ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

***

and Commons, in this present Parliament assembled, and by the Authority of the same, That the "Commissioners Clauses Act, 1847," (with the Exception of the Clauses with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Rate-payers or other like Class of Electors,) shall be incorporated with and form Part of this Act.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments, and all Proceedings whatsoever, it shall be sufficient to use the Expression, "The *Ramsey*, *Upwood*, and *Great Raveley* Drainage Act, 1850."

Limits of Act.

III. And be it enacted, That the Limits of this Act shall comprise and include the Districts or Lands called *Ramsey Turf Fen* or *Ramsey Lotting Fen*, and *Lockspit Lots*, the *Lockspits* and *Lockspit Common*, in the Parish of *Ramsey* in the County of *Huntingdon*, bounded or described as follows; (that is to say,) beginning at the North-west Corner of a certain Drain or Dike called *Green Dike*, belonging to *Edward Fellowes* Esq., next *Raveley Drain*, and extending along the South Side of the said Drain or Dike called *Green Dike* to a certain Bank called *Ugg Meer Cote Bank*, and from thence along the West Side of the said Bank to the South-west Corner of the Drove called *Ugg Meer Cote Drove*, next *Upwood Common*, and proceeding thence in a South-westwardly, South-eastwardly, and Southwardly Direction along the Skirts of the said Common called *Upwood Common* to the North-east Corner of the District called *Upwood Turf Lots* or *Crofts* herein-after described, and from thence along the North Side of the said *Upwood Turf Lots* or *Crofts* to the Farm and Lands of Mr. *George Brighty* at the South-west Corner of the *Lockspit Lots*, and thence along the East and North Sides of the said Farm and Lands of the said *George Brighty* to the said Drain called *Raveley Drain*, and from thence along the said Drain called *Raveley Drain*, on the East Side of the said Drain, to the Drain or Dike called *Green Dike* aforesaid; the District or Lands called *Upwood Turf Fen* or *Upwood Turf Crofts*, in the Parish of *Upwood* in the same County, bounded or described as follows; (that is to say,) bounded on or towards the North by the *Lockspit Lots* in *Ramsey* aforesaid in part, and the *Lockspit Common* in *Ramsey* aforesaid in the other Part, on or towards the East by *Upwood Common* aforesaid, on or towards the South by the *Great Raveley Turf Lots* or *Crofts* herein-after described, and on or towards the West by the said Farm and Lands of the said *George Brighty*; and the District or Lands called *Great Raveley Turf Crofts* or *Great Raveley Turf Fen*, in the Parish of *Great Raveley* in the same County, bounded or described as follows; (that is to say,) bounded on or towards the North, partly by the *Upwood Turf Lots* or *Crofts* herein-before described, and partly

by *Upwood Common* aforesaid, on or towards the East by a private Carriage Road, recently set out or intended to be set out, dividing or intended to divide the said Lands from *Upwood Meadows*, on or towards the South by old Inclosures in *Great Raveley* aforesaid belonging to *Richard Hussey Hussey* Esq., and on or towards the West by the same Farm and Lands of the said *George Brighty*.

Qualification of Commissioners.

IV. And be it enacted, That every Person who for the Time being shall be seised or possessed in his own Right or in right of his Wife, or as Trustee, Committee, or Guardian of or for any married Woman, Lunatic, Minor, or other Person, of Eight Acres or more of the Lands subject to be taxed by virtue of this Act, shall be a Commissioner for the Purposes of this Act, and for making and maintaining all Works and Conveniences which the Commissioners may deem necessary for such Purposes, subject to the Provisions contained in this Act and the Acts incorporated herewith.

Only One of several Trustees, &c. to act.

V. Provided always, and be it enacted, That where there is more than One Trustee, Committee, or Guardian for any married Woman, Lunatic, Minor, or other Person, only One such Trustee, Committee, or Guardian shall at any One Time act as a Commissioner in right of such married Woman, Lunatic, Minor, or other Person respectively.

Power to appoint Deputies.

VI. And be it enacted, That every such Commissioner who shall be so seised or possessed as aforesaid of Twenty-eight Acres or more of any Lands subject to be taxed under the Powers of this Act may, by Writing under his or her Hand, appoint some fit Person as his or her Deputy to act in the Execution of this Act in his or her Absence, and such Deputy, during such Absence, shall have the same Powers for executing this Act as his Principal would have had if present.

Additional Votes.

VII. And be it enacted, That every Commissioner who shall be so seised or possessed as aforesaid of Forty-eight Acres or more of any Lands subject to be taxed under the Powers of this Act may, in manner aforesaid, appoint a Deputy for every additional Twenty Acres of such Land beyond the first Twenty-eight Acres of which such Commissioner shall be so seised or possessed as aforesaid; and every Deputy appointed under this present Provision may act in the Execution of this Act either in the Presence or Absence of his Principal, and as fully and effectually as such Principal may act.

