parliament of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty (that is to say) that the same shall be charged with and pay the Yearly Tax of One Shilling and Nine-pence *per* Acre, when any of the said other Taxable Lands in the said District, pay the said Two several Taxes of One Shilling, and Two Shillings and Sixpence *per* Acre, and so in the Proportion of One-half of what any of the said other Taxable Lands shall pay, if at any Time the said Two several Taxes, or either of them, shall be reduced to any less Sum, which said Yearly Rate, Tax, or Assessment, not exceeding the Sum of One Shilling and Ninepence *per* Acre, shall be taxed, imposed, levied, and recovered, in the same Manner and Form as are directed in and by the said Two several Acts of Parliament of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, as to the Sums of Money in and by the same taxed, charged, imposed, levied, and recovered, except so far as the same are hereby repealed or altered.

IV. And be it further enacted, That the Commissioners of the said District for the Time being, or any Five or more of them respectively, shall and may, and they are hereby authorized and required, to rate, tax, and assess the Owner or Owners of Messuages, Tofts, Toftsteads, or Cottages, having Right of Common upon the said Commons in *Chatteris* and *Middlemoor* in *Sutton* respectively, and shall charge the same Owner or Owners with an equal Part of the Rates or Taxes by this Act charged on the said Commons, in proportion to the Number of Messuages, Tofts, Toftsteads, or Cottages, belonging to such Owner or Owners; and in case such Owner or Owners shall refuse or neglect to pay his, her, or their Proportion of the said Rates or Taxes, so charged upon him, her, or them, on Account of his, her, or their Right of Common on the said Commons so charged with any Rate or Tax, by this Act, within the Time herein-after limited, then and in that Case the said respective Commissioners, or any Five or more of them, shall or may levy the said Rates or Taxes so charged on such Owner or Owners, together with the Penalty thereby incurred, by Distress and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of such Messuages, Tofts, Toftsteads, or Cottages, in such and the same Manner as the Commissioners are empowered to levy any Rates or Taxes by the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, charged on Lands and Grounds which are Several Property.

That the Tax shall be charged in proportion to the Number of Messuages, Tofts, &c.

Empowering the Commissioners to levy the Tax.

V. And be it further enacted, That a proper and sufficient Drain shall be made and kept up by the Commissioners of the said District, from the said Ditch, called *Ferry Burrows Ditch*, through the said District to *Hammond's Eau*, and that the said Commissioners shall also make and keep up another like Drain from *Horseload Fen Ditch*, in *Chatteris*, across *Watt's Drove*, to the nearest Mill Drain in the said District.

For making certain Drains.

Directing by whom other Drains shall be made and repaired.

VI. Provided always, That whatever other Drains, Bridges, Tunnels, or other Works, shall or may hereafter be necessary to be done within the said Commons in *Chatteris*, and also in *Sutton Meadlands*, *Pudding Holme*, *Feary's Fifty Acres*, *Keddington's Farm*, and *Middlemoor* in *Sutton*, for the interior better Drainage and Improvement thereof, shall hereafter be made, done, and kept in Repair by and at the Expences of the Owner or Owners, Occupier or Occupiers of the same respectively for the Time being; and that the Treasurer of *Chatteris* Commons in *Chatteris* for the Time being, or any other Person to be at any Time hereafter appointed by the said Commoners or Proprietors, to inspect the Works on the said Commons in *Chatteris*, shall, and he and they are hereby empowered to make, order, and direct such Cuts, Drains, Bridges, Tunnels, and other Works, as shall appear to be necessary, and that the Costs and Charges thereof shall be paid, levied, recovered, and received in like Manner as is directed in and by the Act of the Thirty-third Year of His present Majesty, intituled, *An Act for the better ordering and regulating the Manner of feeding, using, cultivating, and enjoying several Commonable and Waste Grounds, lying in Chatteris in the Isle of Ely and County of Cambridge; and for obliging the Occupiers of certain Parts of the said Grounds to fence the same; and for holding in Severalty, for ever, certain Parts or Lois, being Part of the said Grounds called The Acre Fen and Little Ferry Burrows, in the said Parish of Chatteris.*

That certain Proprietors paying Taxes shall be qualified to be chosen Commissioners.

VII. And be it further enacted, That from and after the passing of this Act, all and every the real Owners and Proprietors of Lands, Grounds, and Commons within the said District, and paying the Taxes in and by the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, or paying the Taxes charged or imposed in and by this present Act, shall be qualified to be chosen Commissioners for carrying into Execution the said Two Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and of this present Act, in the same Manner as is directed and set forth in and by the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and when chosen shall, in every respect, have the same Powers as in and by the said Two last-mentioned Acts are directed, it being hereby intended that the Number of Commissioners shall be chosen from amongst the Owners of Thirty Acres of Land, whether the Thirty Acres of Land be taxed under this present Act or under any of the said former Acts; and it is hereby also intended that the Commissioners qualified by Thirty Acres of Land, charged with the Tax under the present Act, shall have the same Powers as any of the Commissioners under the said Two former Acts; and provided always, that the Lords of the Manors of *Chatteris Ramsay*, and *Chatteris Nunns*, in *Chatteris* respectively, shall at all Times be of the Number of Commissioners for *Chatteris*, so prescribed in and by the said Two last-mentioned Acts of Parliament for the Parish of *Chatteris*.