Half-yearly Meetings to be held.

VIII. And be it enacted, That it shall not be necessary for the Commissioners to hold any annual Meeting, but they shall hold their

their first General Meeting within Three Months after the passing of this Act at the *Crown Inn* in *Ramsey* aforesaid, at the Hour of Eleven o'Clock in the Forenoon, and shall also hold Two General Meetings on the Second *Thursdays* in the Months of *April* and *October* in each Year, at such Places and at such Hours as they shall from Time to Time appoint, and every such General Meeting may be adjourned in like Manner as the annual Meeting referred to in "The Commissioners Clauses Act, 1847," is thereby authorized to be adjourned.

Business of Commissioners to be transacted at General or adjourned Meetings.

IX. Provided always, and be it enacted, That notwithstanding anything in "The Commissioners Clauses Act, 1847," contained to the contrary, it shall not be necessary for the Commissioners to hold monthly Meetings, but all the Business by the said Act directed and authorized to be transacted at the monthly Meetings therein mentioned may be transacted at any General Meetings or adjourned Meetings of the Commissioners; nor shall it be necessary for the Commissioners to provide any public or other Office or Offices for holding the Meetings and transacting the Business of the Commissioners, or for the Use of their Officers or otherwise, or to require the daily Attendance of their Clerk or any other Person duly authorized by them in that Behalf at any Office for that Purpose, or to publish any Notice of the Situation of the Office of the Commissioners, or of the Hours during which Attendance is given there.

Special Meetings.

X. And be it enacted, That any Three or more of the Commissioners may require a Special Meeting of the Commissioners to be held by Notice under their Hands, to be affixed on the Church Doors as herein-after mentioned; and every such Special Meeting may be adjourned in the same Manner as the General Meetings herein-before mentioned.

Notice of Meetings.

XI. And be it enacted, That it shall not be necessary to give Notice of any Meeting of the Commissioners otherwise than by affixing written Notices thereof on the principal outer Doors of the Parish Churches of the several Parishes of *Ramsey* and *Upwood* on the *Sunday* next preceding such Meeting.

Quorum of Meetings.

XII. And be it enacted, That the Quorum of a Meeting of Commissioners shall be Three.

Service of Summons, &c.

XIII. Provided always, and be it enacted, That notwithstanding anything in "The Commissioners Clauses Act, 1847," contained to the contrary, no Summons or Notice, nor any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, shall or may be served by the same being sent through the

the Post Office, directed to the Commissioners at their principal or other Office.

As to Auditors.

XIV. And be it enacted, That it shall not be necessary for the Auditors to be appointed under the Powers of this Act or of the Acts incorporated herewith to have the like Qualification, nor shall they be subject to the like Disqualification or Disability, as the Commissioners.

8 & 9 Vict. c. 18. incorporated with this Act.

XV. And be it enacted, That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Certain Lands only to be taken by Compulsion.

XVI. Provided always, and be it enacted, That the Provisions of the said "Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands otherwise than by Agreement, shall be applicable only to the Lands and Hereditaments within the Limits of this Act; but the Commissioners may, with the Consent of the Owners thereof, purchase or take on Lesse any other Lands for the Purposes of this Act.

Limiting Period for compulsory Purchase of Lands.

XVII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase of Land shall not be exercised after the Expiration of Three Years from the passing of this Act.

Sale of superfluous Lands.

XVIII. And be it enacted, That Ten Years from the Commencement of this Act shall be the prescribed Period for the Sale of superfluous Lands.

Works to be executed by the Commissioners.

XIX. And be it enacted, That, subject to the Restrictions and Provisions in this Act and the Acts incorporated herewith contained, the Commissioners may execute all or any of the Works following; (that is to say,)

They may make, erect, repair, and maintain all such Sluices, Ditches, Doors, Cuts, Catchwater Drains and other Drains, Tunnels, Dams, Headings, Outlets, Forelands, Stanches, Culverts, Banks, and Steam Engines, Mills, or other Engines, Bridges, Machinery, Buildings, and other Works and Conveniences, as they may deem requisite for the Drainage and Improvement of the Lands within the Limits of this Act or any Part thereof, and may also connect any such Cuts or Catchwater Drains with any Cuts or Catchwater Drains in any adjoining District or Lands, and may also connect any such Banks with any Banks in any adjoining District or Lands:

They may cleanse, scour, deepen, and improve or alter the Course of any existing Banks, Ditches, Drains, or Watercourses within the Limits of this Act:

They may enter upon, take, and use any Lands, public Drains, and other Drains, Banks, or Hereditaments within the Limits of this

this Act, and may dig and take Earth and Soil therefrom, or may lay up and continue Earth and Soil or other Matters thereon, and may remove Trees and other Obstructions within the Limits of this Act:

They may make or cause to be made all such Surveys of the Lands, Works, and Hereditaments within the Limits of this Act as they may think fit:

They may lay out, construct, repair, and maintain all such Droves or Occupation Roads, with proper Banks, Ditches, or other Fences, as they may think requisite for the convenient Use and Occupation of any Lands within the Limits of this Act:

Provided always, that no such Droves, Roads, or other Works as last aforesaid shall be made for the Benefit of any Lands in either of the Districts called *Lockspit Common*, *Upwood Turf Fen* or *Upwood Turf Crofts*, and *Great Raveley Turf Crofts* or *Great Raveley Turf Fen*, as herein-before defined, unless and until the Lands within those Districts shall become liable to the Road Rate as herein-after mentioned.

Cuts not to exceed 11 Feet in Width at the Bottom.

XX. Provided always, and be it enacted, That no Cut to be made under the Powers of this Act shall be of more than Eleven Feet in Width at the Bottom.

Works vested in Commissioners.

XXI. And be it enacted, That all Sluices, Ditches, Doors, Drains, Tunnels, Dams, Headings, Outlets, Floodgates, Forelands, Stanches, Culverts, Banks, Cuts, Steam Engines, Mills, or other Engines, Bridges, Machinery, Buildings, and other Works and Conveniences, and the Materials for the same, made or provided under the Powers of this Act, shall belong to and be vested in the Commissioners.

Penalty for destroying Works.

XXII. And be it enacted, That every Person who shall wilfully or designedly damage any Bank, Sluice, Ditch, Door, Drain, Tunnel, Dam, Heading, Outlet, Floodgate, Foreland, Stanch, Culvert, Cut, Steam Engine, Mill, or other Engine, Bridge, Machinery, or other Work to be made or erected, or in course of being made or erected, for the Purposes of this Act, shall be liable to a Penalty not exceeding Fifty Pounds for every such Offence, and shall also make full Compensation to the Commissioners for all Damage so done, and such Compensation shall be recoverable by Action at Law in any Court of competent Jurisdiction.

Penalty on Persons committing certain Offences herein named.

XXIII. And be it enacted, That every Person who commits any of the following Offences shall be liable to a Penalty not exceeding Five Pounds for every such Offence; (that is to say,)

Every Person who sets or places any Fishing Net, Eel Trap, Eel Leap, or other Device or Thing in any Drain, Dike, Ditch, Cut, Stream,

Stream, or Watercourse made and maintained by the Commissioners within the Limits of this Act, whereby the Current and Passage of the Water shall or may be prevented, obstructed, or diminished:

Every Person who shall at any Time obstruct the Commissioners or any Person employed by them in the Performance of anything which they are respectively empowered or required to do by this Act or any Act or Part of an Act incorporated herewith.

Penalty for discharging Water, except into Raveley Drain.

XXIV. And be it enacted, That every Person who shall erect, set up, work, or use any Horse Mill, Gig, or other Engine or Device whatsoever, for draining or discharging Water from any Lands within the Limits of this Act through or upon the Lands of any other Person within such Limits, or in any other Manner than directly and immediately from the Lands of the respective Owners of such Mill, Gig, Engine, or Device into the Cut or Drain called *Raveley Drain*, or into any Drain or Drains having a free Communication with *Raveley Drain*, shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds, and a further Penalty not exceeding Ten Pounds for every Day in which such Offence shall be repeated or continued, and shall also make full Compensation to every Person injured thereby for the Damage sustained by him.

Penalties for Encroachments.

XXV. And be it enacted, That every Person who shall make, erect, build, or plant, maintain or continue, any Building, Hedge, Stile, Gate, or Fence, upon any of the Banks or Forelands of the Banks or other Lands vested in or belonging to the Commissioners, and shall not remove any such Building, Hedge, Gate, Stile, or Fence for the Space of Twenty-one Days next after Notice in Writing so to do shall have been given to him or left at his usual Place of Abode, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, and a further Sum not exceeding Twenty Shillings for every Day during which the Offence shall be continued.

Ditches, &c. to be kept open.