For appointing the Meetings of the Commissioners;

VIII. And be it further enacted, That the said Commissioners or their Successors, or any Five or more of them, shall meet Twice in every Year, on the Days, Times, and Places, mentioned in the said Act of the Seventeenth Year of His present Majesty, and may adjourn the said Meetings as often as they may think proper; and the said Commissioners or their Successors,

Successors, or any Five or more of them, may give Notice under their Hands for holding any other Meetings (Notice of which shall be first advertised in *The Cambridge Chronicle* or some other Newspaper usually circulated in the *Isle of Ely*) and may hold the same for such special Business that may require their Attendance; but the first Meeting of the said Commissioners for the Purpose of executing this and the said two former Acts, shall be held at the House of *Henry Mutton*, late *John Smith's*, known by the Sign of *The Cross Keys*, in *Chatteris* in the *Isle of Ely*, or at some other Publick House in *Chatteris* aforesaid, on the Third *Tuesday* after the passing of this Act.

and for giving Notice of Meetings.

IX. And be it further enacted, That the Monies arising from the Taxes or Assessments so authorized to be raised out of and from the said Lands, Grounds, and Commons, herein-before mentioned, under or by virtue of the Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and of this present Act, shall be paid, applied, and disposed of, in the first place, to defray the Charges and Expences of obtaining this Act, and the Residue thereof to be paid, applied, and disposed of in making such Cuts, Drains, Banks, Tunnels, and Outlets, and of erecting and repairing such Works and Engines, and for such other Matters as are particularly directed and appointed in and by the said last-mentioned Acts of Parliament of the Twenty-second Year of King *George* the Second, and the Seventeenth Year of King *George* the Third: Provided always, that the same, nor any Part thereof, be paid or applied in making and repairing the Drains, Bridges, Tunnels, and other Works, so as above-mentioned, to be done within the said Commons in *Chatteris*, and also in *Sutton Meadlands*, *Pudding Holme*, *Feary's Fifty Acres*, *Keddington's Farm*, and *Middlemoor*, in *Sutton*, for the interior Drainage and Improvement of the same.

Directing how the Money raised shall be applied, after paying the Expences of the Act.

X. And be it further enacted, That the Taxes chargeable by the said Two several Acts of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, and of this present Act, on the said Lands, Grounds, and Commons, shall be paid to the Collector or Collectors, Receiver or Receivers of the said District for the Time being, on the First, Second, and Third *Fridays*, or one of them, in the several Months of *October* and *November* in every Year, at such certain Places in *Sutton*, *Mepal*, and *Chatteris* respectively, as the Commissioners, or any Five or more of them, shall from Time to Time direct or appoint for that Purpose; *videlicet*, on the First *Friday* at *Sutton*, the Second *Friday* at *Mepal*, and the Third *Friday* at *Chatteris*, (publick Notice of such Times and Places of Payment being first given in *The Cambridge Chronicle*, or some other Newspaper usually circulated in the *Isle of Ely*, Three successive Weeks immediately preceding the said respective Times of Payment); and in case of Non-payment of the said old and new Taxes, or any Part thereof, from and after the last *Friday* in *November*, in every Year, at the Houe of the Collector or Collectors, every Person or Persons so neglecting shall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings due for such old and new Taxes, and not paid as aforesaid, and so in proportion for any less Sum than Twenty Shillings, and such Penalty shall be paid to the Collector or Collectors of the said District, and in Default of Payment of such Penalty to such Collector or Collectors Receiver or Receivers, every such Penalty, together with the new and

For appointing Times and Places for Payment of Taxes.

old Taxes, shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as in and by the said Act of the Twenty-second Year of His late Majesty, and the Seventeenth Year of His present Majesty, is directed to be levied, recovered, and received; and all such Penalties, when received, shall be by the said Commissioners of the said District applied in carrying this Act into Execution.

For regulat-
ing the plant-
ing of Trees
or Holts.

XI. And be it further enacted; That no Trees or Holts, Tree or Holt, shall at any Time, from and after the passing of this Act, be planted nearer to any Mill or Engine made or to be made, erected, or employed as aforesaid, than Three hundred Yards, nor shall any Tree or Holt within the same Distance of any Mill or Engine as above-mentioned, be continued by the Owner thereof after One Month's Notice in Writing by the said Commissioners to the Owner or Owners thereof, and to which such Tree or Holt shall or may belong; and if any Trees or Holts shall be hereafter planted within the Distance and after the Notice aforesaid, then it shall and may be lawful for the said Commissioners to cause such Trees and Holts to be taken up and carried away, upon Notice given to the Owners thereof, and their Neglect to remove the same, for the Space of Twenty Days immediately after the Expiration of the Notice to be given for that Purpose.

For preserv-
ing the
Rights of the
Corporation
of Bedford
Level.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to empower the said Commissioners, or any of them, or any other Person or Persons whomsoever, to have, use, or exercise any Power or Authority over, or to intermeddle with any of the Sewers, Drains, or Works already made, or hereafter to be made, by the 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 setting 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 the Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever, which, by virtue of the said Act, or any other Act or Statute whatsoever, are now vested in the said Governor, Bailiffs, and Commonalty, or 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.

Publick Act

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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