XXVI. And be it enacted, That the several Occupiers of Land within the Limits of this Act shall at all Times well and sufficiently cleanse, scour, deepen, widen, and repair all Out-ring Dikes, Division Dikes, Droveway Dikes, Interior Dikes, and Drains within or adjoining or belonging to their respective Lands, so that every such Dike or Drain shall be of such Depth and Width as the Commissioners shall from Time to Time appoint, and shall at all Times keep and maintain the said Dikes and Drains, and every of them, of the same Depth and Width respectively, and lay down proper and sufficient Culverts or Tunnels wherever necessary for the Passage of Water

along

along the same, of such Width, Depth, and Dimensions respectively as the Commissioners shall from Time to Time direct or require; and in case any such Occupier shall at any Time neglect or refuse so to cleanse, scour, widen, deepen, repair, keep, or maintain or lay down any such Drain, Dike, Culvert, or Tunnel for the Space of Fourteen Days next after Notice in Writing so to do under the Hands of any Three of the Commissioners or of their Clerk shall have been given to such Occupier, or left at his usual Place of Abode, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings, and also a further Sum not exceeding Five Shillings for every Day during which such Offence shall continue; and the Commissioners may execute the Work so neglected or refused to be done, and all Charges and Expenses attending the same shall be reimbursed to the Commissioners by such Occupier, to be recovered in like Manner as Damages not specially provided for are recoverable under the Provisions of this Act or any Act or Part of an Act incorporated herewith.

Power to lease Herbage.

XXVII. And be it enacted, That it shall be lawful for the said Commissioners to let, either by public Auction or private Contract, the Grass and Herbage growing and accruing in or upon any of the Occupation Roads or Droveways or the Banks erected thereon, or other Ground belonging to or vested in the Commissioners under the Powers of this Act, to any Persons willing to take the same, for such Terms of Years or otherwise, and upon such Rents and Conditions, and with, under, and subject to such Covenants, Provisions, and Agreements, as may be agreed upon between them; and every Lease of such Grass and Herbage may be executed by any Three or more of the Commissioners on behalf of the Commissioners, and shall be binding and conclusive upon the Commissioners and their Successors.

Commissioners to make Drain, and apportion certain Expenses.

XXVIII. And be it enacted, That the Commissioners shall and they are hereby authorized and empowered to make, cleanse, scour, and deepen a certain Drain or Watercourse from the South-west Corner of *Ugg Mere Cote Drove*, next *Upwood Common*, to the Drain called *Raveley Drain*, of the same Depth as *Raveley Drain* now is or hereafter may be made; and with regard to the additional Expense of making, cleansing, scouring, and deepening the said Drain from Time to Time beyond the Expense which may be incurred by the Commissioners in or about the same for the Purposes of Drainage, such additional Expense shall be borne and paid in the Proportions following; (that is to say,) the additional Expense of making, cleansing, scouring, and deepening so much of the said Drain as lies between *Raveley Drain* and a certain Brick-kiln now belonging to the Trustees acting under the Will of *William Coulson* deceased shall from Time to Time be paid by the said Trustees, or other the Owner for the Time being of the said Brick-kiln, and

and *William Nix*, or other the Owner for the Time being of a certain other Brick-kiln adjoining to the said Drain, and now belonging to the said *William Nix*, in equal Moieties; and the additional Expense of making, cleansing, scouring, and deepening so much of the said Drain as lies between the said Brick-kiln now belonging to the said *William Nix* and a certain other Brick-kiln also adjoining to the said Drain, and now belonging to *Beasley Summers*, shall from Time to Time be paid by the said *Beasley Summers* or other the Owner of the said last-mentioned Brick-kiln for the Time being; and the additional Expense of making, cleansing, scouring, and deepening so much of the said Drain as lies between the said Brick-kiln now belonging to the said *Beasley Summers* and a certain other Brick-kiln situate in the adjoining District called *New Fen District*, and also adjoining to the said Drain, and now belonging to *John Julian*, shall from Time to Time be paid by the said *John Julian* or other the Owner of the said last-mentioned Brick-kiln for the Time being: Provided always, that if any other Kilns shall hereafter be erected or made upon or adjoining to the said Drain, the Owners of such last-mentioned Kilns for the Time being shall from Time to Time pay such fair Proportion of the aforesaid additional Expenses as the Commissioners shall determine, and which Determination shall be signified by Writing under the Hands of any Three of the Commissioners.

As to Recovery of such Expenses.

XXIX. And be it enacted, That if any Person liable to pay any additional Expenses, or Proportion of additional Expenses as aforesaid, shall fail to pay the same or any Part thereof to the Commissioners, or the Person appointed by them to receive the same, for the Space of One Calendar Month next after the Commissioners, by Writing under the Hands of any Three of them, shall have required Payment thereof, the Commissioners may recover the same from such Person either by Distress and Sale of any Bricks, manufactured Goods, raw Materials, Machinery, Tools, or Utensils, being in or upon the Kiln belonging to such Person, or by Action at Law.

Penalty for using the Drain without Licence.

XXX. And be it enacted, That every Person who shall use or pass along the said Drain leading from the South-west Corner of *Ugg Mere Cote Drove* next *Upwood Common* to the Drain called *Raveley Drain*, with any Boat, Barge, Vessel, Raft, or other Water Carriage, (other than the Owners or Occupiers of the said Kilns and of the Lands adjoining to the said Drain,) without the Licence or Consent of the Commissioners in Writing under the Hands of any Two or more of them first had and obtained, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings, to be paid over to the Commissioners, and to be by them applied towards the general Purposes of this Act.

Power for Thomas Harris, or the Owner for the Time being, to cleanse a certain Drain.

XXXI. And be it enacted, That it shall be lawful for *Thomas Harris*, of *Saint Ives* in the County of *Huntingdon*, Miller, and other the Owner for the Time being of certain Lands called *Honey Hill*, at his and their own Charges and Expenses, (but under the Superintendence and to the Satisfaction of the Commissioners,) from Time to Time to make, cleanse, scour, deepen, and embank a certain Dike or Drain leading from *Raveley Drain* aforesaid to a certain Brick-kiln, and to the said Lands called *Honey Hill*, now belonging to the said *Thomas Harris*: Provided always, that the said *Thomas Harris*, and other such Owners as last aforesaid, shall make full Satisfaction to the Commissioners and all other Parties interested for all Damage sustained by them in the Exercise of such Power.

Power to destroy Moles and other Vermin.

XXXII. And be it enacted, That the said Commissioners shall have full Power, and they are hereby authorized, to destroy all such Moles and other Vermin as shall be found in and about the Lands within the Limits of this Act, and also in and about the Lands and Banks adjoining or lying near thereto, and for that Purpose to employ such Person or Persons at such Wages and Salary as they shall think proper; and that they, and such Person or Persons as they shall so employ, shall and lawfully may enter into and upon the said Lands and Banks, or any or either of them, for that Purpose.

Power to borrow Monies on the Credit of Rates.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners to borrow on Mortgage of the General Drainage Rate hereby authorized to be levied any Sums not exceeding in the whole the Sum of Three thousand Pounds, and also to borrow on Mortgage of the Road Rate hereby authorized to be levied any Sums not exceeding in the whole the Sum of One thousand Pounds, and also to borrow on Mortgage of the Additional Rate hereby authorized to be levied, when the same shall arise, any Sums not exceeding in the whole the Sum of One thousand Pounds; and every Mortgage Deed shall be executed by Three of the Commissioners at least; and the Commissioners may pay off any Sums so borrowed, and reborrow the same, so that there be not owing at any one Time on the Security of the said General Drainage Rate more than the Sum of Three thousand Pounds in the whole, nor on the Security of the said Road Rate more than the Sum of One thousand Pounds in the whole, nor on the Security of the said Additional Rate more than the Sum of One thousand Pounds in the whole.

SinkingFund not to be required.

XXXIV. And be it enacted, That it shall not be necessary for the Commissioners to set apart and appropriate any Sum of Money out of the Rates as a Sinking Fund, to be applied in paying off the Principal Monies which shall have been borrowed or secured on Mortgage.

XXXV. And

Arrears due on Mortgages may be enforced by the Appointment of a Receiver.

XXXV. And be it enacted, That it shall be lawful for the Mortgagees of the Commissioners to enforce the Payment of Principal and Interest due on any Mortgage made under the Powers of this Act by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall, as regards Mortgages of the general Drainage Rate, not be less than One thousand Pounds in the whole, and shall as regards Mortgages of the Road Rate not be less than Three hundred Pounds in the whole, and shall as regards Mortgages of the additional Rate not be less than Three hundred Pounds in the whole.

Mortgagees may levy Rates if Commissioners neglect.

XXXVI. And be it enacted, That in case the Commissioners shall at any Time, while any Money shall remain due on any Mortgage made under the Powers of this Act, neglect or refuse to exercise all or any of the Powers hereby given to them for raising Rates and Taxes, so as to meet and provide for the Payment of the Principal Monies or Interest due on any such Mortgage, or any Part thereof respectively, according to the Terms of such Mortgage, then and in every such Case it shall be lawful for the Mortgagees for the Time being of the Rates and Taxes by this Act authorized, or any of them, their Executors, Administrators, and Assigns respectively, for the Purpose of obtaining and enforcing the Payment of Interest, or the Repayment of Principal Monies due on any such Mortgage (as the Case may require), to have and exercise (so far as regards the Rates and Taxes included in their respective Mortgages) the same or the like Powers, Rights, and Remedies for assessing, taxing, and charging the several Lands within the Limits of this Act, and for collecting, receiving, and enforcing the Rates and Taxes so assessed, as are by this Act and the several Acts and Parts of Acts incorporated herewith given to the Commissioners for the like Purposes.

Power to levy Rates and Taxes.

XXXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners in General or Special Meeting assembled, from Time to Time as Occasion shall require, to rate, assess, tax, and levy upon and from all the Lands within the Limits of this Act such equal Sum or Sums of Money *per* Acre as they shall think fit, not exceeding Ten Shillings *per* Acre, and so in proportion for any less Quantity than an Acre, in every Year, (to be called "The General Drainage Rate," and to be applicable to the Purposes of this Act, except the Construction, repairing, and Maintenance of Droves or Occupation Roads and Works in connexion therewith,) and also such further equal Sum or Sums of Money *per* Acre as they shall think fit,

fit, not exceeding Ten Shillings *per* Acre, and so in proportion for any less Quantity than an Acre in every Year (to be called "The Road Rate," and to be applicable to the Construction, repairing, and Maintenance of Droves or Occupation Roads and Works in connexion therewith): Provided always, that no Lands within either of the said Districts of *Lockspit Common*, *Upwood Turf Fen* or *Upwood Turf Crofts*, and *Great Raveley Turf Fen* or *Great Raveley Turf Crofts*, as herein-before defined, shall be rated or assessed to the said Road Rate, except with the Consent of the Persons who would be liable to pay the same Rate in respect of such Lands in case the same were imposed thereon.

Power to raise an Additional Rate in certain Events.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners to enter into Arrangements with any Commissioners or other Body or Person interested in or authorized to drain any District or Lands adjoining or near to any of the Lands within the Limits of this Act, for facilitating the Drainage or Passage of Water from any Lands within the Limits of this Act into or through any such adjoining District or Lands, upon such Terms, as to Works, Remuneration, and otherwise, as may be mutually agreed upon between them; and for carrying into effect any such Arrangements it shall be lawful for the Commissioners, at any General or Special Meeting assembled, from Time to Time as Occasion shall require, to rate, assess, tax, and levy, upon and from all Lands within the Limits of this Act, such further Sum or Sums of Money *per* Acre as they shall think fit, not exceeding Five Shillings *per* Acre, and so on in proportion for any less Quantity than an Acre, in every Year, to be called "The Additional Rate."

Exemption of certain Lands.

XXXIX. Provided always, and be it enacted, That no Lands shall be rated to the said General Drainage Rate, or to the said Additional Rate, which are not rated to the Rates made by the Commissioners of the *Eau Brink* Drainage and Navigation for Purposes of Drainage.

Orders for Rates shall be entered in a Book, and signed, and be open to Inspection.

XL. And be it enacted, That the Order for every Rate and Assessment made under the Powers of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by any Three or more of the Commissioners, and every such Rate or Assessment when made shall be open to the Inspection of all Persons rated or liable to be rated under this Act, without Fee or Reward; and every such Rate shall be paid to such Person and at such Times and Places as any Three or more of the Commissioners shall order or direct.

Rates may be retrospective

XLI. And be it enacted, That the Commissioners may make any such Rate as aforesaid prospectively, in order to raise Money to pay Charges

Charges and Expenses to be incurred thereafter, or retrospectively, in order to raise Money to pay Charges and Expenses already incurred.

or prospective.

Occupiers to pay Rates, and may deduct same from their Rents.

XLII. And be it enacted, That the Occupiers of all Lands within the Limits of this Act shall be rated to the Rates to be assessed under the Powers of this Act, and shall pay the same, and may deduct the Amount so paid out of the Rents payable by them, and the Owners or Lessors of such Lands shall allow such Deductions; but such Occupiers shall not be entitled so to deduct any Monies which they may have paid or become liable to pay for any Forfeiture or Expenses which may have been incurred or become payable by reason of the Nonpayment by such Occupiers of any Rate made under the Powers of this Act at the Time when the same ought to have been paid.

No beneficial Lessee to be allowed to deduct Taxes where Five Years are unexpired in the Lease.

XLIII. Provided also, and be it enacted, That no Occupier of any Lands charged with any Rates or Taxes imposed under the Powers of this Act, who shall be the Lessee thereof under a Lease from any Corporation, sole or aggregate, or under any beneficial Lease for Lives, or under any Lease or Agreement of which at the Time appointed by the Commissioners for the Payment of the said Rates or Taxes in any Year there shall be Five Years unexpired, shall be entitled to deduct the Amount of the said Rates or Taxes out of the Rent reserved by any such Lease or Agreement.

Penalty for Nonpayment of Rate.

XLIV. And be it enacted, That if any Person liable to pay any Rate made under the Powers of this Act shall neglect or refuse to pay such Rate or any Part thereof to the Person authorized to receive the same, at the Time and Place appointed for Payment thereof, such Person shall forfeit and pay to the Commissioners such Sum as they shall determine on, not exceeding One Sixth Part of the Amount of the Rate so due from such Person, the same to be recoverable in like Manner as the same Rate.

Owners of unoccupied Property to be rated.

XLV. And be it enacted, That when any Lands in respect of which the Occupier would be liable to be rated to any Rate made under the Provisions of this Act are unoccupied at the Time of making such Rate, the Commissioners shall rate and assess the Owner of such unoccupied Premises to such Rate, and every such Owner shall pay the Amount of such Rate.

Parties may appeal to the Quarter Sessions against the Rate.

XLVI. And be it enacted, That if any Person think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, he may at any Time within One Month after the same is made give Notice of his Intention to appeal to the next Quarter Sessions, holden not less than

Fourteen Days after such Notice; but no such Appeal shall be entertained at such Quarter Sessions unless Fourteen Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given by the aggrieved Party to the Commissioners: Provided always, that no such Notice of Appeal shall prevent the issuing of the Warrant of Distress for Recovery of any such Rate as herein-after provided or the Execution thereof.

Quarter Sessions to hear Appeal, whose Decision shall be final.

XLVII. And be it enacted, That the Court shall hear and determine the Appeal in a summary Way at the Quarter Sessions for which any such Notice of Appeal is given, or at the following Sessions when the Court thinks fit to adjourn the Appeal to the following Sessions, and the Decision of the Court shall be final and conclusive on all Parties.

Order of Justices not to be removed by Certiorari.

XLVIII. And be it enacted, That no Order of the said Justices or Court of Quarter Sessions upon any such Appeal as aforesaid shall be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Westminster*.

Rates to be recovered by Distress.

XLIX. And be it enacted, That if any Person rated under the Authority of this Act fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, any Three of the Commissioners may issue a Warrant or Precept of Distress under their Hands and Seals, and the Bailiff or other Person to whom any such Warrant or Precept shall be addressed shall and may seize and distrain any Goods or Chattels of the Person so failing to pay any such Rate, being in or upon the Lands of such Person in respect of which such Rate shall be payable; and in case no sufficient Distress can be found thereon whereby to levy the Amount of Rates so due or unpaid, then such Bailiff or other Person may seize and distrain any other Goods or Chattels of the Person not paying the said Rates which may be found in any other Place within *Great Britain*, and all such Distresses may be impounded, sold, replevied, dealt with, and disposed of as may by Law be done in the Case of Distresses for Rent in arrear, on any Lease for Years.

Lands to remain liable if no Distress found.

L. Provided always, and be it enacted, That in case no sufficient Distress can be found for levying any Rates or Taxes which shall be so unpaid as aforesaid upon the Lands chargeable therewith, then such Lands shall remain a Security for Payment thereof, and all Goods and Chattels which shall at any Time thereafter be found thereon may be distrained and sold in the Manner herein-before provided until all Arrears of the said Rates, Taxes, and Assessments, and the Charges of such Distress, shall be fully paid and satisfied.

LI. And

Lands may be let or sold for Payment of Taxes.

LI. And be it enacted, That if any Rate by this Act authorized to be made shall be unpaid for the Space of Twelve Calendar Months next after the same ought to have been paid, and no sufficient Distress can be found upon the Lands on which the Rate so in arrear shall have been assessed, then and in every such Case the Commissioners, or any Three or more of them, at any Meeting assembled, may demise so much of such Lands as they shall judge sufficient to any Person who may be willing to take the same, for any Term of Years not exceeding Twenty-one Years, at such Rents and upon such Terms as they shall think fit, or may sell such Lands or such Parts thereof as they shall judge sufficient, either by public Auction or private Contract, and upon such Conditions, as they shall think fit, to any Person willing to buy the same, and shall apply the Rents or Purchase Money arising therefrom in Payment of such Rate and the Interest due in respect thereof, and of any Charges or Expenses incurred by the Commissioners by reason of the Nonpayment of such Rate, and by reason of the Proceedings consequent thereon; and it shall be lawful for the Commissioners to distrain for any Rent so reserved in like Manner as they might have done if they had been actual Owners of the Land so demised.

If Land dug out Owner to be liable.

LII. And be it enacted, That if any Land assessed to any Rate under the Powers of this Act shall have been dug out or otherwise rendered unfit for Occupation, and any Rate assessed on such Land, together with any Forfeiture due in respect thereof, shall not have been fully paid within Three Calendar Months next after the Day appointed for Payment of such Rate, that then and in every such Case it shall be lawful for the Commissioners to recover the Rate so unpaid, and the Penalties due in respect thereof, from the Owner of such Land, by Action at Law.

Lands taken by Commissioners to continue liable to Middle Level Tax.

LIII. And whereas the Lands which will be required to be taken and used by the said Commissioners appointed under this Act in forming or making the said Ditches, Cuts, Catchwater Drains and other Drains, Outlets, Foreland, Banks, Buildings, Droves, Roads, and other Works are situate within the *Middle Level*, and are liable to be and are taxed and assessed by the *Middle Level* Drainage Commissioners appointed under the several Acts relating to the said *Middle Level* Drainage, towards the Execution and Support of the Works of Drainage of the said *Middle Level*: Be it enacted, That any Lands which may be required to be taken or used by the said Commissioners appointed under this Act, and which shall at the Time of their being so taken or used be subject to any Drainage Taxes or Drainage Charges authorized to be imposed thereon by any Act of Parliament, or which shall hereafter be assessed or charged for Drainage Purposes in respect thereof, or to any Taxes for the Execution,

Execution, Repair, and Maintenance of any of the Works of the said *Middle Level* Drainage Commissioners or any Part thereof, (and for which Taxes or Charges no Contract or Agreement for making Compensation by Payment of a Sum of Money in gross shall have been entered into,) shall remain and be subject to be assessed to such Taxes or Charges or Rate, in the same Manner but not to any greater Extent than the same Lands would have been subject to be assessed if this Act had not passed, or if any such Lands had not been taken or used by the said Commissioners appointed under this Act; and that such Taxes and Charges, if not paid at the Times and Places and to the Persons appointed by the said *Middle Level* Drainage Commissioners, and any Penalties that may be incurred for Nonpayment thereof, shall be recoverable by the said *Middle Level* Drainage Commissioners, with full Costs of Suit, of and from the Commissioners appointed or to be appointed under this Act, by Action of Debt against the said Commissioners to be appointed under this Act in any of Her Majesty's Courts of Record at *Westminster*.

Persons having limited Interest may raise Money by Mortgage for Expenses.

LIV. And be it enacted, That it shall be lawful for the respective Owners of Lands within the Limits of this Act, being Corporations, Tenants for Life or in Tail, or for any other Estate of Freehold and Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or for a competent Number of them, in respect of any Lands held by them in trust for any charitable, parochial, or other Uses, to charge their Estates with any Money not exceeding the Amount *per* Acre which the Commissioners shall tax their respective Lands towards their respective Proportions of the Rates and Taxes levied by virtue of this Act, for the Purpose of constructing any Works by this Act authorized, (but not for the Purpose of maintaining or repairing the same,) and, for securing the Repayment of such Money with Interest, to mortgage or demise the said Estates unto or in trust for any Person who shall advance such Money for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be made void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any Estate for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, and that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or

commence;

commence; and every such Mortgage or Demise shall be valid in Law for the Purposes hereby authorized, and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of a like Nature.

Principal to be repaid by equal annual Instalments.

LV. And be it enacted, That the Principal Money so to be charged shall be repaid by equal annual Instalments of not less than Ten nor more than Twenty in Number, the first Instalment to be payable at the Expiration of Twelve Months from the Time when the said Principal Money shall have been advanced.

Application of Rates.

LVI. And be it enacted, That the Money which shall arise from each of the said Rates and Taxes, or any Mortgages thereof, and all other Monies to be received by the Commissioners under or by virtue or in pursuance of this Act in connexion with such Rate or Tax, shall be applied, firstly, in the Payment of the Costs, Charges, and Expenses of applying for, obtaining, and passing of this Act, and of the Money (if any) advanced by any Owner or Proprietor or any other Person for such Purposes, with lawful Interest for the same respectively; secondly, in Payment of the Interest of all Monies borrowed on Mortgage or Security of such Rate or Tax; thirdly, in defraying the Expenses of executing the Works by this Act authorized, and to which such Rate or Tax is applicable, and in maintaining the same in repair, and in carrying the several Purposes of this Act into execution with reference thereto; and, fourthly, in paying off all Principal Sums to be borrowed on the Credit of such Rate or Tax in such Order as the Commissioners shall think proper.

Saving Rights of the Middle Level Drainage Commissioners.

LVII. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Authorities which by virtue of any Act of Parliament or otherwise are now vested in the *Middle Level* Drainage Commissioners, but such Rights, Powers, and Authorities shall be and remain in the said *Middle Level* Drainage Commissioners as fully as if this Act had not been passed.

Saving Rights of Bedford Level Commissioners, &c.

LVIII. Saving always to the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens commonly called *Bedford Level*, and the General Commissioners of the North Level of the said Great Level, and to the Commissioners of the *Eau Brink* Drainage and Navigation respectively, all such Rights, Powers, Privileges, and Authorities as they respectively would have had if this Act had not been passed.

Saving Rights of Lords of Manors.

LIX. And be it enacted, That nothing in this Act contained shall prejudice or affect the Right, Title, or Interest of the respective Lords of the Manors of *Ramsey*, *Upwood*, and *Great Raveley* to any Manorial Rights, Privileges, Jurisdictions, Services, or Profits incident or appertaining to the said Manors or either of them.

Application of Penalties.

LX. And be it enacted, That all Penalties and Forfeitures which under the Provisions of this Act, or of the Acts and Parts of Acts incorporated herewith, shall become payable by any Person other than the Commissioners, shall be awarded and paid over to the Commissioners, and shall be by them applied for the Purposes of this Act.

Public Act.

LXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.